

MARION COUNTY ORDINANCE NO. 87-45

AN ORDINANCE ESTABLISHING THE PINE RUN ESTATES MUNICIPAL SERVICE TAXING UNIT FOR ROAD IMPROVEMENTS; PROVIDING FOR THE ESTABLISHMENT OF PINE RUN ESTATES MUNICIPAL SERVICE TAXING UNIT FOR ROAD IMPROVEMENTS; PROVIDING FOR THE BOUNDARIES OF THE PINE RUN ESTATES MUNICIPAL SERVICE TAXING UNIT FOR ROAD IMPROVEMENTS; PROVIDING FOR THE GOVERNING BODY OF THE PINE RUN ESTATES MUNICIPAL SERVICE TAXING UNIT FOR ROAD IMPROVEMENTS; PROVIDING FOR THE PURPOSE OF PINE RUN ESTATES MUNICIPAL SERVICE TAXING UNIT FOR ROAD IMPROVEMENTS; PROVIDING FOR THE POWERS OF THE GOVERNING BODY OF THE PINE RUN ESTATES MUNICIPAL SERVICE TAXING UNIT FOR ROAD IMPROVEMENTS; AUTHORIZING SPECIAL ASSESSMENTS ON A PER PARCEL BASIS AS FUNDING METHODS; PROVIDING FOR A BUDGET; PROVIDING FOR LEVY AND COLLECTION OF SPECIAL ASSESSMENTS FOR THE PINE RUN ESTATES MUNICIPAL SERVICE TAXING UNIT FOR ROAD IMPROVEMENTS; PROVIDING FOR LIENS; PROVIDING FOR EXPENDITURE OF REVENUE; PROVIDING FOR REIMBURSEMENT OF FUNDS FOR ADMINISTRATIVE ASSISTANCE BY COUNTY OFFICERS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01(1)(q), Florida Statutes, authorizes Marion County to create municipal service taxing units for any or all of the unincorporated areas of Marion County for the purpose of providing certain services and that Marion County may levy additional taxes for said services rendered within any municipal service taxing unit pursuant to the authority of Section 125.01(1)(r); and

WHEREAS, the residents of Pine Run Estates have petitioned to establish a Municipal Service Taxing Unit for Road Improvements; and

WHEREAS, the Board of County Commissioners of Marion County, Florida, desires by means of this Ordinance to create the above mentioned Municipal Service Taxing Unit.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida:

SECTION 1: ESTABLISHMENT OF THE PINE RUN ESTATES MUNICIPAL SERVICE TAXING UNIT FOR ROAD IMPROVEMENTS

There is hereby established pursuant to authority of Section 125.01(1)(q), Florida Statutes, the Pine Run Estates Municipal Service Taxing Unit for Road Improvements as follows:

- A. The area for the Pine Run Estates Municipal Service Taxing Unit for Road Improvements shall consist of the Pine Run Estates, Plat Book "U", Pages 5, 6 and 7 of the Official Records of Marion County, Florida; Pine Run Estates II, Plat Book "V", Pages 45 and 46 of the Official Records of Marion County, Florida; Pine Run Estates III, Plat Book "W", Pages 1 and 2 of the Official Records of Marion County, Florida; Pine Run Estates IV, Plat Book "W", Pages 94 and 95 of the Official Records of Marion County, Florida.

- B. The governing body for the Pine Run Estates Municipal Service Taxing Unit for Road Improvements shall be the Board of County Commissioners of Marion County, Florida as provided for in Section 125.01(2), Florida Statutes.

SECTION II: PURPOSE

The Pine Run Estates Municipal Service Taxing Unit for Road Improvements is hereby established for the purpose of providing, improving and maintaining the road system throughout the area described in paragraph A of Section I above.

SECTION III: POWERS OF THE GOVERNING BODY OF THE PINE RUN ESTATES MUNICIPAL SERVICE TAXING UNIT FOR ROAD IMPROVEMENTS

The Board of County Commissioners of Marion County, Florida, as governing body of the Pine Run Estates Municipal Service Taxing Unit for Road Improvements is empowered:

1. To sue and be sued in the name of the Unit.
2. To adopt and use a seal and authorize use of a facsimile thereof.
3. To acquire in the name of the Pine Run Estates Municipal Service Taxing Unit for Road Improvements by purchase, gift or the exercise of the right of eminent domain, such lands and rights and interest therein, including lands under water and riparian rights and to acquire such personal property as it may deem necessary in connection with furnishing of services authorized by this Ordinance and to hold and dispose of all real and personal property under its control; providing, however, nothing herein contained shall authorize the power of eminent domain to be exercised beyond the limits of said taxing unit.
4. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
5. To employ and fix the compensation of employees of said Unit.
6. To authorize compensation for the members of the Pine Run Estates Municipal Service Taxing Unit for Road Improvements for per diem, travel, and other reasonable expenses for meetings, hearings, and other official business, consistent with Section 112.061, Florida Statutes.
7. To contract for the services of engineers, attorneys, accountants, financial or other consultants and such other agents as the Board of County Commissioners may require or deem necessary to accomplish the purpose of the Unit.
8. To borrow money and accept gifts; to convey real or personal property; to apply for and use grants or loans of money or other property from the United States, the State of Florida, a local unit of government or any other person for any unit purposes of the Pine Run Estates Municipal Service Taxing Unit for Road Improvements and to enter into agreements required in connection therewith; and hold, use and dispose of such monies or property for any unit purposes in accordance with the terms of the gift or grant, loan, or agreement

relating thereto, subject to state law applicable to non-charter county government.

9. To acquire, construct, operate, maintain, equip, improve, extend, enlarge or improve capital projects within or without the Pine Run Estates Municipal Service Taxing Unit for Road Improvements to perform the specialized public functions or services herein provided.
10. To maintain an office at such place or places as it may designate within or without said taxing unit.
11. To adopt by-laws, rules and regulations, resolutions and orders for its own government proceedings.
12. To make use of any public easements, dedications to public use, plat reservations for specific public purposes within the boundaries of the Pine Run Estates Municipal Service Taxing Unit for Road Improvements for those purposes authorized by said unit.
13. To lease as lessor or lessee to or from any person, firm, corporation, association or body, public or private, any projects of the type that the Pine Run Estates Municipal Service Taxing Unit for Road Improvements is authorized to undertake and facilities or properties of any nature for the use of the unit to carry out any of the purposes of this Ordinance as now in effect or hereafter amended.
14. To issue general obligation bonds, certificates, warrants, notes or other evidences of indebtedness as hereinafter provided; to levy such tax as may be authorized; and to establish a budget and a fiscal year.
15. To issue general obligation bonds, revenue bonds, special assessment bonds or combinations thereof to finance the cost of capital improvement projects authorized by the Ordinance as now in effect or hereafter amended; the procedure for issuing such revenue or assessment bonds or the levying of special assessment shall be in the manner as provided by law.
16. To levy and assess per parcel special assessments authorized by law to pay the cost of such specialized public functions or services as are provided for in this Ordinance as now or hereafter amended.
17. To contract with municipalities, cities, towns, counties, or other political subdivisions, public corporations or persons; to provide or receive such specialized public functions or services.
18. To provide for by resolution an advisory council and appoint its members or provide for an election of its members voted on by the registered electors residing in the Pine Run Estates Municipal Service Taxing Unit for Road Improvements. The composition of such council and the term of office for its members shall be set forth in the resolution providing for said advisory council.

SECTION IV: AUTHORIZING SPECIAL ASSESSMENTS ON A PER PARCEL BASIS

1. Road Improvements as authorized by this Ordinance may be funded by special assessments on a per parcel basis not to exceed sixty dollars (\$60.00) per year.
2. For the fiscal year ending on September 30, 1988 there shall be levied a special assessment in the amount of sixty dollars (\$60.00) per parcel. The Board may adjust assessments against individual parcels on the basis of justice and right.
3. For the purposes of this section, "parcel" means a platted lot as shown on the plats referred to in paragraph A of Section I above.

SECTION V: BUDGET

The annual fiscal year for the operation of the Pine Run Estates Municipal Service Taxing Unit for Road Improvements shall run from October 1 of each year to September 30 of the following year. The Board of County Commissioners of Marion County, Florida, on or before September 30 of each year shall hold a public hearing and adopt a budget setting forth the amounts necessary for the costs and expenses of furnishing Road Improvements authorized by this Ordinance, which budget shall serve as a basis for the annual levying of assessments herein provided for. All funds received shall be a part of the general funds of Marion County but shall be separately accounted for with respect to other county funds.

SECTION VI: COLLECTION OF SPECIAL ASSESSMENTS

1. The Marion County Property Appraiser shall furnish to the Board of County Commissioners a roll covering all properties within the territorial limits of the Pine Run Estates Municipal Service Taxing Unit for Road Improvements upon which rolls the Board will place the levy for each specially assessed parcel. A property owner in said Municipal Service Taxing Unit shall have the right to file written protest of the proposed assessments, the amount and rate thereof and to appear before said Board in support of such protest. The Board shall hold a meeting or meetings to consider and act upon any such protest. The Board shall fix the rate of assessments and shall return the roll to the Marion County Property Appraiser having first noted hereon the levy against each parcel of property described herein for which an assessment is made. The Marion County Property Appraiser shall then include in the county tax roll on all required notices the assessments thus made by the Board and the same shall be collected in the manner and form as provided for the collection of county taxes and paid over by the Marion County Tax Collector to said Board.
2. For each fiscal year after the year beginning October 1, 1988, the procedure shall be the same as that specified in subsection (1) above, except the required hearing shall be held before July thirty-first (31st).

SECTION VII: LIENS ON PROPERTY

Special Assessments for Road Improvements shall be a lien upon the land so assessed until special assessments have been paid, and if the same becomes delinquent, shall be considered a part of the county tax subject to the same penalties, charges, fees and remedies for enforcement and collection, and shall be

enforced and collected as provided by the laws of Florida for the collection of such taxes.

SECTION VIII: EXPENDITURE OF REVENUE

No funds of the Pine Run Estates Municipal Service Taxing Unit for Road Improvements shall be used for any purpose other than the administration of the affairs of business of said taxing unit.

SECTION IX: REIMBURSEMENT OF FUNDS FOR ADMINISTRATIVE ASSISTANCE

All costs and expenses incurred by the County or any constitutional officer of Marion County, Florida, in performing any of the provisions of this Ordinance shall be reimbursed by the Pine Run Estates Municipal Service Taxing Unit for Road Improvements to the entity providing such services.

SECTION X: SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Marion County, Florida, that if any section, subsection, sentence, clause, phrase of provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION XI: EFFECTIVE DATE

A certified copy of this Ordinance as enacted shall be filed by the Clerk of the Board with the Office of the Secretary of State of Florida within ten (10) days after enactment and this Ordinance shall take effect upon official acknowledgement of the Secretary of State that this Ordinance has been filed with such office.

DULY ADOPTED this 15th day of December, 1987.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA



ROY E. ABSHIER, CHAIRMAN

ATTEST:



FRANCES E. THIGPIN, CLERK

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON
DECEMBER 15, 1987.
RECEIVED NOTICE FROM SECRETARY OF STATE ON
DECEMBER 22, 1987 THAT ORDINANCE WAS FILED ON
DECEMBER 17, 1987.