

ORDINANCE NO. 03- 30

AN ORDINANCE OF MARION COUNTY, FLORIDA, RELATING TO THE HILLS OF OCALA MUNICIPAL SERVICE TAXING UNIT FOR RECREATION SERVICES AND FACILITIES; PROVIDING FOR THE ESTABLISHMENT OF THE HILLS OF OCALA MUNICIPAL SERVICE TAXING UNIT FOR RECREATION SERVICES AND FACILITIES; PROVIDING FOR BOUNDARIES; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR POWERS OF THE GOVERNING BODY; PROVIDING FOR SERVICES PROVIDED BY UNIT; PROVIDING FOR BUDGET AND ANNUAL REPORT; PROVIDING FOR LEVY OF AD VALOREM TAX; PROVIDING FOR COLLECTION PROCEDURES; PROVIDING FOR EXPENDITURES OF TAX REVENUE; PROVIDING FOR REIMBURSEMENT FOR ADMINISTRATIVE ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 125.01(1)(q), F.S. authorizes Marion County to establish municipal service taxing units for any part of the unincorporated area of the county within which may be provided recreation services and facilities from funds derived from taxes within such unit; and

WHEREAS, the Board of County Commissioners desires to establish such unit in order to continue to provide such services to the residents of Hills of Ocala; and

WHEREAS, the board desires to fund such services from the levy of an ad-valorem tax; and

WHEREAS, the adoption of this ordinance will promote the health, safety, and welfare of the citizens of Marion County, Florida.

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

SECTION 1. UNIT ESTABLISHED; BOUNDARIES

There is hereby established the Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities as follows: The subdivision of Rolling Hills as shown on pages 58a through 58p of Plat Book "K," pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 27, 28, 29, 30, 31, 47, 48, 49, 50, 51, 42, 43, 54, 55, 56, 57, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91 of Book "L," pages 64, 65, 66, 67, of Plat Book "N," pages 92, 93, 94, 95 of Plat Book "R" and pages 39, 40,

41, 42, 91 of Plat Book "T"; and Rolling Ranch Estates as shown on pages 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, of Book "K" of the official records of the county;

All of Section 19, Township 16 South, Range 20 East;

The following prescribed parcels of land lying within Section 29, Township 16 South, Range 20 East:

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and

The West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and

The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and

The South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and

The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; and

The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; and

The West $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; and

The East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; and

The West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; and

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; and

The West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$;

The West $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$;

The following described parcels of land lying within Section 31, Township 16 South, Range 20 East:

The East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; and

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$;

The following described parcels of land lying within Section 32, Township 16 South, Range 20 East:

The North $\frac{1}{2}$ of the West $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; and

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; and

The South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; and

The North ½ of the South ½ of the NE ¼ of the E ¼ of the NW ¼; and

The South ½ of the SW ¼ of the NE ¼ of the NE ¼ of the NW ¼; and

The South ½ of the North ½ of the SE ¼ of the NE ¼ of the NW ¼; and

The North ½ of the SW ¼ of the NW ¼ of the NE ¼; and

The NE ¼ of the NE ¼ of the NW ¼ of the NW ¼ of the NE ¼; and

The NW ¼ of the NW ¼ of the SW ¼ of the NE ¼; and

The West ½ of the West ½ of the NE ¼ of the NW ¼ of the SW ¼ of the NE ¼; and

The South ½ of the SW ¼ of the SW ¼ of the NW ¼ of the NE ¼;

That portion of the abandoned Atlantic Coast Line Railroad right-of-way lying in Section 32, Township 15 South, Range 20 East and Section 5 and 6, Township 16 South, Range 20 East, being more fully described as follows:

That portion of the entire width of the abandoned Atlantic Coast Line Railroad right-of-way which lies west of the east boundary of Section 32, Township 15 South, Range 20 East, east of the west boundary of Section 6, Township 16 South, Range 20 East and southerly of and adjacent to Rolling Hills Unit 5 as recorded in Plat Book "L", pages 77 through 91 of the public records of Marion County, Florida.

SECTION 2. GOVERNING BODY; POWERS.

- A. The governing body of the Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities shall be the board of county commissioners.
- B. The governing body of the Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities shall have the following powers:
 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 municipal service taxing unit for recreation services and Facilities by purchase, gift or the exercise of the right to 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 article and to hold and dispose of all real and personal property under its control; however, nothing herein contained shall authorize the power of eminent domain to be exercised beyond the limits of the 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 the unit.
6. To authorize compensation for members of the unit board for per diem, travel and other reasonable expenses for meetings, hearings and other official business, consistent with Florida Statutes, section 112.061.
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, a local unit of government or any other person for any unit purposes and to enter into agreements required in connection therewith; and to hold, use and dispose of such moneys or property for any unit purposes in accordance with the terms of the give or grant, loan, or agreement relating thereto, subject to state law applicable to noncharter county government.
9. To acquire, construct, operate, maintain, equip, extend, enlarge or improve capital projects within or without the unit to perform the specialized public functions or services herein provided for.
10. To maintain an office at such place or places as it may designate within or without the unit.
11. To adopt bylaws, rules and regulations, resolutions and orders for its own government and proceedings.
12. To make use of any public easements, dedications to public use, or plat reservations for specific public purposes within the boundaries of the unit for those purposes authorized by the 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 unit 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 article.
14. To borrow money and issue 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 this article; the procedure for issuing such revenue or assessment bonds, and the levying of special assessment bonds or special assessments shall be in the manner provided by law.
16. To levy ad valorem taxes on all taxable property within the unit to pay the principal of and interest on any general obligation bonds which may have been issued pursuant to this article and in compliance with the Constitution of the State.
17. To levy and assess ad valorem taxes authorized by law to pay the costs of such specialized public functions or services as are provided for in this article.
18. To join with any other unit or units, cities, towns, counties or other political subdivisions, public agencies or authorities in the exercise of common powers; to contract with municipalities, cities, towns, counties or other political subdivisions, public agencies or authorities, or other private or public corporations or persons to provide or receive such specialized public functions or services.
19. To provide for an advisory council and appoint its members. The composition of the council and the term of office for its members shall be set forth in the resolution establishing the advisory council.

SECTION 3. SERVICES.

The Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities shall provide recreation services and facilities.

SECTION 4. BUDGET AND ANNUAL REPORT.

- A. The annual fiscal year for the operation of the Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities shall run from October 1 of each year to September 30 of the following year. The Municipal Service Taxing Unit for Recreation Services and Facilities board, on or before July 1 of each year, shall hold a public hearing and adopt a budget setting forth the amounts necessary for the cost and expenses of furnishing services authorized by this article which budget shall serve as a basis for the annual levying of the ad valorem tax herein provide for. All funds received from the ad valorem tax shall be a part of the general funds of the county but shall be separately accounted for with respect to other county funds.

- B. The Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities shall on or before the first day of December make an annual report of its actions and accounting of its funds as of the thirtieth day of September of each year and shall file the report in the office of the clerk of the circuit court whose duty it shall be to receive and file the report and hold and keep the same as a public record.

SECTION 5. LEVY OF AD VALOREM TAX. An ad valorem tax not to exceed .5 mills may be levied and assessed on all real and taxable tangible property within the Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities.

SECTION 6. COLLECTION PROCEDURES FOR AD VALOREM. The ad valorem tax authorized in this article shall be levied and collected in the manner provided for the levy and collection of county ad valorem taxes. The board of county commissioners shall certify annually to the tax collector the millage to be levied in each Municipal Service Taxing Unit for Recreation Services and Facilities created pursuant to the provisions of this article. Taxes collected shall be remitted by the tax collector to the clerk of the circuit court who shall be the ex officio clerk and treasurer for the taxing unit.

SECTION 7. EXPENDITURES OF TAX REVENUE. No funds of the Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities shall be used for any purpose other than the administration and operation of the affairs of the Municipal Service Taxing Unit for Recreation Services and Facilities as authorized by the enumerated powers as provided for in this article.

SECTION 8. REIMBURSEMENT FOR ADMINISTRATIVE ASSISTANCE. All costs and expenses incurred by a constitutional officer of the county in performing any of the provisions of this article may be reimbursed by the Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities to the constitutional officer. Reimbursements, however, shall not collectively exceed eight (8) percent of the revenues collected within the Hills of Ocala Municipal Service Taxing Unit for Recreation Services and Facilities within any budget year.

SECTION 9. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 10. REPEAL OF ORDINANCES. All ordinances, or parts of ordinances, in conflict with this ordinance are to the extent of such conflict hereby repealed.

SECTION 11. INCLUSION IN CODE. It is the intention of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Marion County, Florida, that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 12. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State by the Clerk within ten days after enactment by the Board, and shall take effect upon receipt of official acknowledgment of filing as provided in Section 125.66(2), Florida Statutes.

DULY ADOPTED this 16th day of December, 2003.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**



ANDY KESSELRING, CHAIRMAN

ATTEST:



DAVID R. ELLSPERMANN, CLERK

RECEIVED NOTICE FROM SECRETARY
OF STATE ON DECEMBER 29, 2003
THAT ORDINANCE WAS FILED ON
DECEMBER 19, 2003.