

MARION COUNTY ORDINANCE NO. 88-37

AN ORDINANCE ESTABLISHING THE MARION OAKS MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR THE BOUNDARIES OF THE MARION OAKS MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR THE GOVERNING BODY OF THE MARION OAKS MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR THE PURPOSE OF THE MARION OAKS MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR THE POWERS OF THE GOVERNING BODY OF THE MARION OAKS MUNICIPAL SERVICE TAXING UNIT; AUTHORIZING SPECIAL ASSESSMENTS ON A PER LOT, PER TRACT, OR PER ACRE BASIS AS FUNDING METHODS; PROVIDING FOR A BUDGET; PROVIDING FOR LEVY AND COLLECTION OF SPECIAL ASSESSMENTS FOR THE MARION OAKS MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR LIENS; PROVIDING FOR EXPENDITURE OF REVENUE; PROVIDING FOR REIMBURSEMENT OF FUNDS FOR ADMINISTRATIVE ASSISTANCE BY COUNTY OFFICERS; PROVIDING FOR AN ELECTION TO BE HELD AND PRESCRIBING THE BALLOT LANGUAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF MARION COUNTY; 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; and

WHEREAS, several residents of Marion Oaks petitioned the Board of County Commissioners of Marion County, Florida, for establishment of a Municipal Service Taxing Unit; 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 I: ESTABLISHMENT OF THE MARION OAKS MUNICIPAL SERVICE TAXING UNIT

There is hereby established pursuant to the authority of Section 125.01(1)(q) 1, Florida Statutes, the Marion Oaks Municipal Service Taxing Unit, (hereinafter referred to as the Marion Oaks MSTU) as follows:

- A. The area included within the boundaries of the Marion Oaks MSTU shall consist of all properties described within Marion Oaks Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 as described on pages 1 - 236 inclusive, Plat Book "0", of the Official Records of Marion County, Florida.
- B. The governing body for the Marion Oaks MSTU 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 Marion Oaks MSTU is hereby established for the purpose of providing law enforcement and the construction, maintenance, and operation of community resource facilities for the area described in paragraph A of Section I above.

SECTION III: POWERS OF THE GOVERNING BODY OF THE MARION OAKS MSTU

The Board of County Commissioners of Marion County, Florida, as governing body of the Marion Oaks MSTU 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 Marion Oaks MSTU, by purchase, gift or the exercise of 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 the Ordinance and to hold and dispose of all real and personal property under its control; provided 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 payment of per diem, travel, and other reasonable expenses for meetings, hearings, and other official business, as authorized by 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 purposes 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 authorized purposes of the Marion Oaks MSTU and to enter into agreements required in connection therewith; and hold, use and dispose of such monies or property for any 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 Marion Oaks MSTU 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, or plat reservations for specific public purposes within the boundaries of the Marion Oaks MSTU for those purposes authorized herein.

13. In accordance with the procedures provided by State laws, to lease as lessor or lessee to or from any person, firm, corporation, association or body, public or private, 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.
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 Ordinance as now in effect of 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 lot, tract or acre 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 Marion Oaks MSTU. 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 LOT, PER TRACT, OR PER ACRE BASIS

1. Law enforcement and community resource facilities as authorized by this Ordinance may be funded by a special assessment on a per lot, per tract, or per acre basis, as follows:
  - (a) As to all improved lots located in Marion Oaks Units 1 through 12, a maximum of twenty-five dollars (\$25.00) per lot in any given year.
  - (b) As to all partially improved lots in Marion Oaks Units 1 through 12, a maximum of twenty dollars (\$20.00) per lot in any given year.
  - (c) The Board hereby finds and determines that the benefits to be derived by undeveloped lots in Units 1 through 12 is dependent upon the level of development affording reasonable access and use of lots and tracts. Accordingly, no assessment shall be levied upon any undeveloped lot or tract until such time as such undeveloped lot or tract shall have acquired a partially improved status by the construction of a drivable road surface allowing ingress to and egress from said lot or tract and, which road shall abut said lot or tract. Each January 1, the County Administrator shall make a determination regarding the development status of undeveloped lots and tracts in Marion Oaks Units 1

through 12 and should any of said undeveloped lots or tracts have acquired a partially improved or improved status, then the maximum assessment for such lots or tracts shall be comparable to those in effect for similar lots or tracts in the subdivision.

- (d) As to improved or partially improved commercial tracts and golf course tracts located in the Marion Oaks MSTU, the greater of twenty-five dollars (\$25.00) per tract per year or ten dollars (\$10.00) for each acre located within a tract, provided, however, the assessment on any single tract shall not exceed two hundred and fifty dollars (\$250.00) per tract per year.
  - (e) As to green belt tracts and park tracts a maximum of five dollars (\$5.00) per tract per year.
  - (f) As to all other tracts not included in subparagraph (c), (d) and (e) above, a maximum per tract assessment at the same rate per acre as the per lot assessment.
2. For the fiscal year beginning on October 1, 1989, the County Administrator shall prepare and deliver to the Board of County Commissioners a written report setting forth recommendations for the rate of a special assessment. Upon receipt of said written report the Board of County Commissioners shall establish the rate of special assessment for the fiscal year beginning on October 1, 1989.
  3. For the purposes of this section, "lot" means a platted lot and "tract" means a platted tract as shown on the plats referred to in paragraph A of Section I above.
  4. For the purposes of this section, "improved lot" or "improved tract" means any lot or tract, as defined above, upon which a residential structure or a structure housing a business or commercial enterprise has been erected, as of the first of January of any year. "Partially improved lot" or "partially improved tract" means any lot or tract which is vacant land, (devoid of the improvements necessary to make it an improved lot or tract) but is accessible by a drivable road surface which road shall abut said lot or tract, as of the first of January of any year. "Undeveloped lot" or "undeveloped tract" means any lot or tract as defined above, for which there is no drivable road surface abutting said lots or tracts as of the first of January of any year.
  5. For the purpose of this section, a "drivable road surface" means the completed construction of a minimum of a soil cement base or other approved base material, leveled and graded to a finish elevation and surface sealed in anticipation of an asphalt covering.

#### SECTION V: BUDGET

The annual fiscal year for the operation of the Marion Oaks MSTU 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 law enforcement and community resource facilities 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

The Marion County Property Appraiser shall furnish to the Board of County Commissioners a roll covering all properties within the territorial limits of the Marion Oaks MSTU 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.

SECTION VII: LIENS ON PROPERTY

Special assessments imposed pursuant to this Ordinance shall be a lien upon the land so assessed of equal rank and dignity to the lien of county property taxes until same 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 Marion Oaks MSTU 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 BY COUNTY OFFICIALS

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 Marion Oaks MSTU to the County or said constitutional officer.

SECTION X: ELECTION

- (a) An election is hereby ordered and called to be held in the Marion Oaks MSTU on Tuesday, November 8, 1988, for the purpose of submitting to the qualified electors residing within the Marion Oaks MSTU the question of whether the Board of County Commissioners shall establish the Marion Oaks MSTU.
- (b) The ballot to be used in the election shall be in substantially the following form:

OFFICIAL BALLOT

REFERENDUM ON MARION OAKS MUNICIPAL  
SERVICE TAXING UNIT FOR LAW ENFORCEMENT  
AND COMMUNITY RESOURCE FACILITIES

Shall the Board of County Commissioners establish the Marion Oaks Municipal Service Taxing Unit for Law Enforcement and Community Resource Facilities to be funded by assessments on a per lot, per tract, or per acre basis not to exceed twenty-five dollars (\$25.00) per lot for improved lots and twenty dollars (\$20.00) per lot for partially improved lots, and as to other properties, as specified in Ordinance No. 88- \_\_\_\_.

YES \_\_\_\_\_ FOR THE MSTU      NO \_\_\_\_\_ AGAINST THE MSTU

SECTION XI: SEVERABILITY

It is declared to be the intent of the Board of County Commissioners, in and for Marion County, Florida, that if any section, subsection, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected thereby.

SECTION XII. INCLUSION IN CODE

It is hereby declared to be the intent of the Board of County Commissioners, in and for Marion County, Florida that the above Ordinance be included in the Marion County Code.

SECTION XIII. 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 filing with the Secretary of State of a notice from the Clerk of the Board that a majority of the electors residing within the area described in Section 1.A. of this Ordinance have voted for the Marion Oaks MSTU at the election required by Section X. of this Ordinance.

DULY ADOPTED this 23rd day of August, 1988.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

  
\_\_\_\_\_  
ROY E. ABSHIER, CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
FRANCES E. THIGPIN, CLERK

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF AUGUST 23, 1988.

RECEIVED NOTICE FROM SECRETARY OF STATE ON  
SEPTEMBER 1, 1988 THAT ORDINANCE WAS FILED  
ON AUGUST 29, 1988.