

AN ORDINANCE CREATING THE FOX RIDGE SUBDIVISION MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR BOUNDARIES; PROVIDING FOR LEVY OF NON AD-VALOREM SPECIAL ASSESSMENTS; PROVIDING FOR THE MUNICIPAL SERVICES TO BE FUNDED; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 125.01(1)(q), Florida Statutes, provides that the legislative and governing body of a county, to the extent not inconsistent with general or special law, may establish municipal service taxing or benefit units, within which may be provided essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only; and

WHEREAS, Section 125.01(1)(r), Florida Statutes, empowers the County to levy and collect special assessments within a municipal service taxing or benefit unit, and Section 125.01(1)(q), Florida Statutes, provides that the Board of County Commissioners shall be the governing body of any municipal service taxing or benefit unit created thereunder; and

WHEREAS, the owners of each lot or parcel of land within the boundaries of the municipal service unit established herein, as identified on Exhibit "A," have been provided with notice by mail and by publication, in a newspaper of general circulation, of the public hearing to consider the adoption of this Ordinance and the subsequent non-ad valorem special assessment charge that may be levied against their lot or parcel of land, and the fact that a copy of this Ordinance was available for review in the County Attorney's Office; and

WHEREAS, the Pasco County Board of County Commissioners has reviewed the boundaries of the proposed municipal service benefit unit (MSBU) and determined that the lots or parcels of land within the MSBU will be benefited; and

WHEREAS, the Board of County Commissioners heard and considered all evidence submitted, presentations made, and documents filed before and during the public hearing, and is fully advised and informed on this matter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, THAT:

SECTION 1. WHEREAS CLAUSES.

The foregoing "whereas" clauses are true and correct, are hereby ratified and confirmed by the Board, and are incorporated herein and made a part hereof.

SECTION 2. DEFINITIONS.

Unless the context clearly indicates that a different meaning was intended, the following words and terms shall have the following meaning:

A. "Assessment Unit" shall mean each lot or equivalent, subject to such adjustments as determined by the Board to be fair and equitable and in accordance with the benefits received from the facilities and services that will be furnished. A single family residence located on more than one lot will be considered a single lot.

B. "Board" means the Board of County Commissioners of Pasco County, Florida.

C. "Clerk" means the Clerk and Comptroller for Pasco County, Florida, ex-officio clerk for the Board.

D. "Costs" mean all costs and expenses associated with the provision of services and facilities within the MSBU, including, but not limited to, the actual cost of acquisition, services, facilities and maintenance, amounts necessary due to uncollected or uncollectible special assessments, and to provide for the enforcement or collection of delinquent special assessments, all administrative and overhead costs associated with the creation and affairs of the MSBU, including, but not limited to, wages, salaries, and benefits for personnel and administrators of the MSBU, advertising and conducting hearings and meetings, auditing and recordkeeping expenses, engineering fees and legal fees, and court costs, reimbursement or payment for any services, materials or supplies provided for the benefit of the MSBU, and reimbursement of any monies or services provided in advance by the Board for services, supplies, or materials provided for the benefit of the MSBU.

E. "Ordinance Governing Body" shall mean the Board sitting as the governing body of the MSBU.

F. "MSBU" shall mean the municipal service benefit unit established under this Ordinance.

G. "Notice" as used herein shall mean notice mailed by first class mail to the owner or owner's agent at the address on file with the Property Appraiser or Tax Collector for notice associated with ad valorem taxes.

H. "Owner" shall mean the owner or owners of record and shall include any corporation, partnership, trust, or other entity or agent of the owner of record as shown on the records of the Tax Collector or Property Appraiser, or a deed of record.

I. "Uniform Method" shall mean the uniform method for the levy, collection, and enforcement of non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, including any subsequent amendments thereto.

SECTION 3. THE FOX RIDGE SUBDIVISION MSBU ESTABLISHED.

There is hereby created and established a municipal services benefit unit which shall be known and designated as the Fox Ridge Subdivision Municipal Service Benefit Unit, hereinafter referred to as the "MSBU."

SECTION 4. BOUNDARIES.

The MSBU shall include the property described in Exhibit "A.", attached hereto and incorporated herein.

SECTION 5. POWER AND AUTHORITY OF THE GOVERNING BODY.

The Board shall have the power and authority to administer the affairs of the MSBU and to make necessary rules and regulations for the handling of the affairs of the MSBU, provided, however, that all matters related to the MSBU shall be in accordance with this Ordinance and all applicable provisions of the general law.

SECTION 6. MANAGEMENT OF FUNDS FOR THE MSBU.

The Clerk shall act as custodian of the funds for the MSBU and shall establish an account for such funds and maintain proper accounting records identifying the receipts, expenditures, and cash balances of the MSBU, and all other records for the MSBU in accordance with the customary practices of the County and all applicable provisions of law.

SECTION 7. SERVICES AND FACILITIES PROVIDED WITHIN THE MSBU.

The services and facilities to be provided within the MSBU shall consist of road and drainage system improvements, and related facilities, including but not limited to, stormwater facilities.

SECTION 8. LEVY, COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS.

Funds for the services and facilities authorized under Section 7 of this Ordinance shall be provided by non-ad valorem special assessments which shall be levied, collected, and enforced in accordance with the Uniform Method pursuant to Section 197.3632, Florida Statutes and Board of County Commissioners Resolution No. 14-55. The non-ad valorem special assessments, as adopted by separate resolution of the Board of County Commissioners, shall be collected annually from the owner of each lot or parcel of land in the MSBU and shall not exceed the cost of providing the services and facilities described in Section 7. The non-ad valorem special assessments shall be levied upon the lots or parcels of land within the MSBU benefited by the services and facilities authorized herein and the total costs of the services and facilities will be divided on an equivalent residential unit basis among all the improved and unimproved lots in the MSBU (except for those properties which are wetland, unbuildable or owned by the County, state or federal government), and the Board finds that this method of

apportionment is fair and equitable and in accordance with the benefits received from the facilities and services that will be furnished.

SECTION 9. PRELIMINARY ASSESSMENTS.

A. Upon adoption of this Ordinance, the services and facilities authorized under Section 7 of this Ordinance shall be performed and purchased as authorized by the Board. A copy of this Ordinance shall be recorded in the Official Records of the County, but any preliminary assessments shall not constitute liens and shall not be due and payable until the adoption of the special assessment roll. The special assessment roll shall be adopted by resolution, and an executed copy of the resolution shall be recorded promptly by the Clerk of the Board of County Commissioners in the Public Records of the County. The resolution shall indicate when and in what manner the assessments are to be paid, and shall also state that special assessment liens are subject to modification. All special assessment liens may be paid without interest if paid within thirty (30) days of the adoption of the resolution.

B. Any special assessment lien not paid as provided in the resolution shall bear interest from the date of adoption of the resolution or as otherwise specified therein, at a rate not exceeding the maximum interest rate authorized by law and established in the resolution. The special assessment liens may, in accordance with the resolution be made payable in installments over a 15-year period. If any payment is not made when due, there may be charged a penalty, as allowed by law. If payment of special assessments is not made when due, the County may enforce collection thereof by any lawful means.

SECTION 10. CORRECTION OF ERRORS IN ASSESSMENT; PRESUMPTION OF VALIDITY.

A. In case of any omission, error, or mistake in preparing or adopting the special assessment roll, or imposing special assessment liens, the Board may correct such omissions, errors, or mistakes, provided such correction does not impose a greater special assessment lien on any lot or parcel, and does not establish a lien on any lots or parcels not included in the special assessment roll. Any such correction which increases the special assessment lien on any lot or parcel, or which adds any additional lots or parcels, shall be made only after notice and a hearing provided as for the adoption of the special assessment roll, unless consent of the affected property owners is given in writing. Any corrections shall be made by resolution, and the resolution shall be recorded in the Public Records of the County together with any written consent obtained from an affected property owner.

B. Any informality or irregularity in the proceedings in connection with the establishment of any special assessment hereunder shall not affect the validity of the same where the special assessment roll has been adopted by the Board, and the special assessment roll as finally adopted shall be competent and sufficient evidence that the assessment was duly established, that all other proceedings required in connection with the adoption of the special assessment roll were duly accomplished,

taken, and performed as required, and no variance from the directions hereunder shall be held material unless it is clearly shown that the party objecting was materially injured thereby.

SECTION 11. SUBDIVISION OF PARCELS.

A. At any time a lot or parcel against which a special assessment lien has been established is subdivided, all installments of principal remaining unpaid and any interest due thereon shall be due and payable without notice or other proceedings, and the County may, at any time after such subdividing, institute foreclosure or other appropriate proceedings for the collection of all principal and interest against any or all portions of a lot or parcel against which the lien has been established. Failure to comply with this section or enforce the provisions hereof shall not extinguish the lien against the real property.

B. In the alternative, the Board may adopt policies providing for the continuation of installment payments at the request of the owner of any or all portions of a lot or parcel against which the special assessment lien has been established.

SECTION 12. ALTERNATIVE METHOD FOR THE COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS.

If, for any reason, the Uniform Method is not used for the collection and enforcement of special assessments established pursuant to this Ordinance, the Board may provide for the collection and enforcement of such assessments by any other lawful means. Any alternative method for the collection and enforcement of such assessments shall be established by resolution of the Board adopted at a public hearing, provided notice of the public hearing has been provided to each owner at least twenty (20) days prior to a public hearing. Such notice shall include the date by which payment may be made without default, any interest or penalties that may be assessed if payment is not made, and any consequences that may result from the failure to pay the assessment when due.

SECTION 13. MSBU FUNDS; RETURN OF EXCESS.

Nothing contained herein shall allow the expenditure of funds collected from within the MSBU or interest earned on an account maintained for the MSBU for purposes other than the payment of costs associated with the MSBU, including costs related to additional services and facilities provided pursuant to an amendment to this Ordinance for and specially benefiting parcels within the MSBU. If any revenue in excess of the funds reasonably needed to maintain the facilities and services in the MSBU and reasonable contingency or surplus funds for purposes related thereto should be available in the fund at any time or if the MSBU created under this Ordinance should be dissolved or abolished, such funds shall be returned to the owner of record on the date such returns or refunds are made.

SECTION 14. LIMITATION ON AMENDMENTS.

This Ordinance may be amended in accordance with the provisions of Chapter 125, Florida Statutes, except that prior to any amendment that would require additional notice pursuant to Chapter 197, Florida Statutes, or any applicable provision of general law, notice of the intent to consider such an amendment shall be published and mailed to each owner within the MSBU, in accordance with the requirements of such law.

SECTION 15. SEVERABILITY.

Should any portion of this Ordinance be held invalid, the remainder thereof shall not be affected.

SECTION 16. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect upon filing with the Department of State.

SECTION 17. LIMITATIONS ON ACTIONS.

Any action or proceeding to contest the validity or sufficiency of this Ordinance or any of its provisions must be commenced within thirty (30) days after the adoption of this Ordinance. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of said Ordinance or any of its provisions shall be asserted, nor shall the validity of said ordinance or any of its provisions be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such periods.

ADOPTED with a quorum present and voting this 5th day of August, 2014.



BY: *Paula S. O'Neil*
Paula S. O'Neil, Ph.D.
Clerk & Comptroller

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: *Jack Mariano*
Jack Mariano, Chairman

APPROVED
IN SESSION
AUG 5 2014

PASCO COUNTY
300

LEGAL DESCRIPTION
FOX RIDGE SUBDIVISION
EXHIBIT "A"

A portion of Sections 10, 14, 15, 22 and 23, Township 26 South, Range 20 East, Pasco County, Florida, being further described as follows:

Commence at the Southeast corner of said Section 22 for a **Point of Beginning**; thence along the South boundary of the Southeast ¼ of said Section 22, the same being the South boundary of Fox Ridge Plat I, as shown on the plat recorded in Plat Book 15, Page 118 of the Public Records of Pasco County, Florida, and the South boundary of Fox Ridge Phase Two Unit Two, as shown on the plat recorded in Plat Book 19, Page 36 of the Public Records of Pasco County, Florida, North 89°55'09" West, a distance of 1833.08 feet to the Southwest corner of said Fox Ridge Phase Two Unit Two; thence, along the Westerly boundary of said Fox Ridge Phase Two Unit Two the following thirty-seven courses and distances: 1) North 00°00'22" East, 917.54 feet; 2) South 89°59'35" East, 261.49 feet; 3) North 00°00'22" East, 60.00 feet; 4) North 89°59'33" West, 148.58 feet; 5) North 00°00'22" East, 581.00 feet; 6) South 89°59'38" East, 148.67 feet; 7) North 00°04'49" West, 60.00 feet; 8) North 89°59'32" West, 125.36 feet; 9) North 00°00'22" East, 581.00 feet; 10) South 89°59'38" East, 125.45 feet; 11) North 00°00'22" East, 60.00 feet; 12) North 89°59'38" West, 125.45 feet; 13) North 00°00'22" East, 290.50 feet; 14) North 89°59'38" West, 150.00 feet; 15) North 00°00'22" East, 450.00 feet; 16) North 02°34'00" East, 163.79 feet; 17) North 07°03'20" West, 139.09 feet; 18) North 19°22'38" West, 118.32 feet to a non-tangent curve; 19) 41.32 feet along the arc of a curve to the left, said curve having a radius of 62.50 feet, a central angle of 37°52'51" and a chord of 40.57 feet which bears North 38°30'29" East to a point of reverse curvature; 20) 22.28 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet, a central angle of 51°03'19" and a chord of 21.55 feet which bears North 45°05'43" East; 21) North 70°37'22" East, 221.95 feet; 22) North 19°22'38" West, 60.00 feet; 23) South 70°37'22" West, 221.95 feet to a point of curvature; 24) 22.28 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet, a central angle of 51°03'19" and a chord of 21.55 feet which bears North 83°50'59" West to a point of reverse curvature; 25) 30.40 feet along the arc of a curve to the left, said curve having a radius of 62.50 feet, a central angle of 27°52'24" and a chord of 30.11 feet which bears North 72°15'31" West; 26) North 19°22'38" West, 446.83 feet; 27) North 70°37'22" East, 265.40 feet; 28) North 19°22'38" West, 60.00 feet; 29) South 70°37'22" West, 125.56 feet; 30) North 19°22'38" West, 333.79 feet; 31) North 71°20'47" East, 265.21 feet; 32) North 19°22'38" West, 382.87 feet to a non-tangent curve; 33) 156.66 feet along the arc of a curve to the left, said curve having a radius of 920.00 feet, a central angle of 09°45'23" and a chord of 156.47 feet which bears North 75°30'04" East; 34) North 70°37'22" East, 157.12 feet; 35) North 19°22'38" West, 60.00 feet; 36) South 70°37'22" West, 138.17 feet; 37) North 00°20'59" East, 238.39 feet to the Southeast corner of Fox Ridge Phase Two Unit Four, as shown on the plat recorded in Plat Book 19, Page 113, of the Public Records of Pasco County, Florida; thence along the Southerly boundary of said Fox Ridge Phase Two Unit Four, the following ten courses and distances: 1) South 77°04'41" West, 1159.01 feet; 2) South 19°22'18" East, 159.35 feet; 3) North 89°39'01" West, 190.00 feet; 4) South 07°52'46" East, 264.78 feet; 5) South 70°37'22" West, 155.00 feet to a point of curvature; 6) 39.27 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet, a central angle of 90°00'00" and a chord of 35.36 feet which bears North 64°22'38" West; 7) South 70°37'22" West, 60.00 feet to a non-tangent curve; 8) 39.27 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet, a central angle of 90°00'00" and a chord of 35.36 feet which bears South 5°37'22" West;

9) South 70°37'22" West, 173.30 feet to a point of curvature; 10) 141.32 feet along the arc of a curve to the right to the Southwest corner of said Fox Ridge Phase Two Unit Four, said curve having a radius of 417.94 feet, a central angle of 19°22'23" and a chord of 140.64 feet which bears South 80°18'34" West; thence along the West boundary line of said Fox Ridge Phase Two Unit Four, North 00°00'22" East, a distance of 978.93 feet, to the North boundary of the Northwest 1/4 of said Section 22; thence continue along the West boundary of said Fox Ridge Phase Two Unit Four, the West boundary of Fox Ridge Phase Three Unit Two, as shown on the plat recorded in Plat Book 24, Page 101, of the Public Records of Pasco County, Florida, the West boundary of Fox Ridge Phase Two, Unit Three, as shown on the plat recorded in Plat Book 19, Page 42 of the Public Records of Pasco County, Florida and Fox Ridge Phase Three Unit One, as shown on the plat recorded in Plat Book 24, Page 105, of the Public Records of Pasco County, Florida, North 00°20'59" East, a distance of 3962.45 feet, to the Northeast corner of said Fox Ridge Phase Three Unit One; thence along the Northern boundary of said Fox Ridge Phase Three Unit One, North 89°32'44" East, a distance of 1280.01 feet to the Westerly boundary of Fox Ridge Phase Two Unit One, as shown on the plat recorded in Plat Book 18, Page 61, of the Public Records of Pasco County, Florida; thence along said the Westerly boundary of said Fox Ridge Phase Two Unit One, and the Northerly extension thereof, North 00°23'46" East, a distance of 1695.34 feet the South Right-of-Way of State Road 54; thence along the South Right-of-Way of said State Road 54 the following five courses and distances: 1) South 64°23'47" East, 2206.16 feet; 2) North 25°36'13" East, 10.00 feet; 3) South 64°23'47" East, 61.48 feet to a point of curvature; 4) 659.32 feet along the arc of a curve to the right, said curve having a radius of 5689.58 feet, a central angle of 06°38'23" and a chord of 658.95 feet which bears South 61°04'36" East; 5) South 57°45'25" East, a distance of 523.69 feet to the Northeast corner of said Fox Ridge Plat I; thence along the East boundary of said Fox Ridge Plat I the following two courses and distances: 1) South 00°20'59" West, 4072.60 feet; 2) South 00°00'22" West, 5322.44 feet to the Southeast corner of said Fox Ridge Plat I; thence along the South boundary of said Fox Ridge Plat I, North 89°59'23" West, a distance of 780.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains 800.0 Acres more or less.

SECTIONS 10, 14, 15, 22 & 23, TOWNSHIP 26 SOUTH, RANGE 20 EAST
PASCO COUNTY, FLORIDA

