

ORDINANCE NO. 21-\_\_\_\_\_

AN ORDINANCE OF MARION COUNTY, FLORIDA, ESTABLISHING THE OAKS AT OCALA CROSSINGS SOUTH PHASE ONE AND PHASE TWO MUNICIPAL SERVICES BENEFIT UNIT FOR GENERAL MAINTENANCE AND CAPITAL IMPROVEMENTS; PROVIDING FOR A PURPOSE; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; AUTHORIZING SPECIAL ASSESSMENTS; PROVIDING FOR A BUDGET; PROVIDING FOR COLLECTION OF SPECIAL ASSESSMENTS; PROVIDING FOR LIENS ON PROPERTY; PROVIDING FOR EXPENDITURE OF REVENUE; PROVIDING FOR REIMBURSEMENT OF FUNDS FOR ADMINISTRATIVE ASSISTANCE BY COUNTY OFFICIALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Section 125.01(1)(q), Florida Statutes, the Board of County Commissioners is authorized to establish municipal services benefit units for any part of the unincorporated area of the county in order to provide essential facilities and municipal services in such area; and

**WHEREAS**, the Land Development Code requires that all new developments and/or subdivisions create a Municipal Service Benefit Unit (MSBU) for future general maintenance and capital improvements for all improvements as referenced in Article 2 of the Marion County, Florida Land Development Code and be recorded simultaneously with the plat; and

**WHEREAS**, the Board finds that the creation of such a municipal services benefit unit for general maintenance and capital improvements is the most appropriate method of providing such municipal services within Oaks at Ocala Crossings South Phase One and Phase Two should the Oaks at Ocala Crossings Homeowners Association, Inc. be unable or unwilling to provide general maintenance or capital improvements to Oaks at Ocala Crossings Phase One and Phase Two; 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. MSBU ESTABLISHED**

There is hereby established pursuant to the authority of Section 125.01(1)(q), Florida Statutes, Oaks at Ocala Crossings South Phase One and Phase Two Municipal Services

Benefit Unit for General Maintenance and Capital Improvements (hereinafter referred to as Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements) as follows:

- (a) The area included within the boundaries of Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements shall consist of all properties of Oaks at Ocala Crossings South Phase One recorded in Plat Book 14, Page(s) 12 and 13 and Oaks at Ocala Crossings South Phase Two recorded in Plat Book \_\_\_\_\_, Page(s) \_\_\_\_ and \_\_\_\_ of the public records of Marion County, Florida;
- (b) The governing body of Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements shall be the Board of County Commissioners of Marion County, Florida, as provided for in Section 125.01(2), Florida Statutes;

## **SECTION 2. PURPOSE**

Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements is hereby established for the purpose of providing road maintenance, drainage, mowing, roadway improvements, and general maintenance of rights-of-way.

## **SECTION 3. POWERS OF GOVERNING BODY**

The Board of County Commissioners of Marion County, Florida, as governing body of Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital 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 Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements, 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 the furnishing of services authorized by the article and to hold and dispose of all real and personal property under its control; provided, however, nothing therein contained shall authorize the power of eminent domain to be exercised beyond the limits of said benefit 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 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 Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements 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 Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital 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 benefit unit;
- (11) To adopt bylaws, 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 use, or plat reservations for specific public purposes within the boundaries of Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements 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 article 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 article as now in effect or hereafter amended; the procedure for issuing such revenue or assessment bonds or the levying of special assessments shall be in the manner as provided by law;
- (16) To levy and assess per lot, tract, acre, or front foot special assessments authorized by law to pay the cost of such specialized public functions or services as are provided in the article 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. 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 4. AUTHORIZING SPECIAL ASSESSMENTS**

- (a) Municipal services as authorized by this article may be funded by special assessments on a per parcel basis;
- (b) The levy for a special assessment shall not to exceed five hundred dollars \$500.00 per acre, based on an adopted Rate Resolution, after there is a Public Hearing therefore by the Board of County Commissioners. The Board of County Commissioners may adjust assessments on the basis of equity and right;
- (c) For purposes of this section, "acre" means the acreage of a tract or lot as shown on the plats referred to in Section 1 of this Ordinance.

#### **SECTION 5. BUDGET**

The annual fiscal year for the operation of Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements shall run from October 1<sup>st</sup> of each year to September 30<sup>th</sup> of following year. The Board of County Commissioners of Marion County, Florida, on or before October 1<sup>st</sup> of each year shall hold a public hearing and adopt a budget setting forth the amounts necessary for the costs and expenses of furnishing municipal services authorized by this article, which budget shall serve as a basis for the annual levying of assessments herein provided for. All funds received shall be separately accounted for with respect to other county funds.

#### **SECTION 6. 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 Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements upon which rolls the Board will place the levy for each assessable parcel. A property owner in said municipal services benefit 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 noticed public hearing to consider and act upon any such protest. The Board shall fix the rate of assessments at that hearing and shall return the roll to the Marion County Property Appraiser having first noted thereon 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 assessment thus made by the Board and the same shall be collected in the manner and form for the collection of county taxes and paid over by the Marion County Tax Collector to said Board.

#### **SECTION 7. LIENS ON PROPERTY**

Special assessments imposed pursuant to this article 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. If the same becomes delinquent, it 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 8. EXPENDITURE OF REVENUE**

No funds of Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements shall be used for any purposes other than the purposes of such MSBU and the administration of business of said benefit unit.

#### **SECTION 9. 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 article shall be reimbursed by Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements to the County or said constitutional officer. Said reimbursement, however, shall not exceed eleven percent (11%) of the revenue collected within Oaks at Ocala Crossings South Phase One and Phase Two MSBU for General Maintenance and Capital Improvements within any twelve (12) month period.

#### **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. SEVERABILITY**

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

#### **SECTION 12. 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 part of the Code of Marion County, Florida, that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "Ordinance" may be changed to "section", "article" or other appropriate designation.

#### **SECTION 13. EFFECTIVE DATE**

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

**DULY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

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**JEFF GOLD, CHAIRMAN**

**ATTEST:**

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**GREGORY C. HARRELL, CLERK**