

ORDINANCE NO. 96-53

AN ORDINANCE RELATING TO ROAD MAINTENANCE AND IMPROVEMENTS PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN ST. JOHNS COUNTY, FLORIDA; PROVIDING DEFINITIONS AND FINDINGS; PROVIDING FOR THE CREATION OF MUNICIPAL SERVICE BENEFIT UNITS; AUTHORIZING THE IMPOSITION AND COLLECTION OF ROAD ASSESSMENTS TO FUND THE COST OF ROAD MAINTENANCE AND CAPITAL IMPROVEMENTS NECESSARY TO PERFORM SUCH MAINTENANCE, THAT PROVIDES A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE COUNTY; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ROAD ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ROAD ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ROAD ASSESSMENTS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ROAD ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE COUNTY; REPEALING ORDINANCE NO. 96-14; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

ARTICLE I

INTRODUCTION

SECTION 1.01. DEFINITIONS. When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly requires otherwise:

"Annual Road Assessment Resolution" means the resolution described in Section 3.07 hereof, approving a Road Assessment Roll for a specific Fiscal Year.

"Assessment Coordinator" means the person appointed to administer Road Assessments imposed pursuant to this Ordinance, or such person's designee.

"Assessment Unit" means the apportionment unit utilized to determine the Road Assessment for each parcel of property, as set forth in the Initial Road Assessment Resolution. "Assessment Units" may include any physical characteristic or reasonably expected use of the property that is related to use of the road for which a Road Assessment is imposed.

"Board" means the Board of County Commissioners of St. Johns County, Florida.

"Clerk" means the Clerk of the Circuit Court for St. Johns County, ex-officio Clerk of the Board.

"County" means St. Johns County, a political subdivision of the State of Florida.

"Essential Services" means those services provided by the County or any other public entity that are necessary to preserve and maintain the public health, safety, and welfare and which require safe, convenient, and efficient property access to be effective. "Essential Services" include, by way of example and not limitation, fire protection, emergency medical services, solid waste collection, law enforcement, postal delivery, and the transportation of students by the school board.

"Final Road Assessment Resolution" means the resolution described in Section 3.06 hereof, which shall confirm, modify or repeal the Initial Road Assessment Resolution and which shall be the final proceeding for the imposition of a Road Assessment.

"Fiscal Year" means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

"Grading and Maintenance Cost" means all or any portion of the expenses that are properly attributable to the Grading and Maintenance Service under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the County for any funds advanced for the Grading and Maintenance Service, and interest on any interfund or intrafund loan for such purpose.

"Grading and Maintenance Service" means a road grading and maintenance program designed to provide the minimum level of service necessary to preserve adequate ingress and egress for the provision of Essential Services.

"Initial Road Assessment Resolution" means the resolution described in Section 3.02 hereof, which shall be the initial proceeding for the imposition of a Road Assessment.

"Obligations" means bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance any portion of the Road Improvement Cost and secured, in whole or in part, by proceeds of the Road Improvement Assessments.

"Ordinance" means this Road Grading and Maintenance Assessment Ordinance.

"Pledged Revenue" means, as to any series of Obligations, (A) the proceeds of such Obligations, including investment earnings, (B) proceeds of the Road Improvement Assessments pledged to secure the payment of such Obligations, and (C) any other legally available non-ad valorem revenue pledged, at the Board's sole option, to secure the

payment of such Obligations, as specified by the ordinance and resolution authorizing such Obligations.

"Property Appraiser" means the St. Johns County Property Appraiser.

"Resolution of Intent" means the resolution expressing the Board's intent to collect Road Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

"Road Assessment" means a Road Maintenance Assessment and, if applicable, a Road Improvement Assessment.

"Road Assessment Roll" means the special assessment roll relating to Grading and Maintenance Service and any necessary Road Improvements, approved by a Final Road Assessment Resolution or an Annual Road Assessment Resolution pursuant to Section 3.06 or Section 3.07 hereof.

"Road Improvement" means any capital project deemed necessary by the Board to provide efficient and cost effective Grading and Maintenance Service, including by way of example, and not limitation, sub-base stabilization and drainage improvements.

"Road Improvement Assessment" means a special assessment imposed by the County pursuant to this Ordinance to fund the Road Improvement Cost.

"Road Improvement Cost" means all or any portion of the expenses that are properly attributable to the design and construction of any Road Improvement under generally accepted accounting principles; and including reimbursement to the County for any funds advanced for Road Improvements and interest on any interfund or intrafund loan for such purposes.

"Road Maintenance Assessment" means a special assessment imposed by the County pursuant to this Ordinance to fund the Grading and Maintenance Cost.

"Road Maintenance MSBU" means any of the municipal service benefit units created by resolution of the Board pursuant to Section 2.01 hereof, that specially benefit from Grading and Maintenance Services and any necessary Road Improvements.

"Tax Collector" means the St. Johns County Tax Collector.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Uniform Assessment Collection Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, Section 1 of the Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to

perform county functions and to render services in a manner not inconsistent with law and such power may be exercised by the enactment of county ordinances.

(B) Section 125.01(1)(q), Florida Statutes, provides enumerated legislative authorization for counties to establish a municipal service benefit unit for all or any part of the unincorporated area within its boundaries within which may be provided streets, fire protection, sidewalks, street lighting, solid waste collection and disposal, drainage, and other essential facilities and municipal services.

(C) In addition to the enumerated legislative authorization in Section 125.01(1)(q), Florida Statutes, for counties to impose special assessments within the boundaries of a created municipal service taxing unit, Section 125.01(1)(r) provides enumerated authorization for counties to levy specific assessments generally in a manner other than within the boundaries of a created municipal service benefit unit.

(D) Any creation of a municipal service benefit unit by the Board in its adoption of an Initial Road Assessment Resolution is pursuant to the power of the County enumerated in Section 125.01(1)(q), Florida Statutes.

(E) Numerous unpaved roads throughout the County provide access to adjoining property over which the County and other public entities provide Essential Services. Many of these unpaved roads are not regularly maintained, are in disrepair, and make the provision of such Essential Services difficult or unsafe, during either or both dry and wet weather periods. Such roads require Grading and Maintenance Service to provide access for Essential Services.

(F) Numerous unpaved roads throughout the County which do provide access to adjoining property, over which the County and other public entities provide Essential

Services, also will require Road Improvements to provide efficient and cost effective Grading and Maintenance Service.

(G) The Road Assessments imposed pursuant to this Ordinance will provide the minimum Grading and Maintenance Service (and Road Improvements, if deemed necessary by the Board) to establish and preserve adequate ingress and egress for the provision of Essential Services.

(H) The Road Assessments will only be imposed after the affected owners are provided a thirty day period following the date on which notice is mailed within which to voluntarily cause any identified private road (including certain rights of way dedicated to, but not accepted by the County) to be repaired and graded in a manner that permits the safe, convenient, and efficient provision of Essential Services. Failure of voluntary compliance within such period constitutes a necessary public purpose for the Board to impose the Road Assessments in order to safely and efficiently provide access for the delivery of Essential Services to the benefitted lands and their affected owners, residents, and invitees.

(I) The Road Assessments to be imposed pursuant to this Ordinance shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(J) The Road Assessments to be imposed pursuant to this Ordinance are imposed by the Board, not the Property Appraiser or Tax Collector. The duties of the Property Appraiser and Tax Collector under the Uniform Assessment Collection Act are ministerial.

ARTICLE II

MUNICIPAL SERVICE BENEFIT UNITS

SECTION 2.01. AUTHORITY FOR CREATION. The Board is hereby authorized to create municipal service benefit units in accordance with the procedures set forth herein to include property located within the unincorporated area of the County and such property situated within a municipality as to which consent is received by such municipality as provided in Section 125.01 (1) (q), Florida Statutes. Each Road Maintenance MSBU shall encompass only that property specially benefited by the Grading and Maintenance Service and any necessary Road Improvements proposed for funding from the proceeds of Road Assessments to be imposed therein.

SECTION 2.02. IDENTIFICATION OF PROPOSED MSBUS.

- (A) The Board shall identify proposed Road Maintenance MSBUs as follows:
- (1) a request or petition from one or more affected property owners for the County to provide road grading and maintenance services;
 - (2) notification from one or more providers of Essential Services that a specific road is difficult, inconvenient, or unsafe to traverse for such purposes;
 - (3) a determination by County staff that a specific road is not readily accessible for the provision of Essential Services; or
 - (4) any other means of request or notification acceptable to the Board which identifies a road not readily accessible for the provision of Essential Services.

(B) As soon as practicable after a proposed Road Maintenance MSBU has been identified by the Board, the Assessment Coordinator shall (1) identify the property that will be specially benefitted by the Grading and Maintenance Service, (2) determine if any Road Improvements will be necessary to provide the Grading and Maintenance Service in an efficient and cost effective manner, (3) develop an estimated budget to provide the Grading and Maintenance Service and any necessary Road Improvements, (4) designate the Assessment Unit and the method of attributing Assessment Units to property within the proposed Road Maintenance MSBU, and (5) prepare a brief and concise report for the Board's consideration containing an executive summary and schedule of critical events necessary to provide the Grading and Maintenance Service and any necessary Road Improvements.

(C) If upon consideration of the Assessment Coordinator's report the Board determines that creation of a Road Maintenance MSBU may be the best method of establishing and preserving adequate ingress and egress for the provision of Essential Services, the Assessment Coordinator shall direct preparation of an Initial Road Assessment Resolution and preliminary Road Assessment Roll in the manner described in Article III hereof.

(D) The foregoing provisions of this Section 2.02 shall not apply to any proposed Road Maintenance MSBU that has been identified by the Board prior to the effective date hereof.

ARTICLE III
ROAD ASSESSMENTS

SECTION 3.01. AUTHORITY. The Board is hereby authorized to impose Road Assessments against property located within a Road Maintenance MSBU to fund the Grading and Maintenance Cost, any applicable Road Improvement Cost, and related expenses (including but not limited to any related financing cost, assessment collection cost and statutory discount applicable to the appropriation of assessment proceeds). The Road Assessment shall be computed in a manner that fairly and reasonably apportions such amounts among the parcels of property within the Road Maintenance MSBU, based upon objectively determinable Assessment Units.

SECTION 3.02. INITIAL ROAD ASSESSMENT RESOLUTION. The initial proceeding for imposition of a Road Assessment shall be the Board's adoption of an Initial Road Assessment Resolution. The Initial Road Assessment Resolution shall (A) describe the Grading and Maintenance Service and any Road Improvement proposed for funding from proceeds of the Road Assessments; (B) estimate the Grading and Maintenance Cost and, if applicable, the Road Improvement Cost; (C) describe with particularity the proposed method of apportioning the Grading and Maintenance Cost and, if applicable, the Road Improvement Cost among the parcels of property located within the proposed Road Maintenance MSBU, such that the owner of any parcel of property can objectively determine the amount of the Road Assessment, based upon its expected use or physical characteristics; (D) describe the provisions, if any, for acceleration and prepayment of the

Road Improvement Assessment; (E) describe the provisions, if any, for reallocating the Road Assessment upon future subdivision; and (F) include specific legislative findings that recognize the equity provided by the apportionment methodology.

SECTION 3.03. ROAD ASSESSMENT ROLL.

(A) The Assessment Coordinator shall prepare a preliminary Road Assessment Roll that contains the following information:

- (1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Road Assessment;
- (2) the name of the owner of record of each parcel, as shown on the Tax Roll;
- (3) the number of Assessment Units attributable to each parcel;
- (4) the estimated maximum annual Road Maintenance Assessment and, if applicable, Road Improvement Assessment to become due in any Fiscal Year for each Assessment Unit; and
- (5) the estimated maximum annual Road Maintenance Assessment and, if applicable, Road Improvement Assessment to become due in any Fiscal Year for each parcel.

(B) Copies of the Initial Road Assessment Resolution and the preliminary Road Assessment Roll shall be on file in the office of the Assessment Coordinator and open to public inspection. The foregoing shall not be construed to require that the Road Assessment Roll be in printed form if the amount of the Road Assessment for each parcel of property can be determined by use of a computer terminal.

SECTION 3.04. NOTICE BY PUBLICATION. After filing the Road Assessment Roll in the office of the Assessment Coordinator, as required by Section 3.03(B) hereof, the Assessment Coordinator shall publish once in a newspaper of general circulation within the County a notice stating that at a meeting of the Board on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the Board will hear objections of all interested persons to the Final Road Assessment Resolution and approve the aforementioned initial Road Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

SECTION 3.05. NOTICE BY MAIL.

(A) In addition to the published notice required by Section 3.04, the Assessment Coordinator shall provide notice of the proposed Road Assessment by first class mail to the owner of each parcel of property subject to the Road Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least thirty calendar days prior to the hearing to each property owner at such address as is shown on the Tax Roll on the thirtieth calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Assessment Coordinator may provide proof of such notice by affidavit.

(B) Notices relative to private roads (including certain rights of way dedicated to, but not accepted by the County) shall also contain a statement to the effect that Road Grading and Maintenance Assessments will not be imposed in the event the affected property owners cause such road to be repaired and graded within 30 days. Failure of any

owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the Road Assessment nor release or discharge any obligation for payment of a Road Assessment imposed by the Board pursuant to this Ordinance.

SECTION 3.06. FINAL ROAD ASSESSMENT RESOLUTION. At the time named in such notice, or to which an adjournment or continuance may be taken, the Board shall receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the Board, adopt the Final Road Assessment Resolution which shall (A) confirm, modify or repeal the Initial Road Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Board; (B) establish the maximum amount of the Road Maintenance Assessment and Road Improvement Assessment for each Assessment Unit; (C) approve the Road Assessment Roll, with such amendments as it deems just and right; and (D) determine the method of collection.

SECTION 3.07. ANNUAL ROAD ASSESSMENT RESOLUTION. The Board shall adopt an Annual Road Assessment Resolution during its budget adoption process for each Fiscal Year in which Road Assessments will be imposed to approve the Road Assessment Roll for such Fiscal Year. The Final Road Assessment Resolution shall constitute the Annual Road Assessment Resolution for the initial Fiscal Year. The Road Assessment Roll shall be prepared in accordance with the Initial Road Assessment Resolution, as confirmed or amended by the Final Road Assessment Resolution. If the proposed Road Assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant Section 3.05 hereof or if a Road Assessment is imposed against property not previously subject thereto, the Board shall provide notice

to the owner of such property in accordance with Sections 3.04 and 3.05 hereof and conduct a public hearing prior to adoption of the Annual Road Assessment Resolution.

SECTION 3.08. EFFECT OF ROAD ASSESSMENT RESOLUTIONS. The adoption of the Final Road Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Road Assessment Roll and the levy and lien of the Road Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board adoption of the Final Road Assessment Resolution. The Road Assessments for each Fiscal Year shall be established upon adoption of the Annual Road Assessment Resolution. The Road Assessment Roll, as approved by the Annual Road Assessment Resolution, shall be delivered to the Tax Collector, or such other official as the Board, by resolution, deems appropriate.

SECTION 3.09. LIEN OF ROAD ASSESSMENTS.

(A) Upon adoption of the Annual Road Assessment Resolution for each Fiscal Year, Road Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Board of the Annual Road Assessment Resolution and shall attach to the property included on the Road Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) Upon adoption of the Final Road Assessment Resolution, Road Assessments to be collected under the alternative method of collection provided in Section 4.02 hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of St. Johns County, Florida.

SECTION 3.10. REVISIONS TO ROAD ASSESSMENTS. If any Road Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Board is satisfied that any such Road Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Board has omitted to include any property on the Road Assessment Roll which property should have been so included, the Board may take all necessary steps to impose a new Road Assessment against any property benefited by the Grading and Maintenance Service and any necessary Road Improvements, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Road Assessment is annulled, the Board may obtain and impose other Road Assessments until a valid Road Assessment is imposed.

SECTION 3.11. PROCEDURAL IRREGULARITIES. Any informality or irregularity in the proceedings in connection with the levy of any Road Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Road Assessment as finally approved shall be competent and sufficient

evidence that such Road Assessment was duly levied, that the Road Assessment was duly made and adopted, and that all other proceedings adequate to such Road Assessment were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 3.11, any party objecting to a Road Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

SECTION 3.12. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Board, Assessment Coordinator, Property Appraiser, Tax Collector, Clerk, or their deputies or employees, shall operate to release or discharge any obligation for payment of any Road Assessment imposed by the Board under the provisions of this Ordinance.

(B) The number of Assessment Units attributed to a parcel of property may be corrected at any time by the Assessment Coordinator. Any such correction which reduces a Road Assessment shall be considered valid from the date on which the Road Assessment was imposed and shall in no way affect the enforcement of the Road Assessment imposed under the provisions of this Ordinance. Any such correction which increases a Road Assessment or imposes an assessment on omitted property shall first require notice to the affected owner at the address shown on the Tax Roll notifying the owner of the date, time and place that the Board will consider confirming the correction and offering the owner an opportunity to be heard.

(C) After the Road Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

ARTICLE IV

COLLECTION OF ROAD ASSESSMENTS

SECTION 4.01. METHOD OF COLLECTION.

(A) Unless directed otherwise by the Board, Road Assessments shall be collected pursuant to the Uniform Assessment Collection Act, and the County shall comply with all applicable provisions thereof, including but not limited to (1) entering into a written agreement with the Property Appraiser and the Tax Collector for reimbursement of necessary expenses, and (2) adopting a Resolution of Intent after publishing weekly notice of such intent for four consecutive weeks preceding the hearing. The Resolution of Intent may be adopted either prior to or following the Initial Road Assessment Resolution; provided however, that the Resolution of Intent must be adopted prior to January 1 (March 1 with consent of the Property Appraiser and Tax Collector) of the year in which the Road Assessments are first collected on the ad valorem tax bill. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

(B) If the Uniform Assessment Collection Act is implemented following a period in which the Road Assessments are collected under the alternative method of collection provided in Section 4.02 hereof, the amount of the first annual Road Assessment to be collected pursuant to the Uniform Assessment Collection Act for any specific parcel of property also may include an amount equivalent to the payment delinquency, delinquency fees and recording costs relating to the Road Assessment for such property during the

period in which the alternative method of collection was employed; provided that (1) notice of the aggregate amount is provided to the owner of such property, and (2) any lien on the affected property for such additional amount is supplanted the first annual Road Assessment to be collected pursuant to the Uniform Assessment Collection Act upon certification of the Road Assessment Roll to the Tax Collector.

SECTION 4.02. ALTERNATIVE METHOD OF COLLECTION. In lieu of using the Uniform Assessment Collection Act, the County may elect to collect the Road Assessment by any other method which is authorized by law or provided by this Section 4.02 as follows:

(A) The County shall provide Road Assessment bills by first class mail to the owner of each affected parcel of property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Road Assessment, (2) a description of the Assessment Units used to determine the amount of the Road Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Road Maintenance Assessment and, if applicable, Road Improvement Assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Road Assessment is due, and (7) a statement that the Road Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the Road Assessments shall be recorded in the Official Records of St. Johns County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(C) The County shall have the right to appoint or retain an agent to foreclose and collect all delinquent Road Assessments in the manner provided by law. A Road Assessment shall become delinquent if it is not paid within 30 days from the due date. The County or its agent shall notify any property owner who is delinquent in payment of a Road Assessment within 60 days from the date such Road Assessment was due. Such notice shall state in effect that the County or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Road Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the County may be the purchaser to the same extent as an individual person or corporation. The County may join in one foreclosure action the collection of Road Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County and its agents, including reasonable attorney fees, in collection of such delinquent Road Assessments and any other costs incurred by the County as a result of such delinquent Road Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) In lieu of foreclosure, any delinquent Road Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment

Collection Act provided however that (1) notice is provided to the owner in the manner required by law and this Ordinance and (2) any existing lien of record on the affected parcel for the delinquent Road Assessment is supplanted by the lien resulting from certification of the Road Assessment Roll or to the Tax Collector

SECTION 4.03. RESPONSIBILITY FOR ENFORCEMENT. The County and its agent if any shall maintain the duty to enforce the prompt collection of Road Assessments by the means provided herein. The duties related to collection of Road Assessments may be enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions

ARTICLE V
ISSUANCE OF OBLIGATIONS

SECTION 5 01 GENERAL AUTHORITY

(A) Upon adoption of the Final Road Assessment Resolution imposing Road Improvement Assessments or at any time thereafter the Board shall have the power and is hereby authorized to provide by ordinance or resolution at one time or from time to time in series for the issuance of Obligations to fund the Capital Cost thereof and any amounts to be paid or accrued in connection with issuance of such Obligations including, but not limited to capitalized interest transaction costs and reserve account deposits

(B) The principal of and interest on each series of Obligations shall be payable from Pledged Revenue At the option of the Board the County may agree, by ordinance or resolution to budget and appropriate funds to make up any deficiency in the reserve account established for the Obligations or in the payment of the Obligations from other non-ad valorem revenue sources The Board may also provide by ordinance or resolution for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the Obligations Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources

SECTION 5.02. TERMS OF THE OBLIGATIONS The Obligations shall be dated shall bear interest at such rate or rates shall mature at such times as may be determined by ordinance or resolution of the Board and may be made redeemable before

maturity at the option of the County, at such price or prices and under such terms and conditions all as may be fixed by the Board. Said Obligations shall mature not later than 40 years after their issuance. The Board shall determine by ordinance or resolution the form of the Obligations, the manner of executing such Obligations, and shall fix the denominations of such Obligations, the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside of the State of Florida, and such other terms and provisions of the Obligations as it deems appropriate. The Obligations may be sold at public or private sale for such price or prices as the Board shall determine by ordinance or resolution. The Obligations may be delivered to any contractor to pay for his work in constructing the Road Improvements or may be sold in such manner and for such price as the Board may determine by ordinance or resolution to be for the best interests of the County.

SECTION 5.03. VARIABLE RATE OBLIGATIONS At the option of the Board Obligations may bear interest at a variable rate.

SECTION 5.04. TEMPORARY OBLIGATIONS Prior to the preparation of definitive Obligations of any series, the Board may, under like restrictions, issue interim receipts, interim certificates, or temporary Obligations exchangeable for definitive Obligations when such Obligations have been executed and are available for delivery. The Board may also provide for the replacement of any Obligations which shall become mutilated, destroyed, or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, or things which are specifically required by this Ordinance.

SECTION 5.05. ANTICIPATION NOTES In anticipation of the sale of Obligations the Board may by ordinance or resolution issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the Obligations, the proceeds of the Road Improvement Assessments, the proceeds of the notes and such other legally available moneys as the Board deems appropriate by ordinance or resolution. Said notes shall mature within five years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The Board may issue Obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the Obligations.

SECTION 5.06. TAXING POWER NOT PLEDGED Obligations issued under the provisions of this Ordinance shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the County within the meaning of the Constitution of the State of Florida, but such Obligations shall be payable only from Pledged Revenue and, if applicable, proceeds of the Road Improvement Assessments in the manner provided herein and by the ordinance or resolution authorizing the Obligations. The issuance of Obligations under the provisions of this Ordinance shall not directly or indirectly obligate the County to levy or to pledge any form of ad valorem taxation whatever therefor. No holder of any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the County to pay any such Obligations or the interest thereon or to enforce payment of such Obligations or the interest thereon against any property of the County, nor shall such Obligations constitute a charge, lien or

encumbrance legal or equitable upon any property of the County except the Pledged Revenue

SECTION 5.07. TRUST FUNDS. The Pledged Revenue received pursuant to the authority of this Ordinance shall be deemed to be trust funds to be held and applied solely as provided in this Ordinance and in the ordinance or resolution authorizing issuance of the Obligations. Such Pledged Revenue may be invested by the County or its designee in the manner provided by the ordinance or resolution authorizing issuance of the Obligations. The Pledged Revenue upon receipt thereof by the County shall be subject to the lien and pledge of the holders of any Obligations or any entity other than the County providing credit enhancement on the Obligations.

SECTION 5.08. REMEDIES OF HOLDERS. Any holder of Obligations except to the extent the rights herein given may be restricted by the ordinance or resolution authorizing issuance of the Obligations may, whether at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights under the laws of the state or granted hereunder or under such ordinance or resolution, and may enforce and compel the performance of all duties required by this part or by such ordinance or resolution to be performed by the County.

SECTION 5.09. REFUNDING OBLIGATIONS. The County may by ordinance or resolution of the Board, issue Obligations to refund any Obligations issued pursuant to this Ordinance, or any other obligations of the County theretofore issued to finance the Capital Cost of a Road Improvement and provide for the rights of the holders hereof. Such refunding Obligations may be issued in an amount sufficient to provide for the payment of

the principal of, redemption premium if any and interest on the outstanding Obligations to be refunded. If the issuance of such refunding Obligations results in an annual Road Assessment that exceeds the estimated maximum annual Road Assessments set forth in the notice provided pursuant to Section 3.05 hereof, the Board shall provide notice to the affected property owners and conduct a public hearing in the manner required by Article III of this Ordinance.

ARTICLE VI
GENERAL PROVISIONS

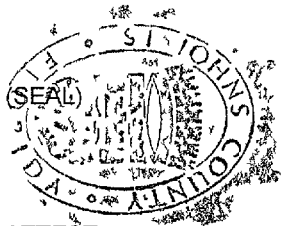
SECTION 6.01. REPEAL OF ORDINANCE NO 96-14 Ordinance No 96-14 is hereby repealed

SECTION 6.02. SEVERABILITY. The provisions of this Ordinance are severable and if any section subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby

SECTION 6.03. ALTERNATIVE METHOD. This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence

SECTION 6.04. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten days after enactment by the Board, and this Ordinance shall take effect upon filing with the Department of State as provided in Section 125 66(2) Florida Statutes

DULY ENACTED this 8 day of October 1996



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By Donald Jordan
Chairman Donald Jordan

ATTEST CARL "BUD" MARKEL, CLERK

Carl "Bud" Markel
CLERK

EFFECTIVE DATE: October 17, 1996

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

Julia Meeks who on oath says that she is
Accounting Clerk of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a _____

Notice of Public Hearing

in the matter of Oct. 8, 1996 @ 1:30pm

in the _____ Court, was published in said newspaper in the

issues of Sept. 26, 1996

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 26th day of Sept., 1996,

by Julia Meeks who is personally

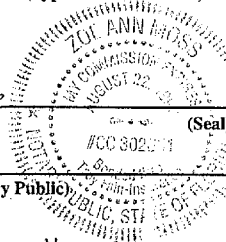
known to me or who has produced personally known as

(Type of Identification)

identification.

Zoe Ann Moss
(Signature of Notary Public)

Zoe Ann Moss
(Print, Type or Stamp Commissioned Name of Notary Public)



the proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CARL "BUD" MARKEL
IT'S CLERK

COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting of Tuesday, October 8, 1996, at 1:30 p.m. in the County Auditorium of the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance:

AN ORDINANCE RELATING TO ROAD MAINTENANCE AND IMPROVEMENTS PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN ST. JOHNS COUNTY, FLORIDA; PROVIDING DEFINITIONS AND FINDINGS; PROVIDING FOR THE CREATION OF MUNICIPAL SERVICE BENEFIT UNITS; AUTHORIZING THE IMPOSITION AND COLLECTION OF ROAD ASSESSMENTS TO FUND THE COST OF ROAD MAINTENANCE AND CAPITAL IMPROVEMENTS NECESSARY TO PERFORM SUCH MAINTENANCE, THAT PROVIDES A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE COUNTY; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ROAD ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ROAD ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ROAD ASSESSMENTS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ROAD ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE COUNTY; REPEALING ORDINANCE NO. 76-14; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners of the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation at the

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Division of Administration
Division of Information Services
Division of Legislative Services
Division of Public Affairs
Division of Records Management
Division of Statewide Planning

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Sandra B Mortham
Secretary of State
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS

Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa Hillsborough County Preservation Board

RINGLING MUSEUM OF ART

October 17, 1996

Honorable Carl Markel
Clerk to Board of County Commissioners
St Johns County
Post Office Drawer 300
St Augustine, Florida 32085-0300

Carl Markel
CLERK TO BOARD OF COUNTY COMMISSIONERS

96 OCT 22 P 3 50

RECEIVED

Attention Lenora Jo Newsome, Deputy Clerk

Dear Mr Markel

Pursuant to the provisions of Section 125 66, Florida Statutes, this will acknowledge your letter dated October 14, 1996, and certified copy each of St Johns County Ordinance Nos 96 53, 96-54, 96-55, and 96 56, which were filed in this office on October 17, 1996

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

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