

ORDINANCE NO 2004- 64

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO RIGHT-OF-WAY CAPITAL IMPROVEMENTS AND RELATED SERVICES PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE COUNTY; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF THE IMPROVEMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FINDINGS OF FACT AND CONCLUSIONS OF LAW;

WHEREAS, the Florida Constitution and Chapter 125, Florida Statutes, grant to St. Johns County ("County") all powers of local self-government not inconsistent with general or special law, and;

WHEREAS, the County is authorized by Sections 125.01(1)(q) and (r), Florida Statutes, to establish municipal service benefit units to provide water, sewer, streets, drainage, transportation and other essential facilities and services, and;

WHEREAS, numerous privately owned rights-of-way in need of capital improvements throughout the County provide access to adjoining property over which the County and other public entities provide services essential to preserve and maintain the

public health, safety, and welfare, such as fire protection, emergency medical services, solid waste collection, and postal delivery, and;

WHEREAS, many of these rights-of-way are either privately owned, or were dedicated to the public but never accepted by the County, and are not regularly maintained, are in disrepair, and make the provision of such services difficult or unsafe, and;

WHEREAS, these rights-of-way require capital improvements in order to ensure the continued provision of essential services, and;

WHEREAS, the County has determined that in order to undertake the improvement of these rights-of-way, the rights-of-way must be dedicated and accepted by the County to ensure that proper maintenance and repairs are timely and efficiently provided and to ensure that public money may properly be used for future maintenance and repair, and;

WHEREAS, the 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, Chapter 197, Florida Statutes;

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

SECTION 1. DEFINITIONS. Terminology used in this ordinance shall have its common and ordinary meaning, unless it is otherwise defined in the County Comprehensive Plan, Land

Development Code, or by law. For the reader's ease of reference, the following terms shall have the following meanings, unless the context clearly requires otherwise:

"Assessed Property" means all parcels of land included on the assessment roll that receive a special benefit from the provision of the right-of-way improvements identified in the Right-of-Way Assessment Resolution.

"Assessment Area" means a municipal service benefit unit created by resolution of the Board pursuant to Section 9, that specially benefit from an identified improvement, facility or program.

"Assessment Unit" means the unit or criteria utilized to determine the assessment for each parcel of property, as set forth in the Right-of-Way Assessment Resolution. "Assessment Units" may include, by way of example only and not limitation, one or a combination of the following: front footage, platted lots or parcels of record, land area, improvement area, equivalent residential units, permitted land use, trip generation rates, property value or any other physical characteristic or reasonably expected use of the property that is related to the identified right-of-way improvements to be funded from proceeds of the assessment.

"Capital Cost" means all or any portion of the expenses, including all internal costs to the County, that are properly attributable to the acquisition, design, permitting, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of any local right-of-way improvements that provide a special benefit to Assessed Property in the imposition of the assessments under

generally accepted accounting principles, and including reimbursement to the County for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

"Collection Cost" means the estimated cost to be incurred by the County during any fiscal year in connection with the implementation, administration, collection, and enforcement of the assessments, including, without limiting the generality of the foregoing, any service charges of the Tax Collector or Property Appraiser and amounts necessary to off-set discounts received for early payment of assessments pursuant to the Uniform Assessment Collection Act.

"Right-of-Way Assessment Resolution" means a site-specific resolution adopted pursuant to this Ordinance, identifying a particular Assessment Area municipal service benefit unit, assessments to be imposed in relation to that particular right-of-way project, and a statement of intent by the County to utilize the Uniform Assessment Collection Act pursuant to Chapter 197, Florida Statutes.

"Statutory Discount" means the amount by which Section 129.01(2)(b), Florida Statutes, requires the County to discount reasonably anticipated receipts in connection with preparation of its annual budget.

SECTION 2. CREATION OF ASSESSMENT AREAS. The County may create Assessment Areas in accordance with the procedures set forth in this Ordinance. Notwithstanding the procedures set forth in this Ordinance, the County may enact special assessments as otherwise authorized pursuant to law. Each Assessment Area shall be

considered a municipal service benefit unit within the meaning of Chapter 125, Florida Statutes. Each Assessment Area created pursuant to this Ordinance and as adopted by subsequent resolution shall encompass only that property specially benefitted by the identified right-of-way improvement proposed for funding from the proceeds of the assessments imposed. The preliminary Right-of-Way Assessment Resolution proposing each Assessment Area and the final, adopted Assessment Resolution creating each Assessment Area shall include brief descriptions of the proposed right-of-way improvements, facilities, or programs, a description of the property to be included within the Assessment Area, an estimated cost for the proposed right-of-way improvements, and specific legislative findings that recognize the special benefit to be provided by each proposed improvement, facility, or program to property within the Assessment Area.

SECTION 3. PROCEDURAL REQUIREMENTS FOR PROPOSED ASSESSMENT AREAS. The County may impose assessments and create an Assessment Area if the Board of County Commissioners finds that:

- A) an application for review and an initial petition to pursue design and project estimates was presented to the County Administrator signifying support for the contemplated improvements by at least 75% of the affected property owners; and,
- B) after the design and project estimates are generated by the County, a second petition was presented to the County Administrator signifying approval of the

contemplated improvements and associated costs by at least 51% of the affected owners of occupied properties; and,

- C) written verification was presented to the County Administrator demonstrating that all the owners of the right-of-way(s) within the geographic boundaries of the proposed Municipal Service Benefit Unit are willing to convey ownership of the right-of-way at no cost to the County, and have submitted deeds, effective upon final adoption of the Right-of-Way Assessment Resolution, conveying the property necessary for the improvements.
- D) Notwithstanding the above criteria, the County Administrator may present to the Board of County Commissioners a proposal for a site-specific Right-of-Way Assessment Resolution that does not strictly meet the requirements found in subsection A) and B) above. In this case, specific additional findings in support of the site-specific Right-of-Way Resolution shall be presented to the Board of County Commissioners for their consideration.

Adoption of a Right-of-Way Assessment Resolution shall constitute conclusive evidence of compliance with the foregoing requirements.

SECTION 4. ASSESSMENTS. The County may impose assessments against property located within an Assessment Area to fund all or any portion of the Capital Cost on benefited property at a rate of assessment based upon the special benefit accruing to such property from the County's provision of the identified improvements, facilities, or programs. The assessment shall be computed in a manner that fairly and reasonably

apportions the costs among the parcels of property within the Assessment Area, based upon objectively determinable Assessment Units.

SECTION 5. PRELIMINARY RIGHT-OF-WAY ASSESSMENT RESOLUTION.

Upon receipt by the County Administrator of the items listed in Section 3, the County Administrator shall prepare a preliminary Right-of-Way Assessment Resolution which shall contain at a minimum the following:

- A) a brief and general description of the right-of-way improvements, facilities or programs to be provided;
- B) a description of the property to be located within the Assessment Area;
- C) an estimate of the Capital Cost;
- D) a detailed description of the proposed method of apportioning the Capital Cost among the parcels of property located within the proposed Assessment Area, so that the owner of any parcel of property can objectively determine the number of Assessment Units and the amount of the assessment;
- E) a description of the provisions, if any, for acceleration and prepayment of the assessment;
- F) a description of the provisions, if any, for reallocating the assessment upon future subdivision of assessed parcels;
- G) include specific legislative findings that recognize the fairness provided by the apportionment methodology, and the County's intent to utilize the Uniform Assessment Collection Act;

- H) establish the maximum amount of the assessment;
- I) prepare the initial Assessment Roll, as required by Section 6;
- J) publish the notice required by Section 7; and,
- K) mail the notice required by Section 8.

SECTION 6. ASSESSMENT ROLL. The County Administrator shall prepare a preliminary assessment roll that contains the following information:

- A) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the assessment;
- B) the name of the owner of record of each parcel, as shown on the Tax Roll;
- C) the number of Assessment Units attributable to each parcel;
- D) the estimated maximum annual assessment to become due in any fiscal year for each Assessment Unit; and,
- E) the estimated maximum annual assessment to become due in any fiscal year for each parcel.

Copies of the preliminary Right-of-Way Assessment Resolution and the preliminary assessment roll shall be on file in the office of the Clerk and open to public inspection. This does not require that the assessment roll be in printed form if the amount of the assessment for each parcel of property can be determined by use of a computer terminal available to the public.

SECTION 7. NOTICE BY PUBLICATION. After filing the assessment roll in the office of the Clerk, as required by Section 6, the Clerk shall publish once per week for four

(4) consecutive weeks in a newspaper of general circulation within the County a notice stating the County's intent to utilize the Uniform Assessment Collection Act and related assessment roll, and that a public hearing of the Board will be held on a certain day and hour, not earlier than 20 calendar days from publication of the final notice. At the hearing, the Board will receive written comments and hear testimony from all interested persons regarding creation of the Assessment Area and adoption of the Right-of-Way Assessment Resolution. The published notice shall conform to the requirements of the Uniform Assessment Collection Act.

SECTION 8. NOTICE BY MAIL. In addition to the published notice required by Section 7, the Clerk shall provide notice of the proposed assessment by first class mail to the owner of each parcel of property subject to the assessment. The mailed notice shall conform to the requirements of the Uniform Assessment Collection Act and shall include a copy of the preliminary Right-of-Way Assessment Resolution. Notice shall be mailed at least 20 calendar days prior to the hearing to each property owner at the address as is shown on the Tax Roll available within ninety (90) days prior to the date of mailing. Notice shall be deemed mailed upon delivery into the possession of the U.S. Postal Service. The Clerk may provide proof of this notice by affidavit. Failure of the owner to receive this notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for the payment of an assessment imposed by the Board pursuant to this Ordinance.

SECTION 9. ADOPTION OF RIGHT-OF-WAY ASSESSMENT RESOLUTION. At the time named in the notice, or at the time an adjournment or continuance may be taken, the Board shall receive written objections and hear testimony of interested persons and may adopt the Right-of-Way Assessment Resolution which shall:

- A) create the Assessment Area;
- B) establish the maximum amount of the assessment for each Assessment Unit;
- C) approve the related assessment roll for the initial fiscal year, with any amendments as it deems just and right; and,
- D) determine the method of collection;
- E) provide a statement of the County's intent to utilize the Uniform Assessment Collection Act for collection of the corresponding assessment.

SECTION 10. ANNUAL ASSESSMENT RESOLUTIONS. During its budget adoption process and prior to September 15 of each year, the Board shall adopt the assessment roll for that fiscal year. The assessment roll shall be prepared in accordance with the adopted Right-of-Way Assessment Resolution. If the proposed assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant to Section 7, or if an assessment is imposed against property not previously subject to the assessment, the Board shall provide notice to the owner of the property in accordance with Sections 7 and 8, and conduct a public hearing prior to adoption and/or certification of the assessment roll. The adoption and/or certification of the assessment roll for each fiscal year, and/or the adoption of a duly authorized resolution amending the

adopted Right-of-Way Assessment Resolution, shall also serve as any necessary resolution of intent pursuant to the Uniform Assessment Collection Act.

SECTION 11. EFFECT OF ASSESSMENT RESOLUTIONS. The adoption or amendment of the Right-of-Way Assessment Resolution, which may be necessary pursuant to Section 10 (assessments above the maximum or newly assessed property), and the adoption and/or certification of the assessment roll for each fiscal year, shall be the final adjudication of the issues presented (including, but not limited to, the intent to utilize the Uniform Assessment Collection Act, the apportionment methodology, the rate of assessment, the adoption of the assessment roll and the levy and lien of the assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board adoption or amendment of the Right-of-Way Assessment Resolution, or any subsequent adopted and/or certified assessment roll.

SECTION 12. LIEN OF ASSESSMENTS. Upon adoption and/or certification of the assessment roll for each fiscal year, 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 liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption and/or certification by the Board of the annual assessment roll and shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 13. REVISIONS TO RIGHT-OF-WAY ASSESSMENTS. If any 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 assessment is so irregular or defective that it cannot be enforced or collected, or if the Board has failed to include any property on the Assessment Roll which should have been included, the Board may take all necessary steps to impose a new assessment against any property benefitted by the identified improvements, services, facilities, or programs, following as nearly as may be practicable, the provisions of this Ordinance . If the second assessment is annulled, the Board may obtain and impose other assessments until a valid assessment is imposed.

SECTION 14. PROCEDURAL IRREGULARITIES. Any irregularity in the proceedings in connection with the levy of any assessment under the provisions of this Ordinance shall not affect the validity of the approved assessment, and any approved assessment shall be competent and sufficient evidence that the assessment was duly levied, that the assessment was duly made and adopted, and that all other proceedings adequate to the assessment were duly had, taken and performed as required by this Ordinance. No deviation from the directions of this Ordinance shall be held material unless it is clearly shown that the party objecting was materially injured by the deviation. Any party objecting to an assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed.

SECTION 15. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Board, the County Administrator, Property Appraiser, Tax Collector, Clerk, or their respective deputies or employees, shall operate to release or discharge any obligation for payment of any 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 County Administrator. Any such correction which reduces a assessment shall be considered valid from the date on which the assessment was imposed and shall in no way affect the enforcement of the assessment imposed under the provisions of this Ordinance. Any such correction which increases an assessment or imposes an assessment on omitted property shall first require notice to the affected owner in the manner described in Section 10, providing 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 assessment roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

SECTION 16. METHOD OF COLLECTION.

(A) Unless directed otherwise by the Board, assessments (other than assessments imposed against government property) shall be collected pursuant to the Uniform Assessment Collection Act. The adopted Right-of-Way Assessment Resolution,

any amendments thereof, and any annually adopted or certified assessment roll shall serve as the resolution of intent required by the Uniform Assessment Collection Act, provided however, that it must be adopted prior to January 1 (or March 1 with consent of the Property Appraiser and Tax Collector) of the year in which the 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) The amount of an assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific tax parcel may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided:

- (1) the collection method used in connection with the prior year's assessment was not made pursuant to the Uniform Assessment Collection Act;
- (2) notice is provided to the owner as required under the Uniform Assessment Collection Act; and,
- (3) any lien on the affected tax parcel for the prior year's assessment is supplanted and transferred to the current year's assessment upon adoption and/or certification of the assessment roll to the Tax Collector by the County.

SECTION 17. RESPONSIBILITY FOR ENFORCEMENT. The County and its agents, if any, shall maintain the duty to enforce the prompt collection of assessments by the means provided in this Ordinance and pursuant to law.

SECTION 18. ALTERNATIVE METHOD. This Ordinance shall be deemed to provide an additional and alternative method for the imposition and collection of assessments 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 come into existence.

SECTION 19. SEVERABILITY If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, it shall not affect the remaining portions of this Ordinance. If this Ordinance or any of its provisions is held to be inapplicable to any person, property or circumstances, it shall not affect its applicability to any other person, property or circumstances.

PASSED AND ENACTED by the Board of County Commissioners of St.

Johns County, Florida, this 27th day of July, 2004.

**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

By: 

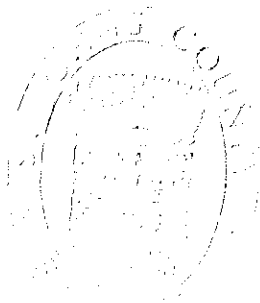
Karen Stern, its Chair

ATTEST: Cheryl Strickland, Clerk of Court

By: Juanne King
Deputy Clerk

Rendition Date: 07/29/04

Effective: 08/05/04



THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 AMANDA N. BRUNK who on oath says that she is an 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 CONSIDER ENACTMENT / MSBU ORDINANCE in the Court, was published in said newspaper in the issues of JUNE 15, 2004

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, for a period of one year 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 15TH day of JUNE 2004

by Amanda N Brunk who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Patricia A. Bergquist (Signature of Notary Public)

Patricia A. Bergquist My Commission DD275991 Expires December 18, 2007

(Seal)

PATRICIA A BERGQUIST

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS NOTICE OF INTENT TO CONSIDER ENACTMENT OF RIGHT-OF-WAY MSBU ORDINANCE NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, July 27, 2004, 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 OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO RIGHT-OF-WAY CAPITAL IMPROVEMENTS AND RELATED SERVICES PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE COUNTY; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF THE IMPROVEMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; 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 at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16-A 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 an appeal is to be based. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the American with Disabilities Act, persons needing special accommodations to participate in the proceeding should contact the ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD); Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the date of the hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK BY: Yvonne Kline, Deputy Clerk L1417-4 June 15, 22, 29, July 6, 2004

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 AMANDA N. BRUNK

who on oath says that she is an 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 NOTICE OF PUBLIC HEARING

In the matter of RIGHT-OF-WAY / MSBU ORDINANCE

in the Court, was published in said newspaper in the issues of

JUNE 22, 2004

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, for a period of one year 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 22ND day of JUNE 2004

by Amanda N. Brunk who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Brian Fike

(Signature of Notary Public)



Brian Fike My Commission DD327508 Expires June 09, 2008

(Seal)

BRIAN FIKE

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THE ST. AUGUSTINE RECORD

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ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **AMANDA N. BRUNK**
who on oath says that she is an 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 **NOTICE OF PUBLIC HEARING**
In the matter of **RIGHT-OF-WAY / MSBU ORDINANCE**
in the Court, was published in said newspaper in the issues of
JUNE 29, 2004

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, for a period of one year 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 **30TH** day of **JUNE 2004**

by Amanda N. Brunk who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007
(Seal)

PATRICIA A. BERGQUIST

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
NOTICE OF INTENT TO CONSIDER ENACTMENT OF RIGHT-OF-WAY MSBU ORDINANCE
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, July 27, 2004, at 1:30 p.m. in the County Auditorium at 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 OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO RIGHT-OF-WAY CAPITAL IMPROVEMENTS AND RELATED SERVICES PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE COUNTY; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF THE IMPROVEMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; 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 at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16-A 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 an appeal is to be based.
NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the American with Disabilities Act, persons needing special accommodations to participate in the proceeding should contact the ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD); Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the date of the hearing.
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
BY: Yvonne King, Deputy Clerk
L1417-4 June 15, 22, 29, July 6, 2004

THE ST. AUGUSTINE RECORD

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STATE OF FLORIDA, COUNTY OF ST. JOHNS

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

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that the attached copy of advertisement, being NOTICE OF HEARING

In the matter of ORD SPEC ASSESSMENTS

in the Court, was published in said newspaper in the issues of

JUNE 15, 22, 29, JULY 6, 2004

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, for a period of one year 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 6TH day of JULY 2004

by Amanda N. Brunk who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Signature of Notary Public

(Signature of Notary Public)



Patricia A. Bergquist My Commission DD275991 Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS NOTICE OF INTENT TO CONSIDER ENACTMENT OF RIGHT-OF-WAY MSBU ORDINANCE NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, July 27, 2004, at 1:30 p.m. In the County Auditorium at 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 OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO RIGHT-OF-WAY CAPITAL IMPROVEMENTS AND RELATED SERVICES PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE COUNTY; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF THE IMPROVEMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; 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 at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16-A 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 an appeal is to be based. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the American with Disabilities Act, persons needing special accommodations to participate in the proceeding should contact the ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD); Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the date of the hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK BY: Yvonne King, Deputy Clerk L1417-4 June 15, 22, 29, July 6, 2004