

ORDINANCE NO. 93 - 14

AN ORDINANCE PROVIDING FOR THE CREATION OF A MUNICIPAL SERVICE BENEFIT UNIT FOR THE PROVISION OF BEACH RENOURISHMENT AND RESTORATION TO BE KNOWN AS THE SOUTH AMELIA ISLAND SHORE STABILIZATION MUNICIPAL SERVICES BENEFIT UNIT; PROVIDING FOR THE AREA TO BE EMBRACED WITHIN SAID UNIT; DESIGNATING THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY AS THE GOVERNING BODY OF SAID UNIT; AUTHORIZING THE GOVERNING BODY TO ENTER INTO CONTRACTS FOR THE IMPLEMENTATION, ADMINISTRATION, AND MAINTENANCE OF THE UNIT; AUTHORIZING THE GOVERNING BODY TO ISSUE BONDS TO FUND SUCH SERVICES; AUTHORIZING THE LEVY BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY OF AN ANNUAL SPECIAL ASSESSMENT ON ALL PROPERTIES WITHIN SAID UNIT; PROVIDING FOR THE ADOPTION OF A BUDGET AND THE LEVY AND COLLECTION OF SUCH ASSESSMENTS WITHIN SAID UNIT; AUTHORIZING THE CREATION OF A REVOLVING FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01(1)(q), Florida Statutes, grants the Board of County Commissioners of a non-charter county the power to establish a municipal service benefit for any part of all of the unincorporated area of the county within which may be provided implementation, administration, and maintenance of certain municipal type services from funds derived from assessments within such unit only for the benefit of properties specially benefitted thereby; and

WHEREAS, the Board of County Commissioners of Nassau County finds that all properties to be assessed hereunder are specially benefitted by the named services to be funded hereby;

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1 - CREATION

Pursuant to Florida Statutes 125.01(1)(q), there is hereby created the South Amelia Island Shore Stabilization Municipal Services Benefit Unit, which is hereinafter referred to as "the MSBU" or "district". The authorized purposes of the MSBU shall be provision of beach nourishment, restoration erosion control and maintenance relating to these services.

SECTION 2 - PETITION

Prior to the implementation of the planned improvements and resulting special assessment allocation for the district, a petition or some action similar to a petition indicating a majority approval of property owners in the District for the project and assessments shall be required.

SECTION 3 - TERRITORY

The MSBU shall embrace and be compromised of all properties within the area described by the legal description attached hereto as "Exhibit A".

SECTION 4 - GOVERNING BODY

The Board of County Commissioners of Nassau County shall appoint a Shore Stabilization Board as governing body of the district hereinafter referred to as the "governing body". The governing body shall consist of two (2) County Commissioners representing Amelia Island Districts and five (5) property owners within the district. All members of the governing body shall serve without compensation. The governing body shall be responsible for the preparation of an annual budget and assessment roll pursuant to

Section 6 to be approved by the Nassau Board of County Commissioners.

SECTION 5 - MSBU COSTS

The governing body may determine or cause to have determined each year the estimated cost of providing the services authorized by this ordinance relating to all projects of the District, including costs for capital and equipment improvements, personnel, rentals and acquisitions, operating and maintenance, and expenses and services to be provided by contract, for the ensuing county fiscal year within the boundaries of said MSBU. Any costs relating to the creation or implementation of the district prior to issuance of any bonds shall be reimbursed by said bonds.

SECTION 6 - BUDGET, ASSESSMENT, LEVY AND COLLECTIONS

The Board of County Commissioners of Nassau County, Florida hereby authorizes the governing body to recommend an annual special assessment on all properties within said MSBU. A tentative budget and proposed special assessment shall be adopted at the same time as the County-wide tentative budget and proposed mileage rate is adopted. A budget shall be prepared (or caused to be prepared) by the governing body and said budget and special assessments shall be finally adopted and levied by the Board at the same time as said Board prepares and adopts its County annual budget and levies annual millage rates. The assessments may be established from year to year by resolution of the governing body, as appropriate. Said special assessments shall be levied, collected, and remitted at the time and in the same manner as ad valorem taxes levied by said

Board as provided by Florida law. The budget shall contain all or such portion of the estimated cost of the services authorized hereby as said governing body shall determine to be necessary to provide such services. The Resolution establishing the rates of special assessment shall provide rates for various classes of property. Said special assessments shall be no higher than recommended by the governing body or for any purpose not recommended by the governing body.

SECTION 7 - MSBU FUNDS

Those funds obtained from the levy of the special assessment on all the real property within the boundaries of said MSBU shall be maintained in a separate fund or account and used solely for the purpose of providing Implementation, administration, and maintenance of services authorized by this ordinance within the boundaries of said MSBU and for the costs of administering the MSBU.

SECTION 8 - CONTRACTS

The governing body, through its Chairman, is authorized to enter into contracts with any and all public or private organizations or persons for the conduct of the affairs of the MSBU and administration of the MSBU, pursuant to Section 4 above.

SECTION 9 - POWERS

The Governing Body is authorized:

(a) To acquire property, real, personal or mixed, on such terms and conditions as the governing body may deem necessary or desirable, provided that the use or ownership of such property is

necessary in the furtherance of a designated lawful purpose authorized under the provisions of this ordinance and Section 125.01(1)(q) and (r), Florida Statutes, and amendments thereto; and otherwise deal with any of the assets and properties of the MSBU with or without consideration.

(b) Whenever deemed necessary or desirable by the governing body, to lease, as lessor or lessee, to or from any person, firm, corporation, association or body, public or private, any MSBU facilities or property of any nature for the use of the MSBU and to carry out any of the purposes of the MSBU. Such facilities include, but are not limited to, terminal structures and groins.

(c) To enter into contracts for the use of the facilities of the MSBU and with respect to the services and facilities furnished or to be furnished by the MSBU.

(d) To pursue, actively participate, and if necessary, fund a portion of an Inlet Management Study for any areas affecting the district. In conjunction with said study, the governing body shall have the authority to negotiate or renegotiate an Memorandum of Understanding relating to responsibilities of Inlet management and beach restoration.

(e) To issued bonds to fund applicable capital and equipment costs as provided by Florida law.

SECTION 10 - REVOLVING FUND

In order to carry out the creation, implementation and maintenance of this MSBU, the governing body is authorized to create within general funds of the County a revolving fund. If monies on deposit

in aid revolving fund are advanced to pay the cost of all or any part of the services authorized in Section 1 above the governing body shall reimburse said revolving fund with the proceeds from the collections of the special assessments related to the implementation and/or administration for which said funds were advanced including interest at a per annum rate equivalent to applicable market interest rates to defray lost investment income to the general fund.

SECTION 11 - CONFLICT

Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 12 - SEVERANCE

It is declared to the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 13 - EFFECTIVE

This Ordinance shall be filed with the Department of State and become effective as provided in Section 125.66(3), Florida Statutes.


DONE AND ADOPTED in regular session this 24th day of May
 , 1993.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA



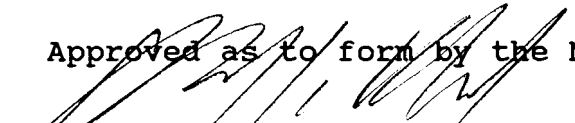
JAMES E. TESTONE
Its: Chairman

Attest:



T.J. GREESON
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney.



Michael S. Mullin, Esquire
County Attorney

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EXHIBIT A

From the northerly boundary of the Amelia Island Plantation to the northerly boundary of the state park, including all the property located on the southerly end of Amelia Island within these boundarics.