

JUN 21 1994

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ORDINANCE NO. 94-12

AN ORDINANCE PERTAINING TO THE SOUTH AMELIA ISLAND SHORE STABILIZATION MUNICIPAL SERVICES BENEFIT UNIT; AMENDING ORDINANCE 94-1; PROVIDING THAT SPECIAL ASSESSMENTS SHALL NOT BE DETERMINED, LEVIED OR IMPOSED ON ANY REAL PROPERTY LOCATED WITHIN THE UNIT UNLESS AND UNTIL A MAJORITY OF THE PROPERTY OWNERS IN THE UNIT PETITIONS THE BOARD OF COUNTY COMMISSIONERS TO DO SO; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners found in Ordinance No. 93-14, as amended by Ordinance No. 94-1, that special assessments should be levied and imposed on the real property located in the South Amelia Island Shore Stabilization Municipal Service Benefit Unit specially benefitted by the beach nourishment project to fund the cost thereof; and

WHEREAS, the Board of County Commissioners and the owners of property located within the MSBU desire to provide that special assessments levied and imposed upon such property shall not be levied and imposed unless and until the Board of County Commissioners has been requested by the owners of property in the MSBU to levy and impose such assessment;

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

Section 1. Section 2 of Ordinance No. 94-1 is amended as follows:

SECTION 2 - PRIOR AUTHORIZATION; PETITION

Prior to the implementation of any undertakings, projects, improvements and services by the MSBU, and prior to establishing, determining, levying and imposing any special assessment on any real property to finance such undertakings, projects, improvements and services, the Board of County Commissioners of Nassau County (the "BOCC") shall by resolution approve and authorize the proposed undertakings, projects, improvements, and services and establish a system of special assessments. The BOCC does hereby recognize and acknowledge that a majority of the owners of real property located in the MSBU have by return of a petition form to the South Amelia Island Shore Stabilization Association, Inc. (the "SAISSA") indicated their support for a beach restoration program and the levy of special assessments on real property in the MSBU as recommended by SAISSA and asked the BOCC to implement such a program. The BOCC further recognizes and acknowledges that no new

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or additional assessments other than those authorized by Resolution No. 94-32, adopted on November 22, 1993, shall be approved, levied or imposed unless and until the BOCC has received a petition or other form of request from a majority of the owners of real property located in the MSBU requesting such assessments be levied and imposed.

Section 2. Section 6 of Ordinance No. 94-1 is amended as follows:

SECTION 6 - BUDGET, ASSESSMENT, LEVY AND COLLECTIONS

(a) A budget for the MSBU, including any proposed ad valorem millage or special assessment, shall be prepared or caused to be prepared by the BOCC. The budget shall contain all or such portion of the estimated cost of the project, undertakings and services authorized hereby as the BOCC determines to be necessary to properly fund the projects, undertakings, and operations of the MSBU.

(b) The BOCC shall establish special assessments on all real property located within the MSBU to be specially benefited by the projects, undertakings, improvements and operations of the MSBU, provided that no new or additional assessments other than those authorized by Resolution No. 94-32, adopted on November 22, 1993, shall be approved, levied or imposed unless and until the BOCC has received a petition or other form of request from a majority of the owners of real property located in the MSBU requesting such assessments be levied and imposed. If multiple year variable special assessments are to be used to finance the undertakings, projects and operations of the MSBU, then the amount of the assessments shall be established from year to year by resolution of the BOCC. The special assessments may be assessed, levied, collected, and remitted at the time and in the same manner as ad valorem taxes as provided by Florida law, or in such other manner as may be authorized and directed by the BOCC. The resolution establishing the special assessments, including the unit of measurement or rates thereof, may provide for different assessments or rates of assessments for various classes of real property based upon the benefit received by each class of real property from the undertakings, projects, improvements and operations of the MSBU.

Section 3. Subsection (a) of Section 12 of Ordinance 94-1 is amended as follows:

SECTION 12 - SPECIAL ASSESSMENTS

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(a) The County may recover the costs of projects and other undertakings of the MSBU or finance the costs of such projects and undertakings by levying and collecting special assessments on specially benefited real property as provided herein. Special assessments may be levied only on benefited real property at a rate of assessment based on the special benefit accruing to such property as a result of or from such projects or other undertakings of the MSBU, provided that no new or additional assessments other than those authorized by Resolution No. 94-32, adopted on November 22, 1993, shall be approved, levied or imposed unless and until the BOCC has received a petition or other form of request from a majority of the owners of real property located in the MSBU requesting such assessments be levied and imposed.

Section 4. Repeal of Conflicting Ordinances.

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

Section 5. Severance.

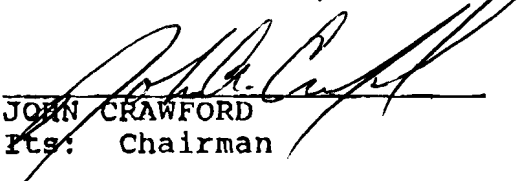
It is declared to the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent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

Section 6. Effective Date.

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 10th day of January, 1994.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA


JOHN CRAWFORD
Its: Chairman

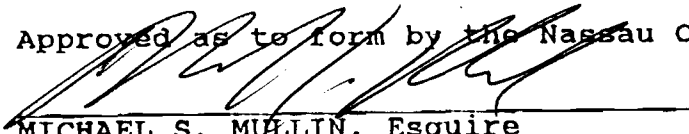
Attest:


T.J. GREASON
Its: Ex-Officio Clerk

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Approved as to form by the Nassau County Attorney.



MICHAEL S. MULLIN, Esquire
County Attorney

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