

COLUMBIA COUNTY, FLORIDA
ORDINANCE NO. 2000-2

AN ORDINANCE RELATING TO ROAD MAINTENANCE AND IMPROVEMENTS PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN COLUMBIA COUNTY, FLORIDA; PROVIDING FOR THE CREATION OF MUNICIPAL SERVICE BENEFIT UNITS; PROVIDING PURPOSE OF THE UNITS; PROVIDING TERM OF THE UNITS; PROVIDING GOVERNING BODY; PROVIDING GENERAL POWERS OF THE GOVERNING BODY; 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; PROVIDING THE CREATION OF THE COLUMBIA COUNTY ROAD MAINTENANCE FUNDS; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1 of the Constitution of the State of Florida and Sections 125.01 and 125.66, Florida Statutes, the Board of Commissioners of Columbia County, Florida, has all powers of local self-government to perform county functions and to render county services in a manner not inconsistent with law, and such power may be exercised by the enactment of county ordinances; and

WHEREAS, numerous roads throughout the County provide access to adjoining property owners upon which the County and other public entities are required to provide essential services. Many of these roads are not regularly maintained, are in disrepair, and make the provision of such essential services difficult or unsafe. Such roads require road improvements, grading or other maintenance service to provide safe and unrestricted access for the provision of these essential services; and

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WHEREAS, the Board of County Commissioners of Columbia County, Florida, finds it a valid and paramount public purpose and a necessity to establish a procedure to provide for the road improvements, grading or maintenance of these roads so that essential services can be provided; and

WHEREAS, the Road Maintenance Assessments imposed pursuant to the Ordinance will provide minimum road improvements, grading or maintenance service, if deemed necessary by the Board, to establish and preserve adequate ingress and egress to adjoining properties for the provision of essential services; and

WHEREAS, the cost of the road improvements, grading or maintenance should be borne by those properties which receive the special benefit from the improvement.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA:

SECTION 1. CREATION OF THE UNIT AND BOUNDARIES.

A. Pursuant to the powers granted to the Board of County Commissioners of Columbia County, Florida, by the Constitution of the State of Florida and the Florida Statutes, in particular, Section 125.01, Florida Statutes, the Board of County Commissioners of Columbia County, Florida, is hereby authorized to establish municipal service benefit units to be known as "**ROAD MAINTENANCE SERVICE UNITS**," whenever the owners of no less than seventy-five percent (75%) of the properties abutting any road, or continuous portion thereof, or any group of roads within

the unincorporated area of the County, shall by vote approve the County providing road improvements, grading or maintenance to such roads or drainage facilities. In determining whether the owners of at least 75% of the properties have approved the County providing the services herein, there shall be required a minimum 75% of the number of lots in a platted or unplatted subdivision, and the owner of more than 75% of the acreage where the development has not been divided into lots. Property owners shall be allowed one (1) vote per lot owned. The term "owner" shall include legal or equitable title based upon a document duly recorded among the public records of Columbia County, Florida, and recognized as a taxable parcel of land. The County may require a higher percentage of lots or owners due to special circumstances of the development including, but not limited to, extraordinary cost of providing the improvements or facilities; unusual traffic or safety concerns; and special requirements needed for compliance with the County's Comprehensive Land Use Plan and/or Land Development Regulations.

B. The voting procedure shall be implemented by the County upon filing of a petition signed by no less than 50% of the affected property owners in the specified development. The petition shall contain as a minimum the following information:

- (i) The name, address and tax parcel identification number of all property owners abutting the road or drainage facilities, including the legal description of the area.

- (ii) A description of the road or drainage facility and the improvement, grading or maintenance sought.
- (iii) An express acknowledgment that such property shall be specially benefitted by the improvement, grading or maintenance and that they consent to the imposition of assessment to fund the cost of the requested services.
- (iv) A request that the County determine the frequency of grading or other maintenance of the road or other facility, such as one time per month or one time per quarter or other appropriate frequency.
- (v) Such other information as the County may request in the petition or other documents requested.

C. The Board shall consider such petitions, and subject to the Board's right to deny the petition for good cause as determined by the Board, if it determines that the petitions are complete and the properties will be specially benefitted by such improvements as is hereinafter provided, and that the cost may be fairly apportioned among benefitted properties, it may approve the petition, and proceed to request and receive votes from the affected property owners in a manner determined by the County which will fairly and accurately determine the intent and desire of the affected property owners. Specific voting procedures will be developed and implemented by the County and will include the following:

1. Ballots will be mailed to the last shown address maintained by the property appraiser's or tax collector's office, or to the address stated on the petition, for each parcel;

2. Ballots will be a matter of public record; and

3. Any ballot not returned when properly mailed to the property owner will be deemed having cast a "no" or negative vote.

D. Upon favorable vote of no less than 75% (rounded to the nearest whole number) of the property owners, the County may create a Road Maintenance Service Unit, order such improvements, grading or maintenance to be performed and assess the cost of such services against the property abutting such roads or drainage facilities, together with all administrative costs incurred in connection therewith. The creation of the Road Maintenance Service Unit and the imposition of the assessment may be by resolution. The Board may require roads to meet minimum County standards of graded or paved roads as the case may be for the particular road. The Board may terminate the limit or agreement with the owners for cause upon reasonable notice to the property owners.

SECTION 2. PURPOSE.

The purpose of the Road Maintenance Service Unit shall be limited to the providing of minimum road improvements, grading or maintenance service necessary to allow the provision of essential services to properties adjoining the road or drainage

facility, water retention areas, and other incidental or similar services. The County shall have the right to independently contract for the provision of these services. The County may require the roads or other facilities be enhanced to minimum standards before acceptance by the County for maintenance. The County shall have the right to make or contract for emergency repairs or maintenance and collect the cost thereof from the property owners in lump sum the following year or spread over a number of years.

SECTION 3. EXEMPTIONS.

All lots or properties having as its sole access as to an existing public road shall be exempt from the requirements of this Ordinance, shall be exempt from voting and consideration of the total votes necessary, and shall be exempt from the Road Maintenance Service Unit; provided, however, owners having both public road access and legal rights to the affected private road easement shall not be exempt and shall be entitled to vote and will be subject to the assessment if the unit is approved.

SECTION 4. TERM.

The Road Maintenance Service Units, once created, shall exist until terminated by the Board.

SECTION 5. THE GOVERNING BODY.

The Board of County Commissioners of Columbia County, Florida, shall be the Governing Body of the road maintenance service units.

SECTION 6. GENERAL POWERS.

The Governing Body shall have all powers necessary or convenient to carry out the purpose of this Ordinance and such additional rights and powers as are provided by the Constitution of the State of Florida and the laws of the State of Florida.

SECTION 7. SPECIAL ASSESSMENTS.

A. The Governing Body shall have the right, power, and authority to levy special assessments against real property within such Road Maintenance Service Units to provide for the funding of the cost of the required road improvements, grading or maintenance. The method of apportionment shall be determined by the Board of County Commissioners.

B. The special assessments levied and assessed by the Governing Body shall constitute a lien upon the land so assessed, of the same dignity as all other taxes and assessments, until paid, and shall have priority over all other encumbrances. Notice of such assessments shall be filed in the public records in the manner provided by law, to provide actual and constructive notice to all present and future property owners within the area subject to the non-ad valorem assessment.

C. The special assessments may be collected through the provisions of Chapter 197, Florida Statutes, or through any other method as determined by the Board of County Commissioners. The Board may first directly bill the property owners, and if

not timely paid, then collect through the Uniform Method of Collecting Non-Ad Valorem Assessments.

SECTION 8. COLUMBIA COUNTY ROAD MAINTENANCE FUND.

Assessments collected with a Road Maintenance Service Unit for the purposes set forth herein shall be separately maintained and accounted for by the Board. All assessments imposed within the Unit shall not be expended for any purpose other than as provided in Section 2 of this Ordinance and only within the specific Unit identified by the Board.

SECTION 9. SEVERABILITY.

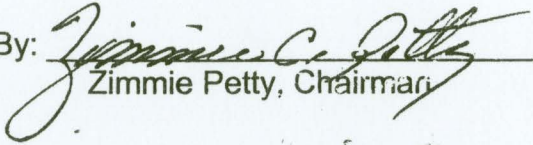
The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

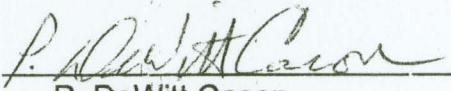
SECTION 10. EFFECTIVE DATE.

This Ordinance shall become effective as provided by laws.

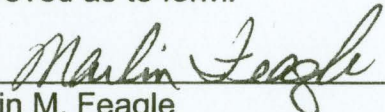
DULY PASSED AND ADOPTED in regular session of the **BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA**, this 20th day of January, 2000.

**BOARD OF COUNTY COMMISSIONERS
COLUMBIA COUNTY, FLORIDA**

By: 
Zimmie Petty, Chairwoman

ATTEST: 
P. DeWitt Cason
Clerk of Courts

Approved as to form:


Marlin M. Feagle
County Attorney