

ORDINANCE NO. 2023-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, CREATING THE OSLO PARK STREET PAVING DISTRICT MUNICIPAL SERVICE BENEFIT UNIT; PURPOSE; LEVY OF ASSESSMENT, ADOPTION OF BUDGET; DISPOSITION OF PROCEEDS FROM THE LEVY OF ASSESSMENT; AMENDING SECTION 200.11 OF CHAPTER 200, MUNICIPAL SERVICE TAXING OR BENEFIT UNIT, OF THE INDIAN RIVER COUNTY CODE OF ORDINANCES; AND PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, property owners within Oslo Park have asked the County for assistance in providing paving, and associated drainage, for their community; and

**WHEREAS**, the property owners within Oslo Park have expressed a willingness to fund the necessary improvements through a specially established Municipal Service Benefit Unit (MSBU); and

**WHEREAS**, the rough boundaries of the proposed MSBU include 11<sup>th</sup> Street SW to 13<sup>th</sup> Street SW, and 17<sup>th</sup> Avenue SW to 9<sup>th</sup> Court SW; and

**WHEREAS**, the Board finds that establishment of a Municipal Service Benefit Unit to raise funds through the equitable assessment of property owners within the Oslo Park area is the best available means of accomplishing the desired goal,

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA that:

**SECTION 1 CREATION OF MUNICIPAL SERVICE BENEFIT UNIT**

There is hereby established in Indian River County, the Oslo Park area Paving District Municipal Service Benefit Unit under the authority of, and with all those powers conferred by, the Constitution of the State of Florida and Florida Statutes 125.01(q) and 125.01(r). The real property included within the boundaries of this Municipal Service Benefit Unit and subject to all provisions hereof is described as follows:

All that certain property lying within the following described boundaries:

**OSLO PARK STREET PAVING DISTRICT LEGAL DESCRIPTION**

Being a parcel of land lying in portions of Sections 25 and 26, Township 33 South, Range 39 East, Indian River County Florida. Said parcel also including portions of the following; Plat of Indian River Farms Company, Plat Book 2, Page 25, Of the public records of St. Lucie County, Florida (now Indian River County, Florida) and the following plats as recorded in the public records of Indian River County, Florida; Oslo Park Unit No. 2, Plat

**ORDINANCE NO. 2023-\_\_\_\_\_**

Book 4, Page 13; Oslo Park Unit No. 2-A, Plat Book 4, Page 31 and Oslo Park Unit No. 2-B, Plat Book 4, Page 24. Said parcel being more particularly described as follows:

BEGINNING at the northwest corner of Lot 7, Block B, according to the plat of Boxwood Estates, as recorded in Plat Book 11, Page 84, of the public records of Indian River County, Florida; thence run Northerly to the Southeast corner of those lands as described in official records book 630, page 2318, of the public records of Indian River County, Florida. Said point also being the intersection of the westerly right-of-way line of 17th/ Avenue SW and the northerly right-of-way line of 13th/ Street SW; thence northerly along the east line of said lands (said line also being the west right-of-way line of 17th/ Avenue SW) to the northeast corner of said lands; thence run easterly to the northwest corner of Block "O", according to the aforementioned plat of Oslo Park Unit No. 2. Said point also being on the south right-of-way line of 11th/ Street SW (Nebraska Street as platted); thence run easterly along said south right-of-way line to the northeast corner of Lot 25, Block "M", according to the aforementioned plat of Oslo Park Unit 2-B; thence continue easterly to the northwest corner of those lands as described in Official Records Book 1962, Page 1101, of the public records of Indian River County, Florida; thence run easterly along the north line of said lands to the northeast corner thereof; thence run southerly along the east line of said lands, and its southerly prolongation to its intersection with the north line of those lands as described in Official Records Book 2911, Page 2421, of the public records of Indian River County, Florida; thence run easterly to the northeast corner of said lands; thence run southerly and westerly along the east and south lines of said lands to the southwest corner thereof; thence run northerly along the west line of said lands to the southeast corner of those lands as described in Official Records Book 2982, Page 2436, of the public records of Indian River County, Florida; thence run westerly along the south line of said lands to the southwest corner thereof; thence run northerly along the west line of said lands to the southeast corner of those lands as described in Official Records Book 743, Page 330, of the public records of Indian River County, Florida; thence run westerly along the south line said lands, and the south line of those lands as described in Official Records Book 2515, Page 614, of the public records of Indian River County, Florida, to the southwest corner of said lands. Said southwest corner also being on the east line of those lands as described in Official Records Book 1481, Page 2918, of the public records of Indian River County, Florida; thence run southerly and westerly along the east and south lines thereof to the southwest corner of said lands; thence run northerly along the west line of said lands, and the west line of those lands as described in Official Records Book 1670, Page 152, and Official Records Book 596, page 753, of the public records of Indian River County, Florida, to the southeast corner of a parcel of land as described in Official Records Book 667, Page 1611, of the public records of Indian River County, Florida; thence run westerly along the south line of said lands, and the westerly prolongation thereof to its intersection with the east line of a parcel of land as described in said Official records Book 667, Page 1611; thence northerly along the east line of said parcel to the northeast corner of said parcel. Said point also being the southeast corner of those lands as described in Official Records Book 938, Page 963, of the public records of Indian River County, Florida; thence run westerly along the south line of those lands as described in Official Records Book 938, page 963, and Official Records Book 1945, Page 2465 (said line also being

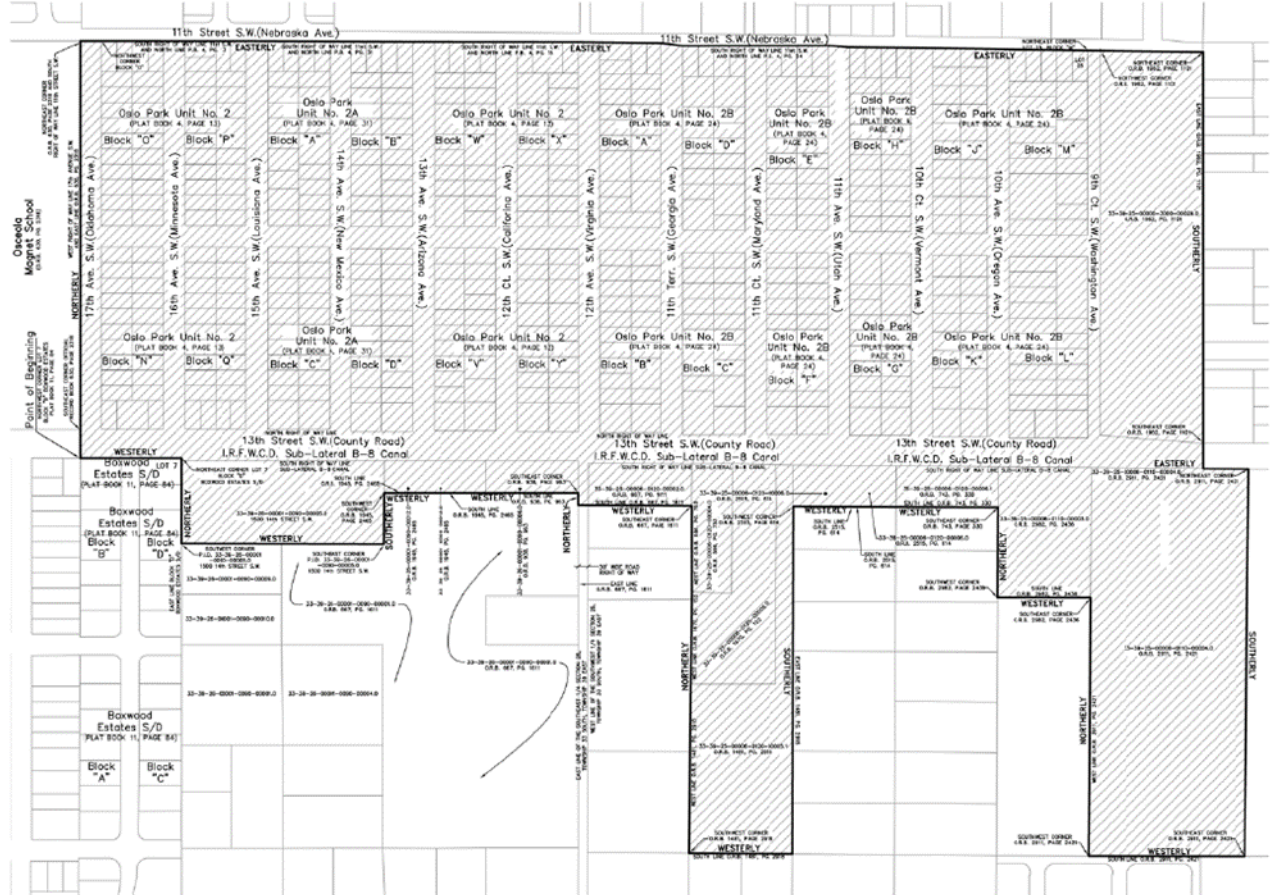
**ORDINANCE NO. 2023-\_\_\_\_\_**

north line of said lands per Official Records book 667, page 1611) to the southwest corner of those lands described in Official Records Book 1945, Page 2465; thence run southerly along the east line of, and westerly along the north line of that certain parcel of land as described in said Official records Book 667, Page 1611, and its westerly extension to a point in the east line of Block "D", according to the plat of Boxwood Estates, as recorded in Plat Book 11, Page 84, of the public records of Indian River County, Florida; thence run northerly along the east line of said Block "D" to the northeast corner of Lot 7, Block "D"; thence run westerly to the northwest corner of Lot 7, Block "B" of said plat of Boxwood Estates and the Point of Beginning.

**ALL LYING IN INDIAN RIVER COUNTY, FLORIDA.**

and as depicted below:

**OSLO PARK MUNICIPAL SERVICE BENEFIT UNIT - INDIAN RIVER COUNTY**



**SECTION 2 PURPOSE**

- A. This Municipal Service Benefit Unit is created for the purposes of funding street paving, and associated drainage, within the boundaries of the unit; and funding design, engineering and construction of those improvements deemed necessary or desirable.
- B. The Municipal Service Benefit Unit may fund all or any of the aforementioned services or improvements through either current year funding, tax anticipation or multi-year notes or bonds, provided any debt instrument or obligation made must be repayable solely from revenues collected by the Municipal Service Benefit Unit pursuant to the authority and means provided by this ordinance.

**SECTION 3 LEVY OF ASSESSMENT, ADOPTION OF BUDGET**

- A. The Board of County Commissioners hereby authorizes a levy of a non-ad valorem assessment under the authority of section 200.04, Indian River County Code in an amount determined annually based on estimated costs of providing street paving to the benefited Oslo Park area properties for the ensuing County fiscal year as defined under this ordinance for any or all of those purposes above described, on an assessment per parcel/acre.
- B. Pursuant to said authority, the Board hereby further authorizes the levying and collection of non ad valorem assessments in a uniform manner for those Municipal Service Benefit Unit expenditures which are determined to provide a reasonably uniform special benefit to all those properties within the Municipal Service Benefit Unit against which such non ad valorem assessment is made.
- C. Non ad valorem assessments authorized by this section shall be levied and a budget prepared and adopted by the County Commission at the same time and in the same manner as the Board prepares and adopts its annual budget and levies taxes as provided by law.
- D. Non ad valorem assessments authorized under this section shall be assessed, levied, collected, remitted to and accounted for at the same time and in the same manner as the assessments, levies, collection, and remittance of taxes to the General Fund by the County Commission as provided by law. The budget for this Municipal Service Benefit Unit in each year shall contain that portion of the estimated cost of providing services hereunder, including debt service, for which costs will be incurred in the given year.

**SECTION 4 DISPOSITION OF PROCEEDS FROM LEVY OF TAXES**

All funds obtained by the levy of a non ad valorem assessment on the property within the boundaries for the Oslo Park Street Paving Municipal Service Benefit Unit shall be maintained in a separate account and used solely for the purpose of providing those services set forth above.

**SECTION 5 ADOPTION OF ASSESSMENT ROLL, AMOUNT AND UNIT OF MEASUREMENT**

The Board hereby adopts the assessment roll attached to this ordinance and incorporated herein; adopts the amount of the assessment as being \$500.00 per year for twenty years; and adopts the unit of measurement for the assessment as being per lot.

**SECTION 6 AMENDMENT TO SECTION 200.11 (STREET PAVING) OF PART II (ADDITIONAL SERVICES) OF CHAPTER 200 (MUNICIPAL SERVICE TAXING OR BENEFIT UNIT)**

New language indicated by underline, and deleted language indicated by ~~strikethrough~~.

Section 200.11 (Street paving) of Part II (Additional Services) of Chapter 200 (Municipal Service Taxing Or Benefit Unit) of the Code of Indian River County, Florida is hereby amended to read as follows:

**CHAPTER 200 – MUNICIPAL SERVICE TAXING OR BENEFIT UNIT**

\* \* \*

**PART II. –ADDITIONAL SERVICES**

\* \* \*

**Section 200.11 Street paving.**

An additional service of street paving is added to a portion of Oceanside Replat, which additional service shall sunset after the fifth year of assessment.

An additional service of street paving, and associated drainage, is added to an are in Oslo Park, which shall be known as the Oslo Park Street Paving District.

\* \* \*

**SECTION 7 CODIFICATION**

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Indian River County, and that the sections of this ordinance may be renumbered or relettered, and the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

**SECTION 8 SEVERABILITY**

If any portion of this ordinance is held or declared by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance, which shall remain in full force and effect.

**SECTION 9 EFFECTIVE DATE**

The provisions of this ordinance shall become effective upon filing with the Florida Department of State.

This ordinance was advertised in the Indian River Press Journal on the 21<sup>st</sup> day of April, 2023, for a public hearing to be held on the 16<sup>th</sup> day of May, 2023, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Joseph H. Earman	_____
Vice Chairman Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Deryl Loar	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the ordinance duly passed and adopted this 16<sup>th</sup> day of May, 2023.

**BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY, FLORIDA**

By: \_\_\_\_\_  
Joseph H. Earman, Chairman

**ATTEST: Jeffrey R. Smith, Clerk  
and Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

This Ordinance was filed with the Department of State on the \_\_\_\_ day of May, 2023.