

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA CREATING THE VERO LAKE ESTATES AREA MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR THE CREATION OF THE MUNICIPAL SERVICE TAXING UNIT; PURPOSE; DETERMINATION OF COST OF SERVICE; PROPERTY OWNER ADVISORY GROUP; LEVY OF TAXES, ADOPTION OF BUDGET; DISPOSITION OF PROCEEDS FROM THE LEVY OF TAXES; INCORPORATION IN CODE; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the Vero Lake Estates Area of the County is comprised of thousands of platted homesites for which adequate roadway and drainage improvements have never existed and for which substantial upgrading is vitally necessary; and

WHEREAS, the level of services required to upgrade existing conditions to an acceptable state and to provide continual maintenance thereof greatly exceeds the ability of County forces to provide such services, when considered against general County ad valorem dollars presently generated by the properties in the area; and

WHEREAS, many residents of the Vero Lake Estates area have expressed a willingness to fund the necessary improvements through a specially established MSTU; and

WHEREAS, the Board finds that establishment of a Municipal Service Taxing Unit to fund the desired additional improvements will further the interest of the public, and property owners and residents of the Vero Lake Estates Area.

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

SECTION 1

CREATION OF MUNICIPAL SERVICE TAXING UNIT

There is hereby established in Indian River County the Vero Lake Estates Area Municipal Service Taxing 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), (r). The real property included within the boundaries of this Municipal Service Taxing Unit and subject to all provisions hereof is described as follows:

A. All that certain property lying within the following

subdivision plats on file in the Public Records of Indian River County, Florida at the Plat Book and Page Numbers indicated:

1. Vero Lake Estates Unit 1 Plat Book 4 page 41
2. Vero Lake Estates Unit 2 Plat Book 4 Page 52
3. Vero Lake Estates Unit 3 Plat Book 4 Page 59
4. Vero Lake Estates Unit 4 Plat Book 4 Page 88
5. Vero Lake Estates Unit 5A Plat Book 5 Page 3
6. Vero Lakes Estates Unit 5G Plat Book 5 Page 71
7. Vero Lake Estates Unit A Plat Book 4 Page 70
8. Vero Lake Estates Unit A, Replat-Lots 5 to 6G Plat Book 5 Page 88
9. Vero Lake Estates Unit B Plat Book 4 page 93
10. Vero Lake Estates Unit C Plat Book 5 Page 31
11. Vero Lake Estates Unit D Plat Book 5 Page 38
12. Vero Lake Estates Unit E Plat Book 5 Page 51
13. Vero Lake Estates Unit F Plat Book 5 Page 55
14. Vero Lake Estates Unit G Plat Book 5 Page 59
15. Vero Lake Estates Unit H Plat Book 5 Page 68
16. Vero Lake Estates Unit H-1 Plat Book 5 Page 92
17. Vero Lake Estates Unit H-2 Plat Book 6 Page 4
18. Vero Lake Estates Unit H-3 Plat Book 6 Page 18
19. Vero Lake Estates Unit H-4 Plat Book 6 Page 31
20. Vero Lake Estates Unit I Plat Book 5 Page 69
21. Vero Lake Estates Unit J Plat Book 5 Page 76
22. Vero Lake Estates Unit K Plat Book 5 Page 83
23. Vero Lake Estates Unit L Plat Book 5 Page 86
24. Vero Lake Estates Unit M Plat Book 5 Page 87
25. Vero Lake Estates Unit N Plat Book 6 Page 19
26. Vero Lake Estates Unit O Plat Book 6 Page 22
27. Vero Lake Estates Unit P Plat Book 6 Page 30
28. Vero Lake Estates Unit Q Plat Book 6 Page 40
29. Vero Lake Estates Unit R Plat Book 6 Page 51
30. Vero Lake Estates-Oak Lake Addition Plat Book 7 Page 26;

B. Together with all land lying in the Southwest 1/4 of the Southwest 1/4 of Section 21, together with the North 1/2

of the Northwest 1/4 of the Northwest 1/4 of Section 28, all located in Township 31 South, Range 38 East, Indian River County, Florida;

C. The South 1/2 of the Northwest 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 31 South, Range 38 East, Indian River County, Florida.

D. Commencing at the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 20, Township 31 South, Range 38 East, run South 0° 32' 37" West, along the East line of aforesaid Southwest 1/4 of the Southeast 1/4, 299.15 feet to the Point of Beginning. From the Point of Beginning, continue South 0° 32' 37" West, 1032.86 feet to the Northeast corner of the Northwest 1/4 of the Northeast quarter of Section 29, Township 31 South, Range 38 East; thence run South 0° 39' 37" West, along the East line of aforesaid Northwest 1/4 of the Northeast 1/4, 641.11 feet; thence North 89° 15' 23" West, 932.47 feet to the East right of way of Interstate Highway 95; thence following said East right of way, run North 02° 59' 28" East, 405.84 feet; thence North 08° 33' 06" East, 709.02 feet; thence North 10° 46' 50" East, 574.76 feet; thence leaving aforementioned East right of way, run South 89° 15' 23" East, 715.52 feet to the Point of Beginning. All of the above situate in Indian River County, Florida and containing 32.55 acres, more or less.

Less and except, however, from the above-described properties any and all road right of way existing of record for County Roads 510 and 512.

SECTION 2

PURPOSE

A. This Municipal Service Taxing Unit is created for the purposes of funding an analysis of the existing drainage and transportation system within the boundaries of the unit; identifi-

cation of improvements necessary to provide optimum drainage of all rights of way and of the properties within the unit; identification of thoroughfares and streets requiring improvement, both to compliment drainage improvements and to promote efficiency in transportation and roadway maintenance; funding the acquisition of easements, rights of way, or other properties necessary for the required improvements; funding the engineering, construction, and maintenance of those improvements deemed necessary or desirable; and to fund all reasonable expenses and services related to any of the foregoing activities.

B. This Municipal Service Taxing 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 Taxing Unit pursuant to the authority and means provided by this ordinance.

SECTION 3

DETERMINATION OF COST OF SERVICE--PROPERTY

OWNER ADVISORY GROUP

A. The Board of County Commissioners shall determine each year the estimated cost of providing those services or improvements contemplated within the unit boundaries for the ensuing County fiscal year.

B. In determining both the level and cost of services for any given year, the Board shall consider the recommendations of an advisory group composed of seven (7) persons who are the owners of property within the boundaries of the unit. The advisory group members shall be appointed at large upon motion of the Board of County Commissioners from a list of interested individuals or nominees. Advisory group members shall serve at the pleasure of the Board of County Commissioners. The advisory group shall adopt its own procedures for operation, but in any event, all official action taken or recommendations made shall be by affirmative vote of no less than a majority of the full membership of the group. The advisory group shall offer its recommenda-

tions in writing to the Board from time to time through the office of the Public Works Director. All advisory group activities shall be subject to the Florida Sunshine Law, Florida Statutes §286.001. The Board of County Commissioners shall have sole discretion to determine the final level of funding or services for any given fiscal year.

SECTION 4

LEVY OF TAXES, ADOPTION OF BUDGET

A. The Board of County Commissioners hereby authorizes a levy of ad valorem taxes under the authority of the second sentence of Section 9 (b) Article VII of the Constitution of the State of Florida and Florida Statutes §125.01 (g) in an amount not to exceed 2.0 mills on all real and tangible property within the Vero Lake Estates Area Municipal Service Taxing Unit as defined under this ordinance for any or all of those purposes above described.

B. Pursuant to said authority, the Board hereby further authorizes the levying and collection of service charges or special assessments in a uniform manner for those Municipal Service Taxing Unit expenditures which are determined to provide a reasonably uniform special benefit to all those properties within the taxing unit against which such service charge or special assessment is made.

C. Service charges, special assessments, and ad valorem taxes 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. All service charges, special assessments, and ad valorem taxes 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 taxing 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 5

DISPOSITION OF PROCEEDS FROM LEVY OF TAXES

All funds obtained by the levy of a tax on the real and tangible property within the boundaries of the Vero Lake Estates Municipal Service Taxing Unit shall be maintained in a separate account and used solely for the purpose of providing those services set forth above.

SECTION 6

INCORPORATION IN CODE

The provisions of this ordinance shall be incorporated into the Code of Laws and Ordinances of Indian River County and the word "ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such purpose.

SECTION 7

SEVERABILITY

If any section, subsection, sentence, part thereof, paragraph, phrase, or word of this ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions of this ordinance, and it shall be construed to have been the legislative intent to pass the ordinance without such unconstitutional, invalid or inoperative

SECTION 8

EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt from the Florida Secretary of State of official acknowledgment that this ordinance has been filed with the Department of State.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 21st day of November, 1984.

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY, FLORIDA

By Don C. Scurlock, Jr.
DON C. SCURLOCK, JR.
Chairman

Acknowledgment by the Department of State of the State of Florida
this 3rd day of December, 1984.

Regarding Effective Date: Acknowledgment from the Department of
State received on this 6th day of December, 1984, at
11:00 A.M./P.M. and filed in the Office of the Clerk of the
Board of County Commissioners of Indian River County, Florida.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.

By *[Signature]*
County Attorney

ATTEST

By: *Freda Wright*
Freda Wright, Clerk of
Circuit Court