

ORDINANCE NO. 2010-6

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA; RELATING TO RULES FOR THE PROVISION OF MAIN EXTENSIONS FOR WATER, WASTEWATER AND RECLAIMED WATER SERVICES AND FACILITIES; AUTHORIZING THE IMPOSITION AND COLLECTION OF MAIN EXTENSION PARCEL CONTRIBUTIONS INCLUDING MAIN EXTENSION SPECIAL ASSESSMENTS AGAINST PROPERTY; PROVIDING FOR DEFINITIONS; ESTABLISHING A PROCEDURE FOR IMPOSING MAIN EXTENSION SPECIAL ASSESSMENTS; PROVIDING THAT MAIN EXTENSION SPECIAL ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT RESOLUTION; PROVIDING THAT THE LIEN FOR A MAIN EXTENSION SPECIAL ASSESSMENT SHALL ATTACH TO THE PROPERTY ON THE DATE OF THE ADOPTION OF AN ASSESSMENT RESOLUTION; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA:

ARTICLE I

INTRODUCTION

SECTION 1. INTENT. It is the intent of the County to establish procedures to facilitate the orderly expansion of the County's water and wastewater systems, including a reclaimed water system, and provide alternatives for funding such expansion by those benefiting thereby. Where there are no existing Mains or other facilities available to provide water, wastewater or reclaimed water service to a Developer's property located within or outside of the County's boundaries, the County

may authorize, pursuant to the provisions of this Ordinance, an extension of a County Main and construction of other facilities as may be necessary to provide service provided that the Developer has first filed an application for service and entered into a Developer's Agreement or Refundable Advance Agreement with the County, as may be required by the County.

SECTION 2. DEFINITIONS. As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

"Assessable Costs" means the total cost of the Off-Site Facilities assessed to Benefited Parcels, plus costs incurred by the County in the structure, imposition, collection, and enforcement of the Main Extension Special Assessments.

"Assessment Resolution" means the resolution adopted by the County imposing a Main Extension Special Assessment and adopted in conformity with Article IV of this Ordinance.

"Benefited Parcels" means all Tax Parcels that are benefited by the provision of potential utility access from the construction of the Off-Site Facilities as provided in the Refundable Advance Agreement other than Tax Parcels owned by the Developer that is a party to such Agreement.

"Board of County Commissioners" means the Board of County Commissioners of Columbia County, Florida.

"County" shall mean Columbia County, Florida.

"Developer" means any individual, partnership, corporation, owner, subdivider, or any other entity who proposes or undertakes the construction of water, wastewater or

reclaimed water facilities to provide service for any property or properties, area, development or subdivision in which the water, wastewater or reclaimed water facilities are to be extended from, connected to or ultimately become part of the water, wastewater or reclaimed water system of the County.

"Developer's Agreement" means a written agreement setting forth in detail the terms and conditions under which the County will render services to a Developer's property.

"Main" means a water, wastewater, or reclaimed water pipe, conduit or facility which conveys utility service to individual service lines or to other Mains.

"Main Extension Capacity Fee" means a charge other than a Main Extension Special Assessment as may be identified in a Refundable Advance Agreement and calculated in the manner provided in such Agreement or otherwise established by the Board of County Commissioners.

"Main Extension Parcel Contribution" means the prorata share of the cost of the Off-Site Facilities attributable to each Benefited Parcel determined under the method of apportionment adopted by the County or as may be established in the Assessment Resolution or by the method of calculation of the Main Extension Capacity Fee provided in the applicable Developer Agreement or Refundable Advance Agreement.

"Main Extension Special Assessment" means a special assessment levied and imposed by the County on Benefited Parcels to recover Assessable Costs and which may be refunded to a Developer pursuant to a Refundable Advance Agreement.

"Main Extension Special Assessment Area" means those Tax Parcels identified by the County as benefiting from the construction of Off-Site Facilities which permit the County to provide water, wastewater or reclaimed water service to such parcels.

"Off-Site Facilities" means the water transmission and distribution Mains and facilities to be constructed either to provide water service, including reclaimed water service, or to collect wastewater from properties served or to be served by the County and which may be described in a Refundable Advance Agreement, including, but not limited to, (a) wells, storage and pumping facilities and the wastewater collection trunk Mains and facilities; (b) manholes, wastewater force Mains, lift stations, and reclaimed water Mains; and (c) storage and pumping facilities, the purpose of which are either to provide water service, including reclaimed water service, to properties or to collect wastewater received from properties served or to be served by the County.

"On-Site Facilities" means the portion of the water treatment and distribution system, the wastewater collection and treatment system or the reclaimed water system that has been, or is to be, located wholly within the property to which service is to be extended, excluding water service lines located downstream of the County's meter and wastewater collection lines and reclaimed water lines located on individual lots and not conveyed to the County.

"Refundable Advance" means property transferred to the County by a Developer in order to receive water, wastewater or reclaimed water service. The advance is made so that the proposed extension may be rendered economically feasible and so that service may be obtained from the County by the Developer. As

Benefited Parcels connect to the water, wastewater or reclaimed water system, portions of the advance, without interest, may be returned to the Developer over a specified period of time in accordance with a Refundable Advance Agreement. In no event shall a Developer recover an amount greater than the difference between the cost of Off-Site Facilities transferred to the County and the Developer's own proportionate share of such costs, without interest, as determined by the County.

"Refundable Advance Agreement" or **"Agreement"** means a Developer's Agreement containing a provision by which the County agrees to repay the Developer for a portion of Off-Site Facilities constructed by Developer and transferred to the County in the manner set forth in such agreement. In no event shall a Developer recover an amount greater than the difference between the cost of Off-Site Facilities transferred to the County and the Developer's own proportionate share of such costs, without interest, as determined by the County.

"Tax Parcel" means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Water Equivalent Residential Connection" or **"Water ERC"** means (a) 350 gallons per day, (b) the number of gallons the County demonstrates is the average daily flow for a single residential unit, or (c) the number of gallons which has been approved by the Department of Environmental Protection for a single residential unit.

"Wastewater Equivalent Residential Connection" or **"Wastewater ERC"** means (a) 350 gallons per day, (b) the number of gallons the County demonstrates is the average daily flow for a single residential unit, or (c) the number of gallons which

has been approved by the Department of Environmental Protection for a single residential unit.

SECTION 3. GENERAL FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, section 1, Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to perform county functions and to render county services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of County ordinances.

(B) The purpose of this Ordinance is to: (1) provide procedures and standards for the imposition of Main Extension Parcel Contributions under the general home rule powers of a county and specifically to authorize the imposition of Main Extension Special Assessments; (2) authorize a procedure for the funding of water, wastewater and reclaimed water services, facilities, or programs providing special benefits to property through Main Extension Parcel Contributions and specifically through Main Extension Special Assessments; and (3) legislatively determine the special benefit provided to Benefited Parcels from the provision of water, wastewater and reclaimed water services by the County.

SECTION 4. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT. It is hereby ascertained and declared that the water, wastewater and reclaimed water services and facilities comprising the Assessable Costs provide a special benefit to property because water, wastewater and reclaimed water services and facilities possess a logical relationship to the use and enjoyment of improved property by: (1)

facilitating the development of property and increasing the use and enjoyment thereof; (2) positively affecting the marketability and market value of the property by the presence of central water treatment and supply, and central sewage collection, treatment and disposal including the provision of reclaimed water services; (3) providing safe and sufficient supplies of water for improved property; (4) properly and safely disposing of sewage generated from improved property; and (5) enhancing improved property through the environmentally responsible use and enjoyment of the property.

ARTICLE II

MAIN EXTENSION RULES

SECTION 5. DECLARATION OF MAIN EXTENSION RULES. Whenever an extension to water, wastewater or reclaimed water Mains is required to provide service to a Developer's property and the Board of County Commissioners makes a determination that the Off-Site Facilities are to be advance funded by the Developer as a condition of development approval, the Main extension shall be constructed by the Developer in accordance with the rules and procedures provided in this Ordinance.

SECTION 6. CONDITIONS FOR APPROVAL OF REFUNDABLE ADVANCE AGREEMENT.

(A) The County shall consider the approval of a Refundable Advance Agreement at the time of the Developer's request for service as a special funding arrangement available within its discretion to defray the cost of any Off-Site Facilities necessary to provide service to the Developer's property under the following circumstances:

(1) the Main extension and other Off-Site Facilities will enable the County to serve properties in addition to the Developer's property;

(2) the County determines that an extension to the Developer's property is economically justified or is appropriate to improve system reliability or efficiency;

(3) the location, size or proposed density of the Developer's property make adequacy of service to such property dependent upon the construction of Off-Site Facilities which will also benefit future customers of the County;

(4) the County believes it is prudent to expedite the installation of Off-Site Facilities based on flows expected from the Developer's property and adjacent properties;

(5) the County has plans for Mains or Off-Site Facilities that are larger than necessary to serve the Developer's property and the County requires that the Off-Site Facilities be oversized to enable service to be provided to such additional territory;
or

(6) such other facts exist which render it fair and reasonable for the County and the Developer to enter a Refundable Advance Agreement within the discretion of the Board of County Commissioners.

(B) *Basis of Refundable Advance.* The amount of the Refundable Advance will be based on the actual cost of the Off-Site Facilities less the Developer's proportionate share of such costs. No interest shall accrue to the Developer on any Refundable Advance at any time.

(C) *Limits on refund.* Notwithstanding any other provisions of this Ordinance, the term of the Refundable Advance Agreement shall be as provided in the Agreement and such term shall not exceed five (5) years, after which time no further refund shall be made to the Developer. Main Extension Special Assessments or Main Extension Capacity Fees which may be collected by the County after expiration of a Refundable Advance Agreement will be retained by the County and such Refundable Advance Agreement will be canceled. In no event shall a Developer recover an amount greater than the difference between the cost of Off-Site Facilities transferred to the County and the Developer's own proportionate share of such costs, as determined by the County. Any Main Extension Special Assessments or Main Extension Capacity Fees collected by the County and not refunded to a Developer pursuant to a Refundable Advance Agreement shall be placed in a separate capital improvement fund and shall be used for the construction, acquisition, addition, extension, renewal and replacement to water, wastewater and reclaimed water facilities of the County, as appropriated from time to time by the Board of County Commissioners, or for such other utility purpose as may be approved by the Commission, provided also that the earnings of the sums placed into such fund also shall be retained in the fund. If funds are collected by the County through a Main Extension Special Assessment, such funds, and earnings thereon, shall be used to construct, acquire, add, extend, renew or replace water, wastewater or reclaimed water facilities providing a benefit to Benefited Parcels or for such other utility purpose as may be approved by the Commission.

SECTION 7. APPLICATION FOR MAIN EXTENSIONS. The Developer shall submit to the County an application for service containing information regarding

the specific Main extension and other On-Site Facilities and Off-Site Facilities to be constructed by the Developer. The application shall include, at a minimum, the following information, if applicable:

(A) A legal description of the property to be served including reference to section, township and range.

(B) A drawing of the property showing its boundaries.

(C) The present zoning classification of the property.

(D) A plat map.

(E) Three sets of a site and utility plan (and floor plan for commercial developments).

(F) The intended land use of the development, including densities and types of use.

(G) The name and address of the person or entity making the application for service.

(H) The nature of the Developer's title to or interest in the described property.

(I) Estimated number of Water Equivalent Residential Connections and Wastewater Equivalent Residential Connections to be served by the proposed Main extension.

(J) The date, or estimated date, that service will be needed.

(K) An identification by maps, engineering drawings, plans or list of projected project elements of the Off-Site Facilities and On-Site Facilities proposed to be constructed by the Developer.

SECTION 8. RULES FOR EXTENDING MAINS TO DEVELOPER. The extension of a Main or construction of other facilities determined by the County to be necessary to provide service shall be constructed by Developer and may be constructed pursuant to the terms and conditions of a Developer Agreement or Refundable Advance Agreement. The Developer shall design, permit, construct, install and pay for the required Main extension and other On-Site and Off-Site Facilities. All Developer Agreements or Refundable Advance Agreements are subject to the approval of the County at the discretion of the Board of County Commissioners and shall be proposed in accordance with the following:

(A) The Developer shall be responsible for the planning, design, permitting, and development of construction drawings needed to serve the proposed development. All designs and construction shall be in accordance with the requirements set forth in the County's Water and Wastewater Technical Manual. By way of further explanation, the Developer will be responsible for the following:

(1) *Design of new facilities.* The Developer will retain the services of a registered professional engineer to prepare all plans and specifications for On-Site Facilities and Off-Site Facilities necessary to connect to the County's system at points designated by the County. The plans and specifications must be reviewed and approved by the County prior to submission to any regulatory agency. The Developer also shall reimburse the County for all costs associated with the performance of these reviews. Main extensions shall be extended across the full property frontage to facilitate future connections and extensions.

(2) *Approvals and permits.* The Developer shall be required to obtain all necessary approvals and permits for construction of the On-Site Facilities and Off-Site Facilities from the appropriate regulatory agencies.

(3) *Construction of facilities.* The Developer will, at its own expense, construct and install all On-Site Facilities and Off-Site Facilities in accordance with the plans and specifications as approved by the County. Additionally, the Developer shall be responsible for certifying to the appropriate regulatory agency that the On-Site Facilities and Off-Site Facilities have been installed and tested in accordance with the plans and specifications prepared by the engineer for Developer and approved by the County.

(4) *Warranty on workmanship.* The Developer shall warrant all On-Site Facilities and Off-Site Facilities against defect in materials and workmanship for a period of one year and 30 days from the date of acceptance of the On-Site Facilities and Off-Site Facilities by the County.

(5) *Inspection of facilities.* The County shall have the right to inspect the construction of all Developer facilities including On-Site Facilities and Off-Site Facilities. Additionally, within sixty (60) days after the completion, certification and conveyance to the County of the On-Site Facilities and Off-Site Facilities, the County may perform an inspection of the On-Site Facilities and Off-Site Facilities to ensure compliance with the plans and specifications previously approved by the County and the County's Water and Wastewater Technical Manual. The Developer shall complete any changes required by the County to achieve such compliance, at the Developer's

cost. The Developer also shall reimburse the County for all costs associated with the performance of these inspections.

(6) *Conditions precedent to acceptance of title.* Prior to a letter of acceptance of title to the On-Site Facilities and Off-Site Facilities being issued by the County, and before the County shall accept the responsibility for operation and maintenance of the On-Site Facilities and Off-Site Facilities, the Developer shall provide, without charge to the County, the following information:

(a) Cost Report - which shall detail, as provided for under Generally Accepted Accounting Principles as pronounced by the Governmental Accounting Standards Board, all costs incurred in the construction of the On-Site Facilities and Off-Site Facilities, including engineering, inspection, and administrative costs and which specifically shall include, but not be limited to, a breakdown of costs by pipe size and utility service, indicating pipe size, pipe type, installed footage and cost;

(b) "As-Built-Plans" - such plans shall be signed and sealed by a professional engineer (three signed paper copies), provided in electronic format using the latest version of AutoCad then available as well as a copy on 24"x36" Mylar, must show precise location of all lines and appurtenances tied to 1988 state plane coordinates and be consistent with the As-Built requirements set forth in the County's Water and Wastewater Technical Manual;

(c) Easements - as required;

(d) Contractor's waiver and release of lien;

(e) Contractor's letter of warranty or Developer's contract bond;

(f) Bill of Sale; and

(g) All required fees and charges.

(7) Conveyance of title. Developer shall convey title to the On-Site Facilities and Off-Site Facilities to the County immediately upon issuance of the County's letter of acceptance of such facilities.

ARTICLE III

COLLECTION OF A CHARGE, FEE OR SPECIAL ASSESSMENT FROM BENEFITED PARCELS

SECTION 9. MAIN EXTENSION CHARGE, FEE OR SPECIAL ASSESSMENT. In areas where Off-Site Facilities are installed, the County shall have the right and power to charge Benefited Parcels a Main Extension Special Assessment or a Main Extension Capacity Fee as a condition to the issuance of a building permit as provided in Sections 12 or 13 of this Ordinance, whichever section is applicable. The Main Extension Special Assessment or the Main Extension Capacity Fee shall be in addition to any other fee or charge collected by the County. Upon collection, the Main Extension Special Assessment or the Main Extension Capacity Fee shall be disbursed in the manner provided in the Developer Agreement or Refundable Advance Agreement.

ARTICLE IV

IMPOSITION AND COLLECTION OF MAIN EXTENSION SPECIAL ASSESSMENT OR MAIN EXTENSION CAPACITY FEE

SECTION 10. SPECIAL ASSESSMENT OPTION. At the option of the County, the mechanism to provide payment of a Main Extension Parcel Contribution

imposed against Benefited Parcels may be the imposition of a Main Extension Special Assessment. The election of such assessment collection option shall be documented by the adoption by the County of an Assessment Resolution providing: (1) a description of the Main Extension Special Assessment Area by a listing or enumeration of the Tax Parcels found to be benefited by the On-Site Facilities; (2) a description of the Off-Site Facilities to be constructed and the Assessable Costs of such facilities; (3) a reference to the applicable Refundable Advance Agreement, if any; (4) the method of apportionment of the Assessable Costs among the Benefited Parcels within each Main Extension Special Assessment Area which method of apportionment may include: (a) a division of the area of a Benefited Parcel by the total area of all Benefited Parcels within the Main Extension Special Assessment Area and multiplying the product by the Assessable Costs; (b) a division of the projected Water or Wastewater ERCs projected for each Benefited Parcel by the total Water or Wastewater ERCs to be served by the proposed Main extension and multiplying the product by the Assessable Costs; or (c) any other method of apportionment approved by the County; (5) approval of a Main Extension Special Assessment Roll containing: (a) a listing of all Benefited Parcels to be assessed a Main Extension Special Assessment within each Main Extension Special Assessment Area; and (b) the amount of the Main Extension Special Assessment imposed against each Benefited Parcel; and (6) approval of the form of the final Main Extension Assessment Notice to be recorded in the official records of the County, which notice form shall contain: (a) a legal description of the Benefited Parcel included on the Main Extension Special Assessment Roll and the tax identification number contained and assigned in the real property assessment roll maintained by the County Property

Appraiser; (b) the amount of the Main Extension Special Assessment imposed against each Benefited Parcel; (c) a reference to the applicable Assessment Resolution; (d) a reference to the applicable Refundable Advance Agreement, if any; and (e) a statement that the payment of the Main Extension Special Assessment is a condition to the platting of property, issuance of a building permit requiring connection to the utility system or the date of actual connection to the County's utility system, whichever event occurs first.

SECTION 11. NOTICE OF ADOPTION OF THE ASSESSMENT RESOLUTION. The Assessment Resolution imposing a Main Extension Special Assessment as a method of collection of a Main Extension Parcel Contribution shall be adopted at a public hearing. At least twenty (20) days prior to the public hearing, a notice of the time, date and place of the public hearing shall be published and the notice shall generally describe the Off-Site Facilities to be constructed, the estimated Assessable Costs and a geographic description of the Main Extension Special Assessment Area. In lieu of the publication of such notice, an individual notice of the public hearing to be held to adopt the Assessment Resolution may be provided by first class United States mail to the owner of each Benefited Parcel as reflected on the real property assessment roll maintained by the County Property Appraiser, which notice shall contain the information required to be included in the Main Extension Assessment Notice as set forth in Section 10 of this Ordinance.

SECTION 12. PAYMENT OF MAIN EXTENSION SPECIAL ASSESSMENT AS A CONDITION OF THE PLATTING OF PROPERTY, THE ISSUANCE OF A BUILDING PERMIT OR CONNECTION TO THE COUNTY'S

WASTEWATER FACILITIES. Payment of the Main Extension Special Assessment imposed against any Benefited Parcel shall be a condition to the platting of property, the issuance of a building permit requiring connection of the Benefited Parcel to the County's utility system or the date of actual connection to the County's utility system, whichever event occurs first.

SECTION 13. PAYMENT OF MAIN EXTENSION CAPACITY FEE OR FEE AS A CONDITION OF THE ISSUANCE OF A BUILDING PERMIT. In the event the payment of a Main Extension Capacity Fee or other fee is selected by the County as the mechanism for payment by Benefited Parcels of a Main Extension Parcel Contribution, prorated share of the cost of Off-Site Facilities, payment of such Main Extension Capacity Fee shall be a condition to the platting of property, the issuance of a building permit requiring connection of the Benefited Parcel to the County's utility system or the date of actual connection to the County utility system, whichever event occurs first.

SECTION 14. ALLOCATION OF MAIN EXTENSION SPECIAL ASSESSMENTS UPON SUBDIVISION.

(A) In the event any Benefited Parcel that is subject to a Main Extension Special Assessment is subsequently subdivided, the Main Extension Special Assessment shall be reallocated among the subdivision parcels upon application of the owner of the Benefited Parcel to the County requesting the reallocation which application shall contain the following: (1) a recorded plat, approved site plan or comparable document sufficient in detail to describe adequately the location of the original Benefited Parcel and the new individual parcels within the Benefited Parcel and

the acreage of each parcel in the proposed subdivision and (2) proof that the County Property Appraiser has assigned distinct ad valorem property tax identification numbers to each individual subdivided parcel or committed in writing to assign such numbers prior to the next ensuing August 1 or any later date approved by the County.

(B) Upon such application, the County by resolution shall take all necessary steps to reallocate the Main Extension Special Assessment to each subdivided Tax Parcel within the original Benefited Parcel following the same allocation method used in the initial Assessment Resolution and, as nearly as practicable, the provisions for notice, recording of notice and other provisions of this Ordinance as may apply to Main Extension Special Assessments.

SECTION 15. LIEN OF MAIN EXTENSION SPECIAL ASSESSMENTS.

All Main Extension Special Assessments shall constitute a lien against Benefited Parcels equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a Main Extension Special Assessment shall be deemed perfected upon the Commission's adoption of the Assessment Resolution. The lien for a Main Extension Special Assessment shall attach to the Benefited Parcel on the date of adoption of the Assessment Resolution.

SECTION 16. REVISIONS TO MAIN EXTENSION SPECIAL ASSESSMENTS. If any Main Extension Special Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the Commission is satisfied that any such Main

Extension Special Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Commission has failed to include or omitted any Benefited Parcel which property should have been included in the Main Extension Special Assessment Area, or if circumstances change concerning a Benefited Parcel such that the Main Extension Parcel Contribution of a Benefited Parcel should be changed, the Commission may take all necessary steps to impose a new Main Extension Special Assessment against such Benefited Parcel, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Main Extension Special Assessment is annulled, vacated, or set aside, the Commission may obtain and impose other Main Extension Special Assessments until a valid Main Extension Special Assessment is imposed.

SECTION 17. PROCEDURAL IRREGULARITIES. Any informality or irregularity in the proceedings in connection with the levy of any Main Extension Special Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Main Extension Special Assessment as finally approved shall be competent and sufficient evidence that such Main Extension Special Assessment was duly levied, that the Main Extension Special Assessment was duly made and adopted, and that all other proceedings adequate to such Main Extension Special Assessment were duly had, taken, and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

SECTION 18. CORRECTION OF ERRORS AND OMISSIONS. When it appears that any Main Extension Special Assessment should have been imposed under

this Ordinance against a parcel of property specially benefited by the provision of water, wastewater or reclaimed water services, facilities, or programs, but that such property was omitted from the Assessment Resolution; or such property was erroneously assessed; or was not listed on the Tax Roll as an individual parcel of property as of the effective date of the Assessment Resolution, the Commission may, upon provision of a notice by mail provided to the Owner of the omitted or erroneously assessed parcel, impose the applicable Main Extension Special Assessment.

ARTICLE V

GENERAL PROVISIONS

SECTION 19. SEVERABILITY. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 20. DEVELOPER OBLIGATIONS. Nothing contained in this Ordinance shall affect or alter the obligations of a Developer to construct and convey to the County any On-Site Facilities as a condition of development approval in such manner as may be required by applicable County ordinances, policies or rules including, but not limited to, the County's Water and Wastewater Technical Manual.

SECTION 21. EFFECTIVE DATE AND APPLICABILITY. This Ordinance shall take effect on July 20, _____, 2010, or upon filing with the Secretary of State, whichever occurs later. Except as specifically provided otherwise herein, this

Ordinance shall supersede all other ordinances of Columbia County to the extent such other ordinances are in conflict herewith.

DULY ADOPTED THIS 20th DAY OF July, 2010.

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



Ronald W. Williams
Chair

ATTEST:

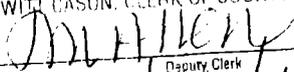

Clerk

Approved as to form and correctness:


Marlin M. Feagle
County Attorney

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STATE OF FLORIDA, COUNTY OF COLUMBIA
I HEREBY CERTIFY that the above and foregoing
is a true copy of the original filed in this office.
P. DEWITT GASON, CLERK OF COURTS

By 
Deputy Clerk

Date 7/26/10

