

ORDINANCE NO. 94-17

AN ORDINANCE PROVIDING FOR A PLAN FOR THE TRANSFER OF ALL COMMUNITY DEVELOPMENT SERVICES FROM THE SILVERTHORN COMMUNITY DEVELOPMENT DISTRICT TO HERNANDO COUNTY; MAKING FINDINGS REGARDING HERNANDO COUNTY'S ABILITY TO PROVIDE THE SERVICES BEING TRANSFERRED TO IT; MAKING A FINDING REGARDING THE ABSENCE OF DEBTS OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Silverthorn Community Development District (the "District") was established in accordance with the provisions of Chapter 190 Florida Statutes by the Board of County Commissioners of Hernando County (the "County") pursuant to its Ordinance No. 90-15; and

WHEREAS, the District is currently inactive and not providing any of its authorized community development services; and

WHEREAS, the District has no outstanding debts related to any of its authorized community development services; and

WHEREAS,, the Board of Supervisors of the District have requested that the County accept the transfer to it of all community development services which the District is authorized to provide in order that the District may be terminated; and

WHEREAS, the County finds that it can provide the services transferred to it as efficiently as the District, at a level equal to or higher than the level of quality actually delivered by the District and at a charge equal to or lower than the actual charges imposed by the District.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Hernando County this 20th day of December, 1994 as follows:

SECTION 1. That there is hereby created a plan for the transfer of all community development services which the District is authorized to provide to Hernando County immediately upon the effective date of this Ordinance; provided however, that nothing in this ordinance shall be construed to imply that the County has any obligation to provide such services to property owners or service users within the District on any basis other than as is otherwise available to all property owners and residents in Hernando County. Accordingly, by way of illustration and not limitation, the following will address how certain specific services will be provided:

(a) Streetlights -- Streetlights will be provided by Silverthorn/Hernando Homeowner's Association, Inc., established by virtue of the Articles of Incorporation filed with the Florida Department of State on June 30, 1994 and assigned Document Number N94000003262, (the "Association")

unless the County in its discretion subsequently authorizes the delegation of this responsibility to a municipal service taxing or benefit unit which the County may subsequently establish.

(b) Drainage -- Common stormwater drainage facilities will be maintained by the Homeowner's Association.

(c) Private streets -- All public streets not dedicated to the County will be maintained by the Homeowner's Association.

(d) Open Space -- All common open space, including street medians, subdivision entrance features, perimeter walls or perimeter fences will be maintained by the Association.

Attached to this Ordinance as Exhibit "A", is an executed copy of the consent to, and acknowledgement of, the above-referenced responsibilities and obligations by the Association.

SECTION 2. This Ordinance and plan of transfer shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

SECTION 3. That if any section, sub-section, sentence, clause, provision or other part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be effected thereby, but shall remain in full force and effect.

ADOPTED by the Hernando County Board of County Commissioners this 20th day of December, 1994.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: 
JUNE ESTER, CHAIRMAN

ATTEST:


Karen Nicolai, Clerk



CONSENT AND ACKNOWLEDGEMENT

Silverthorn/Hernando Homeowners Association, Inc. hereby consents to and acknowledges its obligation to provide within the area presently constituting the Silverthorn Community Development District (the "District"):

- 1. Streetlights;
- 2. Maintenance of all common stormwater drainage facilities;
- 3. Maintenance of all public streets not dedicated to Hernando County;
- 4. Maintenance of all common area open space, including street medians, subdivision entrance features, perimeter walls and perimeter fences.

Silverthorn/Hernando Homeowners Association, Inc. expressly acknowledges that the Board of County Commissioners of Hernando County is relying on this Consent and Acknowledgement in adopting a plan for the transfer of the District's community development services.

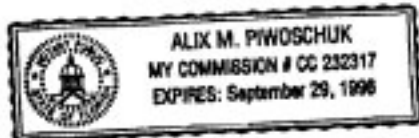
Executed this 31st day of October, 1994.

SILVERTHORN/HERNANDO HOMEOWNERS ASSOCIATION, INC.

By: [Signature]
David M. Felice, President

STATE OF FLORIDA
COUNTY OF pasco

Before me, the undersigned authority, personally appeared on this 31st day of October, 1994, David M. Felice in his capacity as President and on behalf of Silverthorn/Hernando Homeowners Association, Inc., who being personally known to me, and who did acknowledge to me that he executed this Consent and Acknowledgement for the sole purposes specifically expressed herein.



[Signature]
NOTARY PUBLIC, State of Florida
at Large

Alix M. Piwoschuk
Print Name Above

My Commission Expires: 9/29/96

DESCRIPTION: A parcel of land lying in Sections 2, 10, and 11, Township 23 South, Range 18 East, Hernando County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of the Southwest 1/4 of said Section 2, run thence along the West boundary of said Southwest 1/4 of Section 2, the following two (2) courses: 1) N.00°22'16"E., 1323.29 feet; 2) N.00°15'00"E., 1322.88 feet; thence along the North boundary of said Southwest 1/4 of Section 2, the following two (2) courses: 1) S.89°55'01"E., 1321.47 feet; 2) S.89°45'48"E., 1323.16 feet; thence along the East boundary of said Southwest 1/4 of Section 2, also being the West boundary of POTTERFIELD GARDEN ACRES SECTION J-J-J, according to the map or plat thereof as recorded in Plat Book 5, Page 81, Public Records of Hernando County, Florida, the following two (2) courses: 1) S.00°20'32"W., 1316.52 feet; 2) S.00°22'33"W., 1316.64 feet; thence along the South boundary of said Southwest 1/4 of Section 2, also being the North boundary of SILVER HILLS, according to the map or plat thereof as recorded in Plat Book 4, Page 8, Public Records of Hernando County, Florida, S.89°52'10"W., 1321.98 feet; thence along the West boundary of said SILVER HILLS, also being the East boundary of the West 1/2 of the Northwest 1/4 of the aforesaid Section 11, S.00°13'39"W., 1323.72 feet; thence along the Westerly and Southerly boundaries of OAK WOOD ACRES, according to the map or plat thereof as recorded in Plat Book 15, Pages 98-103, Public Records of Hernando County, Florida, the following three courses: 1) continue along said East boundary of the West 1/2 of the Northwest 1/4 of Section 11, S.00°15'37"W., 1323.78 feet; 2) along the North boundary of the East 1/2 of the Southwest 1/4 of said Section 11, S.89°45'26"E., 1320.62 feet; 3) along the East boundary of said Southwest 1/4 of Section 11, S.00°17'38"W., 1322.28 feet; thence continue along said East boundary of the Southwest 1/4 of Section 11, S.00°36'48"W., 1212.78 feet; thence along a line lying 110.00 feet North of and parallel with the South boundary of said Section 11, N.89°48'16"W., 1977.90 feet; thence N.00°23'06"E., 121.14 feet; thence N.89°36'54"W., 667.27 feet to a point on a curve; thence Northwestwardly, 64.59 feet along the arc of a curve to the left having a radius of 475.00 feet and a central angle of 07°47'27" (chord bearing N.14°56'13"W., 64.54 feet) to a point of tangency; thence N.18°49'56"W., 225.01 feet to a point of curvature; thence Northwestwardly, 39.27 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N.63°49'56"W., 35.36 feet) to a point of tangency; thence S.71°10'04"W., 137.45 feet to a point of curvature; thence Southwestwardly, 175.43 feet along the arc of a curve to the right having a radius of 525.00 feet and a central angle of 19°08'42" (chord bearing S.80°44'25"W., 174.61 feet) to a point of tangency; thence N.89°41'14"W., 199.66 feet to a point of curvature; thence Northwestwardly, 149.59 feet along the arc of a curve to the right having a radius of 225.00 feet and a central angle of 38°05'34" (chord bearing N.70°38'27"W., 146.85 feet) to a point of compound curvature; thence Northwestwardly, 82.65 feet along the arc of a curve to the right having a radius of 850.00 feet and a central angle of 05°34'15" (chord bearing N.48°48'33"W., 82.61 feet); thence S.43°58'35"W., 185.55 feet to a point on a curve; thence Northwestwardly, 55.59 feet along the arc of a curve to the left having a radius of 1050.00 feet and a central angle of 03°00'18" (chord bearing N.29°46'40"W., 55.59 feet) to a point of tangency; thence N.31°16'49"W., 207.97 feet to a point of curvature; thence Northwestwardly, 550.16 feet along the arc of a curve to the right having a radius of 1000.00 feet and a central angle of 31°31'18" (chord bearing N.15°31'10"W., 543.24 feet) to a point of tangency; thence along a line lying 80.00 feet East of and parallel with the West boundary of the East 1/2 of the Southeast 1/4 of the aforesaid Section 10, N.00°14'29"E., 807.30 feet; thence N.03°20'55"E., 295.17 feet; thence along a line lying 96.00 feet East of and parallel with the aforesaid West boundary of the East 1/2 of the Southeast 1/4 of Section 10, N.00°14'29"E., 174.92 feet to a point on the North boundary of said East 1/2 of the Southeast 1/4 of Section 10; thence along said North boundary, N.89°55'01"W., 12.00 feet; thence along a line lying 84.00 feet East of and parallel with the West boundary of the East 1/2 of the Northeast 1/4 of said Section 10, N.00°11'31"E., 329.08 feet; thence N.00°57'14"W., 200.04 feet; thence along a line lying 80.00 feet East of and parallel with the aforesaid West boundary of the East 1/2 of the Northeast 1/4 of said Section 10, N.00°11'31"E., 1101.74 feet to a point of curvature; thence Northwestwardly, 447.85 feet along the arc of a curve to the left having a radius of 1240.00 feet and a central angle of 20°41'37" (chord bearing N.10°09'17"W., 445.42 feet) to a point on said West boundary of the East 1/2 of the Northeast 1/4 of Section 10, thence along said West boundary, N.00°11'31"E., 567.14 feet; thence along the North boundary of said East 1/2 of the Northeast 1/4 of Section 10, N.89°56'50"E., 1322.28 feet to the POINT OF BEGINNING.

Containing 521.516 acres, more or less.