

2740

Room 131R

\*\* OFFICIAL RECORDS \*\*  
BK: 1219 PG: 1415

ORDINANCE NO. 98-21

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "WEST LINDEN ESTATES STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE CREATION, MAINTENANCE, AND OPERATION OF A STREET LIGHTING SYSTEM WITHIN SAID UNIT; PROVIDING THAT SAID UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY; PROVIDING FOR THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER LOT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Hernando County, Florida, as follows:

SECTION I. FINDINGS OF FACT AND PURPOSE

It is hereby found by the Board of County Commissioners of Hernando County, Florida, that street lighting is an essential service for the benefit of the health, safety, and welfare of the public. It is further the finding of the Board of County Commissioners that the Legislature has in Section 125.01(1)(q), Florida Statutes, provided for the creation of municipal service benefit units as a vehicle granting to all counties flexibility to levy special service charges or special assessments within the limits fixed for municipal purposes for the furnishing of municipal services within those areas receiving the benefit of such municipal services in order to solve the controversy of double taxation between residents of the incorporated and unincorporated areas. It is the purpose of this Ordinance to create a County Municipal Service Benefit Unit for the purpose of providing a street lighting system within the boundaries of said unit.

SECTION II. CREATION OF UNIT

For the purpose of creating, establishing, maintaining, and operating a lighting system within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "West Linden Estates Street Lighting Municipal Service Benefit Unit" which shall

98-21  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-21-2001 BY 60322

FILE# 98-041541  
HERNANDO COUNTY, FLORIDA  
RCD Sep 23 1998 08:12am  
KAREN NICOLAI, CLERK

be all the property located in Hernando County, Florida, within the boundaries described in Exhibit "A", attached hereto and made a part thereof by reference.

**SECTION III. GOVERNING BODY**

The Governing Body of the "West Linden Estates Street Lighting Municipal Service Benefit Unit" shall be the Board of County Commissioners of Hernando County, Florida.

**SECTION IV. ADMINISTRATION**

- A. The "West Linden Estates Street Lighting Municipal Service Benefit Unit" shall be administered in accordance with the policies and procedures adopted by the Board of County Commissioners for the administration of all County departments, divisions, and operations.
- B. The "West Linden Estates Street Lighting Municipal Service Benefit Unit" shall have the following duties:
1. To establish, maintain, and operate such lighting system as is necessary to implement the purpose of this Ordinance.
  2. To provide a lighting system to improved and unimproved property within the benefitted area.
- C. The County Administrator shall be responsible for administering the "West Linden Estates Street Lighting Municipal Service Benefit Unit" for the following to the extent necessary to implement the purpose of this Ordinance:
1. Negotiate and recommend to the Board of County Commissioners contracts for providing specific maintenance services.
  2. Negotiate and recommend to the Board of County Commissioners contracts for the purchase of such capital equipment as necessary.
  3. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.

4. Negotiate contracts with power companies for the purpose of providing a lighting system.
  5. Hire such personnel as are necessary to implement the purposes of this Ordinance.
  6. Perform such other acts as are necessary to implement the purposes of this Ordinance to the extent consistent herewith.
- D. The powers to be exercised by the "West Linden Estates Street Lighting Municipal Service Benefit Unit" are specifically made subject to all applicable State and County laws.

**SECTION V. ASSESSMENTS, LEVY, AND LIEN PROVISIONS**

It being recognized that the value of the benefits accrued by virtue of this Ordinance directly benefits equally all lots, tracts, parcels, cooperative parcels and condominium parcels within the Unit, the County Commission is hereby authorized to levy an annual service charge or special assessment against each lot, tract, parcel, cooperative parcel, and condominium parcel within the unit for the purposes set forth herein. The service charge or special assessment imposed hereunder shall constitute a lien on all real property of the unit as of the date ad valorem taxes become liens. Unless fully paid and discharged or barred by law, said annual service charges or special assessment shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If the annual assessment levied on a lot is not paid, a Tax Certificate pertaining to the lot will be sold by the Tax Collector as set forth in Chapter 197, Florida Statutes.

**SECTION VI. REPEAL**

All ordinances or parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

**SECTION VII. INCLUSION IN THE CODE**

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

**SECTION VIII. SEVERABILITY**

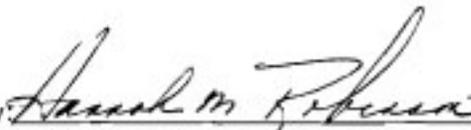
It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

**SECTION IX. EFFECTIVE DATE**

A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, said Ordinance shall take effect on October 1, 1998 inclusive.

Adopted this 11th day of August, 1998, A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By:   
HANNAH M. ROBINSON,  
CHAIRWOMAN

Attest:

  
KAREN NICOLAI, CLERK

**EXHIBIT "A"**

Padron's West Linden Estates, a subdivision of a portion of Sections 32 & 33, Township 23 South, Range 18 East, Hernando County, Florida, being further described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 32, THE SAME BEING THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 33; THENCE NORTH 89°32'37" WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, 282.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°32'37" WEST ALONG SAID SOUTH LINE, 1693.86 FEET TO THE WEST LINE OF THE EAST 3/4 OF THE NORTH EAST 1/4 OF SAID SECTION 32; THENCE NORTH 00°15'28" EAST ALONG SAID WEST LINE, 1318.05 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 32; THENCE SOUTH 89°31'49" EAST ALONG SAID NORTH LINE, 1973.75 FEET TO THE EAST LINE OF THE NORTH EAST 1/4 OF SAID SECTION 32; THENCE SOUTH 89°39'50" EAST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 23 SOUTH, RANGE 18 EAST, 657.55 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, THENCE SOUTH 00°05'42" WEST ALONG SAID EAST LINE, 660.03 FEET TO THE NORTH LINE OF EAST LINDEN ESTATES UNIT 5 AS RECORDED IN PLAT BOOK 23, PAGES 1 AND 2 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE NORTH 89°34'40" WEST ALONG SAID NORTH LINE, 658.01 FEET TO THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33; THENCE SOUTH 00°08'06" WEST ALONG SAID WEST LINE, 192.56 FEET; THENCE NORTH 89°32'37" WEST 282.71 FEET; THENCE SOUTH 00°08'06" WEST TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, 466.00 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 66.688 ACRES MORE OF LESS.

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