

ORDINANCE NO. 96-23

** OFFICIAL RECORDS **
BK: 1103 PG: 1678

FILED

Nov 27 2 07 PM '96

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "SILVERTHORN 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 FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF 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 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 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

FILE# 97-000563
HERNANDO COUNTY, FLORIDA

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 taxing vehicle to grant to all counties that taxing flexibility to levy special service charges 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.

REC Jan 07 1997 03:00pm
KAREN NICOLAI, CLERK

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 "Silverthorn Street Lighting Municipal Service Benefit Unit" which shall 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 Silverthorn Street Lighting Municipal Service Benefit Unit shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

A. The Silverthorn 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 Silverthorn 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 Silverthorn 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 Silverthorn 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 against each lot, tract, parcel, cooperative parcel, and condominium parcel within the unit for the purposes set forth herein. The service charge 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 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, 1996, inclusive.

Adopted this 19th day of November, 1996, A.D.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

By: *Hannah M. Robinson*
HANNAH M. ROBINSON, CHAIRWOMAN

Attest:

Karen Nicolai
KAREN NICOLAI, CLERK



I hereby certify that the foregoing is a true and correct copy of the original.
Karen Nicolai, Clerk Circuit Court Hernando County, Florida

By: *Michelle Hunterman* D.C.

**Real Property to be included
in the
Silverthorn M.S.B.U.**

PHASE ONE

Situate in Township 23 South, Range 18 East, Sections 10 and 11, County of Hernando, State of Florida, and being more particularly described as follows:

Being all lots and tracts shown on the plat of Silverthorn, Phase One, recorded in Plat Book 28, Pages 36-42 of the Hernando County, Florida records.

Save and except the following real property:

Situate in Township 23 South, Range 18 East, Sections 10, County of Hernando, State of Florida, and being more particularly described as follows:

Being all of Tract D as the same is shown on the plat of Silverthorn, Phase One, recorded in Plat Book 28, Pages 36-42 of the Hernando County, Florida records.

Containing 3.88 acres more or less.

PHASE 3

Situate in the S.W. 1/4 of Section 11, Township 23 South, Range 18 East, Hernando County, Florida, and being more particularly described as follows:

Being all the Lots and Tracts shown on the plat of Silverthorn, Phase III, The Villas at Bristol Pond, recorded in Plat Book 29, Page 28 through 30, of the Hernando County, Florida public records.

RECEIVED
DEC 01 10 04 AM '03
HONORABLE CLERK
HERNANDO COUNTY
FLORIDA

FUTURE PHASE 2A, PHASE 2B

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

For a Point of Reference Commence at the Northeast Corner of the Northwest 1/4 of the Southwest 1/4 of said Section 11, said point lying on the Northerly boundary of the plat of SILVERTHORN, PHASE III, THE VILLAS AT BRISTOL POND as recorded in Plat Book 29, Page 28 of the public records of Hernando County, Florida; thence N. 84° 29' 14" W., along said Northerly boundary, a distance of 1090.67 feet to a point lying on the Easterly boundary of TRACT "J" of the Plat of SILVERTHORN, PHASE ONE as recorded in Plat Book 28, Page 36 of the public records of Hernando County, Florida; thence N. 06° 41' 47" W., a distance of 240.00 feet to the Northeastly corner of said Tract "J"; thence N. 76° 38' 47" W., along the Northerly boundary of said Tract "J", a distance of 250.00 feet; thence continue along said Northerly boundary S. 79° 38' 14" W.,

a distance of 195.15 feet to the Easterly boundary of said SILVERTHORN, PHASE ONE; thence along the plat boundary of said SILVERTHORN, PHASE ONE the following fifteen (15) courses:

- 1) thence N. 08° 21' 20" W., a distance of 209.94 feet;
- 2) thence N. 05° 04' 42" W., a distance of 206.86 feet;
- 3) thence N. 00° 10' 27" E., a distance of 734.99 feet;
- 4) thence N. 30° 18' 53" E., a distance of 84.96 feet;
- 5) thence N. 60° 37' 14" E., a distance of 60.01 feet;
- 6) thence N. 24° 01' 38" E., a distance of 86.68 feet;
- 7) thence N. 29° 48' 29" W., a distance of 90.00 feet to a point on a curve;

- 8) thence Northeasterly along the arc of a curve to the left a distance of 104.32 feet with a radius of 200.00 feet subtended by a chord of 103.14 feet, chord bearing N. 38° 12' 21" E. to a point on curve;

- 9) thence S. 67° 56' 58" E., a distance of 140.04 feet;
- 10) thence N. 22° 06' 54" E., a distance of 313.84 feet;
- 11) thence N. 32° 12' 05" E., a distance of 100.52 feet;
- 12) thence N. 51° 50' 49" E., a distance of 202.69 feet;
- 13) thence N. 07° 03' 28" W., a distance of 144.20 feet;
- 14) thence N. 20° 09' 37" W., a distance of 210.71 feet;

- 15) thence S. 89° 59' 45" W., a distance of 234.02 feet to the Northeast corner of Section 10, Township 23 South, Range 18 East, and the Southwest corner of the Southwest 1/4 of Section 2, Township 23 South, Range 18 East;

thence N. 00° 22' 03" E., along the Westerly boundary of the Southwest 1/4 of said Section 2, a distance 1323.34 feet; thence N. 00° 15' 00" E., along said Westerly boundary, a distance of 1322.88 feet to the Northwest corner of the Southwest 1/4 of said Section 2; thence S. 89° 55' 05" E., along the Northerly boundary of the Southwest 1/4 of said Section 2, a distance of 1321.23 feet; thence S. 89° 46' 14" E., along said Northerly boundary, a distance of 1323.21 feet to the Northeast corner of the Southwest 1/4 of said Section 2; thence S. 00° 20' 00" W., along the Easterly boundary of the Southwest 1/4 of said Section 2, a distance of 1316.54 feet; thence S. 00° 21' 09" W, along said Easterly boundary, a distance of 1316.68 feet to the Southeast corner of the Southwest 1/4 of said Section 2; thence S. 89° 51' 45" W., a distance of 1322.35 feet to the Northeast corner of the West 1/2 of the Northwest 1/4 of the aforementioned Section 11; thence S. 00° 13' 57" W, along the East boundary of the West 1/2 of the Northwest 1/4 of said Section 11, a distance of 1323.76 feet to the Southwest corner of the plat of SILVER HILLS as recorded in Plat Book 4, Page 8 of the public records of Hernando County, Florida (said point being the Northwest corner of the plat of OAKWOOD ACRES as recorded in Plat Book 15, Page 98); thence S. 00° 15' 14" W., a distance of 1323.89 feet to the POINT-OF-BEGINNING.

Containing 242.15 acres, more or less.

FUTURE PHASE 4

A parcel of land lying in the Southwest 1/4 of Section 11, Township 23 South, Range 18 East, Hernando County, Florida; Being more particularly described as follows:

For a Point of Reference Commence at a Found Capped Iron Pipe (LB No. 148) being the Southwest corner of the Southwest 1/4 of said Section 11; thence N. 00° 19' 02" E., along the West Boundary of

said Section 11 (as shown on the recorded plat for Silverthorn Subdivision Phase One, as recorded in Plat Book 28, Page 41 of the Public Records of Hernando County, Florida), a distance of 110.00 feet to a Point of Intersection with the Northerly Right-of-way line of Powell Road, said line also being the South Boundary of said Silverthorn Subdivision Phase One, said line lying North 110.00 feet North of and Parallel with the South Boundary of the Southwest 1/4 of said Section 11; thence S. 89° 48' 16" E., along said Northerly Right-of-Way line, a distance of 74.96 feet to a Point-of-Cusp, said Point being the POINT-OF-BEINNING; thence Northwesterly along Easterly Boundary of Mallard Lake Drive (a 50 foot easement for ingress and egress and Utilities) and the Easterly Boundary of Said Silverthorn Subdivision Phase One and the arc of a curve to the right, a distance of 39.32 feet with a radius of 25.00 feet, subtended by a chord of 35.39 feet, chord bearing N. 44° 44' 37" W. to a Point of Tangency; thence N. 00° 19' 02" E. along said Easterly Boundary, a distance of 204.70 feet to a Found Concrete Monument (LB No. 5271) and a Point-of-Curvature; thence continuing along said Easterly Boundary along the arc of a curve to the left, a distance of 175.47 feet with a radius of 525.00 feet, subtended by a chord of 174.65 feet, chord bearing N. 09° 15' 27" W. to a Point-of-Tangency; thence N. 18° 49' 56" W., along said Easterly Boundary, a distance of 427.13 feet to the Southerly Boundary of Silverthorn, Phase III, The Villas At Bristol Pond, as recorded in Plat Book 29, Page 28 of the Public Records of Hernando County, Florida; thence along said Southerly Boundary the following nine (9) courses :

- 1) thence N. 72° 28' 34" E., a distance of 315.06 feet;
- 2) thence N. 74° 38' 34" E., a distance of 164.30 feet;
- 3) thence S. 89° 40' 25" E., a distance of 166.81 feet;
- 4) thence S. 80° 32' 19" E., a distance of 84.18 feet;
- 5) thence S. 72° 51' 12" E., a distance of 72.88 feet;
- 6) thence S. 75° 47' 54" E., a distance of 145.00 feet;
- 7) thence S. 78° 07' 03" E., a distance of 142.16 feet;
- 8) thence S. 85° 43' 37" E., a distance of 136.53 feet;
- 9) thence N. 89° 37' 57" E., a distance of 765.19 feet

to a Point of intersection with the Proposed Westerly Right-of-Way line SUNCOAST PARKWAY (a 400 foot wide right-of-way proposed by the Florida Department of Transportation (parcel 116); thence S. 38° 29' 22" W., along said Westerly Right-of-Way, a distance of 1037.79 feet to a point on the proposed Northerly Right-of-Way line of Powell Road, said point lying 140.00 feet Northerly at a perpendicular distance as measured from the South line of the Southwest 1/4 of the aforementioned Section 11; thence N. 89° 48' 16" W., along said proposed Northerly right-of-way line, a distance of 555.71 feet; thence continue along said Northerly right-of-way line S. 84° 29' 06" W., a distance of 301.50 feet to a point on the existing Northerly right-of-way line of Powell Road, said line lying 110.00 feet North of and parallel to the South line of the Southwest 1/4 of said Section 11 thence; N. 89° 48' 16" W., a distance of 267.91 feet to the POINT-OF-BEGINNING.

Containing 30.06 acres, more or less.