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HERNANDO COUNTY, FLORIDA
MUNICIPAL SERVICE BENEFIT UNIT

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HERNANDO COUNTY, FLORIDA
CLERK OF COUNTY

ORDINANCE NO. 90-4

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "VILLAGE VAN GOGH 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 MAINTENANCE OF SIDEWALKS WITHIN SAID UNIT; PROVIDING FOR THE BOUNDARIES 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 THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING THAT THE SAID UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA; 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

It is hereby found by the Board of County Commissioners of Hernando County, Florida, that street lighting and sidewalk maintenance 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 creating, establishing, maintaining and operating a lighting system, and for the maintenance of sidewalks, within the area described in Exhibit "A".

SECTION II. CREATION OF UNIT

For the purpose of creating, establishing, maintaining and operating a lighting system, and for the purpose of maintaining existing sidewalks, within the area described herein,

there is hereby created a Municipal Service Benefit Unit to be known as the "VILLAGE VAN GOGH 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 hereof by reference.

SECTION III. GOVERNING BODY

The Governing Body of the VILLAGE VAN GOGH MUNICIPAL SERVICE BENEFIT UNIT shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

- A. The VILLAGE VAN GOGH 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 VILLAGE VAN GOGH 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 benefited area.
 3. To provide for the maintenance of sidewalks within said unit.
- C. The County Administrator shall be responsible for administering the VILLAGE VAN GOGH 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 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 VILLAGE VAN GOGH 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 ordinances 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, 1991, inclusive.

ADOPTED this 10th day of April, 1990, A.D.

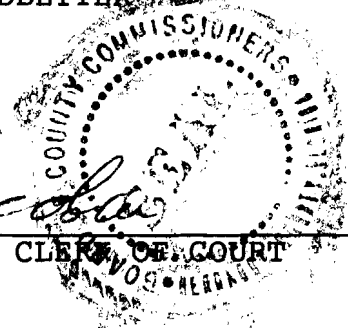
BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: Henry D. Ledbetter

HENRY D. LEDBETTER
CHAIRMAN

Attest:

Karen Nicolai
KAREN NICOLAI, CLERK OF COURT



DEDICATION:
STATE OF FLORIDA:
COUNTY OF HERNANDO:

EXHIBIT "A"

The undersigned, owner of the lands shown on this plat to be shown as
VILLAGE VAN GOGH, a subdivision of a portion of Section 9, Township 23
South, Range 18 East, Hernando County, Florida, being further described as follows:

Commence at the Northeast corner of said Section 9, run thence N89°36'30"W along the North line of said Section a distance of 2442.76 feet to the East Right-Of-Way of the Florida Power Corporation, said point being the POINT OF BEGINNING; thence run again along the North line of said Section S89°36'30"E a distance of 1410.00 feet; thence run S00°23'30"W a distance of 175.00 feet; thence run S89°36'30"E a distance of 120.68 feet; thence run S00°10'59"E a distance of 430.97 feet; thence run S23°55'06"W a distance of 235.00 feet to a point on a curve concave to the Southwest, said curve having a central angle of 01°11'02" and radius of 1030.74 feet; thence run Northwesterly along the arc of said curve a distance of 21.30 feet; thence run S22°44'04"W a distance of 335.74 feet to a point on a curve concave to the Southwest, said curve being the proposed South R/W of the Elgin Blvd./Powell Rd. extension; thence run Northwesterly a distance of 271.17 feet along the arc of said curve having a central angle of 22°21'18" and radius of 695.00 feet to the P.T.; thence continue along said proposed South R/W N89°37'14"W a distance of 748.71 feet to the P.C. of a curve to the right, said curve having a central angle of 23°21'47" and radius of 1705.00 feet; thence run along the arc of said curve a distance of 695.23 feet to the P.T.; thence run N66°15'27"W a distance of 6.52 feet to the East R/W of the Florida Power Corporation; thence run along said East R/W N23°44'35"E a distance of 1012.32 feet to the POINT OF BEGINNING. (41.012 ACRES)

LESS AND EXCEPT THE FOLLOWING OUT PARCEL:

WELL SITE: BEGIN at the previous POINT OF BEGINNING and run thence S89°36'30"E a distance of 418.56 feet; thence run S08°01'49"E a distance of 182.21 feet to a point on a curve concave to the South, said curve composed of the following elements: Delta = 42°51'22", Radius = 486.28 feet, Chord Bearing and distance of S60°32'32"W for 355.31 feet, thence run along the arc of said curve a distance of 363.72 feet, thence run N50°53'11"W a distance of 277.31 feet to the East Right-of-Way of the Florida Power Corporation; thence run along said East R/W N23°44'35"E a distance of 200.00 feet to the POINT OF BEGINNING. (2.84 ACRES)

O.R. 7/9 PG 0243