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KAREN NICOLAI, CLERK
HERNANDO COUNTY, FL

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ORDINANCE NO. 90-15

AN ORDINANCE ESTABLISHING THE SILVERTHORN COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES: SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT: DESCRIBING THE BOUNDARIES OF THE DISTRICT: NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS: PROVIDING FOR THE ADMINISTRATION, OPERATION AND FINANCING OF THE DISTRICT: PROVIDING FOR SEVERABILITY: PROVIDING AN EFFECTIVE DATE.

WHEREAS, Summer Properties, Inc. (Petitioner) has petitioned the Hernando County Board of County Commissioners (the County) to adopt an ordinance establishing the Silverthorn Center Community Development District (the District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the County finds that all statements contained in the Petition to Establish the Silverthorn Community Development District (the Petition) are true and correct; and

WHEREAS, the County finds that the creation of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local comprehensive plan; and

WHEREAS, the County finds that the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the County finds that the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the County finds that the community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the County finds that the area that will be served by the District is amenable to separate special-district government; and

WHEREAS, the County finds that the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area thereby providing a solution to the County's planning, management, and financing needs for delivery of capital infrastructure therein without overburdening the County and its taxpayers.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, THIS 7th DAY OF August, 1990, AS FOLLOWS:

SECTION 1. That there is hereby created the Silverthorn Community Development District which shall operate in accordance with the charter attached as Exhibit I.

SECTION 2. That this Ordinance and the Charter, attached shall be effective immediately upon receipt of acknowledgment that a copy of this Ordinance has been filed with the Secretary of State.

SECTION 3. That if any section, subsection, sentence, clause, provision, or part of this Ordinance shall be held invalid for any

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reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

ADOPTED by the HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS
this 7th day of August, 1990.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY: Henry D. Ledbetter
Henry D. Ledbetter, Chairman

ATTEST: Karen Nicolai
Karen Nicolai, Clerk

(SEAL)

CHARTER

I. COMMUNITY DEVELOPMENT DISTRICT ESTABLISHED.

Pursuant to Chapter 190, Fla. Stat., a community development district, henceforth to be known as the Silverthorn Community Development District (the District), is established, and this Charter is hereby adopted.

II. GENERAL AND SPECIAL POWERS

The District shall have all powers as set forth in Chapter 190, Fla. Stat., this Charter, and any other applicable law.

A. General Powers

The District shall have, and the District Board of Supervisors (the District Board) may exercise, all powers which can be granted to a community development district pursuant to Chapter 190, Florida Statutes or other applicable law. Such powers shall include, but shall not be limited to, the following powers:

(1) To sue and be sued in the name of the District; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, real and personal property, or any estate therein; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(2) To apply for coverage of its employees under the state retirement system in the same manner as if such employees were state employees, subject to necessary action by the District to pay employer contributions into the state retirement fund.

or private, any projects of the type that the District is authorized to undertake and facilities or property of any nature for the use of the District to carry out any of the purposes authorized by this Charter.

(9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness; to levy such tax and special assessments; and to charge, collect, and enforce fees and other user charges all as provided in Chapter 190, Florida Statute (1989) or as may otherwise be authorized by law.

(10) To raise, by user charges or fees, amounts of money which are necessary for the conduct of the District activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(11) To exercise within the District, or beyond the District with prior approval by resolution of the Board of County Commissioners if the taking will occur in an unincorporated area or with prior approval by resolution of the governing body of the municipality if the taking will occur within a municipality, the right and power of eminent domain, pursuant to the provisions of Chapters 73 and 74, Fla. Stat., over any property within the state, except municipal county, state, and federal property, for the uses and purposes of the District relating solely to water, sewer, roads, and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another.

(12) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this Charter, Chapter 190, Fla. Stat. (1989) or other applicable law.

landowners' meeting shall be published once a week for two consecutive weeks in a newspaper which is in general circulation in the area of the District, the last day of such publication to be not fewer than fourteen (14) days or more than twenty eight (28) days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chairman who shall conduct the meeting. At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him and located within the District for each person to be elected. A landowner may vote in person or by proxy in writing. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one (1) vote with respect thereto. The two candidates receiving the highest number of votes shall be elected for a period of four (4) years, and the three (3) candidates receiving the next largest number of votes shall be elected for a period of two (2) years. There shall be an election of supervisors with respect to those supervisors whose terms are expiring every two (2) years thereafter on the first Tuesday in November. The two (2) candidates receiving the highest number of votes shall be elected to serve for a 4-year period and the remaining candidate elected shall serve for a 2-year period.

(3) If the District Board proposes to exercise the ad valorem taxing power authorized by §190.02, Fla. Stat. (1989), the District Board shall call an election at which the members of the District Board will be elected. Such election shall be held in conjunction with a primary or general election unless the District bears the cost of a special election. Each member shall be elected by the qualified electors of the District for a term of four (4) years, except that, at the first such election, three (3) members shall be

elected for a period of four (4) years and two (2) members shall be elected for a period of two (2) years. All elected Board members must be qualified electors of the District.

(4) Members of the District Board shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office as prescribed by law. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the District Board shall fill the vacancy by an appointment for the remainder of the unexpired term.

(5) A majority of the members of the District Board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the District shall be upon a vote of a majority of the members present unless general law or a rule of the District requires a greater number.

(6) As soon as practicable after each election or appointment, the District Board shall organize by electing one of its members as chairman and by electing a secretary, who need not be a member of the District Board, and such other officers as the District Board may deem necessary.

(7) The District Board shall keep a permanent record book entitled "Record of Proceedings of Silverthorn Community Development District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to Chapter 199, Fla. Stat. The record

book shall be kept at the office or other regular place of business maintained by the District Board in Hernando County.

(8) Each supervisor shall be entitled to receive for his or her services or an amount not to exceed \$100 per month or an amount as may be established by the electors of the District at referendum. In addition, each supervisor shall receive travel and per diem expenses as set forth in §112.061, Fla. Stat., (1989).

(9) All meetings of the District Board shall be open to the public and governed by the provisions of Chapter 286, Fla. Stat. (1989).

B. Duties

(1) The Board shall employ, and fix the compensation of, a District Manager. The District Manager shall have charge and supervision of the works of the District and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this Charter, for maintaining and operating the equipment owned by the District, and for performing such other duties as may be prescribed by the District Board. It shall not be a conflict of interest under Chapter 112 for a District Board member or the District Manager or another employee of the District to be a stockholder, officer, or employee of a landowner. The District Manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the District Board. The compensation and other conditions of employment of the officers and employees of the District shall be as provided by the District Board.

(2) The District Board shall designate a person who is a resident of the state as treasurer of the District, who shall have charge of the funds of the District. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the District Board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the District Board. The District Board may give the treasurer such other or additional powers and duties as the District Board may deem appropriate and may fix his compensation. The District Board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the District Board to secure the performance by the treasurer of his powers and duties. The financial record of the District Board shall be audited by an independent certified public accountant at least once a year.

V. ADMINISTRATION, OPERATION, AND FINANCING

The operation, duration, requirements for disclosure, termination, and all other practices of the District shall be in accordance with Chapter 190, Fla. Stat. (1989) and other applicable law.

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., 321.14 feet; thence N.89°36'54"W., 667.27 feet to a point on a curve; thence Northwesterly, 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 Northwesterly, 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 Southwesterly, 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 Northwesterly, 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 Northwesterly, 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 Northwesterly, 55.59 feet along the arc of a curve to the left having a radius of 1060.00 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 Northwesterly, 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 Northwesterly, 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., 1332.28 feet to the POINT OF BEGINNING.

Containing 521.516 acres, more or less.

O.R. 791 PG 0675