

R24.00

R.M. 131

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "SILVERTHORN PHASE I 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**

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.

**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 PHASE I 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.

SECRETARY OF STATE  
MAY 25 3 25 PM '99

FILED

\*\* OFFICIAL RECORDS \*\*  
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KAREN NICOLAI, CLERK  
FILE# 95-018890  
HERNANDO COUNTY, FLORIDA

**SECTION III.            GOVERNING BODY**

The Governing Body of the SILVERTHORN PHASE I MUNICIPAL SERVICE BENEFIT UNIT shall be the Board of County Commissioners of Hernando County, Florida.

**SECTION IV.            ADMINISTRATION**

A.     The SILVERTHORN PHASE I 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 PHASE I 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 PHASE I 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 PHASE I 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 16 day of May, 1995, A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By: *John Richardson*  
JOHN RICHARDSON, CHAIRMAN

Attest.

*Michelle Huntsman* Deputy  
KAREN NICOLAI, CLERK  
*Clerk*



SILVERTHORN, PHASE ONE  
STREET LIGHTING M.S.B.U.

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

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Block 1; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of Block 2; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 of Block 3; Lots 12, 13 and 14 of Block 4; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 of Block 5; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 of Block 6; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of Block 8; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Block 9, and Tracts "E", "H", "N", "O", "R", "S", "T", "U", "V", "W", "X", "AA" and "CC" as the same are shown on the plat of Silverthorn, Phase One, recorded in Plat Book 28, Pages 36-42, of the records of the Hernando County Clerk of Circuit Court.

and also the following described real estate:

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

Lots 10 and 11 of Block 4; Lots 32 and 33 of Block 5; Lots 1, 2, 3 and 4 of Block 7, and Tracts "A", "F", "J", "Y", "Z", and "BB" as the same are shown on the plat of Silverthorn, Phase One, recorded in Plat Book 28, Pages 36-42, of the records of the Hernando County Clerk of Circuit Court.

and also the following described real estate:

Situate in Section 11, Township 23, Range 18 East, Hernando County, Florida and being more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Block 4; Lots 34 and 35 of Block 5; Lots 5 and 6 of Block 7; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of Block 10; Lots 1, 2, 3, 4 and 5 of Block 11, and Tracts "K", "L", and "M" as the same are shown on the plat of Silverthorn, Phase One, recorded in Plat Book 28, Pages 36-42, of the records of the Hernando County Clerk of Circuit Court.