

ORDINANCE NO. 97-25

FILE# 98-00167-1, FLORIDA
HERNANDO COUNTY, FLORIDA

2052

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROVIDING THAT THE SEVEN HILLS STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT ORDINANCE NO. 88-18, HERNANDO COUNTY, FLORIDA, BE AMENDED BY REMOVING WELLINGTON AT SEVEN HILLS SUBDIVISION AND THE PARCELS TO BE DEVELOPED AS PART OF WELLINGTON AT A FUTURE DATE; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE MAINTENANCE AND OPERATION OF A STREET LIGHTING SYSTEM 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 SAID UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

Dec 10 3 28 PM '97

FILED

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

SECTION I. FINDINGS OF FACT AND PURPOSE

RCD Feb 04 1998 02:42pm
KAREN NICOLAI, CLERK

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)(c), 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 or 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 "Seven Hills 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 Seven Hills Street Lighting Municipal Service Benefit Unit shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

- A. The Seven Hills 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 Seven Hills 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 Seven Hills 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 Seven Hills 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 or assessments 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 2nd day of December, 1997, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: Ray Lossing
RAY LOSSING, CHAIRMAN

Attest:

Karen Nicolai
KAREN NICOLAI, CLERK

EXHIBIT A

** OFFICIAL RECORDS **
BK: 1172 PG: 1043

SEVEN HILLS MSBU - REVISED

DESCRIPTION

BEING ALL OF SECTION 31, TOWNSHIP 23 SOUTH, RANGE 18 EAST AND THE SOUTH 1/2 OF SECTION 30, TOWNSHIP 23 SOUTH, RANGE 18 EAST, LESS THE FOLLOWING:

A TRACT OF LAND LYING IN AND BEING A PART OF SECTIONS 30 AND 31, TOWNSHIP 23 SOUTH, RANGE 18 EAST, HERNANDO COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the Northeast corner of Section 31, Township 23 South, Range 18 East, said point also being the Point of Beginning; thence S0°10'50"W along the east line of Section 31 a distance of 2644.58 feet to the east 1/4 corner of said Section 31; thence S0°23'21"E along the east line of Section 31 a distance of 1012.20 feet; thence N89°23'225"W 1053.28 feet; thence S0°37'23"W 100.00 feet; thence N 80° 53' 25" W 922.91 feet; thence N 89° 22' 37" W, 669.96 feet to the Easterly boundary of Florida Power Corporation's 295 foot wide right of way described in official record book 109, pages 579 through 580, Public Records of Hernando County, Florida; thence N 23° 38' 57" E, along said Easterly boundary, 579.78 feet to the beginning of a nontangent curve concave Northerly having a radius of 150.00 feet, a delta of 44° 54' 38", a chord bearing of S 78° 47' 51" E and a chord of 114.59 feet; thence, along the arc of said curve, 117.58 feet to the end; thence N 78° 44' 50" E 450.00 feet; thence S 76° 45' 10" E 740 feet; thence S 63° 00' 10" E 203.34 feet to the point of curvature of a curve concave Northerly having a radius of 150 feet, a delta of 64° 49' 25", a chord bearing of N 84° 35' 11" E and a chord of 160.80 feet; thence, along the arc of said curve, 169.71 feet to the point of tangency; thence N 52° 10' 32" E 573.13 feet; thence N 00° 31' 30" W 1660.65 feet to the beginning of a nontangent curve concave Southerly having a radius of 75.00 feet, a delta of 170° 44' 07", a chord bearing of N 85° 54' 00" W and a chord of 149.51 feet; thence, along the arc of said curve, 223.49 feet to the end; thence S 08° 43' 30" W 795.04 feet; thence S 00° 18' 13" W 846.34 feet; thence S 67° 14' 50" W 492.68 feet; thence N 63° 45' 10" W 815.00 feet; thence S 78° 44' 50" W 477.15 feet to the Easterly boundary of said Florida Power Corporation right of way; thence N 23° 38' 57" E, along said Easterly boundary, 169.64 feet to the Northeast corner of said right of way and the South boundary of the North 1/2 of said Section 31; thence N 89° 20' 48" W, along said South boundary, (same being the South line of Florida Power Corporation's 295 foot wide easement as described in Official Record Book 113, page 365, Public Records of Hernando County, Florida) 320.46 feet to the Easterly right of way line of Mariner Boulevard; thence N 23° 38' 57" E, along said Easterly right of way line, 526.07 feet; thence S 66° 21' 03" E 369.78 feet to the point of curvature of a curve concave Northerly having a radius of 75.00 feet, a delta of 59° 14' 02", a chord bearing of N 84° 01' 58" E and a chord of 74.13 feet; thence, along the arc of said curve, 77.54 feet to the point of tangency; thence N 54° 25' 00" E 785.00 feet; thence N 23° 43' 12" E 565.29 feet; thence N 46° 17' 24" E 655.94 feet; thence N 59° 47' 17" E 480.00 feet to the beginning of a nontangent curve concave Southwesterly having a radius of 150.00 feet, a delta of 180° 02' 06", a chord bearing of N 30° 12' 43" W and a chord of 300.00 feet; thence, along the arc of said curve, 471.33 feet to the end; thence S 59° 47' 17" W 548.14 feet; thence S 33° 55' 17" W 769.32 feet; thence N 63° 34' 43" W 374.79 feet to the Easterly line of said Florida Power Corporation easement; thence N 23° 38' 57" E, along said easterly line, 1207.31 feet to the North boundary of the Northeast 1/4 of said Section 31; thence continue N 23° 38' 57" E, along said easterly line, 772.63 feet; thence S 37° 47' 12" E 908.26 feet to a point on the North boundary of said Section 31; thence S 89° 20' 06" E 192.13 feet to the Northeast corner of Section 31 and also being the Point of Beginning.
And also less Florida Power Right of Way.

All of the above in Hernando County, Florida.