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ORDINANCE NO. 91- 37

FILED FOR REC'D  
KAREN WOODLAND, CLERK  
HERNANDO COUNTY, FLORIDA

91 DEC 31 9 11 AM '97

(B)  
R 33.00

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "HOLLAND SPRING MULTI-PURPOSE MUNICIPAL SERVICE BENEFIT UNIT"; REPEALING ORDINANCE NO. 90-4 WHICH CREATED THE "VILLAGE VAN GOGH MUNICIPAL SERVICE BENEFIT UNIT" AND REPLACING IT IN ITS ENTIRETY; 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 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 REQUIREMENTS OF THE DEVELOPER; 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

INDEXED FILED AND  
RECORDED  
KAREN WOODLAND, CLERK  
By  DEPUTY CLERK

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

SECTION I. REPEAL OF ORDINANCE NO. 90-4

Ordinance No. 90-4, creating the "Village Van Gogh Municipal Service Benefit Unit", is hereby repealed and replaced in its entirety with this Ordinance, which incorporates the Village Van Gogh M.S.B.U. into the Holland Spring Multi-Purpose M.S.B.U.

SECTION II. 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 125.02(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,

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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 "HOLLAND SPRING MULTI-PURPOSE 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 HOLLAND SPRING MULTI-PURPOSE MUNICIPAL SERVICE BENEFIT UNIT shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

A. The HOLLAND SPRING MULTI-PURPOSE 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 HOLLAND SPRING MULTI-PURPOSE 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.
3. To provide for the maintenance of sidewalks within said unit.

C. The County Administrator shall be responsible for administering the HOLLAND SPRING MULTI-PURPOSE 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 **HOLLAND SPRING MULTI-PURPOSE MUNICIPAL SERVICE BENEFIT UNIT** are specifically made subject to all applicable State and County laws.

**SECTION V. REQUIREMENTS OF DEVELOPERS**

A. The developers within the **HOLLAND SPRING MULTI-PURPOSE MUNICIPAL SERVICE BENEFIT UNIT** are required to install or cause to be installed Type 3 100-watt 9,500 lumen sodium vapor fixtures on concrete poles. By June 1st of each year, the developers must advise the County in writing of the anticipated number of street lights and lineal feet of sidewalks to be installed during the ensuing fiscal year for budget purposes.

B. The installation of all street lights within the district must be paid for by the developers. The installation must be in accordance with a street lighting design developed by the W.R.E.C. and approved by the County.

C. All street lights and sidewalks located along Anderson Snow Road, Elgin Boulevard and any other major collector road within the district shall be installed by the developers as part of the improvements required in the development process for the particular subdivision.

D. In the event the construction schedule for the improvements referenced in Paragraph C. above does not specifically include street lights and sidewalks, the developers must install such street lights and sidewalks along Elgin Boulevard and Anderson Snow Road no later than June 1, 1993.

SECTION VI. 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 VII. REPEAL

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION VIII. 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 IX. 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 X. EFFECTIVE DATE

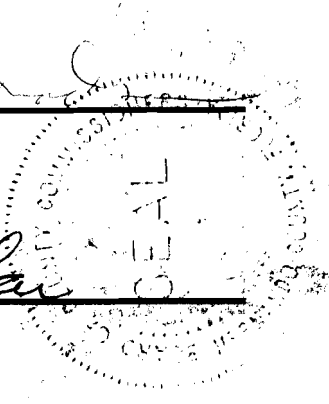
A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, said Ordinance shall take effect on October 1, 1992, inclusive.

ADOPTED this 10th day of December, 1991, A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By: [Signature]  
HAROLD D. VARVEL  
CHAIRMAN

Attest: [Signature]  
KAREN NICOLAI, CLERK



## EXHIBIT "A"

10/28/91

**LEGAL DESCRIPTION OF REMAINING HOLLAND SPRING PROJECT  
FOR MSBU PURPOSES ONLY**

A tract of land lying in Sections 9, 10, 15, and 22 of Township 23 South, Range 18 East, Hernando County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of Section 15, Township 23 South, Range 18 East, run thence N89°42'24"W along the North line of said section 15 a distance of 2652.50 feet; thence run N00°09'08"E a distance of 2637.73 feet; thence run N00°02'56"E a distance of 656.86 feet; thence run N00°06'54"E a distance of 657.06 feet; thence run N00°16'46"E a distance of 1321.68 feet to the North line of Section 10, Township 23 South, Range 18 East; thence run along said North line N89°40'14"W a distance of 2641.14 feet to the Northwest corner of said Section 10, thence run along the North line of Section 9 N89°37'14"W a distance of 2437.23 feet to the Easterly right-of-way of the Florida Power Corporation Right-of-Way; thence run S23°44'33" W along said Easterly right-of-way, a distance of 2874.38 feet to the South line of the Northwest 1/4 of Section 9; thence run S89°36'46"E along said South line a distance of 931.88 feet to the Northwest corner of the Southeast 1/4 of Section 9; thence run S00°16'22"W along the West line of said Southeast 1/4 a distance of 2638.80 feet to the South line of Section 9; thence run S89°40'39"E along said South line a distance of 2430.29 feet; thence run N00°19'20"E a distance of 200.00 feet; thence run N81°19'20"E a distance of 275 feet; thence run N65°19'20"E a distance of 674.45 feet to the P.C. of a curve to the left, said curve having a central angle of 11°24'54", and radius of 1500.00 feet; thence run along the arc of said curve a distance of 298.85 feet to the P.T.; thence run N53°54'26"E a distance of 120.38 feet to the Southwesterly right-of-way of Elgin Blvd; thence run S30°14'31"E a distance of 105.33 feet to the P.C. of a curve to the left, said curve having a central angle of 59°27'53", and radius of 1455.00 feet; thence run along the arc of said curve 1510.08 feet to the P.T.; thence run S89°42'24"E a distance of 2088.86 feet to the centerline of Anderson Snow Road; thence run S00°09'38"W a distance of 4428.29 feet to the P.T. of a curve to the left, said curve having a central angle of 41°59'17" and radius of 868.77 feet; thence run Southeasterly along the arc of said curve a distance of 636.66 feet to the North right-of-way of Spring Hill Drive and the P.T.; thence run N48°10'21"E along said North right-of-way of Spring Hill Drive a distance of 907.41 feet to the East line of Section 15; thence run N00°10'55" E a distance of 4458.50 feet to the POINT OF BEGINNING.,

TOGETHER with the following parcel (Sun Bank) being described as follows:

BEGIN at a point on the planned Westerly right-of-way of Anderson Snow Road, said point being the southern most intersection of the record plat of Pristine Place Phase One with Anderson Snow road, said plat being recorded in Plat Book 24, Pages 12 thru 18 of the

public records of Hernando County, Florida; from said Point of Beginning, run thence  $N89^{\circ}49'05''W$  along said record plat, a distance of 188.66 feet; thence continue along said record plat  $S00^{\circ}10'55''W$  a distance of 552.90 feet to the P.C. of a curve to the left, said curve having a central angle of  $132^{\circ}00'34''$  and radius of 50.00 feet; thence run along the arc of said curve a distance of 115.20 feet to the P.T., being tangent to the North right-of-way of Spring Hill Drive, a County right-of-way, thence run along said North right-of-way  $N48^{\circ}10'21''E$  a distance of 348.31 feet to the P.C. of a curve to the left, said curve having a central angle of  $87^{\circ}04'18''$  and radius of 50.00 feet; thence run along the arc of said curve a distance of 75.98 feet to a point of reverse curvature, said curve having a central angle of  $20^{\circ}24'56''$  and radius of 928.77 feet; thence run along the arc of said curve a distance of 330.94 feet to the POINT OF BEGINNING.