

R. 131  
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3750

ORDINANCE NO. 98-29

\*\* OFFICIAL RECORDS \*\*  
BK: 1238 PG: 867

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "TRAILS AT RIVARD 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 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 ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION 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 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

FILE# 98-055742  
HERNANDO COUNTY, FLORIDA

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)(g), Florida Statutes, provided for the creation of municipal service benefit units as a vehicle granting to all counties flexibility to levy special service charges or special 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 "Trails at Rivard 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 "Trails at Rivard Lighting Municipal Service Benefit Unit" shall be the Board of County Commissioners of Hernando County, Florida.

**SECTION IV. ADMINISTRATION**

- A. The "Trails at Rivard 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 "Trails at Rivard 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 "Trails at Rivard 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 "Trails at Rivard 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 or special assessment against each lot, tract, parcel, cooperative parcel, and condominium parcel within the unit for the purposes set forth herein. The service charge or special assessment 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 special assessment 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, 1999 inclusive.

ADOPTED THIS 24th DAY OF NOVEMBER, 1998, A.D.

**\*\* OFFICIAL RECORDS \*\***  
**BK: 1238 PG: 870**

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By: *Hannah M. Robinson*

HANNAH M. ROBINSON, CHAIRWOMAN

Attest:

*Karen Nicolai*

KAREN NICOLAI, CLERK

EXHIBIT "A"

\*\* OFFICIAL RECORDS \*\*  
BK: 1238 PG: 871

Legal Description

The Trails at Rivard Phases I, II, and VI, a subdivision in Sections 19 & 20, Township 23 South, Range 19 East, Hernando County, Florida; as recorded in the Plat Book 31, Pages 3-6;

and a parcel of land being a portion of Section 20, Township 23 South, Range 19 East, Hernando County, Florida; as further described in the following pages.

LEGAL DESCRIPTION  
 PHASES III, IV & V  
 THE TRAILS AT RIVARD

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A PARCEL OF LAND BEING A PORTION OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE OF SAID SECTION 20; THENCE S.00deg.07'20"W. ALONG THE WEST BOUNDARY OF SECTION 20, A DISTANCE OF 1820.97 FEET TO A POINT; THENCE RUN EAST 1848.47 FEET TO THE POINT OF BEGINNING.

THENCE LEAVING SAID POINT CONTINUE ALONG THE SOUTH BOUNDARY EAST 1409.99 FEET TO A POINT; THENCE LEAVING SAID SOUTH BOUNDARY RUN NORTH 3129.52 FEET ALONG THE EAST BOUNDARY TO A POINT; THENCE LEAVING SAID EAST BOUNDARY RUN N.89deg.48'12"W. ALONG THE NORTH BOUNDARY A DISTANCE OF 479.59 FEET TO THE S.E CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 20; THENCE CONTINUE ALONG THE NORTH BOUNDARY N.8948"09"W. A DISTANCE OF 503.99 FEET TO A POINT OF INTERSECTION WITH EASTERLY RIGHT OF WAY OF THE CSX RAILROAD RIGHT OF WAY; THENCE S.52deg.11'02"W. ALONG THE RAILROAD RIGHT OF WAY AND BOUNDARY 271.69 FEET TO A POINT SAID POINT ALSO BEING ON THE GOLF COURSE; THENCE LEAVING SAID RIGHT OF WAY TRAVERSE THE FOLLOWING COURSES ALONG THE GOLF COURSE BOUNDARY; THENCE S.37deg.48'58"E. A DISTANCE OF 156.92 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT 172.49 FEET, HAVING A RADIUS OF 100.00 FEET, A DELTA OF 54deg.54'13", A CHORD OF 165.96 FEET, BEARING S.65deg.16'05"E. TO A POINT OF TANGENT; THENCE N.87deg.16'49"E. A DISTANCE OF 315.35 FEET TO A POINT; THENCE S.89deg.12'14"E. A DISTANCE OF 166.39 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT 157.08 FEET, HAVING A RADIUS OF 100.00 FEET, A DELTA OF 90deg.00'00", A CHORD OF 141.42 FEET, BEARING S.44deg.12'14"E. TO THE POINT OF TANGENT; THENCE S.00deg.47'46"W. A DISTANCE OF 55.65 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT 191.98 FEET, HAVING A RADIUS 1180.00 FEET, A DELTA OF 09deg.19'18", A CHORD OF 191.78 FEET, BEARING S.03deg.51'53"E. TO A POINT OF TANGENT; THENCE S.08deg.31'32"E. A DISTANCE OF 67.97 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT 122.02 FEET, HAVING A RADIUS OF 820.00 FEET, A DELTA OF 08deg.31'32", A CHORD OF 121.90 FEET, BEARING S.04deg.15'46"E. TO A POINT OF TANGENT; THENCE SOUTH A DISTANCE OF 70.00 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT 38.51 FEET, HAVING A RADIUS OF 25.00 FEET, A CHORD OF 34.81 FEET, BEARING S.44deg.07'33"W. TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE LEFT 119.88 FEET, HAVING A RADIUS OF 865.00 FEET, A DELTA OF 07deg.56'27", A CHORD OF 119.79 FEET, BEARING S.84deg.16'52"W. TO A POINT ON THE CURVE; THENCE LEAVING SAID POINT RUN S.10deg.21'06"E. NON-TANGENT TO THE PREVIOUS COURSE A DISTANCE OF 120.01 FEET TO A POINT ON A CURVE; THENCE LEAVING SAID POINT NON-TANGENT TO THE PREVIOUS COURSE RUN ALONG A CURVE TO THE LEFT 20.00 FEET, HAVING A RADIUS OF 745.00 FEET, A DELTA OF 01deg.32'17", A CHORD OF 20.00 FEET, BEARING S.79deg.38'54"W. TO A POINT ON THE CURVE; THENCE LEAVING SAID POINT RUN N.10deg.21'06"W. NON-TANGENT TO THE PREVIOUS COURSE A DISTANCE OF 174.10 FEET TO A

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POINT; THENCE N.00deg.26'37"W. A DISTANCE OF 117.41 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT 165.37 FEET, HAVING A RADIUS OF 180.00 FEET, A DELTA OF 52deg.38'19", A CHORD OF 159.61 FEET, BEARING N.29deg.04'33"W. TO A POINT OF COMPOUND CURVE; THENCE ALONG A CURVE TO THE LEFT 427.92 FEET, HAVING A RADIUS OF 680.00 FEET, A DELTA OF 36deg.03'22", A CHORD OF 420.90 FEET, BEARING N.73deg.25'23"W. TO A POINT OF COMPOUND CURVE; THENCE ALONG A CURVE TO THE LEFT 270.72 FEET, HAVING A RADIUS OF 980.00 FEET, A DELTA OF 15deg.49'40", A CHORD OF 269.86 FEET, BEARING S.80deg.38'06"W. TO A POINT OF TANGENT; THENCE S.72deg.43'16"W. A DISTANCE OF 360.58 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT 342.18 FEET, HAVING A RADIUS OF 580.00 FEET, A DELTA OF 33deg.48'08", A CHORD OF 337.24 FEET, BEARING S.55deg.49'12"W. TO A POINT ON THE CURVE AND THE BOUNDARY OF PHASE 2 OF " THE TRAIL @ RIVARD GOLF AND COUNTRY CLUB "; THENCE LEAVING SAID GOLF COURSE BOUNDARY AND POINT ON THE CURVE NON-TANGENT TO THE PREVIOUS COURSE AND REMAINING WITH THE BOUNDARY OF SAID PHASE 2 RUN S.51deg.04'45"E. A DISTANCE OF 155.00 FEET TO A POINT ON A CURVE; THENCE ALONG THE CURVE TO THE RIGHT A DISTANCE OF 63.32 FEET, HAVING A RADIUS OF 425.00 FEET, A DELTA OF 08deg.32'12", A CHORD OF 63.26 FEET, BEARING N.43deg.11'21"E. TO A POINT ON THE CURVE; THENCE LEAVING SAID POINT NON-TANGENT TO THE PREVIOUS COURSE RUN S.42deg.32'33"E. A DISTANCE OF 198.24 FEET TO A POINT ON A CURVE; THENCE ALONG A CURVE TO THE LEFT NON-TANGENT TO THE PREVIOUS COURSE A DISTANCE OF 216.60 FEET, HAVING A RADIUS OF 295.21 FEET, A DELTA OF 42deg.02'20", A CHORD OF 211.78 FEET, BEARING S.22deg.45'05"W. TO A POINT ON THE CURVE; THENCE LEAVING SAID CURVE NON-TANGENT TO THE PREVIOUS COURSE S.87deg.49'43"E. A DISTANCE OF 202.49 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE LEFT NON-TANGENT TO THE PREVIOUS COURSE A DISTANCE OF 29.82 FEET, HAVING A RADIUS OF 125.00 FEET, A DELTA OF 13deg.40'13", A CHORD OF 29.75 FEET, BEARING S.04deg.39'49"E. TO A POINT ON THE CURVE; THENCE LEAVING SAID CURVE NON-TANGENT TO THE PREVIOUS COURSE N.88deg.05'23"E. A DISTANCE OF 154.56 FEET TO A POINT ON A CURVE; THENCE ALONG THE CURVE TO THE LEFT NON-TANGENT TO THE PREVIOUS COURSE A DISTANCE OF 14.85 FEET, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 34deg.02'42", A CHORD OF 14.64 FEET, BEARING S.18deg.55'58"E. TO THE POINT OF TANGENT; THENCE S.35deg.57'19"E. A DISTANCE OF 94.46 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 41.14 FEET, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 94deg.16'52", A CHORD OF 36.65 FEET, BEARING S.83deg.05'45"E. TO THE POINT OF TANGENT; THENCE S.34deg.13'29"E. A DISTANCE OF 135.75 FEET TO A POINT; THENCE RUN S.40deg.14'11"E. A DISTANCE OF 60.00 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE RIGHT NON-TANGENT TO THE PREVIOUS COURSE A DISTANCE OF 73.32 FEET, HAVING A RADIUS OF 2030.00 FEET, A DELTA OF 02deg.04'10", A CHORD OF 73.31 FEET, BEARING S.50deg.22'57"W. TO A POINT ON THE CURVE; THENCE LEAVING SAID CURVE NON-TANGENT TO THE PREVIOUS COURSE S.74deg.56'46"E. A DISTANCE OF 186.82 FEET TO A POINT OF INTERSECTION WITH THE GOLF COURSE BOUNDARY LINE; THENCE TRAVERSING THE GOLF COURSE FOLLOWING COURSES: THENCE ALONG A CURVE TO THE RIGHT NON-TANGENT TO THE

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PREVIOUS COURSE A DISTANCE OF 60.56 FEET, HAVING A RADIUS OF 100.00 FEET, A DELTA OF 34deg.42'00", A CHORD OF 59.64 FEET, BEARING N.32deg. 24'49"E. TO A POINT OF TANGENT; THENCE N.49deg.45'50"E. A DISTANCE OF 320.99 FEET TO A POINT; THENCE N54deg.45'50"E. A DISTANCE OF 230.52 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT 43.68 FEET, HAVING A RADIUS OF 100.00 FEET, A DELTA OF 25deg.01'42", A CHORD OF 43.34 FEET, BEARING N.67deg.16'41"E. TO A POINT ON THE CURVE; THENCE LEAVING SAID CURVE RUN N.11deg. 49' 20"W. NON-TANGENT TO THE PREVIOUS COURSE A DISTANCE OF 106.99 FEET TO A POINT ON A CURVE; THENCE ALONG A CURVE TO THE RIGHT 20.00 FEET NON-TANGENT TO THE PREVIOUS COURSE, HAVING A RADIUS OF 695.00 FEET, A DELTA OF 01deg.38'56", A CHORD OF 20.00 FEET, BEARING N.78deg. 10'35"E. TO A POINT ON THE CURVE; THENCE LEAVING SAID CURVE RUN S.11deg.49'20"E. NON-TANGENT TO THE PREVIOUS COURSE A DISTANCE OF 109.53 FEET TO A POINT; THENCE RUN EAST A DISTANCE OF 19.94 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT 125.33 FEET, HAVING A RADIUS OF 50.00 FEET, A DELTA OF 143deg. 37'14", A CHORD OF 102.69 FEET, BEARING S.28deg.29'08"E. TO POINT OF TANGENT; THENCE S.53deg.37'14"W. A DISTANCE OF 148.24 FEET TO A POINT; THENCE S.33deg.05'14"W. A DISTANCE OF 183.18 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT 500.27 FEET, HAVING A RADIUS OF 320.00 FEET, A DELTA OF 89deg.34'24", A CHORD OF 450.86 FEET, BEARING S.11deg.41'58"E. TO A POINT OF TANGENT; THENCE S.56deg.29'10"E. A DISTANCE OF 46.44 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO LEFT 98.54 FEET, HAVING A RADIUS OF 470.00 FEET, A DELTA OF 12deg.00'45", A CHORD OF 98.36 FEET, BEARING S.62deg.29'33"E. TO A POINT OF REVERSE CURVE; THENCE ALONG THE REVERSE CURVE TO THE RIGHT 119.55 FEET, HAVING A RADIUS OF 100.00 FEET, A DELTA OF 68deg.29'55", A CHORD OF 112.56 FEET, BEARING S.34deg.14'58"E. TO A POINT OF TANGENT; THENCE SOUTH A DISTANCE OF 102.87 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT 34.61 FEET, HAVING A RADIUS OF 420.00 FEET, A DELTA OF 04deg.43' 15", A CHORD OF 34.60 FEET, BEARING S.02deg.21'37"W. TO A POINT OF TANGENT; THENCE S.04deg.43'15"W. A DISTANCE OF 188.99 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT 64.27 FEET, HAVING A RADIUS OF 780.00 FEET, A DELTA OF 04deg.43'15", A CHORD OF 64.25 FEET, BEARING S.02deg.21'37"W. TO A POINT OF TANGENT; THENCE SOUTH A DISTANCE OF 97.46 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT 154.91 FEET, HAVING A RADIUS OF 100.00 FEET, A DELTA OF 88deg.45'31", A CHORD OF 139.88 FEET, BEARING S.44deg.22' 46"W. TO A POINT OF TANGENT; THENCE S.88deg.45'31"W. A DISTANCE OF 207.88 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT 98.83 FEET, HAVING A RADIUS OF 842.91 FEET, A DELTA OF 06deg.43'05", A CHORD OF 98.78 FEET, BEARING N.87deg.52'56"W. TO A POINT OF TANGENT; THENCE N.84deg.31'23"W. A DISTANCE OF 151.02 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT 294.59 FEET, HAVING A RADIUS OF 1157.10 FEET, A DELTA OF 14deg.35'14", A CHORD OF 293.80 FEET, BEARING S.88deg.11'00"W. TO A POINT OF TANGENT; THENCE S.80.53'19"W. A DISTANCE OF 87.96 FEET TO A POINT; THENCE S.85deg.19'59"W. A DISTANCE OF 65.60 FEET TO A POINT ON THE BOUNDARY OF PHASE 2 AND THE GOLF COURSE BOUNDARY;

THENCE LEAVING SAID GOLF COURSE BOUNDARY AND REMAINING WITH THE BOUNDARY OF PHASE 2 RUN S.01deg.54'47"E. A DISTANCE OF 182.09 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO RIGHT 55.87 FEET, HAVING A RADIUS OF 825.00 FEET, A DELTA OF 03deg.52'48", A CHORD OF 55.86 FEET, BEARING N.89deg.58'23"W. TO A POINT ON THE CURVE; THENCE LEAVING SAID CURVE RUN SOUTH A DISTANCE 142.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 66.0355 ACRES MORE OR LESS