

ORDINANCE NO.: 2007- 21

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, ESTABLISHING THE FOUR SEASONS AT CRYSTAL SPRINGS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; MAKING FINDINGS OF FACT WITH RESPECT THERETO; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS AND PROVIDING FOR ELECTIONS AND GENERAL DUTIES; PROVIDING FOR ADMINISTRATION, OPERATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2007 NOV 15 PM 2:52

FILED

WHEREAS, K. HOVNANIAN WINDWARD HOMES, L.L.C., a Florida limited liability corporation, has filed a petition with Hernando County ("Petition") requesting that the Board of County Commissioners of Hernando County ("**County**") adopt an ordinance establishing the Four Seasons at Crystal Springs Community Development District ("**District**") pursuant to Chapter 190, Florida Statutes, and designating the real property described in Exhibit "A", attached hereto, as the area of land for which the **District** is authorized to manage and finance basic service delivery; and

WHEREAS, the **District** will constitute an efficient, effective and economical method of delivering community development services and facilities in the area described in Exhibit "A", within which area such community development services and facilities can be more feasibly provided at a level and quality appropriate to the **District** by the **District**, rather than by the **County**; and

WHEREAS, the **District** will provide a solution to the **County's** planning, management and financing needs for the delivery of community development services and facilities to and within the **District** lands without overburdening the **County** and its taxpayers; and

WHEREAS, the **County** has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005 (1)(d), Florida Statutes; and

WHEREAS, the **County** has considered the record of the public hearing and the factors set forth in 190.005 (1)(e), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. FINDINGS OF FACT.

The **County** hereby finds and states that:

1. All statements contained in the Petition are true and correct.
2. The creation of the **District** is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the County's Comprehensive Plan.
3. The area of land within the proposed **District** is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional, interrelated community.
4. The creation of the **District** is the best alternative available for delivering community development services and facilities to the area that will be served by the **District**.
5. The proposed community development services and facilities to be provided

by the **District** will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

6. The area that will be served by the **District** is amenable to separate, special-district government. .

SECTION 2. FOUR SEASONS AT CRYSTAL SPRINGS COMMUNITY DEVELOPMENT DISTRICT ESTABLISHED

Pursuant to Chapter 190, Florida Statutes, the Four Seasons at Crystal Springs Community Development District ("**District**") is hereby created.

SECTION 3. GENERAL AND SPECIAL POWERS

The **District** shall have all general and special powers as set forth in Chapter 190, Florida Statutes, and as provided in this ordinance.

A. General Powers

The **District** shall have, and the **District's Board of Supervisors** (hereinafter "**Board**") may exercise the general powers granted to a Community Development District, pursuant to Chapter 190, Florida Statutes, as amended from time to time, or pursuant to any other applicable law, except as may be limited herein. Such power 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, and to dispose of, 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.
- (3) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to public bidding or competitive negotiation requirements as set forth in s. 190.033, Florida Statutes.
- (4) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.
- (5) To adopt rules and orders pursuant to the provisions of chapter 120 prescribing the powers, duties, and functions of the officers of the district; the conduct of the business of the district; the maintenance of records; and the form of certificates evidencing tax liens and all other documents and records of the district. The board may also adopt administrative rules with respect to any of the projects of the district and define the area to be

included therein. The board may also adopt resolutions which may be necessary for the conduct of district business.

- (6) To maintain an office at such place or places as it may designate within a county in which the district is located or within the boundaries of a development of regional impact or a Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, which includes the district, which office must be reasonably accessible to the landowners. Meetings pursuant to s. 189.417(3) of a district within the boundaries of a development of regional impact or Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, may be held at such office.
- (7) (a) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this act and to make use of such easements, dedications, or reservations for any of the purposes authorized by this act.

(b) When real property in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(13), to collect ground rent from landowners pursuant to a contract with such governmental entity and to contract with the county tax collector for collection of such ground

rent using the procedures authorized in s. 197.3631, other than the procedures contained in s. 197.3632.

- (8) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public 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 act.
- (9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such tax and special assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.
- (10) To raise, by user charges or fees authorized by resolution of the board, 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 governing body of the county 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, 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, district 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 act.
- (13) To assess and impose upon lands in the district ad valorem taxes as provided by this act.
- (14) To determine, order, levy, impose, collect, and enforce special assessments pursuant to this act and chapter 170. Such special assessments may, in the discretion of the district, be collected and enforced pursuant to the provisions of ss. 197.3631, 197.3632, and 197.3635, or chapter 170.
- (15) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.
- (16) To exercise such special powers as may be authorized by this ordinance.

B. Special Powers

Except as specifically restricted herein, the **District** shall have, and the **Board** may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.

(2) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. and services, parking improvements, and related signage.

C. The **District** possesses no zoning or development permitting power. All Hernando County planning, building, environmental, and land development laws, regulations, and ordinances apply to all development of land within the **District**. The **District** shall take no action which is inconsistent with the applicable Comprehensive Plan, ordinances, or regulations of Hernando County.

SECTION 4. BOUNDARIES OF THE DISTRICT

The **District** shall consist of all properties within the area described in Exhibit "A" attached hereto and incorporated herein.

SECTION 5. DISTRICT BOARD OF SUPERVISORS

A. The **Board** shall be the governing board of the **District**. The **Board** shall exercise the powers granted to the **District** pursuant to this ordinance and Chapter 190, Florida Statutes, as amended from time to time, and pursuant to any other applicable law.

1. The **Board** shall consist of five (5) members; except as otherwise provided herein or in section 190.006, Florida Statutes, as amended from time to time, each member shall hold office for a term of four (4) years, until a successor is chosen and qualifies. The members of the **Board** must be residents of the State and citizens of the United States.
2. The five (5) persons designated to serve as the initial members of the **Board** are those persons identified in Exhibit D to the petition herein, on file in the records of Hernando County, as follows: Betty D. Valenti, Bill Devasher, Scott Torrie, Norman Cook, and Shawn Wilson.
3. Unless specifically provided otherwise in this ordinance, the provisions of section 190.006, Florida Statutes, as amended from time to time, shall apply to elections and compensation of Board members and to meetings, organization and procedures of the **Board** and the **District**.

B. General Duties of the Board

1. The **Board** shall employ, and fix the compensation of a Manager for the **District**. The Manager shall have charge and supervision of the works of the **District** and shall be responsible for preserving and maintaining any improvement or facilities constructed or erected pursuant to the provisions of this ordinance or state statute, for maintaining and operating the equipment owned by the **District**, and for performing such other duties as may be prescribed by the **Board**. It shall not be a conflict of interest under Chapter 112 for a **Board** member or the Manager or another employee of the **District** to be a stockholder, officer, or employee of a landowner. The 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 **Board**. The compensation and other conditions of employment of the officers and employees of the **District** shall be as provided by the **Board**.

2. The **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 **Board** by warrant or check countersigned by the Treasurer and by such other person as may be authorized by the **Board**. The **Board** may give the Treasurer such other or additional powers and duties as the **Board** may deem appropriate, and may fix his or her compensation. The **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 **Board** to secure the performances by the Treasurer of his powers and duties. The financial records of the **Board** shall be audited by an independent Certified Public Accountant at least once a year.

3. The **Board** is authorized to select as a depository for its funds any qualified public depository as defined in §280.02, Florida Statutes, which meets all the requirements of Chapter 280 and has been designated by the Treasurer as a qualified public depository, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited that the **Board** may deem just and reasonable.

SECTION 6. ADMINISTRATION, OPERATION AND FINANCING OF DISTRICT

The operation, duration, requirements for disclosure, including, but not limited to budget reporting, financial reporting, levying, or imposition of ad valorem taxes or special assessments and all other practices of the **District** shall be in accordance with Chapter 190, Florida Statutes, as it may be amended from time to time and any other applicable law.

SECTION 7. 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 8. 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 9. EFFECTIVE DATE

This ordinance shall become effective upon filing with the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this ^{6th} day of ^{November}~~October~~, 2007.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest:

Karen Nicolai

KAREN NICOLAI

Clerk



By:

Jeff Stabins

JEFF STABINS

Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *[Signature]* *Kul* 9/21/07
County Attorney's Office

FOUR SEASONS AT CRYSTAL SPRINGS
COMMUNITY DEVELOPMENT DISTRICT PARCEL

DESCRIPTION: A parcel of land lying in Sections 11, 12, 13 and 14, Township 22 South, Range 17 East, Hernando County, Florida and being more particularly described as follows:

Commence at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 22 South, Range 17 East, Hernando County, Florida and run thence S.89°42'07"E., (Basis of bearing - Grid bearings, NAD83) 368.94 feet along the North boundary of Northeast 1/4 of said Section 13 to the Westerly right-of-way line of U.S. Highway No. 19 and the **POINT OF BEGINNING**; thence S.12°40'49"W., 1811.29 feet along said Westerly right-of-way line to a point of curvature; thence Southwesterly, 39.27 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing S.57°40'49"W., 35.36 feet) to a point of tangency; thence N.77°19'11"W., 111.00 feet to a point of curvature; thence Westerly, 229.06 feet along the arc of a curve to the left having a radius of 325.00 feet and a central angle of 40°22'58" (chord bearing S.82°29'19"W., 224.35 feet) to a point of reverse curvature; thence Westerly, 240.06 feet along the arc of a curve to the right having a radius of 350.00 feet and a central angle of 39°17'55" (chord bearing S.81°56'48"W., 235.38 feet); thence S.07°30'00"W., 171.29 feet to a point on a curve; thence continue Westerly, 184.39 feet along the arc of said curve to the right having a radius of 521.00 feet and a central angle of 20°16'39" (chord bearing N.69°36'39"W., 183.43 feet); thence N.71°32'42"W., 34.51 feet; thence S.78°21'56"W., 59.72 feet; thence S.63°33'12"W., 53.35 feet; thence S.53°02'29"W., 54.78 feet; thence N.00°00'45"W., 187.33 feet to a point on a curve; thence Northwesterly, 142.39 feet along the arc of a curve to the left having a radius of 94.00 feet and a central angle of 86°47'36" (chord bearing N.45°43'22"W., 129.16 feet); thence S.88°34'03"W., 184.93 feet; thence N.00°10'37"W., 326.30 feet to a point of curvature; thence Northwesterly, 92.04 feet along the arc of a curve to the left having a radius of 50.00 feet and a central angle of 105°28'12" (chord bearing N.52°54'43"W., 79.58 feet) to a point of tangency; thence S.74°21'11"W., 364.44 feet to a point on a curve; thence Westerly, 221.56 feet along the arc of a curve to the right having a radius of 203.00 feet and a central angle of 62°32'00" (chord bearing N.78°23'44"W., 210.72 feet); thence N.81°24'08"W., 58.40 feet; thence N.48°56'35"W., 105.26 feet; thence S.41°03'37"W., 1381.42 feet; thence N.53°59'50"W., 101.46 feet; thence S.84°50'39"W., 114.99 feet to a point on a curve; thence Westerly, 218.54 feet along the arc of a curve to the right

EXHIBIT A-1

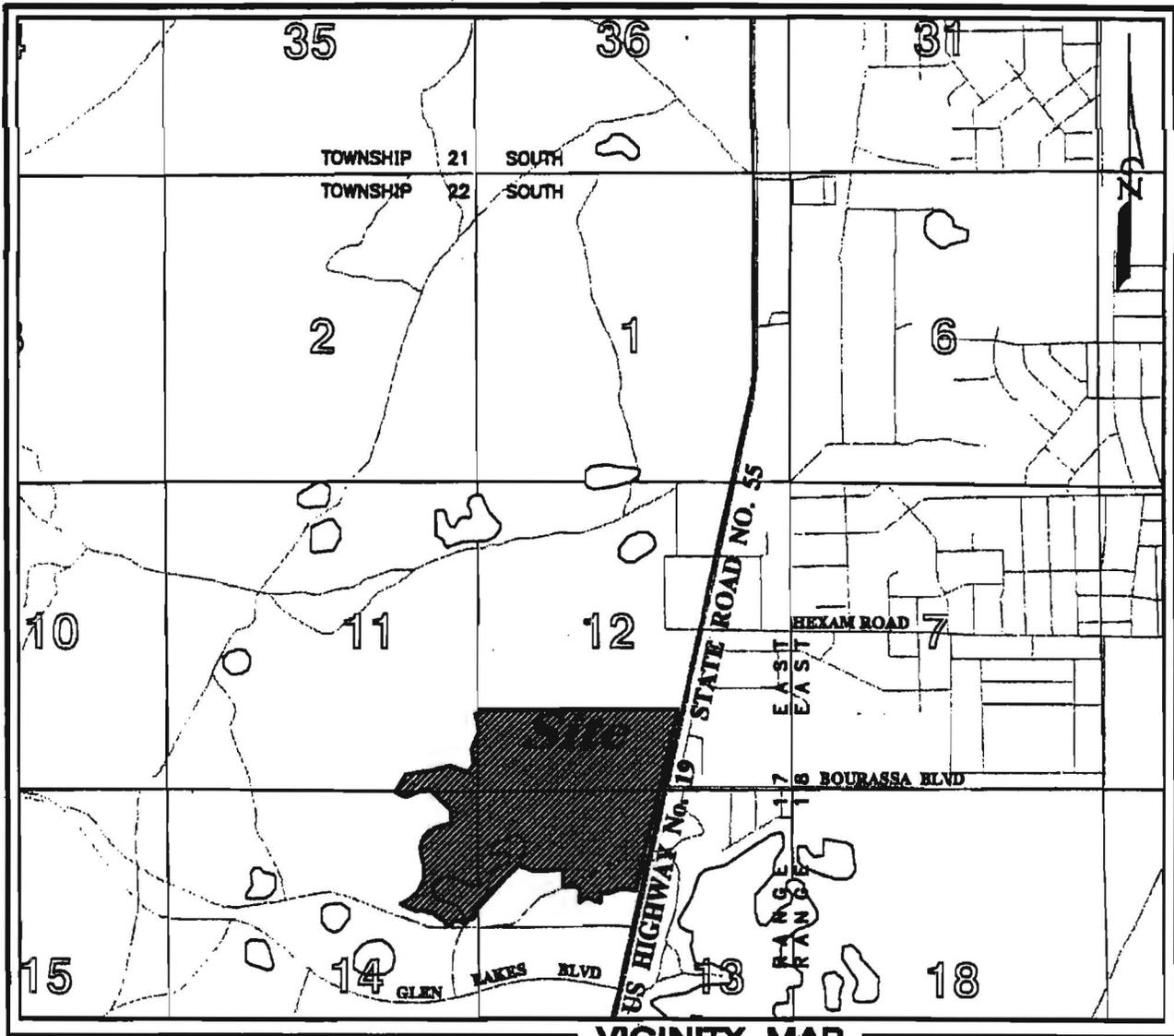
having a radius of 70.00 feet and a central angle of 178°52'53" (chord bearing S.86°10'45"W., 139.99 feet) to a point of reverse curvature; thence Northwesterly, 13.72 feet along the arc of a curve to the left having a radius of 15.00 feet and a central angle of 52°24'58" (chord bearing N.30°35'18"W., 13.25 feet) to a point of tangency; thence N.56°47'47"W., 172.04 feet to a point of curvature; thence Northwesterly, 82.21 feet along the arc of a curve to the right having a radius of 335.00 feet and a central angle of 14°03'36" (chord bearing N.49°45'59"W., 82.00 feet); thence S.79°30'33"W., 38.77 feet; thence N.72°50'22"W., 82.03 feet; thence N.67°49'43"W., 77.84 feet; thence S.67°34'31"W., 59.45 feet; thence N.76°41'12"W., 39.68 feet; thence N.64°36'33"W., 268.24 feet to a point on a curve; thence along the Easterly boundary of the Chassahowitzka National Wildlife Refuge as recorded in O.R. Book 1017, Page 234, Public Records of Hernando County, Florida, the following nineteen (19) courses: 1) Northeasterly, 830.73 feet along the arc of a curve to the left having a radius of 590.00 feet and a central angle of 80°40'25" (chord bearing N.29°49'39"E., 763.79 feet) to a point of tangency; 2) N.10°30'33"W., 227.48 feet to a point of curvature; 3) Northeasterly, 520.12 feet along the arc of a curve to the right having a radius of 365.00 feet and a central angle of 81°38'42" (chord bearing N.30°18'48"E., 477.21 feet) to a point of tangency; 4) N.71°08'09"E., 288.01 feet; 5) N.01°55'42"W., 224.02 feet; 6) N.46°23'12"W., 539.94 feet; 7) S.67°01'16"W., 398.45 feet; 8) N.65°13'02"W., 209.67 feet; 9) N.33°36'50"E., 81.91 feet; 10) N.33°36'49"E., 279.53 feet; 11) N.81°58'13"E., 451.89 feet; 12) N.74°20'16"E., 301.97 feet; 13) S.67°57'16"E., 310.68 feet; 14) N.39°31'24"E., 181.59 feet; 15) N.11°29'27"W., 246.23 feet; 16) N.21°54'14"E., 352.29 feet; 17) N.12°19'29"W., 304.04 feet; 18) N.89°49'37"E., 96.16 feet to the West boundary of the Southwest 1/4 of the Southwest 1/4 of Section 12, Township 22 South, Range 17 East; 19) N.00°04'57"W., 70.07 feet along the West boundary thereof to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 12; thence N.89°49'29"E., 1328.64 feet along the North boundary of the Southwest 1/4 of the Southwest 1/4 of said Section 12 to the Northeast corner thereof; thence N.89°49'29"E., 1330.50 feet along the North boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 12 to the Northeast corner thereof; thence N.89°49'29"E., 672.75 feet along the North boundary of the Southwest 1/4 of the Southeast 1/4 of said Section 12 to the Westerly right-of-way line of U.S Highway No. 19; thence S.12°40'49"W., 1354.30 feet along said Westerly right-of-way line to the **POINT OF BEGINNING**.

Containing 263.632 acres, more or less.

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FOUR SEASONS

at Crystal Springs



VICINITY MAP

HERNANDO COUNTY, FLORIDA
SECTION 11, 12, 13 & 14, TOWNSHIP 22 SOUTH, RANGE 17 EAST

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