

From: [Bryant, Linda C.](#)
To: [Ordinances](#)
Cc: [County Ordinances](#)
Date: Wednesday, October 13, 2021 11:13:59 AM
Attachments: [Hernando20211013 Ordinance2021_20 Ack.pdf](#)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 13, 2021

Honorable Doug Chorvat, Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Ms. Heidi Kurppe, Deputy Clerk

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2021-20, which was filed in this office on October 13, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

ORDINANCE NO. : 2021-20

AN ORDINANCE ESTABLISHING THE SOMERSET BAY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN ARTICLE II, CHAPTER 10.5, OF THE CODE OF ORDINANCES OF HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Somerset Land, LLC, a Florida limited liability company ("Petitioner"), has filed a Petition with Hernando County requesting that the Board of County Commissioners of Hernando County ("County") adopt an Ordinance establishing the Somerset Bay Community Development District pursuant to Chapter 190, Fla. Stat. ("District"), 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 a timely, efficient, effective, responsive, and economic method of delivering community development services, in the area described in

Exhibit A, which the County is not able to provide at a level and quality needed to service the District, thereby providing a solution to the County's planning, management, and financing needs for the delivery of capital infrastructure therein 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), Fla. Stat.; and

WHEREAS, the County has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Fla. Stat.

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

Section 1. Findings of Fact. The County hereby finds and states that:

1. the "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance;
2. all statements contained in the Petition are true and correct;
3. 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;
4. the area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;
5. 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;

6. 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; and

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

Section 2. Conclusions of Law.

1. This proceeding is governed by Chapter 190, Fla. Stat.;
2. The County has jurisdiction pursuant to Section 190.005(2), Fla. Stat.; and
3. The granting of the Petition complies with the dictates of Chapter 190, Fla. Stat.

Section 3. Creation, Boundaries, and Powers. There is hereby created the Somerset Bay Community Development District for the area of land described in Exhibit A, attached hereto, which shall exercise the powers of Sections 190.011, and 190.012(1), (2)(a) and (d), and (3), Fla. Stat., and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006-190.041, Fla. Stat., including the special powers provided under Section 190.012(1), (2)(a) and (d) and (3), Fla. Stat.

Section 4. Initial Board. The following five persons are designated as the initial members of the Board of Supervisors:

1. Rony Bastyr
2. Shane O'Neil
3. Cheri O'Neil
4. Rich Grant
5. Greg Schreiber

Section 5. Severability. It is declared to be the intent of the Board of County Commissioners 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 6. 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 part of Article II, Chapter 10.5, of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

Section 7. Conflicting Provisions Repealed. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall be effective immediately upon receipt of acknowledgment from the office of the Secretary of State that this Ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 12th day of October, 2021.

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

Attest: Heidi Krueger, D.C.
for DOUGLAS CHORVAT, JR.
Clerk

By:

JOHN ALLOCCO
Chairman

Approved for Form and Legal Sufficiency

Mannon Eller
Assistant County Attorney



Exhibit A

**SOMERSET BAY
COMMUNITY DEVELOPMENT DISTRICT**

LEGAL DESCRIPTION FOR SOMERSET BAY CDD-BOUNDARY:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 23 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID SECTION 13 S89°25'25"E, 3004.08 FEET TO THE WEST RIGHT-OF-WAY LINE OF A 100 FOOT WIDE POWER EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 933, PAGE 347 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE CONTINUE S89°25'25"E, 102.28 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID 100 FOOT WIDE POWER EASEMENT; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE S12°20'03"W, 553.72 FEET; THENCE S12°18'45"W, 773.12 FEET; THENCE CONTINUE S12°18'45"W, 576.44 FEET; THENCE S12°18'00"W, 261.99 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE RUN N89°25'25"W, 745.55 FEET; THENCE S12°18'00"W, 960.04 FEET; THENCE N77°42'00"W, 168.84 FEET; THENCE S10°57'06"W, 584.97 FEET TO THE PC OF A CURVE TO THE LEFT BEING CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 49°03'13", A RADIUS OF 1150.00 FEET, AND A CHORD BEARING AND DISTANCE OF S13°34'30"E, 954.77 FEET; THENCE ALONG THE ARC OF SAID CURVE 984.57 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT BEING CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 44°51'11", A RADIUS OF 270.00 FEET, AND A CHORD BEARING AND DISTANCE OF S67°06'36"W, 206.01 FEET; THENCE ALONG THE ARC OF SAID CURVE 211.36 FEET; THENCE S89°32'11"W, 395.05 FEET TO THE PC OF A CURVE TO THE RIGHT BEING CONCAVE TO THE NORTHEAST HAVING A CENTRAL ANGLE OF 97°42'33", A RADIUS OF 120.00 FEET, AND A CHORD BEARING AND DISTANCE OF N41°36'32"W, 180.73 FEET; THENCE ALONG THE ARC OF SAID CURVE 204.64 FEET; THENCE N07°14'44"E, 358.49 FEET TO THE PC OF A CURVE TO THE LEFT BEING CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 07°37'32", A RADIUS OF 1920.00 FEET, AND A CHORD BEARING AND DISTANCE OF N03°25'58"E, 255.34 FEET; THENCE ALONG THE ARC OF SAID CURVE 255.53 FEET; THENCE N90°00'00"W, 355.65 FEET; THENCE N00°20'06"E, 344.24 FEET; THENCE N89°29'50"W, 665.00 FEET TO THE EAST BOUNDARY LINE OF THE WEST 1/2 OF THE WEST 1/2 OF SAID SECTION 13; THENCE ALONG SAID EAST BOUNDARY LINE N00°20'06"E, 3531.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 210.30 ACRES MORE OR LESS.