

**ORDINANCE NO. 2022 - 11**

AN ORDINANCE ESTABLISHING THE BENTON HILLS 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, HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Hernando 195, LLC, a Florida limited liability company ("Petitioner"), has filed a Petition with Hernando County requesting that the Board of County Commissioners of Hernando County, Florida ("County") adopt an Ordinance establishing the Benton Hills Community Development District pursuant to Chapter 190, *Florida Statutes* ("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 applicable 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**, attached hereto, 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), *Florida Statutes*; and

**WHEREAS**, the County has considered the record of the public hearing and the factors set forth in Section 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.**

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.

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, *Florida Statutes*.

2. The County has jurisdiction pursuant to Section 190.005(2), *Florida Statutes*.

3. The granting of the Petition complies with the dictates of Chapter 190, *Florida Statutes*.

**Section 3. Creation, Boundaries, and Powers.** There is hereby created the Benton Hills Community Development District for the area of land described in **EXHIBIT A**, attached hereto, which shall exercise the general and special powers authorized by Chapter 190, *Florida Statutes*, with specific consent for the special powers in Sections 190.012(2)(a) and (2)(d), *Florida Statutes*, and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006 through 190.041, *Florida Statutes*.

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

1. Martha Schiffer
2. Chris Torres
3. Garth Noble
4. Chris Babcock
5. Jerry Tomberlin

**Section 5. Severability.** It is the intention 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 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, 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, FLORIDA, in Regular Session this 26<sup>th</sup> day of APRIL, 2022.**

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

Attest: *for* *Darlene M. Christensen, D.C.*  
DOUGLAS A. CHORVAT, JR.  
Clerk of Circuit Court & Comptroller

By:   
STEVE CHAMPION  
Chairman



Approved for Form and Legal Sufficiency  
*Shannon Eller*  
County Attorney's Office

**EXHIBIT A**

**BENTON HILLS  
COMMUNITY DEVELOPMENT DISTRICT**

**LEGAL DESCRIPTION FOR BENTON HILLS CDD BOUNDARY:**

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 21 EAST, HERNANDO COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID SECTION 17 N89°42'41"W, 1340.57 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 N00°01'52"E, 79.83 FEET TO THE NORTH RIGHT-OF-WAY LINE OF POWERLINE ROAD AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N89°42'30"W, 1340.73 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE RUN ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 N00°10'04"E, 2574.17 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 17 N00°03'26"E, 1324.86 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 17; THENCE ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 17 S89°39'00"E, 2631.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF KETTERING ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S00°00'12"W, 1324.87 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE S00°01'41"E, 1325.66 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE RUN N89°39'40"W, 1298.59 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17 S00°03'11"W, 1246.93 FEET TO THE NORTH RIGHT-OF-WAY LINE OF POWERLINE ROAD AND THE POINT OF BEGINNING.

CONTAINING 198.59 ACRES MORE OR LESS.



# STATE OF FLORIDA DEPARTMENT OF STATE

I, LAUREL M. LEE, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Hernando County Ordinance No. 2022-11, Benton Hills Community Development District, which was filed in this office on April 26, 2022, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.



**Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
3rd of April, A.D., 2022.**

*Laurel M Lee*  
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document