

O R D I N A N C E
NUMBER 87-50

*Effective
Dec. 28, 1987*

AN ORDINANCE ESTABLISHING THE ALLIGATOR CREEK WATERWAY MAINTENANCE UNIT; DESIGNATING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY FOR THE PURPOSE OF THE MAINTENANCE OF ALLIGATOR CREEK; PROVIDING FOR THE ADOPTION OF A BUDGET, THE LEVY OF ASSESSMENTS, THE EQUALIZATION OF ASSESSMENTS AND FOR THE COLLECTION OF ASSESSMENTS IN THE MANNER PROVIDED FOR AD VALOREM TAXES.

FINDINGS

1. The Board of County Commissioners of Charlotte County finds that the territory included within the proposed unit constitutes a single community with an integrated system of canals, waterways and estuaries leading to Charlotte Harbor.

2. The Board finds that, due to the sparsity of population and development within the community, the preservation of this integrated system with funds derived only from ad valorem taxation would be inadequate or unfeasible.

3. The Board finds that the benefits of the maintenance and preservation of a drainage unit would inure primarily to the benefit of the unit and only incidentally and inconsequentially to the public at large.

4. The Board further finds that each property within the described territory will benefit in accordance with the imposed assessments and related to the ad valorem value of the property.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Unit Established. Pursuant to the authority contained in sections 125.01(1)(q), 125.01(5)(a), and 197.363, Florida Statutes (1985), there is hereby established a municipal service benefit unit to be known as the Alligator Creek Waterway Maintenance Unit. This unit is subject to section 200.066, Florida Statutes.

Section 2. Purpose. The purpose of this unit is to provide for the dredging, maintenance, clearing, marking for navigational purposes, and providing for safety devices in Alligator Creek, so as to provide residents and marine interests within the unit a means of use and enjoyment of the waterways in the unit and to Charlotte Harbor.

Section 3. Governing Body. The Board of County Commissioners of Charlotte County, Florida, shall be the governing body of the unit.

Section 4. Annual Budget and Resolution.

(1) On or before July 1st of each year, the County Engineer shall present to the Board of County Commissioners plans and estimates of costs for works to be performed in a budget for the succeeding fiscal year. Such plans shall be filed with the Clerk of the Circuit Court as ex-officio Clerk to the Board of County Commissioners, shall be available for public inspection, and shall be delivered in copy form to the County Administrator for inclusion in the County budget.

(2) Upon examination of such plans and estimates, the Board of County Commissioners by resolution shall, at a public hearing after 10 days public notice, determine the propriety and advisability of the proposed work and whether to accomplish all or any part of the proposed work and defray the whole or any part of the expense thereof by special assessments. The resolution shall designate the work to be performed by the County staff or by private contractors by reference to the plans and estimates as filed and shall state the amount to be paid by special assessments, and when the assessments are to be paid. The resolution shall also designate the lands upon which the special assessments shall be levied. In describing those lands, it shall be sufficient to describe them as all lots and lands lying within the Alligator Creek Waterway Maintenance Unit.

(3) The resolution also shall state the total estimated cost of the improvement, including the cost of repair, maintenance, construction or reconstruction, the cost of all labor and materials, the cost of all lands, property rights, easements and franchises to be acquired, discounts and costs of collection, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such works.

Section 5. Assessment Roll. Upon the adoption of any resolution to perform any work authorized in the preceding section, the Board shall thereafter cause to be made an assessment roll which shall be filed in the office of the Board. The assessment roll shall show the lots and lands

assessed, and the amount of benefit to and the assessment against each lot or parcel of land. The method for the determination of the proportionate share of each property to be specially assessed is on the basis of the front footage of each parcel of property lying within the unit.

Section 6. Notice of Hearing. On the completion of the assessment roll, the Board shall fix a time and place at which the owners of the property to be assessed or any other persons interested may appear before the governing body and be heard as to the cost thereof, the manner of payment therefor, or the amount thereof to be assessed against each property so benefited. Notice of the time and place of the hearing shall be given by two publications approximately a week apart in a newspaper of general circulation in the county, the first of such notices to be published not less than 10 days before the time set for the hearing. The notice shall describe the area to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the Board of County Commissioners of Charlotte County.

Section 7. Equalization Hearing. At the time and place in the notice, the Board shall meet as an equalization board to hear and consider any and all complaints as to such special assessments and shall adjust and equalize the said assessments on a basis of justice and right, and when so equalized and approved by resolution of the Board of County Commissioners, the assessments shall stand confirmed and remain legal, valid and binding liens of equal dignity with the lien for county taxes on the property against which assessments are made until paid.

Section 8. Assessment Roll Certified to Appraiser for Inclusion in the Tax Roll. The assessment roll, as amended following the equalization hearing, shall be certified to the Property Appraiser who shall include the assessments thus made in the Charlotte County tax roll, and the assessments shall be collected in the manner and form subject to the same discounts, commissions, interest, penalties and remedies for enforcement and collection as are provided by general law for the collection of county taxes.

Section 9. Territory of the Unit. The territory of the unit initially shall be all that land described in Appendix 1 to this ordinance.

Section 10. Effective Date. This ordinance shall take effect upon receipt of the acknowledgement of its filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 8 day of Dec, 1987.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By David H. Schmidt
Chairman, David H. Schmidt
Board of County Commissioners

ATTEST:

Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

By Barbara T. Scott
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

William D. Moore
William D. Moore, County Attorney

CALLICR/14/87-9/120287

APPROVED BY:

Robert J. Hill
Punta Gorda City Council
Chairman

ATTEST:

Mary Lou Hillenburg
City Clerk

APPENDIX 1

The territory included within the district shall be the following described parcels:

- a. Aqui Esta Unit 3, a subdivision according to the plat thereof recorded in Plat Book 4 at pages 3A thru 3D of the Public Records of Charlotte County, Florida.
- b. A portion of Charlotte Park, being Block B; J; and Lots 3 thru 6, 19 and 20, Block R, a subdivision according to the plat thereof recorded in Plat Book 3 at pages 90A thru 90C of the Public Records of Charlotte County, Florida.
- c. Charlotte Park Section 2, a subdivision according to the plat thereof recorded in Plat Book 4 at page 62 of the Public Records of Charlotte County, Florida.
- d. Charlotte Park Unit 3, a subdivision according to the plat thereof recorded in Plat Book 7 at pages 2A and 2B of the Public Records of Charlotte County, Florida.
- e. Charlotte Park Replat of Part of Section 2, a subdivision according to the plat thereof recorded in Plat Book 7 at page 28 of the Public Records of Charlotte County, Florida.
- f. First Addition to Rio Villa, a subdivision according to the plat thereof recorded in Plat Book 4 at pages 10A thru 10C of the Public Records of Charlotte County, Florida.
- g. A portion of Pelican Pointe, being Lots 8 thru 32, of a subdivision according to the plat thereof recorded in Plat Book 15 at page 46 of the Public Records of Charlotte County, Florida.
- h. A portion of Punta Gorda Isles Section 15, being Lots 1 and 10 thru 19, Block 229; Block 230; Blocks 233 thru 235; Block 249 and 250; Blocks 253 thru 269; Blocks 274 thru 282; Lot 1, Block 283 of a subdivision according to the plat thereof recorded in Plat Book 8 at pages 20A - 25A of the Public Records of Charlotte County, Florida.
- i. Punta Gorda Isles Section 15 Replat, a subdivision according to the plat thereof recorded in Plat Book 15 at pages 25A thru 25(O) of the Public Records of Charlotte County, Florida.
- j. A portion of Replat of Certain Parts of Charlotte Park, being Block S; Lots 8 thru 22, Block U; Block V; Lots 5 thru 8, Block X of a subdivision according to the plat thereof recorded in Plat Book 4 at pages 26A thru 26B of the Public Records of Charlotte County, Florida.
- k. A portion of Replat of Tierra Coronado, being Lots A, B, and F, Block F, of a subdivision according to the plat thereof recorded in Plat Book 13 at pages 22A thru 22B of the Public Records of Charlotte County, Florida.
- l. Resubdivision Rio Villa, a subdivision according to the plat thereof recorded in Plat Book 4 at page 51 of the Public Records of Charlotte County, Florida.
- m. Rio Villa, a subdivision according to the plat thereof recorded in Plat Book 3 at page 3 of the Public Records of Charlotte County, Florida.
- n. Riviera Lagoons Unit 3, a subdivision according to the plat thereof recorded in Plat Book 10 at page 14 of the Public Records of Charlotte County, Florida.
- o. A portion of Riviera Lagoons Fourth Addition, being Lots 1, 7, 8 and 9, of a subdivision according to the plat thereof recorded in Plat Book 15 at page 44 of the Public Records of Charlotte County, Florida.

- p. Tierra Coronado, a subdivision according to the plat thereof recorded in Plat Book 3 at pages 47A thru 47B of the Public Records of Charlotte County, Florida.
- q. A portion of Unit No. 2 Riviera Lagoon, being Lots 1 thru 17, Block A; Block B of a subdivision according to the plat thereof recorded in Plat Book 7 at page 10 of the Public Records of Charlotte County, Florida.
- r. Unit No. 1 Sea Lanes Unit, a subdivision according to the plat thereof recorded in Plat Book 3 at page 6 of the Public Records of Charlotte County, Florida.
- s. A portion of Waterway Colony, being Lots 1 thru 38, Block A; Lots 1 thru 36, Block B, of a subdivision according to the plat thereof recorded in Plat Book 7 at pages 52A thru 52B of the Public Records of Charlotte County, Florida.
- t. A parcel of land lying in Sections 18 and 19, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows: P-13, beginning at the intersection of Baynard Drive and Rio Villa Drive S.W., thence along the south right-of-way of Rio Villa Drive 400 feet to the P.O.B., thence continuing along the south right-of-way of Rio Villa Drive 2300 feet M/L, thence south 2,080 feet M/L to the north shore of Alligator Creek, thence meandering northwesterly along the north shore of Alligator Creek 3130 feet to the north section line of 19, thence continuing 1,180 feet along Alligator Creek in Section 18 northwesterly 150 feet to the P.O.B. less Lots 49 and 50, Block D Aqui Esta Subdivision AKA Windmill Village.

Containing 62.9 acres more or less.

- u. A parcel of land lying in Section 18, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

Tierra Coronado Block F, Parcel 1 of Tract F beginning in the northeast corner of Tract F, thence west 205 feet to the P.O.B., thence continuing west 90 feet, thence south 125 feet, thence east 90 feet, thence north 125 feet to the P.O.B.

- v. A parcel of land lying in Section 18, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

Tierra Coronado Block F, Parcel 2 of Tract F, beginning in the northeast corner of Tract F, thence west 115 feet to the P.O.B., thence continuing west 90 feet, thence south 125 feet, thence east 90 feet, thence north 125 to the P.O.B.

- w. A parcel of land lying in Section 24, Township 41 South, Range 22 East, Charlotte County, Florida. Described as follows:

P-5-1, beginning at the southeast corner of Section 24, Township 41 South, Range 22 East, thence north 675 feet M/L to the center of canal tract IV, thence southwest 920 feet to the south section line, thence east 675 feet to the P.O.B. and that part of Section 19, Township 41 south, Range 23 East adjacent thereto.

Containing 4.88 acres more or less.

- x. A parcel of land lying in Section 25, Township 41 South, Range 22 East, Charlotte County, Florida. Described as follows:

P-5-1, that part of the NE 1/4 of the NE 1/4 and Government Lot 1 lying south and east of Alligator Creek.

Containing 12.78 acres more or less.

- y. A parcel of land lying in Section 25, Township 41 South, Range 22 East, Charlotte County, Florida. Described as follows:

P-1-3, beginning at the northeast corner of Section 25, Township 41 South, Range 22 East, thence west 660 feet M/L to canal tract IV, thence southwest 510 feet, thence southeast 320 feet M/L to the mean high waterline of Alligator Creek, thence meander the mean high waterline 1,150 feet to the P.O.B.

Containing 5.57 acres more or less.

- z. A parcel of land lying in Section 25, Township 41 South, Range 22 East, Charlotte County, Florida. Described as follows:

P-1-1, NE 1/4 of NE 1/4 and that part of Government Lot 1 lying NE of a line drawn from the SW corner of the NE 1/4 of NE 1/4 to a point 1,155.87 feet west of the NW corner of the NE 1/4 of NE 1/4 less that portion to PGI in 310/322.

Containing 8.92 acres more or less.

- aa. A parcel of land lying in Section 25, Township 41 South, Range 22 East, Charlotte County, Florida. Described as follows:

P-1, Government Lot 1 accretion lying south and west of a line drawn from the southwest corner of NE 1/4 of NE 1/4 to a point 1,155.87 feet west of the NW corner of the NE 1/4 of NE 1/4 less that part of Government Lot 1 lying south and east of Alligator Creek.

Containing 50.24 acres.

- bb. A parcel of land lying in Section 17, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-16, being at the intersection of U.S. 41 and Rio Villa Drive, thence south 235 feet along section line, thence southeast 290 feet, thence south 55 feet, thence east 250 feet to the southwest right-of-way line of U.S. 41, thence northwest 670 feet along the southwest right-of-way of U.S. 41 to the P.O.B.

Containing 1.8 acres more or less.

- cc. A parcel of land lying in Section 17 Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-18-1, beginning at the intersection of the southwesterly right-of-way line of U.S. 41 with the west line of Section 17, thence southeasterly 806 feet along said southwesterly right-of-way to the P.O.B., thence continuing southeasterly 200 feet along said right-of-way, thence southwesterly 285 feet to a point in Red Fish Lagoon, thence northwesterly 200 feet to a concrete monument, thence northeasterly 285 feet to the P.O.B.

Containing 1.6 acres more or less.

- dd. A parcel of land lying in Section 17 Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-18, beginning at the intersection of U.S. 41 and Rio Villa Drive, thence southeast 870 feet along the southwest right-of-way of U.S. 41 to the P.O.B., thence continuing along the southwest right-of-way line 1,000 feet, thence southwest 175 feet along Singapore Road, thence northwest 950 feet along Redfish Lagoon, thence northeast 200 feet to the P.O.B.

Containing 3.43 acres more or less.

- ee. A parcel of land lying in Section 19, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-1, all lands lying between exterior perimeter waterway line Section 15 Replat Punta Gorda Isles and North Branch Alligator Creek less parcel 4 and less parcel 6-1.

Containing 130 acres more or less.

- ff. A parcel of land lying in Section 19, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-4, commencing at the southwest corner of Section 19, thence east 600 feet M/L to the east mean high water mark of Alligator Creek for P.O.B., thence continuing east 420 feet M/L to the east line of Government Lot 4, thence north to the mean high watermark of Alligator Creek, thence meandering west and south along mean high water to P.O.B.

Containing 2.5 acres more or less.

- gg. A parcel of land lying in Section 19, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-6-1, commencing at the southeast corner of section 19, thence west 245 feet along the south section line, thence north 610 feet to the P.O.B., thence southwesterly 700 feet, thence northwesterly 311.14 feet, thence northeasterly 700 feet, thence southeasterly to the P.O.B.

Containing 5 acres more or less.

- hh. A parcel of land lying in Section 19, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-5-1-1, beginning at the southwest corner of the NE 1/4 of the SW 1/4 of Section 19, thence north 500 feet along the west, thence east 200 feet, thence southeasterly to the center of Alligator Creek, thence meander southerly along said centerline to the south line of the NE 1/4 of the SW 1/4, thence west to the P.O.B.

Containing 1.20 acres more or less.

- ii. A parcel of land lying in Section 19, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-5-1, beginning at the southwest corner of the NE 1/4 of the SW 1/4, thence north 500 feet to the P.O.B., thence continuing north 418 feet, thence east 30 feet, thence S. 25°00'00"E, 473 feet to waters of Alligator Creek, thence west 230 feet to the P.O.B. less the west 30 feet and less the north 15 feet for road right-of-way.

Containing 0.8 acres more or less.

- jj. A parcel of land lying in Section 19, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-5-4, beginning on the east right-of-way line of Third Avenue at a point 3,075.56 feet south of the northwest corner of the NE 1/4 of the NW 1/4, thence N. 65°00'00"E., 312 feet, thence S. 25°00'00"E., 470 feet, thence S. 65°00'00"W., 312 feet, thence N. 25°00'00"W., 470 feet to the P.O.B. and a 30 foot wide tract lying 15 feet north and south of the P.O.B. of the above described for road right-of-way as described in 213/146.

Containing 3.37 acres.

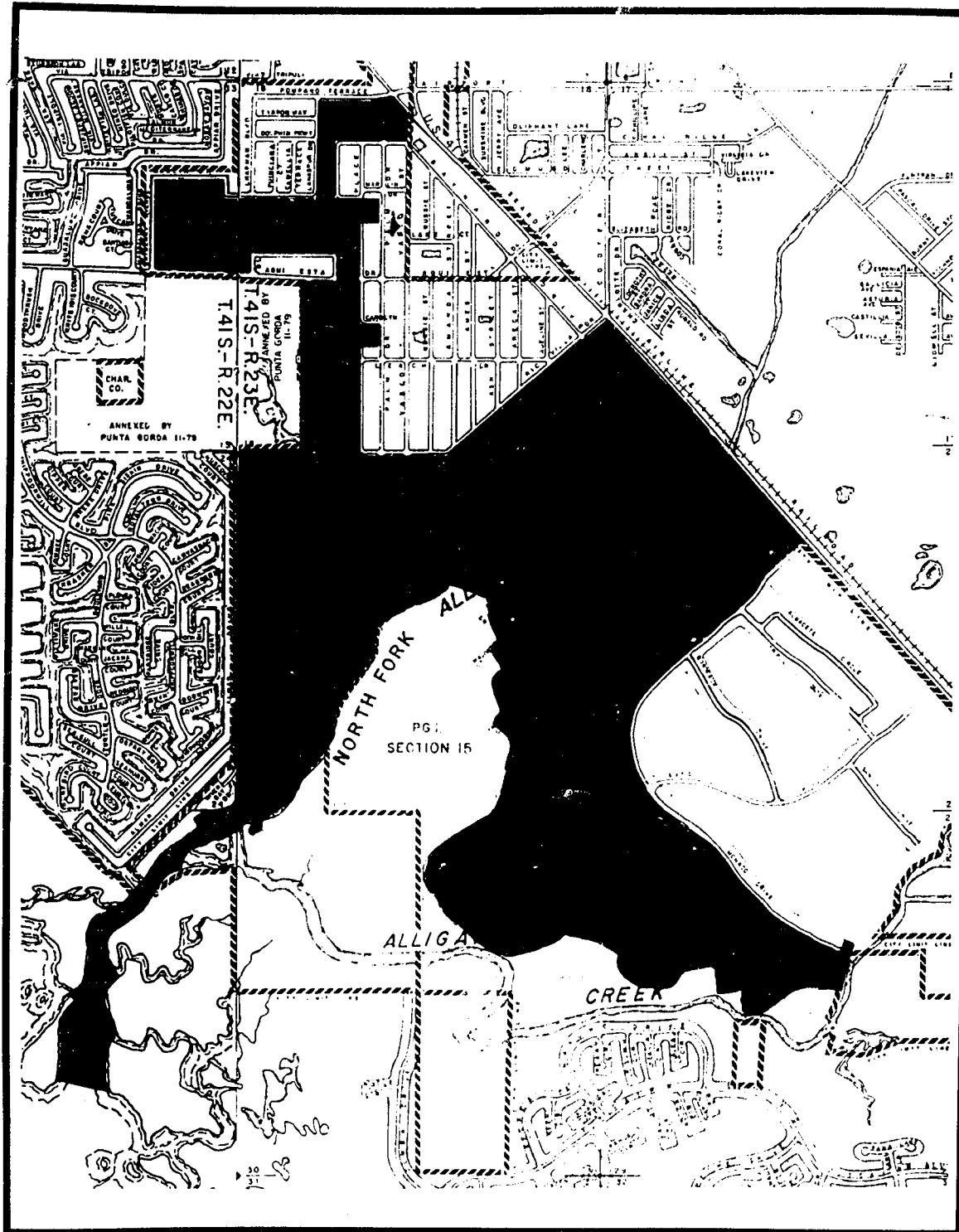
- kk. A parcel of land lying in Section 30, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

P-2, the NW 1/4 of the NW 1/4 and the E 1/2 of the NW 1/4 of Section 30.

Containing 111 acres more or less.

- ll. A parcel of land lying in Section 30, Township 41 South, Range 23 East, Charlotte County, Florida. Described as follows:

APPENDIX 1



ALLIGATOR CREEK WATERWAY MAINTENANCE UNIT

KEY MAP NO. I-13,14 & J-13,14 & K-13,14



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

Dorothy W. Joyce
Division Director

DEPT. OF STATE
CLERK OF THE CIRCUIT COURT
CHARLOTTE, FLORIDA

87 DEC 28 P2:28

December 22, 1987

Ms. Michèle M. Picht, Deputy Clerk
Clerk of the Circuit Court
Room 141, Courthouse
Post Office Box 1687
Punta Gorda, Florida 33951-1687

Dear Ms. Picht:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of December 17, 1987
and certified copy/ies of Charlotte
County Ordinance(s) No. 87-50 (CORRECTED COPY)
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/these ordinances in this office
on December 21, 1987.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301
(904) 488-7690

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