

Effective Date 3/28/97

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ORDINANCE  
NUMBER 97-13

(970130A0)

AN ORDINANCE AMENDING CHAPTER 4-6, ARTICLE VIII, CHARLOTTE COUNTY CODE; CREATING THE ROTONDA HEIGHTS STREET AND DRAINAGE UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING THE POWERS OF THE GOVERNING BODY; PROVIDING THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING MAINTENANCE AND CAPITAL PROJECT ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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RECITALS

1. The Board of County Commissioners, pursuant to the provisions of Section 125.01 Florida Statutes, has the power to establish, merge or abolish municipal service benefit units and levy and collect assessments within such units.
2. The Board of County Commissioners, by Resolution 96-0910A0, accepted for maintenance certain described streets, bridges and related drainage facilities within the Rotonda development.
3. It is in the best interest of the citizens of the County to create street and drainage benefit units to provide the funding necessary for the construction and repair of the streets, bridges and related drainage facilities which have been accepted for maintenance

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

BARBARA T. SCOTT, CLERK OF THE CIRCUIT COURT - CHARLOTTE COUNTY

FILE: 477677 OR BOOK/PAGE: 1523/1784  
RECORDED: 4/4/97 09:08:40

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Recorded by Sandra D. Hill D.C. 118 98

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4/10/97  
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*4-15  
M. Miller*

**Section 1.** Charlotte County Code, Chapter 4-6, Article VIII, is amended by adding the following new language, numbered and designated as follows:

**"ARTICLE VIII. ROTONDA HEIGHTS STREET AND DRAINAGE UNIT**

**Sec. 4-6-136. Unit established.**

There is hereby created, pursuant to the authority contained in Section 125.01, Florida Statutes, a municipal service benefit unit to be known as Rotonda Heights Street and Drainage Unit (hereinafter "unit").

**Sec. 4-6-137. Territory.**

The territory included within the unit shall include the following portions of the unincorporated area of Charlotte County:

(1) Portions of Rotonda Heights, a subdivision lying in the following half-section maps received October 3, 1996 from the Charlotte County Property Appraiser, Charlotte County, Florida: 2B15N, 2B15S, 2B16S, 2B22N, and 2B22S. Said portions being:

Lots 1 through 460 (inclusive), 462 through 1777 (inclusive), 1777A, 1778 through 1970 (inclusive), 1973 through 2009 (inclusive), and Parcel 10.

(2) Portions of unplatted land lying in the south 1/2 of Section 16, Township 41 South, Range 20 East, in Charlotte County, Florida, according to the following half-section map received October 3, 1996 from the Charlotte County Property Appraiser, Charlotte County Florida: 2B16S. Said portions being:

Parcels 7, 8, and 8-2.

**Sec. 4-6-138. Purpose.**

The purpose of the unit is to provide for the construction, reconstruction, repair, paving, repaving, hard surfacing, rehard surfacing, widening, guttering, and draining, of streets, bridges and related drainage facilities in the unit, and of necessary appurtenances and accessory structures thereto located within or without the unit, from funds derived from special assessments within the unit.

**Sec. 4-6-139. Governing body.**

The Board of County Commissioners of Charlotte County, Florida, shall be the governing body of the unit.

**Sec. 4-6-140. Powers of the governing body.**

The board shall have those powers set forth in Chapter 4-6, Article I, Charlotte County Code.

**Sec. 4-6-141. Assessments and Collection.**

The authority and procedure for imposing and collecting capital project and maintenance assessments shall be as provided in Chapter 4-6, Article I, Charlotte County Code.

**Sec. 4-6-142. Issuance of debt obligations.**

The authority and procedure regarding the issuance of debt obligations shall be as provided in Chapter 4-6, Article I, Charlotte County Code."


**Section 2. Severability.** In the event any portion of the foregoing conflicts with any other Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase, or portion of these sections is for any reason held invalid or unconstitutional

by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of the chapter.

Section 3. Effective Date. This ordinance shall take effect upon its filing in the Office of Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 25<sup>th</sup> day of March, 1997.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

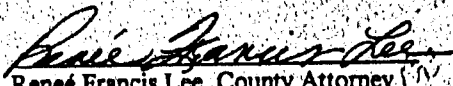
By   
Matthew D. DeBoer, Chairman

ATTEST:

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

By   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
Renee Francis Lee, County Attorney

NOTICE OF INTENTION TO CONSIDER ORDINANCES  
The Board of County Commissioners of Charlotte County, Fla., in regular session, on March 11th of the County Administration Building, 1800 North U.S. Highway 1, in the City of Marietta, Georgia, on the 11th day of March, 1997, considered the proposed ordinances being read as follows:

ORD 970110 AD  
three 970200 AD

10:15 A.M.  
P.M. 9:45

SARASOTA HERALD-TRIBUNE  
(Charlotte/Englewood AM Editions)  
Published Daily  
Charlotte County FLORIDA

AD NUMBER 36AH00700 PO # 17307-N

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

ORD  
97-13

Before the undersigned authority personally appeared Penny DiGregorio, who on oath says she is Advertising Manager, Charlotte/AM of the Sarasota Herald-Tribune (Charlotte/Englewood editions), a daily newspaper published in Charlotte County, Florida; that the attached copy of advertisement, being a notice in the matter of:

Notice of Intention To Consider Ordinances

in the Court, was published in the Charlotte/Englewood edition of said newspaper in the issues of:

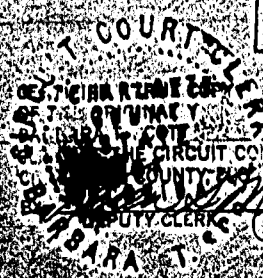
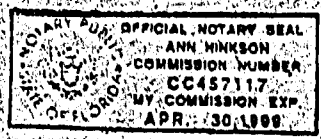
March 7, 1997

Affiant further says that the said Sarasota Herald-Tribune is a newspaper published in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in Charlotte County, Florida, each day, and has been entered as second-class mail matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signed *P. DiGregorio*

Sworn to and subscribed before me this 7 day of March, A.D. 1997.

SEAL *Ann Hinkson*  
Notary Public



1. AN ORDINANCE AMENDING CHAPTER 42, ARTICLE I, CHARLOTTE COUNTY CODE, CREATING THE ROTONDA KENN CHARLOTTE COUNTY CODE, CREATING THE ROTONDA KENN STREET AND DRAINAGE UNIT, DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT, PROVIDING THE PURPOSE OF THE UNIT, PROVIDING FOR A GOVERNING BODY, PROVIDING THE POWERS OF THE GOVERNING BODY, PROVIDING THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING MAINTENANCE AND CAPITAL PROJECT ASSESSMENTS, PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS, PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.  
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This proposed ordinance and the Secretary of the Board are hereby approved by the Board of County Commissioners of Charlotte County, Florida, in regular session, on March 11th of the County Administration Building, 1800 North U.S. Highway 1, in the City of Marietta, Georgia, on the 11th day of March, 1997, considered the proposed ordinances being read as follows:

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA  
By: Matthew D. Collier, Clerk

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Office of International Relations  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing



MEMBER OF THE FLORIDA CABINET  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
Ringling Museum of Art

FLORIDA DEPARTMENT OF STATE  
Sandra B. Mortham  
Secretary of State  
DIVISION OF ELECTIONS

March 31, 1997

Honorable Barbara T. Scott  
Clerk to Board of County Commissioners  
Charlotte County  
Post Office Box 1687  
Punta Gorda, Florida 33951-1687

Attention: Karen S. Mitchell, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated March 26, 1997 and certified copy each of Charlotte County Ordinance Nos. 97-10 through 97-20 inclusive, which were filed in this office on March 28, 1997.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mw

97 APR 2 1997  
HURD  
RECEIVED

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TAGED  
4/10/97  
MK