

Effective Date June 26, 1992

BERNARD T. SCOTT, CLERK OF THE CIRCUIT COURT
MUNICIPAL SERVICE TAXING UNIT
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ORDINANCE
NUMBER 92-49

AN ORDINANCE CREATING THE ACKERMAN WATERWAY MAINTENANCE UNIT; DESCRIBING THE GEOGRAPHIC AREA INCLUDED IN THE UNIT; PROVIDING THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING THE POWERS OF THE GOVERNING BODY, INCLUDING THE ADOPTION OF AN ANNUAL BUDGET, THE FINANCING OF PROJECTS AND SERVICES OF THE UNIT FROM FUNDS DERIVED FROM TAXES WITHIN SUCH UNIT ONLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

1. Chapter 91-361, Laws of Florida, abolished the Ackerman Waterway District and transferred all the assets, liabilities, and obligations of the abolished district to Charlotte County.
2. The duties previously performed by this abolished district are still required.
3. It is in the public interest to create a successor municipal service taxing unit to carry on the duties of the abolished district.
4. Charlotte County has the authority, under §125.01, F.S., to establish a successor municipal service taxing unit.

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

Section 1. There is hereby created a municipal service taxing unit within portions of the unincorporated area of the county as hereinafter defined for the purpose of dredging and

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Minutes

Barbara T. Scott, Clerk of the Circuit Court - Charlotte County
File Number: 175357
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maintenance of the canals and waterways from taxes within such unit only.

Section 2. The name of the unit shall be ACKERMAN WATERWAY MAINTENANCE UNIT.

Section 3. The territory included within such unit shall include a portion of the unincorporated area of Charlotte County, Florida, as shown on Exhibit "A," and more particularly described as follows:

1. Lots 1 through 177, lots 181 through 222, lots 226 through 248, lots 250 through 255, lots 257 through 275, lots 279 through 312, lots 314 through 315, lots 317 through 345, lots 351 through 358, lots 364 through 381, lots 385 through 403 and lots 407 through 426, all inclusive, and lots 179, 224, 277, 317, 348, 361, 383 and 405, Block 2148, Port Charlotte Subdivision, Section 37, a subdivision according to the plat thereof recorded in Plat Book 5 at pages 41A through H, inclusive, of the public records of Charlotte County, Florida.

2. Also Lots 1 through 17, inclusive, Block 2116, Port Charlotte Subdivision, Section 92, a subdivision according to the plat thereof recorded in Plat Book 7 at pages 70A through D of the public records of Charlotte County, Florida.

3. Also a parcel of land lying in Sections 29, 32 and 33, Township 40 South, Range 22 East, Charlotte County, Florida, being more particularly described as follows: Beginning at the intersection of Ackerman Waterway and Midway Boulevard as recorded in Plat Book 7, page 70, of the public records of Charlotte County,

Florida, run south $00^{\circ}04'52''$ west 397.22 feet; thence east 562.03 feet; thence south $50^{\circ}16'01''$ east 4318.56 feet; thence south $31^{\circ}05'05''$ west 636.12 feet; thence south $50^{\circ}16'01''$ east 1221.01 feet; thence north $60^{\circ}55'23''$ east 2189.39 feet thence north $26^{\circ}45'23''$ west 803.82 feet; thence south $63^{\circ}04'39''$ west 1095.27 feet; thence north $58^{\circ}43'57''$ west 5065.92 feet; thence north $00^{\circ}04'52''$ east 1409.73 feet; thence west 1275.37 feet; thence south $00^{\circ}04'52''$ west 1484.61 feet to the point of beginning.

Section 4. The purpose of the unit is to provide for the dredging and maintenance of canals and waterways within the unit.

Section 5. The Board of County Commissioners of Charlotte County shall ex-officio be the governing body of the unit.

Section 6. The County Engineer, acting on behalf of the Board of County Commissioners, as governing body of the unit, shall ex-officio be the chief executive officer of the unit. He shall keep separate records of all expenses incurred on behalf of the unit and charge all such expenses to the unit. He may employ and pay the wages of such personnel as he may deem necessary, discipline and discharge such personnel in the same manner and subject to the same procedures by which county employees are employed, compensated, disciplined and discharged.

The Clerk of the Circuit Court in and for Charlotte County shall ex-officio be the secretary to the governing body and the chief financial officer of the unit.

Section 7. On or before the first day of June of each year, the County Administrator or his designee shall present to the Board of County Commissioners plans and estimates of cost for works to be performed during the succeeding fiscal year or years. Such plans shall be filed with the Clerk of the Circuit Court as ex-officio Clerk to the Board of County Commissioners and shall be available for public inspection.

Section 8. Upon examination of the plans and estimates and after public notice by newspaper at least 15 days prior thereto, and not later than July 1st. of each year, the Board of County Commissioners will hold a public hearing to consider adoption of a resolution to accomplish all or any part of the proposed work and to finance such work by ad valorem taxes. The resolution may designate the work to be performed by reference to the plans and estimates as filed and shall state the amount to be paid, and shall also designate the lands upon which the tax shall be levied. It is at this meeting, no later than July 1st. of each year, that the Board shall make its final decision on whether the project shall be funded, and if so, in what amount. The public at this meeting shall be informed of the finality of the decisions to be made and that for all practical purposes, the only further public participation permitted will be to appeal errors in individual property assessments. In describing unit lands, it shall be sufficient to describe them as all lots and lands lying within the Ackerman Waterway Maintenance Unit. The resolution also shall state the total estimated cost of the improvement, including

the cost of repair, maintenance, construction or reconstruction, dredging, 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, costs of engineering and legal services, and all other expenses necessary or incident to determine the feasibility or practicability of such works, administrative expense and such other expense as may be necessary or incident to the completion of the works.

Section 9. The tax roll, as amended, shall be certified to the Property Appraiser who shall include the taxes thus made in the Charlotte County Tax Roll, and the taxes 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 countywide taxes. The Director of Public Works or his designee shall take care that this section is effectuated in compliance with Section 200.068, Florida Statutes (1991).

Section 10. The governing body shall, in addition to all other taxes within the unit, be authorized to assess, levy and collect an ad valorem tax not to exceed one mill, sufficient to provide the necessary funds for the dredging and maintenance of canals and waterways within the unit.

Section 11. Whenever the governing body shall deem it expedient or to the best interest of the unit to issue the bonds of the unit for any of the purposes of the unit, it shall

determine, by resolution to be entered in its records, what amount of bond is required for such purpose, the rate of interest to be paid thereon and the time when the principal and interest of such bonds shall be due and when payable. Bonds shall be issued only after the same have been approved by the majority of the votes cast in an election in which the majority of the electors residing in the unit shall participate, which said election shall be called and held and the results thereof declared and recorded in the manner prescribed by law for the holding of bond elections. Said bonds shall be authorized, issued and sold in the manner prescribed for the authorization, issuance and sale of county bonds.

Section 12. In the event this ordinance 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 13. It is the intent of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances, Charlotte County, Florida, and the sections of this ordinance may be renumbered to accomplish such intent.

Section 14. This ordinance shall take effect upon receipt of the acknowledgment of its filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 11th day of June, 1992.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Donald H. Ross
Donald H. Ross, Chairman

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

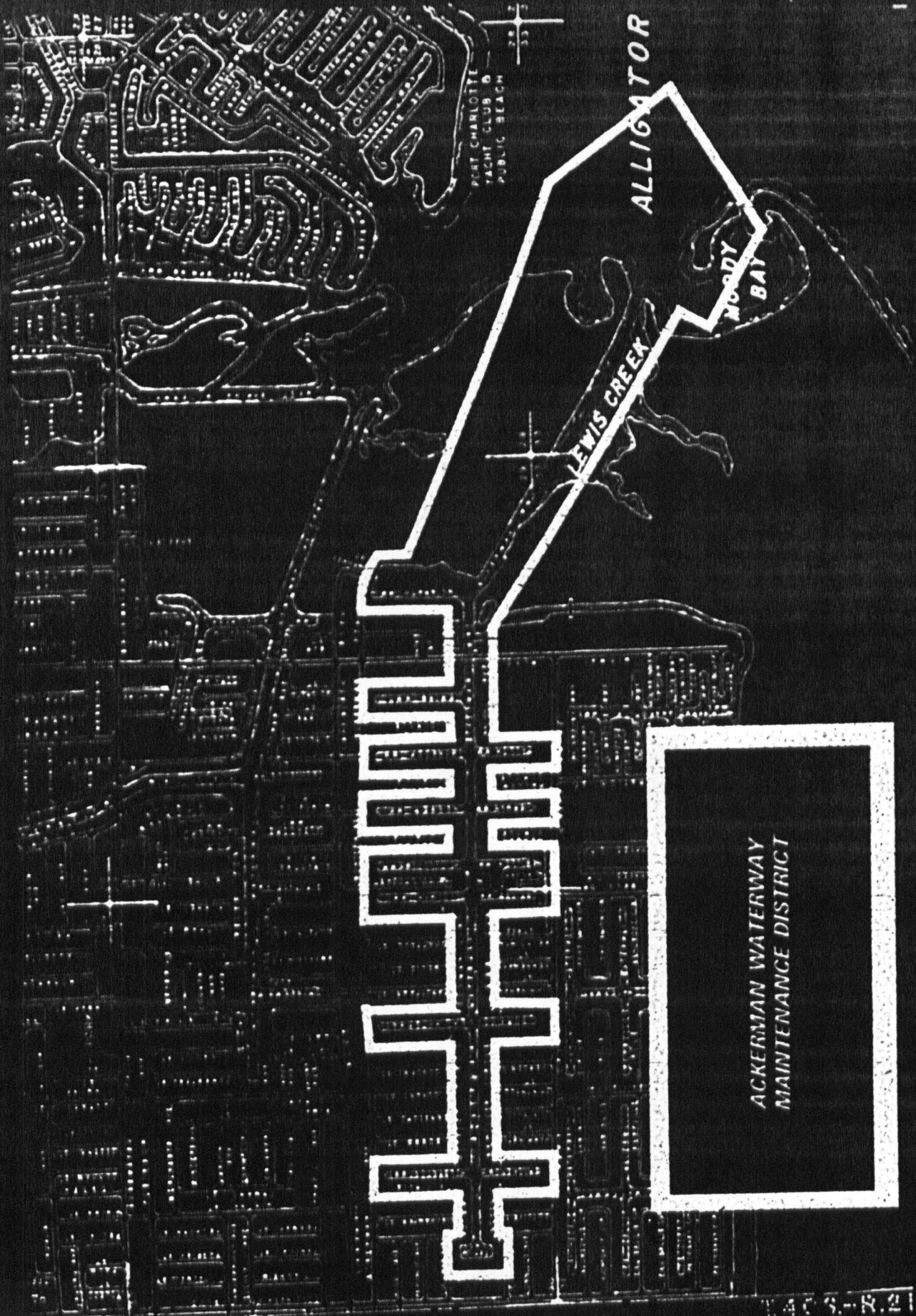
By Wane Jamaster
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Wm. Charles L. Jamison
Wm. Charles L. Jamison
Assistant County Attorney

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ACKERMAN WATERWAY
MAINTENANCE DISTRICT

10-5-82



FLORIDA DEPARTMENT OF STATE

100 NORTH

WASHINGTON STREET

TALLAHASSEE, FLORIDA 32301

Phone: 904-224-1000, Telefax: 904-224-1001
1992-188847

June 23, 1992

Honorable Barbara T. Scott
Clerk of the Circuit Court
Charlotte County Courthouse
Post Office Box 1687
Punta Gorda, Florida 33951-1687

Attention: Diane M. Lemaster, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of June 16, 1992 and certified copies of Charlotte County Ordinance No's. 92-48, and 92-49, which were received and filed in this office on June 22, 1992.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC mb