

O R D I N A N C E  
NUMBER 95-50

Effective Date Dec. 17, 1985

AN ORDINANCE DECLARING THAT AN EMERGENCY EXISTS; WAIVING NOTICE; CREATING "SOUTH GULF COVE (NON URBAN) STREET AND DRAINAGE UNIT"; PRESCRIBING THE BOUNDARIES OF THE UNIT; PROVIDING FOR A GOVERNING BODY; Delineating THE PURPOSE OF THE UNIT; PROVIDING FOR THE ADOPTION OF A BUDGET, THE LEVY OF ASSESSMENTS, THE EQUALIZATION OF ASSESSMENTS AND THEIR COLLECTION; AND PROVIDING AN EFFECTIVE DATE.

FINDINGS

1. Waiving Notice. Notice is hereby waived and an emergency declared pursuant to the authority granted in F.S. 125.66(3) because time is of the essence for creating the South Gulf Cove (Non Urban) Street and Drainage Unit.

2. Finding of Need. The Board of County Commissioners finds that the area included within the proposed Unit constitutes a single municipal community with an integrated system of municipal streets and drainage facilities but that, due to the sparsity of population and development within the community, the preservation of the integrated system of streets and drainage with funds derived from ad valorem taxation would impose an unjust burden on the owners of the few developed properties within the community.

3. Finding of Benefit. The Board of County Commissioners further finds that each property within the described territory will benefit in accordance with the frontage of the property abutting upon the public streets.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. MSTU Established. There is hereby established, pursuant to the authority contained in Section 125.01(q), Florida Statutes, a municipal service taxing unit to be known as "SOUTH GULF COVE (NON URBAN) STREET AND DRAINAGE UNIT".

Section 2. Territory Included Within the Unit. The territory included within the Unit shall include the following portion of the unincorporated area of Charlotte County, more particularly described as follows:

a. Fort Charlotte Subdivision Section 58, a subdivision according to the plat thereof recorded in Plat Book 5 at Pages 72-A thru 72-J of the Public Records of Charlotte County, Florida.

b. Fort Charlotte Subdivision Section 71, a subdivision according to the plat thereof recorded in Plat Book 6 at Pages 27-A thru 27-L of the Public Records of Charlotte County, Florida.

c. Fort Charlotte Subdivision Section 78, a subdivision according to the plat thereof recorded in Plat Book 6 at Pages 42-A thru 42-J of the Public Records of Charlotte County, Florida.

d. Fort Charlotte Subdivision Section 81, a subdivision according to the plat thereof recorded in Plat Book 6 at Pages 51-A thru 51-F of the Public Records of Charlotte County, Florida.

e. Fort Charlotte Subdivision Section 82, a subdivision according to the plat thereof recorded in Plat Book 6 at Pages 52-A thru 52-M of the Public Records of Charlotte County, Florida.

f. Fort Charlotte Subdivision Section 85, a subdivision according to the plat thereof recorded in Plat Book 6 at Pages 60-A thru 60-Q of the Public Records of Charlotte County, Florida.

g. Fort Charlotte Subdivision Section 87, a subdivision according to the plat thereof recorded in Plat Book 7 at Pages 20-A thru 20-N of the Public Records of Charlotte County, Florida.

h. Fort Charlotte Subdivision Section 93, a subdivision according to the plat thereof recorded in Plat Book 9 at Pages 1-A thru 2-4 of the Public Records of Charlotte County, Florida.

i. Fort Charlotte Subdivision Section 94, a subdivision according to the plat thereof recorded in Plat Book 9 at Pages 3-A thru 3-Y of the Public Records of Charlotte County, Florida.

j. Fort Charlotte Subdivision Section 97, a subdivision according to the plat thereof recorded in Plat Book 10 at Pages 13-A thru 13-G of the Public Records of Charlotte County, Florida.

Section 5. Governing Body. The governing body of the Unit shall be the Board of County Commissioners of Charlotte County, Florida.

Section 4. Purpose. The purpose of the Unit is to provide for the construction, reconstruction, repair, paving, repaving, hard surfacing, re-hard surfacing, widening, guttering and draining of the platted streets in the Unit, including the necessary appurtenances thereto, from funds derived from special assessments within the Unit only.

Section 5. Plans and Estimates. On or before July 1 of each year, the County Engineer shall present to the Board of County Commissioners plans and estimates of cost for works to be performed during the succeeding fiscal year. The plans shall be filed with the Clerk of the Circuit Court as ex-officio Clerk to the Board of County Commissioners and be available for public inspection. Upon examination of the plans and estimates, the Board by

resolution may determine to accomplish all or any part of the proposed work and defray the whole or any part of the expense by special assessment. 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 by special assessments, when the assessments are to be paid and 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 the lots and lands lying within the South Gulf Cove (Non Urban) Street and Drainage Unit. The resolution shall also 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 those works, administrative expense and such other expense as may be necessary or incident to the completion of the work.

Section 6. Assessment Roll. Upon the adoption of the resolution, the Board of County Commissioners shall 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 shall be on the basis of the proportionate front footage of each lot lying contiguous to any of the streets within the Unit. The front footage of corner lots for the purpose of determining special benefits shall be considered to be the frontage of the longest side of the lot abutting any of the streets in the unit including the tangent distance of the curve forming the corner of each corner lot.

Section 7. Public 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 other persons interested may appear before the Board to be heard as to the propriety and advisability of the work to be performed, the cost thereof, the manner of payment or the amount thereof to be assessed against each property so benefited. Notice of the time and place of hearing shall be given by 2 publications approximately one week apart in a newspaper

of general circulation in Charlotte County. The first notice shall be published not less than 10 days before the time set for such hearing. Each 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 8. Equalization. At the time and place named in the notice, the Board of County Commissioners shall meet as an equalizing board to hear and consider any and all complaints as to special assessments and shall adjust and equalize the assessments on a basis of fairness and uniformity, and when so equalized and approved by resolution of the Board, 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 the assessments are made until paid.

Section 9. Certification. 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 10. Effective Date. This Ordinance shall take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by registered mail to the Department of State, State of Florida.

PASSED AND DULY ADOPTED this 17th. day of December, 1985.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By Joseph A. Tringali  
Joseph A. Tringali, Chairman

ATTEST:

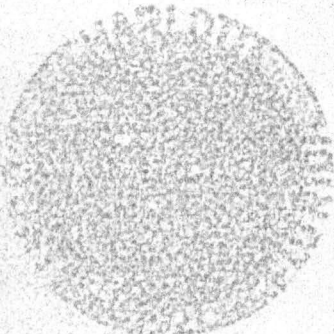
Hester T. Scott, Clerk of Circuit Court and Ex-officio Clerk to the Board of County Commissioners

By Thomas A. Reed  
Deputy Clerk

APPROVED AS TO FORM:

William D. Moore  
William D. Moore, County Attorney





865-384  
**COUNTY of CHARLOTTE**

**COUNTY ATTORNEY**

18502 Murdock Circle  
Port Charlotte, FL 33948-1064  
Phone (813) 827-1103

December 13, 1985


WILLIAM D. MOORE is County Attorney  
MATTHEW G. WALTER is Assistant County Attorney

**M E M O R A N D U M**

TO: Commissioner Tringali

RE: South Gulf Cove Municipal Service Taxing Unit

At your request, I herewith provide a copy of an ordinance establishing an MSTU for South Gulf Cove. In order to accomplish its passage before the end of 1985 and, therefore, at our last meeting of December 17, 1985, I have provided that it be passed by emergency in order to satisfy Florida Statute 200.066, (1984 Supp.), as advised by the departments of the County administering assessments and budgets.

  
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William D. Moore  
County Attorney

WDM:jl

Attachment



FLORIDA DEPARTMENT OF STATE

George Firestone  
Secretary of State

December 24, 1985

Patriotic Road, D.C.  
Clerk of the Circuit Court  
P.O. Box 1587  
Rm. 143, Courthouse  
Santa Gerda, FL 33951-1587

Dear Ms. Reed:

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

1. Receipt of your letter/s of December 19, 1985  
and certified copy/ies of Charlotte  
County Ordinances Nos. 85-48, 85-49 & 85-50
2. Receipt of \_\_\_\_\_ County Ordinance/s  
relative to:  
(a) \_\_\_\_\_  
which we have numbered \_\_\_\_\_  
(b) \_\_\_\_\_  
which we have numbered \_\_\_\_\_
3. We have filed this/these Ordinance/s in this office  
on December 23, 1985.
4. The original/duplicate copy/ies showing the filing date  
is/are being retained for your records.

CLERK OF THE COUNTY COURT  
SANTA GERDA, FLORIDA

Cordially,

(Mrs.) Liz Cloud, Chief  
Bureau of Administrative Code

85 DEC 30 07:49

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FILED