

ORDINANCE
NUMBER 13-09

Ordinance 13-09, 10/1/09

AN ORDINANCE CREATING SUNCOAST BOULEVARD STREET AND DRAINAGE UNIT; DESCRIBING THE TERRITORY INCLUDED IN THE UNIT; PROVIDING FOR A GOVERNING BODY; DELINEATING THE PURPOSE AND POWERS OF THE UNIT; PROVIDING FOR THE ADOPTION OF THE BUDGET AND THE LEVY AND COLLECTION OF AD VALOREM TAX; PROVIDING FOR THE RECEIPT OF FUNDS IN ESCROW AND THEIR DISPOSITION; PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS AND THEIR EQUALIZATION AND COLLECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Suncoast Boulevard is an unpaved road within the bounds of a private easement extending east from Loveland Boulevard, a public road, to Mincola Avenue, a private road, in Section 18, Township 40 South, Range 23 East, in Charlotte County; and

WHEREAS, Suncoast Boulevard provides access to a system of private roads which in turn provide access to numerous parcels in Sections 18 and 17, Township 40 South, Range 23 East; and

WHEREAS, the owners of a substantial number of those parcels have requested that Suncoast Boulevard be dedicated and accepted for public use and improved to the standards prescribed for county roads of its character and subsequently maintained; and

WHEREAS, the Board of County Commissioners finds that each and all of said parcels would benefit from the acquisition, construction, reconstruction and preservation of Suncoast Boulevard; and

WHEREAS, it is desired to provide a method whereby the construction and maintenance of Suncoast Boulevard can be accomplished from funds derived from service charges, special assessments or taxes within the benefited area only.

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

Section 1. That there is hereby created pursuant to the authority contained in Section 218.01(g), Florida Statutes, a municipal service benefit unit to be known as "Suncoast Boulevard Street and Drainage Unit."

Section 2. That the territory included within the Unit shall include the following described real estate located in

Charlotte County, Florida. To-wit:

1. All of Section 17, Township 40 South, Range 23 East, lying West of the westerly right-of-way line of I-75.
2. The East 1/4 of Section 18, Township 40 South, Range 23 East.
3. The South 1/2 of the Northwest 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 18, Township 40 South, Range 23 East.
4. The South 1/2 of the North 1/2 of the Southwest 1/4 of Section 18, Township 40 South, Range 23 East.
5. The North 1/4 of the South 1/2 of the Southwest 1/4 of Section 18, Township 40 South, Range 23 East.

Section 3. That the Board of County Commissioners of Charlotte County, Florida, shall be the governing body of the Unit.

Section 4. That the purpose of the Unit is to provide for the design, acquisition of right of way, construction, reconstruction, repair, paving, repaving, hard surfacing, re-hard surfacing, widening, guttering and draining of Suncoast Boulevard including the necessary appurtenances thereto from funds derived from service charges, ad valorem taxes and special assessments within the Unit. The Unit shall have all of the powers granted to Charlotte County necessary to the accomplishment of its purpose.

Section 5. That on or before the 1st. day of July of each year, the County Engineer shall present to the Board of County Commissioners a work plan and tentative budget for the Unit, and the Board may proceed to adopt a budget as county budgets are adopted and fund the budget from ad valorem taxes, service charges or special assessments, or any combination thereof.

Section 6. That on or before the 1st. day of July 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. Such plans shall be filed with the Clerk of the Circuit Court as Ex-officio Clerk of

The Board of County Commissioners and shall be available for public inspection. Upon examination of such plans and estimates, the Board of County Commissioners, by resolution, may determine to accomplish all or any part of the proposed work and defray the whole or any part of the expense thereof by special assessments; and 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 said assessments are to be paid, and shall also designate the lands upon which the special assessments shall be levied. In describing said lands, it shall be sufficient to describe them as all lots and lands lying within Suncoast Boulevard Street and Drainage Unit. 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 cost of collection, cost of plans and specifications, surveys of estimates of cost and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining 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 7. That 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. Said assessment roll shall show the lots and lands assessed and the amount of the benefit to and the assessment against each lot or parcel or land. Said benefits may be determined and prorated according to the area of the respective properties specially benefited or any other such method as the governing body may determine.

Section 8. That upon completion of the assessment roll, the Board of County Commissioners, as governing body, shall fix the 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 propriety and advisability of the work to be performed, 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 such hearing shall be given by two publications approximately one week apart in a newspaper of general circulation in Charlotte County. The first of such notices to be published not less than ten (10) days before the time set for such hearing. Said 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 9. That 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 such special assessments and shall adjust and equalize the said assessments on the basis of justice and right; and, when so equalized and approved by resolution of the Board of County Commissioners, such assessment shall stand confirmed and remain legal, valid and binding liens of equal dignity with the lien for county taxes on the property against which such assessments are made until paid.

Section 10. That 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 said 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 11. That the Unit may receive such property as may be acquired by gift or purchase and receive funds to be held in escrow for the purposes of the Unit under the terms of a resolution of the governing body setting forth their use and disposition.

Section 17. That this Ordinance shall become effective upon receipt of acknowledgement of its filing in the Office of the Secretary of State, State of Florida.

PASSED AND ONLY ADOPTED this 5th day of March, 1905.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Steven A. Bostwick
Steven A. Bostwick, Chairman

ATTEST:

Huddy C. Alexander, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

By Richard B. Dell
Deputy Clerk



APPROVED AS TO FORM:

H. William Thompson
H. William Thompson, County Auditor



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

March 11, 1983

Honorable Buddy C. Alexander
Clerk of the Circuit Court
Post Office Box 1687
Suwanee Courts, Florida 33951-1687

Attention: Ms. Marianne B. Dill

Dear Mr. Alexander:

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

1. Receipt of your letter/s of March 8
and certified copy/ies of Charlotte
County Ordinance/s No./s 83-4 and 83-5
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 March 11, 1983.
4. The original/duplicate copy/ies showing the filing
date is/are being returned for your records.

Cordially,

Nancy Kavanaugh
(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/