

O R D I N A N C E  
NUMBER 88- 42Effective Date 12-15-88

AN ORDINANCE ESTABLISHING THE BUENA VISTA GRASSY POINT WATERWAY AND SEAWALL MAINTENANCE UNIT ONE, DESCRIBING THE TERRITORY INCLUDED IN THE UNIT, PROVIDING FOR A GOVERNING BODY, THE PURPOSE OF THE UNIT, THE ADOPTION OF A BUDGET, THE LEVY OF ASSESSMENTS, THE EQUALIZATION OF ASSESSMENTS, AND THE COLLECTION OF ASSESSMENTS.

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

Section 1. District Established. There is hereby created, pursuant to the authority contained in Section 125.01(1)(q), Florida Statutes, the Buena Vista Grassy Point Waterway and Seawall Maintenance Unit One.

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

a. A portion of Port Charlotte Subdivision Section 36. Said portion being: Lots 1, Block 2101; Lots 612 and 613, Lots 615 thru 637, Lots 639 and 640, Lots 642 thru 664, Lots 666 and 667, Lots 669 thru 682, Block 2091 of a subdivision according to the plat thereof recorded in Plat Book 5 at page 40 of the Public Records of Charlotte County, Florida.

b. A portion of Replat of Port Charlotte Subdivision Section 36R. Said portion being: Lots 5 thru 14, Lots 16 thru 20 aka parcels A thru E, Lots 21 and 22, Block 2101; Lots 4 thru 11, Lots 13 thru 20, Block 2101A of a subdivision according to the plat thereof recorded in Plat Book 6 at Pages 8A thru 8B of the Public Records of Charlotte County, Florida.

c. A portion of Second Replat of Port Charlotte Subdivision Section 36R2. Said portion being: Lots 534 thru 570, Lots 572 thru 576, Lots 578 thru 587, Block 2091; of a subdivision according to the plat thereof recorded in Plat Book 6 at pages 25A thru 25D of the Public Records of Charlotte County, Florida.

d. A portion of Port Charlotte Subdivision Section 39. Said portions being: Lots 1 thru 24, Lots 26 thru 73, Lots 75 thru 123, Block 1175 of a subdivision according to the plat thereof recorded in Plat Book 5 at Page 43 of the Public Records of Charlotte County, Florida.

e. A portion of Port Charlotte Subdivision Section 40. Said portion being: Lots 252 thru 268, Lot 270, Lots 272 thru 288, Lot 290, Lots 292 thru 312, Lot 314, Lots 316 thru 340, Lot 342, Lots 344 thru 365, Lots 1 thru 15, aka Parcels A thru M, Block 2091 of a subdivision according to the plat thereof recorded in Plat Book 5 at pages 50A thru 50D of the Public Records of Charlotte County, Florida.

f. A portion of First Replat of Port Charlotte Subdivision Section 40R. Said portion being: Lots 366 thru 372, Lots 374 thru 382, Lots 384 thru 398, Lots 400 thru 420, Lots 422 and 423, Lots 425 thru 429, Lots 431 thru 441, Lots 446 thru 486, Lots 488 and 489, Lots 491 thru 529, Lots 531 and 532, Block 2091 of a subdivision according to the plat thereof recorded in Plat Book 6 at Pages 26A thru 26E of the Public Records of Charlotte County, Florida.

g. A portion of Second Replat of Port Charlotte Subdivision Section 40R2. Said portion being: Lot 442 and 444, Block 2091 of a subdivision according to the plat thereof recorded in Plat Book 7 at Page 69 of the Public Records of Charlotte County, Florida.

h. A portion of Third Replat of Port Charlotte Subdivision Section 40R3. Said portions being: Track G-19; Tract E of a subdivision according to the plat thereof recorded in Plat Book 15 at Pages 39a thru 39k of the Public Records of Charlotte County, Florida.

i. A portion of Port Charlotte Subdivision Section 43. Said portion being: Lot 125, Lots 127 thru 166, Lots 168 thru 238, Lots 241 thru 271, Lots 273 thru 279, Block 1175; Lots 1 thru 16, Lots 18 thru 50, Lots 52 thru 81, Lot 83, Lots 85 thru 108, Lot 110, Lots 112 thru 134, Lot 136, Lots 138 thru 161, Lot 163, Lots 165 thru 209, Block 1176 of a subdivision according to a plat thereof recorded in Plat Book 5 at Pages 53A thru 53C of the Public Records of Charlotte County, Florida.

j. First Replat of Port Charlotte Subdivision Section 43R according to the plat thereof recorded in Plat Book 7 at Page 55 of the Public Records of Charlotte County, Florida.

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

Section 4. Purpose. The purpose of the Unit is to provide for periodic maintenance and repair within the unit of all canals, waterways and channels together with the bulkheads, retaining walls and other appurtenances, as well as the bulkheads, retaining walls and appurtenances thereto as from funds derived from special assessments imposed upon lands within the Unit only.

Section 5. Annual Budget. 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 and estimates of cost for work shall first be reviewed by a committee of five property owners within the unit appointed by the Board of County Commissioners. Said committee shall prepare and forward recommendations to the Board of County Commissioners in conjunction with the presentation by the County Administrator. 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 6. Annual Project Discussion. Upon examination of the plans and estimates, and after public notice by newspaper at least 15 days prior thereto, and no later than July 1st. of each year, 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. 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 special assessments shall be levied. It is at this meeting, no later than July 1 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 Buena Vista Grassy Point Waterway and Seawall Maintenance Unit One. 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, 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, administrative expense and such other expense as may be necessary or incident to the completion of the works.

Section 7. Annual 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 the 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 a single amount to be assessed upon each separate parcel or lot lying contiguous to any canals in the Unit. Tract G-19 shall be assessed at a rate of 14 residential parcels or lots.

Section 8. Equalization Hearing. On the completion of the assessment roll, the Board of County Commissioners as the governing body 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 Board and be heard as to 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 2 publications approximately a week apart in a newspaper of general circulation in Charlotte County, the first of such notices to be published not less than ten 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 9. Assessments Adjusted. At the time and place named in the notice, the Board of County Commissioners shall meet as an equalizing board to hear and consider complaints as to errors in special assessments

and shall adjust and equalize the assessments on a basis of justice and right. 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 such assessments are made until paid.

Section 10. Certificate by Board. The assessment roll, as amended following the equalization hearing, shall be certified by the Board 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. The Administrator or his designee shall take care that this section is effectuated in compliance with section 200.068, Florida Statutes (1987), relating to units established after January 1st of any taxing year, and in compliance with section 197.363, Florida Statutes (1988), requiring certain agreements, restrictions, and first class mail notice to affected property owners.

Section 11. Effective Date. This Ordinance shall become effective upon receipt by the Circuit Clerk of acknowledgement of its filing in the office of the Secretary of State, State of Florida.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Bill Burdick  
Bill Burdick, Chairman

ATTEST:

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

By: Marilyn M. Mauuff  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

William D. Moore  
William D. Moore, County Attorney



**BUENA VISTA GRASSY POINT  
WATERWAY & SEAWALL MAINTENANCE UNIT  
ONE**

KEY MAP No. E-9.10.11 F-10.11



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State  
DIVISION OF ELECTIONS  
Room 1802, The Capitol  
Tallahassee, Florida 32399-0250  
(904) 488-8427

December 13, 1988

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

Attention: Marilyn McAuliffe, Deputy Clerk

Dear Ms. Scott:

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

1. Receipt of letter/s of December 8, 1988  
and certified copy/ies of Charlotte  
County Ordinance(s) Ord. No. 88-42

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 12, 1988. (4:47 pm)

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/mb