

March 31, 2006

City  
Book  
#14

ORDINANCE  
NUMBER 2006-023

AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING ARTICLE XXII; CREATING THE EDGEWATER NORTH WATERWAY UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING MAINTENANCE AND CAPITAL PROJECT ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
OR BOOK 2941, PGS 1597-1600 4 pg(s)  
INSTR # 1535950  
Doc Type GOV. Recorded 04/06/2006 at 03:18 PM  
Rec. Fee: \$35.50  
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RECITALS

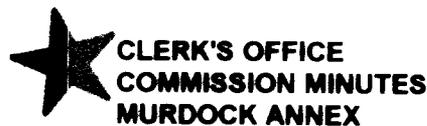
WHEREAS, the Board of County Commissioners, pursuant to the provisions of Section 125.01, Florida Statutes, has the power to establish, merge or abolish municipal service benefit units and levy and collect assessments within such units; and

WHEREAS, the Board of County Commissioners has determined, based on public interest and staff recommendation, that is in the best interest of the property owners and residents in the affected area to create a municipal service benefit unit to provide the funding necessary to perform dredging, maintenance, clearing, marking for navigational purposes, and providing of safety devices in the Edgewater North waterway system.

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

Section 1. Charlotte County Code, chapter 4-7, is amended by creating a new article, designated as Article XXII, consisting of sections 4-7-441 through 4-7-460, and by adding the following new language, numbered and designated as follows:

IMAGED  
4-10-06  
AP



minutes  
7

## **"ARTICLE XXII. EDGEWATER NORTH WATERWAY UNIT**

### **Sec. 4-7-441. 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 the Edgewater North Waterway Unit ("unit").

### **Sec. 4-7-442. Territory.**

The territory included within the unit shall include those portions of the unincorporated area of Charlotte County as depicted on the map attached hereto as Attachment 1, and as more fully described in any assessment roll provided for in this article.

### **Sec. 4-7-443. Purpose.**

The purpose of the unit is to provide for the dredging, maintenance, clearing, marking for navigational purposes, and providing of safety devices in the Edgewater North waterway system, and the mouths of the Sunrise and Elkam channels due to the direct benefit this unit receives from said channels. The assessments for the dredging, etc. of the Sunrise and Elkam channels shall be evenly divided between this unit and the Buena Vista Area waterway unit which also receives a direct benefit from said dredging, etc. The purpose of this unit shall not include the maintenance of seawalls.

### **Sec. 4-7-444. Governing body.**

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

### **Sec. 4-7-445. Powers of the governing body.**

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

**Sec. 4-7-446. 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. 4-7-447. 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 28 day of March, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Thomas G. Moore  
Thomas G. Moore, Chair

ATTEST:

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

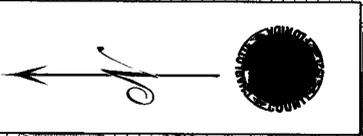
By: Anne L. Pfahler  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney  
06-150 DC

# EDGEWATER NORTH WATERWAY UNIT

- ◆ Edgewater North Waterway Properties
- Maint. by City
- ~ Road & Bridge
- ~ State



This map is a representation of compiled public information. It is not intended to be an accurate and true depiction for the stated purpose. The City of Fort Lauderdale and its employees, agents, contractors, or affiliates, in this document, make no warranties, implied or otherwise, to the accuracy of the information. We do not accept any responsibility as to its use. This is not a survey or to be used for design.  
 © Copyright 2006 Fort Lauderdale, FL by Charlotte County C.L.S.  
 Prepared February 7, 2006 by D. Cole  
 P:\NewTDP\DrawStructures\MSBUI\MSBUIShare\Drawn\Maps\ENW\_11x17\_0706.pdf

## ECONOMIC IMPACT STATEMENT

### AN ORDINANCE CREATING THE EDGEWATER NORTH WATERWAY UNIT

**PURPOSE:** Analyze what the ordinance is designed to accomplish. Describe the present situation and the effect the ordinance will have thereon.

The ordinance will establish a new waterway unit called the Edgewater North Waterway Unit. The purpose of the unit is to provide for the dredging, maintenance, clearing, marking for navigational purposes, and providing of safety devices in the Edgewater North waterway system and the Sunrise and Elkam channels due to the direct benefit this unit receives from said channels.

**IMPACT:** Consider costs and benefits, both monetary and non-monetary for the private sector (non-governmental entities) and the public sector (governmental entities). In discussing costs and benefits, distinguish between those which are social (borne by society as a whole) and those which are private (accrue to certain individuals or groups). Identify the specific groups which will be impacted.

A. Cost of Implementation: The nominal costs of adopting the ordinance.

B. Source of Funds/Ultimate Burden of Costs: The properties located within the Edgewater North Waterway Unit as described in Attachment 1 to the Ordinance. The assessments for the dredging, etc. of the Sunrise and Elkam channels shall be evenly divided between this unit and the Buena Vista Area waterway unit which also receives a direct benefit from said dredging, etc.

C. Effect on Competition and the Employment Market: None

D. Benefits on Implementation: Improved accuracy in assessing benefited properties.

# SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

**NOTICE OF INTENTION TO CONSIDER ORDINANCE**

The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:  
AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING ARTICLE XXII; CREATING THE EDGEWATER NORTH WATERWAY UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING MAINTENANCE AND CAPITAL PROJECT ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A public hearing on the ordinance will be held at 10AM, or as soon thereafter as it may be heard, on the 28th day of March, 2006, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance are available for inspection by the general public in the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, he will need a record of the proceeding, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA  
P.O. #: 2006002078-F  
Published: March 18, 2006  
163352 1631436

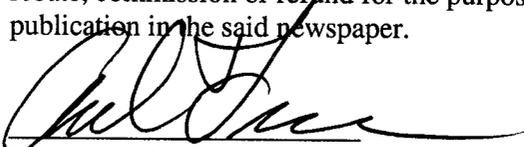
**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA  
COUNTY OF CHARLOTTE:

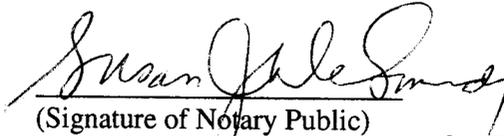
Before the undersigned authority personally appeared Amber Freeman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Intention to Consider Ordinance, was published in said newspaper in the issues of:

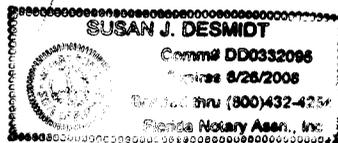
March 18, 2006

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals 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 he or 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.

  
(Signature of Affiant)

Sworn and subscribed before me this 20th day of March, 2006.

  
(Signature of Notary Public)



1 x 5.792 x 5.75 = \$ 33.31



FLORIDA DEPARTMENT OF STATE  
**Sue M. Cobb**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

March 31, 2006

Honorable Barbara T. Scott  
Clerk of Circuit Court  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Attention: Anne L. Pfahler, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 29, 2006 and certified copies of Charlotte County Ordinance Nos. 2006-021 through 2006-025, which were filed in this office on March 31, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/mp

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4-10-06  
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