

May 28, 2004

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BARBARA T. SCOTT, CLERK
CHARLOTTE COUNTY
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FILE NUMBER 1214230
RECORDED 06/10/2004 02:55:49 PM
RECORDING FEES 24.00

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ORDINANCE

NUMBER 2004-031

AN ORDINANCE AMENDING CHAPTER 4-6, CHARLOTTE COUNTY CODE; CREATING ARTICLE VI; CREATING THE FARABEE ROAD STREET AND DRAINAGE UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING THE POWERS OF THE GOVERNING BODY; PROVIDING THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING MAINTENANCE AND CAPITAL PROJECT ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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 merged into the Punta Gorda Non-Urban Street and Drainage Unit the territory of the South Charlotte Marl Street and Drainage Unit less certain territory served by Farabee Road; and

WHEREAS, the Board of County Commissioners finds that the maintenance and improvement of Farabee Road enures primarily to the benefit of the community served by Farabee Road and should be funded by assessments on the herein described property; 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

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Annex 5

1 affected area to create a municipal service benefit unit to provide the funding necessary to perform
2 the maintenance and improvements of Farabee Road.

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

5 Section 1. Charlotte County Code, chapter 4-6, is amended by creating a new article,
6 designated as Article VI, consisting of sections 4-6-96 through 4-6-115, and by adding the following
7 new language, numbered and designated as follows:

8 **ARTICLE VI. FARABEE ROAD STREET AND DRAINAGE UNIT**

9 **Sec. 4-6-96. Unit established.**

10 There is hereby created, pursuant to the authority contained in Section 125.01, Florida
11 Statutes, a municipal service benefit unit to be known as the Farabee Road Street and Drainage Unit
12 (hereinafter "unit").

13 **Sec. 4-6-97. Territory.**

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

17 **Sec. 4-6-98. Governing body.**

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

20 **Sec. 4-6-99. Powers of the governing body.**

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

22

1 **Sec. 4-6-100. Assessments and Collection.**

2 The authority and procedure for imposing and collecting capital project and maintenance
3 assessments shall be as provided in Chapter 4-6, Article I, Charlotte County Code.

4 **Sec. 4-6-101. Issuance of debt obligations.**

5 The authority and procedure regarding the issuance of debt obligations shall be as provided in
6 Chapter 4-6, Article I, Charlotte County Code.”

7

8 Section 2. Severability. In the event any portion of the foregoing conflicts with any other
9 Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection,
10 sentence, clause, phrase, or portion of these sections is for any reason held invalid or unconstitutional
11 by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and
12 independent provision and such holding shall not affect the validity of the remainder of the chapter.

13

14 Section 3. Effective Date. This ordinance shall take effect upon its filing in the Office of
15 Secretary of State, State of Florida.

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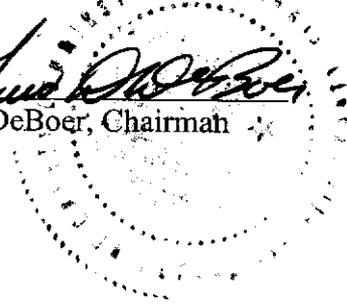
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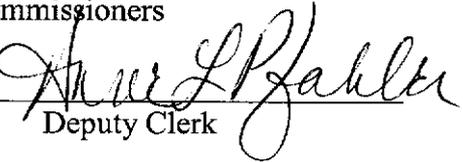
PASSED AND DULY ADOPTED this 25th day of May, 2004.

**BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA**

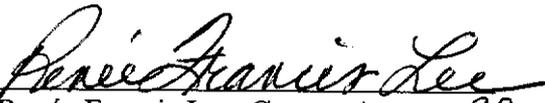
By 
Matthew D. DeBoer, Chairman



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

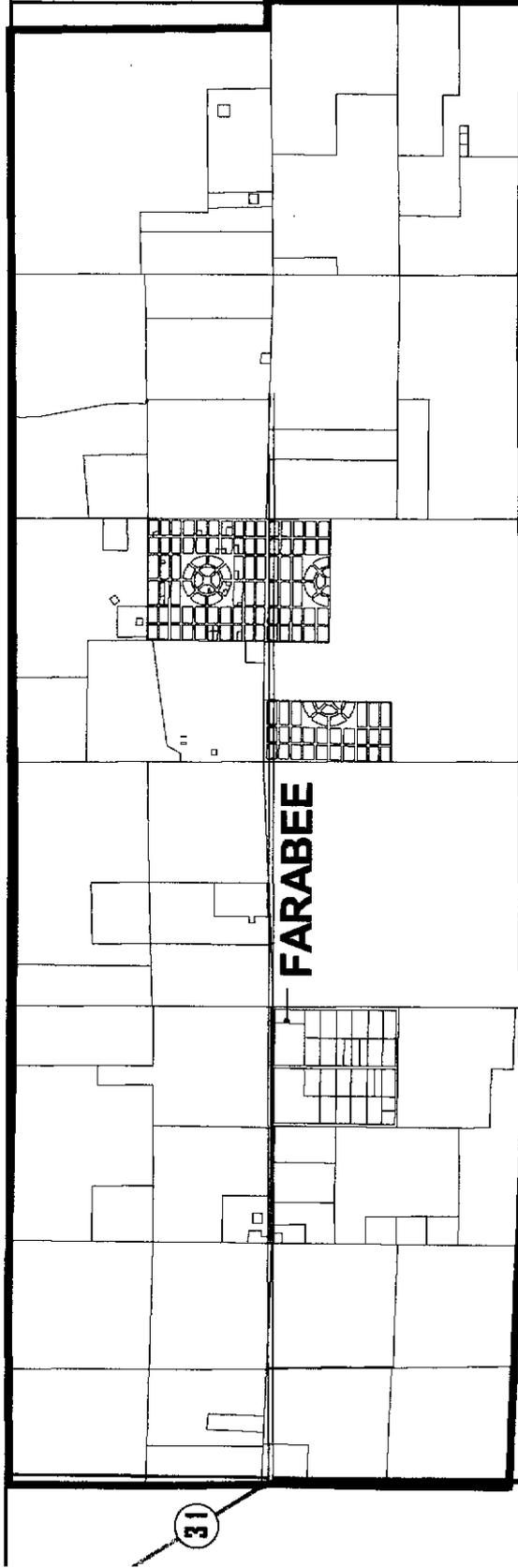
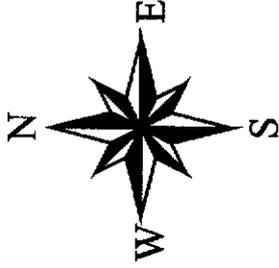
By 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Renée Francis Lee, County Attorney BB



FARABEE ROAD STREET AND DRAINAGE UNIT



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantee, implied or otherwise to the accuracy or completeness. We therefore do not accept any responsibility as to its use. This is not a survey or is to be used for design. No part of this map may be reproduced or transmitted by any means without the expressed written permission of the Charlotte County O.L.S. department. C.C.O.L.S. maintains a record regarding the methods used to produce this map and they can be furnished upon request.

© Copyright 2003 Port Charlotte, FL by Charlotte County M.S.B.U.
Prepared December 17, 2003 by J.Eggstein

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ECONOMIC IMPACT STATEMENT

FARABEE ROAD STREET AND DRAINAGE 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 unit called the Farabee Road Street and Drainage Unit. The majority of the territory of the South Charlotte Street and Drainage Unit is being absorbed into the Punta Gorda NonUrban Street and Drainage Unit. Properties served by Farabee Road, previously assessed through the South Charlotte Marl Street and Drainage Unit, will now be assessed through this new unit.

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:

South Charlotte Marl Street and Drainage Unit

[Farabee Rd. properties contributed to South Charlotte Marl in FY 03-04]

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

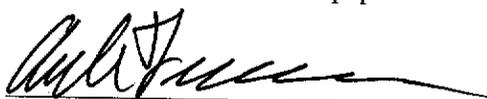
**PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA**

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:

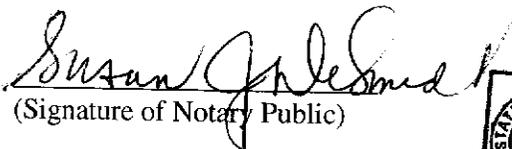
May 14, 2004

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.

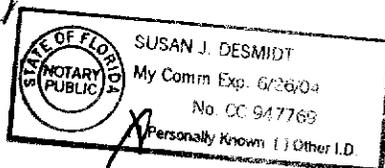


(Signature of Affiant)

Sworn and subscribed before me this 14th day of May, 2004.



(Signature of Notary Public)



1 x 5.681 x 4.95 = \$ 28.12

NOTICE OF INTENTION TO CONSIDER ORDINANCE

The Board of County Commissioners of Charlotte County will, in regular session, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida, at 10 AM, or as soon thereafter as may be heard, on the 25th day of May, 2004, consider the enactment of an ordinance bearing the following title:

AN ORDINANCE AMENDING CHAPTER 4-6, CHARLOTTE COUNTY CODE; CREATING ARTICLE VI; CREATING THE FARABEE ROAD STREET AND DRAINAGE UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING THE POWERS OF THE GOVERNING BODY; PROVIDING THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING MAINTENANCE AND CAPITAL PROJECT ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance and economic impact statement are available at 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 proceedings, 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. 2004002713-F
PUBLISHED: May 14, 2004
163352 1234625



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

June 2, 2004

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 May 26, 2004 and certified copies of Charlotte County Ordinance Nos. 2004-031 through 2004-035, which were filed in this office on May 28, 2004.

Sincerely,

Liz Cloud
Program Administrator

LC/mp

STATE LIBRARY OF FLORIDA
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
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BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

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