

ORDINANCE  
NUMBER 92-43

Effective Date Oct 11 1982

AN ORDINANCE PURSUANT TO THE AUTHORITY OF CHAPTER 78-485, LAWS OF FLORIDA, CREATING A SPECIAL DISTRICT FOR THE PURPOSE OF CANAL, WATERWAY AND CHANNEL MAINTENANCE TO BE KNOWN AS "HARBOUR HEIGHTS WATERWAY MAINTENANCE DISTRICT"; DEFINING THE TERRITORY INCLUDED WITHIN THE DISTRICT; DEFINING THE PURPOSE AND POWERS OF THE DISTRICT; PROVIDING A GOVERNING BODY; PROVIDING FOR THE LEVY OF AD VALOREM TAXES; PROVIDING FOR THE ISSUANCE OF BONDS; PROVIDING A REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That there is hereby created a special district within a portion of the unincorporated area of Charlotte County for the purpose of canal, waterway, and channel maintenance.

Section 2. That the name of the district shall be "Harbour Heights Waterway Maintenance District."

Section 3. That the territory included within the district shall be the following described parcels:

Lots 5 through 72, Block 21, Harbour Heights Section Two, as recorded in Plat Book 3, Page 22, of the Public Records of Charlotte County, Florida; Lots 1A and 1B Lots 1 through 4 inclusive, and Lots 73 through 142 inclusive, and Lot 142A, Block 21, Harbour Heights Section Two (Revised), as recorded in Plat Book 3, Page 76A and B inclusive, of the Public Records of Charlotte County, Florida; Lots 1 and 25, Block 93; Lots 1 through 33 inclusive, 42 through 71, inclusive, Block 102; Lot 1, Block 110, Harbour Heights Section Four, Part One, as recorded in Plat Book 3, Pages 27A through B inclusive, of the Public Records of Charlotte County, Florida; Lots 28 and 55, Block 93A; Lots 1 through 26 inclusive, Block 94; Lots 1 and 29, Block 96; Lots 1 through 92 inclusive, Block 97A, Harbour Heights Section Four, Part Four (Revised), as recorded in Plat Book 3, Page 79A through B inclusive, of the Public Records of Charlotte County, Florida; Lots 10 through 114 inclusive, Block 131, Harbour Heights Section Four, Part Three (Revised),

as recorded in Plat Book 3, Page 80B, of the Public Records of Charlotte County, Florida; Lots 1 through 80 inclusive, Block 267; Lots 1 through 29, Block 274; Lots 1 and 28A, Block 275; Lots 1 through 22A inclusive, Block 276; Lots 1 through 58 inclusive, Block 277; Lots 1A and 1 through 31 inclusive Block 278, Harbour Heights Section Nine, Part One, as recorded in Plat Book 4, Pages 38B through D inclusive, of the Public Records of Charlotte County, Florida;

ALSO

Those waterways being contiguous to the above described lots. Said waterways being listed as follows:

Santa Barbara Canal, San Marino Canal, Dover Canal, Santa Clara Canal, San Salvador Canal, Desota Canal, Balboa Canal, Viceroy Canal, Vendome Canal, Vincennes Canal, and Versille Canal.

Section 4. The purpose of the district is the provision of canal, waterway and channel maintenance. The district shall have all powers authorized by law necessary, convenient or proper to the accomplishment of its purpose. By way of addition thereto and not by way of limitation of the generality of the foregoing, the district shall have the following enumerated powers:

1. To sue and be sued and plead and be impleaded, complain and defend in all courts in its own name.
2. To acquire for the purposes of the district by grant, purchase, gift, devise, exchange or in any manner all property, real or personal, or any estate or interest therein upon such terms and conditions as the governing body shall fix and determine and to own all such property in its own name.
3. To make contractual arrangements with any person, firm or corporation for the dredging, cleaning or maintenance of canals, waterways and channels within the district or for any other matter proper for the effectuation of the purposes of the District.
4. To adopt and use a seal and alter the same.
5. To borrow money and issue general obligation bonds or any other obligations of indebtedness in such manner and

subject to such limitations as may be provided by law.

6. To employ such personnel as may be required for the purposes of the district.

7. To levy ad valorem taxes within the district as hereinafter provided.

8. To seek and act under such permits as may be required from other governmental agencies for the activities of the district.

Section 5. That the Board of County Commissioners of Charlotte County shall be the governing body of the district.

Section 6. That the district may assess, levy and collect ad valorem taxes not to exceed one (1) mill, which taxes shall constitute a lien of equal dignity with county taxes and shall be levied and collected upon the same procedures and subject to the same discounts and penalties as are provided by law for the levy and collection of county ad valorem taxes.

Section 7. Whenever the governing body shall deem it expedient or to be to the best interest of the district to issue the bonds of the district for any of the purposes of the district, it shall determine by resolution to be entered in its records what amount of bonds is required for this purpose, the rate of interest to be paid thereon, and the time when the principal and interest of such bond shall be due and when payable. Bonds shall be issued only after the same have been approved by the majority of the votes cast in an election in which a majority of the electors residing in the district shall participate, which said election shall be called and held and the results thereof declared and recorded in the manner prescribed by law for the holding of bond elections. Such bonds shall be authorized, issued and sold in the manner prescribed for the authorization, issuance and sale of county bonds.

Section 8. That this Ordinance shall become effective upon its approval by a majority of the qualified electors residing within the district who vote in a referendum election on the creation of the district.

PASSED AND DULY ADOPTED this 23th. day of September,

1982-

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By Steven A. Bostwick  
Steven A. Bostwick, Vice Chairman

ATTEST:

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

By Marion B. Dix  
Deputy Clerk



APPROVED AS TO FORM:

William Thompson  
W. William Thompson, County Attorney