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ORDINANCE

NUMBER

2000-008

AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING ARTICLE XVI; CREATING THE HAYWARD CANAL AREA WATERWAY 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.

FILE 717044 OR BOOK 1780 PAGE 1675 RECORDED 04/01/00 @ 08:10 AM
CHARLOTTE COUNTY, BARBARA T. SCOTT, CLERK FEES \$19.50

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 Hayward Canal 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 waterway system in the Hayward Canal area.

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,

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designated as Article XVI, consisting of Sections 4-7-321 through 4-7-340, and by adding the following new language, numbered and designated as follows:

"ARTICLE XVI. HAYWARD CANAL AREA WATERWAY UNIT

Sec. 4-7-321. 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 Hayward Canal Area Waterway Unit (hereinafter "unit").

Sec. 4-7-322. Territory.

The territory included within the unit shall include the following portions of the unincorporated area of Charlotte County:

(1) Portions of El Jobean Ward 1, a subdivision lying in the following half-section maps received October 12, 1998 from the Charlotte County Property Appraiser, Charlotte County, Florida: 3A28N and 3A28S. Said portions being:

Lots 168, 369 through 511 (inclusive), 514, 515, 518, 519, 522, 523, 525 through 528 (inclusive), 531, 532, 539, 540, 655 through 666 (inclusive), 684 through 694 (inclusive), 723 through 742 (inclusive), 745, and 746.

(2) Portions of El Jobean Ward 5, a subdivision lying in the following half-section maps received October 12, 1998 from the Charlotte County Property Appraiser, Charlotte County, Florida: 3A27N and 3A28S. Said portions being:

Lots 7 through 11 (inclusive), 13 through 16 (inclusive), 18 through 41 (inclusive), 48, and 69 through 74 (inclusive).

(3) Harbour Village, a condominium lying in the following half-section maps received October 12, 1998 from the Charlotte County Property Appraiser, Charlotte County, Florida: 3A27S and 3A28S.

Sec. 4-7-323. 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 Hayward Canal Area Waterway system. The purpose of this unit shall not include the maintenance of seawalls.

Sec. 4-7-324. Governing body.

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

Sec. 4-7-325. Powers of the governing body.

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

Sec. 4-7-326. 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. 4-7-327. 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

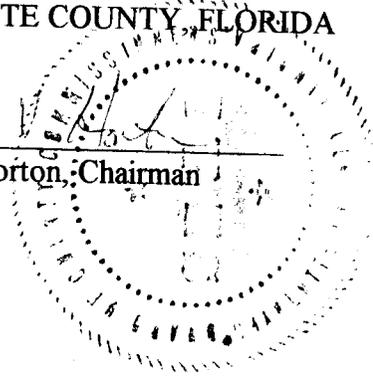
by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of the chapter.

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 14th day of March 2000.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Mac V. Horton
Mac V. Horton, Chairman



ATTEST:

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

By James Dachtel
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Renee Francis Lee
Renee Francis Lee, County Attorney BB

N - 11:20 A.M RH
ORD 2000-008

SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

AD NUMBER 002TAY0160
CHARLOTTE COUNTY ATTY OFFICE
18500 MURDOCK CIRCLE
PORT CHARLOTTE FL 33948
STATE OF FLORIDA
COUNTY OF CHARLOTTE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED
JAMES E. DOUGHTON, WHO ON OATH SAYS HE IS THE ADVERTISING
DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY
NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY
FLORIDA; AND CIRCULATED IN CHARLOTTE COUNTY DAILY; THAT
THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN
THE MATTER OF: NOTICE OF INTENTION TO C

IN THE COURT, WAS PUBLISHED IN CHARLOTTE EDITION
OF SAID NEWSPAPER IN THE ISSUES OF:
MAR 3, 2000

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-
TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID
SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER
HAS THERETOFURE BEEN CONTINUOUSLY PUBLISHED IN SAID
SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN
ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN
PUNTA GURDA, IN SAID CHARLOTTE COUNTY, FLORIDA, FOR A
PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION
OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER
SAYS THAT HE 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.

SIGNED James E. Doughton

SWORN TO AND SUBSCRIBED BEFORE ME THIS 3RD DAY OF
MARCH A.D., 2000 BY JAMES E. DOUGHTON WHO IS
PERSONALLY KNOWN TO ME.

(SEAL)
OFFICIAL NOTARY SEAL
MARIANN GUSBAR
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC595199
MY COMMISSION EXP. NOV. 8, 2000

Mariann Gusbar
NOTARY PUBLIC

NOTICE OF INTENTION TO CONSIDER ORDINANCE

The Board of County Commissioners of Charlotte County will, in a regular session, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida at 11:20 A.M. on the 14th day of March, 2000, consider the enactment of an ordinance bearing the following title:

AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING ARTICLE XVI; CREATING THE HAYWARD CREEK AREA WATERWAY 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 Budget 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 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
By/s/Mac. V. Horton, Chairman

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE

Katherine Harris

Secretary of State

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Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

March 17, 2000

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

Attention: Agnes Radzik, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 15, 2000 and certified copies of Charlotte County Ordinance Nos. 2000-05 through 2000-10, which were filed in this office on March 17, 2000.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us

IMAGE

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