

ORDINANCE
NUMBER 87-44

Effective Date Nov. 23, 1987

AN ORDINANCE ESTABLISHING THE NORTHWEST CHARLOTTE STREET AND DRAINAGE UNIT; DESIGNATING A GOVERNING BODY AND THE PURPOSE OF THE UNIT; PROVIDING FOR THE ADOPTION OF A BUDGET, THE LEVY OF ASSESSMENTS, THE EQUALIZATION OF ASSESSMENTS AND FOR THE COLLECTION OF ASSESSMENTS.

FINDINGS

1. The Board of County Commissioners of Charlotte County finds that the territory included within the proposed unit constitutes a single community with an integrated system of municipal streets and drainage facilities.
2. The Board finds that, due to the sparsity of population and development within the community, the preservation of the integrated system of streets and drainage with funds derived only from ad valorem taxation would be inadequate or unfeasible.
3. The Board finds that the benefits of the preservation of the integrated system of streets and drainage inures primarily to the benefit of the unit and only incidentally and inconsequentially to the public at large.
4. The Board further finds that each property within the described territory will benefit in accordance with the frontage of the property abutting upon public streets.

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

Section 1. Unit Established. Pursuant to the authority contained in section 125.01(1)(q), Florida Statutes, there is hereby established a municipal service benefit unit to be known as the Northwest Charlotte Street and Drainage Unit.

Section 2. Purpose. The purpose of this unit is to provide for the construction, reconstruction, repair, paving, repaving, hard surfacing, rehard surfacing, widening, guttering and draining of the platted streets in the unit, including the necessary appurtenances thereto, from funds derived from special assessments within the unit only.

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

Section 4. Annual Budget and Resolution.

(1) On or before the first day of July of each year, the County Engineer shall present to the Board of County Commissioners plans and estimates of cost for works to be performed in a budget for the succeeding fiscal year. 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.

(2) Project decision hearing. Upon examination of such plans and estimates, the Board of County Commissioners by resolution shall, at a public hearing after 10 days public notice, determine the propriety and advisability of the proposed work and whether 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 shall designate the work to be performed by the County staff or by private contractors by reference to the plans and estimates as filed and shall state the amount to be paid by special assessments, and when the assessments are to be paid. The resolution shall also designate the lands upon which the special assessments shall be levied. In describing said lands, it shall be sufficient to describe them as all lots and lands lying within the Northwest Charlotte Street and Drainage Unit.

(3) The resolution also shall state the total estimated cost of the improvement, including the cost of repair, maintenance, construction or reconstruction, 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, costs of plans and specifications, 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 5. Assessment Roll. Upon the adoption of the resolution, the Board shall cause to be made an assessment roll which shall be filed in the office of the Board. Said assessment roll shall show the lots and lands assessed, and the amount of 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 the proportionate front footage of each said lot lying contiguous to any of said streets. The front footage of any corner lot for the purpose of determining special benefits shall be considered to be the frontage of the longest side of that lot abutting any of the streets including the tangent distance of the curve forming the corner of the corner lot.

Section 6. Notice of Hearing. On the completion of the assessment roll, the Board shall fix a time and place at which the owners of the property to be assessed or any other persons interested may appear before said governing body and be heard as to the cost thereof, the matter 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 two 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 10 days before the time set for such hearing. Said 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 7. Equalization Hearing. At the time and place in the notice, the Board shall meet as an equalization board to hear and consider any and all complaints as to such special assessments and shall adjust and equalize the said assessments on a basis of justice and right, and when so equalized and approved by resolution of the Board of County Commissioners, such 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 8. Assessment Roll Certified to Appraiser for Inclusion in Tax Roll. The assessment roll, as amended following the equalization hearing, shall be certified 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.

Section 9. Territory of the Unit. The territory of the unit initially shall be all within the unincorporated portion of Charlotte County, in general, lying within the area south of the Sarasota County line, east of the Myakka River, north of State Road 776, and west of Crestview Waterway, and more particularly described in the following subsections:

(1) Port Charlotte Subdivision Section 24, according to the plat thereof recorded in Plat Book 5 at Pages 16A thru 16E of the Public Records of Charlotte County, Florida.

(2) Port Charlotte Subdivision Section 29, according to the plat thereof recorded in Plat Book 5 at Pages 22A thru 22G of the Public Records of Charlotte County, Florida.

(3) Portions of Port Charlotte Subdivision Section 32, according to the plat thereof recorded in Plat Book 5 at Pages 29A thru 29H of the Public Records of Charlotte County, Florida. Said portions being:

Lots 1 thru 59 (inclusive), Block 1181; Lots 1 thru 16 and 49 thru 52 (inclusive), Block 1182; Lots 1 thru 21 (inclusive), Block 2395; Block 2396; Block 2397; Block 2398; Block 2399; Block 2400; Lots 1 thru 21 (inclusive), Block 2401; Block 2402; Block 2403; Block 2404; Block 2405; Block 2406; Block 2407; Block 2408; Block 2409; Block 2410; Block 2411; Block 2412; Block 2413; Block 2414; Block 2415; Block 2416; Block 2417; Block 2418; Lots 1 thru 56 (inclusive), Block 2419; Lots 1 thru 21 (inclusive), Block 2420; Block 2421; Block 2422; Block 2423; Block 2424; Block 2425; Block 2426; Block 2427; Block 2428; Block 2429; Block 2430; Block 2431; Block 2432; Lots 9 thru 37 (inclusive), Block 2433; Lots 1 thru 64 (inclusive), Block 2445; Block 2446; Block 2447; Block 2448; Block 2449; Block 2450; Block 2451; Block 2452; Block 2453; Block 2454; Block 2455; Block 2456; Block 2457; Block 2458; Block 2459; Block 2460; Block 2461; Block 2462; Block 2463; Block 2464; Block 2465; Block 2466; Block 2467; Block 2468; Block 2469; Block 2470; Block 2471; Block 2472; Block 2473; Block 2474; Block 2475; Block 2476.

(4) Port Charlotte Subdivision Section 38, according to the plat thereof recorded in Plat Book 5 at Pages 42A thru 42H of the Public Records of Charlotte County, Florida.

(5) Port Charlotte Subdivision Section 47, according to the plat thereof recorded in Plat Book 5 at Pages 61A thru 61G of the Public Records of Charlotte County, Florida.

(6) Port Charlotte Subdivision Section 48, according to the plat thereof recorded in Plat Book 5 at Pages 62A thru 62E of the Public Records of Charlotte County, Florida.

(7) Port Charlotte Subdivision Section 49, according to the plat thereof recorded in Plat Book 5 at Pages 63A thru 63E of the Public Records of Charlotte County, Florida.

(8) Port Charlotte Subdivision Section 55, according to the plat thereof recorded in Plat Book 5 at Pages 69A thru 69G of the Public Records of Charlotte County, Florida.

(9) Port Charlotte Subdivision Section 57, according to the plat thereof recorded in Plat Book 5 at Pages 71A thru 71C of the Public Records of Charlotte County, Florida.

(10) Port Charlotte Subdivision Section 59, according to the plat thereof recorded in Plat Book 5 at Pages 73A thru 73F of the Public Records of Charlotte County, Florida.

(11) Port Charlotte Subdivision Section 59R1, according to the plat thereof recorded in Plat Book 7 at Pages 30A thru 30B of the Public Records of Charlotte County, Florida.

(12) Port Charlotte Subdivision Section 59R2, according to the plat thereof recorded in Plat Book 10 at Page 16 of the Public Records of Charlotte County, Florida.

(13) Port Charlotte Subdivision Section 61, according to the plat thereof recorded in Plat Book 5 at Pages 75A thru 75C of the Public Records of Charlotte County, Florida.

(14) Port Charlotte Subdivision Section 61R1, according to the plat thereof recorded in Plat Book 7 at Pages 31A thru 31B of the Public Records of Charlotte County, Florida.

(15) Portions of Port Charlotte Subdivision Section 75, according to the plat thereof recorded in Plat Book 6 at Pages 31A thru 31O of the Public Records of Charlotte County, Florida. Said portions being:

Block 3926; Block 3927; Block 3928; Block 3929;
Block 4315; Block 4316; Block 4317; Block 4318;
Block 4319; Block 4320; Block 4321; Block 4322;
Block 4323; Block 4324; Block 4325; Block 4326;
Block 4327; Block 4328; Block 4329; Block 4330;
Block 4331; Block 4332; Block 4333; Block 4334;
Block 4335; Block 4336; Block 4337; Block 4338;

Block 4339; Block 4340; Block 4341; Block 4342;
Block 4418; Block 4830; Block 4831; Block 4832;
Block 4833; Block 4834; All of Tract I; All of
Tract N; All of Tract O; All of Tract P; All of
Tract M.

(16) Port Charlotte Subdivision Section 98, according to the plat thereof recorded in Plat Book 13 at Pages 5A thru 5D of the Public Records of Charlotte County, Florida.

(17) Port Charlotte Subdivision Section 100, according to the plat thereof recorded in Plat Book 13 at Pages 7A thru 7H of the Public Records of Charlotte County, Florida.

Section 10. Effective Date. This ordinance shall take effect upon receipt of the acknowledgement of its filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 10 day of November 1987.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA


By Richard L. Holt, Chairman

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

By Ann Martucci
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


for Matthew D. Moore
William D. Moore, County Attorney

NWCHAR, 4/081887

NORTHWEST CHARLOTTE STREET AND DRAINAGE UNIT

