

June 2, 2003

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BARBARA T. SCOTT, CLERK, CHARLOTTE CO
REC 19.50

ORDINANCE

NUMBER 2003-27

AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING ARTICLE XVIII; CREATING THE PIRATE HARBOR 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.

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 Pirate Harbor waterway system.

Chf 14
BCC

IMAGED

6-26-03
AP

IMAGED L.T.

minutes
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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 XVIII, consisting of sections 4-7-361 through 4-7-380, and by adding the following new language, numbered and designated as follows:

“ARTICLE XVIII. PIRATE HARBOR WATERWAY UNIT

Sec. 4-7-361. 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 Pirate Harbor Waterway Unit (“unit”).

Sec. 4-7-362. Territory.

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

- (1) Pirate Harbor Subdivision, a subdivision according to the plat thereof recorded in Plat Book 5, Page 15, of the Public Records of Charlotte County, Florida, LESS AND EXCEPT Tracts H, J and R, all in said Pirate Harbor Subdivision.
- (2) First Replat of Pirate Harbor, a subdivision according to the plat thereof recorded in Plat Book 9, Page 4 of the Public Records of Charlotte County, Florida.

Sec. 4-7-363. 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 Pirate Harbor waterway system. The purpose of this unit shall not include the maintenance of seawalls.

Sec. 4-7-364. Governing body.

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

Sec. 4-7-365. Powers of the governing body.

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

Sec. 4-7-366. 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. 4-7-367. Issuance of debt obligations.

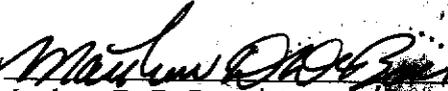
The authority and procedure regarding the issuance of debt obligations shall be as provided in Chapter 4-6, Article I, Charlotte County Code.”

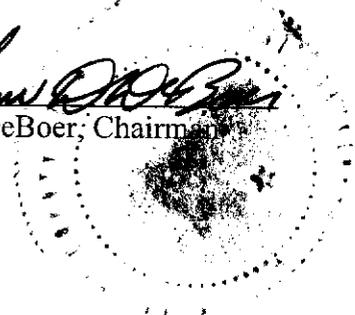
Section 2. Severability. In the event any portion of the foregoing conflicts with any other Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase, or portion of these sections is for any reason held invalid or unconstitutional by 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.

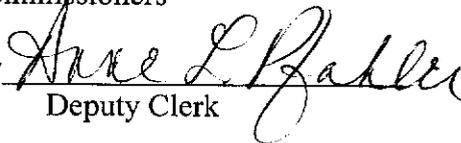
PASSED AND DULY ADOPTED this 27th day of May, 2003.

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*

p:\wpdata\brad\ords\msbu\pirate harbor wwy.doc/LR2003-232
April 30, 2003

ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING AN ARTICLE IN THE CODE; CREATING THE PIRATE HARBOR 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 would establish the Pirate Harbor Waterway Unit (MSBU). There is currently no waterway MSBU in this area and property owners have requested that a unit be established to fund necessary work to improve the waterway system. Assessments would be collected on the tax bills as with all other MSBUs.

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.

There are no appreciable costs to the public or private sector.

A. Cost of Implementation:

The nominal costs of adopting the ordinance.

B. Source of Funds/Ultimate Burden of Costs:

Work performed for the benefit of the property within the unit would be paid for by assessments on property within the unit.

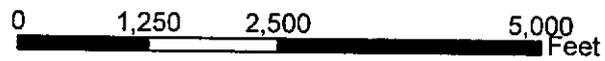
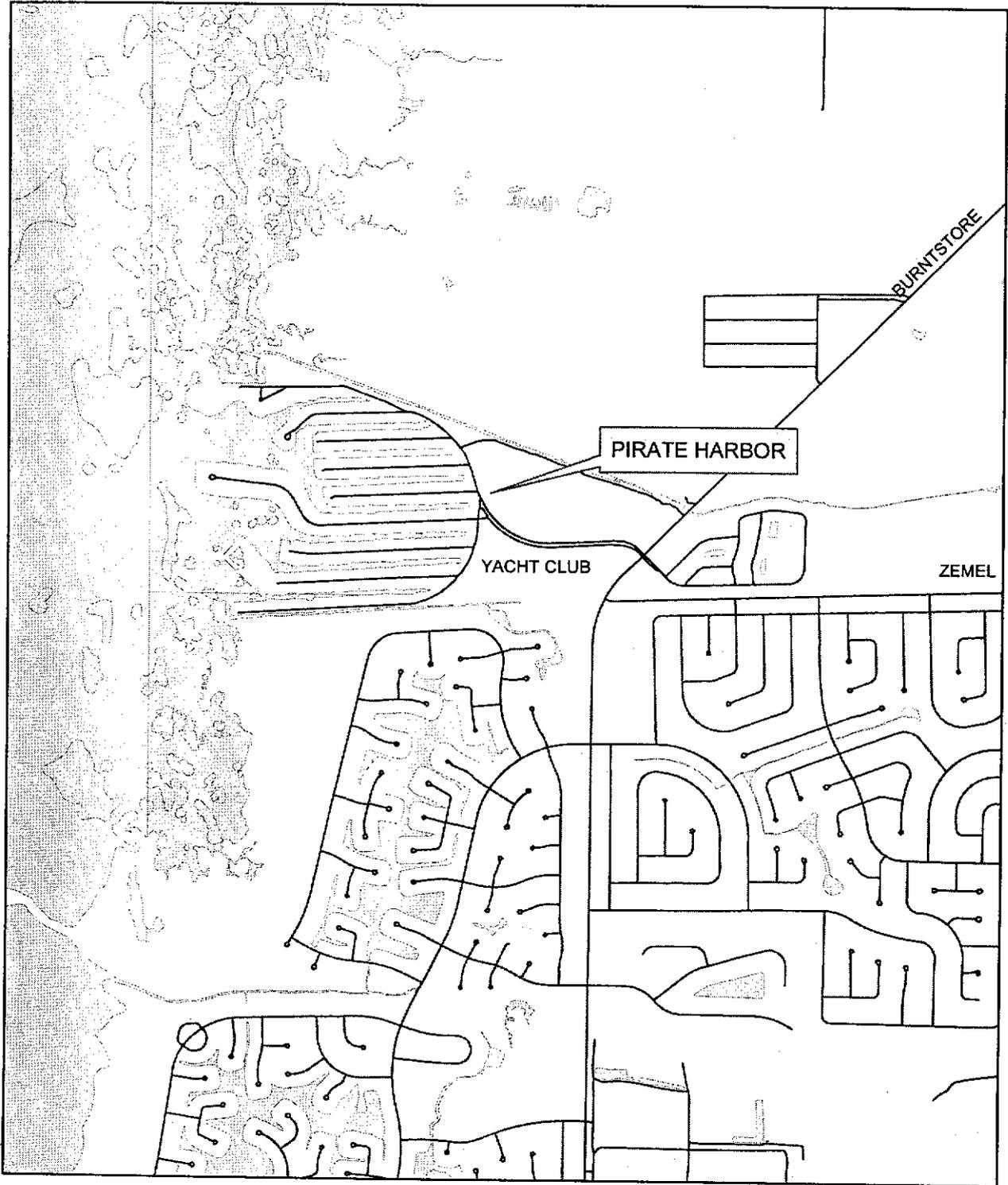
C. Effect on Competition and Employment

Projects would be open to competitive bidding by qualified vendors and trades.

D. Benefits on Implementation:

Property owners in the Pirate Harbor Waterway Unit would be able to have projects, such as dredging, clearing and marking, performed as necessary.

PIRATE HARBOR PROJECT LOCATION



SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

R-6
ORD 2003-27

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

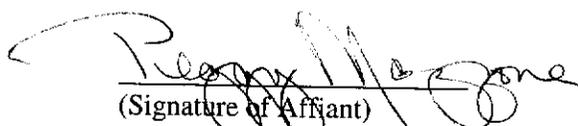
Before the undersigned authority personally appeared Peggy Mazzone, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement,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

May 16, 2003

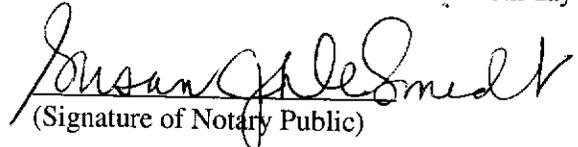
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has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

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 27th day of May, 2003, consider the enactment of an ordinance bearing the following title:
AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING ARTICLE XVIII; CREATING THE PIRATE HARBOR 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.

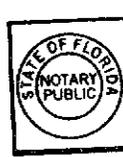
The proposed ordinance and economic impact statement are available at the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Should any agency or person decide to appeal any 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. 2003002628-N
PUBLISHED: May 16, 2003
163352 1022870


(Signature of Affiant)

Sworn and subscribed before me this 16th day of May, 2003.


(Signature of Notary Public)

1 x 5.986 x 4.95 = \$29.63

 SUSAN J. DESMIDT
My Comm Exp. 6/25/04
No. CC 947769
 Personally Known Other I.D.

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
 Glenda E. Hood
 Secretary of State
 DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
 Historic Florida Keys Preservation Board
 Historic Palm Beach County Preservation Board
 Historic Pensacola Preservation Board
 Historic St. Augustine Preservation Board
 Historic Tallahassee Preservation Board
 Historic Tampa/Hillsborough County
 Preservation Board
 RINGLING MUSEUM OF ART

June 2, 2003

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

Attention: Anne Pfahler

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 29, 2003, and certified copies of Charlotte County Ordinance Nos. 2003-023 through 2003-030, which were filed in this office on June 2, 2003.

Sincerely,

Liz Cloud, Chief
 Bureau of Administrative Code

LC/mp

IMAGED
 6-26-03
 AP

RECEIVED AT
 JUN 17 11 45 AM '03

BUREAU OF ADMINISTRATIVE CODE
 The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
 FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us