

ORDINANCE
NUMBER 81-14

Effective Date *April 19, 1991*

AN ORDINANCE CREATING "PUNTA GORDA (NON URBAN) STREET AND DRAINAGE UNIT"; NAMING THE UNIT; DESCRIBING THE TERRITORY INCLUDED IN THE UNIT; PROVIDING FOR A GOVERNING BODY; DELINEATING THE PURPOSE OF THE UNIT; PROVIDING FOR THE ADOPTION OF A BUDGET, THE LEVY OF ASSESSMENTS, THE EQUALIZATION OF ASSESSMENTS AND THE COLLECTION OF ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Charlotte County finds that the territory included within the proposed unit constitutes a single municipal community with an integrated system of municipal streets and drainage facilities collateral thereto; and

WHEREAS, the Board of County Commissioners finds, due to the sparsity of population and development within the community, the preservation of the integrated system of streets and drainage with funds derived from ad valorem taxation would impose an unjust burden on the owners of the few developed properties within the community; and

WHEREAS, the Board of County Commissioners 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; and

WHEREAS, the Board of County Commissioners further finds that each property within the described territory will benefit equally from the preservation of the integrated system of streets and drainage, substantially to the extent to which each parcel abuts any of said integrated streets;

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

Section 1. That there is hereby created, pursuant to the authority contained in Section 125.01(q), Florida Statutes, a municipal service benefit unit to be known as "PUNTA GORDA (NON URBAN) STREET AND DRAINAGE UNIT."

Section 2. That the territory included within the unit shall include the following portion of the unincorporated area of Charlotte County, more particularly described as follows:

a. Aquí Esta, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 11 and 12 of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 1 thru 25 and Lot 38 of Block A, Blocks B thru F, all in said Aquí Esta Subdivision.

b. Aquí Esta Unit No. 2, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 49A thru 49C of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 1 and 2 of Block C, Lots 2 thru 14 of Block H, Lots 2 thru 14 and 17 thru 29 of Block I, Lots 2 thru 12 and 15 thru 26 of Block J, Lots 2 thru 8 and 11 thru 19 of Block K, Lots 2 thru 5 and 8 thru 12 of Block L, and Lots 2, 5 and 6 of Block M, all in said Unit No. 2.

c. Charlotte Park, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 90A thru 90C of the Public Records of Charlotte County, Florida.

d. Charlotte Park Replat, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 26A and 26B of the Public Records of Charlotte County, Florida.

e. Charlotte Park Replat, a subdivision according to the plat thereof recorded in Plat Book 7 at Page 34 of the Public Records of Charlotte County, Florida.

f. Charlotte Park Section 2, a subdivision according to the plat thereof recorded in Plat Book 4 at Page 62 of the Public Records of Charlotte County, Florida.

g. Charlotte Park Section 2 Replat, a subdivision according to the plat thereof recorded in Plat Book 7 at Page 28 of the Public Records of Charlotte County, Florida.

h. Charlotte Park Section 3, a subdivision according to the plat thereof recorded in Plat Book 7 at Pages 2A and 2B of the Public Records of Charlotte County, Florida.

i. Palm Shores, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 21A thru 21C of the Public Records of Charlotte County, Florida.

j. Peace River Shores Unit 5, a subdivision according to the plat thereof recorded in Plat Book 4 at Page 28 of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 2 thru 12 of Block A, all in said Unit 5

k. Peace River Shores Unit 5, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 32A thru 32C of the Public Records of Charlotte County, Florida.

l. Peace River Shores Unit 6, First Addition, a subdivision according to the plat thereof recorded in Plat Book 7 at Page 38 of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 1 and 2 of Block R, and Tracts A and B, all in said First Addition.

m. Peace River Shores Unit 7, a subdivision according to the plat thereof recorded in Plat Book 6 at Pages 7A and 7B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 2 thru 21 of Block A and Lot 2 of Block B, all in said Unit 7.

n. Peace River Shores Unit 8, a subdivision according to the plat thereof recorded in Plat Book 7 at Pages 39A and 39B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 2 thru 24 of Block N, all in said Unit 8.

o. Peace River Shores Unit 9, a subdivision according to the plat thereof recorded in Plat Book 7 at Pages 40A and 40B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 2 thru 23 of Block Q, all in said Unit 9.

p. Peace River Shores Unit 10, a subdivision according to the plat thereof recorded in Plat Book 7 at Pages 43A thru 43D of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 9 thru 14 of Block 2, Lots 12 thru 18 of Block 4, Lots 9, 10, 15 and 16 of Block 22, and Lots 3 thru 6 of Block 23, all in said Unit 10.

q. Peace River Shores Unit 10 Amended Plat, a subdivision according to the plat thereof recorded in Plat Book 7 at Page 46 of the Public Records of Charlotte County, Florida.

r. Peace River Shores Unit 10 First Addition, a subdivision according to the plat thereof recorded in Plat Book 7 at Page 66 of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Tract A in said First Addition.

s. Pirate Harbor, a subdivision according to the plat thereof recorded in Plat Book 5 at Page 15 of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lot 1 thru 7 of Block B, Lots 1 thru 6 of Block C, Lots 1 thru 5 of Block Q, and Tracts G and H, all in said Pirate Harbor.

t. Pirate Harbor First Replat, a subdivision according to the plat thereof recorded in Plat Book 9 at Pages 4A and 4B of the Public Records of Charlotte County, Florida.

u. Pirate Harbor Unit 2, a subdivision according to the plat thereof recorded in Plat Book 5 at Page 28 of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Tract A, Lots 1 thru 16 of Block A, Lots 17 thru 32 of Block B, Lots 26 thru 54 of Block C, Blocks D thru G, and Lots 1 thru 31 of Block H, all in said Unit 2.

v. Ridge Harbor, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 45 of the Public Records of Charlotte County, Florida.

w. Ridge Harbor Addition No. 1, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 56 of the Public Records of Charlotte County, Florida.

x. Ridge Harbor Addition No. 2, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 66 of the Public Records of Charlotte County, Florida.

y. Ridge Harbor Addition No. 3, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 65 of the Public Records of Charlotte County, Florida.

z. Ridge Harbor Addition No. 4, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 69 of the Public Records of Charlotte County, Florida.

aa. Ridge Harbor Addition No. 5, a subdivision according to the plat thereof recorded in Plat Book 4 at Page 23 of the Public Records of Charlotte County, Florida.

bb. Ridge Harbor Addition No. 6, a subdivision according to the plat thereof recorded in Plat Book 4 at Page 31 of the Public Records of Charlotte County, Florida.

cc. Rio Villa, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 3 of the Public Records of Charlotte County, Florida.

dd. Rio Villa First Addition, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 10A thru 10C of the Public Records of Charlotte County, Florida.

ee. Rio Villa Subdivision of Block B, a subdivision according to the plat thereof recorded in Plat Book 4 at Page 51 of the Public Records of Charlotte County, Florida.

ff. Riviera Lagoons, a subdivision according to the plat thereof recorded in Plat Book 7 at Pages 5A and 5B of the Public Records of Charlotte County, Florida.

gg. Riviera Lagoons Unit 3, a subdivision according to the plat thereof recorded in Plat Book 10 at Page 14 of the Public Records of Charlotte County, Florida.

hh. Tee and Green Estates, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 18A and 18H of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 2 thru 17 of Block 2, Lots 2 thru 6 of Block 4, Lots 2 thru 4 of Block 5, Lots 16 thru 28 of Block 16, Lots 2 thru 30 of Block 17, Lots 2 thru 29 of Block 18, Lots 82 thru 106 of Block 20, Blocks 31 and 32 and Lots 28 thru 79 of Block 33, all in said Tee and Green Estates.

ii. Tee and Green Estates Resubdivision, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 43A and 43B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Tract C, Block 19 and Blocks 34 thru 37, all in said Resubdivision.

jj. Tee and Green Estates Resubdivision, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 61A and 61B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 67 thru 80 of Block 26 and Block 30, all in said Resubdivision.

kk. Tee and Green Estates First Addition, a subdivision according to the plat thereof recorded in Plat Book 5 at Pages 55A thru 55D of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 1 thru 8 of Block 3A, Block 4A thru 5A, 19 and 34A, Lots 1 thru 29 of Tract C, Lots 1 thru 22 of Tract D, Lots 5 thru 13 of Block 38, Lots 2 thru 18 of Block 39, Block 40 thru 43, Lots 7 thru 14 of Block 44, Lots 1 thru 7 and 12 thru 14 of Block 45, Lots 1 thru 14 of Block 46, Lots 1 thru 12 of Block 47, Lots 2 thru 21 of Block 48, Lots 19 thru 36 of Block 49, Lots 21 thru 91 of Block 52, Blocks 53 thru 82, all in said First Addition.

ll. Three Rivers Subdivision Corrected Plat, a subdivision according to the plat thereof recorded in Plat Book 5 at Page 79 of the Public Records of Charlotte County, Florida.

mm. Three Rivers Subdivision Second Replat, a subdivision according to the plat thereof recorded in Plat Book 8 at Pages 8A and 8B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 17 and 97 in said Second Replat

nn. Three Rivers Subdivision, First Addition, a subdivision according to the plat thereof recorded in Plat Book 15 at Page 22 of the Public Records of Charlotte County, Florida.

oo. Tierra Coronado, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 47A and 47B of the Public Records of Charlotte County, Florida.

pp. Tierra Coronado Replat, a subdivision according to the plat thereof recorded in Plat Book 13 at Pages 22A and 22B of the Public Records of Charlotte County, Florida.

qq. Waterway Colony, a subdivision according to the plat thereof recorded in Flat Book 7 at Pages 52A and 52B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 30 thru 54 of Block A, and Lots 36 thru 51 of Block B of said Waterway Colony.

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

Section 4. The purpose of the unit is to provide for the construction, reconstruction, repair, paving, repaving, hard surfacing, re-hard 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 5. 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 during 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. Upon examination of such plans and estimates, the Board of County Commissioners by resolution may determine to accomplish all or any part of the proposed work and defray the whole or any part of the expense thereof by special assessments, and the

resolution may designate the work to be performed by reference to the plans and estimates as filed and shall state the amount to be paid by special assessments, when said assessments are to be paid and 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 Punta Gorda (Non Urban) Street and Drainage Unit. 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 specification, 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 6. Upon the adoption of the resolution, the Board of County Commissioners 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, the amount of the benefit to and the assessment against each lot or parcel of land. In recognition of the fact that all parcels receive equal benefits from the integrated system of streets and drainage at this time, the total to be assessed shall be equally divided among the parcels.

Section 7. On the completion of the assessment roll, the Board of County Commissioners 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 propriety and advisability of the work to be performed,

the cost thereof, the manner 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 (2) 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 ten (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 8. At the time and place named in the notice, the Board of County Commissioners shall meet as an equalizing 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 9. 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 10. This ordinance shall take effect upon receipt of acknowledgment of its filing in the Office of the Secretary of State.

PASSED AND DULY ADOPTED in regular session by the BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, this 16th day of June, 1981.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By *Franz H. Koss, Sr.*
Franz H. Koss, Sr., Chairman

ATTEST:

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

BY: *Bernie Wetherick*
Deputy Clerk

APPROVED AS TO FORM:

H. Walden Thompson, County Attorney