

*Change
BEC. 2/10*

Effective Date 1-4-91

ORDINANCE
NUMBER 90-68

90 DEC 21 AM 11:35
RECORDED

AN ORDINANCE CREATING THE SOUTH BURNT STORE STREET AND DRAINAGE UNIT; NAMING THE UNIT; PROVIDING FOR A GOVERNING BODY; DELINEATING THE PURPOSE OF THE UNIT; PROVIDING FOR ADOPTION OF BUDGETS; PROVIDING FOR CAPITAL PROJECT ASSESSMENTS AND MAINTENANCE ASSESSMENTS; PROVIDING FOR LEVY OF ASSESSMENTS, THE EQUALIZATION OF ASSESSMENTS AND THE COLLECTION OF ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

001135
OR BOOK

FINDINGS

001405
PAGE

077091
CHARLOTTE COUNTY

1. The Board of County Commissioners previously established the Deep Creek Non Urban Street and Drainage Unit for the purpose of providing certain services within portions of the unincorporated area of Charlotte County, Florida.

2. The Board of County Commissioners had determined that it is in the best interests of the residents of those areas to establish separate and distinct units based upon geographical location and the differing needs of the properties included within the territory of existing units.

3. There are additional properties which could properly be served by a municipal service benefit unit to be established in the southern portion of the unincorporated area of Charlotte County.

RECORD VERIFIED - Barbara T. Scott, Clerk
1 *JAB* JOY BILBREY D.O. 

REC'D DEC 21 1990

*#
Return to
Minutes*

4. The Board of County Commissioners finds that each property within the territory to be included within the newly created unit will receive benefit from services provided within the unit.

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

Section 1. There is hereby created, pursuant to the authority contained in Section 121.01(1)(q), Florida Statutes, a municipal service benefit unit to be known as the "South Burnt Store Street and Drainage Unit."

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

1. Punta Gorda Isles Section 21, as recorded in Plat Book 13, Pages 1A thru 1Z-21 of the Public Records of Charlotte County, Florida.

2. Harborside Woods, Phase I, a subdivision according to the Plat thereof recorded in Plat Book 16, at Pages 7A thru 7C of the Public Records of Charlotte County, Florida.

3. Commencing at the SE corner of the SE 1/4 of Section 19, Township 42 South, Range 23 East, thence South 88°02'44" West along the South line of said Section 19 for a distance of 1339.82 feet to a point of beginning; Thence North 02°58'13" West for a distance of 2690.48 feet to the East-West centerline of Section 19; Thence South 89°01'11" West along the fractional line for a distance of 3245.12 feet more or less to a Meander Corner on the shores of Charlotte Harbor; Thence Southerly along the Meanders of Charlotte Harbor to a point on the South line of Section 19 (said point being 2972.62 feet and South 88°02'44" West of the P.O.B.); Thence South 01°57'16" East along the Meanders of Charlotte Harbor and Section 30 for a distance of 150.89 feet to an existing concrete Monument; Thence North 86°02'30" East for a distance of 2975.27 feet to a point; Thence North 02°58'13" West for a distance of 46.86 feet to the North line of Section 30, being the point of beginning, less 100 feet existing drainage canal right of way. Also including that portion of Pirate Harbor more particularly described as follows:

Take for the Point of Beginning the Southeast corner of Section 19, Township 42 South, Range 23 East; Thence South 86°02'30" West for a distance of 1340.63 feet to a point which is the Southeast corner of Pirate Harbor Subdivision (Unit No. 1) as filed in the Public Records of Charlotte County, State of Florida, in Plat Book 5, Page 15; Thence North 02°58'13" West along the East Line of said Subdivision for a distance of 46.85 feet to a point, said point being the P.O.B. of said Subdivision filed in Plat Book 5, Page 15, and also being the intersection of the East Line of said Subdivision and the South Line of Section 19, said point being 1339.80 feet West of the Southeast corner of Section 19, as measured along the South Line of Section 19; Thence North 02°58'13" West for a distance of 2044.67 feet to the Southerly right of way of a 100 foot wide Drainage Canal Easement; Thence South 70°17'08" East along the Southerly right of way of said Drainage Easement for a distance of 1534.28 feet to a point in the division line between Sections 19 and 20, said point being also 1478.87 feet North of the Southeast corner of Section 19, as measured along the East Line of Section 19; Thence continuing along said Southerly right of way of the 100 foot Drainage Easement bearing South 70°17'08" East for a distance of 1058.15 feet to a point; Thence South 49°27'23" East for a distance of 85.16 feet to a point in the Northwesterly right of way of Burnt Store Road, said point being 50 feet Northwesterly of the centerline of said road as measured at right angles; Thence South 44°34'25" West along the Northwesterly right of way of Burnt Store Road for a distance of 1496.80 feet to the South Line of Section 20; Thence South 88°02'44" West along the South Line of Section 20 for a distance of 9.72 feet to the Point or place of Beginning, together with Tracts "K" and "L" of Pirate Harbor Subdivision according to the Plat recorded in Plat Book 5, at Page 15 of the Charlotte County Public Records.

Description as recorded in Plat Book 5, Page 15, Plat Book 9, Page 4A and 4B, and Plat Book 5, Page 28 of Charlotte County Records.

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 streets within the Unit which have been platted and accepted by the County, including the necessary appurtenances thereto.

001135
OR BOOK

001407
PAGE

Section 5. The Unit shall impose and collect capital project assessments and maintenance assessments in accordance with the provisions of Ordinance 90-35, as amended, and shall otherwise comply with the terms of that ordinance.

Section 6. In the event this ordinance 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 7. It is the intention of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances, Charlotte County, Florida, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 8. It is anticipated that certain properties deleted from the Deep Creek Non Urban Street and Drainage Unit on October 1, 1991, shall be included within the South Burnt Store Street and Drainage Unit that date. On October 1, 1991, any monies previously collected and maintained by the Deep Creek Non Urban Street and Drainage Unit shall be disbursed according to percentage of equivalent residential units between the Deep Creek Non Urban Street and Drainage Unit and any other unit established by Charlotte County from properties previously included within its

001135
OR BOOK

001408
PAGE

boundaries, including properties located within the boundaries of South Burnt Store Street and Drainage Unit on that date. Under no circumstance shall properties not included within Deep Creek Non Urban Street and Drainage Unit on December 18, 1990, be included for purposes of calculations to equitably distribute funds between the street and drainage units.

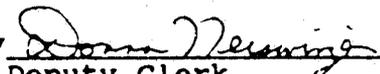
Section 9. This ordinance shall take effect upon receipt of the acknowledgment of its filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 18 day of DECEMBER, 1990.

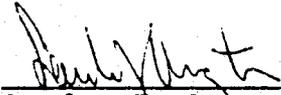
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By 
Wm. D. Noel, Jr., 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:


Sandra J. Augustine
County Attorney

ja3:\ord\sburnt/121090

001135
OR BOOK

001409
PAGE