

ORDINANCE
NUMBER 86-07

Effective Date MARCH 3, 1986

AN ORDINANCE CREATING "SUNCOAST WATERWAY MAINTENANCE UNIT"; DESCRIBING THE TERRITORY INCLUDED IN THE UNIT; PROVIDING FOR A GOVERNING BODY; DELINEATING THE PURPOSE OF THE UNIT; AND PROVIDING FOR THE ADOPTION OF A BUDGET, THE LEVY OF SPECIAL ASSESSMENTS, THE EQUALIZATION OF ASSESSMENTS AND THE COLLECTION OF ASSESSMENTS.

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 § 125.01(q), Fla. Stat., a municipal service benefit unit to be known as "Suncoast Waterway Maintenance 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:

a. Lots 9 thru 45 and 54 thru 75 of Suncoast No. 1 Subdivision as recorded in Plat Book 4 on Page 14.

b. Lots 49 thru 71; 75 thru 82; 86; 87; 91 thru 100; 104; 105; and 109 thru 119 of Suncoast Harbors Subdivision as recorded in Plat Book 3 on Page 33.

c. Boats Lots 1 thru 108 of Suncoast Harbors as recorded in Plat Book 3 on Page 33.

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 dredging of the waterways and canals appurtenant to this territory from funds derived from special assessments within the Unit only.

Section 5. The Public Works Division shall present to the Board of County Commissioners plans and estimates of cost for works to be performed. 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 Seacoast Waterway Maintenance Unit. The resolution also shall state the total estimated cost of the improvement, including 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 incidental to determining the feasibility or practicability of such works, administrative expense and such other expense as may be necessary or incidental to the completion of the works.

Section 6. Promptly after the completion of the authorized improvements, the County Administrator shall cause to be made a preliminary 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 share of the total canal frontage of each lot as compared to the sum of all the assessable canal frontage for the canals involved.

Section 7. On the completion of the preliminary 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 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 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 place 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, said 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. Upon receipt of such preliminary assessment roll, as amended following the equalization hearing, the Board of County Commissioners shall proceed by resolution to levy the appropriate special assessment, and the assessments shall be collected in the same manner and form subject to an interest rate of 6% per annum due and payable upon the unpaid balance of said special assessment. Such assessment shall be in default if not paid in the same manner and form subject to penalties and remedies for enforcement and collection as are provided by general law for the collection of County taxes.

Section 10. All payments shall be made to the Clerk of the Board. The County Administrator shall, upon request, certify to the Clerk or any interested person the amount due and payable on any assessment and is hereby authorized to release the lien of the assessment on behalf of the County on notification by the Clerk that the amount certified as due and payable has been paid in full.

Section 11. The Clerk is directed to record a copy of such resolution, including the assessment roll, as deeds are recorded in the Public Records of Charlotte County, Florida.

Section 12. This Ordinance shall take effect upon receipt of acknowledgement of its filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 25th. day of February, 1986.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Joseph A. Fringali
Joseph A. Fringali, Chairman

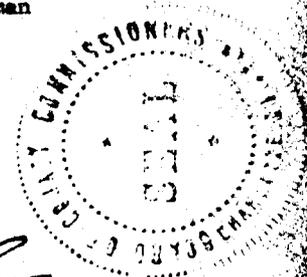
ATTEST:

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

By Barbara T. Scott
Barbara T. Scott
Deputy Clerk

APPROVED AS TO FORM:

William D. Moore
William D. Moore, County Attorney





FLORIDA DEPARTMENT OF STATE FILED
George Firestone
Secretary of State

'86 MAR -3 AIO:32

February 28, 1986

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

BA
SECRETARY OF STATE
CHARLOTTE COUNTY, FLA.

Attention: Nancy Sutton, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of February 26, 1986
and certified copy/ies of Charlotte
County Ordinance(s) 86-7 and 86-8
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed ~~this~~/these Ordinance(s) in this office
on February 28, 1986
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/mb