

ORDINANCE
NUMBER 83-14

Effective Date 11/30/83

AN ORDINANCE CREATING DEEP CREEK (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 in accordance with the frontage of the property abutting upon said 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 "DEEP CREEK (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:

Punta Gorda Isles, Section 20, as recorded in Plat Book 11 at Pages 2A thru 2Z42;

Punta Gorda Isles, Section 21, as recorded in Plat Book 13 at Pages 1A thru 1Z21;

Punta Gorda Isles, Section 23, as recorded in Plat Book 12 at Pages 2A thru 2Z40.

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 Deep Creek (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 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 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, and the amount of the 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 of said lots lying contiguous to any of said streets, provided, however, that the front footage of corner lots for the purpose of determining special benefits shall be considered to be the frontage of the longest side of said lot abutting any of said streets including the tangent distance of the curve forming the corner of each said corner lot.

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 acknowledgement of its filing in the Office of the Secretary of State of the State of Florida.

PASSED AND DULY ADOPTED this 17th. day of May, 1983.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Steven A. Bostwick
Steven A. Bostwick, Chairman

ATTEST:

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

By William A. R. Dill
Deputy Clerk



APPROVED AS TO FORM:

William Thompson
William Thompson, County Attorney



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

May 23, 1985

Honorable Buddy C. Alexander
Clerk of the Circuit Court
Post Office Box 1687
Suwanee, Florida 33951-1687

Attention: Ms. Marianne B. Bill

Dear Mr. Alexander:

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

1. Receipt of your letter/s of May 18
and certified copy/ies of Charlotte
County Ordinance/s No/s 63-14

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
May 20, 1985

4. The original/duplicate copy/ies showing the filing date is/are
being returned for your records.

Cordially,
Nancy Kavanaugh
(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NE/