

ORDINANCE
NUMBER 81-16

Received Date 6/26/81

AN ORDINANCE CREATING "HARBOUR HEIGHTS 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 "HARBOUR HEIGHTS 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. Harbour Heights Section One, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 21A thru 21D of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 2 thru 22 of Block 1, Lots 47 thru 77 of Block 3, Lots 48 thru 78 of Block 4, Block 5, Lots 1 thru 30 of Block 6, Lots 32 thru 59 of Block 9, and Lots 2 thru 29 of Block 10, all in said Section One.

b. Harbour Heights Section One Revised, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 73A and 73B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 6 and 7 of Block 15, Lots 2 thru 8 and 11 thru 19 of Block 16, and Lots 2 thru 13 of Block 17, all in said Section One Replat.

c. Harbour Heights Section One Revised Part One, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 74 of the Public Records of Charlotte County, Florida.

d. Harbour Heights Section One Revised Part Two, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 75 of the Public Records of Charlotte County, Florida.

e. Harbour Heights Section Two, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 22A thru 22D of the Public Records of Charlotte County, Florida.

f. Harbour Heights Section Two Revised, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 76A and 76B of the Public Records of Charlotte County, Florida.

g. Harbour Heights Section Two Revised Part One, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 77 of the Public Records of Charlotte County, Florida.

h. Harbour Heights Section Three, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 24A and 24B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lot 46 of Block 51, Lots 15 thru 26 of Block 53, Lots 2 thru 24 of Block 54, and Lots 18 thru 31 of Block 55, all in said Section Three.

i. Harbour Heights Section Three Revised, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 78 of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 2 thru 8 of Block 52, Lots 2 thru 12 and 15 thru 24 of Block 56, Lots 2 thru 11 and 14 thru 22 of Block 57, Lots 2 thru 8 and 11 thru 17 of Block 58, and Lots 2 thru 9 of Block 59, all in said Section Three Revised.

j. Harbour Heights Section Four Part One, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 27A thru 27C of the Public Records of Charlotte County, Florida.

k. Harbour Heights Section Four Part Two, a subdivision according to the plat thereof recorded in Plat Book 3 at Page 32 of the Public Records of Charlotte County, Florida.

l. Harbour Heights Section Four Revised Part Three, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 80A and 80B of the Public Records of Charlotte County, Florida.

m. Harbour Heights Section Four Revised Part Four, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 79A and 79B of the Public Records of Charlotte County, Florida.

n. Harbour Heights Section Five, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 81A and 81B of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 22 thru 49 of Block 31, Lots 33 thru 62 of Block 32, Lots 20 thru 46 of Block 33, Lots 2 thru 9 of Block 34, Lots 1 thru 9 and 62 thru 66 of Block 35, Block 36, Lots 1 thru 17 of Block 37, Lots 2 thru 18 of Block 38, Lots 20 thru 27 of Block 113, and Lots 2 thru 9 of Block 114, all in said Section Five.

o. Harbour Heights Section Six, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 82A thru 82C of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 2 thru 40 of Block 121, Lots 47 thru 84 of Block 122, Blocks 123 and 124, Lots 31 thru 60 of Block 125, Lots 1 thru 30 of Block 126, Blocks 127 and 128, Lots 30 thru 67 of Block 129, and Lots 49 thru 87 of Block 130, all in said Section Six.

p. Harbour Heights Section Seven, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 83A thru 83C of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 54 thru 68 of Block 136, Lots 4 and 5 of Block 137, Lots 2 thru 6 and 9 thru 15 of Block 138, Lots 2 thru 11 and 14 thru 25 of Block 139, Lots 2 thru 15 of Block 140, Lots 44 thru 78 of Block 141, Lots 13 thru 24 of Block 142, Lots 1 thru 14 and 17 thru 32 of Block 143, Lots 1 thru 19 and 22 thru 42 of Block 144, Lots 1 thru 12 of Block 145, Lots 19 thru 35 of Block 146, and Lots 23 thru 42 of Block 147, all in said Section Seven.

q. Harbour Heights Section Eight, a subdivision according to the plat thereof recorded in Plat Book 3 at Pages 84A and 84B of the Public Records of Charlotte County, Florida.

r. Harbour Heights Section Nine Part One, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 38A thru 38D of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Tract "A", Lots 27 thru 29 of Block 96, Block 266 (16-40-23), Block 266 (21-40-23), Lots 1 thru 3 of Block 275, Lots 5 thru 9, 20 thru 33, 36 thru 49 and 52 thru 65 of Block 277, and Block 278, all in said Section Nine Part One.

s. Harbour Heights Section Ten Part One, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 42A thru 42D of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Lots 1 thru 19 and 22 thru 40 of Block 182, Lots 2 thru 31 of Block 257, Blocks 258 and 259, Lots 18 thru 34 of Block 250, Lots 18 thru 34 of Block 261, Block 262, Lots 18 thru 34 of Block 263, and Blocks 264 and 265, all in said Section Ten Part One.

t. Harbour Heights Section Eleven Part Two, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 48A thru 48G of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Blocks 167, 168, 169, 179 and 180, Lots 16 thru 32 of Block 188, Lots 11 thru 17 of Block 189, Block 191, and Lots 1 thru 26 of Block 192, all in said Section Eleven Part Two.

u. Harbour Heights Section Eleven Part Two Replat, a subdivision according to the plat thereof recorded in Plat Book 6 at Pages 13A thru 13D of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Blocks 170 thru 178A, 181, 181A and 183 thru 183C, Lots 1 thru 20 of Block 184, Lots 1 thru 25 of Block 187, Blocks 187A thru 187C, Lots 1 thru 15 and 17 thru 30 of Block 187D, Lots 1 thru 6 and 9 thru 19 of Block 190, all in said Section Eleven Part Two Replat.

v. Harbour Heights Section Fourteen, a subdivision according to the plat thereof recorded in Plat Book 4 at Pages 50A thru 50F of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT Blocks 213 and 237 thru 255, and Lots 1 thru 34 of Block 256, all in said Section Fourteen.

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 Harbour Heights 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 23rd day of June, 1981.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Franz H. Ross, Sr.
Franz H. Ross, Sr., Chairman

ATTEST:

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

By: Terrie Ann Dull
Deputy Clerk

APPROVED AS TO FORM:

H. William Thompson
H. William Thompson, County Attorney





FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

June 25, 1981

Honorable Buddy C. Alexander
Clerk of Circuit Court
Charlotte County
Courthouse
Post Office Box 1537
Forts Gorda, Florida 33950

Attention: Marianne B. Dill, Deputy Clerk

Dear Mr. Alexander:

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

1. Receipt of your letter/s of June 23
and certified copy/ies of Charlotte
County Ordinance/s No./s 81-16 thru 81-20

2. Receipt of _____ County Ordinance/s
relative to:

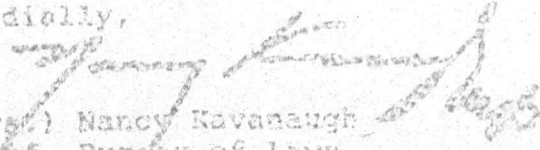
(a) _____
which we have numbered _____

(b) _____
which we have numbered _____

3. We have filed this/these Ordinance/s in this office
June 25 1981

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

Cordially,


(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

MK/wh