

HIGHLANDS COUNTY ORDINANCE NO. 80-2

AN ORDINANCE OF HIGHLANDS COUNTY, FLORIDA CREATING AND ESTABLISHING THE ISTOKPOGA MARSH WATERSHED IMPROVEMENT DISTRICT, PROVIDING THAT SUCH DISTRICT SHALL BE AND HAVE ALL THE POWERS OF A MUNICIPAL SERVICES TAXING AND BENEFITS DISTRICT UNDER SECTION 125.01(5), FLORIDA STATUTES (1979), AND PROVIDING THE METHOD BY WHICH THIS ORDINANCE SHALL BECOME EFFECTIVE.

FILED

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SECRETARY OF STATE

WHEREAS, pursuant to Article VII, Section 1 of the Constitution of the State of Florida and Section 125.66, Florida Statutes, the Board of County Commissioners of Highlands County, Florida, has all powers of local self-government to perform County functions and to render services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of county ordinances; and

WHEREAS, pursuant to Section 125.01(5), Florida Statutes, said Board of County Commissioners has the power to create special districts within which special taxes may be levied and within which may be provided municipal services and facilities, for any part or all of the County, including any incorporated area of the County if the governing body of such area shall approve such creation by ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA:

SECTION 1. DEFINITIONS. The words and terms used in this Ordinance shall have the meanings assigned thereto in Appendix A to this Ordinance.

SECTION 2. CREATION OF DISTRICT. A special municipal services taxing and benefits district to be known and designated as the Istokpoga Marsh Watershed Improvement District is hereby created and established as a public body corporate in Highlands County, Florida. The District shall exercise the powers and authority herein conferred within the area of the District as described in Appendix B to this Ordinance. The Board of County Commissioners of Highlands County shall be ex officio the Board of Supervisors of the District, the governing board of the District. The Chairman of the Board of County Commissioners shall be ex officio the Chairman of the Board of the District, and the Clerk of the Board of County Commissioners shall be ex officio the Secretary of the District. The Board shall adopt a seal which shall be the

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TO BE A TRUE COPY

EARL RICH, CLERK

*Marion M. ...*

official corporate seal of the District: The Board shall keep a permanent record book entitled Record of Board of Supervisors of Istokpoga Marsh Watershed Improvement District, in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by officers and employees, and any and all corporate acts, which book shall be maintained in the Office of the Secretary of the District and available for inspection by the public at all reasonable times. The Board may schedule such regular and special meetings and adopt such procedures and bylaws as it shall determine to be in the best interest of the District and the County and the citizens and inhabitants thereof.

SECTION 3. POWERS OF DISTRICT. The District shall have and exercise all of the powers granted by the Act with respect to municipal services taxing and benefits districts created under the Act, including without limitation the following powers:

(1) Ownership and Disposition of Property. To acquire property, real, personal or mixed, within or without its territorial limits, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease, on such terms and conditions as the Board may deem necessary or desirable, all provided that the use or ownership of such property is necessary in the furtherance of a designated lawful purpose of the District; and to hold, manage, control, convey, lease, sell, grant or otherwise dispose of the same, with or without consideration, provided that such disposition shall be in furtherance of such lawful purpose.

(2) Flood and Erosion Control; Reclamation; Irrigation. To adopt plans for flood and erosion control and for the reclamation of overflowed or eroded lands; and to clear, excavate, drain and irrigate lands within the area of the District and own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve systems and works for such purposes, including without limitation dams, ponds, lakes and canals.

(3) Public Thoroughfares. To acquire, construct, reconstruct, improve, operate, repair and maintain Public Roads; provided, however, in every case such reconstruction, repair and maintenance shall be limited to Public Roads which have not been accepted for maintenance by the County.

(4) Removal of Nuisances. To remove from any public or private property within the area of the District and dispose of any vegetation, trash or personal property causing or contributing to any condition which, in the opinion of the Board, constitutes a public nuisance or may adversely affect

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EARL R. ...

By Narciso ...

the health, welfare or economy of the inhabitants of the area of the District, and to collect from the person causing or creating any such nuisance or adverse condition the District's expenses incurred in such removal and disposal. The cost of clearing any property, mowing or trimming, or the removal of any structure or other hazard from any parcel of property within the area of the District shall constitute a lien against such parcel and may be collected by the District, together with all costs of such collection, including a reasonable attorney's fee fixed by the court, in the manner provided in Section 7 hereof.

(5) Special Levies. To make special levies from time to time on a per acre or fractional acre basis or front foot basis, to pay all or any part of the Cost of any Project or to provide for the retirement or refunding of any Revenue Certificates or other obligations of the District, or for any combination of the foregoing purposes. Revenue Certificates of the District shall bear interest at such rate or rates, mature on such date or dates and be sold on such terms and in such manner as the Board shall prescribe.

(6) Other Powers. In addition to the powers specifically granted to the District by the Act and this Ordinance, the District shall have the power to exercise through its Board all such additional powers as may be necessary, convenient or proper to carry out the purposes of this Ordinance.

SECTION 4. ASSESSMENTS. The Board may provide that the Costs of any Project or any part thereof be assessed against the lots and parcels of real property in the area of the District specially benefited by such Project or part thereof and for the issuance of Revenue Certificates payable from such assessments or payable in part from such assessments, and the District may proceed under the provisions of Chapter 170, Florida Statutes, as if the District were a municipality and the proposed Project were one described in Section 170.01 of such Chapter, except as hereinafter provided otherwise:

Special assessments against properties deemed to be benefited by a Project shall be assessed upon such properties in proportion to the benefits, determined and prorated on a flat rate basis (providing an equal assessment upon each lot or parcel assessed), or based on the respective areas of the properties assessed, or according to the front footage of the respective properties assessed or on such other basis as the Board may prescribe as being most equitable and fair under the circumstances.

The Board may declare that any assessments may be made payable in not more than forty (40) ~~equal~~ <sup>equal</sup> yearly

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LARL RICH, CLERK

By Walter P. Pringle D.C.

installments, with interest on the unpaid balance thereof at a rate per annum determined by the Board, to which, if not paid when due, there shall be added the penalty prescribed by such Chapter.

SECTION 5. FORCLOSURES OF LIENS. Any lien in favor of the District arising hereunder may be foreclosed by a suit brought in the name of the District in the Circuit Court. The pleadings, process, practice and sales in such proceedings shall be the same as in actions for the foreclosure of mortgages upon real property. One or more parcels of land may be included in the same suit. In any foreclosure action filed by the District pursuant to this section, the District may join the County as a party defendant for the purpose of determining the amount of their respective tax liens. When the County is so joined in such a foreclosure action, the judicial sale held in such action shall operate to satisfy all county tax liens to the date of such sale, and the net proceeds of such sale shall be applied first against delinquent state and county taxes and thereafter against delinquent district taxes on the property affected.

SECTION 6. TREASURER. The Board shall designate a person who is a resident of the State, or a bank or trust company authorized to do business in the State, as Treasurer of the District, who shall administer the funds of the District. Such funds shall be disbursed only upon the order of or pursuant to resolution of the Board by warrant or check signed by the Treasurer, or by such other person as may be authorized by the Board. The Board may give the Treasurer such other or additional powers and duties as the Board may deem appropriate, and fix his compensation. The Board may require the Treasurer to give a bond in such amount, on such terms and with such sureties as may be deemed satisfactory to the Board to secure the performance by the Treasurer of his powers and duties. The Board shall have the books of the Treasurer audited at least once a year.

SECTION 7. ADVISORY COMMITTEES. The Board may, in its discretion, and from time to time, appoint one or more advisory committees with respect to any Project or Projects of the District or with respect to any aspect thereof. Each member of an advisory committee appointed pursuant to this Ordinance shall be an owner of real property situated within the area of the District or a representative designated by such an owner of real property situated within the area of the District; and each advisory committee shall have as many members as the Board shall consider appropriate.

SECTION 8. REIMBURSEMENT OF COUNTY. For the services rendered to the District with respect to any ad valorem taxes

CERTIFIED

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EARL RICH, CLERK

By Marion Jennings D.C.

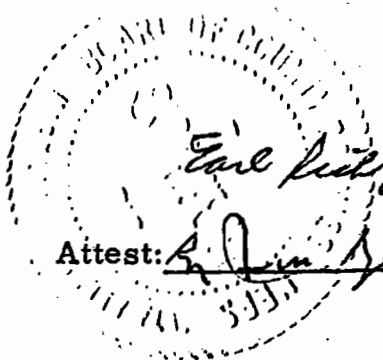
or Assessments levied by the District, or for any other expense incurred on behalf of the District, by the county property appraiser, the county tax collector or any other official or employee of the County, such persons and/or the County shall be compensated by the District in the manner prescribed by the law; and the Board shall make adequate provision for the payment of such compensation in the Costs of Projects, from any moneys of the District available for the payment of such Costs, including the proceeds of Bonds of the District or the revenues of any Project.

SECTION 9. LIBERAL CONSTRUCTION. The provisions hereof shall be liberally construed to effect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein.

SECTION 10. SEVERABILITY OF PROVISIONS. If any section, clause, sentence or provision hereof, or the application of such section, clause, sentence or provision to any person or bodies or under any circumstances shall be held to be inoperative, invalid or unconstitutional, the invalidity of such section, clause, sentence or provision shall not be deemed, held or taken to affect the remaining sections, clauses, sentences and hereof to persons, bodies or in circumstances other than those as to which it or any part thereof shall have been inoperative, invalid or unconstitutional, and it is intended that this Ordinance shall be construed and applied as if any section, clause, sentence or provision held inoperative, invalid, or unconstitutional had not been included in this Ordinance.

SECTION 11. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed by the Clerk of the Board of County Commissioners with the office of the Secretary of State of Florida within ten (10) days after enactment, and this Ordinance shall take effect upon receipt by said Clerk of official acknowledgment from the Secretary of State that this Ordinance has been filed with said office.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, this 17th day of June, A.D. 1980.

  
Earl Rich, Clerk  
Attest: [Signature]  
Clerk

[Signature]  
Chairman

CERTIFIED  
TO BE A TRUE COPY  
EARL RICH, CLERK  
By [Signature]

LEGAL DESCRIPTION

ISTOKPOGA MARSH WATERSHED

All of Section 25 lying East of Lake Istokpoga. East  $\frac{1}{2}$  of Section 35 lying South of Lake Istokpoga, all of Section 36 lying South of Lake Istokpoga in Township 36, Range 30.

And

All of Section 1, 2 and the East  $\frac{1}{2}$  of Section 3. All of Sections 10, 11, 12, 13, 14, 23, 24, 25, 26, and 35 in Township 37, Range 30.

And

All of Section 31, 32, and West  $\frac{1}{2}$  of Section 33 in Township 36 Range 31.

And

West  $\frac{1}{2}$  of Section 3 and all of Sections 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18 and 22 in Township 37, Range 31.

And

East  $\frac{1}{4}$  of Section 21 in Township 37, Range 31.

CERTIFIED  
TO BE A TRUE COPY  
BANK NOTE, CLERK  
By Wm. H. Pranger D.C.