

AN ORDINANCE AMENDING A HIGHLANDS COUNTY ORDINANCE ENTITLED: "AN ORDINANCE CREATING AND ESTABLISHING SUN 'N LAKE OF SEBRING IMPROVEMENT DISTRICT IN HIGHLANDS COUNTY, FLORIDA; FIXING ITS BOUNDARIES; PROVIDING FOR ITS GOVERNING BODY; PROVIDING FOR THE POWERS, FUNCTIONS AND DUTIES OF THE DISTRICT AND ITS GOVERNING BODY; AND PROVIDING FOR AN EFFECTIVE DATE; "FOR THE PURPOSE OF CLARIFYING THE DISTRICT'S POWERS WITH RESPECT TO RECREATIONAL FACILITIES; AUTHORIZING THE DISTRICT TO PROVIDE FIRE PROTECTION AND AMBULANCE SERVICE; MODIFYING ITS POWERS WITH RESPECT TO ASSESSABLE IMPROVEMENTS; PROVIDING BASES FOR THE ASSESSMENT OF THE DISTRICT'S MAINTENANCE TAX; AND SUBSTITUTING THE PROPERTY APPRAISER WHERE THERE ARE REFERENCES TO THE TAX ASSESSOR

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, as follows:

Section 1. Authority for this Ordinance. This ordinance is enacted pursuant to Article VIII, Section 1 of the Constitution of the State of Florida and Section 125.65, Florida Statutes, and other applicable provisions of law.

Section 2. Findings. It is hereby found and determined that:

(A) On April 16, 1974, the Board of County Commissioners of Highlands County, Florida (the "County") enacted an ordinance creating the Sun 'N Lake of Sebring Improvement District (the "District") in the County, entitled as follows:

"AN ORDINANCE CREATING AND ESTABLISHING SUN 'N LAKE IMPROVEMENT DISTRICT IN HIGHLANDS COUNTY, FLORIDA; FIXING ITS BOUNDARIES; PROVIDING FOR ITS GOVERNING BODY; PROVIDING FOR THE POWERS, FUNCTIONS AND DUTIES OF THE DISTRICT AND ITS GOVERNING BODY; AND PROVIDING FOR AN EFFECTIVE DATE;"

hereinafter referred to as the "District Charter."

(B) In Section 8 of the District Charter, the District is granted the power "to own, acquire, construct, operate, and maintain parks, playgrounds, picnic grounds, camping facilities, and water recreation facilities within the District," and it is in the best interest of the health and welfare of the citizens and inhabitants of the District

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SECRETARY

and of the County that it be made clear that the District shall have such power also with respect to golfing and tennis facilities and other recreational facilities of every kind.

(C) The District Charter does not provide for fire protection for the benefits of the citizens and inhabitants of the District and it is in the best interest of the health and welfare of such citizens and inhabitants that the District Charter be amended to add provisions for such authorization as hereinafter provided.

(D) In Section 18 of the District Charter the District is authorized to levy a maintenance tax to preserve the improvements of the District, and the basis for assessing the tax is not specified; and it is in the best interest of the welfare and economy of the citizens and inhabitants of the District and of the County, for the purpose of providing equitable bases for the assessment of such maintenance tax, that Section 18 be amended to add a provision whereby the Board of Supervisors of the District are authorized to levy the maintenance tax on an ad valorem basis or on the basis of an equal assessment upon each lot or parcel assessed, as shall from time to time appear most equitable and fair to such Board under the circumstances.

(E) In Section 30 of the District Charter it is provided that the District may accomplish assessable improvements, levy special assessments upon benefited property and issue bonds payable from such assessments under the provisions of Chapter 170, Florida Statutes, as if the District were a municipality; and it is in the best interest of the welfare and economy of the citizens and inhabitants of the District and of the County, for the purpose of providing a more equitable distribution of the cost assessable improvements, authorizing payment of such cost over a more extended period of time and making certain other charges in the operation of such Chapter, that Section 30 of the District Charter be amended as hereinafter provided, with corresponding amendments to Section 30 of the District Charter for consistency.

(F) There are references in the District Charter to the county tax assessor which should be corrected to refer to the property appraiser.

Section 3. Amendments. The District Charter is hereby amended in the following respects:

(A) Paragraph (11) of Section 8 thereof is hereby amended to read as follows:

"(11) to own, acquire, construct, operate and maintain parks, playgrounds, picnic grounds, camping facilities, water recreation facilities, golfing and tennis facilities and other recreational facilities of all kinds within the District."

(B) The following paragraph is hereby added to Section 8 thereof:

"(12) to provide protection against fire and for such purposes to acquire, construct, own, operate and maintain hydrants, automotive vehicles and fire extinguishing equipment, station facilities and such other equipment and facilities as may be necessary or desirable in order to give adequate fire protection."

(C) There shall be added to Section 18 thereof the following additional paragraph:

"Such maintenance tax may be an ad valorem tax or assessed on a flat rate basis, calling for an equal assessment upon each lot or parcel assessed, as shall from time to time be determined by the Board of Supervisors, upon a finding by such Board as to which basis, or combination thereof, shall be most equitable and fair under the circumstances and upon consideration of the special benefits resulting from such maintenance and preservation of the improvements of the District or any part thereof."

(D) Section 30 thereof is hereby amended to read as follows:

"Section 30. Assessable Improvements; Levy and Payment of Special Assessments; Assessment Bonds and Certificates. The District may provide for the construction or reconstruction of assessable improvements, for the levying of special assessments upon benefited property for the payment thereof and for the issuance of bonds payable 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 on an area basis, or according to the front footage of the respective properties assessed or on such other basis as the Board of Supervisors may prescribe as being most equitable and fair under the circumstances.

"The Board of Supervisors may declare that any assessments may be made payable in not more than forty (40) equal yearly installments, with interest on the unpaid balance thereof at a rate not to exceed ten per centum (10%) per annum, to which, if not paid when due, there shall be added the penalty prescribed by such Chapter.

"Bonds payable from such assessments shall be executed with the manual or facsimile signatures of the President and the Secretary of the Board of Supervisors, shall bear interest at such rate or rates not exceeding ten per centum (10%) per annum, payable annually or semiannually, shall mature at such time or times not exceeding forty (40) years and shall be sold in such manner and at such price as the Board of Supervisors may determine to be for the best interests of the District, but no such sale may be made at a price of less than ninety per centum (90%) of the par value of the bonds or at a net interest cost greater than ten per centum (10%) per annum."

(E) The percentage of par value at which bonds may be sold referred to in Section 32 thereof as "ninety-five (95) percent" is hereby amended to read "ninety per centum (90%)."

(F) Wherever there appears a reference therein to the "county tax assessor" or the "tax assessor" the same shall be amended to read: "county property appraiser."

(G) The Board of County Commissioners of Highlands County and/or the property appraiser of Highlands County and tax collector of Highlands County, shall have the right to levy against the funds collected in the District in sufficient sums to pay the cost of administration.

Section 4. Enactment of This Ordinance and Effective Date.

This ordinance is enacted pursuant to notice given by the Clerk of this Board of the Board's intent to consider the same, published in a newspaper of general circulation within Highlands County at least fifteen (15) days prior to enactment, excluding Saturdays, Sundays, and legal holidays. Such notice and proof of publication thereof shall be kept by such Clerk in a separate book open to the public for inspection during the regular business hours of his office. A certified copy of this ordinance, as enacted, shall be filed by said Clerk in the office of the Secretary of State of Florida within ten days after enactment, and this ordinance shall take effect upon receipt of official acknowledgment from the Secretary of State that this ordinance has been filed with his office.

PASSED AND DULY ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF HIGHLANDS, FLORIDA, this 19th day of July, A. D., 1977.

BOARD OF COUNTY COMMISSIONERS
OF HIGHLANDS COUNTY, FLORIDA

BY:

Norman J. Potes
Chairman
Robert Skipper
Carl Clardy
A. J. "Bud" Wise
Jack P. King

Attest:

Earl R. Rice
Clerk
COMMISSIONERS
(SEAL)

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EARL RICE, CLERK
HIGHLANDS COUNTY, FLA.

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