

By Mary Giland D.C.

AN ORDINANCE AMENDING HIGHLANDS COUNTY ORDINANCE NO. 74-4 ENTITLED; "AN ORDINANCE CREATING AND ESTABLISHING SUN 'N LAKE OF SEBRING IMPROVEMENT DISTRICT IN HIGHLANDS COUNTY, FLORIDA; FIXING ITS BOUNDARIES; PROVIDING FOR A GOVERNING BODY; AND PROVIDING FOR THE POWERS, FUNCTIONS AND DUTIES OF THE DISTRICT AND ITS GOVERNING BODY; AND PROVIDING FOR AN EFFECTIVE DATE;" AS AMENDED BY ORDINANCE NO. 77-4; FOR THE PURPOSE OF INCREASING THE TERRITORY OF THE DISTRICT; AMENDING THE DEFINITION OF LANDOWNER; CHANGING THE TIME OF THE ANNUAL MEETING OF THE LANDOWNERS OF THE DISTRICT; MODIFYING THE VOTING REQUIREMENTS OF LANDOWNERS; AMENDING THE INTEREST RATE PAYABLE ON SPECIAL ASSESSMENTS AND ON BONDS OF THE DISTRICT AND AUTHORIZING ASSESSMENTS PAYABLE IN EQUAL INSTALLMENTS OF COMBINED PRINCIPAL AND INTEREST; AUTHORIZING THE DISTRICT TO CONDUCT A MOSQUITO CONTROL PROGRAM; AMENDING THE BIDDING REQUIREMENTS FOR PURCHASES OR IMPROVEMENTS BY THE DISTRICT COSTING LESS THAN \$5,000; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Highlands County, Florida, enacted Ordinance 74-4 (the "District Charter") on April 18, 1974 for the purpose of creating the Sun 'n Lake of Sebring Improvement District (the "District"), and amended the District Charter by Ordinance No. 77-4 enacted on July 19, 1977; and

WHEREAS, said Board has received requests from the District to further amend the District Charter to change the time of the annual meeting of the landowners of the District, to amend the definition of landowner and to modify the voting requirements of landowners, in order to allow landowners of the District a greater influence in the government of the District; and

WHEREAS, the Developer has requested that the boundaries of the District be enlarged to include the additional lands described in Section 1 hereof and said Board has considered such request and has determined that such enlargement of the District is in the best interests of the District and the County and its citizens and inhabitants; and

WHEREAS, said Board is advised that due to the effects of inflation and the prevailing conditions in the

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market for bonds of the type which have heretofore been issued by the District and which the District proposes to issue in the future, it is necessary that the District Charter be amended to permit assessments for assessable improvements to bear interest at a rate not exceeding one per centum (1%) above the rate of interest at which the bonds authorized pursuant to the District Charter for the purpose of financing such improvements shall be sold, and to permit such assessments to be payable in equal installments of combined principal and interest, and to permit all bonds of the District to bear interest at such rate or rates as shall not exceed interest rates permissible under general law applicable to issuers of public obligations generally; and

WHEREAS, it is reasonable that an amount below which competitive bidding shall not be required for purchases by the District should be established, and said Board has determined that \$5,000 is an appropriate amount; and

WHEREAS, the District has expressed a desire to provide mosquito control within the District and said Board has determined that it is in the best interest of the District and the County to amend the District Charter to grant such powers to the District for the well being of all concerned;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Highlands County, Florida, as follows:

Section 1. Section 1 of the District Charter is hereby amended to add thereto, to be included within the District, the land described as:

"The NW-1/4 of SE-1/4 of Section 4, Township 34 South, Range 28 East, Highlands County, Florida."

Section 2. Paragraph 6 of Section 2 of the District Charter is hereby modified to read as follows:

"(6) "Landowner" means the owner of a freehold estate as appears by the deed record, including a trustee, a private corporation, and an owner of a Condominium unit; it does not include a reversioner, remainderman, or mortgagee."

Section 3. Paragraph (2) of Section 3 of the District Charter is hereby amended to read as follows:



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"(2) The annual meeting of the landowners of the District shall be held on the fourth Friday in January of each year, at such time within normal business hours as the Board of Supervisors shall determine. If for any reason any annual meeting cannot be held as in this subsection provided, then such meeting shall be held as soon as practicable after the day herein specified. Members of the Board of Supervisors shall be elected by majority vote of the landowners of the District as the terms of such members shall expire.

Section 4. Section 3(4) of the District Charter is hereby modified to read as follows:

"3(4) Each landowner shall be entitled to cast one vote for each acre, or fraction thereof, of land not subdivided into lots and one vote for each subdivided lot, or fraction thereof, owned by him and located in the District for each person to be elected. A landowner may vote in person or by proxy in writing."

Section 5. Section 8 of the District Charter is modified to add thereto the following:

"(13) Mosquito Control - To provide a program of mosquito control within the District."

Section 6. The third and fourth paragraphs of Section 30 of the District Charter are hereby amended to read as follows:

"The Board of Supervisors may declare that any assessment 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 year, or, if bonds are to be issued hereunder to finance the cost of such project, at a rate not to exceed one per centum (1%) above the rate of interest at which such bonds shall be sold, from the date of the acceptance of the project, to which, if not paid when due, there shall be added the penalty prescribed by such Chapter. The Board of Supervisors may declare that any assessments may be made payable in not more than forty (40) equal yearly installments of the combined assessment and aggregate interest thereon or in not more than forty (40) equal yearly installments, with interest on the unpaid balance thereof, as the Board of Supervisors may determine to be in the best interest of the District. 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 as provided in Section 215.84, Florida Statutes (1982), or as the same shall be hereafter amended, 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 interest 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 that permitted under said Section 215.84 or as amended."

Section 7. Section 48 of the District Charter is

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hereby amended to add thereto:

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"Competitive bidding shall not be required for purchases or improvements costing less than \$5,000."

Section 8. If any section or part of a section of this ordinance shall be held invalid, it shall not affect the validity of the remaining portions of this Ordinance, but said portions shall remain in full force and effect.

Section 9. 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 and 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 his office of the Secretary of State of Florida within ten (10) 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 18th day of October, 1983.

BOARD OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA

By: Gene Bigler  
Chairman

Attest:

Earl Rich  
Clerk