

COUNTY ORDINANCE NO. 89-L

AN ORDINANCE FURTHER 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 HERETOFORE AMENDED BY COUNTY ORDINANCE NO. 77-4 AND BY COUNTY ORDINANCE NO. 83-11; WITH RESPECT TO RECITAL OF STATUTORY AUTHORITY FOR THE ORDINANCE, TO THE MANNER OF THE LEVY OF SPECIAL ASSESSMENTS UPON PROPERTY SITUATED IN THE DISTRICT FOR THE PURPOSE OF FINANCING PUBLIC IMPROVEMENTS, AND TO THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES OF THE DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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

SECTION 1. DEFINITIONS. As used in this ordinance, the words and terms which are defined in the District Charter shall have the respective meanings assigned thereto by the District Charter, and the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

"Act" shall mean Chapter 125, Florida Statutes, as amended.

"Board" shall mean the Board of County Commissioners of the County.

"County" shall mean Highlands County, Florida.

"District Charter" shall mean Highlands County Ordinance No. 74-4 enacted by the Board on April 16, 1974 for the purpose of creating the District, the title of which is quoted in the title of this ordinance, as amended by Highlands County Ordinance No. 77-4 enacted July 19, 1977 and Highlands County Ordinance No. 83-11 enacted October 18, 1983.

"State" shall mean the State of Florida.

The terms "herein," "hereunder," "hereby," "hereto," "hereof," and any similar term shall refer to this ordinance; the term "heretofore" shall mean before the date of enactment of this

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By L. Inaba D.C.

ordinance; and the term "hereafter" shall mean after the date of enactment of this ordinance; except, however, where any such term is contained in language to be inserted in the District Charter, such term shall refer to or relate to the District Charter.

Words importing the singular number shall include the plural number and vice versa.

SECTION 2. FINDINGS. It is hereby found, determined and declared that:

A. Pursuant to Article VIII, Section 1 of the Constitution of the State and Sections 125.01 and 125.66 of the Act, the County, acting by and through the Board, has all powers of local self-government to perform county functions and to render public services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of county ordinances.

B. In order to provide for orderly growth and economic progress and assure the future welfare and continued prosperity of the County and its citizens, including those who reside in the District and others who own property within the District, and to protect the environment, increase the County's tax base and avoid unnecessary governmental expense in the future, on April 16, 1974 the Board created the District by enactment of the District Charter; and the Board has subsequently amended the same in response to changing circumstances and for the best interest of the County and its citizens.

C. The District has requested that the Board further amend the District Charter in the manner hereinafter provided, and it is in the best interest of the public health, safety, economy and general welfare of the County and its citizens, including those who reside in the District and others who own property within the District, that the District Charter be amended in the manner hereinafter provided.

SECTION 3. AMENDMENTS TO DISTRICT CHARTER. Pursuant to authority vested in the Board by virtue of the Act, the District Charter is hereby amended in the following respects:

A. The ninth paragraph thereof is hereby amended to read as follows:

"WHEREAS, pursuant to Article VIII, Section 1 of the Constitution of the State of Florida and Sections 125.01 and 125.66, Florida Statutes, as amended, the Board of County Commissioners of Highlands County, Florida, has all powers of local self-government to perform county functions and render public

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services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of county ordinances; and"

B. The following additional paragraphs shall be added to Section 30 thereof:

"If all of the owners of the lots and parcels of property to be assessed shall consent in writing to the terms of any proposed assessment as stated in the resolution of the Board of Supervisors adopted pursuant to Section 170.03, Florida Statutes, and as shown on the preliminary assessment roll prepared pursuant to Section 170.06, Florida Statutes, then the District shall not be required to publish said resolution in the manner provided by Section 170.05, Florida Statutes, or otherwise, nor shall any hearing be required to be held by the Board of Supervisors as provided in Section 170.07, Florida Statutes. A final assessment roll may be established by resolution of the Board of Supervisors based upon such written consent of all of the owners of the lots and parcels to be assessed.

"The Board of Supervisors may authorize the issuance of bonds payable from assessments prior to the Board's award of the contract for the construction of the improvements for which such assessments shall be levied and in an aggregate principal amount equal to the aggregate amount of such assessments plus the amount of a debt service reserve for such bonds; and it shall not be necessary that such bonds shall bear any certificate that the amount of liens levied, the proceeds of which are pledged to the payment of said bonds, are equal to the amount of the bonds issued. No bond issued pursuant to authority granted by this ordinance shall be required to bear interest after maturity at any rate which shall be less than the rate of interest such bond shall be permitted by general law to bear prior to maturity.

"If the Board of Supervisors has, or shall have, levied assessments hereunder which are, or shall be, pledged to the payment of outstanding bonds of the District, any of the lands subject to the liens of such assessments may be replatted for the purpose of rerouting roads or dedicating land for drainage, recreational or other nonresidential use or for any other appropriate reason, and the District may levy assessments upon the resulting newly-platted residential lots, with the written consent of all of the owners thereof, in amounts sufficient to provide for the debt service requirements of refunding bonds, hereby authorized, to be issued by the District to provide proceeds sufficient to prepay in full the said original assessments upon such lands which are or shall be pledged to such outstanding bonds, to pay the costs of issuance of such refunding bonds and to provide a debt service reserve for such refunding bonds."

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By R. J. [Signature] D.C.

C. Section 43 thereof is hereby amended to read as follows:

"Section 43. Issuance of Bond Anticipation Notes. - For the purpose of providing all or any part of the funds necessary to pay the Cost of any project or part thereof pending issuance by the District of bonds which shall have been duly authorized to be issued by the District to provide the long-term financing of such Cost, the Board of Supervisors may issue bond anticipation notes of the District in anticipation of the issuance by the District of such bonds, which notes shall be payable from the proceeds which shall be derived by the District from the sale of such bonds upon the issuance thereof or from the sale of bond anticipation notes issued to extend and renew the indebtedness and, if necessary, from the assessments and/or other revenues which shall be pledged to the payment of the debt service for such bonds. Such notes shall be in such denomination or denominations, bear interest at such rate or rates, not exceeding the maximum legal rate prescribed by general law, mature at such time or times not later than five years from the date of issuance, and be in such form and executed in such manner as the Board of Supervisors shall prescribe. Such notes may be sold at either public or private sale; and if such notes shall be renewal notes, they may be exchanged for the outstanding notes refunded thereby on such terms as the Board of Supervisors shall determine."

SECTION 4. SEVERABILITY OF INVALID PROVISIONS. If any one or more of the provisions of this ordinance shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this ordinance.

SECTION 5. ENACTMENT AND EFFECTIVE DATE. This ordinance is enacted at a regular meeting of the Board, notice of intent to consider the same having been given by the Clerk of the Board by publication in a newspaper of general circulation within the County fifteen (15) days prior to such meeting, excluding Sundays and legal holidays. A copy of this ordinance has been kept in the office of the Clerk available to the public for inspection during regular business hours. A certified copy of this ordinance, as enacted, shall be filed by the Clerk with the Department of State of Florida within ten (10) days after enactment, and this ordinance shall take effect upon receipt of of-

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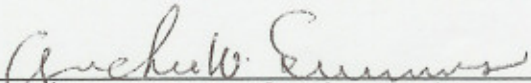
EARL RICH, CLERK

By S. Guaha D.C.

official acknowledgment from said office that this ordinance has been so filed.

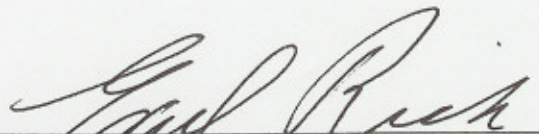
ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, this 21st day of February, 1989.

HIGHLANDS COUNTY, FLORIDA


Chairman, Board of County Commissioners, Highlands County, Florida

(SEAL)

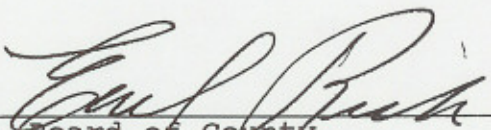
ATTEST:


Clerk, Board of County Commissioners, Highlands County, Florida

CERTIFICATE OF TRUE COPY

I do hereby certify that the foregoing is a true and correct copy of Highlands County Ordinance No. 89-I, duly enacted by the Board of County Commissioners of Highlands County, Florida, on February 21, 1989.

(SEAL)

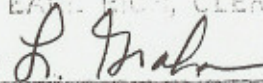

Clerk, Board of County Commissioners, Highlands County, Florida

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EARL RICH, CLERK

By  D.C.