

ORDINANCE NO. 97- 82



AN ORDINANCE CREATING THE BAYSHORE AVALON BEAUTIFICATION MUNICIPAL SERVICE TAXING UNIT; PROVIDING THE AUTHORITY; PROVIDING FOR THE CREATION; PROVIDING A PURPOSE AND GOVERNING BODY; PROVIDING FUNDING AND THE LEVY OF NOT TO EXCEED THREE MILS OF AD VALOREM TAXES PER YEAR; PROVIDING FOR THE COLLECTION OF TAXES; PROVIDING FOR CREATION OF THE BAYSHORE AVALON BEAUTIFICATION ADVISORY COMMITTEE; APPOINTMENT AND COMPOSITION; PROVIDING FOR TERMS OF OFFICE OF THE ADVISORY COMMITTEE; PROVIDING FOR OFFICERS OF THE ADVISORY COMMITTEE; QUORUM; RULES OF PROCEDURE; PROVIDING FOR FUNCTIONS, POWERS AND DUTIES OF THE ADVISORY COMMITTEE; PROVIDING FOR DUTIES OF THE COUNTY ADMINISTRATOR OR HIS DESIGNEE; PROVIDING FOR REVIEW PROCESS OF ADVISORY COMMITTEE; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

Dec 22 10 25 AM '97

FILED

WHEREAS, the County has received inquiries and conducted neighborhood meetings concerning proposals relating to beautification of certain public areas located on, adjacent to, or in proximity to Bayshore Drive; and

WHEREAS, the Board of County Commissioners' has determined that the creation of a municipal service taxing unit is the best method for implementing and funding the beautification of certain public areas located on, adjacent to, or in proximity to Bayshore Drive.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA; that:

SECTION ONE. Authority

This Ordinance is adopted pursuant to the provisions of Chapter 125, Chapter 165 and Chapter 200, Florida Statutes, and other applicable provisions of law.

SECTION TWO. Creation of the Municipal Service Taxing Unit.

There is hereby created and established the Bayshore Avalon Beautification Municipal Service Taxing Unit, hereinafter

referred to as "MSTU". The boundaries of the MSTU are as follows: See attached Exhibit "A" which is incorporated herein by reference.

SECTION THREE. Purpose and Governing Body.

The MSTU is created for the purpose of: 1) providing curbing, watering facilities, plantings and maintenance of the median strips of roadways within the MSTU; 2) providing traffic calming improvements, street lighting, and sidewalks within the MSTU; and 3) beautification and maintenance of other public areas within the MSTU as determined by the Advisory Committee. The governing body of the MSTU shall be the Board of County Commissioners of Collier County, Florida.

SECTION FOUR. Funding and Levy of Taxes.

For the purpose of implementing this Ordinance, the Board of County Commissioners shall annually, at the time required by general budgetary law, make an itemized estimate of the amount of money required to carry out the business of the MSTU for the next fiscal year, which shall be from October 1 to and including September 30 following. The estimate shall describe the purpose for which the moneys are required and the amount necessary to be raised by taxation within the MSTU. At the time and place for fixing the annual rate of taxation for County purposes, the Board shall fix and cause to be levied on all properties within the MSTU subject to taxation a millage rate not to exceed three mils per year.

SECTION FIVE. Tax Assessment and Collection.

Taxes herein provided for shall be assessed and collected in the same manner and form as provided for the assessment and collection of general County taxes and subject to the same fees for assessing and collecting as general County taxes.

SECTION SIX. **Creation of the Bayshore Avalon Beautification Advisory Committee; Appointment and Composition.**

A. There is hereby created and established the Bayshore Avalon Beautification Advisory Committee, hereinafter referred to as the "Committee".

B. The Committee shall consist of five (5) members which generally represent the area within the MSTU. Members of the Committee shall be appointed by and serve at the pleasure of the Board of County Commissioners. Said members shall be permanent residents within the MSTU and electors of Collier County. The Board shall consider appointment of members from different subdivisions or communities within the MSTU.

C. Appointment of members to the Committee shall be by resolution of the Board of County Commissioners, which resolution shall set forth the date of appointment and the term of office.

D. Members of the Committee shall serve without compensation, but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval of the Board of County Commissioners.

SECTION SEVEN. **Terms of Office of the Advisory Committee.**

The initial terms of office of the Committee shall be as follows:

A. Two (2) members shall be appointed for a term of two (2) years.

B. Two (2) members shall be appointed for a term of three (3) years.

C. One (1) member shall be appointed for a term of (4) years.

Thereafter, each appointment or reappointment shall be for a term of four (4) years.

Appointments to fill any vacancies on the Committee shall be for the remainder of the unexpired term of office.

SECTION EIGHT. Officers of the Advisory Committee; Quorum; Rules of Procedure.

A. At its earliest opportunity, the membership of the Committee shall elect a chairman and vice chairman from among the members. Officers terms shall be for one (1) year, with eligibility for re-election.

B. The presence of three (3) or more members shall constitute a quorum of the Committee necessary to take action and transact business.

C. The Committee shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a written record of meetings, resolutions, findings and determinations. Copies of all Committee minutes, resolutions, reports, and exhibits shall be submitted to the Board of County Commissioners.

D. Committee member attendance requirements, including failure to attend meetings and member removal from office are governed by Ordinance No. 86-41, as amended, or by its successor ordinance.

SECTION NINE. Functions, Powers and Duties of the Advisory Committee.

The functions, powers and duties of the Committee shall be as follows:

A. To aid and assist the Board of County Commissioners in carrying out the purposes of the MSTU as set forth in this Ordinance.

B. To prepare and recommend to the Board of County Commissioners an itemized budget of the amount of money required to carry out the business of the MSTU for the next fiscal year.

In carrying out this responsibility, the Committee shall, no later than April 1st of each year, meet with the County Administrator or his designee and outline to the County Administrator or his designee those projects which the Committee wishes to see accomplished during the next fiscal year. Based upon this information, the County Administrator or his designee shall prepare a proposed budget for the MSTU, in accordance with standard County guidelines regarding the preparation of budgets. This proposed budget shall then be reviewed by the Committee and upon approval by the Committee be transmitted through the County Administrator or his designee to the Board of County Commissioners for adoption in accordance with procedures for the adoption of budgets set forth under general law and the Board of County Commissioners' policy. Should the Committee fail to approve a budget by June 1st of each year, the County Administrator or his designee shall be authorized to submit a proposed budget to the Board of County Commissioners.

C. The Committee shall recommend work programs and priorities to the County Administrator or his designee in accordance with the adopted budget or budget amendments which may be adopted by the Board of County Commissioners. The execution of work programs shall be under the direct supervision and responsibility of the County Administrator or his designee. Said work may be performed under contract (in accordance with law) or by County forces.

D. The Committee may adopt and amend "Guidelines" to govern its operation and the operation of the MSTU, subject to approval by the Board of County Commissioners.

SECTION TEN. Duties of the County Administrator or his Designee.

The duties of the County Administrator or his designee shall be:

A. To administer the activities of the MSTU in accordance with established policies of the Board of County Commissioners and guidelines adopted by the Committee.

B. To prepare the annual budget in accordance with Section Nine, Paragraph B, above.

C. To provide periodic written reports to the Committee, and the Board of County Commissioners of the activities of the MSTU and its finances in accordance with established guidelines of the Board of County Commissioners and/or the Committee.

D. Attend all Committee meetings.

SECTION ELEVEN. Review Process.

This advisory Committee shall be reviewed once every four (4) years commencing 2001, in accordance with the procedures contained in Collier County Ordinance No. 86-41, as amended, or its successor ordinance.

SECTION TWELVE. Conflict and Severability.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THIRTEEN. Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION FOURTEEN. Effective Date.

This Ordinance shall be effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 16th day of December, 1997.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

[Signature]
By: Tollie Hoffman, DCC

By: *[Signature]*
TIMOTHY L. HANCOCK, Chairman

Approved as to form and
legal sufficiency:

[Signature]
Heidi F. Ashton
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
16th day of Dec, 1997
and acknowledgement of that
filing received this 19th day
of Dec, 1997

By: *[Signature]*
Deputy Clerk

h:/cw/hfa/Ordinances /Bayshore Municipal Service Taxing Unit

EXHIBIT A
BAYSHORE DEVELOPMENT AREA
LEGAL DESCRIPTION

Begin at the Southwest corner of Section 23, Township 50 South, Range 25 East, Collier County, Florida; thence Northerly along the west line of Section 23 and the West line of Section 14 to the centerline of Haldeman Creek; thence Northeasterly along the centerline of Haldeman Creek to the Intersection of the West line of the East quarter of the Southwest quarter of Section 11; thence Northerly along the West line of the East quarter of the Southwest quarter of Section 11 to the North line of Mangrove Avenue; thence Easterly along the North line of Mangrove Avenue to the East line of Pine Street; thence Northerly along the East line of Pine Street to the centerline of a 10' wide alley in Block 4 as shown on the plat of "W.H. Surency Subdivision" as recorded in Plat Book 1, Page 28, Public Records of Collier County; thence Easterly along said centerline and its Easterly extension to the East line of Lot 39, as shown on the plat of "Naples Groves and Truck Co.'s Little Farms No. 2" as recorded in Plat Book 1, Page 27A, Public Records of Collier County; thence Southerly along said East line to the South line of Weeks Avenue; thence Easterly along the South line of Weeks Avenue to the West line of Bayshore Drive; thence Northerly along West line of Bayshore Drive to the southwesterly right-of-way line of U.S. 41; thence southeasterly along the Southwesterly right-of-way line of U.S. 41 to the East line of the West one eighth of the Northwest quarter of Section 13; thence southerly along the East line of the West one eighth of the Northwest quarter of Section 13 to the South line of the Northwest quarter of Section 13; thence Westerly along the South line of the Northwest quarter of Section 13 to the West line of Section 13; thence Southerly along the West line of Section 13 and the East line of Section 23 to the South line of Section 23; thence Westerly along the South line of Section 23 to the Southwest corner of Section 23 and the Point of Beginning.

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 97-82

Which was adopted by the Board of County Commissioners on the 16th day of December, 1997, during Regular Session.

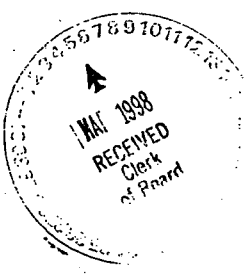
WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 17th day of December, 1997.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: Ellie Hoffman
Deputy Clerk

Bayshore MSTU

ORDINANCE NO. 98- 15



AN ORDINANCE AMENDING ORDINANCE NO. 97-82 WHICH CREATED THE BAYSHORE AVALON BEAUTIFICATION MUNICIPAL SERVICE TAXING UNIT AMENDING SECTION SIX TO CLARIFY THAT MEMBERS OF THE ADVISORY COMMITTEE ARE PERMANENT RESIDENTS OR COMMERCIAL PROPERTY OWNERS WITHIN THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

FEB 27 3 40 PM '98

FILED

WHEREAS, on December 16, 1997, the Board of County Commissioners adopted Ordinance No. 97-82. which created the Bayshore Avalon Beautification Municipal Service Taxing Unit; and

WHEREAS, the Board of County Commissioners desires to clarify the composition of the Advisory Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA; that:

SECTION ONE. Amendment to Section Six of Ordinance No. 97-82.

Section Six is hereby amended to read as follows:

SECTION SIX. Creation of the Bayshore Avalon Beautification Advisory Committee; Appointment and Composition.

A. There is hereby created and established the Bayshore Avalon Beautification Advisory Committee, hereinafter referred to as the "Committee".

B. The Committee shall consist of five (5) members which generally represent the area within the MSTU. Members of the Committee shall be appointed by and serve at the pleasure of the Board of County Commissioners. Said members shall be permanent residents or owners of residential or commercial property within the MSTU and electors of Collier County. An owner of residential or commercial property may be an individual, an officer of a corporation or a partner of a partnership. The Board shall consider appointment of members from different subdivisions or communities within the MSTU.

C. Appointment of members to the Committee shall be by resolution of the Board of County Commissioners, which resolution shall set forth the date of appointment and the term of office.

D. Members of the Committee shall serve without compensation, but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval of the Board of County Commissioners.

SECTION TWO. Conflict and Severability.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE. Inclusion in the Code of Laws and Ordinances.

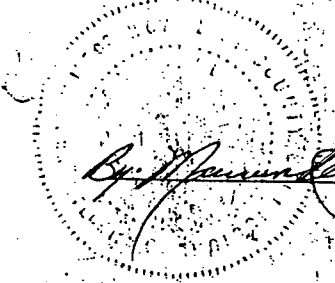
The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION FOUR. Effective Date.

This Ordinance shall be effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners
of Collier County, Florida this 24 day of February, 1998.

ATTEST:
DWIGHT E. BROCK, Clerk



Dwight E. Brock
Dwight E. Brock, Clerk

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *Barbara B. Berry*
BARBARA B. BERRY, Chairman

Approved as to form and
legal sufficiency:

Heidi F. Ashton
Heidi F. Ashton,
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
~~27th~~ day of Feb, 1998
and acknowledgement of that
filing received this 5th day
of March, 1998
By: *Colleen Hoffman*
Deputy Clerk

h:/hennie/hfa/Ordinances /Bayshore Municipal Service Taxing Unit-98

ORDINANCE NO. 98-29

AN ORDINANCE AMENDING ORDINANCE NO. 97-82. WHICH CREATED THE BAYSHORE AVALON BEAUTIFICATION MUNICIPAL SERVICE TAXING UNIT; AMENDING EXHIBIT A TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION WHICH DESCRIBES THE DISTRICT BOUNDARIES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

98 APR 20 PM 1:33

FILED

WHEREAS, on December 16, 1997, the Board of County Commissioners adopted Ordinance No. 97-82. which created the Bayshore Avalon Beautification Municipal Service Taxing Unit; and

WHEREAS, the Board of County Commissioners desires to correct the error in the legal description in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA; that:

SECTION ONE. Amendment to Exhibit A of Ordinance No. 97-82.

Exhibit A is hereby amended to read as follows:

See attached Exhibit "A".

SECTION TWO. Conflict and Severability.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE. Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

APR 1998
RECEIVED
Clerk
of Board

EXHIBIT A

BAYSHORE DEVELOPMENT AREA
LEGAL DESCRIPTION

Begin at the Southwest corner of Section 23, Township 50 South, Range 25 East, Collier County, Florida; thence Northerly along the west line of Section 23 and the West line of Section 14 to the centerline of Haldeman Creek; thence Northeasterly along the centerline of Haldeman Creek to the Intersection of the West line of the East quarter of the Southwest quarter of Section 11; thence Northerly along the West line of the East quarter of the Southwest quarter of Section 11 to the North line of Mangrove Avenue; thence Easterly along the North line of Mangrove Avenue to the East line of Pine Street; thence Northerly along the East line of Pine Street to the centerline of a 10' wide alley in Block 4 as shown on the plat of "W.H. Surency Subdivision" as recorded in Plat Book 1, Page 28, Public Records of Collier County; thence Easterly along said centerline and its Easterly extension to the East line of Lot 39, as shown on the plat of "Naples Groves and Truck Co.'s Little Farms No. 2" as recorded in Plat Book 1, Page 27A, Public Records of Collier County; thence Southerly along said East line to the South line of Weeks Avenue; thence Easterly along the South line of Weeks Avenue to the West line of Bayshore Drive; thence Northerly along West line of Bayshore Drive to the southwesterly right-of-way line of U.S. 41; thence southeasterly along the Southwesterly right-of-way line of U.S. 41 to the South line of Haldeman Creek; thence Westerly along the South line of Haldemen Creek to the East line of the West one eighth of the Northwest quarter of Section 13; thence southerly along the East line of the West one eighth of the Northwest quarter of Section 13 to the South line of the Northwest quarter of Section 13; thence Westerly along the South line of the Northwest quarter of Section 13 to the West line of Section 13; thence Southerly along the West line of Section 13 and the East line of Section 23 to the South line of Section 23; thence Westerly along the South line of Section 23 to the Southwest corner of Section 23 and the Point of Beginning.

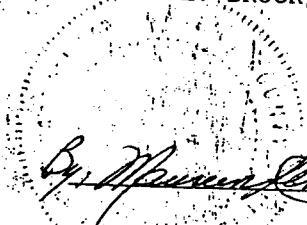
SECTION FOUR. Effective Date.

This Ordinance shall be effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 14 day of April, 1998.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA



[Handwritten signature]

Attest as to Chairman's signature only.

By: *[Handwritten signature]*
BARBARA B. BERRY, Chairman

Approved as to form and legal sufficiency:

This ordinance filed with the Secretary of State's Office the 26 day of April, 1998 and acknowledgement of that filing received this 23rd day of April, 1998
By: *[Handwritten signature]*
Deputy Clerk

[Handwritten signature]
Heidi F. Ashton
Assistant County Attorney

h:/hennie/hfa/Ordinances /Bayshore Municipal Service Taxing Unit-98 amend Ex. A

FILED

98 APR 20 PM 1:32

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth
Judicial Circuit, Collier County, Florida, do hereby certify that the
foregoing is a true copy of:

ORDINANCE NO. 98-29

Which was adopted by the Board of County Commissioners on the 14th day
of April, 1998, during Regular Session.

WITNESS my hand and the official seal of the Board of County
Commissioners of Collier County, Florida, this 15th day of April, 1998.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Maureen Kenyon
By: Maureen Kenyon
Deputy Clerk

