

ORDINANCE NO. 87-5330

AN ORDINANCE CREATING THE EAST NAPLES BAY SPECIAL TAXING DISTRICT; DEFINING THE AREA OR BOUNDARIES OF THE DISTRICT; PROVIDING A PURPOSE AND A GOVERNING BODY; PROVIDING FOR FUNDING THROUGH AN AD VALOREM TAX NOT TO EXCEED ONE-HALF MILL ONLY UPON APPROVAL BY A MAJORITY VOTE OF THE QUALIFIED ELECTORS IN THE DISTRICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CREATE A SPECIAL TAXING DISTRICT FOR THE PURPOSE OF IMPROVING THE WATER QUALITY AND NAVIGABILITY OF THE WATERWAYS IN THE DISTRICT.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

SECTION 1. This ordinance is adopted pursuant to Chapter 165, Florida Statutes, and other applicable provisions of law.

SECTION 2. There is hereby created and established the East Naples Bay Special Taxing District, hereinafter referred to as the "District", which shall be a "dependent special district" of the City of Naples as provided for in Section 165.041(2), Florida Statutes.

The legal description or boundaries of the District are as set forth in Exhibit "A", attached hereto and incorporated herein by reference. The District includes all of the canals of Golden Shores, Oyster Bay, and Royal Harbor Subdivisions, from both sides of Curlew Avenue south to Royal Harbor. The District does not include properties facing Naples Bay.

SECTION 3. The District is created for the purpose of providing maintenance dredging in the channels and waterways within the area or boundary of the District as deemed necessary by the City Council of the City of Naples and for the purpose of doing all things reasonably necessary to provide said maintenance dredging and to prevent rapid redeposition of silt and sediment. In addition, the District may provide seawall inspection and surveillance of surface water pollution problems for necessary cleanup. The governing body of the District shall be the City Council of the City of Naples, Florida.

SECTION 4. The maintenance dredging and other services described in Section 3 of this ordinance shall be provided from taxes levied only within the District. Pursuant to the authority of Section 9(b), Article VII of the Florida Constitution, the City Council is authorized to levy ad valorem taxes within the District provided such levy has been approved by majority vote of the qualified electors residing in the District voting in an election called for such purpose. The levy shall not exceed one-half mill and shall be for the purposes specified in Section 3 of this ordinance. Such taxes shall be levied and collected at the same time and in the same manner as provided by law for municipal ad valorem taxes. The Property Appraiser and the Tax Collector of Collier County, Florida, are specifically authorized and directed to take all necessary and desirable action to carry out the purposes of this ordinance.

SECTION 5. A referendum of the qualified electors residing in the District shall be called by resolution of the governing body to determine whether or not a Special District tax millage not to exceed one-half mill shall be levied. Notice of such election shall be

published once a week for four (4) successive weeks beginning not less than thirty (30) days prior to the date of the election in a newspaper of general circulation in the City of Naples. If the referendum is approved by the electors, the expenses of the referendum election shall be paid by the taxes levied and collected pursuant to this ordinance. If the referendum is not approved, expenses shall be paid by the general fund of the City of Naples.

SECTION 6. In the event this ordinance conflicts with any other ordinance of the City of Naples 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 7. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 15th DAY OF July, 1987.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 5th DAY OF August, 1987.

[Signature]
Edwin J. Putzell, Jr. Mayor

ATTEST:
[Signature]
Janet Cason
City Clerk

APPROVED AS TO FORM AND LEGALITY BY *[Signature]*
David W. Rynders
City Attorney

FIRST READING	M O T I O N	S E C O N D	VOTE		A B S E N T	SECOND READING	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O					Y E S	N O	
Anderson-McDonald			X			Anderson-McDonald			X		
Barnett			X			Barnett					X
Bledsoe			X			Bledsoe					X
Crawford			X			Crawford			X		
Graver		X	X			Graver		X	X		
Richardson	X		X			Richardson	X	X	X		
Putzell			X			Putzell			X		
(7-0)						(5-0)					

EXHIBIT "A"

LEGAL DESCRIPTION FOR EAST SIDE OF NAPLES BAY
AND ROYAL HARBOR

Golden Shores, Lots 1-105 (all except Lots 106-109)
 Oyster Bay, Unit 1, all lots
 Oyster Bay, Unit 2, all lots
 Oyster Bay, Unit 4, all lots
 Oyster Bay, Unit 5, all lots
 Oyster Bay, Unit 3, Lots 10-44 and Lots 2A-9A
 (all except Lots 1-9)
 Royal Harbor, Unit 1, Block 1, Lots 1-7
 Royal Harbor, Unit 1, Block 2, Lots 1-13
 Royal Harbor, Unit 1, Block 3, Lots 1-13
 Royal Harbor, Unit 1, Block 4, Lots 1-8, 19-28
 Royal Harbor, Unit 1, Block 5, Lots 1-10
 Royal Harbor, Unit 1, Block 6, Lots 1-10
 Royal Harbor, Unit 1, Block 7, Lots 1-7
 Royal Harbor, Unit 1, Block 8, Lots 1-17, 21-31
 Royal Harbor, Unit 1, Block 9, Lots 1-9
 Royal Harbor, Unit 1, Block 10, Lots 1-9
 Royal Harbor, Unit 1, Block 11, Lots 1-4
 Royal Harbor, Unit 1, Block 12, Lots 1-12
 Royal Harbor, Unit 1, Block 13, Lots 1-9
 Royal Harbor, Unit 1, Block 14, Lots 1-5
 Royal Harbor, Unit 1, Block 15, Lots 1-5
 Royal Harbor, Unit 1, Block 16, Lots 1-4
 Royal Harbor, Unit 2, Block 9, Lots 10-39
 Royal Harbor, Unit 2, Block 10, Lots 10-33, 41-62
 Royal Harbor, Unit 2, Block 11, Lots 5-8
 Royal Harbor, Unit 2, Block 12, Lots 13-30
 Royal Harbor, Unit 2, Block 15, Lots 6-23
 Royal Harbor, Unit 2, Block 16, Lots 5-9
 Royal Harbor, Unit 2, Block 17, Lots 1-9
 Royal Harbor, Unit 2, Block 18, Lots 1-7
 Royal Harbor, Unit 2, Block 19, Lots 1-10
 Royal Harbor, Unit 3, Block 10, Lots 34-40
 Royal Harbor, Unit 3, Block 12, Lots 31-37, 58-77
 Royal Harbor, Unit 3, Block 13, Lots 40-44
 Royal Harbor, Unit 3, Block 20, Lots 1-7