

ORDINANCE NO. 2013 -61

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2002-27, AS AMENDED, WHICH CREATED THE PELICAN BAY MUNICIPAL SERVICE TAXING AND BENEFIT UNIT, BY AMENDING SECTION FOUR, PURPOSE AND POWERS, TO CLARIFY THAT BEACH RENOURISHMENT IS ONE OF THE PURPOSES OF THE UNIT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 28, 2002, the Board of County Commissioners (Board), adopted Ordinance No. 2002-27, which superseded, repealed, and consolidated prior ordinances relating to the Pelican Bay Municipal Service Taxing and Benefit Unit ("Unit"); and

WHEREAS, the Board subsequently amended Ordinance No. 2002-27 by adopting Ordinance No. 2006-05, Ordinance No. 2009-05, and Ordinance 2013-19; and

WHEREAS, the Board desires to further amend Ordinance No. 2002-27, as amended, in order to clarify that beach renourishment is one of the purposes of the Unit.

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

SECTION ONE: AMENDMENT TO SECTION FOUR OF ORDINANCE NO. 2002-27, AS AMENDED.

Section Four is hereby amended as follows:

SECTION FOUR: Purpose; powers.

The Unit is formed for the purpose of providing street lighting, water management, beach renourishment, ambient noise management, extraordinary law enforcement service and beautification, including but not limited to beautification of recreation facilities, sidewalk, street and median areas, identification markers, the maintenance of conservation or preserve areas including the restoration of the mangrove forest preserve and to finance the landscaping beautification of only that portion of U.S. 41 from Pine Ridge Road to Vanderbilt Beach Road in the above-described taxing and benefit unit and to that end shall possess all the powers to do all things reasonably necessary to provide such services. The Unit will be solely responsible for advising the County on dredging and maintaining Clam Pass for the purpose of enhancing the health of the affected mangrove forest, and will manage such activities for the County.

Words Underlined are added; Words ~~Struck Through~~ are deleted.

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 the 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 Ordinances 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 Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 22nd day of October, 2013.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
Deputy Clerk

By: [Signature]
GEORGIA A. HILLER, ESQ.
CHAIRWOMAN

Attest as to Chairman's signature only.

Approved as to form and legality:

[Signature]
Jeffrey A. Klatzkow
County Attorney

This ordinance filed with the Secretary of State's Office the 29 day of Oct, 2013 and acknowledgement of that filing received this 30th day of Oct, 2013
By: [Signature]
Deputy Clerk

Words Underlined are added; Words ~~Struck Through~~ are deleted.



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 29, 2013

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Martha Vergara, Deputy Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2013-61, which was filed in this office on October 29, 2013.

Sincerely,

Liz Cloud
Program Administrator

LC/elr
Enclosure