

ORDINANCE NO. 94 - 90

AN ORDINANCE CREATING THE ELOISE POINT ESTATES AND ELOISE POINT ESTATES PHASE TWO SPECIAL STREET LIGHTING DISTRICT; DESCRIBING THE LEGAL BOUNDARIES OF THE DISTRICT; SPECIFYING LIGHTING SERVICES TO BE PROVIDED; PROVIDING A MEANS FOR ASSESSMENT AND COLLECTION OF SPECIAL ASSESSMENTS IN THE DISTRICT; PROVIDING FOR LIENS UPON LANDS IN THE DISTRICT; PROVIDING FOR FORECLOSURE ON LIENS IMPOSED UPON LANDS IN THE DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS pursuant to Article VIII, Section 1 of the Constitution of the State of Florida and Chapter 125, Florida Statutes, the Board of County Commissioners of Polk County, Florida (hereinafter sometimes called the "County"), has all the power of local government to perform county functions and to render county services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of county ordinances; and

WHEREAS Florida Statutes 125.01(q) allows the County to establish special purpose districts; and

WHEREAS the owners of a majority of the parcels included in the property described in Section 1 of this Ordinance have petitioned the County to establish a special street lighting district;

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

SECTION 1: ELOISE POINT ESTATES and ELOISE POINTE ESTATES PHASE TWO Special Street Lighting District is hereby created and shall include the lards described as:

Lots 1 through 59 inclusive of Eloise Pointe Estates as recorded in Plat Book 72, Page 5 of the Public REcords of Polk County, Florida

and

Lots 60 through 99 of Eloise Pointe Estates Phase Two as recorded in Plat Book 91, Page 23 of the Public Records of Polk County, Florida.

44 - 100 watt high pressure sodium colonial luminaries lights, will be installed by Tampa Electric Company.

SECTION 2: The special assessment to be levied each year against all taxable real estate located within said District shall be the total annual cost of operating and maintaining the system described in Section 1 of this Ordinance. Such total annual cost shall consist of all charges made by Tampa Electric Company together with an administrative fee set from time to time by the Board of County Commissioners. The assessments shall be levied equally upon each parcel as shown on the Property Appraiser's tax roll, including homesteads, and shall be computed by dividing the number of parcels as shown on the Property Appraiser's tax roll into the total annual cost.

SECTION 3: The Total estimated cost of operation is \$20,122.08 per year. However, this amount may vary according to duly authorized rate modifications. The initial assessment will not exceed \$ 206.00 per parcel as shown on the Property Appraiser's tax roll, such assessment to cover a 12-month period to include services provided during 1996. Each year after the initial assessment period, the Board of County Commissioners shall determine the amount required for the following fiscal year, according to the procedure set forth in Section 2.

SECTION 4: A special assessment roll setting forth description of each parcel as shown on the Property Appraiser's tax roll subject to taxation in the District as provided by this Ordinance, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board of County Commissioners on the first Monday of July of each year or as soon thereafter as possible. Thereupon the Board of County Commissioners shall levy a special assessment upon all of the real property subject to taxation under this Ordinance within the District, including homesteads, to provide such funds as are necessary for the operation of the District for the ensuing fiscal year. The roll shall be fully completed prior to the time the Property Appraisal Adjustment board sits, during which time such assessments may be protested, reviewed, equalized, and adjusted to conform to the provisions of this Ordinance upon application to the Board of County Commissioners. After the adjournment of the Property Appraisal Adjustment Board, the Property Appraiser shall certify the special tax assessment roll to the County Tax Collector for collection of the special assessment in compliance with Chapter 197, Florida Statutes as amended.

SECTION 5: Polk County Ordinance 81-34 which established the Lake Eloise Point Estates Special Street Lighting District is hereby repealed.

SECTION 6: This Ordinance shall become effective upon receipt of the official acknowledgement from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office.

EFFECTIVE DATE: Acknowledgement from the Department of State
was received on the ____ day of _____, 1994, and filed in
the Office of the Clerk of the Board of County Commissioners of
Polk County, Florida.

E. D. "BUD" DIXON, CLERK

Deputy Clerk

STATE OF FLORIDA,)
)
COUNTY OF POLK.)

I, E. D. "Bud" Dixon, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 94-90, Ordinance creating the Eloise Point Estates and Eloise Point Estates Phase Two Special Street Lighting District

_____,
which was adopted by the said Board in regular session on Tuesday, _____
December 20, 1994.

WITNESS my hand and official seal on this 21st day of December
19 94.

E. D. "Bud" Dixon
Clerk

(SEAL)

By: Martha H. Crewe
Deputy Clerk

EFFECTIVE DATE: Acknowledgement from the Department of State was received on the 27th day of December, 1994, and filed in the Office of the Clerk of the Board of County Commissioners of Polk County, Florida.

E. D. "BUD" DIXON, CLERK

Martha H. Crews
Deputy Clerk



IMPERIAL
POLK COUNTY

Clerk and Auditor
Board of County Commissioners
330 W. Church Street
P.O. Box 988
Bartow, Florida 33830

E.D. "BUD" DIXON

CLERK OF THE CIRCUIT COURT AND COUNTY COURT

December 21, 1994

Mrs. Liz Cloud, Chief
Bureau of Administrative Code
Florida Department of State
401 South Monroe Street
Tallahassee, Florida 32399-0250

Dear Mrs. Cloud:

Enclosed is (are) certified copy(ies) of the following ordinance(s)
adopted by the Polk County Board of County Commissioners in regular session
on December 20, 1994 :

SEE ATTACHED LIST

Please give the Clerk official notification when the ordinance(s)
has (have) been filed in your office.

With kind regards, we are

Yours very truly,

E. D. "Bud" Dixon
Clerk and Auditor

By *Martha H. Crews*
Martha H. Crews
Deputy Clerk

mc
Enclosure

Ordinance No. 94-87 - Ordinance creating the Florence Villa Special Street Lighting District

Ordinance No. 94-88 - Ordinance creating the Cedarwood Special Street Lighting District

Ordinance No. 94-89 - Ordinance creating the Tangerine Trails Units 2 and 3 Special Street Lighting District

Ordinance No. 94-90 - Ordinance creating the Eloise Point Estates and Eloise Point Estates Phase Two Special Street Lighting District

Ordinance No. 94-91 - Ordinance creating the Lake Daisywood Special Street Lighting District

Ordinance No. 94-92 - Ordinance amending 94-02 which created the Highlands Addition Phase III Special Street Lighting District



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

RECEIVED

12/27/94

Clerk Of The Board

M. Crews

December 23, 1994

Honorable E. D. Dixon
Clerk and Auditor
Board of County Commissioners
330 West Church Street
Post Office Box 988
Bartow, Florida 33830

Attention: Martha H. Crews, Deputy Clerk

Dear Mr. Dixon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of December 21, 1994 and certified copy each of Polk County Ordinance Nos. 94-87 through 94-92, which were filed in this office on December 23, 1994.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw