ORDINANCE NO. 2018-64

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, CREATING THE VANDERBILT WATERWAY MUNICIPAL SERVICE TAXING UNIT IN ORDER TO PROVIDE DREDGING SERVICES FOR VANDERBILT WATERWAY; PROVIDING FOR THE BOARD OF COUNTY COMMISSIONERS TO BE THE UNIT'S GOVERNING BODY; PROVIDING FOR FUNDING AND THE LEVY OF AD VALOREM TAXES NOT TO EXCEED ONE-HALF (1/2) MIL; PROVIDING FOR THE COLLECTION OF TAXES; CREATING AN ADVISORY COMMITTEE; PROVIDING FOR TERMS OF OFFICE OF THE COMMITTEE; PROVIDING FOR OFFICERS, QUORUM, AND RULES OF PROCEDURE; PROVIDING FOR FUNCTIONS POWERS, AND DUTIES OF COMMITTEE; PROVIDING FOR DUTIES OF THE COUNTY MANAGER; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Vanderbilt Waterway has been shoaling for the past 20 years and is essentially impassable in three locations which will require immediate dredging; and

WHEREAS, the property owners within the Vanderbilt Lagoon which is accessed via Vanderbilt Waterway have reached out to Collier County to establish a County-directed Municipal Service Taxing Unit to provide the funding to address the short-term and long-term shoaling issue in Water Turkey Bay; and

WHEREAS, on October 23, 2018, the Board approved moving forward with the creation of the MSTU to fund the short-term dredging and to provide funding for the long-term maintenance of the Vanderbilt Waterway.

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 Section 125.01, Florida Statutes, and other applicable provisions of law.

SECTION TWO: Creation of the Municipal Service Taxing Unit.
There is hereby created and established the Vanderbilt Waterway Municipal Service Taxing Unit, hereinafter referred to as the "MSTU." The property subject to the MSTU shall be all properties within the boundaries as described on the attached Exhibit "A."
SECTION THREE: Purpose and Governing Body,

The MSTU is created for short-term dredging of Vanderbilt Waterway to allow for boat access and to create a funding mechanism for the long-term maintenance of the Vanderbilt Waterway between the Bluebill Bridge and the Cocohatchee River within the MSTU boundaries as described on Exhibit "A."

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 the following September 30. The estimate shall describe the purpose for which the monies 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 of County Commissioners shall fix and cause to be levied a millage rate not to exceed one-half (1/2) mil on all properties subject to taxation within the MSTU.

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 Vanderbilt Waterway Municipal Service Taxing Unit Advisory Committee, Appointment and Composition.

A. There is hereby created and established the Vanderbilt Waterway Municipal Service Taxing Unit 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. Members shall be permanent residents within the MSTU and electors of Collier County.

C. Appointment of the 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 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. Three (3) members shall be appointed for a term of four (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 Committee, Quorum and Rules of Procedure.

At its earliest opportunity, the membership shall elect a Chair and Vice-Chair. Officers' terms shall be for one (1) year, with eligibility for re-election. The presence of three (3) or more members shall constitute a quorum. The Committee may form sub-committees as it deems fit. All meetings of the Committee and any sub-committee shall be open to the public, with reasonable notice of such meetings given; shall be held within Collier County; and shall follow Robert's Rules of Order for the transaction of business, with minutes of the meetings taken and promptly recorded with the Clerk. The County Manager shall appoint a staff liaison to the Committee, who shall be responsible for the administration of the Committee. The members of the Committee shall serve without compensation, but may be reimbursed for travel, mileage, and/or per diem expenses if approved in advance by the Board. Committee members attendance requirements, including failure to attend meetings and member removal from office are governed by Ordinance No. 2001-55, as it may be amended or by its successor ordinance.

SECTION NINE: Functions, Powers and Duties of the 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 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 Manager or his designee and outline to the County Manager or his designee those projects which the Committee wishes to see accomplished during the next fiscal year. Based upon this information, the County Manager or his designee shall prepare a proposed budget for the MSTU, in accordance with standard County guidelines regarding preparation of budgets. This proposed budget shall then be reviewed by the Committee and upon approval by the Committee be transmitted through the County Manager or his designee to the Board of County Commissioners for adoption in accordance with the procedures for the adoption of budgets set forth under general law and the Board of County Commissioners' policy. Should the Committee fail to approve the
budget by June 1st of each year, the County Manager 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 Manager or his designee in accordance with the adopted budget or budget amendment 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 Manager or his designee.

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 Manager or Designee,

The duties of the County Manager or designee are as follows:

A. To aid and assist the Board and Committee in carrying out the purposes of the MSTU in accordance with established practices and policies of the Board of County Commissioners and as set forth in this Ordinance;

B. To prepare and recommend an itemized annual budget of the amount of money required to carry out the business of the MSTU for the next fiscal year in accordance with this Ordinance;

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

D. Attend all Committee meetings.

SECTION ELEVEN: 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 court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION TWELVE: 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 re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.
SECTION THIRTEEN: 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 11th day of December, 2018.

ATTEST:
CRYSTAL K. KINZEL, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Andy Solis, Chairman

Approved as to form and legality:
Emily R. Pepin
Assistant County Attorney
DESCRIPTION

A TRACT OR PARCEL OF LAND Lying SECTIONS 20 AND 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH-EAST CORNER OF SAID SECTION 29, ALSO BEING A POINT ON THE CENTERLINE OF VANDERBILT DRIVE;

THENCE THE FOLLOWING TWO BEARINGS AND DISTANCES ON SAID CENTERLINE:

1. S.01'33"50'0", FOR 5,218.22 FEET;
2. S.00'37"49'0", FOR 1,849.90 FEET TO AN INTERSECTION WITH THE CENTERLINE OF VANDERBILT BEACH ROAD;

THENCE N.80°07'03"W., ON SAID CENTERLINE FOR 1823.09 FEET TO AN INTERSECTION WITH THE CENTERLINE OF GULF SHORE DRIVE;

THENCE THE FOLLOWING SEVEN BEARINGS AND DISTANCES ON SAID CENTERLINE:

1. N.08°03'10"W., FOR 1473.88 FEET TO A POINT ON A CURVE;
2. NORTHERLY 3,798.88 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 32,026.47 FEET THROUGH A CENTRAL ANGLE OF 06°47'46" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.1'1"27'21"W. FOR 3,796.65 FEET;
3. N.1'45"10'3"W., FOR 50.00 FEET TO A POINT OF CURVATURE;
4. NORTHERLY 244.36 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 350.01 FEET THROUGH A CENTRAL ANGLE OF 40°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.05°08'57"E. FOR 239.42 FEET;
5. N.25°08'57"E., FOR 204.72 FEET TO A POINT ON A CURVE;
6. NORTHERLY 313.81 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 455.68 FEET THROUGH A CENTRAL ANGLE OF 39°27'25" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.05°09'11"E. FOR 307.65 FEET;
7. N.1'45"09'0", FOR 827.88 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 29;

THENCE N.89°52'20"W., ON SAID SOUTH LINE FOR 37.40 FEET TO AN INTERSECTION WITH THE SOUTHERN PROLONGATION OF THE WEST LINE OF VANDERBILT TOWERS, UNIT 1 AS RECORDED IN CONDOMINIUM PLAT BOOK 3, PAGE 40, SAID PUBLIC RECORDS;

THENCE N.11°40'00"W., ON SAID PROLONGATION AND WEST LINE OF SAID VANDERBILT TOWERS UNIT 1, VANDERBILT TOWERS UNIT 2 AS RECORDED IN CONDOMINIUM PLAT BOOK 3, PAGE 120, VANDERBILT TOWERS, UNIT 3 AS RECORDED IN CONDOMINIUM PLAT BOOK 4, PAGE 20 AND VANDERBILT SURF COLONY AS RECORDED IN CONDOMINIUM PLAT BOOK 14, PAGE 95, ALL BEING IN THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, FOR 1,031.85 FEET;

THENCE THE FOLLOWING FIVE BEARINGS AND DISTANCES ON THE NORTH LINE AND WEST LINE OF SAID VANDERBILT SURF COLONY:

1. N.03°48'50"E., FOR 340.00 FEET;
2. S.86°11'10"E., FOR 75.00 FEET TO A POINT ON A CURVE;
3. NORTHEASTERLY 131.74 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET THROUGH A CENTRAL ANGLE OF 75°28'59" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.56°04'25"E. FOR 122.42 FEET;
4. N.18°20'00"E., FOR 332.16 FEET TO A POINT ON A CURVE;
5. NORTHEASTERLY 106.37 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET THROUGH A CENTRAL ANGLE OF 60°56'54" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.48°48'35"E. FOR 101.43 FEET;

THENCE N.79°17'10"E., ON SAID NORTH LINE AND EASTERLY PROLONGATION THEREOF FOR 425.79 FEET;

THENCE N.05°40'55"W., FOR 517.47 FEET;

THENCE N.17°56'26"W., FOR 782.01 FEET;

THENCE N.26°27'27"W., FOR 870.50 FEET;

THENCE N.18°32'20"W., FOR 1,067.47 FEET;

THENCE N.00°04'21"E., FOR 1,372.99 FEET;

THENCE N.65°19'14"E., FOR 253.27 FEET;

THENCE S.00°04'21"W., FOR 1,378.68 FEET;

THENCE S.18°32'20"E., FOR 1,071.87 FEET;

THENCE S.26°27'27"E., FOR 871.82 FEET;

THENCE S.17°56'26"E., FOR 1,227.83 FEET TO AN INTERSECTION WITH A JOG IN THE NORTH LINE OF WIGGINS PASS LANDINGS NO. 1 AS RECORDED IN PLAT BOOK 10, PAGE 44, SAID PUBLIC RECORDS;

THENCE S.00°14'00"E., FOR 2,061.93 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 29;

THENCE S.89°52'20"E., ON SAID NORTH LINE FOR 1,803.75 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 422.97 ACRES, MORE OR LESS.

BEARINGS MENTIONED HEREIN ABOVE ARE BASED ON THE NORTH LINE OF SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST TO BEAR S89°52'20"W.
December 12, 2018

Ms. Crystal K. Kinzel, Clerk
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Teresa Cannon

Dear Ms. Kinzel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2018-64, which was filed in this office on December 12, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb