

1 Introduced by Council Member Yarborough:
2
3

4 **ORDINANCE 2010- 725-E**

5 AN ORDINANCE REGARDING THE ESTABLISHMENT OF
6 THE HARBOUR WATERWAY SPECIAL DISTRICT IN
7 ACCORDANCE WITH SECTION 189.4041, FLORIDA
8 STATUTES; ADOPTING A CHARTER FOR THE "HARBOUR
9 WATERWAY SPECIAL DISTRICT" FOR THE LIMITED
10 PURPOSE OF MAINTAINING THE SYSTEM OF CANALS
11 LOCATED IN THE HARBOUR, HARBOUR NORTH, HARBOUR
12 CAY AND HARBOUR ISLAND NEIGHBORHOODS;
13 ESTABLISHING A FIVE MEMBER BOARD OF
14 SUPERVISORS TO BE ORIGINALLY APPOINTED BY THE
15 CITY COUNCIL WITH ALL FIVE INITIAL TERMS
16 EXPIRING ON NOVEMBER 20, 2012, AND ALL FIVE
17 SUPERVISORS BEING ELECTED BY THE QUALIFIED
18 ELECTORS OF THE DISTRICT BEGINNING WITH THE
19 2012 GENERAL ELECTION; PROVIDING A LEGAL
20 DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT;
21 PROVIDING THAT THE BOARD OF SUPERVISORS SHALL
22 HAVE THE AUTHORITY TO IMPOSE A NON-AD VALOREM
23 ASSESSMENT IN AN AMOUNT UP TO \$2,000 ANNUALLY
24 FOR EACH RESIDENTIAL UNIT AND EACH PARCEL WITH
25 A CANAL ACCESS EASEMENT AND \$4,000 ANNUALLY
26 FOR EACH PARCEL USED FOR A MARINA WITHIN THE
27 DISTRICT; PROVIDING THAT THE BOARD OF
28 SUPERVISORS SHALL HAVE THE AUTHORITY TO
29 APPROPRIATE FUNDS FOR THE LIMITED PURPOSE OF
30 MAINTAINING THE CANAL SYSTEM; PROVIDING AN
31 EFFECTIVE DATE.

1
2 **WHEREAS**, Section 189.4041, Florida Statutes, provides that the
3 City Council may create dependent special districts for the purpose
4 of delivering essential services to specific areas within the City;
5 and

6 **WHEREAS**, the system of canals located in the Harbour
7 neighborhood, Harbour North neighborhood, Harbour Cay neighborhood,
8 and Harbour Island neighborhood, located in Council District 1,
9 require continuous maintenance in order to remain navigable and
10 sanitary; and

11 **WHEREAS**, the City of Jacksonville is unable to provide the
12 human and financial resources required to properly maintain this
13 system of canals; and

14 **WHEREAS**, a dependent special district financed by the property
15 owners adjacent to this system of canals is an appropriate,
16 efficient and effective vehicle to insure that the canals are
17 properly maintained; and,

18 **WHEREAS**, the City Council finds that it is necessary to create
19 the Harbour Waterway Special District to insure that the canals are
20 properly maintained; and,

21 **WHEREAS**, the City Council finds that the creation of the
22 Harbour Waterway Special District is the best alternative to insure
23 that the canals are properly maintained because the creation of
24 such a district provides a legally enforceable mechanism to collect
25 monies from all property owners that benefit from properly
26 maintained canals, and it insures that the monies, when collected,
27 are spent by a governmental entity that is accountable to the
28 people that it serves; now therefore,

29 **BE IT ORDAINED** by the Council of the City of Jacksonville:

30 **Section 1. Establishment of Charter for Harbour Waterway**
31 **Special District.** In accordance with Section 189.4041, Florida

1 Statutes, the Charter of the Harbour Waterway Special District is
2 hereby established to read as follows:

3 CHARTER OF THE HARBOUR WATERWAY SPECIAL DISTRICT

4 Section 1. Boundaries. The Harbour Waterway Special
5 District (hereinafter referred to as the "District") is hereby
6 created. The boundaries of the District are as follows:

7 Lots 2, 6, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,
8 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, Part of Lot
9 11 Recorded in Official Record Book 9613 Page 69, Part of Lot 28
10 Recorded in Official Record Book 10725 Page 1038 Harbour Island,
11 according to the plat thereof as recorded in Plat Book 41, pages
12 53, 53A, and 53B, of the current public records of Duval County,
13 Florida.

14 And

15 Part Tract B Recorded in Official Records Book 3730 Page 258, Book
16 9273-1092, Book 9100 Page 724, Book 11302 Page 144, Book 9253 Page
17 2183, Book 5508 Page 343 Beacon Hills and Harbor Unit Two,
18 according to the plat thereof as recorded in Plat Book 32, page 57,
19 of the current public records of Duval County, Florida.

20 And

21 Part Tract A Recorded in Official Records Book 9273 Page 1092, Book
22 9100 Page 724, Book 11302 Page 144, Book 9253 Page 2183, Book 5508
23 Page 343 and Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19
24 Block 34, Beacon Hills and Harbor Unit Three, according to the plat
25 thereof as recorded in Plat Book 32 page 76 of the current public
26 records of Duval County, Florida.

27 And

28 Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35
29 Block 34 Beacon Hills and Harbor Unit Three A, according to the
30 plat thereof as recorded in Plat Book 34, page 54, of the current
31 public records of Duval County, Florida.

1 And
2 Lot 36, Block 34, Lots 1, 2, 3, 4 Block 39, Beacon Hills and Harbor
3 Unit Four, according to the plat thereof as recorded in Plat Book
4 34, pages 60, 60A, of the current public records of Duval County,
5 Florida.

6 And
7 Part of Lot 1, Block 20 Recorded in Official Record Book 5508 Page
8 343, Part of Lot 2 Recorded in Official Records Book 5508 Page 343,
9 Book 5574 Page 1815, Book 9584 Page 1453 Cecilville, as recorded in
10 Plat Book 1, Page 54 of the former public records of Duval County,
11 Florida.

12 And
13 Part Lot 5 Recorded in Official Record Book 9599 Page 794, and Lots
14 6, 7, 8, 9, Harbour Cay, according to the plat thereof as recorded
15 in Plat Book 51, pages 8, 8A, of the current public records of
16 Duval County, Florida.

17 And
18 Lot 1, 2, 3, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, Block 3,
19 Harbour North Unit One, according to the plat thereof as recorded
20 in Plat Book 40, pages 20, 20A, of the current public records of
21 Duval County, Florida.

22 And
23 Lots 21, 22, 23, 24, 25, 26, 27 Block 3, Harbour North Unit Two,
24 according to the plat thereof as recorded in Plat Book 41, pages
25 99, 99A, of the current public records of Duval County, Florida.

26 And
27 Lots 1, 2, 3, 4, 5, 6, 7, Harbour North Unit Three, according to
28 the plat thereof as recorded in Plat Book 43, pages 72, 72A, 72B,
29 of the current public records of Duval County, Florida.

30 And

1 Parts of Section 32, Township 1 South, Range 28 East Duval County,
2 Florida, Recorded in Official Records Book 8220 Page 545, Book 9604
3 Page 1447, Book 10065 Page 2246, 11187 Page 1418 Being Parcels B
4 and B1, Book 14904 Page 1865, 8701 Page 1692, Book 7977 Page 764,
5 Book 9613 Page 69, Book 8036 Page 348, Book 8036 Page 350, Book
6 9476 Page 1898, Book 9851 Page 2183, Book 8309 Page 1501, 10725
7 Page 1039, Book 9549 Page 543 of the current public records of
8 Duval County, Florida.

9 And

10 Parts of Section 50, Township 1 South, Range 28 East, Duval County
11 Florida, Recorded in Official Records Book 5654 Page 1473, Book
12 5378 Page 1110, Book 7891 Page 1345, Book 10745 Page 63, of the
13 current public records of Duval County, Florida.

14 Section 2. Purpose. The purpose of the District shall be
15 the continuing maintenance of the system of canals located in The
16 Harbour neighborhood, Harbour North neighborhood, Harbour Cay
17 neighborhood, and Harbour Island neighborhood. The District shall
18 fulfill its purpose by dredging the canals, dredging the channel
19 that provides the canals with access to the St. Johns River,
20 maintaining a jetty, and maintaining navigational aids.

21 Section 3. Governing Body and Elections.

22 (A) The governing body of the District shall consist of
23 five Supervisors who each reside within the District and are
24 qualified electors of the State of Florida. The original Board of
25 Supervisors shall be appointed by the City Council of the City of
26 Jacksonville and all five initial terms shall expire on November
27 20, 2012. At the 2012 general election, the qualified electors of
28 the District shall elect three Supervisors who shall serve for
29 terms of four years (Seats 1, 3 and 5) and two Supervisors who
30 shall serve for terms of two years (Seats 2 and 4). The term of
31 office for each Supervisor thereafter shall be four years. If,

1 during a term of office, a vacancy occurs, the remaining members of
2 the Board shall fill the vacancy by an appointment for remainder of
3 the unexpired term.

4 (B) The following individuals are hereby appointed by
5 the City Council to the original Board of Supervisors: William K.
6 Hibbard (Seat 1); Carol Jensen (Seat 2); Robert Britalan (Seat 3);
7 Joan Bailey (Seat 4); Stanley H. Pipes, Jr. (Seat 5).

8 (C) Commencing with the 2012 general election, all
9 Supervisors shall be elected on a nonpartisan basis by the
10 qualified electors of the District and shall hold office until
11 their successors are elected and qualified. Candidates shall
12 declare and qualify for individual seats, and elections shall be
13 held at the general election in November and conducted in the
14 manner prescribed by law for holding general elections.

15 (D) Any Supervisor may be removed from office by the
16 City Council for misfeasance, malfeasance, or willful neglect of
17 duty.

18 (E) No Supervisor shall receive compensation for his or
19 her service.

20 (F) No Supervisor may reside in the same household as
21 another Supervisor.

22 Section 4. Powers. The District is authorized and
23 empowered:

24 (A) To sue and be sued;

25 (B) To contract;

26 (C) To purchase, hold, lease, sell, or otherwise acquire
27 and convey such real and personal property and interest therein as
28 may be necessary or proper to carry out the purpose of this
29 Charter;

30 (D) To employ engineers, attorneys, accountants,
31 financial or other consultants, and such other agents and employees

1 as the Board of Supervisors may require or deem necessary to
2 accomplish the purpose of this Charter, or to contract for any such
3 services;

4 (E) To acquire, construct, maintain, equip, improve,
5 extend, and enlarge capital projects for the purposes of enabling
6 the District to perform public functions or services as herein
7 provided;

8 (F) To borrow money for the purposes of enabling the
9 District to perform public functions or services as herein
10 provided;

11 (G) To assess for each year of its operation against
12 each residential lot and each parcel with a canal access easement
13 in the District a special assessment not to exceed \$2,000, and each
14 parcel used for a marina a special assessment not to exceed \$4,000,
15 to be billed and collected as provided by state and local law, and
16 to be a lien on the assessed property, coequal with the lien of all
17 state, county, district and municipal taxes, and superior in
18 dignity to all other liens, titles, and claims, until paid in full;

19 (H) To fix and collect rates, fees, and other charges
20 for the specialized public functions or services authorized by this
21 act;

22 (I) To restrain, enjoin, or otherwise prevent the
23 violation of this act or any resolution or rule adopted pursuant to
24 the powers granted by this act;

25 (J) To join with any other district, municipality,
26 county or political subdivision, public agency or authority in the
27 exercise of common powers;

28 (K) To enter into contracts with government of the
29 United States or any agency or instrumentality thereof, or with any
30 state, county, municipality, district, authority, or political
31 subdivision, private corporation, partnership, association, or

1 individual to effect the purpose of this act, and to receive and
2 accept, from any federal agency, grants or loans for or in aid of
3 the specialized public functions or services authorized herein.

4 Section 5. Fiscal Year and Budget. The fiscal year for
5 the District shall be from July 1 to June 30. The District shall
6 annually submit a proposed district budget to the City Council of
7 the City of Jacksonville by April 1 for approval or rejection. The
8 failure of the City Council to take action on the budget within 70
9 days after submission shall constitute approval of the budget,
10 unless extended by agreement of the City Council and the District.
11 The District shall also submit any amendments to its budget to the
12 City Council for approval or rejection, which amendments shall also
13 be deemed approved if the City Council fails to take action on them
14 within 70 days after submission. All submissions to the City
15 Council shall be made to its Director/Council Secretary with a copy
16 to the Council Auditor.

17 Section 6. Audit. The District shall be audited
18 annually at its expense by such persons and in such manner as the
19 City Council, and any relevant federal or state law, shall direct.

20 Section 7. Noticing and Reporting Requirements. The
21 District shall comply with the requirements of Florida's
22 Government-in-the-Sunshine Law as set forth in Chapter 286 of the
23 Florida Statutes with regard to the noticing of its meetings, the
24 conduct of its officials, the reporting of its activities through
25 the keeping of minutes, and any other requirements of public
26 bodies, and shall comply with the requirements of Florida's Public
27 Records Act as set forth in Chapter 119 of the Florida Statutes.
28 The District shall notice its meetings consistent with the
29 requirements of Section 189.417 of the Florida Statutes. The
30 District shall forward a copy of its minutes to the Council
31 President and District Council Member on an annual basis.

1 Section 8. Comprehensive Plan. The formation of the
2 District and its purposes are consistent with the approved
3 Comprehensive Plan of the City of Jacksonville.

4 **Section 2. Effective Date.** This ordinance shall
5 become effective upon signature by the Mayor or upon becoming
6 effective without the Mayor's signature.

7
8 Form Approved:

9
10 A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal tail, positioned above a solid horizontal line.

11 Office of General Counsel

12 Legislation Prepared By: Dylan T. Reingold

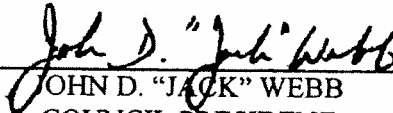
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ORDINANCE 2010-725-E

CERTIFICATE OF AUTHENTICATION

ENACTED BY THE COUNCIL


October 12, 2010



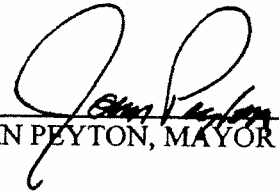
JOHN D. "JACK" WEBB
COUNCIL PRESIDENT

ATTEST:

APPROVED: OCT 15 2010



CHERYL L. BROWN
COUNCIL SECRETARY



JOHN PEYTON, MAYOR

