BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

*** PUBLIC HEARING 3:00 P.M.***

Meeting Date: August 16, 2006 - KL

Division: County Attorney

Bulk Item: Yes ____ No _x_

Department: County Attorney
Staff Contact: Susan Grimsley

AGENDA ITEM WORDING:
A public hearing to consider an ordinance amending Section 15.5-191A, Monroe County Code in order to correct a scrivener's error in the legal description of Duck Key Municipal Service Taxing Unit set forth in Ordinance No. 15-2005.

ITEM BACKGROUND:
Emergency *Ordinance No. 010-2005* was approved 5/18/05 redefining the boundaries of MSTU's for Stock Island, Cudjoe Key, Sugarloaf Key, Big Pine Key, Conch Key and Duck Key but erroneously included Parcel 1 of RE# **378380**, which is the site of the Duck Key Wastewater Cooperative Wastewater Treatment Plant. *Ordinance No. 015-2005* was approved 7/20/05 to correct the inclusion of Parcel 1 of RE# 378380 but was enacted and codified using the incorrect parcel # **37830**. This Ordinance will correct the scrivener's error to reflect the correct Parcel # of **378380**.

PREVIOUS RELEVANT BOCC ACTION:
Emergency *Ordinance No. 010-2005* approved May 18, 2005
Ordinance No. 015-2005 approved July 20, 2005 .

CONTRACT/AGREEMENT CHANGES:
NA

STAFF RECOMMENDATIONS:
Approval.

TOTAL COST: N/A

BUDGETED: Yes ____ No ___

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ___ No ___

AMOUNT PER MONTH____ **Year** ____

APPROVED BY: County Atty ___ OMB/Purchasing ___ Risk Management ___

DIVISION DIRECTOR APPROVAL: _____ 7/26/06
SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included ___ To Follow_____ Not Required_____

DISPOSITION:_____ **AGENDA ITEM #**_____

Revised 2/27/01

ORDINANCE NO. - 2006

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 15.5-191A, MONROE COUNTY CODE, IN ORDER TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF DUCK KEY MUNICIPAL SERVICE TAXING UNIT SET FORTH IN ORDINANCE NO. 15-2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Ordinance No. 10-2005 was approved May 18, 2005, as an emergency ordinance to redefine the boundaries of municipal service taxing units (MSTU's) for the purposes of assessing and collecting taxes to pay for administration, planning and development costs associated with and incurred in advancing wastewater and reclaimed water projects for the following units: Stock Island, Cudjoe-Sugarloaf, Big Pine, Conch Key, and Duck Key; and

WHEREAS, the Duck Key MSTU as described in said ordinance erroneously included parcel 1 of RE# 378380, which parcel is the site of the Duck Key Wastewater Cooperative wastewater treatment plant; and

WHEREAS, Ordinance No. 015-2005 was passed in order to correct the inclusion of parcel 1 of RE#378380, but was enacted and codified with an incorrect parcel number;

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

Section 1. Section 15.5-191A(a), Monroe County Code shall be amended to read:

(a) Pursuant to the provisions of section 125.01(1)(q), Florida Statutes, there is hereby created a Municipal Service Taxing Unit to be known as the Duck Key Municipal Service Taxing Unit. The Duck Key Municipal Service Taxing Unit shall encompass that portion of the unincorporated County bounded on the north by U.S. Highway 1, on the west by Tom's Harbor Channel, on the South by Hawk's Channel, and on the East by Tom's Harbor Cut; an area commonly known as "Duck Key, including islands known as Center Island, Harbor Island, Plantation Island, and Yacht Club Island, but excluding Indies Island and Parcel 1 of RE #~~37830~~ 00378380.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, 2006.

Mayor Charles "Sonny" McCoy __
Mayor Pro Tem Dixie Spehar __
Commissioner George Neugent __
Commissioner Glenn Patton __
District IV __

(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

By_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By_____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY
7-26-06

NOTICE OF INTENTION TO CONSIDER
ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on **August 16, 2006, at 3:00 P.M., or as soon thereafter as it may be heard, at the Key Largo Library, Tradewinds Shopping Center, 101485 Overseas Highway, Mile Marker 101, Key Largo, Monroe County, Florida**, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

> **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 15.5-191A, MONROE COUNTY CODE, IN ORDER TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF DUCK KEY MUNICIPAL SERVICE TAXING UNIT SET FORTH IN ORDINANCE NO. 15-2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

Interested parties may appear at the meeting and be heard on this matter.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

Dated at Key West, Florida, this 25th day of July, 2006.

DANNY L. KOLHAGE, Clerk of the Circuit Court
and ex officio Clerk of the Board of County
Commissioners of Monroe County, Florida

(SEAL)

Publication Dates:

Reporter	7/28/06 – 8/4/06
Keynoter	7/29/06 - 8/5/06
KW Citizen	7/30/06 - 8/6/06