

ORDINANCE NO. 2019-17

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING CHAPTER 92, PARKS, PUBLIC BEACHES, AND PUBLIC BEACH ACCESSES, OF THE TOWN OF LONGBOAT KEY CODE OF ORDINANCES; AMENDING ORDINANCE 2014-29; AMENDING THE TOWN OF LONGBOAT KEY CODE OF ORDINANCES SECTION 92.62, THE GEOGRAPHIC BOUNDARY OF BAYSIDE DISTRICT; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; DIRECTING THE TOWN CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE TO THE PROPERTY APPRAISERS AND TAX COLLECTORS OF SARASOTA AND MANATEE COUNTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key ("Town") is a coastal, barrier island community with approximately 10 miles of beaches adjacent to the Gulf of Mexico; and

WHEREAS, the Town is authorized pursuant to its home rule powers, Article VIII of the Florida Constitution and Chapters 166 and 189, Florida Statutes, to create dependent special districts within the jurisdictional boundary lines of the municipality; and

WHEREAS, since 1992, the Town of Longboat Key Commission ("Town Commission") has historically funded town-wide beach restoration, maintenance and renourishment programs through the creation of dependent special beach districts; and

WHEREAS, on August 6, 1992, the Town Commission adopted Ordinances 92-24 and 92-26, and established two (2) dependent districts within the jurisdictional boundaries of the Town, known as the Longboat Key Beach Erosion Control District A ("District A") and the Longboat Key Beach Erosion Control District B ("District B"), for the purposes of publicly funding beach renourishment and maintenance activities throughout the Town; and

WHEREAS, since the establishment of Districts A and B under the authority provided for in Ordinances 92-24 and 92-26, three (3) town-wide beach renourishments were publicly funded through the issuance of bonds approved at referendum by the qualified electors of Districts A and B; and

WHEREAS, in 2014, due to the anticipated long-term needs of the Town to finance future beach maintenance activities and renourishment projects, the Town Commission commissioned a study by Burton and Associates (hereinafter "Burton study") to determine whether any updates to the existing dependent district structures established by Ordinances 92-24 and 92-26 were appropriate; and

WHEREAS, based upon the findings and recommendations provided for within the Burton study, the Town Commission decided to adopt Ordinance 2014-29 for the purpose of sunseting the previously established Districts A and B at a date no later than October 1, 2021, and establishing two (2) new dependent special districts within the jurisdictional boundaries of the Town known as the Longboat Key Gulfside District ("Gulfside District") and Longboat Key Bayside District ("Bayside District"); and

WHEREAS, the Town Commission is currently considering authorizing the submittal of a bond referenda to the qualified electors within the Gulfside and Bayside Districts in Ordinance 2019-13 that requests the electors authorize the financing of future beach renourishment and other beach maintenance activities within the Town in an aggregate principal amount not to exceed Thirty-four Million Five Hundred Thousand Dollars (\$34,500,000.00); and

WHEREAS, in anticipation of the upcoming bond referenda and first time levy of ad valorem taxes by the Gulfside and Bayside Districts, the Manatee County Property Appraisers Office sought clarification from the Town on whether certain real properties located on islands within the Town's municipal boundaries and within Sarasota Bay lie included within the Bayside District; and

WHEREAS, to address the question raised by the Manatee County Property Appraiser's office regarding the Bayside District, the Town hereby amends the geographic boundary description text and map provided for in Ordinance 2014-29 (as codified in Section 92.62 of the Town Code) to clarify that all of the islands within the Town's municipal boundaries, including but not limited to Jewfish Key and Sister Keys, are deemed to lie within the Bayside District.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA THAT:

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by herein.

SECTION 2. Section 92.62, Geographic Boundary of Bayside District, as codified within Ordinance 2014-29 of the Town Code of Ordinances, and Exhibit 2 to Section 92.62, are hereby amended as follows:

Section 92.62, Geographic Boundary of Bayside District. The geographic boundary for the Bayside District shall include and incorporate all real properties generally located on the easterly side of Gulf of Mexico Drive that are located between Gulf of Mexico Drive and Sarasota Bay; and all real properties located within Sarasota Bay, including but not limited to Jewfish Key and Sister Keys, all of which are located within the municipal boundaries of the town. A map identifying all of the parcels located within the Bayside District, is provided in the appendix of this chapter and is hereby incorporated by reference as Exhibit 2.

SECTION 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 4. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. The Town of Longboat Key Clerk is hereby directed to provide a certified copy of this Ordinance, within seven (7) days of its adoption on second reading, to the Property Appraisers of Sarasota and Manatee County and the Tax Collectors of Manatee County so as to provide such entities notice of the amendment to Chapter 92 of the Town's Code of Ordinances relating to the Beachside District for the purposes of including the ad valorem taxes on subsequent year's tax bill. The Town of Longboat Key shall comply with all applicable notice requirements that may be required pursuant to Chapter 189, Florida Statutes.

SECTION 6. This Ordinance shall take effect immediately upon second reading.

PASSED on the first reading the 12th day of November, 2019.

ADOPTED on second reading and public hearing the 2nd day of December, 2019.

/s/ George L. Spoll
George L. Spoll, Mayor

ATTEST:

/s/ Trish Shinkle
Trish Shinkle, Town Clerk

EXHIBIT 2 (Strikethrough)

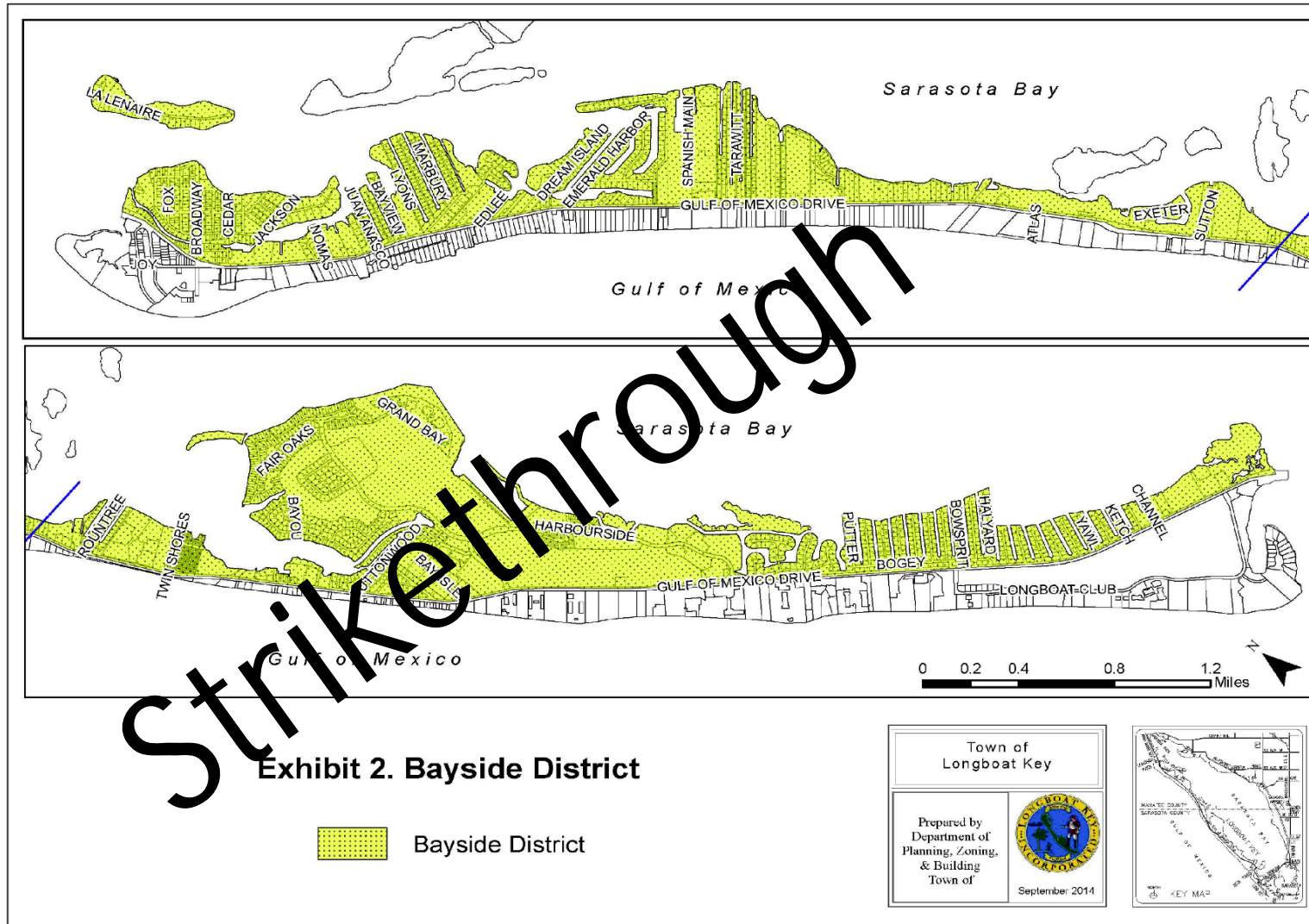


EXHIBIT 2 (Addition)

