

CITY OF PUNTA GORDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA AMENDING CITY OF PUNTA GORDA ORDINANCE NO. 1363-03 TO EXPAND THE UTILITY SERVICE AREA FOR POTABLE WATER AND WASTEWATER SERVICES TO BE PROVIDED BY THE CITY OF PUNTA GORDA, FLORIDA TO INCLUDE 19.80 ACRES, MORE OR LESS IN CHARLOTTE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING THAT THE AREA TO BE INCLUDED IN THE EXTRATERRITORIAL UTILITY SERVICE AREA TO BE GOVERNED BY ALL RULES AND REGULATIONS OF THE CITY OF PUNTA GORDA, FLORIDA PERTAINING TO POTABLE WATER SUPPLY, TREATMENT, AND DISTRIBUTION, AND PERTAINING TO WASTEWATER COLLECTION, TRANSMISSION, TREATMENT AND DISPOSAL FOR DOMESTIC, MUNICIPAL AND INDUSTRIAL USES; REQUIRING THE DELIVERY OF A UTILITIES PRE-ANNEXATION AGREEMENT; DIRECTING THE CITY CLERK TO RECORD IN THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA THE DELIVERED UTILITIES PRE-ANNEXATION AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 180, Florida Statutes authorizes municipalities to create an area outside the corporate limits wherein the municipality will be the exclusive provider of potable water supply, treatment, and distribution; and wastewater collection, transmission, treatment and disposal for domestic, municipal and industrial uses; and

WHEREAS, in 1984 pursuant to the provisions of Chapter 180, Florida Statutes, the City of Punta Gorda, Florida adopted Ordinance Nos. 759-84 and 775-84, creating an area outside of its corporate limits for the provision of water and wastewater services; and

WHEREAS, in 2003 pursuant to the provisions Chapter 180, Florida Statutes, the City of Punta Gorda, Florida adopted Ordinance No. 1363-03 consolidating Ordinance Nos. 759-84 and 775-84 and revising the previously established extraterritorial service area creating a new "Utility Service Area" for potable water and wastewater services to be provided by the City of Punta Gorda, Florida; and

WHEREAS, the City Council of the City of Punta Gorda, Florida has received a request from Harper McNew Development Co., LLC, McNew Property Holdings 3, LLC, Harper Property

Holdings 3, LLC, and Beverly H. McNew Trust, the owners of 19.80 acres, more or less, of real property located in Section 26, Township 41 South, Range 23 East, Charlotte County (PID 412326100001), more particularly described in Exhibit “A” attached hereto and incorporated herein (the “Property”), to be included in the Utility Service Area for potable water and wastewater services to be provided by the City of Punta Gorda, Florida; and

WHEREAS, the area proposed for inclusion within the Utility Service Area is contiguous to said Utility Service Area and is less than five miles from the corporate limits of the City of Punta Gorda, Florida; and

WHEREAS, the City Council of the City of Punta Gorda, Florida has determined that the requested expansion of the Utility Service Area promotes the public health, safety and welfare; and

WHEREAS, Harper McNew Development Co., LLC, McNew Property Holdings 3, LLC, Harper Property Holdings 3, LLC, and Beverly H. McNew Trust (the “Owners”) have executed and delivered to the City of Punta Gorda a “Utilities Pre-Annexation Agreement” which shall become effective upon the effective date of this Ordinance. Said “Utilities Pre-Annexation Agreement” obligates the Owners, their successors and assigns, to agree that at the time the Property meets the statutory requirements for voluntary annexation under the provisions of Section 171.044, Florida Statutes, and upon the request of the City, the Owners shall execute all applications and documents required by the City, pay all applicable fees, costs and expenses and provide all documentation required by Florida law, including, but not limited to, Section 171.044, Florida Statutes, necessary for the voluntary annexation of the Property.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA:

Section 1. Pursuant to the provisions of Chapter 180, Florida Statutes, the “Utility Service Area” for potable water and wastewater services as provided in Ordinance No. 1363-03 is hereby amended to include the legally described in Exhibit “A” attached hereto and incorporated herein.

Section 2. The area legally described in Exhibit “A” attached hereto and incorporated herein shall be subject to all existing rules and regulations of the City of Punta Gorda, Florida, and all subsequent amendments thereto, pertaining to potable water supply, treatment, and distribution.

Section 3. The area legally described in Exhibit “A” attached hereto and incorporated herein shall be subject to all existing rules and regulations of the City of Punta Gorda, Florida, and all subsequent amendments thereto, pertaining to wastewater collection, transmission, treatment and disposal for domestic, municipal and industrial uses.

Section 4. Upon the adoption of this Ordinance, the City Clerk is hereby directed to record in the Public Records of Charlotte County, Florida the “Utilities Pre-Annexation Agreement” delivered to the City by the Owners.

Section 5. It is declared the intent of the City Council of the City of Punta Gorda, Florida that, if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 6. Any ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

Section 7. This Ordinance shall take effect immediately upon its adoption.

ADOPTED in regular session of the City of Punta Gorda, Florida this ____ day of _____, 2025.

DEBORAH LUX, Mayor

ATTEST:

SARA WELCH, City Clerk, CMC

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney