

RESOLUTION

NUMBER 2007-096

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING RESOLUTION NUMBER 03-024 TO CHANGE THE AMOUNTS OF ADMINISTRATIVE FEES FOR EXCAVATION AND EARTHMOVING ACTIVITIES; PROVIDING FOR A PERFORMANCE ASSURANCE FOR LAND RECLAMATION; PROVIDING FORMULAS FOR CALCULATING THE PERFORMANCE ASSURANCE FOR LAND RECLAMATION AND ROADWAY SERVICE LIFE FEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution Number 03-024 sets forth a fee schedule for various services, including those pertaining to excavations, performed by the Charlotte County Land Development Department, which department is now known as the Community Development Department; and

WHEREAS, it is necessary to update fees for those various services from time to time to provide for the recovery of associated costs; and

WHEREAS, Article XXIII of the Charlotte County Code of Laws and Ordinances ("Article XXIII"), provides that the Board of County Commissioners of Charlotte County shall, by resolution, set performance assurances and fees for excavation and earthmoving permits; and

WHEREAS, the fees established herein are reasonably related to the actual costs of performing those certain services associated with administering, reviewing, and monitoring the provisions of Article XXIII; and

WHEREAS, the Roadway Service Life Reduction Fee established herein is reasonably related to the actual costs of mitigating the reduction in service life resulting from repetitive heavy truck loading generated by earthmoving activities on portions of the haul route designated by the excavation and earthmoving permit; and

WHEREAS, the performance assurances established herein reasonably protect the public health, safety, and welfare, relative to obligations of excavation and earthmoving permittees for compliance.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. The Community Development Department of Charlotte County is hereby authorized and directed to collect those fees and require posting of those performance assurances at the time of permit application, as set forth hereinafter.

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2. Resolution Number 03-024 is hereby amended by deleting in their entirety the sections titled "Performance assurance for road maintenance" and "Performance assurance for payment of the Roadway Service Life Reduction Fee."

3. Resolution Number 03-024 is further amended by replacing the sections titled "Performance assurance for land reclamation" and "Roadway Service Life Reduction Fee" with the similarly titled sections contained herein.

3. Resolution Number 03-024 is further amended to provide for the associated fees set forth in the following chart for Group I, Group II, Group III and Group IV excavations, as said excavations are defined in Article XXIII of Chapter 3-5 of the Code of Laws and Ordinances of Charlotte County.

Permit Class	Permit Application Fee	Annual Monitoring & Review Fee/ Due Jan. 1 st annually	Administrative Amendment or Permit Transfer Fee
Group I	\$ 2,400	NONE	\$500
Group II	\$ 4,800	\$ 1,200	\$ 500
Group III	\$ 9,600	\$1,250	\$500
Group IV	\$ 2,400	\$ 1,200	\$ 500

4. **Performance assurance for land reclamation.** A secured cash deposit or other financial instrument acceptable to the County Attorney shall be provided in the amount of three thousand dollars (\$ 3000) per acre of littoral zone as specified in the reclamation plan pursuant to Article XXIII, to assure complete implementation of the reclamation plan, all as set forth in the approved permit application.

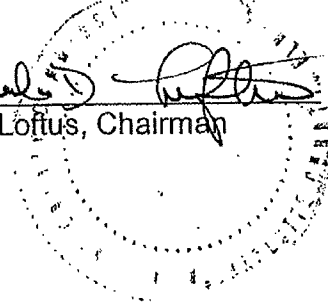
5. **Roadway Service Life Reduction Fee.** A fee shall be provided in the amount of one dollar (\$ 1) per truckload of excavated material to leave the site as set forth in the annual operations report as provided by the provisions of Article XXIII, to assure the maintenance of all public roads utilized. Pursuant to Article XXIII, the Roadway Service Life Reduction Fee is payable annually, at the time of permit renewal, or upon termination of earthmoving activities by the Permittee, whichever is sooner.

6. This resolution shall take effect upon approval by the Board of County Commissioners of Charlotte County, Florida.

PASSED AND DULY ADOPTED this 17 day of July, 2007.

BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: Richard D. Loftus
Richard D. Loftus, Chairman



ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: Annie L. Pfahler
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney

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