

**ORDINANCE 2013-28**

**AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; TRANSFERRING \$337,814.00 FROM THE ROAD AND BRIDGE FUND UNAPPROPRIATED FUND BALANCE TO THE BEACH FUND UNAPPROPRIATED FUND BALANCE AND REIMBURSING SAID BEACH FUND FOR CONSTRUCTION OF A SEAWALL TO PREVENT NORTH SHORE ROAD FROM POTENTIAL COLLAPSE AND STORM VULNERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, portions of the North end of Longboat Key are severely eroded; and,

**WHEREAS**, such erosion has exposed portions of North Shore Road and its underground infrastructure vulnerability from storm events if an abutting seawall is not repaired; and,

**WHEREAS**, such seawall was constructed in 2012 at North Shore Road to protect, as part of the North Shore Road Seawall Extension project, and to preserve the integrity of this roadway infrastructure; and,

**WHEREAS**, the Beach Fund was charged for the design and construction of this seawall project at a cost of \$337,814.00; and,

**WHEREAS**, Florida Statutes § 336.025(7)(a) authorizes the use of certain funds generated by the 1-6 cent Local Option Gas Tax received in the Road and Bridge Fund for roadway maintenance and repair work; and,

**WHEREAS**, it is the desire of the Town Commission to use the tax funds from the Road and Bridge Fund for the North Shore Road maintenance and repair work on the seawall project that was constructed in 2012; and,

**WHEREAS**, a budget transfer of available funds must occur to facilitate this desire; and,

**WHEREAS**, the Town Manager and Finance Director affirm that the above stated funds are available for transfer; and,

**WHEREAS**, the Town Charter, Article V, Section 9 (d) provides for such action.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:**

SECTION 1. All of the above Whereas clauses are true and correct, and are hereby incorporated by reference.

SECTION 2. The budget of the Town of Longboat Key for the Fiscal Year beginning October 1, 2012, and ending September 30, 2013, as adopted pursuant to

Ordinance 2012-22, is hereby amended to transfer Three Hundred Thirty-Seven Thousand Eight Hundred Fourteen Dollars (\$337,814.00) from the Road and Bridge Fund unappropriated fund balance to the Beach Fund unappropriated fund balance associated with the North Shore Road Seawall Extension project.

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. This Ordinance shall take effect upon second reading and adoption in accordance with Law and the Charter of the Town of Longboat Key.

Passed on first reading and public hearing the 21<sup>st</sup> day of October, 2013.

Adopted on second reading and public hearing the 4<sup>th</sup> day of November, 2013.

/s/ James L. Brown

James L. Brown, Mayor

ATTEST:

/s/ Trish Granger

Trish Granger, Town Clerk