

DEC 15 PAID

(HOUSE BILL No. 2275, 1963 Session Florida Legislature.  
Cited as Chapter 63- , Laws of Florida.)

A BILL

TO BE ENTITLED

AN ACT CREATING, ESTABLISHING, AND ORGANIZING  
A MUNICIPALITY TO BE KNOWN AND DESIGNATED AS  
THE TOWN OF ESTO, HOLMES COUNTY; DEFINING ITS  
TERRITORIAL BOUNDARIES; PROVIDING FOR A REFER-  
ENDUM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. Name.-- A municipal corporation under and  
by the name of the Town of Esto, is hereby created, organized  
and constituted in Holmes County in the State of Florida.

Section 2. Boundaries.-- The corporate limits of the  
Town of Esto shall be as follows:

"Beginning at the Northwest Corner of Government  
Lot 1, Section 20, Township 7 North, Range 14 West,  
and running thence South along the Western boundary  
line of said Government Lot 1 of Section 20, and  
continuing South along the Western boundary line of  
E $\frac{1}{2}$  of E $\frac{1}{2}$  of Section 29, and continuing South along  
the Western boundary line of E $\frac{1}{2}$  of E $\frac{1}{2}$  of Section 32,  
all in Township 7 North, Range 14 West, to the Northern  
boundary line of State Highway No. 2, thence in an  
Easterly direction along the Northern boundary line  
of State Highway No. 2 to the Eastern boundary line  
of Section 33, thence North along the Eastern boundary  
line of Sections 33, 28 and 21, all in Township 7 North,  
Range 14 West, to the Florida-Alabama state line, thence  
in a Westerly direction along the Florida-Alabama state  
line to the point of beginning, all being in Holmes  
County, Florida."

Section 3. Succession.--Said town shall be a corporation  
and shall have perpetual existence, may sue and be sued, plead  
and be impleaded, and have a common seal which may be changed  
by the town council at its pleasure.

Section 4. Acquire and sell property.--Said town shall own, purchase, lease, receive, acquire, and hold property, real and personal, either within or without its territorial boundaries, but property beyond the town limits shall be used only for any and all such public purposes as the town council may deem necessary. The town is hereby empowered to sell, lease, and otherwise dispose of any and all property, real and personal, which belongs to said town to the same extent as a natural person may do, and the town council may prescribe by ordinance the manner of making such conveyance.

Section 5. Corporate authorities.--The corporate authorities of said town shall be vested in the town council.

Section 6. Members of Council; elections, terms and vacancies.--There is hereby created a town council to consist of five (5) electors of the town, viz.: J.O.Wells, who shall hold office for one (1) year; R.W.Blount, who shall hold office for two (2) years; Andrew Thweatt, who shall hold office for two (2) years; Pasley McKenny, who shall hold office for three (3) years; walter Dixon, who shall hold office for three (3) years, or until their respective successors, and who shall constitute the first town council. Councilmen who shall be elected beginning with the year 1965 and subsequently for a full term shall hold office for three (3) years beginning on the third (3rd) day after their election as provided for under this act.

Vacancies in the commission shall be filled by the commission until the next regular minicipal election at

which time a commissioner shall be elected to serve for the unexpired term of the position vacated if any remains.

Section 7. Special meetings of council.--The president of the council may call any and all special meetings of the council at any time and place, giving sufficient notice for members to attend.

Section 8. Eligibility of electors.--Any person who is a qualified elector under the state law and who has resided in the <sup>town</sup> ~~town~~ for six (6) months preceding the date of the closing of the county voter registration books prior to the election shall be a qualified elector at any town election, provided that state or county registration shall not be required.

Section 9. Elections shall be held as nearly as may be under the general elections law of Florida, when not in conflict with this chapter. The council shall be the judges of qualifications, election and returns of its own members and shall constitute the canvassing board for all elections. It may enact rules of procedure, prescribe penalties for the nonattendance or disorderly conduct of its members and enforce the same. Two-thirds (2/3rds) of its members concurring, it may expel the member for improper conduct in office. Three (3) members shall be necessary to form a quorum for the transaction of all business, but a smaller number may meet and adjourn from time to time, and under the provisions of the ordinances or rules of procedure, may compel the attendance of absent members by imposition of fines, penalties

or expulsion. The council shall elect one of its members president of the council and may elect a president pro-tem.

Section 10. Meetings--The council shall hold meetings at such times as it may determine, holding not less than one (1) regular meeting each month.

Section 11. President and clerk of the council.--The council shall, on the day succeeding any general town election or as soon thereafter as practicable, elect one of its members president, who shall preside over the council. The council shall elect a president pro tem to preside over the council in the absence or disability of the president of the council. The council shall also elect a clerk who shall perform the clerical function of the council.

Section 12. Council to collect taxes, licenses and regulate same.-- The council shall have power by ordinance to levy and collect any excise tax on the sale of cigarettes.

Section 13. Powers to appropriate money.--The council may appropriate money for the payment of debts and expenses of the town.

Section 14. Powers of council.--The council shall have the power to provide the town with waterworks, lights, sewerage, paving, town buildings, sidewalks, transportation and such other municipal improvements and betterments as may be deemed necessary in the manner and under the terms of this chapter. The council shall also have power to organize and establish a fire department and keep the same.

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Section 15. Further powers of council.--The council shall have power to open, close, alter, extend, widen, establish, grade, pave, or otherwise improve, clean and keep in repair any and all streets, alleys and sidewalks, culverts, sewers and gutters and all other improvements, to provide for the enclosing, improving and regulating of all public grounds belonging to the town in or out of the corporate limits; to grant the right of way through the streets, avenues and public grounds for the purpose of street and other railways; to provide for the construction of sewers and drainage, and for keeping them in repair. The council may, by ordinance or resolution, provide for the payment of any part of the cost of such work or improvement out of tax revenues; take and appropriate private grounds and private property in the manner and form provided by law for condemnation, for widening streets or parts thereof, or for extending the same, or for laying out new streets, avenues, alleys or squares, parks or promenades, when the public convenience may require it.

Section 16. Adoption of ordinances, resolutions.-- A majority of the members of the council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members present at any meeting shall be necessary to adopt any ordinance, resolution, vote or order. No member shall be excused from voting except on matters involving the consideration of

his official conduct or when his financial interests are involved, in which case the affirmative vote of a majority of the members voting shall be necessary for the adoption of any ordinance, resolution, order or vote.

The enacting clause of all ordinances shall be: "Be It Ordained by this Town Council of Esto, Florida."

Unless approved and subscribed by the five (5) members of the town council, no ordinances shall be adopted until ten (10) days after the introduction of such ordinance.

Every ordinance, when introduced, shall be read in full but upon consideration of any ordinance on second (2nd) and final reading, if not amended, it may be read by title only.

Every ordinance, upon its adoption, shall be signed by the president and by the clerk, if any, and when so signed it shall become effective then, unless otherwise provided therein.

Before introduction, all ordinances and resolutions shall be reduced to writing. Resolutions shall be signed by the president and by the clerk.

Section 17. Action against the town.-- No person, firm or corporation shall institute any action for damages against the town without having first filed within thirty (30) days from the date of the accrual of the cause of action a notice of the claim, in writing, with the council, setting forth in detail the nature and particulars constituting the basis of such claim, and all actions against the town, including actions for wrongful death, but not including actions ex con-

tractu, shall be barred unless instituted within one (1) year from the date of the accrual of the cause of action.

Section 18. Municipal powers.--The municipality hereby established shall have power:

(1) To provide for street lighting, streets and drainage structures, fire hydrants, garbage collection, sanitary sewage collection and disposal, and for any other municipal or public service, and to build, construct, acquire, own, maintain, operate and lease all structures, land and other equipment necessary therefor except as otherwise provided herein.

(2) To regulate and control the use of any public park, street, road or highway within the territorial limits of said town by any municipality, corporation, firm or individual using any such public street, road or highway for the conduct of gas or water or for telephone or electric light or power poles, lines, subways or conduits, or for any other public utility or service.

(3) To acquire, either by lease, gift or purchase, any land or any estate or interest therein, within or without the territorial limits of said town for any public or municipal purpose, except as provided in subsection (5) hereof.

(4) To give and grant franchises upon such terms and conditions as the council may prescribe, for a term not longer than thirty (30) years, to those engaged in furnishing gas, water, electric, telephone, transportation, sewerage or other

public service, providing, however, as to any utility where the town council by law has rate-making power, such franchise shall provide for such rates as shall provide a fair return on the replacement or reproduction value of such utility.

(5) The town shall have power of eminent domain for any municipal purpose.

(6) To establish, regulate and maintain a fire department and a system of fire protection.

(7) To lay out, open and maintain public streets, roads, parks, or other public places, and to cause any public streets road, highway or alley to be vacated, widened, extended or otherwise changed as to its boundaries or location; and to acquire the necessary lands for any purpose, and to acquire, if the council shall so determine, that any person, firm or corporation subdividing land shall put in and construct streets, sidewalks, water mains or other utilities according to the town specifications before the plat thereof shall be approved by the town council, provided, however, that no plat subdividing land shall be approved by the town council unless the plat and the subdivided thereof shall meet any and all requirements now or hereafter set forth by the county commissioners of Holmes County, Florida, for the platting and subdividing of land within the unincorporated areas of Holmes County.

(8) To cause sanitary and storm sewers and drains to be constructed and maintained together with sewage disposal and treatment plants.



(9) To enter into contracts with other municipalities or governmental entities providing for the exercise of any corporate or governmental function; and to cooperate with any other municipality, public corporation or governmental unit in the discharge of its corporate functions.

(10) Upon the petition of the owner or owners of any lands adjoining the territorial boundaries of said municipality, to annex such lands by ordinance to the territorial limits of the municipality hereby established. Whenever any land shall be annexed to the municipality hereby established, upon the petition of the owners or owners thereof and in accordance with the power and authority hereby given, then such land so annexed shall be and become a part of the municipality hereby established with the same force and effect as though the same had been originally incorporated in the territorial boundaries thereof.

(11) To levy and collect an excise tax on the sale of cigarettes.

Section 19. The provisions of this act are severable, and if any section, part of section, paragraph, sentence or clause of this act shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other portion thereof, but shall be restricted and limited in its operation and effect to the specific portion hereof involved in the controversy in which such decision shall have been rendered.

Section 20. This act shall not take effect until voted upon at an election to be held within the area proposed for incorporation into the municipality to be known as the town of Esto, in which election the qualified electors shall vote upon the question:

"Shall the municipality of the town of  
Esto be incorporated ?"

- Yes       - No

The first official named in this act in Section 6 shall be the election board and shall call a special election to be held within ninety (90) days after the passage of this act. The qualified electors shall be ascertained from the rolls of the supervisor of registration and the corporation shall be effective upon the approval of the majority of the qualified electors voting in the election.

Filed in the Office of the Secretary  
of State, Tallahassee, Florida.

**NOTICE OF REFERENDUM ELECTION**

Under authority of House Bill 2275, passed at the regular session of the Florida Legislature in 1963, a referendum election will be held, between the hours of 7:00 A.M. and 7:00 P.M., CST, Tuesday, July 16, 1963, at a polling place to be located in the old post office building in Esto, Florida, and at which time and place the question, "shall the municipality of the Town of Esto be incorporated", will be submitted for approval or rejection to the qualified electors residing in the area effected, to-wit:

"An area described as beginning at the Northwest Corner of Government Lot 1, Section 20, Township 7 North, Range 14 West, and running thence South along the Western boundary line of said Government Lot 1 of Section 20, and continuing South along the Western boundary line of E½ of E½ of Section 29, and continuing South along the Western boundary line of E½ of E½ of Section 32, all in Township 7 North, Range 14 West, to the Northern boundary line of State Highway No. 2, thence in an Easterly direction along the Northern boundary line of State Highway No. 2 to the Eastern boundary line of Section 33, thence North along the Eastern boundary line of Sections 33, 28 and 21, all in Township 7 North, Range 14 West, to the Florida-Alabama state line, thence in a Westerly direction along the Florida-Alabama state line to the point of beginning, all being in Holmes County, Florida."

The rolls in the Office of the Supervisor of Registration of Holmes County, Florida, indicate that the following named persons are duly qualified electors in said area:

- Tom M. Adams
- Mrs. Mamye Adams
- Joseph A. Babb
- Mervie Babb
- Robert W. Blount
- Ruby E. Blount
- Eakerlee Burton
- Henry Clayton Burton
- Alma L. Brown
- A. Clark
- James E. Clark
- Joe R. Clark
- John W. Clark
- Mamoi K. Clark
- Myra M. Clark
- Vassie Clark
- Jack F. Cressmas
- Chester H. Crutchfield
- Laura Dixon
- Mary Dixon
- Walter Dixon
- Ada Dupree
- Mattie Dupree
- Ralph Leon Dupree
- Mary Lou Enfinger
- Gladys Goff
- Thurston M. Goff Jr.
- Thurston M. Goff Sr.
- O. D. Goodson
- Rufis S. Goodman
- Inez Hamton
- Eva J. Hancock
- Lewis D. Hancock
- Lonie Hendrix
- Wesley Hendrix
- Harmon H. Holland
- Ethel Hughes
- James C. Hughes
- John F. Hughes
- Leonard Paul Hughes
- Miliam M. Johnson
- Frances W. Kirkland

- Ruth Kirkland
- Melton M. Lamb
- Minnie L. McKinney
- Tom Mixon
- Robert E. Newman
- Annie Pitts
- Weslie Pitts
- Clev Sheffield
- Alma Smith
- Reuben L. Smith
- Vivian Marie Smith
- Blance Thweatt
- Lemuel M. Thweatt
- Dorothy Goodman Toole
- Jesse D. Watford
- Jeanette Wells
- Mrs. J. O. Wells
- William Delmar Whitehead
- Eula Mae Worthy
- Mervie Yoemans
- Sarah A. Hughes
- Curtis B. Kirkland
- James B. Kirkland
- U. T. Kirkland
- Retha B. Lamb
- Mary Lell McKinney
- Euna Mae Moss
- B. M. Pippin
- Leslie Pitts
- Annie H. Reynolds
- Dera Adell Sheffield
- Annie E. Smith
- Roy Smith
- Andrew J. Thweatt
- Frank M. Thweatt, Sr.
- Luveal Thweatt
- Ollie Toole
- Ruth Watford
- Jewel Wells
- William A. Wells
- Lawrence E. Williams
- Henry B. Worthy
- Willie J. Yeomans
- Annie Lou Johnson
- Delma Kirkland
- Lockie Kirkland
- James Lamb Jr.
- Essie Dell Lewis
- Raisley B. McKinney
- John L. Moss
- Ida Bell Pippin
- Walter J. Pitts
- Louise Sasnett
- Roy Sheffield
- Olara Mae Smith
- Sam Smith
- Frank M. Thweatt, Jr.
- Iva M. Thweatt
- Mack D. Thweatt
- Panzie W. Toole
- Louise Wells
- J. O. Wells
- Nettie Perl Whitehead
- Sibyl Williams
- Katie E. Worthy

Any other person residing in said area desiring to participate in said referendum election will be required to submit proof from the Supervisor of Registration of Holmes County, Florida, to the effect that they are duly registered electors of Holmes County, Florida, residing in said area.

Done this the 21st day of June 1963.

- R. W. Blount
- Walter Dixon
- Pasley McKenny
- Andrew Thweatt
- J. O. Wells.

At: June 27; July 4 & 11, 1963.

Pursuant to the requirements of the foregoing act, a Notice of Referendum Election, copy of which is attached to this page, was caused to be published in the Holmes County Advertiser in its issues of June 27th, July 4th and July 11th, 1963, calling for a referendum election to be held on July 16, 1963 upon the question of incorporation of the Town of Esto, Florida.



We, the undersigned, acting as an election board under the authority of Section 20, House Bill 2275, passed at the Regular Session of the 1963 Legislature of the State of Florida, hereby certify that an election pursuant to the foregoing notice of referendum election was held within the territorial limits of the proposed municipality of Esto, Florida, on July 16, 1963, at which time the following question was presented to the qualified electors:

"Shall the municipality of the Town of  
Esto be incorporated?"

We further certify that a canvas of the votes cast at said election discloses that 70 votes were cast in favor of incorporation (yes-votes) and that 13 votes were cast against incorporation of the Town of Esto (i.e., No-votes). It is therefore concluded that the Town of Esto, Florida stands incorporated under the provisions of said House Bill No. 2275.

Dated this the 17th day of July 1963.

*J. O. Wells*  
J.O. Wells

*R. W. Blount*  
R.W. Blount

*Andrew Thweatt*  
Andrew Thweatt

*Paisley M. Kenny*  
Paisley McKenny

*Walter Dixon*  
Walter Dixon



Under authority of House Bill No. 2275, enacted at the Regular Session of the Florida Legislature in 1963, and by virtue of the certified result of the referendum election held thereunder, J.O.Wells, R.W.Blount, Andrew Thweatt, Pasley McKinney and Walter Dixon, met in Esto, Florida, on July 17, 1963 for the purpose of organizing a council for said municipality.

Upon motion duly made, seconded and unanimously adopted by all members present, it was resolved that Walter Dixon be selected as President of the Council of the Town of Esto.

Upon motion duly made, seconded and unanimously adopted by all members present, it was resolved that J.B.Kirkland be selected as Clerk to the Council of the Town of Esto, Florida.