



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
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MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney

DATE: February 1, 2022

SUBJECT: Public Hearing to Consider a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Street Paving in the Oslo Park Area - LEGISLATIVE

BACKGROUND.

On October 19, 2021, the Indian River County Board of County Commissioners (Board) voted to direct the County Attorney and Public Works Director to initiate the process of creating a Municipal Service Benefit Unit (MSBU) for the Oslo Park area to raise funds for future road paving projects, with a timeline that would allow final approval by March 2022.

Since that time, the Public Works Department and the County Attorney's Office have worked together to prepare the proper legal description for the proposed MSBU, published the necessary notices and prepared the attached resolution declaring the intent to utilize the uniform method of collecting non-ad valorem assessments per section 197.3632, Florida Statutes. The proposed Oslo Park street paving MSBU will consist of 500 residential properties.

As part of the process under section 197.3632, Florida Statutes, the Board will conduct two public hearings. At this first public hearing, the Board will consider adopting the attached resolution in which the Board intends to use the uniform method of collecting the non-ad valorem assessments found in Florida Statute §197.3632. Per statute, notice of the public hearing has been advertised for the past four consecutive weeks. If the resolution is approved, staff will send a first-class letter and a copy of the resolution to each property owner in the proposed MSBU, advising them of the second public hearing and providing them with a copy of the proposed ordinance establishing the MSBU.

Additionally, the Board will need to enter into an agreement with the Tax Collector and Property Appraiser reimbursing the Constitutional Officers for the costs incurred in implementing the MSBU. Attached is a draft agreement that is based upon a prior agreement approved by the parties in 2015.

FUNDING.

Funding for this proposed MSBU has not yet been established. Should the Board establish the MSBU, a separate fund will be set up. For information purposes, an assessment of \$50/parcel would provide net revenues of approximately \$22,000 per year. Higher assessment rates of \$100/parcel or \$200/parcel would provide revenues of about \$45,000 and \$69,000, respectively. Staff has developed a rough estimate of the cost to pave all of the roadways within the area of the MSBU for planning purposes. The estimated cost to complete all of the roadways would be \$5 million to \$7 million. Therefore, the creation of an MSBU in this format would be best to provide funding to pave one or more of the main east-west roadways used by residents to access their properties over a period of several years. If the Board approves the creation of the MSBU, staff will present a more detailed financial plan for assessment rates and construction timelines and scope. Current costs including the notification for the two public hearings and mailing notices to owners will be paid from the General Fund/County Attorney/Legal Ads, account 00110214-034910.

RECOMMENDATION.

The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft resolution and the draft agreement with the Tax Collector and Property Appraiser.

ATTACHMENT(S).

Draft Resolution
Draft Agreement