



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney

DATE: June 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. On February 15, 2022, the Board adopted Resolution 2022-11, electing to utilize the uniform method for the levy, collection, and enforcement of non-ad valorem assessments as set forth in section 197.3632, Florida Statutes for paving, and associated drainage improvements, in the Oslo Park area.

Since then, the County sent letters to all of the owners and residents concerning the proposed MSBU and the public meeting being conducted by Commissioner O’Bryan on April 4, 2022 at the iG Center. In the letter the residents and owners were told that the assessment would be established on a per parcel basis, with the amount to be levied per parcel being \$398.00 per year for 20 years. The total revenue collected from the assessment would be \$3.75 million, which would be combined with a \$1,250,000 from the County.

Roughly 80 people attended the April 4, 2022 public meeting at the iG Center. At the meeting the concept was raised about moving up the timing of the improvements, instead of having periodic improvements similar to how improvements are handled in Vero Lake Estates.

Thus, in preparation of this public hearing, County staff sent letters to the owners within the proposed MSBU stating that although it was initially proposed that the amount to be levied per parcel would be \$398.00 per year for 20 years, the amount to be levied per parcel will now be \$500.00 per year for 20 years. The letter indicated that the increase will assist in addressing the desire to accelerate the timing of

the improvements and increases in construction costs. The total revenue collected will be \$5 million. This proposed assessment is based upon a 25 percent contribution to the cost of construction from the County.

Per the statute, at this public hearing, the Board is to receive written objections and hear testimony from all interested persons. Per the statute, notice has been provided by first-class mail to each person owning property subject to the assessment. Additionally, per statute, notice has also been provided by publication in a newspaper generally circulated within Indian River County.

The draft ordinance will establish the Oslo Park Street Paving District MSBU with a rough boundary of 11th Street to 13th Street, and 17th Avenue to 9th Court. The proposed assessment would now be \$500.00 per year for twenty years, which would be used to pave all of the unpaved roads within the MSBU. The draft ordinance would also amend section 200.11 (Street paving) of the Indian River County Code of Ordinances to update the Code to reflect the Oslo Park Street Paving District MSBU.

County staff does wish to propose an alternative funding mechanism for paving the streets in the Oslo Park area. In order to address the desire to have all of the roads paved sooner rather than later, the most appropriate method would be through a traditional special assessment project, under Chapter 206 of the Indian River County Code of Ordinances. Through that process, the Board would establish an assessment roll and then perform the project. Once the project is completed, the Board would approve a final “as-built” assessment for all properties that are benefitted by the project. In that case, the project would be performed up front and the assessment would be determined based upon the actual final costs of the project. Although, this MSBU was not started through the traditional petition process, the Board still has the authority to initiate such an assessment project. Finally, County staff is still supportive in this instance of the 25 percent County contribution, much like a paving assessment project.

FUNDING.

Funding for this proposed MSBU has not yet been established. Should the Board establish the MSBU, a separate fund will be set up. The assessment would be \$500/parcel per year for 20 years with a contribution from the County’s Secondary Roads fund. 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 once design plans have been completed and permitted. Current costs including the notification for the two public hearings and mailing notices to owners have been 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 ordinance or in the alternative direct staff to begin a special assessment project under Chapter 206 of the Indian River County Ordinance Code.

ATTACHMENT(S).

Draft Ordinance
Assessment Roll