



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney

DATE: May 2, 2023

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 a specified area of the Oslo Park to raise funds for future road paving projects. The Public Works Department and the County Attorney’s Office worked together to prepare the proper documents to establish the MSBU for the 500 residential properties in the specified area. The Board considered establishing the MSBU last year, but due to the expected timing of the project, on June 7, 2022, the Board deferred taking action.

On December 13, 2022, the Board voted to move forward with initiating the assessment process this year, which would allow for assessments to be collected on the tax bills that will go out in the fall of 2023. In preparation of this public hearing, County staff sent letters to the owners within the proposed MSBU area stating that although it was initially proposed last year 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’s Secondary Roads Fund.

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 area with a rough boundary of 11th Street SW to 13th Street SW and 17th Avenue SW to 9th Court SW. As noted above, the proposed assessment would now be \$500.00 per year for twenty years, which would be used to pave all of the unpaved roads and construct associated drainage improvements 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.

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