

RESOLUTION NO. 20- 142

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, ELECTING TO USE THE STATE UNIFORM NON-AD VALOREM COLLECTION METHOD FOR A SPECIAL ASSESSMENT TO DREDGE THE SOUTHERN ENTRANCE TO GRAND CANAL; STATING THE NEED FOR THE ASSESSMENT; IDENTIFYING THE BOUNDARIES OF THE REAL PROPERTY SUBJECT TO THE ASSESSMENT; DIRECTING STAFF TO ESTIMATE PROJECT COST AND DEVELOP ASSESSMENT METHODOLOGY; DIRECTING STAFF TO PETITION PROPERTY OWNERS TO CONFIRM INTEREST IN THE ASSESSMENT; DIRECTING THE COUNTY ATTORNEY TO PREPARE INTERLOCAL AGREEMENTS WITH THE TAX COLLECTOR AND PROPERTY APPRAISER FOR ASSESSMENT ADMINISTRATIVE COSTS; PROVIDING FOR MAILING OF THE RESOLUTION TO THE TAX COLLECTOR, PROPERTY APPRAISER, AND STATE DEPARTMENT OF REVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Grand Canal separates Pine Key from Cabbage Key and Collany Key in Tierra Verde;

WHEREAS, over the past decade, significant sand has migrated to the southern entrance of Grand Canal and accreted over the northern side of Collany Key;

WHEREAS, Pinellas County (the “County”) consultant Aptim Corporation projects that without human intervention the northern side of Collany Key may connect to the southern tip of Pine Key in the next five years effectively closing off the southern entrance to Grand Canal.

WHEREAS, the southern entrance to Grand Canal provides properties abutting Grand Canal (“Grand Canal Riparian Properties”) with unimpeded access to the Gulf of Mexico;

WHEREAS, although there is also a northern entrance to Grand Canal, vessel access through such northern entrance is limited by the Madonna Boulevard Bridge;

WHEREAS, accordingly, if the southern entrance to Grand Canal closes, access to the Gulf of Mexico by Grand Canal Riparian Owners would be inhibited or lost;

WHEREAS, it follows that the Grand Canal Riparian Properties will receive a special benefit from the dredging of the southern entrance to Grand Canal (the “Project”);

WHEREAS, outreach efforts by County Staff suggest that a majority of the owners of the Grand Canal Riparian Properties are interested in considering a special assessment (the “Assessment”) for the Project;

WHEREAS, Chapter 110 of the Pinellas County Code authorizes special assessments for dredging projects to be levied and collected via the Uniform Non-Ad Valorem Collection Method (“Uniform Method”) prescribed in F.S. §§ 197.3632, 197.3635, so long as the Board finds that a public purpose, apart from the special benefit received by the Grand Canal Riparian Properties, exists;

WHEREAS, the boating public also utilizes Grand Canal for general recreational purposes and to access several commercial establishments;

WHEREAS, it follows that beyond the special benefit received by the Grand Canal Riparian Properties a public purpose for the Project exists;

WHEREAS, F.S. § 197.3632(3)(a) requires that, before levying a special assessment under the Uniform Method, a local government adopt a duly advertised resolution at public hearing stating the local government’s intent to use the Uniform Method for the assessment, the need for the assessment, and the boundaries of the real property to be included in the assessment;

WHEREAS, this Resolution satisfies the requirements of F.S. § 197.3632(3)(a);

WHEREAS, the Board wishes to adopt this Resolution and direct County staff to (a) formulate a Project cost estimate and Assessment apportionment methodology and (b) petition owners of the Grand Canal Riparian Properties to confirm interest in the Assessment;

WHEREAS, after gauging interest from owners of the Grand Canal Riparian Properties in the Assessment, the Board intends to consider adoption of a non-ad valorem roll for the Assessment at a separate public hearing as required by F.S. § 197.3632(4)(b);

WHEREAS, if this Resolution is adopted, the Board will (a) mail a copy of this Resolution to the Property Appraiser and Tax Collector as required by F.S. § 197.3632(3)(a) and (b) enter into separate interlocal agreements with the Property Appraiser and Tax Collector for administration of the Assessment as required by F.S. § 197.3632(2); and

WHEREAS, the public hearing where this Resolution is being considered has been duly advertised for four consecutive weeks in a newspaper of general circulation as required by F.S. § 197.3632(3)(a).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AT A DULY ASSEMBLED MEETING HELD ON THIS 6th DAY OF October, 2020, AS FOLLOWS:

Section 1. This Resolution confirms the Pinellas County (the “County”) Board of County Commissioners’ (the “Board”) intent to use the Uniform Non-Ad Valorem Collection

Method, which is set forth in F.S. §§ 197.3632, 197.3635, to levy and collect a special assessment (the “Assessment”) on properties abutting Grand Canal (the “Grand Canal Riparian Properties”) for the dredging of the southern entrance to Grand Canal (the “Project”). In order to levy the Assessment, the Board must adopt a non-ad valorem roll at a subsequent public hearing pursuant to F.S. § 197.3632(4)(b).

Section 2. The Assessment is needed to fund the cost of the Project. If the southern entrance to Grand Canal is not dredged, it may close, thereby inhibiting access to and from Grand Canal. Although the public utilizes Grand Canal, the Grand Canal Riparian Properties receive a special benefit from the direct access that Grand Canal provides to the Gulf of Mexico. It follows that the Grand Canal Riparian Properties will receive a special benefit from the Project. Therefore, assessing the Grand Canal Riparian Properties for the Project is fair, equitable, and legally justified. A map of the anticipated Project dredge area/limits, which is subject to change during Project design, is attached hereto as Appendix A.

Section 3. A legal description of the boundaries of the real property that would be subject to the Assessment is attached hereto in Appendix B. Also provided under Appendix B is a list of parcels which, as of the effective date of this Resolution, are projected to be included on the non-ad valorem roll for the Assessment. Such list includes parcels within unincorporated County and the City of St. Petersburg. Pursuant to Section 2.04(u) of the County Charter and Section 110-56 of the County Code, no action by the City of St. Petersburg is required to include parcels within the City of St. Petersburg on the non-ad valorem roll for the Assessment.

Section 4. The Board directs County Staff to calculate a cost estimate for the Project, which includes costs for design, construction, and Assessment administration. The Board also directs County Staff to develop an Assessment methodology that fairly apportions Project costs.

Section 5. After a Project cost estimate is calculated and an Assessment methodology is developed, the Board directs County Staff to petition owners of the Grand Canal Riparian Properties to confirm interest in the Assessment. Consistent with Section 110-32 of the Code, the Board reserves the right to adopt a non-ad valorem roll for the Assessment at a subsequent public hearing—notwithstanding any perceived lack of interest from owners of the Grand Canal Riparian Properties.

Section 6. Consistent with F.S. § 197.3632(3)(a), the Board directs County Staff to promptly mail a copy of this adopted Resolution to the County Property Appraiser, County Tax Collector, and State Department of Revenue.

Section 7. Consistent with F.S. § 197.3632(2), the Board directs the County Attorney’s Office to prepare interlocal agreements with the County Property Appraiser and County Tax Collector that provide for Board reimbursement of Assessment administrative costs. Such interlocal agreements must be presented to the Board for approval and executed by the Board Chair. A copy of this adopted Resolution must be attached to each interlocal agreement as an exhibit.

Section 8. This Resolution is effective immediately upon its adoption.

Commissioner Long offered the Resolution and moved its adoption, which was seconded by Commissioner Welch, and upon roll call the vote was:

Ayes: Gerard, Eggers, Justice, Long, Peters, Seel, and Welch.

Nays: None.

Absent and not voting: None.

APPROVED AS TO FORM

By: 
Office of the County Attorney

APPENDIX A: PROPOSED DREDGE AREA/LIMITS

