

Appendix H

RESOLUTION NO. 21- 114

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 HIDDEN COVE II OAK STREET RETENTION AREA; 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 APPORTIONMENT METHODOLOGY; 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, 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 of County Commissioners finds that a public purpose, apart from the special benefit received by the assessed property owners, exists;

WHEREAS, the Hidden Cove II Oak Street (Stormwater) Retention Area (the “Oak Street Pond”) is a private wet stormwater detention facility connected to the County’s municipal separate storm sewer system;

WHEREAS, the northern half of the Oak Street Pond is part of Parcel I.D. # 29-29-16-38602-000-0090, which also includes the single-family home located at 1836 Oak Street, Clearwater FL, 33760;

WHEREAS, the southern half of the Oak Street Pond is part of Parcel I.D. # 29-29-16-38602-000-0100, which also includes the single-family home located at 1860 Oak Street, Clearwater FL, 33760;

WHEREAS, collectively, Parcel I.D. #'s 29-29-16-38602-000-0090 and 29-29-16-38602-000-0100 are referred to herein as the “Assessed Properties”;

WHEREAS, in addition to being the owned by the Assessed Properties, the Oak Street Pond offers significant drainage and aesthetic benefits to the Assessed Properties;

WHEREAS, over the past decade, significant sediment has migrated into the Oak Street Pond, thereby decreasing its storage capacity;

WHEREAS, as the Oak Street Pond loses storage capacity, water quality decreases, thereby decreasing the quality of water entering the MS4;

WHEREAS, dredging the Oak Street Pond will restore storage capacity, providing longer residence time, thereby improving the quality of the water in the Oak Street Pond that discharges into the MS4;

WHEREAS, there is accordingly a public purpose for dredging the Oak Street Pond;

WHEREAS, in addition to improving water quality, restoring storage capacity in the Oak Street Pond (via dredging) will abate flooding concerns for the Assessed Properties;

WHEREAS, dredging the Oak Street Pond will consequently improve the value of the Assessed Properties and the owners' enjoyment thereof;

WHEREAS, it follows that the Assessed Properties will receive a special benefit from dredging the Oak Street Pond;

WHEREAS, although the Oak Street Pond is privately owned by the Assessed Properties, the County is better positioned to dredge the Oak Street Pond than the Assessed Properties;

WHEREAS, the County accordingly proposes to dredge the Oak Street Pond (the "Project");

WHEREAS, given the special benefit that the Assessed Properties will receive from the Project, it is fair and reasonable to require the Assessed Properties to pay 100% of Project costs;

WHEREAS, the Assessed Properties have expressed a willingness to pay 100% of Project costs via non-ad valorem assessment (the "Assessment");

WHEREAS, given the relatively high anticipated costs of the Project, the County intends to permit the Assessed Properties to pay the Assessment over ten years;

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 formulate a Project cost estimate and Assessment apportionment methodology;

WHEREAS, after County Staff formulates a Project cost estimate and Assessment apportionment methodology, the Board intends to consider adoption of a non-ad valorem roll for the Assessment at a separate public hearing pursuant to F.S. § 197.3632(4)(b);

WHEREAS, after 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 12th DAY OF October, 2021, 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 a non-ad valorem assessment (the “Assessment”) on Parcel I.D. Numbers’ 29-29-16-38602-000-0090 and 29-29-16-38602-000-0100, which are respectively located at 1836 and 1860 Oak Street, Clearwater FL, 33760 (the “Assessed Properties”). The Assessment is needed to fund 100% of costs for dredging the Hidden Cove II Oak Street (Stormwater) Retention Area (the “Oak Street Pond”), which is owned by the Assessed Properties (the “Project”).

Section 2. The Oak Street Pond discharges into the County’s Municipal Separate Storm Sewer System. Therefore, the Project – which will improve water quality in the Oak Street Pond – has a public purpose.

Section 3. If not dredged, Oak Street Pond will continue to lose storage capacity, thereby degrading water quality and increasing the likelihood of localized flooding. Consequently, the Project will increase the value of the Assessed Properties and the owners’ enjoyment thereof. It follows that the Assessed Properties will receive a special benefit from the Project. Therefore, assessing the Assessment Properties for 100% of Project costs is fair, equitable, and legally justified.

Section 4. A map of the anticipated Project limits is attached hereto as Appendix A.

Section 5. A legal description of the boundaries of the real property that will be subject to the Assessment – the Assessed Properties – is attached hereto as Appendix B.

Section 6. 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 over a period of ten years.

Section 7. After a Project cost estimate is calculated and an Assessment apportionment methodology is developed, the Board intends to hold a second public hearing, as required by F.S. § 197.3632(4)(b), to consider adoption of a non-ad valorem roll for the Assessment. Pursuant to Section 110-32 of the Code, the Board may adopt a non-ad valorem roll for the Assessment regardless of whether the Assessed Properties support the Assessment.

Section 8. 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 9. 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 10. This Resolution is effective immediately upon its adoption.

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

Ayes: Eggers, Justice Flowers, Gerard, Long, and Seel.

Nayes: None.

Absent and not voting: Peters.

APPROVED AS TO FORM

By: Brendan Mackesey
Office of the County Attorney

APPENDIX A: PROPOSED PROJECT AREA/LIMITS



APPENDIX B: LEGAL DESCRIPTION

Lot 9 and Lot 10, HIDDEN COVE II Subdivision, according to the plat thereof, as recorded in Plat Book 73, Page 63, public records of Pinellas County, Florida, in the Northwest 1/4 of the Southeast 1/4 of Section 29, Township 29 South, Range 16 East, Pinellas County, Florida.