## RESOLUTION NO. 20-142


#### Abstract

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.
Nayes: None.
Absent and not voting: None.

APPROVED AS TO FORM

By:


## APPENDIX A: PROPOSED DREDGE AREA/LIMITS



## APPENDIX B

Legal Description

A portion of Pine Key, Cabbage Key and Collany Key, Tierra Verde Community, lying within Sections 19, 20, 29 and 30, Township 32 South, Range 16 East, Pinellas County, Florida, and lying within the following described parcel:

BEGIN at the most Northerly corner of Tract E, TIERRA VERDE UNIT ONE, as recorded in Plat Book 57, page 42, of the Public Records of Pinellas County, Florida; thence southwesterly, along the Northwesterly boundary of said Tract E, to a point of intersection with the South boundary of the North 250 feet of said Tract E; thence at a right angle, run southeasterly along said South boundary to a point of intersection with the Westerly right-ofway line of Pinellas Bayway; thence southwesterly and southerly, along said Westerly right-of-way line, to the Southeast corner of STERLING ON THE GULF PHASE 1, a Condominium, as recorded in Condominium Book 68, page 62, of the Public Records of Pinellas County, Florida; thence westerly, along the South boundary of said condominium, to the Southwest corner of said condominium; thence southwesterly, along the West boundary of Lot 10, Block 25, of TIERRA VERDE UNIT ONE, SECOND REPLAT, as recorded in Plat Book 59, page 90, of the Public Records of Pinellas County, Florida, to the North right-of-way line of Collany Road; thence northwesterly, along said North right-of-way line, to the Easterly boundary of SUNSET POINTE AT COLLANY KEY PHASE 1, as described in Official Records Book 19203, page 2328, of the Public Records of Pinellas County, Florida; thence meandering along said Easterly boundary to the Northeast corner of SUNSET POINTE AT COLLANY KEY PHASE 5, as described in Official Records Book 20320, page 2358, of the Public Records of Pinellas County, Florida; thence along the Easterly and Southerly boundary of said SUNSET POINTE AT COLLANY KEY PHASE 5 to a point on the Southeasterly boundary of said SUNSET POINTE AT COLLANY KEY PHASE 1; thence southwesterly, along said Southeasterly boundary, to a point on the Bulkhead Line as recorded in Bulkhead Lines Plat Book 1, page 14, of the Public Records of Pinellas County, Florida; thence westerly and northerly, along said Bulkhead Line, to the Northwest corner of said SUNSET POINTE AT COLLANY KEY PHASE 1; thence in a northerly direction, across Dent's Channel, to the Northwest corner of Lot 29, Block Q, REPLAT OF TRACT "B", TIERRA VERDE UNIT ONE, FOURTH REPLAT, as recorded in Plat Book 82, page 63, of the Public Records of Pinellas County, Florida; thence along the North and Northeasterly boundary of said Lot 29, Block Q, to the right-of-way line of Nina Drive; thence along the Westerly and Southerly right-of-way line of said Nina Drive to the Westerly right-of-way line of Monte Cristo Boulevard; thence southerly, southeasterly and easterly, along said right-of-way line to the Southwest corner of Lot 17, Block Q , of said REPLAT OF TRACT "B", TIERRA VERDE UNIT ONE, FOURTH REPLAT; thence in a northerly direction, along the Easterly right-of-way lines of Monte Cristo Boulevard and Galeon Drive, to the Southwest corner of Lot 14, of said Block Q, thence northerly, along the West boundary of said Lot 14, Block Q, to the Northwest corner of said Lot 14, Block Q; thence westerly, along the South boundary of Lot 7, of said Block Q, to the Southwest corner of said Lot 7, Block Q; thence northeasterly, along the Westerly boundary of said Lot 7, Block Q, to a point of intersection with the Southerly right-of-way line of aforesaid Nina Drive, said point also being the Northwest corner of said Lot 7, Block Q; thence northerly, along the Easterly right-of-way line of said Nina Drive, to the most Westerly corner of Lot 5, of said Block Q; thence northeasterly, along the Westerly boundary of said Lot 5, Block Q, to the Northwest corner of said Lot 5, Block Q; thence westerly, along the South boundary of Lot 7, Block F, TIERRA VERDE UNIT ONE, FOURTH REPLAT, as recorded in Plat Book 60, page 25, of the Public Records of Pinellas County, Florida, to the Southwest corner of said Lot 7, Block F; thence northerly, along the West boundary of said Lot 7, Block F, to a point of intersection with the Southerly right-of-way line of Pinta Drive, said point also being the Northwest corner of said Lot 7, Block F; thence northerly, along the Easterly right-ofway line of said Pinta Drive, to the Southwest corner of Lot 5, of said Block F; thence northerly, along the West
boundary of said Lot 5, Block F, to the Northwest corner of said Lot 5, Block F; thence easterly, along the North boundary of said Lot 5, Block F, to the Southeast corner of Lot 8, Block E, of said TIERRA VERDE UNIT ONE, FOURTH REPLAT; thence northwesterly, along the Easterly boundary of said Lot 8, Block E, to the Southerly right-of-way line of Santa Maria Drive, said point also being the Northeast corner of said Lot 8, Block E; thence northerly, along the Easterly right-of-way line of said Santa Maria Drive, to the most Westerly corner of Lot 6 , of said Block E; thence northeasterly, along the Westerly boundary of said Lot 6, Block E, to the most Northerly corner of said Lot 6, Block E; thence westerly, along the South boundary of Lot 15, Block D, of said TIERRA VERDE UNIT ONE, FOURTH REPLAT, to the Southwest corner of said Lot 15, Block D; thence northerly, along the West boundary of said Lot 15 , Block $D$, to a point of intersection with the Southerly right-of-way line of Ponce De Leon Drive, said point also being the Northwest corner of said Lot 15, Block D; thence northerly, along the Easterly right-of-way line of said Ponce De Leon Drive, to the most Westerly corner of Lot 3, Block D, of said TIERRA VERDE UNIT ONE, FOURTH REPLAT; thence northeasterly, along the Westerly boundary of said Lot 3, Block D, to the Northwest corner of said Lot 3, Block D; thence easterly, along the Northerly boundary of said Lot 3, Block D, to the Southwest corner of Lot 6, Block C, of said TIERRA VERDE UNIT ONE, FOURTH REPLAT; thence northerly, along the Westerly boundary of said Lot 6 , Block $C$, to a point of intersection with the Southerly right-of-way line of Madrid Court, said point also being the Northwest corner of said Lot 6, Block C; thence northerly, along the Easterly right-of-way line of said Madrid Court, to the Southwest corner of Lot 4, of said Block C; thence northerly, along the Westerly boundary of said Lot 4, Block C, to the Northwest corner of said Lot 4, Block C; thence easterly, along the Northerly boundary of said Lot 4, Block C, to the Southwest corner of Lot 7, Block B, of said TIERRA VERDE UNIT ONE, FOURTH REPLAT; thence northerly, along the Westerly boundary of said Lot 7, Block B, to a point of intersection with the Southerly right-of-way line of Barcelona Drive, said point also being the Northwest corner of said Lot 7, Block B; thence northerly, along the Easterly right-of-way line of said Barcelona Drive, to the most Westerly corner of Lot 5 , of said Block B; thence northerly, along the Westerly boundary of said Lot 5, Block B, to the Northwest corner of said Lot 5, Block B; thence easterly, along the Northerly boundary of said Lot 5, Block B, to the Southwest corner of Lot 4, Block A, of said TIERRA VERDE UNIT ONE, FOURTH REPLAT; thence northerly, along the Westerly boundary of said Lot 4, Block A, to a point of intersection with the Southerly right-of-way line of Laguna Drive ( $5^{\text {th }}$ Street West per plat), said point also being the Northwest corner of said Lot 4, Block A; thence easterly, northerly and westerly, along the right-of-way line of said Laguna Drive ( $5^{\text {th }}$ Street West per plat), to a point of intersection with the Easterly right-of-way line of 6th Avenue North, said point also being the southwest corner of Lot 17, Block 13, of aforesaid TIERRA VERDE UNIT ONE, as recorded in Plat Book 57, page 42, of the Public Records of Pinellas County, Florida; thence northerly, along the East right-of-way line of 6 th Avenue North, to a point of intersection with the South right-of-way line of Madonna Boulevard, said point also being the Northwest corner of Lot 1, of said Block 13; thence easterly, along the South right-of-way line of said Madonna Boulevard, to a point of intersection with the West right-of-way line of $4^{\text {th }}$ Avenue North, said point also being the Northeast corner of Lot 29, Block 22, of said TIERRA VERDE UNIT ONE; thence southerly, along the West right-of-way line of said $4^{\text {th }}$ Avenue North and northerly along the East right-of-way line of $3^{\text {rd }}$ Avenue North, to the Northwest corner of Lot 9, of said Block 22; thence easterly, along the North boundary of said Lot 9, Block 22, to the Southeast corner of Lot 8 , of said Block 22; thence northerly, along the East boundaries of Lots 8, 7 and 6 , of said Block 22, to the Northeast corner of said Lot 6, Block 22; thence westerly, along the North boundary of said Lot 6, Block 22, to a point of intersection with the East right-of-way line of said $3^{\text {rd }}$ Avenue North, said point also being the Northwest corner of said Lot 6, Block 22; thence northerly, along said East right-of-way line of $3^{\text {rd }}$ Avenue North, to a point of intersection with the South right-of-way line of said Madonna Boulevard; thence northeasterly and easterly, along said Southerly right-of-way line of Madonna Boulevard, to the POINT OF BEGINNING.


## Parcels Projected to be Included on Assessment Roll

PARCELID
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## Parcels Projected to be Included on Assessment Roll

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## Parcels Projected to be Included on Assessment Roll

PARCELID
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## Parcels Projected to be Included on Assessment Roll

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