



# Pinellas County

## Staff Report

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File #: 22-0238A, Version: 1

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### **Subject:**

Agreement with the Property Appraiser Office for levying a non-ad valorem special assessment for the restoration of Hidden Cove II Oak Street Retention Pond in unincorporated Clearwater.

### **Recommended Action:**

Approval of the agreement with the Property Appraiser Office for levying a non-ad valorem special assessment for the restoration of Hidden Cove II Oak Street Retention Pond in unincorporated Clearwater.

- The first public hearing held and Board Resolution No. 21-114 was adopted on October 12, 2021 approving the use of State Uniform Non-Ad Valorem collection method to fund restoration of the retention pond and directing staff to estimate project costs and develop assessment methodology for the two property owners who have agreed to participate in the assessment.
- The agreement with the Property Appraiser Office implements the provisions of Section 197.3632, Florida Statutes, governing the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, for the purpose of levying a non-ad valorem assessment on two parcels in the Hidden Cove II Oak Street Subdivision for dredging a stormwater pond owned by such parcels.
- Pursuant to section 197.3632(2), Florida Statutes, and Section 12D-18.004(2), Florida Administrative Code, the Board must enter into a written agreement with the Property Appraiser providing for the Property Appraiser to assist in implementing the Assessment and be compensated for same.

Amount not to exceed \$34,000.00 to be paid by the property owners to County over the Agreement period; Assessment is scheduled to be levied upon agreement execution through December 31, 2031; Authorize the Clerk of the Circuit Court to attest.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to create and enhance a safe, secure, and healthy community

2.2 Be a facilitator, convener, and purchase of services for those in need

Practice Superior Environmental Stewardship

3.3 Protect and improve the quality of our water, air, and other nature resources

Deliver First-Class Services to the Public and Our Customers

5.4 Strive to serve the needs of all Pinellas County residents and customers

**Summary:**

Oak Street Pond is a private stormwater facility owned by two (2) property owners located at 1836 and 1860 Oak Street. The pond filled in with sediments over several decades due to lack of maintenance, thereby decreasing its storage capacity and causing localized flooding. There is public purpose for dredging the Oak Street Pond to restore storage capacity, abate flooding concerns, and improve water quality for the assessed properties.

The Board of County Commissioners (Board) previously adopted Resolution No. 21-114, on October 12, 2021, to approve the use of a special assessment. The exact project cost will determine the amount of the special assessment not to exceed \$34,000, to be spread over approximately ten (10) years.

In accordance with 197.3632(2), 2021 Florida Statutes, a second public hearing is required prior to the beginning of Fiscal Year (FY) 2023. It is anticipated the Public Hearing will take place in June 2022.

This step needs to occur for the Assessment to be included on the 2022 Non-Ad Valorem Tax Roll. Placement of the Assessment is required on the July 2022 Truth in Millage (TRIM) Notice to the property owner.

**Background Information:**

In October 2017, County staff received complaints of street flooding related to a privately owned pond located at 1837 & 1860 Oak Street in unincorporated Clearwater. An inspection of the pond revealed excess sedimentation and vegetation had reduced the pond capacity and resulted in repeated flooding over both lanes of the Oak Street right-of-way.

Based on records research, County staff determined the property owners are responsible to maintain the pond. Public Works attempted to relieve the road flooding issue by clearing the inflow and outflow. Following that effort, a warning notice was sent to the property owners on May 11, 2018 informing them of their maintenance responsibilities, requesting each property owner to develop and submit a plan, with timeline, to remove the excess vegetation and sediment from the pond as listed in the notice.

After several discussions with contractors, costs for the project were estimated to present a significant financial burden for each property owner, therefore the option of a special non-ad valorem assessment was discussed. The County received signed letters from each property owner acknowledging their interest in pursuing a potential non-ad valorem assessment to bring the Oak Street pond in compliance.

The property owners elected to participate in the Adopt-A-Pond Program, which allowed Public Works to participate in removal of the nuisance vegetation. The owners will also receive native plants and neighborhood education. The remainder of the project costs for sediment removal is not to exceed \$34,000.00, which would be assessed to the property owners.

**Fiscal Impact:**

Pond restoration is estimated at \$17,000.00 per homeowner for a combined total not to exceed \$34,000.00. The funding source is the Surface Water Assessment Fund. Funds are budgeted in the operating budget for the Environmental Monitoring and Assessment Program.

**Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works  
Brendan Mackesey, Assistant County Attorney

**Partners:**

Property Appraiser Office

**Attachments:**

Agreement  
Resident Interest Forms  
Project Location Map  
Resolution No. 21-114