



# Pinellas County

## Legislation Details (With Text)

**File #:** 22-1003A **Version:** 1  
**Type:** Resolution **Status:** Passed  
**File created:** 6/3/2022 **In control:** Board of County Commissioners  
**On agenda:** 7/19/2022 **Final action:** 7/19/2022  
**Title:** Resolution adopting a non-ad valorem roll under the state uniform non-ad valorem collection method for a special assessment for the completed dredging of the Hidden Cove II Oak Street retention area in unincorporated Clearwater.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Adopted RES 22-59, 2. AATF - Resolution 22, 3. Appendix A - Resolution 21-114, 4. Appendix B - Tax Collector Agreement, 5. Appendix C - Property Appraiser Agreement, 6. Appendix D - Roll for Tax Year 2022, 7. Appendix E - Roll Certification (AATF), 8. Oak Street w/ Labels Map, 9. Electronic Affidavit of Publication, 10. Affidavit of Publication, 11. Speaker Card Item #38

Date	Ver.	Action By	Action	Result
7/19/2022	1	Board of County Commissioners	approved	Pass

**Subject:**

Resolution adopting a non-ad valorem roll under the state uniform non-ad valorem collection method for a special assessment for the completed dredging of the Hidden Cove II Oak Street retention area in unincorporated Clearwater.

**Recommended Action:**

Conduct a public hearing and approve a resolution adopting a non-ad valorem roll under the state uniform non-ad valorem collection method for a special assessment for the completed dredging of the Hidden Cove II Oak Street retention area in unincorporated Clearwater.

- The Oak Street retention pond filled in due to lack of maintenance and has led to flooding in the Hidden Cove Subdivision.
- The pond is owned by two property owners who have agreed to a non-ad valorem assessment to cover the cost of restoring the pond.
- The County completed restoration of the pond at a cost of \$29,654.71.
- The Resolution will implement assessments through the Tax Collector and Property Appraiser.
- Agreements with the Tax Collector and Property Appraiser were approved by the Board of County Commission on April 12<sup>th</sup> and have been signed.
- The two property owners will reimburse the County's Surface Water Assessment Fund over a ten-year period.

Pond restoration cost is \$14,827.36 per homeowner for a total of \$29,654.71.

**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:**

This is the second of two (2) required public hearings. The first public hearing was for the purpose of adopting a resolution approving the use of a Non-Ad Valorem Special Assessment for the restoration of the Hidden Cove II Oak Street retention pond. Adoption of this Resolution, as part of the second public hearing, establishes specific costs to each property owner. To that effect, Agreements with the County Property Appraiser's Office and the Tax Collector's Office have been fully executed for this Project's Non-Ad Valorem Special Assessment.

The Pond is a private stormwater facility owned by two (2) property owners located at 1836 and 1860 Oak Street in unincorporated Clearwater. The pond filled in over several decades due to lack of maintenance, thereby decreasing its storage capacity and causing localized flooding.

There was public purpose for dredging the Oak Street Pond to restore storage capacity, abate flooding concerns, and improve water quality for the assessed properties. The County was better positioned to dredge the Oak Street Pond than the property owners. The County completed restoration of the Pond on March 28, 2022, at a total cost of \$29,654.71. The Resolution allows the County to assess the property owners over a ten (10) year period for reimbursement.

### **Background Information:**

In October 2017, County staff received complaints of street flooding related to a privately owned pond located at 1837 & 1860 Oak St. 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 St. right-of-way.

County staff determined the property owners were responsible to maintain the pond. The Public Works Department 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. Thus, 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 with its Site Plan.

The property owners elected to participate in the Adopt-A-Pond Program, which allowed Public Works to participate in removal of the nuisance vegetation. As part of the Adopt-A-Pond program the owners received native aquatic plants and neighborhood education.

**Fiscal Impact:**

Pond restoration cost was \$14,827.36 per homeowner, for a total of \$29,654.71. The affected property owners will reimburse the County's Surface Water Assessment Fund with 100% of project costs via the Non-Ad Valorem Special Assessment over a ten (10) year period.

The expenditure is not consistent with the fiscal year (FY) 2022 Annual Budget and may require an amendment. If this Resolution is approved, the revenue will begin in FY 2023.

**Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works

Brendan Mackesey, Assistant County Attorney

**Partners:**

Homeowner at 1836 Oak Street

Homeowner at 1860 Oak Street

**Attachments:**

Resolution 22-

Appendix A - Resolution 21-114

Appendix B - Tax Collector Agreement

Appendix C - Property Appraiser Agreement

Appendix D - Roll for Tax Year 2022

Appendix E - Roll Certification