

RESOLUTION R-97-30

A RESOLUTION OF MANATEE COUNTY, FLORIDA,
RESCINDING RESOLUTION R-93-120, ESTABLISHING A
MAINTENANCE DREDGING POLICY FOR THE DREDGING
OF NAVIGABLE WATERS WITHIN UNINCORPORATED
MANATEE COUNTY, FLORIDA

WHEREAS, On June 15, 1993, the Board of County Commissioners
adopted Resolution R-93-120, pertaining to public participation in
maintenance dredging in public waters within the jurisdiction of
unincorporated Manatee County, Florida, and

WHEREAS, Conditions have arisen where the strict application
of R-93-120, is no longer responsive to the public purpose, and

WHEREAS, Explicit procedures are required to establish the
benefitted public and private parties in the acceptance and
implementation of maintenance dredging projects serving the public
interest.

NOW, THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of Manatee County, Florida, that:

1. Resolution R-93-120, is hereby rescinded.
2. Procedures to review and accept maintenance dredging
projects in publicly navigable waters of unincorporated
Manatee County, Florida as set forth in attachment "A",
are hereby adopted.
3. Copies of Resolution R-97-30, to be furnished to Manatee
County local legislative delegation and the West Coast
Inland Navigation District.

Adopted with a quorum present and voting, this the 11th
day of March, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA
BY: Patricia M. Blase
Chairman

ATTEST: R.B. Shore
Clerk of the Circuit Court

By: [Signature]

ATTACHMENT "A"
COUNTY MANAGED
DREDGING PROJECT PROCEDURES

Step 1 - Project Initiation:

A one-time maintenance dredging project for navigable waters in unincorporated Manatee County can be initiated by either (A) or (B) below:

- (A) A petition submitted to the Project Management Director with a minimum of two-thirds (66 2/3%) of the benefitted property owners signing the petition in favor of the project. An application fee of \$10 per parcel abutting the project shall be paid when the petition is submitted to pay for owner verification and research on the property affected.

The petition shall contain, on each page containing signatures, the following mandatory language:

THIS PETITION IS PREPARED IN ACCORDANCE WITH MANATEE COUNTY RESOLUTION R-97-30, ESTABLISHING A POLICY FOR PUBLIC PARTICIPATION IN ONE-TIME MAINTENANCE DREDGING OF CANALS ACCESSIBLE FOR PUBLIC NAVIGATION. THE UNDERSIGNED UNDERSTAND THAT THE PROCEDURES ADOPTED IN RESOLUTION R-97-30 PROVIDE FOR A PUBLIC INFORMATION PROCESS, NOTIFICATION OF A PUBLIC HEARING TO CONSIDER ESTABLISHMENT OF A MUNICIPAL SERVICES BENEFIT UNIT TO ASSESS THE COST OF IMPROVEMENTS TO PROPERTY OWNERS, AND COUNTY MANAGEMENT OF THE PROPOSED DREDGING PROJECT.

- (B) Board of County Commissioners initiation-based on public health, safety, and welfare.

Step 2 - Evaluation/Cost Estimate:

County staff will evaluate:

- (A) the information submitted with the petition to insure that the petition is valid,
- (B) the public benefit of the proposed project, and
- (C) local conditions within the project area which affect the project site.

County staff will conduct a preliminary survey for purposes of cost estimation only.

Step 3 - Public Information Meeting:

County staff will schedule and conduct a public information meeting with the property owners to discuss:

- The scope of the project,
- The estimated costs,
- Project design options (Exhibits 1-3),
- Project engineering/permitting options,
- Potential funding sources including potential County financial participation,
- The tentative project schedule, and
- The requirements of the proposed Municipal Services Benefit Unit (MSBU).

Step 4 - Postcard poll:

Following the public information meeting, staff will prepare a supplemental public information packet for distribution to each property owner and include a stamped, self-addressed postcard for return to the County for purposes of:

- Registering who is in favor of or opposed to the dredging project,
- Providing input regarding the design standard,
- Providing input regarding the requirements of the MSBU, and
- Providing input regarding the method of engineering and permitting.

Step 5 - 2nd Public Information Meeting

A second public information meeting will be conducted to inform the property owners of the results of the postcard poll. If support for the project has fallen, staff will work with the property owners to resolve any outstanding issues.

Following this meeting, if support for the project remains at 2/3 (66 2/3%) or more, staff will proceed to Step 6. If the support is between 50% and 66 2/3%, staff will prepare a Board agenda item to advise the Board and determine if a public hearing will be conducted. If the support is less than 50%, staff will prepare a memo of information to the Board advising the Board of the results and recommending that no public hearing be conducted.

Step 6 - First Public Hearing to Consider Establishment of a
Municipal Services Benefit Unit (MSBU):

In accordance with local and state laws, each property owner will be notified by mail and a first public hearing will be conducted by the Board of County Commissioners to consider approving the project and establishing an MSBU for the collection of non ad valorem special assessments.

- Staff will present the results from the postcard poll to the Board.
- Based on input from property owners at the public information meeting and the results of the postcard poll, staff will make recommendations regarding funding, design standards, engineering/permitting methods, County financial participation, and any other items required.
- The Board will either approve the project and establishment of the MSBU with adoption of the preliminary special assessment roll, or deny the project, continue the public hearing, or defer the project.

Step 7 - Engineering/Permitting

Engineering and permitting may be completed by either (A) the County or (B) the property owners.

Option (A) - Engineering/Permitting by the County:

- After project approval by the Board, the County will perform engineering and permitting services in accordance with all local, state, and federal standards.

Option (B) - Engineering/Permitting by the Property Owners:

- Property owners will perform engineering and permitting services in accordance with all local, state, and federal standards.
- At the 50% design phase and the 100% design phase, the property owners shall submit all permit and construction documents to the County for review and comment. Comments must be addressed to the satisfaction of the County prior to initiation of the Construction Step (Step 7).

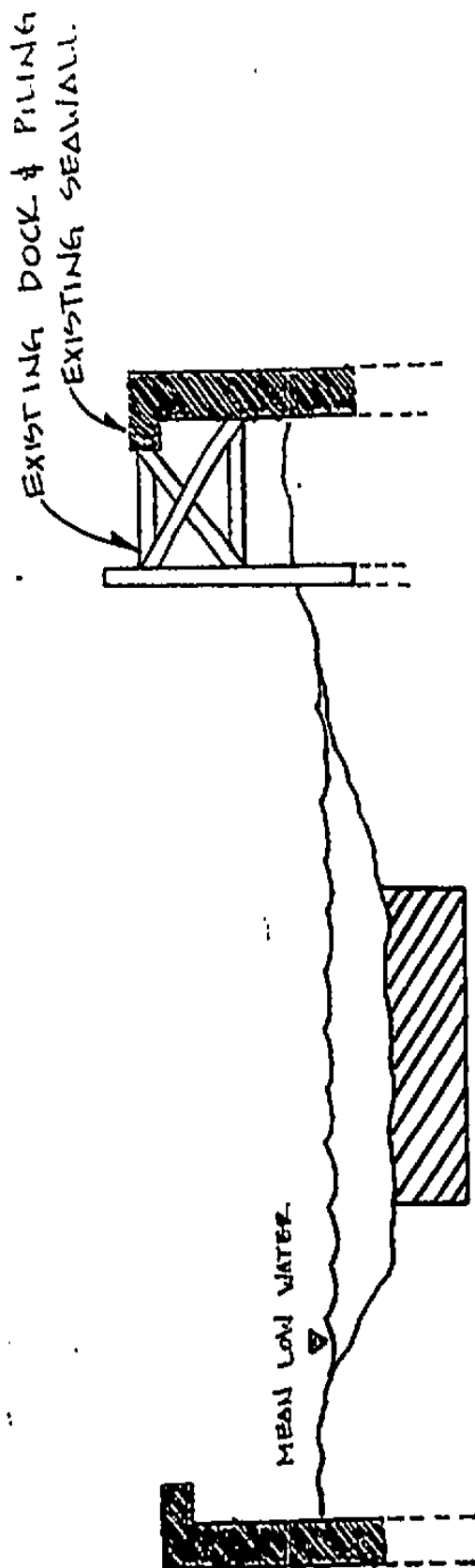
Step 8 - Construction:

- Upon the successful completion of plans and specifications and permitting, the County will engage a contractor to construct the dredging project.
- The contractor will be engaged according to the requirements of the Manatee County Procurement Code.

Step 9 - Second Public Hearing

- In accordance with local and state laws, each property owner will be notified by mail and a second public hearing will be conducted by the Board of County Commissioners to consider the final project costs and to adopt the final special assessment roll.
- The total project costs will be assessed on the ad valorem tax bill in accordance with the approved method of assessment adopted pursuant to the first public hearing. The second public hearing is held between June and September of the year following construction completion.

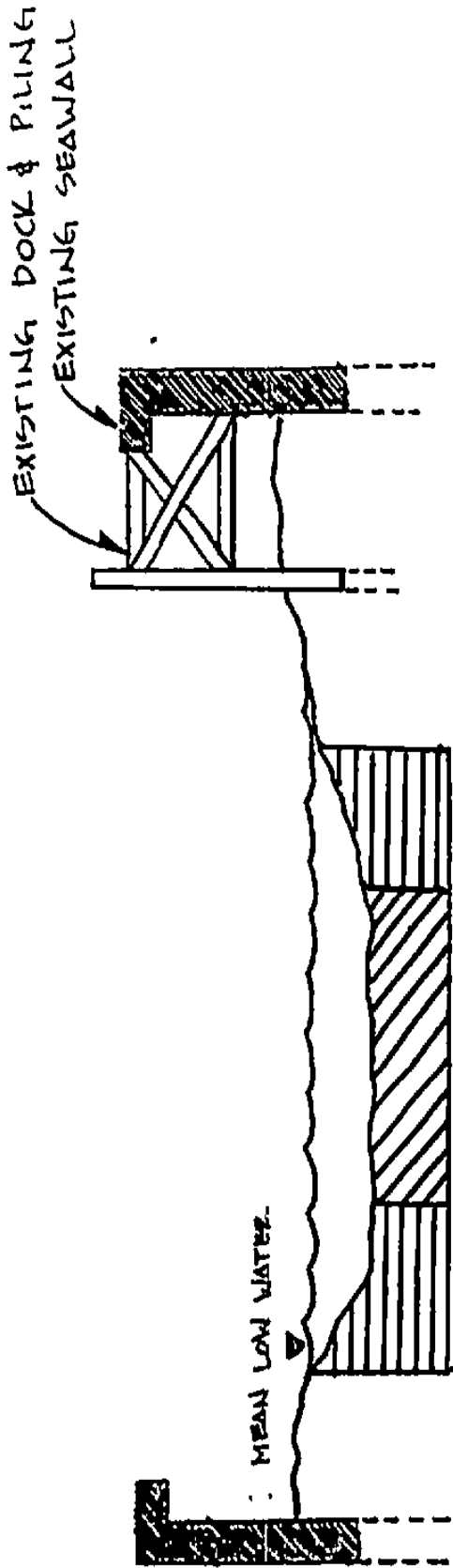
DESIGN OPTION "A"



Dredge a minimal width navigational channel within the existing canal. Width to be determined by good engineering practices. This would provide for ingress and egress only.

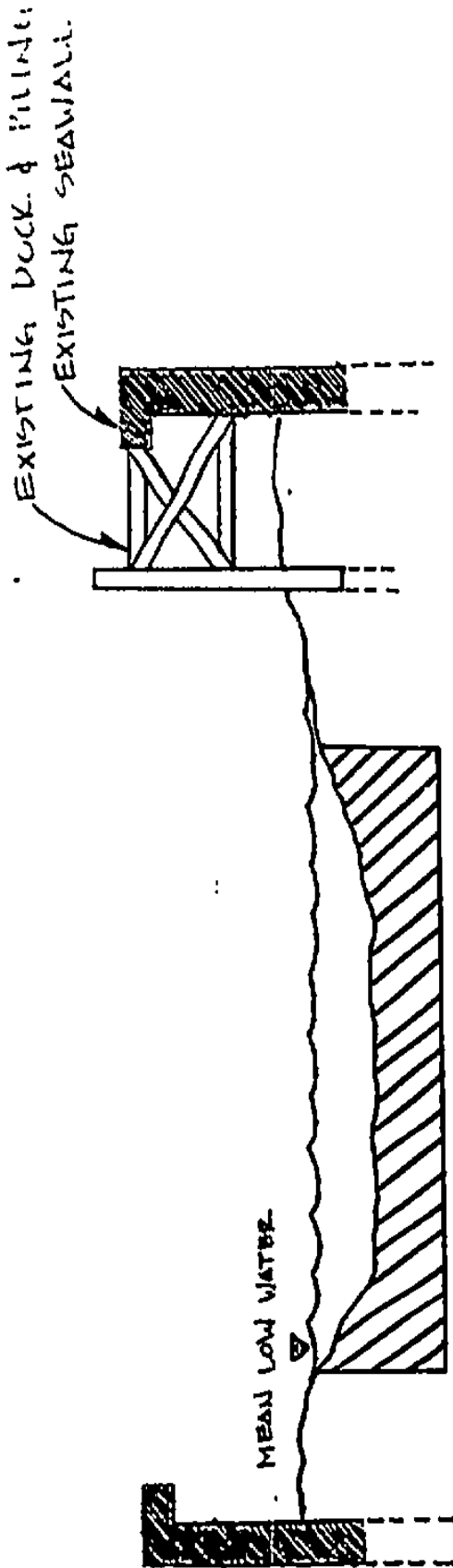
EXHIBIT 1

DESIGN OPTION "B"



Dredge a minimal width navigational channel within the existing canal. Width to be determined by good engineering practices. Allow property owners to contract directly with the contractor to dredge next to docks, seawalls, etc. without County involvement. All dredging outside the minimal width box cut will be at the expense of the property owner. Indemnification for the minimal box cut will not be required.

DESIGN OPTION "C"



Dredge a minimum safe distance from seawalls, docks and structures as determined by the engineer utilizing good engineering practices. This option requires indemnification from the property owners to the County and can be accomplished by one of the following:

- 1) Commercial Insurance
- 2) Hold Harmless Clause
- 3) Include Damages in the MSBU
- 4) Owners to provide a Bond for Damages to structures (Seawalls, Docks, Etc.)