

RESOLUTION NO. R-04-089

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING POLICIES WITH RESPECT TO THE LEVY OF AND IMPOSITION OF SPECIAL ASSESSMENTS AND SPECIAL ASSESSMENT LIENS FOR ROAD PAVING PROJECTS RELATED TO SINGLE-FAMILY HOMES AND VACANT PARCELS WITH SIGNIFICANT DISPARITY IN LOT OR PARCEL SIZE.

WHEREAS, pursuant to Chapter 63-1582, Laws of Florida, as amended, and Chapter 125, Florida Statutes, and Resolution No. R-85-32, Manatee County has undertaken to provide road paving projects with all or a portion of the costs of such project recovered through the establishment of special assessments; and

WHEREAS, there are certain road improvement projects under consideration in which significant disparity exists in the size of the lots or parcels that will be benefited by the project; and

WHEREAS, the Manatee County Board of County Commissioners has determined that it is in the best interest of the County to provide general guidelines to assist staff and the County Administrator in planning and developing special assessment projects for road improvements that will reduce the burden on owners of large parcels used or zoned for single-family residence, but provide for the recapture of a portion of the costs of the project if such lot or parcel is subdivided during the initial life of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

1. Findings of Fact:
 - a. Manatee County is a rapidly developing county.
 - b. There exist many predominantly single-family communities within Manatee County where small lots with single-family homes abut very large lots or parcels of several acres that are undeveloped or used for single-family homes.
 - c. Assessments against each lot or parcel must bear a just proportion to that imposed on every other.
 - d. Assessments must not be in excess of the proportional benefits as compared to other assessments on other lots and tracts affected by the improvement.

- e. High road paving assessments against large lots or parcels of land used as single-family homes may be overly burdensome on owners of such property, but should be subject to recovery if the property is subdivided within a reasonable period of time after the road is paved.

2. General Guidelines for Apportioning Assessments:

- a. The general benefit to the public shall be deemed to be \$3,000.00 per mile per year over a ten (10) year period, which represents the cost of maintaining unpaved roads. This amount shall be reduced from the cost of the project assessed to the owners of abutting lots or parcels of land.
- b. After deducting the above amount from the cost of the project, one-half of the construction cost balance will be divided based upon the total front footage of the lots or parcels of land abutting the project and multiplied times the actual front footage of each benefited lot or parcel of land. The other half of the construction cost balance shall be divided by the total acreage of the benefited parcels of land and multiplied times the actual acreage of each parcel of land. The results of the above calculation will be added together for the total assessment for each parcel.
- c. Any large lot or parcel with a total assessment in excess of twice the average per lot or parcel calculation determined as provided above shall be assessed an amount equal to twice the average per lot or parcel assessment, payable with interest in equal annual installments over a fifteen (15) year period. The amount in excess of twice the average per lot or parcel assessment, plus interest, shall be a lien against the lot or parcel of land and due upon sale or subdividing the lot or parcel. If any lot or parcel of land assessed for an amount in excess of twice the average lot or parcel is not subdivided within fifteen (15) years after the date of adoption of the resolution establishing the assessments and imposing the liens, the lien shall automatically expire.

3. Except where bonds are secured by the assessments, the County's cost of using available revenues shall result in an interest charge at the rate of five percent (5%). If bonds are secured by the assessments, a higher interest rate may be charged if required by Chapter 63-1582, Laws of Florida.

4. The policies provided herein are general guidelines to be used by staff in developing initial assessment rolls. All assessments shall remain subject to adjustments as may be just and equitable and to be certain that no assessment exceeds the benefit to the lot or parcel so assessed.

5. This Resolution shall take effect in the manner provided by law and shall be applied to road paving special assessment projects subsequent to the date of its adoption.

ADOPTED with a quorum present and voting this 8th day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: *[Signature]*
Chairman

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

By: *[Signature]*
Deputy Clerk

