

**POLICY:**

This policy is intended to provide a program by which citizens that reside on a private road may petition the County to provide improvements and/or maintenance to their road, funded through a special assessment. The total costs associated with said road improvements and/or maintenance, which include construction, engineering, administrative, interest and financing costs, and other direct costs and fees, shall be borne by special assessments levied against benefiting property owners.

For purposes of this administrative regulation, a benefiting property owner is defined as one whose property abuts and/or adjoins the roadway(s) to be improved and/or maintained. This definition also includes those properties that connect to the roadway to be improved and/or maintained by an ingress/egress easement and those who must traverse over the affected roadway(s) for ingress and egress even if their property does not abut the roadway(s).

Evidence of roadway ownership must be provided by the petitioner to the County along with a Petition signed by all parties (100%) having an ownership interest in the affected roadway(s) and/or all benefiting property owners being assessed. Temporary Construction Easements and Perpetual Maintenance Easements will be required over and across the affected roadways.

The Director of Public Works or his designee shall serve as the Assessment Coordinator for purposes of this Administrative Regulation.

This policy is divided into two categories:

**1. Maintenance of unimproved and or improved private roads:**

Residents who reside on a private road may request that the County provide maintenance of their road(s) and fund 100% of said costs through a special assessment levied against all benefiting property owners. The level of maintenance shall be part of the request and may include items such as grading, mowing, tree trimming, pothole repair, etc. Private road maintenance is intended to be an ongoing program. If the benefiting residents wish the program to cease, a petition must be presented to the Board in a fashion similar to the way the district was established. At the end of each fiscal year, any funds collected through the assessment and not used will be held on account and used for future years. The Board has the option of adjusting the assessment up or down based on the actual cost of maintenance. In order to be eligible for this program, the roadway must be open to the general public.

**2. Improvements to private roads:**

Residents who reside on a private road may request that the County provide improvements such as paving or resurfacing, to their road and fund 100% of said costs through a special assessment levied against all benefiting property owners. Unimproved private roads that are desired to be improved and remain private shall be constructed to a reasonable standard as agreed to by the County and residents within the benefiting area. At a minimum, the roads shall be constructed to meet State standards for drainage. This program is intended to be based on a single project and is not ongoing. The Petition shall include a detailed description of the requested work. If the residents wish that the County assist in ongoing maintenance

after improvements are made, the Petition shall specifically request that maintenance be included. In order to be eligible for this program, the roadway must be open to the general public.

## **PROCEDURES:**

1. Request for Road Assessment – A representative of a Homeowners Association/Civic Association (number of members not a factor) or a property owner representing a group of property owners must submit a Petition signed by 100% of those having an ownership interest in the roadway(s) to the Assessment Coordinator. If for any reason the roadways are not owned by all of the benefiting property owners in the area or subdivision listed, then the signatures of 100% of all benefiting property owners being assessed and those having an ownership interest in the roadways must be affixed to said form. To be considered for inclusion in the following years' program, the Petition must be received by May 1 and include an Ownership & Encumbrance (O&E) Report from a Title Company of their choice, a highlighted map signed by the representative/contact person indicating the complete road segment(s) to be improved, the exact starting and ending points of the improvements and/or maintenance and a description of the requested improvements and/or maintenance. All improvements, i.e., drainage and side slopes, must be attainable within the established right-of-way easements.
2. Petition - If the property is owned jointly, the signature of either owner shall be sufficient. For owners with multiple lots, one signature will serve as approval for all benefitted properties listed in that same ownership. A tenant's signature does not qualify. The signature of the property owner of record, as shown in the official records of Citrus County, is required on the petition. Once the petition has been submitted, names shall not be withdrawn.
3. Non-Refundable Escrow Deposit – Two Hundred Fifty (\$250.00) Dollars for the first twenty five (25) lots and five (\$5.00) Dollars per lot thereafter shall be submitted with each Petition to cover preliminary costs associated with County staff time. In addition, the costs for mailing ballots to benefitted property owners via first class mail shall be included in the up-front costs at the current postage rate.
4. The Assessment Coordinator or designee shall review the petition to identify and verify the names and addresses of property owners abutting the proposed roadway(s) per the official records of Citrus County and verify that the majority requirement has been met.
5. Preliminary Inspection and Preliminary Opinion of Probable Cost – The Director of Public Works or designee shall determine the eligibility of the project and if eligible, prepare a Preliminary Opinion of Probable Cost. Eligibility will be based upon the approval of the Southwest Florida Water Management District and the existence of adequate right of way which is freely open to the public and other factors as deemed necessary to make a final determination as to the adequacy of the proposed roadway improvements and/or maintenance.
6. The Director of Public Works or designee will determine the most appropriate method of apportioning the assessments based on the quantity of assessment units and the methodology deemed to be the most equitable to all benefitted property owners. An

assessment unit is the unit or criteria utilized to determine the assessment for each parcel of property, as set forth in the initial assessment resolution. Assessment units may include, by way of example only and not limitation, one or a combination of the following: front footage, platted lots or parcels of record, vested lots, land area, improvement area, equivalent residential connections, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrency management regulations, property value or any other physical characteristic or reasonably expected use of the property that has a logical relationship to the local improvement or service to be funded from proceeds of the assessment.

7. First Community Meeting – If necessary, County staff may schedule a community meeting with the homeowners association or property owners to explain the assessment process and provide a Preliminary Opinion of Probable Cost.
8. Ballots – Ballots will be mailed to all benefitted property owners by first class mail requesting a response regarding the road improvements and/or maintenance project. Assessment information, a map, a preliminary non-binding Opinion of Probable Costs and an estimated annual assessment payable over a defined term will be enclosed. The benefitted property owners shall return their completed and signed ballot to the Land Section on or before the date indicated on the ballot. The percentage “In Favor”, “Not in Favor” and “No Response” will be determined from the returned ballots. Unreturned or incomplete ballots are not included in the “In Favor” and “Not in Favor” percentage calculations. Unless a ballot is returned with either a “Yes” or “No” response it will not be counted.
9. Maintenance – Included in the assessment are annual costs for requested, ongoing maintenance beginning the first year and each year thereafter for items including but not limited to grading, mowing, signage, striping, pothole and edge repairs. Pavement resurfacing is not included in the annual assessment. Future pavement resurfacing will be performed as a new assessment or as initiated by a new petition. Damage resulting from a natural disaster or emergency is not within the scope of ongoing maintenance.
10. Easements - Temporary Construction Easements and Perpetual Maintenance Easements will be required over and across the affected roadways. Any costs of obtaining easements will be included in the assessment.
11. Surveying – Surveying may be required to assure the roads are constructed within the legally designated easement. The cost of surveying will be included in the assessment.
12. Driveway Construction. New driveways will not be established within the assessment. Existing driveways might be repaired or replaced to accommodate stormwater flow or roadway alignment.
13. Additional Roadways – At the discretion of the Board of County Commissioners additional roadway(s) may be included or excluded to benefit the overall project. Lots abutting multiple roadways will be assessed according to the assessment methodology selected.

14. Second Community Meeting – If necessary, County staff may schedule a second meeting with the property owners. A Preliminary Opinion of Probable Cost will be provided.
15. Implementation Schedule: The assessments will be implemented between January 1st and September 15th pursuant to Chapter 86 of the Citrus County Code and the first installment of the assessment will be placed on the tax roll of the same year. **Collection of the special assessment will begin prior to the construction start date of road improvements, pursuant to Florida Statute 197.3632.**
16. After the final adoption of the special assessments, the County will proceed with the road improvement and/or maintenance project.
17. Design - All design and survey requirements shall be performed by a private consultant per the County's procurement process.
18. Construction – All construction shall be contracted by competitive bid per the County's procurement process and shall be performed by a contractor. Citrus County Department of Public Works will determine the construction schedule. Either a contractor or Citrus County will perform maintenance and inspection.
19. Construction Standards – Road improvements and/or maintenance of Private Roads will meet the following minimum requirements:

Unimproved dirt roads for which an MSBU is established for maintenance only will meet the following minimum requirements

- Right of way width and road location within right of way will be determined.
- Right of way will be cleared if necessary.
- Roadway Signage will be established if necessary.
- Drainage swales will be maintained or established as necessary and as much as possible in accordance with applicable permitting requirements to maintain and improve roadway drainage. Swales will be sodded or seeded.
- Culverts will be installed where necessary to improve stormwater runoff flow and reduce flooding of roadway.

Optional items that can be requested to be included annually in the MSBU are:

- Limerock addition to maintain roadway grade and provide roadway with 2% slope, as much as necessary.
- Grading is suggested at a minimum of 4 times a year. Additional grading is recommended to be assessed at 2 additional times a year to allow for two grading operations after a storm event.
- Widening of existing roadway to 20 feet width within right of way.

Owners of an unimproved roadway can request to have roadway improved to establish a stabilized surface. The following minimum requirements shall be met.

- Right of way width and road location within right of way will be determined.
- Right of way will be cleared if necessary.

- Drainage swales will be maintained or established as necessary and as much as possible in accordance with applicable permitting requirements to maintain and improve roadway drainage. Swales will be sodded or seeded.
- Sufficient Limerock will be mixed with roadway material to establish stabilized roadway compacted to 96% density; LBR 40.
- Roadway shall be crowned with 2% cross slope.
- Guidance and intersection control signage will be established if needed.
- Grading shall be completed a minimum of 4 times a year. Grading will be assessed at 6 times a year to allow for two grading operations after a storm event.

Paving/resurfacing criteria will be established by best engineering practices as recommended by the Director of Public Works or designee.

### **FUNDING:**

Upon approval of the project by the Board at the final public hearing, the assessment lien will attach to each benefitted property. Benefitted property owners shall have two (2) payment options pursuant to Florida Statute 197.3632 and Chapter 86 of the Citrus County Code.

- Option 1: The assessment may be paid in full without interest or penalties, at the Office of the Clerk of the Court within 30 days of adoption of a resolution by the Board at the final public hearing. A bill will be mailed after this hearing.
- Option 2: If not paid in full, the assessment will automatically be placed on an installment payment program. No action is required on their part. Under this option, the special assessment shall be paid in ten (10) equal annual installments together with interest plus administrative fees of 7% of the annual installment payment (2% for Tax Collector, 2% for Property Appraiser and 3% for County Administrative fee). This installment payment will appear on the annual tax bill and will be collected in the same manner as ad valorem taxes.

Please note that failure to pay any installment when due may cause a tax certificate to be issued against the property which, if not redeemed by the property owner, may result in the loss of title at a tax deed sale as prescribed in Chapter 197, Florida Statutes.

There is no penalty for prepayment or accelerating the loan payments and upon full payment of the assessment the Clerk of the Board will record a Satisfaction of Lien in the Public Records of Citrus County.

The costs for ongoing maintenance will be reflected on your annual tax bill as a non-ad valorem assessment beginning the first year and continuing each year thereafter.

**FOOTNOTES & REFERENCES TO RELATED AR's:** Supersedes AR 11.07 dated 1/25/00, AR 11.07-1 dated 2/27/01, AR 11.07-2 dated 9/10/02, AR 11.07-3 dated 7/22/03, AR 11.07-4 dated July 13, 2004 and AR 11.07-5 dated December 1, 2009.