

SUBJECT:**Policy and Procedures Establishing Municipal Service Benefit Units (MSBU) for Perpetual Maintenance of Previously Platted and Dedicated Roadways.****ORIGINATING DEPARTMENT:****Public Works****Page 1 of 4****POLICY:**

This policy is intended to provide a program by which property owners that reside on roadways which have been previously platted and/or dedicated to the County, may petition the County to provide perpetual maintenance to their roads. The MSBU is to fund the improvements necessary to upgrade the road to County Roadway Standards. In order to be eligible for this program, the roadway(s) must be open to the general public.

The Board of County Commissioners, through a Land Development Code Process, routinely accepts improved roads for perpetual maintenance after it has been proved that they were constructed to current County standards. It is understood that roadways previously constructed have not been accepted by the County for perpetual maintenance due to various reasons.

The purpose of this program is to provide property owners living on previously platted and/or dedicated and privately maintained roads the ability to request that the County accept the maintenance responsibility of their road(s) and establish an assessment district to fund any reconstruction modifications necessary to ensure these roads meet the eligibility standards of this program prior to Board acceptance. Eligibility for this program is subject to the approval of the State Regulatory Agency for the required Environmental Resource Permitting and the following requirements:

- The platted right-of-way and drainage areas must be in existence prior to the date of this administrative regulation.
- All improvements i.e. drainage and side slopes must be attainable within the established right-of-way.
- The right-of-way must be a minimum width of fifty (50) feet. With the approval of the Director of Public Works or designee, widths of less than fifty (50) feet may be included where extraordinary circumstances exist.
- At no time will a road be included if the width is insufficient to allow for proper maintenance, drainage, and public safety.

PROCEDURES:

1. Request for Road Assessment – A representative/contact person of a Homeowners Association/Civic Association (number of members are not a factor) or a property owner representing a group of property owners, must present to the Citrus County Land Section, a petition signed by a majority of the land owners in a subdivision or portion thereof when less than 60 percent of the lots in said subdivision are developed; or a majority of the resident owners when 60 percent or more of the lots in said subdivision are developed, no later than June 1st of each year in order to be included in the following year's program.

The petition must include a highlighted map indicating the road(s) to be improved and/or maintained, the exact starting and ending points and be signed by the representative/contact person in order for the County to proceed. 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 affected properties listed in that same ownership. A tenant's signature does not qualify. The signature of the property owner of record, as shown on the records of the Citrus County Property Appraiser, is required on the petition. Once the petition has been submitted, names shall not be withdrawn nor shall the requested improvement options be changed.

2. Escrow Deposit – Preliminary costs associated with County staff time shall be prepaid and submitted with each petition. These preliminary costs will be determined on a per parcel basis with a minimum being Two Hundred Fifty (\$250.00) Dollars for the first twenty five (25) lots and Five (\$5.00) Dollars per lot thereafter. The escrow deposit is non-refundable unless the project is approved and the costs are included in the assessment.
3. Preliminary Inspection – The Director of Public Works or designee shall determine the eligibility of the project based upon their inspection of the proposed area and other factors as deemed necessary to make a final determination as to the adequacy of the proposed roadway. Such eligibility is also subject to the approval of the State Regulatory Agency for the required Environmental Resource Permitting.
4. Community Meeting – If necessary, County staff may schedule one or more community meetings with the homeowners association or property owners to explain the MSBU process.
5. Methodology - The special assessment district will be based on the lots of record as determined by the Citrus County Property Appraiser. The Director of Public Works or designee will determine to apportion the assessments using either a per parcel basis, front foot basis or other methodology deemed to be the most equitable to all affected property owners.
6. Voting Ballots – Voting ballots (ballots) will be sent to all affected property owners by first class mail requesting a response regarding the assessment project. Assessment information, a map, and a preliminary non-binding opinion of probable costs will be enclosed. The affected property owners shall return their completed and signed ballot to the Land Section on or before the date indicated on the ballot. A percent of returned voting ballots in favor of the assessment is not required to have the assessment established. The percentage “In Favor”, “Not in Favor” and “No Response” will be determined from the returned voting ballots and provided to the BOCC for determination of approval. Unreturned or incomplete voting ballots are not included in the “In Favor” and “Not in Favor” percentage calculations.
7. Competitive Bid and assessment process - If approved, the Department of Public Works Director or designee shall begin the competitive bid process and the assessment process pursuant to Florida Statute 197.3632, and Citrus County Code, Chapters 18 Sections 31-36 & 86 Special Assessments and determine the construction schedule.

8. Ingress/Egress Easements Connecting to Roadway – Single lots connecting to the roadway by an ingress/egress easement will be included in the assessment district.
9. Driveway Construction - Existing residences or businesses whose driveways are disturbed during construction will be reestablished. Existing driveways or portions thereof may be replaced to accommodate stormwater flow in roadside swales. New driveways will not be established through these programs.
10. A parcel of land abutting multiple roadways can only be assessed one time during the current or future years. Should any parcel be assessed for multiple sides in the same year under the front foot methodology, only the longest side will be assessed. If any parcel is exempted from assessment by virtue of being previously assessed, the exempted assessment portion will be reapportioned and included in the current assessment district.
11. Public Hearing Schedule – The First Public Hearing is held prior to January 1st of each year. The Final Public Hearing is conducted between January 1st and September 15th and the assessment placed on the tax roll of the same year.
12. Design - All design requirements shall be performed by either the County Engineer or a private consultant selected by the County from their list of approved consultants and said consultant costs shall be included in the assessment costs. County Engineer will determine if a consultant is needed.
13. Construction – All construction shall be contracted by competitive bid and shall be performed by a private contractor. Citrus County Department of Public Works will determine the construction schedule. Either a contractor or Citrus County will perform maintenance and inspection.

CONSTRUCTION STANDARDS:

Improvements of roads previously platted and privately maintained intended to be accepted for ownership and perpetual maintenance by the County will meet the following minimum requirements:

- 6 inch limerock base (LBR 100)
- 6 inch stabilized subgrade (LBR 40) or structural equivalent.
- 1 inch SP 9.5 asphalt layer or comparable Marshal Mix.
- 20 feet width of pavement. Can be requested to be reduced to 18 feet with justification.
- Stabilized shoulder
- Drainage system shall be free and clear of any agency enforcement actions and in an operating status if a SWFWMD permit was issued.
- Drainage system will be in an obvious and acceptable working condition with no obvious signs or erosion, washouts, flooding, etc.
- Roadway signage established.
- Roadway previously platted or right-of-way transferred to the County via plat or fee simple.
- All improvements (i.e. drainage and side slopes) must be attainable within the established right-of-way.

- In order to proceed through this process, a cure plan will be agreed to between the Public Works Director and applicant to bring the roadways to the stated standards. The cost to cure will be estimated by the County and be included in the assessment.

FUNDING:

Upon final approval of the project by the Board, the assessments shall be imposed prior to the start date of road improvements and a lien placed by the County on each benefiting property. The lien will be recorded in the Public Records of Citrus County to assure payment of the assessment by the property owners. Property owners benefiting from the road improvements shall have two (2) payment options:

- Option (1): They may pay the assessment 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 they choose not to pay the assessment in full they 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 at current interest rates, and administrative fees of 5% of the annual installment payment (2% for Tax Collector, 2% for Property Appraiser and 1% 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.

FOOTNOTES & REFERENCES TO RELATED AR's: (Lindsay Ubinas Blair)