

TOWN OF LOXAHATCHEE GROVES
CAPITAL IMPROVEMENT PROJECTS
ROAD AND DRAINAGE
COST SHARING POLICY

PURPOSE: The purpose of this policy is to provide an orderly and efficient method for the Town to balance the public service needs of the community with the fiscal capabilities. (See Resolution No. 2017-40). New Programs, services, or facilities shall be based on:

1. General citizen demand
2. Need
3. Or legislative mandate.

The Town shall provide funding for public services on a fair and equitable basis, and shall not discriminate.

POLICY: There is hereby established a policy for the creation of an assessment procedure for levy, collection, and adjustment of non-ad valorem assessments:

I. AUTHORITY

A. SECTION 166.021, F.S.

1. The legislative and governing body of a town shall have the power to carry on municipal government. To the extent not inconsistent with general or special law, this power shall include, but shall not be restricted to, the power to establish and subsequently merge or abolish capital improvement projects hereunder, for any part or all of the incorporated areas of the town, within which may be provided specified services.

B. SECTION 197.3632, F.S.

1. Non-ad valorem assessments may be collected in the same manner as ad valorem taxes, provided the Town Council of the Town of Loxahatchee Groves enters into a written agreement with the Property Appraiser and Tax Collector for reimbursement of necessary administrative costs, and provided the Town Council adopts a resolution at a public hearing prior to January 1 of each year stating its intent to use the uniform method of collecting such assessments.

II CREATION

- A. It shall be the policy of the Town Council of the Town of Loxahatchee Groves to require property owners residing on unimproved town roads who wish to have their roads improved may do so by petition process; however, the Town Council, at its discretion, may establish a minimum service improvement area requirement.
- B. Once the petition is completed and application is submitted, and {associated fee} a cost estimate will be prepared and the Town Council approved letter/vote card will be mailed to the benefitting property owners.
 1. All services are to be located on Town owned right-of-way, excepting situations wherein the affected properties owners are 100% responsible for the cost.
- C. The vote card must be signed and returned within 45 days of the date of the letter. The vote cards will be verified to determine that at least 51% of the benefitting responding property owners (or other options for determining basis for 51%) within the proposed unit boundaries signed in favor of the petition. Such verification shall be accomplished by comparing the vote card with the existing tax rolls of the Property Appraiser. The Town Council may also, at its discretion, increase the required percentage of signatures on a letter/vote card.
- D. Upon verification that 51% of the benefitting property owners (or other options for determining basis for 51%) signed in favor of the improvement, staff shall proceed with scheduling the project for public hearing. If the required 51% is not obtained within the 45 day period, the application will be deemed invalid and a letter will be mailed to the applicant to notify them that the requested improvement has not met the signature requirements.
- E. CAPITAL IMPROVEMENT PROJECTS
 1. The Town shall develop a "Scope of Project", engineering cost estimate and a preliminary budget and assessment rate based on the engineering estimate.
 2. For Road Paving projects only, roads that are owned by Town of Loxahatchee Groves will receive a contribution from Town of Loxahatchee Groves for fifty 50% of the all costs associated with the construction cost and the affected property owners will be responsible for fifty 50% of the construction cost.
 3. On roads that are not town owned, in addition to any other type of capital improvement project, the affected property owners will be responsible for 100 percent (100%) of the

construction costs. Construction cost will include engineering services such as permits, surveys, inspections, testing and design. The full cost of these items is the responsibility of the affected property owners.

4. Any additional property that is required to complete a paving and drainage project, i.e. right-of-way, drainage retention areas, etc., as determined by Town's engineer, should be donated to the Town prior to the design phase of the project.

F. OTHER SERVICES AUTHORIZED UNDER SECTION 166.021

1. The Town shall develop a recommended project scope and assessment method with input from the petitioner's representative for submitting to the Town Council of the Town of Loxahatchee Groves.
2. The project scope shall include but not be limited to the following:
 - (a) Legal description
 - (b) Plat of project area
 - (c) Location plan (if applicable)
 - (d) Operational and capital budget

- G. Upon receipt of the Scope of Project, the Town staff will recommend to the Town Council the procedures for implementing and funding the proposed improvement (per front foot assessment, per lot assessment, per parcel assessment, per acre assessment) and recommend a date for a public hearing.
- H. The Town staff shall request an assessment roll for the affected area from the Property Appraiser and shall certify the correctness of the roll for submitting to the Town Council at the same time the ordinance is adopted.
- I. The Town Attorney shall prepare an ordinance creating the improvement area (IA) for review by the Town Council.
- J. The Town Attorney will ensure the proper advertisement of a public hearing for the purpose of adopting the ordinance creating the improvement area (IA). The notice shall be published at least once 10 days prior to the scheduled hearing date. The Clerk's Office shall be responsible for actual placement of the advertisement. On roads that are not Town maintained, the petitioner shall be responsible for paying the cost of the advertisement directly to the newspaper.
- K. The Town staff will ensure the proper notice to each affected property owner by first class mail advising them of the date and time of the public hearing for the purpose of adopting the ordinance

creating the improvement area (IA).

- L. Between June and September of each year, the Town will hold a public hearing to adopt the proposed non-ad valorem assessment roll for each new improvement area (IA) created during the preceding calendar year. The notice requirement and conduct of the hearing will be in conformance with the provisions of Section 197.3632, F.S. In addition, a similar public hearing will be required in following years whenever there are changes in the boundaries or the purpose of the improvement area (IA) as outlined in Section 197.3632(4) (a).
- M. All service contracts are to be processed and managed by the Town staff and shall be in compliance with the Purchasing policies established by the Town Council.
- N. An improvement area (IA) may be created at any time during the fiscal year. However, implementation shall coincide with the adoption of the annual Town budget October 1. Valid petitions should be submitted by July 1 of the preceding year. All new improvement areas (IAs) must be created (ordinance adopted) by January 1 of each year in order to be implemented the following October.

III. AMENDMENTS TO EXISTING IMPROVEMENT AREAS (IAs)

- A. Any change in an existing improvement area (IA), such as additional must be reviewed by the Town staff and the petitioner's designated representative. Any proposed revision resulting in an increase or decrease in the services provided to the improvement area shall be reviewed by staff, which shall determine if a public hearing is necessary prior to approval of the revision.

IV ADMINISTRATIVE PROCEDURE FOR ADOPTION OF AN IMPROVEMENT AREA BUDGETS AND ASSESSMENT ROLLS

- A. The Town staff shall prepare the budget for the improvement area (IA) during the annual budget hearings and ensure that they are presented and adopted by the Town Council at the same time and fashion as the adoption of the Town's Annual Budget. The Town Attorney shall prepare the resolutions documenting the Town Council's approval of the improvement area (IA) budgets at the final public hearing to adopt the Town-wide budget.
- B. The Town management shall cause notice of the two public hearings (tentative and final) to consider adoption of the proposed improvement area (IA) budgets to be published in the

form of a legal advertisement in a newspaper of general circulation. The two public hearings on the adoption of the improved area (IA) budgets shall also serve as the hearings to adopt the improvement area assessments.

- C. The Town staff shall prepare the IA assessment rolls annually and present them to the Town Council for adoption at the same time as the similar assessment resolutions are approved and will be included in the Town-wide budget. The Town staff will ensure that the assessment roll certifications are submitted to the Property Appraiser and Tax Collector for collection as set forth by F.S., Chapter 197.332.
- D. Upon the annual adoption of the IA assessment rolls, such rolls shall be certified by the Town staff to the Property Appraiser and Tax Collector by September 15 for billing and collections for that year. (Authority under Chapter 197, F.S.)
- E. Assessments become delinquent after April 1, and failure to pay may result in a lien levied against the property and may result in the sale of a tax certificate in accordance with 197.432, Florida Statutes.
- H. In the case when an individual IA is closed out, residual monies remaining in the Fund totaling 10% or more of the original up-front budget will all be refunded back to the property's current owner of record as originally assessed, i.e., per lot, front footage, parcel, etc., unless the refund amount is less than \$50.00. Any residual monies remaining in the Fund totaling less than 10% of the original up-front budget will be transferred to the affected department, i.e., Transportation. Any shortages of monies within an individual IA Fund at close-out shall be transferred from the affected department into the IA Fund.



Town of Loxahatchee Groves

155 F Road, Loxahatchee Groves Florida, 33470

IMPROVEMENT AREA (IA) - APPLICATION

Application Fee - \$100.00

APPLICANT NAME	
ADDRESS	
CITY/STATE/ZIP	
PHONE	
LOCATION OF WORK	
TYPE OF WORK	

Examples of types of services which may be provided by IAs:

Road Paving Trails Drainage

Make check payable to TOWN OF LOXAHATCHEE GROVES

Applications without fees will be considered incomplete and returned to applicant.
If you have any questions, please call 561-793-2418.

Authority: Florida Statutes Chapter 166 authorizes the Town Council of the Town of Loxahatchee Groves to create an Improvement Area (IA) to provide specific services to any specified portion or all of the incorporated area of the Town. Florida Statutes Chapter 197.3632 authorizes such IA non-ad valorem assessments to be billed and collected in a uniform manner with ad valorem taxes. Policy No. _____ of the Town of Loxahatchee Groves provides the procedural requirements for creating and implementing an IA. Services are paid for by non-ad valorem assessments levied against property within benefited areas.

STANDARD CONDITIONS

- Application must contain legal descriptions of the proposed IA area to be served, preferably with plat map attached.
- Application must contain specific description of requested services. Attach pertinent information as necessary.
- Application must be submitted by July 1st for implementation with the annual County budget October 1st of the following year. All new IAs must be created (Ordinance adopted) by January 1st in order to be implemented by the following October 1st.
- Application must be on the form provided by the Town IA application packet which contains a copy of Policy___ available from the Town Offices, 14579 Southern Blvd., Suite 2, Loxahatchee Groves, Florida 33470.

I HEREBY CERTIFY THAT I HAVE MADE APPLICATION FOR THE IA DESCRIBED ABOVE, THAT I AGREE WITH THE CONDITIONS OF THE APPLICATION, AND THAT I WILL SERVE AS THE OFFICIAL REPRESENTATIVE FOR THIS IA REQUEST.

SIGNATURE

DATE