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MEMORANDUM

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TO: BRANFORD ADUMUAH  
JULIE BELLIA

FROM: ROBERT K. ROBINSON

DATED: MARCH 16, 2011

RE: ROAD & DRAINAGE SERVICE TO CITIZENS

You have inquired of our office a broad set of questions surrounding the City's funding to provide road and drainage services to the citizens of North Port. Specifically, would it be permissible for property owners to request road and drainage services to benefit their neighborhood subject to prepayment of a fee for this service. Could these property owners be allowed to defer the District assessments for several years if they prepay for the rehabilitation of their roads. And lastly, if this methodology is not allowed, what other alternative funding methods sources would be available such as Multiple Service Taxing Districts.

At some point in the past, the City of North Port elected to create a dependent special district under Sections 189.4041 of the Florida Statutes for the purpose of levying and collecting a special assessment against all properties in the City of North Port for the provision of road and drainage services. Specifically Chapter 170.01 of the Florida Statutes authorizes such special assessments. Section 66.47 through 64 of the City of North Port Code, creates this district empowering it to collect the special assessment "To provide (*among other things*) road, streets, boulevards, alleys, sidewalks, bike paths, street lights, street signs, street markings, drainage, drainage culverts and drainage

structures, or other improvements as defined herein, and beautification of rights-of-way attendant thereto and maintenance thereof.”

As you are aware, another possible source of funding that is typically utilized by local governments throughout the State for providing road and drainage services to its residents, is through ad valorem taxes. A mileage would be added to the City’s existing mileage to cover the cost of R&D services given the value of real property in North Port. We have determined in the past this would raise the City’s mileage to a level that might not be acceptable to its Citizens.

As to your first questions, the City would not be able to single out a neighborhood for the payment of an additional fee presumably for road rehabilitation when they have already paid that fee for a non ad valorem assessment. The City can, of course, disband the district, increasing the millage to cover the cost of road rehabilitation and then establish special assessment districts within the City around homogeneous neighborhoods for the purpose of expediting the improvement of their roadways and drainage facilities. This is similar to what the utilities department has done in the Florabana Sumter Gardens area of the City of North Port. The cost of the road rehabilitation and drainage improvements would be spread over a period of time with the owners paying this fee either monthly or annually. The City could also explore a hybrid District with some non ad valorem assessments and some mileage. This might entail dividing up the City into sub-districts. The City was also looking at separate district for Stormwater. I don’t know the status of that discussion.

As for other funding services, I have reviewed my available resources and found no other funding services for road maintenance, other than ad valorem taxes and non ad valorem assessments. Only Counties are authorized to use Multiple Service Taxing Units as contained in Chapter 125 of the Florida Statutes. I do not see that the district could use

fees or service charges, impact fees, franchise fees, interim governmental service fees, or utility availability charges for the purpose of road maintenance and rehabilitation.

Please let me know if you require anything further with regard to this matter. I would be happy to meet with you and your staff to discuss the matter further.