



## Legislation Text

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**File #:** 22-2946, **Version:** 1

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**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** A. Jerome Fletcher II, ICAM-CM, MPA, City Manager

**TITLE:** Discussion and Possible Action Regarding City Acceptance of Maintenance and Replacement of Metal Roadway Grates in the Duck Key Subdivision.

### **Recommended Action**

Discussion and possible action.

### **Background Information**

Commissioner McDowell has been working with the Duck Key residents and their Homeowners Association (HOA) Board Members for a few years regarding an ongoing issue with the metal stormwater grates in the roadway. The City of North Port accepted the Duck Key roads, sidewalks, public and private utilities on January 13, 2003. Since that time, the City has replaced the grates when the conditions of the grates became hazardous to vehicles and bicyclists (see July 17, 2017 capture).

About a year ago, the HOA Board Members contacted Commissioner McDowell about a few grates needing to be replaced due to their hazardous conditions. Commissioner McDowell approached the Interim City Manager and was advised that staff declined Duck Key's request to replace the grates because the grates are considered stormwater infrastructure. Upon further inspection, four grates within the subdivision had deteriorated to the level of posing a threat to the safety of pedestrians and motorists. The Department of Public Works Infrastructure and Facilities Division replaced the four grates to ensure the safety of the public, and tracked all costs to be invoiced to the Duck Key Homeowners Association once the issue of ownership of the stormwater system was resolved.

Currently, based upon the approved Road and Drainage District Methodology Study, Duck Key property owners are being assessed Road and Drainage District non-ad valorem assessments for Drainage I (primary drainage to include main canals and waterways), and Drainage II (secondary drainage to include outfalls and retention ditches), but are not being assessed for Drainage III (tertiary drainage such as neighborhood swales, pipes, and catch basins), similarly to other private subdivisions. It was suggested the Duck Key residents consider taking a formal HOA vote to have the City take over the stormwater infrastructure and have their assessments adjusted accordingly. Based on the Duck Key email thread, the City staff offered two options to the HOA, regarding the grates.

- Option 1 - to have the City replace the grates and the HOA reimburse the City of North Port
- Option 2 - for the HOA to petition the City to accept the stormwater with increase to assessments, after a thorough inspection at the expense of Duck Key HOA

On March 16, 2022, staff met with Duck Key representatives to discuss many things -- non-ad valorem assessment rates, inspection of the stormwater pipes, and various action items, including a City Attorney opinion.

On May 12, 2022, Commissioner McDowell received a request from the Duck Key HOA President, requesting a commission discussion on the matter so she is bringing the matter for discussion.

### **Strategic Plan**

Efficient and Effective Government

**Financial Impact**

Unknown.

**Procurement**

Not applicable.

**Attachments:**

1. Two Pictures of Grates
2. Minutes from January 13, 2003 Road and Drainage District Meeting
3. July 7, 2017 Capture of City Asset Management System Scheduling the Replacement of the Grates
4. Duck Key Email Thread
5. March 16, 2022 Notes
6. Duck Key Update Email Thread
7. May 12, 2022 Agenda Request from Duck Key HOA to Commissioner McDowell
8. Duck Key Research

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