

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING CHAPTER 11, INDIAN RIVER COUNTY CODE (1976 EDITION) AND PLACING REVISED CHAPTER 11 IN THE NEW CODE AS CHAPTER 208, SPECIAL ASSESSMENT.

WHEREAS, the County is in the transition of going from the old code (1976 edition) to the new Code (1990 edition); and

WHEREAS, the revision and placement of Chapter 11 in the new code is a step in that process,

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Indian River County, Florida that:

SECTION 1. REPEAL AND AMENDMENT.

Chapter 11, Improvements and Services, Indian River County Code (1976 edition) is hereby repealed in its entirety and a new Chapter 208, Special Assessments is hereby adopted as set forth in Attachment "A" hereto.

SECTION 2. EFFECTIVE DATE.

This ordinance shall become effective on becoming law.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 28 day of July, 1992.

This ordinance was advertised in the Vero Beach Press-Journal on the 29 day of June, 1992, for a public hearing to be held on the 28 day of July, 1992, at which time it was moved for adoption by Commissioner Scurlock and the motion was seconded by Commissioner Bird, and, adopted by the following vote:

Chairman Carolyn K. Eggert	Aye
Vice Chairman Margaret C. Bowman	Aye
Commissioner Don C. Scurlock, Jr.	Aye
Commissioner Richard N. Bird	Aye
Commissioner Gary C. Wheeler	Resigned

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

By Carolyn K. Eggert
Carolyn K. Eggert
Chairman

Attest by Jeffrey K. Barton
Jeffrey K. Barton
Clerk

A. Whitehouse
D.C.

Acknowledgment by the Department of State of the State of Florida,
this 3rd day of August, 1992.

Effective date: Acknowledgment for the Department of State received
on this 6th day of August, 1992, at 11:00a.m./p.m. and filed
in the Office of the Clerk of the Board of County Commissioners of
Indian River County, Florida.

Indian River Co.	Approved	Date
Admin.	<i>[Signature]</i>	6-16-92
Legal	<i>[Signature]</i>	6-9-92
Budget	<i>[Signature]</i>	6-12-92
Dept.	<i>[Signature]</i>	6/14/92
Risk Mgr.		

ATTACHMENT "A"

CHAPTER 208. SPECIAL ASSESSMENTS

Sec. 208.01. Method of prorating.

Special assessments against property deemed to be specially benefitted by County Improvements shall be assessed upon the property specially benefitted by the improvements in proportion to the benefits to be derived therefrom, said special benefits to be determined and prorated according to the foot frontage of the respective properties specially benefitted by said improvement, or by such other method as the board may prescribe.

Sec. 208.02. Resolution required to declare special assessments.

When the board determines to defray the whole or any part of the cost of any improvements by special assessments, the board shall declare by resolution the nature and location of the proposed improvements, the part or portion of the cost thereof to be paid by special assessments, the manner in which the assessments are to be made, when the special assessments are to be paid, and what part, if any, shall be paid from the general improvement fund of the county. The resolution shall designate the lands upon which the special assessments are to be levied. In describing said lands it shall be sufficient to describe them as "all lots and lands adjoining and contiguous or bounding and abutting upon the improvements or specially benefitted thereby and further designated by the assessment plat with respect to the special assessments." The resolution shall also state the total actual or estimated cost of the improvements. Such cost may include the cost of construction or reconstruction, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, discount on the sale of bonds, cost of plans and specifications, surveys, estimate of costs and of revenues, cost of engineering and legal services, all other expenses necessary to determine the feasibility or practicability of such construction or reconstruction, administration, expenses, and such other expenses as may be necessary or incident to the financing herein authorized.

Section 208.03. Assessment plat.

At the time of the adoption of the resolution aforesaid, there shall be on file with the clerk of the county, an assessment plat showing the area to be assessed. The assessment plat shall be open to inspection by the public.

Section 208.04. Publication of resolution.

Upon the adoption of the resolution aforesaid, the county shall cause the resolution to be published one time in a newspaper of general circulation published in the county.

Sec. 208.05 Assessment roll.

Upon the adoption of the resolution aforesaid, the board shall have an assessment roll made in accordance with the method provided in the resolution. The assessment roll shall show the lots and parcels of land assessed and the assessment against each lot or parcel of land, and if said assessment is to be paid in installments, amounts and due dates thereof. The assessment roll shall be promptly completed and filed with the board.

Sec. 208.06. Publication of assessment roll - time and place of hearing.

Upon the completion of the assessment roll, the board shall fix by resolution a time and place at which the owners of the property to be assessed, or any other interested persons, may appear before the board and be heard as to the propriety and advisability of making the improvements, if not already made, the cost thereof, the manner of payment therefore and the amount to be assessed against each property. At least ten (10) days' notice in writing of such time and place shall be given to such property owners which shall be served by mailing a copy of such notice to each of such property owners at his last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser, proof of such mailing to be made by affidavit of the clerk of the county, provided that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by two (2) publications a week apart in a newspaper of general circulation in the county. The last publication shall be at least one week prior to the date of the hearing. The notice shall describe the streets or other areas to which the improvements relate and advise all interested persons that the description of each property to be assessed and the amount to be assessed to each property may be ascertained at the office of the clerk of the county.

Sec. 208.07. Equalizing board.

At the time and place named in the notice provided for in Section 208.06 the board shall meet as the equalizing board to hear and consider any and all complaints as to the special assessments and it shall adjust and equalize the special assessments on the basis of justice and right. When so equalized and approved by resolution of the board, the special assessments shall stand confirmed and shall remain legal, valid and binding first liens upon the property against which the special assessments were made, until paid in full. Promptly after confirmation, the special assessment shall be recorded by the clerk of the county in the Official Records Book of the county and such recordation shall include indexing by the individual property owner's name. The recordation of the lien shall be prima facie evidence of its validity.

Sec. 208.08. Final "as-built" assessment.

Upon completion of the improvements, the county shall credit to each of the special assessments the difference in the special assessment as originally made, approved and confirmed and the proportionate part of the actual cost of the improvements to be paid by special assessments as finally determined upon the completion of the improvements, but in no event shall the final special assessments exceed the amount originally assessed.

Sec. 208.09. Special assessment in lieu of impact fees.

In lieu of the impact fees now or hereafter imposed under County Ordinance 84-18, as amended and supplemented, or other applicable provisions of law, the board, at its sole discretion, is hereby authorized to assess, by resolution, special assessments in lieu of impact fees. Special assessments in lieu of impact fees shall be assessed against the properties with respect to which impact fees would otherwise be imposed. A special assessment in lieu of an impact fee shall be assessed only against a specific property with the consent of the owner of said property. Such consent shall be given in the manner prescribed by resolution of the board. In the event consent is given with respect to a specific property, then the impact fee which would otherwise be imposed with respect to said property shall not be imposed, anything to the contrary contained in any ordinance or other provision of law notwithstanding.

CHAPTER 206. SPECIAL ASSESSMENTS

- Sec. 206.01. Method of prorating.
 Sec. 206.02. Resolution required to declare special assessments.
 Sec. 206.03. Assessment plat.
 Sec. 206.04. Publication of resolution.
 Sec. 206.05. Assessment roll.
 Sec. 206.06. Publication of assessment roll; time and place of hearing.
 Sec. 206.07. Equalizing board.
 Sec. 206.08. Final "as-built" assessment.
 Sec. 206.09. Special assessment in lieu of impact fees.

Section 206.01. Method of prorating.

Special assessments against property deemed to be specially benefitted by county improvements shall be assessed upon the property specially benefitted by the improvements in proportion to the benefits to be derived therefrom, said special benefits to be determined and prorated according to the foot frontage of the respective properties specially benefitted by said improvement, or by such other method as the board may prescribe.
 (Ord. No. 92-28, § 1, 7-28-92)

Section 206.02. Resolution required to declare special assessments.

When the board determines to defray the whole or any part of the cost of any improvements by special assessments, the board shall declare by resolution the nature and location of the proposed improvements, the part or portion of the cost thereof to be paid by special assessments, the manner in which the assessments are to be made, when the special assessments are to be paid, and what part, if any, shall be paid from the general improvement fund of the county. The resolution shall designate the lands upon which the special assessments are to be levied. In describing said lands it shall be sufficient to describe them as "all lots and lands adjoining and contiguous or bounding and abutting upon the improvements or specially benefitted thereby and further designated by the assessment plat with respect to the special assessments." The resolution shall also state the total actual or estimated cost of the improvements. Such cost may include the cost of construction or reconstruction, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and

during construction and for one (1) year after completion of construction, discount on the sale of bonds, cost of plans and specifications, surveys, estimate of costs and of revenues, cost of engineering and legal services, all other expenses necessary to determine the feasibility or practicality of such construction or reconstruction, administration, expenses and such other expenses as may be necessary or incident to the financing herein authorized.

(Ord. No. 92-28, § 1, 7-28-92)

Section 206.03. Assessment plat.

At the time of the adoption of the resolution aforesaid, there shall be on file with the clerk of the county, an assessment plat showing the area to be assessed. The assessment plat shall be open to inspection by the public.

(Ord. No. 92-28, § 1, 7-28-92)

Section 206.04. Publication of resolution.

Upon the adoption of the resolution aforesaid, the county shall cause the resolution to be published one (1) time in a newspaper of general circulation published in the county.

(Ord. No. 92-28, § 1, 7-28-92)

Section 206.05. Assessment roll.

Upon the adoption of the resolution aforesaid, the board shall have an assessment roll made in accordance with the method provided in the resolution. The assessment roll shall show the lots and parcels of land assessed and the assessment against each lot or parcel of land, and if said assessment is to be paid in installments, amounts and due dates thereof. The assessment roll shall be promptly completed and filed with the board.

(Ord. No. 92-28, § 1, 7-28-92)

Section 206.06. Publication of assessment roll; time and place of hearing.

Upon the completion of the assessment roll, the board shall fix by resolution a time and place at which the owners of the property to be assessed, or any other interested persons, may appear before the board and be heard as to the propriety and advisability of making the improvements, if

not already made, the cost thereof, the manner of payment therefor and the amount to be assessed against each property. At least ten (10) days' notice in writing of such time and place shall be given to such property owners which shall be served by mailing a copy of such notice to each of such property owners at his last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser, proof of such mailing to be made by affidavit of the clerk of the county, provided that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by two (2) publications a week apart in a newspaper of general circulation in the county. The last publication shall be at least one (1) week prior to the date of the hearing. The notice shall describe the streets or other areas to which the improvements relate and advise all interested persons that the description of each property to be assessed and the amount to be assessed to each property may be ascertained at the office of the clerk of the county.

(Ord. No. 92-28, § 1, 7-28-92)

Section 206.07. Equalizing board.

At the time and place named in the notice provided for in section 206.06 the board shall meet as the equalizing board to hear and consider any and all complaints as to the special assessments and it shall adjust and equalize the special assessments on the basis of justice and right. When so equalized and approved by resolution of the board, the special assessments shall stand confirmed and shall remain legal, valid and binding first liens upon the property against which the special assessments were made, until paid in full. Promptly after confirmation, the special assessment shall be recorded by the clerk of the county in the official records book of the county and such recordation shall include indexing by the individual property owner's name. The recordation of the lien shall be prima facie evidence of its validity.

(Ord. No. 92-28, § 1, 7-28-92)

Section 206.08. Final "as-built" assessment.

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ments the difference in the special assessment as originally made, approved and confirmed and the proportionate part of the actual cost of the improvements to be paid by special assessments as finally determined upon the completion of the improvements, but in no event shall the final special assessments exceed the amount originally assessed.

(Ord. No. 92-28, § 1, 7-28-92)

Section 206.09. Special assessment in lieu of impact fees.

In lieu of the impact fees now or hereafter imposed under County Ordinance 84-18, as amended and supplemented, or other applicable provisions of law, the board, at its sole discretion, is hereby authorized to assess, by resolution, special assessments in lieu of impact fees. Special assessments in lieu of impact fees shall be assessed against the properties with respect to which impact fees would otherwise be imposed. A special assessment in lieu of an impact fee shall be assessed only against a specific property with the consent of the owner of said property. Such consent shall be given in the manner prescribed by resolution of the board. In the event consent is given with respect to a specific property, then the impact fee which would otherwise be imposed with respect to said property shall not be imposed, anything to the contrary contained in any ordinance or other provision of law notwithstanding.

(Ord. No. 92-28, § 1, 7-28-92)

(NASSRULE. JDC)

ASSESSMENT RULES

(Effective February 13, 1992)
(Revised September 22, 1992)

1. Parcels of two acres or less shall be fully assessed. (If not less, go to two).
2. Parcels in excess of two acres which have less than 295' frontage shall be assessed a maximum of two acres. (If not, go to three).
3. Parcels with more than 295' frontage and more than 300' deep shall be assessed to a depth of 150' or a minimum of two acres. If not more than 300' deep, then fully assess.

An exception may occur if a parcel can receive service from two sides or more.