

AN ORDINANCE PROVIDING FOR THE TERMINATION OF CERTAIN LOCAL ROAD PAVING ASSESSMENTS (PVAS); PROVIDING FOR WAIVER OF SECTION 94-18 OF THE PASCO COUNTY CODE OF ORDINANCES; PROVIDING FOR ADMINISTRATIVE RELIEF; PROVIDING FOR THE WAIVER AND SUSPENSION OF INTEREST; PROVIDING FOR SEVERABILITY; PROVIDING FOR LIMITATIONS ON ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 94 of the Pasco County Code of Ordinances, the Board of County Commissioners (“Board”) passed resolutions authorizing the use of the uniform method for levy, collection, and enforcement of non-ad valorem assessments for paving assessments (“PVAS Assessments”); and

WHEREAS, the Board has elected to utilize a Municipal Service Taxing Unit (“MSTU”) in lieu of PVAS Assessments for the paving and maintenance of arterial, collector, and local roadways; and

WHEREAS, as part of the transition from PVAS Assessments to the MSTU, the Board has deemed it in the best interest of the County to terminate certain principal and interest amounts to be assessed on parcels within the MSTU; and

WHEREAS, the termination of the interest amount of any special assessments pursuant to this ordinance is permitted pursuant to the Board's authority in Section 94-16 of the Code of Ordinances to reduce interest rates to zero percent.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, that:

SECTION 1. FINDINGS.

The recitals and findings set forth herein are hereby adopted as legislative findings of the Pasco County Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption.

SECTION 2. TERMINATION OF CERTAIN ACTIVE PVAS ASSESSMENTS.

The principal and interest amounts to be assessed on a parcel on or after June 18th, 2024 pursuant to the attached PVAS resolution list, incorporated herein as Exhibit A are hereby terminated. Any past due balances and liens for PVAS Assessments as of the effective date of this ordinance (“Delinquent Assessments”) shall remain on the property. For example, if a

person or entity has been making annual payments for years 1-3 pursuant to a 10-year amortization schedule, then fails to make payments for years 4-6, the principal and interest for years 4-6 shall remain due to the County, and if year 7 is due after June 18th, 2024 then the remaining principal and interest payments for years 7-10 shall be forgiven pursuant to this section 2. Delinquent Interest for the missed payments from years 4-6 may be eligible for forgiveness pursuant to Section 4 of this Ordinance.

SECTION 3. WAIVER OF SECTION 94-18 OF THE CODE.

The termination of the principal amount of any special assessments pursuant to this ordinance is approved notwithstanding any contrary requirements in Section 94-18 of the Code of Ordinances. Section 94-18 of the Code of Ordinances is hereby waived to the extent of any conflict with this ordinance.

SECTION 4. SUSPENSION AND WAIVER OF INTEREST.

All interest on Delinquent Assessments shall be suspended and no longer accrue interest as of the effective date of this ordinance. The Board hereby delegates authority to the County Administrator, or his designee to waive Delinquent Interest on Delinquent Assessment accounts at the time the outstanding balance is paid in full. For purposes of this ordinance, Delinquent Interest shall mean any interest that has accrued as a result of past due principal balances which is in addition to the interest amount set forth in the amortization schedule.

SECTION 5. ADMINISTRATIVE RELIEF

To ensure that the termination authorized by Section 2 does not result in an unreasonable or inequitable apportionment among the property owners benefitted by the improvements, and otherwise complies with applicable legal requirements, the Board hereby authorizes the following refund procedure for those persons or entities that prepaid a principal amount greater than the amount due pursuant to the amortization schedule for that parcel:

a. The entity or person seeking the refund must provide proof, in a form acceptable to the County, that such entity or person prepaid the principal amount of the special assessment or has a contractual assignment of the right to a refund from the entity or person that prepaid the principal amount of the special assessment. The right to a refund is a personal right of the entity or person that prepaid the principal amount of the assessment and does not run with the land.

b. The entity or person seeking the refund must submit a complete application for the refund to pavinginfo@pascocountyfl.net no later than four (4) years from the adoption date of this ordinance.

c. The amount of the refund shall be calculated as the amount of prepaid principal exceeding the principal amount that would have been due as of June 18th, 2024 pursuant to the amortization schedule for that parcel. For example, if a person or entity prepaid \$10,000.00 for a paving assessment with a 10-year amortization schedule, and as of June 18th, 2024 an amortization schedule for that property would have had a remaining principal balance of \$3,000.00, the person or entity would be entitled to a \$3,000.00 refund.

d. No refund shall be due if the special assessments terminated by this ordinance could have been terminated for legal reasons unrelated to this ordinance, including, but not limited to, the special assessments are not legally collectable.

e. The County Administrator, or designee, and Clerk and Comptroller are hereby authorized to pay the refunds authorized by this subsection from any legally available funding source as determined by the County Administrator, or designee, and the County Attorney. To the extent that such payments require a finding of valid public purpose, the Board hereby finds that such refunds serve valid public purposes, including, but not limited to: (a) ensuring that the County's special assessments comply with applicable law, and (b) ensuring that persons are not paying the County twice for the same local roadway improvements.

f. The Board hereby delegates authority to the County Attorney to grant exceptions from the foregoing refund requirements to the extent required by applicable law. If a refund request is fully or partially denied pursuant to this subsection, the County Administrator, or designee, shall provide a written determination with the reasons for the full or partial denial. Such determination shall be appealable to the Board no later than thirty (30) days from the applicant's receipt of such written determination.

SECTION 6. LIMITATIONS ON ACTIONS.

Any action or proceeding to contest the validity or sufficiency of this Ordinance or any of its provisions must be commenced within thirty (30) days after the adoption of this Ordinance. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of said Ordinance or any of its provisions shall be asserted, nor shall the validity of this Ordinance or any of its provisions be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such periods.

SECTION 7. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

SECTION 8. EFFECTIVE DATE.

The Pasco County Clerk and Comptroller shall file a copy of this Ordinance with the Florida Department of State by electronic mail within three (3) days of its adoption, and this Ordinance shall be effective from the date of its filing with the Department of State.

ADOPTED with a quorum present and voting this 9th day of July 2024.



Nikki Alvarez-Sowles, Esq.
Pasco County Clerk & Comptroller

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

Ronald E. Oakley
Ronald E. Oakley, Chairman

APPROVED
IN SESSION

JUL 9 2024

PASCO COUNTY
BCC

Exhibit A

PROJ NO.	PROJECT NAME	RESOLUTION NO	PROJ NO.	PROJECT NAME	RESOLUTION NO
421	PASCO LAKE ESTATES	16-21	3241	MODIFIED HIGHLAND NO. 6 (HMA)	18-222
605	MITCHELL ROAD	16-113	3245	HAMA DRIVE	08-222
762	BOWMAN ROAD	16-256	3247	WILDWOOD AVENUE 2	18-222
788	EAST HAMPTON VILLAGE	20-208	3249	ROSEDALE LANE	18-222
797	COLLEGE VIEW DRIVE	17-249	3250	ROXBURY DRIVE 2	18-222
847	OLD GRIFFIN PARK	17-232	3259	PERDEW ISLAND DRIVE	19-197
851	HELEN K. EAST	11-45	3261	COUNTRY CLUB ESTATES	21-292
891	FRIERSON LAKE DRIVE	18-222	3268	ROSEWOOD AT RIVER RIDGE	18-222
911	ORCHID LAKE	17-249	3269	ELIZABETH AVENUE	19-197
933	REED ROAD	18-222	3271	PEPPER DRIVE	21-248
943	8TH AVENUE	22-171	3274	GENEVA ROAD	20-219
945	COUNTRY CLOSE DRIVE	09-197	3290	CHERBOURG LOOP	19-216
964	MINNIEOLA DRIVE	2011 55	3291	PINE TREE LANE	20-208
967	23RD STREET	16-60	3292	ORLEANS PLACE	19-216
982	OTTO LANE	20-208	3293	CASCADE PLACE	19-216
1001	BUOY COURT	12-25	3295	LAKE PADGETT SOUTH	19-216
3000	SALTWATER BLVD.	17-249	3297	GRAND OAKS PHASE 1	20-219
3004	SHAMROCK & UNI-VILLE	18-222	3299	LONGSHORE DRIVE (4 STREETS)	19-216
3014	ALBRIGHT/GARSON LOOP	12-10	3302	GULF TRACE SUBDIVISION	21-292
3017	BAHIA LOOP #3	13-74	3304	PEBBLE BEACH CIRCLE	20-208
3024	SPUR ROAD	2016 256	3312	BASS LAKE ACRES	23-147
3025	20th STREET	18-222	3315	COOLWOOD AND KYLE DRIVES	21-99
3032	QUAIL HOLLOW PINES #2	13-146	3322	HAMMOCK ROAD	20-208
3064	HICKS ROAD	2017-238	3328	JEROME ROAD	22-171
3067	WELBILT BLVD. (MITCHELL BLVD)	17-249	3336	COVINGTON ROAD EAST	21-043
3074	EDGEWOOD SUBDIVISION	17-249	3338	THORNBRIAR PLACE	21-248
3080	ABAIR STREET	13-119	3347	OLDGATE CIRCLE	21-292
3083	PASADENA HEIGHTS	19-216	3350	FIELDGREEN PLACE	21-248
3091	FOREST HILLS EAST	17-249	3360	SARATOGA PLACE	21-248
3093	WILDWOOD AVENUE	18-222	3364	ALLYN DRIVE	21-292
3099	FILLMORE AVENUE	13-120	3365	EVELANE DRIVE	21-292
3114	KOHLER STREET	20-208	3367	SHIPWATCH DRIVE	22-167

3118	EDGEWATER CIRCLE	21-292	3369	WAXWING DRIVE	21-292
3135	AUTUMN LAKE BLVD.	16-256	3375	LAKE COMO DR	23-147
3136	CHALON STREET	17-249	3378	ORCHID LAKE VILLAGE UNIT 6	22-167
3137	TALL TREE COURT	17-248	3380	BAYWOOD FOREST	22-167
3138	OAKS ROYAL MHP	17-249	3383	GOLDEN MEADOW DRIVE (3 STREETS)	22-171
3149	BELLFLOWER PLACE (SIX STREETS)	17-249	3386	ROGERS PLACE	22-171
3150	WALNUT STREET	17-249	3388	CALVARY ROAD	23-147
3154	CHARLSTON PLACE	17-249	3393	TIGER TRAIL	21-226
3164	CHELSEA LOOP	17-249	3395	DRIFTWOOD VILLAGE (FIRST ADDITION)	22-167
3165	MURROW STREET (14 STREETS)	17-249	3399	JULIA LANE	22-171
3166	LACOOCHEE PHASE I	20-241	3406	PALM LAKE	21-059
3167	LACOOCHEE PHASE II	21-38	3414	ABBAY DRIVE	22-171
3171	CRYSTAL LAKE DRIVE	16-256	3417	OAKS ROYAL III	22-171
3180	MARTHA LANE	16-256	3424	MEADOW POINTE UNIT 3	22-171
3181	LAKE PADGETT ESTATES I	17-249	3425	STAGE COACH VILLAGE PHASE 2	23-149
3197	BEAR CREEK	20-52	3431	ROBERTS ROAD	23-149
3198	JULIAN STREET	17-249	3434	DRIFTWOOD VILLAGE 2	23-147
3207	LINDA LANE	19-197	3436	TRINITY OAKS SUBDIVISION AND THOUSAND OAKS PHASE ONE	23-147
3208	CLUB VILLAS DRIVE (9 STREETS)	17-249	3449	BUENA VISTA LANE	22-75
3209	BEAGLE ROAD 2	18-222	3454	CEDAR WAY	23-149
3216	JENNITA DRIVE	18-222	3455	WYNDTREE BOULEVARD	22-121
3220	NORTH AVENUE	17-249	3458	LEXINGTON OAKS BLVD REVISED	22-111
3222	CARDY STREET	18-222	3459	TIMBERSET COURT	22-87
3224	GREENBROOK ESTATES	18-222	3461	SEAFORD DRIVE	22-77
3227	VETERANS VILLAS I (FIVE STREET	18-222	3463	COLDWELL DRIVE	22-76
3230	SUMMER LAKES	17-249	3469	MICHELLE AVENUE	22-99
3234	LACOOCHEE PHASE IIA	21-039	3470	LESLIE DR	22-98
3235	BAKER ROAD	18-222	3471	SEAGULL DRIVE	22-210
3236	COLONIAL MANOR	19-197	3476	SUNFISH DRIVE	22-147
3237	COLONIAL OAKS/COLONIAL MANOR	17-249	3481	HOLIDAY DRIVE (BONITA TO LANGE)	22-146

3238	ORANGEWOOD VILLAGE	19-197	3486	BRIGHAM ROAD	22-172
3239	ORANGEWOOD VILLAS	19-197	3497	JOHNSON ROAD	22-211
3240	HOLIDAY GARDENS (TAMMY LANE)	17-249	3509	WINDINGBROOK TRAIL	22-209
			9061	TWIN LAKE ESTATES	18-222