



Legislation Details (With Text)

**File #:** 21-0898  
**Type:** Departmental                      **Status:** Passed  
**In control:** Board of County Commissioners  
**On agenda:** 7/13/2021                      **Final action:** 7/13/2021  
**Title:** PRIVATELY MAINTAINED, PUBLICLY DEDICATED ROADWAYS IN MARTIN COUNTY  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Roadway Classification Tiers.pdf

| Date      | Ver. | Action By                     | Action   | Result |
|-----------|------|-------------------------------|----------|--------|
| 7/13/2021 | 1    | Board of County Commissioners | approved | Pass   |

**PLACEMENT:** Departmental

**TITLE:**  
**PRIVATELY MAINTAINED, PUBLICLY DEDICATED ROADWAYS IN MARTIN COUNTY**

**EXECUTIVE SUMMARY:**

Last year, the Board of County Commissioners (Board) directed staff to develop a strategy to address public roads that are privately maintained and to continue to formulate a multifaceted approach. Staff has reviewed this issue, prioritized roadway maintenance prioritization requirements for roadway transfer and developed a potential funding strategy for the Board to consider.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Kylie Yanchula and George Dzama  
**Title:** Field Operations Administrator and Deputy Public Works Director

**REQUESTED BY:** Martin County Board of County Commissioners

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Last year, the Board of County Commissioners (Board) directed staff to prepare a presentation on privately maintained, public roads in the County. Staff then gave a presentation on the history of roadway classifications relating to the supervision and control of roadways, as well as maintenance responsibility. After the presentation on the history of roadway classifications, the Board directed staff to develop a strategy to address publicly dedicated, privately maintained roadways beyond the current assessable paving program.

Property owners along many publicly dedicated, privately maintained roadways have expressed interest in having the roadway transferred to County maintenance. In order to transfer a publicly dedicated, privately maintained roadway into the County maintenance system, the roadway and drainage facilities must be constructed in accordance to the Martin County Standard Details for Road & Site Construction and Public Facilities. Bringing the roadway up to standard can be accomplished either by property owners assuming responsibility for the road improvements, or by the County completing the improvements through the Roadway Municipal Service Benefit Unit (MSBU) process.

The Roadway MSBU process requires that adjoining property owners request that the County perform the improvements by a 2/3 or 66.7% majority petition. The executed majority petition allows the County to proceed with Right-of-Way verification, preparation of preliminary cost estimate, and submission of balloting, which requires a 50%+1 majority in favor to proceed. Should the ballot vote be favorable, staff will prepare an Initial Assessment Resolution for public hearing in which the Board of County Commissioners may approve the project to be built by the County and funded via MSBU. The collection cost component is computed for each tax parcel and property owners may pay the collection cost by lump sum or evenly financed 10-year assessment on the property owner tax bill.

The Board has indicated that bringing publicly dedicated, privately maintained roadways into the County maintenance program is a priority. In order to address this priority, staff has developed a strategy for the County to contribute funding towards Roadway MSBU projects. This strategy considers the dedication of the roadway, maintenance responsibility, and roadway material in determining the percentage of funds contributed by the County which would be utilized to subsidize the Roadway MSBU program. All roadways would be required to adhere to the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance of Streets and Highways (Florida Greenbook). Martin County local roadway standards in the Land Development Regulations (LDRs) go beyond the minimum requirements in the Florida Greenbook. Approved variances may be possible to waive some of the LDR standards where necessary to allow for the conversion of historical roadways with geographic constraints.

The highest priority (Tier 1) of the program would involve converting publicly dedicated, County maintained unpaved roadways within the Urban Service District (USD) into paved roads using a 100% County-contribution. This will have a direct benefit to the County given that the maintenance cost of unpaved roads is greater than that of paved roads over a 20-year life cycle. The following priorities of the program would require participation in the Roadway MSBU program with County subsidization to respective tiers as follows: 50% to County maintained unpaved roadways outside the USD; 25% to privately maintained unpaved and paved roadways inside the USD; and 10% to privately maintained unpaved and paved roadways outside the USD. It is anticipated that subsidizing the cost of the assessments to property owners will increase participation in the program.

### **ISSUES:**

Lack of enforcement of County standards on existing privately maintained roadways;  
Insufficient right-of-way width to meet current County standards;  
Roadway infrastructure not built to current County standards;  
Assessment equitability;  
Socioeconomics;  
Funding constraints

**LEGAL SUFFICIENCY REVIEW:**

None

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board direct staff to formalize a program for converting roadways to the appropriate standard in accordance with each tier of Roadway MSBU project as presented.

Move that staff facilitate the Roadway MSBU program with recommended County contribution rates and proceed with the paving of County maintained dirt roads within the Urban Service utilizing the Dirt Road Paving (Urban Service District) CIP project funding allocations starting in FY23.

**ALTERNATIVE RECOMMENDATIONS**

Move that the Board direct staff to prioritize and program funding to accelerate conversion of Tier 1 dirt roadways into paved roadways over the next four years starting in FY22 in the amount of \$1 million annually.

Move that the Board direct staff to reprogram the Dirt Road Paving (Urban Service District) CIP project to the Roadway MSBU CIP project, allocating contribution funding towards the MSBU program for Tier 2-5 roadways starting in FY23 in the amount of \$350,000 annually as currently programmed in the CIP.

Move that the board provide direction to staff.

**FISCAL IMPACT:**

**RECOMMENDATION**

Continue with the programmed Dirt Road Paving (Urban Service District) CIP project in the amount of \$350,000 annually with Roadway MSTU funding.

The conversion of Tier 1 roadways will cost approximately \$4 million. Starting in FY23, \$350,000 is programmed in the CIP. The conversion of Tier 2-5 roadways will cost \$29 million, which will cost the County \$8 million in contributive funding. The petition process will be utilized to prioritize roadways and funding identified for contribution.

| <b>Funding Source</b> | <b>County Funds</b> | <b>Non-County Funds</b> |
|-----------------------|---------------------|-------------------------|
| Roads MSTU            | \$350,000.00        |                         |
|                       |                     |                         |
|                       |                     |                         |
| <b>Subtotal</b>       |                     |                         |
| <b>Project Total</b>  |                     |                         |

**ALTERNATIVE RECOMMENDATIONS**

The conversion of Tier 1 roadways will cost approximately \$4 million, which is proposed to be funded at \$1 million annually over 4 years. The conversion of Tier 2-5 roadways will cost \$29 million, which will cost the County \$8 million in contributive funding. The petition process will be utilized to prioritize roadways and \$350,000 annually (starting in FY23) currently programmed in the Roads MSTU funding in the Capital Improvement Program can be reprioritized towards conversions. Funds can be identified in fund balance or from the reallocation from another program (i.e. Neighborhood Restoration, Septic to Sewer).

**DOCUMENT(S) REQUIRING ACTION:**

- Budget Transfer / Amendment     Chair Letter     Contract / Agreement  
 Grant / Application     Notice     Ordinance     Resolution  
 Other:

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