

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY
LEONARDTOWN, MARYLAND

**CONSTRUCTION OF SUB-STANDARD ROADS
NOT IN THE COUNTY HIGHWAY MAINTENANCE SYSEM
BY SPECIAL TAXING DISTRICT**

March 10, 1977

(Amended: September 22, 1998)

(Amended: January 29, 2001)

(Amended: February 24, 2004)



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
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STATEMENT OF POLICY - BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY

SPECIAL TAXING DISTRICT - SUBSTANDARD SUBDIVISION ROADS

The very real problem of upgrading substandard subdivision roads and making them suitable for acceptance into the County Highway Maintenance System is one which can and does have the implication for a significant outlay of capital improvement funds. To provide a mechanism whereby the problem could be dealt with, the Board of County Commissioners for St. Mary's County requested and was granted in 1976 the legislative authority by the Maryland General Assembly to create Special Taxing Districts for this purpose.

The policy statements set forth below are based on certain premises:

1. The problem is one due to events of the past, which we are attempting to correct in the present and in the future. It may thus be impossible to affect a solution, which will find universal acceptance among all affected parties.
2. If the developer(s) of affected subdivisions had constructed the streets and drainage systems correctly in the first place, and if the County had accepted the then completed utilities, the County would have been and would be expending maintenance funds on such streets.
3. If the streets had been constructed to a higher standard, there would have been greater development costs and it is logical to conclude that higher per lot costs would have been passed on to the purchasers of those lots.
4. The County had an element of responsibility in the enforcing of regulations governing development of residential subdivisions and thus must share to some degree the correcting of these problem areas.
5. The buyer of a lot in a residential subdivision has a major element of responsibility to know what he/she is buying.....Government cannot entirely assume that responsibility for the individual.
6. The improvement of streets in a residential subdivision will most likely significantly improve the property values of those homes bordering such streets.... with the value accruing to those homeowners.
7. A goal to be strived for in the improvement of substandard subdivision streets through this mechanism should be equity... for both the lot owner and the County.

Taking into account the above premises, the following are general policy parameters within which a Special Taxing District for this purpose will be set up:

1. The cost, to include: design engineering, construction, and utility costs, is to be borne by the property owners petitioning the County to create a Special Taxing District for the purpose of bringing the streets up to the acceptable road standards, which were in effect at the time the subdivision was approved. The County would be responsible for all administrative, preliminary engineering and inspection costs.

STATEMENT OF POLICY - BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY

SPECIAL TAXING DISTRICT - SUBSTANDARD SUBDIVISION ROADS

2. If additional costs are to be incurred to construct the streets to today's standards, then those costs would be borne by the County. For example, if the then standards required surface treatment, but if the County should deem that since it will have to perpetually maintain those streets once accepted and that asphalt would be more cost effective over the long haul, then the County would bear the cost difference between surface treatment and asphalt.

Those subdivision streets or roads constructed prior to January 1, 1977 shall be eligible for consideration for improvement under the approved Special Taxing District provision.

3. The amortization period to retire the cost for the street improvements would be up to twenty (20) years.
4. Upon receipt of a petition by two-thirds (2/3) of the property owners, the County would assume the responsibility ... either with County personnel or consultants, as it deems appropriate, to do the preliminary engineering and determine estimated project costs. At this time, such estimates would be made available to the petitioners who would then make the decision whether or not they would agree to the creation of a Special Taxing District. Upon such agreement, the County would do with its personnel or by consultant, the design engineering and solicit construction bids. If the scope of the project would warrant consulting engineers, that cost as indicate in #1 above would be borne by the lot owners.
5. The financing of such construction projects would be accomplished by the County borrowing the necessary funds with the lot owners paying the costs of the interest and principal, except that the County's costs might be paid through budgetary appropriations or borrowing, as it would deem appropriate at that time.
6. It would be the policy that any such subdivision street reconstructed under this Ordinance would have to connect to an existing street or road, either in the County Highway Maintenance System or maintained by the State.
7. A key element will be the method of determining the share of the costs to be borne by each affected lot. This will have to be addressed separately in each Resolution adopted for each specific subdivision so that the specifics of that situation can thus be taken into account, i.e. "benefit derived or lot width".

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PROCEDURES FOR ESTABLISHING A SPECIAL ROAD TAXING DISTRICT

1. Letter of Interest by Property Owners submitted to the Board of County Commissioners.
 - Requires Map of the District Showing the Proposed Boundaries
2. Prepare Preliminary Design and Construction Cost Estimate(s)
 - Check Zoning, Sediment Control and Permitting Requirements
 - Establish Limits of District and Method of Assessment
 - Submit preliminary cost estimate to community
 - Schedule Public Informational Meeting
 - Notification to Property Owners of Record
3. Public Informational Meeting
 - Submit Package to Board of County Commissioners
 - Presentation to Residents – Estimated Cost, Assessment(s) and Timing
 - Written Follow-up to Citizens' Questions (if required)
 - Staff Review of Revisions
 - Confirmation of "Benefited" Properties
4. Petition by Property Owners Submitted to the County
 - Verify Adequacy of Signatures Obtained (i.e. 66.6% vs. 100%)
5. Prepare Draft Establishment Ordinance for Taxing District in Accordance with Final Petition
 - Perform Title Search, Prepare Deed, or Plat, for Right-of-Way(s)
 - Legal Review(s)
6. Approval of Petition and Draft Establishment Ordinance by the Board of County Commissioners
 - Request to Schedule Public Hearing
 - Notice Requirements
 - Request Capital Improvement Program (CIP) Funding
7. Public Hearing on Taxing District (Establishment) Ordinance by Board of County Commissioners
 - Ten (10) Day Comment Period
 - Fully Execute Deed(s), or Plat, for Right-of-Way(s)
8. Adoption of Ordinance by the Board of County Commissioners
 - Formal Notification to Property Owners with Copy of Ordinance
9. Recordation of Deed(s), or Plat, for Right-of-Way(s)
10. Preparation of Plans and Specifications (If Required)
 - Zoning, Sediment Control, Construction Plans and Permitting
 - Survey and Design Plans
11. Scheduling and Construction of Road(s)
 - Dependent on Capital Funding and Department Workload
12. Acceptance of Road(s) into County Highway Maintenance System
 - Approval of Traffic Resolution(s) by the Board of County Commissioners
 - Update Highway Inventory for Inclusion in State Gas Tax Revenue Allocation
13. Final Assessment of Costs
 - Project Closeout and Legal Review
 - Verification of Assessment by the Finance Department
 - Prepare Levy Ordinance and Request Hearing for Adoption by the County Commissioners

LETTER OF INTEREST

Special Road Taxing District

In accordance with Section 109-2 (D) of the Code of Public Local Laws for St. Mary's County, in and for St. Mary's County, the undersigned property owners in the _____ Subdivision ("District") request the Board of County Commissioners for St. Mary's County, Maryland, to take the necessary steps in order to hold a public informational meeting to determine the nature, extent of work, and the costs required to bring the streets and roads in the _____ Subdivision, _____ Election District, St. Mary's County, Maryland, to acceptable standards for inclusion into the County Highway Maintenance System. The proposed boundaries of the District are shown on the attached sketch/map of the subdivision.

We understand that our request, if approved, will also require a signed petition from two-thirds (2/3) of the benefiting property owners within the _____ Subdivision to be submitted so that the Board of County Commissioners may schedule and hold a public hearing for the establishment of _____ Road Improvements - Special Taxing District.

TAX MAP _____

Parcel _____ Lot _____	_____	_____
	Printed Name, Mailing Address, Phone Number	Signature
Parcel _____ Lot _____	_____	_____
	Printed Name, Mailing Address, Phone Number	Signature
Parcel _____ Lot _____	_____	_____
	Printed Name, Mailing Address, Phone Number	Signature
Parcel _____ Lot _____	_____	_____
	Printed Name, Mailing Address, Phone Number	Signature
Parcel _____ Lot _____	_____	_____
	Printed Name, Mailing Address, Phone Number	Signature
Parcel _____ Lot _____	_____	_____
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