

Okaloosa County BCC
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MSBU / MSTU Policy

Municipal Service Benefit Units
Municipal Service Taxing Units

Revised

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INTRODUCTION

The Okaloosa County Board of County Commissioner's Municipal Service Benefit Unit (MSBU) Program is a community self-help program. It provides a vehicle by which communities may enhance their efforts to secure quality construction of essential improvements. The success of the program is directly related to the cooperative effort of each resident, the community and the County.

Municipal Service Benefit Unit (MSBU)

Municipal Service Benefit Units (MSBU) are special assessment areas created by the Board of County Commissioners under the authority of section 125.01, Florida Statutes. Under this Statute, the Board has the authority to create designated areas (a "Unit") within which a variety of services and improvements, including but not limited to, fire protection, sidewalks, street lighting, expedited Water & Sewer projects, transportation and storm water drainage, etc. The services or improvements provided within the MSBU must specifically benefit the property that is to be assessed for the improvements or services. The special assessments imposed within the boundaries of a Unit may be collected through a variety of ways. However, they are primarily collected through the "Uniform Method of Collection" as authorized in section 197.3632, Florida Statute and are billed along with other Property Taxes each November. Alternative ways of collecting the special assessments may be through their inclusion on the billing of either municipal or Okaloosa County Water and Sewer utility billing and such other methods as approved by the Board of County Commissioners.

Role of the Citizens Participating in the MSBU

It is the responsibility of the citizens within the proposed MSBU to organize support for the MSBU, prepare the petition for submittal to the Board of County Commissioners and develop the general scope of work for what the MSBU will accomplish. Specific requirements of the petition, fees, and other submittals will be discussed in detail in the document below.

Role of the Board of County Commissioners and Staff

The Board of County Commissioners acts as the governing body of the units. The Board must adopt the MSBU budget, establish the level of services to be provided, and levy the special assessment to pay for the services and improvements. County staff is responsible for preparation of resolutions, ordinances, scheduling required public hearings and publishing required legal and display notices in the newspaper. County staff mails by U.S Postal first-class mail a notice to each property owner in the first year a special assessment is levied or as otherwise required by law.

Role of the Property Appraiser

The Property Appraiser provides to the Board of County Commissioners information from the data base maintained by his office such as owner's name, address, value of the property, front footage, size and type of structures, as well as section maps detailing the proposed Unit etc.

Role of the Tax Collector

The Tax Collector's Office is responsible for the annual billing of non-ad valorem assessments based on the information transmitted to his office. The standard procedure of assessments is that the amount of costs for the Tax Collector and Property Appraiser are added to the assessment amount and paid by the property owner. The information transmitted to the Tax Collector is prepared by the County Staff. For non-ad valorem assessments, the assessment roll must be certified to the Tax Collector by no later than September 15 of each year to be included in the Uniform Tax bills mailed by U.S Postal first-class mail in November. The Board of County Commissioners is responsible for the payment of actual cost incurred by the Tax Collector in billing the non-ad valorem Assessments. The Tax Collector is responsible for the collection of delinquent non-ad valorem assessments. The Tax Collector is responsible for the sale of tax certificates and issuance of tax deeds on properties that fail to pay their ad valorem taxes and non-ad valorem special assessments.

Role of the Clerk of the Circuit Court

The Clerk of the Circuit Court is responsible for recording and where required, the administering of liens on unpaid non-ad valorem assessments.

Policy Highlights

County municipal service benefit units MSBU's establish, monitor, maintain and manually adjust non-ad valorem assessments which may be collected by the Tax Collector on the ad valorem tax bill, through their inclusion on the billing of either municipal or Okaloosa County Water and Sewer utility billing or such other methods as approved by the Board of County Commissioners.. The funds raised are public funds and must be collected, accounted for and spent in accordance with applicable laws regarding public funds. Only public property can be maintained and improved by a MSBU; access must be open to all members of the public equally. In addition, adequate easements or property dedications must be provided if needed. Okaloosa County may establish MSBUs within municipalities upon the approval of the respective city government in accordance with section 125.01(1)(q), Florida Statutes .

- A petition process is used in establishing MSBU's to ensure community awareness and involvement in the decision-making process. This also increases recognition of the public nature of the improvements and the responsibility of property owners for payment of the assessments.
 - The minimum percentage required for the petition is as follows:
 1. 66% of the property owners representing 66% of the property for a capital improvement MSBU.
 2. 51% of the property owners representing 51% of the property for a service or street lighting MSBU.
- Cost estimates are available at the time of obtaining petition signatures to aid provision of complete information.
 - The Public Works Engineering Division will provide appropriate preliminary engineering in order to obtain valid preliminary cost estimates for construction projects.
- Design and construction work for capital projects is done by County staff, contingent upon approval by the Board of County Commissioners, up to the financial limits as set forth by Florida State law. Projects exceeding the statutory limits or staffing capabilities of the County will be competitively bid out for design and/or construction. Street lights are installed and subsequently maintained by the appropriate power provider.
- Separate accounts are maintained for each Unit.
- An additional petition and public hearing is required prior to beginning construction of any capital project if the total project cost estimates increase 20% or more above the estimate included in the initial petition required to establish the Unit.
- Designation of a liaison by each Unit is important for maximum neighborhood input and on-going coordination between the community and the County. In addition, a central County staff contact is designated for each project.
- The Unit liaison is authorized to request minor changes that may be needed over time. Minor changes, are defined as those which represent an estimated increase in total annual cost / assessments of no more than 10%. These requests are then presented at a Public Hearing to allow opportunity for public input, and approval/disapproval by the Board of County Commissioners.

General Guidelines for Establishing New MSBU s

STATUTORY AUTHORITY

Section 125.01(1)(q), Florida Statutes authorizes the Board of County Commissioners to provide for the establishment, merging, or abolishment of municipal service taxing (MSTUs) or benefit units (MSBUs) on any part or all of the unincorporated area of the county. It also provides for a County MSTU or MSBU to include all or part of a municipality subject to consent by ordinance of the governing body of the municipality. The law permits such Units to be created for the purpose of providing and maintaining essential facilities or services within an area and to fund these facilities and services through non-ad valorem assessments where they specifically benefit the property in that area. The facilities or services must provide a public purpose. Typical improvements include but are not limited to, road paving, drainage, street lighting and sidewalk installation.

Section 197.3632, Florida Statutes provides for the levy, collection and enforcement of non-ad valorem assessments through the uniform method. Non-ad valorem assessments are not based on millage but on the cost to provide the improvement(s) or services and the corresponding benefit to the assessed property. They are collected through the tax bill method and can become a lien against the property, including homestead property.

Reference the timeline to impose the non-ad valorem assessments through the use of the uniform method as established in Section 197.3632, Florida Statute on the following page.

MSBU CALENDAR YEAR SCHEDULE

Before January 1	4 consecutive week public notice notification that the local government has intent to use the uniform method of collection for non-ad valorem assessment
By January 1	Adopt a resolution at a public hearing (by March 1 if local government, property appraiser, and tax collector agree)
By January 10	Local government mails by U.S Postal first-class mail a copy of the resolution to property appraiser, tax collector, and the Department of Revenue (by March 10 if the local government, property appraiser, and tax collector agree)
By June 1	Property Appraiser provides local government with legal descriptions, names and addresses of the property owners within boundary of MSBU
Between January 1 to September 15	20 Days Prior to the public hearing to adopt a non ad-valorem roll local government shall notice the hearing by U.S. Postal first-class mail and by newspaper. The notice by mail shall be sent to each property owner that shall be subject to the assessment
Between January 1 and September 15	Local government adopts a non ad-valorem roll at public hearing if: 1) Non ad-valorem assessment is levied for the first time 2) assessment is increased beyond the maximum rate authorized 3) upon any boundary changes 4) upon change of purpose or use of revenue
Between January 1 and September 15	Written Objections – Property owners have a right to appear at the hearing and to file written objections with the local government within 20 days of the notice
	Local government makes agreement with Property Appraiser and Tax Collector for providing reimbursement of administrative costs. (Postage, forms, supplies, etc.)

TYPES OF MSBU SERVICES & IMPROVEMENTS

Currently there are two (2) types of MSBU Units in Okaloosa County. These are described below.

Construction Units

- Construction/reconstruction to current County or alternate/interim standards
 - Area to be improved is platted/dedicated to the public or conveyed through an easement
 - Area to be improved is currently private; proof of ability to transfer the area to public ownership must be submitted as part of the application for establishment of a MSBU.

Construction materials provided by MSBU. Engineering, construction labor and equipment provided by County staff contingent on approval by the Board of County Commissioners.

Street Lighting Units

- Construction/reconstruction and maintenance. These services are provided by the appropriate power provider
- Lights will be installed and subsequently maintained by appropriate power provider

COSTS INVOLVED IN THE MSBU PROCESS

Costs involved with **every** Unit:

- \$100 application fee. The application fee shall not be returned if the MSBU is not established
- ½ % Tax Collector commission or 5% Administrative fee for collecting agency (or as addressed on a case-by-case basis for MSBU's.)
- Reserves for contingencies/cash balance forward

- Any costs incurred for advertisement and publications
- Additional **Construction** Unit costs
- Annual repayment of financing, if required
- Materials and right-of-way costs (All labor and equipment will be provided by County staff, contingent on Board of County Commissioner approval.)
- Interest on any funds borrowed through the construction period, if required

Additional **Street Lighting** Unit costs:

- Installation costs and facilities costs as provided by the power provider
- Reserves which total 120% of annual estimated expenditures

MSBU BOUNDARIES

Municipal Service Benefit Units (special assessment Units) may be created for the following types of areas in Okaloosa County:

- Platted, unplatted, or metes and bounds, where area to be improved is public

1. Initial Request for MSBU Procedures

Interested homeowners should send a letter, or call, requesting, "Guidelines and Procedures" for the establishment of a special assessment Unit to:

Okaloosa County Public Works
1759 South Ferdon Blvd.
Crestview, Florida 32536
(850)689-5772

The request must identify:

- the area affected (e.g., community, subdivision or street)
- the type of improvement involved (e.g., paving and drainage or street lighting)

- the type of Unit contemplated (i.e., construction or street lighting)

2. Application for Unit

Public Works will provide the “Guidelines and Procedures” booklet to use in requesting establishment of a Unit. The necessary information and completed forms are returned to Public Works as the formal application for a Unit, along with a \$100.00 application fee.

An informative letter can be mailed by U.S Postal first-class mail, if deemed necessary, to all of the property owners in the proposed area to be improved or a meeting may be scheduled to advise the property owners of the submitted application for an MSBU.

3. Petition Submission

The Board of County Commissioners has determined that a petition serves as an indicator of the amount of community interest for a proposed project. The petition process is not a requirement of Florida Law. The petition will be provided to the Unit Liaison.

4. Petition Acceptance

The Board of County Commissioners shall consider petitions signed by at least 66% (51% for Street Lighting Units) of the current property owners (number of owners) representing at least 66% (51% for Street Lighting Units) of the properties (number of lots) within the Unit boundaries.

If the petition meets the above requirements and is accepted by the Board of County Commissioners, a public hearing shall be authorized for the consideration of an ordinance to establish the Unit.

Please note that once the petition is accepted and a public hearing is authorized, the petition is not binding as to a final determination by the Board of County Commissioners to proceed with the project.

5. First Public Hearing

When the proposed ordinance and all documents are in order and a public hearing date is scheduled, legal notices will be published in the newspaper. In addition, notification will be mailed by U.S Postal first-class mail to all property owners listed on the tax roll within the proposed Unit.

At the public hearing, the Board of County Commissioners may consider comments, objections, and information relevant to the creation of the Unit. The County Commissioners may enact or deny the ordinance. If the ordinance is enacted, it will be officially recorded the Okaloosa County Clerk's Office, reflecting the preliminary assessment amount for each property.

6. Implementation

The final engineering plans are prepared by County staff, contingent upon approval of the Board of County Commissioners.

Upon completion of the final engineering plans, if the total project cost is 20% or more over the preliminary cost estimates, an additional petition process will be conducted and an additional public hearing will be held by the Board of County Commissioners to determine if the affected citizens desire the project to continue. Notices for this public meeting will be published in the newspaper; notification will also be mailed by U.S Postal first-class mail to all property owners listed on the tax roll within the proposed Unit.

7. Final Public Hearing

After construction is complete, all costs relating to the project are compiled by Public Works. The Board of County Commissioners is requested to authorize a Final Public Hearing to adopt the Final Assessment Resolution or enact an Amended Ordinance. All property owners listed on the roll within the Unit will be notified of the Public Hearing and the results. The assessment will be imposed and collected immediately after the Board authorization and the final adjusted assessments will be recorded with the Okaloosa County Clerk's Office.

Notification and action concerning subsequent annual increases or decreases in the yearly assessments will be governed by:

- Requirements of Florida Statutes;
- County policy; and
- On-going coordination mechanisms between the District and County identified in the Detailed Procedures

DISSOLUTION PROCEDURES FOR MSBUs

Upon written request, the County will provide guidelines for dissolving an existing Unit. The steps to take in requesting dissolution of a Unit are:

- Submission of an application to dissolve the Unit and \$100 application fee.
- Submission of a petition which includes a statement regarding funding to pay for any outstanding financial obligations and distribution of credits of the Unit.
- The petition, to be considered, must be signed by at least 66% (51% for Street Lighting Units) of the current property owners (number of owners) representing at least 66% (51% for Street Lighting Units) of the assessed properties (measured consistent with the method of assessment) within the Unit boundaries.
- Notice and Public Hearing by the Board of County Commissioners to establish final assessments

EXCEPTIONS TO THE GUIDELINES

The Board of County Commissioners may address exceptions to any of the guidelines on a case-by-case basis.

QUESTIONS?

Contact the Okaloosa County Public Works 850-689-5772

NOTE: Detailed Procedures for each type of Unit should be consulted for more specific information concerning requirements and procedures.

DETAILED PROCEDURES, CONSTRUCTION UNITS

CONSTRUCTION UNITS DETAILED PROCEDURES

Initial Request for MSBU Procedures

Upon request of the procedures to establish an MSBU, Public Works will forward a copy of the "Guidelines and Procedures" booklet to the requestor. The request should be made to:

**Okaloosa County Public Works
1759 South Ferdon Blvd.
Crestview, Florida 32536
(850)689-5772**

The request must identify:

- the area affected (e.g., community, subdivision or street)
- the type of improvement involved (e.g., paving or drainage)
- the type of Unit contemplated (i.e., construction or street lighting)

Application for Unit

In order to proceed with establishing a Unit, interested homeowners must submit the following as the official request for consideration:

1. Scope of Services for the proposed improvement or construction.
 - Thoroughness in describing the desired scope of services is important as it is the key to the development of more accurate preliminary cost estimates.
2. A map depicting the proposed Unit boundary.
 - Boundaries must be continuous and not split parcels or lots. Enclaves are not allowed if the reason is to remove a lot or lots because the property owner is not in favor of the establishment of the Unit.
 - The Unit to be assessed does not necessarily include an entire subdivision if the entire subdivision does not materially benefit from the proposed action.
 - Units may be established in unplatted residential areas where the proposed action benefits the property in a definable geographic area.

- Units must contain a minimum of two distinct taxable (or platted) pieces of property.
3. Contact person and proposed liaison names, addresses and phone numbers.
 4. \$100.00 application fee made payable to the Board of County Commissioners, Okaloosa County.

Application Review/Preliminary Engineering Report

Upon receipt of the application for a MSBU, a letter may be mailed by U.S Postal first-class mail to each property owner advising of the application's submittal and the imminent petition process. The Unit Commissioner may request an informative meeting with the property owners to discuss the MSBU process. Upon request by the Unit Liaison and with sufficient notice, Public Works is available to attend any community meetings concerning the establishment of the Unit. Notification to property owners of any County-sponsored meeting will be coordinated through Public Works. Public Works would appreciate the opportunity to review any correspondence relating to the establishment of the Unit prior to circulation.

Public Works will review the items submitted as part of the application to confirm that the information is complete. The application will then be forwarded to appropriate departments for review of the scope of work and plat information.

Preliminary engineering is required for sidewalk and roadway/drainage construction or replacement.

- All engineering and construction will be provided by County staff, contingent upon approval by the Board of County Commissioners, up to the financial limits as set forth by Florida State law. Projects exceeding the statutory limits or staffing capabilities of the County will be competitively bid out for design and/or construction.
- All material costs will be funded by the MSBU.

County staff will present any requests for County participation in capital projects to the Board of County Commissioners for consideration.

Petition Submission

The Board of County Commissioners has determined that a petition serves as an indicator of the amount of community interest for a proposed project.

The petition shall reflect the cost for preliminary engineering and the cost estimates for final engineering and construction, provided by the preliminary engineering report. The petition shall also reflect the appropriate reserves, contingencies, administrative fees and interest expense during the construction period. The petition shall be prepared with assistance from the Public Works Division and the Unit Liaison.

County staff will identify a date for petition return of 30-60 calendar days based upon target time frame for public hearing and upon length of time cost estimates will be valid.

Petition Acceptance

The petition, to be considered, must be signed by at least 66% of the current property owners (number of owners) representing at least 66% of the assessed properties (number of lots) within the proposed Unit boundaries.

- A property owner is the individual or group of individuals that own a parcel of land.
- Okaloosa County Property Appraiser and Tax Collector data shall be used to determine eligible signatures of owners. All of the non-related current owners of a parcel or the designated trustee must sign the petition for the ownership and parcel to count towards the 66% requirements.
- Once submitted, names may not be withdrawn from the petition.

Upon return, County staff will review the petition for sufficiency.

No petition will be accepted without the signatures of all property owners who would be required to dedicate right-of-ways or easements to the County.

If the petition is accepted, Public Works will request that the Board of County Commissioners authorize a public hearing for consideration of the ordinance to establish the Unit. Please note that once the petition is accepted and a public hearing is authorized, the petition is not conclusive to the final determination by the Board of County Commissioners to proceed (or not) with the project. The final determination of the scope and feasibility of a project will be determined by Okaloosa County.

Public Hearing

When the proposed ordinance and all documents are in order and a public hearing date is scheduled, legal notices will be published. In addition, notification will be mailed by U.S Postal first-class mail to all property owners listed on the tax roll within the proposed Unit.

No public hearing will be scheduled unless all affected property owners have agreed to dedicate the necessary right-of-way to the County.

At the public hearing, the Board of county Commissioners may consider comments, objections, and information relevant to the creation of the Unit. The County Commissioners may amend, enact, or deny the proposed ordinance.

Implementation

Final engineering plans are prepared by County staff for construction projects to include sidewalk, and roadway/drainage work. Property owners are responsible for material costs of any construction projects. County staff will perform construction work as approved by the Board of County Commissioners.

- If recalculated project costs, using information derived from final engineering data, would represent an increase of 20% or more, an additional petition process will be required and an additional public hearing held. Notice of this public hearing will be published; in addition, notification will be mailed by U.S Postal first-class mail to all property owners.

Final Public Hearing

After construction is complete, all costs relating to the project will be compiled by Public Works. Public Works will request to schedule a Final Public Hearing to adopt the final assessment through a resolution or amending ordinance. The Public Hearing will be advertised and notification mailed by U.S Postal first-class mail to all property owners listed on the tax roll within the Unit. If adopted, the Resolution or Amending Ordinance, including Final Assessment Liens, will be recorded in the Okaloosa County public records. Term of the repayment for construction costs may be determined as follows:

<u>Individual Assessment Amount</u>	<u>Term</u>
\$3,000 and up	10 years
\$2,500 to \$2,999	8 years
\$2,000 to \$2,499	6 years
\$1,500 to \$1,999	4 years
\$1,000 to \$1,499	3 years
\$ 500 to \$ 999	2 years
\$ -0- to \$ 499	1 year

Final determination as to the terms of repayment will be made by the Board of County Commissioners in conjunction with Public Works and the Okaloosa County Clerk of Courts. Annual Assessments are collected either through the Tax Collector of Okaloosa County, through their inclusion on the billing of either municipal or Okaloosa County Water and Sewer utility billing or such other methods as approved by the Board of County Commissioners.

DETAILED PROCEDURES, STREET LIGHTING UNITS

STREET LIGHTING UNITS DETAILED PROCEDURES

Initial Request for MSBU Procedures

Upon request of the procedures to establish an MSBU, Public Works will forward a copy of the "Guidelines and Procedures" booklet to the requestor. The request should be made to:

Okaloosa County Public Works
1759 South Ferdon Blvd
Crestview, FL 32536
(850) 689-5772

The request must identify:

- the area affected (e.g., community, subdivision or street)
- the type of improvement involved (i.e., street lighting)
- the type of Unit contemplated (i.e., street lighting)

Application for Unit

Application can be made by interested property owners for establishment of a new street lighting Unit or changes or additions to an existing one.

In order to proceed with establishing a new Unit interested homeowners or property owners must submit the following as the official request for consideration:

- \$100.00 application fee (per street lighting Unit) made payable to the Board of County Commissioners, Okaloosa County.
- Contact individual and proposed liaison names, addresses and phone numbers.
- A copy of the cost estimate for streetlight improvements as prepared by the appropriate power provider.
- Copy of a map with:
 - Proposed boundaries for the Unit outlined.

- Boundaries must be continuous and not split parcels or lots. Enclaves are not allowed if the reason is to remove a lot or lots because the property owner is not in favor of establishment of the Unit.
- Tracts for drainage, buffer zones, etc. are usually included in the Unit but not assessed for street lighting.
- The Unit to be assessed does not necessarily include an entire subdivision if the entire subdivision does not materially benefit from the proposed action.
- Units must contain a minimum of two distinct taxable (or platted) pieces of property.

Petition Submission

The Board of County Commissioners has determined that a petition may serve as an indicator of the amount of community interest for a proposed project. The petition process is not a requirement of Florida Law.

Public Works will prepare a petition for distribution by the Unit Liaison. Only petitions prepared by Public Works will be accepted.

The petition will reflect the various charges included in calculating the assessments. The street lighting assessment will include: all costs associated with installation of the streetlights, as determined by the appropriate power provider, 5% administrative fees for collection of the assessments, and a reserve which totals 120% of the proposed yearly expenditures.

Petition Acceptance

The petition, to be accepted, must be signed by at least 51% of the current property owners (number of owners) representing at least 51% of property (number of lots or number of front feet, measured consistent with the method of assessment) within the Unit boundaries.

- A property owner is the individual or group of individuals that own a parcel of land.
- In determining eligible signatures of owners, all of the non-related current owners of a parcel or the designated trustee must sign the petition for the ownership and parcel to count towards the 51% requirements.

- Once submitted, names may not be withdrawn from the petition.

Upon return, Public Works will review the petition for acceptability, consulting other departments as appropriate.

If the petition is acceptable, Public Works will request that the Board of County Commissioners schedule a public hearing for consideration of the ordinance to establish the Unit or revisions to the ordinance for the existing Unit to incorporate the changes. Please note that once the petition is accepted and a public hearing is authorized, the petition is no longer relevant to the final determination by the Board of County Commissioners to proceed (or not) with the project. The final determination of the scope and feasibility of a project will be determined by Okaloosa County.

Public Hearing

When the proposed ordinance and all documents are in order and a public hearing date is scheduled, legal notices will be published. In addition, notification will be mailed by U.S Postal first-class mail to all property owners listed on the tax roll within the proposed Unit.

At the public hearing, the Board of County Commissioners may consider comments, objections, and information relevant to the creation of the Unit. The County Commissioners will enact or deny the ordinance. If the ordinance is enacted, appropriate Board authorization to record the Ordinance in the Recording Department, Okaloosa County Clerk's Office, will be requested.

Implementation

Upon execution of the Ordinance by the Board, the local power provider can begin installation of the lights and poles to be put in service.

Modifications to Existing Street lighting Units

Modifications to street lighting Units may be requested by property owners within the existing Unit. Requests are made in writing to Public Works and must follow all procedures listed above beginning with the petition submission. Cost estimates, as provided by the appropriate power provider, for any modifications to an existing Unit will be included in the petition.

APPLICATION AND DESIGNATION OF UNIT
CONTACT/LIAISON INDIVIDUALS

Primary Liaison for designation on petition and coordination during implementation of Unit:

Name _____

Street Address _____

City/Zip Code _____

Phone Numbers – Day _____

After Hours _____

Back-up Liaison:

Name _____

Street Address _____

City/Zip Code _____

Phone Numbers – Day _____

After Hours _____

Community, Subdivision or Street Name for the Project

Type of Improvement (streetlighting, road paving, etc.)

