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**2022-38 (1<sup>ST</sup> READING): CONFIRMING THE ASSESSMENT ROLL RELATED TO THE MYRTLE BEACH DOWNTOWN IMPROVEMENT DISTRICT; AND OTHER MATTERS RELATED THERETO.**

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**Applicant/Purpose:** MBDA, Business Owners, Staff / to confirm the assessment roll for the Myrtle Beach Downtown Municipal Improvement District (MID).

**Brief:**

- The purpose of the MID is provision for and funding of various public improvements for the benefit of the current and future users of the real property located within the district as set forth in Resolution 2022-17 adopted on April 12, 2022. Proposed public Improvements consist of:
  - Ambassador Program
  - Events and Marketing
  - Special Projects
  - Planning and Research
- The Ordinance officially confirms the assessment roll, which identifies the parcels subject to the assessment within the Municipal Improvement District
- Property Owner Notices and the Advertised Notice of Completion provided that objections to the Assessment must be made in writing to the City Manager on or before August 10, 2022
- A public session and public hearing at which the Council will make a final decision on each such objection so made will be held on Thursday, August 11, 2022, at 11:00 a.m. in Council Chambers at the Ted C. Collins Law Enforcement Center
- Based upon the determination of City Council made in response to any written objections and input received at the August 11th public session, the City Council will determine any corrections to the Assessment Roll for second reading and final confirmation.

**Issues:**

- Absent confirmation of the assessment roll, other funding sources would need to be identified to provide the public improvements proposed within the district.

**Public Notification:** A Notice of completion of the assessment roll was published in the Myrtle Beach Herald on July 1, 2022 and property owner notices were mailed on June 29, 2022.

**Alternatives:** Amend or deny Ordinance.

**Financial Impact:** Impact upon participants in the Municipal Improvement District will be the equivalent of 10 mills. Formal notification of the assessment roll has been made and a public hearing for objections has been set for August 11, 2022. The assessment will be authorized once objections have been heard and the final roll is adopted by Council at second reading.

**Manager's Recommendation:**

- I recommend 1<sup>st</sup> Reading (7/26/22)

**Attachment(s):** Proposed ordinance, supporting material

CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA

CONFIRMING THE ASSESSMENT ROLL  
RELATED TO THE MYRTLE BEACH  
DOWNTOWN IMPROVEMENT DISTRICT;  
AND OTHER MATTERS RELATING  
THERETO.

WHEREAS, as set forth in Resolution No. R2022-17, adopted by the City Council (the "City Council") of the City of Myrtle Beach, South Carolina (the "City"), on April 12, 2022, the City has caused to be prepared an "improvement plan" (within the meaning of Title 5, Chapter 37, Code of Laws of South Carolina 1976, as amended (the "Act"), in particular Section 5-37-20(4) of the Act), entitled "Improvement Plan for the Myrtle Beach Downtown Municipal Improvement District" (the "Improvement Plan"), which Improvement Plan contemplates the creation of an Improvement District (the "Improvement District"), the implementation of certain improvements (as described in the Improvement Plan, the "Improvements") within the Improvement District and assessments (as such term is defined under the Act, and referred to herein as the "Assessment") to be imposed on certain real property within the Improvement District; and

WHEREAS, the City Council by Ordinance No. 2022-025 enacted on May 24, 2022 (the "Improvement District Ordinance"), among other actions:

- (i) authorized the creation of the Improvement District;
- (ii) approved the Improvement Plan;
- (iii) ordered the completion of an assessment roll with respect to the real properties within the Improvement District to be made subject to the Assessment (the "Assessment Roll");
- (iv) authorized and directed the City Manager to prepare and complete the Assessment Roll, in the form presented to City Council, with such changes to the form thereof as the City Manager may approve, and to enter thereon the names of the persons whose properties are to be assessed and the Assessment;
- (v) directed the City Manager to mail notice as required by the Act to the property owners (the "Property Owner Notices"); and
- (vi) authorized and directed the City Manager to publish notice of completion of the Assessment Roll (the "Advertised Notice of Completion") at least once in *The Myrtle Beach Herald*, a newspaper of general circulation in the City, setting forth a description in general terms of the Improvements, and stating the time and place fixed for the hearing of objections in respect to the Assessment; and

WHEREAS, the City Manager completed the Assessment Roll on June 29, 2022, the Property Owner Notices were mailed on June 29, 2022 and the Advertised Notice of Completion was published in *The Myrtle Beach Herald* on July 1, 2022; and

WHEREAS, the Property Owner Notices and the Advertised Notice of Completion (together, the "Notices") provided that objections to the Assessment could be made in writing to

1 the City Manager on or before August 10, 2022 and that objections to the Assessment by all  
2 persons who file written objections within the time prescribed and make proof in relation thereto,  
3 in person or by their attorney, would be heard by one or more members of the Council,  
4 commencing July 11, 2022 through August 11, 2022, at such location within the City as may be  
5 designated by the City Manager upon reasonable notice and during normal business hours, and  
6 a public session and public hearing at which the Council will make a final decision on each such  
7 objection so made would be held on Thursday, August 11, 2022, at 11:00 a.m. in Council  
8 Chambers at the Ted C. Collins Law Enforcement Center, 1101 Oak Street, Myrtle Beach,  
9 South Carolina; and

10  
11 WHEREAS, the Notices further provided that any owner of property within the  
12 Improvement District subject to the Assessment who fails to file with the City Manager a written  
13 objection to the Assessment against his, her or its property on or before August 10, 2022, shall  
14 be deemed to have consented thereto; and

15  
16 WHEREAS, all persons who filed written objections to the Assessment Roll within the  
17 time prescribed have had an opportunity to appear either in person or by their attorney at a  
18 hearing held by the City for such purposes; and

19  
20 WHEREAS, the public session of City Council at which decisions are to be made on  
21 objections to the Assessments is scheduled for Thursday, August 11, 2022; and

22  
23 [WHEREAS, based upon the determination of City Council made in response to any  
24 written objections and input received at the public session, the City Council has determined to  
25 make such corrections to the Assessment Roll as it deems proper; and]

26  
27 WHEREAS, the City Council has determined that it should approve and confirm the  
28 Assessment Roll [, with the aforementioned corrections].

29  
30 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS FOLLOWS:

31  
32 1. The Assessment Roll, as completed by the City Manager [, with the  
33 aforementioned corrections], attached hereto as Appendix A, is hereby approved and confirmed  
34 as the assessment roll within the meaning of the Act reflecting the names of the persons whose  
35 properties are to be assessed and the amount assessed against their respective properties with  
36 a brief description of the lots or parcels of land assessed.

37  
38 2. The Assessment Roll shall be filed in the Office of the City Manager of the City,  
39 and from the time of filing the Assessments impressed in the Assessment Roll constitute and  
40 are liens on the real property against which they are assessed superior to all other liens and  
41 encumbrances, except the lien for property taxes, and must be annually assessed and are  
42 collected with the property taxes on it. The Assessment Roll may also be filed in such other  
43 public records as the City Manager may determine.

44  
45 3. The Assessment Roll may be adjusted from time to time in accordance with its  
46 terms.

1  
2 **THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ENACTMENT.**

3  
4 **SIGNED, SEALED, AND DELIVERED AS OF THIS \_\_\_\_ DAY OF AUGUST 2022.**

5  
6 CITY OF MYRTLE BEACH, SOUTH CAROLINA

7  
8  
9 By: \_\_\_\_\_  
10 Mayor

11  
12 ATTEST:

13  
14  
15  
16 \_\_\_\_\_  
17 City Clerk