

# MEMORANDUM

## Department of Budget and Finance

To: Robert Rawls, Interim Town Administrator

From: Chris Wallace, Director of Budget and Finance

Date: April 15, 1999

Subject: Roadway Assessment

Attached are proposed Resolutions with regard to the Town of Davie roadway assessment. Below is a short summary of the requests made by the parcel owners.

Parcel owner : Michael Danielle  
Parcel 20, Folio No. 0125-01-008-9

Request: The parcel owner requests an adjustment in the acreage of Parcel 20, waiver of accrued interest and payment of the roadway assessment in 60 consecutive monthly payments.

The parcel owner was a party Plaintiff in the litigation pending in Broward County Circuit Court as Case No. 93-12985 CACE (02), styled Ralph Sessa, et al., Plaintiffs v. Town of Davie, etc., Defendant. On or about November 6, 1995, the appointed hearing officer, Michele Kane Cummings, Esq., entered a Final Disposition, finding that Parcels 19 and 20 specially benefited from the special assessment work and requiring that the parcel owner pay the assessment amount within 20 days from the date of the Final Disposition or in 60 consecutive monthly payments. The Town records indicate that the parcel owner did not pay any of the assessment amount due pursuant to the Final Disposition. The Final Disposition assessed Parcel 20, the sum of \$3,843.36. The acreage of Parcel 20 is 2.07 acres and, accordingly, the special road and drainage assessment should have been \$8,118.13. As a result of the above, the Town of Davie should adjust its record of the assessment due on Parcel 20.

The parcel owner has agreed to pay the full amount of the base amount of the assessments due to the Town of Davie on Parcels 19 and 20, totaling \$11,961.49, and has agreed to pay the full base amount of the assessment in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty. The proposed Resolution recommends an adjustment of the special road and drainage assessment on Parcel 20 and recommends a grant of the waiver of accrued interest on Parcel 20 and the request for monthly payments.

If you have any questions or need additional information about this resolution, please give me a call.

RESOLUTION NO. R-99-

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING WAIVER OF ACCRUED INTEREST; AUTHORIZING MONTHLY PAYMENTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN ON PARCEL 20; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town imposed a Special Assessment for road and drainage improvements by Resolution R-91-65; and

WHEREAS, as part of the assessment, Parcel 20, Folio No. 0125-01-008-9 was assessed the sum of \$3,843.36; and

WHEREAS, the parcel owner, Michael Danielle, was a party Plaintiff in the litigation pending in Broward County Circuit Court as Case No. 93-12985 (02), styled Ralph Sessa, et al, Plaintiffs vs. Town of Davie, etc., Defendant; and

WHEREAS, the appointed hearing officer, Michele Kane Cummings, entered a Final Disposition by Default finding that Parcels 19 and 20 specially benefited from the special assessment work and finding that the special road and drainage assessment lien on the parcels to be \$7,686.72 (\$3843.36 - Parcel 19 and \$3843.36 - Parcel 20); and

WHEREAS, the parcel owner, Michael Danielle, failed to comply with payment of the special assessment on Parcels 19 and 20 pursuant to the terms of the Final Disposition Order; and

WHEREAS, the original special road and drainage assessment lien on Parcel 18, Folio No. 0125-01-008-5, was \$14,510.66; and,

WHEREAS, the original Parcel 18 was subdivided into two parcels; and,

WHEREAS, the subdivided parcels were identified as Folio No. 0125-01-008-5, and Folio No. 0125-01-008-9; and,

WHEREAS, the acreage of Folio No. 0125-01-008-9 is 2.07 acres; and

WHEREAS, the property identified as Folio No. 0125-01-008-9 was assigned "Parcel 20"; and

WHEREAS, the special road and drainage assessment on 2.07 acres is \$8,118.13; and

WHEREAS, the parcel owner does not contest the assessment on said parcel; and

WHEREAS, the parcel owner requests that the Town of Davie waive any and all accrued interest on the assessment of said parcel; and

WHEREAS, the parcel owner has agreed to pay the full base amount of the assessment due to the Town of Davie on Parcel 20 in the amount of \$8118.13; and

WHEREAS, parcel owner, Michael Danielle, has offered to pay the full base amount of the assessment due on Parcel 20 in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty; and

WHEREAS, it is deemed in the best interest of the Town to accept the offer in full settlement of the lien on Parcel 20.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That Michael Danielle is authorized to pay the special assessment amount on Parcel 20, Folio No. 0125-01-008-9, in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty commencing May 1, 1999.

SECTION 2. That Michael Danielle owes to the Town of Davie the special assessment amount of \$8,118.13 on Parcel 20, Folio No. 0125-01-008-9.

SECTION 3. That upon payment to the Town of Davie of the sums referred to above in cleared funds, the special assessment lien on Parcel 20, Folio No. 0125-01-008-9, shall be deemed satisfied.

SECTION 4. In the event the parcel owner, Michael Danielle, fails to comply with the payment schedule in Section 1 above, the Town of Davie is authorized to pursue any and all available legal remedies to collect the amounts due in Section 2 above, plus any and all accrued interest, less any payments made.

SECTION 5. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.