

# 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: Larry Danielle  
Parcel 30, Folio No. 0125-01-017-2  
Parcel 31, Folio No. 0125-01-017-9  
Parcel 35A, Folio No. 0125-01-018-1

Request: The parcel owner requests the deletion of that portion of Parcel 31 contained within the Florida Power & Light transmission easement, an adjustment in the acreage of Parcel 35A and payment of the roadway assessments on Parcels 30, 31 and 35A 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 30, 31 and 35A specially benefited from the special assessment work and requiring that the parcel owner pay the assessment amount within 20 days from the date of 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 Town of Davie Equalization Board on November 10, 1987, made the determination to delete the special road and drainage assessment on parcels within the Florida Power & Light transmission easement. Parcel 31 is partially contained within the FP&L transmission easement. The proposed Resolution recommends a release of the special road and drainage assessment lien on that portion of Parcel 31 that is contained within the FP&L transmission easement.

The Town records indicate that the original special road and drainage assessment lien on Parcel 35A contained Folio Nos. 0125-01-018-1 and 0125-01-018-2. The acreage of Parcel 35A, Folio No. 0125-01-018-1 is .94 acres. The special road and drainage assessment on .94 acres is 3,686.49. The parcel owner, Larry Danielle, is not the owner of Parcel 35A, Folio No. 0125-01-018-2.

Subject to the above deletion of that portion of Parcel 31 contained within the FP&L easement and adjustment of the acreage for Parcel 35A, the parcel owner has agreed to the payment of the special assessments and all accrued interest. The parcel owner has requested to pay the assessments in 60 consecutive monthly payments at the rate of 8% simple interest with no prepayment penalty. The proposed Resolution recommends a deletion of that portion of Parcel 31 contained within the FP&L transmission easement, an adjustment of Parcel 35A, and recommends a grant of 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 MONTHLY PAYMENTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIENS UPON PARCELS 30, 31 AND 35A; DETERMINING ACREAGE FIGURE FOR PARCEL 31 NOT CONTAINED IN FLORIDA POWER & LIGHT TRANSMISSION EASEMENT AND ADJUSTING ACREAGE OF PARCEL 35A; 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 30, Folio No. 0125-01-017-2 was assessed the sum of \$8,196.56; and

WHEREAS, interest on the amount due and claimed by the Town on Parcel 30, Folio No. 0125-01-017-2 is \$4,887.30, up to and including April 21, 1999 (per diem \$2.85); and

WHEREAS, as part of the assessment, Parcel 31, Folio No. 0125-01-017-9 was assessed the sum of \$10,628.08; and

WHEREAS, a portion of Parcel 31 is contained within the Florida Power & Light transmission easement; and

WHEREAS, the parcel owner, Larry Danielle, has requested the deletion of the portion of Parcel 31 contained within the Florida Power & Light transmission easement; and

WHEREAS, the Town of Davie Equalization Board on November 10, 1987, determined that land contained within the Florida Power & Light Easement was to be deleted from the special road and drainage assessment lien; and

WHEREAS, the special road and drainage assessment amount on the non-Florida Power & Light transmission easement acreage of Parcel 31 is \$1,745.20; and

WHEREAS, interest on the amount due and claimed by the Town on Parcel 31, Folio No. 0125-01-017-9 is \$1,040.68, up to and including April 21, 1999 (per diem \$.61); and

WHEREAS, as part of the assessment Parcel 35A, Folio No. 0125-01-018-1 was assessed the sum of \$8,627.96; and

WHEREAS, the owner of Parcels 30, 31 and 35A, Larry 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 on Parcels 30, 31 and 35A, finding that the Parcels specially benefited from the special assessment work; and

WHEREAS, the original special road and drainage assessment lien on Parcel 35A contained Folio Nos. 0125-01-018-1 and 0125-01-018-2; and

WHEREAS, the acreage of Parcel 35A, Folio No. 0125-01-018-1, is .94 acres; and

WHEREAS, the special road and drainage assessment on .94 acres is \$3,686.49; and

WHEREAS, interest on the amount due and claimed by the Town on Parcel 35A, Folio No. 0125-01-018-1 is \$2,198.07, up to and including April 21, 1999 (per diem \$1.28); and

WHEREAS, the base amount of the special road and drainage assessment liens on Parcels 30, 31 and 35A total \$13,628.25; and

WHEREAS, the parcel owner, Larry Danielle, has agreed to the payment of the assessments and all accrued interest; and

WHEREAS, the parcel owner, Larry Danielle, has requested that the special road and drainage assessment amounts on Parcels 30, 31 and 35A be made via monthly payments bearing a simple interest rate of 8%; and

WHEREAS, it is deemed in the best interest of the Town to authorize deletion of that portion of Parcel 31 contained within the Florida Power & Light transmission easement, to adjust the acreage of Parcel 35A, and to authorize payment of the special road and drainage assessment liens on Parcels 30, 31 and 35A, in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty.

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

SECTION 1. That Larry Danielle is authorized to pay the special assessment amounts on Parcels 30, 31, and 35A in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty commencing May 1, 1999.

SECTION 2. That Larry Danielle owes to the Town of Davie the special assessment base amount of \$8,196.56 plus accrued interest on Parcel 30, the base amount of \$1,745.20 plus accrued interest on Parcel 31, and the base amount of \$3,686.49 plus accrued interest on Parcel 35A.

SECTION 3. That upon payment to the Town of Davie of the sums referred to above in cleared funds, the special assessment liens on Parcel 30, Folio No. 0125-01-017-2; Parcel 31, Folio No. 0125-01-017-9; and Parcel 35A, Folio No. 0125-01-018-1, shall be deemed satisfied.

SECTION 4. That in the event the parcel owner fails to comply with the payment schedule in Section 1, the Town of Davie is authorized to pursue any and all available legal remedies to collect the amounts due in Section 2, 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.