

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM: Monroe D. Kiar, Town Attorney/ (954) 584-9770

SUBJECT: Resolution

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING \$18,916.80 FROM SAM JACK, INC. AS PAYMENT IN FULL OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL NUMBER 9B, AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town of Davie imposed a special assessment for road and drainage improvements through the execution of Resolution R-87-255. Pursuant to this roadway assessment, Parcel No. 9B was found to have benefited from the roadway and drainage improvements implemented by the Town. The subject parcel was assessed the sum of \$18,916.80 plus interest at a rate of eight percent (8%) annually.

Subsequent to the Town's attempt to obtain payment of the monies owed pursuant to the roadway assessment, the present owner of the subject parcel contacted this office and transmitted documents indicating that his attorneys were informed by the Town that there was no assessment lien on the parcel. The evidence presented by Mr. Jazayri indicated that he received this information from the Town prior to purchasing the subject property. Additionally, at the time that Mr. Jazayri bought the property, the roadway assessment was not recorded in the County records.

During the course of the property owner's negotiations with the Town regarding the roadway assessment, the property owner has made an offer to pay the principal sum of \$18,916.80 as payment in full of the assessment on the subject parcel. In light of the circumstances surrounding the assessment of this parcel, the Town Attorney's Office brought this proposal to the attention of the Town Administrator's Office for its review and the matter is being brought to the Council for its deliberations.

PREVIOUS ACTIONS: None

CONCURRENCES: None

RECOMMENDATION(s): Motion to approve this resolution

ATTACHMENTS: Resolution, Settlement Proposal Letter

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING \$18,916.80 FROM SAM JACK, INC. AS PAYMENT IN FULL OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL NUMBER 9B, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie imposed a special assessment for road and drainage improvements through the implementation of Resolution No. R-87-255; and

WHEREAS, as part of the assessment, Parcel Number 9B was assessed pursuant to the road and drainage improvement; and

WHEREAS, Parcel Number 9B was assessed the sum of \$18,916.80 plus (8%) eight percent interest annually; and

WHEREAS, Sam Jack, Inc. is the owner of Parcel Number 9B; and

WHEREAS, Sam Jack, Inc. has offered to pay the Town of Davie the amount of \$18,916.80 in full settlement and satisfaction of the road and drainage assessment; and

WHEREAS, the parties believe that this offer represents a mutually beneficial settlement of the assessment lien.

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

SECTION 1. That upon payment to the Town of Davie of the lump sum of \$18,916.80 in cleared funds and not later than 45 days from the date of the passage of this Resolution, the special assessment lien referred to above on Parcel Number: 9B shall be deemed satisfied.

SECTION 2. Upon any failure by the owner of the assessed parcel to tender the lump sum payment of \$18,916.80 in cleared funds no later than 45 days from the date of passage of this Resolution, this offer of settlement shall be deemed rejected.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ___ DAY OF _____ 2004.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ___ DAY OF _____, 2004.