

# 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 \$5,500.00 AS PAYMENT IN FULL OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL NUMBER 64, AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The Town of Davie imposed a special assessment for road and drainage improvements by Resolution No. R-87-255. As part of the assessment, Parcel No. 64 was assessed pursuant to the road and drainage improvements. The amount owed on Parcel No. 64 is \$3,725.71 in principal, plus interest. The property owner has offered to pay the Town of Davie the total sum of \$5,500.00 which represents 66% of the total amount due for principal and interest as of September 30, 2003.

**PREVIOUS ACTIONS:** A lawsuit was filed against 2238 NW 86<sup>th</sup> Street, Inc., the owner of the subject property, to recover the amount of the special road assessment.

**CONCURRENCES:**

**FISCAL IMPACT:**

**RECOMMENDATION(S):** Motion to approve the Resolution.

**ATTACHMENTS:** Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING \$5,500.00 AS PAYMENT IN FULL OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL NUMBER 64, AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, as part of the assessment, Parcel Number 64 was assessed pursuant to the road and drainage improvement; and

WHEREAS, the amount of \$3,725.71, plus interest of \$4,462.46 is owed as of September 30, 2003 on the parcel; and

WHEREAS, 2238 NW 86<sup>th</sup> Street, Inc. is the owner of Parcel Number 64; and

WHEREAS, 2238 NW 86<sup>th</sup> Street, Inc. has offered to pay the Town of Davie the amount of \$5,500.00 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 \$5,500.00 in cleared funds and not later than December 13, 2003, the special assessment lien referred to above on Parcel Number 64 shall be deemed satisfied.

SECTION 2. Upon any failure by the owner of the assessed parcel to tender the lump sum payment of \$5,500.00 in cleared funds no later than December 13, 2003, this Resolution shall be deemed rejected.

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

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

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

ATTEST:

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

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

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