

# 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: Maria Danielle and Maria Danielle, Trustee  
Parcel No. 33, Folio No. 0125-01-017-1  
Parcel No. 34, Folio No. 0125-01-017-6  
Parcel No. 94, Folio No. 0137-01-054-0

Request: The parcel owner requests a waiver of the accrued interest for the special road and drainage assessment as the parcel owner contends that the parcels did not specially benefit from the special assessment. The parcel owner also requests to pay the special assessment in 60 consecutive monthly payments.

The parcel owner was not 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.

The proposed Resolution enclosed recommends a denial of the parcel owner's request for waiver of accrued interest and a grant of the parcel owner's request for a monthly payment plan.

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, DENYING REQUEST FOR WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN ON PARCELS 33, 34 AND 94; AND AUTHORIZING MONTHLY PAYMENT OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIENS ON PARCELS 33, 34 AND 94; 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 33, Folio No. 0125-01-017-1, was assessed the sum of \$4,510.07; and

WHEREAS, interest on the amount due and claimed by the Town on Parcel 33 is \$2,689.23, up to and including April 21, 1999 (per diem \$1.57); and

WHEREAS, as part of the assessment, Parcel 34, Folio No. 0125-01-017-6, was assessed the sum of \$4,431.63; and

WHEREAS, interest on the amount due and claimed by the Town on Parcel 34 is \$2,642.39, up to and including April 21, 1999 (per diem \$1.54); and

WHEREAS, as part of the assessment, Parcel 94, Folio No. 0137-01-054-0, was assessed the sum of \$10,941.82; and

WHEREAS, interest on the amount due and claimed by the Town on Parcel 94 is \$6,524.34, up to and including April 21, 1999 (per diem \$3.81); and

WHEREAS, a dispute arose as to liability for the accrued interest for the assessment on Parcels 33, 34 and 94, based upon the parcel owner's contentions that the parcel did not specially benefit from the assessment; and

WHEREAS, the parcel owner, Maria Danielle and Maria Danielle, Trustee, was not 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 parcel owner, Maria Danielle and Maria Danielle, Trustee, has requested to pay the assessments due on Parcels 33, 34 and 94 in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty; and

WHEREAS, the Town is entitled to the full amount of the accrued interest on the special road and drainage assessment liens upon Parcels 33, 34 and 94.

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

SECTION 1. That Maria Danielle and Maria Danielle, Trustee, is authorized to pay the special assessment amounts due on Parcels 33, 34 and 94 in 60 consecutive monthly payments at a rate of 8% simple interest with no prepayment penalty commencing May 1, 1999.

SECTION 2. That Maria Danielle and Maria Danielle, Trustee, owes to the Town of Davie the special assessment base amount of \$4,510.07 plus accrued interest on Parcel 33, Folio No. 0125-01-017-1, the base amount of \$4,431.63, plus accrued interest on Parcel 34, Folio No. 0125-01-017-6, and the base amount of \$10,941.82, plus accrued interest on Parcel 94, Folio No. 0137-01-054-0.

SECTION 3. That upon payment to the Town of Davie of the sums referred to in Section 2 above in cleared funds, the special assessment lien on Parcel 33, Folio No. 0125-01-017-1, Parcel No. 34, Folio No. 0125-01-017-6, and Parcel No. 94, Folio No. 0137-01-054-0, 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 above, plus any and all accrued interest, less any payment 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.