

# MEMORANDUM

## Department of Budget and Finance

To: Robert Rawls, Interim Town Administrator

From: Chris Wallace, Director of Budget and Finance

Date: May 14, 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: Charles Lee Manchac, Parcel 3  
Folio No. 504125-03-002-1 (Resolution R-99-/Parcel 3-Manchac)

Request: The parcel owner requests a waiver of the accrued interest for the roadway assessment as the parcel owner contends that the parcel did not specially benefit from the roadway assessment.

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 parcel owner has paid the base amount of the assessment. The proposed Resolution enclosed recommends a denial of the parcel owner's request for waiver of accrued interest.

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 WAIVER OF ACCRUED INTEREST OF THE  
SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON  
PARCEL 3; 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 3, Folio No. 504125-03-002-1, was assessed the sum of \$5,921.92; and

WHEREAS, interest on the amount due and claimed by the Town is \$3,013.90, up to and including May 19, 1999 (current per diem \$.66); and

WHEREAS, on April 1, 1997, the Town of Davie forwarded a demand letter to the parcel owner, Charles Lee Manchac, in an effort to collect the special road and drainage assessment lien; and

WHEREAS, Charles Lee Manchac paid the amount of \$5921.00 on March 3, 1998; and

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

WHEREAS, the parcel owner, Charles Lee Manchac, 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 Town is entitled to the remainder of the base amount of the assessment due and the full amount of the accrued interest on the special road and drainage assessment lien upon Parcel 3, Folio No. 504125-03-002-1.

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 sum of \$3,013.90 in cleared funds, the special assessment lien referred to above on Parcel 3, Folio No. 504125-03-002-1, shall be deemed satisfied.

SECTION 2. That in the event the parcel owner, Charles Lee Manchac, fails to pay the sum of \$3,013.90 in cleared funds within ten (10) days from the date of this Resolution, the Town of Davie is authorized to pursue any and all available legal remedies to collect the base amount and interest amount in Section 1 and any and all interest accruing from the date of this Resolution.

SECTION 3. 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.