

RESOLUTION 01-2018

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AUTHORIZING, DECLARING AND CREATING A SPECIAL ASSESSMENT FOR THE HARD SURFACING OF SMITH LANE, SOUTH OF ATZ ROAD FOR A DISTANCE OF 2,224 FEET; PROVIDING FOR THE ESTIMATE OF TOTAL COSTS OF SAID IMPROVEMENTS; DESIGNATING THE PORTION OF THE IMPROVEMENT TO BE PAID BY SPECIAL ASSESSMENT; DESIGNATING WHEN THE SPECIAL ASSESSMENT SHALL BE PAID; DESIGNATING THE LANDS UPON WHICH THE SPECIAL ASSESSMENT SHALL BE LEVIED; PROVIDING FOR AN ASSESSMENT PLAT AND THE CREATION OF A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR PUBLICATION AND NOTIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town of Malabar is a Florida municipal corporation organized and existing under Florida law; and.

WHEREAS, the Town Council provided in Chapter 13, Section 13-52 the method to levy Special Assessment for paving or hard surfacing of approved dirt roads, and;

WHEREAS, The Town Council is the governing body of the Town and has authority pursuant to Chapter 170 of the Florida Statutes to declare a Special Assessment, and;

WHEREAS, Florida Statute 170.01(1) (b) authorizes the Town to impose a special assessment for "the construction, reconstruction, repair, paving, repaving, hard surfacing, rehard surfacing, widening...of streets..."; and

WHEREAS, the Town has received a Petition from the property owners on Smith Lane requesting paving of 2,224 feet of roadway, south of Atz Road in Township 29, Range 37 Section 12 of the Town; the road frontages for each property owner have been determined and noted on an Assessment map in accord with F.S. 170.02, density tests have been performed, estimates for paving received, 16 Notices sent out to the affected property owners with the cost estimate and 12 affirmative responses were received back that exceed the two-thirds of front footage, with a total estimated cost of \$70,666.67 and;

WHEREAS, The Town Council declares a special assessment for road surfacing of Smith Lane is necessary for the areas described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The above recitals are true and correct and are considered an integral part of this Resolution.

SECTION 2. The Town Council hereby declares that a special assessment is necessary for hard surfacing of that portion of Smith Lane shown on those certain plans located in the Smith Lane road file at Town Hall, and this Resolution shall be legally advertised in the Florida Today newspaper upon its adoption.

SECTION 3.

The Total road frontage affected in this Special Assessment is 4,316.84 linear feet and the total estimated maximum cost is \$69,847.31 as provided for in F.S. 170.03 and represents the full and complete costs associated with all aspects of this project. That portion of the improvement of Smith Lane to be paid by the special assessment is \$69,847.31. The manner upon which the special assessment is to be determined shall be based and prorated on the foot frontage of the respective properties benefited by the said improvement. The Town Council of the Town of Malabar, Brevard County, Florida, has also provided for extended payments over the course of two years in a previously adopted Resolution.

SECTION 4. The most common Special Assessment for a Property Owner with 200 feet of Smith Lane road frontage is estimated to not exceed \$3,236.00.

SECTION 5. The Complete Assessment List of all affected property owners and their assessments will be advertised as provided for in F.S. 170.07 indicating whether one or two years will be used for the installment payments of the assessments.

SECTION 6. The lands upon which the special assessment shall be levied are described as all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby and further designated by the assessment plat hereafter provided for.

SECTION 7. An assessment plat showing the area to be assessed, with plans and specifications, and an estimate of the cost of the proposed improvement may be inspected at the Office of the Town Clerk, 2725 Malabar Road, Malabar, FL 32950.

SECTION 8. Upon the adoption of this Resolution the Town shall cause to be made a preliminary assessment roll in accordance with the method of assessment provided for herein, which assessment roll shall be completed as promptly as possible; said assessment roll shall show the lots and lands assessed and the amount of the benefit to and the assessment against each lot or parcel of land, and, if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon said assessment roll.

SECTION 9. Upon the adoption of this resolution the Town shall cause said resolution to be published one time in a newspaper of general circulation published in the Town.

SECTION 10. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 11.

This resolution shall take effect immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council Member Rivet. The motion was seconded by Council Member KORN and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball
Council Member Laura Mahoney
Council Member Steve Rivet

Aye
Aye
Aye

Council Member Dick Korn
Council Member Danny White

Aye
Aye

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this 16 day of April, 2018.

BY: TOWN OF MALABAR

Patrick T. Reilly
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Debby K. Franklin

Debby K. Franklin, C.M.C.
Town Clerk/Treasurer



Approved as to form and legal sufficiency by:

Karl W. Bohne, Jr.

Karl W. Bohne, Jr.
Town Attorney