

RESOLUTION 10-2020

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AUTHORIZING, DECLARING AND CREATING A SPECIAL ASSESSMENT FOR THE HARD SURFACING OF HUNTER LANE, NORTH OF ATZ ROAD FOR A DISTANCE OF 1,100 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 CREATION OF AN ASSESSMENT PLAT AND 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 Council's intent to pay for 40% of the paving expense as an enticement to encourage densely developed dirt roads to consider paving using the Special Assessment process, 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 Hunter Lane requesting paving of 1,100 feet of roadway, north of Atz Road in Township 29, Range 37 Section 01 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, estimates for engineering testing, specifications and paving received, 40 percent of cost deducted and ten (10) Notices were sent out to the affected property owners with the cost estimate "not to exceed" and eight (8) affirmative responses were received back that exceed the two-thirds of front footage, with a total estimated cost of \$38,000.00 and \$26,000.00 subject to the Special Assessment; and;

WHEREAS, The Town Council declares a Special Assessment for paving of Hunter Lane, north of Atz Road 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 Hunter Lane north of Atz Road for a distance of 1,100 feet

shown on assessment map, and directs staff to proceed with the engineering plans, testing and committing with the paving vendor, 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 2,200 linear feet and the total estimated cost is \$38,000.00 as provided for in F.S. 170.03 and represents the full and complete costs associated with that portion of the paving of Hunter Lane; the portion to be paid by the special assessment is \$26,000.00. 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 three years in a previously adopted Resolution.

SECTION 4. The most common Special Assessment for a Property Owner with 200 feet of Hunter Lane road frontage is estimated to not exceed \$2,364.00.

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, two or three 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 White. The motion was seconded by Council Member Scardino and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	Aye
Council Member Brian Vail	Aye
Council Member Steve Rivet	Excused
Council Member David Scardino	Aye
Council Member Danny White	Aye

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this 6th day of July 2020.

BY: TOWN OF MALABAR

original signed
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved as to form and
legal sufficiency by:

Karl W. Bohne, Jr.
Karl W. Bohne, Jr.
Town Attorney