AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Community Redevelopment Agency
Monday, October 17, 2005 at 7:30 p.m.
Lake Park Town Hall
535 Park Avenue

Paul Castro	—	**Mayor**
Paul Garretson	—	**Vice Mayor**
G. Chuck Balius	—	**Commissioner**
Jeff Carey	—	**Commissioner**
Edward Daly	—	**Commissioner**
Patricia Plasket-Osterman		**Board Member**
Paul Carlisle	—	**Town Manager**
Stephanie Thomas	—	**Town Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. ADDITIONS/DELETIONS-APPROVAL OF AGENDA

E. APPROVAL OF MINUTES

1. January 19, 2005 CRA Board Meeting Minutes. TAB 1
2. September 19, 2005 CRA Board Meeting Minutes. TAB 2

F. DISCUSSION AND POSSIBLE ACTION

3. CRA Alleyway Improvements TAB 3

Tab 1

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: October 17, 2005 Agenda Item No.

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[ ] ORDINANCE ON FIRST READING

[ ] GENERAL APPROVAL OF ITEM

[ ] Other:

[ ] RESOLUTION

[ ] DISCUSSION

[ ] BID/RFP AWARD

[X] CONSENT AGENDA

SUBJECT: Special Call Community Redevelopment Agency Meeting minutes from January 19, 2005.

RECOMMENDED MOTION/ACTION: Approve the minutes from the Special Call Community Redevelopment Agency Meeting of January 19, 2005.

Approved by Town Manager _____ **Date:**_____

Originating Department: Town Clerk	Costs: $ Funding Source: Acct. #	**Attachments:** Memo.
Department Review: [] City Attorney_____ [] Community Affairs ____ [] Community Development__	[ ] Finance _____ [ ] Fire Dept _____ [ ] Library _____ [ ] PBSO _____	[ ] Personnel _____ [ ] Public Works_____ [X] Town Clerk_____ [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ [] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____: Please initial one.

Summary Explanation/Background:

MINUTES
TOWN OF LAKE PARK, FLORIDA
SPECIAL CALL
COMMUNITY REDEVELOPMENT AGENCY MEETING
Wednesday, January 19, 2005 7:30 p.m.
Town Commission Chambers, 535 Park Avenue

The Community Development Board met for the purpose of a Special Call Community Redevelopment Agency Meeting on Wednesday, January 19, 2005 at 7:30 PM. Present were Vice Mayor Balius, Commissioners Carey, Daly and Garretson, Board-member Patricia Osterman, and Deputy Town Clerk Vivian Mendez.

Vice-Mayor Balius called the meeting to order at 7:31 p.m.
Vice-Mayor Balius led the Pledge.
The Deputy Town Clerk performed roll call. Board-member Gerald Foland was absent; Mayor Castro arrived at 7:38 p.m.

ADDITIONS/DELETIONS

MOTION: A motion was made by Commissioner Garretson to approve the agenda second by Board-member Osterman.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Vice-Mayor Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Board-Member Patricia Osterman	X		
Mayor Castro			X

Motion passed 5-0

Presentation
None

Consent Agenda:

Community Redevelopment Agency Board Meeting Minutes of October 18, 2004 and November 15, 2004

MOTION: A motion was made by Commissioner Garretson to approve the Consent agenda second by Commissioner Daly.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Vice-Mayor Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Board-Member Patricia Osterman	X		
Mayor Castro			X

Motion passed 5-0

Discussion Item:
Discussion of Alleyway Improvements

Interim Town Manager Paul Carlisle explained some of the options for the improvement of the Alleyway beginning on 7th and 8th Street. Cindy Sementelli answered questions regarding the financial figures.

MOTION: A motion was made by Commissioner Garretson to proceed with phase 1 and phase 2 and to phrase the contract in such a matter where it is renewable to complete the project over the course of a three (3) year period second by Board-Member Osterman.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Vice-Mayor Balius	X		
Commissioner Daly	X		

Commissioner Carey	X		
Board-Member Patricia Osterman	X		
Mayor Castro	X		

Motion passed 6-0

COMMENTS

Next meeting is scheduled for Monday, February 7th in the Library Conference Room.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Balius and seconded by Commissioner Garretson, and by unanimous vote, the meeting adjourned at 8:05 PM.

_____
Mayor Paul Castro

_____
Interim Town Clerk Stephanie Thomas

Approved on _____

Tab 2

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: October 17, 2005 Agenda Item No.

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[ ] RESOLUTION

[ ] DISCUSSION

[ ] ORDINANCE ON FIRST READING

[ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM

[X] CONSENT AGENDA

[ ] Other:

SUBJECT: Community Redevelopment Agency Meeting minutes from September 19, 2005.

RECOMMENDED MOTION/ACTION: Approve the minutes from the Community Redevelopment Agency Meeting of September 19, 2005.

Approved by Town Manager _____ **Date:**_____

Originating Department: Town Clerk	Costs: $ Funding Source: Acct. #	**Attachments:** Memo.
Department Review: [] City Attorney_____ [] Community Affairs ____ [] Community Development___	[ ] Finance _____ [ ] Fire Dept _____ [ ] Library _____ [ ] PBSO _____	[ ] Personnel _____ [ ] Public Works _____ [X] Town Clerk S. Thomas [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ [] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____: Please initial one.

Summary Explanation/Background:

MINUTES
TOWN OF LAKE PARK, FLORIDA
COMMUNITY REDEVELOPMENT AGENCY MEETING
Monday, September 19, 2005 7:30 p.m.
Town Commission Chambers, 535 Park Avenue

The Community Development Board met for the purpose of a Community Redevelopment Agency Meeting on Monday, September 19, 2005 at 7:38 PM. Present were Mayor Castro, Vice Mayor Garretson, Commissioners Balius, Carey, Daly, Board-member Patricia Osterman, and Deputy Town Clerk Vivian Mendez. Board-member Gerald Foland were absent.

Mayor Castro called the meeting to order.
Mayor Castro led the Pledge.
The Deputy Town Clerk performed roll call.

Commission Member	Yes	No	Other
Board Member Foland			Absent
Board Member Osterman	X		
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Daly	X		
Vice-Mayor Garretson	X		
Mayor Castro	X		

ADDITIONS/DELETIONS

Motion: **A motion was made by Commissioner Balius to approve the agenda; Commissioner Daly made the second.**

Commission Member	Yes	No	Other
Board Member Foland			Absent
Board Member Osterman	X		

Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Daly	X		
Vice-Mayor Garretson	X		
Mayor Castro	X		

Motion passed 6-0

APPROVAL OF MINUTES

Board-Member Osterman requested one correction in the minutes. The street name on page 3 of the February 7, 2005 minutes should be Laurel.

Motion: **A motion was made by Commissioner Balius to approve the minutes as stated; Board-Member Osterman made the second.**

Commission Member	Yes	No	Other
Board Member Foland			Absent
Board Member Osterman	X		
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Daly	X		
Vice-Mayor Garretson	X		
Mayor Castro	X		

Motion passed 6-0

DISCUSSION AND POSSIBLE ACTION:
Landscape and Hardscape renovations for 10th and Park Avenue Alleyway Improvements

Town Manager Paul Carlisle stated that at the last Community Redevelopment Agency meeting the board wanted to see plans to upgrading the landscaping on Park Avenue. Town Manager Paul

Carlisle indicated that there was one error in the plan budget for the landscaping lighting that was given to the board, it should be $200,000.00 instead of $20,000.00. Vice-Mayor Garretson stated that although the plan presented was great, the Town needs a low end version of the plan. Vice-Mayor Garretson indicated that his vision is to see the Town use $100,000.00 on this project to revitalize Park Avenue instead of the $200,000.00 shown.

Town Manager Paul Carlisle introduced Joe Peterson of Calvin Giordano who presented the different plan options that would suite the boards budget. Mr. Peterson stated that by changing some of the type of trees it would bring the cost down and still give the great atmosphere that the Town is trying to accomplish.

Commissioner Daly indicated that he would like to see more canopy type trees in the area to provide shade while waiting for a bus or walking down the street. Mr. Peterson stated that maybe Oak trees or Royal Points might offer that type of shade.

Commissioner Balius expressed his concern with the way the sidewalks look around the entire area.

Mayor Castro expressed his vision of the Park Avenue area. Mayor Castro would prefer the project to be budgeted about $100,000.00. Mayor Castro would prefer different landscape options, including the Live Oak Trees.

Commissioner Carey asked if this project would cost $420,000.00 from Park Avenue to Northlake Blvd. Mr. Peterson stated that depending on the amount of lighting that is installed the budget could go as high as $420,000.00.

Commissioner Balius wanted to know of the lighting in the median. Town Manager Paul Carlisle stated that the median lighting is part of the landscaping plan they were given my Joe Peterson.

Mayor Castro stated that he needed to leave the meeting for another commitment and that his vision is as follows: three (3) years project in three (3) phased, start with the business district of Park Avenue, (the business owners are really working hard at getting their area fixed and looking good). Phase 1 should start at 10th and go through for the next three (3) years to Northlake.

Town Manager Paul Carlisle asked for direction from the board to get the first phase of this project started.

Vice-Mayor Garretson stated that the board is not looking to spend all of its money in one area.

Town Manager Paul Carlisle explained that the landscaping project would cost about $10,000.00 for Park Avenue from 7th - 10th Street. The budget amount of $5,000.00 would not cover as much landscaping area as they would prefer.

Commissioner Daly asked about the lighting. Town Manager Paul Carlisle explained that they received an estimate, from the County, to put in lighting from 7th Street to US Highway 1 on Park Avenue. The estimate budget was for $100,000.00, which would allow the Town to put in seven (7) lights.

Vice-Mayor Garretson stated that the landscaping should start at $10,000.00 but not exceed $15,000.00 on Park Avenue from 7-10th Streets to start phase 1.

Town Manager Paul Carlisle indicated that he is working with the County to help fund the project. Palm Beach County Commissioner Karen Marcus has offered to pay the engineering cost for the lighting.

The Community Redevelopment Agency Board came to consensus to set a budget for the phase 1 portion of the project to $75,000.00.

Town Manager Paul Carlisle will work with Joe Peterson of Calvin Giordano to create a modest plan with the new budget number of $75,000.00 the board agreed upon. The plan will be in three

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Carey and seconded by Commissioner Daly, and by unanimous vote, the meeting adjourned at 8:03 PM.

_____
Mayor Paul Castro

_____
Deputy Town Clerk Vivian Mendez

Approved on _____

Tab 3

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: October 11, 2005 Agenda Item No

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[ ] RESOLUTION

[X] DISCUSSION

[ ] ORDINANCE ON FIRST READING

[ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM

[ ] CONSENT AGENDA

[ ] Other:

SUBJECT: CRA Alleyway Improvements

RECOMMENDED MOTION/ACTION: The Town Commission make a motion directing staff to proceed with the assessment process for the Pak Avenue Alleyway Improvements

Approved by Town Manager Stephanie Thomas per. P. Carlisle. **Date:** 9/30/05

Originating Department:	Costs: Funding Source: Acct. #	**Attachments:** Agreement
Department Review: [ ] City Attorney [ ] Community Affairs ____ [ ] Community Development___	[ ] Finance _____ [ ] Fire Dept _____ [ ] Library _____ [ ] PBSO _____	[ ] Personnel _____ [ ] Public Works _____ [X] Town Clerk S. Thomas [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ [X] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____X_____: Please initial one.

Summary Explanation/Background: At the August CRA meeting the CRA Board approved the cost estimate and funding options for the alleyway improvements in the CRA along Park Ave. The approval for the funding was to finance the project over twenty years and asses each commercial property owner and each multi-family property owner for their respective share of the improvements. Staff is requesting direction from the Town Commission to move forward with the assessment process.

TOWN OF LAKE PARK
INTER-OFFICE MEMORANDUM

To: Honorable Mayor and the Members of the Town Commission

From: Thomas J. Baird and Karen E. Roselli, Town Attorney

Date: September 30, 2005

Re: Special Assessments

I. Special Assessments Generally

Special assessments are charges against property in a particular locality because that property derives some special benefit from the expenditure of funds. Municipalities are authorized to levy special assessments pursuant to Chapter 170, Florida Statutes. A municipality may, through its governing authority, provide for the payment of the construction of public improvements by levying and collecting special assessments on the abutting, adjoining, contiguous, and other specifically benefited property.

Special assessments may be levied only for specific statutory purposes, and assessments may only be levied on benefited real property at a rate of assessment based on the special benefit accruing to such property from the improvements. The improvements funded by the special assessment must provide a benefit which is different in type or degree from benefits to the community as a whole. Section 170.01, Fla. Stat. (2) (2004). Thus, there are two (2) requirements for the levying of special assessments:

(1) The property must be specially benefited from the service provided or project constructed; and

(2) The assessment must be fairly and reasonably apportioned among the properties that receive the special benefit. Section 170.02, Fla. Stat. (2004).

If an assessment is challenged and it is determined that it did not meet these, the assessment is deemed an illegal tax, because taxes can only be authorized by general law. Special assessments against property deemed to be benefited by local improvements are to be assessed in proportion to the benefits derived therefrom, and are to be determined and prorated according to the foot frontage of the respective properties specifically benefited by the improvement. Although foot frontage is the most common method, a municipality may use other methods. Section 170.02, Fla. Stat. (2004).

II. Procedure for the Levy of Special Assessments

The following enumerated steps sets for the statutory procedures that the Commission must follow if it chooses to levy special assessments for alley improvements.

(1) The Commission must adopt a resolution stating the nature of the proposed improvement, and stating the part or portion of the expense to be paid by the special assessment, the manner in which the assessment is to be made, and when the assessments are to be paid. The resolution must state the portion, if any, to be paid from the Town's general improvement fund. The resolution must designate the lands upon which the special assessment shall be levied and the total estimated cost for the improvement, (which may include the cost of construction or reconstruction, cost of labor and materials, costs of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, discount in sale of special assessment bonds, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction). Section 170.03, Fla. Stat. (2004). A sample draft resolution is attached hereto for information as **Exhibit "A."**

(2) At the time this resolution is adopted, there must be on file with the municipality, an assessment plat showing the area to be assessed, and also plans and specifications, and an estimate of the cost of the proposed improvement, which must be open to the public for inspection. Section 170.04, Fla. Stat. (2004).

(3) Following adoption, the resolution must be published once a week for a period of two (2) weeks in a newspaper of general circulation published in the county where the municipality is located. Section 170.05, Fla. Stat. (2004).

(4) Also following adoption of the resolution, the Commission must cause a preliminary assessment roll to be made and completed as promptly as possible. Section 170.06, Fla. Stat. (2004). This roll must show the lots and lands to be assessed, and the amount of the benefit to and assessment against, each lot or parcel of land. If the assessment is to be paid in installments, the preliminary assessment roll must show the number of annual installments in which the assessment is divided. Section 170.06, Fla. Stat. (2004).

(5) After the preliminary assessment roll is completed, the Commission must set a time and place, by resolution, at which the property owners to be assessed and other interested persons may appear, and be heard as to the propriety and advisability of making

the improvements, the costs, the manner of payment, and the amount to be assessed against each property. Section 170.07, Fla. Stat. (2004).

(6) Thirty (30) days written notice as to the time and place of the hearing on the special assessments must be given to the property owners. The notice to the property owners must include the amount of the assessment, and must be served by mailing a copy of the notice to each property owner at their last known address with the names and addresses of the property owners to be obtained from the records of the property appraiser. Section 170.07, Fla. Stat. (2004). Proof of mailing shall be made by an affidavit of the clerk of the municipality.

(7) In addition, notice of the time and place of the hearing shall be given by two (2) publications one week a part in a newspaper of general circulation in the county, provided that the last publication is at least one week prior to the date of the hearing. The newspaper notice must describe the streets, alleys, or other areas to be improved, and advise all interested persons that the description of each property to be assessed and the amount to be assessed to each parcel of property, may be ascertained at the office of the clerk. The service of publication must be verified by the affidavit of the publisher filed with the clerk of the municipality. Section 170.07, Fla. Stat. (2004).

(8) At the hearing established by Section 170.07, Fla. Stat. (2004), the Commission takes testimony from affected property owners. Following the testimony, the Commission makes a final decision on whether to levy the special assessment. Section 170.08, Fla. Stat. (2004).

(9) Next, the Commission meets as an "equalizing board" to hear and consider any and all complaints as to the special assessment, and shall adjust and equalize the assessment on a basis of "justice and right." Section 170.08, Fla. Stat. (2004). A final assessment roll that has been equalized and approved by the Commission shall be filed, and the assessments shall stand confirmed and remain legal, valid and binding for first liens on the property against which the assessments were made until paid.

(10) Upon completion of the improvement, the Town must credit each of the assessments, the difference in the assessments originally made, approved and confirmed, and the proportionate part of the actual cost of the improvement paid by the special assessments. Section 170.08, Fla. Stat. (2004). In no event may the final assessment exceed the amount of benefits originally assessed. Section 170.08, Fla. Stat. (2004).

(11) The assessment shall be recorded by the clerk in an "Improvement Lien Book" which shall constitute prina facie evidence of its validity. Section 170.08, Fla. Stat. (2004).

(12) The special assessments shall be payable in the time and manner stipulated in the resolution providing for the improvements. Section 170.08, Fla. Stat. (2004). These liens shall bear interest at a rate not to exceed eight percent (8%) per year. Section 170.09, Fla. Stat. (2004).

NOTE: The Town Code does not address special assessments except pertaining to walls and fences to be erected for separating walls. Section 32-68 provides that the costs and expenses of the building and maintenance of a separating wall "shall be fairly apportioned by special assessments, between the owner of the commercial lots," and in the case where the residential units on abutting lots are multiple family, then the owners of the multiple family property. The Town is to determine the apportionment of such expenses. Unless the construction of walls and fences are to be part of this public improvement project, this code section is not applicable to the levy of the proposed special assessment.

cc: Paul Carlisle, Town Manager
Cindy Sementelli, Finance Director

E:\TJB\LP General\Memos\Mayor and TC Special Assessments.wpd

Lake Park Holiday Lighting

Bid #09-2005

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RESOLUTION _____,2005

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA DETERMINING A NEED FOR THE MAKING OF PUBLIC IMPROVEMENTS IN THE FORM OF ALLEYWAY PAVING AND OTHER RELATED WORKS AS AUTHORIZED BY SECTION 170.01, FLORIDA STATUTES (2004), TO BE LOCATED FROM AND BETWEEN, AND NORTH AND SOUTH OF 7TH AND 8TH STREETS, 8TH AND 9TH STREETS AND 9TH AND 10TH STREETS WITHIN THE TOWN OF LAKE PARK, FLORIDA; DECLARING THE LEVY OF A SPECIAL ASSESSMENT ON THE SPECIALLY BENEFITTED PROPERTIES FOR PAYMENT OF _____% OF THE TOTAL COSTS OF THE PUBLIC IMPROVEMENTS; PROVIDING FOR THE METHOD OF LEVY AND PRO-RATION OF THE SPECIAL ASSESSMENTS; PROVIDING FOR THE METHOD OF PAYMENT OF THE SPECIAL ASSESSMENTS; PROVIDING FOR THE PAYMENT OF _____% OF THE TOTAL COST OF THE IMPROVEMENTS FROM THE TOWN'S GENERAL IMPROVEMENT FUND; PROVIDING A DESIGNATION AND DESCRIPTION OF THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS ARE TO BE LEVIED; PROVIDING FOR THE TOTAL ESTIMATED COST OF THE PUBLIC IMPROVEMENTS; PROVIDING FOR THE COMPLETION OF A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR THE PUBLICATION OF THIS RESOLUTION IN A NEWSPAPER OF GENERAL CIRCULATION IN PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission, as the governing body of the Town of Lake Park, Florida, pursuant to the authority in Chapter 163, Chapter 166, and Chapter 170, Florida Statutes, is authorized and empowered to declare and levy special assessments for those public improvements authorized by Section 170.01, Fla. Stat. (2004); and

WHEREAS, the Town Commission has caused the inspection of the Town's public improvements consisting of alleyways and related improvements in the location from and between 7th, 8th, 9th and 10th Streets in the Park Avenue Downtown District ("PADD") within the Town of Lake Park; and

WHEREAS, the Town Commission has determined that the Town of Lake Park is in need of public improvements in the form of alleyway improvements, from and between, and north and south of 7th and 8th Street, 8th and 9th Street, and 9th and 10th Street, including the associated and related work of demolition, clearing and grubbing, grading and paving, improvement of storm drainage, striping, signage, landscaping and irrigation, and associated electrical and concrete work, and other related costs and expenses (hereinafter referred to as "public improvements"), all of which is more specifically described in the Town's Assessment Plat; and

WHEREAS, the Town's Assessment Plat depicts the area to be improved and is currently on file in the Office of the Town Clerk at this time, together with the plans and specifications for the proposed public improvements, and an estimate of the costs of the proposed public improvements, all of which is open to the public for inspection in accordance with the provisions of Section 170.04, Fla. Stat. (2004) and Chapter 119, Fla. Stat. (2004); and

WHEREAS, the costs of the proposed public improvements are authorized to be paid in full or in part, by special assessments levied on benefited real property, at a rate of assessment which is based upon the special benefit accruing to the real property from the improvements in accordance with the provisions of Section 170.01, Fla. Stat. (2004); and

WHEREAS, Section 170.02, Fla. Stat. (2004), provides that the special assessment levied shall be in proportion to the benefits derived and prorated according to the foot frontage of the respective properties specially benefited by the public improvements or by such method as the governing body of the municipality may prescribe; and

WHEREAS, Section 170.03, Fla. Stat. (2004) requires that a municipality levying special assessments for public improvements, which are authorized pursuant to Section 170.01, Fla. Stat. (2004), adopt a resolution declaring the special assessment in accordance with the requirements of Section 170.01, Fla. Stat. (2004); and

WHEREAS, the Town Commission hereby declares that a special assessment for the afore-stated public improvements shall be levied in accordance with the terms and conditions contained in this Resolution, which include the location of the improvements, the amount of costs of the improvements to be paid by the special assessment, the method of assessment, the manner in which the special assessment will be paid, and the time for payment, the portion of the costs to be paid, if any, from the general improvement fund of the Town, a designation of the lands upon which the special assessment shall be levied and a description of such land, and the estimated total cost of the improvements; and

NOW THEREFORE, be it ordained by the Town Commission of the Town of Lake Park:

Section 1: The whereas clauses are incorporated herein as true and correct findings of fact and conclusions of law of the Town Commission.

Section 2. Declaration of Assessment. The Town Commission hereby authorizes the levy of a special assessment <u>for the construction and improvement of the north and south alleyways from and between 7th and 8th Streets, 8th and 9th Streets, and 9th and 10th Streets, including demolition, clearing and grubbing, grading and paving and the costs of storm drainage, striping and signage, concrete, electrical, landscaping and irrigation, and all related necessary and incidental costs of the public improvements to the alleyways (hereinafter referred to as the "public improvements").</u>

Section 3. Designation of Lands to be Improved and Location. The proposed public improvements shall include the alleyways described and depicted in the attached **Exhibit "A,"**

which is incorporated herein. The proposed improvements shall include the following storm sewers and drains located as shown in the attached **Exhibit "B,"** which is incorporated herein.

Section 4. Portion of Total Cost of Public Improvements to be Paid by Special Assessment. The costs of the proposed public improvements shall be paid in whole by special assessments levied by the Town **[OR}** in part by special assessment, with ___% of the total cost paid from special assessments levied by the Town and the remaining __% of the total cost paid from _____ (i.e.-Improvements Bonds and/or Town's General Improvement Fund and/or Loans_____.

Section 6. Method of Assessment. The special assessments shall be levied against the benefited properties as follows: _____.

Section 7. Time and Manner of Payment of Assessments. The special assessments shall be paid by the benefited property owners as follows: there shall be a single assessment paid by each benefited property owner in the amount assessed against the benefited property which amount shall be paid on or before __ the 30th day after the adoption of a resolution by the Town Commission confirming the completion and acceptance of the public improvements which payment shall be payable by cash, personal check, cashier's check, or money order, in United States currency **[or}** the special assessment shall be paid in ___ (__) equal annual installments which first installment shall be paid on or before the 30th day after the adoption of a resolution by the Town Commission confirming the completion and acceptance of the public improvements, and the unpaid installments shall bear interest at a rate of eight percent (8%) per year until paid. If an annual installment is not paid when due, a penalty at the rate on one percent (1%) per month shall accrue until paid. The Town's Finance Director shall bill each property benefited by the public improvements by mailing the information as to the time, manner, and terms of payment contained herein to the individual property owners. Assessments may be paid at any time within thirty (30) days after the public improvements are completed and a resolution confirming and accepting the public improvements has been adopted by the Town Commission

Section 8. Lien Status. The special assessments shall remain liens, co-equal with the liens of all state, county, district and municipal taxes, and superior in dignity to all other liens, titles, and claims until paid, and shall bear interest at a rate of eight percent (8%) per year.

Section 9. Portion of Cost to be Paid From the General Improvement Fund of Town. _____% of the total cost of the improvements shall be paid from the Town's General Improvement Fund.

Section 10. Designation of Lands upon Which the Special Assessment Will be Levied. The lands subject to the special assessment are hereby identified as all lots and lands adjoining and contiguous or bounding and abutting upon such public improvements or specially benefited thereby and further designated by the assessment plat hereinafter provided for.

Section 11. Total Estimated Cost of Improvements. The total estimated cost for all improvements including the costs of construction, the costs of all labor and materials, the costs of any lands, property, rights, and easements necessary to be acquired, financing charges, interest

prior to and during construction, and for one (1) year after completion, the costs of plans and specifications, surveys, and estimates and costs and of revenues, legal and engineering fees and costs, and all other expenses the Town has determined are necessary and/or incidental to determine the feasibility and/or practicality of the construction of the proposed public improvements, administrative expenses, and other expenses which are necessary or incidental to financing is $_____.

Section 12. Publication. The Town Clerk is hereby directed to cause this Resolution to be published once a week for a period of two (2) weeks in a newspaper of general circulation in Palm Beach County, Florida in accordance with the requirements of Section 170.05, Fla. Stat. (2004).

Section 13. Preliminary Assessment Roll. Upon adoption of this Resolution, the Town Commission shall cause a Preliminary Assessment Roll to be made and completed as promptly as possible, in accordance with the method of assessment provided for herein. The Preliminary Assessment Roll shall show the lots and lands to be assessed, and the amount of the benefit to and the assessment against each lot and parcel of land.

Section 14. Effective Date. This Resolution shall become effective immediately upon adoption.

NOTE: The underlined portions of this Resolution are to be reviewed and modified as necessary depending on the decision of the Town Commission relative to the particulars of the levy of the special assessment.

(This space has been intentionally left blank.)

The foregoing RESOLUTION was offered by Commissioner _____, who moved its approval. The motion was seconded by Commissioner _____ , and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO		
VICE MAYOR CHUCK BALIUS		
COMMISSIONER PAUL GARRETSON		
COMMISSIONER ED DALY		
COMMISSIONER JEFF CAREY		

The Mayor thereupon declared Resolution No. _____ duly passed and adopted this ___ day of _____, 2005.

TOWN OF LAKE PARK, FLORIDA

BY:_____
Mayor Paul Castro

ATTEST:

_____
Carol Simpkins
Town Clerk

Approved as to form and legal sufficiency

_____
Thomas J. Baird, Town Attorney

(Town Seal)

October 09, 2005 - November 19, 2005

Town Calendar (subject to change; check www.lakeparkflorida.gov for calendar updates)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Oct 9	Oct 10	Oct 11	Oct 12	Oct 13	Oct 14	Oct 15
Oct 16	Oct 17 CRA Board Meeting, 7:30 p.m., Commission Chamber, Town Hall Lake Park Community Watch Meeting, 7:00 p.m., Library Conference Room	Oct 18	Oct 19 Regular Commission Meeting, 7:30 p.m., Commission Chamber, Town Hall	Oct 20 Code Compliance Board Meeting, 7:30 p.m., Commission Chamber, Town Hall	Oct 21	Oct 22
Oct 23	Oct 24 Lake Park Historical Society Meeting, 7:00 p.m., Evergreen House	Oct 25	Oct 26	Oct 27	Oct 28	Oct 29 Lake Park 1st Annual Halloween Egg Haunt, 7:00 p.m. to 8:00 p.m., Kelsey Park
Oct 30 Daylight Savings Time Ends	Oct 31	Nov 1 Tree Board Meeting CANCELED	Nov 2 New Moon Regular Commission Meeting, 7:30 p.m., Commission Chamber, Town Hall	Nov 3 Special Magistrate Hearing, 9:30 a.m., Commission Chamber, Town Hall; and Harbor Marina Advisory Board Meeting, 7:30 p.m., Commission Chamber, Town Hall	Nov 4	Nov 5
Nov 6	Nov 7 Library Board Meeting, 5:30 p.m., Library Conference Room Planning & Zoning Board Meeting, 7:00 p.m., Commission Chamber, Town Hall	Nov 8	Nov 9 First Quarter	Nov 10	Nov 11 Town Hall Closed Veterans Day	Nov 12
Nov 13	Nov 14	Nov 15	Nov 16 Full Moon Regular Commission Meeting, 7:30 p.m., Commission Chamber, Town Hall	Nov 17 Code Compliance Board Meeting, 7:30 p.m., Commission Chamber, Town Hall	Nov 18	Nov 19