

RESOLUTION NO. 22-07-05

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE REFUND OF SURPLUS MONIES DERIVED FROM SPECIAL ASSESSMENTS LEVIED FOR THE WATER TOWER ROAD PAVING AND DRAINAGE PROJECT, IN ACCORDANCE WITH THE DISBURSMENT SCHEDULE ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution No. 40-1985 of the Town Council of the Town of Lake Park was adopted on December 4, 1985, and initiated a program for providing sanitary sewers, water distribution facilities and streets, sidewalks, and appurtenant drainage facilities in Special Assessment Improvement District No. 1, to be known as the Water Tower Road Water and Sewer Project ("Project") in the Town, and

WHEREAS, the cost of the Project was preliminarily estimated to be the sum of \$1,500,000.00, payable by the levy of special assessments against the properties abutting, adjoining, or contiguous to, and specially benefited by the Project; and

WHEREAS, the assessments were to be made in twenty year equal yearly installments with interest and additional late fee penalties, on the unpaid balance, from the date of the acceptance of the Project by resolution of the Town Commission; and

WHEREAS, the total cost of the Project was paid from the proceeds of revenue bonds issued by the Town, with the revenue bonds (Bond Series 1988 A and B), and interest thereon paid from the special assessments and the interest and penalties thereon;

WHEREAS, the Summary of Final Assessment Calculations Equalized Area Method set forth the actual Project costs for all of the proposed improvements and the method of equalization and a Final Assessment Roll was adopted by the Town's Equalization Board on January 8, 1986; and

WHEREAS, the actual cost of the Water Tower Road Paving and Drainage Project was \$1,474,908.39, which was received from the collection of special assessments levied against the properties abutting, adjoining and contiguous to, and specifically benefited by, the Project; and

WHEREAS, the Town Commission of the Town of Lake Park, Florida has determined that it is the best interest of the public health, safety and general welfare to reimburse the owners of these properties subject to the 1985 special assessment in the amount of \$ 386,953.91 which represents the surplus money derived by the Town; and

WHEREAS, the Town Commission wishes to adopt the reimbursement schedule setting forth the method of calculating the amount of reimbursement per property owner and the means of reimbursement by the Town attached hereto in **Exhibit "A"** and

NOW WHEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA THAT:

Section 1. The foregoing recitals are hereby incorporated herein as true and correct findings of fact and conclusions of law of the Town Commission.

Section 2. The Disbursement Schedule attached hereto as **Exhibit "A"** is hereby approved and adopted and the Town shall make the reimbursements to the property owners according thereto.

Section 3. The proper officers of the Town of Lake Park are authorized and empowered to take all action and steps necessary to execute and deliver any and all instruments on behalf of the Town which are required to enforce this Resolution.

Section 4. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Commissioner Daly, who moved its adoption. The motion was seconded by Commissioner Darcy, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR PAUL W. CASTRO	<u>X</u>	_____
VICE-MAYOR PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>Absent</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____

The Mayor thereupon declared the foregoing Resolution No. 22-07-05 duly passed and adopted this 6 day of July, 2005

TOWN OF LAKE PARK, FLORIDA

BY: _____

Paul W. Castro
PAUL W. CASTRO
MAYOR

ATTEST:

Stephanie Thomas

Stephanie Thomas
TOWN CLERK

TOWN OF LAKE PARK
TOWNS SEAL

FLORIDA

Approved as to form and legal sufficiency:

By: _____

Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY