

**RESOLUTION NO. 2013-11**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MANGONIA PARK, FLORIDA, MAKING A FINAL DECISION TO MAKE CERTAIN PUBLIC IMPROVEMENTS AUTHORIZED BY CHAPTER 170, *FLORIDA STATUTES*, SPECIFICALLY BENEFITTING CERTAIN PROPERTY WITHIN THE TOWN AND TO LEVY SPECIAL ASSESSMENTS TO COVER THE COST OF THE IMPROVEMENTS; EQUALIZING SUCH SPECIAL ASSESSMENTS, CONFIRMING THE FINAL ASSESSMENT ROLL AND LEVYING SUCH SPECIAL ASSESSMENTS; PROVIDING A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Mangonia Park, Florida (the "Town") has determined to make certain public improvements (the "Improvements") in accordance with Chapter 170, *Florida Statutes* by constructing sanitary sewer line connections to certain properties adjoining and contiguous to Pioneer Road as shown on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the Town has determined that the costs of the Improvements shall be paid by non ad-valorem special assessments (the "Special Assessments") by those properties benefitted by the Improvements; and

WHEREAS, the Town is empowered to make the Improvements and to levy the Special Assessments by authority of Article VIII, Section 2 of the Florida Constitution, and Chapters 166 and 170, *Florida Statutes*; and

WHEREAS, there is on file in the Town Clerk's Office an assessment plat and roll (the "Preliminary Assessment Roll") showing the lots and lands proposed to be assessed for the Improvements; and

WHEREAS, on November 19, 2013, the Town Council held a Public Hearing at which the owners of the benefitted property, and other interested persons were heard as to the advisability and propriety of said Special Assessments and Improvements; and

WHEREAS, on November 19, 2013, the Town Council of the Town of Mangonia Park met as an Equalizing Board and heard and considered all complaints in accordance with Section 170.08, *Florida Statutes*; and

WHEREAS, the Town Council of the Town of Mangonia Park has determined that it is in the best interests of the health, safety and welfare of the citizens of

the Town of Mangonia Park to make the Improvements and to levy the Special Assessments against the specially benefitted property.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MANGONIA PARK, FLORIDA:**

Section 1: Authority For This Resolution. This Resolution is adopted pursuant to (a) Article VIII, Section 2, Florida Constitution, (b) Chapters 166 and 170, *Florida Statutes*, and (c) the Town Code of Ordinances.

Section 2: Findings. The Town Council hereby finds and determines as follows:

(a) The Town is a municipality of the State of Florida located in Palm Beach County and has been granted powers of home rule by Article VIII, Section 2 of the Florida Constitution and by Chapters 166 and 170, *Florida Statutes*; and

(b) The Town is authorized under its home rule power and the authority listed in sub-section (a) above to levy special assessments for certain public works projects; and

(c) Pursuant to Section 170.03, *Florida Statutes*, the Town duly adopted Resolution No. 2013-10 on October 15, 2013 (the "Intent Resolution"), expressing an intention to levy the Special Assessments; describing therein the Improvements to be made; setting forth the Estimated Costs to be defrayed by said Special Assessments; and

(d) At the time the Intent Resolution was adopted, the assessment plat was on file with the Town Clerk along with accompanying materials, which included, among other things, estimated costs for the Improvements and amount of the Special Assessments as required by Section 170.03, *Florida Statutes*; and

(e) The Intent Resolution was published as required by Section 170.05, *Florida Statutes* and Section 5 of the Intent Resolution; and

(f) Pursuant to Section 170.06, *Florida Statutes*, the Preliminary Assessment Roll was prepared in accordance with the method of assessment provided for in the Intent Resolution, and filed with the Town Clerk; and

(g) The Town Council, pursuant to Section 170.07, *Florida Statutes* and Section 6 of the Intent Resolution fixed the date, time and place at which a public hearing as to the Improvements, the Special Assessments to be levied and related matters was to be

held; and

(h) Notices of such public hearing were duly mailed and published in accordance with Section 170.07, *Florida Statutes* and as required by Sections 5 and 6 of the Intent Resolution; and

(i) At the time, place and date specified in the notices referred to in paragraph (h) above, the Town Council conducted such public hearing, heard testimony from all persons in attendance who requested an opportunity to testify and reviewed any written objections filed with the Town as to the matters described in paragraph (g) above; and

(j) The Commission then sat as an equalizing board, heard and considered any complaints as to the Special Assessments to be levied against specific parcels of real property, adjusted and equalized the special Assessments pursuant to law, directed Town staff to prepare a Final Assessment Roll by modifying the Preliminary Assessment Roll to the extent, if any, necessary to reflect the Special Assessments as so adjusted and equalized, and directed Town staff to file such Final Assessment Roll with the Town Clerk; and

(k) Town staff has prepared and filed with the Town Clerk the Final Assessment Roll, a copy of which is attached hereto as Exhibit A;

(l) Having considered such testimony, any written objections filed with the Town and other evidence presented at such public hearing, the Town Council hereby finds and determines that:

(i) The estimated costs of the Improvements are reasonable; and

(ii) It is reasonable, proper, just and right to assess the cost of such Improvements against the properties specially benefitted thereby using the methods determined by the Town Council, which results in the Special Assessments set forth on the Final Assessment Roll and as so marked and filed with the Town Clerk; it is hereby declared that the Improvements will constitute a special benefit to all parcels of real property listed on said Assessment Roll and that the benefit, in the case of each such parcel, will be in excess of the Special Assessment thereon; and

(iii) It is desirable that the Special Assessments be paid and collected as hereinafter provided.

(m) It is now necessary and desirable to approve the Final Assessment Roll and to take the other actions set forth herein.

Section 3: Authorization of Improvements. The Improvements are hereby authorized and approved. The proper officers, employees and agents of the Town are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be constructed.

Section 4: Total Estimated Cost of Improvements. The Estimated Costs of the Improvements is in excess of the total principal amount of the Special Assessments shown on Exhibit A hereto.

Section 5: Equalization, Approval, Confirmation and Levy of Special Assessments.

The Special Assessments on the assessed parcels, as shown on the Final Assessment Roll attached hereto as Exhibit A, are hereby approved, confirmed and levied. Promptly following the adoption of this Resolution, those Special Assessments shall be filed in the office of the Town Clerk, and such Special Assessments shall stand confirmed and remain legal, valid and binding first liens upon the property against which such Special Assessments are made until paid; such lien shall be coequal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles, and claims.

Section 6: Payment of Special Assessments and Method of Collection.

(a) Any person having any right, title, or interest in any assessed parcel, may prepay the Special Assessments thereon in whole at any time.

(b) If not prepaid in full, assessments shall be paid in five (5) interest free annual installments not to exceed \$500.00 each, to be placed as non ad-valorem assessments on the corresponding property tax bill pursuant to Resolution 2013-12.

Section 7: That the said Special Assessments shall be payable at the time or in the manner stipulated as provided for in this Resolution; and if not paid when due, such liens may be enforced according to law, and shall include court costs and other charges and reasonable attorney's fees.

Section 8 Platting of Parcels and Sale of Less Than All of Assessed Parcel. The Town may, by subsequent resolution, provide for a method of apportioning the Special

Assessment on any parcel upon its subdivision or sale.

Section 9 All resolutions or proceedings, or parts thereof, in conflict with the provisions hereof are to the extent of such conflict hereby repealed or amended to the extent of such inconsistency.

Section 10: This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of November, 2013.

**TOWN OF MANGONIA PARK**



**WILLIAM H. ALBURY, III, MAYOR**

(SEAL)

**ATTEST:**



Sherry Albury, Town Clerk

EXHIBIT "A"  
PRELIMINARY ASSESSMENT ROLL  
PIONEER ROAD  
RESOLUTION 2013-10

1204 Pioneer Road, Lot 31, as shown on the Plat of Pioneer Hill, Plat Book 11, Page 10.  
PCN: 44 43 43 05 07 000 0310.

Benefit Value \$8,934.29  
Assessment Amount: \$2,499.99

1205 Pioneer Road, Lot 7, as shown on the Plat of Pioneer Hill, Plat Book 11, Page 10.  
PCN: 44 43 43 05 07 000 0071.

Benefit Value \$10,308.80  
Assessment Amount: \$2,499.99

1206 Pioneer Road, Lot 30, as shown on the Plat of Pioneer Hill, Plat Book 11, Page 10.  
PCN: 44 43 43 05 07 000 0300.

Benefit Value \$8,934.29  
Assessment Amount: \$2,499.99

1207 Pioneer Road, Lot 9, as shown on the Plat of Pioneer Hill, Plat Book 11, Page 10.  
PCN: 44 43 43 05 07 000 0090.

Benefit Value \$9,621.55  
Assessment Amount: \$2,499.99

1211 Pioneer Road, Lot 10, as shown on the Plat of Pioneer Hill, Plat Book 11, Page 10.  
PCN: 44 43 43 05 07 000 0100.

Benefit Value \$18,555.84  
Assessment Amount: \$2,499.99

1213 Pioneer Road, Lot 12, as shown on the Plat of Pioneer Hill, Plat Book 11, Page 10.  
PCN: 44 43 43 05 07 000 0120.

Benefit Value \$9,621.55  
Assessment Amount: \$2,499.99

1217 Pioneer Road, Lot 13, as shown on the Plat of Pioneer Hill, Plat Book 11, Page 10.  
PCN: 44 43 43 05 07 000 0130.

Benefit Value \$23,366.61  
Assessment Amount: \$2,499.99

5601 North Australian Avenue, S 20 ft of Lot 2 (Less W 8 ft & E 15 ft) & Lt 3 (Less W 8 ft & E 15 ft), as shown on the Plat of Pioneer Hill, Plat Book 11, Page 10.

PCN: 44 43 43 05 07 000 0021.  
Benefit Value \$7,559.79  
Assessment Amount: \$2,499.99

Each of the lots listed above shall be assessed in an amount not to exceed \$2,499.99 which may be paid in full at any time, or which may be paid in five (5) interest free annual installments of \$500.00 each, to be placed as non ad-valorem assessments on the corresponding property tax bill pursuant to Resolution 2013-12.