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3 **RESOLUTION NO. 42-08-06**

4 **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN**  
5 **OF LAKE PARK, FLORIDA DETERMINING A NEED FOR THE**  
6 **MAKING OF PUBLIC IMPROVEMENTS IN THE FORM OF**  
7 **ALLEYWAY PAVING, THE CONSTRUCTION OF MASONRY**  
8 **SEPARATION WALLS AND OTHER RELATED WORKS AS**  
9 **AUTHORIZED BY SECTION 170.01, FLORIDA STATUTES (2006),**  
10 **TO BE LOCATED FROM AND BETWEEN, 7<sup>TH</sup> AND 8<sup>TH</sup> STREETS,**  
11 **8<sup>TH</sup> AND 9<sup>TH</sup> STREETS AND 9<sup>TH</sup> AND 10<sup>TH</sup> STREETS; AND SOUTH**  
12 **OF PARK AVENUE; AND TO BE LOCATED FROM AND**  
13 **BETWEEN, 9<sup>TH</sup> AND 10<sup>TH</sup> STREET AND NORTH OF PARK**  
14 **AVENUE; AND FOR SEPARATION WALL IMPROVEMENTS**  
15 **ALONG OTHER ALLEYWAYS LOCATED FROM AND**  
16 **BETWEEN THE ALLEYWAY NORTH OF PARK AVENUE AND**  
17 **NORTHERN DRIVE AND EAST OF 10<sup>TH</sup> STREET WITHIN THE**  
18 **TOWN OF LAKE PARK, FLORIDA; DECLARING THE LEVY OF**  
19 **A SPECIAL ASSESSMENT, LESS ANY TOWN CONTRIBUTION,**  
20 **ON THE SPECIALLY BENEFITED PROPERTIES; PROVIDING**  
21 **FOR THE PAYMENT OF 100% OF THE TOTAL COSTS OF THE**  
22 **PUBLIC IMPROVEMENTS; PROVIDING FOR THE METHOD OF**  
23 **LEVY AND PRO-RATION OF THE SPECIAL ASSESSMENTS;**  
24 **PROVIDING FOR THE METHOD OF PAYMENT OF THE**  
25 **SPECIAL ASSESSMENTS; PROVIDING FOR THE PAYMENT OF**  
26 **\$60,000.00 FROM THE TRUST FUNDS OF THE LAKE PARK**  
27 **COMMUNITY REDEVELOPMENT AGENCY (“CRA”) TOWARD**  
28 **THE TOTAL COST OF THE IMPROVEMENTS; PROVIDING A**  
29 **DESIGNATION AND DESCRIPTION OF THE LANDS UPON**  
30 **WHICH THE SPECIAL ASSESSMENTS ARE TO BE LEVIED;**  
31 **PROVIDING FOR THE TOTAL ESTIMATED COST OF THE**  
32 **PUBLIC IMPROVEMENTS; PROVIDING FOR THE**  
33 **COMPLETION OF A PRELIMINARY ASSESSMENT ROLL;**  
34 **PROVIDING FOR THE PUBLICATION OF THIS RESOLUTION**  
35 **IN A NEWSPAPER OF GENERAL CIRCULATION IN PALM**  
36 **BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

37 **WHEREAS,** the Town Commission, as the governing body of the Town of Lake Park,  
38 Florida, pursuant to the authority in Chapter 163, Chapter 166, and Chapter 170, Florida  
39 Statutes, is authorized and empowered to declare and levy special assessments for those public  
40 improvements authorized by Section 170.01, Fla. Stat. (2006); and  
41

42 **WHEREAS,** the Town Commission has caused the inspection of the Town’s public  
43 improvements consisting of alleyways and related improvements in the location from and  
44 between 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> Streets in the Park Avenue Downtown District (“PADD”) within  
45 the Town of Lake Park; and for separation wall improvements along other alleyways located  
46 from and between the alleyway north of Park Avenue and Northern Drive and east of 10<sup>th</sup>  
47 Street within the Town of Lake Park, Florida; and

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

10           **WHEREAS**, the Town’s Assessment Plat depicts the area to be improved and is  
11 currently on file in the Office of the Town Clerk at this time, together with the plans and  
12 specifications for the proposed public improvements, and an estimate of the costs of the  
13 proposed public improvements, all of which is open to the public for inspection in accordance  
14 with the provisions of Section 170.04, Fla. Stat. (2006) and Chapter 119, Fla. Stat. (2006);  
15 and  
16

17           **WHEREAS**, the costs of the proposed public improvements are authorized to be paid  
18 in full or in part, by special assessments levied on benefited real property, at a rate of  
19 assessment which is based upon the special benefit accruing to the real property from the  
20 improvements in accordance with the provisions of Section 170.01, Fla. Stat. (2006); and  
21

22           **WHEREAS**, Section 170.02, Fla. Stat. (2006), provides that the special assessment  
23 levied shall be in proportion to the benefits derived and prorated according to the foot frontage  
24 of the respective properties specially benefited by the public improvements or by such method  
25 as the governing body of the municipality may prescribe; and  
26

27           **WHEREAS**, Section 170.03, Fla. Stat. (2006) requires that a municipality levying  
28 special assessments for public improvements, which are authorized pursuant to Section 170.01,  
29 Fla. Stat. (2006), adopt a resolution declaring the special assessment in accordance with the  
30 requirements of Section 170.01, Fla. Stat. (2006); and  
31

32           **WHEREAS**, the Town Commission hereby declares that a special assessment for the  
33 afore-stated public improvements shall be levied in accordance with the terms and conditions  
34 contained in this Resolution, which include the location of the improvements, the amount of  
35 costs of the improvements to be paid by the special assessment, the method of assessment, the  
36 manner in which the special assessment will be paid, and the time for payment, the portion of  
37 the costs to be paid, if any, from the general improvement fund of the Town, a designation of  
38 the lands upon which the special assessment shall be levied and a description of such land, and  
39 the estimated total cost of the improvements; and  
40

41           **NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF**  
42 **THE TOWN OF LAKE PARK, FLORIDA:**  
43

44           **Section 1:** The whereas clauses are incorporated herein as true and correct findings of fact  
45 and conclusions of law of the Town Commission.  
46

1       **Section 2. Declaration of Assessment.** The Town Commission hereby authorizes the levy of  
2 a special assessment for the construction and improvement of the north and south alleyways from  
3 and between 7<sup>th</sup> and 8<sup>th</sup> Streets, 8<sup>th</sup> and 9<sup>th</sup> Streets, and 9<sup>th</sup> and 10<sup>th</sup> Streets, including demolition,  
4 clearing and grubbing, grading and paving and the costs of storm drainage, striping and signage,  
5 concrete, electrical, landscaping and irrigation, and all related necessary and incidental costs of the  
6 public improvements to the alleyways (hereinafter referred to as the “public improvements”) and for  
7 the construction and improvement of separation wall improvements along other alleyways located  
8 from and between the alleyway north of Park Avenue and Northern Drive and east of 10<sup>th</sup> Street,  
9 including demolition, clearing and grubbing, concrete, electrical, landscaping and irrigation, and all  
10 related necessary and incidental costs of the public improvements to the alleyways and the  
11 separation walls.  
12

13       **Section 3. Designation of Lands to be Improved and Location.** The proposed public  
14 improvements shall include the alleyways described and depicted in the attached **Exhibit “A,”**  
15 which is incorporated herein. The proposed improvements shall include the following storm sewers  
16 and drains located as shown in the attached **Exhibit “B,”** which is incorporated herein.  
17

18       **Section 4. Portion of Total Cost of Public Improvements to be Paid by Special**  
19 **Assessment.** The costs of the proposed public improvements shall be paid primarily from the  
20 special assessment, with a contribution toward the total cost of the improvements in the amount of  
21 Sixty Thousand Dollars (\$60,000.00) from the Lake Park Community Redevelopment Agency  
22 (“CRA”). No monies shall be paid for the Improvements from the Town’s General Improvement  
23 Fund.  
24

25       **Section 6. Method of Assessment.** The special assessments shall be levied against the  
26 benefited properties as follows:  
27

- 28       1. **Separation walls.** The total assessment for an individual property shall be based on the  
29 actual total frontage of the property in linear feet along the alleyway. If a commercial  
30 property abuts a multi-family property along the alleyway, both the commercial  
31 property owner and the multi-family property owner shall each be responsible for 50%  
32 of the cost of the separation wall along the frontage of the alleyway. If a commercial  
33 property abuts a single family property or a duplex property, then the commercial  
34 property owner shall be responsible for 100% of the cost of the separation wall. If a  
35 commercial property abuts a vacant parcel of property, the commercial property owner  
36 shall not be assessed nor the separation wall built as part of this Project; instead, the  
37 separation wall shall be constructed by the commercial property owner at the  
38 commercial property’s proportionate share of the cost (either 100% of the cost if a  
39 single-family or two family residence is constructed, or 50% of the cost if a multi-family  
40 dwelling is constructed) when the vacant parcel is developed. In no event will a  
41 multifamily parcel be responsible for an assessment of more than 50% of the cost of the  
42 wall based on the length of the individual parcel frontage. **Exemptions:** Single family  
43 and two family parcels (duplexes) are exempt from this assessment  
44
- 45       2. **Alleyway improvements (other than walls).** The alleyway improvement assessment  
46 shall be levied only against commercial properties. The amount of the assessment shall  
47 be based upon the proportionate share of the frontage of each commercial property

1 frontage on the alleyway. More specifically, an individual commercial parcel's frontage  
2 shall be expressed as a percentage of the total frontage of all parcels abutting the  
3 alleyway. That percentage is then multiplied by the total cost of the alleyway  
4 improvements to arrive at the individual parcel assessments so that each commercial  
5 property owner shall be responsible for their pro-rata share of the cost of the alleyway  
6 improvements. **Exemptions:** Single family and two family parcels (duplexes) are  
7 exempt from this assessment.  
8

9 **Section 7. Time and Manner of Payment of Assessments.** The special assessments shall be  
10 paid by the benefited property owners as follows: there shall be a single assessment paid by each  
11 benefited property owner in the amount assessed against the benefited property which amount shall  
12 be paid in thirty (30) equal annual installments with the first installment to be paid on or before the  
13 30<sup>th</sup> day after the adoption of a Resolution by the Town Commission confirming the completion and  
14 acceptance of the public improvements. The unpaid installments shall bear interest at a rate of seven  
15 percent (7%) per year until paid. If an annual installment is not paid when due, a penalty at the rate  
16 on one percent (1%) per month shall accrue until paid. The Town's Finance Director shall bill each  
17 property benefited by the public improvements by mailing the information as to the time, manner,  
18 and terms of payment contained herein, to the individual property owners as determined from the  
19 property ownership records of the tax collector of Palm Beach County. Assessments may be paid  
20 without interest at any time within thirty (30) days after the public improvements are completed, and  
21 a Resolution confirming and accepting the public improvements has been adopted by the Town  
22 Commission  
23

24 **Section 8. Lien Status.** The special assessments shall remain liens, co-equal with the liens of  
25 all state, county, district and municipal taxes, and superior in dignity to all other liens, titles, and  
26 claims until paid, and shall bear interest at a rate of seven percent (7%) per year.  
27

28 **Section 9. Portion of Cost to be Paid From the CRA Trust Fund.** Sixty Thousand Dollars  
29 (\$60,000.00) of the total cost of the improvements shall be paid from the CRA's Trust Fund.  
30

31 **Section 10. Designation of Lands upon Which the Special Assessment Will be Levied.**  
32 The lands subject to the special assessment are hereby identified as all lots and lands adjoining and  
33 contiguous or bounding and abutting upon such public improvements or specially benefited thereby  
34 and further designated by the Assessment Plat hereinafter provided for.  
35

36 **Section 11. Total Estimated Cost of Improvements.** The total estimated cost for all  
37 improvements, including the costs of construction, the costs of all labor and materials, the costs of  
38 any lands, property, rights, and easements necessary to be acquired, financing charges, interest prior  
39 to and during construction, and for one (1) year after completion, the costs of plans and  
40 specifications, surveys, and estimates and costs and of revenues, legal and engineering fees and  
41 costs, and all other expenses that the Town has determined are necessary and/or incidental to  
42 determine the feasibility and/or practicality of the construction of the proposed public  
43 improvements, administrative expenses, and other expenses which are necessary or incidental to  
44 financing is One Million and Six Hundred Thousand Dollars (\$1,600,000.00).  
45



1       **Section 12.   Publication.** The Town Clerk is hereby directed to cause this Resolution to be  
2 published once a week for a period of two (2) weeks in a newspaper of general circulation in Palm  
3 Beach County, Florida in accordance with the requirements of Section 170.05, Fla. Stat. (2006).  
4

5       **Section 13.   Preliminary Assessment Roll.** Upon adoption of this Resolution, the Town  
6 Commission shall cause a Preliminary Assessment Roll to be made and completed as promptly as  
7 possible, in accordance with the method of assessment provided for herein. The Preliminary  
8 Assessment Roll shall show the lots and lands to be assessed, and the amount of the benefit to and  
9 the assessment against each lot and parcel of land.  
10

11       **Section 14.   Effective Date.** This Resolution shall become effective immediately upon adoption.  
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The foregoing Resolution was offered by Commissioner Balius who moved its adoption. The motion was seconded by Commissioner Carey, and upon being put to a roll call vote, the vote was as follows:

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

The Town Commission thereupon declared the foregoing Resolution NO. 42-08-06 duly passed and adopted this 2 day of August, 2006.

TOWN OF LAKE PARK, FLORIDA

BY: Ed Daly  
PAUL W. CASTRO  
MAYOR

ATTEST:

Vivian Mendez  
Vivian Mendez  
TOWN CLERK

TOWN OF LAKE PARK  
(TOWN SEAL)  
SEAL  
FLORIDA

Approved as to form and legal  
sufficiency:

BY: Thomas J. Baird  
THOMAS J. BAIRD  
TOWN ATTORNEY

# Alleyway Assessment Budget

## Estimated Budget 8/02/2006

North Alleyway	General Improvements	Walls	
1 Rebuild 395' of Wall @ \$200 per linear Foot		\$79,000	
2 Alleyway reconstruction	\$196,989		
3 6 Light Posts @ \$2,500 per pole	\$15,000		
4 Landscaping 25% of \$115,000 for North Alleyway	\$28,750		
5 5 Dumpster Enclosures at \$5,000 each	\$25,000		
<b>Totals for North</b>	<b>\$265,739</b>	<b>\$79,000</b>	<b>\$344,739</b>
<hr/>			
<b>South Alleyway</b>			
6 Rebuild 1501' of Wall @ \$200 per linear Foot		\$300,200	
7 Alleyway reconstruction	\$344,130		
8 32 Light Posts @ \$2,500 per pole	\$80,000		
9 Landscaping 75% of \$115,000 for North Alleyway	\$86,250		
10 15 Dumpster Enclosures at \$5,000 each	\$75,000		
<b>Totals for South</b>	<b>\$585,380</b>	<b>\$300,200</b>	<b>\$885,580</b>
<hr/>			
<b>Totals for project</b>	<b>\$851,119</b>	<b>\$379,200</b>	<b>\$1,230,319</b>
<hr/>			
<b>Addition Alleyway Separation Walls</b>			
Alley Way A	}	\$55,000	
Alley Way B		\$55,000	
Alley Way C		\$50,000	
Alley Way D		\$150,000	
<b>Totals</b>		<b>\$310,000</b>	<b>\$1,540,319</b>

- 1., 6. Price based on most recent cost estimates from Public Works
- 2., 7. Construction costs from Collum Engineering (see enclosed sheets)
- 3., 8. Public Works estimate for costs
- 4., 9. Landscaping costs from Calvin Giordano June 14, 2006 (see enclosed cost estimate)
- 5., 10. Public Works cost estimate. Based on solid wall enclosure