

**CONRAD J. DeSANTIS**  
*Business & Real Estate*  
Also Admitted in Pennsylvania

**TIMOTHY W. GASKILL**  
*Business, Probate*  
*Family Litigation*

**DONALD R. SMITH**  
*Personal Injury & Wrongful Death*  
*Commercial Litigation*

**CURTIS L. SHENKMAN**  
*Board Certified*  
*Real Estate Attorney*

**BROOKE A. GROGAN**



**DeSANTIS, GASKILL, SMITH & SHENKMAN, P.A.**

**ATTORNEYS & COUNSELORS AT LAW**

ESTABLISHED 1973

11891 U.S. HIGHWAY ONE, SUITE 100  
NORTH PALM BEACH, FLORIDA 33408

TELEPHONE (561) 622-2700 FACSIMILE (561) 622-2841

[Shenkman@LawPalmBeach.com](mailto:Shenkman@LawPalmBeach.com)

**LEGAL ASSISTANTS**

**CIVIL TRIAL, PROBATE**  
**AND FAMILY LAW**  
KAREN M. BOYDEN-LOPATOSKY  
MINDY VASSER

**PERSONAL INJURY**

ROBIN B. MODLIN, CP  
TERRI L. VLASSICK

**REAL ESTATE**

JUDY D. MONTEIRO  
DENISE B. PAOLUCCI

July 9, 2015

D. Albrey Arrington, Ph.D., Executive Director  
Clint Yerkes, Deputy Executive Director  
Loxahatchee River Environmental Control District  
2500 Jupiter Drive  
Jupiter, Florida 33458-8964

Re: **Resolution 2015-25 and FINAL Assessment Roll for SET-N-SUN**

Dear Albrey & Clint:

Attached to this letter is Transfer of Property Lien, Resolution 2015-25, Exhibit "A" Final Assessment Roll, Exhibit A Map, and the most recent Exhibit "B" list of property owners, as part of the Resolution.

A **SUGGESTED MOTION** for the Board at the JULY 16, 2015 meeting is as follows:

"THAT THE GOVERNING BOARD approve Resolution **2015-25** adopting the SET-N-SUN FINAL Assessment Roll and Exhibits."

Sincerely,

*Curtis L. Shenkman*

Curtis L. Shenkman

RESOLUTION NO. 2015-25

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO THE **SET-N-SUN** ASSESSMENT AREA IMPROVEMENTS; ADOPTING THE ASSESSMENT ROLL FOR **SET-N-SUN** ASSESSMENT AREA IMPROVEMENTS; CONFIRMING SAID SPECIAL ASSESSMENT ROLL AS ATTACHED HERETO AS EXHIBITS "A" AND "B"; PROVIDING FOR ELLIS RULE COMPLIANCE; PROVIDING FOR DECLARING LINE AVAILABLE FOR CONNECTION; PROVIDING THE SPECIAL ASSESSMENTS SHALL BE COLLECTED AS NON-AD VALOREM SPECIAL ASSESSMENTS ON THE REAL ESTATE TAX BILL; AUTHORIZING THE DISTRICT CLERK TO PREPARE AND DELIVER THE NON-AD VALOREM SPECIAL ASSESSMENT ROLL TO THE PALM BEACH COUNTY AND MARTIN COUNTY PROPERTY APPRAISERS, TAX COLLECTORS, AND FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR CONSISTENCY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Governing Board of the Loxahatchee River Environmental Control District (hereinafter called the "District") has authorized the sewer improvements constructed in the **SET-N-SUN** Assessment Area; and

WHEREAS, The District's previous Resolutions **2013-24 & 2015-24** were approved by the District's Governing Board and directed the preparation of the Assessment Roll.

WHEREAS, the Governing Board, on the 16th day of JULY, 2015 at 6:55 P.M., sat as Board of Adjustment as provided in District Rule 31-11.005, and held the Public Hearings under Florida Statutes Chapter 197.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE DISTRICT THAT:

Section 1. The Governing Board confirms the Special Assessment Roll attached hereto as Exhibits "A" and "B" without further modification. The unit of measurement for each assessment area is that each parcel is assessed equally.

Section 2. The Special Assessment is in compliance with the "Ellis Rule" requirement of District Rule 31-10.011, and Resolution Nos. **2013-24 & 2015-24** of the District.

Section 3. In accordance with District Rule Chapter 31-11, and Florida Statutes Chapter 197, said Special Assessment Liens shall remain liens co-equal with the lien of all State, County, District and Municipal taxes, superior in dignity to all other liens, titles, and claims, until paid. Any failure to so pay these non-ad valorem Special Assessments shall be a default hereunder and will cause a tax certificate to be issued against the property which may result in a loss of title.

**RESOLUTION 2015-25**

Loxahatchee River Environmental Control District

Section 4. Availability for Connection and Required Connection.

The waste water and sewerage system was “Available” for connection in accordance with District Rule 31-3.003(3) and Florida Statutes 381.0065(2)(a) when the Florida Department of Health released the system for service on May 5, 2015, which is the date of actual “Availability”. In accordance with Florida Statutes 381.00655, the affected property owners shall be required to connect to the sewerage system within one (1) year of the actual Availability.

Section 5. The **District Clerk, as the designee of the chairman** of the Governing Board, **is directed to certify the non-ad valorem assessment roll, on a compatible electronic medium tied to the property identification number** and deliver it to the tax collector by September 15 of each year, or as otherwise provided for in the agreements with the tax collector. The certification shall be made on **Form DR-408A**.

Section 6. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, THIS 16th day of JULY, 2015.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT:  
VOTE

\_\_\_\_\_  
STEPHEN B. ROCKOFF, Chairman

\_\_\_\_\_

\_\_\_\_\_  
GORDON M. BOGGIE

\_\_\_\_\_

\_\_\_\_\_  
HARVEY M. SILVERMAN

\_\_\_\_\_

\_\_\_\_\_  
JAMES D. SNYDER

\_\_\_\_\_

\_\_\_\_\_  
DR. MATT H. ROSTOCK

\_\_\_\_\_

EXHIBIT "A"  
FINAL ASSESSMENT ROLL  
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
**SET-N-SUN ASSESSMENT AREA**

TOTAL COSTS AND EXPENSES RELATED TO THE IMPROVEMENTS. The District shall consider the **total** costs and expenses related to the improvements in the **SET-N-SUN** Assessment Area shall be **\$7,524.53** per parcel of property in the **SET-N-SUN** Area.

APPORTIONMENT OF COSTS BETWEEN THE DISTRICT AND THE PROPERTY OWNERS. The District shall pay from the District's general funds ten percent (10%) of the total cost to the District of construction, reconstruction, labor, materials, acquisition, or property rights, surveys, design, engineering, and legal fees, administration expenses, and all other expenses necessary or incidental to completion of the specially assessed improvement and each lot or parcel of land subject to this special assessment shall be responsible for ninety percent (90%) of the total cost.

ASSESSMENT BASED ON PARCEL OF PROPERTY. Each Parcel of Property in the **SET-N-SUN** Assessment Area identified on EXHIBIT "B" shall be currently assessed in the amount of **\$6,772.07**.

PAYMENT OF ASSESSMENT. As to Parcels of **SET-N-SUN** Assessment Area Property in EXHIBIT "B", the **\$6,772.07** assessment may be paid, interest free, at the office of the District on or before May 1, 2016.

**Owners who do not pay the \$6,772.07 assessment on or before May 1, 2016 shall have the \$6,772.07 principal added to the tax roll as a non-ad valorem assessment to accrue interest at six and seven eighths percent (6.875%) per annum, to be collected in twenty (20) equal annual installments of \$633.04, commencing with the November 1, 2016 Real Estate Tax Bill.**

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

By: \_\_\_\_\_  
D. Albrey Arrington, District Clerk, Executive Director

PREPARED BY AND RETURN TO: WC-53  
Curtis L. Shenkman, Esquire  
DeSantis, Gaskill, Smith & Shenkman, P.A.  
11891 U.S. Highway One, Suite 100  
North Palm Beach, Florida 33408

**TRANSFER OF PROPERTY LIEN TO NON-AD  
VALOREMTAX BILL & CERTIFICATION OF SPECIAL  
ASSESSMENT ROLL FOR SET-N-SUN SPECIAL ASSESSMENTS**

THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, a special district of the State of Florida created and existing pursuant to Chapter 2002-358, Laws of Florida (the "District"), gives public notice that the District's Governing Board as of and effective on the 16th day of JULY, 2015, passed Resolution 2015-25 which is attached hereto, approving the non-ad valorem tax bill, AND TRANSFERRING THE RECORDED LIEN ON PROPERTIES IDENTIFIED AS BEING PART OF THE **SET-N-SUN** AREA LISTED IN THE FOLLOWING DOCUMENTS, as recorded in the Public Records of **PALM BEACH** County, Florida:

1. Pending Lien Notice of Intent to Assess, and Resolution 2013-24, recorded on **JANUARY 3, 2014 in Official Record Book 26540, Pages 557 through 564, in the Public Records of PALM BEACH County, Florida.**

Any inquiries as to payment of special assessments should be directed to:

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
2500 Jupiter Park Drive  
Jupiter, Florida 33458  
(561) 747-5700

IN WITNESS WHEREOF, the undersigned, Executive Director of the Loxahatchee River Environmental Control District, hereby certifies on July 16, 2015, the information contained herein is true and accurate.

WITNESSES:

LOXAHATCHEE RIVER ENVIRONMENTAL  
CONTROL DISTRICT

\_\_\_\_\_

By: \_\_\_\_\_

D. Albrey Arrington, Ph.D.  
Executive Director

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me on July 16, 2015, by D. Albrey Arrington, Ph.D., EXECUTIVE DIRECTOR of the LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, a special district of the State of Florida, on behalf of the District, who is personally known to me.

(Notary Seal)

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

Mr. & Mrs. Rodolfo Varona  
5757 Set N Sun Pl  
Jupiter FL 33458  
re: 5757 Set N Sun Pl  
00-42-40-35-10-000-0010

Mr. & Mrs. Sean Riley  
5775 Set N Sun Pl  
Jupiter FL 33458  
re: 5775 Set N Sun Pl  
00-42-40-35-10-000-0020

Mr. & Mrs. Mark Shone  
5793 Set N Sun Pl  
Jupiter FL 33458  
re: 5793 Set N Sun Pl  
00-42-40-35-10-000-0030

Mr. & Mrs. Peter Farkas  
5811 Set N Sun Pl  
Jupiter FL 33458  
re: 5811 Set N Sun Pl  
00-42-40-35-10-000-0040

Ms. Esther Pezzella  
68 Pheasant Way  
S Windsor CT 06074  
re: 5829 Set N Sun Pl  
00-42-40-35-10-000-0050

Mr. & Mrs. Joseph Brophy  
5754 Set N Sun Pl  
Jupiter FL 33458  
re: 5754 Set N Sun Pl  
00-42-40-35-10-000-0060

Ms. Florence Cacioppo-Jahn  
5772 Sundance Ct  
Jupiter FL 33458  
re: 5772 Sundance Ct  
00-42-40-35-10-000-0070

Mr. & Mrs. Ross Lehman  
5796 Sundance Ct  
Jupiter FL 33458  
re: 5796 Sundance Ct  
00-42-40-35-10-000-0080

Mr. Albert Settles Jr  
5820 Sundance Ct  
Jupiter FL 33458  
re: 5820 Sundance Ct  
00-42-40-35-10-000-0090

Mr. & Mrs. Bruce Kahn  
5844 Sundance Ct  
Jupiter FL 33458  
re: 5844 Sundance Ct  
00-42-40-35-10-000-0100

Mr. & Mrs. Paul Strauss  
5868 Sundance Ct  
Jupiter FL 33458  
re: 5868 Sundance Ct  
00-42-40-35-10-000-0110

Mr. & Mrs. James Tomaszewski  
5892 Sundance Ct  
Jupiter FL 33458  
re: 5892 Sundance Ct  
00-42-40-35-10-000-0120

Mr. & Mrs. Alfred Arbuthnot  
5946 Set N Sun Pl  
Jupiter FL 33458  
re: 5946 Set N Sun Pl  
00-42-40-35-10-000-0130

Mr. & Mrs. Robert Bashwiner  
5964 Set N Sun Pl  
Jupiter FL 33458  
re: 5964 Set N Sun Pl  
00-42-40-35-10-000-0140

A Moulis/D Sutterfield  
5982 Set N Sun Pl  
Jupiter FL 33458  
re: 5982 Set N Sun Pl  
00-42-40-35-10-000-0150

Mr Rudolph Garber III  
5991 Set N Sun Pl  
Jupiter FL 33458  
re: 5991 Set N Sun Pl  
00-42-40-35-10-000-0160

Mr. & Mrs. Michael Cronin  
5973 Set N Sun Pl  
Jupiter FL 33458  
re: 5973 Set N Sun Pl  
00-42-40-35-10-000-0170

Mr. & Mrs. Mark Hataway  
5955 Set N Sun Pl  
Jupiter FL 33458  
re: 5955 Set N Sun Pl  
00-42-40-35-10-000-0180

Mr. & Mrs. Scott Movic  
5937 Set N Sun Pl  
Jupiter FL 33458  
re: 5937 Set N Sun Pl  
00-42-40-35-10-000-0190

Mr. Jeff Michaels  
5919 Set N Sun Pl  
Jupiter FL 33458  
re: 5919 Set N Sun Pl  
00-42-40-35-10-000-0200

Mr. & Mrs. Gerardo Lami  
5901 Set N Sun Pl  
Jupiter FL 33458  
re: 5901 Set N Sun Pl  
00-42-40-35-10-000-0210

Mr. James Kozan  
5883 Set N Sun Pl  
Jupiter FL 33458  
re: 5883 Set N Sun Pl  
00-42-40-35-10-000-0220

Mr. & Mrs. Brandon Ulmer  
5865 Set N Sun Pl  
Jupiter FL 33458  
re: 5865 Set N Sun Pl  
00-42-40-35-10-000-0230

Mr. & Mrs. Tom Averhart  
5921 Sundance Ct  
Jupiter FL 33458  
re: 5921 Sundance Ct  
00-42-40-35-10-000-0240

Mr. & Mrs. Patrick Cloutier  
1609 Fremont Ln  
Vienna VA 22182  
re: 5895 Sundance Ct  
00-42-40-35-10-000-0250

Ms. Gail Felice-Cassas  
5869 Sundance Ct  
Jupiter FL 33458  
re: 5869 Sundance Ct  
00-42-40-35-10-000-0260

Mr. & Mrs. Harvey Kaufman  
5825 Sundance Ct  
Jupiter FL 33458  
re: 5825 Sundance Ct  
00-42-40-35-10-000-0270

Mr. & Mrs. Robert Girard  
5798 Set N Sun Pl  
Jupiter FL 33458  
re: 5798 Set N Sun Pl  
00-42-40-35-10-000-0280

Mr. & Mrs. Eddie Mc Farland  
5816 Set N Sun Pl  
Jupiter FL 33458  
re: 5816 Set N Sun Pl  
00-42-40-35-10-000-0290

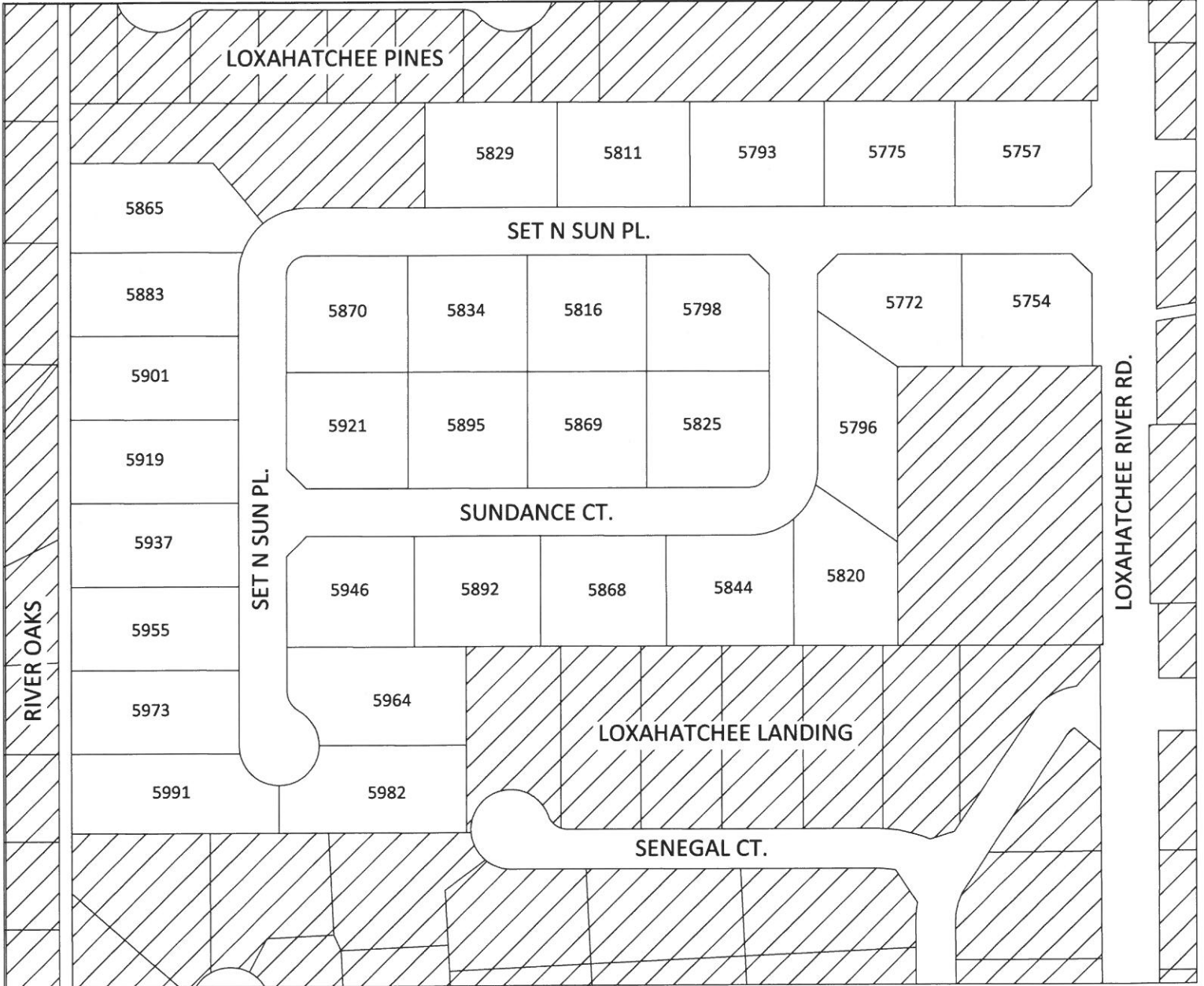
Mr. & Mrs. James Nord  
5834 Set N Sun Pl  
Palm Bch Grdns FL 33420  
re: 5834 Set N Sun Pl  
00-42-40-35-10-000-0300

Mr. D Drahos/J Parker  
5870 Set N Sun Pl  
Jupiter FL 33458  
re: 5870 Set N Sun Pl  
00-42-40-35-10-000-0310

# EXHIBIT "A"

## SET N SUN

### LOW PRESSURE SEWER SYSTEM ASSESSMENT AREA



#### LEGEND

NOT IN ASSESSMENT AREA

**JUPITER, FLORIDA**