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*Real Estate Attorney*

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ROBIN B. MODLIN, CP  
TERRI L. VLASSICK  
**REAL ESTATE**  
JUDY D. MONTEIRO  
DENISE B. PAOLUCCI

May 28, 2015

Sent by email

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

Re: Initial Resolution for **CLARK LANE** Assessment Area

Dear Dr. Arrington and Mr. Yerkes:

Per your request, please attach to this letter the Pending Lien Notice, Notice of Intent to Assess, Resolution 2015-21, the PROPOSED "Exhibit B Description of Improvements", "Exhibit B Map of the Assessment Area", and preliminary List of Property Owners.

A **SUGGESTED MOTION** for the Board to consider is:

"THAT THE GOVERNING BOARD approve Resolution 2015-14 the NOTICE OF INTENT to Assess, the Pending Lien Notice, and the Exhibits for the **CLARK LANE** Assessment Area."

I will bring the originals to be signed at the Governing Board meeting. Thereafter I will record in the Public Records.

Sincerely,

*Curtis L. Shenkman*

Curtis L. Shenkman

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

**PENDING LIEN NOTICE**  
**CLARK LANE ASSESSMENT AREA**

THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, a special district of the State of Florida, created in 1971 and existing pursuant to Chapter 2002-358, Laws of Florida (hereinafter referred to as the "District", hereby clarifies the lien status of the "Notice of Intent to Assess" attached hereto and made a part hereof (referred to as the "Pending Lien").

**The Pending Lien shall not be considered certified, confirmed or ratified until such time as the passage of the Final Assessment Roll Resolution of the District.**

**The intention of the District in publishing this Pending Lien Notice is to assist the property owners who may be selling or refinancing their property and parties who may be placing a mortgage on their property to do so knowing that the District is not seeking the payment of any funds on the Pending Lien until the non-ad valorem tax bill is issued for the property on the date set forth in the Final Assessment Roll Resolution of the District.**

Any inquiries as to the Pending Lien and the timing for the Final Assessment Roll Resolution and payment of said special assessments should be directed to:

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

IN WITNESS WHEREOF, the undersigned, Executive Director of the Loxahatchee River Environmental Control District, herein certifies that on this 18<sup>th</sup> day of JUNE, 2015, the information contained herein is true and accurate.

WITNESSES:

LOXAHATCHEE RIVER ENVIRONMENTAL  
CONTROL DISTRICT

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
D. Albrey Arrington, Ph.D.  
EXECUTIVE DIRECTOR  
[DISTRICT SEAL]

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of June, 2015, by D. Albrey Arrington, EXECUTIVE DIRECTOR of the LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, a special district of the State of Florida, on behalf of the District, personally known to me.

(NOTARY SEAL)

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

Special/Assessment/PendingLienNotice

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

**NOTICE OF INTENT TO ASSESS  
CLARK LANE ASSESSMENT AREA**

**THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**, a special district of the State of Florida (the "District") **created in 1971 and existing pursuant to Chapter 2002-358, Laws of Florida**, (the "Act"), hereby gives public notice that the District's Governing Board on the 18<sup>th</sup> day of June, 2015, passed Resolution **2015-21**, authorizing the construction of certain local sewer improvements as further described in said Resolution **2015-21**, which is attached hereto as Exhibit "A". It is the intent of the District to assess the owners of property specially benefited by such sewer improvements, which property is further described on the attached **Exhibit "B"**, and to apportion the District's costs for the total expenses related to the design and construction of said improvements, based upon each owner's proportionate share of said costs determined upon a square footage basis, or by other methods as the Governing Board may deem fair and equitable, pursuant to the Act and Rules of the District, as same may be amended from time to time hereafter.

Any inquiries to the District's progress in completing certification of said assessments should be directed to:

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
2500 Jupiter Park Drive  
Jupiter, Florida 33458

**IN WITNESS WHEREOF**, the undersigned, Executive Director of the Loxahatchee River Environmental Control District, hereby certifies on this 18<sup>th</sup> day of JUNE, 2015, that the information contained herein is true and accurate.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
D. Albrey Arrington  
Executive Director  
(DISTRICT SEAL)

STATE OF FLORIDA  
COUNTY OF PALM BEACH

SWORN TO and subscribed before me this 18<sup>th</sup> day of June, 2015, by D. Albrey Arrington, EXECUTIVE DIRECTOR of the LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, who is personally known to me.

(NOTARY SEAL)

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

Special/Assessment/NoticeIntentToAssess

## RESOLUTION 2015-21

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO **CLARK LANE** ASSESSMENT AREA IMPROVEMENTS IN ACCORDANCE WITH DISTRICT RULE 31-11; STATING THE NATURE OF THE PROPOSED IMPROVEMENTS; DESIGNATING THE STREETS TO BE IMPROVED; DESIGNATING THAT PLANS, SPECIFICATIONS, AND A TENTATIVE APPORTIONMENT BE PREPARED; PROVIDING FOR THE AVAILABILITY OF PLANS AND SPECIFICATIONS AND FOR THE PREPARATION OF THE PRELIMINARY SPECIAL ASSESSMENT ROLL; PROVIDING FOR DECLARING LINE AVAILABLE FOR CONNECTION; PROVIDING FOR CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Governing Board of the Loxahatchee River Environmental Control District (hereinafter called the "District") has considered the need for improvements to the **CLARK LANE** Assessment Area (the "Area") in Palm Beach County, Florida;

WHEREAS the District shall construct and declare available sewerage collection lines and related appurtenances comprising a localized District sewer system in the Area as an Established Residential Neighborhood based upon the Governing Board's determination of any of the following:

- (1) n/a; or
- (2) that a reasonable alternative to the septic tanks exists for the treatment of the sewerage, taking into consideration factors such as cost; or
- (3) the discharge from the septic tanks is adversely affecting the health of the user or the public, or the groundwater or surface water is degraded; or
- (4) to enhance the environmental and scenic value of surface waters.

WHEREAS, the Governing Board has considered the facts, evidence, and presentations of the District Engineer, District staff and consultants as to the need for sanitary sewers in the Area and considered such recommendations to be in accordance with the above referenced Criteria of the "Ellis Rule" as well as in the best interests of the citizens of the District and the citizens of this Area.

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

Section 1.      Title:

This Resolution shall be known as the Resolution Authorizing the Project known as "**CLARK LANE** Assessment Area Improvements".

Section 2.      Nature of Improvements:

The project improvements shall consist of the construction of a waste water and sewage system within lands under the jurisdiction of the District. The proposed improvements performed shall generally consist of those set forth on Composite Exhibit "B".

Section 3.      Designation of Streets to be Improved:

The streets included within the **CLARK LANE** Assessment Area Improvements are set forth on Composite Exhibit "B".

Section 4.      Plans, Specifications and Tentative Apportionment:

Upon adoption of this Resolution, The District Engineers and staff shall prepare plans, specifications and estimated total costs of such proposed improvements, together with a tentative apportionment of such costs between the District and individual parcels of property receiving special benefits pursuant to the improvements.

Section 5.      Public Inspection:

The Plans, Specifications and tentative apportionments for the **CLARK LANE** Assessment Area Improvements shall be available for inspection in the Office of the Executive Director, Loxahatchee River

Environmental Control District, 2500 Jupiter Park Drive, Jupiter, Florida 33458. The District's Engineer shall make available said plans and specifications prepared incident thereto, for inspection in the Office of the District's Engineer.

Section 6. Assessment Roll:

The District Clerk is directed to prepare a Preliminary Assessment Roll based upon this Resolution, District Rule 31-11, and the District Engineer's tentative apportionment, and to make publication of notice in newspapers in Martin and Palm Beach Counties, together with notice mailed to those interested parties and affected property owners requesting such in writing, in accordance with the requirements of District Rule 31-11.

Section 7. Availability for Connection and Required Connection:

The waste water and sewerage system shall be "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 releases the system for service, 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 8. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. In the event that any portion of this Resolution is found to be unconstitutional or improper, it shall be severed herefrom and shall not affect the validity of the remaining portions of this Resolution.

Section 10. 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 18<sup>th</sup> DAY OF JUNE, 2015.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
VOTE

\_\_\_\_\_  
STEPHEN ROCKOFF, Chairman

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

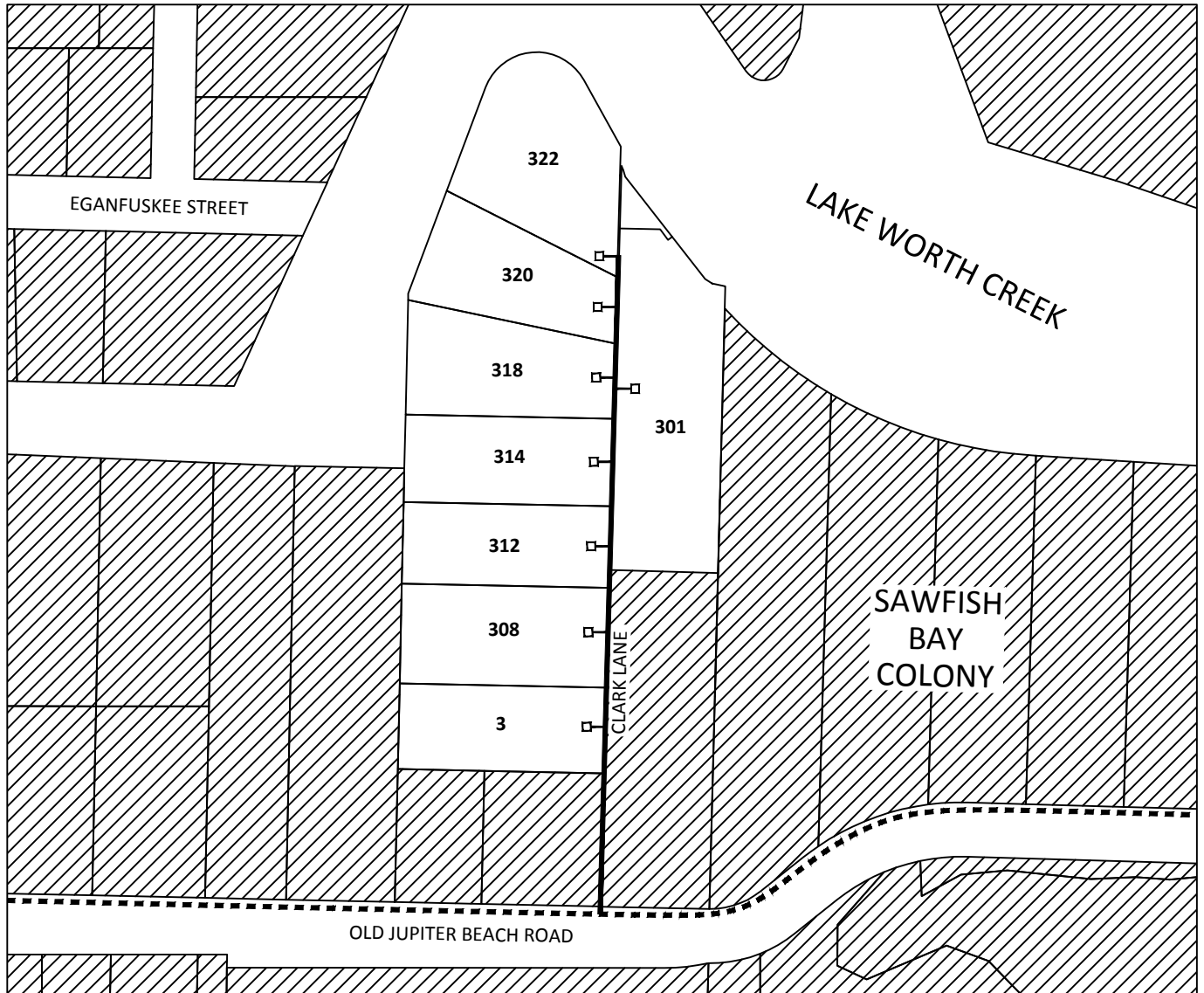
\_\_\_\_\_  
JAMES D. SNYDER

\_\_\_\_\_

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

\_\_\_\_\_  
(District Seal)

# EXHIBIT "B" CLARK LANE LOW PRESSURE SEWER SYSTEM ASSESSMENT AREA



## LEGEND

- EXISTING LOW PRESSURE MAIN
- NEW LOW PRESSURE MAIN
- NEW LOW PRESSURE SERVICE BOX
- ▨ NOT IN ASSESSMENT AREA

JUPITER, FLORIDA

## EXHIBIT “B”

### PROPOSED SEWER SERVICE ASSESSMENT AREA

### CLARK LANE NEIGHBORHOOD ASSESSMENT AREA

The properties to be provided sewer service are located within Section 6, Township 41 South, Range 43 East, Palm Beach County, Florida and lies within the following general boundaries:

On the North by Lake Worth Creek;  
On the South by Old Jupiter Beach Road;  
On the East by Intracoastal Waterway and;  
On the West by Alternate A1A.

The approximate quantity of materials required to complete the project are:

600	Lineal Feet of Low Pressure Force Main
8	Services
8	Low Pressure Pumping Units

Adrian & Alan Guerra  
re: 312 Clark Ln  
209 Elsa Rd  
Jupiter FL 33477  
30-43-41-06-00-002-0010

Ms. W Park/B Said  
re: 308 Clark Ln  
308 Clark Ln  
Jupiter FL 33477  
30-43-41-06-00-002-0020

Mr. Charles Hastie  
re: 322 Clark Ln  
322 Clark Ln  
Jupiter FL 33477  
30-43-41-06-00-002-0031

Mr. Richard Ekholm  
re: 320 Clark Ln  
320 Clark Ln  
Jupiter FL 33477  
30-43-41-06-00-002-0070

Mr. & Mrs. Clifford Thomas  
re: 314 Clark Ln  
314 Clark Ln  
Jupiter FL 33477  
30-43-41-06-00-002-0080

Ms. Louise Daniels  
re: 318 Clark Ln  
318 Clark Ln  
Jupiter FL 33477  
30-43-41-06-00-002-0090

Ms. Ellen Carson  
re: 3 Clark Ln  
3 Clark Ln  
Jupiter FL 33477  
30-43-41-06-00-002-0250

OJB RE LLC  
re: 301 Old Jupiter Bch Rd  
PO Box 2279  
Jupiter FL 33468  
30-43-41-06-53-000-0020