

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

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

September 7, 2015

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

Re: **Resolution 2015-31 and PRELIMINARY Assessment Roll for PALMWOOD ROAD PH**

II

Dear Albrey & Clint:

Attached to this letter is Resolution 2015-31, Exhibit "A" Preliminary 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 SEPTEMBER 17, 2015 meeting is as follows:
"THAT THE GOVERNING BOARD approve Resolution **2015-31** adopting the **PALMWOOD ROAD PH II Preliminary Assessment Roll and Exhibits.**"

Sincerely,

Curtis L. Shenkman

Curtis L. Shenkman

LRECD RESOLUTION NO. 2015-31

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO THE **PALMWOD RD. PH II** ASSESSMENT AREA IMPROVEMENTS; ADOPTING THE PRELIMINARY ASSESSMENT ROLL FOR **PALMWOD RD. PH II** ASSESSMENT AREA IMPROVEMENTS AS PREPARED BY THE DISTRICT CLERK AND ATTACHED HERETO AS EXHIBITS "A" AND "B"; AUTHORIZING THE DISTRICT GOVERNING BOARD TO ACT AS THE BOARD OF ADJUSTMENT; PROVIDING FOR THE FURNISHING OF TEN DAYS' WRITTEN NOTICE TO ALL PROPERTY OWNERS AFFECTED; DIRECTING THAT AN AFFIDAVIT OF PUBLICATION BE OBTAINED; REQUIRING THE FILING OF THE PROOF OF PUBLICATION AND OF THE WRITTEN NOTICE; MAKING REFERENCE TO RESOLUTION NO. **2015-17** PROVIDING FOR THE PUBLICATION OF THE NOTICE OF THE MEETING TO CONSIDER CONFIRMATION OF THE PRELIMINARY ASSESSMENT ROLL; DIRECTING THAT AN AFFIDAVIT OF PUBLICATION BE OBTAINED; REQUIRING THE FILING OF THE PROOF OF PUBLICATION; 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 authorized the sewer improvements to the **PALMWOD RD. PH II** Assessment Area in **PALM BEACH** County, Florida.

WHEREAS, the Governing Board has considered the presentation of the District Engineer and considered such recommendations to be in accordance with the requests and the best interests of the citizens of the District.

WHEREAS, the Governing Board has considered the improvements to be in accordance with the best interests of the citizens of the **PALMWOD RD. PH II** Assessment Area.

WHEREAS, the District's previous Resolution **2015-17** was approved by the District's Governing Board and directed the preparation of the Assessment Roll.

WHEREAS, the District Clerk has prepared the Preliminary Assessment Roll attached hereto as Exhibits "A" and "B".

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

Section 1. The District adopts the Preliminary Assessment Roll in the form as attached hereto as Exhibits "A" and "B".

RESOLUTION 2015-31 OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

Section 2. The District Clerk is directed to publish a Notice stating that the District's Governing Board shall act as the **Board of Adjustment** at a hearing to be held on the **15th day of October, 2015** at the District's Governing Board meeting chambers, Jupiter, Florida. Such Notice shall be published at least ten (10) days in advance of such hearing, once in a newspaper published in Martin County and once in a newspaper published in Palm Beach County. Such Notice shall state that at the hearing, the Governing Board will hear objections of all interested persons to the confirmation of such resolution. Such Notice shall state in brief and general terms a description of the improvements with the location thereof and shall also state that plans, specifications, estimates, and the tentative apportionment of cost thereof are on file in the office of the District. The District Clerk is directed to mail a copy of such Notice to each of the affected property owners at least ten (10) days in advance of the hearing.

Section 3. During the Board of Adjustment hearing, such affected property owner may present information to the Governing Board in relation to his Special Assessment and the project, provided that such property owners must submit in writing to the District either prior to or at the time of said meeting of the Board of Adjustment their objections to the Special Assessment.

Section 4. The District Clerk is directed to obtain from the publisher of the newspaper(s) used for publication herein an affidavit confirming the publication of the Notice of the Hearing of the Governing Board as the Board of Adjustment as set forth herein.

Section 5. The District Clerk shall file Proof of Publication and Proof of Written Notice to the affected property owners at the Board of Adjustment hearing.

Section 6. Resolutions No. **2015-17 and 2015-31** of the District shall be a part of the record to be considered by the Governing Board at the aforescribed hearing when the Governing Board sits as the Board of Adjustment.

Section 7. The District Clerk is directed to publish a Notice stating that at the meeting of the Governing Board to be held on **October 15, 2015** at the District Governing Board meeting chambers, Jupiter, Florida, all interested persons may appear and file written objections to the confirmation of the Final Assessment Roll. Such Notice shall be published at least twelve (12) days in advance of such meeting, once in a newspaper published in Martin County and once in a newspaper published in Palm Beach County. Such Notice shall state the class of the improvement and the location thereof by terminal points and route. Such Notice shall also be mailed to those interested parties requesting such in writing.

Section 8. The District Clerk is directed to obtain from the publisher of the newspaper(s) used for publication herein an affidavit confirming the publication of the Notice of the Meeting of the Governing Board to confirm the Final Assessment Roll.

Section 9. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

RESOLUTION 2015-31
OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

Section 10. In the event that any portion of this Resolution is found to be unconstitutional or illegal, it shall be severed herefrom without affecting the validity or enforceability of the remaining portions of this Resolution.

Section 11. 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 17th DAY OF **SEPTEMBER, 2015.**

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

VOTE

STEPHEN ROCKOFF, Chairman

GORDON M. BOGGIE

HARVEY SILVERMAN

JAMES D. SNYDER

DR. MATT H. ROSTOCK

EXHIBIT "A" - SIMPLEX
PRELIMINARY ASSESSMENT ROLL – SIMPLEX SYSTEMS
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
PALMWOOD RD. PH II 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 **PALMWOOD RD. PH II** Assessment Area shall be **\$5,940.23** per parcel of property in the **PALMWOOD RD. PH II** Area (SIMPLEX SYSTEMS).

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 **PALMWOOD RD. PH II** Assessment Area identified on EXHIBIT "B" – SIMPLEX shall be currently assessed in the amount of **\$5,346.21**.

PAYMENT OF ASSESSMENT. As to Parcels of **PALMWOOD RD. PH II** Assessment Area Property in EXHIBIT "B" - SIMPLEX, the **\$5,346.21** assessment may be paid, interest free, at the office of the District on or before May 1, 2017.

Owners who do not pay the \$5,346.21 assessment on or before May 1, 2017 shall have the \$5,346.21 principal added to the tax roll as a non-ad valorem assessment to accrue interest, beginning October 1, 2016, at six and seven eights percent (6.875%) per annum, to be collected in twenty (20) equal annual installments of \$499.75, commencing with the November 1, 2017 Real Estate Tax Bill.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

By: _____
D. Albrey Arrington, District Clerk, Executive Director

EXHIBIT "A" - DUPLEX
PRELIMINARY ASSESSMENT ROLL – DUPLEX SYSTEMS
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
PALMWOOD RD. PH II 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 **PALMWOOD RD. PH II** Assessment Area shall be **\$11,595.23** per parcel of property in the **PALMWOOD RD. PH II** Area (DUPLEX SYSTEMS).

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 **PALMWOOD RD. PH II** Assessment Area identified on EXHIBIT "B" – DUPLEX shall be currently assessed in the amount of **\$10,435.71**.

PAYMENT OF ASSESSMENT. As to Parcels of **PALMWOOD RD. PH II** Assessment Area Property in EXHIBIT "B" - DUPLEX, the **\$10,435.71** assessment may be paid, interest free, at the office of the District on or before May 1, 2017.

Owners who do not pay the \$10,435.71 assessment on or before May 1, 2017 shall have the \$10,435.71 principal added to the tax roll as a non-ad valorem assessment to accrue interest, beginning October 1, 2016, at six and seven eights percent (6.875%) per annum, to be collected in twenty (20) equal annual installments of \$975.51, commencing with the November 1, 2017 Real Estate Tax Bill.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

By: _____
D. Albrey Arrington, District Clerk, Executive Director

EXHIBIT "B"

PALMWOOD ROAD - PHASE II LOW PRESSURE SEWER SYSTEM ASSESSMENT AREA



LEGEND

 NOT IN ASSESSMENT AREA

JUPITER, FLORIDA

Mr. & Mrs. Cecil Balderson
re: 15028 Palmwood Rd
15028 Palmwood Rd
Palm Bch Grdns FL 33410
00-43-41-17-00-000-7020

Mr. & Mrs. Albert Gamot Jr
re: 15052 Palmwood Rd
15052 Palmwood Rd
Palm Bch Grdns FL 33410
00-43-41-17-00-000-7030

Mr. & Mrs. Jyoti Mohanty
re: 15105 Palmwood Rd
15105 Palmwood Rd
Palm Bch Grdns FL 33410
00-43-41-17-00-000-7150

J Robo/M Trim
re: 2947 Jamaica Dr
15100 Palmwood Rd
Palm Bch Grdns FL 33410
00-43-41-17-00-000-7160

RMG Mgmt Inc
re: 15053 Palmwood Rd
120 S Village Way
Jupiter FL 33458
00-43-41-17-00-000-7170

Mr. William Crane
re: 15185 Palmwood Rd
15185 Palmwood Rd
Palm Bch Grdns FL 33410
00-43-41-17-00-000-7180

J Robo/M Trim
re: 15100 Palmwood Rd
15100 Palmwood Rd
Palm Bch Grdns FL 33410
00-43-41-17-00-000-7230