

**RESOLUTION NO. 2013-80**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA. AMENDING RESOLUTION NO. 2013-31 BY APPROVING THE EQUALIZED ASSESSMENTS FOR THE "CULLUM ROAD UTILITY CONVERSION SPECIAL ASSESSMENT DISTRICT," IN THE AMOUNTS AND PURSUANT TO THE METHODOLOGY PROVIDED IN RESOLUTION NO. 2013-31, AS AMENDED; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, on March 28, 2013, the City Commission adopted Resolution No. 2013-31, which Resolution declared a Special Assessment for a public improvement project to convert existing overhead Florida Power & Light (FPL) distribution lines to underground distribution lines in the area described as being located along Cullum Road from Lyons Road west to State Road 7 and on Northwest 54 Avenue from Cullum Road south to Northwest 40 Street; and

**WHEREAS**, on May 23, 2013, the City Commission adopted Resolution 2013-57 setting July 25, 2013, at 7:00 p.m., in the City Commission Chambers, 4800 West Copans Road, Coconut Creek, Florida, 33063, as the time and place for owners of the property to be assessed, or any other persons interested in the special assessment project, to appear before the City Commission and give testimony and be heard as to the propriety and advisability of making such improvements and funding them with a special assessment; as to the cost thereof; as to the manner of payments therefore, and as to the amount thereof to be assessed against each property to be improved; and

**WHEREAS**, on July 25, 2013, the City Commission at the request of two of the affected property owners and with the concurrence of City staff, continued the public hearing on the special assessment until August 8, 2013 to provide the parties additional time to review the methodology and payment options with respect to the affected properties; and

**WHEREAS**, on August 8, 2013, the City Commission heard testimony from the public, City staff, and consultants with respect to the special assessment; and

**WHEREAS**, at the conclusion of testimony, the City determined that the properties within the Cullum Road Utility Conversion Special Assessment District will be specially benefited from the conversion from overhead to underground utility lines and that the cost of said conversion as established and adopted in Resolution 2013-31, a copy of which is attached hereto and made a part hereof as "Exhibit A," should be ratified and adopted; and

**WHEREAS**, on August 8, 2013, the City adopted Resolution 2013-79 ratifying and approving the Cullum Road Utility Conversion Special Assessment District; and

**WHEREAS**, thereafter, City met as an Equalizing Board on August 8, 2013, to hear and consider any and all complaints as to the special assessments set forth in Resolution 2013-31; and

**WHEREAS**, upon conclusion of testimony, the City acting as an Equalizing Board, determined that the method of payment and the allocation of the special assessments against the properties included within Resolution 2013-31 should be modified and amended so as to make same more fair and just as to all parties affected, and therefore that an adjustment was warranted;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the City Commission of the City of Coconut Creek hereby ratifies and confirms the levy of a special assessment for the public improvement project for the Special Assessment District established by Resolution 2013-31, attached hereto and made a part hereof as Exhibit "A" as equalized, and as modified and amended as set forth herein.

**Section 2.** That Resolution 2013-31 is amended as follows:

Resolution 2013-31 Exhibit "B" attached to and made a part of such Resolution is hereby deleted and are replaced with Exhibit "B-1" attached hereto and made a part hereof.

Section 9 of Resolution 2013-31 is amended as follows:

**Section 9: That the Special Assessments shall be due and payable in full without interest if paid within thirty (30) days after the public improvements are completed and a resolution accepting the improvements has been adopted by the City Commission (the "Resolution Date"). If not paid in full within said thirty-day period, then interest shall accrue on the unpaid balance of any property's unpaid assessment at the rate of four percent (4%) per annum from the Resolution Date until paid. Payment of the assessment and accrued interest shall be due and payable in full on or before the eighth anniversary of the Resolution Date from the owner or owners of the assessed property as of the date payment is made. The special assessment and any accrued interest thereon shall be a lien running with the land and City shall have all of the rights and remedies of a municipal creditor under all applicable Florida laws.**

**Section 3:** That this Resolution shall be in full force and effect immediately upon its passage and adoption.

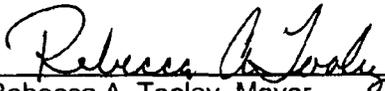
Adopted this 8th day of August, 2013 on a motion by Commissioner Sarbone and seconded by Commissioner Belvedere

Ayes 5

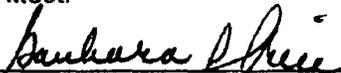
Nays 0

Absent or

Abstaining 0

  
Rebecca A. Tooley, Mayor

Attest:

  
Barbara S. Price, MMC, City Clerk

Tooley Aye

Aronson Aye

Sarbone Aye

Belvedere Aye

Welch Aye