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RESOLUTION NO. R2015-71

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A RESOLUTION OF THE VILLAGE COUNCIL FOR THE VILLAGE OF WELLINGTON SETTING A PUBLIC HEARING TO BE HELD AT WELLINGTON’S REGULARLY SCHEDULED COUNCIL MEETING STARTING AT 7 P.M. ON NOVEMBER 10, 2015, AT ITS VILLAGE HALL BUILDING LOCATED AT 12300 FOREST HILL BLVD., WELLINGTON, FL 33414, FOR THE PURPOSE OF HEARING PUBLIC COMMENT ON THE LEVY OF NON AD VALOREM SPECIAL ASSESSMENTS ON CERTAIN ASSESSABLE PROPERTY WITHIN THE VILLAGE OF WELLINGTON PURSUANT TO ITS CHARTER AND CHAPTER 170, F.S.

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WHEREAS, the Village Council (the “Village Council”) of the Village of Wellington has adopted Resolution No. R2015-70 (the “Assessment Intent Resolution”), for implementing the limits, definitions, purpose, intent, location, nature and estimated cost of the Improvements to be defrayed, in whole or in part, by certain non-ad valorem special assessments (the “Special Assessments”) on certain benefited properties (the “Assessable Property”) within the boundaries of the Village of Wellington; and

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WHEREAS, the Assessment Intent Resolution provides for the estimated cost of the Improvements to be defrayed by non-ad valorem special assessments and provides further for the manner in which such Special Assessments shall be levied, when the levy shall occur, and setting forth and designating the Assessable Property upon which the Special Assessments shall be levied, providing for an Assessment Plat, the preparation of a Preliminary Assessment Roll, and related matters; and

WHEREAS, the Assessment Intent Resolution further provides for notice and conduct of a public hearing to consider the advisability and propriety of the Special Assessments and the Improvements; and

WHEREAS, pursuant to the Assessment Intent Resolution, a Preliminary Assessment Roll has been prepared and all of the conditions precedent set forth in applicable provisions of the Code and Chapter 170, Florida Statutes, pertaining to the notice and conduct of the aforementioned Public Hearing have been satisfied and all related documents are available for public inspection at the Wellington Municipal Office Building located at 12300 Forest Hill Blvd., Wellington, FL 33414 (the “Wellington Municipal Office Building”).

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON THAT:

SECTION 1. SETTING OF PUBLIC HEARING. A public hearing shall be held at Wellington’s Regular Council Meeting on November 10, 2015 starting at 7 P.M., at the Wellington Municipal Office Building located at 12300 Forest Hill Blvd., Wellington, FL 33414, for the purpose of hearing questions, comments and objections to the proposed Special

1 Assessments and the Improvements, as described in the Preliminary Assessment Roll for the
2 Assessable Property, a copy of which Preliminary Assessment Roll is available for inspection in
3 the Wellington Clerk's Office at the Wellington Village Hall Building. Affected persons may
4 either appear at the hearing or submit their written comments prior to the meeting to the office of
5 the Village of Wellington's Manager, located in the Wellington Municipal Office Building.
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7 **SECTION 2. ADVERTISEMENT OF PUBLIC HEARING.** A notice, substantially in the
8 form attached hereto as Exhibit "A", of said public hearing shall be advertised in accordance
9 with Chapter 170, Florida Statutes, and the Village of Wellington's Clerk is hereby authorized
10 and directed to place said notice in a newspaper of general circulation within Palm Beach
11 County, Florida by two publications one week apart with the last publication at least one week
12 prior to the date of the hearing established herein. The Village of Wellington's Clerk shall
13 obtain for her files a publisher's affidavit verifying such publication of notice. The Village of
14 Wellington's Clerk is further authorized and directed to give thirty (30) days advance written
15 notice by U.S. Mail of the time and place of this public hearing to the owners of the Assessable
16 Property to be assessed and include in such notice the amount of the Special Assessment for each
17 lot or parcel of Assessable Property, a description of the areas to be improved and notice that
18 information concerning the Special Assessments is available for inspection at the Wellington
19 Village Hall Building.
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21 **SECTION 3. EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.
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24 **PASSED AND ADOPTED** this 10th day of September, 2015.
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27 **ATTEST:**

VILLAGE OF WELLINGTON

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29 By: _____
30 Awilda Rodriquez, Clerk

By: _____
Bob Margolis, Mayor

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33 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

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35 By: _____
36 Laurie Cohen, Village Attorney

EXHIBIT "A"
**VILLAGE OF WELLINGTON NOTICE OF HEARING TO LEVY
AND PROVIDE FOR THE COLLECTION AND ENFORCEMENT
OF NON-AD VALOREM SPECIAL ASSESSMENTS**

Notice is hereby given that the Village Council for the Village of Wellington and located in Palm Beach County, Florida, will conduct a Public Hearing to determine whether to levy Special Assessments upon the Assessable Property described below.

The purpose of the Special Assessments is to fund the cost of certain public infrastructure improvements, collectively referred to as the Saddle Trail Park (South) Neighborhood Improvement Project, for the benefit of the Assessable Property. Such public infrastructure improvements include roadway, horse path, and potable water line works and improvements, related systems, facilities and services.

A Public Hearing to receive comments from affected real property owners as to the propriety and advisability of making such public infrastructure improvements, as to the cost thereof; as to the manner of payment thereof; and as to the amount thereof to be assessed against the Assessable Property and whether to levy special assessments to pay such costs will be held on November 10, 2015 at Wellington's regularly scheduled Council meeting starting at 7 p.m. at the Wellington Municipal Office Building located at 12300 Forest Hill Blvd., Wellington, FL 33414.

All affected real property owners have a right to appear at the Public Hearing. Actions taken by the Village Council at this public hearing, including the adoption of an assessment resolution shall be the final adjudication of the subject presented, including whether to levy the non-ad valorem special assessments, the ascertainment and declaration of special benefits peculiar to the Assessable Property, the fairness and reasonableness of the duty to pay the Special Assessments and rate of the Special Assessment, unless proper steps are timely initiated in a court of competent jurisdiction following the date of the Village Council's action at the Public Hearing.

If any person decides to appeal any decision made with respect to any matter considered at this Public Hearing, such persons will need a record of the proceedings and for such purpose said person may need to ensure that a verbatim record of the proceeding is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

A description of each lot or parcel of real property to be assessed and the amount to be assessed to each such lot or parcel of Assessable Property may be ascertained by all persons interested at the Wellington Municipal Office Building located at 12300 Forest Hill Blvd., Wellington, FL 33414.

In accordance with the Americans with Disabilities Act, this document may be requested in an alternative format. Auxiliary aids or services will also be provided upon request with at least two (2) days' notice prior to the proceeding. Please contact the Village of Wellington's Manager at (561) 791-4000 for assistance.

(SEE BELOW LEGAL DESCRIPTION)

LEGAL DESCRIPTION

All properties located within the Saddle Trail Park of Wellington P.U.D Plat, as recorded in Plat Book 41, Pages 103-105 of the Official Records of Palm Beach County, Florida, and lying south of the southern right-of-way line of Greenbriar Boulevard. This includes all lots within Blocks 76, 77, 78, 79, 80, 81, 82, 83, 84, 85 and 86, only.

All properties located within the Saddle Trail Park of Wellington Replat No. 1 as recorded in Plat Book 108, Pages 118-119 of the Official Records of Palm Beach County, Florida. This includes Lots 1 and 2.