



## Legislation Text

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File #: 22-5387, Version: 1

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**ITEM: APPROVAL BY THE WELLINGTON COUNCIL AND ADOPTION BY THE ACME BOARD OF SUPERVISORS OF RESOLUTION NO. AC2022-08 APPROVING THE PLAN OF IMPROVEMENTS AND ENGINEER'S REPORT FOR UNIT OF DEVELOPMENT 50<sup>th</sup> STREET**

**REQUEST:** Approval by the Wellington Council and adoption by the Acme Board of Supervisors of Acme Resolution No. AC2022-08 approving the Plan of Improvement and Engineer's Report for Unit of Development for 50<sup>th</sup> Street.

**EXPLANATION:** The ACME Improvement District approved the landowners' request to form a Unit of Development for approximately 119 acres located on 50<sup>th</sup> Street at their November 9, 2021 meeting (Resolution No. AC2021-13).

The 119 acres consists of approximately 59 acres on the south side of 50<sup>th</sup> Street and a 59-acre parcel on the north side of 50<sup>th</sup> Street. The proposed improvement program for the 50<sup>th</sup> Street Unit of Development is to pave an approximately one-half mile section of 50<sup>th</sup> Street between Ousley Farms Road and South Road and provide for its drainage. Resolution No. AC2022-08 provides approval of the Unit of Development 50<sup>th</sup> Street Plan of Improvements and Engineer's Report.

The steps in this process are outlined as follows:

I. Plan of Improvement Approval Process:

- a. **Completed:** ACME's Engineer met with the landowners to discuss the Project and identify the works and services that the landowners want ACME to provide. Based on these, the ACME Engineer prepared and submits the proposed Plan of Improvement to the Board. The Board is requested to adopt the initial Resolution needed in order to commence the process for adoption of the proposed Plan of Improvement.
- b. **Completed:** Following approval to proceed with the proposed Plan of Improvement, a Notice setting a Public Hearing on the proposed Plan of Improvement will be published once a week for three (3) consecutive weeks.
- Completed:** Concurrently: (i) a copy of the Notice and proposed Plan of Improvements must be delivered to the South Florida Water Management District, (ii) a copy of the Notice must be provided to the County and (iii) a copy of the Notice of Public Hearing must be sent by first class mail to each owner of real property within the new Unit of Development.
- c. **Completed:** The Public Hearing on the proposed Plan of Improvements is included on the July 12, 2022 Agenda, following which the Board directed the ACME Engineer to prepare an Engineer's Report for the Plan of Improvements pursuant to Ch. 298, F.S.
- d. **Completed:** Once ACME's Engineer completes the Engineer's Report, it is filed with ACME's Secretary.

- e. **Completed:** A Notice setting a Public Hearing on the filing of the Engineer's Report and the Unit's proposed Plan of Improvement must then be published once a week for two (2) consecutive weeks to let the landowner within the Unit know that they have twenty (20) days from the last publication date of the Notice to submit written comments or objections to the Engineer's Report and Plan of Improvements.
- f. **In Process:** The Public Hearing is then to be held at least 25 days but not later than 60 days following the last publication of the Notice, at which Hearing any timely submitted comments or objections must be considered and addressed by the Board.
- g. **In Process:** The Board may then direct that the Engineer's Report and proposed Plan of Improvement be modified to address: none, some or all of the submitted comments or objections.
- h. **In Process:** The Board may then adopt a Resolution approving the Engineer's Report and Plan of Improvement, as submitted or modified, as the case may be.

The Board may then proceed to adopt a Resolution levying non-ad valorem assessments upon the benefitted acreage within the Unit of Development in order to pay for the cost of construction of the Plan of Improvements.

## II. Financing of the Plan of Improvements:

During or after the thirty (30) day non-claim period which follows adoption of the Unit's Plan of Improvements and Engineer's Report, ACME may commence a Chapter 75, Florida Statutes, bond validation proceeding in the Circuit Court.

III. Timing. This process, excluding construction, may take up to twelve months.

**BUDGET AMENDMENT REQUIRED:** NO

**PUBLIC HEARING:** YES                      **QUASI-JUDICIAL:** NO

**FIRST READING:**                              **SECOND READING:**

**LEGAL SUFFICIENCY:** YES

**FISCAL IMPACT:** The ACME Improvement District has received \$2,500 with the Petition.

**WELLINGTON FUNDAMENTAL:** Responsive Government

**RECOMMENDATION:** Approval by the Wellington Council and adoption by the Acme Board of Supervisors of Acme Resolution No. AC2022-08 approving the Plan of Improvement and Engineer's Report for Unit of Development for 50<sup>th</sup> Street.