

From: Andrew Hand
To: [Dawn Bowne](#)
Subject: CBDG Paving
Date: Tuesday, November 22, 2016 10:28:16 AM
Attachments: [image003.png](#)

Dawn,

I understand that the City is interested in pursuing a CBDG grant in the amount of \$650,000 to pave roadway within the historic section of the City's CRA. If the grant is awarded, the City's contribution would be \$25,000.

You inquired as to whether there would be a problem under Section 41 of the City Charter if the City were to accept grant funds to construct the roadway without assessing property owners abutting the improved roadway for their pro rata share of the City's expenditure. Section 41 essentially states that when City Council shall determine to construct, grade, or repair any street, the City may have such work done and the amount expended shall be a lien on the lots fronting or abutting the constructed street with the property owners on each side of the street each paying 1/3 of the cost of the improvements and the City paying 1/3.

Section 41 contemplates creation of an automatic lien on the abutting property owners, which "...**may** be enforced or recovered...as provided for in Florida Statutes."

Per Section 41 an automatic lien would be created on the abutting property owners property per their 1/3 pro rata share of the City's expenditure. However, as stated above, Section 41 states that such a lien "...**may** be enforced or recovered..." rather than "**shall**." It is my opinion that the use of the permissive word "may" provides the City the ability to make a determination to release and discharge the automatic liens in the event the City receives a windfall grant for roadway improvements.

If the road is primarily constructed using CBDG funds and the City wishes to release the abutting property owners from the automatic liens contemplated by Section 41 of the Charter it may do so. This release can be accomplished by resolution following construction of the roadway improvements.

Best Regards,



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