

# **Bond Case Briefs**

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## **SPECIAL ASSESSMENTS - FLORIDA**

### **Trafalgar Woods Homeowners Association, Inc. v. City of Cape Coral**

**District Court of Appeal of Florida, Second District - June 8, 2018 - So.3d - 2018 WL 2749778 - 43 Fla. L. Weekly D1313**

Homeowners association brought declaratory judgment action against city stemming from dispute over credits against special assessments for irrigation water.

The Circuit Court dismissed action with prejudice. Association appealed.

The District Court of Appeal held that credits against special assessments for irrigation water extended to homeowners association as successor in interest to project developer.

Credits against special assessments for irrigation water pursuant to planned development ordinance extended to homeowners association and property owners of individual lots as successors in interest to project developer, rather than only to developer; under ordinance, the credit was to reduce any proposed special assessment when irrigation water became available, credit was to apply to special assessments levied against individual lots, and property owners were to be assessed only for off-site improvements.