

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date: November 21, 2006**

**{X} Consent**

**{ } Regular**

**{ } Public Hearing { } Workshop**

**Department:**

**Submitted By:**

**Engineering and Public Works**

**Submitted For:**

**Engineering Services Division**

**Project No. 2006155**

**EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to:**

A. Adopt a Resolution amending the special assessment roll for the 89<sup>th</sup> Place North from Mandarin Boulevard east to canal Paving Improvement project, Section 23, Township 42 South, Range 40 East, under the Palm Beach County Municipal Service Taxing Unit (MSTU) Street Improvement Program, to reflect a decrease in the total project costs from \$90,071 to \$59,087.35, resulting in a reduction of \$30,983.65.

B. Approve finalization of the assessment roll for the project so the assessment payments can be processed and collected by the Tax Collector's Office.

**Summary:** Adoption of the Amended Resolution provides for the collection of fifty percent (50%) of the total project costs of \$59,087.35. Assessments will be payable in ten (10) equal annual installments. The assessments, based on 50% of the amended total project costs, are \$1,009.70 per acre.

**District: 6 (ME)**

**Background and Justification:** In accordance with Palm Beach County's MSTU Ordinance 94-11, as amended by Ordinance 95-53 governing street improvement projects, this office advertised the Project for a Public Hearing, which was approved by the Board of County Commissioners (Board) on January 10, 2006 (R-2006-0114).

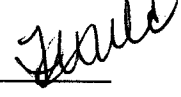
*Continued on page 3*

**Attachments:**


1. Location Map
2. Amending Resolution with Exhibits I and II

Recommended by: 

Division Director

9/29/06 

Date

Approved By: 

County Engineer

10/25/06

Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	( \$30,984 )	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	\$15,492	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	( \$ 15,492 )	-0-	-0-	-0-	-0-

# ADDITIONAL FTE

POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes X No   

Budget Acct No.: Fund 3511 Dept. 365 Unit S190 Object 8101  
Program

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: R.D. Ward 9/18/06

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 10-27-06  
OFMB  
*actw 10-28-06*

[Signature] 10/30/06  
Contract Dev. and Control  
*10/25/06*

### B. Approved as to Form and Legal Sufficiency:

[Signature] 11/02/06  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

This summary is not to be used as a basis for payment.

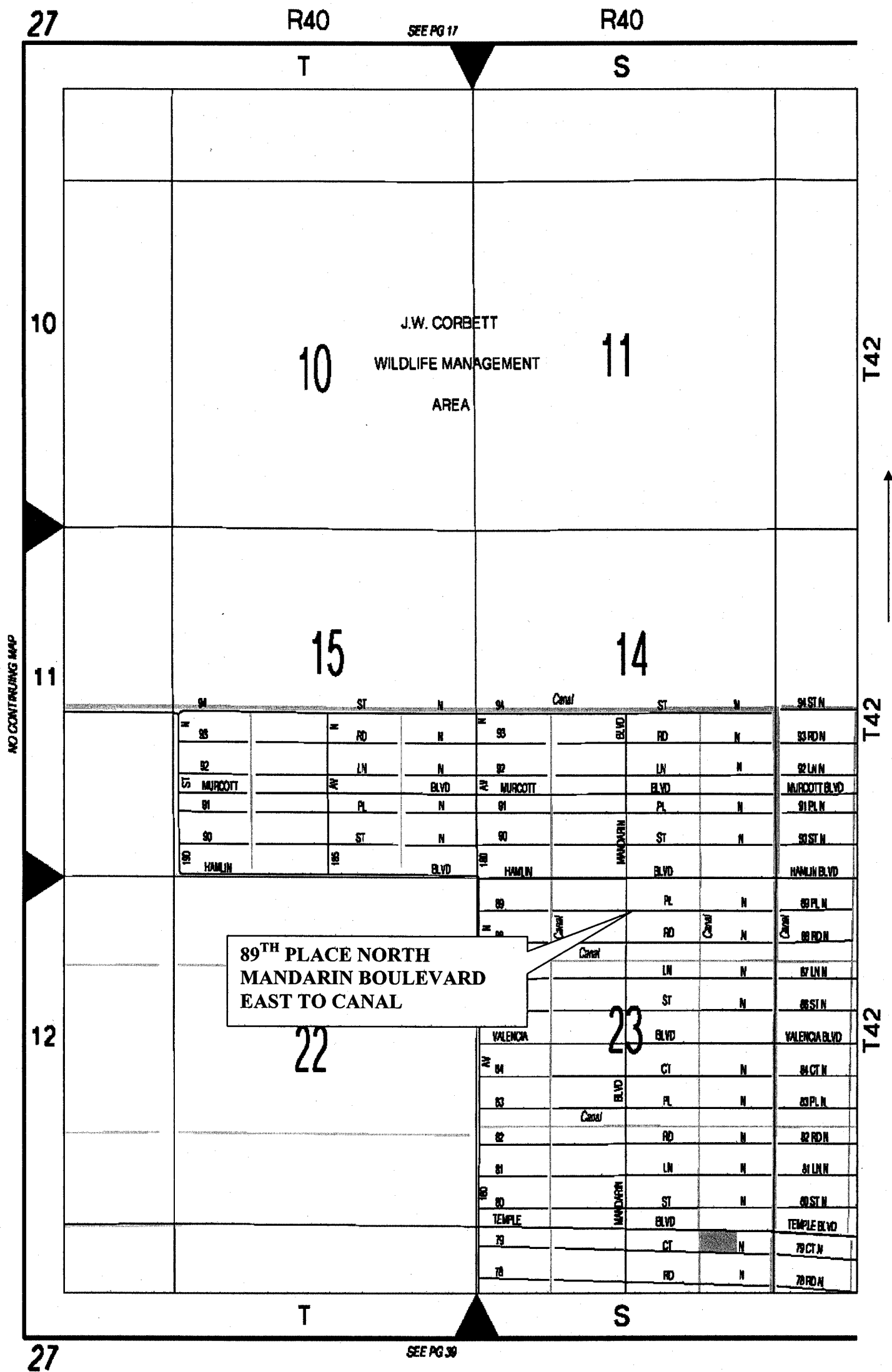
**Background and Justification: (Continued)**

89<sup>th</sup> Place North is in an unincorporated area of Palm Beach County (County) located within the service area of the Indian Trail Improvement District (District). On January 10, 2006, the County and the District entered into a Funding Agreement (R-2006-0051) providing for construction of the Project.

On January 10, 2006, the County held a Public Hearing (R-2006-0114), and adopted an assessment roll for the project. The original estimated total cost, based on fifty percent (50%) of the cost payable over ten (10) years at 6.5%, was \$1,539.15 per acre. The actual project cost was less than estimated, resulting in a reduction in the assessments to the property owners as follows:

	<u>Project Total</u>	<u>Assessable Portion 50% of Total</u>	<u>Cost Per Acre</u>
Estimated Costs	\$90,071.00	\$45,035.50	\$1,539.15
Final Cost	\$59,087.35	\$29,543.68	\$1,009.70
<b>Savings</b>	<b>\$30,983.65</b>	<b>\$15,491.83</b>	<b>\$ 529.45</b>

This office recommends the adoption and approval of the above named actions in order to continue with the Assessment Process for this project.



LOCATION MAP – ATTACHMENT 1

**RESOLUTION NO. R-2006-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF PALM BEACH COUNTY, FLORIDA AMENDING THE  
SPECIAL ASSESSMENT 89TH PLACE NORTH FROM  
MANDARIN BOULEVARD EAST TO CANAL, SECTION 23,  
TOWNSHIP 42 SOUTH, RANGE 40 EAST, PAVING  
IMPROVEMENT PROJECT, PURSUANT TO A PUBLIC  
HEARING HELD THEREON.**

**WHEREAS**, a confirming special assessment process was approved by the Board of County Commissioners (Board) on January 10, 2006 (R-2006-0114) for the 89th Place North from Mandarin Boulevard east to canal, Paving Improvement Project, authorized pursuant to Palm Beach County Ordinance No. 94-11, as amended by Ordinance No. 95-53 known as the Municipal Service Taxing Unit Road Improvement Ordinance. Due to a decrease in final project costs, it is necessary to **amend** the final project costs from \$90,071.00 to \$59,087.35 resulting in a reduction of \$30,983.65; and

**WHEREAS**, fifty percent (50%) of the cost of the street improvements, will be repaid by special assessment upon specially benefited parcels of land; and

**WHEREAS**, the method of assessment is to be on a per acre basis for the street improvements; and

**WHEREAS**, pursuant to Section 18 of Ordinance No. 94-11, as amended by Ordinance No. 95-53, the Board of County Commissioners did hold a public hearing on the 10<sup>th</sup> day of January 2006, at the Commission Chambers of the Board of County Commissioners of Palm Beach County, Florida, so as to satisfy the requirements of Ordinance 94-11 as amended by Ordinance No. 95-53; and

**WHEREAS**, the Board of County Commissioners finds that the public notice and public hearing requirements of Ordinance No. 94-11 as amended by Ordinance No. 95-53 have been substantially met.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

1. The Special Assessment Roll for the improvement project for 89th Place North from Mandarin Boulevard east to canal, Section 23, Township 42 South, Range 40 East, as on file in the Clerk of this Board and attached hereto as EXHIBIT II is hereby approved and confirmed and shall be recorded by the Clerk of the Board of County Commissioners in a special book to be known as "The Improvement Book" and the record of the lien in said book shall constitute prima facie evidence of the validity of said lien.

RESOLUTION NO. R-2006-  
November 21, 2006

2. Pursuant to Ordinance No. 94-11 as amended by Ordinance No. 95-53, the following project is hereby approved: 89th Place North from Mandarin Boulevard east to canal Street Improvement Project in Section 23, Township 42 South, Range 40 East, Palm Beach County, Florida.

3. The said special assessments are hereby made upon all parcels of land described in said **amended** Special Assessment Roll in the amount shown thereon.

4. Pursuant to Ordinance No. 94-11 as amended by Ordinance No. 95-53, any and all special assessments made pursuant to this **Amending** Resolution, which have not been paid in full within thirty (30) days after completion of the subject improvements for which said assessment was made, shall be subject to interest at a rate of six and one-half (6½%) percent per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten (10) equal annual installments.

5. The **amended** project costs of the street improvements are reflected on EXHIBIT I (Report of Cost). The original total cost of the street improvements was \$90,071.00. This Resolution decreases the total project costs by \$30,983.65 resulting in a total project cost of \$59,087.35. Fifty percent (50%) of the total costs will be paid by special assessment.

6. Pursuant to Section 21 of Ordinance No. 94-11 as amended by Ordinance No. 95-53, if any special assessment made under this resolution shall be either in whole or part vacated or set aside by the judgment of any court, or the Board of County Commissioners shall be satisfied that any such assessment is so defective that the same cannot be enforced or collected, or if the Board will have omitted to make any such assessment when it might have done so, the Board of County Commissioners will take all necessary steps to cause a new assessment to be made for any improvement against any property specially benefited by such improvement.

7. The Board of County Commissioners further finds that each parcel listed on EXHIBIT II will obtain a special benefit which is at least equal to the amount of special assessment made against each such parcel.

RESOLUTION NO. R-2006-  
November 21, 2006

The foregoing Resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption.

The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was  
as follows:

KAREN T. MARCUS

JEFF KOONS

WARREN H. NEWELL

MARY MCCARTY

BURT AARONSON

ADDIE L. GREENE

The Chairperson thereupon declared the Resolution duly passed and adopted this day of  
\_\_\_\_\_, 2006.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK  
CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

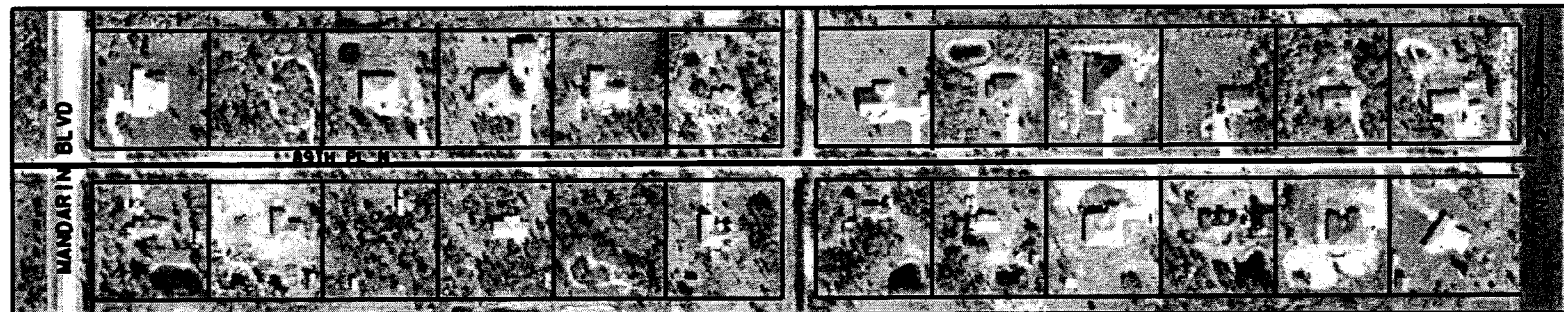
By: \_\_\_\_\_  
County Attorney

## Report of Cost

# 89th Place North

Mandarin Boulevard East to Canal

(29.26 Acres) \$59,087.35 Actual (Final) Cost



Per Acre  
**\$2019<sup>40</sup>**

Owner Responsibility Per Acre  
**\$1009<sup>70</sup>**

Per Year  
**\$140<sup>45</sup>**

Per Month  
**\$11<sup>71</sup>**

Property owners will be assessed over a 10-year period on their yearly tax bill for 50% of the cost of the road improvements.  
Property owners can also opt to pay their portion of the cost in full and avoid interest charges of 6 1/2% per year. All prices are approximate at this time.

Exhibit 1





Assessment Roll - Final

89TH PLACE NORTH  
MANDARIN BOULEVARD EAST TO CANAL  
PAVING IMPROVEMENT PROJECT  
PROJECT NO. 2006155

FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION TOWNSHIP RANGE		
			6 TONY MASILOTTI		23	42S	40E

No.	Homeowner/Mailing Address	PCN/Legal Description	Assessable Acreage	Total Assessment	Annual Cost/Per Year	Notes
1	MCKENZIE BANCROFT &  17475 89TH PL N LOXAHATCHEE, FL 33470-2668	00-40-42-23-00-000-113.0  23-42-40, W 249.4 FT OF S 243.6 FT OF N 497.2 FT OF E 1/2 IN OR2392P801	1.40	\$1,413.58	\$196.64	
2	MAGGIO ANTHONY &  11 GINGER CT CENTEREACH, NY 11720-3652	00-40-42-23-00-000-114.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 205.6 FT OF W 455 FT OF E 1/2 OF SEC A/K/A N-212	1.15	\$1,161.16	\$161.52	
3	HENRIQUES CLARENCE  17391 89TH PL N LOXAHATCHEE, FL 33470-2668	00-40-42-23-00-000-115.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 205.6 FT OF W 660.6 FT OF E 1/2 OF SEC A/K/AN-209	1.15	\$1,161.16	\$161.52	
4	FITZPATRICK DANIEL J  17357 89TH PL N LOXAHATCHEE, FL 33470-2668	00-40-42-23-00-000-116.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 205.6 FT OF W 866.2 FT OF E 1/2 OF SEC A/K/AN-170	1.15	\$1,161.16	\$161.52	
5	OBOYLE FRANK  17317 89TH PL N LOXAHATCHEE, FL 33470-2668	00-40-42-23-00-000-117.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 205.6 FT OF W 1071.8 FT OF E 1/2 IN OR2743 P557	1.15	\$1,161.16	\$161.52	

Assessments which have not been paid in full within thirty days after completion of the subject improvements for which said assessment was made, will be charged interest at a rate of six and a half (6.5) percent per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten equal annual installments of principal and interest.



**Assessment Roll - Final**  
89TH PLACE NORTH  
MANDARIN BOULEVARD EAST TO CANAL  
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PROJECT NO. 2006155

FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION	TOWNSHIP	RANGE
			6 TONY MASILOTTI		23	42S	40E

No.	Homeowner/Mailing Address	PCN/Legal Description	Assessable Acreage	Total Assessment	Annual Cost/Per Year	Notes
6	BONSPILLE LAWRENCE J &  17271 89TH PL N LOXAHATCHEE, FL 33470-2780	00-40-42-23-00-000-118.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 239.4 FT OF W 1311.2 FT OF E 1/2 IN OR2618 P254	1.34	\$1,353.00	\$188.21	
7	BROWN PATRICIA R &  ** Confidential Record **	00-40-42-23-00-000-119.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 239.4 FT OF W 1550.6 FT OF E 1/2 IN OR2565 P1612	1.34	\$1,353.00	\$188.21	
8	HILDOER DONALD &  17183 89TH PL N LOXAHATCHEE, FL 33470-2780	00-40-42-23-00-000-120.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 205.6 FT OF W 1756.2 FT OF E 1/2 OF SEC A/K/A N-86	1.15	\$1,161.16	\$161.52	
9	PERKINS DENNIS A &  17149 89TH PL N LOXAHATCHEE, FL 33470-2780	00-40-42-23-00-000-121.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 205.6 FT OF W 1961.8 FT OF E 1/2 OF SEC A/K/A N-83	1.15	\$1,161.16	\$161.52	
10	FIGUEROA CESAR  80684 PRINCETON AVE INDIO, CA 92201-4960	00-40-42-23-00-000-122.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 205.6 FT OF W 2167.4 FT OF E 1/2 OF SEC A/K/A N-44	1.15	\$1,161.16	\$161.52	

Assessments which have not been paid in full within thirty days after completion of the subject improvements for which said assessment was made, will be charged interest at a rate of six and a half (6.5) percent per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten equal annual installments of principal and interest.



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			6 TONY MASILOTTI		23	42S	40E

No.	Homeowner/Mailing Address	PCN/Legal Description	Assessable Acreage	Total Assessment	Annual Cost/Per Year	Notes
11	OERTLE MICHELLE L  17067 89TH PL N LOXAHATCHEE, FL 33470-2780	00-40-42-23-00-000-123.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 205.6 FT OF W 2373 FT OF E 1/2	1.15	\$1,161.16	\$161.52	
12	WILLIS CHARLES W  17025 89TH PL N LOXAHATCHEE, FL 33470-2780	00-40-42-23-00-000-124.0  23-42-40, S 243.6 FT OF N 497.2 FT OF E 1/2 (LESS W 2373 FT) IN OR2621P1354	1.35	\$1,363.10	\$189.61	
13	MARTINEZ HENRY &  17024 89TH PL N LOXAHATCHEE, FL 33470-2779	00-40-42-23-00-000-125.0  23-42-40, S 243.6 FT OF N 740.8 FT (LESS W 2373 FT) OF E 1/2 OF SEC A/K/A N-3	1.35	\$1,363.10	\$189.61	
14	RAMBHAJAN MICHAEL A &  17068 89TH PL N LOXAHATCHEE, FL 33470-2779	00-40-42-23-00-000-126.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 205.6 FT OF W 2373 FT OF E 1/2 OF SEC A/K/A N-40	1.15	\$1,161.16	\$161.52	
15	HAYLES ASHBOURNE G &  17108 89TH PL N LOXAHATCHEE, FL 33470-2779	00-40-42-23-00-000-127.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 205.6 FT OF W 2167.4 FT OF E 1/2 OF SEC A/K/A N-45	1.15	\$1,161.16	\$161.52	

Assessments which have not been paid in full within thirty days after completion of the subject improvements for which said assessment was made, will be charged interest at a rate of six and a half (6.5) percent per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten equal annual installments of principal and interest.



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			6 TONY MASLOTTI		23	42S	40E

No.	Homeowner/Mailing Address	PCN/Legal Description	Assessable Acreage	Total Assessment	Annual Cost/Per Year	Notes
16	SANTANA TRACY  17150 89TH PL N LOXAHATCHEE, FL 33470-2779	00-40-42-23-00-000-128.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 205.6 FT OF W 1961.8 FT OF E 1/2 IN OR2585 P1907	1.15	\$1,161.16	\$161.52	
17	PAYNE TIMOTHY E &  17186 89TH PL N LOXAHATCHEE, FL 33470-2779	00-40-42-23-00-000-129.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 205.6 FT OF W 1756.2 FT OF E 1/2 (LESS UND 1/2 INT GAS, OIL & MINERAL RGTS ONLY) A/K/A N-87	1.15	\$1,161.16	\$161.52	
18	BOURDON KEVIN W  17224 89TH PL N LOXAHATCHEE, FL 33470-1744	00-40-42-23-00-000-130.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 239.4 FT OF W 1550.6 FT OF E 1/2 OF SEC A/K/A N-124	1.34	\$1,353.00	\$188.21	
19	HOLIDAY WESTLEY &  17270 89TH PL LOXAHATCHEE, FL 33470-1744	00-40-42-23-00-000-131.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 239.4 FT OF W 1311.2 FT OF E 1/2 IN OR2424 P66	1.34	\$1,353.00	\$188.21	
20	PILSZAK RAYMOND A &  8212 GREENVALE CT NASHVILLE, TN 37221-4004	00-40-42-23-00-000-132.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 205.6 FT OF W 1071.8 FT OF E 1/2 OF SEC A/K/A N-166	1.15	\$1,161.16	\$161.52	

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Assessment Roll - Final

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PAVING IMPROVEMENT PROJECT  
PROJECT NO. 2006155

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION	TOWNSHIP	RANGE
	6 TONY MASILOTTI	23	42S	40E

No.	Homeowner/Mailing Address	PCN/Legal Description	Assessable Acreage	Total Assessment	Annual Cost/Per Year	Notes
21	PROUDFOOT DONALD H &  17356 89TH ST N LOXAHATCHEE, FL 33470-2667	00-40-42-23-00-000-133.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 205.6 FT OF W 866.2 FT OF E 1/2 OF SEC A/K/AN-171	1.15	\$1,161.16	\$161.52	
22	BRADY MARK A &  17394 89TH PL N LOXAHATCHEE, FL 33470-2667	00-40-42-23-00-000-134.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 205.6 FT OF W 660.6 FT OF E 1/2 OF SEC A/K/AN-208	1.15	\$1,161.16	\$161.52	
23	GNATENCO IVAN &  17434 89TH PL N LOXAHATCHEE, FL 33470-2667	00-40-42-23-00-000-135.0  23-42-40, S 243.6 FT OF N 740.8 FT OF E 205.6 FT OF W 455 FT OF E 1/2 OF SEC A/K/A N-213	1.15	\$1,161.16	\$161.52	

Assessments which have not been paid in full within thirty days after completion of the subject improvements for which said assessment was made, will be charged interest at a rate of six and a half (6.5) percent per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten equal annual installments of principal and interest.



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No.	Homeowner/Mailing Address	PCN/Legal Description	Assessable Acreage	Total Assessment	Annual Cost/Per Year	Notes
24	FLEURY DONALD R &  17476 89TH PL N LOXAHATCHEE, FL 33470-2667	00-40-42-23-00-000-136.0  23-42-40, W 249.4 FT OF S 243.6 FT OF N 740.8 FT OF E 1/2 OF SEC A/K/A N-250	1.40	\$1,413.58	\$196.64	
			Totals:	29.26	\$29,543.92	

Note Description/Totals		
1	ASSIGNED FRONT FOOTAGE	0
2	ASSIGNED AVERAGE FRONT FOOTAGE	0
3	50% OF SUM OF ALL ABUTTING FOOTAGE	0

Assessments which have not been paid in full within thirty days after completion of the subject improvements for which said assessment was made, will be charged interest at a rate of six and a half (6.5) percent per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten equal annual installments of principal and interest.