

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: January 9, 2007	Consent <input checked="" type="checkbox"/> [X]	Regular <input type="checkbox"/> []
	Public Hearing <input type="checkbox"/> []	

Submitted By: Water Utilities Department
Submitted For: Finance Department/Minutes Division

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, directing the Clerk and Comptroller to record page 1 of the assessment roll adopted by Resolution R2006-1338 for the Cheryl Lane Water Main Improvement Project in the Official Records of Palm Beach County, Florida.

Summary: On July 11, 2006, the Board approved a Resolution (R2006-1338) confirming the special assessment process for the Cheryl Lane Water Main Improvement Project. While the Board properly imposed the assessment on all properties included in the assessment roll, page 1 of the assessment roll was inadvertently omitted from the document recorded in the Official Records of Palm Beach County, Florida, by the Minutes Department of the Clerk and Comptroller. A total of five (5) properties which appeared on page 1 of the assessment roll were omitted from the recorded document. These properties include: PCN 00-42-44-02-00-000-1370, PCN 00-43-44-02-00-000-1380, PCN 00-42-44-02-00-000-0139, PCN 00-42-44-02-00-000-0140 and PCN 00-42-44-02-00-000-1430. This Resolution directs the Clerk and Comptroller to record Page 1 of the assessment roll, so that the assessment, as imposed by the Board, is accurately reflected in the Official Records of Palm Beach County, Florida.

(WUD Project No. 05-155)

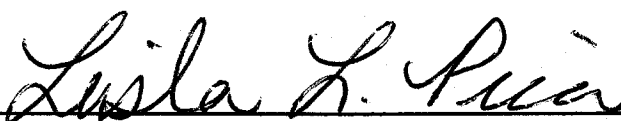

District 6

(MJ)

Background and justification: The Board approved a Resolution (R2006-1338) confirming the special assessment process for the Cheryl Lane Water Main Extension Improvement Project on July 11, 2006. Page 1 of the assessment roll was omitted from the document recorded by the Clerk and Comptroller's Minutes Department in the Official Records of Palm Beach County, and therefore needs to be recorded to accurately reflect the assessment imposed by the Board in Resolution R2006-1338.

Attachments:

1. Amending Resolution
2. Special Assessment Roll (First Page)
3. Resolution No. R2006-1338
4. Location Map

Recommended By:		12/11/06
	Department Director	Date
Approved By:		12/19/06
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund Agency Org. Object

Is Item Included in Current Budget? Yes____ No

Reporting Category N/A

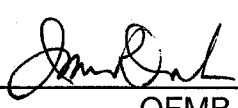
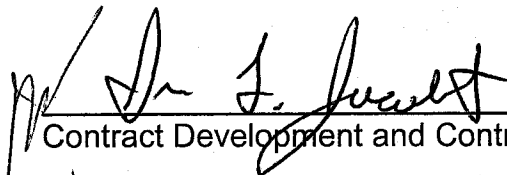
B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item represents no fiscal impact to the Water Utilities Department.

C. Department Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

 12-14-06
OFMB
12-12-06
12/11/06
 12/18/06
Contract Development and Control
12/18/06

B. Legal Sufficiency:

 12/18/06
Assistant County Attorney

C. Other Department Review:

Department Director

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

RESOLUTION NO. R-2007-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DIRECTING THE CLERK AND COMPTROLLER TO RECORD PAGE 1 OF THE ASSESSMENT ROLL ADOPTED BY RESOLUTION NO. 2006-1338 IN THE OFFICIAL RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, on July 11, 2006, the Board of County Commissioners adopted Resolution 2006-1338, confirming the special assessment roll for the Cheryl Lane Water Main Improvement Project; and

WHEREAS, while the assessment role adopted by the Board of County Commissioners was complete and accurate, page 1 of the assessment roll was inadvertently omitted from the document recorded in the Official Records of Palm Beach County by the Clerk and Comptroller's Minutes Department; and

WHEREAS, the Board of County Commissioners now wishes to direct the Clerk and Comptroller to record page 1 of the assessment roll adopted by Resolution No 2006-1338.

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

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.

2. The Clerk and Comptroller shall cause this Resolution, and Page 1 of the assessment roll adopted by Resolution 2006-1338, to be recorded in the Official Records of Palm Beach County, Florida. Page 1 of said assessment roll is attached hereto and incorporated herein as **Exhibit "A"**.

3. This Resolution is directed solely to a recording error in the recording of Resolution 2006-1338, and shall have no effect on Resolution 2006-1338 as adopted by the Board of County Commissioners on July 11, 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:

Commissioner Addie L. Greene, Chairperson
Commissioner John F. Koons, Vice Chair
Commissioner Karen T. Marcus
Commissioner Warren H. Newell
Commissioner Mary McCarty
Commissioner Burt Aaronson
Commissioner Jess R. Santamaria

The Chair thereupon declared the Resolution duly passed and
adopted this _____ day of _____, 2007.

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: _____
Assistant County Attorney



Assessment Roll - Tentative

CHERYL LANE
SPECIAL ASSESSMENT PROGRAM
WATER MAIN EXTENSION PROJECT

FUND	AGENCY	ORG	COMMISSION DISTRICT	SECTION	TOWNSHIP	RANGE
4013	721	W021	6 TONY MASILOTTI	2	44S	42E

No.	Homeowner/Mailing Address	PCN/Legal Description	Feet	Cost/Per Foot	Total Assessment	Annual Cost/Per Foot	Annual Cost/Per Year	Notes
1	LUNA, JESUS M. JR. 5098 CHERYL LN WEST PALM BEACH, FL 33415-2728	00-42-44-02-00-000-137.0 2-44-42, E 85 FT OF W 170 FT OF S 98 FT OF N 216.05 FT OF S 1/2 OF SE 1/4 OF NE 1/4 OF NE 1/4	85.00	\$82.34	\$6,998.90	7.4728816	\$635.19	
2	CENDAN, RAFAEL & XIOMARA M. HERNANDEZ 5101 CHERYL LN WEST PALM BEACH, FL 33415-2728	00-42-44-02-00-000-138.0 2-44-42, E 78 FT OF W 156 FT OF N 98 FT OF S 1/2 OF SE 1/4 OF NE 1/4 OF NE 1/4	78.00	\$82.34	\$6,422.52	7.4728816	\$582.88	
3	LUE NICKEISHA & 5043 CHERYL LN WEST PALM BEACH, FL 33415-2728	00-42-44-02-00-000-139.0 2-44-42, E 78 FT OF W 468 FT OF N 98 FT OF S 1/2 OF SE 1/4 OF NE 1/4 OF NE 1/4	78.00	\$82.34	\$6,422.52	7.4728816	\$582.88	
4	AUSTIN, WILLIAM R. 1007 CHARLES ST WEST PALM BEACH, FL 33401-7531	00-42-44-02-00-000-140.0 2-44-42, E 78 FT OF W 546 FT OF N 98 FT OF S 1/2 OF SE 1/4 OF NE 1/4 OF NE 1/4	78.00	\$82.34	\$6,422.52	7.4728816	\$582.88	
5	HAPP, MARSHALL J. & ANDREA L. (TRS) 756 BELMONT DR WEST PALM BEACH, FL 33415-3602	00-42-44-02-00-000-143.0 2-44-42, E 75 FT OF W 470 FT OF S 98 FT OF N 216.05 FT OF S 1/2 OF SE 1/4 OF NE 1/4 OF NE 1/4	75.00	\$82.34	\$6,175.50	7.4728816	\$560.47	

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 twenty equal annual installments of principal and interest.

RESOLUTION NO. R-2006-1338**RESOLUTION OF THE BOARD
OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY,
FLORIDA, CONFIRMING THE
SPECIAL ASSESSMENT ROLL
FOR CHERYL LANE WATER
MAIN IMPROVEMENT
PROJECT**

WHEREAS, pursuant to Section 8 of Ordinance 2001-0010, the Board of County Commissioners held a public hearing at 9:30 A.M. on the 11th day of July 2006, at the Commission Chambers of the Board of County Commissioners of Palm Beach County, Florida, so as to satisfy the requirements of Ordinance 2001-0010; and

WHEREAS, the Board of County Commissioners finds that the public notification and public hearing requirements of Ordinance 2001-0010 have been complied with; and

WHEREAS, the Board of County Commissioners intends to levy special assessment(s) upon the properties located in the Cheryl Lane project area for the purpose of funding a water main extension; and

WHEREAS, the total assessable costs of the improvement project shall not exceed \$82,834.04; and

WHEREAS, the method of apportioning the assessable costs of the improvement project among the parcels of property located within the boundaries of the improvement project shall be by front footage method; and

WHEREAS, the maximum dollar amount of each assessment unit shall be \$82.34 per front foot based on 1,006 feet of frontage; and

WHEREAS, the Board of County Commissioners finds that each parcel listed in the Special Assessment Roll, which is attached hereto and incorporated herein as Attachment "3", will obtain a special benefit, that is at least equal to the amount of special assessment made against each such parcel; and

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

1. The Special Assessment Roll for the Cheryl Lane Water Main Improvement Project is hereby approved and confirmed, and the special assessments set forth therein shall be collected in accordance with the provisions of the Uniform Assessment Collection Act and Ordinance 2001-0010.
2. The special assessment(s) set forth in the Special Assessment Roll shall constitute a lien(s) against the assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien(s) shall be superior in dignity to all other liens, titles and claims, until paid.
3. Any and all special assessments made pursuant to this Resolution, which have not been paid in full within thirty (30) days after completion of the improvement project for which the assessments were made, shall be subject to interest at the rate of six and one half percent (6 ½ %) per year and shall be payable in twenty (20) equal installments of principal and interest.

4. If any special assessment made under this Resolution shall be either in whole or in part vacated or set aside by the judgment of any court, or if the Board of County Commissioners shall be satisfied that any such assessment is so irregular or defective that same cannot be enforced or collected, or if the Board shall have omitted to make such assessment when it might have done so, the Board of County Commissioners shall take all necessary steps to cause a new assessment to be made for any improvement and against any property specially benefited by such improvement, following the provisions of Ordinance 2001-0010. In case the second assessment shall also be invalid, the Board of County Commissioners may obtain and make other assessments until a valid assessment is made.

5. The Clerk of this Board shall cause this Resolution to be recorded in the Official Records of Palm Beach County, Florida, in the Office of the Clerk of the Circuit Court.

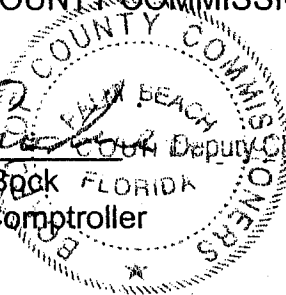
The foregoing Resolution was offered by Commissioner Marcus who moved its adoption. The motion was seconded by Commissioner Greene and upon being put to a vote; the vote was as follows:

Commissioner Tony Masilotti, Chairman	Aye
Commissioner Addie L. Greene, Vice Chairperson	Aye
Commissioner Karen T. Marcus	Aye
Commissioner Jeff Koons	
Commissioner Warren H. Newell	Aye
Commissioner Mary McCarty	Aye
Commissioner Burt Aaronson	Aye

The Chair thereupon declared the Resolution duly passed and adopted this 11 day of July, 2006.

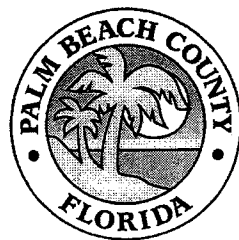
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Judith C. Bock
Sharon R. Bock, Deputy Clerk
Clerk and Comptroller



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By [Signature]



Palm Beach County
Water Utilities
Department
Service Area (SA) and
Major Facilities

Legend

- P.B.C.W.U.D. SA
- Mandatory Reclaimed SA
- Palm Beach County Limits
- Administration
- Water Reclamation Facility
- Water Treatment Facility
- Wetlands



Attachment "4" Location Map

