

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

Meeting Date: August 21, 2007      { } Consent      { } Regular  
   {X} Public Hearing      { } Workshop

Department:  
 Submitted By: Engineering and Public Works  
 Submitted For: Engineering Services Division

**Project No. 2000135**

**EXECUTIVE BRIEF**

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

- A. Adopt a Resolution confirming the special assessment process for Cooley Court from the dead end north to Lake Worth Road Paving Improvement Project (Project), Section 25, Township 44 South, Range 42 East, Palm Beach County Atlas Page Number 90, E-25, under the Palm Beach County Municipal Service Taxing Unit (MSTU) Street Improvement Program.
- B. Approve a Budget Transfer of \$33,000 in the MSTU District C Fund from Reserves to Cooley Court, from the dead end north to Lake Worth Road.

**Summary:** Adoption of the Resolution provides for the collection of fifty percent (50%) of the MSTU funds expended on the Project. Assessments will be payable in twenty (20) equal annual installments. The Project consists of the construction of paving improvements for Cooley Court from the dead end north to Lake Worth Road Project.

**District: 3 MSTU District C (ME)**

**Background and Policy Issues:** 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. The Project is located in Section 25, Township 44 South, Range 42 East, Palm Beach County Atlas Page Number 90, E-25.

Palm Beach County will assess benefiting properties for fifty percent (50%) of MSTU funds expended on the improvements.

Property Owners	Matching MSTU Funds	MSTU FUNDS REQUIRED	OCR	TOTAL
\$16,500.00	\$16,500.00	\$33,000.00	\$42,650.00	\$75,650.00

The Office of Community Revitalization (OCR) has previously allocated funding in account 3900-366-X023-6505 to cover all additional costs associated with the Project.

A Public Information meeting was held at PBC Library (Greenacres Branch) on August 7, 2007 to explain the Project, costs, and to answer questions from property owners and residents.

**Attachments:**

- 1. Location Map
- 2. Resolution with Exhibits I and II
- 3. Budget Transfer

Recommended by: Ornelis A. Fernandez      7/20/07 *MM*  
 Division Director      Date

Approved By: S. J. Webb      7/23/07  
 County Engineer      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>75,650</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<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>
<b>NET FISCAL IMPACT</b>	<b><u>75,650</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Acct No.: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Object \_\_\_\_\_  
 Reporting Category

3900-366-X023-6505 \$42,650

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

Capital Outlay Fund  
 MSTU District C Fund  
 Cooley Court/Dead End N - Lake Worth Road

Construction	\$65,000.00
Advertising	\$ 1,200.00
Permits	\$ 1,000.00
Staff Cost - Eng Services	\$ 8,450.00
Fiscal Impact	\$75,650.00
MSTU District C	<\$33,000.00>
Capital Outlay	\$42,650.00

Note: Road & Bridge will be doing the construction work under an annual contract.

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

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

CERT already allocated funds on the unit to cover the project

Elizabeth Blaser 8/1/07  
 OFMB  
 8/1/07

Laura L. Jacobowitz 8/2/07  
 Contract Dev. and Control

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

This item complies with current County policies.

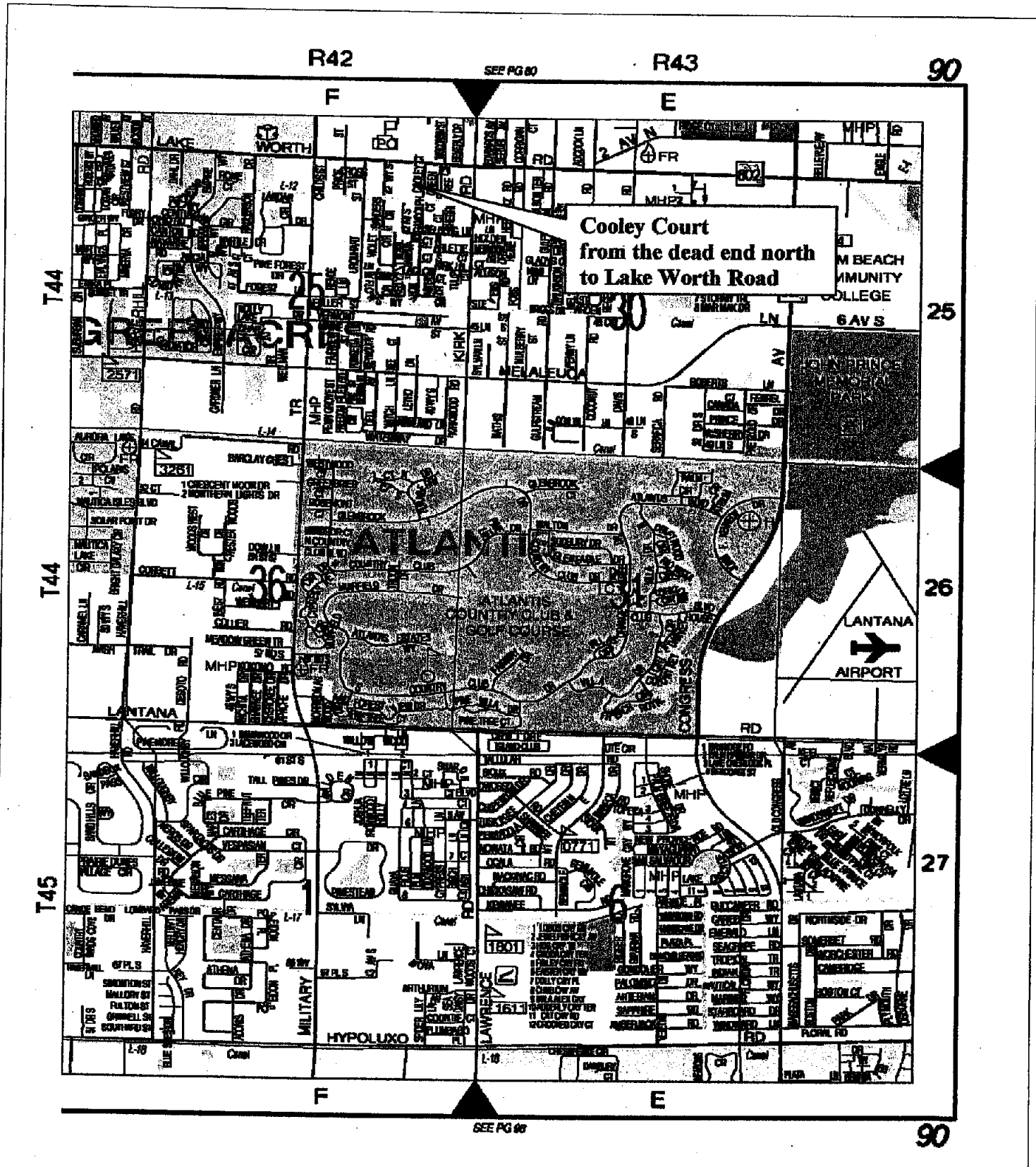
Mona R. [Signature] 8/3/07  
 Assistant County Attorney

**C. Other Department Review:**

2 MAR 8/1/07  
Horst J. [Signature] 8/1/07  
 Department Director

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

LOCATION MAP



**RESOLUTION NO. R-2007-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA CONFIRMING THE SPECIAL ASSESSMENT FOR COOLEY COURT FROM THE DEAD END NORTH TO LAKE WORTH ROAD PAVING IMPROVEMENT PROJECT, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PAVING IMPROVEMENT PROJECT, PURSUANT TO A PUBLIC HEARING HELD THEREON.**

**WHEREAS**, a special assessment process was initiated for the Cooley Court 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; and

**WHEREAS**, fifty percent (50%) of the cost of the paving improvements, which is funded through the MSTU Program, will be repaid by special assessment upon specially benefited parcels of land; and

**WHEREAS**, the method of assessment is to be on a per front foot basis; 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 21<sup>st</sup> day of August, 2007, 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:**

The Special Assessment Roll for the improvement project Cooley Court from the dead end north to Lake Worth Rd. Paving Improvement project, Section 25, Township 44 South, Range 42 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 Lien Book" and the record of the lien in said book shall constitute prima facie evidence of the validity of said lien.

RESOLUTION NO. R-2007-  
August 21, 2007 Public Hearing

1. The said special assessments are hereby made upon all parcels of land described in said Special Assessment Roll in the amount shown thereon.
2. Pursuant to Ordinance No. 94-11 as amended by Ordinance No. 95-53, the following project is hereby approved Cooley Court from the dead end north to Lake Worth Road Paving Improvement project, Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.
3. The said special assessments are hereby made upon all parcels of land described in said Special Assessment Roll (EXHIBIT II) 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 Resolution, which have not been paid in full within thirty (30) days after notice of 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 twenty (20) equal annual installments.
5. The total cost of the paving improvements funded through the MSTU Program is \$33,000. Fifty (50%) percent of the total costs of the paving improvement funded through the MSTU Program 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.

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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:

Addie L. Greene, Chairperson

John F. Koons, Vice Chair

Karen T. Marcus

Mary McCarty

Burt Aaronson

Jess R. Santamaria

The Chairperson thereupon declared the Resolution duly passed and adopted this day of \_\_\_\_\_, 2007

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

ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

BY: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

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

PROJECT NO. 2000135

**REPORT OF COST**

**COOLEY COURT  
PAVING & DRAINAGE IMPROVEMENTS**

LEGAL ADVERTISING	\$	<u>1,200.00</u>
CONSTRUCTION COSTS	\$	<u>65,000.00</u>
PERMITTING FEES	\$	<u>1,000.00</u>
ENGINEERING & SURVEY COSTS	\$	<u>          </u>
SUB-TOTAL	\$	<u>67,200.00</u>
ADMINISTRATIVE COSTS, FEES, CONSTRUCTION COORDINATION AND CONTINGENCIES	\$	<u>8,450.00</u>
TOTAL	\$	<u>75,650.00</u>
<u>SUPPLEMENTAL FUNDING</u>		
CCRT ALLOCATIONS	\$	<u>42,650.00</u>
DISTRICT RESERVES	\$	<u>          </u>
TOTAL MSTU FUNDING	\$	<u>33,000.00</u>
ASSESSABLE COST (50%)	\$	<u>16,500.00</u>
ABUTTING FOOTAGE - - -		<u>660</u>
ASSESSMENT PER ABUTTING FOOT -	\$	<u>25.00</u>

**EXHIBIT 1**



**Assessment Roll - Tentative**

COOLEY COURT PAVING & DRAINAGE  
PROJECT NO. 2000135

NAME COUNTY ORG	COMMISSION/DISTRICT	SECTION	ROW	DEPTH	RANGE
	3 WARREN H. NEWELL	25	44S	42E	

No.	Homeowner/Mailing Address	PCN/Legal Description	Assessible Footage	Total Assessment	Annual Cost/Per Year	Notes
1	OSORTO JULIO & 4060 COOLEY CT LAKE WORTH, FL 33461-4341	00-42-44-25-00-000-101.1 25-44-42, N 138 FT OF S 345 FTOF E 1/4 OF NW 1/4 OF NE 1/4 OF NE 1/4 (LESS E 10 FT & W 25 FT RD R/W)	138.00	\$3,450.00	\$313.11	
2	GARCIA SERAFIN Z & 4094 COOLEY CT LAKE WORTH, FL 33461-4310	00-42-44-25-00-000-101.2 25-44-42, N 69 FT OF S 207 FT OF E 1/4 OF NW 1/4 OF NE 1/4 OF NE 1/4 (LESS E 10 FT & W 25 FT RD R/W)	69.00	\$1,725.00	\$156.55	
3	HANNAH JAMES E JR 4102 COOLEY CT LAKE WORTH, FL 33461-4312	00-42-44-25-00-000-101.3 25-44-42, S 138 FT OF E 1/4 OF NW 1/4 OF NE 1/4 OF NE 1/4 (LESS E 10 FT & W 25 FT RD R/W)	138.00	\$3,450.00	\$313.11	
4	OCAMPO GONZALO S 4105 COOLEY AVE LAKE WORTH, FL 33461-4311	00-42-44-25-00-000-102.1 25-44-42, S 155 FT OF W 1/2 OF E 1/2 OF NW 1/4 OF NE 1/4 OF NE 1/4 (LESS E 25 FT RD R/W)	135.00	\$3,375.00	\$306.30	
5	JONES THOMAS E JR & KEELI C TRUST 3877 CYPRESS LAKE DR LAKE WORTH, FL 33467-2207	00-42-44-25-00-000-102.2 25-44-42, N 90 FT OF S 245 FT OF W 1/2 OF E 1/2 OF NW 1/4 OF NE 1/4 OF NE 1/4 (LESS COOLEY RD R/W)	90.00	\$2,250.00	\$204.20	

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.





**Assessment Roll - Tentative**  
COOLEY COURT PAVING & DRAINAGE  
PROJECT NO. 2000135

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	3 WARREN H. NEWELL	25 44S 42E

No.	Homeowner/Mailing Address	PCN/Legal Description	Assessible Footage	Total Assessment	Annual Cost/Per Year	Notes
6	MAYES JAMES R 4057 COOLEY CT LAKE WORTH, FL 33461-4309	00-42-44-25-00-000-102.3 25-44-42, N 90 FT OF S 335 FT OF W 1/2 OF E 1/2 OF NW 1/4 OF NE 1/4 OF NE 1/4 (LESS COOLEY RD RW)	90.00	\$2,250.00	\$204.20	
<b>Totals:</b>			660.00	\$16,500.00		

Footage Assessed Data	
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 twenty equal annual installments of principal and interest.

**BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY  
BUDGET Transfer**

BGEX053107-1741

FUND MSTU District C

ACCOUNT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 05/31/07	REMAINING BALANCE
<u>LWC COOLEY CT/DEAD END N-LAKE WORTH RD</u>								
3508-366-X023-6551	Road & Street Improvements	0	0	33,000	0	33,000	0	33,000
<u>RESERVES</u>								
3508-365-9900-9919	Res-St & Drng Improve	949,347	1,053,388	0	33,000	1,020,388		
				33,000	33,000			

SIGNATURE

DATE

By Board of County Commissioners  
At Meeting of 07/10/07

Engineering & Public Works

*[Handwritten Signature]*

5/31/07

Administration / Budget Approval

OFMB Department – Posted

Deputy Clerk to the  
Board of County Commissioners