Agenda Item #: 3 - C - 16

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date: April 1, 2008

[X] Consent [] [[] Workshop [] [

]Regular]Public Hearing

Department:

Submitted By: Engineering & Public Works **Submitted For:** Engineering Services

Project No.: 2004133

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to approve: Removal of Boston Court from further consideration on the Municipal Services Taxing Unit (MSTU) project list.

Summary: At the December 19, 2006 Board of County Commissioners (Board) meeting, the direction of the Board was to re-petition the property owners of all existing projects in the MSTU project list, The re-petitioning for Boston Court revealed that out of eight property owners, four voted not in favor of the project, and four did not respond at all.

District: 3, MSTU District C. (MRE)

Background and Justification: At the December 19, 2006 Board of County Commissioners (Board) meeting, the direction of the Board was to re-petition the property owners of all existing projects in the MSTU project list, except the projects in the Countywide Community Revitalization Team Areas. The property owners on Boston Court were re-petitioned to determine if there was still an interest in the road improvement project, as the estimated 2006 assessment was much higher than the estimated assessment from the original petition. Of the eight property owners, four voted not in favor of the project, and four did not reply. Palm Beach County had been maintaining this roadway since 1951 and will be continuing to maintain this shellrock road after this action.

Attachments:

- 1. Location Map
- 2. Sample Letter
- 3. Sample Petition

Recommended By: _	Ontrong Rich	3/10/08
• -	Division Director	Date
Approved By:	S. J. Wilde	3/17/03
	County Engineer	Date

Nt/ENG_SER/2004133-Boston Ct/AIS RePetitioning 4-1-08.doc

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u></u>	-0-	-0-	-0-	-0-
Operating Costs		-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT		-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					
Is Item Included in Current E	Budget?	Yes X		No <u>.</u>	

Budget Acct No.: Fund<u>1201</u> Dept.<u>360</u> Unit<u>2230</u> Object<u>Various</u> Program

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

This item has no additional fiscal impact.

If approved, the Road section will continue to spend approximately \$2,500 per year in operating expense to maintain this road.

C. Departmental Fiscal Review: R.D. Dand 3 vo

III. REVIEW COMMENTS

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

3/20/09

B. Approved as to Form and Legal Sufficiency:

Assistant County Attorney

124/08 tract Dev/and (

-8

C. Other Department Review:

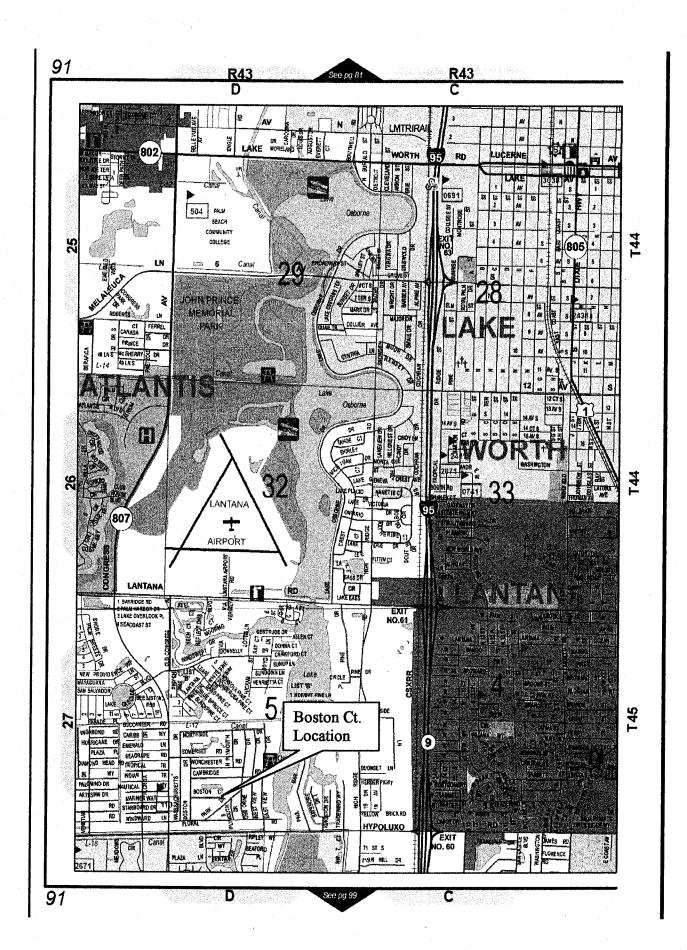
Department Director

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

I:\WP\AgendaPage2\Agnpgtwo2008\00230.No Impact

Page 2 of 2

24/08



Boston Court Location Map

Attachment 1



Department of Engineering and Public Works P.O. Box 21229 West Palm Beach, FL 33416-1229 (561) 684-4000 www.pbcgov.com

Palm Beach County Board of County Commissioners

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Warren H. Newell

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

"An Equal Opportunity Affirmative Action Employer"

CA printed on recycled paper

00-43-45-05-01-012-0280

July 5, 2007

MORGAN KEVIN M 2745 BOSTON CT LAKE WORTH, FL 33462-3877

RE: BOSTON COURT BOSTON DRIVE, EAST TO THE END

Dear Current Owner:

On February 23, 2007, a petition was sent to you and all of the property owners along the project roadway asking whether you wished to proceed with this project (YES) or not (NO). A majority of the property owners have not yet responded. A 51% majority in agreement is needed to move forward with this project. Less than 51% will result in staff recommending to the Board of County Commissioners that the current courtesy maintenance on this roadway be ended.

Bids have recently been opened on a project very similar to your roadway, and the prices in the construction industry have come down some. The new enclosed petition uses the revised pricing based on this recent bid.

Please note that the new petition has the original expiration date of February 23, 2008. Please return your petition form in the enclosed stamped envelope as soon as possible. If you already sent a petition in, thank you. If you wish to change your vote, this petition vote will supercede the previous petition that you sent in.

Again please remember that if the project is voted **NO** by the majority of the property owners, then the staff recommendation will be made that County courtesy maintenance end. If the Board of County Commissioners agrees, the maintenance responsibility will switch back to the property owners.

Should you have any questions, please call me at (561) 684-4049.

Thank you,

11

Michael Marguis MSTU Coordinator

xc: Project File

Commissioner Warren H. Newell, District 3 George T. Webb, P.E., County Engineer Tanya N. McConnell, P.E., Deputy County Engineer

ec: Charles Rich, P.E., Director, Engineering Services Andy Hartmann, Tech. Asst. III, Engineering Services

F:\COMMON\SAS DOCS\2004133\2004133 PETITION LETTER2.doc

OFFICIAL USE ONLY

Petition expires: February 23, 2008

DATE RETURNED:

(Leave Blank)

RETURN PETITION TO: Michael Marquis, P.E. Engineering Services Division P.O. Box 21229 West Palm Beach, FL 33416-1229

PETITION FOR A PAVING AND DRAINAGE IMPROVEMENT UNDER CHAPTER 37, PALM BEACH COUNTY CODE OF LAWS & ORDINANCES

TO: BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA

We, the undersigned owners of property (51% in number) who will benefit from improvements to **BOSTON COURT (FROM BOSTON DRIVE, EAST TO THE END)** which is located outside of the corporate limits of any city, town or municipality within Palm Beach County, Florida, do hereby respectfully petition the Board of County Commissioners as follows:

- 1. To accept said road(s) or street(s) as a County Road(s).
- 2. To make a Paving and Drainage Improvement as required by the modified Palm Beach County Construction Standards for low volume roads.
- 3. To require plans, specifications and estimates of cost of such improvement to be made and placed on file in the Office of the County Engineer.
- 4. To assess up to 50% of the entire cost of making such improvements on a Front Footage basis of the property benefiting from the improvement, the estimated cost of such improvement being on a front footage basis. This estimate is based on anticipated construction cost in 3 to 4 years, using an increase in construction costs of approximately 10% per year. We expect that construction should occur in about that time. Actual costs will be made available when the time comes.
- 5. To make assessments for the cost of such improvements payable over a period of ten (10) years. The certificate shall bear interest at a rate not greater than six and one-half percent (6.5%) per annum.
- 6. To conform, tie in and harmonize the abutting lands of the undersigned with the proposed improvements, it may be necessary to slope or grade a portion of said abutting land. The undersigned does hereby grant unto Palm Beach County or Agents for Palm Beach County, the license and right to enter upon said abutting land of the undersigned. It is understood and agreed by the undersigned and Palm Beach County or Agents for Palm Beach County that said portion where sloping or grading work is necessary will be returned to as near the same condition as before. **IT IS FURTHER UNDERSTOOD AND AGREED** by the undersigned that the right granted herein shall cease upon completion of the contract upon which such construction is performed.

PLEASE CHECK ONE:	_ YES (IN FAVO	OR OF (FAVO	DRABLE)			
	NO (NOT IN F	FAVOR OF (U	INFAVORABLE)			
[(NAME) PLEASE PRINT]		ESTIMATED COST TO OWNER				
[MAILING ADDRESS]		FRONT FOOTAGE	X <u>\$75.00-\$100.00</u> COST PER FRONT FOOT	= ESTIMATED COST		
[CITY, STATE & ZIP]						
Property Description (Same wording a	as Deed)					
		- <u></u>				
SIGNATURE (SAME AS DEED))		SIGNATURE (SA	ME AS DEED)		
NO'	TE· RETURN ENTIR					

Attachment 3