

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 18, 2008

Consent       Regular  
 Workshop       Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** Payment in the amount of \$18,895 to Stonegate Homeowner's Association (HOA) for damages to irrigation, lighting and landscaping systems during the construction of improvements on Greenview Shores Boulevard, from South Shore Boulevard to Wellington Trace (Project).

**SUMMARY:** Approval of this action will allow payment to the HOA for damages incurred to their irrigation, lighting and landscaping during the construction of the Project.

District 6 (PK)

**Background and Justification:** In order to perform the construction of improvements on Greenview Shores Boulevard from South Shore Boulevard to Wellington Trace, Palm Beach County had to acquire a Temporary Construction Easement (TCE) on property owned by the HOA. In lieu of the County acquiring the TCE through possible eminent domain proceedings with estimated costs exceeding \$25,000, the HOA agreed to execute a Restoration Agreement at no cost to the County, provided the County pay for any damages to HOA owned improvements, caused by the Project. Damages were incurred to certain irrigation, lighting and landscaping during the installation of a drainage pipe and pavement work required for the Project. The HOA has submitted invoices and requested payment for the repair and/or replacement of those damaged improvements. Staff has reviewed the invoices and find them acceptable.

**Attachments:**

1. Location Map
2. Stonegate Homeowner's Association Request Letter with Invoices
3. Copy of Restoration Agreement

Recommended by: *[Signature]* Ornelis A. Fernandez 10/15/08  
Division Director      Date

Approved by: *[Signature]* S. T. Well 10/21/08  
County Engineer      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<u>\$18,895</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>\$18,895</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 X No \_\_\_\_\_

Budget Acct No.: Fund 3503 Dept. 361 Unit 0853 Object 6551  
Program

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

Road Impact Fee Fund - Zone 3  
Greenview Shores Blvd/S Shore Blvd to Wellington Tr

C. Departmental Fiscal Review: *[Signature]*

**III. REVIEW COMMENTS**

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

*ahwillhite 10-28-08*  
OFMB *MS 10/28* *SN 10/21/08*

*[Signature] J. Jacob 10/29/08*  
Contract Dev. and Control *10/29/08*

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

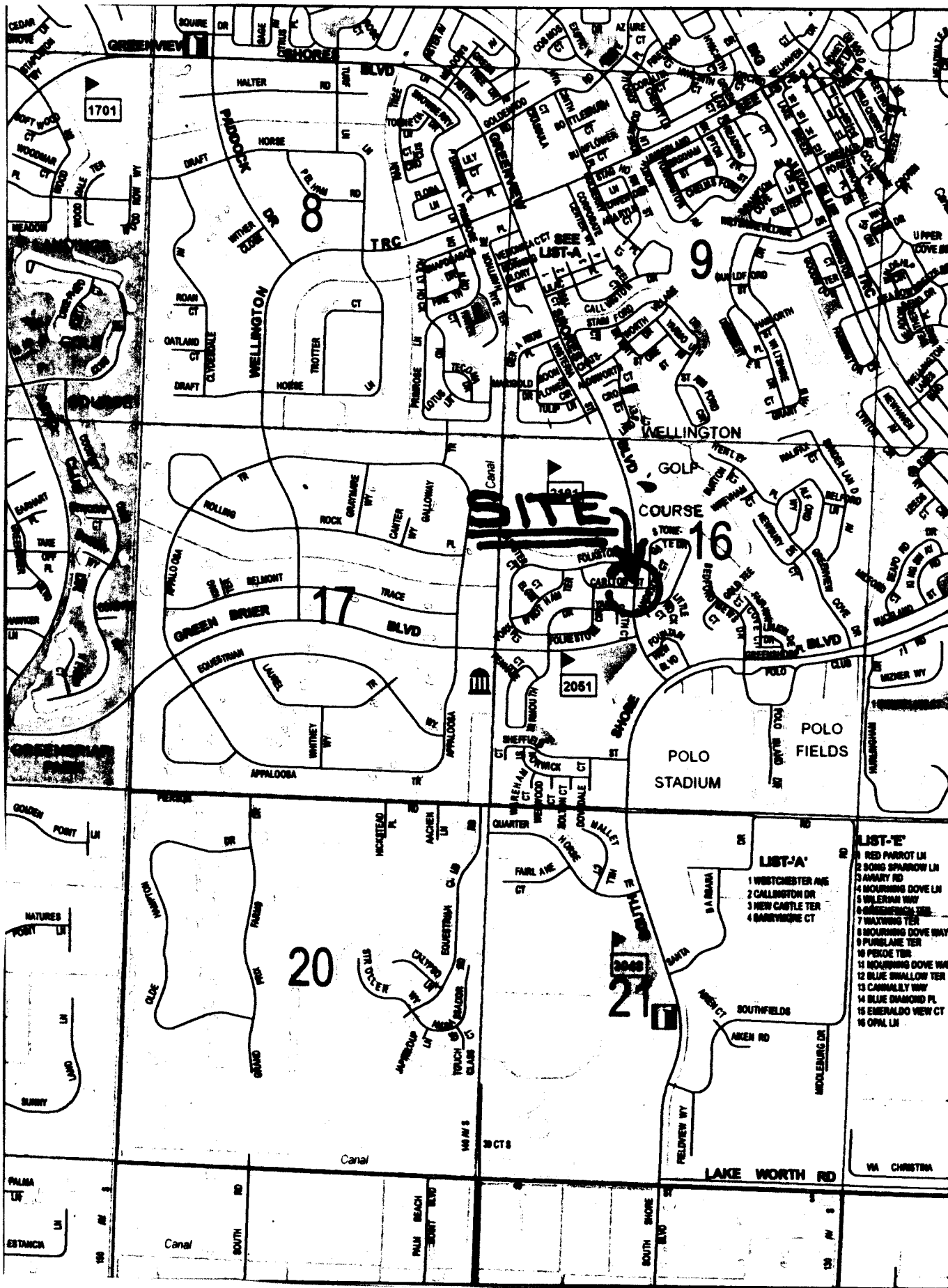
*Paul F. [Signature] 10/30/08*  
Assistant County Attorney

**C. Other Department Review:**

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

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

# LOCATION MAP



ATTACHMENT 2  
STONEGATE HOMEOWNERS ASSOCIATION  
REQUEST LETTER  
WITH INVOICES  
1 of 10

Mr. Morton Rose  
Roadway Production  
2300 N. Jog Road 3<sup>rd</sup> Floor West  
West Palm Beach, FL 33411

09-08-08

*Approved for  
payment  
Morton Rose  
9/24/08*

Dear Mr. Rose,

Mr. Mark Tomlinson had asked me to contact you with regard to the expenses that our community, Stonegate had incurred due to the widening of Greenview Shores Blvd.

The construction had destroyed 85% of our irrigation system and the lighting, electric and landscaping on our center island as you enter our community.

Our Expenses Are As Follows:

Date Paid	Check #	Contractor	Amount
02-11-08	1280	Beacon Irrigation & Lighting (consultation)	\$ 600.00
03-15-08	1285	Kingsley Lawn Care & Irrigation	\$ 550.00
03-16-08	1287	Bernard Construction	\$ 2,000.00
04-16-08	1298	Kingsley Lawn Care & Irrigation	\$ 5,775.00
05-05-08	1303	Kingsley Lawn Care & Irrigation	\$ 3,950.00
06-07-08	1309	McDevitt Electric	\$ 1,970.00
08-13-08	1328	Antonio & Rual Landscaping Co.	\$ 4,050.00
		Total	\$ 18,895.00

Please remit payment to:

Stonegate Homeowner's Association  
2477 Stonegate Drive  
Wellington, FL 33414

Please call me if you have any questions or need additional information.

Thank You,

*Robert Westfal*

Robert Westfal  
Treasurer, Stonegate HOA, Inc.  
(561) 373-0774

ATTACHMENT 2

2 of 10

**McDEVITT ELECTRIC**

Licensed Electrical Cont. Lic. #EC0001822  
 P.O. Box 212168  
 Royal Palm Beach, Florida 33421-2168  
 (561) 798-2355 Fax (561) 792-1698  
 Mobile (561) 248-5094



C/O Bob Westfal

NAME <i>Stonegate HoA</i>		DATE <i>5-29-08</i>		
ADDRESS <i>2477 Stonegate Dr.</i>				
CITY <i>Wellington, FL 33414</i>		PHONE		
MAKE	MODEL	SERIAL NO	C.O.D. CHARGE	
NATURE OF SERVICE				
PROMISED <i>1 / 1</i>				
QUAN	PART NO	DESCRIPTION	PRICE	AMOUNT
1		<i>Entry median electric</i>		
2		<i>per bid 1-24-08</i>		
3			<i>1,970.00</i>	
4				
5		<i>repairs needed due to road</i>		
6		<i>construction</i>		
7				
8				
9		<i>06-07-08</i>		
10		<i>paid. ck #1309</i>		
11				
12		<i>1,970.00</i>		
COMMENTS <b>PAYABLE UPON RECEIPT</b>			TOTAL MATERIALS	
			TECHNICAL SERVICE TIME	
DATE COMPLETED <i>5/27/08</i>			TAX	
TECHNICIAN		<b>CASH ON COMPLETION OF WORK</b>	<b>TOTAL</b>	

**INVOICE**

29891

Signature below constitutes acceptance of above service performed as being satisfactory - and that equipment has been left in good condition.

*Thank You*

L

ATTACHMENT 2

3 of 10

01/24/2008 13:35 5617921698

MCDEVITT ELECTRIC

PAGE 01/02

MCDEVITT ELECTRIC  
P.O. Box 212168  
Royal Palm Beach, Fl. 33421-2168  
798-2355 fax 792-1698 mobile 248-5094  
License # EC 0001822

PROPOSAL

Stonegate HOA  
c/o  
Bob Westfal / fax 790-0370

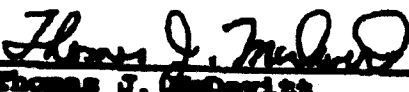
1-24-08


Supply labor and material for electrical installation, to include:

Median in front of gates

- add six 26 watt fluorescent flood fixtures installed on pvc posts
- lights to be installed in front and rear of 3 trees
- install conduit and wiring between posts
- on 3 of above posts, install a gfi and bubble cover
- use existing electric at island now
- Village of Wellington permit

Price: \$1,970.00

  
Thomas J. McDevitt  
Qualifier / McDevitt Electric

  
Robert Westfal  
Stonegate HOA

05-07-08

REPAIRS NECESSARY DUE TO CONSTRUCTION OF GREENVIEW SHORES BLVD.



**ANTONIO & RAUL  
LAWN MAINTENANCE-TREE SERVICE  
AND LANDSCAPING**

P.O. BOX 6384

LAKE WORTH, FL 33461

(561) 714-3157

(561) 641-0682

CUSTOMER	Stonegate HOA-	DATE	08 13-08
ADDRESS	2577 Stonegate Dr W.ilmington FL 33414		
TELEPHONE			

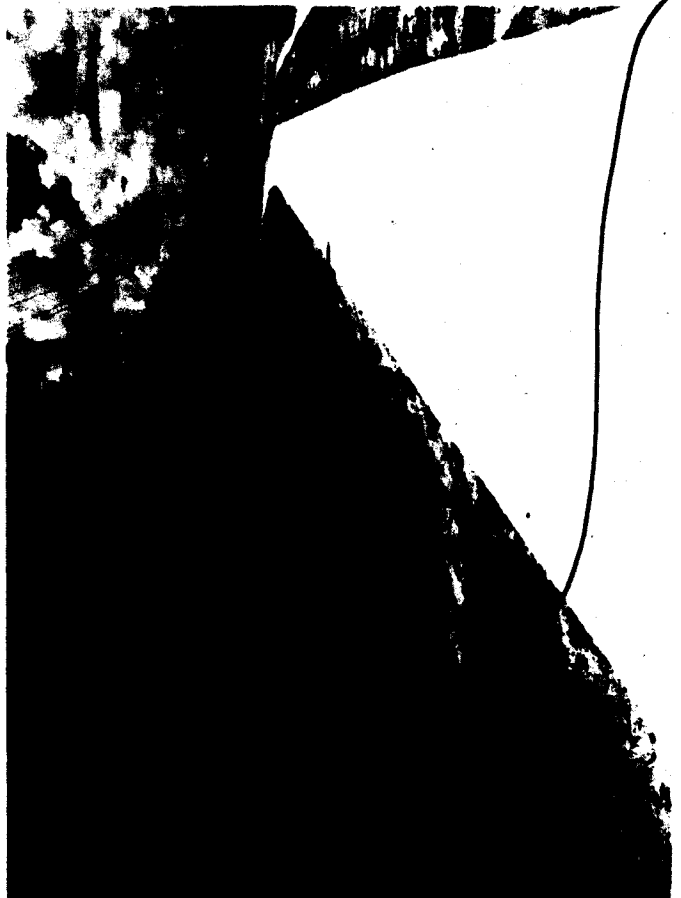
QUANTITY	DESCRIPTION	UNIT COST	AMOUNT
	Replacing of landscaping front isles damage due Road Construction of stone gate large isles		4,050.00
	Thank you		
	Paid 08.13.08		
	# 1328		
	CR \$ 4,050.00		

ACCEPTED BY  X	SUB TOTAL \$	
	TOTAL \$	4,050.00

**WE APPRECIATE  
YOUR BUSINESS**



CENTER ISLAND PRE-CONSTRUCTION



SPRINKLER SYSTEM WAS LOCATED IN THIS AREA  
REMOVED BY CONSTRUCTION



CENTER ISLAND

ELECTRIC IRRIGATION  
TORN OUT

AREA WHERE SPRINKLER  
SYSTEM AND ELECTRIC  
CONTROL VALVES WERE  
LOCATED

UNDERGROUND IRRIGATION  
PIPE 4" REMOVED WHEN  
SEWER PIPE INSTALLED

*Irrigation*  
(line location was outside)  
Pl. 1.1



Beacon Irrigation & Lighting, Inc.  
 4105 Cooley Ct  
 Lake Worth, FL 33461

Phone # 561-883-1201

Fax # 561-244-5872

02-11-08  
 Paid. CK# 1280  
 \$600.00

**Invoice**

Date	Invoice #
2/6/2008	11231

<b>Bill To</b>
Stonegate HOA Attn: Bob Westfal 2477 Stonegate Dr. Wellington, FL 33414

<b>Job Location</b>
2477 Stonegate Dr. Wellington, FL 33414

P.O. No.	Terms	Due Date	Date Complete
		2/6/2008	1/24/2008

Quantity	Description	Rate	Amount
6	Labor - 2 Men  Located wires and main line to point where construction begins. A proposal will be sent to reconnect new main line and wires to the existing main located on the north and south side of entrance.	100.00	600.00

Terms and Conditions: Delinquent invoices will be charged a finance fee at the rate of 1.5% per month (18% APR).

<b>Total</b>	\$600.00
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$600.00

ATTACHMENT 2

7 of 10

Kingsley Lawn Care Inc.- Irrigation Division  
5605 2nd road  
Lake Worth, FL 33467

03-15-08  
Paid CK # 1285  
\$ 550.00

# Invoice

Date	Invoice #
3/12/2008	83

<b>Bill To</b>
Stonegate HOA c/o Bob Westfal 2477 Stonegate drive Wellington, FL. 33414

**PAID**

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
5	Supervisor five hours	50.00	250.00
5	crew	50.00	250.00
	Locator	50.00	50.00
The above mentioned work was necessary due to damages caused by road construction.			
<b>Total</b>			<b>\$550.00</b>

ATTACHMENT 2

8 of 10

**Bernard Contracting**

03-16-08  
Paid. ck # 1287  
\$ 2,000.00

DATE: March 17, 2008  
INVOICE # 100

**Bill To:**

Stonegate Home Owners Association  
2477 Stonegate Drive  
Wellington FL 33414  
561-373-0774

DESCRIPTION	AMOUNT
To Install 120' of 4" PVC conduit under roadway	\$ 2,000.00
<b>TOTAL</b>	<b>\$ 2,000.00</b>

Accepted by

---

**THANK YOU FOR YOUR BUSINESS!**

ATTACHMENT 2

9 of 10

Kingsley Lawn Care Inc.- Irrigation Division  
5605 2nd road  
Lake Worth, FL 33467

04-16-08  
Paid ck # 1298  
\$ 5,775.00

# Invoice

Date	Invoice #
4/3/2008	104

<b>Bill To</b>
Stonegate HOA c/o Bob Westfal 2477 Stonegate drive Wellington, FL. 33414

**PAID**

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Sprinkler repair 04/01, 04/02 and 04/03/08 - 34 hours supervisor and 40 grease wire nuts- trouble shooting wire problems due to county road work	1,740.00	1,740.00
	Sprinkler repair - 03/18, 03/19, 03/25, 03/31, 04/01, 04/02 and 04/03 - 28 hrs supervisor, 42 hours crew, 150' main line 3" with wire and fittings, 1- 2" Hunter valve and box for valve on right of entrance and 1- reinstall center island with 2" Hunter control valve- Main line is complete with wire. Extra labor was do to excessive ground water and sleeves not in straight line through center island.	4,035.00	4,035.00
	All of the above mentioned work was necessary due to damages caused by road construction.		
Thank you for your business.		<b>Total</b>	<b>\$5,775.00</b>

ATTACHMENT 2  
10 of 10

Kingsley Lawn Care Inc.- Irrigation Division  
5605 2nd road  
Lake Worth, FL 33467

05-05-08  
Paid. CK # 1303  
\$ 3,950.00

# Invoice

Date	Invoice #
5/3/2008	113

<b>Bill To</b>
Stonegate HOA c/o Bob Westfal 2477 Stonegate drive Wellington, FL. 33414

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	Sprinkler repair- 49- Hunter rotors, 13- Hunter 4" spray heads, 10 hrs supervisor, 1- 3" slip fix and 1- 3" coupler  This is final invoice for this project. All repairs on this project are due to areas torn out by road construction.	3,950.00	3,950.00
<b>All work is complete!</b>		<b>Total</b>	<b>\$3,950.00</b>

ATTACHMENT 3  
RESTORATION AGREEMENT

**RIGHT TO ENTER AND RESTORE**

**PROJECT NO.** 2002500  
**PROJECT NAME:** GREENVIEW SHORES  
**JOB LIMITS:** SOUTH SHORE BLVD. TO WELLINGTON TRACE  
**OWNER:** STONEGATE HOMEOWNERS ASSOCIATION, INC.  
**PARCEL NO:** 19  
**ADDRESS:** CARLTON STREET  
**PROPERTY CONTROL NO:** 73414416110020000

PERMISSION IS HEREBY GRANTED, this 18<sup>TH</sup> day of APRIL, 2005, to Palm Beach County (hereinafter, County), and County's employees, agents, contractors, sub-contractors and/or assigns by STONEGATE HOMEOWNERS ASSOCIATION, INC. (hereinafter, Owner) to enter onto and restore property described above.

The construction of this roadway section will use the entire right-of-way width of 120 feet and,

In order that abutting lands of the Owner may conform, tie in and harmonize with the construction, it will be necessary to slope and grade a portion of abutting lands of the Owner.

NOW, THEREFORE, WITNESSETH, the Owner or the Owner's undersigned agent hereby grants unto the County and the County's employees, agents, contractors, sub-contractors and/or assigns, the irrevocable permission and right to enter upon and restore the abutting land of the Owner.

The irrevocable permission granted above shall not extend beyond a distance of 60 feet from the right-of-way line as required for the purposes described herein.

As consideration for the above permission, it is understood and agreed by the Owner that the County and the County's employees, agents, contractors, sub-contractors and/or assigns, shall slope and grade where necessary to return the property to as near as practicable to the same condition as before.

~~IT IS FURTHER UNDERSTOOD AND AGREED by the Owner that the right to enter and restore granted herein is irrevocable and shall cease upon acceptance of the construction by the County.~~

Ellen Unger      Robert Westfal      04-18-05  
WITNESS                      OWNER/AGENT                      DATE

Ellen Unger      ROBERT WESTFAL  
(Print Name)                      (Print Name)

TELEPHONE NO. OF CONTACT PERSON: DAY (561) 373-0774      EVE (561) 790-6362

Mailing Address:      Stonegate Homeowners Association, Inc.  
2477 Stonegate Drive  
Wellington, Florida 33414 7784