

Revised
5A

Agenda Item #

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date	February 3, 2009	Consent []	Regular []
Submitted By:	Water Utilities Department	Public Hearing [X]	
Submitted For	Water Utilities Department		

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to continue on February 24, 2009 at 9:30 a.m.: a Resolution confirming the special assessment process for the 3rd Place and 81st Avenue Water Main Extension.

Summary: Petitions in favor of the installation of a potable water main have been provided by 67% of the property owners in the 3rd Place and 81st Avenue project area. The project will serve 15 residential properties currently on private wells. Individual assessments of \$10,870.33 per acre are based on 100% of the assessable cost and may be paid over twenty (20) years with equal annual payments of principal and 6½% interest. The total project cost is \$153,162.96, and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a work authorization under the Water Utilities Department Continuing Construction Contract (R2008-0769). (WUD Project No. 06-139) District 6
(JM)


Background and Justification: On April 30, 2007, signed petitions were received from a majority of the property owners on 3rd Place and 81st Avenue. The original estimated assessable cost of a twenty (20) year special assessment was \$10,870.33 per acre for the construction of water mains and service lines. The original signed petition forms are on file and available for public inspection at the Engineering Office of the Water Utilities Department.

On December 21, 2008, a Notice of Special Assessment was published in The Palm Beach Post. All property owners subject to assessment have been sent notification by regular mail pursuant to Ordinance 2001-0010. A final informational meeting was held December 30, 2008 with the property owners prior to the Public Hearing to explain the proposed improvements and the cost of the project.

Attachments:

1. Resolution Confirming the Special Assessment Process
2. Location Map (3)
3. Special Assessment Roll - Tentative
4. Report of Cost
5. Legal Advertisement

Recommended By:  12/24/08
 Department Director Date

Approved By:  1/12/09
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2009	2010	2011	2012
Capital Expenditures	<u>\$153,162.96</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>\$153,162.96</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 4013 Dept. 721 Unit W021 Object 6543

Is Item Included in Current Budget? Yes X No

Reporting Category N/A

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

Adequate funds are available in the Water Utilities Department Special Assessment Fund for the year 2009. Assessable costs will be recovered from the property owners over a twenty-year period.

C. Department Fiscal Review: Debra M. West

III. REVIEW COMMENTS

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

Jan. 8. 09
 OFMB
 1/8/09 1/10/09 1/12/09

Jan. J. Jewett 1/9/09
 Contract Development and Control
 1/9/09

B. Legal sufficiency:

This item complies with current County policies.

1/12/09
 Assistant County Attorney

C. Other Department Review

 Department Director

RESOLUTION NO. R-2009-

**RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA,
CONFIRMING THE SPECIAL
ASSESSMENT ROLL FOR 3RD
PLACE & 81ST AVENUE 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 13th day of January 2008, 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 on 3rd Place & 81st Avenue for the purpose of funding a water main extension; and

WHEREAS, the total assessable costs of the improvement project shall not exceed \$153,162.96; 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 the acreage method; and

WHEREAS, the maximum dollar amount of each assessment unit shall be \$10,870.33 per acre based on 14.09 total acres; 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 3rd Place & 81 Avenue 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 _____ who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote; the vote was as follows:

Commissioner John F. Koons, Chairman
Commissioner Burt Aaronson, Vice Chairperson
Commissioner Karen T. Marcus
Commissioner Shelly Vana
Commissioner Mary McCarty
Commissioner Jess R. Santamaria
Commissioner Addie L. Greene

The Chair thereupon declared the Resolution duly passed and adopted this ___ day of _____, 2009.

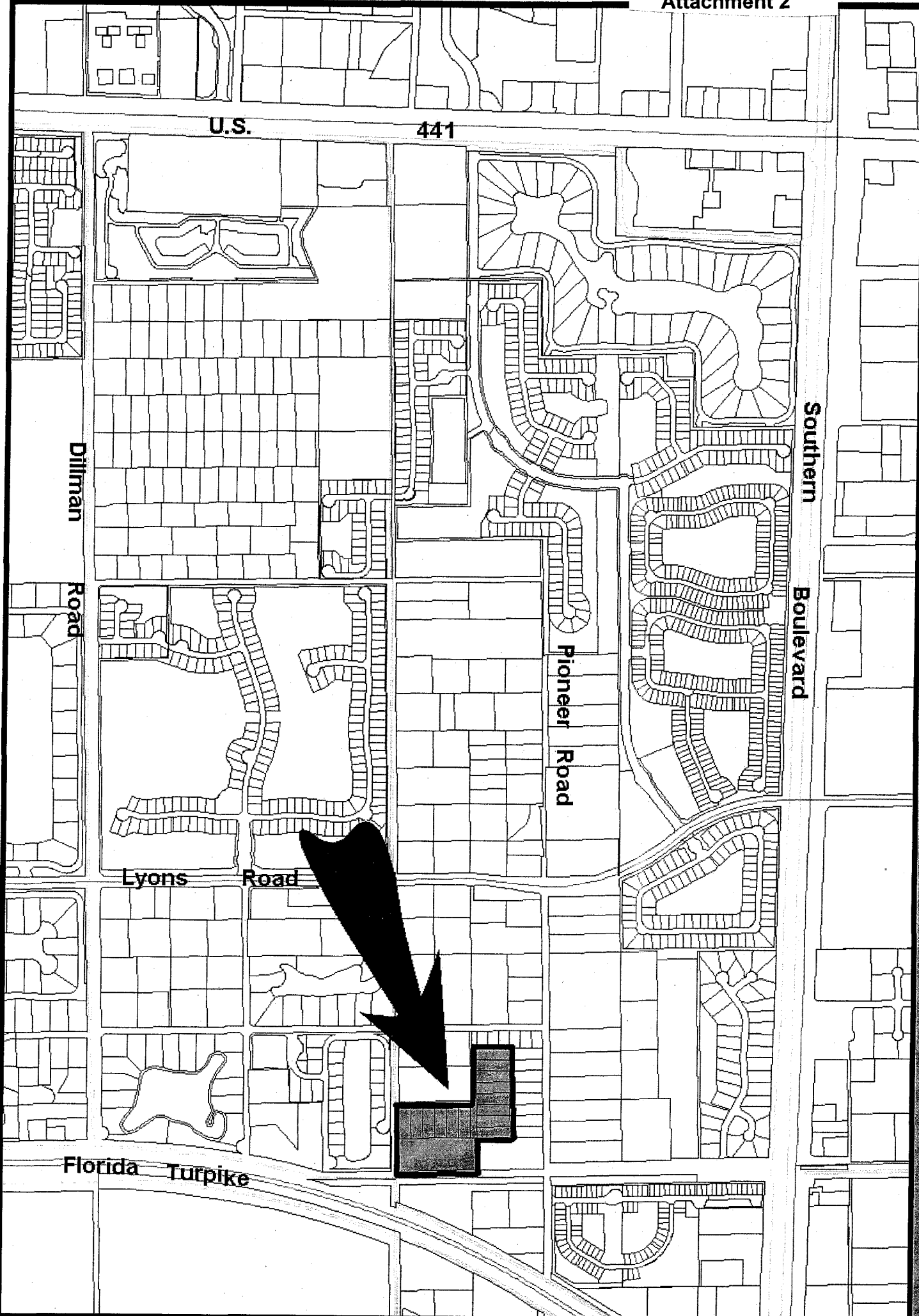
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Sharon R. Bock
Clerk and Comptroller **Deputy Clerk**

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____


3RD PLACE & 81ST AVENUE, WATER MAIN EXTENSION, SPECIAL ASSESSMENT PROJECT, WUD.06-139



U.S. 441

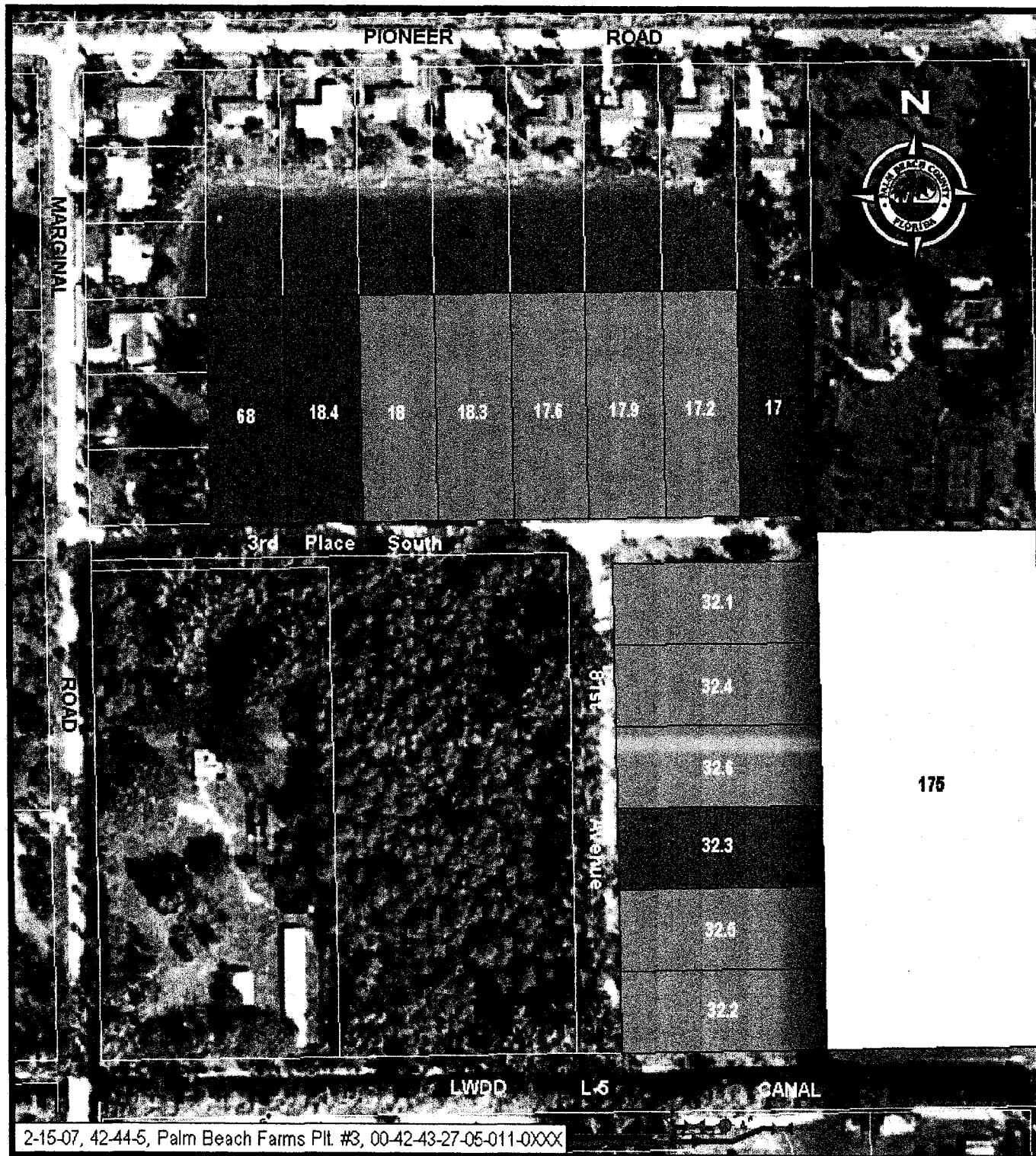
Dillman Road

Southern Boulevard

Pioneer Road

Lyons Road

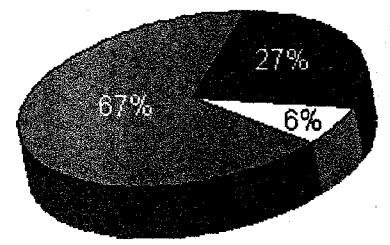
Florida Turpike






The Palm Beach County
Water Utilities Department 

3RD PL. & 81ST AVE.

Water Main Extension
Special Assessment Project
WUD# 06-139, Comm. Dist. 6



 Yes - 10
 No - 4
 Undecided - 1

As of 4-12-07 | Snap-Shot | Deadline 4-30-07

- * Area Representative(s)
- Returned Mail
- * New Property Owner
- ↔ Multiple Ownership
- ↔ Recinded Previous Response
- CR Confidential Record

FLORIDA
TURNPIKE 

2-15-07, 42-44-5, Palm Beach Farms Plt. #3, 00-42-43-27-05-011-0XXX



The Palm Beach County
Water Utilities Department 

3RD PL. & 81ST AVE.

Water Main Extension
Special Assessment Project
WUD# 06-139, Comm. Dist. 6

15 Parcels Represented By
15 Property Owners

Minimum Support Requirement
51% Quorum (8-Yes, 7-No)

Per Acre Method Of Assessment

Easements Are Required

As of	Snap-Shot	Deadline
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Assessment Roll - Tentative

3RD PLACE & 81 AVENUE AREA
SPECIAL ASSESSMENT PROGRAM
WATER MAIN EXTENSION PROJECT

Attachment 3

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	6 TONY MASILOTTI	

No.	Homeowner	PCN/Legal Description	Acreage	Cost/Per Acre	Total Assessment	Annual Cost/Per Acre	Annual Cost/Per Year	Notes
1	HALL, KENNETH E. & KAREN A.	00-42-43-27-05-011-017.0 PALM BEACH FARMS CO PL 3 N 298.65 FT OF S 343.65 FT OF E 100 FT OF W 330 FT OF TR 17 BLK 11	0.69	\$10,870.33	\$7,500.53	986.5519633	\$680.72	
2	DRAYSON, STONEY L.	00-42-43-27-05-011-017.2 PALM BEACH FARMS CO PLAT 3 N 298.65 FT OF S 343.65 FT OF E 100 FT OF W 230 FT OF TR 17 BLK 11	0.69	\$10,870.33	\$7,500.53	986.5519633	\$680.72	
3	SCHACK, MICHAEL	00-42-43-27-05-011-017.5 PALM BEACH FARMS CO PL NO 3 S 24 FT OF E 1/2 OF TR 17 (LESS E 40.26 FT E-2 CNL R/W) & E 1/2 OF TR 32 (LESS E 40.26 FT E-2 CNL R/W) BLK 11	4.55	\$10,870.33	\$49,460.00	986.5519633	\$4,488.81	
4	ST GERMAIN, ANDREW G.	00-42-43-27-05-011-017.6 PALM BEACH FARMS CO PL NO 3 N 298.65 FT OF S 343.65 FT OF W 30 FT OF TR 17 & N 298.65 FTOF S 343.65 FT OF E 70 FT OF TR 18 BLK 11	0.69	\$10,870.33	\$7,500.53	986.5519633	\$680.72	
5	GILL, STEVEN C. & JACQUELINE M. CHUPINSKY	00-42-43-27-05-011-017.9 PALM BEACH FARMS CO PL NO 3 E 100 FT OF W 130 FT OF N 298.65 FT OF S 343.65 FT OF TR 17 BLK 11	0.69	\$10,870.33	\$7,500.53	986.5519633	\$680.72	

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

3RD PLACE & 81 AVENUE AREA
SPECIAL ASSESSMENT PROGRAM
WATER MAIN EXTENSION PROJECT

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	6 TONY MASILOTTI	

No.	Homeowner	PCN/Legal Description	Acreage	Cost/Per Acre	Total Assessment	Annual Cost/Per Acre	Annual Cost/Per Year	Notes
6	MEGRATH, BRYAN G. & WENDY S.	00-42-43-27-05-011-018.0 PALM BEACH FARMS CO PL 3 N 298.65 FT OF S 343.65 FT OF E 100 FT OF W 490 FT OF TR 18 BLK 11	0.69	\$10,870.33	\$7,500.53	986.5519633	\$680.72	
7	CARMICHAEL, TIMOTHY & ANNETTE	00-42-43-27-05-011-018.3 PALM BEACH FARMS CO PL 3 N 298.65 FT OF S 343.65 FT OF E 100 FT OF W 590 FT OF TR 18 BLK 11	0.69	\$10,870.33	\$7,500.53	986.5519633	\$680.72	
8	MLYNCZAK, LAWRENCE J. & MARY E.	00-42-43-27-05-011-018.4 PALM BEACH FARMS CO PL 3 N 298.5 FT OF S 343.65 FT OF E 100 FT OF W 390 FT OF TR 18 BLK 11	0.69	\$10,870.33	\$7,500.53	986.5519633	\$680.72	
9	BOYCE, THOMAS A. & DORIS L.	00-42-43-27-05-011-032.1 PALM BEACH FARMS CO PL NO 3 S 107.5 FT OF N 122.5 FT OF E 270 FT OF W 330 FT OF TR 32 BLK 11	0.67	\$10,870.33	\$7,283.12	986.5519633	\$660.99	
10	FRENCH STEPHEN	00-42-43-27-05-011-032.2 PALM BEACH FARMS CO PL NO 3 S 107.5 FT OF E 270 FT OF W 330 FT OF TR 32 BLK 11	0.67	\$10,870.33	\$7,283.12	986.5519633	\$660.99	

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

3RD PLACE & 81 AVENUE AREA
SPECIAL ASSESSMENT PROGRAM
WATER MAIN EXTENSION PROJECT

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	6 TONY MASILOTTI	

No.	Homeowner	PCN/Legal Description	Acreage	Cost/Per Acre	Total Assessment	Annual Cost/Per Acre	Annual Cost/Per Year	Notes
11	COLBY, PAUL P.	00-42-43-27-05-011-032.3 270 FT OF W 330 FT OF TR 32 BLK 11 270 FT OF W 330 FT OF TR 32 BLK 11	0.67	\$10,870.33	\$7,283.12	986.5519633	\$660.99	
12	POWELL, PETER C. & BEATRICE E.	00-42-43-27-05-011-032.4 PALM BEACH FARMS CO PL 3 S 107.5 FT OF N 230 FT OF E 270 FT OF W 330 FT OF TR 32 BLK 11	0.67	\$10,870.33	\$7,283.12	986.5519633	\$660.99	
13	SPEER, DONALD A. & DOLORES A.	00-42-43-27-05-011-032.5 PALM BEACH FARMS CO PLAT 3 S 107.5 FT OF N 552.5 FT OF E 270 FT OF W 330 FT OF TR 32 BLK 11	0.67	\$10,870.33	\$7,283.12	986.5519633	\$660.99	
14	SARGENT, DANIEL P. & MARY L.	00-42-43-27-05-011-032.6 PALM BEACH FARMS CO PLAT 3 S 107.5 FT OF N 337.5 FT OF E 270 FT OF W 330 FT OF TR 32 BLK 11	0.67	\$10,870.33	\$7,283.12	986.5519633	\$660.99	

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

3RD PLACE & 81 AVENUE AREA
SPECIAL ASSESSMENT PROGRAM
WATER MAIN EXTENSION PROJECT

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	6 TONY MASILOTTI	

No.	Homeowner	PCN/Legal Description	Acreage	Cost/Per Acre	Total Assessment	Annual Cost/Per Acre	Annual Cost/Per Year	Notes
15	NICHOLAS, DANA K.	00-42-43-27-05-011-068.0	0.69	\$10,870.33	\$7,500.53	986.5519633	\$680.72	
		PALM BEACH FARMS CO PL 3 TH N 298.65 FT OF S 343.65 FT OF E 100 FT OF W 290 FT OF TR 18 BLK 11 A/K/A LT 15						
Total:			14.09		\$153,162.96			

Note Description/Totals	
1	MODIFIED ASSIGNED FRONTAGE 0
2	CONFIDENTIAL RECORD 0
3	UNITY OF TITLE 0
4	TAX MAP FRONTAGE 0
5	SCALED FRONTAGE 0
6	SURVEY 0
7	PAPA FRONTAGE 0
8	VERIFY LEGAL, OWNER CONTESTING TAXES 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.

**REPORT OF COST - TENTATIVE
3rd PLACE & 81 AVENUE
WATER MAIN IMPROVEMENT
SPECIAL ASSESSMENT PROJECT
PROJECT NO. WUD 06-139
COMMISSION DISTRICT 6
SECTION 5, TOWNSHIP 44S, RANGE 42E
FUND 4013 DEPT. 721 ORG. W021 OBJECT 6543**

Construction Bid Price	\$148,288.00
Assessable Construction Cost	\$110,953.97
Construction Contingency (10%) (1)	\$14,828.80
Engineering Fee (2)	\$17,000.00
Inspection Fee (2%) (3)	\$2,965.76
Administration Fee (5%) (4)	\$7,414.40
Administrative Adjustment (5)	<u>\$0.02</u>
Total Assessable Cost	\$153,162.95
No. of Acres	14.09
Cost per Acre	\$10,870.33

Notes:

1. Construction Contingency is 8 1/2% of the Assessable Construction Cost.
2. Engineering Fee of \$104,000 is for the cost of survey, design and drafting from Heller Weaver & Schermeta, Inc.
3. Inspection fee is 2% of the Assessable Construction Cost.
4. Administrative Fee is 5% of the Assessable Construction Cost.
5. Administrative Adjustment is used to round the cost per parcel to the nearest cent.

NOTICE OF SPECIAL ASSESSMENT
PURSUANT TO PALM BEACH COUNTY ORDINANCE NO. 2001-0010
ASSESSED BY ACREAGE

**3RD PLACE & 81ST AVENUE
WATER MAIN IMPROVEMENT PROJECT
SPECIAL ASSESSMENT PROGRAM
PROJECT NO. WUD 06-139
SECTION 5, TOWNSHIP 44S, RANGE 42E
PALM BEACH COUNTY, FLORIDA**

NOTICE IS HEREBY GIVEN TO OWNERS OF REAL PROPERTY ABUTTING THE ABOVE REFERENCED IMPROVEMENT PROJECT, that each parcel of land shall be subject to a special assessment so that 100% of the assessable cost of the water main extension improvement project described above shall be paid by special assessments upon all specially benefited parcels on 3rd Place and 81st Avenue.

YOU ARE FURTHER ADVISED that all parcels subject to special assessment shall be assessed by the acreage method of assessment in the amount of \$10,870.33 per acre, so as to fairly allocate the cost of said project, and that if said assessment is approved by the Board of County Commissioners, a lien will be placed on all parcels subject to special assessment pending satisfaction of the individual acreage assessment balance. The total assessment for the 14.09 acres (15 properties) is \$153,162.96. The special assessment shall be collected by the Tax Collector of Palm Beach County through the Uniform Assessment Collection Act in the annual property tax bill and shall be collected in twenty equal annual installments of principal plus 6-1/2% interest or may be paid in full without interest within thirty (30) days of notification of final completion of the special assessment project by the Clerk of the Circuit Court. Failure to pay the special assessment will cause a tax certificate to be issued against the property, which may result in additional fees and loss of title.

ALL INTERESTED PERSONS are advised that the description of each parcel to be specially assessed and the amount to be assessed to each parcel, may be ascertained at the Administration office of the Palm Beach County Water Utilities Department located at 8100 Forest Hill Blvd, West Palm Beach, Florida 33413, or by contacting the Assessment Coordinator, Bilal A. Mujahid (telephone: 561-493-6126). The amount of said special assessments and the confirmation of the assessment roll are subject to final approval by the Board of County Commissioners at a Public Hearing to be held beginning at **9:30 A.M., on Tuesday, January 13, 2009**, in the Commission Chambers of the Board of County Commissioners, 6th Floor of Governmental Office Center, 301 North Olive Avenue, West Palm Beach, Florida, at which time and place any necessary adjustment or equalization of said special assessments will be made in accordance with the law. Property owners have a right to appear and file written comments with the Board of County Commissioners prior to or during the Public Hearing.

ALL INTERESTED PERSONS are invited to attend said Public Hearing. If any person decides to appeal a decision made by this Commission with respect to any matter considered at the Public Hearing, they will need a record of the proceedings, and that for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony of evidence upon which the appeal is to be based.

Palm Beach County, Florida
Board of County Commissioners
TO BE PUBLISHED: Palm Beach Post December 21, 2008

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