

Revised

Agenda Item # 4A

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

=====

Meeting Date	February 24, 2009	Consent [ ]	Regular [ ]
Submitted By:	Water Utilities Department	Public Hearing [X]	
Submitted For	Water Utilities Department		

=====

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: a Resolution confirming the special assessment process for the 3<sup>rd</sup> Place and 81<sup>st</sup> 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 3<sup>rd</sup> Place and 81<sup>st</sup> Avenue project area. The project will serve 15 residential properties currently on private wells. Individual assessments of \$7,283.00 per parcel 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 assessable project cost is \$109,245, and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency.

District 6 (JM)

**Background and Justification:** On April 30, 2007, signed petitions were received from a majority of the property owners on 3<sup>rd</sup> Place and 81<sup>st</sup> Avenue. The original estimated assessable cost of a twenty (20) year special assessment was \$7,283.00 per parcel 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:  2/6/09  
 Department Director Date

Approved By:  2/11/09  
 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>\$109,245.00</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>\$109,245.00</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)	<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: Selma M. Rust

III. REVIEW COMMENTS

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

[Signature] 1-8-09  
OFMB  
1/8/09  
1/10/06  
12/30

[Signature] 1/9/09  
Contract Development and Control  
1/9/09

B. Legal sufficiency:

This item complies with current County policies.

[Signature] 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 3<sup>RD</sup>  
PLACE & 81<sup>ST</sup> 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 24th day of February 2009, 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 3<sup>rd</sup> Place & 81<sup>st</sup> Avenue for the purpose of funding a water main extension; and

**WHEREAS**, the total assessable costs of the improvement project shall not exceed \$109,245.00; 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 per-parcel method; and

**WHEREAS**, the maximum dollar amount of each assessment unit shall be \$7,283.00 per parcel based on 15 total parcels; 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 3<sup>rd</sup> 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

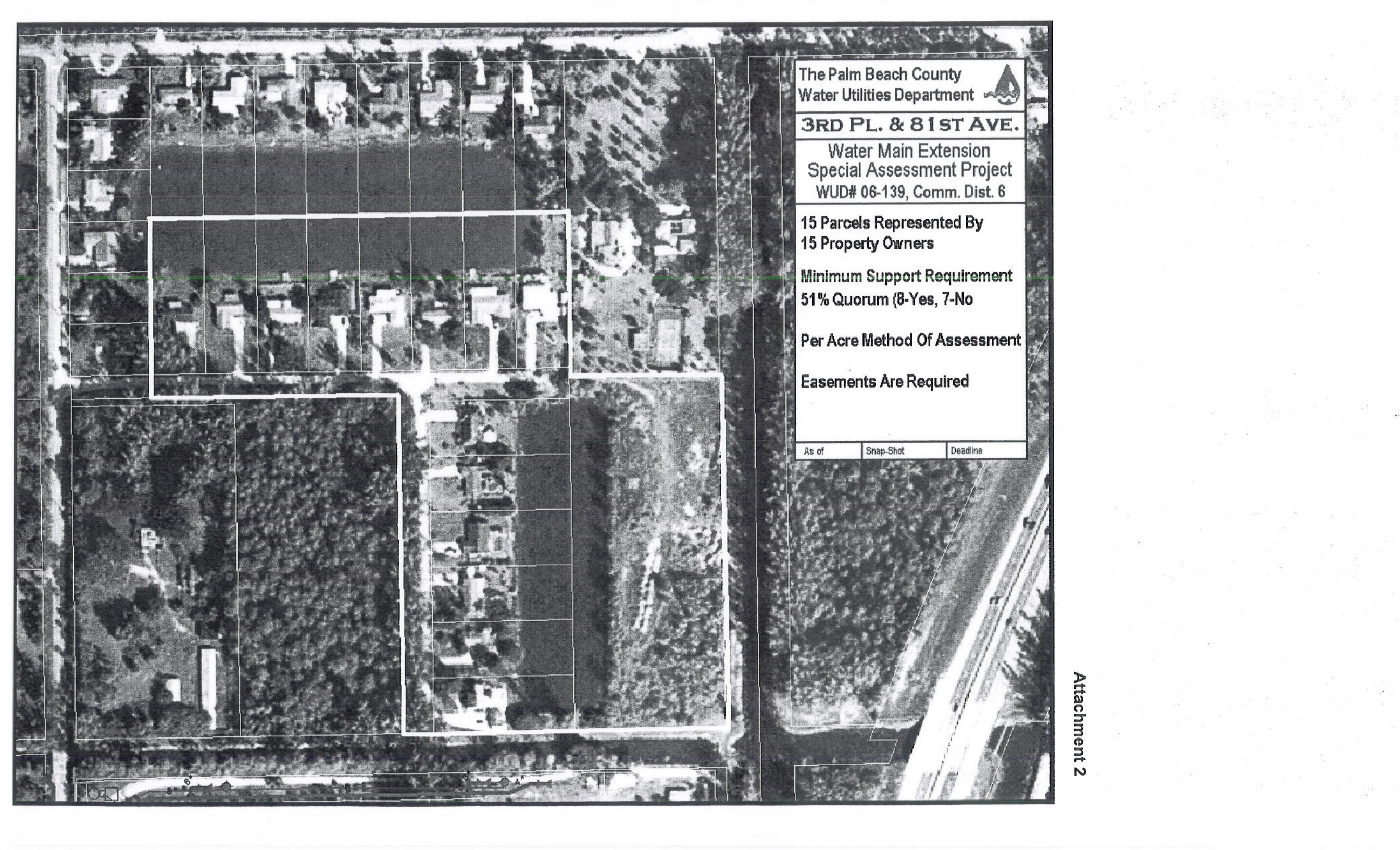
The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2009.

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:  \_\_\_\_\_



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

PIONEER ROAD

MARGINAL ROAD



68

18.4

18

18.3

17.6

17.9

17.2

17

3rd Place South

32.1

32.4

32.6

32.3

32.5

32.2

175

81st Avenue

LWDD

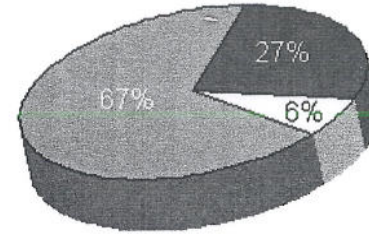
L-5

CANAL

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

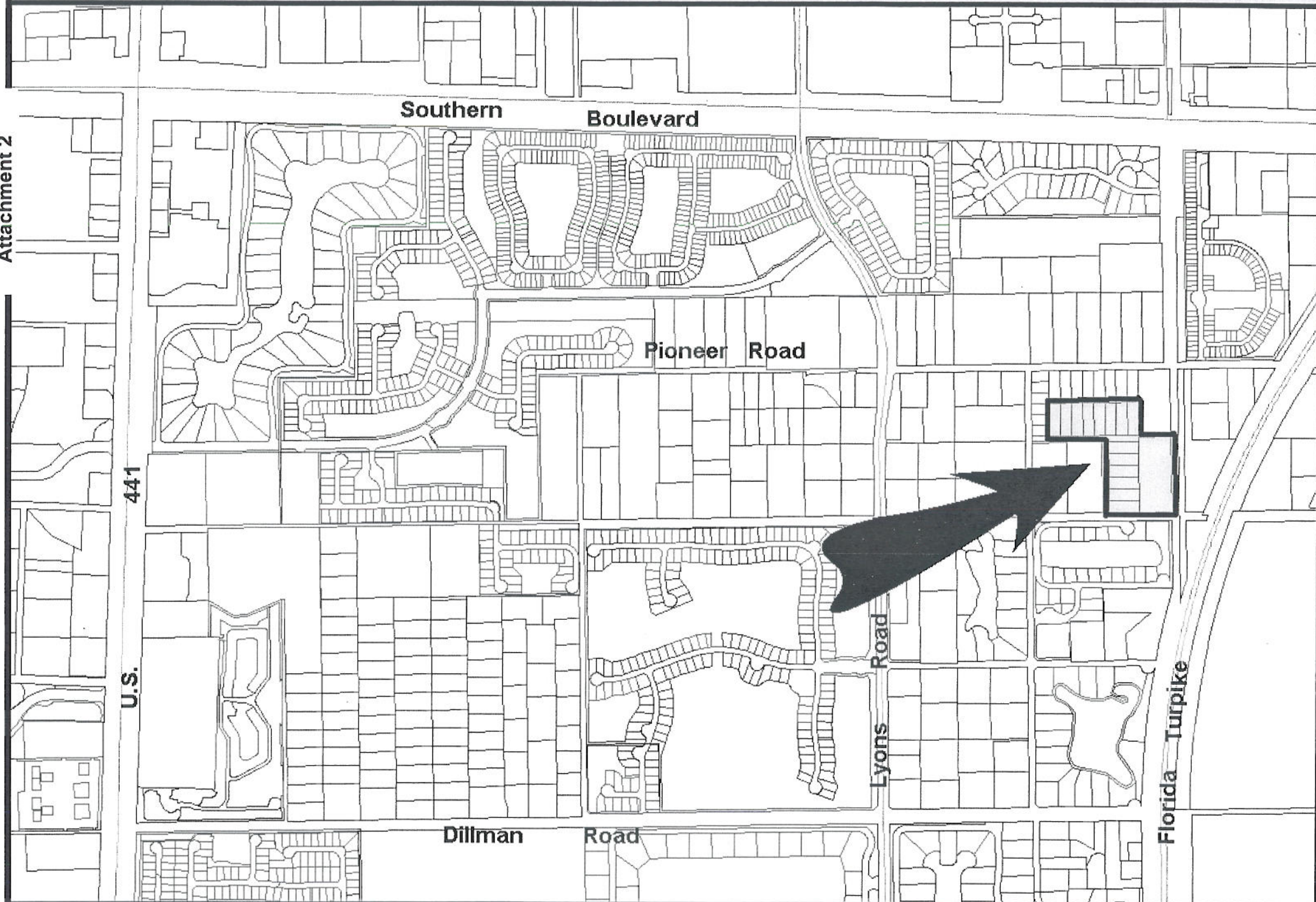
As of 4-12-07 | Snap-Shot | Deadline 4-30-07

- ★ Area Representative(s)
- Returned Mail
- ✱ New Property Owner
- ↔ Multiple Ownership
- ↻ Recinded Previous Response
- ⊠ Confidential Record

FLORIDA TURNPIKE

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

Attachment 2



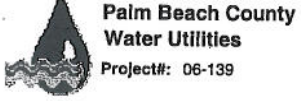
**Assessment Roll - Tentative**  
 3RD PLACE & 81 AVENUE AREA  
 SPECIAL ASSESSMENT PROGRAM  
 WATER MAIN EXTENSION PROJECT

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	6 JESS R. SANTAMARIA	

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
1	KENNETH E. & KAREN A. HALL	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
2	STONE L. DRAYSON	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
3	MICHAEL & ROCHELLE SCHACK	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
4	ANDREW G. ST GERMAIN	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 FT OF S 343.65 FT OF E 70 FT OF TR 18 BLK 11	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
5	GILL STEVEN C	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	

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.





Palm Beach County  
Water Utilities  
Project#: 06-139

**Assessment Roll - Tentative**

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

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	6 JESS R. SANTAMARIA	

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
6	BRYAN G. & WENDY S. MEGRATH	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
7	TIMOTHY & ANNETTE CARMICHAEL	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
8	LAWRENCE J. & MARY E. MLYNCZAK	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
9	THOMAS A. & DORIS L. BOYCE	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
10	STEPHEN FRENCH	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	

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 instalments of principal and interest.

**Assessment Roll - Tentative**

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

<b>FUND AGENCY ORG</b>	<b>COMMISSION DISTRICT</b>	<b>SECTION TOWNSHIP RANGE</b>
	6 JESS R. SANTAMARIA	

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
11	PAUL P. COLBY	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
12	PETER C. & BEATRICE E. POWELL	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
13	DONALD A. & DOLORES A. SPEER	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
14	DANIEL P. & MARY L. SARGENT	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	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	

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 JESS R. SANTAMARIA	

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
15	DANA K. NICHOLAS	00-42-43-27-05-011-068.0	1	\$7,283.00	\$7,283.00	660.9788248	\$660.98	
		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						
<b>Total:</b>			15		\$109,245.00			

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.

Attachment "4"

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

Construction Bid Price	\$148,288.00
Assessable Construction Cost	\$67,036.05
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	<u>-\$0.01</u>
Total Assessable Cost	<b>\$109,245.00</b>
No. of Parcels	15.00
Cost per Parcel	<b>\$7,283.00</b>

Notes:

1. Construction Contingency is 8 1/2% of the Assessable Construction Cost.
2. Engineering Fee of \$17,000.00 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.

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

**3<sup>RD</sup> PLACE & 81<sup>ST</sup> 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 3<sup>rd</sup> Place and 81<sup>st</sup> 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

###