

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

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Meeting Date: July 19, 2011	Consent [X]	Regular []
	Public Hearing []	

Submitted By: Water Utilities Department
Submitted For: Water Utilities Department

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution R2010-2139; pertaining to the special assessment process for the 140th Ave. North & 55th Road North Water Main Improvement Project reducing the individual per parcel assessment from \$9,266.60 to \$7,217.65.


Summary: On December 21, 2010, the Board of County Commissioners adopted Resolution R2010-2139 confirming the 140th Ave. N. & 55th Road N. Water Main Special Assessment Project. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$111,199.20, while the final assessable cost is \$86,611.80. Based on 12 residential properties, the individual per parcel cost to the property owners is decreased from \$9,266.60 to \$7,217.65. (WUD Project No. 10-051) District 6 (MJ)

Background and Justification: On December 21, 2010, the Board of County Commissioners approved Work Authorization No. 4 under the WUD Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423) for the 140th Ave. N. & 55th Road N. Water Main Extension Improvement Project in the amount of \$67,691.48. The final construction cost was \$77,609.16. This construction cost over-run (\$9,917.68) was absorbed by the construction contingency. As per the 2008 Agreement between the County and Indian Trails Improvement District, the County will pay for 10% of the total project cost, as a result the total project assessable cost is \$86,611.80. All other portions of Resolution No. R2010-2139, remain in full force and effect.

Attachments:

1. Location Map
2. One (1) Original Amending Resolution
3. Special Assessment Roll – Amended
4. Copy of Confirming Resolution No. R-2010-2139
5. Report of cost – Final
6. Final Contract Summary - Approved

Recommended By:  6/10/2011
Department Director Date

Approved By:  6/28/11
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	(4,095)	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	(4,095)	0	0	0	0
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

Budget Account No.: Fund _____ Dept _____ Unit _____ Object _____

Is Item Included in Current Budget? Yes _____ No _____

Reporting Category N/A

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

The reduction in the assessable cost is based on a reduction in the final constructed cost of the project. Pursuant to Section 11 of Ordinance No. 2001-0010 individual assessments plus accrued interest will be recovered over twenty (20) years.

C. Department Fiscal Review:

In Equity

III. REVIEW COMMENTS

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

New Project Cost \$86,611.80. A \$24,587.40 reduction from the original contract of \$111,199.20

[Signature] 6/20/11
OFMB
6/19/11 6/14/11

[Signature] 6/23/11
Contract Development and Control
6-22-11 B. Wheeler

B. Legal Sufficiency:

[Signature] 6/27/11
Assistant County Attorney

C. Other Department Review:

Department Director

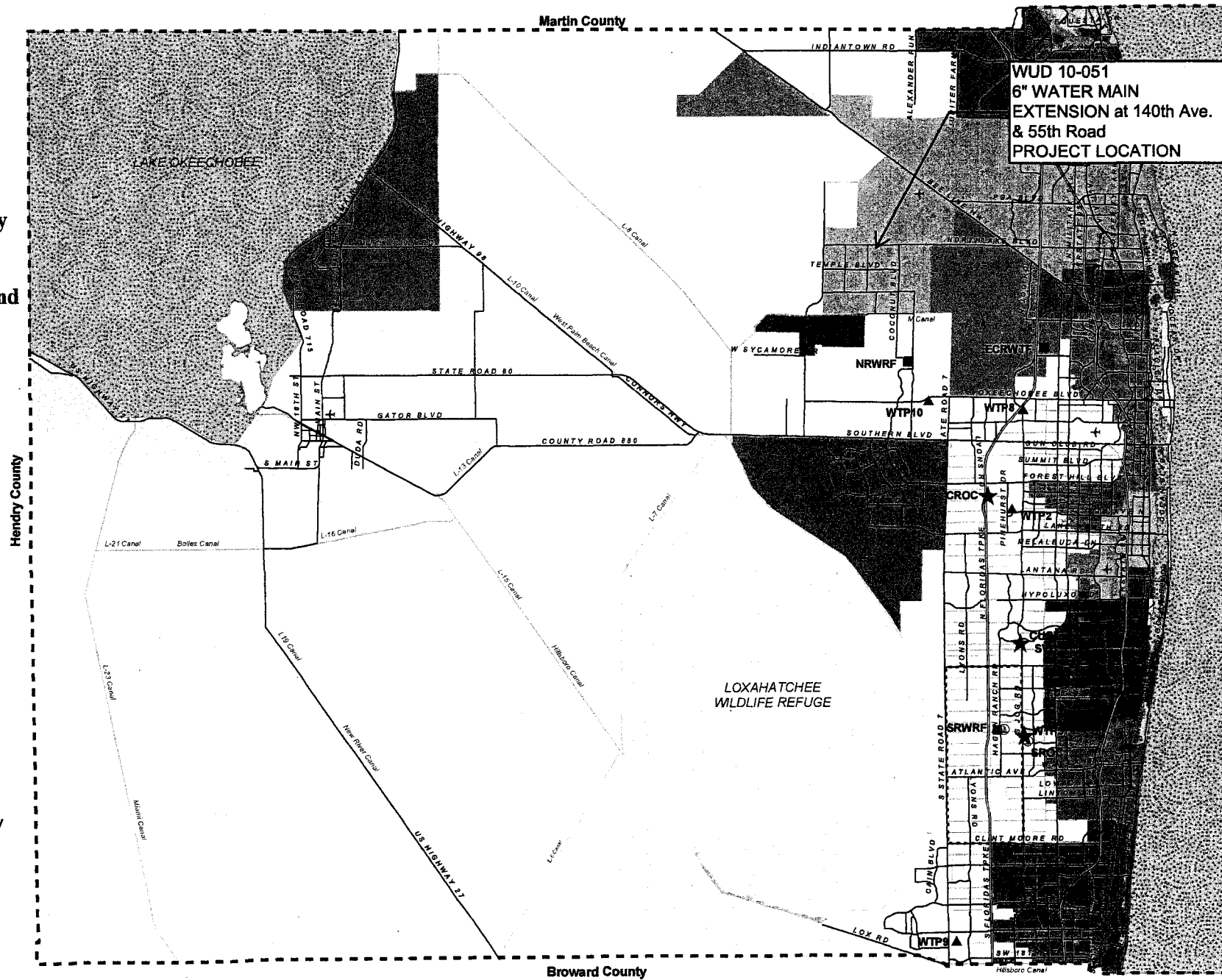
This summary is not to be used as a basis for payment.



**Palm Beach County
Water Utilities
Department
Service Area (SA) and
Major Facilities**

Legend

- P.B.C.W.U.D. SA
- Mandatory Reclaimed SA
- - - Palm Beach County Limits
- ★ Administration
- Water Reclamation Facility
- ▲ Water Treatment Facility
- Ⓐ Wetlands



RESOLUTION NO. R-2011-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION R-2010-2139; PERTAINING TO THE SPECIAL ASSESSMENT PROCESS FOR THE 140th AVE NORTH & 55TH ROAD NORTH WATER MAIN IMPROVEMENT PROJECT

WHEREAS, on December 21, 2010, in accordance with the Palm Beach County Ordinance 2001-0010, the Board of County Commissioners, Palm Beach County, Florida, adopted Resolution No. R-2010-2139, confirming the special assessment process for the 140th Ave. North & 55th Road North Water Main Improvement Project; and,

WHEREAS, pursuant to Section 9 of Ordinance 2001-0010, the Board of County Commissioners may credit to each assessment the difference between the original assessment made, approved and confirmed and the proportionate part of the actual cost of the improvement to be paid by special assessments as determined upon completion of the project; and,

WHEREAS, construction of the 140th Ave. North & 55th Road North Water Main Improvement Project is complete (see Attachment "6" - "Final Contract Summary"); and,

WHEREAS, the total assessable cost of the 140th Ave. North & 55th Road North Water Main Improvement Project has been reduced by \$24,587.40 from \$111,199.20 to \$86,611.80; and,

WHEREAS, pursuant to Section 9 of Ordinance 2001-0010 the Board of County Commissioners desires to amend Resolution No. R-2010-2139.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. Attachment "3" (Special Assessment Roll) to Resolution No. R-2010-2139 is hereby amended by reducing the total assessable cost of the 140th Ave. North & 55th Road North Water Main Improvement Project from \$111,199.20 to \$86,611.80, and reducing the individual assessment from \$9,266.60 per parcel to \$7,217.65 per parcel based on twelve (12) residential properties. The Special Assessment Roll, as hereby amended, is attached hereto, and incorporated herein as Attachment "3".

2. Paragraph Four (4) of Resolution No. R-2010-2139 is hereby amended by deleting "\$111,199.20" and inserting "\$86,611.80" in its place.

3. Attachment "5" (Report of Cost) to Resolution No. R-2010-2139 is hereby amended by changing the total assessable cost of the 140th Ave. North & 55th Road North Water Main Improvement Project to \$86,611.80. The Report of Cost as hereby amended is attached hereto and incorporated as Attachment "5".

4. Each and every other paragraph of Resolution No. R-2010-2136 shall remain in full force and effect and said Resolution is reaffirmed as modified herein.

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 Karen T. Marcus, Chair
Commissioner Shelly Vana, Vice Chair
Commissioner Paulette Burdick
Commissioner Steven L. Abrams
Commissioner Burt Aaronson
Commissioner Jess R. Santamaria
Commissioner Priscilla A. Taylor

The Chair thereupon declared the Resolution duly passed and adopted this ____ day of _____, 2011.

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

By: _____
Sharon R. Bock
Clerk and Comptroller

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By _____



Assessment Roll - Final

140TH AVE N. & 55TH RD N.

FUND	AGENCY	ORG	COMMISSION DISTRICT	SECTION	TOWNSHIP	RANGE
4013	721	W021	6 JESS R. SANTAMARIA	04	43S	41E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
1	FERREIRA, JOSE M & ELAINE M	00-41-43-04-00-000-325.0 4-43-41, E 209 FT OF W 1105 FTOF S 239 FT OF N 2659 FT OF W 1/2 AS IN OR2107P1089	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
2	FRIEDMAN, CARESSA M	00-41-43-04-00-000-333.0 4-43-41, E 209 FT OF W 687 FT OF S 239 FT OF N 2420 FT OF SEC	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
3	BRODBECK WILLIAM G &	00-41-43-04-00-000-334.0 4-43-41, E 239 FT OF W 1553 FTOF S 239 FT OF N 2659 FT OF SEC	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
4	MERRITT, MARK & DENEEN	00-41-43-04-00-000-335.0 4-43-41, E 209 FT OF W 478 FT OF S 239 FT OF N 2659 FT OF SEC	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
5	RIZZA, DANIEL & CARRIE	00-41-43-04-00-000-348.0 4-43-41, E 209 FT OF W 478 FT OF S 239 FT OF N 2420 FT OF W 1/2 IN OR2427P1709	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	

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 five and a half (5.5) 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 - Final

140TH AVE N. & 55TH RD N.

FUND	AGENCY	ORG
4013	721	W021

COMMISSION DISTRICT
6 JESS R. SANTAMARIA

SECTION	TOWNSHIP	RANGE
04	43S	41E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
6	AMAR, JAMIL	00-41-43-04-00-000-382.0 4-43-41, E 209 FT OF W 896 FT OF S 239 FT OF N 2659 FT OF SEC A/K/A G-414	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
7	TAKACS, ANDREW & KAREN	00-41-43-04-00-000-386.0 4-43-41, E 209 FT OF W 1105 FTOF S 239 FT OF N 2420 FT OF SEC IN OR2722P1970	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
8	PORTELL, JAMES E & MARLA M	00-41-43-04-00-000-387.0 4-43-41, E 209 FT OF W 1314 FTOF S 239 FT OF N 2420 FT OF SEC IN OR2722P1973	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
9	PENDERGRASS, ETHEL	00-41-43-04-00-000-394.0 4-43-41, E 239 FT OF W 1553 FTOF S 239 FT OF N 2420 FT OF SEC IN OR2643P1542	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
10	RICH, CURTIS H & SANDRA K	00-41-43-04-00-000-415.0 4-43-41, E 209 FT OF W 1314 FTOF S 239 FT OF N 2659 FT OF W 1/2 A/K/A G-368	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	

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 five and a half (5.5) 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 - Final

140TH AVE N. & 55TH RD N.

FUND	AGENCY	ORG	COMMISSION DISTRICT	SECTION	TOWNSHIP	RANGE
4013	721	W021	6 JESS R. SANTAMARIA	04	43S	41E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
11	ALVES, AUGUSTO F & ROSA D	00-41-43-04-00-000-423.0 4-43-41, E 209 FT OF W 687 FT OF S 239 FT OF N 2659 FT OF W 1/2 A/K/A G-434	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
12	HOFFMAN, TANYA A	00-41-43-04-00-000-431.0 4-43-41, E 209 FT OF W 896 FT OF S 239 FT OF N 2420 FT OF SEC	1	\$7,217.65	\$7,217.65	603.9681162	\$603.97	
			Total: 12		Total: \$86,611.80			

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 five and a half (5.5) 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.

RESOLUTION NO. R-2010- 2139

**RESOLUTION OF THE BOARD
OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY,
FLORIDA, CONFIRMING THE
SPECIAL ASSESSMENT ROLL
FOR THE 140TH AVE NORTH &
55TH ROAD NORTH 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 21th day of December, 2010, 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 certain properties located on 55th Road North for the purpose of funding a water main extension; and

WHEREAS, the total assessable costs of the improvement project shall not exceed \$111,199.20; 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 parcel method; and

WHEREAS, the maximum dollar amount of each assessment unit shall be \$9,266.60 per parcel; 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 140th Ave North & 55th Road North Water Main Improvement Project (WUD 10-051) 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 or less 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 Aaronson who moved its adoption. The motion was seconded by Commissioner Vana and upon being put to a vote; the vote was as follows:

Commissioner Karen T. Marcus, Chair	Aye
Commissioner Shelly Vana, Vice Chair	Aye
Commissioner Paulette Burdick	Absent
Commissioner Steven L. Abrams	
Commissioner Burt Aaronson	Aye
Commissioner Jess R. Santamaria	Aye
Commissioner Priscilla A. Taylor	Aye

The Chair thereupon declared the Resolution duly passed and adopted this 21st day of December, 2010.

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

By: Sharon R. Bock

Sharon R. Bock, Clerk and Comptroller

Deputy Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By [Signature]