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PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: August 14, 2012

Consent [] Regular []
Public Hearing [X]

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, Confirming the Special Assessment Roll for the Sunbeam Avenue Water Main Extension.

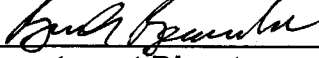
Summary: Petitions in favor of the installation of a potable water main have been provided by 67% of the property owners in the Sunbeam Avenue project area. The project will serve nine (9) residential properties currently on private wells. Individual assessments of \$5,480.11 per parcel are based on 100% of the assessable cost and may be paid over 20 years with equal annual payments of principal and 5½% interest. The total assessable cost is \$49,320.99 and includes the costs of surveying, design, permitting, construction, inspection, administration, and construction contingency. The project will be constructed by Palm Beach County Engineering and Public Works. (WUD Project No. 12-029) District 2 (MJ)

Background and Justification: on April 3, 2012, signed petitions were received from a majority of the property owners on Sunbeam Avenue. The original estimated assessable cost of a 20 years special assessment was \$5,480.11 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 Sunday, July 22, 2012, 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 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. Special Assessment Roll - Tentative
4. Report of Cost – Tentative
5. Proof of Publication

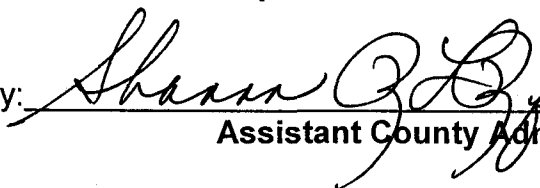
Recommended By: 

Department Director

7/12/12

Date

Approved By:



Assistant County Administrator

7/16/12

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>\$49,321</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>
Operating Expenses	<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>\$49,321</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 No **Reporting Category** N/A

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

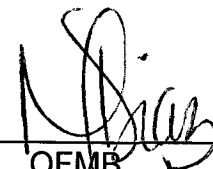
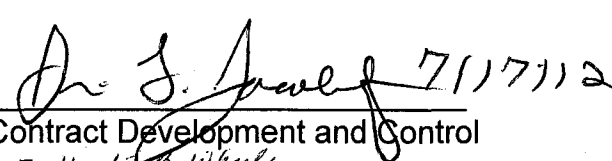
Adequate funds are available in the Water Utilities Department Special Assessment Fund. Assessable cost will be recovered from the property owners over a 20 year period.

Construction Bid Price: \$36,806.72
 Construction Contingency: \$3,680.67
 Fees and Adjustments: \$8,833.60
 Total: \$49,320.99


C. Department Fiscal Review: _____

III. REVIEW COMMENTS

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

 _____ OFMB 7/16/12	 _____ Contract Development and Control 7-16-12 B. Whell
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B. Legal sufficiency:



 Assistant County Attorney
 7/18/12

C. Other Department Review:

Department Director

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

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS OF PALM
BEACH COUNTY, FLORIDA, CONFIRMING
THE SPECIAL ASSESSMENT ROLL FOR
THE SUNBEAM AVENUE WATER MAIN
EXTENSION

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 14TH day of August, 2012, 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 Sunbeam Avenue for the purpose of funding a water main extension; and

WHEREAS, the total assessable costs of the improvement project shall not exceed \$49,320.99; 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 \$5,480.11 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 Sunbeam Avenue Water Main Extension Project (WUD 12-029) 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 five and one half percent (5 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 Shelley Vana, Chairman
Commissioner Steven L. Abrams, Vice Chair
Commissioner Karen T. Marcus
Commissioner Paulette Burdick
Commissioner Burt Aaronson
Commissioner Jess R. Santamaria
Commissioner Priscilla A. Taylor

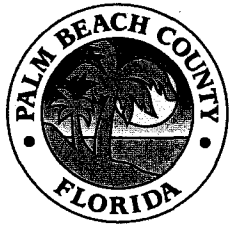
The Chair thereupon declared the Resolution duly passed and adopted this ____ day of _____, 2012.

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 _____



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

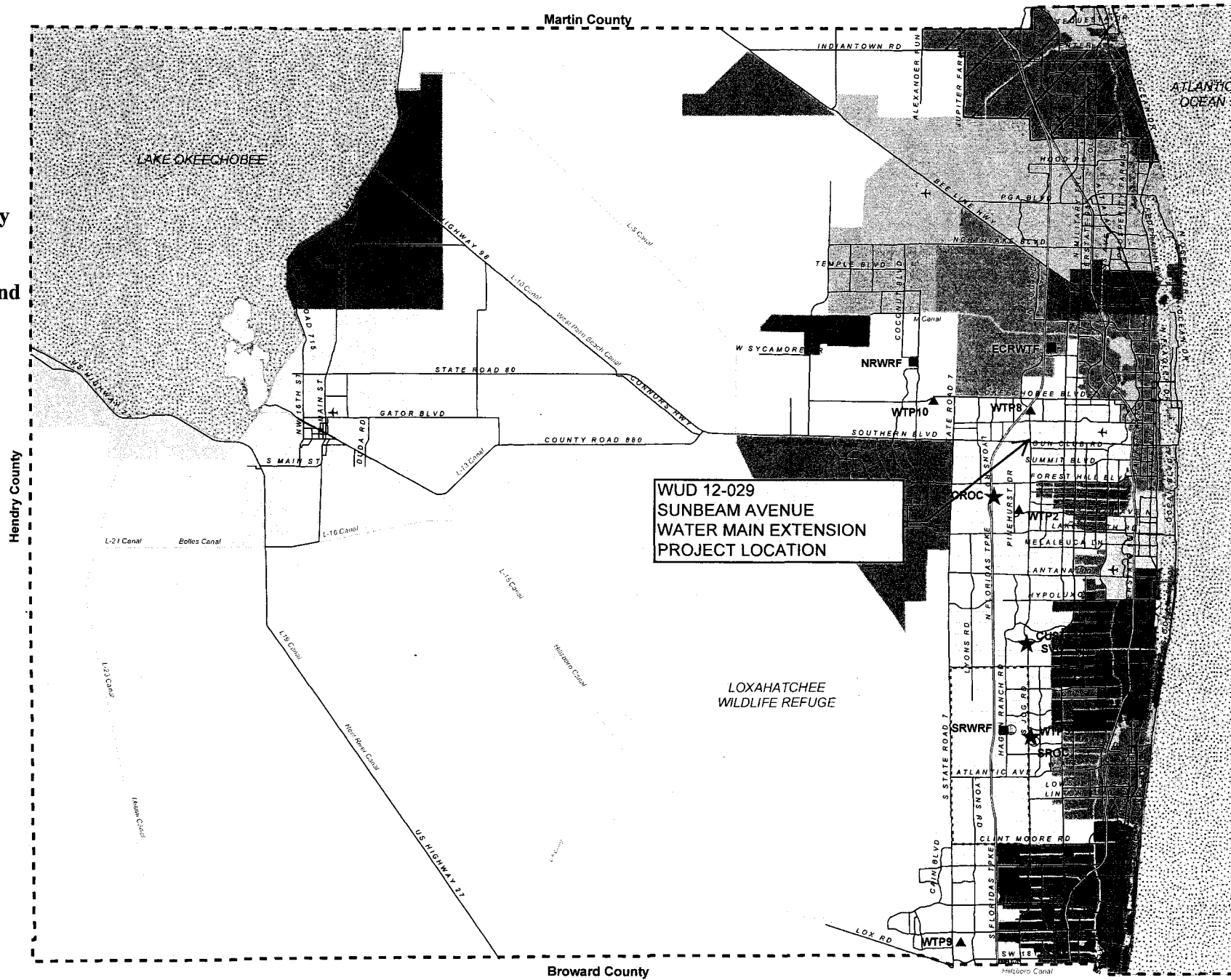
Attachment 2

Legend

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



NOT TO SCALE





Assessment Roll - Tentative

SUNBEAM AVENUE
WATER MAIN EXTENSION
SPECIAL ASSESSMENT PROJECT

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE		
	2 PAULETTE BURDICK	34	43S	42E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes			
1	LOCKLEAR L O & 4323 VICLIFF RD WEST PALM BEACH, FL 33406-7568	00-42-43-34-03-004-005.0 SUNBEAM PARK ADD LT 5 LYG NLY OF & ADJ TO SR 80 R/W AS IN OR13460P1738 & S 1/2 OF LT 6 BLK 4	1	\$5,480.11	\$5,480.11	458.5719331	\$458.57	<table border="1"><tr><td>Initial</td><td>Final</td><td>Petition</td></tr></table>	Initial	Final	Petition
Initial	Final	Petition									
2	LAMB, THURMAN E & JOYCE L TR 1114 ROSETTA TRL ROYAL PALM BEACH, FL 33411-6591	00-42-43-34-03-004-006.1 SUNBEAM PARK N 1/2 OF LT 6 & LTS 7 & 8 BLK 4	1	\$5,480.11	\$5,480.11	458.5719331	\$458.57	<table border="1"><tr><td>Initial</td><td>Final Y</td><td>Petition</td></tr></table>	Initial	Final Y	Petition
Initial	Final Y	Petition									
3	GOMEZ, ROGER G 128 SUNBEAM AVE WEST PALM BEACH, FL 33413-1740	00-42-43-34-03-004-009.0 SUNBEAM PARK ADD LT 9 BLK 4	1	\$5,480.11	\$5,480.11	458.5719331	\$458.57	<table border="1"><tr><td>Initial</td><td>Final Y</td><td>Petition</td></tr></table>	Initial	Final Y	Petition
Initial	Final Y	Petition									
4	GOMEZ, JEREMY 128 SUNBEAM AVE WEST PALM BEACH, FL 33413-1740	00-42-43-34-03-004-010.0 SUNBEAM PARK ADD LT 10 BLK 4	1	\$5,480.11	\$5,480.11	458.5719331	\$458.57	<table border="1"><tr><td>Initial</td><td>Final N</td><td>Petition</td></tr></table>	Initial	Final N	Petition
Initial	Final N	Petition									
5	ACORD, FREDRICK P & LAURA L 158 SUNBEAM AVE WEST PALM BEACH, FL 33413-1740	00-42-43-34-03-004-011.0 SUNBEAM PARK ADD LTS 11 & 12 BLK 4	1	\$5,480.11	\$5,480.11	458.5719331	\$458.57	<table border="1"><tr><td>Initial</td><td>Final Y</td><td>Petition</td></tr></table>	Initial	Final Y	Petition
Initial	Final Y	Petition									

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 - Tentative

SUNBEAM AVENUE
WATER MAIN EXTENSION
SPECIAL ASSESSMENT PROJECT

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	2 PAULETTE BURDICK	34 43S 42E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
6	VARGAS, AUGUSTIN B & CRYSTAL L 182 SUNBEAM AVE WEST PALM BEACH, FL 33413-1740	00-42-43-34-03-004-013.0 SUNBEAM PARK ADD LTS 13 & 14 BLK 4	1	\$5,480.11	\$5,480.11	458.5719331	\$458.57	<u>Initial</u> <u>Final</u> <u>Y</u> <u>Petition</u>
7	GONZALEZ, ROSARIO R & VINCENTE C IXCOY 1685 CYNMAR DR WEST PALM BEACH, FL 33409-5112	00-42-43-34-03-004-015.0 SUNBEAM PARK ADD LT 15 BLK 4	1	\$5,480.11	\$5,480.11	458.5719331	\$458.57	<u>Initial</u> <u>Final</u> <u>Y</u> <u>Petition</u>
8	RAMIREZ, ROMERO & HERMITANIA R GONZA 212 SUNBEAM AVE WEST PALM BEACH, FL 33413-1740	00-42-43-34-03-004-016.0 SUNBEAM PARK ADD LT 16 BLK 4	1	\$5,480.11	\$5,480.11	458.5719331	\$458.57	<u>Initial</u> <u>Final</u> <u>Y</u> <u>Petition</u>

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Assessment Roll - Tentative

SUNBEAM AVENUE
WATER MAIN EXTENSION
SPECIAL ASSESSMENT PROJECT

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	2 PAULETTE BURDICK	34 43S 42E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
9	MENDOZA, ALFREDO A	00-42-43-34-03-004-017.0	1	\$5,480.11	\$5,480.11	458.5719331	\$458.57	
	224 SUNBEAM AVE WEST PALM BEACH, FL 33413-1740	SUNBEAM PARK ADD LT 17 BLK 4						Initial Final N Petition

Total: 9 Total: \$49,320.99

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

Petition Response Summary						
		Initial		Final		
Homeowners	9	Voted Yes	0	0%	6	67%
Properties	9	Voted No	0	0%	2	22%
Needed	5	No Response	9	100%	1	11%

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.

REPORT OF COST - TENTATIVE
SUNBEAM AVENUE
WATER MAIN EXTENSION
SPECIAL ASSESSMENT PROJECT
PROJECT NO. WUD 12-029
COMMISSION DISTRICT 2
SECTION 34, TOWNSHIP 43S, RANGE 42E
FUND 4013 DEPT. 721 ORG. W021 OBJECT 6543

Construction Bid Price	\$36,806.72
Construction Contingency (10%) (1)	\$3,680.67
Engineering Fee (2)	\$5,521.00
Inspection Fee (4%) (3)	\$1,472.27
Administration Fee (5%) (4)	\$1,840.34
Administrative Adjustment (5)	<u>(\$0.01)</u>
Total Assessable Cost	\$49,320.99
Total Properties	9.00
Cost Per Property	\$5,480.11

Notes:

1. Construction Contingency is 10% of the Assessable Construction Cost.
2. Engineering Fee of \$5,521.00 is for the cost of survey, design and drafting from Dennis J. Leavy and PBCWUD
3. Inspection fee is 4% 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.

THE PALM BEACH POST
 Published Daily and Sunday
 West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA
 COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Bid** in the matter **WUD 12-029** was published in said newspaper in the issues of **July 22, 2012**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.

(E)

Sworn to and subscribed before 23rd day of July, A.D. 2012.
 Who is personally known to me.

[Handwritten Signature]

NOTARY PUBLIC-STATE OF FLORIDA
Karen M. McLinton
 Commission # DD832672
 Expires: NOV. 15, 2012
 BONDED THRU ATLANTIC BONDING CO., INC.

NO. 6806198R
 NOTICE OF SPECIAL ASSESSMENT
 PURSUANT TO PALM BEACH COUNTY ORDINANCE NO. 2001-0010
 ASSESSED BY PARCEL

**SUNBEAM AVENUE
 WATER MAIN EXTENSION PROJECT
 SPECIAL ASSESSMENT PROGRAM
 PROJECT NO. WUD 12-029
 SECTION 34, TOWNSHIP 43S, 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 in Sunbeam Avenue project area.

YOU ARE FURTHER ADVISED that all parcels subject to special assessment shall be assessed by the parcel method of assessment in the amount of \$5,480.11 per parcel, 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 parcel assessment balance. The total assessment for the 9 properties is \$49,320.99. 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 5-1/2% 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 Project Designer, Victor M. Gutierrez, P.E. (telephone: 561-493-6138 or email: vgutierrez@pbcwater.com). 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, August 14, 2012, 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

PUBLISH: The Palm Beach Post July 22, 2012

