

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

Meeting Date: April 2, 2013

☒ Consent
☐ Public Hearing

☐ Regular
☐ Workshop

Department: Engineering and Public Works
Submitted By: Roadway Production Division

EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) Adopt a resolution to amend the original projected assessment to the actual cost of the Michlar Drive, Tamis Trail and 105th Avenue South Paving and Drainage Improvement (Project) Project No. 2002136, from \$19,662.55 per lot to \$19,611.94 per lot;
- B) Authorize the Tax Collectors Office to process and collect the assessment payments for the Project; and
- C) Approve the transfer of Michlar Drive, Tamis Trail and 105th Avenue South to Palm Beach County owned and maintained roads.

SUMMARY: Finalization of the assessment roll for the Project in Section 36, Township 44, Range 41 is necessary so that the assessment payments can be processed and collected by the Tax Collector's Office. At the January 24, 2012 Public Hearing, the interest rate for the Project was established at 5.5%, payable over a twenty year period as directed by the Board of County Commissioners.

District 6 (MRE)

Background and Justification: On January 24, 2012, Palm Beach County (County) held a Public Hearing and adopted Resolution R2012-0200 with a special assessment roll of \$19,662.55 per lot for the Project. The final cost of the Project is approximately \$50 per lot less than the original assessment, for a final assessment of \$19,611.94 per lot.

Michlar Drive, Tamis Trail and 105th Avenue South have been constructed to County standards and will be perpetually maintained by the County.

This office recommends the approval of the above named action in order to finalize the assessment process, and close out this Project.

Attachments:

- 1. Location Map
- 2. Resolution with Exhibit I & II

Recommended by: *CWA*

Ornel A. Fernandez
Division Director

2/12/13
Date

Approved By: *S. T. Webb*

S. T. Webb
County Engineer

2/28/13
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-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	\$ -0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund__ Dept.__ Unit__ Object
Program

Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact. This Board action finalizes the assessment roll which was approved at the January 24, 2012 Public Hearing. Fiscal impact for the project was shown on the previously approved item. These roads are currently maintained by courtesy by Palm Beach County. This agenda item finalizes the paving project and formally accepts the roadway maintenance.

C. Departmental Fiscal Review: Alice Kovalainen

III. REVIEW COMMENTS

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

There is no change in fiscal impact to the County and remains at \$526,120.

[Signature] 3/12/13
OFMB 3/12

[Signature] 3/14/13
Contract Dev. and Control 3-13-13 [Signature]

B. Approved as to Form and Legal Sufficiency:

[Signature] 3/14/13
Assistant County Attorney

C. Other Department Review:

Department Director

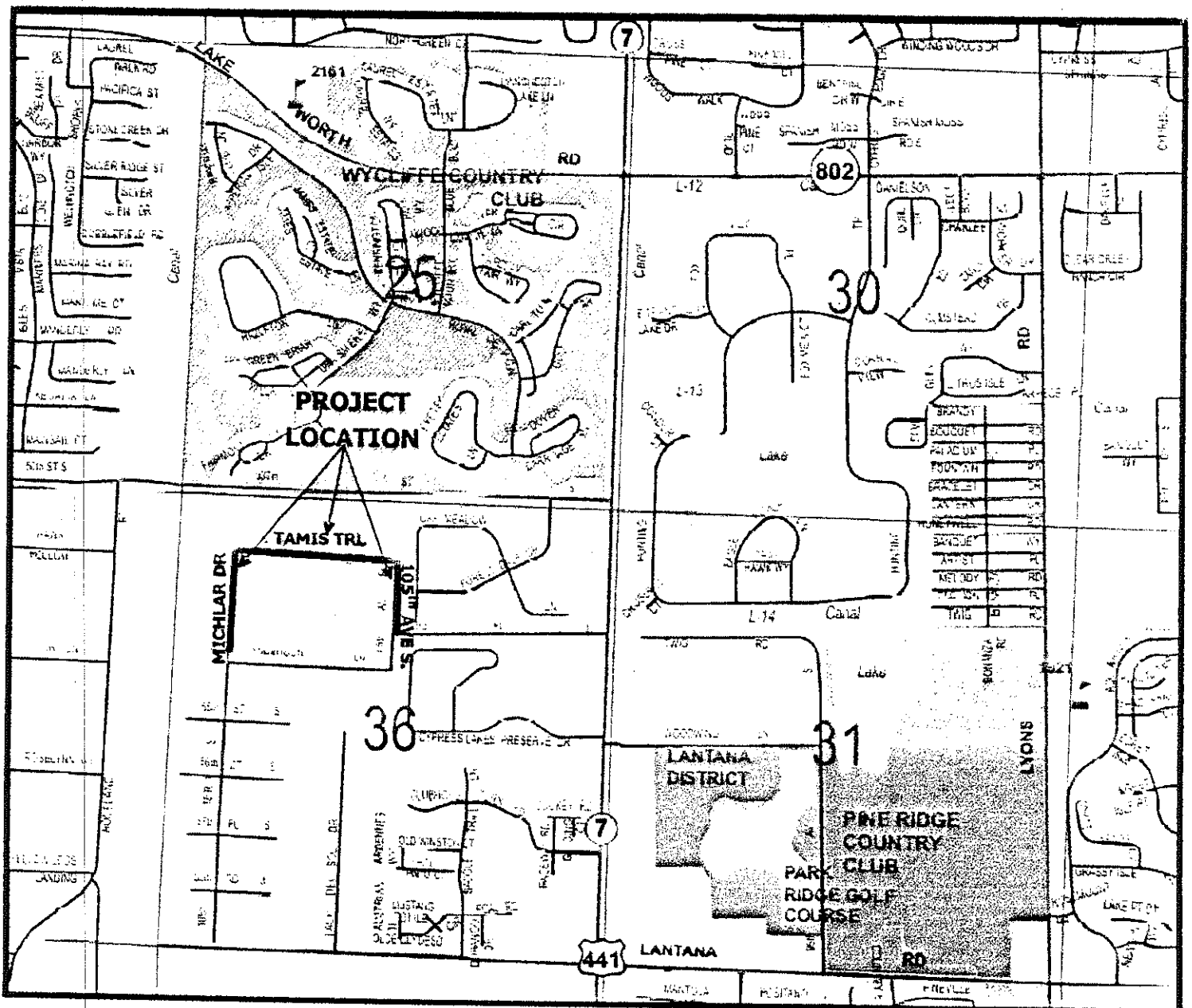
This summary is not to be used as a basis for payment.

2002136

MICHLAR DR, TAMIS TRL & 105TH AVE. S

STREET IMPROVEMENT PROJECT

LOCATION MAP



RESOLUTION NO. R-2013-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA CONFIRMING THE SPECIAL ASSESSMENT FOR MICHLAR DRIVE, TAMIS TRAIL AND 105TH AVENUE SOUTH PAVING AND DRAINAGE IMPROVEMENTS PROJECT, SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PURSUANT TO A PUBLIC HEARING HELD THEREON.

WHEREAS, a Resolution (R-2012-0200) confirming the special assessment process for Michlar Drive, Tamis Trail and 105th Avenue South Paving and Drainage Improvements was approved on January 24, 2012; and

WHEREAS, this resolution will amend the original assessment roll by reducing the amount of the assessment to \$19,611.94 per lot; and

WHEREAS, the property owners have the opportunity to pay off the entire assessment within 30 days of notice from the Tax Collectors Office without incurring any interest; and

WHEREAS, the remaining assessments incur interest after the 30 day pay off period.

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

The Special Assessment Roll for Michlar Drive, Tamis Trail and 105th Avenue South Paving and Drainage Improvements, Section 36, Township 44 South, Range 41 East, as on file with the Clerk of this Board of County Commissioners (Board) and attached hereto as EXHIBIT II is hereby approved and confirmed with an interest rate of 5.5 percent and shall be recorded by the Clerk of the Board in a special book to be known as "The Improvement Lien Book" and the record of the lien in said book shall constitute prima facie evidence of the validity of said lien.

1. The said special assessments are hereby made upon all parcels of land described in said Special Assessment Roll in the amount shown thereon.

2. Pursuant to Palm Beach County Code, Chapter 26 – Special Districts, Article II, Municipal Service Taxing Units (MSTU) Code, the following project is hereby approved: Michlar Drive, Tamis Trail and 105th Avenue South Paving and Drainage Improvements, Sections 36, Township 44 South, Range 41 East, Palm Beach County, Florida.

3. The said special assessments are hereby made upon all parcels of land described in said Special Assessment Roll (EXHIBIT II) in the amount shown thereon.

4. Pursuant to the MSTU Code, any and all special assessments made pursuant to this Resolution, which have not been paid in full within 30 days after notice of completion of the subject improvements for which said assessment was made, shall be subject to interest at a rate of five and one half percent (5.5 %) per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in 20 equal annual installments.

5. The total construction cost of the Paving and Drainage Improvements project is \$666,805.98. The residents are being assessed 50% of the total cost at \$19,611.94 per lot as detailed in the Final Report of Cost, attached hereto as EXHIBIT I, for a total of \$333,402.99 through this special assessment.

6. Pursuant to Sec. 26-30.6 of the MSTU Code, if any special assessment made under the provisions of the MSTU Code to defray part of the expense of any improvement made hereunder shall be either in whole or in part vacated or set aside by the judgment of any court, or if the Board shall be satisfied that such assessment is so irregular or defective that same cannot be enforced or collected, or if the Board omitted to make such assessment when it might have done so, the Board shall take all necessary steps to cause a new assessment to be made for any improvement and against property specially benefited by such improvement, following the provisions of the MSTU Code.

7. The Board further finds that each parcel listed on EXHIBIT II will obtain a special benefit which is at least equal to the amount of special assessment made against each such parcel.

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 Steven L. Abrams, Mayor -
Commissioner Priscilla A. Taylor, Vice Mayor -
Commissioner Hal R. Valeche -
Commissioner Paulette Burdick -
Commissioner Shelley Vana -
Commissioner Mary Lou Berger -
Commissioner Jess R. Santamaria -

The Mayor thereupon declared the Resolution duly passed and adopted this ____ day of _____, 2013.

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

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

BY: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
County Attorney

PROJECT NO. 2002136

FINAL REPORT OF COST

**MICHLAR DRIVE, TAMIS TRAIL & 105TH AVENUE
PAVING & DRAINAGE IMPROVEMENTS**

DESIGN COSTS

Professional fees	\$ 73,228.09
Permits	\$ 240.00
Staff costs	\$ 19,056.56
Advertising	\$ 1,300.32

ACQUISITION COSTS

Land	\$ 51,400.00
Surveys	
Appraisal fees	\$ 3,700.00
Legal fees	\$ 6,832.00
Staff costs	\$ 1,368.06

CONSTRUCTION COSTS

Construction contract	\$ 453,267.01
Testing labs	\$ 2,325.00
Staff costs	\$ 53,921.37
Miscellaneous	\$ 167.57

TOTAL	\$ 666,805.98
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MSTU Program payments	333,402.99
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Assessable cost - 50%	333,402.99
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ABUTTING LOTS -	<u>17</u>
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ASSESSMENT PER LOT -	<u>19,611.94</u>
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Assessment Roll - Final

MICHLAR DR. (ANDERSON LN-TAMIS TR)
TAMIS TR. (52ND PLACE - TAMIS TRAIL)
105TH AVE. SOUTH (52ND PL-TAMIS TR)
PROJECT 2002136

FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION	TOWNSHIP	RANGE
			6 JESS SANTAMARIA		36	44S	41E
			6 JESS SANTAMARIA				

No.	Homeowner	PCN/Legal Description	Parcel	Total Assessment	Annual Cost/Per Year	Notes
1	FOX DOUGLAS M	00-41-44-36-00-000-300.0 36-44-41, W 1/2 OF SE 1/4 OF NE 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
2	TRUST # 201104 UDT	00-41-44-36-00-000-302.0 36-44-41, E 1/2 OF NE 1/4 OF NE 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
3	SANTA TERESITA POLO LLC	00-41-44-36-00-000-303.0 36-44-41, E 1/2 OF NW 1/4 OF NE 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
4	DOROSARIO ANTONIO S	00-41-44-36-00-000-304.0 36-44-41, E 1/2 OF NE 1/4 OF NW 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
5	TEPPER HAIM	00-41-44-36-00-000-305.0 36-44-41, W 1/2 OF NE 1/4 OF NW 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
6	SCHWENK JOHN H &	00-41-44-36-00-000-306.0 36-44-41, W 1/2 OF NW 1/4 OF NW 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	

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

MICHLAR DR. (ANDERSON LN-TAMIS TR)
TAMIS TR. (52ND PLACE - TAMIS TRAIL)
105TH AVE. SOUTH (52ND PL-TAMIS TR)
PROJECT 2002136

FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION	TOWNSHIP	RANGE
			6 JESS SANTAMARIA		36	44S	41E
			6 JESS SANTAMARIA				

No.	Homeowner	PCN/Legal Description	Parcel	Total Assessment	Annual Cost/Per Year	Notes
7	LASSILA MARK &	00-41-44-36-00-000-307.0 36-44-41, E 1/2 OF SE 1/4 OF NW 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
8	LASSILA MARK &	00-41-44-36-00-000-308.0 36-44-41, W 1/2 OF SE 1/4 OF NW 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
9	CUMMINS GEORGE J JR	00-41-44-36-00-000-309.0 36-44-41, N 1/2 OF SW 1/4 OF NW 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
10	GIAQUINTO FRANK J	00-41-44-36-00-000-318.0 36-44-41, W 1/2 OF SW 1/4 OF NE 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
11	SAADETDIN TARIK &	00-41-44-36-00-000-321.0 36-44-41, E 1/2 OF SW 1/4 OF NE 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
12	MARRERO CASIMIRO	00-41-44-36-00-000-322.0 36-44-41, W 1/2 OF NW 1/4 OF NE 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	

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Assessment Roll - Final

MICHLAR DR. (ANDERSON LN-TAMIS TR)
TAMIS TR. (52ND PLACE - TAMIS TRAIL)
105TH AVE. SOUTH (52ND PL-TAMIS TR)
PROJECT 2002136

FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION	TOWNSHIP	RANGE
			6 JESS SANTAMARIA		36	44S	41E
			6 JESS SANTAMARIA				

No.	Homeowner	PCN/Legal Description	Parcel	Total Assessment	Annual Cost/Per Year	Notes
13	ELDRED KENNETH S &	00-41-44-36-00-000-323.0 36-44-41, S 1/2 OF SW 1/4 OF NW 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
14	GRANAN FAMILY LIMITED LIABILITY COMPANY	00-41-44-36-00-000-326.0 36-44-41, W 1/2 OF NE 1/4 OF NE 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
15	PETROVICH BRETT &	00-41-44-36-00-000-327.0 36-44-41, E 1/2 OF SE 1/4 OF NE 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
16	TEPPER HAIM	00-41-44-36-00-000-329.0 36-44-41, E 1/2 OF NW 1/4 OF NW 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	

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.



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PROJECT 2002136

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION	TOWNSHIP	RANGE
	6 JESS SANTAMARIA	36	44S	41E
	6 JESS SANTAMARIA			

No.	Homeowner	PCN/Legal Description	Parcel	Total Assessment	Annual Cost/Per Year	Notes
17	SLATTERY ROBERT S &	00-41-44-36-00-000-330.0 36-44-41, N 1/2 OF NW 1/4 OF SW 1/4 OF NW 1/4	1	\$19,611.94	\$1,660.33	
Totals:			17	\$333,402.98		

Note Description/Totals		
1	ASSIGNED FRONT FOOTAGE	0
2	ASSIGNED AVERAGE FRONT FOOTAGE	0
3	50% OF SUM OF ALL ABUTTING FOOTAGE	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.