Agenda Item #: PH – HB

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

Meeting Date: September 1 Department:	), 2013 { } Consent { } Workshop	<pre>{ } Regular { X} Public Hearing</pre>
Submitted By: En	gineering & Public Works	
Submitted For: Ro	adway Production Division	
	EXECUTIVE BRIEF	

**Motion and Title:** Staff recommends motion to adopt: a resolution confirming the special assessment process for the Fargo Avenue, El Paso Drive to Arrowhead Drive paving and drainage improvement (Project).

**SUMMARY:** Adoption of this resolution will allow Palm Beach County to assess the fixed amount of \$7,000 to each property owner. The Board of County Commissioners (Board) assigned a fixed assessment for this project at the October 16, 2012 meeting. Assessments will be payable in 10 equal annual installments at an interest rate of 5% per annum. The Project includes new roadway pavement, driveway reconstruction, and a storm water management system.

#### District 6 (MRE)

**Background and Policy Issues:** At the July 16, 2013 Board of County Commissioners (Board) meeting, an amendment to the Palm Beach County Municipal Services Taxing Unit (MSTU) Special Assessment Ordinance which included adding flexibility for the public hearing timeframe for fixed assessment projects such as this, was approved. The total assessment for the Project was fixed at \$7,000 per property at the October 16, 2012 Board meeting. The fixed amount will not be affected by the various costs incurred during design, bidding or construction. The Engineering and Public Works Department advertised the Project for a public hearing on Sunday, August 25, 2013 and Sunday, September 1, 2013. A comprehensive explanation of the proposed improvements was distributed by regular mail to the property owners to be assessed in lieu of a public information meeting as allowed for in Section 26-302 MSTU Special Assessment Ordinance.

#### Attachments:

- 1. Location Sketch
- 2. Resolution with Exhibits I and II

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Recommended by:	Domeho G.F.	ndy 9/8/13 Will
145	Division Director	J Date
Approved By:	T. M.M. County Engineer	<i>8 / 19 / 1</i> 3 Date

### II. FISCAL IMPACT ANALYSIS

#### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
<b>Capital Expenditures</b>	<u>\$ -0-</u>	0-	-0-	-0-	-0-
<b>Operating Costs</b>	-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	<u>s -0- #</u>	-0-	-0-	-0-	-0-
<b># ADDITIONAL FTE</b>					
<b>POSITIONS (Cumulative)</b>					

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund\_\_\_ Dept.\_\_\_ Unit\_\_ Object Program

**Recommended Sources of Funds/Summary of Fiscal Impact:** 

\*This item has no fiscal impact.

The Construction Contracts have not yet been finalized; therefore, no fiscal impact is being presented at this time with this item. Nevertheless, the assessment to the benefiting property owners will remain at \$7,000 per owner regardless of the final contract amount. Once the construction contracts are finalized, they will be brought to the Board for approval and funding of these projects will take place with the resulting fiscal impact presented in that agenda item.

C. Departmental Fiscal Review: \_.

#### **III. <u>REVIEW COMMENTS</u>**

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

OFMB 20/B

. Saubara Whale . 8-26-13 Contract Dev. and Control

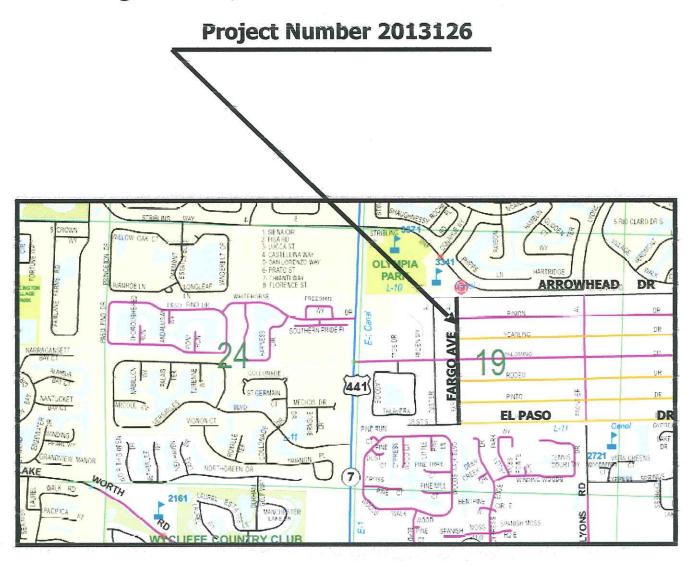
B. Approved as to Form and Legal Sufficiency:

ssistant County Attorney

C. Other Department Review:

**Department Director** 

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



# Fargo Avenue, El Paso Drive to Arrowhead Drive

# LOCATION SKETCH

## **RESOLUTION NO. R-2013-**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA CONFIRMING THE SPECIAL ASSESSMENT FOR FARGO AVENUE, EL PASO DRIVE TO ARROWHEAD DRIVE PAVING AND DRAINAGE IMPROVEMENT PROJECT, SECTION 19, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PURSUANT TO A PUBLIC HEARING HELD THEREON.

WHEREAS, a special assessment process was initiated for the paving and drainage improvement of Fargo Avenue, El Paso Drive to Arrowhead Drive, authorized pursuant to Palm Beach County Code Chapter 26, Article II, Division 1, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance; and

WHEREAS, a fixed amount of \$7,000 for the cost of the paving and drainage improvement, which is funded through the MSTU Program, will be repaid by special assessment upon specially benefited parcels of land; and

WHEREAS, the method of assessment is to be on a per lot basis; and

WHEREAS, pursuant to Section 26-30.3, the Board of County Commissioners did hold a public hearing on the 10<sup>th</sup> day of September, 2013 at the Commission Chambers of the Board of County Commissioners of Palm Beach County, Florida, so as to satisfy the requirements of the MSTU Special Assessment Ordinance; and

WHEREAS, the Board of County Commissioners finds that the public notice and public hearing requirements of the MSTU Special Assessment Ordinance have been met.

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

The Special Assessment Roll for the paving and drainage improvement of Fargo Avenue, El Paso Drive to Arrowhead Drive Paving and Drainage Improvement, Section 19, Township 44 South, Range 42 East, is on file in the Clerk of this Board and attached hereto as EXHIBIT II is hereby approved and confirmed and shall be recorded by the Clerk of the Board of County Commissioners 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 the MSTU Special Assessment Ordinance, the following project is

## RESOLUTION NO. R-2013-September 10, 2013 Public Hearing

hereby approved: Fargo Avenue, El Paso Drive to Arrowhead Drive Paving and Drainage Improvement, Section 19, Township 44 South, Range 42 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 Special Assessment Ordinance, any and all special assessments made pursuant to this Resolution, which have not been paid in full within thirty (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 percent (5%) per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten (10) equal annual installments.

5. The total cost of the paving and drainage improvements funded through the MSTU Program is estimated at \$865,500. A special assessment in the fixed amount of \$7,000 per lot shall be collected towards the total costs of the paving and drainage improvements funded through the MSTU Program.

6. Pursuant to Section 26-30.6 of the MSTU Special Assessment Ordinance, if any special assessment made under this resolution shall be either in whole or part vacated or set aside by the judgment of any court, or the Board of County Commissioners, shall be satisfied that any such assessment is so defective that the same cannot be enforced or collected, or if the Board will have omitted to make any such assessment when it might have done so, the Board of County Commissioners will take all necessary steps to cause a new assessment to be made for any improvement against any property specially benefited by such improvement.

7. The Board of County Commissioners 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.

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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:

Mayor:	Steven L. Abrams, District 4	
Vice Mayor:	Priscilla A. Taylor, District 7	
District 1:	Hal R. Valeche	
District 2:	Paulette Burdick	<u> </u>
District 3:	Shelley Vana	
District 5:	Mary Lou Berger	
District 6:	Jess R. Santamaria	-

The Mayor thereupon declared the Resolution duly passed and adopted this 10<sup>th</sup> day

of <u>September</u>, 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

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# PROJECT NUMBER 2013134

## **REPORT OF COST**

## FARGO AVENUE **PAVING & DRAINAGE IMPROVEMENTS**

LEGAL ADVERTISING	\$ 1,500.00
ENGINEERING & SURVEY COSTS	\$ 90,000.00
<b>RIGHT-OF-WAY &amp; EASEMENT COSTS</b>	\$ 0.00
CONSTRUCTION COSTS	\$ 650,000.00
PERMITTING COSTS	\$ 2,000.00
SUB-TOTAL	\$ 743,500.00
ADMINISTRATIVE COSTS, FEES, CONSTRUCTION COORDINATION CONTINGENCIES	\$ 18,000.00 71,500.00 32,500.00
PROJECT TOTAL	\$ 865,500.00
MSTU COUNTY TOTAL	\$ 781,500.00
TOTAL ASSESSABLE COST = Fixed Cost per Lot	\$ 84,000.00
ABUTTING LOTS 12	
ASSESSMENT PER LOT	\$ 7,000.00

**EXHIBIT 1** 



	FUND AGENCY ORG         COMMISSION DISTRICT           6 JESS SANTAMARIA			AS 42E	
No. Homeowner 1 WATERBURY RICHARD N	PCN/Legal Description 00-42-44-19-01-002-007.0 PALM BEACH RANCHETTES UNIT A LOT 7 SEC B	Parcel T 1	otal Assessment \$7,000.00	Annual Cost/Per Year N \$911.65	Votes
2 SEGUIN PAUL R &	00-42-44-19-01-002-008.0 PALM BEACH RANCHETTES UNIT A LOT 8 SEC B	1	\$7,000.00	\$911.65	
3 PEEDE THOMAS A &	00-42-44-19-01-002-009.0 PALM BEACH RANCHETTES UNIT A LT 9 SEC B	1	\$7,000.00	\$911.65	
4 HERRMANN EDUARD G JR &	00-42-44-19-01-002-010.0 PALM BEACH RANCHETTES UNIT A LOT 10 SEC B	1	\$7,000.00	\$911.65	
5 COLYER MICHAEL W &	00-42-44-19-01-002-011.0 PALM BEACH RANCHETTES UNIT A LOT 11 SEC B	1	\$7,000.00	\$911.65	
6 RIENDEAU CHARLES L JR &	00-42-44-19-01-003-001.0 PALM BEACH RANCHETTES UNIT A LT 1 SEC C	1	\$7,000.00	\$911.65	

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 (5) percent per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten equal annual installments of principal and interest.



Palm Beach County MSTU Program

## Assessment Roll - Final FARGO AVENUE, EL PASO DRIVE TO ARROWHEAD DRIVE

	FUND AGENCY ORG COMMISSION DISTRICT		SECTION TOV	VNSHIP RANGE
	6 JESS SANTAMARIA			4S 42E
No. Homeowner 7 DAVIS BYRON H &	PCN/Legal Description 00-42-44-19-01-007-007.0 PALM BEACH RANCHETTES UNIT A LOT 7 SEC G	Parcel 1	Total Assessment \$7,000.00	Annual Cost/Per Year Notes \$911.65
8 DAVIDSON ROBERT M &	00-42-44-19-01-007-008.0 PALM BEACH RANCHETTES UNIT A LOT 8 SEC G	1	\$7,000.00	\$911.65
9 CHAPMAN DAVID A	00-42-44-19-01-007-009.0 PALM BEACH RANCHETTES UNIT A LOT 9 SEC G	1	\$7,000.00	\$911.65
10 NICHOLS RAYMOND C &	00-42-44-19-01-007-010.0 PALM BEACH RANCHETTES UNIT A LOT 10 SEC G	1	\$7,000.00	\$911.65
11 STINNETT ROSEMARIE	00-42-44-19-01-007-011.0 PALM BEACH RANCHETTES UNIT A LOT 11 SEC G	1	\$7,000.00	\$911.65

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 (5) percent per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten equal annual installments of principal and interest.



### **Assessment Roll - Final** FARGO AVENUE, EL PASO DRIVE TO ARROWHEAD DRIVE

	FUND AGENCY ORG	COMMISSION DISTRICT 6 JESS SANTAMARIA		SECTION TOV	VNSHIP RANGE	
No. Homeowner 12 BIERNAT DEAN A &	00-42-44-19-01-007-012 PALM BEACH RANCHE		Parcel 1	Total Assessment \$7,000.00	Annual Cost/Per Year \$911.65	Notes

Totals: 12

\$84,000.00

1	ASSIGNED FRONT FOOTAGE	0
2	ASSIGNED AVERAGE FRONT FOOTAGE	0
3		0
0	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 (5) percent per annum from the date of the acceptance of said improvement by Palm Beach County and shall be payable in ten equal annual installments of principal and interest.

1.00