

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: November 19, 2013 Consent [X] Regular []
Public Hearing []

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, Amending Resolution No. R2012-1936 pertaining to the Special Assessment process for the 61st Street North Water Main Extension, reducing the individual assessment from \$7,190.45 per parcel to \$6,632.53 per parcel.

Summary: On December 18, 2012, the Palm Beach County Board of County Commissioners adopted Resolution R2012-1936 confirming the 61st Street North Water Main Extension. 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 \$93,475.85. The final assessable cost is \$86,222.90. This project is based on 13 residential properties, the individual cost to the property owners is decreased from \$7,190.45 per parcel to \$6,632.53 per parcel. (WUD Project No. 12-052) District 6 (MJ)

Background and Justification: The estimated construction cost for 61st Street North was \$77,509.01. The final construction cost was \$77,260.62. This construction cost under-run (\$248.39) combined with decrease in contingencies (\$7,750.90), decrease in Engineering fees (\$37.26), decrease in inspection fees (\$9.94), decrease in administration fees (\$12.42) and decrease in 10% financial support (\$805.88) as per the agreement between the County and Indian Trails Improvement District, in which the County will provide for 10% of the total project cost, resulting in a total project assessable cost of \$86,222.90. Fees decreased the total assessable cost by the net amount of \$7,252.95. All other portions of Resolution No. R2012-1936, remain in full force and effect.

Attachments:

1. One (1) Original Amending Resolution
2. Location Map
3. Special Assessment Roll – Amended
4. Copy of Confirming Resolution No. R2012-1936
5. Report of Cost – Final
6. Final Authorization Summary - Approved

Recommended By: Barbara 10/30/13
Department Director Date

Approved By: Sharon
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	(7,252)	0	0	0	0
External Revenues	7,252	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>0</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 6021 Object _____

Is Item Included in Current Budget? Yes X No _____

Reporting Category N/A

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

This item represents no fiscal impact to the Water Utilities Department. 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 20 years.

C. Department Fiscal Review: Delva M. West

III. REVIEW COMMENTS

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

<p><u>Susan Kang 11/1/13</u> OFMB ^{K/N} 11/01 ^{JB} 11/1</p>	<p><u>Dr. J. Jacobson 11/7/13</u> Contract Development and Control 11-6-13 ^{B. Wheeler}</p>
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B. Legal Sufficiency:

[Signature] 11/7/13
Assistant County Attorney

C. Other Department Review:

Department Director

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

RESOLUTION NO. R-2013-

**RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS OF PALM
BEACH COUNTY, FLORIDA,
AMENDING RESOLUTION R-2012-
1936; PERTAINING TO THE SPECIAL
ASSESSMENT PROCESS FOR THE
61st STREET NORTH WATER MAIN
IMPROVEMENT PROJECT**

WHEREAS, on December 18, 2012, in accordance with the Palm Beach County Ordinance 2001-0010, the Board of County Commissioners, Palm Beach County, Florida, adopted Resolution No. R-2012-1936, confirming the special assessment process for the 61st Street North Water Main Extension; 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 61st Street North Water Main Extension is complete (see Attachment "6" - "Final Authorization Summary"); and,

WHEREAS, the total assessable cost of the 61st Street North Water Main Extension has been reduced by \$7,252.95 from \$93,475.85 to \$86,222.90; and,

WHEREAS, pursuant to Section 9 of Ordinance 2001-0010 the Board of County Commissioners desires to amend Resolution No. R-2012-1936.

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-2012-1936 is hereby amended by reducing the total assessable cost of the 61st Street North Water Main Extension from \$93,475.85 to \$86,222.90, and reducing the individual assessment from \$7,190.45 per parcel to \$6,632.53 per parcel based on thirteen (13) 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-2012-1936 is hereby amended by deleting "\$93,475.85" and inserting "\$86,222.90" in its place.

3. Attachment "5" (Report of Cost) to Resolution No. R-2012-1936 is hereby amended by changing the total assessable cost of the 61st Street North Water Main Extension to \$86,222.90. 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-2012-1936 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 Hal R. Valeche, District 1
Commissioner Paulette Burdick, District 2
Commissioner Shelley Vana, District 3
Commissioner Steven L. Abrams, District 4
Commissioner Mary Lou Berger, District 5
Commissioner Jess R. Santamaria, District 6
Commissioner Priscilla A. Taylor, District 7

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

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 _____

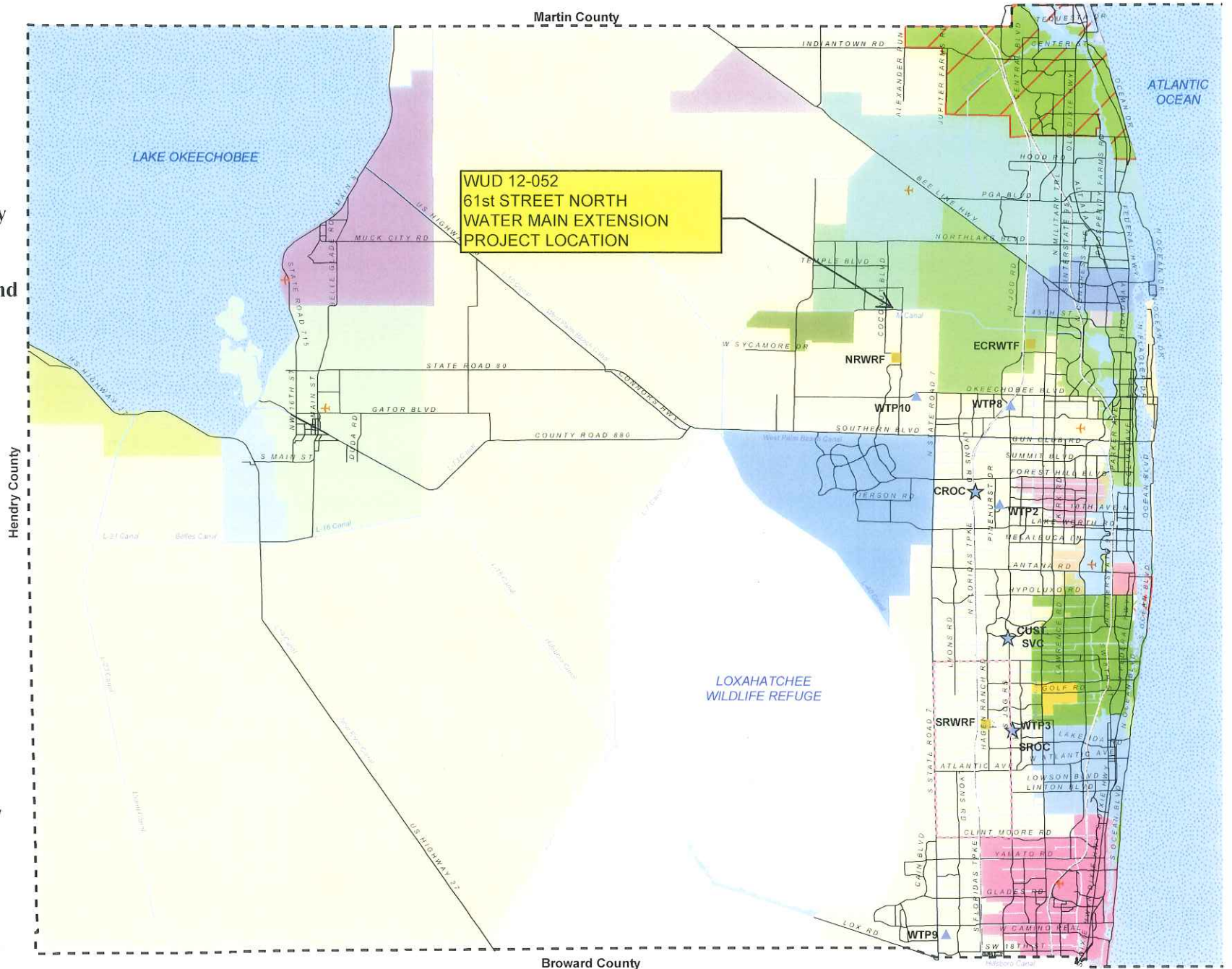


**Palm Beach County
Water Utilities
Department
Service Area (SA) and
Major Facilities**

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



**WUD 12-052
61st STREET NORTH
WATER MAIN EXTENSION
PROJECT LOCATION**

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	6 JESS R. SANTAMARIA	34 42S 41E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
1	LYNCH, ALTON & DANA 12021 61ST ST N ROYAL PALM BEACH, FL 33412-2065	00-41-42-34-00-000-508.0 34-42-41, N 241.5 FT OF S 813.5 FT OF E 249 FT OF SE 1/4	1	\$6,633	\$6,632.53	555.0056666	\$555.01	Initial Final Y Petition
2	BICKHARDT, STEPHEN F & GLORIA 12145 61ST ST N WEST PALM BEACH, FL 33412-2065	00-41-42-34-00-000-509.0 34-42-41, N 241.5 FT OF S 813.5 FT OF W 209 FT OF E 876 FT OF SE 1/4	1	\$6,633	\$6,632.53	555.0056666	\$555.01	Initial Final Y Petition
3	TIDD, LANCE W & CYNTHIA A 12191 61ST ST N WEST PALM BEACH, FL 33412-2065	00-41-42-34-00-000-510.0 34-42-41, N 241.5 FT OF S 813.5 FT OF W 209 FT OF E 1085 FT OF SE 1/4	1	\$6,633	\$6,632.53	555.0056666	\$555.01	Initial Final Y Petition
4	RIFFE NORMA J EST PO BOX 1409 LOXAHATCHEE, FL 33470-1409	00-41-42-34-00-000-513.0 34-42-41, N 241.5 FT OF S 572 FT OF W 209 FT OF E 667 FT OF SE 1/4	1	\$6,633	\$6,632.53	555.0056666	\$555.01	Initial Final Petition
5	SCHULTZ, JOHN & PATRICIA 12144 61ST ST N WEST PALM BEACH, FL 33412-2064	00-41-42-34-00-000-515.0 34-42-41, N 241.5 FT OF S 572 FT OF W 209 FT OF E 876 FT OF SEC IN OR2457P1272	1	\$6,633	\$6,632.53	555.0056666	\$555.01	Initial Final N 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.



SPECIAL
Assessment Roll - Final
61ST STREET NORTH (ITID)
WATER MAIN EXTENSION
SPECIAL ASSESSMENT PROJECT

FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION TOWNSHIP RANGE		
			6 JESS R. SANTAMARIA		34	42S	41E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
6	SCHULTZ, JOHN A & PATRICIA A 12144 61ST ST N WEST PALM BEACH, FL 33412-2064	00-41-42-34-00-000-551.0 34-42-41, N 241.5 FT OF S 572 FT OF W 209 FT OF E 458 FT OF SEC IN OR2368P1766	1	\$6,633	\$6,632.53	555.0056666	\$555.01	Initial Final N Petition
7	JACKSON FREDERICK IV & 12231 61ST ST N WEST PALM BEACH, FL 33412-2065	00-41-42-34-00-000-552.0 34-42-41, N 241.5 FT OF S 813.5 FT OF W 239 FT OF E 1324 FT OF SEC IN OR2675P1807	1	\$6,633	\$6,632.53	555.0056666	\$555.01	Initial Final Petition
8	SCOTTI FRED A JR & 12103 61ST ST N WEST PALM BEACH, FL 33412-2065	00-41-42-34-00-000-562.0 34-42-41, N 241.5 FT OF S 813.5 FT OF W 209 FT OF E 667 FT OF SEC	1	\$6,633	\$6,632.53	555.0056666	\$555.01	New Owner Initial Final Petition Prev Owner Initial Final Y Petition
9	BAIN, ANITA R & DONALD R 12190 61ST ST N WEST PALM BEACH, FL 33412-2064	00-41-42-34-00-000-564.0 34-42-41, N 241.5 FT OF S 572 FT OF W 209 FT OF E 1085 FT OF SEC	1	\$6,633	\$6,632.53	555.0056666	\$555.01	Initial Final Y Petition
10	BROWN, WILLIAM E & YVETTE M 12059 61ST ST N WEST PALM BEACH, FL 33412-2065	00-41-42-34-00-000-567.0 34-42-41, N 241.5 FT OF S 813.5 FT OF W 209 FT OF E 458 FT OF SEC	1	\$6,633	\$6,632.53	555.0056666	\$555.01	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.



SPECIAL
Assessment Roll - Final

61ST STREET NORTH (ITID)
WATER MAIN EXTENSION
SPECIAL ASSESSMENT PROJECT

FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION TOWNSHIP RANGE		
			6 JESS R. SANTAMARIA		34	42S	41E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
11	KRUSE, THOMAS & MICHELLE 12020 61ST ST N WEST PALM BEACH, FL 33412-2064	00-41-42-34-00-000-580.0 34-42-41, N 241.5 FT OF S 572 FT OF E 249 FT OF SEC IN OR2352P652	1	\$6,633	\$6,632.53	555.0056666	\$555.01	<input type="checkbox"/> Initial <input type="checkbox"/> Final <input type="checkbox"/> Y <input type="checkbox"/> Petition
12	VAN VOOREN, DAVID J & DENISE 12232 61ST ST N WEST PALM BEACH, FL 33412-2064	00-41-42-34-00-000-634.0 34-42-41, W 239 FT OF E 1324 FT OF N 241.5 FT OF S 572 FT OF SE 1/4	1	\$6,633	\$6,632.53	555.0056666	\$555.01	<input type="checkbox"/> Initial <input type="checkbox"/> Final <input type="checkbox"/> Y <input type="checkbox"/> Petition
13	TRUMMER, BRIAN J & MICHELLE R 11 LAKEVIEW RD NORTH SALEM, NY 10560-2910	00-41-42-35-00-000-794.0 35-42-41, W 1/2 OF W 1/2 OF SW1/4 OF SW 1/4 OF SW 1/4 (LESS S 330 FT) A/K/A TR 1537	1	\$6,633	\$6,632.53	555.0056666	\$555.01	<input type="checkbox"/> Initial <input type="checkbox"/> Final <input type="checkbox"/> Y <input type="checkbox"/> Petition

Total: 13 Total: \$86,222.89

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	13	Voted Yes	0	0%	8
Properties	13	Voted No	0	0%	2
Needed	7	No Response	13	100%	3
					23%

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-2012-1936

**RESOLUTION OF THE BOARD
OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY,
FLORIDA, CONFIRMING THE
SPECIAL ASSESSMENT ROLL
FOR THE 61st STREET NORTH
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 18TH day of December, 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 61st Street North for the purpose of funding a water main extension; and

WHEREAS, the total assessable costs of the improvement project shall not exceed \$93,475.85; 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 \$7,190.45 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 61st Street North Water Main Extension Project (WUD 12-052) 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.

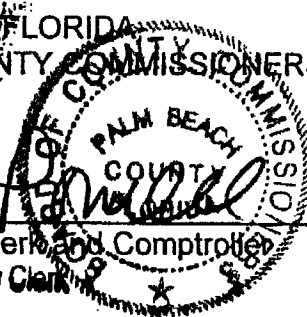
The foregoing Resolution was offered by Commissioner Burdick who moved its adoption. The motion was seconded by Commissioner Taylor and upon being put to a vote; the vote was as follows:

Commissioner Hal R. Valeche	Aye
Commissioner Paulette Burdick	Aye
Commissioner Shelly Vana	Aye
Commissioner Steven L. Abrams	Aye
Commissioner Mary Lou Berger	Aye
Commissioner Jess R. Santamaria	Aye
Commissioner Priscilla A. Taylor	Aye

The Chair thereupon declared the Resolution duly passed and adopted this 18th day of December, 2012.

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]

REPORT OF COST - FINAL
61st STREET NORTH
WATER MAIN EXTENSION
SPECIAL ASSESSMENT PROJECT
PROJECT NO. WUD 12-052
COMMISSION DISTRICT 6
SECTION 34, TOWNSHIP 43S, RANGE 42E
FUND 4013 DEPT 721 UNIT W021 OBJECT 6543

	<u>ESTIMATED</u>	<u>ACTUAL</u>	<u>DIFFERENCE</u>
Construction Bid Price	\$77,509.01	\$77,260.62	(\$248.39) (-)
Cost Over-run/Under-run			<u>(\$248.39)</u>
Construction Contingency (10%)	\$7,750.90	\$0.00	(\$7,750.90) (-)
Engineering Fee (1)	\$11,626.35	\$11,589.09	(\$37.26) (-)
Inspection Fee (4%) (2)	\$3,100.36	\$3,090.42	(\$9.94) (-)
Administration Fee (5%) (3)	\$3,875.45	\$3,863.03	(\$12.42) (-)
Administrative Adjustment (4)	(\$0.02)	\$0.05	\$0.07 (-)
Total Project Cost	<u>\$103,862.05</u>	<u>\$95,803.21</u>	<u>(\$8,058.84)</u> (-)
10% Financial Support	<u>\$10,386.21</u>	<u>\$9,580.32</u>	<u>(\$805.89)</u> (-)
Total Assessable Cost	\$93,475.85	<u>\$86,222.89</u>	(\$7,252.96) (-)
Total Properties	13.00	13.00	
Cost per Property	\$7,190.45	\$6,632.53	(\$557.92)

Notes:

1. Engineering Fee is of \$11,589.09 is for the cost of design/drafting from PBCWUD
2. Inspection Fee is 4% of the Assessable Construction Cost.
3. Administrative Fee is 5% of the Assessable Construction Cost.
4. Adjustment to administrative cost to round the cost per parcel to the nearest cent.

FINAL AUTHORIZATION SUMMARY
PERIODICAL ESTIMATE FOR PARTIAL PAYMENT

Attachment 6

PROJECT NAME: 61st St. North Water Main Extension
 PROJECT NUMBER: WUD 12-052 CONTRACT NUMBER: WUD 10-046
 CONTRACTOR: Johnson-Davis Inc.
 ADDRESS: 604 Hillbrath Drive, Lantana, FL 33462
 Application No.: Four-F Period 5-31-2013 to 6-30-2013
 From: _____
 Account Number: 4013-721-W021-6543

ANALYSIS OF ADJUSTED CONTRACT AMOUNT TO DATE:

A. Original Contract Amount (Page A-2, Col. 6)	89,583.16	✓
B. Plus: Change Order Additions (Page A-3, Col. 5)	0.00	
C. Less: Change Order Deletions (Page A-3, Col. 7)		
D. Adjusted Contract Amount as of this Estimate	89,583.16	✓

ANALYSIS OF WORK PERFORMED TO DATE:

1. Original Contract Work Performed to Date (Page A-2, Col. 8)	77,260.62	✓
2. Extra Work Performed to Date (Page A-3, Col. 6)	0.00	
3. Total Value of Work Performed To Date	77,260.62	✓
4. Plus: _____ % of Stored Material and Equipment (Attach Schedule & Copies of Invoices)	0.00	
5. Total Work Performed To Date Plus Stored Materials and Equipment	0.00	
6. Less: <u>5</u> % Retainage	3,863.03	
7. Net Amount Earned on Contract to Date	73,397.59	
8. Less: Amount of Previous Payments	73,397.59	✓
9. Plus: Reduction in Retainage from <u>5</u> % to <u>0</u> %	3,863.04	
10. Balance Due This Payment	3,863.04	✓

RECEIVED BY: _____

JUL 17 2013

 PBCWUD ENGINEERING

CERTIFICATION OF CONTRACTOR:

I hereby certify that I have checked and verified this Periodical Estimate for Payment No. Four-F, for the period from 5-31-2013 to 6-30-2013, inclusive, and that it is a true and correct statement of all work performed, and/or any and all material and equipment supplied by this Contractor; that all work, materials, and equipment included in Periodical Estimate No. 04F have been performed and/or supplied in full accordance with the terms and conditions of the Contract Documents and/or duly authorized deviations, substitutions, alterations and/or additions; that all terms of Periodical Estimate No. 04F have been authenticated and approved by the authorized undersigned representative of the Contractor.

Johnson-Davis Inc.
 (Contractor)

By Robert A. Kopler
 (Authorized Representative)
 ROBERT A. KOPLER

Title VICE PRESIDENT

Date 6/30/13

7/17/13