

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

Meeting Date: May 16, 2017 Consent  Regular   
 Department: Water Utilities Department Public Hearing

**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. R2016-1419 pertaining to the Special Assessment process for the 77<sup>th</sup> Lane North Water Main Extension (Project), reducing the individual assessment from \$11,577.52 to \$10,430.88 per parcel.

**Summary:** On September 27, 2016, the Board of County Commissioners (BCC) adopted Resolution R2016-1419 confirming the 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 BCC was based upon an estimated assessable cost of \$115,775.23 before construction. The Project provided for the construction of potable water lines to serve ten (10) residential properties. The actual assessable cost is \$104,308.80 after completion of construction of the Project. The individual cost to the property owners decreased from \$11,577.52 to \$10,430.88 per parcel. (WUD Project No. 16-007) District 6 (MJ)

**Background and Justification:** The estimated construction cost for the Project was \$95,999.36. The actual construction cost was \$91,684.25. This construction cost under-run (\$4,315.11) combined with a decrease in contingencies (\$9,599.94), a decrease in inspection fees (\$172.60), an increase in Engineering fees (\$1,562.88), a decrease in administration fees (\$215.76) and a decrease in 10% financial support (\$1,274.05) 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 an actual project assessable cost of \$104,308.80. Fees decreased the total assessable cost by the net amount of \$11,466.40. All other portions of Resolution No. R2016-1419, remain in full force and effect.

**Attachments:**

1. One (1) Original Amending Resolution
2. Location Map
3. Special Assessment Roll - Final
4. Copy of Confirming Resolution No. R2016-1419
5. Report of Cost – Final
6. Final Authorization Summary - Approved

Recommended By: Jim Steles 4-17-17  
Department Director Date

Approved By: [Signature] 3-8-17  
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	(\$11,466)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	\$11,466	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<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>
<b>NET FISCAL IMPACT</b>	<b>\$0</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund 4011 Dept 721 Unit W031 Object 6543

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: *Debra M. West*

III. REVIEW COMMENTS

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

*[Signature]* 4/28/17  
OFMB ET 4/19 *[initials]*

*[Signature]* 5/5/17  
Contract Development and Control  
5/4/17 *[initials]*

B. Legal Sufficiency:

*[Signature]* 5/8/17  
Assistant County Attorney

C. Other Department Review

\_\_\_\_\_  
Department Director

# ATTACHMENT 1

## RESOLUTION NO. R-2017-

### **RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION R-2016-1419; PERTAINING TO THE SPECIAL ASSESSMENT PROCESS FOR THE 77<sup>th</sup> LANE NORTH WATER MAIN EXTENSION**

**WHEREAS**, on September 27, 2016, in accordance with the Palm Beach County Ordinance 2001-0010, the Board of County Commissioners, Palm Beach County, Florida, adopted Resolution No. R-2016-1419, confirming the special assessment process for the 77<sup>th</sup> Lane 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 77<sup>th</sup> Lane North Water Main Extension is complete (see Attachment "6" – "Final Authorization Summary"); and

**WHEREAS**, the total assessable cost of the 77<sup>th</sup> Lane North Water Main Extension has been reduced by \$11,466.43 from \$115,775.23 to \$104,308.80; and

**WHEREAS**, pursuant to Section 9 of Ordinance 2001-0010 the Board of County Commissioners desires to amend Resolution No. R-2016-1409.

**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-2016-1419 is hereby amended by reducing the total assessable cost of the 77<sup>th</sup> Lane North Water Main Extension from \$115,775.23 to \$104,308.80, and reducing the individual assessment from \$11,577.52 per parcel to \$10,430.88 per parcel based on ten (10) 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-2016-1419 is hereby amended by deleting "\$115,775.23" and inserting "\$104,308.80" in its place.

3. Attachment "5" (Report of Cost) to Resolution No. 2016-1419 is hereby amended by changing the total assessable cost of the 77<sup>th</sup> Lane North Water Main Extension to \$104,308.80. 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-2016-1419 shall remain in full force and effect and said Resolution is reaffirmed as modified herein.

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 Paulette Burdick, Mayor  
Commissioner Melissa McKinlay, Vice Mayor  
Commissioner Hal Valeche  
Commissioner Dave Kerner  
Commissioner Steven L. Abrams  
Commissioner Mary Lou Berger  
Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

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

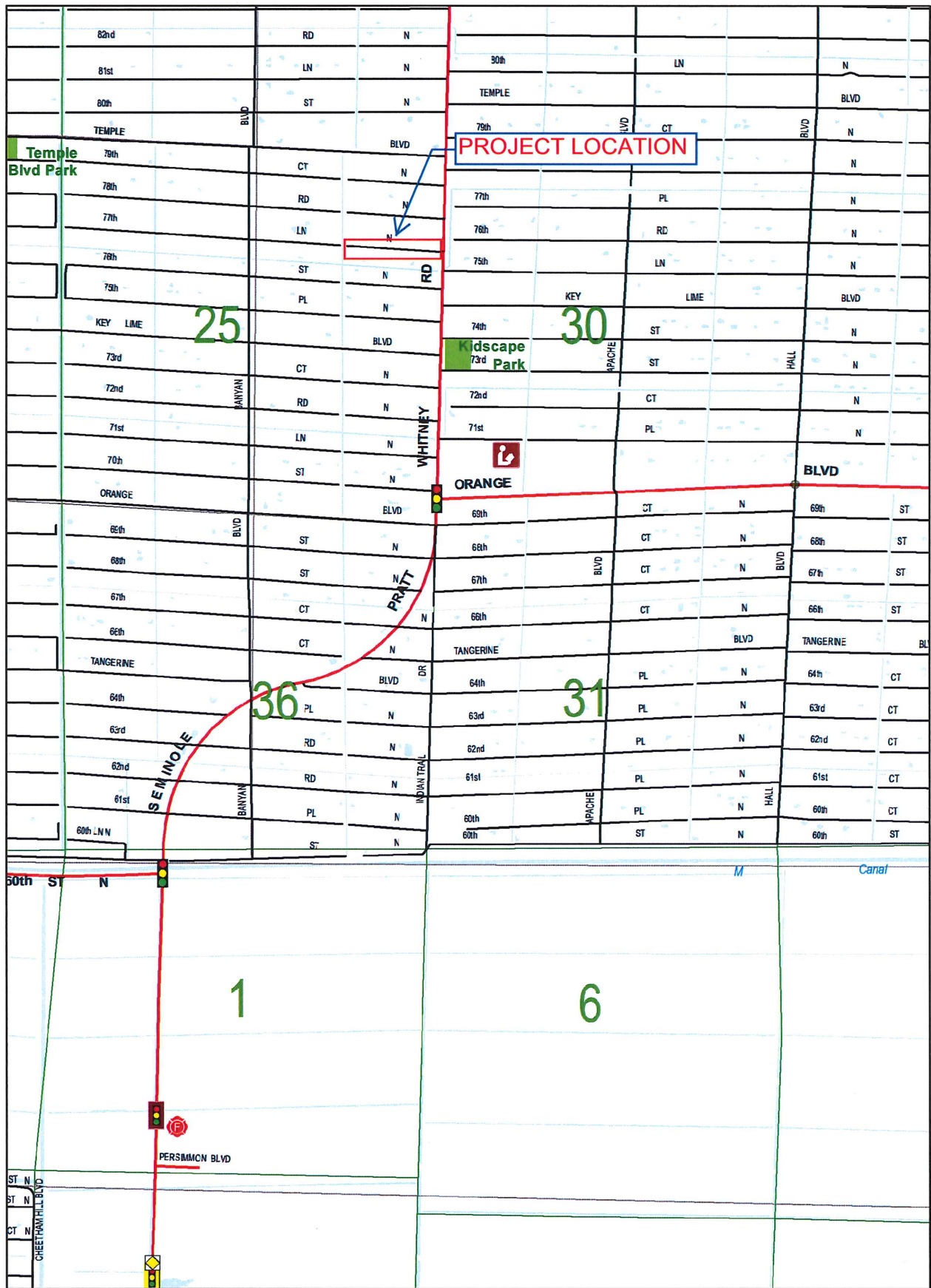
By: \_\_\_\_\_  
Sharon R. Bock, Clerk and Comptroller

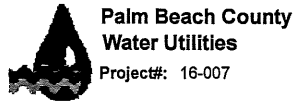
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By \_\_\_\_\_



ATTACHMENT 2





**Palm Beach County  
Water Utilities**  
Project#: 16-007

**Assessment Roll - Final**

77TH LANE NORTH WEST OF SEMINOLE PRATT WHITNEY RD  
WATER MAIN EXTENSION

<b>FUND AGENCY ORG</b>	<b>COMMISSION DISTRICT</b>	<b>SECTION TOWNSHIP RANGE</b>		
	6 MELISSA MCKINLAY	25	42S	40E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
1	FLEMING, NAPIER GWENDOLYN A	00-40-42-25-00-000-150.0 25-42-40, E 204.6 FT OF W 5173.9 FT OF N 243 FT OF S 4261 FT OF SEC A/K/A I-26	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	
2	BONNER, GEORGE	00-40-42-25-00-000-151.0 25-42-40, E 204.6 FT OF W 4969.3 FT OF N 243 FT OF S 4261 FT OF SEC A/K/A I-59	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	
3	DAVIS, GERALDINE A & JOSEPH W	00-40-42-25-00-000-152.0 25-42-40, E 204.6 FT OF W 4764.7 FT OF N 243 FT OF S 4261 FT OF SEC	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	
4	COONEY, PATRICK J & PHYLLIS F	00-40-42-25-00-000-153.0 25-42-40, E 204.6 FT OF W 4560.1 FT OF N 243 FT OF S 4261 FT OF SEC A/K/A I-101	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	
5	JONES, JOHN & MICHELLE	00-40-42-25-00-000-154.0 25-42-40, E 244.6 FT OF W 4355.5 FT OF N 243 FT OF S 4261 FT OF SEC A/K/A I-110	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	

ATTACHMENT 3

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.



**Palm Beach County  
Water Utilities**  
Project#: 16-007

**Assessment Roll - Final**

77TH LANE NORTH WEST OF SEMINOLE PRATT WHITNEY RD  
WATER MAIN EXTENSION

FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION TOWNSHIP RANGE		
			6 MELISSA MCKINLAY		25	42S	40E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
6	HURBS, ANN MARIE A & KEITH W	00-40-42-25-00-000-167.0 25-42-40, E 244.6 FT OF W 4355.5 FT OF N 273 FT OF S 4018 FT OF SEC	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	
7	BRUCE, NATALEE F & KERRY M	00-40-42-25-00-000-168.0 25-42-40, E 204.6 FT OF W 4560.1 FT OF N 273 FT OF S 4018 FT OF SEC	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	
8	BURAK, MICHAEL M &	00-40-42-25-00-000-169.0 25-42-40, E 204.6 FT OF W 4764.7 FT OF N 273 FT OF S 4018 FT OF SEC IN OR2423P1969	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	
9	WILLIAMS, GLORIA J	00-40-42-25-00-000-170.0 25-42-40, E 204.6 FT OF W 4969.3 FT OF N 273 FT OF S 4018 FT OF SEC A/K/A I-58	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	

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.



**Palm Beach County**  
**Water Utilities**  
 Project#: 16-007

**Assessment Roll - Final**

77TH LANE NORTH WEST OF SEMINOLE PRATT WHITNEY RD  
 WATER MAIN EXTENSION

FUND	AGENCY	ORG	COMMISSION DISTRICT			SECTION	TOWNSHIP	RANGE
			6 MELISSA MCKINLAY			25	42S	40E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
10	MCLELLAN ROBERT &	00-40-42-25-00-000-171.0	1	\$10,430.88	\$10,430.88	872.8490497	\$872.85	
		25-42-40, E 204.6 FT OF W 5173.9 FT OF N 273 FT OF S 4018 FT OF SEC A/K/A I-27						
			<b>Total:</b>	10	<b>Total:</b> \$104,308.80			

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.



# ATTACHMENT 4

RESOLUTION NO. R-2016-1419

**RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
CONFIRMING THE SPECIAL ASSESSMENT ROLL FOR  
THE 77<sup>th</sup> LANE 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 27<sup>th</sup> day of September, 2016, 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 77<sup>th</sup> Lane North for the purpose of funding a water main extension; and

**WHEREAS**, the total assessable cost of the improvement project shall not exceed \$115,775.23; 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 \$11,577.52 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 Exhibit "A", 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 77<sup>th</sup> Lane North Water Main Extension Project (WUD 16-007) 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.

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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.

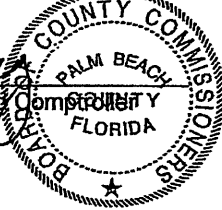
The foregoing Resolution was offered by Commissioner Vana who moved its adoption. The motion was seconded by Commissioner Abrams and upon being put to a vote; the vote was as follows:

Commissioner Mary Lou Berger, Mayor	Aye
Commissioner Hal R. Valeche, Vice Mayor	Aye
Commissioner Shelley Vana	Aye
Commissioner Paulette Burdick	Aye
Commissioner Steven L. Abrams	Aye
Commissioner Melissa McKinlay	Aye
Commissioner Priscilla A. Taylor	Absent

The Mayor thereupon declared the Resolution duly passed and adopted this 27<sup>th</sup> day of September, 2016.

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

By Gwendolyn Hana  
Sharon R. Bock, Clerk and Comptroller  
Deputy Clerk



APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By [Signature]

**ATTACHMENT 5**

**FINAL REPORT OF COST  
77TH LANE NORTH  
WATER MAIN EXTENSION  
SPECIAL ASSESSMENT PROJECT  
PROJECT NO. WUD 16-007  
COMMISSION DISTRICT 6  
SECTION 25, TOWNSHIP 42 SOUTH, RANGE 40 EAST  
FUND 4011 DEPT. 721 ORG. W031 OBJECT 6543**

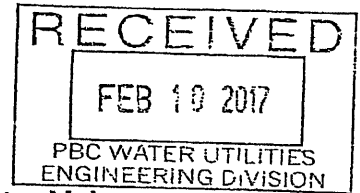
	<u>ESTIMATED</u>	<u>ACTUAL</u>	<u>DIFFERENCE</u>
Construction Bid Price	\$95,999.36	\$91,684.25	(\$4,315.11)
Construction Contingency (10%) (1)	\$9,599.94	\$0.00	(\$9,599.94)
Inspection Fee (4%) (2)	\$3,839.97	\$3,667.37	(\$172.60)
Engineering Fee (3)	\$14,399.90	\$15,962.78	\$1,562.88
Administration Fee (5%) (4)	\$4,799.97	\$4,584.21	(\$215.76)
<b>Total Project Cost</b>	<b>\$128,639.15</b>	<b>\$115,898.66</b>	<b>(\$12,740.53)</b>
Financial Support Discount	\$12,863.91	\$11,589.86	\$1,274.05
Administrative Adjustment (5)	\$0.00	\$0.05	\$0.08
<b>Total Assessable Cost</b>	<b>\$115,775.23</b>	<b>\$104,308.80</b>	<b>(\$11,466.40)</b>
Total Properties	10	10	10
<b>Cost Per Property</b>	<b>\$11,577.52</b>	<b>\$10,430.88</b>	<b>(\$1,146.64)</b>

Notes:

1. Construction Contingency is 10% of the Construction Cost
2. Inspection fee is 4% of the Construction Cost.
3. Engineering Fee of \$15,962.78 is for the cost of survey, design and permitting from Holtz Consulting Engineer.
4. Administrative Fee is 5% of the Construction Cost.
5. Administrative Adjustment is used to round the cost per parcel to the nearest cent.

ATTACHMENT 6

**PERIODICAL ESTIMATE FOR PARTIAL PAYMENT**



PROJECT NAME: 77<sup>th</sup> Lane North West of Seminole Pratt Whitney Road Water Main

PROJECT NUMBER: WUD 16-007 CONTRACT NUMBER: WUD 16-013

CONTRACTOR: Johnson-Davis Inc.

ADDRESS: 604 Hillbrath Drive, Lantana, FL 33462

Application No.: Three-F Period 01-01-2017 to 01-31-2017  
From: \_\_\_\_\_

Account Number: 4011-721-W031-6543

**ANALYSIS OF ADJUSTED CONTRACT AMOUNT TO DATE:**

A. Original Contract Amount (Page A-2, Col. 6)	99,026.55	✓
B. Plus: Change Order Additions (Page A-3, Col. 5)	0.00	
C. Less: Change Order Deletions (Page A-3, Col. 7)	(-7,342.30)	✓
D. Adjusted Contract Amount as of this Estimate	91,684.25	✓

*2/10/17*

**ANALYSIS OF WORK PERFORMED TO DATE:**

1. Original Contract Work Performed to Date (Page A-2, Col. 8)	91,684.25	✓
2. Extra Work Performed to Date (Page A-3, Col. 6)	0.00	
3. Total Value of Work Performed To Date	91,684.25	✓
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	91,684.25	✓
6. Less: <u>10.0</u> % Retainage	9,119.47	✓
7. Net Amount Earned on Contract to Date	82,564.78	✓
8. Less: Amount of Previous Payments	82,075.18	✓
9. Plus: Reduction in Retainage from <u>10</u> % to <u>0</u> %	9,119.47	✓
10. Balance Due This Payment	9,609.07	✓

**CERTIFICATION OF CONTRACTOR:**

I hereby certify that I have checked and verified this Periodical Estimate for Payment No. Three-F, for the period from 01-01-2017 to 01-31-2017, 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. 03F 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. 03F have been authenticated and approved by the authorized undersigned representative of the Contractor.

Johnson-Davis Inc.  
(Contractor)

By *Rawl*  
(Authorized Representative)

Title *vice president*

Date *01/27/17*