

Meeting Date: September 12, 2017                      ☐ Consent                      ☐ Regular  
    ☒ Public Hearing                      ☐ Workshop

Department:      Engineering & Public Works  
 Submitted By:    Engineering & Public Works  
 Submitted For:   Roadway Production Division

**Motion and Title:** Staff recommends motion to:

- A) adopt a Resolution confirming the Municipal Service Taxing Unit (MSTU) special assessment process for paving and drainage improvements of Myrtle Drive and 47<sup>th</sup> Way South (Project); and
- B) approve a budget transfer from the Unincorporated Improvement Fund Reserves in the amount of \$201,500 and appropriate it to the project.


**SUMMARY:** In accordance with Section 26-30.3 of the MSTU Ordinance, a public hearing is required and one was held on July 11, 2017. Questions raised at the hearing prompted the Board of County Commissioners (BCC) to grant a continuance until September 12, 2017 in order to provide additional information to the benefitting properties. Adoption of this Resolution will allow Palm Beach County (County) to assess 50% (\$150,750) of the total project cost (\$301,500) to the eleven (11) benefitting property owners. On April 2, 2013 the BCC approved the allocation of \$100,000 to the project for design. Approval of the budget transfer will allocate the remaining required balance of \$201,500 to the project. The project includes construction of roadway pavement, driveway reconstruction and drainage improvements. In accordance with Section 26-24 of the MSTU Special Assessment Ordinance (Ordinance) in effect prior to May 1<sup>st</sup>, 2013, projects accepted into the MSTU program were assessed 50% of the total cost. To recoup the \$150,750, each lot will be assessed \$13,705. The assessments will be payable in 20 equal annual installments at an interest rate of five and one half percent (5.5%) per annum. District 2 (LBH)


**Background and Policy Issues:** The County initiated a petition for Myrtle Drive and 47<sup>th</sup> Way South for paving and drainage improvements in November of 2012 at the request of a resident. In accordance with Section 26-24 of the MSTU Special Assessment Ordinance (Ordinance) in effect prior to May 1<sup>st</sup>, 2013, projects accepted into the MSTU program were assessed 50% of the total cost, instead of 100% per the current amendment. A 55% positive response to the petition was received in December 2012 and direction was given to proceed with the design of the project. The project had to be delayed until the adjacent Shirdi Sai Baba Temple project on Raulerson Drive was complete.

The total project cost is \$301,500. On April 2, 2013 the Board approved the allocation of \$100,000 to the project for design. Approval of the budget transfer will allocate the remaining required balance of \$201,500 to the project.

In accordance with Section 26-30.3 of the MSTU Ordinance, a public hearing is required and was held on July 11, 2017. Questions raised at the hearing prompted the BCC to grant a continuance until September 12, 2017 in order to provide additional information to the benefitting properties. Letters were distributed to the property owners explaining that if the project is cancelled, should they ever request an MSTU project at their location at a future date, they would be required to pay 100% of the costs per the current ordinance. All responses received were not in favor of the project.

1. Location Sketch
2. Resolution with Exhibits I and II
3. Budget Transfer

Recommended By:  8/22/17  
Department Director Date

Approved By:  8/30/17  
Assistant County Administrator Date

## II. FISCAL IMPACT ANALYSIS

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

<b>Fiscal Years</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Capital Expenditures</b>	<u><b>\$301,500</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>
<b>Operating Costs</b>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>
<b>External Revenues</b>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>
<b>Program Income (County)</b>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>
<b>In-Kind Match (County)</b>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>
<b>NET FISCAL IMPACT</b>	<u><b>\$301,500</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>	<u><b>-0-</b></u>
<b># ADDITIONAL FTE</b>					
<b>POSITIONS (Cumulative)</b>					

Is Item Included in Current Budget?	Yes	No	X
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**Budget Account No:**

Fund 3511      Dept 365      Unit S207      Object 6551      \$301,500

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

Unincorporated Improvement Fund  
Myrtle Dr. and 47<sup>th</sup> Way S/Dead end to Raulerson Dr.

Total estimated construction costs are \$301,500. \$100,000 in MSTU funding for start-up costs was approved by the BOCC on April 2, 2013, BT 2013-075. MSTU funding is 50% of the estimated project costs or \$150,750 of the paving and drainage which will be repaid by special assessment upon the benefiting parcels of land to be paid over a twenty-year period in equal annual installments of principal and interest when the project has been completed.

C. Departmental Fiscal Review: Julie Wolden

### III. REVIEW COMMENTS

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

ASB  
8/16

OFMB ET 8/15

D. J. Jacobson  
Contract Dev. and Control  
8/21/17

**B. Approved as to Form and Legal Sufficiency:**

8/22/17  Assistant County Attorney

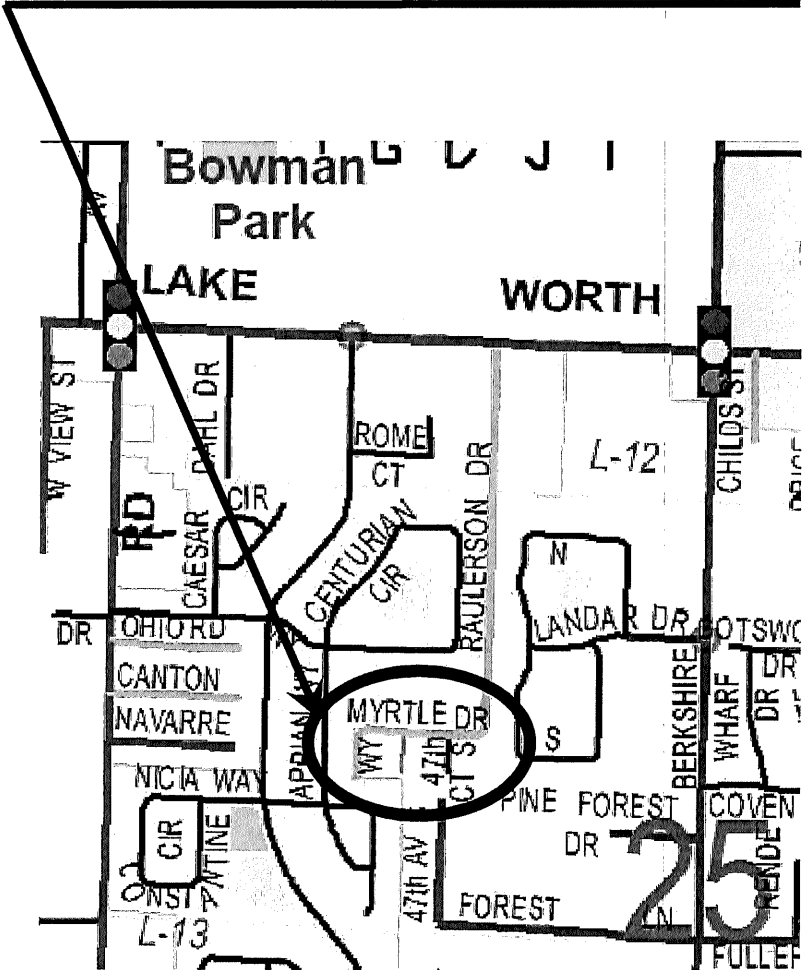
**C. Other Department Review:**

**Department Director**

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

PROJECT LOCATION

MYRTLE DRIVE AND 47<sup>TH</sup> WAY SOUTH  
PROJECT NO. 2013127



LOCATION MAP

**RESOLUTION NO. R-2017-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY, FLORIDA CONFIRMING THE MUNICIPAL  
SERVICE TAXING UNIT (MSTU) SPECIAL ASSESSMENT  
PROCESS FOR PAVING AND DRAINAGE IMPROVEMENTS OF  
MYRTLE DRIVE AND 47<sup>TH</sup> WAY SOUTH, SECTION 25, 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 Myrtle Drive and 47<sup>th</sup> Way South (Project) 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**, pursuant to Section 26-30.3, the Board of County Commissioners (BCC) did hold a public hearing on the 11<sup>th</sup> day of July, 2017, 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 BCC granted a continuance until September 12<sup>th</sup>, 2017, in order to provide additional information to questions raised, at the public hearing, to the benefitting properties; and

**WHEREAS**, the BCC 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:**

1. The Report of Cost and the Special Assessment Roll for the Project in Section 25, Township 44 South, Range 42 East, are on file in the office of the Clerk and Comptroller of Palm Beach County (Clerk and Comptroller) and attached hereto as EXHIBIT I and EXHIBIT II respectively, and such assessment shall stand affirmed and remain legal, valid and binding as a first lien upon each of the properties against which such assessment is made until paid in full. Promptly after such confirmation of assessment, the Special Assessment Roll shall be recorded in the official records of the Clerk and Comptroller to facilitate knowledge of the lien by third parties.
2. The said special assessments are hereby made upon all parcels of land described in said Special Assessment Roll in the amount shown thereon.
3. Pursuant to the MSTU Special Assessment Ordinance, the Project is hereby

approved.

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 Project, shall be subject to interest at a rate of five and one half percent (5.5%) per annum from the date of the notice of completion of the Project by Palm Beach County and shall be payable in twenty (20) equal annual installments.
5. The total cost of the Project is estimated at \$301,500. Fifty percent of the total cost of the Project will be paid for by a special assessment in an estimated amount of \$13,705 per parcel listed in the Special Assessment Roll.
6. The BCC finds that each parcel listed in the Special Assessment Roll will obtain a special benefit which is at least equal to the amount of the special assessment made against each such parcel.
7. 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 if the BCC shall be satisfied that such assessment is so irregular or defective that the same cannot be enforced or collected; or if the BCC omitted to make any such assessment when it might have done so; the BCC shall take all necessary steps to cause a new assessment to be made for any improvement and against any property specially benefitted by such improvement.

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**INTENTIONALLY**

RESOLUTION NO. R-2017-  
September 12, 2017 Public Hearing

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:

District 2:	Paulette Burdick, Mayor	_____
District 6:	Melissa McKinlay, Vice Mayor	_____
District 1:	Hal R. Valeche	_____
District 3:	Dave Kerner	_____
District 4:	Steven L. Abrams	_____
District 5:	Mary Lou Berger	_____
District 7:	Mack Bernard	_____

The Mayor thereupon declared the Resolution duly passed and adopted this 12<sup>th</sup> day of September, 2017.

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 NUMBER 2013127

REPORT OF COST

MYRTLE DR & 47TH WAY SOUTH  
PAVING & DRAINAGE IMPROVEMENTS

LEGAL ADVERTISING		\$	<u>1,500.00</u>
ENGINEERING & SURVEY COSTS (includes permitting)		\$	<u>100,000.00</u>
RIGHT-OF-WAY & EASEMENT COSTS		\$	<u>0.00</u>
CONSTRUCTION COSTS (Contract bid rounded)		\$	<u>150,000.00</u>
SUB-TOTAL		\$	<u>251,500.00</u>
ADMINISTRATIVE COSTS, FEES,		\$	<u>15,000.00</u>
CONSTRUCTION COORDINATION		\$	<u>20,000.00</u>
CONTINGENCIES		\$	<u>15,000.00</u>
PROJECT TOTAL		\$	<u>301,500.00</u>
MSTU APPROVED FUNDS (50%)		\$	<u>150,750.00</u>
NUMBER OF LOTS	<u>11</u>		
ASSESSMENT PER LOT		\$	<u>13,704.55</u>
TOTAL ASSESSED COST		\$	<u>150,750.00</u>



FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	2 PAULETTE BURDICK	25 44S 42E

No.	Homeowner	PCN/Legal Description	Parcel	Total Assessment	Annual Cost/Per Year	Notes
1	SUNDARAM SHANMUGA &	00-42-44-25-11-000-001.0 JOYNERS PLAT NO 1 LTS 1 & 12	1	\$13,704.55	\$1,160.21	
2	HOLDAM DAVID	00-42-44-25-11-000-002.0 JOYNERS PLAT NO 1 LOT 2	1	\$13,704.55	\$1,160.21	
3	ANWORTH PROPERTIES INC	00-42-44-25-11-000-003.0 JOYNERS PL 1 LT 3	1	\$13,704.55	\$1,160.21	
4	ANWORTH PROPERTIES INC	00-42-44-25-11-000-004.0 JOYNERS PL 1 LT 4	1	\$13,704.55	\$1,160.21	
5	RAWLS JERRY S &	00-42-44-25-11-000-005.0 JOYNERS PLAT NO 1 LOT 5	1	\$13,704.55	\$1,160.21	
6	SUNDARAM SHANTHI	00-42-44-25-11-000-006.0 JOYNERS PL 1 LT 6	1	\$13,704.55	\$1,160.21	

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.





FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	2 PAULETTE BURDICK	25 44S 42E

No.	Homeowner	PCN/Legal Description	Parcel	Total Assessment	Annual Cost/Per Year	Notes
7	MIRANDA FERNANDO &	00-42-44-25-11-000-007.0 JOYNERS PL 1 LOT 7	1	\$13,704.55	\$1,160.21	
8	CHEBA LLC	00-42-44-25-11-000-008.0 JOYNERS PL 1 LOT 8	1	\$13,704.55	\$1,160.21	
9	GOYAS LLC	00-42-44-25-11-000-009.0 JOYNERS PL 1 LT 9	1	\$13,704.55	\$1,160.21	
10	SUNDARAM VENKATACHALAM SHANMUGA &	00-42-44-25-11-000-010.0 JOYNERS PLAT NO 1 LT 10	1	\$13,704.55	\$1,160.21	

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FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION TOWNSHIP RANGE		
			2 PAULETTE BURDICK		25	44S	42E

No.	Homeowner	PCN/Legal Description		Parcel	Total Assessment	Annual Cost/Per Year	Notes
11	DUSSIE DANE ANDREW	00-42-44-25-11-000-011.0		1	\$13,704.55	\$1,160.21	
		JOYNERS PL 1	LT 11				
				Totals:	11	\$150,750.05	

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

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2017 \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY  
BUDGET Transfer

BGEX 051917-1339

FUND Unincorporated Improvement

ACCOUNT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 08/01/17	REMAINING BALANCE
<u>MYRTLE DRIVE AND 47<sup>TH</sup> WAY SOUTH, DEAD END TO RAULERSON Dr.</u>								
3511-365-S207-6551	Road & Street Improvements	0	0	201,500	0	201,500	0	201,500
<u>RESERVES</u>								
3511-365-9900-9919	Res-St & Drng Imp	9,899,285	9,429,974	<u>0</u>	<u>201,500</u>	9,228,474		9,228,474
				201,500	201,500			

Engineering & Public Works  
  
Administration / Budget Approval  
  
OFMB Department – Posted

SIGNATURE

Alicia Kovalainen  
\_\_\_\_\_  
\_\_\_\_\_

DATE

8/1/17  
\_\_\_\_\_  
\_\_\_\_\_

By Board of County Commissioners  
At Meeting of \_\_\_\_\_

\_\_\_\_\_  
  
Deputy Clerk to the  
Board of County Commissioners