

4B-1

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

Meeting Date: July 10, 2018

☐ Consent

☐ Regular

☒ Public Hearing

☐ Workshop

Department: Engineering & Public Works

Submitted By: Engineering & Public Works

Submitted For: Roadway Production Division

**I. EXECUTIVE BRIEF**

**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 Bishoff Road, dead end to Jog Road (Project); and

B) approve a budget transfer from the Unincorporated Improvement Fund Reserves in the amount of \$211,500 and appropriate it to the project.

**SUMMARY:** Adoption of this Resolution will allow Palm Beach County (County) to assess 100% of the entire cost of the project, estimated at \$331,500, to all 14 benefitting property owners. On July 7, 2016, the Board of County Commissioners (BCC) approved the allocation of \$120,000 to the project for design. Approval of the budget transfer will allocate the remaining required balance, with contingency, to the project. The project includes construction of roadway pavement, driveway reconstruction and drainage improvements. Benefitting property owners will be assessed a maximum of \$249.46 per abutting front footage. 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:** In February 2016, the County initiated a petition for the Project at the request of a resident. In accordance with the current MSTU Special Assessment Ordinance (Ordinance), projects accepted into the MSTU program are to be assessed 100% of the total cost. A 71% positive response to the petition was received and direction was given to proceed with the design of the project.

The total estimated project cost is \$331,500. On February 2016, the BCC approved the allocation of \$120,000 to the project for design. Approval of the \$211,500 budget transfer will allocate the remaining required balance, with contingency, to the project.

In accordance with Section 26-30.3 of the MSTU Ordinance, the Engineering Department advertised the project's Public Hearing on Sunday June 24, 2018 and Sunday, July 1, 2018. A comprehensive explanation of the proposed improvements, including the estimated assessment amount, was distributed by regular mail to the property owners to be assessed in lieu of a public information meeting, as allowed for in Section 26-30.2 of the MSTU Ordinance. Bids have been received for construction of the project.

**Attachments:**

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

Recommended By: \_\_\_\_\_

Department Director

Date

Approved By: \_\_\_\_\_

Assistant County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	\$211,500	-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	\$211,500 ✓	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No X  
Does this item include the use of federal funds? Yes No X

Budget Account No:  
Fund 3511 Dept 365 Unit S210 Object 6551  
Fund 3511 Dept 365 Unit 9900 Object 9919

Recommended Sources of Funds/Summary of Fiscal Impact:  
Unincorporated Improvement Fund  
Bishoff Road, dead end to Jog Road

Estimated Project Costs  
Design \$ 75,000  
Construction \$256,500  
Total Estimated Costs \$331,500 ✓

Total Estimated Project costs are \$331,500. \$120,000 ✓ in MSTU funding for start-up costs and design was approved by the BOCC on September 13, 2016, BT2016-1064.

C. Departmental Fiscal Review: Aluikovalainen

III. REVIEW COMMENTS

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

L. Ponce 6/14/18  
OFMB  
rk 7/6/18  
4/3 am 6/12

J. J. Javalera 6/19/18  
Contract Dev. and Control

B. Approved as to Form  
and Legal Sufficiency:  
M. B. Ferman 6/19/2018  
Assistant County Attorney

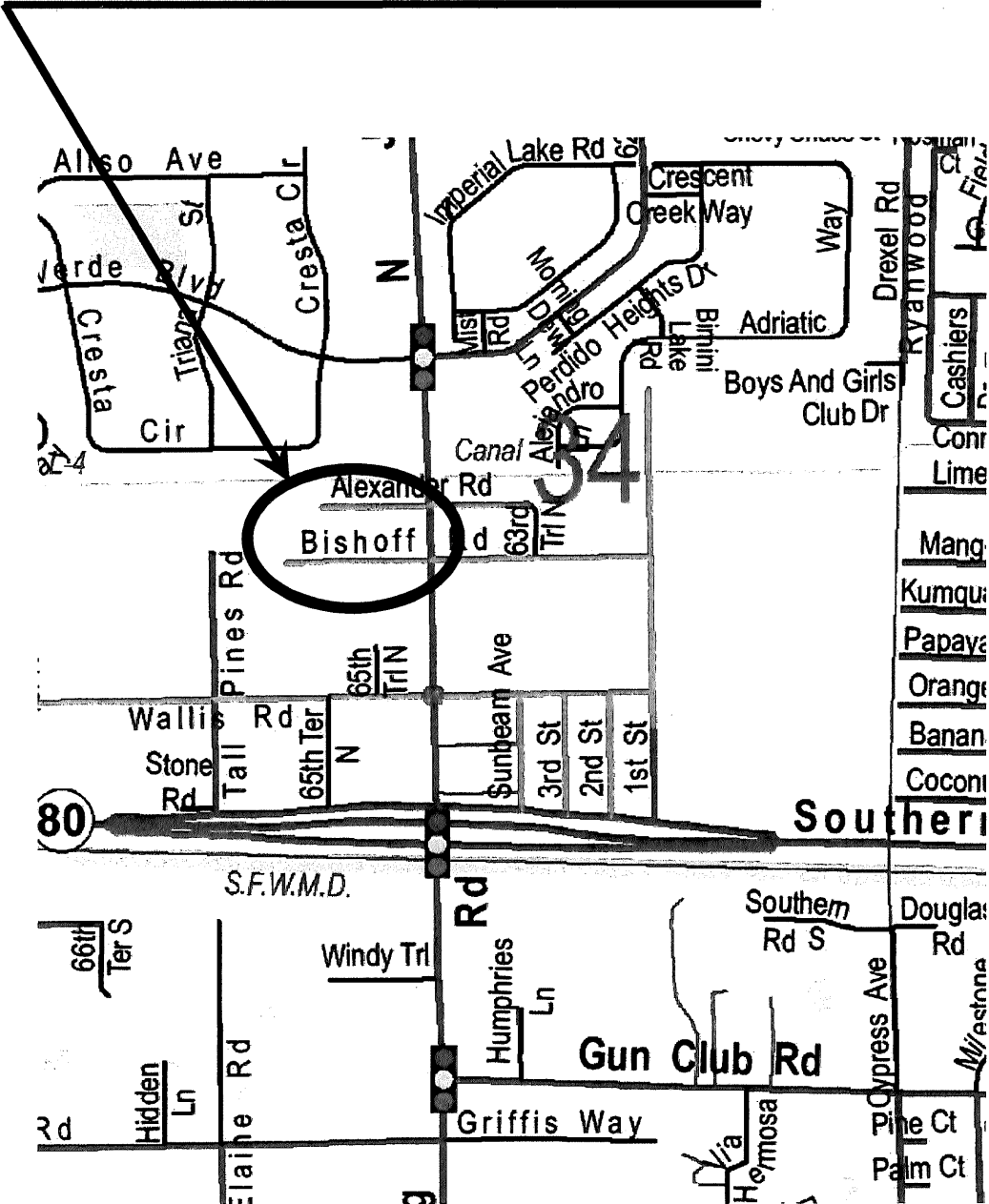
C. Other Department Review:

Department Director

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

PROJECT LOCATION

BISHOFF RD – DEAD END TO JOG ROAD  
PROJECT NO. 2016085



LOCATION MAP

**RESOLUTION NO. R-2018-**

**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 ON BISHOFF ROAD, FROM THE DEAD END TO JOG ROAD, SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PURSUANT TO A PUBLIC HEARING HELD THEREON.**

**WHEREAS**, a special assessment process was initiated for the paving and drainage improvements on Bishoff Road, from the dead end to Jog Road (PROJECT), pursuant to Palm Beach County Code Chapter 26, Article II, Division 1, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance (ORDINANCE); and

**WHEREAS**, pursuant to Section 26-30.3, the Board of County Commissioners (BCC) did hold a public hearing on the 10<sup>th</sup> of July, 2018, at the Commission Chambers of the Board of County Commissioners of Palm Beach County, Florida , so as to satisfy the requirements of the ORDINANCE; and

**WHEREAS**, the BCC finds that the public notice and public hearing requirements of the 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 Costs and the Special Assessment Roll for the Project in Section 34, Township 43 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 ORDINANCE, the PROJECT is hereby approved.
4. Pursuant to the 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 \$331,500. 100% of the cost of the PROJECT will be paid for by special assessment in an estimated amount of \$249.46 per abutting front footage as listed in the Special Assessment Roll.
6. The BCC finds that each parcel listed on EXHIBIT II will obtain a special benefit which is at least equal to the amount of the special assessment made against each parcel.
7. Pursuant to Section 26-30.6 of the ORDINANCE, if any special assessment made under the provisions of this ORDINANCE 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 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 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, following the provisions of this ORDINANCE.

**THIS SPACE LEFT BLANK INTENTIONALLY**

RESOLUTION NO. R-2018-  
July 10, 2018

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

The Mayor thereupon declared the Resolution duly passed and adopted this 10<sup>th</sup> day of July, 2018.

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: \_\_\_\_\_  
Yelizaveta B. Herman – Assistant County Attorney

PROJECT NUMBER 2016085

REPORT OF COST

**BISHOFF RD, DEAD END TO JOG ROAD**  
**PAVING & DRAINAGE IMPROVEMENTS**

LEGAL ADVERTISING		\$	<u>1,500</u>
ENGINEERING & SURVEY COSTS (includes permitting) (rounded)		\$	<u>65,000</u>
RIGHT-OF-WAY & EASEMENT COSTS		\$	<u>0</u>
CONSTRUCTION COSTS (Contract bid rounded)		\$	<u>205,000</u>
SUB-TOTAL		\$	<u>271,500</u>
ADMINISTRATIVE COSTS, FEES,		\$	<u>20,000</u>
CONSTRUCTION COORDINATION		\$	<u>25,000</u>
CONTINGENCIES		\$	<u>15,000</u>
PROJECT TOTAL		\$	<u>331,500</u>
MSTU APPROVED FUNDS (50%)		\$	<u>0</u>
ABUTTING FOOTAGE	<u>1328.88</u>		
ASSESSMENT PER ABUTTING FOOT		\$	<u>249.46</u>



FUND	AGENCY	ORG	COMMISSION DISTRICT		SECTION TOWNSHIP RANGE		
			2 PAULETTE BURDICK		34	43S	42E

No.	Homeowner	PCN/Legal Description	Assessible Footage	Total Assessment	Annual Cost/Per Year	Notes
1	FIVE PARTNERS LTD	00-42-43-27-05-005-064.0 PALM BEACH FARMS CO PL 3 E 73 FT OF W 584 FT OF S 1/4 OF TR 45 (LESS N 25 FT RD R/W)BLK 5	73.00	\$18,210.58	\$1,541.69	
2	PEREZ MIGUEL &	00-42-43-27-05-005-094.1 PALM BEACH FARMS CO PL 3 W 100 FT OF E 238 FT OF N 1/2 OF S 1/2 OF TR 45 (LESS S 25 FT RD R/W)	100.00	\$24,946.00	\$2,111.90	
3	BENNETT GERILYN S	00-42-43-27-05-005-094.2 PALM BEACH FARMS CO PL 3 W 122 FT OF N 1/2 OF S 1/2 OF TR 45 (LESS S 25 FT RD R/W)BLK 5	122.00	\$30,434.12	\$2,576.52	
4	FIVE PARTNERS LTD	00-42-43-27-05-005-095.1 PALM BEACH FARMS CO PL 3 E 219 FT OF W 511 FT OF S 1/4 OF TR 45 (LESS N 25 FT RD R/W)BLK 5	219.00	\$54,631.74	\$4,625.07	
5	FLY IN WHEELS M C INC	00-42-43-27-05-005-095.2 PALM BEACH FARMS CO PL 3 W 73 FT OF S 1/4 OF TR 45 (LESS N 25 FT RD R/W) BLK 5	73.00	\$18,210.58	\$1,541.69	
6	FLY IN WHEELS M C INC	00-42-43-27-05-005-095.3 PALM BEACH FARMS CO PL 3 E 73 FT OF W 146 FT OF S 1/4 OF TR 45 (LESS N 25 FT RD R/W)BLK 5	73.00	\$18,210.58	\$1,541.69	

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		34	43S	42E

No.	Homeowner	PCN/Legal Description	Assessible Footage	Total Assessment	Annual Cost/Per Year	Notes
7	6515 BISHOFF ROAD LLC	00-42-43-27-05-005-096.0 PALM BEACH FARMS CO PL 3 W 100 FT OF E 138 FT OF N 1/2 OF S 1/2 OF TR 45 (LESS S 25 FT BISHOFF DRIVE & ELY 47.16 FT JOG RD R/WS) BLK 5	76.88	\$19,178.48	\$1,623.63	
8	MARTIN LARRY &	00-42-43-27-05-005-097.0 PALM BEACH FARMS CO PL 3 W 100 FT OF E 338 FT OF N 1/2 OF S 1/2 OF TR 45 (LESS S 25 FT RD R/W) BLK 5	100.00	\$24,946.00	\$2,111.90	
9	RODRIGUEZ PEDRO R	00-42-43-27-05-005-098.0 PALM BEACH FARMS CO PL 3 W 100 FT OF E 438 FT OF N 1/2 OF S 1/2 OF TR 45 (LESS S 25 FT RD R/W) BLK 5	100.00	\$24,946.00	\$2,111.90	
10	LAKE WEST REAL LLC	00-42-43-27-05-005-102.0 PALM BEACH FARMS CO PL 3 W 100 FT OF E 538 FT OF N 1/2 OF S 1/2 OF TR 45 (LESS S 25 FT RD R/W) BLK 5	100.00	\$24,946.00	\$2,111.90	
11	MORROS ANTHONY A	00-42-43-27-05-005-108.0 PALM BEACH FARMS CO PLAT NO 3 E 230 FT OF N 124 FT OF S 264 FT OF TR 46 BLK 5	73.00	\$18,210.58	\$1,541.69	
12	412 TALL PINES LLC	00-42-43-27-05-005-109.1 PALM BEACH FARMS CO PL 3 S 140 FT OF E 144 FT OF TR 46 BLK 5	73.00	\$18,210.58	\$1,541.69	

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		34	43S	42E

No.	Homeowner	PCN/Legal Description	Assessible Footage	Total Assessment	Annual Cost/Per Year	Notes
13	RIDGE BEVERLY V	00-42-43-27-05-005-501.0 PALM BEACH FARMS CO PL 3 E 73 FT OF W 219 FT OF S 1/4 OF TR 45 (LESS N 25 FT RD R/W)BLK 5	73.00	\$18,210.58	\$1,541.69	
14	THIBODEAU LAURABELLE	00-42-43-27-05-005-502.0 PALM BEACH FARMS CO PL 3 E 73 FT OF W 292 FT OF S 1/4 OF TR 45 (LESS N 25 FT RD R/W)BLK 5	73.00	\$18,210.58	\$1,541.69	
			Totals:	1,328.88	\$331,502.40	

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.

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY  
BUDGET Transfer

FUND Unincorporated Improvement Fund

BGEX 052318/1407

ACCOUNT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 05/23/18	REMAINING BALANCE
<b><u>EXPENDITURES</u></b>								
<b><u>BISHOFF ROAD, DEAD END TO JOG ROAD</u></b>								
3511-365-S210-6551	Road & Street Improvements	0	0	211,500	0	211,500		211,500
<b><u>RESERVES-FUND 3511</u></b>								
3511-365-9900-9919	Reserves	10,204,713	10,250,618	<u>0</u>	<u>211,500</u>	10,039,118		10,039,118
				211,500	211,500			

Engineering & Public Works

Administration / Budget Approval

OFMB Department – Posted

SIGNATURE

Alicia Kovalainen

DATE

6/5/18

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

Deputy Clerk to the  
Board of County Commissioners