

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 5, 2021

Consent [X]  
Public Hearing [ ]

Regular [ ]

Department: Water Utilities Department

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, amending Resolution No. R2020-1185 pertaining to the Special Assessment process for the Mahogany Lane Water Main Extension (Project), reducing the individual assessment from \$19,122.75 to \$18,491.15 per acreage.

**Summary:** On August 25, 2020, the BCC adopted Resolution No. R2020-1185 authorizing 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 \$118,752.28 before construction. The actual assessable cost is \$114,830.04 after completion of construction. This Project is based on an assessment of two (2) residential properties and a total length of 600 linear feet of potable water main. The individual cost to the property owners decreased from \$19,122.75 to \$18,491.15 per acreage using the total acreage method. (PBCWUD Project No. 19-043) District 2 (MJ)

**Background and Justification:** The estimated assessable cost of \$118,752.28 was adjusted by a decrease in fees totaling \$3,922.24 resulting in an actual cost of \$114,830.04. The adjustment in fees are made up of increases of construction costs \$4,050.00, inspection fees \$162.00, and administration fees \$202.50 combined with decreases in contingencies (\$8,014.45), engineering fees (\$322.26), as well as an administration adjustment (\$0.03) resulting in an actual Project assessable cost of \$114,830.04. All other portions of Resolution No. R2020-1185, remain in full force and effect.

**Attachments:**

1. One (1) Original Amending Resolution
2. Location Map
3. Assessment Roll – Final
4. Copy of Confirming Resolution R2020-1185
5. Final Report of Cost
6. Final Authorization Summary – Approved

Recommended By: Ali Zayat Department Director 9/2/21 Date

Approved By: Wesley Assistant County Administrator 9/14/2021 Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	\$114,831	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
<b>NET FISCAL IMPACT</b>	\$114,831	0	0	0	0
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	0	0	0	0	0

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

Is Item Included in Current Budget? Yes  No

Does this item include the use of federal funds? Yes  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, which will be recovered over 20 years.

**C. Department Fiscal Review:** [Signature] **GE**

**III. REVIEW COMMENTS**

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

[Signature] 9/13/21  
 114721 OFMB BX 9/10

[Signature] 9/10/21  
 Contract Development and Control

**B. Legal Sufficiency:**

[Signature] 9/14/21  
 Assistant County Attorney

**C. Other Department Review:**

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

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

**RESOLUTION NO. R2021-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. R2020-1185; PERTAINING TO THE SPECIAL ASSESSMENT PROCESS FOR THE MAHOGANY LANE WATER MAIN EXTENSION**

**WHEREAS**, on August 25, 2020 in accordance with the Palm Beach County Ordinance 2001-0010, the Board of County Commissioners, Palm Beach County, Florida, adopted Resolution No. R2020-1185, confirming the special assessment process for the Mahogany Lane 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 Mahogany Lane Water Main Extension is complete (see Attachment "6" – "Final Authorization Summary"); and

**WHEREAS**, the total assessable cost of the Mahogany Lane Water Main Extension has been reduced by \$3,922.24 from \$118,752.28 to \$114,830.04; and

**WHEREAS**, pursuant to Section 9 of Ordinance 2001-0010 the Board of County Commissioners desires to amend Resolution No. R2020-1185.

**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. R2020-1185 is hereby amended by reducing the total assessable cost of the Mahogany Lane Water Main Extension from \$118,752.28 to \$114,830.04, and reducing the individual assessment from \$19,122.75 per acre to \$18,491.15 per acreage based on two (2) 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. R2020-1185 is hereby amended by deleting "\$118,752.28" and inserting "\$114,830.04" in its place.
3. Attachment "5" (Final Report of Cost) to Resolution No. R2020-1185 is hereby amended by changing the total assessable cost of the Mahogany Lane Water Main Extension to \$114,830.04. The Report of Cost as hereby amended is attached hereto and incorporated as Attachment "5".
4. Each and every other paragraph of Resolution No. R2020-1185 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 Dave Kerner, Mayor  
Commissioner Robert S. Weinroth, Vice Mayor  
Commissioner Maria G. Marino  
Commissioner Gregg K. Weiss  
Commissioner Maria Sachs  
Commissioner Melissa McKinlay  
Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

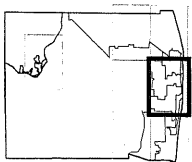
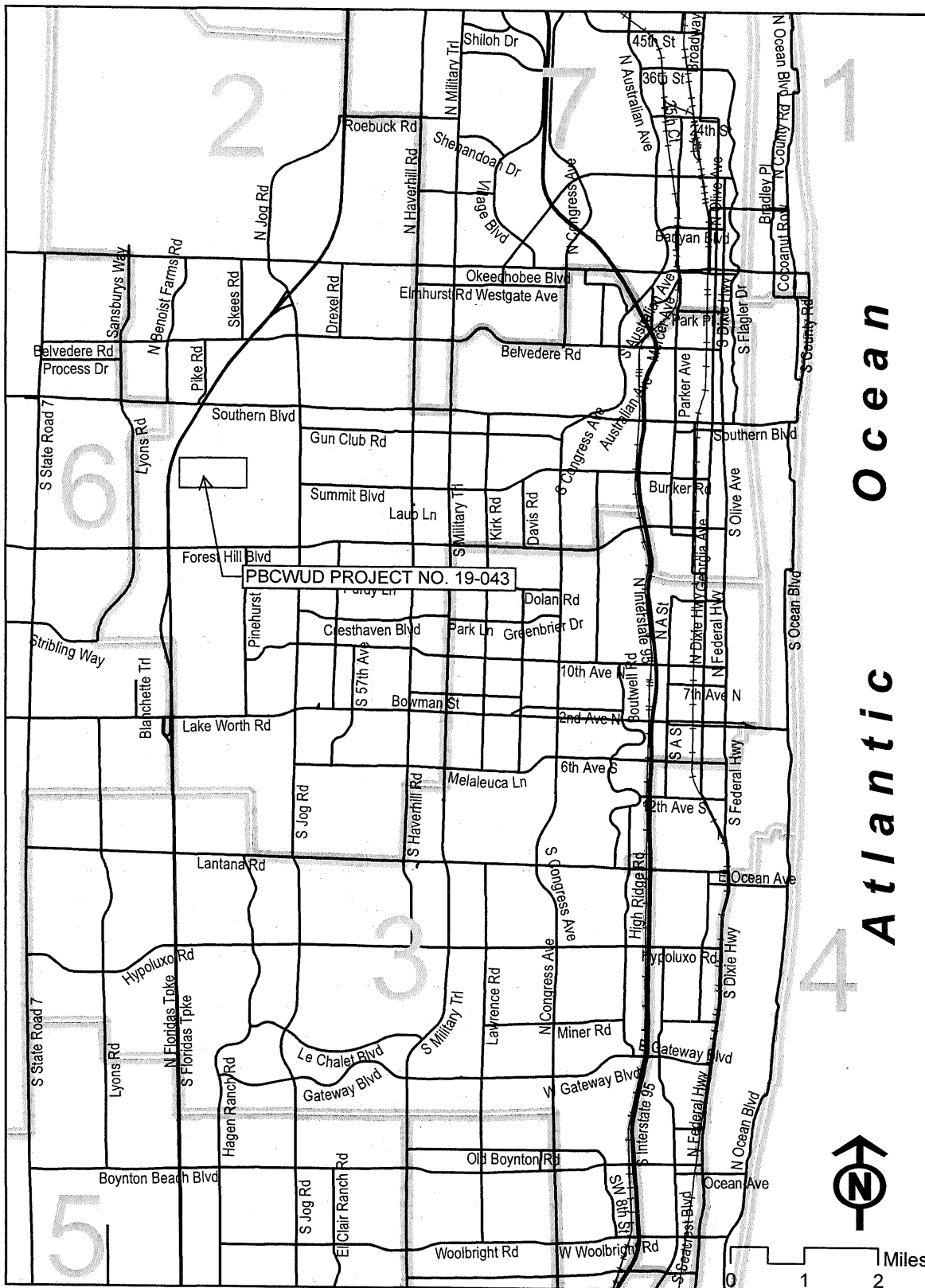
By: \_\_\_\_\_  
Joseph Abruzzo, Clerk of the Circuit Court &  
Comptroller Palm Beach County

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By \_\_\_\_\_

# Location Map

ATTACHMENT 2



Atlantic Ocean



Miles

0 1 2



**Palm Beach County  
Water Utilities  
SAS Coordinator**

**ATTACHMENT 3**

Project#: 19-043

**Assessment Roll - Final**

MAHOGANY LANE WATER MAIN EXTENSION

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	2 GREGG K. WEISS	27 43S 42E

No.	Homeowner	PCN/Legal Description	Acre	Cost/Per Acre	Total Assessment	Annual Cost/Per Acre	Annual Cost/Per Year	Notes								
1	OSORIO,CARLOS H & NELSY GRAJALES	00-42-43-27-05-006-430.1	4.21	\$18,491.15	\$77,847.74	1547.3270429	\$6,514.25									
	7879 MAHOGANY LN WEST PALM BEACH, FL 33411-3832	PALM BEACH FARMS CO PL NO 3 E 470 FT OF TR 43 (LESS S 370.72 FT OF E 235 FT) LYG S OF SFWMD C-51 CNL R/W & N 1/2 OF 50 FT ABND RD R/W LYG S OF & ADJ TO & PT LYG S OF & ADJ TO E 235 FT OF TR 43 BLK 6						<table border="1"> <tr> <td>New Owner</td> <td>Initial</td> <td>Final</td> <td>Petition</td> </tr> <tr> <td>Prev Owner</td> <td>Initial</td> <td>Final</td> <td>Petition</td> </tr> </table>	New Owner	Initial	Final	Petition	Prev Owner	Initial	Final	Petition
New Owner	Initial	Final	Petition													
Prev Owner	Initial	Final	Petition													
2	WILLIAM E & ELAINE B PRUITT	00-42-43-27-05-006-430.2	2.00	\$18,491.15	\$36,982.30	1547.3270429	\$3,094.65									
	7835 MAHOGANY LN WEST PALM BEACH, FL 33411-3832	PALM BEACH CO PL NO 3 S 370.12 FT OF E 235 FT OF TR 43 BLK 6						<table border="1"> <tr> <td>Initial</td> <td>Final</td> <td>Petition</td> </tr> </table>	Initial	Final	Petition					
Initial	Final	Petition														

Total: 6.21 Total: \$114,830.04

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	2	Voted Yes	1	50%	1
Properties	2	Voted No	0	0%	0
Needed	2	No Response	1	50%	1

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-2020- 1185**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CONFIRMING THE SPECIAL ASSESSMENT ROLL FOR THE MAHOGANY LANE 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 25<sup>TH</sup> day of August, 2020, 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 Mahogany Lane for the purpose of funding a water main extension; and

**WHEREAS**, the tentative assessable cost of the improvement project shall be \$118,752.28; 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 acreage method; and

**WHEREAS**, the maximum dollar amount of each assessment unit shall be between \$38,245.50 to \$80,506.78 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 Mahogany Lane Water Main Extension Project (WUD 19-043) 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 Weinroth who moved its adoption. The motion was seconded by Commissioner Bernard and upon being put to a vote; the vote was as follows:

Commissioner Hal R. Valeche	Aye
Commissioner Gregg K. Weiss	Aye
Commissioner Dave Kerner	Aye
Commissioner Robert S. Weinroth	Aye
Commissioner Mary Lou Berger	Absent
Commissioner Melissa McKinlay	Aye
Commissioner Mack Bernard	Aye

The Mayor thereupon declared the Resolution duly passed and adopted this 25<sup>th</sup> day of August, 2020.

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

By: Sharon R. Beck  
Sharon R. Beck, Clerk and Comptroller

Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: [Signature]





**Assessment Roll - Tentative**  
 MAHOGANY LANE WATER MAIN EXTENSION

**EXHIBIT A**

Project#: 19-043

FUND AGENCY CENS	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	2 GREGG K. WEISS	27 43S 42E

No.	Homeowner	PCN/Legal Description	Acres	Cost/Per Acre	Total Assessment	Annual Cost/Per Acre	Annual Cost/Per Year	Notes
1	MOUNTS PRISCILLA S	00-42-43-27-05-006-430.1	4.21	\$19,122.75	\$80,506.78	1600.1789078	\$8,736.75	
	7878 MAHOGANY LN ROYAL PALM BEACH, FL 33411-3832	PALM BEACH FARMS CO PL NO 3 E 470 FT OF TR 43 (LESS S 370.72 FT OF E 235 FT LYG S OF SPWMD C-61 CNL RAW & N 1/2 OF 50 FT ABND RD RAW LYG S OF & ADJ TO & FT LYG S OF & ADJ TO E 235 FT OF TR 43 BLK 6						Initial Y Final Y Petition
2	WILLIAM E & ELAINE B PRUITT	00-42-43-27-05-006-430.2	2.00	\$19,122.75	\$38,245.50	1600.1789078	\$3,200.36	
	7835 MAHOGANY LN WEST PALM BEACH, FL 33411-3832	PALM BEACH CO. PL NO 3 S 370.12 FT OF E 235 FT OF TR 43 BLK 6						Initial Y Final Y Petition

Total: 6.21 Total: \$118,752.28

No.	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	2	Voted Yes	2 100%	2 100%	
Properties	2	Voted No	0 0%	0 0%	
Needed	2	No Response	0 0%	0 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 5**

**FINAL REPORT OF COST  
 MAHOGANY LN WATER MAIN EXTENSION  
 SPECIAL ASSESSMENT PROJECT  
 PROJECT NO. WUD 19-043  
 COMMISSION DISTRICT 2  
 SECTION 05, TOWNSHIP 44 SOUTH, RANGE 42  
 FUND 4011 DEPT. 721 ORG. W031 OBJECT 6543**

	<u>ESTIMATED</u>	<u>ACTUAL</u>	<u>DIFFERENCE</u>
Construction Price Estimated	\$80,144.53	\$84,194.53	\$4,050.00
Construction Contingency (10%) (1)	\$8,014.45	\$0.00	(\$8,014.45)
Inspection Fee (4%) (2)	\$3,205.78	\$3,367.78	\$162.00
Engineering Fee (3)	\$23,380.26	\$23,058.00	(\$322.26)
Administration Fee (5%) (4)	\$4,007.23	\$4,209.73	\$202.50
<b>Total Project Cost</b>	<b>\$118,752.25</b>	<b>\$114,830.04</b>	<b>(\$3,922.21)</b>
Financial Support Discount	\$0.00	\$0.00	\$0.00
Administrative Adjustment (5)	\$0.03	\$0.00	\$0.03
<b>Total Assessable Cost</b>	<b>\$118,752.28</b>	<b>\$114,830.04</b>	<b>(\$3,922.24)</b>
Total Acreage	6.21	6.21	6.21
<b>Cost Per Acre</b>	<b>\$19,122.75</b>	<b>\$18,491.15</b>	<b>(\$631.60)</b>

Notes:

1. Construction Contingency is 10% of the Construction Cost
2. Inspection fee is 4% of the Construction Cost.
3. Engineering Fee of \$23,058.00 is for the cost of survey, design and permitting from Chen-Moore and Associates, Inc.
4. Administrative Fee is 5% of the Construction Cost.
5. Administrative Adjustment is used to round the cost per acreage to the nearest cent.

**FINAL AUTHORIZATION SUMMARY**

**Attachment No. 6**

**Submitted by: WATER UTILITIES DEPARTMENT (Engineering Division)**

**Final Acceptance and Final Payment** in the amount of \$43,514.95 to Johnson-Davis Incorporated for Mahogany Lane Water Main Extension, WUD Project No.19-043, Work Authorization No. 8, R2020-1186, Account No. 4011-721-W031-6543.

**District 2**

**SUMMARY:** On August 25, 2020, the Board of County Commissioners approved Work Authorization No. 8, R2020-1186, WUD Project No.19-043, to the 2019 Pipeline Continuing Construction Contract, R2020-0160 with Johnson-Davis Incorporated for Mahogany Lane water main extension. The project consisted of approximately 600 linear feet of water main along Mahogany Lane. The final payment includes the final quantity adjustment in the amount of \$4,050.00.

**SBE PARTICIPATION SUMMARY:**

Master Contract SBE Participation Goal:	20.07%
This Work Authorization SBE Quoted Goal:	36.28%
Actual Authorization SBE Achieved:	27.60%
Master Contract SBE Cumulative Achieved:	34.64%

**Background and Justification:** The Water Utilities Department compiled the documentation necessary for Final Acceptance and Final Payment of the contract with Johnson-Davis Incorporated.

\$	80,144.53 - Original Authorization Amount
\$	4,050.00 - Final Quantity Adjustment
\$	84,194.53 - Final Authorization Amount
\$	<u>40,679.58</u> - Previous Payments
\$	43,514.95 - Final Payment

**Attachments for Committee:**

1. Project Location Map.
2. Payment Application No. 2, Final.
3. Final Warranty of Title.
4. OEBO Schedule 3 and 4.
5. Contractor's Certification of Final Completion.
6. Consent of Surety to Final Payment.

Recommended By: Kruptin Bet 8-26-2021  
Director of Engineering WUD Date

Recommended By: Ali Barakat 9/1/21  
Director of Water Utilities Department Date

APPROVED BY THE CONTRACT REVIEW COMMITTEE  
Approved By: [Signature] 9/8/21  
Contract Review Committee Date