

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: September 13, 2022                      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 (BCC) of Palm Beach County, Florida, amending Resolution No. R2021-1873 pertaining to the Special Assessment process for the Chapel Road Water Main Extension (Project), reducing the individual assessment from \$37,548.50 to \$30,040.73 per parcel.

**Summary:** On December 7, 2021, the BCC adopted Resolution No. R2021-1873 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 \$75,097.00 prior to construction start. The actual assessable cost is \$60,081.46 after the completion of construction. This Project is based on an assessment of two (2) residential properties and a total length of 216 linear feet of potable water main. The individual cost to the property owners decreased from \$37,548.50 to \$30,040.73 per parcel using the parcel method. (PBCWUD Project No. 20-060) District 3 (MWJ)

**Background and Justification:** The estimated assessable cost of \$75,097.00 was adjusted by a decrease in fees totaling \$15,015.54 resulting in an actual cost of \$60,081.46. The adjustment in fees is made up of decreases in construction costs (\$7,717.50), inspection fees (\$308.70), administration fees (\$385.88) combined with decreases in contingencies (\$4,218.47), engineering fees (\$2,385.00), resulting in an actual Project assessable cost of \$60,081.46. All other portions of Resolution No. R2021-1873, 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 R2021-1873
- 5. Final Report of Cost
- 6. Final Authorization Summary – Approved

Recommended By: Ali Boyat                      8/10/22  
Department Director                      Date

Approved By: Walter Blum                      8/22/22  
Assistant County Administrator                      Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	\$60,082	0	0	0	0
Operating Costs	0	0	0	0	0
External Revenues	(\$60,082)	0	0	0	0
Program Income (County)	0	0	0	0	0
In-Kind Match County	0	0	0	0	0
NET FISCAL IMPACT	0	0	0	0	0
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

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

Is Item Included in Current Budget? Yes X No

Does this item include the use of federal funds? Yes No X

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: Joany Bruton GE

III. REVIEW COMMENTS

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

for review 8/16/22 OFMB 8/16/22 Contract Development and Control 8-19-22 TW

B. Legal Sufficiency:

Assistant County Attorney 8/23/22

C. Other Department Review:

Department Director

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

**RESOLUTION NO. R2022-**

**RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
AMENDING RESOLUTION NO. R2021-1873; PERTAINING  
TO THE SPECIAL ASSESSMENT PROCESS FOR THE  
CHAPEL ROAD WATER MAIN EXTENSION**

**WHEREAS**, on December 7, 2021, in accordance with the Palm Beach County Ordinance 2001-0010, the Board of County Commissioners, Palm Beach County, Florida, adopted Resolution No. R2021-1873, confirming the special assessment process for the Chapel Road 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 Chapel Road Water Main Extension is complete (see Attachment “6” – “Final Authorization Summary”; and

**WHEREAS**, the total assessable cost of the Chapel Road Water Main Extension has been reduced by \$15,015.54 from \$75,097.00 to \$60,081.46; and

**WHEREAS**, pursuant to Section 9 of Ordinance 2001-0010 the Board of County Commissioners desires to amend Resolution No. R2021-1873.

**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. R2021-1873 is hereby amended by reducing the total assessable cost of the Chapel Road Water Main Extension from \$75,097.00 to \$60,081.46 and reducing the individual assessment from \$37,548.50 per parcel to \$30,040.73 per parcel 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. R2021-1873 is hereby amended by deleting “\$75,097.00” and inserting “\$60,081.46” in its place.

3. Attachment “5” (Final Report of Cost) to Resolution No. R2021-1873 is hereby amended by changing the total assessable cost of the Chapel Road Water Main Extension to \$60,081.46. The Report of Cost as hereby amended is attached hereto and incorporated as Attachment “5”.

4. Each and every other paragraph of Resolution No. R2021-1873 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 Robert S. Weinroth, Mayor  
Commissioner Gregg K. Weiss, Vice Mayor  
Commissioner Maria G. Marino  
Commissioner Dave Kerner  
Commissioner Maria Sachs  
Commissioner Melissa McKinlay  
Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of  
\_\_\_\_\_, 2022.

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 \_\_\_\_\_

A handwritten signature in dark ink, appearing to be 'C. J. ...', is written over a horizontal line.





ATTACHMENT 3  
Assessment Roll - Final  
CHAPEL ROAD WATER MAIN EXTENSION

Project#: 20-060

FUND AGENCY ORG	COMMISSION DISTRICT	SECTION TOWNSHIP RANGE
	3 DAVID KERNER	05 44S 43E

No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
1	RINCON, LAURA T & JOSE OLASCOAGA	00-43-44-05-06-016-001.0	1	\$30,041	\$30,040.73	2513.7881591	\$2,513.79	
	288 CHAPEL RD WEST PALM BEACH, FL 33406-3110	MORRISON SUBURBAN DEVELOPMENT E 105 FT OF TR 16 (LESS N 100 FT & S 100 FT)				Initial Y Final Y Petition		
2	MORENO, ARIEL C & YAMILA J	00-43-44-05-06-016-003.0	1	\$30,041	\$30,040.73	2513.7881591	\$2,513.79	
	306 CHAPEL RD WEST PALM BEACH, FL 33406-3110	MORRISON SUBURBAN DEVELOPMENT E 105 FT OF S 100 FT OF TR 16				Initial Y Final Y Petition		

Total: 2 Total: \$60,081.46

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	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 4**

### **RESOLUTION NO. R-2021-1873**

#### **RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CONFIRMING THE SPECIAL ASSESSMENT ROLL FOR THE CHAPEL ROAD 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 16<sup>TH</sup> day of November, 2021, 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 Chapel Road for the purpose of funding a water main extension; and

**WHEREAS**, the tentative assessable cost of the improvement project shall be \$75,097.00; 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 \$37,548.50 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 Chapel Road Water Main Extension Project (WUD 20-060) 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.

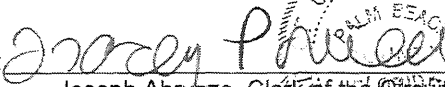
The foregoing Resolution was offered by Commissioner Kerner who moved its adoption. The motion was seconded by Commissioner Marino and upon being put to a vote; the vote was as follows:

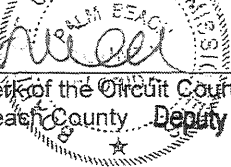
Commissioner Maria G. Marino	Aye
Commissioner Gregg K. Weiss	Aye
Commissioner Dave Kerner	Aye
Commissioner Robert S. Weinroth	Aye
Commissioner Maria Sachs	Aye
Commissioner Melissa McKinlay	Aye
Commissioner Mack Bernard	Aye

The Mayor thereupon declared the Resolution duly passed and adopted this 7th day of December, 2021.

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

By:

  
Joseph Abruzzo, Clerk of the Circuit Court &  
Comptroller Palm Beach County, Deputy Clerk

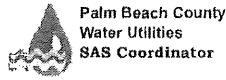


APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By







Palm Beach County  
Water Utilities  
SAS Coordinator

EXHIBIT A

Project#: 20-060

Assessment Roll - Tentative  
CHAPEL ROAD WATER MAIN EXTENSION

FUND AGENCY ORG			COMMISSION DISTRICT		SECTION TOWNSHIP RANGE			
			2 GREGG K. WEISS					
No.	Homeowner	PCN/Legal Description	Parcel	Cost/Per Parcel	Total Assessment	Annual Cost/Per Parcel	Annual Cost/Per Year	Notes
1	RINCON, LAURA T & JOSE OLASCOAGA	00-43-44-05-06-016-001.0	1	\$37,548.50	\$37,548.50	3142.0333226	\$3,142.03	
	288 CHAPEL RD WEST PALM BEACH, FL 33406-3110	MORRISON SUBURBAN DEVELOPMENT E 105 FT OF TR 16 (LESS N 100 FT & S 100 FT)				Initial Y Final Y Petition		
2	MORENO, ARIEL C & YAMILA J	00-43-44-05-08-016-003.0	1	\$37,548.50	\$37,548.50	3142.0333225	\$3,142.03	
	306 CHAPEL RD WEST PALM BEACH, FL 33406-3110	MORRISON SUBURBAN DEVELOPMENT E 105 FT OF S 100 FT OF TR 16				Initial Y Final Y Petition		

Total: 2 Total: \$75,097.00

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	2	100%	2	100%
Propertins	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  
CHAPEL ROAD WATER MAIN EXTENSION  
SPECIAL ASSESSMENT PROJECT  
PROJECT NO. WUD 20-060  
COMMISSION DISTRICT 3  
SECTION 05, TOWNSHIP 44 SOUTH, RANGE 43  
FUND 4011 DEPT. 721 ORG. W031 OBJECT 6543

	<u>ESTIMATED</u>	<u>ACTUAL</u>	<u>DIFFERENCE</u>
Construction Price Estimated	\$42,184.70	\$34,467.20	(\$7,717.50)
Construction Contingency (10%) (1)	\$4,218.47	\$0.00	(\$4,218.47)
Inspection Fee (4%) (2)	\$1,687.39	\$1,378.69	(\$308.70)
Engineering Fee (3)	\$24,897.20	\$22,512.20	(\$2,385.00)
Administration Fee (5%) (4)	\$2,109.24	\$1,723.36	(\$385.88)
<b>Total Project Cost</b>	<b>\$75,097.00</b>	<b>\$60,081.45</b>	<b>(\$15,015.55)</b>
Financial Support Discount	\$0.00	\$0.00	\$0.00
Administrative Adjustment (5)	\$0.00	\$0.01	\$0.01
<b>Total Assessable Cost</b>	<b>\$75,097.00</b>	<b>\$60,081.46</b>	<b>(\$15,015.54)</b>
Total Parcels	\$2.00	\$2.00	\$2.00
<b>Cost Per Parcel</b>	<b>\$37,548.50</b>	<b>\$30,040.73</b>	<b>(\$7,507.77)</b>

Notes:

1. Construction Contingency is 10% of the Construction Cost
2. Inspection fee is 4% of the Construction Cost.
3. Engineering Fee of \$22,512.20 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 parcel to the nearest cent.

**ATTACHMENT 6**  
**FINAL AUTHORIZATION SUMMARY**

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

**Final Acceptance and Final Payment** in the amount of \$8,486.72 to Johnson-Davis Incorporated for Chapel Rd Water Main Extension, WUD Project No. 20-060, Work Authorization No.18, Account No. 4011-721-W031-6543.

**District 2**

**SUMMARY:** On December 07, 2021 the Board of County Commissioners approved Work Authorization No.18, R2021-1874, WUD Project No.20-060, to the 2019 Pipeline Continuing Construction Contract, R2020-0160 with Johnson-Davis Incorporated for Chapel Rd Water Main Extension. The project consisted of installation of 216 linear feet of 6-inch water main including all appurtenances. The final payment includes the final quantity adjustment in the amount of (\$15,117.50)

**SBE PARTICIPATION SUMMARY:**


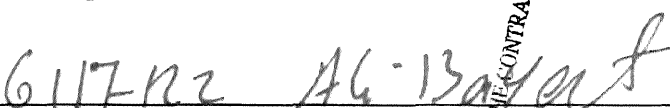
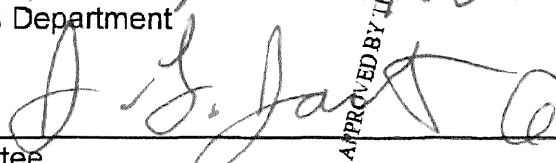
Master Contract SBE Participation Goal:	20.07%
This Work Authorization SBE Quoted Goal:	21.28%
Actual Authorization SBE Achieved:	6.12%
Master Contract SBE Cumulative Achieved:	9.53%

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

\$	42,184.70	- Original Authorization Amount
\$	7,400.00	- Approved Supplement
\$	(15,117.50)	- Final Quantity Adjustment
\$	34,467.20	- Final Authorization Amount
\$	<u>25,980.48</u>	- Previous Payments
\$	8,486.72	- Final Payment

**Attachments for Committee:**

1. Project Location Map.
2. Payment Application No. 3 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.
7. Authorization History

Recommended By: 	6/15/2022
Director of Engineering /WUD	Date
Recommended By: 	
Director of Water Utilities Department	Date
Approved By: 	6/29/22
Contract Review Committee	Date

APPROVED BY THE CONTRACT REVIEW COMMITTEE