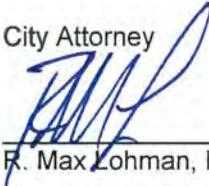


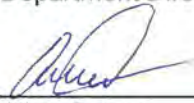
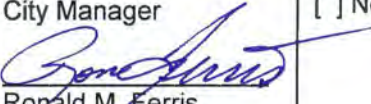


**CITY OF PALM BEACH GARDENS
CITY COUNCIL
Agenda Cover Memorandum**

**Meeting Date: July 7, 2016
Resolution 39, 2016**

Subject/Agenda Item: Adopting a non-ad valorem special assessment roll for the design, construction, and installation of water utility and road improvements on 40th Terrace North, Sunset Drive, and Brenna Lane.

- Recommendation to APPROVE**
 Recommendation to DENY

<p>Reviewed by:</p> <p>City Attorney  R. Max Lohman, Esq.</p> <p>Finance Administrator  Allan Owens</p>	<p>Originating Dept.: Finance</p> <p> Allan Owens Finance Administrator</p>	<p>Costs: \$ - 0 - (Total)</p> <p>\$ - 0 - Current FY</p>	<p>Council Action:</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Continued to:</p>
<p>Submitted by:</p> <p>Department Director  Allan Owens</p>	<p>Advertised:</p> <p>Date: June 16, 2016 Paper: Palm Beach Post</p> <p><input type="checkbox"/> Not Required</p>	<p>Funding Source:</p> <p><input type="checkbox"/> Operating <input type="checkbox"/> Other</p> <p>Contract/Agreement:</p> <p>Effective Date: N/A</p> <p>Expiration Date: N/A</p>	<p>Attachments:</p> <ul style="list-style-type: none"> Resolution 39, 2016
<p>Approved by:</p> <p>City Manager  Ronald M. Ferris</p>	<p>Affected parties</p> <p><input checked="" type="checkbox"/> Notified <input type="checkbox"/> Not required</p>	<p>Budget Acct.#:</p>	

BACKGROUND: At the April 3, 2014 City Council Meeting, the City adopted Resolution 26, 2014 noticing its intent, in accordance with Section 197.3632(3)(a), *Florida Statutes*, to utilize the uniform method for collection of a non-ad valorem special assessment to permit, design, construct, and install water and road improvements (collectively the "Water and Road Improvement Project" along Sunset Drive, 40th Terrace North, and Brenna Lane, and to impose such special assessments upon certain parcels benefitting from the Water and Road Improvement Project (the "Benefitted Parcels").

In accordance with the requirements of Section 197.3632(4), *Florida Statutes*, all affected property owners have been notified of the need for the special assessment, its cost, payment schedule, the effect of non-payment, the identities of the Benefitted Parcels, the right to appear and participate in a public hearing at the July 7, 2016 City Council Meeting at which this resolution is considered for adoption, the right to file written objections, and all other relevant information concerning this special assessment.

The City has determined that the Water and Road Improvement Project will specially benefit the Benefitted Parcels, and will serve a valid public purpose in promoting the health, safety, and general welfare of the citizens of Palm Beach Gardens; and that it is in the best interest of the owners of the Benefitted Parcels and the citizens of the City of Palm Beach Gardens that the special assessment be adopted and imposed upon the Benefitted Parcels.

STAFF RECOMMENDATION: Staff recommends approval of Resolution 39, 2016 as presented.

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RESOLUTION 39, 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA ADOPTING A NON-AD VALOREM SPECIAL ASSESSMENT ROLL FOR THE DESIGN, CONSTRUCTION, AND INSTALLATION OF WATER UTILITY AND ROAD IMPROVEMENTS ON 40TH TERRACE NORTH, SUNSET DRIVE, AND BRENNA LANE IN ACCORDANCE WITH SECTION 197.3632, *FLORIDA STATUTES*; STATING THE UNIT OF MEASUREMENT FOR THE ASSESSMENT, THE AMOUNT OF THE ASSESSMENT, AND ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE PALM BEACH COUNTY TAX COLLECTOR; PROVIDING FOR COLLECTION AND ENFORCEMENT OF THE SPECIAL ASSESSMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on or about April 3, 2014, the City adopted Resolution 26, 2014 noticing its intent, in accordance with Section 197.3632(3)(a), *Florida Statutes*, to utilize the uniform method for collection of a non-ad valorem special assessment to permit, design, construct, and install water and road improvements (collectively the "Water and Road Improvement Project") along Sunset Drive, 40th Terrace North, and Brenna Lane, and to impose such special assessments upon certain parcels benefitting from the Water and Road Improvement Project (the "Benefitted Parcels"); and

WHEREAS, all affected property owners have been notified of the need for the special assessment, its cost, payment schedule, the effect of non-payment, the identities of the Benefitted Parcels, the right to appear and participate in the public hearing at which this Resolution is adopted, the right to file written objections, and all other relevant information concerning the special assessment; and

WHEREAS, the Notice of Hearing to consider adoption of a non-ad valorem assessment roll, in accordance with the requirements of Section 197.3632(4), *Florida Statutes*, at a public hearing scheduled for July 7, 2016, was mailed June 15, 2016, to each property owner within the area subject to the special assessment and was published in a newspaper of general circulation within the City and County on June 16, 2016, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City has considered all relevant facts and issues bearing upon the advisability of adopting the special assessment and all timely objections and comments submitted by affected property owners and other interested parties and members of the public; and

1
2 **WHEREAS**, the City has determined that the Water and Road Improvement
3 Project will specially benefit the Benefitted Parcels, and will serve a valid public purpose
4 in promoting the health, safety, and general welfare of the citizens of the City of Palm
5 Beach Gardens; and that it is in the best interests of the owners of the Benefitted Parcels
6 and the citizens of the City of Palm Beach Gardens that the special assessment described
7 herein be adopted and imposed upon the Benefitted Parcels.
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10 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
11 **OF PALM BEACH GARDENS, FLORIDA** that:

12 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.

13 **SECTION 2.** This Resolution is adopted in accordance with Section 197.3632(4),
14 *Florida Statutes*, and under the general authority of Section 2(b), Article VIII of the
15 Constitution of the State of Florida, Parts I and III of Chapter 166, *Florida Statutes*, and other
16 applicable law.
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19 **SECTION 3.** There is hereby levied an annual non-ad valorem special
20 assessment (the "Special Assessment"), calculated on a lot-by-lot basis, for a total annual
21 assessment per parcel as set forth in the attached Exhibit "B", which shall be collected
22 annually for a period of twenty (20) years, commencing with the tax bills to be mailed in
23 November 2016.
24
25

26 **SECTION 4.** The unit of measurement to be levied and applied to each of the
27 Benefitted Parcels is the same as the parcel, with the total Special Assessment divided
28 equally among the Benefitted Parcels. The total number of Benefitted Parcels is sixty-
29 one (61); the minimum annual apportionment of the Special Assessment is \$1899.41 per
30 parcel, and the estimated maximum annual apportionment of the Special Assessment,
31 which includes connection charges and impact fees, is \$120,573.19.
32

33 **SECTION 5.** In accordance with Section 197.3632(4), *Florida Statutes*, and other
34 applicable law, the City hereby adopts the Assessment Roll attached hereto as Exhibit "A".
35

36 **SECTION 6.** Annual assessments shall be subject to all applicable collection
37 provisions provided for in Chapter 197, *Florida Statutes*, and other applicable laws,
38 including those provisions related to discounts for early payment, prepayment by
39 installment method, deferred payments, penalties for delinquent payments, and the
40 issuance of and sale of tax certificates and tax deeds for nonpayment. In the absence of
41 applicable laws, collection and enforcement shall be governed by City policies in
42 existence at the time this Resolution is adopted or hereafter adopted by the City.
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2 **SECTION 7.** The City Council finds that (a) a reasonable methodology has been
3 applied in determining which parcels of property are specially benefitted by the Water and
4 Road Improvement Project; (b) there is a logical relationship between the Water and Road
5 Improvement Project and the benefit received by the Benefitted Parcels; (c) each parcel
6 specially benefitting from the Water and Road Improvement Project is included in the
7 Special Assessment; and (d) the unit of measurement referenced herein fairly and
8 reasonably apportions the cost of the Water and Road Improvement Project among all of
9 the Benefitted Parcels proportionate to the special benefit received by each such
10 Benefitted Parcel from the Water and Road Improvement Project. The City Council
11 hereby finds and determines that the Water and Road Improvement Project provides the
12 Benefitted Parcels certain special benefits, including:

- 13
14 i. Access to potable water services and paved roads, thereby enhancing the
15 health, safety, and welfare of the residents within the benefitted area; and
16
17 ii. Potential increases in property values and improved marketability.
18

19 **SECTION 8.** Upon adoption, and by September 15 of each year that the Special
20 Assessment is in effect, the City Manager or his/her designee is hereby authorized and
21 directed to certify the Assessment Roll on compatible electronic medium to the Palm
22 Beach County Property Tax Collector, having posted the non-ad valorem assessment for
23 each of the Benefitted Parcels thereon and having ensured that the Assessment Roll
24 accurately reflects any adjustments as may be imposed herein or by applicable law or
25 rule, all in accordance with Section 197.3632(5), *Florida Statutes*.

26
27 **SECTION 9.** Each annual assessment authorized herein shall be placed on the
28 Palm Beach County Real Estate Ad-Valorem Tax Bill and shall be due and payable
29 annually with any discounts or penalties associated therewith.
30

31 **SECTION 10.** If any Benefitted Parcel's apportionment of the Special Assessment
32 becomes delinquent or a tax certificate has been issued and remains outstanding against
33 such Benefitted Parcel, such property's full apportionment of the Assessment shall
34 release the lien created hereby against such property.
35

36 **SECTION 11.** If any Benefitted Parcel is subdivided into separate tax parcels, the
37 assessment imposed against such parent parcel shall be equitably reallocated among the
38 new tax parcels upon assignment of a distinct tax identification number to each new
39 separate tax parcel or any combination of tax parcels by the Palm Beach County Property
40 Appraiser.
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2 **SECTION 12.** The proper officials and employees of the City are authorized to (a)
3 do all things necessary to carry out the terms and conditions of this Resolution consistent
4 with the intent of the City Council, including contracting with the Palm Beach County
5 Property Appraiser, the Palm Beach County Tax Collector, and the Palm Beach County
6 Information Systems Department to administer the levy and collection of the Special
7 Assessment; and (b) record a copy of this Resolution or any other necessary papers in
8 the Public Records of Palm Beach County, Florida to provide additional constructive
9 notice and preserve the status of the lien created hereby on all Benefitted Parcels,
10 including any subsequent purchasers of the Benefitted Parcels.

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12 **SECTION 13.** This Resolution shall become effective immediately upon adoption.

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PASSED AND ADOPTED this _____ day of _____, 2016.

CITY OF PALM BEACH GARDENS, FLORIDA

BY: _____
Marcie Tinsley, Mayor

ATTEST:

BY: _____
Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
R. Max Lohman, City Attorney

VOTE:

AYE NAY ABSENT

MAYOR TINSLEY	_____	_____	_____
VICE MAYOR JABLIN	_____	_____	_____
COUNCILMEMBER PREMURROSO	_____	_____	_____
COUNCILMEMBER LEVY	_____	_____	_____
COUNCILMEMBER MARINO	_____	_____	_____



EXHIBIT "A"

CITY OF PALM BEACH GARDENS NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the City Council of the City of Palm Beach Gardens, Florida will conduct a Public Hearing on July 7, 2016, at 7:00 p.m., or as soon thereafter as can be heard and continuing from time to time and place to place as necessary, in the Municipal Complex Building located at 10500 North Military Trail, Palm Beach Gardens, Florida regarding:

RESOLUTION 39, 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA ADOPTING A NON-AD VALOREM SPECIAL ASSESSMENT ROLL FOR THE DESIGN, CONSTRUCTION, AND INSTALLATION OF WATER UTILITY AND ROAD IMPROVEMENTS ON 40TH TERRACE NORTH, SUNSET DRIVE, AND BRENNA LANE IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTES; STATING THE UNIT OF MEASUREMENT FOR THE ASSESSMENT, THE AMOUNT OF THE ASSESSMENT, AND ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE PALM BEACH COUNTY TAX COLLECTOR; PROVIDING FOR COLLECTION AND ENFORCEMENT OF THE SPECIAL ASSESSMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The Palm Beach Gardens Water and Road Improvement Assessment Area was created for the purpose of funding the design, construction, and installation of public water and road improvements on Sunset Drive, 40th Terrace North, and Brenna Lane.

The annual assessment for each parcel of property is as set forth herein below. Information regarding the assessment for each specific property, including the total annual assessment, including connection fees, has been provided via first-class mail to the address listed on the tax collector's records for each parcel. For purposes of calculating the total annual assessment, the unit of measure is per parcel plus connection fees and consists of sixty-one (61) parcels, as set forth herein below. The financing plan will permit the capital cost attributable to the property to be amortized over a period of 20 years.

The City expects to collect approximately \$120,573 per year within the assessment area. The City intends to include these non-ad valorem annual assessments on the ad valorem property tax bill for each property, commencing with the tax bill to be mailed in November 2016. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

All members of the public are invited to attend and participate in this public hearing. All documents pertaining to this Resolution may be inspected by the public in the City Clerk's office (561-799-4122) located at the Municipal Complex Building during regular business hours, Monday through Friday, 8:00 a.m. - 5:00 p.m. except for holidays.

PLEASE TAKE NOTICE AND BE ADVISED that if any interested party wishes to appeal any decision made by the City Council with respect to any matter considered at this public hearing, such interested parties will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the City Clerk's Office at 561-799-4122 no later than five (5) days prior to the hearing if this assistance is required. For hearing impaired assistance, please call the Florida Relay Service Numbers: 800-955-8771 (TDD) or 800-955-8770 (VOICE).

Parcel ID #	Adresses	Annual Assessment
52424224000001230	8511 40TH TER N	\$1,899.41
52424224000001241	8535 40TH TER N	\$2,014.04
52424224000001234	8561 40TH TER N	\$2,014.04
52424224000001236	8577 40TH TER N	\$2,014.04
52424224000001251	8602 SUNSET DR	\$2,014.04
52424224000001252	8622 SUNSET DR	\$1,899.41
52424224000001250	8636 SUNSET DR	\$2,014.04
52424224000001260	8640 SUNSET DR	\$2,014.04
52424224000001233	8657 40TH TER N	\$2,014.04
52424224000001270	8674 SUNSET DR	\$2,014.04
52424224000001239	8679 40TH TER N	\$2,014.04
52424224000001280	8690 SUNSET DR A	\$2,014.04
52424224000001238	8697 40TH TER N	\$2,014.04
52424224000001290	8500 SUNSET DR	\$2,014.04
52424224000001232	8719 40TH TER N S	\$2,014.04
52424224000001242	8737 40TH TER N	\$2,014.04
52424224000001231	8761 40TH TER N 1	\$2,014.04
52424224000001235	8780 40TH TER N	\$2,014.04
52424224000001237	8660 BRENNA LN 6	\$1,220.74
52424224000001370	8342 SUNSET DR	\$1,899.41
52424224000001374	8344 SUNSET DR E	\$1,899.41
52424224000001371	8546 SUNSET DR W	\$2,014.04
52424224000001372	8562 SUNSET DR	\$2,014.04
52424224000001373	8576 SUNSET DR 2	\$2,014.04
52424224000001380	8484 SUNSET DR	\$1,899.41
52424224000001392	8597 40TH TER N	\$2,014.04
52424224000001391	8617 40TH TER N	\$2,014.04
52424224000001390	8637 40TH TER N S	\$2,014.04
52424224000001300	8560 SUNSET DR	\$1,899.41
52424224000001310	8744 SUNSET DR	\$2,014.04
52424224000001320	8768 40TH TER N	\$2,014.04
52424224000001322	8790 SUNSET DR	\$2,014.04
52424224000001330	8826 SUNSET DR S	\$2,014.04
52424224000001331	8840 SUNSET DR	\$2,014.04
52424224000001340	8860 SUNSET DR	\$2,014.04
52424224000001350	8878 SUNSET DR S	\$2,014.04
52424224000001360	8896 SUNSET DR	\$2,014.04
52424224040000010	8341 SUNSET DR	\$2,014.04
52424224040000020	8353 SUNSET DR A	\$2,014.04
52424224040000031	8545 SUNSET DR	\$2,014.04
52424224040000040	8567 SUNSET DR	\$1,899.41
52424224040000050	8483 SUNSET DR	\$2,014.04
52424224040000060	8493 SUNSET DR	\$2,014.04
52424224040000070	8501 SUNSET DR	\$2,014.04
52424224040000080	8641 SUNSET DR	\$1,899.41
52424224040000090	8519 SUNSET DR	\$1,899.41
52424224040000100	8529 SUNSET DR	\$2,014.04
52424224040000110	8541 SUNSET DR	\$1,899.41
52424224040000120	8553 SUNSET DR	\$1,899.41
52424224040000130	8565 SUNSET DR	\$1,899.41
52424224040000140	8755 SUNSET DR	\$2,014.04
52424224040000150	8587 SUNSET DR	\$2,014.04
52424224040000160	8507 SUNSET DR A	\$2,014.04
52424224040000170	8811 SUNSET DR	\$2,014.04
52424224040000180	8827 SUNSET DR	\$2,014.04
52424224040000192	8845 SUNSET DR	\$2,014.04
52424224040000191	8849 SUNSET DR	\$2,014.04
52424224040000200	8867 SUNSET DR	\$2,014.04
52424224040000210	8941 SUNSET DR	\$1,899.41
52424224040000220	8909 SUNSET DR	\$2,014.04
52424224040000230	8923 SUNSET DR	\$2,014.04
	Total	\$120,573.19

Patricia Snider, CMC, City Clerk
Publication Date: Thursday, June 16, 2016

EXHIBIT "B"

Parcel ID #	Adresses	Annual Assessment
52424224000001230	8511 40TH TER N	\$1,899.41
52424224000001241	8535 40TH TER N	\$2,014.04
52424224000001234	8561 40TH TER N	\$2,014.04
52424224000001236	8577 40TH TER N	\$2,014.04
52424224000001251	8602 SUNSET DR	\$2,014.04
52424224000001252	8622 SUNSET DR	\$1,899.41
52424224000001250	8636 SUNSET DR	\$2,014.04
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52424224000001233	8657 40TH TER N	\$2,014.04
52424224000001270	8674 SUNSET DR	\$2,014.04
52424224000001239	8679 40TH TER N	\$2,014.04
52424224000001280	8690 SUNSET DR A	\$2,014.04
52424224000001238	8697 40TH TER N	\$2,014.04
52424224000001290	8500 SUNSET DR	\$2,014.04
52424224000001232	8719 40TH TER N S	\$2,014.04
52424224000001242	8737 40TH TER N	\$2,014.04
52424224000001231	8761 40TH TER N 1	\$2,014.04
52424224000001235	8780 40TH TER N	\$2,014.04
52424224000001237	8660 BRENNAN LN 6	\$1,220.74
52424224000001370	8342 SUNSET DR	\$1,899.41
52424224000001374	8344 SUNSET DR E	\$1,899.41
52424224000001371	8546 SUNSET DR W	\$2,014.04
52424224000001372	8562 SUNSET DR	\$2,014.04
52424224000001373	8576 SUNSET DR 2	\$2,014.04
52424224000001380	8484 SUNSET DR	\$1,899.41
52424224000001392	8597 40TH TER N	\$2,014.04
52424224000001391	8617 40TH TER N	\$2,014.04
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52424224000001320	8768 40TH TER N	\$2,014.04
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52424224000001350	8878 SUNSET DR S	\$2,014.04
52424224000001360	8896 SUNSET DR	\$2,014.04
52424224040000010	8341 SUNSET DR	\$2,014.04
52424224040000020	8353 SUNSET DR A	\$2,014.04
52424224040000031	8545 SUNSET DR	\$2,014.04
52424224040000040	8567 SUNSET DR	\$1,899.41
52424224040000050	8483 SUNSET DR	\$2,014.04
52424224040000060	8493 SUNSET DR	\$2,014.04
52424224040000070	8501 SUNSET DR	\$2,014.04
52424224040000080	8641 SUNSET DR	\$1,899.41
52424224040000090	8519 SUNSET DR	\$1,899.41
52424224040000100	8529 SUNSET DR	\$2,014.04
52424224040000110	8541 SUNSET DR	\$1,899.41
52424224040000120	8553 SUNSET DR	\$1,899.41
52424224040000130	8565 SUNSET DR	\$1,899.41
52424224040000140	8755 SUNSET DR	\$2,014.04
52424224040000150	8587 SUNSET DR	\$2,014.04
52424224040000160	8507 SUNSET DR A	\$2,014.04
52424224040000170	8811 SUNSET DR	\$2,014.04
52424224040000180	8827 SUNSET DR	\$2,014.04
52424224040000192	8845 SUNSET DR	\$2,014.04
52424224040000191	8849 SUNSET DR	\$2,014.04
52424224040000200	8867 SUNSET DR	\$2,014.04
52424224040000210	8941 SUNSET DR	\$1,899.41
52424224040000220	8909 SUNSET DR	\$2,014.04
52424224040000230	8923 SUNSET DR	\$2,014.04

Total \$120,573.19