

# Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

2500 Jupiter Park Drive, Jupiter, Florida 33458-8964

Telephone (561) 747-5700 • Fax (561) 747-9929 • [www.loxahatcheeriver.org](http://www.loxahatcheeriver.org)



D. Albrey Arrington, Ph.D., Executive Director

## MEMORANDUM

**TO:** Governing Board  
**FROM:** D. Albrey Arrington, Executive Director  
**DATE:** September 9, 2013  
**SUBJECT:** Consent Agenda

All items listed below are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Board member or citizen, in which event, the item will be removed and considered under the regular agenda.

This month's consent agenda consists of the following items:

- A. Final Assessment-Tequesta Drive LPSS (Resolution 2013-11)
- B. Notice of Intent to Assess-18009 Loxahatchee River Road (Resolution 2013-12)
- C. Notice of Intent to Assess-County Line Rd.-PBC (Resolution 2013-13)
- D. Disposal of Fixed Assets – to approve disposal
- E. GFA Testing Services – to authorize “piggyback” off Town of Jupiter contract
- F. Tractor Acquisition – to authorize purchase
- G. Automatic Backwash Strainer – to authorize purchase
- H. Chlorine Contract – to authorize “piggyback” off Seacoast Utility contract
- I. Laboratory Services – to renew contract
- J. Sludge Hauling Contract (Bradford) – to extend contract
- K. Sludge Hauling Contract (H&H) – to award contract
- L. Landscape Contract – to award contract
- M. Odor Control Contract – to approve purchase order
- N. Sludge Disposal-SWA – to approve purchase order
- O. Headworks Rag Disposal-Waste Management – to approve purchase order
- P. Change Orders to Current Contracts – to approve modifications

Should you have any questions in regard to these items, I would be pleased to discuss them further with you.

The following motion is provided for Board consideration:

**“THAT THE GOVERNING BOARD approve the Consent Agenda of September 19, 2013 as presented.”**

Signed,

D. Albrey Arrington  
Executive Director

L:/Board/Consent

Gordon M. Boggie  
Board Member

Stephen B. Rockoff  
Board Member

Dr. Matt H. Rostock  
Chairman

Harvey M. Silverman  
Board Member

James D. Snyder  
Board Member

**CONRAD J. DeSANTIS**  
*Business & Real Estate*  
Also Admitted in Pennsylvania

**TIMOTHY W. GASKILL**  
*Business, Probate*  
*Family Litigation*

**DONALD R. SMITH**  
*Personal Injury & Wrongful Death*  
*Commercial Litigation*

**CURTIS L. SHENKMAN**  
*Board Certified*  
*Real Estate Attorney*

**BROOKE A. SMITH**



**DeSANTIS, GASKILL, SMITH & SHENKMAN, P.A.**

**ATTORNEYS & COUNSELORS AT LAW**

ESTABLISHED 1973

11891 U.S. HIGHWAY ONE, SUITE 100  
NORTH PALM BEACH, FLORIDA 33408

TELEPHONE (561) 622-2700 FACSIMILE (561) 622-2841

[Shenkman@LawPalmBeach.com](mailto:Shenkman@LawPalmBeach.com)

**LEGAL ASSISTANTS**

**CIVIL TRIAL, PROBATE**  
**AND FAMILY LAW**  
KAREN M. BOYDEN-LOPATOSKY  
MICHELLE D. KOCIK  
MINDY VASSER

**PERSONAL INJURY**

ROBIN B. MODLIN, CP  
TERRI L. VLASSICK

**REAL ESTATE**

ANGEL AUGUST  
JUDY D. MONTEIRO  
DENISE B. PAOLUCCI

**ADMINISTRATOR**  
FLORENCE SHERMAN

August 29, 2013

D. Albrey Arrington, Ph.D., Executive Director

Clint Yerkes, Deputy Executive Director

Loxahatchee River Environmental Control District

2500 Jupiter Drive

Jupiter, Florida 33458-8964

Re: **Resolution 2013-11 and FINAL Assessment Roll for TEQUESTA DRIVE**

Dear Albrey & Clint:

Attached to this letter is Transfer of Property Lien, Resolution 2013-11, Exhibit "A" Final Assessment Roll, Exhibit A Map, and the most recent Exhibit "B" list of property owners, as part of the Resolution.

A **SUGGESTED MOTION** for the Board at the September 19, 2013 meeting is as follows:

"THAT THE GOVERNING BOARD approve Resolution **2013-11** adopting the **TEQUESTA DRIVE** FINAL Assessment Roll and Exhibits."

Sincerely,

*Curtis L. Shenkman*

Curtis L. Shenkman

RESOLUTION NO. 2013-11

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO THE **TEQUESTA DRIVE LOW PRESSURE SEWER** ASSESSMENT AREA IMPROVEMENTS; ADOPTING THE ASSESSMENT ROLL FOR **TEQUESTA DRIVE LOW PRESSURE SEWER** ASSESSMENT AREA IMPROVEMENTS; CONFIRMING SAID SPECIAL ASSESSMENT ROLL AS ATTACHED HERETO AS EXHIBITS "A" AND "B"; PROVIDING FOR ELLIS RULE COMPLIANCE; PROVIDING FOR DECLARING LINE AVAILABLE FOR CONNECTION; PROVIDING THE SPECIAL ASSESSMENTS SHALL BE COLLECTED AS NON-AD VALOREM SPECIAL ASSESSMENTS ON THE REAL ESTATE TAX BILL; AUTHORIZING THE DISTRICT CLERK TO PREPARE AND DELIVER THE NON-AD VALOREM SPECIAL ASSESSMENT ROLL TO THE PALM BEACH COUNTY AND MARTIN COUNTY PROPERTY APPRAISERS, TAX COLLECTORS, AND FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR CONSISTENCY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Governing Board of the Loxahatchee River Environmental Control District (hereinafter called the "District") has authorized the sewer improvements constructed in the **TEQUESTA DRIVE LOW PRESSURE SEWER** Assessment Area; and

WHEREAS, The District's previous Resolutions **2013-02 & 2013-11** were approved by the District's Governing Board and directed the preparation of the Assessment Roll.

WHEREAS, the Governing Board, on the 19th day of SEPTEMBER, 2013 at 6:50 P.M., sat as Board of Adjustment as provided in District Rule 31-11.005, and held the Public Hearings under Florida Statutes Chapter 197.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE DISTRICT THAT:

Section 1. The Governing Board confirms the Special Assessment Roll attached hereto as Exhibits "A" and "B" without further modification. The unit of measurement for each assessment area is that each parcel is assessed equally.

Section 2. The Special Assessment is in compliance with the "Ellis Rule" requirement of District Rule 31-10.011, and Resolution Nos. **2013-02 & 2013-10** of the District.

Section 3. In accordance with District Rule Chapter 31-11, and Florida Statutes Chapter 197, said Special Assessment Liens shall remain liens co-equal with the lien of all State, County, District and Municipal taxes, superior in dignity to all other liens, titles, and claims, until paid. Any failure to so pay these non-ad valorem Special Assessments shall be a default hereunder and will cause a tax certificate to be issued against the property which may result in a loss of title.

**RESOLUTION 2013-11**

Loxahatchee River Environmental Control District

Section 4. Availability for Connection and Required Connection.

The waste water and sewerage system was “Available” for connection in accordance with District Rule 31-3.003(3) and Florida Statutes 381.0065(2)(a) when the Florida Department of Health released the system for service on \_\_\_\_\_, which is the date of actual “Availability”. In accordance with Florida Statutes 381.00655, the affected property owners shall be required to connect to the sewerage system within one (1) year of the actual Availability.

Section 5. The **District Clerk, as the designee of the chairman** of the Governing Board, **is directed to certify the non-ad valorem assessment roll, on a compatible electronic medium tied to the property identification number** and deliver it to the tax collector by September 15 of each year, or as otherwise provided for in the agreements with the tax collector. The certification shall be made on **Form DR-408A**.

Section 6. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, THIS 19th DAY OF SEPTEMBER, 2013.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT:  
VOTE

\_\_\_\_\_  
DR. MATT H. ROSTOCK, Chairman

\_\_\_\_\_  
GORDON M. BOGGIE

\_\_\_\_\_  
STEPHEN B. ROCKOFF

\_\_\_\_\_  
HARVEY M. SILVERMAN

\_\_\_\_\_  
JAMES D. SNYDER  
(DISTRICT SEAL)

EXHIBIT "A"  
FINAL ASSESSMENT ROLL  
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
**TEQUESTA DRIVE LOW PRESSURE SYSTEM ASSESSMENT AREA**

TOTAL COSTS AND EXPENSES RELATED TO THE IMPROVEMENTS. The District shall consider the **total** costs and expenses related to the improvements in the **TEQUESTA DRIVE LOW PRESSURE SYSTEM** Assessment Area shall be **\$7,461.58** per parcel of property in the **TEQUESTA DRIVE LOW PRESSURE SYSTEM** Area.

APPORTIONMENT OF COSTS BETWEEN THE DISTRICT AND THE PROPERTY OWNERS. The District shall pay from the District's general funds ten percent (10%) of the total cost to the District of construction, reconstruction, labor, materials, acquisition, or property rights, surveys, design, engineering, and legal fees, administration expenses, and all other expenses necessary or incidental to completion of the specially assessed improvement and each lot or parcel of land subject to this special assessment shall be responsible for ninety percent (90%) of the total cost.

ASSESSMENT BASED ON PARCEL OF PROPERTY. Each Parcel of Property in the **TEQUESTA DRIVE LOW PRESSURE SYSTEM** Assessment Area identified on EXHIBIT "B" shall be currently assessed in the amount of **\$6,715.43**.

PAYMENT OF ASSESSMENT. As to Parcels of **TEQUESTA DRIVE LOW PRESSURE SYSTEM** Assessment Area Property in EXHIBIT "B", the **\$6,715.43** assessment may be paid, interest free, at the office of the District on or before May 1, 2014.

**Owners who do not pay the \$6,715.43 assessment on or before May 1, 2014 shall have the \$6,715.43 principal added to the tax roll as a non-ad valorem assessment to accrue interest at six and seven eights percent (6.875%) per annum, to be collected in twenty (20) equal annual installments of \$627.74, commencing with the November 1, 2014 Real Estate Tax Bill.**

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

By: \_\_\_\_\_  
D. Albrey Arrington, District Clerk, Executive Director

PREPARED BY AND RETURN TO: WC-53  
Curtis L. Shenkman, Esquire  
DeSantis, Gaskill, Smith & Shenkman, P.A.  
11891 U.S. Highway One, Suite 100  
North Palm Beach, Florida 33408

**TRANSFER OF PROPERTY LIEN TO NON-AD VALOREM TAX BILL &  
CERTIFICATION OF SPECIAL ASSESSMENT ROLL  
FOR TEQUESTA DRIVE LOW PRESSURE SEWER SPECIAL ASSESSMENTS**

THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, a special district of the State of Florida created and existing pursuant to Chapter 2002-358, Laws of Florida (the "District"), gives public notice that the District's Governing Board as of and effective on the 19th day of SEPTEMBER, 2013, passed Resolution 2013-11 which is attached hereto, approving the non-ad valorem tax bill, AND TRANSFERRING THE RECORDED LIEN ON PROPERTIES IDENTIFIED AS BEING PART OF THE **TEQUESTA DRIVE LOW PRESSURE SEWER AREA** LISTED IN THE FOLLOWING DOCUMENTS, as recorded in the Public Records of **PALM BEACH** County, Florida:

1. Pending Lien Notice to Intent to Assess, and Resolution 2013-02, recorded on **FEBRUARY 27, 2013** in **Official Record Book 25826, Pages 1712 through 1718, in the Public Records of PALM BEACH County, Florida.**

Any inquiries as to payment of special assessments should be directed to:

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
2500 Jupiter Park Drive  
Jupiter, Florida 33458  
(561) 747-5700

IN WITNESS WHEREOF, the undersigned, Executive Director of the Loxahatchee River Environmental Control District, hereby certifies on SEPTEMBER 19, 2013, the information contained herein is true and accurate.

WITNESSES:

LOXAHATCHEE RIVER ENVIRONMENTAL  
CONTROL DISTRICT

\_\_\_\_\_  
  
\_\_\_\_\_

By: \_\_\_\_\_  
D. Albrey Arrington, Ph.D.  
Executive Director  
[DISTRICT SEAL]

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me on September 19, 2013, by D. Albrey Arrington, Ph.D., EXECUTIVE DIRECTOR of the LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, a special district of the State of Florida, on behalf of the District, who is personally known to me.

(Notary Seal)

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

Mr. & Mrs. Joseph Salina  
Re: 404 Tequesta Dr  
404 Tequesta Dr  
Jupiter FL 33469  
60-42-40-25-06-022-0140

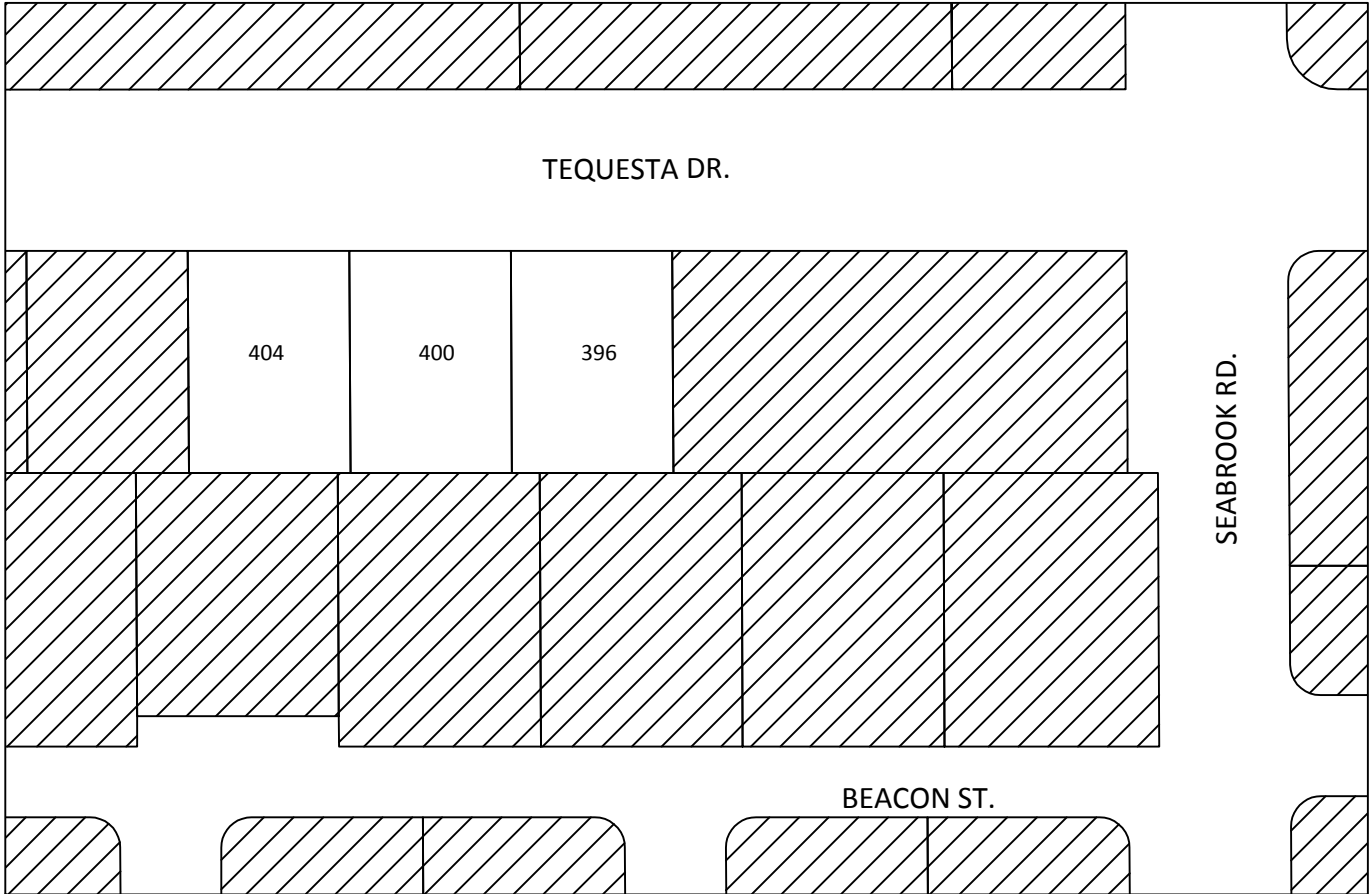
Mr. & Mrs. Thomas Brown  
Re: 400 Tequesta Dr  
400 Tequesta Dr  
Jupiter FL 33469  
60-42-40-25-06-022-0150

Ms. M Misak/L Lammens  
Re: 396 Tequesta Dr  
396 Tequesta Dr  
Jupiter FL 33469  
60-42-40-25-06-022-0160

# EXHIBIT "A" TEQUESTA DRIVE LOW PRESSURE SEWER SYSTEM ASSESSMENT AREA



N.T.S.



### LEGEND

 NOT IN ASSESSMENT AREA

JUPITER, FLORIDA