

# 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:** February 9, 2015  
**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. 49<sup>th</sup> Terrace N. LPSS Preliminary Assessment (Resolution 2015-04)
- B. 49<sup>th</sup> Terrace N. Gravity Preliminary Assessment (Resolution 2015-05)
- C. 197<sup>th</sup> Place N. Notice of Intent to Assess (Resolution 2015-03)
- D. 16815 N. Federal Hwy. Notice of Intent to Assess (Resolution 2015-08)
- E. 16821 N. Federal Hwy. Notice of Intent to Assess (Resolution 2015-09)
- F. Chlorine Contract Renewal-to authorize renewal
- G. Aerbay Blower purchase – to approve purchase
- H. Disposal of Fixed Assets – to approve disposal
- I. 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 February 19, 2015 as presented."**

Signed,

D. Albrey Arrington  
Executive Director

L:/Board/Consent

Gordon M. Boggie  
Board Member

Dr. Matt H. Rostock  
Board Member

Stephen B. Rockoff  
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*

**BROOKEGROGAN**  
*Attorney*



**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

[www.LawPalmBeach.com](http://www.LawPalmBeach.com)

LEGAL ASSISTANTS

CIVIL TRIAL, PROBATE  
AND FAMILY LAW  
KAREN M. BOYDEN-LOPATOSKY  
MINDY VASSER

PERSONAL INJURY

ROBIN B. MODLIN, CP  
TERRI L. VLASSICK

REAL ESTATE

JUDY D. MONTEIRO  
DENISE B. PAOLUCCI

January 29, 2015

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 2015-04 and Preliminary Assessment Roll for 49<sup>th</sup> TERR N. LOW PRESSURE**

Dear Albrey & Clint:

Please attach to this letter Resolution 2015-04, Exhibit "A" Preliminary Assessment Roll, Map & most recent Exhibit "B" list of property owners as part of the Resolution.

In the Resolution, Sections 2 and 7, the "Board of Adjustment" public hearing and "Governing Board" meeting to confirm the "final" assessment roll is proposed for MARCH 19, 2015. Preparation is necessary of the Notice to be published and mailed out by **Friday, March 6, 2015.**

A **SUGGESTED MOTION** for the Board at the FEBRUARY 19, 2015 meeting is as follows:  
"THAT THE GOVERNING BOARD approve Resolution **2015-04** adopting the **49<sup>th</sup> TERR N. LOW PRESSURE** Preliminary Assessment Roll."

Sincerely,

*Curtis L. Shenkman*

Curtis L. Shenkman

**LRECD RESOLUTION NO. 2015-04**

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO THE **49TH TERR N. LOW PRESSURE** ASSESSMENT AREA IMPROVEMENTS; ADOPTING THE PRELIMINARY ASSESSMENT ROLL FOR **49TH TERR N. LOW PRESSURE** ASSESSMENT AREA IMPROVEMENTS AS PREPARED BY THE DISTRICT CLERK AND ATTACHED HERETO AS EXHIBITS "A" AND "B"; AUTHORIZING THE DISTRICT GOVERNING BOARD TO ACT AS THE BOARD OF ADJUSTMENT; PROVIDING FOR THE FURNISHING OF TEN DAYS' WRITTEN NOTICE TO ALL PROPERTY OWNERS AFFECTED; DIRECTING THAT AN AFFIDAVIT OF PUBLICATION BE OBTAINED; REQUIRING THE FILING OF THE PROOF OF PUBLICATION AND OF THE WRITTEN NOTICE; MAKING REFERENCE TO RESOLUTION NO. **2014-11** PROVIDING FOR THE PUBLICATION OF THE NOTICE OF THE MEETING TO CONSIDER CONFIRMATION OF THE PRELIMINARY ASSESSMENT ROLL; DIRECTING THAT AN AFFIDAVIT OF PUBLICATION BE OBTAINED; REQUIRING THE FILING OF THE PROOF OF PUBLICATION; PROVIDING FOR CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Governing Board of the Loxahatchee River Environmental Control District (hereinafter called the "District" has authorized the sewer improvements to the **49TH TERR N. LOW PRESSURE** Assessment Area in **PALM BEACH** County, Florida.

WHEREAS, the Governing Board has considered the presentation of the District Engineer and considered such recommendations to be in accordance with the requests and the best interests of the citizens of the District.

WHEREAS, the Governing Board has considered the improvements to be in accordance with the best interests of the citizens of the **49TH TERR N. LOW PRESSURE** Assessment Area.

WHEREAS, the District's previous Resolution **2014-11** was approved by the District's Governing Board and directed the preparation of the Assessment Roll.

WHEREAS, the District Clerk has prepared the Preliminary Assessment Roll attached hereto as Exhibits "A" and "B".

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

Section 1. The District adopts the Preliminary Assessment Roll in the form as attached hereto as Exhibits "A" and "B".

RESOLUTION 2015-04 OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

Section 2. The District Clerk is directed to publish a Notice stating that the District's Governing Board shall act as the **Board of Adjustment** at a hearing to be held on the **19th day of March, 2015** at the District's Governing Board meeting chambers, Jupiter, Florida. Such Notice shall be published at least ten (10) days in advance of such hearing, once in a newspaper published in Martin County and once in a newspaper published in Palm Beach County. Such Notice shall state that at the hearing, the Governing Board will hear objections of all interested persons to the confirmation of such resolution. Such Notice shall state in brief and general terms a description of the improvements with the location thereof and shall also state that plans, specifications, estimates, and the tentative apportionment of cost thereof are on file in the office of the District. The District Clerk is directed to mail a copy of such Notice to each of the affected property owners at least ten (10) days in advance of the hearing.

Section 3. During the Board of Adjustment hearing, such affected property owner may present information to the Governing Board in relation to his Special Assessment and the project, provided that such property owners must submit in writing to the District either prior to or at the time of said meeting of the Board of Adjustment their objections to the Special Assessment.

Section 4. The District Clerk is directed to obtain from the publisher of the newspaper(s) used for publication herein an affidavit confirming the publication of the Notice of the Hearing of the Governing Board as the Board of Adjustment as set forth herein.

Section 5. The District Clerk shall file Proof of Publication and Proof of Written Notice to the affected property owners at the Board of Adjustment hearing.

Section 6. Resolutions No. **2014-11 and 2015-04** of the District shall be a part of the record to be considered by the Governing Board at the aforescribed hearing when the Governing Board sits as the Board of Adjustment.

Section 7. The District Clerk is directed to publish a Notice stating that at the meeting of the Governing Board to be held on **March 19, 2015** at the District Governing Board meeting chambers, Jupiter, Florida, all interested persons may appear and file written objections to the confirmation of the Final Assessment Roll. Such Notice shall be published at least twelve (12) days in advance of such meeting, once in a newspaper published in Martin County and once in a newspaper published in Palm Beach County. Such Notice shall state the class of the improvement and the location thereof by terminal points and route. Such Notice shall also be mailed to those interested parties requesting such in writing.

Section 8. The District Clerk is directed to obtain from the publisher of the newspaper(s) used for publication herein an affidavit confirming the publication of the Notice of the Meeting of the Governing Board to confirm the Final Assessment Roll.

Section 9. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

RESOLUTION 2015-04  
OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

Section 10. In the event that any portion of this Resolution is found to be unconstitutional or illegal, it shall be severed herefrom without affecting the validity or enforceability of the remaining portions of this Resolution.

Section 11. 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 **FEBRUARY, 2015.**

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

VOTE

\_\_\_\_\_  
STEPHEN ROCKOFF, Chairman

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

\_\_\_\_\_  
HARVEY SILVERMAN

\_\_\_\_\_  
JAMES D. SNYDER

\_\_\_\_\_  
DR. MATT H. ROSTOCK

EXHIBIT "A"  
PRELIMINARY ASSESSMENT ROLL  
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
**49TH TERRACE N. LOW PRESSURE 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 **49TH TERRACE N. LOW PRESSURE** Assessment Area shall be **\$8,029.20** per parcel of property in the **49TH TERRACE N. LOW PRESSURE** 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 **49TH TERRACE N. LOW PRESSURE** Assessment Area identified on EXHIBIT "B" shall be currently assessed in the amount of **\$7,226.28**.

PAYMENT OF ASSESSMENT. As to Parcels of **49TH TERRACE N. LOW PRESSURE** Assessment Area Property in EXHIBIT "B", the **\$7,226.28** assessment may be paid, interest free, at the office of the District on or before May 1, 2016.

**Owners who do not pay the \$7,226.28 assessment on or before May 1, 2016 shall have the \$7,226.28 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 \$675.50, commencing with the November 1, 2016 Real Estate Tax Bill.**

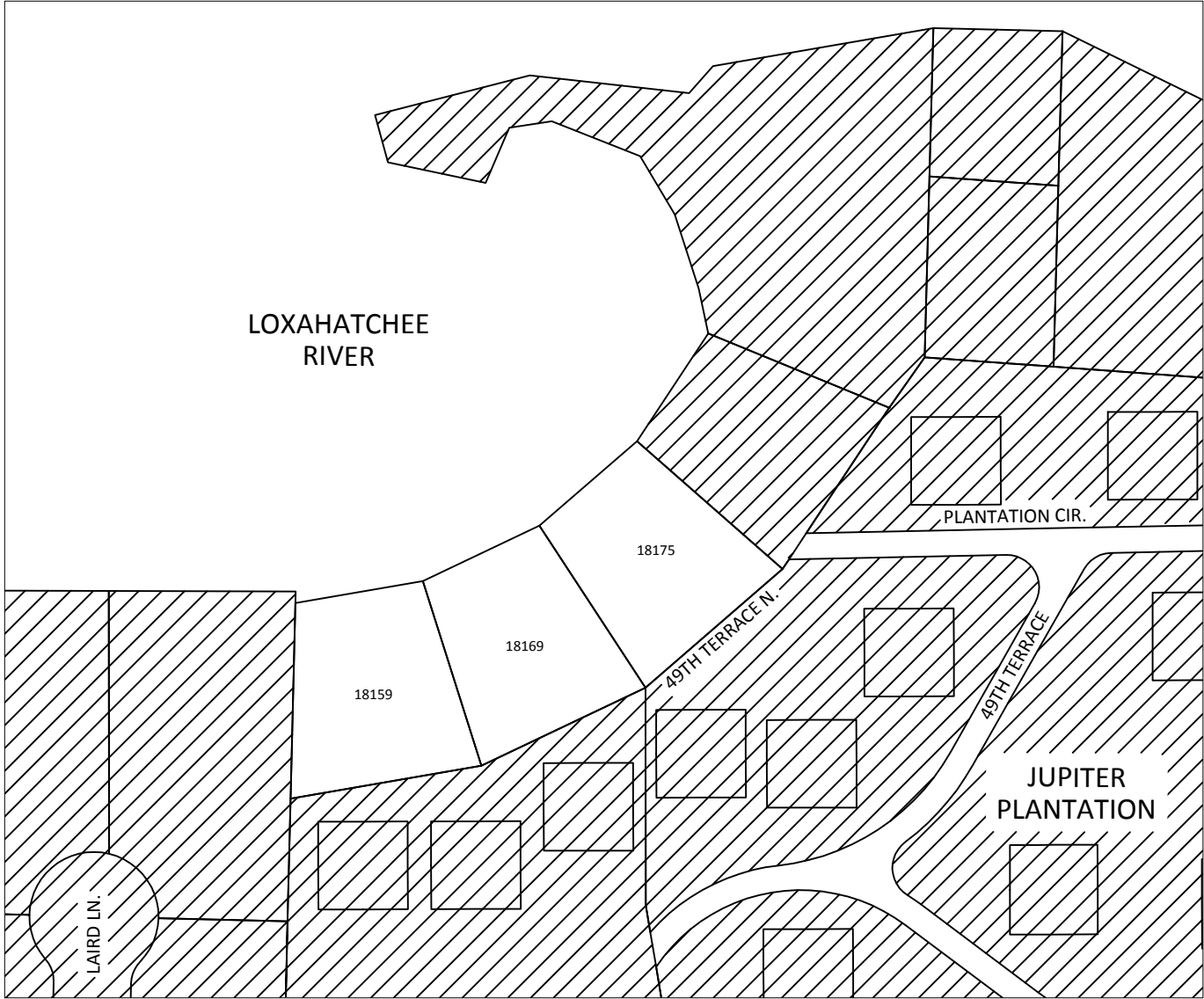
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

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

# EXHIBIT "A" 49TH TERRACE N. LOW PRESSURE SEWER SYSTEM ASSESSMENT AREA



N.T.S.



### LEGEND

 NOT IN ASSESSMENT AREA

JUPITER, FLORIDA

Ms. Aimee Waters  
18159 49th Ter N  
Jupiter FL 33458  
re: 18159 49th Ter N  
00-42-40-35-00-007-0090

B Hunsberger/E Lowenhaupt  
18169 49th Ter N  
Jupiter FL 33458  
re: 18169 49th Ter N  
00-42-40-35-00-007-0110

Mr. Iain Currie  
18175 49th Ter N  
Jupiter FL 33458  
re: 18175 49th Ter N  
00-42-40-35-00-007-0140