

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



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

MEMORANDUM

TO: Governing Board
FROM: D. Albrey Arrington, Executive Director
DATE: March 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. 49th Terrace N. LPSS Final Assessment (Resolution 2015-06)
- B. 49th Terrace N. Gravity Final Assessment (Resolution 2015-07)
- C. Rolling Green Rd. Notice of Intent to Assess (Resolution 2015-13)
- D. 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 March 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

BROOKE A. GROGAN



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

ATTORNEYS & COUNSELORS AT LAW

ESTABLISHED 1973

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

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Shenkman@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

March 11, 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 2015-06 and FINAL Assessment Roll for 49th Terrace North -LPSS**

Dear Albrey & Clint:

Attached to this letter is Transfer of Property Lien, Resolution 2015-06, 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 March 19, 2015 meeting is as follows:

"THAT THE GOVERNING BOARD approve Resolution **2015-06** adopting the **49th Terrace North -LPSS FINAL** Assessment Roll and Exhibits."

Sincerely,

Curtis L. Shenkman

Curtis L. Shenkman

RESOLUTION NO. 2015-06

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO THE **49TH TERRACE N. LOW PRESSURE** ASSESSMENT AREA IMPROVEMENTS; ADOPTING THE ASSESSMENT ROLL FOR **49TH TERRACE N. LOW PRESSURE** 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 **49TH TERRACE N. LOW PRESSURE** Assessment Area; and

WHEREAS, The District's previous Resolutions **2014-11 & 2015-04** 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 MARCH, 2015 at 6:45 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. **2014-11 & 2015-04** 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 2015-06

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 **January 5, 2015**, 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 MARCH, 2015.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT:
VOTE

STEPHEN B. ROCKOFF, Chairman

GORDON M. BOGGIE

HARVEY M. SILVERMAN

JAMES D. SNYDER

DR. MATT H. ROSTOCK

EXHIBIT "A"
FINAL 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

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 49TH TERRACE N. LOW PRESSURE 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 MARCH, 2015, passed Resolution 2015-06 which is attached hereto, approving the non-ad valorem tax bill, AND TRANSFERRING THE RECORDED LIEN ON PROPERTIES IDENTIFIED AS BEING PART OF THE **49TH TERRACE N. LOW PRESSURE** AREA LISTED IN THE FOLLOWING DOCUMENTS, as recorded in the Public Records of **PALM BEACH** County, Florida:

1. Pending Lien Notice of Intent to Assess, and Resolution 2014-11, recorded on **MAY 19, 2014 in Official Record Book 26798, Pages 0361 through 0367, 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 MARCH 19, 2015, 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 March 19, 2015, 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

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

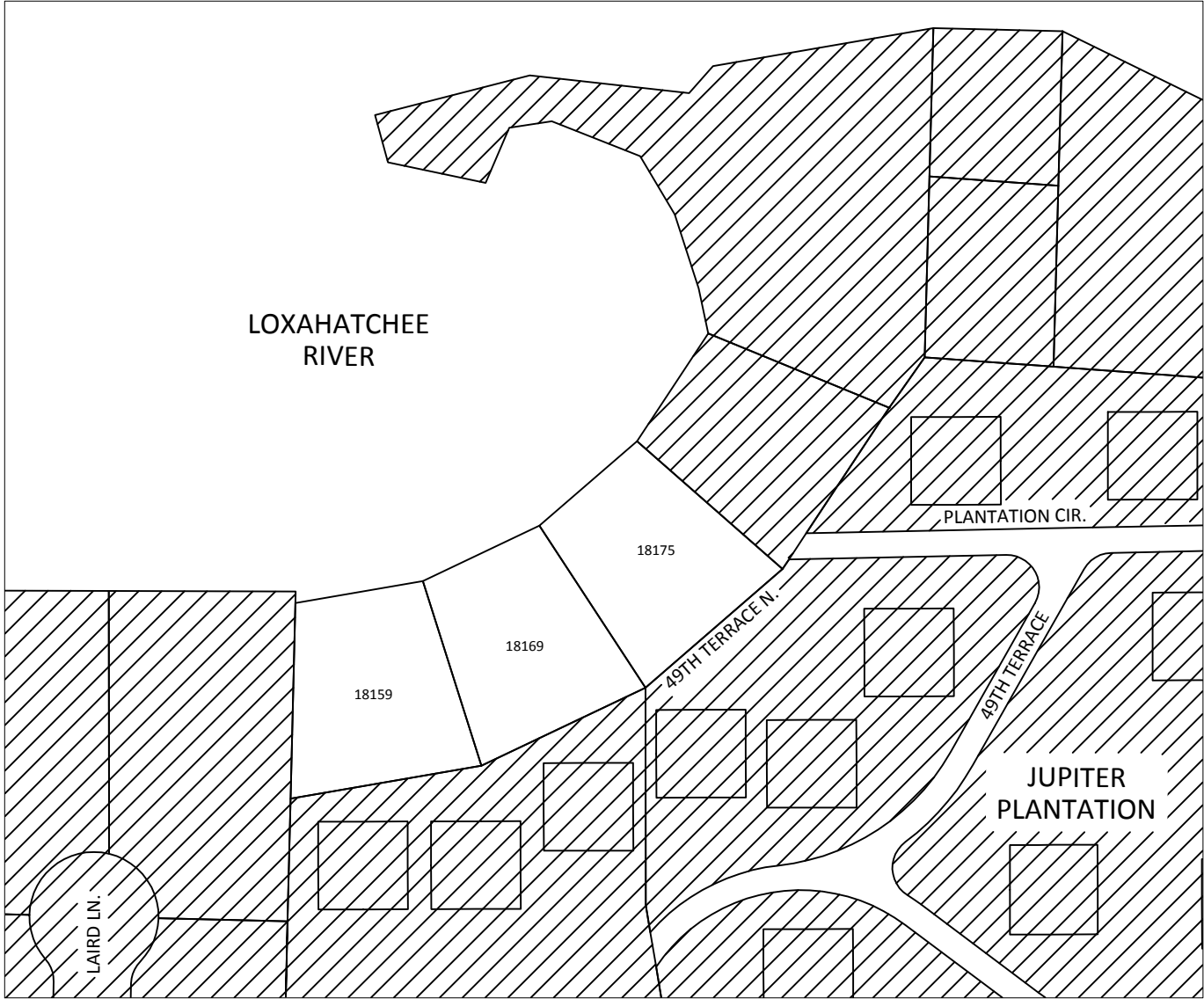
B Hunsberger/E Lowenhaupt
18169 49th Ter N
Jupiter FL 33458
re: 18169 49th Ter N
00-42-40-35-00-007-0110

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

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



N.T.S.



LEGEND

 NOT IN ASSESSMENT AREA

JUPITER, FLORIDA