

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: November 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. DuBois Road Preliminary Assessment (Resolution 2015-38)
- B. Clark Lane Ph I Final Assessment (Resolution 2015-39)
- C. River Center Exhibit Renovations (Living Color) – to authorize purchase order
- D. Legal Representation (Mathison Whittles) – to authorize purchase order
- E. Equipment Purchase (Manlift) to authorize purchase
- F. Joint Project Agreement-Town of Jupiter A1A Improvements – to approve agreement
- G. Turtle Creek – to approve engineering services contract
- H. 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 November 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*



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

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REAL ESTATE

ANGEL AUGUST
JUDY D. MONTEIRO
DENISE B. PAOLUCCI

ADMINISTRATOR

FLORENCE SHERMAN

November 12, 2015

D. Albrey Arrington, Ph.D., Executive Director
Clint Yerkes, Deputy Executive Director
Loxahatchee River Environmental Control District
2500 Jupiter Park Drive
Jupiter, Florida 33458-8964

Re: **Resolution 2015-38 and Preliminary Assessment Roll for DuBois Road 19075(1) & 18045 and DuBois Road-18105**

Dear Dr. Arrington and Mr. Yerkes:

Attached to this letter is Resolution 2015-38, Exhibit "A" Preliminary Assessment Roll, and the most recent Exhibit "B" list of property owners, as part of the Resolution.

In Resolution 2015-38, Sections 2 and 7, the "Board of Adjustment" public hearing and "Governing Board" meeting to confirm the "final" assessment roll is proposed for **December 17, 2015**. We need to coordinate preparation of the Notice to be published and mailed out by **December 4, 2015**.

A **SUGGESTED MOTION** for the Board at the November 19, 2015 meeting is as follows:

"THAT THE GOVERNING BOARD approve Resolution **2015-38** adopting the **DuBois Road 19075(1) & 18045 and DuBois Road-18105** Preliminary Assessment Roll and Exhibits."

Sincerely,

Curtis L. Shenkman

Curtis L. Shenkman

LRECD RESOLUTION NO. 2015-38

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO THE **DUBOIS ROAD-19075 (1) & 18105 AND DUBOIS ROAD-18105** ASSESSMENT AREA IMPROVEMENTS; ADOPTING THE PRELIMINARY ASSESSMENT ROLL FOR **DUBOIS ROAD-19075 (1) & 18105 AND DUBOIS ROAD-18105** 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. **2014-18 AND 2014-19** 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 **DUBOIS ROAD-19075 (1) & 18105 AND DUBOIS ROAD-18105** 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 **DUBOIS ROAD-19075 (1) & 18105 AND DUBOIS ROAD-18105** Assessment Area.

WHEREAS, the District’s previous Resolution **2014-18 and 2014-19** 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 2015-38 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 **17th day of December, 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. **2014-18 and 2014-19 and 2015-38** 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 **December 17, 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 2015-38
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 **NOVEMBER, 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
DUBOIS ROAD-19075 (1) & 18105 AND DUBOIS ROAD-18105 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 **DUBOIS ROAD-19075 (1) & 18105 AND DUBOIS ROAD-18105** Assessment Area shall be **\$7,267.00** per parcel of property in the **DUBOIS ROAD-19075 (1) & 18105 AND DUBOIS ROAD-18105** 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 **CLARK LANE PH I** Assessment Area identified on EXHIBIT "B" shall be currently assessed in the amount of **\$6,540.30**.

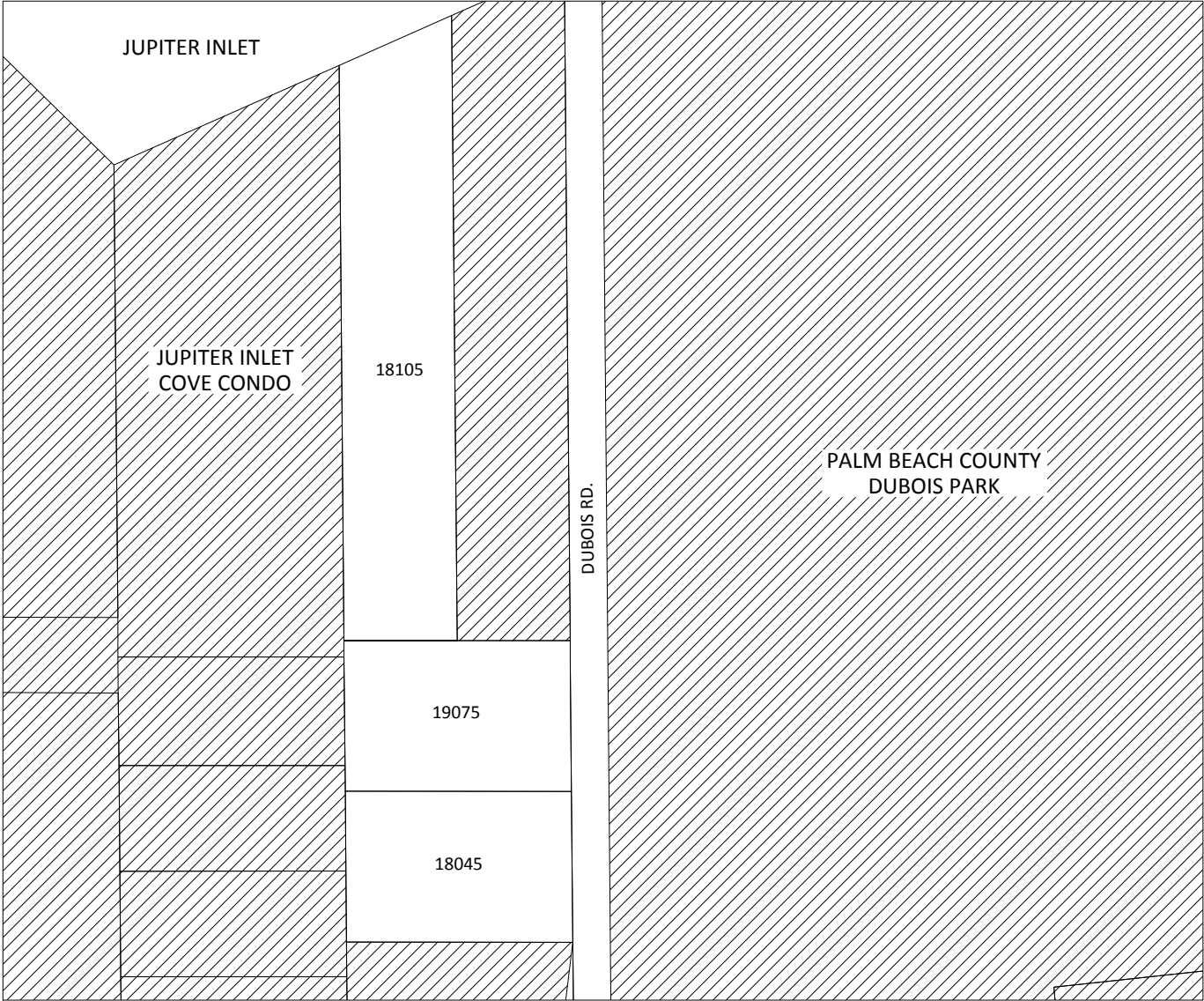
PAYMENT OF ASSESSMENT. As to Parcels of **DUBOIS ROAD-19075 (1) & 18105 AND DUBOIS ROAD-18105** Assessment Area Property in EXHIBIT "B", the **\$6,540.30** assessment may be paid, interest free, at the office of the District on or before May 1, 2017.

Owners who do not pay the \$6,540.30 assessment on or before May 1, 2017 shall have the \$6,540.30 principal added to the tax roll as a non-ad valorem assessment to accrue interest, beginning October 1, 2016, at six and seven eights percent (6.875%) per annum, to be collected in twenty (20) equal annual installments of \$611.37, commencing with the November 1, 2017 Real Estate Tax Bill.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

By: _____
D. Albrey Arrington, District Clerk, Executive Director

EXHIBIT "A"
DUBOIS ROAD
LOW PRESSURE SEWER SYSTEM
ASSESSMENT AREA



LEGEND

 NOT IN ASSESSMENT AREA

JUPITER, FLORIDA

Mr. & Mrs. Norman Carnell
re: 18105 Dubois Rd
18105 Dubois Rd
Jupiter FL 33477
00-43-40-31-00-007-0040

Jean Mathews-PBC Parks & Rec
re: 19075 Dubois Rd
2700 6th Ave, Dept 2700
Lake Worth FL 33461
00-43-40-31-00-007-0060

Mr. Lee Schneeweiss
re: 18045 Dubois Rd
18045 Dubois Rd
Jupiter FL 33477
00-43-40-31-00-007-0080