

Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

2500 Jupiter Park Drive, Jupiter, Florida 33458

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: May 16, 2016
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 – Riverside Dr Ph 3 (Resolution 2016-19)
- B. Final Assessment – Clark Ln Ph II (Resolution 2016-20)
- C. Hyland Terrace – to amend annual contract (Lazarus)
- D. Polymer Contract piggyback renewal – to authorize renewal
- E. Lift Station #6 Rehabilitation – to award contract
- F. Loxahatchee River Road Force Main Extension – award of contract
- G. Policy and Procedures – to approve
- 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 May 26, 2016 as presented."

Signed,

D. Albrey Arrington
Executive Director

L:/Board/Consent

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Board Member

Gordon M. Boggie
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

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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

May 4, 2016

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 2016-19 and FINAL Assessment Roll for Riverside Drive Phase 3

Dear Albrey & Clint:

Attached to this letter is Transfer of Property Lien, Resolution 2016-19, 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 MAY 26, 2016 meeting is as follows:

"THAT THE GOVERNING BOARD approve Resolution 2016-19 adopting the Riverside Drive Phase 3 FINAL Assessment Roll and Exhibits."

Sincerely,

Curtis L. Shenkman

Curtis L. Shenkman

RESOLUTION NO. 2016-19

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO THE **RIVERSIDE DRIVE PHASE 3** ASSESSMENT AREA IMPROVEMENTS; ADOPTING THE ASSESSMENT ROLL FOR **RIVERSIDE DRIVE PHASE 3** 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 **RIVERSIDE DRIVE PHASE 3** Assessment Area; and

WHEREAS, The District's previous Resolutions **2016-13 & 2016-17** were approved by the District's Governing Board and directed the preparation of the Assessment Roll.

WHEREAS, the Governing Board, on the 26th day of MAY, 2016 at 6:55 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. **2016-13 & 2016-17** 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 2016-19

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 March 25, 2016, 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 26th day of MAY, 2016.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT:
VOTE

GORDON M. BOGGIE, Chairman

STEPHEN B. ROCKOFF

HARVEY M. SILVERMAN

JAMES D. SNYDER

DR. MATT H. ROSTOCK

EXHIBIT "A"
FINAL ASSESSMENT ROLL
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
RIVERSIDE DRIVE PHASE 3 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 **RIVERSIDE DRIVE PHASE 3** Assessment Area shall be **\$5,737.08** per parcel of property in the **RIVERSIDE DRIVE PHASE 3** 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 **RIVERSIDE DRIVE PHASE 3** Assessment Area identified on EXHIBIT "B" shall be currently assessed in the amount of **\$5,163.37**.

PAYMENT OF ASSESSMENT. As to Parcels of **RIVERSIDE DRIVE PHASE 3** Assessment Area Property in EXHIBIT "B", the **\$5,163.37** assessment may be paid, interest free, at the office of the District on or before May 1, 2017.

Owners who do not pay the \$5,163.37 assessment on or before May 1, 2017 shall have the \$5,163.37 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 \$482.66, commencing with the November 1, 2017 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 RIVERSIDE DRIVE PHASE 3 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 26th day of MAY, 2016, passed Resolution 2016-19 which is attached hereto, approving the non-ad valorem tax bill, AND TRANSFERRING THE RECORDED LIEN ON PROPERTIES IDENTIFIED AS BEING PART OF THE **RIVERSIDE DRIVE PHASE 3** 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 Resolutions 2016-13, recorded on **MARCH 21, 2016 in Official Record Book 28173, Pages 511 through 517, 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 May 18, 2016, the information contained herein is true and accurate.

WITNESSES:

LOXAHATCHEE RIVER ENVIRONMENTAL
CONTROL DISTRICT

By: _____

D. Albrey Arrington, Ph.D.
Executive Director

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me on May 26, 2016, 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. Betty Williams
re: 19625 Riverside Dr
19625 Riverside Dr
Jupiter FL 33469
00-42-40-25-00-000-1200

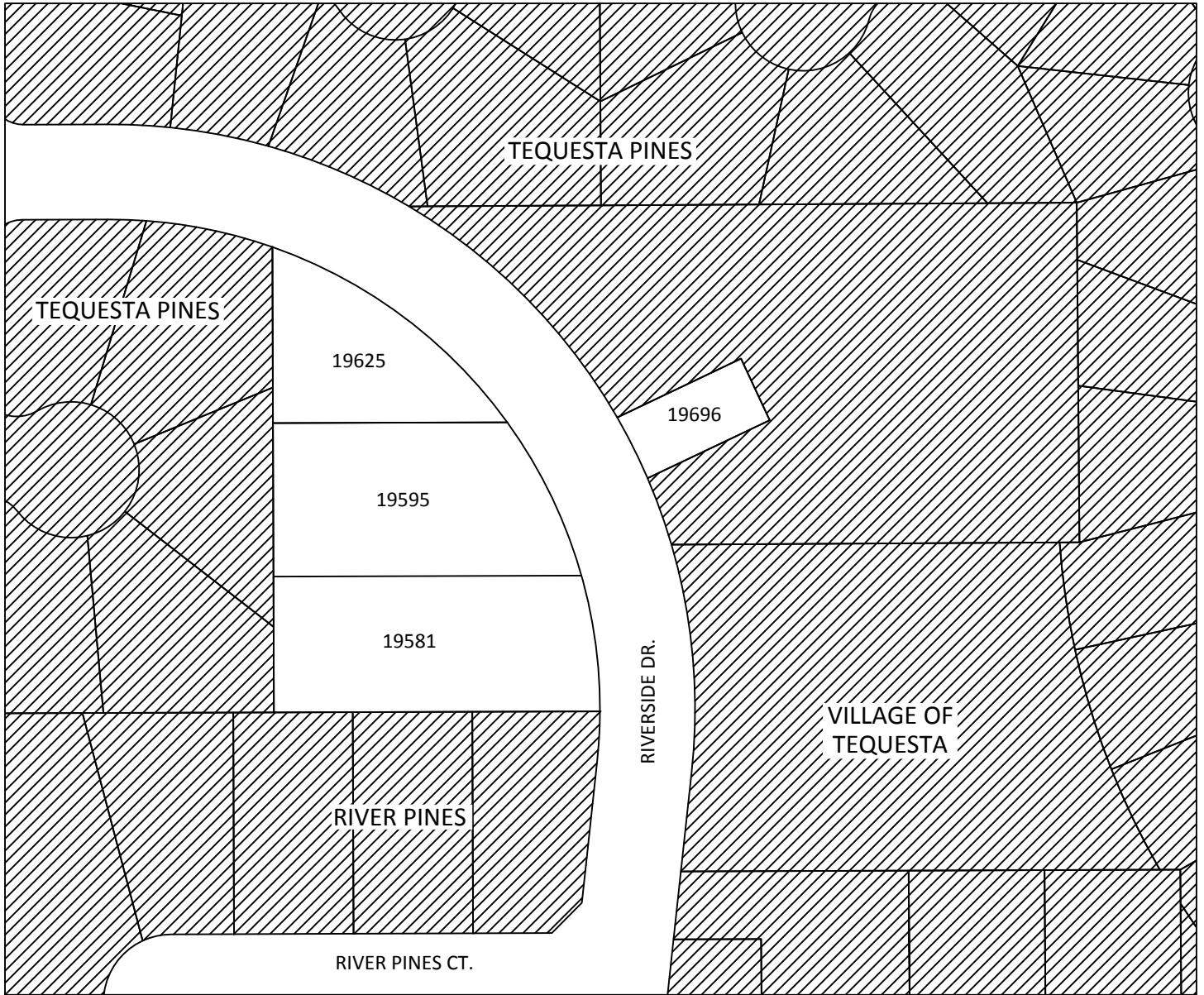
Ms. Marva Stone
re: 19595 Riverside Dr
19595 Riverside Dr
Jupiter FL 33469
00-42-40-25-00-000-1210

Mr. Shaheed Stone
re: 19595 Riverside Dr
19581 Riverside Dr
Jupiter FL 33469
00-42-40-25-00-000-1220

Mr. Andres Miller
re: 19696 Riverside Dr
PO Box 10241
W Palm Bch FL 33419
00-42-40-25-00-000-1270

EXHIBIT "B"

RIVERSIDE DRIVE - PHASE III LOW PRESSURE SEWER SYSTEM



LEGEND

 NOT IN ASSESSMENT AREA

TEQUESTA, FLORIDA