



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

SPECIAL TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

FRIDAY, FEBRUARY 28, 2014

11:00 AM

I. CALL TO ORDER AND ROLL CALL

Gail L. Coniglio, Mayor
Robert N. Wildrick, President
William J. Diamond, President Pro Tem
Richard M. Kleid
Michael J. Pucillo
Penelope D. Townsend

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. WELLS/SUNRISE SEAWALL REHABILITATION PROJECT

A. Update Re: Ownership and Cost Allocation.
[H. Paul Brazil, P.E., Director of Public Works]

B. RESOLUTION NO. 32-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design, Permitting, and Bid Support Services to Kimley-Horn and Associates, Inc., for the Reach 3 Roadway Protective Seawall Repairs, in the Amount of \$108,593.81, and Establishing a Design, Permitting, and Bid Phase Budget of \$120,000. [H. Paul Brazil, P.E., Director of Public Works]

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- C. RESOLUTION NO. 30-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments Levied Within a Portion of the Incorporated Area of the Town Constituting the Wells/Sunrise Seawall Rehabilitation Project Assessment Area; Stating the Need for Such Levy; Providing for the Mailing of this Resolution; and Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager] Page 17
- V. COMMUNICATION WITH U.S. ARMY CORPS OF ENGINEERS REGARDING PROPOSED DEEPENING AND WIDENING OF LAKE WORTH INLET. [Peter B. Elwell, Town Manager] Page 28
- VI. ANY OTHER MATTERS Page 37
- VII. ADJOURNMENT

PLEASE TAKE NOTE:

The progress of this meeting may be monitored by visiting the Town’s website (www.townofpalmbeach.com) and clicking on “Meeting Audio” in the left column. If you have questions relative to this feature, please contact the Office of Information Systems (561) 227-6315.

Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager’s Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

TOWN OF PALM BEACH

Information for Special Town Council Meeting on: February 28, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: Approval of Purchase Order for Design and Permitting of Reach 3 Roadway Protective Seawall Repair

Resolution No. 32-2014

DEFERRED FROM FEBRUARY 11, 2014 TOWN COUNCIL MEETING

Date: January 31, 2014

Revised February 20, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 32-2014 authorizing a purchase order in the hourly not-to-exceed amount of \$108,593.81 for design, permitting, and bid phase support services for repairs of the seawall along North Ocean Boulevard between Sunrise Avenue and Wells Road in Reach 3, and establish a design, permitting, and bid phase support budget of \$120,000.

GENERAL INFORMATION

On December 2, 2013, during a Special Town Council meeting to discuss the FY 2014 Coastal Protection Project, Town Council directed Town staff to have an engineer perform a condition assessment of the roadway protective seawall along approximately 2,000 feet of North Ocean Boulevard (N. Ocean Blvd.) in Reach 3, and to present the results to Town Council at the regular Town Council meeting on January 14, 2014.

At the January 14, 2014 Town Council meeting, Kimley-Horn and Associates, Inc. (KHA) presented their findings from the condition assessment. The observed wall deficiencies were documented and then prioritized based on an apparent reduction of their strength and potential additional deterioration.

KHA mentioned in their report, and reiterated directly to Town Council, that the seawall is presently stable. However, the seawall is in need of maintenance and repairs.

The report segmented the seawall into five (5) sections based on construction type. Each construction type poses differing concerns and strategies for repair. Recommendations by KHA of the five various seawall types included priority levels based on the following:

Priority 1 – conditions that affect the stability or structural capacity of the seawall to protect the adjacent roadway and public utilities.

Priority 2 – conditions that present a higher risk of personal injury to the public.

Priority 3 – recommended maintenance or repair to correct structural deterioration.

Priority 4 – conditions that should be monitored and may require future corrective measures.

Sections of the seawall that were assigned either a Priority 1 or Priority 2 level are considered to be the areas of greatest concern and should be repaired. Sections of the seawall that were assigned either a Priority 3 or Priority 4 level are considered to be areas where regular maintenance should be performed to reduce further deterioration. Should the Priority 3 or 4 items be ignored, further deterioration over time would increase concern and possibly reassign these areas to Priority 1 or 2 items.

Following the January 14, 2014 assessment presentation by KHA, Town staff informed Town Council that design, Coastal Construction Control Line (CCCL) permitting, bid advertisement, procurement, and contract award would all need to take place before completing necessary repairs. This list of activities cannot be completed in time for all repairs to be made before March 1. Due to sea turtle nesting season, between March 1 and October 31, barring any emergency, there are limitations on the activities that can take place on the beach.

KHA identified several Priority 1 items between Grace Trail and Everglade Avenue that will require new construction activities to restore the strength of the seawall. The repairs to this vertical-faced seawall (Type 4) include the replacement of approximately 45 feet of the seawall with new steel sheet piles and the replacement of approximately 225 feet of the concrete cap. An FDEP CCCL permit is to be issued for these types of structural repairs. These repairs can be performed from the upland side. Therefore, following FDEP permit issuance, these repairs can take place during sea turtle nesting season at any time of the year. KHA has determined that the seawall between Grace Trail and Everglade Avenue has lost structural capacity and these repairs will be completed before the peak of Atlantic hurricane season.

There are Priority 1 repairs to be completed that will require activities on the beach. These repairs are located between Everglade Avenue and Wells Road. KHA has determined that these repairs to the curve-faced seawall (Types 1 and 3) are structurally essential but cannot be completed before November 1 without beach access.

All surface repairs are exempt from FDEP CCCL permitting. These repairs, which are non-structural, will require activities on the beach. Town staff indicated that repair activities which require access on the beach should occur on or after November 1 and before the planned beach nourishment project scheduled this coming winter. Based on the current shoreline and seawall conditions, the repairs that require activities on the beach are lesser priorities. Holding off these repairs until the end of sea turtle nesting season is not expected to decrease the seawall's ability to provide storm protection during the upcoming hurricane season.

KHA has provided a proposal in the hourly not-to-exceed amount of \$108,593.81 to provide professional design, permitting, and bid phase support services for both the structural and non-structural seawall repairs along N. Ocean Blvd. in Reach 3. The proposal also includes the preparation of a specific purpose survey that will refine the probable cost estimates for construction activities within each parcel. Town staff has recommended a 10% contingency and a design, permitting, and bid phase support task budget of \$120,000 for this project.

SPECIAL CONSIDERATION

The majority of the 2,000-foot long seawall along N. Ocean Blvd. in Reach 3 is privately owned. The sections of the seawall that intersect the Rights-of Way for Wells Road (50 ft.), Dunbar Road (50 ft.), and Atlantic Avenue (30 ft.) are public. In addition, more than 75% of the 203-foot long seawall fronting the 260 N. Ocean Blvd. property is actually located within the N. Ocean Blvd. Right-of-Way. Attached is KHA's "Engineer's Opinion of Probable Cost by Parcel, Summary". The table indicates that approximately 25% of the total cost of repairs is located on public property. All other sections of the seawall between Sunrise Avenue and Wells Road are located on private property.

The breakdown of KHA estimates for each parcel is based mostly on information collected from Palm Beach County's Property Appraiser website. A specific purpose survey will identify actual limits for a more accurate parcel division of the bid form quantities. Actual quantities of materials may increase or decrease based on what is found during the repair process. For this reason, the KHA estimate already includes a 25% contingency in the total project cost estimate of \$1,458,000.

At the January 14, 2014 Town Council meeting, staff presented 3 alternatives for funding this project. These alternatives include:

1. The Town could pay for all costs associated with the project since it is roadway protective.
2. The Town could complete the project and assess the private owners for their prorated cost.
3. The Town could repair the sections of wall that are owned by the Town and give instructions to private owners on how to properly repair the sections they own.

Note: Sections 106-81, 106-82, and 106-83 of the Town's Code of Ordinances address the maintenance of roadway protective seawalls along Ocean Boulevard.

FUNDING/FISCAL IMPACT

KHA prepared a preliminary cost estimate. Please realize that this estimate is very preliminary in nature and is very conservative. We anticipate that the complete repair cost will be on the order of \$1.5 million. Four categories of repairs were identified. Priorities 1 and 2 included structural repairs. Priorities 3 and 4 included sealing, patchwork, and monitoring. Repair work associated with priorities 1 and 2 have an engineer's cost estimate of approximately \$500,000 to \$750,000 (approximately half of the complete repair costs).

The Town Council approved FY 2014 Coastal Management Program Budget did not include funding for all of the roadway protective seawalls (both public and private) in Reach 3. However, the FY 2014 Coastal Management Program Budget and 10-Year Forecast included anticipated appropriations of \$1 million annually for seawall repairs between FY 2015 to FY 2023 (\$9 million total). The \$9 million funding was included within the recent Accelerated Capital Improvement bond. This would be an appropriate funding source for the Town-owned public sections of the seawall in Reach 3.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Shore Protection Board
Robert Weber, Coastal Coordinator
Kevin Schanen, P.E., Kimley-Horn and Associates, Inc.
Dave Stewart, P.E., Kimley-Horn and Associates, Inc.

RESOLUTION NO. 32-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR DESIGN, PERMITTING, AND BID SUPPORT SERVICES TO KIMLEY-HORN AND ASSOCIATES, INC., FOR THE REACH 3 ROADWAY PROTECTIVE SEAWALL REPAIRS, IN THE AMOUNT OF \$108,593.81, AND ESTABLISHING A DESIGN, PERMITTING, AND BID PHASE BUDGET OF \$120,000.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Kimley-Horn and Associates, Inc., in the amount of \$108,593.81, for the design, permitting, and bid phase Support of Reach 3 Roadway Protective Seawall Repairs, and establishes a design, permitting, and bid phase budget of \$120,000.

Section 2. The Town Manager is hereby authorized and directed to execute this contract on behalf of the Town of Palm Beach for this improvement.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 28th day of February 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member



Kimley-Horn
and Associates, Inc.

January 29, 2014
January 30, 2014 (revised)

■
1920 Wekiva Way, Suite 200
West Palm Beach, Florida
33411

Mr. Rob Weber
Town of Palm Beach
Public Works Department
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

Re: Professional Services Proposal for Seawall Repair Design and Permitting
between Sunrise Avenue and Wells Road

Dear Mr. Weber,

Kimley-Horn and Associates, Inc. ("KHA" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to the design and permitting of seawall repairs along North Ocean Blvd. between Sunrise Avenue and Wells Road in the Town of Palm Beach. Our project understanding, scope of services, schedule, and fee follow.

PROJECT UNDERSTANDING

The coastal protection system of the Town of Palm Beach has been constructed, repaired and replaced numerous times over the past 80 years. The subject area along the Atlantic Ocean between Wells Road and Sunrise Avenue contains bulkheads that are comprised of cast-in-place concrete, steel sheet pile and concrete sheet piles constructed since 1930. Due to recent beach erosion, the upper parts of the structures have become visible. In December 2013, Kimley-Horn performed a condition assessment of the bulkheads in this area to assess the deterioration that exists so that repairs can be made prior to an upcoming beach restoration project. This report was presented to the Town Council in January 2014 and Town staff has since requested that Kimley-Horn prepare a proposal to design the recommended repairs for construction in 2014.

The south limit of the subject area is near the south right-of-way line of Sunrise Avenue. The north limit is near the north right-of-way line of Wells Road. The overall length is approximately 2000 feet.

This proposal addresses the design, permitting, and bid phase services for the proposed seawall replacement.

■
TEL 561 845 0665
FAX 561 863 8175



SCOPE OF SERVICES

Task 1 – Field Review and Data Collection

Task 1A – Specific Purpose Survey: KHA will employ the services of a professional land surveyor to prepare a Topographic Location Survey, Coastal Construction Control Line and Mean High Water Line Survey of the project area. The following elements will also be identified on the survey:

- Establish benchmarks based on NAVD 88 datum and state plane coordinates from GPS.
- Delineate existing right-of-way lines and plat lines.
- Provide a “bounded by” legal description of the project area from the centerline of North Ocean Blvd. to the 0.0’ contour line, north to the north right of way line of Wells Road and south to the south right of way line of Sunrise Avenue.
- Locate all above ground improvements within the area of wall replacement including cabanas, privacy walls, pavement, sidewalks, driveways and above ground evidence of utilities. Obtain rim elevations and inverts on drainage and outfalls to the beach. Identify pipe size and storm baffle locations in drainage structures. Utility locations will include fire hydrants, water valves, cleanouts, meter boxes, vaults, electrical outlets and main irrigation valves. Individual sprinkler heads not included. Outside of the wall replacement area, only significant improvements (walls, building, roads, etc.) will be located.
- Locate outline of beach and planted vegetation only in the area of wall replacement. Obtain tree positions with common name, diameter and elevation at base.
- Obtain ± 8 cross sections from centerline of road to (-) 1’ contour. Plot plan and profile views.
- Obtain height of seawall and elevation at base of seawall at points of location.
- Mean High Water Line pursuant to the Coastal Mapping Act of 1974, Chapter 177, Part II Florida Statutes. Obtain necessary spot elevations to map a 1’ contour to elevation 0.0.
- File completed survey with the State. Note: There is, to our knowledge, no ECL line within the project limits.
- Establish Coastal Construction Control Line in accord with State Statutes. Control line falls significantly west of the project limits.

The completed survey will be used as a base map to prepare the repair plans and will be contained in the CCCL permit application package as required by the FDEP.



Task 1B – Geotechnical Investigation: KHA will employ the services of a geotechnical engineering firm to perform a subsurface investigation of the soils in the location of the proposed seawall replacement installation. We will drill one (1) Standard Penetration Test (SPT) boring to a depth of 40 feet below land surface, perform laboratory examination of samples collected from the field, and submit an engineering report of our findings with recommendations for the geotechnical aspects of the project. A single wash boring will be made to estimate the top of the rock formation that underlies the site near Everglade Avenue where rig access is problematic.

Soil sampling will be accomplished via the SPT protocol after ASTM D 1586. Groundwater levels will be measured in the borings. The borings will be sealed with neat cement grout. Some of the borings will require some maintenance of traffic. Samples from the borings will be classified in accordance with the Unified Soil Classification System (ASTM D 2487). The wash boring will be completed using a water jet and temporary casing as needed.

The gathered field and laboratory data will be presented in both graphical and typed formats within a written report signed and sealed by a registered professional engineer. The engineering report shall include a detailed graphical log of each test boring showing subsurface material types and thicknesses, Unified Soil Classification System group symbols for each strata, SPT blow counts and groundwater levels (if any). The report shall also provide geotechnical engineering design criteria for the seawall replacement project. We envision that this will consist of lateral earth pressure soil parameters, and the capacity of helical anchors.

Task 1C– Field Review and Coordination: KHA will attend a kickoff meeting with the Town to discuss the objectives and design considerations for the project. KHA staff will perform a site visit and photograph the project corridor to identify visible site constraints, gather additional data, and make additional investigations to support the repair design effort.

Task 2 – Wall Repair Design

Using the information gathered in Task 1 above, KHA will prepare a permit level set of repair design documents. It is anticipated that two different sets of permit plans will be prepared. The first set of permit plans will be prepared for the wall replacement as it is anticipated that this work will require a traditional CCCL permit. It is anticipated that the traditional CCCL permit work will occur first, within sea turtle nesting season, as the wall replacement is more time critical than the other repairs.



The CCCL permit plans are anticipated to contain the following information:

- Cover Sheet
- Survey
- Site plan showing the location for the seawall section replacement.
- Representative cross sections that depict the typical profile for the replacement wall from the CCCL to the mean high water.
- Typical design section for the replacement seawall section noted as Type 4 in the assessment report.
- Typical details for the replacement wall.

The second set of permit plans will be prepared for the less significant repairs that do not require disturbing vegetated sand areas at the base of the seawall, heavy equipment on the beach, or full wall replacement, as these areas are anticipated to qualify for a field permit. Beach excavation will be performed outside of sea turtle nesting season and based on conversations between Town staff and the FDEP, the repair work requiring temporary beach excavation (Type 1 and 3 walls according to the assessment report) will qualify for a field permit.

Select portions of the final construction documents described below will be submitted to the FDEP for the field permit application review.

KHA will assemble the above documentation and provide it to the Town for review and approval. We will meet with the Town to discuss the plans and will respond to one round of reasonable comments provided by the Town.

Based on the information gathered and prepared during data collection, preparation of the permit plans, and from feedback received from the FDEP, KHA will finalize the design of the seawall repairs and prepare construction plans and specifications for the project. The construction plans and specifications will contain the following information:

- Cover Sheet
- General Notes
- Site and General Repair Area Location Plan (2 sheets, double plan)
- Replacement Wall Plan (1 sheet)
- Typical Wall Repair Type Photos (18 areas, based on parcel boundaries, 7 sheets of photos)
- Typical Replacement Wall Sections and Details (1 sheet)
- Typical Repair and Construction Details (3 sheets)
- Technical Specifications

Photographs will be used to the greatest extent practical in the plans to



communicate the wall damage and repairs to the contractor. We will coordinate with the Town to hold one meeting with affected property owners to discuss the repairs during the design phase of the project. We will prepare a preliminary and final opinion of probable construction cost for the project, broken down by adjacent parcel, and submit it to the Town for review. The bid form will be based on this breakdown and quantities will be arranged by parcel boundary.

KHA will submit preliminary and final repair documents for the Town's review. KHA will prepare an opinion of probable cost for each submittal. We will respond to one round of comments for each submittal and finalize the package for use by the Town in bidding and construction. We will attend up to two (2) progress meetings with the Town during the course of the design phase. We will provide the documents in Adobe Acrobat format for the Town to use for bidding and construction.

Task 3 – Permit Application Assistance

The Town has had preliminary discussions regarding this project with the FDEP. It is anticipated that the Type 4 wall replacement will require a traditional CCCL permit. Other areas that do not impact vegetated sand at the base of the wall or require significant equipment to be placed on the beach will qualify for a field permit issued out of the Tallahassee office of the FDEP. We have assumed that the rules and procedures outlined in Chapter 62B-33 F.A.C. will govern the CCCL permit process for the wall replacement section and we have based our Task 3 scope of services on these rules and procedures.

KHA will coordinate with the Town and adjacent stakeholders, as appropriate, to prepare the Coastal Construction Control Line (CCCL) permit application for the proposed project. In order to initiate the processing of a CCCL permit, the following items must be contained in the application:

- Copies of existing plans (if available) of the existing seawall.
- Town authorization to permit proposed improvements. (It is understood that the Town will obtain written authorization from the upland property owners to permit and construct the improvements)
- Special Purpose Survey updating topographic features between the existing road right-of-way and the 0.0 contour line (NAVD), and the horizontal location of the seawall with respect to existing boundary, Mean High Water, and CCCL lines.
- Minimum Design Objectives provided by the Town.

KHA will prepare the CCCL application and coordinate with the Town to prepare the following required support documentation.



- Special Purpose Survey
- Repair Design Plans prepared in Task 2.
- Grading plan, with representative cross sections and typical profiles from the CCCL to the mean high water.
- Earthwork calculations and fill characterization.
- Permit Application and related fees will be paid for directly by the Town.

KHA will assemble the above documentation for the permit application package, and provide it to the Town for review and approval. We will respond to one round of reasonable comments provided by the Town. KHA will coordinate with the FDEP Coastal Program staff via telephone to discuss the permit application. Once the application package has been finalized, KHA will submit the package to the FDEP. All permit application fees shall be paid for directly by the Town. KHA will prepare responses for up to two rounds of reasonable comments from FDEP Coastal Program staff.

We have assumed that the Town and the FDEP will accept that the work activities that occur on the beach (i.e. existing wall demolition, patching, crack sealing, beam and step nosing repairs) can occur during sea turtle nesting season so long as no heavy or significant equipment or excavation is required on the beach, and that no lighting issues will arise during the review process. Repairs requiring temporary excavation of un-vegetated sand will occur outside of sea turtle nesting season. If the work requires a variance from this, we can provide services related to preparation of a variance request to the FDEP as an additional service.

Task 4 – Bid Phase Services

We will attend the pre-bid meeting and respond to bidder requests for clarification and assist the Town in addendum preparation. We will review the bid proposal of the apparent low bidder and provide the Town with a letter describing the results of our review.

ADDITIONAL SERVICES

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Client, will be considered additional services. Additional services that we can provide include, but are not limited to, the following:

- Archeological surveys



- Environmental Assessments and Vegetation Surveys
- Construction phase services

INFORMATION AND SERVICES PROVIDED BY THE TOWN AND OTHERS

KHA assumes that all information provided can be relied upon in the performance of professional services and it will include those items described in the scope above and the requirements of 62B-33 F.A.C.

- Copies of all previous studies, permitting correspondence, geotechnical information, surveys and plans which might be useful in the permitting of the project.
- Access to the Site
- Permit Fees
- Property Information and Available Survey Information
- Proof of land ownership
- Letters of authorization from upland property owners to perform the repairs

SCHEDULE

We will provide our services in an expeditious and orderly manner to meet the schedule mutually developed by the Town and KHA for the various elements of the project.

FEE AND BILLING

KHA will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. We recommend that the following budgets be established for the work elements listed in the Scope of Services, exclusive of permit fees.

Task 1 – Field Review and Data Collection	\$20,940
Task 2 – Wall Repair Design	\$57,630
Task 3 – Permit Application Assistance	\$25,630
Task 4 – Bid Phase Services	\$ 4,395

An hourly breakdown of this fee has been attached to this proposal.



CLOSURE

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated January 28, 2010, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Kevin Schanen, P.E.
Vice President

Attachment

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**Town of Palm Beach
Wells/Sunrise Seawall Rehabilitation Project**

Table 3 - Engineer's Opinion of Probable Cost by Parcel, Summary

Begin Station	End Station	Shoreline Frontage (FT)	Parcel Control Number	Owner's Name	OPC
10+00	11+67	167	50434315230004020	Number One North Ocean Condominium 150 N Ocean Blvd, Palm Beach, FL	\$ 16,308
11+67	11+92	25	PCN Unknown	Grace Trail (Private)	\$ 10,328
11+92	14+33	241	50434314230003100	Ocean Towers North Condominium 170 N Ocean Blvd, Palm Beach, FL	\$ 78,968
14+33	14+43	10	504343140000020041	Root Trail Partners LLC 125 Root Trail, Palm Beach, FL Aligns with Root Trail (Private)	\$ 3,941
14+43	16+19	176	50434314250000010	Warden House Condominium 200 N Ocean Blvd, Palm Beach, FL	\$ 117,058
16+19	16+69	50		Aligns with Seminole Avenue (Private)	
16+69	17+84	115	50434314100020012	Meister, Robert 101 Seminole Ave, Palm Beach, FL	\$ 57,766
17+84	19+03	119	50434314100020011	Daniels, Leslie B 100 Everglade Ave, Palm Beach, FL	\$ 217,548
19+03	19+53	50		Aligns with Everglade Ave (Private)	
19+53	20+09	56	50434314260000020	220 North Ocean Partners 220 N Ocean Blvd, Palm Beach, FL	\$ 8,245
20+09	20+35	26	50434314260000040	Goldblum, Norman P & Goldblum, Simone S 109 Everglade Ave, Palm Beach, FL	\$ -
20+35	20+60	25	50434314260000061	Deziel, Louis B 117 Everglade Ave, Palm Beach, FL	\$ 8,245
20+60	20+87	27	50434314260000050	Ward, Charles & Ward, Donna 120 Atlantic Ave, Palm Beach, FL	\$ -
20+87	21+13	26	50434314260000030	Schuster, Heidi & Schuster, Scott 110 Atlantic Ave, Palm Beach, FL	\$ 7,773
21+13	21+70	57	50434314260000010	Goldfarb, Judith 230 N Ocean, Palm Beach, FL	\$ 37,888
21+70	2200	30	No PCN	Atlantic Ave (Public)	\$ 37,599
22+00	23+01	101	50434314090000190	Cloutier, George A 240 N Ocean Blvd, Palm Beach, FL	\$ 195,324
23+01	25+04	203	50434314070000740	Kinzelberg, Harvey 260 N Ocean Blvd, Palm Beach, FL	\$ 307,381
25+04	25+54	50	No PCN	Dunbar Rd (Public)	\$ 31,347
25+53	26+85	132	50434314070000371	Rubinoff, Michael S 101 Dunbar Rd, Palm Beach, FL	\$ 155,696
26+85	28+14	131	50434314070000361	Weisfisch, Rami Yoram & Weisfisch, Pnina Apolonia 280 N Ocean Blvd, Palm Beach, FL	\$ -
28+14	29+50	133	50434314080000040	Bottoroff, Jean B 300 N Ocean Blvd, Palm Beach, FL	\$ 97,622
29+50	30+00	50	No PCN	Wells Rd (Public)	\$ 68,964
		2,000	Project Total		\$ 1,458,000

Notes:

1. Parcel Stationing is approximate based on scaled aerials from Palm Beach County Property Appraiser web site.
2. Shoreline frontage for access parcels is based on platted dimensions from *Palm Beach Atlas*, Robert E. Owen & Associates, Inc., sheet No. 15. Actual shoreline frontage will be determined by boundary survey.

TOWN OF PALM BEACH

Information for Special Town Council Meeting on: February 28, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Public Hearing to Adopt a Proposed Resolution of Intent to Create an Assessment
Program for the Wells/Sunrise Seawall Rehabilitation Project Area
Resolution No. 30-2014

Date: February 14, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council consider all public comments at the public hearing on February 28 and thereafter adopt Resolution No. 30-2014. Adoption of this resolution at this time only preserves the Town's right to create the assessment area in time for the property tax bills to be mailed on or about November 1, 2014. The Town Council may decide for any reason not to proceed with the assessment area between now and September 9, 2014, and notify the Property Appraiser and Tax Collector of such change of intent.

GENERAL INFORMATION

In accordance with state law, staff published a Notice that appeared in the Palm Beach Daily News for four (4) consecutive weeks ending on February 21 indicating that the Town would conduct a public hearing on February 28 at a Special Town Council meeting called pursuant to 197.3632(3)(a) to consider adopting a resolution of intent to use the uniform method of assessment for the proposed Wells/Sunrise Seawall Rehabilitation Project Assessment Area. The uniform method of assessment is the process used whereby the assessment appears on each benefitting property owner's annual property tax bill. This is the same process used for the Town's Solid Waste collection assessment and for the Worth Avenue project. It is the process approved by the Town Council for assessment projects. If approved and ultimately implemented, the proposal to form an assessment area will result in certain costs of completing the Wells/Sunrise Seawall Rehabilitation Project improvements to be borne by those properties benefitting from the improvements. The final cost of the project or the actual costs incurred to that point in time, plus estimated costs to finalize the project, whichever is applicable, along with the proposed assessment methodology will be presented to the Town Council when considering the initial assessment resolution at the July 15, 2014, Town Council meeting.

The next step in this process is to consider the Wells/Sunrise Seawall Rehabilitation Project proposed resolution of intent. The Town's notice appeared in the Palm Beach Daily News for four (4) consecutive weeks beginning on January 31 and ending on February 21. At this juncture, the Town Council should conduct the public hearing on proposed Resolution No. 30-2014 seeking comments from all interested parties relative to the resolution and the payment and collection concept that it portends for the affected properties in the proposed Wells/Sunrise Seawall Rehabilitation Project Assessment Area.

If the Town Council decides later this year that it does not wish to proceed with the assessments for any reason, the process is stopped, the Property Appraiser and Tax Collector are notified, and an assessment does not appear on any tax bill.

If the Town Council approves this first step, the tentative process to bring this matter to fruition hereafter will approximate the following:

- July 15, 2014 - Adoption of the initial assessment resolution. All known and estimated costs of the project and other factors such as interest rates that affect final assessments will be provided and made public at this time.
- August 15, 2014 (on or about) – Mail notice to each affected property owner within the proposed boundaries of the assessment area advising of the tentative assessment amount and the date, time and place of adoption of the final resolution.
- September 9, 2014 – Adoption of final assessment resolution. All known and estimated final costs of the project and other factors such as interest rates that affect final assessments will be provided and made public at this time.

FUNDING/FISCAL IMPACT

All expenditures will be recorded and will be recouped, with the exception of the portion of the project cost to be borne by the Town, pursuant to an internal financing plan that will draw upon the 2013 Bond proceeds identified for coastal armoring which is approximately \$9 million. Interest and fees will apply. As this is a special assessment project, all costs will be borne by the benefitting property owners, including applicable property owned by the Town.

TOWN ATTORNEY REVIEW

The Resolution of Intent was approved by Heather Encinosa, Esq. of the law firm Nabors, Giblin & Nickerson in Tallahassee. Ms. Encinosa specializes in special assessment programs and the law associated therewith. Ms. Encinosa was the author of Town Ordinance No. 12-07, which updated assessment procedures for the Town in July 2007.

Attachment

cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Cheryl Somers, Assistant Finance Dir.
Amy Woods, Accounting Supervisor
John C. Randolph, Town Attorney
Heather Encinosa, Esq.

N:\TGB\Agenda Items\2014\Backup Memo on Proposed Seawall Rehabilitation Assessment Area 022814 S TCM

RESOLUTION NO. 30-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS LEVIED WITHIN A PORTION OF THE INCORPORATED AREA OF THE TOWN CONSTITUTING THE WELLS/SUNRISE SEAWALL REHABILITATION PROJECT ASSESSMENT AREA; STATING THE NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida (the "Town") is contemplating the imposition of a non-ad valorem assessment for the provision of certain capital improvements and related services within the Wells/Sunrise Seawall Rehabilitation Project Assessment Area; and

WHEREAS, the Town intends to use the uniform method for levying, collecting, and enforcing non-ad valorem special assessments for the cost of certain local improvements and related services to be provided within the Wells/Sunrise Seawall Rehabilitation Project Assessment Area, including, but not limited to, reconstruction of damaged reinforced concrete caps, beams and slabs; replacement of damaged sheet piles and tie-rods; and restoration of damaged exposed concrete surfaces improvements (collectively referred to herein as the "Wells/Sunrise Seawall Rehabilitation Project Local Improvements"), as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such non-ad valorem assessments to be collected annually commencing in November 2014, in the same manner as provided for ad valorem taxes; and

WHEREAS, the Town held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. Commencing with the Fiscal Year beginning on October 1, 2014, and with the tax bill mailed for such Fiscal Year and continuing until discontinued by the Town, the Town intends to use the uniform method of levying, collecting, and enforcing non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, and Chapter 90 of the Town of Palm Beach Code of Ordinances, for levying, collecting, and enforcing non-ad valorem assessments for the cost of providing the Wells/Sunrise Seawall Rehabilitation Project Local Improvements and related services. The proposed non-ad valorem assessments shall be levied within the incorporated area of the Town that constitutes the Wells/Sunrise Seawall Rehabilitation Project Assessment Area. A

legal description of such properties subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

Section 3. The Town hereby determines that the levy of the assessments is needed to fund the cost of the Wells/Sunrise Seawall Rehabilitation Project Local Improvements and related services for the Wells/Sunrise Seawall Rehabilitation Project Assessment Area.

Section 4. Pursuant to Section 197.3632(3)(a), Florida Statutes, the Palm Beach County Property Appraiser and Palm Beach County Tax Collector have both consented to an extension to March 1, 2014 for the adoption of this Resolution.

Section 5. Upon adoption, the Town Manager, or his designee, is hereby directed to send a copy of this Resolution by United States certified mail to the Florida Department of Revenue, the Palm Beach County Tax Collector, and the Palm Beach County Property Appraiser by March 10, 2014.

Section 6. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED in a special, adjourned session of the Town Council of the Town of Palm Beach assembled this 28th day of February 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

Palm Beach Daily News, Friday, January 31, 2014

As of this writing, the proof of publication from the Palm Beach Daily News has not been received. Upon receipt, it will be added to the Resolution. A copy of the actual ad is provided herewith.

**NOTICE BY THE TOWN
OF PALM BEACH OF
INTENT TO USE THE
UNIFORM METHOD OF
LEVYING, COLLECTING,
AND ENFORCING
NON-AD VALOREM
ASSESSMENTS**

Notice is hereby given to all owners of lands located within the boundaries of the proposed Wells/Sunrise Seawall Rehabilitation Project Assessment Area within the incorporated area of the Town of Palm Beach that the Town of Palm Beach intends to use the uniform method for levying, collecting, and enforcing non-ad valorem assessments to be levied by the Town of Palm Beach for certain local improvements and related services to be provided within the Wells/Sunrise Seawall Rehabilitation Project Assessment Area, including, but not limited to, reconstruction of damaged reinforced concrete caps, beams and slabs; replacement of damaged sheet piles and tie-rods; and restoration of damaged exposed concrete surfaces improvements (collectively referred to herein as the "Wells/Sunrise Seawall Rehabilitation Project Local Improvements") commencing with the Fiscal Year beginning on October 1, 2014, and continuing until discontinued by the Town.

The Town will consider the adoption of a resolution electing to use the uniform method of levying, collecting, and enforcing such assessments for the Wells/Sunrise Seawall Rehabilitation Project Local Improvements as authorized by section 197.3632, Florida Statutes, and Chapter 90 of the Town Code, at a public hearing to be held at 11:00 a.m. or as soon thereafter as the matter is heard on February 28, 2014, at 360 South County Road, Palm Beach, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Town Clerk's Office, located at 360 South County Road, Palm Beach, FL. All interested persons are invited to attend and be heard with regard to this matter.

In the event any person decides to appeal any decision by the Town with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at (561) 838-5416 at least two days prior to the date of the hearing.

DATED this 31st day of January, 2014.

By Order of: TOWN OF PALM BEACH, FLORIDA

Dated this 31st day of January, 2014
Town of Palm Beach

By: Peter B. Elwell, Town Manager

Publish: Palm Beach Daily News
January 31, 2014
February 7, 2014
February 14, 2014
and February 21, 2014

SKETCH & DESCRIPTION FOR:
WELLS/SUNRISE SEAWALL REHABILITATION PROJECT

LYING WITHIN SECTION 14, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of Section 14, Township 43 South, Range 43 East, lying within the Town of Palm Beach, Palm Beach County, Florida, described as follows:

Bounded on the north by the north right-of-way of Wells Road, as laid out and currently in use, and its easterly extension to the Atlantic Ocean; bounded on the east by the Atlantic Ocean; bounded on the south by the north right-of-way of Sunrise Avenue, as laid out and currently in use, and its easterly extension to the Atlantic Ocean; and bounded on the west as follows:

the west line of NUMBER ONE NORTH OCEAN, a condominium, and its northerly extension to the centerline of Grace Trail;
the west line of OCEAN TOWERS NORTH, a condominium, its southerly extension to the centerline of Grace Trail and its northerly extension to the centerline of Root Trail;
the west line of WARDEN HOUSE, a condominium, its southerly extension to the centerline of Root Trail and its northerly extension to the centerline of Seminole Avenue;
the east line of the west 8 feet of the south 6.74 feet of Lot 1, Block 2 and the east line of the west 8 feet of Lot 34, Block 2 and its southerly extension to the centerline of Seminole Avenue, according to the plat of OCEAN PARK, H.W. ROBINS ADDITION TO PALM BEACH, FLORIDA, recorded in Plat Book 6, Page 78, Public Records of Palm Beach County, Florida;
the west line of Lot 1, Block 2, less the south 6.74 feet thereof, and its northerly extension to the centerline of Everglade Avenue, according to the plat of OCEAN PARK, H.W. ROBINS ADDITION TO PALM BEACH, FLORIDA, recorded in Plat Book 6, Page 78, Public Records of Palm Beach County, Florida;
the west line of Lot 6 and its southerly extension to the centerline of Everglade Avenue, according to the plat of PARANGON, recorded in Plat Book 45, Pages 75 and 76, Public Records of Palm Beach County, Florida;
the west line of Lot 5 and its northerly extension to the centerline of Atlantic Avenue, according to the plat of PARANGON, recorded in Plat Book 45, Pages 75 and 76, Public Records of Palm Beach County, Florida;
the west line of Lots 19 and 20 and its southerly extension to the centerline of Atlantic Avenue, according to the plat of PROXIMITY PARK, recorded in Plat Book 2, Page 9, Public Records of Palm Beach County, Florida;
the west line of Lot 74 and its northerly extension to the centerline of Dunbar Road, according to the plat of ADAMS ADDITION TO PALM BEACH, recorded in Plat Book 7, Page 68, Public Records of Palm Beach County, Florida;
the east line of the west 110 feet of the south 130 feet of Lot 37 and its southerly extension to the centerline of Dunbar Road, according to the plat of ADAMS ADDITION TO PALM BEACH, recorded in Plat Book 7, Page 68, Public Records of Palm Beach County, Florida;
the east line of Lot 38 and its northerly extension, according to the plat of ADAMS ADDITION TO PALM BEACH, recorded in Plat Book 7, Page 68, Public Records of Palm Beach County, Florida;
the east line of the west 499.91 feet of Lot E and its northerly extension to the north right-of-way of Wells Road, according to the plat of REPLAT OF PORTION OF ADAM'S ADDITION TO PALM BEACH, recorded in Plat Book 16, Page 9, Public Records of Palm Beach County, Florida.

Said lands includes, but is not limited to, properties identified by the following Parcel Control Numbers (PCN) and condominium names:

50-43-43-14-08-000-0040;	50-43-43-14-07-000-0361;
50-43-43-14-07-000-0371;	50-43-43-14-07-000-0740;
50-43-43-14-09-000-0190;	50-43-43-14-26-000-0010;
50-43-43-14-26-000-0020;	50-43-43-14-26-000-0030;
50-43-43-14-26-000-0040;	50-43-43-14-26-000-0050;
50-43-43-14-26-000-0061;	50-43-43-14-10-002-0011;
50-43-43-14-10-002-0012;	50-43-43-14-00-002-0041;

WARDEN HOUSE, a condominium;
OCEAN TOWERS NORTH, a condominium;
NUMBER ONE NORTH OCEAN, a condominium.

REVISIONS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
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JOB #:	9574
SCALE:	1" = 100'
DATE:	02/21/2014
BY:	M.M.K.
CHECKED:	M.D.A.
F.B.	N/A P62 N/A
SHEET	1 OF 5

SKETCH & DESCRIPTION FOR:
WELLS/SUNRISE SEAWALL REHABILITATION PROJECT

LYING WITHIN SECTION 14, TOWNSHIP 43 SOUTH, RANGE 43 EAST
 TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

SURVEYOR'S NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Property lines shown hereon were obtain from Palm Beach County GIS Department. These lines are for graphic depiction ONLY and were not verified by the surveyor.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: $\mathcal{C}$ = Centerline; EXT. = Extension; F.B. = Field Book; L.B. = Licensed Business; P.B. = Plat Book; PCN = Parcel Control Number; PG. = Page; P.L.S. = Professional Land Surveyor; R/W = Right-of- Way.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/21/14



MICHAEL D. AVIROM, P.L.S.
 Florida Registration No. 3268
 AVIROM & ASSOCIATES, INC.
 L.B. No. 3300

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JOB #:	9574
SCALE:	1" = 100'
DATE:	02/21/2014
BY:	M.M.K.
CHECKED:	M.D.A.
F.B.	N/A
PG.	2
N/A	N/A
SHEET	2 OF 5

EXHIBIT B

NORTH R/W
WELLS ROAD

BOULEVARD

OCEAN

ATLANTIC OCEAN

EAST LINE OF
WEST 499.91'
OF LOT E & ITS
NORTHERLY EXT.
(P.B. 16/9)

PCN
50-43-43-14-
08-000-0040

PCN
50-43-43-14-
08-000-0040

PCN
50-43-43-14-07-000-0361

PCN
50-43-43-14-
07-000-0361

EAST LINE OF LOT 38 & ITS
NORTHERLY EXT. (P.B. 7/68)

EAST LINE OF
WEST 110' OF
-SOUTH 130' OF
LOT 37 & ITS
SOUTHERLY EXT.
(P.B. 7/68)

PCN
50-43-43-14-
07-000-0371

PCN
50-43-43-14-
07-000-0371

DUNBAR ROAD

WEST LINE OF LOT 74
& ITS NORTHERLY EXT.
(P.B. 7/68)

PCN
50-43-43-14-07-000-0740

"NORTH

PCN
50-43-43-14-
07-000-0740

SHEET 4 OF 5

WEST LINE OF LOTS 19 & 20
& ITS SOUTHERLY EXT. (P.B. 2/9)

PCN
-43-43-14-
-000-0190

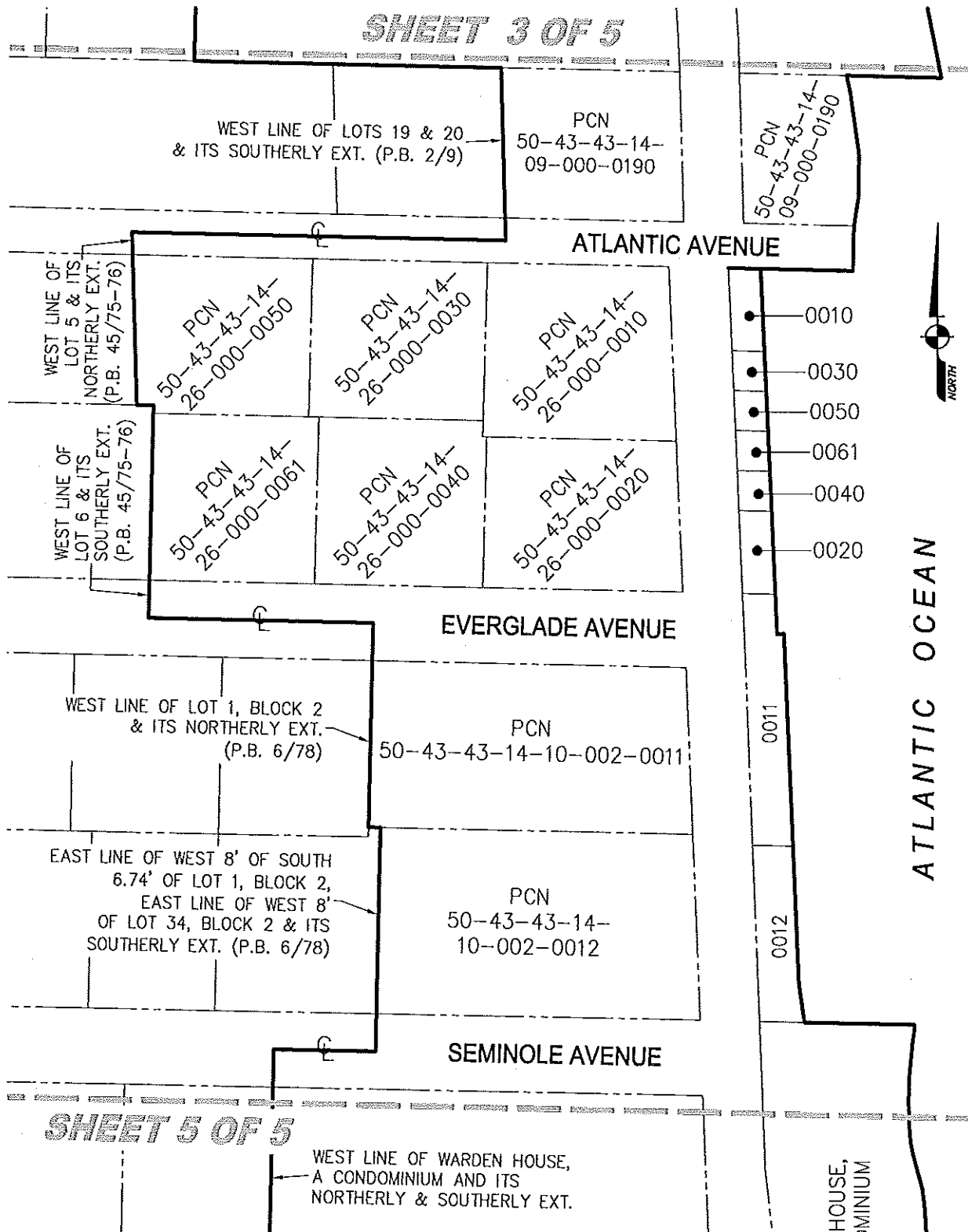


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JOB #:	9574		
SCALE:	1" = 100'		
DATE:	02/21/2014		
BY:	M.M.K.		
CHECKED:	M.D.A.		
F.B.	N/A	PG 24	N/A
SHEET	3	OF	5

SKETCH & DESCRIPTION FOR: WELLS/SUNRISE SEAWALL REHABILITATION PROJECT

LYING WITHIN SECTION 14, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



REVISIONS



AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING

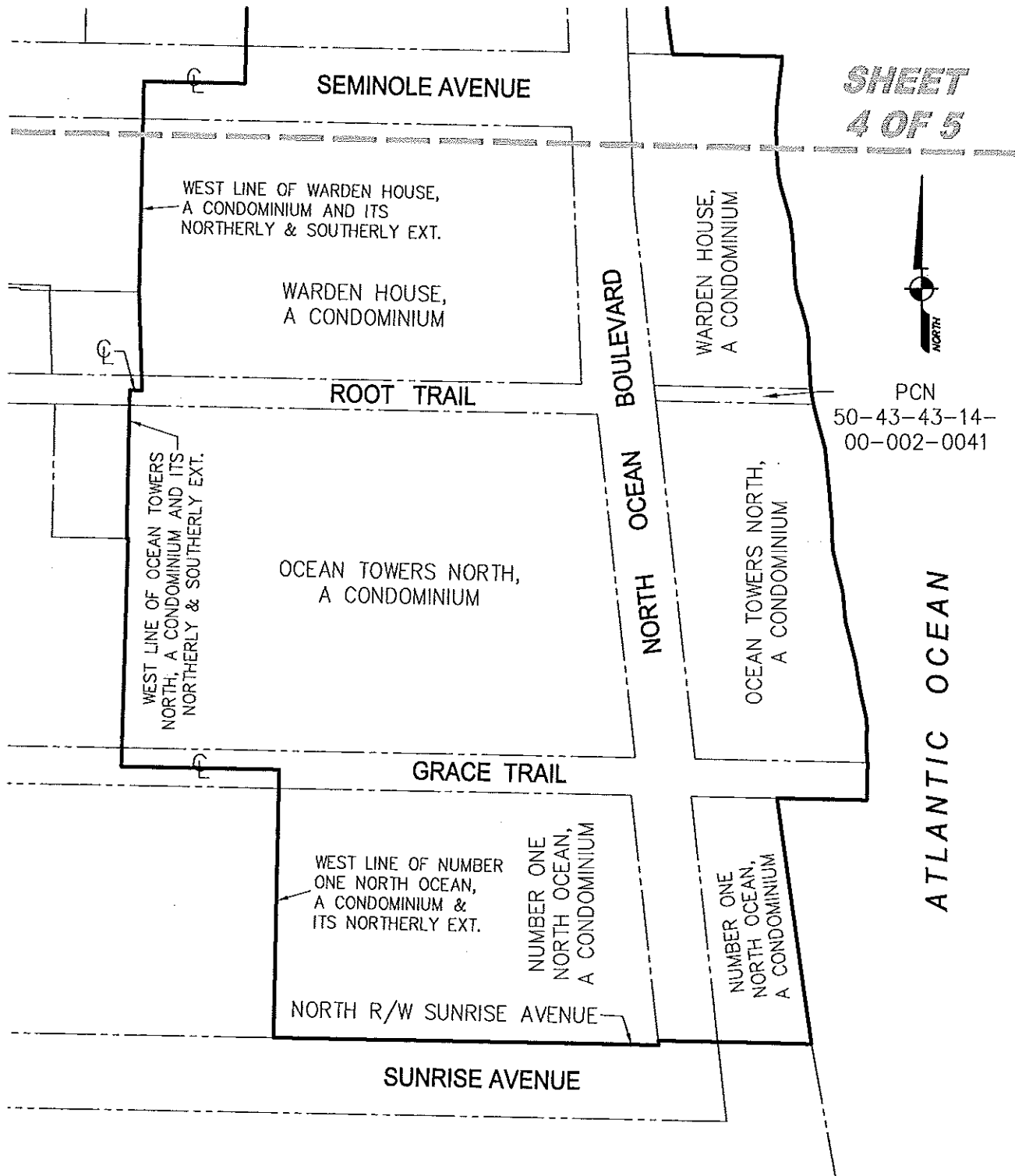
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JOB #: 9574
SCALE: 1" = 100'
DATE: 02/21/2014
BY: M.M.K.
CHECKED: M.D.A.
F.B. N/A PG. N/A
SHEET 4 OF 5

SKETCH & DESCRIPTION FOR:
WELLS/SUNRISE SEAWALL REHABILITATION PROJECT

LYING WITHIN SECTION 14, TOWNSHIP 43 SOUTH, RANGE 43 EAST
 TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



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JOB #:	9574
SCALE:	1" = 100'
DATE:	02/21/2014
BY:	M.M.K.
CHECKED:	M.D.A.
F.B.	N/A
PG	26
SHEET	5 OF 5

EXHIBIT B



TOWN OF PALM BEACH

Information for Special Town Council Meeting on: February 28, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, P.E., Director of Public Works

Re: Communication with U.S. Army Corps of Engineers Regarding Proposed Deepening and Widening of Lake Worth Inlet

Date: February 20, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council affirm the position in Mayor Gail L. Coniglio's February 13, 2014 letter to Colonel Alan M. Dodd and provide any other direction deemed necessary.

GENERAL INFORMATION

The U.S. Army Corps of Engineers (USACE), with the Port of Palm Beach as the local sponsor, have been planning a deepening and widening project for the Lake Worth Inlet/Palm Beach Harbor Channel. Before regulatory permitting staff could complete a review of the project, an Environmental Impact Statement (EIS) had to be performed. This EIS process has been underway for approximately 3 years and is now near completion as copies of the Lake Worth Inlet/Palm Beach Harbor Final Integrated Feasibility Report (FR) and EIS were distributed by the USACE on January 30, 2014. The Final FR/EIS was to have addressed all comments raised during the public comment period for the Draft FR/EIS which ended on June 3, 2013.

Two letters were provided to the USACE that mentioned the Town's official concerns. One letter was provided by Town consultant Coastal Systems International, Inc., and the other letter was provided by Town staff. The USACE issued responses to the 155 comments that were outlined within the two letters.

The following information briefly outlines how five high priority Town concerns were addressed by the USACE during review of the Draft FR/EIS comments and in the final FR/EIS:

1. Less frequent events may render upland properties more vulnerable to storm damage.

USACE Response – The frequency of maintenance events has been carefully evaluated and optimized relative to the requirements of the Navigation project. The authorized navigation project always uses the least cost disposal and attempts to beneficially reuse material to the maximum extent practicable. At Palm Beach Harbor, the first choice is always place maintenance material within the permitted upland beach template to the

south of the inlet. Material may be placed further south than this area; however, cost share for the additional cost is required.

This item was not revised from the Draft FR/EIS within Final FR/EIS text.

2. Consider expansion of authorized disposal areas to include Mid-Town and Phipps.

USACE Response – Expansion of the existing template and placing material at Mid-Town are being examined for inclusion in the on-going operation and maintenance of Palm Beach Harbor.

This item was addressed in more detail within the Final FR/EIS. Chapter 5.0 Effects of the Recommended Plan, 5.4.3 Dredged Material Placement, Future With-Project Conditions, Other Beneficial Use Sites, states the following:

Dredged material could also be placed on the beach between DEP reference monuments R-78 and R-81, above the mean high water (MHW) line. Local interests strongly support the placement of beach compatible material on the beaches. The placement of dredged material on the beaches would not occur from May 1 through October 31 due to nesting of sea turtles. If needed, material would be placed in the nearshore during this timeframe. Mid-Town Beach could be used for placement, if a non-federal entity is willing to pay the incremental cost difference. The Mid-Town beach fill template is located between DEP reference monuments R-90.4 and R-101.4.

3. Discontinue blasting if need is not justified for construction, or include DOT specifications for noise and vibration if blasting is justified by the geotechnical information.

USACE Response – This is correct. It might be possible that the channel can be deepened without blasting. However at this phase of the project we need to keep all options open and that means, we cannot exclude blasting. Please note, if the specification will end up allowing blasting all applicable regulations will be part of the specifications.

This item was addressed in more detail within various locations of the Final FR/EIS.

4. Present calibration and background data associated with storm surge modeling.

USACE Response – A detailed description of the storm surge analysis is located in Appendix A, Engineering, Attachment A, Hydrodynamic Modeling. This attachment describes the existing and project conditions resulting storm surge due to a 100 year return period event which includes astronomical tide, wind stress, barometric pressure, and wave setup.

This item was addressed in more detail within the Final FR/EIS. Chapter 5.0 Effects of the Recommended Plan, 5.3.4 Storm Surge, states the following:

The difference in storm surge elevations (0.328 ft) between the with-project and without-project condition is a minor increase compared to actual storm surge water level (10 feet) during the 100 year storm event. Therefore, no significant impact of the recommended project to storm surge is anticipated.

5. Identify a construction staging area.

USACE Response – Except for restrictions due to environmental protection, USACE will not dictate the type of dredging plant to use. Depending on who wins the contract, the type, size, and amount of supporting equipment could be highly variable thus the needs for staging such equipment are variable. The Jacksonville District, as a matter of policy, does not typically obtain staging areas for dredging contractors due to the uncertainty over what those spatial needs may exactly be for a particular contractor as well as the unknown timeframe for when such property would need to be obtained. Staging areas are proposed for use by a Contractor after contract award and are reviewed and approved by the COE Contracting Officer. The contractor then obtains such areas on his own outside of the contract with the COE. There is a U.S. Government owned 80' wide strip of property immediately adjacent to the South Jetty that may be offered by the COE, the use of this would be decided during the development of the dredging contract plans and specs.

This item was addressed in more detail within the Final FR/EIS. Chapter 4.0 Recommended Plan, 4.9.5 Lerris Summary, Real Estate Requirements, states the following:

Staging and work areas will be within the lands below the designated MHW line or on previously provided construction easements for the Palm Beach Harbor Project. These lands will be certified for this project prior to advertisement.

Based on staff's review of the Final FR/EIS, there are certain items in the recommended plan that may be of concern to the Town regarding sand placement. These items include the following excerpts from Chapter 4.0 Recommended Plan, 4.8 Dredged Material Placement:

...It is anticipated that all sandy material (approximately 450,000 cubic yards) would be placed in the nearshore area, located below the mean high water line.

...All operation and maintenance material is anticipated to continue to be placed on the beach or in the nearshore south of the inlet from R-76 to R-79.

The USACE will, to the greatest extent practicable, place beach quality dredged material within the authorized beach and/or nearshore templates per the current design restrictions provided by all applicable laws, regulations, policy, and guidance.

Nearshore Placement – Nearshore quality sand (up to 20% silt) would be placed in the nearshore (below the Mean High Water (MHW) line out to the -17 foot contour) along the coast south of the inlet between FDEP range monuments R-76 to R-79, filling landward to seaward. This is a least-cost placement option and also allows beneficial use of the material for recreation and wildlife, which is an incidental benefit.

Potential for Other Beneficial Uses of Dredged Material – The placement of beach quality material from R-76 to R-79 (above the Mean High Water (MHW) line to vegetation) south of the inlet is currently being done for operation and maintenance

material and will likely continue to be done in the future, though temporary easements obtained by the Town of Palm Beach and paid for by the Town of Palm Beach through separate Tri-Party agreement between the Town of Palm Beach, Port of Palm Beach, and Palm Beach County. However, placing material above the MHW line for a new project would incur large real estate costs, which would not make it a least-cost placement option. Therefore, this option is not considered to be part of the recommended plan. The USACE will coordinate with state and local regulatory agencies and this option may be reevaluated.

A Notice of Availability (NOA) for the Final FR/EIS was published in the Federal Register on February 7, 2014. The NOA does not trigger another public comment period. Following the NOA publication in the Federal Register, there is a minimum 30-day waiting period before the USACE, likely the Jacksonville District Engineer Colonel Alan M. Dodd, will issue a Record of Decision (ROD).

Attached is a letter sent from Mayor Coniglio to Colonel Dodd requesting that the ROD include language to clarify the dry beach placement for beach-quality sand for both the deepening and widening construction and any maintenance material that is removed from the Lake Worth Inlet and Palm Beach Harbor Channel.

At the February 11, 2014 Town Council Meeting, Ned Barnes of the Palm Beach Civic Association advised that the Civic Association has assembled a team of professionals to review the FR/EIS and that results from this review would be available at the February 28, 2014 Special Town Council Meeting.

FUNDING/FISCAL IMPACT

The Town is not a local sponsor for the USACE's deepening and widening project. No funds have been appropriated in the FY 2014 Coastal Management Program budget either for review of the Final FR/EIS or for construction efforts.

Attachments

cc: Shore Protection Board
Robert Weber, Coastal Coordinator
Ned Barnes, Palm Beach Civic Association



TOWN OF PALM BEACH

Office of Mayor and Town Council

February 13, 2014

Colonel Alan M. Dodd
District Engineer
Jacksonville District
United States Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207-8175

MAYOR GAIL L. CONIGLIO

COUNCIL

DAVID A. ROSOW, PRESIDENT
ROBERT N. WILDRICK, PRESIDENT PRO TEM
WILLIAM J. DIAMOND
RICHARD M. KLEID
MICHAEL J. PUCILLO

Re: Request for Commitment in Record of Decision
Final Integrated Feasibility Report and Environmental Impact Statement
EIS No. 20140025

Dear Colonel Dodd:

Thank you for quickly gathering your team for our conversation last week. I know that this required fast action by multiple people in different locations and I am grateful for the detailed information that your team provided regarding both the potential blasting and storm surge influences. While the detailed information does provide some explanation, I and much of the community remain concerned. Nevertheless, I will focus the remainder of this letter on the paramount issue of beach quality sand.

On May 8, 2013, Town Council unanimously voted to dismiss the Town's lawsuit, Civil Action No. 09-64L, in recognition of our renewed partnership with the U.S. Army Corps of Engineers (USACE). From the Town's perspective, the heart of our improved working relationship was a joint commitment to place all beach compatible sand from the Palm Beach Harbor channel on the dry beaches downdrift of Lake Worth Inlet, with placement in "ankle deep water" being the fall back plan.

Many of the individual members of our respective teams have been instrumental in resolving our differences and identifying our common goals. However, we will not be in our respective positions forever and it is important that this renewed partnership continue after we have moved on. Therefore, I respectfully request that the Record of Decision for the deepening/widening project state that USACE's intent is that all available beach-quality sand from both the Palm Beach Harbor construction and maintenance projects will be placed on the beaches downdrift of the Lake Worth Inlet.

The Final Integrated Feasibility Report and Environmental Impact Statement (FR/EIS) suggests that beach-quality sand from the deepening and widening construction would be placed in the nearshore, essentially "ankle deep water", but not on the dry beach. It is my understanding that

dry beach placement was not included in the final FR/EIS due to "real estate cost" concerns. In reality, there are no "real estate costs" to be incurred by USACE because it is the Town's responsibility within the shared inlet maintenance effort to obtain and maintain easements on the upland properties.

Therefore, consistent with the spirit and substance of our new partnership, please ensure that the ROD for this FR/EIS references USACE's commitment to dry beach sand placement as the intent and the least-cost alternative for this project.

Thank you again for your personal attention and strong leadership on this matter. If you have any questions or comments that require input from Town staff, please call Town Manager Peter Elwell at 561-838-5410.

Sincerely,

A handwritten signature in blue ink that reads "Gail L. Coniglio". The signature is written in a cursive style with a large, stylized "G" and "C".

Gail L. Coniglio
Mayor

Town Council
Peter B. Elwell, Town Manager
H. Paul Brazil, Director of Public Works
Robert Weber, Coastal Coordinator
Angela Dunn, USAC



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

FEB 14 2014

Mr. Peter Elwell
Town Manager
Town of Palm Beach
Post Office Box 2029
Palm Beach, Florida 33480

Dear Mr. Elwell,

Thank you for your review of and comments on the Lake Worth Inlet Integrated Draft Feasibility Report and Environmental Impact Statement (FR/EIS). The U.S. Army Corps of Engineers, Jacksonville District (Corps) acknowledges and appreciates your review and input of the Draft FR/EIS.

In response to the concerns identified in your comments, the Corps offers the following responses. Expansion of the currently authorized beach disposal template, including placement at Mid-Town, is being examined for inclusion in the ongoing operations and maintenance of Palm Beach Harbor. The frequency of maintenance events has been carefully evaluated and optimized relative to the requirements of the proposed navigation project. The authorized navigation project uses the least cost disposal option and attempts to beneficially reuse material to the maximum extent practicable. At Palm Beach Harbor, the first choice is to place maintenance material within the permitted upland beach template to the south of the Inlet. Material may be placed further south than this area however, non-Federal cost share for any additional cost would likely be required.

As stated in your letter dated June 3, 2013, the available geotechnical data does not appear to require blasting as a pretreatment construction methodology. It may be possible to deepen the channel without blasting. However, at this phase of the project, the Corps will not exclude blasting as a viable construction methodology. If blasting is implemented, the plans and specifications will require the contractor to follow all applicable laws and regulations for confined underwater blasting.

A detailed description of the storm surge analysis is located in Appendix A, Engineering, Attachment A, Hydrodynamic Modeling of the Final FR/EIS. This attachment describes the existing and proposed project conditions resulting from storm surge due to a 100 return period event which includes astronomical tide, wind stress, barometric pressure, and wave set-up.

An independent external peer review (IEPR) of the economics, engineering, environmental, and plan formulation aspects of the report was completed per requirements set forth by the U.S. Army Corps of Engineers regulations. Revisions to the FR/EIS based on comments received during the IEPR are included in the Final FR/EIS. Except for restrictions due to protection of environmental resources, including protected species, the Corps cannot dictate the type of dredging plant to use, nor does the Corps typically obtain staging areas for use by dredging contractors due to uncertainty over special requirements based on dredge plant type. Updates to the Final FR/EIS, including comments submitted on the Town's behalf by Coastal Systems International, will include updated language address the concerns and comments raised.

A CD of the comment and response table is enclosed for your records. The comment and response table will also be included in the Final FR/EIS within the Environmental Appendix. A copy of all comment letters received will also be included within the final report within the Correspondence Appendix. The Final FR/EIS is expected to be published in the Federal Register in February 2014. Once published in the Federal Register, the Final FR/EIS will be available for review on the Corps' Environmental website, under Palm Beach County, at:

<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>

The Corps truly appreciates your endorsement of the Lake Worth Inlet Feasibility Project. Please feel free to contact the Project Manager Laurel Reichold at (904) 232-1458 or the Environmental Lead Angela Dunn at (904) 232-2108 for any additional questions or concerns.

Sincerely,

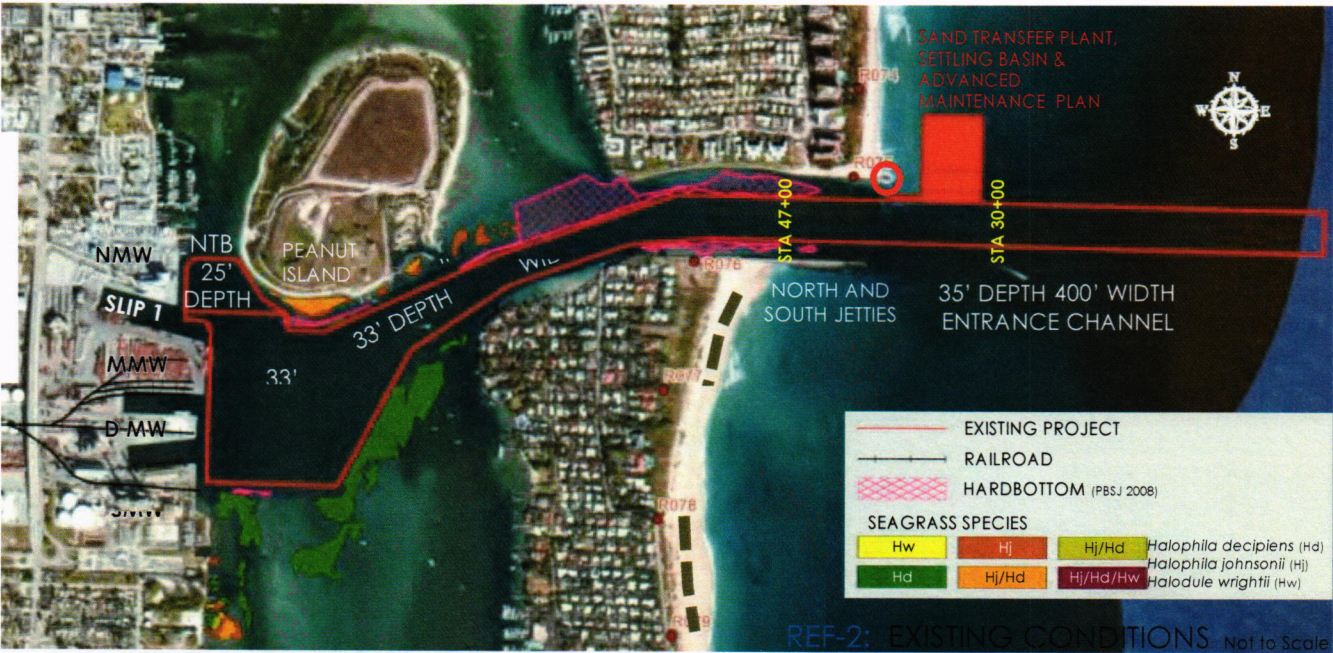


fn Eric Summa
Chief, Environmental Branch

Enclosure

PORT FACILITIES

- North Marginal Wharf (NMW): Slip 1, Berths 1- 6
- Main Marginal Wharf (MMW): Slip 1 & 2, Berths 7 - 12
- Mid-Marginal Wharf (MID MW): Slip 2 & 3, Berths 13 - 16
- South Marginal Wharf (SMW): Slip 3, Berth 17
- 156 acres of landside facilities
- In proximity to major roadways (e.g. I-95)
- Rail access to/from port



REF-2: EXISTING CONDITIONS Not to Scale

WIDENING MEASURE S INITIALLY PROPOSED

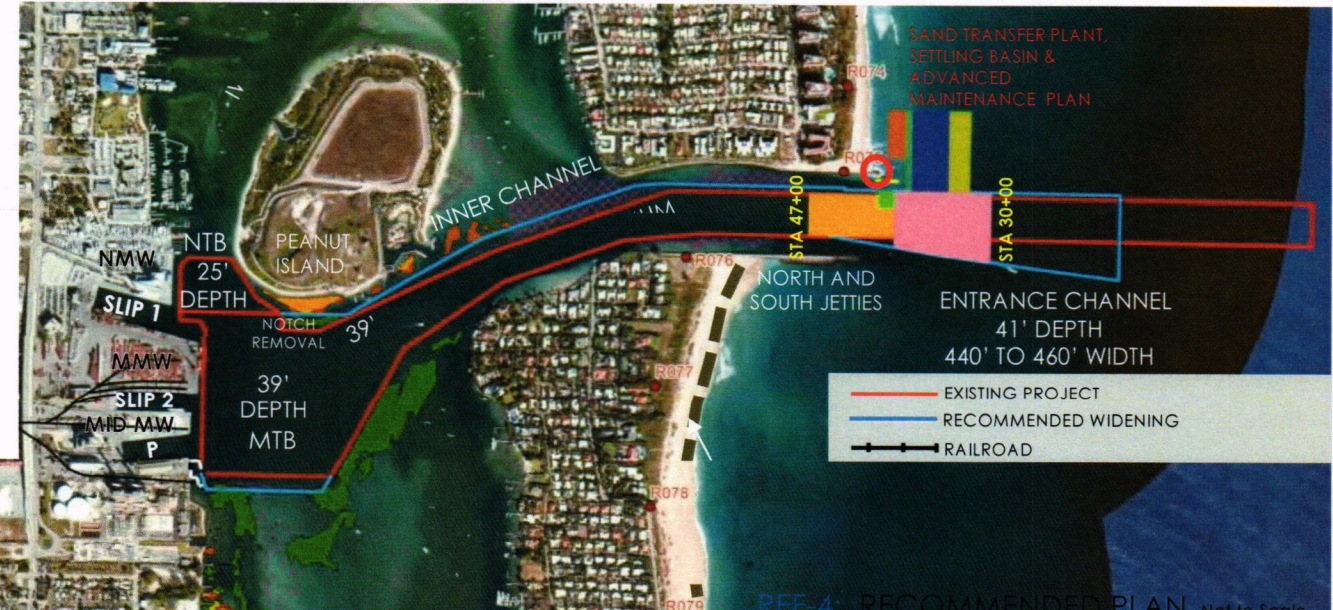
- A1: Offshore current from the south up to 4 knots.
- A2: Areas of large swells to the north of the entrance.
- B1 & B2: Larger margin of error to prepare for turn where channel narrows to 300 feet.
- C: On the ebb tide, currents move across the area in a northeasterly direction causing dangerous currents at a critical point of transition to smaller width near rock outcroppings
- D: Suction effects from currents on flood tide.
- E: Extend the Northern Turning Basin 250 feet to the north.
- F: Large vessels may need more turning area.
- G: Large vessels may need more turning area. Also - if port expands, more turning area needed.



REF-3: EXISTING CONDITIONS PLUS WIDENING MEASURES Not to Scale

ADVANCE MAINTENANCE PLAN

- SETTLING BASIN 1 51' REQ + 1'
- SETTLING BASIN 2 34' REQ + 1'
- SETTLING BASIN 3 22' REQ + 1'
- ADVANCED MAINTENANCE ZONE A 51' REQ + 1'
- ADVANCED MAINTENANCE ZONE B 47' REQ + 1'
- ADVANCED MAINTENANCE ZONE C 51' REQ + 1'



REF-4: RECOMMENDED PLAN Not to Scale

TOWN OF PALM BEACH

Information for Special Town Council Meeting on: February 28, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Wells/Sunrise Seawall Rehabilitation Project Assessment Area - Resolution Authorizing an Agreement with the Palm Beach County Property Appraiser and an Interlocal Agreement with the Palm Beach County Tax Collector for Special Non-Ad Valorem Assessments.

Resolution No. 33-2014

TO BE ADDED UNDER “APPROVAL OF AGENDA”

Date: February 13, 2014

STAFF RECOMMENDATION

In regard to the proposed Wells/Sunrise Seawall Rehabilitation Project Assessment Area staff recommends the Town Council adopt Resolution No. 33-2014 authorizing the Mayor to execute an Agreement with the Palm Beach County Property Appraiser and an Interlocal Agreement with the Tax Collector of Palm Beach County memorializing services and costs to be paid in conjunction with implementing and collecting the proposed special non-ad valorem assessments for the project. These are standard agreements in use countywide and have been previously approved by the Town for use with other Town non-ad valorem assessment projects.

GENERAL INFORMATION

If the Town Council approves the Wells/Sunrise Seawall Rehabilitation Project assessment program the Town will be required to enter into an agreement with the Property Appraiser and Tax Collector to effect the assessment.

The non-ad valorem assessment process that causes special assessments implemented by the Town to appear on a property owner's property tax bill more or less dovetails with the statewide budget and millage rate adoption schedule. Therefore, the Initial Assessment resolution for the Wells/Sunrise Seawall Rehabilitation Project Assessment Area if approved by the Town Council will be on track to be considered by the Town Council at the regular monthly Town Council meeting in July.

In order to place assessments on the property tax bill, which virtually assures that the Town will receive payment, a number of steps are required to be taken in coordination with the Property Appraiser, Tax Collector, and Palm Beach County's Department of Information Systems

Services (ISS). Each constitutional officer charges a fee for the work they undertake on the Town's behalf that is 1% of the value of the assessments. Using this method of billing enables the Town to avoid personnel and other expenses associated with the Town providing direct billing for annual assessments to property owners. The fees charged by the Property Appraiser and Tax Collector are passed on to a property owner being assessed.

FUNDING/FISCAL IMPACT

All costs borne by the Town to accomplish this project for non-Town properties will be paid for by the properties benefitting from the proposed project improvements. The Town will cover the cost of the benefits that accrue to Town owned property and rights-of-way.

TOWN ATTORNEY REVIEW

Town Attorney John Randolph has approved Resolution No. 33-2014 and the attached agreements for legal form and sufficiency.

Attachment

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Heather Encinosa, Esq. Nabors, Giblin

n:\town manager\tgb\agenda items\2014\resolution no 33-2014 memo for wells-sunrise rehabilitation project assessment 022814 stcm.docx

RESOLUTION NO. 33-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA APPROVING AN AGREEMENT WITH THE PALM BEACH COUNTY PROPERTY APPRAISER AND AN AGREEMENT WITH THE TAX COLLECTOR OF PALM BEACH COUNTY FOR SERVICES AND COSTS ASSOCIATED WITH THE NON-AD VALOREM ASSESSMENTS TO BE IMPLEMENTED FOR THE WELLS/SUNRISE SEAWALL REHABILITATION PROJECT ASSESSMENT AREA AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS ON BEHALF OF THE TOWN.

WHEREAS, the Town of Palm Beach, Florida (the "Town") has taken the necessary legal steps to implement a non-ad valorem assessment for the provision of certain capital improvements and related services within the Wells/Sunrise Seawall Rehabilitation Project Assessment Area; and

WHEREAS, the Town intends to use the uniform method for levying, collecting, and enforcing non-ad valorem special assessments for the cost of certain local improvements and related services provided within the Wells/Sunrise Seawall Rehabilitation Project Assessment Area, including, but not limited to, reconstruction of damaged reinforced concrete caps, beams and slabs; replacement of damaged sheet piles and tie-rods; and restoration of damaged exposed concrete surfaces and related improvements (collectively referred to as the "Wells/Sunrise Seawall Rehabilitation Project Local Improvements"), as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such non-ad valorem assessments to be collected annually commencing in November 2014, in the same manner as provided for ad valorem taxes; and

WHEREAS, in order to effectuate the intended non-ad valorem assessments the Town must enter into various agreements with Palm Beach County Property Appraiser and Tax Collector for the provision of related services and the payment of costs associated therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Agreement between Gary R. Nikolits, as Palm Beach County Property Appraiser and the Town, attached hereto as Exhibit A, and the Agreement with Anne M. Gannon, as Tax Collector for Palm Beach County and the Town, attached hereto as Exhibit B and incorporated by reference as a part of this resolution, are hereby approved and the Mayor is authorized to execute the same on behalf of the Town.

Section 3. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED in a special, adjourned session of the Town Council of the Town of Palm Beach assembled this 28th day of February 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

AGREEMENT

THIS AGREEMENT made and entered into this 9th day of January, 2014, by and between Gary R. Nikolits, as Palm Beach County Property Appraiser (the "Appraiser"), and the Town of Palm Beach – Peruvian Streetscape Project NAV, hereinafter "Local Government",

WHEREAS, Local Government has elected under Section 197.363(1), Florida Statutes, for the collection of its non-ad valorem assessments pursuant to the uniform method for the levy, collection and enforcement of non-ad valorem assessments as provided for in Section 197.3632, Florida Statutes, and Local Government's adoption of **Resolution 210-2013**; and

WHEREAS, the Appraiser and Local Government are required to enter into an agreement pursuant to Section 197.3632(2), Florida Statutes, for the Appraiser to provide the Local Government with the information outlined in Section 197.3632(3)(b), Florida Statutes; and

WHEREAS, Chapter 92-264, Laws of Florida was enacted to provide that non-ad valorem assessments be set forth in the Notice of Proposed Property Taxes for Palm Beach County;

NOW, THEREFORE, in consideration of the following covenants, conditions and promises the parties agree as follows:

1. The above representations are true and correct.
2. The Appraiser is entering into this Agreement without any determination that Local Government is qualified to collect its non-ad valorem assessments by the uniform method, and to the extent permitted by law, Local Government will indemnify and hold the Appraiser harmless from any challenge thereto, subject to the provisions of Florida Statute 768.28 relating to sovereign immunity.
3. The Appraiser will provide to Local Government the information described in Section 197.3632(3)(b), Florida Statutes, in compatible electronic medium by June 1, 2014.
4. Local Government in levying and collecting non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, will provide to the Appraiser the assessment rate expressed in dollars and cents per unit of assessment, the associated assessment amount and the purpose of the assessment, extended against each parcel within the boundaries of Local Government in compatible electronic medium prior to July 28, 2014. Should the above date fall upon a Holiday, Saturday or Sunday the Local Government will agree to provide to the Appraiser by the last business day prior to the Holiday, Saturday or Sunday.
5. The Appraiser will utilize the information provided by the Local Government pursuant to paragraph 4 herein in preparing the Notice of Proposed Property Taxes pursuant to Section 200.069, Florida Statutes, and, in addition to the information required in the Notice required by Section 200.069, Florida Statutes, the Appraiser shall include the non-ad valorem assessment levied pursuant to Section 197.3632, Florida Statutes, as separate, itemized entries.
6. Additionally, the Appraiser agrees to make available to Local Government an additional list of the information described in Section 197.3632(3)(b), Florida Statutes, shortly before the September 12, 2014 certification date for Local Government to reflect the changes to the assessment roll between said date and June 1, 2014.
7. In return for the providing of the information as outlined in Paragraphs 3 and 6, Local Government agrees to reimburse the Appraiser, in accordance with Section 197.3632(2), Florida Statutes, for the necessary administrative costs, as described in exhibit 'A', incurred in providing the information.
8. This agreement shall automatically be extended hereafter, from year to year, unless and until terminated by either of the parties. This Agreement may be terminated at any time by the Local Government upon written notice to the Appraiser and payment for all services provided under this Agreement through the date of termination. This Agreement may be terminated at any time by the Appraiser upon written notice to the Local Government; however, notice given by the Appraiser after January 1 and prior to October 1, shall be effective only following completion of certification of that year's non-ad valorem tax roll. Upon cancellation of the Agreement by the Appraiser, the Local Government shall reimburse all outstanding bills to the Appraiser within a reasonable time.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this Agreement on the date first written above.

Local Government

By: _____

Gary R. Nikolits, as Palm Beach
County Property Appraiser

Attest: _____

ASSIGNMENT OF COMPUTER DATA

THIS AGREEMENT made and entered into this 9th day of January, 2014, by and between Palm Beach County Information System Services, hereinafter "ISS", and the Town of Palm Beach – Peruvian Streetscape Project NAV, hereinafter "Local Government", and Gary R. Nikolits, as Palm Beach County Property Appraiser, hereinafter the "Appraiser",

WHEREAS, Local Government has entered into a contract with the Appraiser to receive the list of properties in Local Government's jurisdiction by compatible electronic medium pursuant to the provisions of Section 197.3632 (3)(b), Florida Statutes; and

WHEREAS, Local Government has entered into a contract with ISS to take said compatible electronic medium and provide the computer services necessary for Local Government both (a) to provide the non-ad valorem assessments for the Notice of Proposed Property Taxes on compatible electronic medium to the Property Appraiser and (b) to certify the non-ad valorem assessment roll on compatible electronic medium to the Tax Collector; and

WHEREAS, Local Government, in order to expedite the services to be performed by ISS, wishes the Appraiser to deliver its property information in compatible electronic medium directly to ISS, and the Appraiser has agreed to do so and ISS has agreed to accept such;

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. The above representations are true and correct.
2. Local Government hereby assigns to ISS the property information in compatible electronic medium it is to receive from the Appraiser pursuant to the provisions of Section 197.3632 (3)(b), Florida Statutes.
3. The Appraiser agrees to deliver said property information on compatible electronic medium directly to ISS.
4. ISS hereby agrees to accept said property information in compatible electronic medium on behalf of Local Government for use in providing the computer services necessary for Local Government both (a) to provide the non-ad valorem assessments for the Notice of Proposed Property Taxes on compatible electronic medium to the Property Appraiser and (b) to certify the non-ad valorem assessment roll on compatible electronic medium to the Tax Collector.
5. Local Government agrees to provide final approval to ISS no later than July 28th for the Notice of Proposed Property Taxes and September 12th for the Actual Property Taxes. Should the above date fall upon a Holiday, Saturday or Sunday the Local Government will agree to provide ISS final approval by the last business day prior to the Holiday, Saturday or Sunday. If the approval is not received by ISS by 5:00 p.m. on the appropriate date, the Local Government agrees that it will have to take the necessary actions at its sole expense, to notify its non-ad valorem parcel owners of the Notice of Proposed Property Taxes and/or Actual Property Taxes for that year.
6. This agreement shall be automatically extended hereafter, from year to year, unless and until terminated by either of the parties. This agreement may be terminated at any time by the Local Government upon written notice to the Appraiser or by the Appraiser upon written notice to the Local Government; however, notice given by the Appraiser after January 1 and prior to October 1, shall be effective only following completion of the certification of that year's non-ad valorem tax roll.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year above first written.

Local Government:

By: _____

Attest: _____

By: _____
Gary R. Nikolits
Palm Beach County Property Appraiser

By: _____
Director, Palm Beach County
Information System Services

Exhibit 'A'

Non Ad Valorem - Cost Summary

The following is a summary of costs which this office will assess to each district that utilizes the uniform method of collection. All costs will be assessed on an annual basis at the end of each Tax Roll cycle. These costs are subject to change, and if a change is to be made the Non Ad Valorem districts will be notified of that change at the beginning of the Tax Roll cycle.

(A) There will be an initial cost for setting up the new district. The amount to be charged will be the greater of the actual cost and expenses incurred by the Property Appraiser's Office or \$500. This cost may include personnel cost, forms, supplies, data processing computer equipment, postage and programming cost.

(B) Administrative services: This fee covers administrative costs and services, it is assessed to each district annually until the cancellation of the Agreement.

Administrative services = \$150.00/district per year

AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2014 by and between Anne M. Gannon as Constitutional Tax Collector for Palm Beach County (the “Tax Collector”), and the Town of Palm Beach (the “Town”) for the implementation and collection of the Town’s non-ad valorem assessments billing Wells/Sunrise Seawall Rehabilitation as follows:

1. The Town shall meet all the requirements of Florida Statutes 197.3631 and 197.3632 for the implementation of the City’s non-ad valorem assessment billing.
2. Upon the performance by the Town of its requirements in compliance with the above statutes and this Agreement, the Tax Collector agrees to implement the Town’s non-ad valorem assessments billing and collection.
3. The Town further agrees that it shall provide to the Tax Collector compensation for the actual cost of collecting these non-ad valorem assessments as provided in Florida Statutes (F.S. Section 197.3632(8)(c). Since the actual costs of collection cannot be precisely determined, the parties agree that one percent (1%) of total collections will be considered the costs.
4. This Agreement shall be in effect for the tax year 2014 and subsequent years thereafter unless canceled by either the Town or the Tax Collector by giving notice in writing to the other by January 10th.
5. This Agreement may be modified by both parties in writing provided such modifications are agreed upon prior to any notice of termination.
6. This Agreement shall be changed, modified, or amended in writing as necessary to conform with any new statutory requirements when and if enacted into law.
7. Subject to the provisions and limitations of Florida Statute 768.28, the Town shall indemnify and save harmless and defend the Tax Collector, its agents, servants, and employees from and against any and all claims, liability, losses, or causes of action which may arise from any misconduct, improper action, negligent act, or omission of the Town, its servants, or employees in the performance of services under this Agreement. The Town acknowledges that the Tax Collector is entering this Agreement without any determination that the Town is legally authorized or qualified to assess these non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, determine the legality of the assessment, or determine the constitutionality of any lien resulting from nonpayment of the assessment.

8. **Notice**

All notices or other communications hereunder shall be in writing and shall be deemed duly given if delivered in person or sent by certified mail return receipt requested and addressed as follows:

If to the Town:

With a copy to:

If to the Tax Collector:
Honorable Anne M. Gannon
Constitutional Tax Collector,
Serving Palm Beach County
301 North Olive Avenue, Third Floor
West Palm Beach, Florida 33401

With a copy to:
Carmen Richardson,
Director, Finance and Budget Dept.
301 North Olive Avenue, Third Floor
West Palm Beach, Florida 33401

DATED this ____ day of _____, 2014

Anne M. Gannon, as
Constitutional Tax Collector
for Palm Beach County

Date

By: _____
Date

ATTEST:
