

Received @ meeting
06-13-17 BMR

A. Seltzer- comments regarding the 6/13/2017 Town Council Agenda item - the P&Z annual Report:

I have concern about the repeated liberal use of the word "study" in this punch list. A study can't be successfully accomplished in the span of a few minutes of discussion.

With regard to the Comp Plan:

Staff sent the changes to the State with a transmittal letter after first reading indicating an "expedited" review. But a full state-coordinated review was required. (FS 162.3167)

I am again stating for the record that the Council announced in April, 2015 that the Plan would be reviewed and revised. Residents and the Council were told by staff that the text would be reviewed and "refreshed" page by page, element by element. A consultant was hired for \$45,000 to assist staff.

P&Z got the revisions in September, 2016. They met for three sessions for a total of 3 1/2 hours. Despite the task assigned to staff and the consultant and reassurances given to you and residents, the Plan still contained outdated language and language that was vague, lacked consistency, specificity and supporting data and analysis.

You approved the Plan on March 30th in the face of repeated efforts by me and others to have the inadequacies remedied.

Treasure Coast Regional Planning Council focuses on economic development goals and policies that affect regional growth among other issues. Their staff did not conduct a comprehensive peer review.

Changes have been made that aren't regional in nature but they will affect our health, safety and welfare.

You are allowing basic planning practices to be cast aside. You are allowing sections to go unaddressed. Do you really want deficiencies to be memorialized for another Comp Plan cycle?

Those of us who brought this to your attention do not want a new Plan but we paid for a Plan that also needed an editor's commonsense eye. This one doesn't have that either.

The State is giving the Town 180 days to correct the Plan. There is still money left in the budget and a specialized consultant may be needed to address the road classification and flood map issues.

You, staff and P&Z are going to own this Plan and you are going to be accountable. Let's get it right.

What's the new timetable for achieving this?

- Studied the creation of Zoning Code provisions to provide reasonable accommodation procedures in the Code pursuant to the Fair Housing Amendments Act.
Adopted Commission recommendation by Ordinance #24-2016.
- Studied a Code provision to prohibit light trespass.
Adopted Commission recommendation by Ordinance #24-2016.
- Studied Code provisions to allow outdoor seating in the C-PC Commercial Zoning District.
Adopted Commission recommendation by Ordinance #1-2017.
- Studied a Comprehensive Plan Text Amendment changing the Town-serving threshold in in the Commercial Future Land Use Category for the C-PC Commercial Zoning District from 2,000 to 3,000 square feet gross leasable area.
Adopted Commission recommendation by Ordinance #2-2017.
- Studied Code revisions to increase the Town-serving threshold in the C-PC Commercial Zoning District from 2,000 to 3,000 square feet gross leasable area.
Adopted Commission recommendation by Ordinance #3-2017.
- Studied Zoning Code provisions conditionally allowing storage facilities related to a permitted or special exception use in the C-WA, C-TS, C-OPI and C-B Commercial Zoning Districts.
Adopted Commission recommendation by Ordinance #8-2017.
- A Completed the evaluation and appraisal process of the Town's Comprehensive Plan.
Adopted Commission recommendation with modifications by Ordinance #9-2017.

Not on agenda today AS



Received @
mtg.
6-13-17

To: Mayor Coniglio and Members of the Palm Beach Town Council

From: Kenneth R. Kennerly

Date: June 13, 2017

Re: The Palm Beaches Marathon - Request for Waiver of the "no more than a 90 Day Submittal" for a Special Event Permit

Mayor Coniglio and Members of the Town Council,

It was a pleasure speaking to you this morning, and per my verbal request, I would like to ask the Town of Palm Beach to consider granting a "waiver" for The Palm Beaches Marathon from the submittal window requirement of the Special Event Permit ordinance that requires applications to be submitted no earlier than 90 days from the start of the event.

I understand that this request for a special consideration is to waive the present 90 day rule; however, with my 28+ year tenure in the professional and amateur event management business, having additional time to prepare for any first class event is an asset. The waiver, if granted, would allow me to present to your Town Council this July versus this September; and therefore, if the event permit is ultimately granted, it would provide additional time to plan for all event and operational logistics including police and fire approvals, all proper medical needs, security, traffic flow, course set-up, and of course all needs to guarantee a completely seamless and unobtrusive event experience for the residents of the Town of Palm Beach.

I am hopeful you will grant this "waiver" which would provide two additional months for the final event presentation to your Town Council. My goal for the "new" Palm Beaches Marathon is to make this special event one of the premier experiences for your residents and guests.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Ke" with a horizontal line underneath.

Kenneth R. Kennerly
Managing Partner, The Palm Beaches Marathon, LLC
President & CEO, K2 Sports Ventures, LLC
&
Executive Director
The Honda Classic
Palm Beach County's PGA TOUR event



PRESS RELEASE

For Immediate Release

Contact:

**Gary Ferman, Specialty Sports
(954) 558-5203**

**KENNERLY FORMS K2 SPORTS, ACQUIRES PALM BEACHES MARATHON
FROM CHAMBER OF COMMERCE**

Honda Classic Executive Director Commits To Growth Of Annual Endurance Race

K2 Sports Ventures, a new event and consulting firm recently established by Honda Classic Executive Director Kenneth R. Kennerly, has acquired ownership of the former Eau Palm Beach Marathon & Run Fest from the Chamber of Commerce of the Palm Beaches and will revive the traditional event in December 2017.

The race will be renamed the Palm Beaches Marathon, but will still include the traditional Half Marathon and 5K races. It will be held December 1-3, 2017.

Kennerly has partnered with sports event veteran John Mathews of Sunshine State Races to produce the race. Mathews has 30 years of experience in sports marketing and has been staging distance races for more than a decade including the Amica Ironman 70.3 and United Healthcare Marathon in Rhode Island, the Turning Stone Races in New York and the Fort Myers Marathon each November on the Southwest coast of Florida.



"I have always admired The Palm Beaches Marathon and visualized it through the years as an event that could grow to become a prominent fixture in this community, much in the way that the Honda Classic has evolved," Kennerly said. "We have assembled a great team with enormous energy, local knowledge and vision to take this race to new heights and make Palm Beach County an International running destination each December."

Kennerly, who has guided the Honda Classic's rise as an elite PGA TOUR event since taking over management of the tournament in 2007, will continue in his role as the Executive Director of The Honda in addition to owning the Marathon.

"I want to thank the board of Children's Healthcare Charity for supporting my expansion into other event marketing activities," Kennerly said. "Palm Beach County is one of the greatest communities in the country and I hope to create the same magic with the Palm Beaches Marathon that we have been able to sustain with The Honda Classic."

Race founder Iva Grady, who presided over the event for its first nine years from 2004-2012, will return as a Race Consultant to Kennerly and Mathews. Grady has been a runner for 46 years. She was running the New York Marathon in the mid-1990s when the idea crossed her mind of how wonderful it would be if she had a Marathon to run back home in Palm Beach County where the weather was nicer and the views so much prettier. The Chamber of Commerce of the Palm Beaches hired her in 2004 to start the race.

"As the founder of the Marathon of the Palm Beaches and being an active runner, I am extremely happy that Ken Kennerly and his company K2 Sports Ventures will be the new owners of the Palm Beaches Marathon," she said. "Their leadership and experience will benefit runners throughout Florida."

The Chamber sold the event to US Road Sports in 2012, which was then acquired by Life Time Fitness. Life Time returned the Marathon to the Chamber this year so that the Chamber could find local ownership to focus on its production and growth on a year-round basis. A 5K produced by the Chamber December 2 served as a placeholder in 2016.

"The Chamber is excited to sell the Palm Beaches Marathon to a very capable local organization headed by sports marketing executive Ken Kennerly," said Dennis Grady, President of the Palm Beach Chamber. "The local perspective and expertise that Ken's company, K2 Sports Ventures, possesses will help this race become one of the most desirable marathons in Florida."

"Ken has developed a national reputation for his accomplishments in establishing The Honda Classic as one of the premier golf tournaments in America. This experience combined with the fact that he is a local business leader will serve the Palm Beaches Marathon well."

Mathews is excited to innovate and take advantage of the picturesque setting that the water views along Flagler Drive provide to participants.

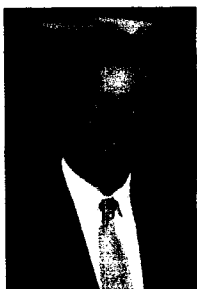
"Runners are going to love the Palm Beaches Marathon race routes," Mathews said. "They will be flat, fast and beautiful with water views almost the entire way. We can't wait to instill some new elements to the event and the overall race experience."

Kennerly is known locally and nationally for his monstrous success with The Honda Classic, but he also has more than 28 years experience in the sports marketing industry with successful tenures with ProServ, Inc., Advantage International, Inc, Golden Bear International, IGP Sports & Entertainment Group, and IMG. He has been instrumental in the production of numerous

professional and amateur tournaments and has specialized in corporate strategic consulting, sporting hospitality programs, and the representation of several top ranked professional golf athletes and media personalities.

Kennerly, who has lived in Jupiter since 1993, is an active member on multiple South Florida Boards including the Palm Beach County Sports Commission, Palm Beach North Chamber of Commerce, Discover The Palm Beaches, The First Tee of the Palm Beaches, South Florida PGA Section, Palm Beach Gardens Police Foundation, and the American Junior Golf Association Foundation, as well as a former Board member of The Benjamin School in North Palm Beach.

For more information on the Palm Beaches Marathon, visit palmbeachesmarathon.com. Early bird registration is open at \$80 for the Marathon, \$60 for the Half Marathon and \$25 for the 5K.



KENNETH R. KENNERLY

Executive Director, The Honda Classic
President & CEO, K2 Sports Ventures, LLC
Managing Partner, The Palm Beaches Marathon, LLC

Kennerly is a 29-year sports marketing industry veteran having focused his career in professional athlete management, corporate consulting, and professional event development, management and ownership. His strategic vision has been in the forefront of the industry bringing creative and innovative ideas to complex business strategies while also assisting in multi-level marketing solutions.

Beginning his career in 1988, Kennerly spent the next 29 years with leading sports marketing companies including ProServ, Inc., Advantage International (now Octagon), Golden Bear International, and in 1996 founded his own firm, IGP Sports & Entertainment. In 2013, after a successful 17 year run, Kennerly's firm was acquired by IMG Worldwide, the global leader in the sports, fashion, media and entertainment industry. From 2013-2016, Kennerly served as Senior Vice President of the North American Event division and in 2016 resigned to return to his entrepreneurial roots. He re-created his old agency with a new brand, K2 Sports Ventures, LLC.

In 2006, Kennerly was recruited by the PGA TOUR to resurrect The Honda Classic. As part of his vision to rebrand and rebuild the tournament, Kennerly moved the event to PGA National Resort in Palm Beach Gardens, and created more than just a professional golf tournament. Capitalizing on the many assets of Palm Beach County, The Honda Classic, over the past 11 years, has become a "must attend" event and in 2017 boasted an increased attendance of over 203,000 spectators, and over \$3.5m in charitable contributions for a total of over \$16m since the tournament's move to PGA National. These contributions are donated to over 120 Palm Beach County children's related charities including the Nicklaus Children's Health Care Foundation as the tournament's primary beneficiary.

Today, Kennerly, as the President & CEO of K2 Sports Ventures, continues as the Executive Director of The Honda Classic, and most recently acquired the Marathon of the Palm Beaches. Rebranding the race as "The Palm Beaches Marathon", Kennerly's vision is to grow the marathon into one of the most desirable races in the US while creating another successful economic impact event for Palm Beach County.

Kennerly serves on multiple boards including DISCOVER The Palm Beaches, Palm Beach County Sports Commission, American Junior Golf Foundation (AJGA), The First Tee of the Palm Beaches, Palm Beach North Chamber of Commerce, Palm Beach Gardens Police Foundation, and formerly The Benjamin School. A native of New York City, and a graduate of Choate Rosemary Hall and Dartmouth College, Kennerly resides in Jupiter, Florida with his wife Kelly and their two children, Carly and Charlie.

PROPOSED AGENDA

TUESDAY, JUNE 13, 2017,
TOWN COUNCIL MEETING

MODIFIED DOCUMENTS:

XI. REGULAR AGENDA

A. Old Business:

1. Town-wide Underground Project
Thomas G. Bradford, Town Manager

d. **RESOLUTION NO. 090-2017** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RELATING TO THE UNDERGROUND UTILITY IMPROVEMENTS; DESCRIBING THE PROPERTY TO BE INCLUDED WITHIN THE PROPOSED UNDERGROUND UTILITY ASSESSMENT AREA AND THE LOCAL IMPROVEMENTS TO BE PROVIDED THEREIN; PROVIDING CERTAIN LEGISLATIVE FINDINGS; DETERMINING THE ESTIMATED CAPITAL COST OF THE UNDERGROUND UTILITY IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE PROJECT COST AGAINST THE PROPERTIES THAT WILL BE BENEFITTED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; DIRECTING THE TOWN MANAGER TO PREPARE A PRELIMINARY ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED IMPROVEMENT ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE; PROVIDING FOR APPLICATION OF THE IMPROVEMENT ASSESMENT PROCEEDS; DECLARING THE TOWN'S INTENT FOR REIMBURSEMENT FROM BOND PROCEEDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussed: Staff will discuss changes to Resolution No. 090-2017 and Methodology Report changes throughout both documents.

j. **RESOLUTION NO. 095-2017** OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC., IN THE AMOUNT OF \$979,659 FOR PHASE 2 ENGINEERING DESIGN SERVICES OF THE TOWN-WIDE UNDERGROUNDING OF UTILITIES PROGRAM.

Change on Page 1 of Resolution No. 095-2017

4. Coastal Update:
H. Paul Brazil, P.E., Director of Public Works

b. Approving a Public Beach Access Agreement as the Template to be Used for Proposed Improvements to Public Beach Access Points and for Renewal of All Existing Public Beach Access Agreements Upon Annual Renewal of Same.

Change on Page 2 of Agreement 3 paragraph last sentence

ADDITIONS:

- Undergrounding Petitions as of 05-31-17

Untitled

From: Bukk Carleton Group [mailto:bgc@valley.net]
Sent: Friday, June 02, 2017 8:59 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Undergrounding- SPB
Importance: High

Dear Town Council Members:

RE: Undergrounding in the Southern part of Palm Beach

Please note the attached letter that was sent to Presidents of Condominiums that are located between Sloans Curve and the South Palm Beach line.

To-date, fourteen Presidents met with their Board of Directors and have signed the letter. They are totally opposed to the undergrounding project for the following reasons:

- 1) Our properties will be disfigured and, therefore, devalued.
- 2) It will result in an absolute degradation of the environment - rather than an improvement- as the Town plans to replace the existing hardened telephone poles (that can withstand 140mph hurricane winds and which have already been certified by FPL as 99% safe and 99% reliable) with unsightly and dangerous boxes.
- 3) It is obvious, given #2 above that the benefit system provided to the Town Council by its consultant has no validity as to the southern part of Palm Beach.
- 4) As the SPB is located on a barrier reef island, these boxes would be subject to heat and influxes of water leaving them vulnerable to explosions such as has already occurred at the Sun & Surf condos.
- 5) There will be an increased danger as a result of the installation of huge 6' high electrical transformer boxes in the right-of-way wherein any incident involving one of these boxes and a vehicle striking it will no doubt result in a loss of life.

As you can see from the attached petitions, over 1,600 condominium units are represented (with more to come), making it quite obvious that the overwhelming desire of those living in the SPB do not want Undergrounding.

There has been talk over the years that Palm Beach was one Community and most of us believe that. Accordingly, we voted for those individuals to be on the Town Council who we felt would bring to it talent and integrity. We are now at a crossroads because if our Council Members are truly representing everyone, then the decision to respect the desires of the vast majority in the SPB is an obvious one. However, if, in fact, the individuals on the Council are representing only the areas in which they live, then we have a very unfortunate realization that this Town Council is not representing Palm Beach and obviously, an adjustment is needed.

We would hope that the latter conclusion is not correct. We appreciate your respecting the desires of those in the SPB who wish not to be involved with neither the expense nor the implementation of unsafe and unsightly boxes and destruction of our property which would occur with undergrounding utilities in

Untitled

our area.

Best regards,

Concerned Presidents of Condominiums in the Southern part of Palm Beach

May 27, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the **Claridges**, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed ANDREW DAMIA

Its: PRESIDENT

This Public Outcry OP-ED Letter was submitted to the Palm Beach Daily News, to be printed on Sunday, May 21, 2017. The following is the original letter as submitted to the newspaper.

Derail this Town-wide Underground Utilities Train, Before it Becomes A Train Wreck...

I am President of the Claridges Condominium on South Ocean Blvd.

I vehemently object to the direction that our Town Council is taking as they "inch forward" in their attempts to convert to town wide underground utilities.

The Council, staff and officials' continual verbal justification that they are obligated to continue to spend our tax dollars to initiate this doomed project, based on a slim vote from half the voters in the town, is both irresponsible and deceptive to those they claim to represent throughout the town. The GO bond financing referendum was no mandate from the voters to do the project.

I strenuously object to the current prospect of alternate financing with a bank loan to start the project. This project has so many irrevocable flaws: such as safety issues, cost overruns, construction delays, traffic nightmares, destruction of property values in areas of the town, that it should be halted on a town-wide basis and rerouted to a voluntary neighborhood project of choice.

The Claridges Condo will not grant the Town easements for any of those 98 huge, dangerous, high-voltage utility equipment boxes. In addition, we are totally opposed to installing these 5- 6 ft boxes on cement platforms on the beautifully landscaped rights of way along the boulevard.

No one was told prior to the referendum ,and actually even to this day, about the huge boxes of hazardous material which can never be sufficiently hidden from sight. Also, we were never warned about how many boxes there would be. Wherever they would be placed in the south end, it will result in negatively impacting our property values.

South of Sloan's Curve along S. Ocean Blvd, to the Town's boundary, there is no benefit to having Underground Utilities. For our area it is only a detriment to replace

our unobtrusive, unencumbered, safe overhead utility poles, with these combustible unsightly metal boxes.

The repeated duplicitous efforts by Town staff, consultants and Lew Crampton of the Citizens' Association, to attempt to get the residents of the south end to become willing victims, in order to satisfy the Town, is absolutely unethical and outrageously inappropriate.

There is no justification for a town-wide project of this magnitude. Two lawsuits are pending that are preventing the financing through GO bonds. More are expected to come when this inequitable assessment methodology is unveiled. Eminent domain is going to become an expensive reality for the Town.

All of this havoc should invoke the need for a STOP sign to the Town Council. Derail this town-wide underground utilities train, before it becomes a train wreck of your own making.

Andrew Damia, Palm Beach

May 12, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Patricia of Palm Beach Condominium Apartments, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed Bernard M. Mullan, Pres.
Its: President

May 15, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Salcyn, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

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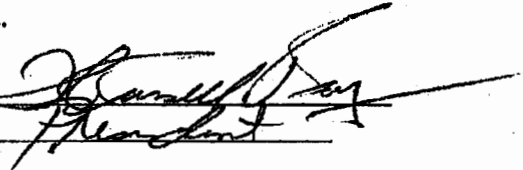
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We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed

Its:



The Atriums of Palm Beach

CONDOMINIUM APARTMENTS, INC.

3400 SOUTH OCEAN BLVD.
PALM BEACH, FLORIDA 33480

May 24, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Atriums of Palm Beach Condominium Apts. Inc., respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

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We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed: James D. Mcg

Its: President of The Board of Directors

May 28 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the 3360 CONDOMINIUM ASSN respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

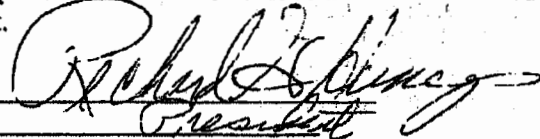
-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

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We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed

Its:


President

May 3, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Meridian Condominium, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed Madeline Shapiro
Its: PRESIDENT

This OP-ED Letter was submitted to the PBDN. The following is the letter as it was submitted to the paper.

Underground Wiring Project will be Hazardous, Disfigure and Devalue Our Properties because...

My family and I have been residents of Palm Beach since 1970. My background is in the financial investment industry. I am the President of the Meridian Condominium at 3300 S. Ocean Blvd. On behalf of the residents of our condo I am registering a protest against the planned town-wide underground wiring project in the south end and the disfigurement and unsafe conditions it will bring to this residential neighborhood of the town.

The Town Council and the Task Force have perpetrated an attack on the residents of the south end by sponsoring and promoting this project.

They have failed to disclose the negative aspects of underground wiring on a flood prone barrier island combined with the inequitable non tax deductible special assessments that we will pay annually for 30 years, which is the life expectancy of the underground wiring.

Most importantly, the Town hid from the residents that the south-end would have the installation of almost 6 foot tall, horrendous high voltage utility boxes of hazardous materials placed from south of Sloan's Curve to the Town's southern boundary on our private properties and state rights-of-way. This is totally unacceptable and is an unsafe, unnecessary, disaster to our property values.

Had the residents been informed, in advance of the referendum to fund the project, of the requirement to place almost 100 large unsightly metal switch and or transformer boxes on the front of their beautifully landscaped properties in the south end, including the unknown amount of utility boxes to be installed throughout the rest of the town on private properties- the referendum would surely have been defeated. There will be 800 easements required and who knows how many more of these unsightly utility boxes installed on these easements throughout the town.

This Council can't justify what they are doing to the south-end. They have the responsibility to our part of town to remove the S. Ocean Blvd. Condos/Co-ops from

a project that is hazardous and will disfigure and devalue our properties. We have no reliability and safety issues with our unobstructed poles. We even have areas of hardened and hurricane proof poles.

Common Sense tells us when you have something that works don't change it!

Town Council, do not vote for a line-of-credit to underground the south-end. Leave us financially and physically out of your project.

Madeline Shapiro

Palm Beach

May 5th, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Dorchester Condominium Association, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

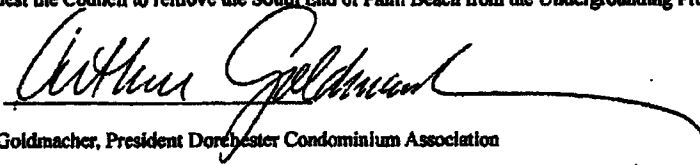
-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed:



Arthur Goldmacher, President Dorchester Condominium Association

May 20, 2017

Richard Kleid,
President
Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

The undersigned, on behalf of the Enclave Condominiums of Palm Beach, respectfully request that the Phase One of the Undergrounding of Utilities starting from the most southern end of the Town of Palm Beach and continuing to Sloan's Curve (the "South End") be removed from the Town-wide undergrounding project for the following reasons:

-Undergrounding will not provide the South End of Palm Beach any measurable increase in reliability or safety. According to Florida Power and Light, statewide reliability currently exceeds 99.98%. Unlike many parts of Town, FPL installed a hardened infrastructure in the South End of Palm Beach consisting of concrete poles and coated wires capable of withstanding winds up to 145 miles per hour. Undergrounding will not measurably increase reliability in the South End.

-Undergrounding will not provide the South End of Palm Beach with any improved aesthetics. The existing infrastructure does not in any way detract from the scenic vistas of the Inter-coastal waterway, the Atlantic ocean or with the historic character of Palm Beach which has had utility poles since the delivery of power to the Town. The addition of and placement of 100 huge, ugly metal switch box cabinets on pristine lawns will destroy property values and permanently mar the scenic vistas and disfigure our properties.

-Undergrounding will create lengthy construction delays, require months if not years of staging for equipment and materials on our properties and will damage if not destroy our quality of life with little or no concomitant benefit.

-Undergrounding and the bond financing Referendum to pay for it was overwhelming rejected by voters residing in the South End. While the referendum passed by a margin of 62 votes out of more than 4,200 ballots. In the South End the Referendum was rejected by **two-thirds** of the voters. The residents of the South End vehemently oppose undergrounding.

- Undergrounding in the South End will require placing large Switch Cabinets in either existing rights of way or on newly acquired easements close to or abutting S. Ocean Boulevard, the main thoroughfare. This will increase the probability of traffic accidents, power outages and liability for damages. Recent incidents, whether at the Sun and Surf in Palm Beach,, New York City or Toronto where explosions in underground vaults have badly damaged property and would

certainly resulted in loss of life had persons been present, have been glossed over by the Town. Saltwater seepage into underground cables greatly increases the rate of degeneration of electric cables which will increase the risk of fire, explosions and power outages.

-Undergrounding on a Town-wide basis is an ineffective cost-benefit project for the South End. While some areas of Town may benefit from undergrounding due to tree and hedge issues with existing power lines, that is not a justification to include the South End in Town-wide undergrounding. The Town has failed to show any cost-benefit analysis that favors including the South End in the undergrounding project. By eliminating the South End from the Town-wide the Town will save millions of dollars from an open ended cost prohibitive project that is currently estimated to cost approximately \$170,000,000. These savings can be used for more appropriate purposes.

- Undergrounding should be supported and encouraged by the Town for neighborhoods who wish to do so. By attempting to impose a universal standard on neighborhoods with disparate needs the Town has grievously erred. It has created acrimony; it will destroy the beauty and aesthetics of the South End, diminish its property values and corresponding tax base and provide little or no concomitant benefits regarding safety, reliability or aesthetics.

-The Town's belated claim that "removing the south end would **greatly impact** (emphasis added) the reliability of the undergrounding system" is mere hyperbole that serves only to justify its intransigence and instill fear in the mind of its residents. The Town has failed to offer any factual substantiation of the ostensible "**great impact**" that the removal of the south end will have on the reliability of the undergrounding system. In light of FPL's state wide reliability numbers the Town's claim of "**great impact**" has no basis in fact.

We, together with many other Condominiums in the South End remain opposed to any undergrounding in our neighborhood. It is an expensive unnecessary project approved by five Council Members, four of whom are no longer on the Council including the then President.

We respectfully request the Council remove the South End of Palm Beach from the Town-wide Undergrounding Project.

Respectfully submitted,

The Enclave Condominiums of Palm Beach

By _____
Ira N Smith
Member of the Board of Directors.

May 12, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the 2770 S. Ocean Blvd. Condo. Assn. Inc., respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed
Its:

Howard Brenblau

Bukk Carleton Group

From: Barbara Dee Scherer <bdscherer@yahoo.com>
Sent: Monday, May 15, 2017 5:45 PM
To: bgc@valley.net
Subject: signed petition
Attachments: Petition-MAY-15.docx

Attached signed petition

Izak Teller
2600 C Ocean Blvd
Vice President of Board
954-671-7156

May 15, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the 2560 + 2600, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed Izak Teller

Its: Vice President-2600 S Ocean Blvd

The President of Palm Beach – A Condominium, Inc.

May 18, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

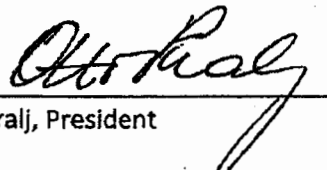
We, the Board of the President of Palm Beach – A Condominium, Inc., respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

- Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.
- The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.
- The Boxes being close to the road can be subject to accidents and consequent liability.
- The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed


Otto Kralj, President

Otto Kralj, President

The President of Palm Beach, A Condominium Inc.

2505 South Ocean Boulevard

Palm Beach, FL 33480-5499

Office 561-582-5373

Fax 561-582-0335

Email presidentofpalmbeach@prescondo.net

Website www.presidentcondo.net

2505 South Ocean Blvd. - Palm Beach - Florida 33480-5434

(561) 582-5373 - Fax (561) 582-0335

Presidentofpalmbeach@prescondo.net

Royal Saxon Inc.

2840 South Ocean Boulevard
Palm Beach, Florida 33480

Phone (561) 582-0233 FAX (561) 582-0224

May 09, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Royal Saxon Coop at 2840 S. Ocean Blvd, Palm Beach, FL 33480, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed Frank Lorenzo
Frank Lorenzo

Its: President



May 16, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Sutton Place Condominium Association respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

- Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

- The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

- The Boxes being close to the road can be subject to accidents and consequent liability.

- The Undergrounding Project will be an extraordinarily expensive project, in which the costs and the negatives for the South end will far outweigh the asserted benefits, which benefits are themselves highly questionable on this part of the island.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed:

Its:


Fred Simon, President

Sutton Place Condominium Association, Inc.
2778 South Ocean Boulevard, Palm Beach, Florida 33480 Phone (561) 588-8410 Fax (561) 588-8422

May 27, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the **Claridges**, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed ANDREW DAMIA
Its: PRESIDENT

This Public Outcry OP-ED Letter was submitted to the Palm Beach Daily News, to be printed on Sunday, May 21, 2017. The following is the original letter as submitted to the newspaper.

Derail this Town-wide Underground Utilities Train, Before it Becomes A Train Wreck...

I am President of the Claridges Condominium on South Ocean Blvd.

I vehemently object to the direction that our Town Council is taking as they "inch forward" in their attempts to convert to town wide underground utilities.

The Council, staff and officials' continual verbal justification that they are obligated to continue to spend our tax dollars to initiate this doomed project, based on a slim vote from half the voters in the town, is both irresponsible and deceptive to those they claim to represent throughout the town. The GO bond financing referendum was no mandate from the voters to do the project.

I strenuously object to the current prospect of alternate financing with a bank loan to start the project. This project has so many irrevocable flaws: such as safety issues, cost overruns, construction delays, traffic nightmares, destruction of property values in areas of the town, that it should be halted on a town-wide basis and rerouted to a voluntary neighborhood project of choice.

The Claridges Condo will not grant the Town easements for any of those 98 huge, dangerous, high-voltage utility equipment boxes. In addition, we are totally opposed to installing these 5- 6 ft boxes on cement platforms on the beautifully landscaped rights of way along the boulevard.

No one was told prior to the referendum ,and actually even to this day, about the huge boxes of hazardous material which can never be sufficiently hidden from sight. Also, we were never warned about how many boxes there would be. Wherever they would be placed in the south end, it will result in negatively impacting our property values.

South of Sloan's Curve along S. Ocean Blvd, to the Town's boundary, there is no benefit to having Underground Utilities. For our area it is only a detriment to replace

our unobtrusive, unencumbered, safe overhead utility poles, with these combustible unsightly metal boxes.

The repeated duplicitous efforts by Town staff, consultants and Lew Crampton of the Citizens' Association, to attempt to get the residents of the south end to become willing victims, in order to satisfy the Town, is absolutely unethical and outrageously inappropriate.

There is no justification for a town-wide project of this magnitude. Two lawsuits are pending that are preventing the financing through GO bonds. More are expected to come when this inequitable assessment methodology is unveiled. Eminent domain is going to become an expensive reality for the Town.

All of this havoc should invoke the need for a STOP sign to the Town Council. Derail this town-wide underground utilities train, before it becomes a train wreck of your own making.

Andrew Damia, Palm Beach

May 12, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Patricia of Palm Beach Condominium Apartments, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed Bernard Shuman, Pres.
Its: President

May 15, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Falcom, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

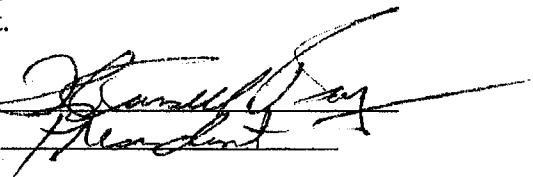
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-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed
Its:


President

The Atriums of Palm Beach

CONDOMINIUM APARTMENTS, INC.

3400 SOUTH OCEAN BLVD.
PALM BEACH, FLORIDA 33480

May 24, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Atriums of Palm Beach Condominium Apts. Inc., respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed: James D. McCoy -
Its: President of The Board of Directors

May 23, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the 3360 CONDOMINIUM ASSN respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

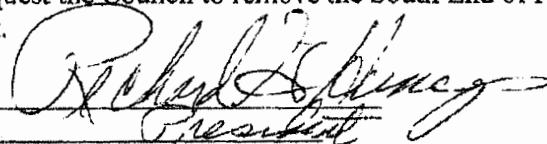
-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed

Its:


President

May 3, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Meridian Condominium, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed

Its:

Madeline Shapiro
PRESIDENT

This OP-ED Letter was submitted to the PBDN. The following is the letter as it was submitted to the paper.

Underground Wiring Project will be Hazardous, Disfigure and Devalue Our Properties because...

My family and I have been residents of Palm Beach since 1970. My background is in the financial investment industry. I am the President of the Meridian Condominium at 3300 S. Ocean Blvd. On behalf of the residents of our condo I am registering a protest against the planned town-wide underground wiring project in the south end and the disfigurement and unsafe conditions it will bring to this residential neighborhood of the town.

The Town Council and the Task Force have perpetrated an attack on the residents of the south end by sponsoring and promoting this project.

They have failed to disclose the negative aspects of underground wiring on a flood prone barrier island combined with the inequitable non tax deductible special assessments that we will pay annually for 30 years, which is the life expectancy of the underground wiring.

Most importantly, the Town hid from the residents that the south-end would have the installation of almost 6 foot tall, horrendous high voltage utility boxes of hazardous materials placed from south of Sloan's Curve to the Town's southern boundary on our private properties and state rights-of-way. This is totally unacceptable and is an unsafe, unnecessary, disaster to our property values.

Had the residents been informed, in advance of the referendum to fund the project, of the requirement to place almost 100 large unsightly metal switch and or transformer boxes on the front of their beautifully landscaped properties in the south end, including the unknown amount of utility boxes to be installed throughout the rest of the town on private properties- the referendum would surely have been defeated. There will be 800 easements required and who knows how many more of these unsightly utility boxes installed on these easements throughout the town.

This Council can't justify what they are doing to the south-end. They have the responsibility to our part of town to remove the S. Ocean Blvd. Condos/Co-ops from

a project that is hazardous and will disfigure and devalue our properties. We have no reliability and safety issues with our unobstructed poles. We even have areas of hardened and hurricane proof poles.

Common Sense tells us when you have something that works don't change it!

Town Council, do not vote for a line-of-credit to underground the south-end. Leave us financially and physically out of your project.

Madeline Shapiro

Palm Beach

May 5th , 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Dorchester Condominium Association, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

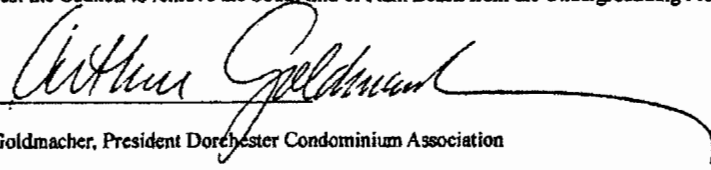
-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed: 

Arthur Goldmacher, President Dorchester Condominium Association

May 20, 2017

Richard Kleid,
President
Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

The undersigned, on behalf of the Enclave Condominiums of Palm Beach, respectfully request that the Phase One of the Undergrounding of Utilities starting from the most southern end of the Town of Palm Beach and continuing to Sloan's Curve (the "South End") be removed from the Town-wide undergrounding project for the following reasons:

-Undergrounding will not provide the South End of Palm Beach any measurable increase in reliability or safety. According to Florida Power and Light, statewide reliability currently exceeds 99.98%. Unlike many parts of Town, FPL installed a hardened infrastructure in the South End of Palm Beach consisting of concrete poles and coated wires capable of withstanding winds up to 145 miles per hour. Undergrounding will not measurably increase reliability in the South End.

-Undergrounding will not provide the South End of Palm Beach with any improved aesthetics. The existing infrastructure does not in any way detract from the scenic vistas of the Inter-coastal waterway, the Atlantic ocean or with the historic character of Palm Beach which has had utility poles since the delivery of power to the Town. The addition of and placement of 100 huge, ugly metal switch box cabinets on pristine lawns will destroy property values and permanently mar the scenic vistas and disfigure our properties.

-Undergrounding will create lengthy construction delays, require months if not years of staging for equipment and materials on our properties and will damage if not destroy our quality of life with little or no concomitant benefit.

-Undergrounding and the bond financing Referendum to pay for it was overwhelming rejected by voters residing in the South End. While the referendum passed by a margin of 62 votes out of more than 4,200 ballots. In the South End the Referendum was rejected by **two-thirds** of the voters. The residents of the South End vehemently oppose undergrounding.

- Undergrounding in the South End will require placing large Switch Cabinets in either existing rights of way or on newly acquired easements close to or abutting S. Ocean Boulevard, the main thoroughfare. This will increase the probability of traffic accidents, power outages and liability for damages. Recent incidents, whether at the Sun and Surf in Palm Beach,, New York City or Toronto where explosions in underground vaults have badly damaged property and would

certainly resulted in loss of life had persons been present, have been glossed over by the Town. Saltwater seepage into underground cables greatly increases the rate of degeneration of electric cables which will increase the risk of fire, explosions and power outages.

-Undergrounding on a Town-wide basis is an ineffective cost-benefit project for the South End. While some areas of Town may benefit from undergrounding due to tree and hedge issues with existing power lines, that is not a justification to include the South End in Town-wide undergrounding. The Town has failed to show any cost-benefit analysis that favors including the South End in the undergrounding project. By eliminating the South End from the Town-wide the Town will save millions of dollars from an open ended cost prohibitive project that is currently estimated to cost approximately \$170,000,000. These savings can be used for more appropriate purposes.

- Undergrounding should be supported and encouraged by the Town for neighborhoods who wish to do so. By attempting to impose a universal standard on neighborhoods with disparate needs the Town has grievously erred. It has created acrimony; it will destroy the beauty and aesthetics of the South End, diminish its property values and corresponding tax base and provide little or no concomitant benefits regarding safety, reliability or aesthetics.

-The Town's belated claim that "removing the south end would **greatly impact** (emphasis added) the reliability of the undergrounding system" is mere hyperbole that serves only to justify its intransigence and instill fear in the mind of its residents. The Town has failed to offer any factual substantiation of the ostensible "**great impact**" that the removal of the south end will have on the reliability of the undergrounding system. In light of FPL's state wide reliability numbers the Town's claim of "**great impact**" has no basis in fact.

We, together with many other Condominiums in the South End remain opposed to any undergrounding in our neighborhood. It is an expensive unnecessary project approved by five Council Members, four of whom are no longer on the Council including the then President.

We respectfully request the Council remove the South End of Palm Beach from the Town-wide Undergrounding Project.

Respectfully submitted,

The Enclave Condominiums of Palm Beach

By _____
Ira N Smith
Member of the Board of Directors.

May 12, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the 2770 S. Ocean Blvd. Condo. Assn. Inc., respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

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We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed
Its:

Harold Brenblau

Bukk Carleton Group

From: Barbara Dee Scherer <bdscherer@yahoo.com>
Sent: Monday, May 15, 2017 5:45 PM
To: bgc@valley.net
Subject: signed petition
Attachments: Petition-MAY-15.docx

Attached signed petition

Izak Teller
2600 C Ocean Blvd
Vice President of Board
954-671-7156

May 15, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the 2560 + 2600, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed Izak Teller

Its: Vice President-2600 S Ocean Blvd

The President of Palm Beach – A Condominium, Inc.

May 18, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

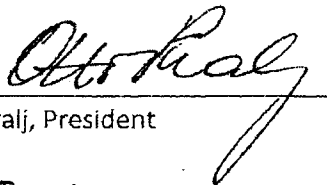
We, the Board of the President of Palm Beach – A Condominium, Inc., respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

- Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.
- The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.
- The Boxes being close to the road can be subject to accidents and consequent liability.
- The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed



Otto Kralj, President

Otto Kralj, President

The President of Palm Beach, A Condominium Inc.

2505 South Ocean Boulevard

Palm Beach, FL 33480-5499

Office 561-582-5373

Fax 561-582-0335

Email presidentofpalmbeach@prescondo.net

Website www.presidentcondo.net

2505 South Ocean Blvd. - Palm Beach - Florida 33480-5434

(561) 582-5373 - Fax (561) 582-0335

Presidentofpalmbeach@prescondo.net

Royal Saxon Inc.

2840 South Ocean Boulevard
Palm Beach, Florida 33480
Phone (561) 582-0233 FAX (561) 582-0224

May 09, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Royal Saxon Coop at 2840 S. Ocean Blvd, Palm Beach, FL 33480, respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

- Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

- The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

- The Boxes being close to the road can be subject to accidents and consequent liability.

- The Undergrounding Project is a cost prohibitive project that will end up costing well over \$150 million dollars.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed Frank Lorenzo
Frank Lorenzo

Its: President



May 16, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, FL 33480

We, the Board of the Sutton Place Condominium Association respectfully request that the Undergrounding of Utilities targeted for the Southern Part of Palm Beach beginning at Sloan's Curve and ending at South Palm Beach Border be removed from the project and be relieved of any project assessments for the following reasons:

-Florida Power and Light has proclaimed a 99% safety factor and a 99% reliability factor for those areas that have Hardened Concrete Poles which we have in the southern part of Palm Beach.

-The Concrete Poles blend in with the environment compared to the HUGE Metal Boxes which look hideous and will disfigure South Ocean Blvd and devalue our property.

-The Boxes being close to the road can be subject to accidents and consequent liability.

-The Undergrounding Project will be an extraordinarily expensive project, in which the costs and the negatives for the South end will far outweigh the asserted benefits, which benefits are themselves highly questionable on this part of the island.

As you can see from the above, we are uniformly opposed to the project in the South End. It is an expensive unnecessary project voted by five Council Members, four of which are no longer on the Council including the President.

We request the Council to remove the South End of Palm Beach from the Undergrounding Project.

Signed:

Its:


Fred Simon, President

Sutton Place Condominium Association, Inc.
2778 South Ocean Boulevard, Palm Beach, Florida 33480 Phone (561) 588-8410 Fax (561) 588-8422

() BEACH ACCESS

INSTALLATION, REMOVAL AND MAINTENANCE AGREEMENT

This agreement, made and entered into this _____ day of _____, 2017, by and between the () and () residents of () in the Town of Palm Beach, Palm Beach County, FL., whose mailing address is _____, Palm Beach, FL 33480, herein after referred to as the "()", and the Town of Palm Beach, a municipal corporation, which has a mailing address of 360 South County RD., Palm Beach, FL 33480, hereinafter referred to as "TOWN", in consideration for mutual benefits to be derived from landscaping/site improvements and maintenance of the Town's beach access at (), hereinafter referred to as "BEACH ACCESS".

WHEREAS, the () has requested that certain improvements be made to the Town's right-of-way and beach access located at the terminating point of (); and

WHEREAS, the Town is willing to allow for said improvements subject to the conditions stated herein; and

WHEREAS, the () understands that this property is a public beach access and that said access is used by the Town for access of vehicles, heavy equipment, or materials to accomplish necessary coastal management maintenance or construction serving the public interest; and

WHEREAS, applicants/residents acknowledge, in requesting these improvements that residents shall be fully responsible for the costs of said improvements and the maintenance of same; and

WHEREAS, the () understands that the Town has the right to remove said improvements at any time in its sole discretion.

NOW, THEREFORE, the parties hereby agree as follows:

Per approval of the Town Council at their meeting of _____, 2017, landscape and site improvements at the subject property are to be completed in accordance with a mutually agreeable plan (as indicated in the attached project plans and specifications). Such plan shall be developed by a professional licensed consultant retained by the (), experienced in such work, and the consultant shall also participate as needed in any meetings or permit applications as may be required by the Town or the Florida Department of Environmental Protection (FDEP).

The resulting project plans and specifications shall be provided to the Town staff during the design development to afford opportunities for review and comment as required. These plans and specifications shall be of sufficient detail and clarity to allow the Town to solicit bids for the work in accordance with the Town's public purchasing guidelines, policies and procedures. The contractor selected will enter into a contract with the Town, and shall be able to meet all

permitting, insurance and construction requirements as defined by the bid documents and contract. The () will be responsible for raising donations in the amount necessary to fund the complete and usable landscape and site improvements project as defined above.

The Town agrees to provide the project management and oversight by Town staff, which shall have the final approval in the scope of the work, as well as procurement, scheduling and construction of said project. The Town also agrees to pursue any necessary FDEP coastal construction permits associated with the approved project scope and plans/specifications. During construction, the project site may be closed to the public at the Town's discretion in the interest of safety and security.

Upon accomplishment of the installation of all approved landscape and site improvements associated with the project by the contractor, the Town will notify the () of the final completion and allow use again by the public. Such use shall not be limited in any way to the general public, and no private use of the beach access is expressed or implied by the accomplishment of this project. If the project scope includes any fencing, gate or other barrier adjacent to North Ocean Boulevard, such entrance shall include the proper signs posted to indicate the property as a public beach access. The access will be reviewed on a regular basis for compliance.

The maintenance of all installed landscaping/site improvements shall be the responsibility of the (), including but not limited to hardscape, landscape, plumbing, irrigation, retaining structures, and stairs. This maintenance responsibility shall also include the payment of any utilities (water, etc.) used on the property.

The Town reserves the right to use the property for any future need deemed necessary in the Town's interests. For example, in the event the Town needs access to the beach for heavy machinery use, the Town shall require the removal of the landscape/site improvements as required, at the () expense. The restoration of the beach access to its pre-existing condition after the required work is complete, shall also be at the () expense if so desired. Should the () choose not to restore the beach access to its pre-existing condition, then the Town may restore the public beach access in any manner it chooses.

In the event the () does not meet their responsibilities or obligations under this agreement, the Town will be under no further obligation to comply with the terms of this agreement. This agreement may be renewed annually. If either party chooses not to renew this agreement, they shall provide the other party thirty (30) days notice of same prior to the anniversary date of this agreement. This agreement may be revised or modified in the future, subject to terms and conditions mutually agreed upon.

As a condition of this agreement, the () shall save protect, defend, and hold harmless the Town, its officers, employees, agents, and representatives against any claims or damages, including claims for attorney fees asserted or made by third parties resulting from the terms and conditions of this agreement or the use of the property covered hereunder for the purposes stated herein.

Signed, sealed, acknowledged on this ____ day of _____ 2017.

Original Signature of Witness

Authorized Representative for

([REDACTED])

Typed/Printed Name of Witness

TOWN OF PALM BEACH

Original Signature of Witness

Thomas G. Bradford, Town Manager

Typed/Printed Name of Witness

RECOMMEND APPROVAL

Approved for Legal Form and Sufficiency

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

John C. Randolph, Esquire Town
Attorney

ATTEST:

Susan A. Owens, MMC
Town Clerk

RESOLUTION NO. 090-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RELATING TO THE UNDERGROUND UTILITY IMPROVEMENTS; DESCRIBING THE PROPERTY TO BE INCLUDED WITHIN THE PROPOSED UNDERGROUND UTILITY ASSESSMENT AREA AND THE LOCAL IMPROVEMENTS TO BE PROVIDED THEREIN; PROVIDING CERTAIN LEGISLATIVE FINDINGS; DETERMINING THE ESTIMATED CAPITAL COST OF THE UNDERGROUND UTILITY IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE PROJECT COST AGAINST THE PROPERTIES THAT WILL BE BENEFITTED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; DIRECTING THE TOWN MANAGER TO PREPARE A PRELIMINARY ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED IMPROVEMENT ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE; PROVIDING FOR APPLICATION OF THE IMPROVEMENT ASSESMENT PROCEEDS; DECLARING THE TOWN'S INTENT FOR REIMBURSEMENT FROM BOND PROCEEDS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. DEFINITIONS. This Resolution constitutes the Initial Assessment Resolution as defined in the Code. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Code. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

"Adjacent Property" means those Tax Parcels that abut existing overhead utility facilities. When existing overhead utility facilities lie along either side of a street, alleyway or utility easement,

the Tax Parcels on both sides of the street, alleyway or utility easement are deemed to abut the overhead utility facilities.

"Adjusted Prepayment Amount" means the amount required to prepay the Improvement Assessment for each Tax Parcel located in the Underground Utility Assessment Area (1) following issuance of the any Temporary Original Obligations, as computed pursuant to Section 4.03(B) hereof and revised annually pursuant to Section 4.04(I) hereof, (2) following the issuance of any Permanent Original Obligations, as computed pursuant to Section 4.03(C) hereof and revised annually pursuant to Section 4.04(I) hereof, and (3) following the issuance of any Refunding Obligations, as computed pursuant to Section 4.03(D) hereof and revised annually pursuant to Section 4.04(I) hereof.

"Aesthetic EBU" means "aesthetic equivalent benefit unit," the standard unit to be used in calculating the relative amount of special benefit allocated to the improved aesthetics to be derived by each Tax Parcel from the Underground Utility Improvements.

"Annual Debt Service Component" means the amount computed for each Tax Parcel pursuant to Section 4.04(E) hereof.

"Annual Debt Service Factor" means the factor computed pursuant to Section 4.04(D) hereof.

"Assessment Report" means that certain "Town of Palm Beach Utility Undergrounding Assessment Methodology Update," dated as of June 2, 2017, prepared by Raftelis Financial Consultants, Inc., which report and its incorporated parcel database is approved and hereby incorporated herein by reference.

"Assessment Period" means the time period estimated by the Town during which Improvement Assessments are imposed for any portion of the Obligations that remain outstanding

unless otherwise prepaid pursuant to Sections 4.05, 4.06, or 4.07 hereof. The Assessment Period shall be set by the Board at or following the public hearing established in Section 2.01 hereof.

"Capital Cost" means all or any portion of the expenses that are properly attributable to the acquisition, design, installation, and construction of the Underground Utility Improvements (including any demolition, environmental mitigation, and relocation) and imposition of the Improvement Assessments under generally accepted accounting principles and including reimbursement to the Town for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

"Code" means Chapter 90, Article II of the Town of Palm Beach code of ordinances, concerning Special Assessments.

"Collection Cost" means the estimated cost to be incurred by the Town during any Fiscal Year in connection with the collection of the Improvement Assessments.

"Collection Cost Component" means the amount computed for each Tax Parcel pursuant to Section 4.04(F) hereof.

"Condominium Complex" means a condominium community created by a declaration of condominium pursuant to Chapter 718, Florida Statutes.

"Condominium Common Area Parcel" means a Tax Parcel including one or more "common elements," as defined in section 718.103, Florida Statutes within a Condominium Complex, the taxable value of which has been attributed to either Residential Condominium Property or Non-Residential Condominium Property by the Property Appraiser.

"Debt Service Amount" means the amount computed pursuant to Section 4.04(A) hereof.

"Density Factor" means a factor based upon a comparison of the average persons per household for each type of Residential Property within the Town derived from the 2010 U.S. census

data, which factor is used as a proxy for comparing the typical dwelling unit size and use of Residential Property and the comparative reliability special benefit accruing to such properties. The Density Factors for Residential Property are as follows: (i) Single Family Residential Property -- 1.0; (ii) Residential Condo Property -- .76; and (iii) Multi-Family Residential Property -- .76.

"Dwelling Unit" means a building or a portion thereof that is designed for residential occupancy.

"EBU" means "equivalent benefit unit," the standard Assessment Unit to be used in calculating the relative amount of special benefit to be derived by each Tax Parcel from the Underground Utility Improvements as computed by summing each Tax Parcel's assigned Safety EBUs, Reliability EBUs, and Aesthetic EBUs and as more specifically described in the Assessment Report and the incorporated parcel database.

"EBU Land Value" means the average Lot Size of all Tax Parcels within the Underground Utility Assessment Area, which the Town has computed is equal to 8,700 square feet of land area based upon the Palm Beach County Property Appraiser's ad valorem tax roll database.

"Excluded Neighborhoods" means the Everglades Island Assessment Area established in Resolution 161-2013, the Via Fontana Assessment Area established in Resolution 127-2012, the Lake Tower Assessment Area, as described in composite Appendix D, to be created by the Town by subsequent resolution, and the Nightingale Trail/La Puerta Way Assessment Area, as described in composite Appendix D, to be created by the Town by subsequent resolution.

"Excluded Parcels" means undevelopable Tax Parcels, distinct Tax Parcels that contain only parking spaces, storage units, or condominium cabanas and serve as auxiliary improvements to a primary improvement on another Tax Parcel, and those Tax Parcels within the Excluded Neighborhoods.

"Final Assessment Resolution" means the resolution described in Sec. 90-86 of the Code which shall confirm, modify or repeal this Resolution and which shall be the final proceeding for the imposition of the Improvement Assessments within the Underground Utility Assessment Area.

"Funding Agreement" means the agreement pursuant to which the Town agrees to deliver the Obligations against payment therefore by the purchaser or underwriter of such Obligations.

"Improvement Assessment" or **"Assessment"** means an annual special assessment imposed against property located within this Underground Utility Assessment Area to fund the Project Cost of the Underground Utility Improvements, and related expenses, computed in the manner described in Section 4.04 hereof.

"Initial Prepayment Amount" means the amount computed pursuant Section 4.03(A) hereof for each Tax Parcel located in the Underground Utility Assessment Area to prepay the Improvement Assessment prior to issuance of the Original Obligations.

"Lot Size" means the total land area of each Tax Parcel expressed in square feet as reflected in the Palm Beach County Property Appraiser's ad valorem tax roll database and adjusted by any applicable Parcel Adjustment Factor. Tax Parcels containing golf courses under common ownership, the Breakers Palm Beach, and contiguous parcels under common ownership that are bifurcated by South Ocean Boulevard shall be combined and treated as one Tax Parcel for determining Lot Size.

"Modified Debt Service Amount" means the amount computed pursuant to Section 4.04(C) hereof.

"Multi-Family Property" means a building or a portion thereof that contains more than one Dwelling Unit on a single Tax Parcel, including, but not limited to, apartments, townhouses, triplexes, and quadraplexes.

"Non-Adjacent Property" means all Tax Parcels within the Underground Utility Assessment Area that are not Adjacent Property or Excluded Parcels.

"Non-Residential Condominium Property" means a Tax Parcel of Benefited Property constituting a Condominium "unit," as defined in section 718.103, Florida Statutes, which does not contain a Dwelling Unit.

"Non-Residential Property" means all Tax Parcels within the Underground Utility Assessment Area that are not Residential Property or Excluded Parcels, including but not limited to, commercial, industrial, institutional, and vacant properties.

"Obligations" means Original Obligations or Refunding Obligations.

"Original Obligations" means Temporary Original Obligations and Permanent Original Obligations.

"Parcel Adjustment Factor" means the adjustment made to the Lot Size for Tax Parcels that contain open areas of golf courses and the open space areas of the Breakers Palm Beach, as computed by multiplying the Tax Parcel's total front footage (the number of lineal feet the Tax Parcel abuts the road upon which the Underground Utility Improvements are to be constructed) by 200, which is the Town's typical lot depth for low density residential.

"Permanent Original Obligations" means notes, bonds or other evidence of indebtedness including but not limited to, notes, bonds, commercial paper, capital leases or any other obligations issued, incurred, or applied to finance a portion of the Project Cost of the Underground Utility Improvements or refinance any Temporary Original Obligations, and are secured or payable, in whole or in part, by proceeds of the Improvement Assessments.

"Prepayment Modification Factor" means the factor computed pursuant to Section 4.04(B) hereof.

"Proforma Obligations" means a proforma of the Permanent Original Obligations prepared by the Town or its financial advisor utilizing the following assumptions: (A) the principal amount of the Permanent Original Obligations is sufficient to fund (1) the Project Cost of the Underground Utility Improvements, (2) payment of the estimated Transaction Cost for the Permanent Original Obligations, (3) amounts to be deposited in any reserve account established for the Permanent Original Obligations, and (4) any other amounts deemed necessary by the Town or its financial advisor, related to the Underground Utility Improvements; (B) the Permanent Original Obligations are payable in substantially equal annual payments over the Assessment Period from their date of issuance; (C) the Permanent Original Obligations bear interest at rates that, in the reasonable judgment of the Town or its financial advisor (taking into consideration possible interest rate fluctuations between the date on which such proforma is prepared and the estimated date for issuance of the Permanent Original Obligations), may be available on the estimated issuance date for the Permanent Original Obligations; and (D) the Permanent Original Obligations will bear interest at a rate one-half (0.5%) percentage point in excess of the estimated interest rate such Obligations will actually bear.

"Project Cost" means (A) the Capital Cost of the Underground Utility Improvements, (B) the Transaction Cost associated with the Obligations attributable to the Underground Utility Improvements, (C) interest accruing on such Obligations for such period of time as the Town deems appropriate, (D) the debt service reserve fund or account, if any, established for the Obligations attributable to the Underground Utility Improvements, and (E) any other costs or expenses related thereto.

"Refunding Obligations" means a series of bonds or other evidence of indebtedness including but not limited to, notes, bonds, commercial paper, capital leases or any other obligations

of the Town issued, incurred, or applied to refund all or any portion of the Permanent Original Obligations or any indebtedness issued to refinance the Permanent Original Obligations.

"Reliability EBU" means "reliability equivalent benefit unit," the standard unit to be used in calculating the relative amount of special benefit allocated to the improved service reliability to be derived by each Tax Parcel from the Underground Utility Improvements.

"Residential Condominium Property" means a Tax Parcel containing a Dwelling Unit within a Condominium Complex, as defined in Section 718.103(27), Florida Statutes.

"Residential Property" means collectively Single Family Residential Property, Multi-Family Residential Property, and Residential Condominium Property.

"Safety EBU" means "safety equivalent benefit unit," the standard unit to be used in calculating the relative amount of special benefit allocated to the improved safety to be derived by each Tax Parcel from the Underground Utility Improvements.

"Single Family Residential Property" means a detached Dwelling Unit on an individual Tax Parcel, plus duplexes and zero lot line houses.

"Statutory Discount Amount" means the amount computed for each Tax Parcel pursuant to Section 4.04(G) hereof.

"Tax Parcel" means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Temporary Original Obligations" means that portion of the loan or loans from any short-term finance program, incurred by the Town to (A) finance all or a portion of the Project Cost of the

Underground Utility Improvements on an interim basis, and (B) finance the payment of any Transaction Cost for the issuance of the Temporary Original Obligations.

"Termination Point" means the point where the utility facilities placed underground in an Excluded Neighborhood pursuant to an existing or planned utility undergrounding assessment program terminate and connect to the existing overhead facilities.

"Transaction Cost" means the costs, fees and expenses incurred by the Town in connection with the issuance and sale of any series of Obligations, including but not limited to (A) rating agency and other financing fees; (B) the fees and disbursements of bond counsel and disclosure counsel, if any; (C) the underwriters' discount; (D) the fees and disbursements of the Town's financial advisor; (E) the costs of preparing and printing the Obligations, the preliminary official statement, the final official statement, and all other documentation supporting issuance of the Obligations; (F) the fees payable in respect of any municipal bond insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; and (H) any other costs of a similar nature incurred in connection with issuance of such Obligations.

"Underground Utility Assessment Area" means the property more particularly described in Section 3.01 and Appendix C hereof.

"Underground Utility Assessment Roll" means the Assessment Roll as defined in the Code relating to the Project Cost of the Underground Utility Improvements.

"Underground Utility Improvements" means a Local Improvement as defined in the Code and hereby more specifically defined as the following utility infrastructure improvements to be designed, acquired, constructed, or installed by or through direction from the Town within the Underground Utility Assessment Area: removal of overhead utility lines and facilities for electricity,

telephone, cable, and fiber optics; acquisition of land and/or easements associated with the project; design, acquisition, installation, and construction of underground utility vaults, conduits, transformers, and other necessary facilities (underground and on the surface) to facilitate placement underground of all local electrical distribution lines, telephone lines, cable lines, and fiber optics to provide such essential services to properties within the Underground Utility Assessment Area; design, acquisition, installation, and construction of necessary facilities to connect the improvements on each Tax Parcel, including, but not limited to, meter conversions (for meters that are currently in compliance with all applicable codes), service laterals, and any looping of onsite lines in conformance with all utility standards; and property restoration, landscaping, and other utility and utility related improvements.

"Uniform Assessment Collection Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and sections 166.021 and 166.041, Florida Statutes, the Town Council has all powers of local self-government to

perform municipal functions and to render municipal services except when prohibited by law and such power may be exercised by the enactment of legislation in the form of Town ordinances.

(B) The Town Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the Town Council may legislate on any subject matter on which the Legislature may act, except those subjects described in (a), (b), (c), and (d) of section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c) and (d) of section 166.021(3), Florida Statutes, are not relevant to imposition of assessments related to the Underground Utility Improvements within the Town.

(C) The Town Council has enacted the Code to provide for the creation of Assessment Areas and authorize the imposition of Assessments to fund the cost of Local Improvements that benefit the property located therein.

(D) The Town Council desires to create the Underground Utility Assessment Area as an Assessment Area and to fund Project Cost of the Underground Utility Improvements, which is a Local Improvement as defined in the Code.

(E) As set forth in more detail in the Assessment Report, the design, acquisition, construction, and installation of the Underground Utility Improvements will provide a special benefit to all Tax Parcels located within the Underground Utility Assessment Area by protecting and enhancing the value, use, enjoyment and commercial attractiveness and viability of such property by improving and enhancing: (1) property safety by reducing the potential of hazardous conditions occurring on these properties and the ingress and egress to these properties from downed poles, lines, and other overhead utility facilities in the event of storms and other natural disasters and reducing the potential for fires occurring on such properties emanating from the overhead utility facilities due to vegetative overgrowth, storms, and other causes; (2) reliability of utility services provided to these

properties by reducing the frequency of utility outages once placed underground, replacing the current utility infrastructure with new, upgraded lines, cables, and appurtenant facilities to be installed through the Underground Utility Improvements; and (3) aesthetics of these properties and their immediate surrounding areas by removing the overhead utility facilities, which will eliminate a heavy visual concentration of utility lines and poles.

(F) Pursuant to Florida Power & Light Company's 2017 Status/Update Report on Storm Hardening/Preparedness and Distribution Reliability, dated as of March 1, 2017, underground utility facilities provide the greatest utility service reliability. For example, in 2016 Florida Power & Light reported that customers served by underground utilities experienced average outages of just 17.2 minutes compared to 80.4 minutes for customers served by overhead utilities and 57.6 minutes for customers served by a combination of underground and overhead utilities. Even with storm hardened overhead utility facilities in place, Florida Power & Light Company's data dating back to 2012 demonstrates a similar increased reliability benefit from undergrounded utilities as compared to overhead utility facilities or combined overhead and underground utility facilities.

(G) The Underground Utility Improvements are projected to be designed, constructed, and installed throughout the Underground Utility Assessment Area over an 8-year build out period. This build-out period is required due to the extensive coordination, traffic control, and mobilization needed during the project construction. Due to the magnitude of the Underground Utility Improvements project, an 8-year build out period is a fair and reasonable time period for realization of the special benefits that will be provided to the Tax Parcels within the Underground Utility Assessment Area. Additionally, even though the Underground Utility Improvements project is not planned to be substantially complete throughout the Underground Utility Assessment Area for eight years, all properties will receive a special benefit, at a certain level, upon the initiation of the project

as the overhead utility lines within the Town-wide utility grid begin to be placed underground and providing some increased safety, aesthetics, and reliability to Tax Parcels within the Underground Utility Assessment Area.

(H) The Town Council hereby finds and determines that the Assessments to be imposed in accordance with this Initial Assessment Resolution provide an equitable method of funding the Underground Utility Improvements by fairly and reasonably allocating the cost to specially benefitted property, based upon the amount of Equivalent Benefit Units or EBUs attributable to each parcel of property in the manner hereinafter described.

(I) It is fair and reasonable and proportionate to the special benefit received to apportion the Project Cost of the Underground Utility Improvements based upon EBUs because the aesthetic, safety, and reliability benefits received are substantially proportional to the assessed Tax Parcel's Lot Size, density, and type of development as expressed in EBUs and as more particularly described in the Assessment Report.

(J) It is fair and reasonable to split the Project Cost of the Underground Utility Improvements among the three special benefit components – safety, reliability, and aesthetics – based upon the proportionate numbers of EBUs in each category.

(K) Although all Tax Parcels within the Underground Utility Assessment Area will be specially benefitted by the Underground Utility Improvements, as described above, due to their closer physical proximity to the existing overhead utility facilities, Adjacent Property will receive greater safety and aesthetic special benefits than Non-Adjacent Property. Accordingly, it is fair and reasonable to assign less Safety EBUs and Aesthetic EBUs to Non-Adjacent Property in acknowledgement of this lesser level of special benefit.

(L) It is fair and reasonable and proportionate to the special benefit received for safety and aesthetics to assign Safety EBUs and Aesthetic EBUs to the Tax Parcels based upon Lot Size because a larger sized property will span a greater area that may be exposed to existing overhead facilities along abutting streets, alleys, and easements that are being removed and replaced as a part of the Underground Utility Improvements and, accordingly, receive a proportionately greater benefit as compared to properties with smaller Lot Size.

(M) It is fair and reasonable to assign a minimum of one (1) Safety EBU and one (1) Aesthetic EBU for Adjacent Property or a minimum of one-half (.5) Safety EBU and one-half (.5) Aesthetic EBU for Non-adjacent Property because, regardless of their actual Lot Sizes, all such properties within the Underground Utility Assessment Area receive a baseline special benefit from the Underground Utility Improvements.

(N) Due to the similar size and use of Single Family Residential Properties, the reliability special benefit, as described above, is substantially the same for each Dwelling Unit located on a Tax Parcel of Single Family Residential Property. Accordingly, it is fair and reasonable and proportionate to the reliability special benefit received to assign all Dwelling Units located on Tax Parcels of Single Family Residential Property one (1) Reliability EBU per Dwelling Unit.

(O) In contrast, all Tax Parcels of Multi-Family Property and Residential Condominium Property within the Underground Utility Assessment Area will receive a different level of reliability special benefit than Single Family Residential Property since these properties are generally smaller, more compact and have less occupant density than Single Family Residential Property. Accordingly, it is fair and reasonable to assign Reliability EBUs to Multi-Family Property and Residential Condominium Property by using a Density Factor as a proxy for the typical Dwelling Unit sizes to acknowledge that these generally smaller Dwelling Units receive a lesser reliability special benefit.

(P) Because Density Factor data is not available for Non-Residential Property, it is fair and reasonable to use Lot Size to assign Reliability EBUs to these properties to account for the greater amount of special benefit accruing to larger Non-Residential Properties from the provision of the Underground Utility Project because a larger sized property can accommodate a greater amount of potential improvements utilizing and benefitting from the increased utility reliability and, accordingly, receive a proportionately greater benefit as compared to properties with smaller Lot Size.

(Q) Condominium property constitutes a unique form of real property ownership comprised of condominium units, to which there may be an appurtenant undivided share of common areas within the Condominium Complex. It is fair and reasonable and in accordance with section 718.120, Florida Statutes, to attribute the EBUs associated with any Condominium Common Area Parcels to the Tax Parcels of Residential Condominium Property or Non-Residential Condominium Property to which such Condominium Common Area Parcels are appurtenant.

(R) The Underground Utility Improvements necessarily includes some surface level facilities, such as switch boxes, which will be located on or adjacent to some properties within the Underground Utility Assessment Area. These properties will still receive an aesthetic special benefit proportionate to their Lot Size because the Underground Utility Improvements will eliminate a heavy visual concentration of utility lines and poles; it is not possible to eliminate all surface level utility facilities and the switch boxes and other like facilities that will be maintained are far less obtrusive, are close to the ground, and are more visually pleasing.

(S) Some Tax Parcels within the Underground Utility Assessment Area contain large open areas, such as golf courses and the Breakers Palm Beach. To account for the diminished return of benefit to such Tax Parcels as their total amount of open space acreage that does not consume

utilities increases, it is fair and reasonable to combine all related Tax Parcels as one parcel and apply a Parcel Adjustment Factor in acknowledgement of the lesser amount of special benefit accruing to these open areas due to the lower frontage to acreage ratio applicable to these properties.

(T) Some Tax Parcels within the Town have petitioned the Town to institute a utility undergrounding project for their immediate neighborhood, which is similarly being funded with special assessments imposed by the Town on the specially benefitted properties. Because those Tax Parcels within these Excluded Neighborhoods have already relocated or begun the process of relocation of their overhead utility facilities underground and are currently paying or will pay an annual special assessment, it is fair and reasonable to exclude these parcels from the Underground Utility Assessment Area. However, due to the timing of the utility undergrounding projects, the Underground Utility Improvements will provide an indirect reliability benefit to the Excluded Neighborhoods associated with the Termination Points where the underground utility facilities within the Excluded Neighborhoods connect or will connect to the utility grid serving the rest of the Town. Therefore, to account for this indirect reliability benefit, it is fair and reasonable to assign one (1) Reliability EBU to each Termination Point associated with the Excluded Neighborhoods for a total of seven (7) Reliability EBUs. The monetary obligation associated with these seven (7) Reliability EBUs will not be funded from the proceeds of the Improvement Assessments.

(U) Certain Tax Parcels within the Town are undevelopable due to property specific constraints or legal restrictions. Additionally, there are distinct Tax Parcels within the Town that contain only parking spaces, storage units, or condominium cabanas and serve as auxiliary improvements to a primary improvement on another Tax Parcel. It is fair and reasonable to exclude these Tax Parcels from the Underground Utility Assessment Area because they will receive little, if any, special benefit from the Underground Utility Improvements.

(V) The Town plans to issue long term debt to finance the Underground Utility Improvements to allow the Assessments to be collected in annual installments over a 30-year repayment period, which will ease the annual financial burden on each Tax Parcel. Additionally, the Town plans to initially utilize interim financing to fund all or a portion of the Project Costs until the long term debt can be issued. The Town's financing plan is fair and reasonable and will help contain financing costs while ensuring a viable, long-term funding source for the Underground Utility Improvements.

(W) The Town Council hereby finds that each property within the proposed Assessment Area will be benefited by the Town's provision of the Underground Utility Improvements in an amount not less than the Assessment imposed against such property, computed in the manner set forth in this Resolution.

ARTICLE II

NOTICE AND PUBLIC HEARING

SECTION 2.01. PUBLIC HEARING. There is hereby established a public hearing to be held by the Town Council at 5:01 p.m. on July 12, 2017, in the Town of Palm Beach Town Council Chambers, 360 South County Road, Palm Beach, Florida, to consider: (A) creation of the Underground Utility Assessment Area; (B) imposition of the Improvement Assessments, and (C) collection of the Improvement Assessments pursuant to the Uniform Assessment Collection Act.

SECTION 2.02. NOTICE BY PUBLICATION. Upon completion of the Underground Utility Assessment Roll, the Town Manager shall publish a notice of the public hearing authorized by Section 2.01 hereof in the manner and the time provided in Sec. 90-84 of the Code. Such notice shall be in substantially the form attached hereto as Appendix B and shall be published no later than June 21, 2017.

SECTION 2.03. NOTICE BY MAIL.

(A) Upon completion of the Underground Utility Assessment Roll, the Town Manager shall, at the time and in the manner specified in Sec. 90-85 of the Code, provide first class mailed notice of the public hearing authorized by Section 2.01 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll. Such notice shall be in substantially the form attached hereto as Appendix C and shall be mailed no later than June 21, 2017.

(B) In accordance with Chapter 92-264, Laws of Florida, as amended, a special act relating to the Property Appraiser, the Town Council shall provide additional notice of the Assessment as part of the notice of proposed property taxes under Section 200.069, Florida Statutes, the truth-in-millage notification.

ARTICLE III

ASSESSMENT AREA AND ASSESSMENT UNITS

SECTION 3.01. DESCRIPTION OF PROPOSED ASSESSMENT AREA.

(A) In accordance with Sec. 90-46 of the Code, the Town Council proposes to create the Underground Utility Assessment Area encompassing all the area of the Town more particularly described in Appendix A attached hereto, with the exception of the Excluded Parcels.

(B) The Underground Utility Assessment Area is proposed to provide beautification, improved utility reliability, and enhance safety and access to property, as well as preserve and/or enhance the value of all property therein through the provision of the Underground Utility Improvements.

SECTION 3.02. ASSIGNMENT OF EBUs.

Safety EBUs and Aesthetic EBUs

(A) Except for Residential Condominium Property and Non-Residential Condominium Property as described in paragraphs (C) and (D) below, all Tax Parcels of Adjacent Property in the Underground Utility Assessment Area shall be assigned Safety EBUs and Aesthetic EBUs by dividing its (a) Lot Size by (b) the EBU Land Value; provided however that no Tax Parcel of Adjacent Property shall be assigned less than one Safety EBU or less than one Aesthetic EBU.

(B) Except for Residential Condominium Property and Non-Residential Condominium Property as described in paragraphs (C) and (D) below, all Tax Parcels of Non-adjacent Property in the Underground Utility Assessment Area shall be assigned Safety EBUs and Aesthetic EBUs by dividing its (a) Lot Size by (b) the EBU Land Value and then multiplying that product by .5;

provided however that no Tax Parcel of Non-Adjacent Property shall be assigned less than .5 Safety EBU or less than .5 Aesthetic EBU.

(C) The number of Safety EBUs and Aesthetic EBUs attributable to each Tax Parcel of Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property in a Condominium Complex shall be the amount computed by (a) dividing the Lot Size of the Condominium Complex in which the Residential Condominium Property or Non-Residential Condominium Property, as applicable, is located, including any Condominium Common Area Parcels, by the EBU Land Value, and then (b) dividing the result by the total number of Tax Parcels of Residential Condominium Property or Non-Residential Condominium Property, as applicable, located within such Condominium Complex; provided however that no Tax Parcel of Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property shall be assigned less than one Safety EBU or less than one Aesthetic EBU.

(D) The number of Safety EBUs and Aesthetic EBUs attributable to each Tax Parcel of Non-Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property in a Condominium Complex shall be the amount computed by (a) dividing the Lot Size of the Condominium Complex in which the Residential Condominium Property or Non-Residential Condominium Property, as applicable, is located, including any Condominium Common Area Parcels, by the EBU Land Value, (b) multiplying that product by .5, and then (c) dividing the result by the total number of Tax Parcels of Residential Condominium Property or Non-Residential Condominium Property, as applicable, located within such Condominium Complex; provided however that no Tax Parcel of Non-Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property shall be assigned less than .5 Safety EBU or less than .5 Aesthetic EBU.

Reliability EBUs

(E) All Tax Parcels of Residential Property in the Underground Utility Assessment Area shall be assigned Reliability EBUs by (a) multiplying the number of Dwelling Units on the Tax Parcel by (b) the Density Factor computed for the applicable category of Residential Property.

(F) All Tax Parcels of Non-Residential Property in the Underground Utility Assessment Area, except for Non-Residential Condominium Property, shall be assigned Reliability EBUs by dividing its (a) Lot Size by (b) the EBU Land Value; provided however that no Tax Parcel of Non-Residential Property shall be assigned less than one (1) Reliability EBU.

(G) The number of Reliability EBUs attributable to each Tax Parcel of Non-Residential Condominium Property in a Condominium Complex shall be the amount computed by (a) dividing the Lot Size of the Condominium Complex in which the Non-Residential Condominium Property is located, including any Condominium Common Area Parcels, by the EBU Land Value, and then (b) dividing the result by the total number of Tax Parcels of Non-Residential Condominium Property located within such Condominium Complex; provided however that no Tax Parcel of Non-Residential Condominium Property shall be assigned less than one (1) Reliability EBU.

(H) Each Termination Point for an Excluded Neighborhood shall be assigned one (1) Reliability EBU.

ARTICLE IV

IMPROVEMENT ASSESSMENTS

SECTION 4.01. ESTIMATED CAPITAL COST.

(A) The total estimated Capital Cost to be assessed within the Underground Utility Assessment Area for the Underground Utility Improvements is \$90,000,000.00, which is further allocated as follows:

(1) The estimated Capital Cost allocated to the Safety EBUs is 30.8% or \$27,722,830.00.

(2) The estimated Capital Cost allocated to the Reliability EBUs is 38.4% or \$34,554,340.00.

(3) The estimated Capital Cost allocated to the Aesthetic EBUs is 30.8% or \$27,722,830.00.

(B) The Project Cost of the Underground Utility Improvements will be funded through the imposition of Improvement Assessments against property located in Underground Utility Assessment Area.

SECTION 4.02. IMPOSITION OF IMPROVEMENT ASSESSMENTS. The Improvement Assessments shall be imposed against all Tax Parcels located within Underground Utility Assessment Area for each Fiscal Year in which the Obligations remain outstanding, the amount of which shall be computed in accordance with this Article IV. When imposed, the Improvement Assessments for each Fiscal Year shall constitute a lien upon the Tax Parcels located in the Underground Utility Assessment Area pursuant to Sec. 90-50 of the Code.

SECTION 4.03. PREPAYMENT AMOUNTS.

(A) Upon adoption of the Final Assessment Resolution, an Initial Prepayment Amount for each Tax Parcel located within Underground Utility Assessment Area shall be calculated as the sum of the following amounts:

(1) The amount computed by dividing the number of Safety EBUs attributable to such Tax Parcel by the total number of all Safety EBUs attributable to all Tax Parcels within Underground Utility Assessment Area, and multiplying the result by the estimated Capital Cost provided in Section 4.01(A)(1); and

(2) The amount computed by dividing the number of Reliability EBUs attributable to such Tax Parcel by the total number of all Reliability EBUs attributable to all Tax Parcels within Underground Utility Assessment Area, and multiplying the result by the estimated Capital Cost provided in Section 4.01(A)(2); and

(3) The amount computed by dividing the number of Aesthetic EBUs attributable to such Tax Parcel by the total number of all Aesthetic EBUs attributable to all Tax Parcels within Underground Utility Assessment Area, and multiplying the result by the estimated Capital Cost provided in Section 4.01(A)(3).

(B) Following issuance of any Temporary Original Obligations, an Adjusted Prepayment Amount for each Tax Parcel, other than those Tax Parcels as to which the Improvement Assessment has been prepaid prior to issuance of the Temporary Original Obligations, shall be computed by multiplying (1) the amount computed by dividing (a) the Initial Prepayment Amount established herein for such Tax Parcel by (b) the sum of the aggregate Initial Prepayment Amounts for all Tax Parcels within the Underground Utility Assessment Area, in each case excluding those Tax Parcels as to which the Assessment has been prepaid prior to issuance of the Temporary Original

Obligations, by (2) the principal amount of the Proforma Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 4.04(I) hereof.

(C) Following the issuance of any Permanent Original Obligations, a revised Adjusted Prepayment Amount for each Tax Parcel, other than those Tax Parcels as to which the Improvement Assessment has been prepaid prior to the issuance of any Permanent Original Obligations, shall be computed by multiplying (1) the amount computed by dividing (a) the Adjusted Prepayment Amount established herein for such Tax Parcel by (b) the aggregate Adjusted Prepayment Amounts for all Tax Parcels within the Underground Utility Assessment Area, in each case excluding those Tax Parcels as to which the Assessment has been prepaid prior to issuance of the Permanent Original Obligations, by (2) the principal amount of the Permanent Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 4.04(I) hereof.

(D) Following issuance of any Refunding Obligations, a new Adjusted Prepayment Amount for each Tax Parcel, other than those Tax Parcels as to which the Improvement Assessment has been prepaid prior to issuance of such Refunding Obligations, shall be computed by multiplying (1) the amount computed by dividing (a) the Adjusted Prepayment Amount for such Tax Parcel by (b) the aggregate Adjusted Prepayment Amounts for all Tax Parcels within the Underground Utility Assessment Area, by (2) the principal amount of such Refunding Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 4.04(I) hereof.

SECTION 4.04. COMPUTATION OF IMPROVEMENT ASSESSMENTS. The annual Improvement Assessment shall be computed for each Tax Parcel that has not prepaid in accordance with Sections 4.05, 4.06, or 4.07 hereof in the manner set forth in this Section 4.04.

(A) DEBT SERVICE AMOUNT. A "Debt Service Amount" shall be computed for each Fiscal Year in the following manner:

(1) For each Fiscal Year in which Temporary Original Obligations will be outstanding, the "Debt Service Amount" shall be computed as the amount which would be payable in respect of the Proforma Obligations in accordance with a debt service schedule prepared with principal installments equal those established for the Proforma Obligations.

(2) Following issuance of the Permanent Original Obligations, the "Debt Service Amount" shall be computed for each Fiscal Year as the amount which would be payable in respect of the Obligations in accordance with a debt service schedule prepared based on (1) the principal installments equal those established in the Funding Agreement, and (2) the Obligations bear interest at a rate one-half (0.5%) percentage point in excess of the actual rates; provided however, that the "Debt Service Amount" for any Fiscal Year shall not exceed the principal amount of Obligations then outstanding, plus interest thereon at rates one-half (0.5%) percentage point in excess of the actual rates.

(B) PREPAYMENT MODIFICATION FACTOR. A "Prepayment Modification Factor" shall be computed for each Fiscal Year by dividing (1) the amount computed by subtracting (a) the sum of the Adjusted Prepayment Amounts, as of the date on which the Obligations are issued by the Town, for all Tax Parcels as to which prepayment has been made, from (b) the total principal amount of Obligations initially issued by the Town, by (2) the total principal amount of Obligations initially issued by the Town.

(C) MODIFIED DEBT SERVICE AMOUNT. A "Modified Debt Service Amount" shall be computed for each Fiscal Year by multiplying (1) the Debt Service Amount by (2) the Prepayment Modification Factor.

(D) ANNUAL DEBT SERVICE FACTOR. An "Annual Debt Service Factor" shall be computed for each Fiscal Year by dividing (1) the Adjusted Prepayment Amount for such Tax Parcel, by (2) the aggregate Adjusted Prepayment Amount.

(E) ANNUAL DEBT SERVICE COMPONENT. The "Annual Debt Service Component" shall be computed for each Fiscal Year for each Tax Parcel by multiplying (1) the Modified Debt Service Amount by (2) the Annual Debt Service Factor.

(F) COLLECTION COST COMPONENT. The "Collection Cost Component" shall be computed each Fiscal Year for each Tax Parcel by (1) dividing (a) the Adjusted Prepayment Amount for such Tax Parcel by (b) the sum of the aggregate Adjusted Prepayment Amount remaining in the Underground Utility Assessment Area, and (2) multiplying the result by the Collection Cost.

(G) STATUTORY DISCOUNT AMOUNT. The "Statutory Discount Amount" shall be computed for each Tax Parcel as the amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments plus a one (1) percent contingency for uncollectible amounts, such amount to be calculated by deducting (1) the sum of (a) the Annual Debt Service Component and (b) the Collection Cost Component, from (2) the amount computed by dividing (a) the sum of (i) the Annual Debt Service Component and (ii) the Collection Cost Component, by (b) the factor of 0.95.

(H) IMPROVEMENT ASSESSMENT. The annual Improvement Assessment for each Tax Parcel shall be computed as the sum of (1) the Annual Debt Service Component, (2) the Collection Cost Component, and (3) the Statutory Discount Amount.

(I) REVISION OF ADJUSTED PREPAYMENT AMOUNT. Upon certification of the Underground Utility Assessment Roll each Fiscal Year, the Adjusted Prepayment Amount for each Tax Parcel shall be recomputed by deducting (1) the amount computed by (a) dividing (i) the

principal component of the Debt Service Amount utilized to compute the Annual Debt Service Component for the Underground Utility Assessment Roll by (ii) the total Debt Service Amount utilized to compute the Annual Debt Service Component for the Underground Utility Assessment Roll and (b) multiplying the result by the Annual Debt Service Component included on the Underground Utility Assessment Roll for the Tax Parcel, from (2) the Adjusted Prepayment Amount (or for the initial Assessment Roll, the Initial Prepayment Amount) utilized to compute the annual Improvement Assessment included on the Underground Utility Assessment Roll for such Tax Parcel.

SECTION 4.05. INITIAL PREPAYMENT OPTION.

(A) Following adoption of the Final Assessment Resolution, the Town Manager shall provide by first class mail a notice to the owner of each Tax Parcel subject to the Improvement Assessment of the owner's option to initially prepay all future annual Improvement Assessments. On or prior to the date specified in such notice, the owner of each Tax Parcel subject to the Improvement Assessment shall be entitled to prepay all future annual Improvement Assessments, upon payment of the Initial Prepayment Amount.

(B) The amount of all prepayments made pursuant to this Section 4.05 shall be final. The Town shall not be required to refund any portion of a prepayment if (1) the actual Capital Cost of the Underground Utility Improvements is less than the estimated Capital Cost upon which the Initial Prepayment Amount was computed, or (2) annual Improvement Assessments will not be imposed for the full number of years anticipated at the time of any such prepayment.

SECTION 4.06. ADDITIONAL PREPAYMENT OPTION.

(A) After the initial prepayment period provided for in Section 4.05 and if subsequently authorized by the Town Council, the owner of each Tax Parcel subject to the Improvement Assessments may be entitled to prepay all future unpaid annual Assessments upon payment of an

amount equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount, computed at a rate one-half (0.5%) percentage point in excess of the rate on the Obligations from the most recent date to which interest on the Obligations has been paid to the next date following such prepayment on which the Town can redeem Obligations after providing all notices required to redeem all or any portion of the Obligations.

(B) During any period commencing on the date the annual Utility Underground Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the Town may reduce the amount required to prepay the future unpaid annual Improvement Assessments for the Tax Parcel by the amount of the Improvement Assessment that has been certified for collection with respect to such Tax Parcel.

(C) The amount of all prepayments made pursuant to this Section 4.06 shall be final. The Town shall not be required to refund any portion of a prepayment if (1) the Capital Cost of the Utility Underground Improvements is less than the amount upon which such Adjusted Prepayment Amount was computed, (2) the Adjusted Prepayment Amount is reduced upon issuance of the Permanent Original Obligations, or (3) annual Improvement Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 4.07. MANDATORY PREPAYMENT.

(A) The owner of a Tax Parcel subject to the Improvement Assessment shall immediately prepay all future unpaid annual Improvement Assessments for such Tax Parcel if (1) the Tax Parcel is acquired by a public entity through condemnation, negotiated sale or otherwise, or (2) a tax certificate has been issued and remains outstanding in respect of the Tax Parcel and the Town, at its

sole option, elects to accelerate the Improvement Assessment.

(B) The amount required to prepay the future unpaid annual Improvement Assessments will be equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount from the most recent date to which interest on the Obligations has been paid to the next date following such prepayment on which the Town can redeem Obligations after providing all notices required to redeem all or any portion of the Obligations.

(C) During any period commencing on the date the annual Underground Utility Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the Town may reduce the amount required to prepay the future unpaid annual Improvement Assessments for the Tax Parcel by the amount of the Improvement Assessment that has been certified for collection with respect to such Tax Parcel.

(D) The amount of all prepayments made pursuant to this Section 4.07 shall be final. The Town shall not be required to refund any portion of a prepayment if (1) the Capital Cost of the Underground Utility Improvements is less than the amount upon which such Adjusted Prepayment Amount was computed, (2) the Adjusted Prepayment Amount is reduced upon issuance of the Permanent Original Obligations, or (3) annual Improvement Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 4.08. REALLOCATION. If an owner intends to subdivide a Tax Parcel, the Prepayment Amount for such Tax Parcel may be reallocated pro rata among the new Tax Parcels upon (1) application of the owner and (2) assignment of a distinct ad valorem property tax identification number to each new Tax Parcel by the Property Appraiser.

SECTION 4.09. UNDERGROUND UTILITY ASSESSMENT ROLL. The Town Manager is hereby directed to prepare a final estimate of the Project Cost for the Underground Utility Improvements and to prepare the preliminary Underground Utility Assessment Roll in the manner provided in Sec. 90-83 of the Code. The Town Manager shall apportion the Project Cost among the parcels of real property within Underground Utility Assessment Area as reflected on the Tax Roll in conformity with Article IV hereof. The estimate of Project Cost and the Underground Utility Assessment Roll shall be maintained on file in the office of the Town Manager and be open to public inspection.

SECTION 4.10. APPLICATION OF IMPROVEMENT ASSESSMENT PROCEEDS. Proceeds from the Improvement Assessments received during each Fiscal Year shall be applied by the Town for payment of the Improvement Assessment Collection Costs, payment of any Transaction Costs not funded from proceeds of the Obligations, payment of interest due on the Obligations, payment of principal due on the Obligations, and payment of the Project Cost of the Underground Utility Improvements, including any Capital Cost that may exceed the estimated Capital Cost in Section 4.01. Any remaining proceeds will then be used for prepayment of the Obligations, when authorized under the terms of those Obligations.

ARTICLE V

GENERAL PROVISIONS

SECTION 5.01. METHOD OF COLLECTION. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in Section 90-121 of the Code. Any Assessments imposed against Government Property shall be collected pursuant to Section 90-123 of the Code.

SECTION 5.02. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 5.03. EVIDENCE OF PAYMENT. Prepayment in full of the Improvement Assessment imposed against any Tax Parcel shall operate as a release of the Improvement Assessment lien upon such Tax Parcel. Upon request, the Town Manager may issue a written confirmation to evidence such payment; provided however, that the issuance of written confirmation shall not be required to release the Improvement Assessment lien. The Town may impose an administrative fee to defray the cost of providing written confirmation pursuant to this Section 6.03.

SECTION 5.04. REVISIONS TO ASSESSMENTS. If any Assessment or exemption made under the provisions of this Initial Assessment Resolution is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the Town Council is satisfied that any such Assessment or exemption is so irregular or defective that the same cannot be enforced or collected, or if the Town Council has failed to include or omitted any property on the Assessment Roll which property should have been so included, the Town Council may take all necessary steps to

impose a new Assessment against any property benefited by the Underground Utility Improvements, following as nearly as may be practicable, the provisions of the Code and in case such second Assessment is annulled, vacated, or set aside, the Town Council may obtain and impose other Assessments until a valid Assessment is imposed.

SECTION 5.05. INTENT FOR REIMBURSEMENT FROM BOND PROCEEDS.

The Town is hereby authorized to temporarily advance funds for the payment of Project Costs relating to the Underground Utility Improvements, such advances to be reimbursed from proceeds of tax-exempt Obligations. This is a Declaration of Official Intent under U.S. Treasury Regulations for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"). The Town declares that it reasonably expects that the Project Costs for the Underground Utility Improvements will be reimbursed with the proceeds of bonds (as defined in Section 150 of the Internal Revenue Code). The maximum principal amount of bonds expected to be issued for the Project Costs of the Underground Utility Improvements is \$90,000,000.00.

SECTION 5.06. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of ____, 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan A. Owens, MPA, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

APPENDIX A

DESCRIPTION OF THE UNDERGROUND UTILITY ASSESSMENT AREA

ARTICLE II. CORPORATE LIMITS - POLICE JURISDICTION (TOWN OF PALM BEACH CODE)

SEC. 2.01. DESCRIPTION OF CORPORATE LIMITS.

THE BOUNDARIES OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA SHALL BE, AND REMAIN THE SAME AS THEY PRESENTLY EXIST AS SET FORTH IN LAWS OF FLA., CH. 18762 (1937), AS AMENDED BY LAWS OF FLA., CH. 21518 (1941), AND LAWS OF FLA., CH. 24649 (1947), WITH EXTENDED POLICE JURISDICTION AS SET FORTH IN LAWS OF FLA., CH. 72-646.

EDITOR'S NOTE - LAWS OF FLA. 1972, CH. 72-646, IS SET OUT IN THE APPENDIX TO THIS CHAPTER, § A 1. THE OPERATIVE PROVISIONS OF THE 1937, 1941 AND 1947 SPECIAL LAWS TO WHICH REFERENCE IS MADE IN § 2.01 READ AS FOLLOWS:

1937 CHAPTER 18762

THE BOUNDARIES OF THE TOWN OF PALM BEACH IN PALM BEACH COUNTY, FLORIDA, SHALL BE, AND THE SAME ARE HEREBY DEED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF TOWNSHIP 42 SOUTH OF RANGE 43 EAST, WHERE THE SAME INTERSECTS THE CENTER OF THE CHANNEL OF THE EAST COAST CANAL, THENCE SOUTHERLY ALONG THE CENTER OF THE CHANNEL OF THE FLORIDA EAST COAST CANAL AND LAKE WORTH TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LAKE AVENUE IN THE CITY OF LAKE WORTH, FLORIDA, IF EXTENDED, THENCE EAST ON SAID EXTENDED LINE OF LAKE AVENUE TO A POINT TEN (10) FEET DISTANT FROM THE WATERS EDGE OF THE ATLANTIC OCEAN AT MEAN HIGH TIDE, THENCE SOUTHERLY PARALLELING THE WATERS EDGE OF THE ATLANTIC OCEAN ON A LINE TEN (10) FEET WESTERLY THEREOF, MEASURED AT MEAN HIGH TIDE, TO A POINT THIRTY HUNDRED FIFTY (350) FEET SOUTH FROM THE INTERSECTION OF THE CENTER LINE OF LAKE AVENUE IN THE CITY OF LAKE WORTH, PALM BEACH COUNTY, FLORIDA, PRODUCE IT, AND THE CENTER LINE OF THE OCEAN BOULEVARD WHICH IS THE SOUTH BOUNDARY LINE OF THE CASINO PROPERTY OF SAID CITY OF LAKE WORTH AS AT PRESENT Laid OUT AND CONSTITUTED, THENCE DUE WEST ON THE SOUTH LINE OF SAID CASINO PROPERTY AND SAID LINE EXTENDED TO THE CHANNEL OF LAKE WORTH, THENCE SOUTH ALONG THE CENTER OF THE CHANNEL OF LAKE WORTH AND THE FLORIDA EAST COAST CANAL TOWARD THE SAME, INTERSECTS A PROLONGATION WESTERLY OF THE NORTH LINE OF GOVERNMENT LOT 2, SECTION 35, TOWNSHIP 44 SOUTH OF RANGE 43 EAST, THENCE RUN WESTERLY ALONG SAID PROLONGATION AND ALONG THE NORTH LINE OF GOVERNMENT LOT 2, SECTION 35, TOWNSHIP 44 SOUTH OF RANGE 43 EAST, TOWARD THE SAME INTERSECTS THE MEAN LOW WATER MARK OF THE ATLANTIC OCEAN, THENCE IN A NORTHERLY DIRECTION ALONG THE MEAN LOW WATER MARK OF THE ATLANTIC OCEAN INCLUDING THE LAKE WORTH INLET AND ALL STRUCTURES EXTENDING INTO THE WATERS OF THE ATLANTIC OCEAN TO A POINT WHERE THE SAME INTERSECTS THE NORTH LINE OF TOWNSHIP 42 SOUTH OF RANGE 43 EAST, THENCE IN A WESTERLY DIRECTION ALONG THE NORTH LINE OF TOWNSHIP 42 SOUTH OF RANGE 43 EAST TO THE POINT OF BEGINNING.

ALL OF THE ABOVE DESCRIBED LANDS BEING WITHIN THE COUNTY OF PALM BEACH AND STATE OF FLORIDA.

SAID PROPERTY IS ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF TOWNSHIP 42 SOUTH OF RANGE 43 EAST, WHERE THE SAME INTERSECTS THE CENTER OF THE CHANNEL OF THE EAST COAST CANAL, THENCE IN A NORTHERLY DIRECTION ALONG THE NORTH LINE OF TOWNSHIP 42 SOUTH OF RANGE 43 EAST TO A POINT WHERE THE SAME INTERSECTS THE MEAN LOW WATER MARK OF THE ATLANTIC OCEAN, THENCE IN A SOUTHERLY DIRECTION ALONG THE MEAN LOW WATER MARK OF THE ATLANTIC OCEAN, INCLUDING THE LAKE WORTH INLET, AND ALL STRUCTURES EXTENDING INTO THE WATERS OF THE ATLANTIC OCEAN TO A POINT WHERE THE NORTH LINE OF GOVERNMENT LOT 2, SECTION 35, TOWNSHIP 44 SOUTH OF RANGE 43 EAST INTERSECTS THE LOW WATER MARK OF THE ATLANTIC OCEAN, THENCE WESTERLY ALONG THE NORTH LINE OF GOVERNMENT LOT 2, SECTION 35, TOWNSHIP 44 SOUTH OF RANGE 43 EAST, AND A PROLONGATION THEREOF WESTWARD TO THE CENTER OF THE CHANNEL OF LAKE WORTH, THENCE NORTHERLY ALONG THE CENTER OF THE CHANNEL OF LAKE WORTH AND THE FLORIDA EAST COAST CANAL TO THE POINT OF BEGINNING, EXCEPTING FROM THE ABOVE DESCRIPTION ANY PORTION OF HYPOLUXO ISLAND CONTAINED THEREIN AND FURTHER EXCEPTING THEREFROM THAT PORTION OF THE ABOVE LANDS KNOWN AS THE LAKE WORTH CASINO AND WITHDRAWN FROM THE ABOVE CORPORATE LIMITS OF THE TOWN OF PALM BEACH, FLORIDA, UNDER AND BY VIRTUE OF CHAPTER 17579 (SENATE BILL 837) SPECIAL ACTS OF THE LEGISLATURE OF THE STATE OF FLORIDA, 1936.

ALL ORDINANCES HERETOFORE PASSED AND ALL ACTIONS PERFORMED, STEPS TAKEN AND THINGS DONE, OR CAUSED TO BE DONE AND PERFORMED BY THE TOWN OF PALM BEACH AND THE OFFICERS THEREOF, EXTENDING THE LIMITS OF SAID TOWN TO THE BOUNDARIES SET FORTH IN SECTION 1 (THE PRECEDING PARAGRAPH) HEREOF, BE, AND THE SAME ARE HEREBY VALIDATED AND CONFIRMED AND DECLARED TO BE LAWFUL AND BINDING FROM THE RESPECTIVE DATES THEREOF.

1941 CHAPTER 21518

SECTION 1. THAT THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE TERRITORIAL LIMITS OF THE TOWN OF PALM BEACH IN PALM BEACH COUNTY, FLORIDA, AS PRESENTLY DEFINED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TOWIT:

ALL THAT PART OF THE TOWN OF PALM BEACH AS PRESENTLY DEFINED WHICH LIES NORTHERLY OF THE NORTHERLY SIDE OF THE SHIP CHANNEL OF THE PORT OF PALM BEACH.

BE, AND THE SAME IS HEREBY EXCLUDED FROM THE TERRITORIAL LIMITS OF SAID TOWN OF PALM BEACH.

1947 CHAPTER 24649

SECTION 1. THE BOUNDARIES OF THE CITY OF LAKE WORTH, A MUNICIPAL CORPORATION IN PALM BEACH COUNTY, FLORIDA, SHALL BE AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE QUARTER (1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP FORTY-FOUR (44) SOUTH OF RANGE FORTY-THREE (43) EAST, THENCE WEST FOLLOWING THE EAST AND WEST CENTER LINE OF SAID SECTION (THIRTY-THREE (33)) TO THE SOUTHWEST CORNER OF THE NORTHWEST ONE QUARTER (1/4) OF SAID SECTION THIRTY-THREE (33), THENCE NORTH FOLLOWING THE SECTION LINE BETWEEN SECTIONS THIRTY-TWO (32) AND THIRTY-THREE (33), AND BETWEEN SECTIONS TWENTY (20) AND TWENTY ONE (21), AND BETWEEN SECTIONS SIXTEEN (16) AND SEVENTEEN (17), ALL IN TOWNSHIP FORTY-FOUR (44) SOUTH OF RANGE FORTY-THREE (43) EAST, TO A POINT FIVE HUNDRED (500) FEET SOUTH OF THE NORTHEAST CORNER OF SECTION SEVENTEEN (17) INTO TOWNSHIP FORTY-FOUR (44) SOUTH OF RANGE FORTY-THREE (43) EAST, THENCE EASTERLY AND PARALLEL TO THE NORTH LINE OF SECTION SIXTEEN (16), IN TOWNSHIP FORTY-FOUR (44) SOUTH OF RANGE FORTY-THREE (43) EAST, TO THE CENTER OF THE LAKE WORTH DRAINAGE DISTRICT CANAL, E-4, THENCE NORTHEASTERLY FOLLOWING THE CENTER LINE OF SAID CANAL TO THE CENTER LINE OF THE WEST PALM BEACH CANAL, THENCE EASTERLY FOLLOWING THE CENTER LINE OF THE WEST PALM BEACH CANAL TO THE WATERS OF LAKE WORTH, THENCE EAST TO THE MIDDLE OF THE CHANNEL OF LAKE WORTH, THENCE SOUTHERLY FOLLOWING THE MIDDLE OF THE CHANNEL OF LAKE WORTH TO THE NORTHSIDE OF THE BRIDGE CROSSING LAKE WORTH AT THE CITY OF LAKE WORTH, THENCE EASTERLY FOLLOWING THE NORTHSIDE OF SAID BRIDGE TO THE CAUSEWAY, THENCE EAST TO A POINT TEN (10) FEET WEST OF THE WATERS EDGE OF THE ATLANTIC OCEAN AT MEAN HIGH TIDE, THENCE SOUTHERLY FOLLOWING A LINE TEN (10) FEET WEST OF THE WATERS EDGE OF THE ATLANTIC OCEAN AT MEAN HIGH TIDE TO THE SOUTH BOUNDARY OF THAT OCEAN FRONT PROPERTY NOW OWNED BY THE SAID CITY OF LAKE WORTH, THENCE WESTERLY FOLLOWING SAID SOUTH BOUNDARY LINE TO THE SOUTHEAST CORNER OF THAT PROPERTY DEEDED TO THE LAKE WORTH BROADCASTING CORPORATION AS DESCRIBED IN DEED BOOK 631 AT PAGE 155 PALM BEACH COUNTY RECORDS, THENCE NORTHERLY FOLLOWING THE EAST BOUNDARY OF SAID LAKE WORTH BROADCASTING PROPERTY TO THE NORTHEAST CORNER THEREOF, THENCE WESTERLY FOLLOWING THE NORTH BOUNDARY OF SAID LAKE WORTH BROADCASTING PROPERTY TO THE WATERS OF LAKE WORTH, THENCE WEST TO THE MIDDLE OF THE CHANNEL OF LAKE WORTH, THENCE SOUTHERLY FOLLOWING THE MIDDLE OF THE CHANNEL OF LAKE WORTH TO THE EAST AND WEST CENTER LINE OF SECTION THIRTY-FOUR (34) IN TOWNSHIP FORTY-FOUR (44) SOUTH OF RANGE FORTY-THREE (43) EAST, THENCE WEST FOLLOWING SAID CENTER LINE TO THE POINT OF BEGINNING. STATE LAW REFERENCE MUNICIPAL ANNEXATION AND CONTRACTION OF BOUNDARIES F.S. CH. 171.

NOTES:

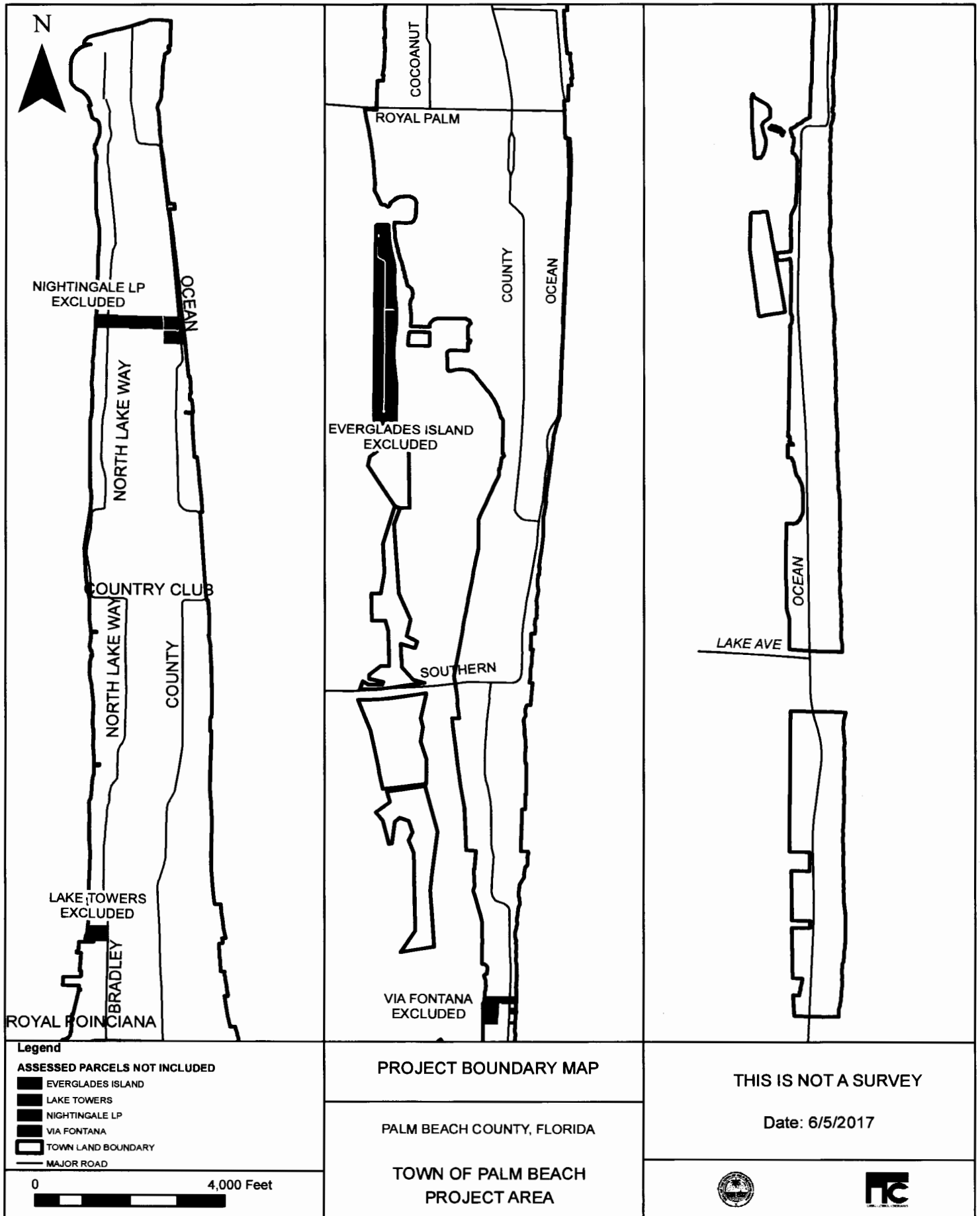
- 1) THIS MAP HAS BEEN PREPARED WITH REFERENCE INFORMATION AND/OR ASSISTANCE FROM THE U.S. ARMY CORPS OF ENGINEERS, THE PALM BEACH COUNTY SURVEY SECTION, THE TOWN OF PALM BEACH AND THE PALM BEACH COUNTY PROPERTY APPRAISER.
- 2) THE NORTHERLY CORPORATE LIMIT OF THE TOWN OF PALM BEACH IS THE NORTHERLY SIDE OF THE SHIP CHANNEL OF THE PORT OF PALM BEACH. SAID NORTHERLY LIMIT IS BASED ON THE U.S. ARMY CORPS OF ENGINEERS REAL

ESTATE MAP FOR THE PALM BEACH HARBOR PROJECT, PROJECT NO. C-681, SHEET 1 OF 1, DATED JUNE 22, 1961, WITH LAST REVISION DATED OCTOBER 12, 1972, AND THE U.S. ARMY CORPS OF ENGINEERS, PALM BEACH HARBOR, FLORIDA, 33 FOOT PROJECT CONTROL DATA SHEET, D.O. FILE NO. 16-76, FOR SHEET 1 OF 1, DATED MARCH 1964.

- 3) THE WESTERLY CORPORATE LIMIT OF THE TOWN OF PALM BEACH IS THE "CENTER OF THE CHANNEL OF LAKE WORTH AND THE FLORIDA EAST COAST CANAL." SAID WESTERLY LIMIT IS BASED ON THE U.S. ARMY CORPS OF ENGINEERS REAL ESTATE MAP FOR THE INTRACASTAL WATERWAY, JACKSONVILLE TO MIAMI, PROJECT NO. C-452, DRAWING NO. RE-C12.214, SHEETS 65 THROUGH 70, INCLUSIVE, OF 97, WITH LAST REVISION DATED MARCH 31, 1965, AND THE U.S. ARMY CORPS OF ENGINEERS, INTRACASTAL WATERWAY, JACKSONVILLE TO MIAMI, FLORIDA, MELBOURNE TO MIAMI 10 FT. PROJECT CONTROL DATA SHEETS, D.O. FILE NO. 88-24254, SHEETS 8, 9 AND 10 OF 20, DATED AUGUST 1961.
- 4) THE EXCLUDED PORTION OF THE ISLAND, SHOWN AS THE CITY OF LAKE WORTH, WAS DETERMINED BASED ON INFORMATION OBTAINED FROM THE PALM BEACH COUNTY SURVEY SECTION AND THE PALM BEACH COUNTY PROPERTY APPRAISER.
- 5) THE SOUTHERLY CORPORATE LIMIT OF THE TOWN OF PALM BEACH IS THE "NORTH LINE OF GOVERNMENT LOT 2, SECTION 35, TOWNSHIP 44 SOUTH OF RANGE 43 EAST AND A PROLONGATION THEREOF WESTWARD TO THE CENTER OF THE CHANNEL OF LAKE WORTH." SAID SOUTHERLY LIMIT IS BASED UPON INFORMATION OBTAINED FROM THE PALM BEACH COUNTY SURVEY SECTION AND THE PALM BEACH COUNTY PROPERTY APPRAISER. THE SOUTHERLY LINE IS FURTHER MODIFIED EXCEPTING FROM THE ABOVE DESCRIPTION ANY PORTION OF HYPOLUXO ISLAND. * NOTE: THE LIMITS OF THE EXCLUDED PORTION OF THE NORTH END OF HYPOLUXO ISLAND, AS SHOWN HEREON, ARE ARBITRARILY PLACED 200 FEET TOWARD THE TOWN OF PALM BEACH FROM THE PLATTED LINES OF THE PLAT OF LAKE SHORE SANDS CORP. IN PLAT BOOK 23 PART 216 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 6) THE EASTERLY CORPORATE LIMIT OF THE TOWN OF PALM BEACH IS THE "MEAN LOW WATER MARK OF THE ATLANTIC OCEAN." SAID EASTERLY LIMIT, AS SHOWN HEREON, IS APPROXIMATE AND HAS BEEN DIGITIZED FROM DIGITAL AERIAL PHOTOGRAPHS PROVIDED BY THE TOWN OF PALM BEACH OFFICE OF INFORMATION SYSTEMS. NOTE: THE MEAN LOW WATER MARK (LINE) IS DEFINED AS "THE INTERSECTION OF THE TIDAL PLANE OF MEAN LOW WATER WITH THE SHORE" AS THE BEACH ACCRETES OR REJECTS THE HORIZONTAL LOCATION OF THE MEAN LOW WATER LINE VARIES. THE PROCESS OF LOCATING THE MEAN LOW WATER LINE IS ESTABLISHED BY RULE OF THE STATE OF FLORIDA AND IS BEYOND THE SCOPE OF THIS MAP.
- 7) THE OWNERSHIP PARCELS SHOWN HEREON WERE PROVIDED BY THE PALM BEACH COUNTY APPRAISERS OFFICE THROUGH THE TOWN OF PALM BEACH OFFICE OF INFORMATION SYSTEMS AND ARE AS COMPLETE AND ACCURATE AS THE INFORMATION PROVIDED.
- 8) THIS MAP IS NOT A BOUNDARY SURVEY AS DEFINED IN CHAPTER 661 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES. ALL LINES SHOWN HEREON ARE BASED UPON A COMPILED OF THE INFORMATION SOURCES REFERENCED HEREIN FOR THE PURPOSE OF PROVIDING A GRAPHIC REPRESENTATION (MAP) OF THE CORPORATE LIMITS, POLICE JURISDICTION OF THE TOWN OF PALM BEACH AND DO NOT REPRESENT THE RESULTS OF A FIELD SURVEY.

BOUNDARY MAP OF THE TOWN OF PALM BEACH CORPORATE LIMITS POLICE JURISDICTION TOWN OF PALM BEACH, PALM BEACH CO., FL.	
DRAWN: W. HAAS	CHECKED: W. L. FISH
DATE: 01/02/2001	
JOB NO. 2000-136	
SHEET NO. 1 OF 9	

APPENDIX A
UNDERGROUND UTILITY ASSESSMENT AREA



APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To Be Published by June 21, 2017

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS IN THE TOWN-WIDE UNDERGROUND UTILITY ASSESSMENT AREA TO PROVIDE FOR THE UNDERGROUND UTILITY IMPROVEMENTS

Notice is hereby given that the Town Council of the Town of Palm Beach will conduct a public hearing to consider imposing non-ad valorem special assessments for the provision of the design, acquisition, construction, and installation of the Underground Utility Improvements within the boundaries of the Town-wide Underground Utility Assessment Area for the Fiscal Year beginning October 1, 2017 and future fiscal years.

The hearing will be held at 5:01 p.m. on July 12, 2017, in the Town of Palm Beach Town Council Chambers, 360 South County Road, Palm Beach, Florida, for the purpose of receiving public comment on the proposed Underground Utility Assessment Area and the special assessments and their collection on the ad valorem tax bill. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice.

Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing or at any subsequent meeting to which the Town Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. 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 Manager's Office at (561) 835-4631 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) days prior to the date of the hearing.

The assessment for each parcel of property will be based on the number of equivalent benefit units assigned to the Tax Parcel. The proposed maximum annual assessment rates are: \$256.53 per Safety EBU, \$256.53 per Reliability EBU, and \$256.53 per Aesthetic EBU. A more specific description of the improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the Town Council on June 13,

2017. Copies of Chapter 90, Article II of the Town Code, the Initial Assessment Resolution (Resolution No. _____), and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the office of the Town Manager, located at Town Hall, 360 South County Road, Palm Beach, Florida.

The assessments will be collected on the ad valorem tax bill, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The Town Council intends to collect the assessments in 30 annual installments, the first of which will be included on the ad valorem tax bill to be mailed in November 2017.

If you have any questions, please contact the Town Manager's Office at (561) 835-4631, Monday through Friday between 8:30 a.m. and 5:00 p.m.

MAP OF ASSESSMENT AREA

[TO COME]

TOWN OF PALM BEACH TOWN COUNCIL

APPENDIX C

FORM OF NOTICE TO BE MAILED

APPENDIX C

FORM OF NOTICE TO BE MAILED

**Town Council of the
Town of Palm Beach, Florida
Address
Town of Palm Beach, FL**

**TOWN OF PALM BEACH, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR COLLECTION OF NON-AD VALOREM
ASSESSMENTS**

NOTICE DATE: JUNE 21, 2017

**Owner Name
Address
City, State Zip**

Tax Parcel #: _____
Legal Description: _____

As required by section 197.3632, Florida Statutes, and the direction of the Town Council of the Town of Palm Beach, Florida, notice is given by the Town of Palm Beach that an annual assessment for the design, acquisition, construction, and installation of the Underground Utility Improvements using the tax bill collection method may be levied on your property contained within the Town-wide Underground Utility Assessment Area for the fiscal year October 1, 2017 - September 30, 2018 and future fiscal years. The use of an annual special assessment to fund improvements benefiting property located within the Underground Utility Assessment Area is a fair, efficient and effective means of funding these needed improvements.

The assessment for your property will be based on the number of equivalent benefit units assigned to the Tax Parcel. A more specific description of the improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the Town Council on June 13, 2017. Copies of Chapter 90, Article II of the Town Code, the Initial Assessment Resolution (Resolution No. _____), and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the office of the Town Manager, located at Town Hall, 360 South County Road, Palm Beach, Florida. Information relating to the assessment for the above Tax Parcel is included on the last page of this notice.

The Town intends to issue a combination of short term and long term debt to finance the Underground Utility Improvements project. This will permit the cost attributable to your property to

be amortized over a period of years. However, you may choose to prepay your assessment in full and avoid additional financing, administration, and collection costs. Please do not send payment now. If the assessments are imposed, you will receive a separate notice of the date and place for this optional prepayment. If you do not choose to prepay, the amount necessary to pay your assessment in full will be increased by your share of the financing costs, plus annually incurred administration, statutory discount, and collection costs.

The total annual assessment revenue related to the Improvement Assessment to be collected within the Underground Utility Assessment Area is estimated to be \$_____. The annual assessment will include your fair share of the principal, interest, administration, and project costs related to the Underground Utility Improvements and amounts related to collection of assessments, and statutory discounts. Annual assessments will be payable for 30 years; however, if there are no significant defaults in payment of the assessments, the last loan payment may be made from any reserve accounts funded by the loan. The Town intends to include annual assessments on your ad valorem tax bill. Failure to pay your assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

A public hearing will be held at 5:01 p.m. on July 12, 2017, in the Town of Palm Beach Town Council Chambers, 360 South County Road, Palm Beach, Florida, for the purpose of receiving public comment on the proposed Underground Utility Improvements and the special assessments and their collection on the ad valorem tax bill. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing or at any subsequent meeting to which the Town Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. 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 Manager's Office at (561) 835-4631 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) days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Council action at the above hearing (including the method of

apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your assessment, please contact the Town Manager's Office at (561) 835-4631, Monday through Friday between 8:30 a.m. and 5:00 p.m.

*** * * * * THIS IS NOT A BILL * * * * ***

* * * * * **SEND NO MONEY NOW. THIS IS NOT AN INVOICE** * * * * *

Town-wide Underground Utility Improvements Project

[Property Owner Name]
Tax Parcel #[Insert Number]

Equivalent Benefit Units (EBUs)

Total number of Safety EBUs attributed to property:	[Insert Number]
Total number of Reliability EBUs attributed to property:	[Insert Number]
Total number of Aesthetic EBUs attributed to property:	[Insert Number]

Prepayment and Annual Assessments

Initial prepayment amount (excludes financing cost):	[Insert Amount]
Number of annual payments:	30
Maximum annual assessment:	[Insert Amount]
Expected date of first bill:	November 2017
Total amount of annual payments:	[Insert Amount]
Expected date of last bill:	November 2046

* * * * * **SEND NO MONEY NOW. THIS IS NOT AN INVOICE** * * * * *

APPENDIX D

DESCRIPTIONS OF LAKE TOWER AND NIGHTINGALE TRAIL/LA PUERTA WAY ASSESSMENT AREAS

SKETCH & DESCRIPTION
LAKE TOWER ASSESSMENT AREA
 LYING IN SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST
 TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

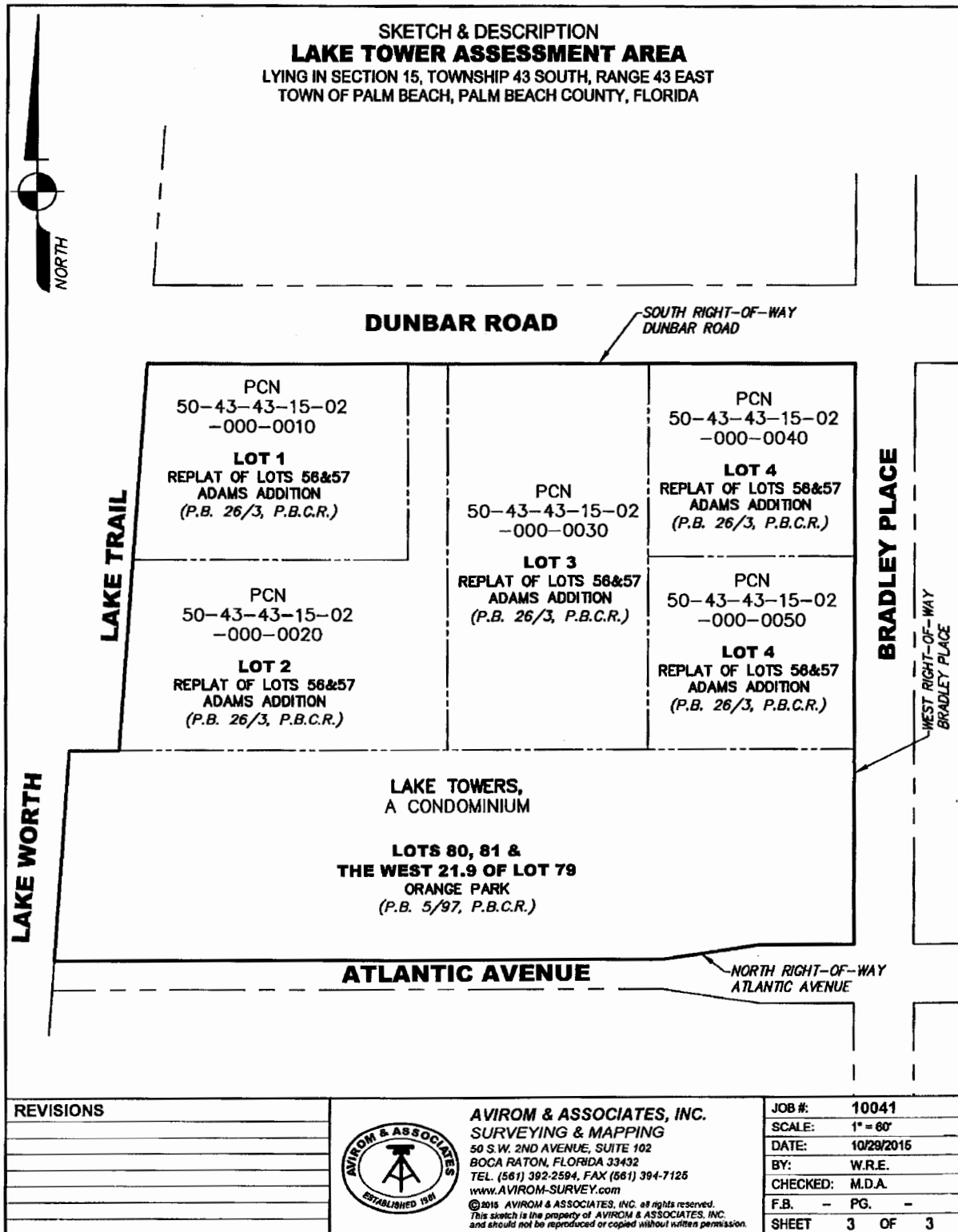
A portion of Section 15, Township 43 South, Range 43 East, lying within the Town of Palm Beach, Palm Beach County, Florida, described as follows:

Bounded on the north by the south right-of-way line of Dunbar Road; bounded on the east by the west right-of-way line of Bradley Place; bounded on the south by the north right-of-way line of Atlantic Avenue; bounded on the west by Lake Worth and the easterly line of Lake Trail. Said area additionally described as: All of Lots 1 through 5, REPLAT OF LOTS 56 & 57, ADAMS ADDITIONS according to the Plat thereof as recorded in Plat Book 26, Page 3 of the Public Records of Palm Beach County, Florida; together with Lots 80 and 81 and the west 21.9 feet of Lot 79, ORANGE PARK, according to the Plat thereof as recorded in Plat Book 5, Page 97 of the Public Records of Palm Beach County, Florida.

Said lands including, but is not limited to, properties identified by the following parcel control numbers (PCN) and Condominium:

50-43-43-15-02-000-0010
 50-43-43-15-02-000-0020
 50-43-43-15-02-000-0030
 50-43-43-15-02-000-0040
 50-43-43-15-02-000-0050
 LAKE TOWERS, a condominium

REVISIONS		AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2594, FAX (561) 394-7125 www.AVIROM-SURVEY.com ©2016 AVIROM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM & ASSOCIATES, INC. and should not be reproduced or copied without written permission.	JOB #:	10041
			SCALE:	1" = 60'
			DATE:	10/29/2015
			BY:	W.R.E.
			CHECKED:	M.D.A.
			F.B.	PG.
			SHEET	1 OF 3



SKETCH & DESCRIPTION
NIGHTINGALE TRAIL & LA PUERTA WAY
ASSESSMENT AREA

LYING WITHIN SECTION 3, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of Section 3, 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 line of Lots 4 and 8, MOCKING BIRD TRAIL Tract according to the plat thereof, as recorded in Plat Book 18, Page 7 of the Public Records of Palm Beach County, Florida; together with bounded on the north by the south right-of-way line of Nightingale Trail (Flamingo Trail per said Plat) and its westerly extension to the west right-of-way line of North Lake Way; bounded on the east by the west right-of-way line of North Ocean Boulevard, as laid out and currently in use; bounded on the south by the north right-of-way of El Pueblo Way; bounded on the west by the east right-of-way line of North Ocean Way; bounded on the south by the north right-of-way line of La Puerta Way and its westerly extension to the west right-of-way line of North Lake Way; together with bounded on the south by the south line of Lot 39, EL ENCANTO ADDITION TO THE TOWN OF PALM BEACH, according to the Plat thereof as recorded in Plat Book 11, Page 53 of the Public Records of Palm Beach County, Florida; bounded on the west by Lake Worth.

Said lands including, but is not limited to, properties identified by the following parcel control numbers (PCN):

50-43-43-03-09-000-0041; 50-43-43-03-09-000-0520; 50-43-43-03-09-000-0510;
50-43-43-03-09-000-0500; 50-43-43-03-09-000-0490; 50-43-43-03-09-000-0480;
50-43-43-03-09-000-0471; 50-43-43-03-09-000-0450; 50-43-43-02-01-000-0440;
50-43-43-03-09-000-0422; 50-43-43-03-09-000-0421; 50-43-43-03-10-000-0030;
50-43-43-03-10-000-0060; 50-43-43-03-10-000-0091; 50-43-43-03-10-000-0110;
50-43-43-03-10-000-0080; 50-43-43-03-10-000-0050; 50-43-43-03-10-000-0010;
50-43-43-02-01-000-0490; 50-43-43-02-01-000-0480; 50-43-43-02-01-000-0470;
50-43-43-02-01-000-0460; 50-43-43-02-01-000-0450; 50-43-43-02-01-000-0440;
50-43-43-02-01-000-0430; 50-43-43-02-01-000-0420; 50-43-43-02-01-000-0410;
50-43-43-02-01-000-0400; 50-43-43-02-01-000-0392; 50-43-43-02-01-000-0391.

REVISIONS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING

50 S.W. 2ND AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL. (561) 392-2594, FAX (561) 394-7125
www.AVIROM-SURVEY.com

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JOB #: 10037

SCALE: -

DATE: 10/28/2015

BY: W.R.E.

CHECKED: M.D.A.

F.B. - **PG.** -

SHEET 1 **OF** 5

**SKETCH & DESCRIPTION
NIGHTINGALE TRAIL & LA PUERTA WAY
ASSESSMENT AREA**

LYING WITHIN SECTION 3, 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. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers shown hereon were obtained from the Palm Beach County Property Appraiser's website.
6. Abbreviation Legend: F.B. = Field Book; L.B. = Licensed Business; P = Per Record Plat; P.B. = Plat Book; PCN = Parcel Control Number; PG. = Page; P.L.S. = Professional Land Surveyor.

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 Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: _____

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

REVISIONS		AVIROM & ASSOCIATES, INC.	JOB #: 10037
		SURVEYING & MAPPING	SCALE: -
		50 S.W. 2ND AVENUE, SUITE 102	DATE: 10/28/2015
		BOCA RATON, FLORIDA 33432	BY: W.R.E.
		TEL. (561) 392-2594, FAX (561) 394-7125	CHECKED: M.D.A.
		www.AVIROM-SURVEY.com	F.B. - PG. -
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SKETCH & DESCRIPTION NIGHTINGALE TRAIL & LA PUERTA WAY ASSESSMENT AREA

LYING WITHIN SECTION 3, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



SEE SHEET
4 OF 5

SOUTH RIGHT-OF-WAY
NIGHTINGALE TRAIL

NIGHTINGALE TRAIL

(FLAMINGO TRAIL (P))

PCN
50-43-43-
03-09-000
-0450

PCN
50-43-43-
03-09-000
-0440

PCN
50-43-43-
03-09-000
-0422

PCN
50-43-43-
03-09-000
-0421

WEST RIGHT-OF-WAY
NORTH OCEAN BOULEVARD

PCN
50-43-43-
02-01-000
-0470

PCN
50-43-43-
02-01-000
-0480

PCN
50-43-43-
02-01-000
-0490

PCN
50-43-43-
03-10-000
-0010

PCN
50-43-43-
03-10-000
-0030

NORTH OCEAN BOULEVARD

LA PUERTA WAY

NORTH RIGHT-OF-WAY
LA PUERTA WAY

MATCHLINE

PCN
50-43-43-
03-10-000
-0050

PCN
50-43-43-
03-10-000
-0060

PCN
50-43-43-
03-10-000
-0080

PCN
50-43-43-
03-10-000
-0110

PCN
50-43-43-
03-10-000
-0091

EAST RIGHT-OF-WAY
NORTH OCEAN WAY

NORTH OCEAN WAY

EL PUEBLO WAY

NORTH RIGHT-OF-WAY
EL PUEBLO WAY

REVISIONS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
60 S.W. 2ND AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL. (561) 392-2594, FAX (561) 394-7125
www.AVIROM-SURVEY.com

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JOB #: 10037

SCALE: 1" = 150'

DATE: 10/28/2015

BY: W.R.E.

CHECKED: M.D.A.

F.B. - PG. -

SHEET 3 OF 5

SKETCH & DESCRIPTION NIGHTINGALE TRAIL & LA PUERTA WAY ASSESSMENT AREA

LYING WITHIN SECTION 3, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



SEE SHEET
3 OF 5

SEE SHEET
5 OF 5

WEST RIGHT-OF-WAY
NORTH LAKE WAY
WESTERLY EXTENSION
SOUTH RIGHT-OF-WAY
NIGHTINGALE TRAIL

SOUTH RIGHT-OF-WAY
NIGHTINGALE TRAIL

NIGHTINGALE TRAIL (FLAMINGO TRAIL (P))

NORTH LAKE WAY	0041	PCN 50-43-43- 03-09-000 -0520	PCN 50-43-43- 03-09-000 -0510	PCN 50-43-43- 03-09-000 -0500	PCN 50-43-43- 03-09-000 -0490	PCN 50-43-43- 03-09-000 -0480	PCN 50-43-43- 03-09-000 -0471	
	0391							
	0392	PCN 50-43-43- 02-01-000 -0400	PCN 50-43-43- 02-01-000 -0410	PCN 50-43-43- 02-01-000 -0420	PCN 50-43-43- 02-01-000 -0430	PCN 50-43-43- 02-01-000 -0440	PCN 50-43-43- 02-01-000 -0450	PCN 50-43-43- 02-01-000 -0460

LA PUERTA WAY

WESTERLY EXTENSION
NORTH RIGHT-OF-WAY
LA PUERTA WAY
WEST RIGHT-OF-WAY
NORTH LAKE WAY

NORTH RIGHT-OF-WAY
LA PUERTA WAY

EL PUEBLO WAY

REVISIONS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
50 S.W. 2ND AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL (561) 392-2594, FAX (561) 394-7125
www.AVIROM-SURVEY.com

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JOB #:	10037
SCALE:	1" = 150'
DATE:	10/28/2015
BY:	W.R.E.
CHECKED:	M.D.A.
F.B.	PG. -
SHEET	4 OF 5

SKETCH & DESCRIPTION
NIGHTINGALE TRAIL & LA PUERTA WAY
ASSESSMENT WAY

LYING WITHIN SECTION 3, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



LAKE WORTH

NORTH LINE
LOTS 4 & 8
(P.B. 18/7, P.B.C.R.)

SEE SHEET
4 OF 5

PCN
50-43-43-
03-09-000
-0041

PCN
50-43-43-
02-01-000
-0391

PCN
50-43-43-
02-01-000
-0392

SOUTH LINE LOT 39
(P.B. 11/53, P.B.C.R.)

MATCHLINE

REVISIONS



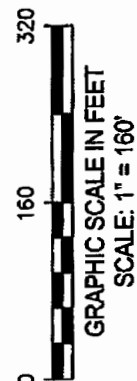
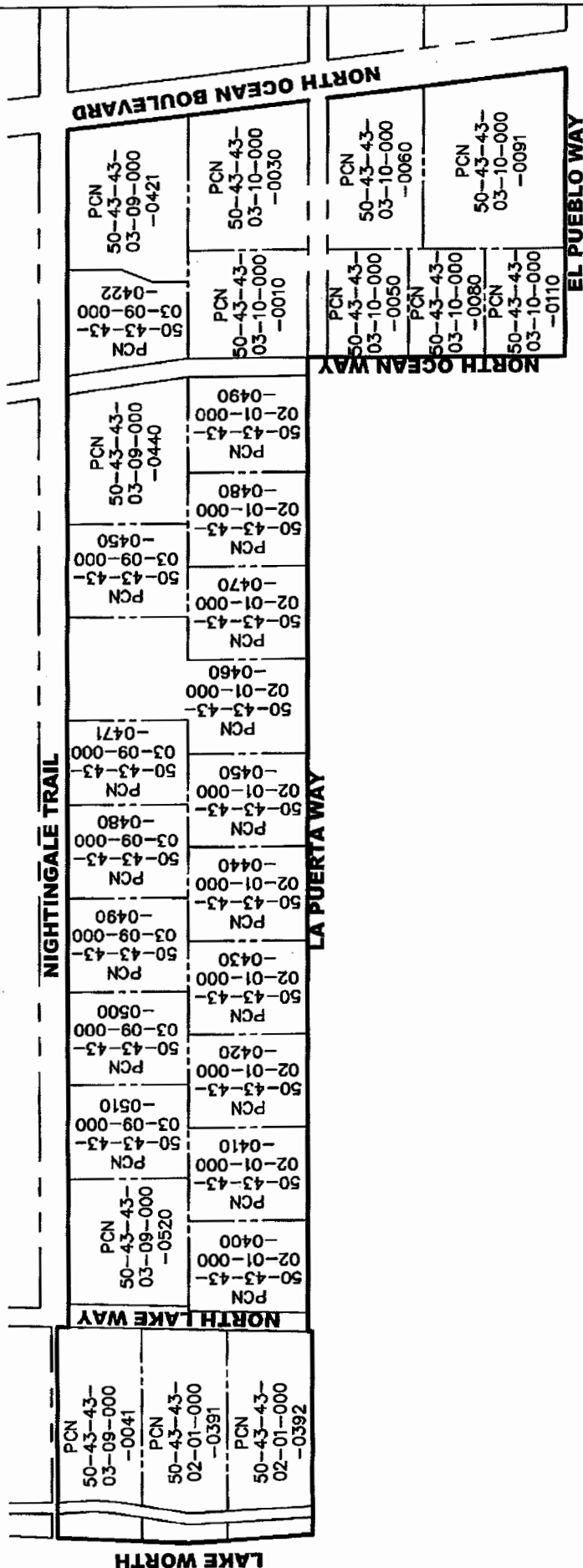
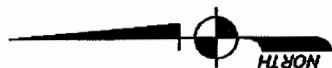
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SURVEYING & MAPPING

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F.B.	- PG. -
SHEET	5 OF 5

MAP OF ASSESSMENT AREA





TOWN OF PALM BEACH

Utility Undergrounding Assessment Methodology Update

June 12, 2017

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1. EXECUTIVE SUMMARY

1.1 BACKGROUND

Raftelis Financial Consultants was retained by the Town of Palm Beach (Town) to update the 2009 Utility Undergrounding Assessment Report (2009 Report) based on the most recent Palm Beach County Property Appraiser parcel data for the Town and to take into consideration any new developments within the Town or areas that were already undergrounded separately through previous assessment programs. The methodology described herein, reflects the special and peculiar benefit received by properties within the Town from the proposed undergrounding of overhead utilities.

The methodology described herein will be the basis for establishing non ad-valorem assessments for undergrounding overhead utility lines within the areas of Town that have not yet been undergrounded. The method of assessment presented in this Report takes the total utility project costs of the proposed Town-wide utility undergrounding and apportions the total cost to each parcel based on the special benefit received. This approach allows for the development of a benefit nexus methodology that differentiates the special benefits received by various properties in the Town within the proposed assessment program. The methodology can be used to identify the total obligation of each parcel as well as the annual obligation of each parcel based on the proposed financing.

Fieldwork is an essential component in the development of a utility undergrounding assessment program to account for the fact that some areas of the Town may already have a portion of their utilities undergrounded; and, therefore, do not benefit to the same degree as properties whose utilities are currently transmitted through overhead facilities. As part of the original creation of the benefit methodology in 2009, fieldwork was conducted and the entire Town was surveyed to accurately incorporate the characteristics of the Town and the relationship between properties within the Town and the overhead utilities proposed to be undergrounded at that point in time. This update did not include any additional or new fieldwork and incorporates the previous fieldwork that was performed as part of the original 2009 Report. Prior to debt financing, property owners whom have undergrounding portions of overhead facilities adjacent to their property may request an adjustment to their equivalent benefit allocation to reflect the appropriate proportionate benefit received by the assessment program. As part of this updated report, the entire parcel database was updated to account for the most recent data provided by the Property Appraiser. The updated database captured new parcels, changes in land use and development status and new property ownership.

2. PROPOSED PUBLIC FACILITIES

2.1 FACILITIES

Utilities, as used in this report, include power lines, phone lines, cable television and fiber optic lines, as well as spare conduit for future use of utility services. The undergrounding of overhead utility lines within the Town includes the costs associated with, but not limited to, trenching, horizontal directional drilling, installing new utility vaults, conduits and transformers, laying conduit lines into trenches, re-paving, repairing, patching or painting streets as may be needed, laterals for switching services to underground systems and removing existing overhead poles and wires. The benefit methodology presented in this Report focuses on the facilities serving the area proposed to be assessed which are located in public rights-of-way and easements and the costs associated with installation of such facilities.

3. BENEFIT ANALYSIS

3.1 NON-AD VALOREM ASSESSMENTS

As established by Florida case law, two requirements exist for the imposition of a valid special assessment: (1) the property assessed must derive a special benefit from the improvement or service provided; and (2) the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit. See *City of Boca Raton v. State*, 595 So. 2d 25 (Fla. 1992). The test to be applied in evaluating whether a special benefit is conferred on property by the provision of a service is:

whether there is a "logical relationship" between the services provided and the benefit to real property. Whisnant v. Stringfellow, 50 So. 2d 885 (Fla. 1951).

This logical relationship to property test defines the line between those services that can be funded by special assessments and those failing to satisfy the special benefit test. Florida law does not specify the methodology or formula that must be used in calculating assessments; however, the assessment apportionment methodology must be fair and reasonable.

Once an identified service or capital facility satisfies the special benefit test, the assessed amount is required to be fairly apportioned among the benefited property in a manner consistent with the logical relationship embodied in the special benefit requirement. Generally, a special assessment, whether imposed for capital projects or services, is collected on the annual ad valorem tax bill. Under such statutory collection procedure, the special assessment is characterized as a "non-ad valorem assessment." See § 197.3632(1)(d), Fla. Stat.

First, it is necessary to identify the special benefit provided to properties within the Town as a result of undergrounding overhead utilities serving or available to serve those properties. The distribution of electricity and other utilities are generally available to all properties in the Town. However, placing overhead electrical lines and other utilities underground will provide direct and special benefit to properties and such special benefit supports funding the undergrounding projects through assessment programs. The design, construction, and installation of the underground utility improvements will provide a special benefit to all affected properties located within the assessment area of the Town by protecting and enhancing the value, use, enjoyment, commercial and residential attractiveness and viability of such properties by improving and enhancing safety, reliability and aesthetics, as described below.

There are several distinct direct and special benefits that will be provided to properties within the Town as a result of undergrounding the Town's overhead utilities: improved safety, improved reliability and improved aesthetics. Each of these benefits is discussed below.

The removal of utility poles and overhead lines provides an **improved safety** benefit by reducing the potential of hazardous conditions occurring on benefited property in the event of natural disasters. Severe tropical storms, hurricanes, and other natural disasters can cause poles and/or overhead lines to fall and impact property, and possibly cause live electric lines to be exposed. Downed electric lines and vegetation overgrowth onto electric lines pose a potential threat of property fire and potential injury due to electric shock and can restrict ingress and egress of residents and emergency services.

The undergrounding of the overhead facilities will also **improve the reliability** of utility services

received by properties within the Town. Based on Florida Power & Light's 2015 Reliability Report, the undergrounding of overhead utilities reduces the frequency of power outages, when compared to the frequency of outages occurring with overhead networks. Parcels will also specially benefit from new upgraded utility lines, cables, and appurtenant facilities installed through the proposed utility undergrounding. This will provide a higher level of reliability of utility services, and reduces exposure to the elements that could cause potential damage and speed deterioration to facilities resulting in potential interruptions.

In addition to the safety and reliability benefits provided by undergrounding utilities, removing the overhead facilities and utility poles will eliminate a heavy visual concentration of electric lines and communication facilities. Overall this will **improve the *aesthetics*** for all properties within a project area by enhancing the value, use, enjoyment, commercial and residential attractiveness and viability of such properties.

4. METHOD OF ASSESSMENT

Assessment Methodology is the analysis of a project or service, in this case from the proposed undergrounding of the existing overhead utilities, to determine the special and peculiar benefits (special benefits) received by a property. The method of assessment is determined by an analysis of the benefit a property receives from the proposed undergrounding of existing overhead utilities in comparison to the benefit received by other properties benefited by the project. Funding the undergrounding of facilities through an assessment program is a common practice utilized by agencies and it is common industry practice to determine the degree of benefit between affected parcels through three primary categories of benefit. These three categories of benefit include: 1) improved safety, 2) improved reliability, and 3) improved aesthetics. To establish an equitable benefit nexus, it is necessary to relate each property's proportional special benefits to the special benefits of all other properties within a project area. This method of apportionment utilizes a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology that defines an equivalent benefit unit for each category of benefit as the basic unit of benefit, or 1.0 EBU.

Collectively, the three categories of special benefit listed above reflect the overall proportional special benefits that properties will receive from the undergrounding of the overhead utilities within the assessment program. Properties within the Town are assigned Safety EBUs, Reliability EBUs, and Aesthetic EBUs based upon property use and other site specific characteristics to distinguish the degree of special benefits received by different properties for each of the three categories of special benefit, respectively. Each category of benefit is allocated EBUs independent of each other and the total utility undergrounding cost assigned to each category is based on the percent of total benefit units derived within each category. The total EBUs per category of benefit is a function of the special benefits received by each parcel and; therefore, reflect the amount of special benefit parcels receive from the proposed utility undergrounding. The assessment program cost assigned to each category of benefit is then apportioned to benefitting parcels based on each parcel's EBU assignment in relation to the total EBUs within the corresponding category. **Table 4-1** identifies the total EBUs for each category and the assessment program cost¹ assigned to each category.

Table 4-1: Assessment Cost Allocation

Category of Special Benefit	EBUs	Percentage of EBUs	Project Cost Allocation ¹	Annual Debt ²	Assessment Rate ³
Improved Safety	6,942	30.8%	\$27,730,400	\$1,625,300	\$256.53
Improved Reliability	8,647	38.4%	\$33,532,200	2,024,400	\$256.53
Improved Aesthetics	6,942	30.8%	27, 730,400	1,625,300	\$256.53
Total	22,531	100.0%	\$89,000,000	\$5,275,000	\$256.53

¹ The Project cost was allocated between Improved Safety, Reliability, and Aesthetics at 30.8%, 38.4%, and 30.8%, respectively based on the number of EBUs calculated for each category.

² Annual debt for each category is the portion of the annual debt payment for the proposed utility undergrounding project. The annual debt payment assumes a total project cost of \$90M at a 4.31% interest rate over a 30-year repayment period.

³ The Assessment Rate includes provisions for statutory early payment discounts of 5.0%, tax collector fees of 2.0% and \$100,000 annually for administrative costs. The total assessment program related costs amount to \$504,576 each year.

For each Category of Benefit, the following discussion identifies parcels that benefit, the assignment of EBUs, and related equations to determine each parcel's assignment of EBUs.

4.1 IMPROVED SAFETY

Properties specially benefit from the improved safety of undergrounding overhead utilities in two distinct ways: 1) the elimination of the potential for poles or overhead lines adjacent to a property to fall and damage property from falling or exposing “live” electrical lines and 2) the elimination of the potential for poles or overhead lines to be downed within the neighborhood restricting ingress and egress to and from the property. A single-family residential lot that is adjacent to overhead facilities has been assigned a base unit of benefit for improved Safety equal to 1.0 Safety EBU. The base Safety EBU evenly accounts for the two components of improved safety. Therefore, the analysis uses 0.50 equivalent benefit units for the improved safety to the property and 0.50 equivalent benefit units for the improved access to the property.

Improved Safety provides a benefit to each affected lot within the assessment program; therefore, the average lot size of all properties within the assessment program was calculated, equal to 8,700 square feet, to determine the baseline measurement of one EBU for the category of Improved Safety. All developed parcels up to 8,700 square feet that are adjacent to overhead facilities have been assigned a minimum of 1.0 Safety EBUs and parcels without overhead facilities adjacent to its property are assigned a minimum of 0.5 Safety EBUs. In addition, all developable vacant lots up to 8,700 square feet are also assigned a minimum of 1.0 Safety EBU as each lot has ability to develop. Condominium complexes, multi-family properties, non-residential properties, undeveloped parcels, as well as certain single family residential lots exceeding the baseline square footage of 8,700 square feet span a greater area that may be exposed to overhead facilities along streets, alleys or easements along its properties. Therefore, the benefit received by these properties is proportionately greater when compared to properties assigned 1.0 EBU. Based on this equivalency, additional Safety EBUs were assigned to parcels greater than 8,700 square feet in 0.5 increments, in recognition that the difference in special benefit between one additional square foot versus two additional square feet is negligible on a square foot basis. However, using 0.5 EBUs increments corresponds to an additional 4,350 square feet above 1.0 EBU and reflects a noticeable variance in size to assign additional benefit units to capture the increase in special benefit received by these parcels. For example, a parcel with 15,225 square feet would be assigned 1.5 EBUs ($15,225/8,700 = 1.75$ EBUs; rounded down to nearest 0.5 EBUs = 1.5 EBUs).

In identifying the amount of assigned Safety EBUs for each parcel, overhead facilities, including utility lines and poles, along secondary streets, alleyways and rear easements are considered to be adjacent to all properties on either side due to the narrow widths of the secondary streets, alleyways and rear easements. In addition, utility poles are considered a part of the overhead facilities; therefore, properties that only front utility poles are also assigned a minimum of 1.0 Safety EBU.

Conversely, some parcels are already adjacent to undergrounded utilities and, therefore, do not benefit to the same extent when compared to parcels currently adjacent to overhead utilities. Properties within the boundaries of the utility undergrounding project area that do not have overhead facilities adjacent to their property along the secondary streets, alleyways and rear easements shall be assigned Safety EBUs equal to one-half ($1/2$) of the Safety EBU calculation to reflect the reduced benefit received by the parcel. The 0.5 EBU accounts for the benefit associated with the improved safety of undergrounding facilities within the local neighborhood/area of the parcel.

Based on this method of assessment, each condominium complex was assigned Safety EBUs by first assigning Safety EBUs to the condominium complex. Once the Safety EBUs for the complex was derived, the total Safety EBUs were apportioned evenly to each condo within the complex. Therefore, depending on the size of the complex and the number of units within the complex, condo parcel EBU assignments will vary from complex to complex. For single-family residences, multi-family properties,

and non-residential properties, the EBU's calculated were assigned to the applicable parcel number. **Table 4-2** outlines the safety EBU calculations.

Table 4-1: Safety EBU Calculation

Land Use	Overhead Utilities	Safety EBU Assignment
Single-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	(Lot Size / 8,700) / 2; rounded down to nearest 0.5, minimum of 0.5 EBU
Condominium	Yes	(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex, minimum of 1.0 EBU per complex
	No	0.5 x [(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex] , minimum of 0.5 EBU per complex
Multi-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5
	No	0.5 x (Lot Size / 8,700); rounded down to nearest 0.5
Non-Residential	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded to nearest 0.5, minimum of 0.5 EBU
Vacant	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded down to nearest 0.5, minimum of 0.5 EBU

4.2 IMPROVED RELIABILITY

The benefit from the distribution of electricity, other utilities, and the underground wires and cables is essentially equivalent for each single-family residence. Further, since all of the single-family lots have the same ability to use utilities and each single-family parcel benefits from the increased reliability that undergrounding provides, each single-family residential property has been assigned (1.0) Reliability EBU to account for the failure in any one or more of the following systems, resulting in an interruption in services: 1) primary distribution lines; 2) secondary distribution lines, or 3) local distribution lines that provide connections to a property's utilities.

It is evident that each condominium in a complex, each unit of a multi-family property, and all non-residential property would be impacted by an interruption in services due to a power outage and therefore specially benefit from the improved reliability. Since there are more units, square footage and/or occupants within condominium complexes, multi-family properties, and non-residential properties, these properties receive a different level of benefit than a single-family residence from the improved reliability of undergrounded utility services. For condominium complexes and multi-family properties, not only does the entire property benefit from the improved reliability, but every unit receives utility services and benefits from the improved reliability.

Therefore, a reasonable comparison of benefit for condominiums and multi-family units can be derived by using population density factors as a proxy for comparing the typical dwelling sizes between single-

family residences and condominiums/multi-family units within the Town. On average, condominiums and multi-family residences are smaller dwelling units than single-family residences, which is reflected through the density factors for each land use type. Within the Town, Single-family Residences have a density factor of 2.04 persons per household, whereas, condominiums and multi-family residences have a density factor of 1.56 based on the 2010 census. With single-family properties assigned a Reliability EBU equal to 1.0, the density factors are used to assign a proportionate benefit equivalency to each individual condominium and multi-family unit by taking the ratio of $1.56/2.04 = 0.76$ EBUs. As such, each condominium and multi-family unit are assigned 0.76 EBUs for improved reliability.

When comparing non-residential land use types to the baseline EBU of a single-family residence lot, the density factor is not applicable and therefore, EBUs are assigned based on acreage (8,700 square feet). Non-residential properties are assigned improved Reliability EBUs based on the size of the lot, as the lot size of each these properties directly correlates to the amount of potential improvements utilizing and benefiting from the increased reliability.

Although certain parcels may be adjacent to a portion of undergrounded facilities, their services are still provided through overhead utilities within their neighborhood. In addition, there are instances where a property may have their utilities undergrounded and ready to receive service, but are still currently being served by overhead lines that connect to their property or their point of connection to their undergrounded utilities. **Table 4-3** outlines the reliability EBU calculations.

Table 4-2: Reliability EBU Calculation

Land Use	Density Factor	Reliability EBU Assignment
Single-Family	$2.04/2.04 = 1.00$	$1.0 \text{ EBU} \times \text{Density Factor} = 1.00 \text{ EBU}$
Condominium	$1.56/2.04 = 0.76$	$1.00 \text{ EBU} \times \text{Density Factor} = 0.76 \text{ EBU}$
Multi-Family	$1.56/2.04 = 0.76$	$1.0 \text{ EBU} \times \text{Density Factor} \times \text{Units}$
Non-Residential	N/A	Lot Size / 8,700; minimum of 1.0 EBU, rounded down to nearest 0.5
Vacant	N/A	Lot Size / 8,700; minimum of 1.0 EBU, rounded down to nearest 0.5

4.3 IMPROVED AESTHETICS

Removing the overhead utilities will improve the overall aesthetics to an individual property and the neighborhood aesthetics for all properties within a defined project area by eliminating a heavy concentration of electric lines and communication facilities. Like the Safety benefit category, a single-family residence adjacent to overhead utilities has been assigned 0.5 EBUs for the improved aesthetics of its property and 0.5 EBUs for the improved aesthetics of the property's neighborhood, for a total assignment of 1.0 Aesthetic EBU. 1.0 EBU equals the average town-wide lot size of 8,700 square feet.

Developed single family, non-residential and vacant lots less than the minimum lot size have been assigned a minimum of 1.0 Aesthetics EBU. Condominium complexes, multi-family properties, non-residential properties, undeveloped parcels, as well as certain single family residential lots exceeding the baseline square footage of 8,700 square feet has more area benefiting from improved aesthetics. Therefore, the benefit received by these properties is proportionately greater when compared to properties assigned 1.0 EBU. Based on this equivalency, additional Aesthetic EBUs were assigned to parcels greater than 8,700 square feet in 0.5 increments, in recognition that the difference in special benefit between one additional square foot versus two additional square feet is negligible on a square foot basis. However, using 0.5 EBUs increments corresponds to an additional 4,350 square feet above 1.0 EBU and reflects a noticeable variance in size to assign additional benefit units to capture the increase in special benefit received by these parcels.

Condominium complexes, multi-family properties, non-residential properties, undeveloped parcels, as well as certain single family residential lots exceeding the baseline square footage of 8,700 square feet span a greater area along the streets that have overhead utilities and/or utility poles proposed to be undergrounded. Therefore, the benefit received by these properties is proportionately greater when compared to properties assigned 1.0 EBU. Based on this equivalency, parcels greater than 8,700 square feet have been assigned additional Aesthetic EBUs, in 0.5 increments, in recognition of the proportionate special benefits received by these parcels.

Properties within the boundaries of the utility undergrounding project area that do not have overhead facilities adjacent to their property along the secondary streets, alleyways and rear easements shall be assigned Safety EBUs equal to one-half (1/2) of the Safety EBU calculation to reflect the reduced benefit received by the parcel. The 0.5 EBU accounts for the benefit associated with the improved safety of undergrounding facilities within the local neighborhood/area of the parcel.

Based on this method of assessment, each condominium complex was assigned Aesthetic EBUs by first assigning Aesthetic EBUs to the condominium complex. Once the Aesthetic EBUs for the complex was derived, the total Aesthetic EBUs were apportioned evenly to each condo within the complex. Therefore, depending on the size of the complex and the number of units within the complex, condo parcel EBU assignments will vary from complex to complex. For single-family residences, multi-family properties, and non-residential properties, the EBUs calculated were assigned to the applicable parcel number. **Table 4-4** outlines the Aesthetic EBU calculations.

Table 4-3: Aesthetic EBU Calculation

Land Use	Overhead Utilities	Aesthetics EBU Assignment
Single-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	(Lot Size / 8,700) / 2; rounded down to nearest 0.5, minimum of 0.5 EBU
Condominium	Yes	(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex, minimum of 1.0 EBU per complex
	No	0.5 x [(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex] , minimum of 0.5 EBU per complex
Multi-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5
	No	0.5 x (Lot Size / 8,700); rounded down to nearest 0.5
Non-Residential	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded to nearest 0.5, minimum of 0.5 EBU
Vacant	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded to nearest 0.5, minimum of 0.5 EBU

4.4 SPECIAL CASES AND EXCEPTIONS

4.4.1 Golf Course Parcels and the Breakers

While parcels throughout the Town benefit from the undergrounding of nearby utilities, certain parcels that make up the golf courses and the Breakers benefit to a lesser degree due to diminished return of benefit as the parcel's total acreage increases. The parcel(s) have a lower frontage-to-acreage ratio and as the parcel size increases, most the parcel's area is either the golf course itself or passive park-like facilities that do not utilize utilities. In order to account for the difference in total special benefit, the parcels associated with golf courses and parcels associated with the Breakers resort were combined as one property, respectively. To calculate these parcels' acreage, the parcel's total frontage was multiplied by a lot depth of 200 feet based on the typical depth of Low Density Residential lots throughout the Town.

4.4.2 Non-Assessable Obligation

Certain neighborhoods within the Town have either already created an assessment program to underground its overhead facilities (Everglades Island and Via Fontana) or are currently in the process of creating a utility undergrounding assessment program (Nightingale and Lake Towers). Due to the timing of these assessment programs, appurtenant facilities remain at the termination points of these project areas which will be undergrounded once this utility undergrounding assessment program is completed. As such, an indirect reliability benefit exists within this utility undergrounding assessment program associated with the termination points of these other assessment programs. Each termination point is assigned 1 Reliability EBU to account for this indirect benefit resulting from different timing of the undergrounding projects for a total of 7 Reliability EBUs. The obligation associated with these 7 Reliability EBUs will not be assessed against any parcel within the proposed utility undergrounding assessment program and will be excluded from the assessment.

4.4.3 *Bifurcated Lots*

Certain parcels within the Town have a portion of their property bifurcated as a result of South Ocean Boulevard. These properties were treated as special cases and were assigned EBUs based on the acreage of both lots associated with these properties as one contiguous parcel for assigning EBUs.

4.4.4 *Undevelopable parcels*

Vacant parcels that cannot be developed due to size of property or zoning restrictions or are parcels associated with conservation land dedicated to wildlife habitat preservation are exempt from the proposed utility undergrounding assessments because these parcels do not confer any measurable special benefit from the improvements.

4.4.5 *Internal condominium parking spaces, common areas, storage units and condominium cabanas*

Certain parcels within a condominium complex are legally subdivided lots that are associated with auxiliary improvements, such as, deeded parking spaces, storage units, and condominium cabanas. As such, these types of parcels are exempt from the assessment because other associated parcels are assessed as the primary parcel of benefit.

5. DIAGRAM

A Diagram showing the boundaries of the proposed Utility Undergrounding Project, the dimensions of the subdivisions of land within the Town (as they existed at the time of the creation of this Report), is on file with the Town and by reference is considered part of this report.

6. PARCEL DATABASE

A parcel database identifying each parcel's equivalent benefit unit assignment for each of the three categories of special benefit has been provided to the Town under separate cover and by reference is made part of this Report.

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Phase 2 Engineering Design Services of the Town-Wide Undergrounding of Utilities Program
Resolution No. 095-2017

DATE: May 31, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 095-2017, approving a purchase order for Engineering Design Services to Kimley-Horn and Associates, Inc. (KHA) for Phase 2 of the Town-Wide Undergrounding Utilities Program for \$979,659.

GENERAL INFORMATION

The Town Council approved the master contract and purchase order for Task Order 1 of the Town-Wide Undergrounding Utility Program at the May 10, 2016 meeting. The first task order included the design for undergrounding utilities from Onondaga Avenue to the northern limits of the Town, Sloan's Curve to the southern limits of the Town, and subsequently added the portion that extends through Lake Worth as Task Order 2.

KHA provided a proposal for Phase 2 of the Town-Wide Undergrounding Utility Program on May 26, 2017. The Phase 2 project areas are from Onondaga Avenue south to Osceola Way and from Sloan's Curve north to the intersection of A1A and South Ocean Boulevard. It is anticipated that the design will be completed in time for June or July 2018 start of construction.

The submitted proposal from KHA includes:

- North and South Project Area Designs
- Surveying
- Utility Base Map Design
- Conduit Routing Design
- Permitting
- Bid Phase Assistance
- Easement Assistance
- Design Meetings as Necessary

This task order will be labeled as Work Order 3 of the Master Agreement. We have negotiated the scope of work with KHA in the amount of \$979,659.

FUNDING/FISCAL IMPACT

The funding will be from the Underground Utility Fund. The fund will receive assessment revenue as well as proceeds from a Line of Credit, which will fund this contract.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended. The proposed pricing is in accordance with the rates provided in the Master Agreement.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
Patricia Strayer, P.E., Town Engineer
Dean Mealy, Purchasing Manager

RESOLUTION NO. 095-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC., IN THE AMOUNT OF \$979,659 FOR PHASE 2 ENGINEERING DESIGN SERVICES OF THE TOWN-WIDE UNDERGROUNDING OF UTILITIES PROGRAM.

* * * * *

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 an amount of \$979,659 for Phase 2 Engineering Design Services of the Town-Wide Undergrounding of Utilities Program.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these services, and is authorized to approve additional tasks, as necessary, within the budget.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, 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 13th day of June 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan A. Owens, MPA, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Proposed Amendments to Chapter 18 (Buildings and Building Regulations)
ARCOM Processing Requirements
Ordinance No. 19-2016

Date: October 11, 2016

STAFF RECOMMENDATION

Staff recommends that attached Ordinance No. 19-2016 be adopted, therein incorporating amended ARCOM application processing changes as recommended by the Ordinance, Rules & Standards (ORS) Committee, and considered as part of the ORS Report provided to the Town Council on September 13, 2016.

GENERAL INFORMATION

Residents Julie Araskog and John Dotterer, concerned about the changing character of the Island's "north end" caused by demolition of modest sized homes being replaced with new, larger homes, began a public awareness process earlier this year drawing attention to this issue. Much of the ensuing community discussion has focused on the Town's Architectural Commission. The result of this evolving conversation, after months of conversation involving North End residents, ARCOM members, ORS Committee members, Town Staff, and Town Council, has been to devise improved methods to keep residents informed of pending ARCOM applications. With input from all these sources, staff has summarized all of the related Ordinance and/or policy changes that are proposed (See Exhibit A). Also attached is an aerial photograph depicting "notice alternatives" and the related ordinance.

Attachments

cc: John C. Randolph, Town Attorney
Planning & Zoning Commissioners
ARCOM Members
Julie Araskog
John Dotterer

EXHIBIT A

Amendments/clarifications to Chapter 18 (attached) are summarized as:

- Major ARCOM applications must be submitted at least **35 days** in advance of meeting (*30 days now required*).
- Revisions to pending/deferred ARCOM projects must be submitted at least **15 days** in advance of meeting (*7 days now required*).
- Project “notices” must be mailed at least **30 days** in advance of meeting (15 days now required). *Note: Each applicant will be responsible for complying with mailout notice requirements, and thereafter documenting compliance. Staff will check the accuracy of each application and notice in advance of mailout to ensure “correctness” (thus requiring some degree of coordination between each applicant and PZB staff). Although major application submittal materials, including notices to be mailed, will be due 35 days in advance of meeting, and it is expected that all notices will be mailed within a few days thereafter, it should be noted that the amount of staff time spent collecting, reviewing, posting, and otherwise organizing each monthly batch of new applications (sometimes reaching 30 or higher) can be daunting. Competing time demands, holidays, and/or staff shortages sometimes occur. The 35-day submittal requirement coupled with a 30-day notice requirement, should provide staff with the needed “buffer” to meet these time deadlines.*
- It is intended that each application contain photographs, at least 4” x 6” of adjacent facades within 200 feet from the proposed construction. *The Code presently requires that applicants must provide “digitized color photographs” of adjacent structures within 200’, yet no minimum size is specified because digital photos can be enlarged or minimized when shown in electronic format. Staff sees no purpose in amending the Code, yet the ARCOM application will be amended to require these photos to be at least 4”x 6” for ease of viewing by the public. Photos are typically reduced to “thumbnail” size on project “mini-plan sets” prepared as a hard-copy aid for ARCOM members. That practice has led to some confusion about Town requirements.*

ARCOM processing changes (not required by Code) are summarized as follows:

- It will be standard policy for Town Staff to post all pending ARCOM projects, including major revisions, on the Town’s digital website, thereby allowing interested citizens to access digital plans from any remote location. *This policy is now operational.*
- “Notices” mailed to nearby owners will contain directions for accessing digital plans on the Town’s website. *Notices for the upcoming October ARCOM meeting have already been prepared and/or mailed. This change will become operational for the November Agenda items.*

- "Notices" mailed to nearby owners will contain instructions on "signing up" for email alerts informing them of newly submitted ARCOM applications. *Notices for the upcoming October ARCOM meeting have already been prepared and/or mailed. This change will become operational for the November Agenda items. Some Town residents have already "signed up."*
- "Notices" will be enhanced to also include a single page graphic depiction showing a building and landscaping elevation of the intended project. *Applicants will be required to do so following Ordinance amendment approval.*
- Project revisions, as they occur, will be posted online. *Note: Staff does not believe that applications that are deferred for changes (sometimes minor), should be subject to new mailout notices. Some projects are deferred repeatedly. Requiring new mailouts with each deferral would be cumbersome.*

Potential changes not recommended by Staff:

- ORS asked Staff to investigate the possibility of increasing the required "notice" from 250' (existing Code) to an indefinite, larger number. *Follow-up Staff research included obtaining emailed responses from other communities in Palm Beach County; making personal contact with Lake Forest, IL, Southhampton, NY, and Nantucket, MA, and estimating how successive 50' radius increases would alter the number of required notices. Our results proved that the vast majority of other communities in Palm Beach County, when an architectural review process even exists, have no notice requirements. Notices, when required, often pertain to "zoning applications" rather than architectural reviews (thus producing a skewed apples to oranges comparison). Lake Forest, a community with a predominance of large lots, does have an architectural notice reaching out 1,320', but no more than three lots deep (very comparable to the results obtained by our 250' requirement). Nantucket notices apply only to immediately abutting owners. Lastly, the attached "typical" north end neighborhood aerial photo (Exhibit C) with expanding concentric circles extending from 250', 300', 350', 400', 450', and 500' speaks volumes. In this example, the existing 250' radius captures approximately 32 lots/owners (a healthy number). The 350' radius captures approximately 45 homes, while the 500' radius captures approximately 79 homes up to three streets away. Our local standard meets or exceeds any of the other surveyed communities. Increasing the notice radius to any higher number appears unnecessary (and could inadvertently create a more cumbersome "legal standing" challenge for the Town).*
- Each applicant will have the responsibility for preparing a project/meeting "Notice" for mailout to owners within 250' using a form supplied by the Town, and thereafter submit an Affidavit verifying compliance with this requirement. Residents sometimes claim not to have received such notices (those immediately abutting receive certified letters that sometimes go unsigned and thus non-delivered), and the seasonal nature of local residents sometimes creates mail receipt complications. It was suggested that the notice procedure being used in Westport, CT is superior to our local methodology, and staff was

directed to investigate its possible use. *Staff personally contacted Westport and also visited with personnel in the local Post Office about the Westport procedure. It is this Department's determination that the Westport procedure is actually more complex, requires more intense staff processing time, and is no better than our existing system. Their practice involves the printing and manual taping of address labels on multiple sheets of paper, thereafter stamped by the local Post Office serving as "proof of delivery." Our required Affidavit accomplishes the same end in more efficient fashion.*

NOTICE REQUIREMENTS 250 - 500 FEET

