

RESOLUTION NO. 2013-31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, DECLARING A SPECIAL ASSESSMENT PURSUANT TO THE AUTHORITY SET FORTH IN CHAPTER 170, FLORIDA STATUTES, TO PAY FOR THE COST OF CONVERSION OF EXISTING OVERHEAD FLORIDA POWER & LIGHT DISTRIBUTION LINES LOCATED ALONG CULLUM ROAD FROM LYONS ROAD WEST TO STATE ROAD 7 AND ON NW 54TH AVENUE FROM CULLUM ROAD SOUTH TO NW 40TH STREET TO UNDERGROUND DISTRIBUTION LINES; DESIGNATING THE LAND UPON WHICH SAID SPECIAL ASSESSMENT SHALL BE LEVIED; PROVIDING THE MANNER IN WHICH SAID ASSESSMENTS SHALL BE MADE; PROVIDING AN EFFECTIVE DATE

WHEREAS, in October 2005, Hurricane ~~Wilma~~ extensively damaged power and communication grids in Coconut Creek causing major power outages for several days; and

WHEREAS, the City determined that it would be in the best interest of the City to begin the process of converting overhead power lines to underground lines to avoid or alleviate power interruptions in the future; and

WHEREAS, to encourage municipalities to commence conversion from overhead to underground power lines, the Florida Public Service Commission established the Government Adjustment Factor (GAF) waiver program providing for a 25% credit of the total cost for converting overhead Florida Power & Light (FPL) distribution lines to underground, for projects consisting of three (3) contiguous poles miles in no more than three (3) phases; and

WHEREAS, the City identified an area that would benefit from the conversion and has caused the conversion from overhead to underground utility lines to be

completed in such area for Phase I and Phase II of the project, and has by Resolution No. 2012-102 approved an Agreement with FPL to complete Phase III; and

WHEREAS, Phase III consists of approximately 1.88 pole miles along certain sections of Cullum Road from Lyons Road west to State Road 7 (SR 7); along NW 54th Avenue from Cullum Road south to NW 40th Street; and within a utility easement of FPL transmission/distribution lines (the "Phase III Area"), all more specifically identified and defined in Exhibit "A" and Exhibit "B" attached hereto; and

WHEREAS, the City has determined that the unimproved property adjacent to the Phase III conversion will be specially benefited by the Phase III improvements and the cost reduction for said improvements afforded by the GAF which benefit is unique to said properties and different in degree from the benefits provided to the community as a whole; and

WHEREAS, the City has determined that it is in the best interest of the City to provide for the reimbursement of the costs expended by the City in completing the Phase III improvements by providing for payment of such costs by levying and collecting special assessments on the abutting, adjoining, contiguous or other property specially benefited by the Phase III improvements; and

WHEREAS, The City of Coconut Creek is the municipal government with authority over this area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

:

Section 1: That the City Commission of the City of Coconut Creek, hereby establishes a public improvement project consisting of undergrounding overhead utilities in the areas referred to as the Phase III Area as identified and further defined in Exhibit

"A" and Exhibit "B" attached hereto.

Section 2: The City Commission of the City of Coconut Creek further determines to pay for the expenses of such public improvement project by a Special Assessment pursuant to the authority set forth in Chapter 170, Florida Statutes to be levied on those properties specially benefited by such improvements as identified and defined in Exhibit "A" and Exhibit "B".

Section 3: That the location of the Phase III Underground Utility Conversion Special Assessment is along Cullum Road from Lyons Road west to State Road 7 (SR 7); along NW 54th Avenue from Cullum Road south to NW 40th Street; and within a utility easement of FPL transmission/distribution lines (the "Phase III Area"), all more specifically identified and defined in the Assessment Plat set forth in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

Section 4: That the property included within the Special Assessment for the Phase III Underground Utility Conversion is hereby defined as all unimproved lots and lands adjoining and contiguous or bounding and abutting the public improvements and specially benefited thereby, more specifically defined in the Assessment Plat attached hereto as Exhibit "A" and Exhibit "B".

Section 5: That the total estimated cost of the public improvements is One Million One Hundred Twenty Six Thousand Three Hundred Fifty Nine Dollars (\$1,126,359) as more particular defined in Exhibit "C" entitled "Engineers Opinion of Costs" and Exhibit "D" entitled "Phase III Underground Utility Conversion Special Assessment", which exhibits are attached hereto and made a part hereof.

Section 6: That the public improvement project cost of is One Million One Hundred Twenty Six Thousand Three Hundred Fifty Nine Dollars (\$1,126,359) shall be paid by special assessment on the lands described in Section 4 hereof, as more specifically described in Exhibits "A" and "B" hereof.

Section 7: That a list of current owners of property included of the Phase III Underground Utility Conversion Special Assessment as determined by the latest available tax rolls is attached hereto and made a part hereof as Exhibit "E".

Section 8: That the special assessments against the property specially benefited by the public improvements shall be each property's prorated cost of the improvements as set forth in the Engineers Opinion of Cost attached as Exhibit "C" according to the foot frontage of the respective parcels.

Section 9: That the Special Assessments shall be due and payable in full without interest if paid within thirty (30) days after the public improvements are completed and a resolution accepting the improvements has been adopted by the City Commission (the "Resolution Date"). If not paid in full within said thirty day period, then interest shall accrue on the unpaid balance of any property's unpaid assessment at the rate of eight percent (8%) per annum from the Resolution Date until paid and payments on the assessment shall be due and payable in equal annual installments commencing one year after the Resolution Date but not to exceed eight installments.

Section 10. That there is on file with the City Clerk of the City of Coconut Creek an assessment plat, plans, specifications, cost estimates, agreements and plat information of the public improvement project, which are available for public inspection.

Section 11: That this resolution shall be in full force and effect immediately upon its passage and adoption.

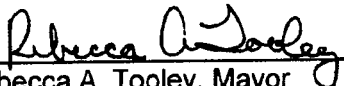
Adopted this 28th day of March, 2013 on a motion by
Commissioner Belvedere and seconded by Vice Mayor Aronson.

Ayes 4

Nays 0

Absent or

Abstaining 1

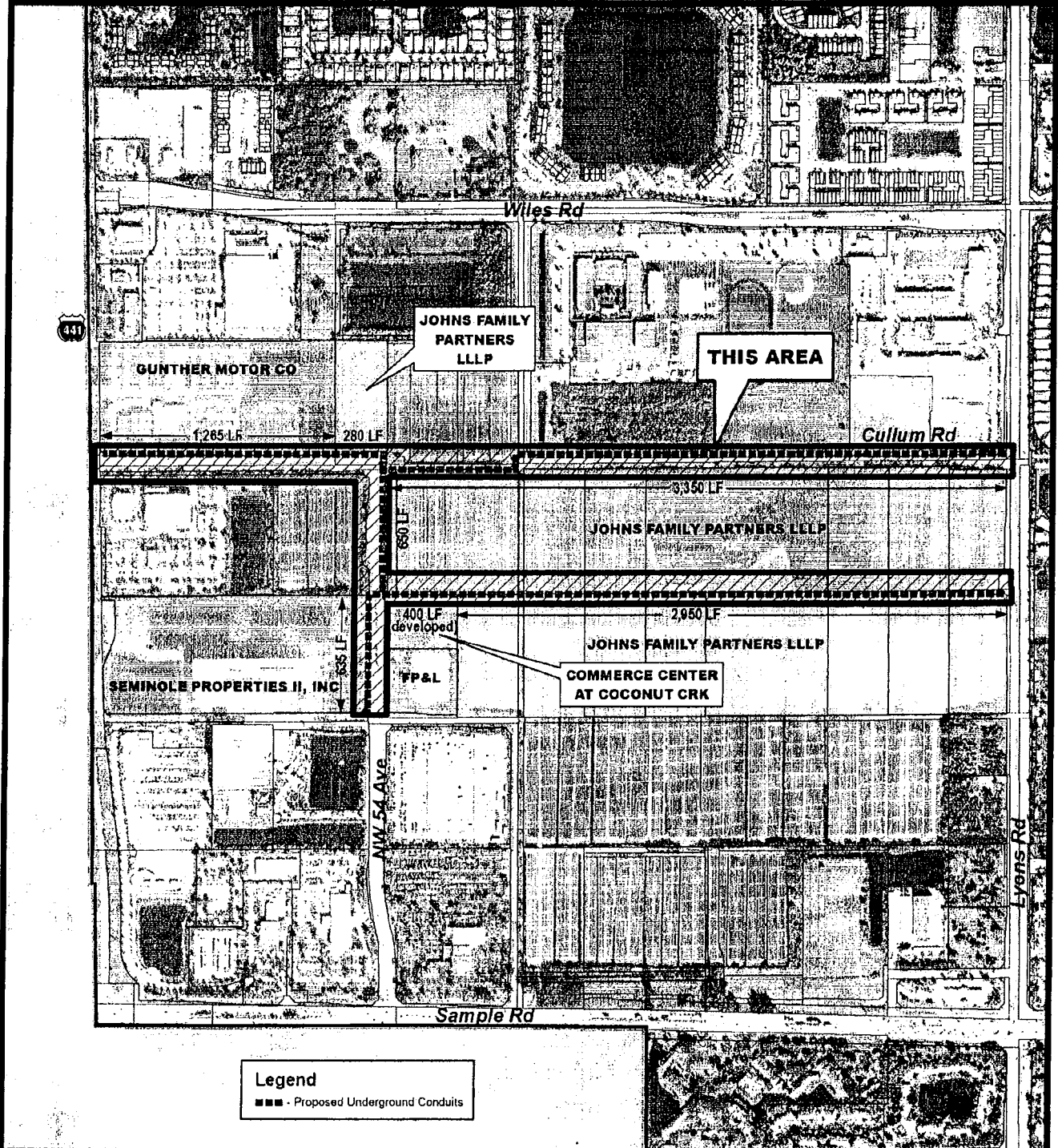

Rebecca A. Tooley, Mayor

Attest:


Barbara S. Price, MMC
City Clerk

Tooley	<u>Aye</u>
Aronson	<u>Aye</u>
Sarbone	<u>Absent</u>
Belvedere	<u>Aye</u>
Welch	<u>Aye</u>

Overhead to Underground – Phase III



Coconut Creek City Commission
Utilities & Engineering Department
March 28, 2013
Underground Utility Special Assessment



0 500 1,000 Feet
Map Scale = 1:9,000 (1" = 750')



EXHIBIT B

Undergrounding Phase III Area

Participant/Owner	Linear Ft.	Folio	Legal Description
Undeveloped			
Gunther Motor Co.	1265	484218080010	Whitworth Plat No.1 164-B Tract A & C
Johns Family Partners LLLP	7230	484218010170	Palm Beach Farms 2-54 PB Tract 24 W 10 AC, less pt desc'd in OR 21899 PGS 826 -841 - R/W Cullum
		484218010270	Palm Beach Farms 2-54 PB Tract 41, 49 Blk 89
		484218010260	Palm Beach Farms 2-54 PB Tract 40, 58 to 60 Blk 89
		484218010250	Palm Beach Farms 2-54 PB Tract 39 Blk 89
		484218010240	Palm Beach Farms 2-54 PB Tract 36, 37, 38 Blk 89
		484218010230	Palm Beach Farms 2-54 PB Tract 35 Blk 89
		484218010220	Palm Beach Farms 2-54 PB Tract 34 Blk 89
		484218010210	Palm Beach Farms 2-54 PB Tract 33 less N 20 for RD & less pt des as, BEG at SE cor of TR 33, W 59.93, N 80, NELY
		484218010310	Palm Beach Farms 2-54 PB Tract 48 Blk 89
		484218010320	Palm Beach Farms 2-54 PB Tract 50 Blk 89
		484218010330	Palm Beach Farms 2-54 PB Tract 51 Blk 89
		484218010340	Palm Beach Farms 2-54 PB Tract 52 Blk 89
		484218010350	Palm Beach Farms 2-54 PB Tract 53 Blk 89
		484218010360	Palm Beach Farms 2-54 PB Tract 54 Blk 89
		484218010370	Palm Beach Farms 2-54 PB TR 55 less pt des as, beg at SE cor of TR 55, W 15.45, N 630.10, NW 42.69, E 47.93
Seminole Properties II, Inc	635	484218030080	Commerce Center of Coconut Creek 131-30B Tract G & Tract H less pt des'c. in parcel 118 of CA92-18991
Subtotal	9130		
Developed - Properties not part of Special Assessment			
Commerce Center at Coconut Crk	400	484218030060	Commerce Center of Coconut Creek 131-30B that pt of Tract F lying N of S/L of 265 ft FPL
Subtotal	400		
TOTAL	9530		

EXHIBIT C

ENGINEERS OPINION OF COST

TOTAL ESTIMATED COST OF PHASE III

Florida Power & Light Co. (FPL) CIAC Fees	\$825,707
Design (Consultant)	\$85,000
AT & T & Comcast localized adjustment, where required	\$100,000
Restoration - easement, right-of-way, pavement, sidewalk, etc.	\$100,000
City Engineering staff-design and project management coordination	\$65,000
Total cost for 9,530 linear feet	\$1,175,707
Cost per linear foot	\$123.37

EXHIBIT D

Phase III Underground Utility Special Assessment

LINEAR FOOTAGE ADJACENT TO PROPERTIES AND PRO-RATED COSTS

OWNER			
<i>Undeveloped</i>	Linear feet	%	Cost*
Gunther Motor Co.	1265	13.27%	\$156,062
Johns Family Partners LLLP	7230	75.87%	\$891,958
Seminole Properties II, Inc.	635	6.66%	\$78,339
Sub-Total	9130	95.80%	\$1,126,359
<i>Developed**</i>			
Commerce Center at Coconut Crk	400	4.03%	N/A
Sub-Total	400		N/A
TOTAL	9,530	100	\$1,126,359

* Rounded off to the nearest dollar

** Pursuant to Section 13-142 existing developed property is not required to underground distribution lines adjacent to it. For this parcel only, cost is to be borne by the City.

EXHIBIT "E"

Ownership of Parcels as per Broward County Tax Rolls March 19, 2013

Gunther Motor Co.

Johns family Partners LLP

Seminole Properties II, Inc.