



CITY OF BOYNTON BEACH SPECIAL MEETING

DATE: Tuesday, September 11, 2018

TIME: 6:00 PM

PLACE: Intracoastal Park Clubhouse, 2240 N. Federal Highway

1. AGENDA ITEMS

A. Call to Order - Mayor Steven B. Grant

Invocation

Pledge of Allegiance to the Flag led by Commissioner Katz

Roll Call

Agenda Approval:

1. Additions, Deletions, Corrections

2. Adoption

B. **PROPOSED RESOLUTION NO. R18-127** - Conduct a Public Hearing to adopt the Final Assessment Resolution for the FY 2018-2019 Fire Assessment.

C. **PROPOSED ORDINANCE NO. 18-023 - FIRST READING** - Approve NE 1st Avenue Abandonment (ABAN 18-003) abandoning the improved 45 foot wide right-of-way running east / west from NE 1st Street, for a distance of approximately 588.02' feet, to Seacrest Boulevard. Applicant: City of Boynton Beach

2. ADJOURN

The Board may only conduct public business after a quorum has been established. If no quorum is established within twenty minutes of the noticed start time of the meeting the City Clerk or her designee will so note the failure to establish a quorum and the meeting shall be concluded. Board members may not participate further even when purportedly acting in an informal capacity.

NOTICE

NOTICE IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F.S. 286.0105)

THE CITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES

WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY THE CITY. PLEASE CONTACT THE CITY CLERK'S OFFICE, (561) 742-6060 OR (TTY) 1-800-955-8771, AT LEAST 48 HOURS PRIOR TO THE PROGRAM OR ACTIVITY IN ORDER FOR THE CITY TO REASONABLY ACCOMMODATE YOUR REQUEST. ADDITIONAL AGENDA ITEMS MAY BE ADDED SUBSEQUENT TO THE PUBLICATION OF THE AGENDA ON THE CITY'S WEB SITE. INFORMATION REGARDING ITEMS ADDED TO THE AGENDA AFTER IT IS PUBLISHED ON THE CITY'S WEB SITE CAN BE OBTAINED FROM THE OFFICE OF THE CITY CLERK.



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

REQUESTED ACTION BY COMMISSION:

Call to Order - Mayor Steven B. Grant

Invocation

Pledge of Allegiance to the Flag led by Commissioner Katz

Roll Call

Agenda Approval:

1. Additions, Deletions, Corrections
2. Adoption

EXPLANATION OF REQUEST:

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?

FISCAL IMPACT:

ALTERNATIVES:

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION:

CLIMATE ACTION:

CLIMATE ACTION DISCUSSION:

Is this a grant?

Grant Amount:



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

REQUESTED ACTION BY COMMISSION: PROPOSED RESOLUTION NO. R18-127 - Conduct a Public Hearing to adopt the Final Assessment Resolution for the FY 2018-2019 Fire Assessment.

EXPLANATION OF REQUEST:

On July 17, 2018, the City Commission adopted Resolution No. R18-096 to continue the Fire Assessment Program for FY 2018-2019.

On August 21, 2018, the City published a "Notice of Hearing to Impose and Provide for Collection of Fire Rescue Special Assessments" in the Palm Beach Post. In addition, the City had a statutorily required Notice to Property Owner mailed to affected property owners by first class mail. In addition, the Palm Beach County Property Appraiser's Office mailed TRIM notices informing all property owners of the assessment via their proposed property tax bill. All notices provided the time, date and place of this Hearing that the Commission would consider the adoption of the Final Assessment Resolution.

The proposed Assessment for residential property owners is \$120.00 annually per dwelling unit. This remains unchanged from the previous year.

The City Commission recognizes that the Assessment may create a hardship on certain residential property owners in the City. Therefore, the Final Rate Resolution provides a means whereby property owners may request H.E.L.P. (Hardship Extension Loan Program) for a total or partial waiver through an application review process. A copy of the application and criteria is attached. Notice of the Hardship Extension Loan Program (H.E.L.P.) was also uploaded to the City's website.

In addition, the Resolution provides for a Mobile Home Park Vacancy Adjustment whereby vacancies result in the absence of structures on unoccupied spaces as compared to other residential properties and lack demand for Fire Rescue services for unoccupied spaces which lack structures.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? The Fire Assessment provides only partial funding to the total Fire Department in order to maintain its excellent response time. It does not provide funding for EMS services. Only Fire Rescue services are allowed under Florida Statutes.

FISCAL IMPACT:

For Fiscal Year 2018-19, the estimated gross Fire Rescue Assessed cost is \$8,205,584 reduced to a net realized assessment of \$7,150,936 after excluding tax exempt properties.

The net realized Fire Assessment of \$7,150,936 would equal an increase to the ad valorem property tax rate of 1.5550 to raise the same amount of revenue to the City.

The Fire Rescue Assessments to be assessed and apportioned among benefitted property parcels follow.

Proposed FY 18/19:

<u>Property Use Category</u>	<u>Rate Per Dwelling Unit</u>
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Residential	\$120.00
Non-Residential Property Use Categories	Rate Per Square Foot (*)
Commercial	\$0.27
Industrial/Warehouse	\$0.06
Institutional	\$0.30
Nursing Home	\$0.30

(*)There is a maximum of 77,001 square foot cap on non-residential buildings.

Current FY 17/18:

Property Use Category	Rate Per Dwelling Unit
Residential	\$120.00
Non-Residential Property Use Categories	Rate Per Square Foot (*)
Commercial	\$0.27
Industrial/Warehouse	\$0.06
Institutional	\$0.30
Nursing Home	\$0.30

(*)There is a maximum of 77,001 square foot cap on non-residential buildings.

The above rates for FY 18/19 only assess approximately 59% of the eligible Fire Rescue costs after excluding EMS costs of the Fire Department. If they were assessed at 100% of the eligible costs, the rates would be \$202.00 per dwelling unit and approximately twice the square footage rates for commercial property.

ALTERNATIVES:

1. Approve the proposed assessment levels. (\$120.00 per dwelling unit, etc.)
2. Approve an alternate assessment level with proportional adjustments to the Fire Department non-EMS budget (the assessment rates may be lowed, but not increased, from the proposed rates).
3. Not approve the Fire Assessment with proportional consequences to above

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION:

CLIMATE ACTION: No

CLIMATE ACTION DISCUSSION:

Is this a grant? No

Grant Amount:

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Resolution	Fire Assessment Reso
<input type="checkbox"/> Attachment	Hardship Application
<input type="checkbox"/> Attachment	Proof of Publication
<input type="checkbox"/> Attachment	Affidavit of Mailing

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CITY OF BOYNTON BEACH, FLORIDA

ANNUAL ASSESSMENT RESOLUTION

ADOPTED SEPTEMBER 11, 2018

22

RESOLUTION NO. R18-

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A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF BOYNTON BEACH, FLORIDA; IMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; CONFIRMING AND CONTINUING A PROCEDURE FOR HARDSHIP WAIVERS OR DEFERRALS OF ALL OR PART OF THE CITY'S FIRE RESCUE SPECIAL ASSESSMENT INCLUDING APPLICATION AND REVIEW BY THE CITY'S FINANCE DIRECTOR OR DESIGNEE, AND ELIGIBILITY CRITERIA FOR SUCH WAIVERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Commission of Boynton Beach, Florida (the "City Commission"), has enacted Ordinance No. 08-017 (the "Ordinance"), which authorizes the imposition of Fire Rescue Assessments each Fiscal Year for the fire rescue services, facilities, and programs against Assessed Property located within the City; and

WHEREAS, the imposition of a Fire Rescue Assessment for fire rescue services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Rescue Assessed Cost among parcels of Assessed Property; and

WHEREAS, the City Commission desires to continue a Fire Rescue Assessment program and impose a Fire Rescue Assessment in the City using the procedures provided by the Ordinance, including the tax bill collection method, for the Fiscal Year beginning on October 1, 2018; and

WHEREAS, the City Commission, on July 1, 2008, adopted Resolution No. R08-076 (the "Initial Assessment Resolution"); and

52 **WHEREAS**, the City Commission, on July 17, 2018, adopted Resolution No. R18-
53 096 (the “Preliminary Assessment Resolution”), which set forth the preliminary assessment
54 rates for Fiscal Year 2018-19, and which contains and references a brief and general
55 description of the fire rescue services, facilities, and programs to be provided to Assessed
56 Property; describes the method of apportioning the Fire Rescue Assessed Cost to compute
57 the Fire Rescue Assessment for fire rescue services, facilities, and programs against
58 Assessed Property; confirmed the rates of assessment; and directs the updating and
59 preparation of the Assessment Roll and provision of the notice required by the Ordinance;
60 and

61 **WHEREAS**, in order to impose Fire Rescue Assessments for the Fiscal Year
62 beginning October 1, 2018, the Ordinance requires the City Commission to adopt an Annual
63 Rate Assessment Resolution, which confirms and establishes the rates of assessment, and
64 approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the
65 City Commission deems appropriate, after hearing comments and objections of all
66 interested parties; and

67 **WHEREAS**, the Assessment Roll has heretofore been made available for
68 inspection by the public, as required by the Ordinance; and

69 **WHEREAS**, notice of a public hearing has been published and mailed, as required
70 by the terms of the Ordinance. An Affidavit of Mailing is attached hereto as Appendix A
71 and the Proof of Publication is attached hereto as Appendix B; and

72 **WHEREAS**, the City Commission recognizes that the special assessment may
73 work a hardship on certain residential property owners in the City, and desires to continue

74 to provide a means whereby affected property owners may request a total or partial waiver
75 of the special assessment for hardship; and

76 **WHEREAS**, a public hearing was held on September 11, 2018, and comments and
77 objections of all interested persons have been heard and considered as required by the terms
78 of the Ordinance.

79 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF**
80 **THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

81
82 **SECTION 1. AUTHORITY.** This resolution is adopted pursuant to Ordinance
83 No. 08-017; Resolution No. R08-076; Resolution No. R18-096; Article VIII, Section 2,
84 Florida Constitution; Sections 166.021 and 166.041, Florida Statutes; and other applicable
85 provisions of law.

86 **SECTION 2. DEFINITIONS AND INTERPRETATION.** This resolution
87 constitutes the Annual Rate Resolution as defined in the Ordinance. All capitalized words
88 and terms not otherwise defined herein shall have the meanings set forth in the Ordinance,
89 the Initial Assessment Resolution and the Preliminary Assessment Resolution.

90 **SECTION 3. IMPOSITION OF FIRE RESCUE ASSESSMENTS.**

91 (A) The parcels of Assessed Property described in the Assessment Roll, which
92 is hereby approved, are hereby found to be specially benefited by the provision of the fire
93 rescue services, facilities, and programs described or referenced in the Preliminary
94 Assessment Resolution, in the amount of the Fire Rescue Assessment set forth in the
95 Assessment Roll, a copy of which was present or available for inspection at the above
96 referenced public hearing and is incorporated herein by reference. It is hereby ascertained,
97 determined, and declared that each parcel of Assessed Property within the City will be
98 specially benefited by the City's provision of fire rescue services, facilities, and programs in

99 an amount not less than the Fire Rescue Assessment for such parcel, computed in the
100 manner set forth in the Preliminary Assessment Resolution. Adoption of this Annual Rate
101 Resolution constitutes a legislative determination that all parcels assessed derive a special
102 benefit in a manner consistent with the legislative declarations, determinations and findings
103 as set forth in the Ordinance, the Preliminary Assessment Resolution, and this Annual Rate
104 Resolution from the fire rescue services, facilities, or programs to be provided and a
105 legislative determination that the Fire Rescue Assessments are fairly and reasonably
106 apportioned among the properties that receive the special benefit as set forth in the
107 Preliminary Assessment Resolution.

108 (B) The method for computing Fire Rescue Assessments described and
109 referenced in the Preliminary Assessment Resolution is hereby approved. The Parcel
110 Apportionment methodology described in Appendix F of the Preliminary Assessment
111 Resolution, and adopted in Section 7 of the Preliminary Assessment Resolution, is hereby
112 approved.

113 (C) For the Fiscal Year beginning October 1, 2018, the estimated net Fire
114 Rescue Assessed Cost to be assessed is \$8,205,584.00. The Fire Rescue Assessments to be
115 assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and
116 Parcel Apportionment to generate the estimated Fire Rescue Assessed Cost for the Fiscal
117 Year commencing October 1, 2018, are hereby confirmed and established as follows:

Property Use Category	Rate Per Dwelling Unit
Residential	\$120.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.27
Industrial/Warehouse	\$0.06
Institutional	\$0.30
Nursing Home	\$0.30

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119 (D) The above rates of assessment are hereby approved. Fire Rescue
120 Assessments for fire rescue services, facilities, and programs in the amounts set forth in the
121 Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of
122 Assessed Property described in such Assessment Roll for the Fiscal Year beginning
123 October 1, 2018.

124 (E) As authorized in Section 2.14 of the Ordinance, no Fire Rescue Assessment
125 shall be imposed upon a parcel of Government Property, except as provided in the
126 Preliminary Assessment Resolution, or upon Institutional Use buildings on a parcel of
127 Institutional Property whose building use is wholly exempt from taxation under Florida law.

128 (F) Any shortfall in the expected Fire Rescue Assessment proceeds due to any
129 reduction or exemption from payment of the Fire Rescue Assessments required by law or
130 authorized by the City Commission shall be supplemented by any legally available funds, or
131 combination of such funds, and shall not be paid for by proceeds or funds derived from the
132 Fire Rescue Assessments.

133 (G) As authorized in Section 2.13 of the Ordinance, interim Fire Rescue
134 Assessments are also levied and imposed against all property for which a Building Permit is
135 issued after adoption of this Annual Rate Resolution based upon the rates of assessment
136 approved herein.

137 (H) Fire Rescue Assessments shall constitute a lien upon the Assessed Property
138 so assessed equal in rank and dignity with the liens of all state, county, district, or municipal
139 taxes and other non-ad valorem assessments. Except as otherwise provided by law, such
140 lien shall be superior in dignity to all other liens, titles and claims, until paid.

141 (I) The Assessment Roll, as herein approved, shall be delivered to the Tax
142 Collector for collection using the tax bill collection method in the manner prescribed by the
143 Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied
144 by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached
145 hereto as Appendix C.

146 (J) No Emergency Medical Services shall be funded from the Fire Rescue
147 Assessment revenues.

148 **SECTION 4. CONFIRMATION OF PRELIMINARY ASSESSMENT**
149 **RESOLUTION.** The Preliminary Assessment Resolution is hereby confirmed.

150 **SECTION 5. EFFECT OF ADOPTION OF RESOLUTION.** The adoption of
151 this Annual Rate Resolution shall be the final adjudication of the issues presented
152 (including, but not limited to, the determination of special benefit and fair apportionment to
153 the Assessed Property, the method of apportionment and assessment, the rate of assessment,
154 the Assessment Roll and the levy and lien of the Fire Rescue Assessments), unless proper
155 steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days
156 from the date of this Annual Rate Resolution.

157 **SECTION 6. HARDSHIP WAIVERS OR DEFERRALS.**

158 (A) The City Commission of the City of Boynton Beach, Florida hereby
159 continues its program for qualified individuals who need financial assistance to pay all or
160 part of the Fire Rescue Assessment levied on their property or who seek deferral of payment
161 of all or part of the Fire Rescue Assessment on their property.

162 (B) The City's program for financial assistance shall be commonly referred to
163 as H.E.L.P., Hardship Extension Loan Program. The following types of financial assistance
164 are available, based upon need:

- 165 1. Relief from all payments of an annual Fire Rescue Assessment.
- 166 2. Relief from a portion of payments of an annual Fire Rescue
167 Assessment.
- 168 3. Deferral of payments of an annual Fire Rescue Assessment.
- 169 4. Deferral of a portion of payments of an annual Fire Rescue
170 Assessment.
171
172

173 (C) The following individuals are eligible for financial assistance.

- 174 1. Residential Property Owners who meet 2018 HHS Poverty
175 Guidelines.
176
- 177 2. Residential property owners that are exempt from ad valorem
178 taxation pursuant to the following Florida Statutes are eligible to
179 apply for a Hardship Waiver or Deferral:
180
 - 181 a. Section 196.081, Florida Statutes (totally disabled veterans
182 and surviving spouses of veterans);
183
 - 184 b. Section 196.081, Florida Statutes (surviving spouses of first
185 responders who died in the line of duty);
 - 186 c. Section 196.091, Florida Statutes (disabled veterans confined
187 to wheelchairs);
188
 - 189 d. Section 196.101, Florida Statutes (totally and permanently
190 disabled persons);
191
 - 192 e. Section 196.102, Florida Statutes (totally and permanently
193 disabled first responders).
194
- 195 3. Residential Property Owners that qualify for the additional
196 homestead exemption for persons 65 and over authorized pursuant
197 to Section 196.075, Florida Statutes are also eligible to apply for the
198 Hardship Waiver.
199

200 4. Residential Property Owners that are qualified under the Florida
201 Homestead Property Tax Deferral Act, Section 197.242, et al.,
202 Florida Statutes.

203
204 (D) Eligible Residential Property Owners may submit an application for a
205 Hardship Waiver or Deferral, on a form prepared by the City, with the Finance Department.

206 The Application shall include the following:

207 1. Documentation demonstrating eligibility for the Hardship Waiver or
208 Deferral through one of the criteria from exemptions listed in
209 Section C above;

210
211 2. A copy of the Tax Bill for the subject property;

212 3. Description of the facts and circumstances of the hardship.

213 (E) All Applications for the Hardship Waiver or Deferral must be received by
214 the City's Finance Department on or before October 18, 2018.

215 (F) Once received, all applications shall be reviewed by the City's Finance
216 Director, or his or her designee ("Reviewing Official"). The Reviewing Official shall
217 review the facts and circumstances to determine whether a hardship exists to warrant a
218 partial or total waiver of the special assessment levied upon the applicant's real property or
219 a deferral of payment of such. The decision of the Reviewing Official is final.

220 (G) The Reviewing Official shall render a written decision and provide such to
221 the applicant.

222 (H) If a partial or total waiver or deferral is granted by the Reviewing Official,
223 the Finance Director shall ensure appropriate documentation is provided to the Tax
224 Collector as to the revised amount of the assessment as to the applicant.

225 (I) An applicant may apply for a Hardship Waiver as to one property only.

226 (J) An applicant must apply for the Hardship Waiver on an annual basis.

227 (K) A deferral may be granted for no longer than the end of the then current
228 fiscal year.

229 (L) When financial assistance is granted pursuant to the H.E.L.P. program, any
230 shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or
231 exemption from payment of the Fire Rescue Assessments authorized by this Section shall
232 be supplemented by any legally available funds, or combination of such funds, and shall not
233 be paid for by proceeds or funds derived from the Fire Rescue Assessments.

234 **SECTION 7. MOBILE HOME VACANCY ADJUSTMENT.** As authorized in
235 Section 5(L) of the Preliminary Rate Resolution, there shall be a Mobile Home Vacancy
236 Adjustment procedure for Mobile Home and Recreational Vehicle Park Property, using the
237 procedures established in Resolution R11-089. Any shortfall in the expected Fire Rescue
238 Assessment proceeds due to any adjustment for vacancy shall be supplemented by any
239 legally available funds and shall not be paid for by proceeds or funds derived from Fire
240 Rescue Assessments. Failure of the Owner to timely provide the information to the City
241 will result in no Vacancy Adjustment for the special assessment.

242 **SECTION 8. CONFLICTS.** All resolutions or parts of resolutions in conflict
243 herewith are hereby repealed to the extent of such conflict.

244 **SECTION 9. SEVERABILITY.** If any clause, section, other part or application
245 of this resolution is held by any Court of competent jurisdiction to be unconstitutional or
246 invalid, in part or application, it shall not affect the validity of the remaining portions or
247 applications of this Resolution.

248 **SECTION 10. EFFECTIVE DATE.** This Resolution shall become effective
249 immediately upon its passage and adoption.

250 **PASSED AND ADOPTED** this _____ day of September, 2018.

251 CITY OF BOYNTON BEACH, FLORIDA

252

253

YES

NO

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Mayor – Steven B. Grant

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Vice Mayor – Christina Romelus

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Commissioner – Mack McCray

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Commissioner – Justin Katz

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Commissioner – Joe Casello

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264 ATTEST:

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Judith A. Pyle, CMC

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City Clerk

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(Corporate Seal)

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APPENDIX A
AFFIDAVIT OF MAILING

APPENDIX B

PROOF OF PUBLICATION

APPENDIX C

**FORM OF CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL
CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that I am the Mayor of the City of Boynton Beach, or authorized agent of the City of Boynton Beach, Florida (the “City”); as such, I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (the “Non-Ad Valorem Assessment Roll”) for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above-described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Palm Beach County Tax Collector by September 15, 2018.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Palm Beach County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll, this ____ day of _____, 2018.

CITY OF BOYNTON BEACH, FLORIDA

BY: _____

TITLE: _____

[To be delivered to Palm Beach County Tax Collector by September 15]



Fire Assessment Application for Determination of Eligibility for H.E.L.P.

Page 2

Please explain the financial hardship that makes it difficult or impossible for you to pay this year's Fire Assessment Amount as levied on the attached Notice from Palm Beach County.

Under penalty of perjury, I hereby swear or affirm that the information I am submitting is true, complete and correct in order to determine my eligibility for H.E.L.P.

Applicant's signature

Date

DETERMINING IF YOU MEET HHS POVERTY GUIDELINES

2018 HHS Poverty Guidelines

Size of Family Unit	Poverty Guideline
1	\$ 12,140
2	\$ 16,640
3	\$ 20,780
4	\$ 25,100
5	\$ 29,420
6	\$ 33,740
7	\$ 38,060
8	\$ 42,380
For each additional person, add	\$ 4,320

Source: Federal Register, Vol. 83, No. 12, January 18, 2018, pp. 2642-2644

PLEASE NOTE WHAT INCOME TO INCLUDE

Income used to calculate if you meet poverty level status includes the following sources:

Wages, unemployment compensation, Social Security, Supplemental Social Security Income, public assistance, veterans' payments, survivor benefits, pension or retirement income, interest, dividends, rents, royalties, income from estates, trust, educational assistance, alimony, child support, assistance from outside the household, and other miscellaneous sources.

CITY REVIEW PROCESS:

- Applicant submits application to City of Boynton Beach, Financial Services Department, P.O. Box 310, Boynton Beach FL 33425-0310 **delivered no later than October 18, 2018**
- The Hardship Waiver will be reviewed by the City's Finance Director or his or her designee (Reviewing Official).
- Once the Reviewing Official makes a determination, the applicant will be notified in writing of the Reviewing Official's decision. The decision of the Reviewing Official is final.

PLEASE SIGN AND RETURN THIS COMPLETED APPLICATION, ALONG WITH YOUR 2018 TAX NOTICE FROM PALM BEACH COUNTY AND THE REQUIRED DOCUMENTATION FOR THE BOX CHECKED ON PAGE 1 OF THIS APPLICATION TO:

City of Boynton Beach
Financial Services Department
P.O. Box 310
Boynton Beach, FL 33425-0310
(561) 742-6310

PROOF OF PUBLICATION STATE OF FLORIDA

PUBLIC NOTICE

Before the undersigned authority, personally appeared Tiffani Everett, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a P-Main Legal ROP was published in said newspaper on: first date of Publication 08/21/2018 and last date of Publication 08/21/2018. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

BOYNTON BEACH; CITY OF
100 E BOYNTON BEACH BLVD
BOYNTON BEACH, FL 33435-3838

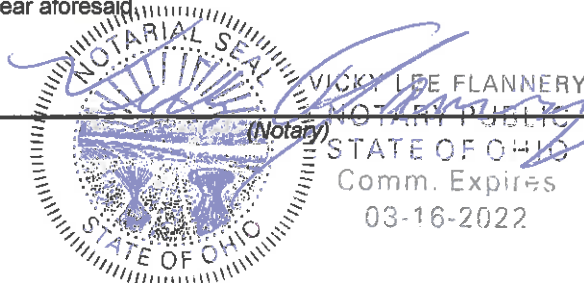
Invoice/Order Number:	0000410241
Ad Cost:	\$1,575.00
Paid:	\$0.00
Balance Due:	\$1,575.00

Signed

Tiffani Everett
(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 22nd day of August, 2018 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed



Please see Ad on following page(s).

Invoice/Order Number: 0000410241
Ad Cost: \$1,575.00
Paid: \$0.00
Balance Due: \$1,575.00

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE RESCUE SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of Boynton Beach will conduct a public hearing to consider the imposition of annual fire rescue special assessments for the provision of fire rescue services within the municipal boundaries of the City of Boynton Beach.

The hearing will be held at 6:00 p.m., on September 11, 2018, at the Intracoastal Park Clubhouse, 2240 North Federal Highway, Boynton Beach, Florida 33435, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person 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 City Clerk's Office at (561) 742-6060, at least three days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The proposed fire rescue assessment schedule for Fiscal Year 2018-2019 is as follows:

Property Use Category	Rate Per Dwelling Unit
Residential	\$120.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.27
Industrial/Warehouse	\$0.06
Institutional	\$0.30
Nursing Home	\$0.30

Copies of the Fire Rescue Assessment Ordinance, the Initial Assessment Resolution, the Preliminary Rate Resolution, and the preliminary assessment roll are available for inspection at the City Clerk's office, currently located at 100 East Boynton Beach Boulevard, Boynton Beach, Florida. Note that the City Clerk's Office is scheduled to relocate on or about August 26, 2018, to 3301 Quantum Boulevard, Boynton Beach, Florida. If you wish to inspect those documents, it is recommended that you call the City Clerk's Office at (561) 742-6060 in advance to confirm the location of the City Clerk's Office on the date you wish to inspect.

The fire rescue nonad valorem assessment will be collected on the ad valorem tax bill to be mailed in November 2018. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the Finance Department at (561) 742-6310, Monday through Friday between 8:00 a.m. and 5:00 p.m.

City of Boynton Beach



CITY COMMISSION

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Lori LaVerriere and Tammy Peters, who, after being duly sworn, depose and say:

1. Lori LaVerriere, as City Manager of the City of Boynton Beach, Florida ("City"), pursuant to the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with Sections 2.03, 2.04, and 2.05 of Ordinance No. 08-071, the Fire Rescue Assessment Ordinance (the "Assessment Ordinance") in conformance with the Preliminary Rate Resolution adopted by the City Commission on July 17, 2018 (the "Preliminary Rate Resolution") .


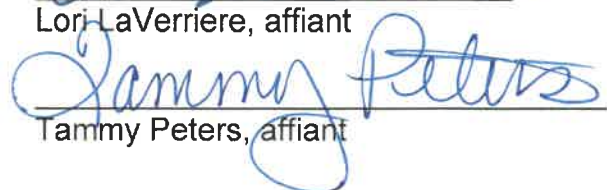
2. In accordance with the Assessment Ordinance and Chapter 92-264, Laws of Florida, as amended by Chapter 2003-348, Laws of Florida (collectively, the "Special Act"), Ms. LaVerriere timely provided all necessary information for notification of the Fire Rescue Assessment to the Property Appraiser of Palm Beach County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the Fire Rescue Assessment rate expressed in dollars and cents per billing unit, the associated Fire Rescue Assessment amount, and the purpose of the Fire Rescue Assessment.

3. Because the assessment was being levied against newly affected property owners for the first time for Fiscal Year 2018-19, additional notice by first class mail to the Owner of each newly affected parcel of Assessed Property was also required by the Assessment Ordinance and the Special Act.

4. Tammy Peters is the Office Manager for GSG. GSG has caused the additional mailed notices required by Section 2.05 of the Assessment Ordinance to be prepared in conformance with the Preliminary Rate Resolution. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

5. On or before August 21, 2018, GSG caused the mailing of the above-referenced notices in accordance with Sections 2.05 of the Assessment Ordinance and the Preliminary Rate Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Palm Beach County Property Appraiser for the purpose of the collection of ad valorem taxes.

FURTHER AFFIANTS SAYETH NOT.


Lori LaVerriere, affiant

Tammy Peters, affiant

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 31 day of August, 2018 by Lori LaVerriere, City Manager, City of Boynton Beach, Florida. She is personally known to me or has produced _____ as identification and did take an oath.



Tammy L. Stanzione
Printed Name: Tammy L. Stanzione
Notary Public, State of Florida
At Large
My Commission Expires: 3-25-19
Commission No.: FF 213683

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 23rd day of August, 2018 by Tammy Peters, Office Manager, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced _____ as identification and did take an oath.

Sarah Ion Blalock
Printed Name: Sarah Ion Blalock
Notary Public, State of Florida
At Large
My Commission Expires: 5/30/21
Commission No.: GG 109172



City of Boynton Beach
P.O. Box 310
Boynton Beach, FL 33425-0310

CITY OF BOYNTON BEACH, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR COLLECTION OF FIRE RESCUE
NON-AD VALOREM ASSESSMENTS
NOTICE DATE: AUGUST 21, 2018

LUCHEY ANDREW JR &
LUCHEY GAIL
8517 ESTATES DR
WEST PALM BEACH FL 33411-6537

Parcel Tax ID: 08434533000001090
Sequence Number: BBF-0015
Legal: 33-45-43, W 60 FT OF E 500 FT
OF N

***** NOTICE TO PROPERTY OWNER *****

As required by Section 197.3632, Florida Statutes, and City Ordinance No. 08-017 notice is given by the City of Boynton Beach that an annual assessment for fire rescue services using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2018 - September 30, 2019. The City has levied a fire rescue special assessment since 2001 pursuant to Ordinance No. 01-34, as amended, which Ordinance sunset on September 30, 2008. The City then adopted Ordinance No. 08-017 to provide for reenactment of the fire rescue special assessment within the City commencing with the 2008-2009 fiscal year. The purpose of this assessment is to fund fire rescue services benefiting improved property located within the City of Boynton Beach. The total annual fire rescue assessment revenue to be collected within the City of Boynton Beach is estimated to be \$8,205,584. The annual fire rescue assessment is based on the classification of each parcel of property and number of billing units contained therein.

Category	Type and Number of Billing Units	Fiscal Year 18-19 Assessment
Residential Building	5 Dwelling Units	\$600.00
Total Assessment		\$600.00

The maximum annual fire rescue services assessment that can be imposed without further notice for the above parcel for Fiscal Year 2018-19 and future fiscal years is \$600.00.

A public hearing will be held at 6:00 p.m. on September 11, 2018, at the Intracoastal Park Clubhouse, 2240 N Federal Highway, Boynton Beach, Florida for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, 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 City Clerk's office at (561) 742-6060, at least three 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 City Commission 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.

Copies of the Fire Rescue Assessment Ordinance, the Initial Assessment Resolution, the Preliminary Rate Resolution, and the preliminary assessment roll are available for inspection at the City Clerk's office, currently located at 100 East Boynton Beach Boulevard, Boynton Beach, Florida. Note that the City Clerk's Office is scheduled to relocate on or about August 26, 2018, to 3301 Quantum Boulevard, Boynton Beach, Florida, 33426. If you wish to inspect these documents, it is recommended that you call the City Clerk's Office at (561) 742-6060 in advance to confirm the location of the City Clerk's Office on the date you wish to inspect.

Pursuant to Chapter 92-264, Laws of Florida, as amended by Chapter 2003-348, Laws of Florida, a special act relating to the County, notice of the fire rescue assessment imposed by the City shall also be included by the Property Appraiser as part of the notice of proposed property taxes under Section 200.069, Florida Statutes, the truth-in-millage notification.

Both the fire rescue non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your fire rescue service assessment, please contact the Finance Department at (561) 742-6310, Monday through Friday between 8:00 a.m. and 5:00 p.m.

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



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

REQUESTED ACTION BY COMMISSION:

PROPOSED ORDINANCE NO. 18-023 - FIRST READING - Approve NE 1st Avenue Abandonment (ABAN 18-003) abandoning the improved 45 foot wide right-of-way running east / west from NE 1st Street, for a distance of approximately 588.02' feet, to Seacrest Boulevard. Applicant: City of Boynton Beach

EXPLANATION OF REQUEST: Request for abandonment of the improved 45 foot wide right-of-way running east / west from NE 1st Street, for a distance of approximately 588.02' feet, to Seacrest Boulevard (ABAN 18-003). See accompanying staff report and attachments for additional explanation of this Town Square-related application. Applicant: City of Boynton Beach.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?

N/A

FISCAL IMPACT: The abandonment of NE 1 Avenue will allow ultimate development of such property and a portion of said property to be added to the tax roll.

ALTERNATIVES: None recommended.

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION: N/A

CLIMATE ACTION:

CLIMATE ACTION DISCUSSION: N/A

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Staff Report	Staff Report (ABAN 18-003)
▣ Location Map	Exhibit A - Location Map
▣ Drawings	Legal, Survey, & Criteria
▣ Letter	Applicant Responce to Crieria
▣ Conditions of Approval	Exhibit C - Conditions of Approval

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ORDINANCE NO. 18-

AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA, AUTHORIZING ABANDONMENT OF A PORTION OF NORTHEAST 1ST AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO STAFF COMMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE A DISCLAIMER, WHICH SHALL BE RECORDED WITH THIS ORDINANCE IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Boynton Beach as Applicant, is requesting to abandon a 45-foot wide strip of land lying within a portion of NE 1st Avenue, subject to staff comments; and

WHEREAS, comments have been solicited from the appropriate City Departments, and public hearings have been held before the City's Planning & Development Board, and the City Commission on the proposed abandonments; and

WHEREAS, staff has determined that the subject 45-foot wide strip of land lying within a portion of NE 1st Avenue requested to be abandoned does not adversely impact traffic, or affect other adjacent property owners and therefore no longer serves a public purpose, and the City Commission adopts that finding.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA THAT:

Section 1. The foregoing Whereas clauses are true and correct and incorporated herein by this reference.

Section 2. The City Commission of the City of Boynton Beach, Florida, does hereby abandon a 45-foot wide strip of land lying within a portion of NE 1st Avenue, subject to staff comments. The property being abandoned is more particularly described as follows:

A 45.00 FOOT WIDE STRIP OF LAND LYING WITHIN A PORTION OF NE 1ST AVENUE (FORMERLY KNOWN AS POINCIANA STREET) AS SHOWN ON THE PLAT OF BOYNTON CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 12 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF SAID PLAT OF BOYNTON CENTER; THENCE SOUTH 01°22'45" EAST (AS A BASIS OF BEARINGS) ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 2, A DISTANCE OF 45.01 FEET TO A POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF NE 1ST AVENUE (FORMERLY KNOWN AS POINCIANA STREET), SAID SOUTH LINE ALSO BEING THE NORTH LINE OF LOTS 1 THROUGH 6, BLOCK 14 OF THE PLAT OF SAWYER'S ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH

89°44'11" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 586.97 FEET TO A POINT BEING ON THE EAST RIGHT OF WAY LINE OF SEACREST BOULEVARD (FORMERLY KNOWN AS GREEN STREET), ACCORDING TO ROAD PLAT BOOK 5, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 02°43'09" WEST, A DISTANCE OF 45.04 FEET TO A POINT BEING ON THE NORTH RIGHT OF WAY LINE OF NE 1ST STREET (FORMERLY KNOWN AS POINCIANA STREET), SAID NORTH LINE ALSO BEING THE SOUTH LINE OF LOTS 2 AND 16 THOUGH 25, ACCORDING TO SAID PLAT OF BOYNTON CENTER; THENCE NORTH 89°44'11" EAST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 588.02 FEET TO THE POINT OF BEGINNING.
SAID LANDS SITUATE, LYING AND BEING SECTION 28, TOWNSHIP 45 SOUTH, RANGE 43 EAST, CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA.
CONTAINING 26,437 SQUARE FEET MORE OR LESS.

Section 3. The City Manager is hereby authorized and directed to execute the attached Disclaimer and cause the same to be filed, with this Ordinance, in the Public Records of Palm Beach County, Florida.

Section 4. This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of _____, 2018.

SECOND, FINAL READING AND PASSAGE this ____ day of _____, 2018.

CITY OF BOYNTON BEACH, FLORIDA

YES NO

Mayor – Steven B. Grant

Vice Mayor – Christina L. Romelus

Commissioner – Mack McCray

Commissioner – Justin Katz

Commissioner – Joe Casello

VOTE

ATTEST:

Judith A. Pyle, CMC
City Clerk

(Corporate Seal)

DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that The City Commission of the City of Boynton Beach, Florida, does hereby abandon a 45-foot wide strip of land lying within a portion of NE 1st Avenue, subject to staff comments. The property being abandoned is more particularly described as follows:

A 45.00 FOOT WIDE STRIP OF LAND LYING WITHIN A PORTION OF NE 1ST AVENUE (FORMERLY KNOWN AS POINCIANA STREET) AS SHOWN ON THE PLAT OF BOYNTON CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 12 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID LANDS SITUATE, LYING AND BEING SECTION 28, TOWNSHIP 45 SOUTH, RANGE 43 EAST, CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA.
CONTAINING 26,437 SQUARE FEET MORE OR LESS.

IN WITNESS WHEREOF, the duly authorized officers of the City of Boynton Beach, Florida, have hereunto set their hands and affixed the seal of the City this ____ day of _____, 2018.

ATTEST:

CITY OF BOYNTON BEACH, FLORIDA

Judith A. Pyle, CMC
City Clerk

Lori LaVerriere, City Manager

STATE OF FLORIDA)
)ss:
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, personally appeared Lori LaVerriere and

Judith A. Pyle, CMC, City Manager and City Clerk respectively, of the City of Boynton Beach, Florida, known to me to be the persons described in and who executed the foregoing instrument, and acknowledged the execution thereof to be their free hand and deed as such officers, for the uses and purposes mentioned therein; that they affixed thereto the official seal of said corporation; and that said instrument is the act and deed of said corporation.

WITNESS my hand and official seal in the said State and County this _____ day of _____, 2018.

NOTARY PUBLIC, State of Florida
My Commission Expires:

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 18-071**

TO: Chair and Members
Planning & Development Board

FROM: Michael Rumpf
Development Director

DATE: September 7, 2018

SUBJECT: Request for abandonment of the improved 45 foot wide right-of-way running east / west from NE 1st Street, for a distance of approximately 588.02' feet, to Seacrest Boulevard (ABAN 18-003). Applicant: City of Boynton Beach.

BACKGROUND

The City of Boynton Beach is requesting to abandon (ABAN 18-003) the improved 45-foot wide right-of-way extending east / west from NE 1st Avenue, for a distance of approximately 588.02 feet, to Seacrest Boulevard (see Exhibit "A" – Location Map). The City is requesting the abandonment in preparation to implement the Town Square Master Plan (LUAR 17-005). For greater detail of the abandonment request, please refer to Exhibit "B" – Legal Description & Sketch.

The abandoned land will be transferred in equal portions to the abutting property owner(s) per State Statute. In this case, the City owns the properties on either side of the abandonment area so the property will be conveyed to the City until such time that the land is platted, conveyed and developed for further implementation of the Town Square Master Plan.

The following is a description of the zoning districts and land uses of the properties that surround the subject alley abandonment request:

North: Portion of the approved Town Square Master Plan with a Land Use classification of Mixed Use Medium and a zoning designation of MU-3 (Mixed Use 3);

South: Portion of the approved Town Square Master Plan with a Land Use classification of Mixed Use Medium and a zoning designation of MU-3 (Mixed Use 3);

East: Right-of-way for NE 1st Street, then farther east developed multifamily with a Land Use classification of Medium Density Residential (MDR) and a zoning designation of R-3 (Multi family)

West: Right-of-way for Seacrest Boulevard, then farther west a developed church and multi family with a Land Use classification of Medium Density Residential (MDR) and a zoning designation of R-3 (Multi family)

ANALYSIS

Owners of properties within 400 feet of the subject site will be mailed a notice of this request and signs posted for the Board hearing and the second reading of the corresponding ordinance and its respective hearing dates. The applicant has certified that they posted signage and mailed notices in accordance with Ordinance No. 04-007. A summary of the responses follows:

CITY DEPARTMENTS/DIVISIONS

Engineering	No objection.
Public Works/Utilities	No objection, with the provision of the necessary easements for the existing or future utilities.
Planning and Zoning	No objection.

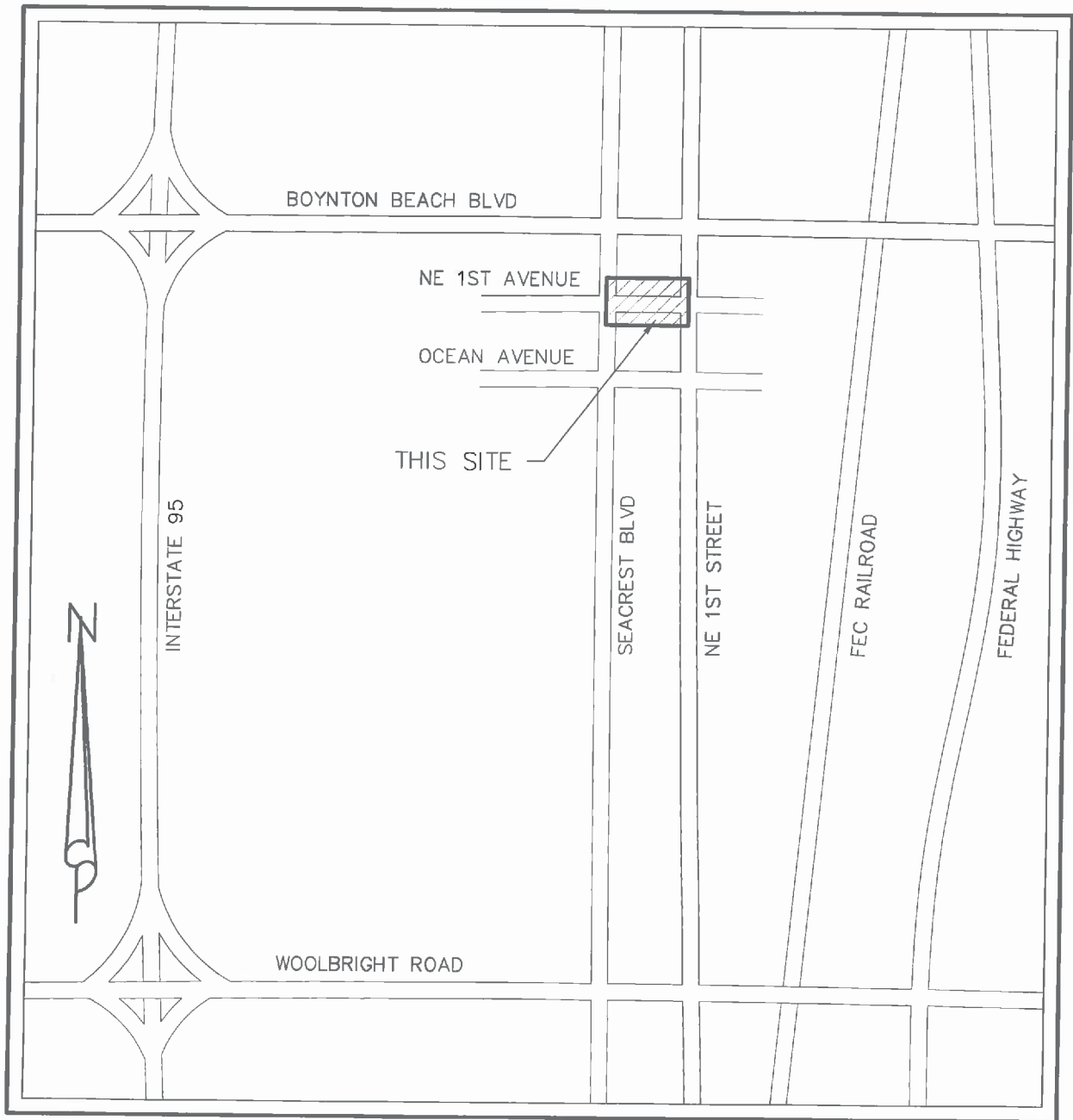
PUBLIC UTILITY COMPANIES

Florida Power and Light	No response received as of the date of this report. If easements and relocation of utilities are necessary they will be at the developer's cost.
AT&T	No response received as of the date of this report. If easements and relocation of utilities are necessary they will be at the developer's cost.
Florida Public Utilities	No response received as of the date of this report.
Comcast	No response received as of the date of this report.
Crown Castle Fiber	No response received as of the date of this report.
Fibernet Direct:	No response received as of the date of this report.
Level 3	No response received as of the date of this report.
Sprint	No response received as of the date of this report.
Hotwire	No response received as of the date of this report.
Strome Networks	No response received as of the date of this report.
Windstream	No response received as of the date of this report.
PBC Traffic Engineering	No response received as of the date of this report.

RECOMMENDATION

Staff has determined that the requested abandonment would not adversely impact traffic or other City functions, and would not adversely impact other adjacent property owners. Based on the above-analysis, staff has determined that the subject alley no longer serves a public purpose other than retention of a utility easement to service City utilities, AT&T and FPL facilities, if warranted and therefore recommends APPROVAL of the applicant's request, subject to the attached conditions. Any conditions requested by the Planning and Development Board or required by the Commission will be placed in Exhibit "C" - Conditions of Approval.

EXHIBIT "A"



LOCATION MAP
NOT TO SCALE

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers

460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
For: THE CITY OF BOYNTON BEACH

DRAWN: MT	SCALE: N/A	DATE: 08/29/18
CHK: DAB	JOB# 18-056 SD 1	SHEET: 2 OF 5

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.

8/31/18
David A. Bower

DAVID A. BOWER
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA
CERTIFICATE NO. LS 5888

DESCRIPTION:

A 45.00 FOOT WIDE STRIP OF LAND LYING WITHIN A PORTION OF NE 1ST AVENUE (FORMERLY KNOWN AS POINCIANNA STREET AS SHOWN ON THE PLAT OF) BOYNTON CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 12 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID LANDS SITUATE, LYING AND BEING SECTION 28, TOWNSHIP 45 SOUTH, RANGE 43 EAST, CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA.

CONTAINING 26,437 SQUARE FEET MORE OR LESS.

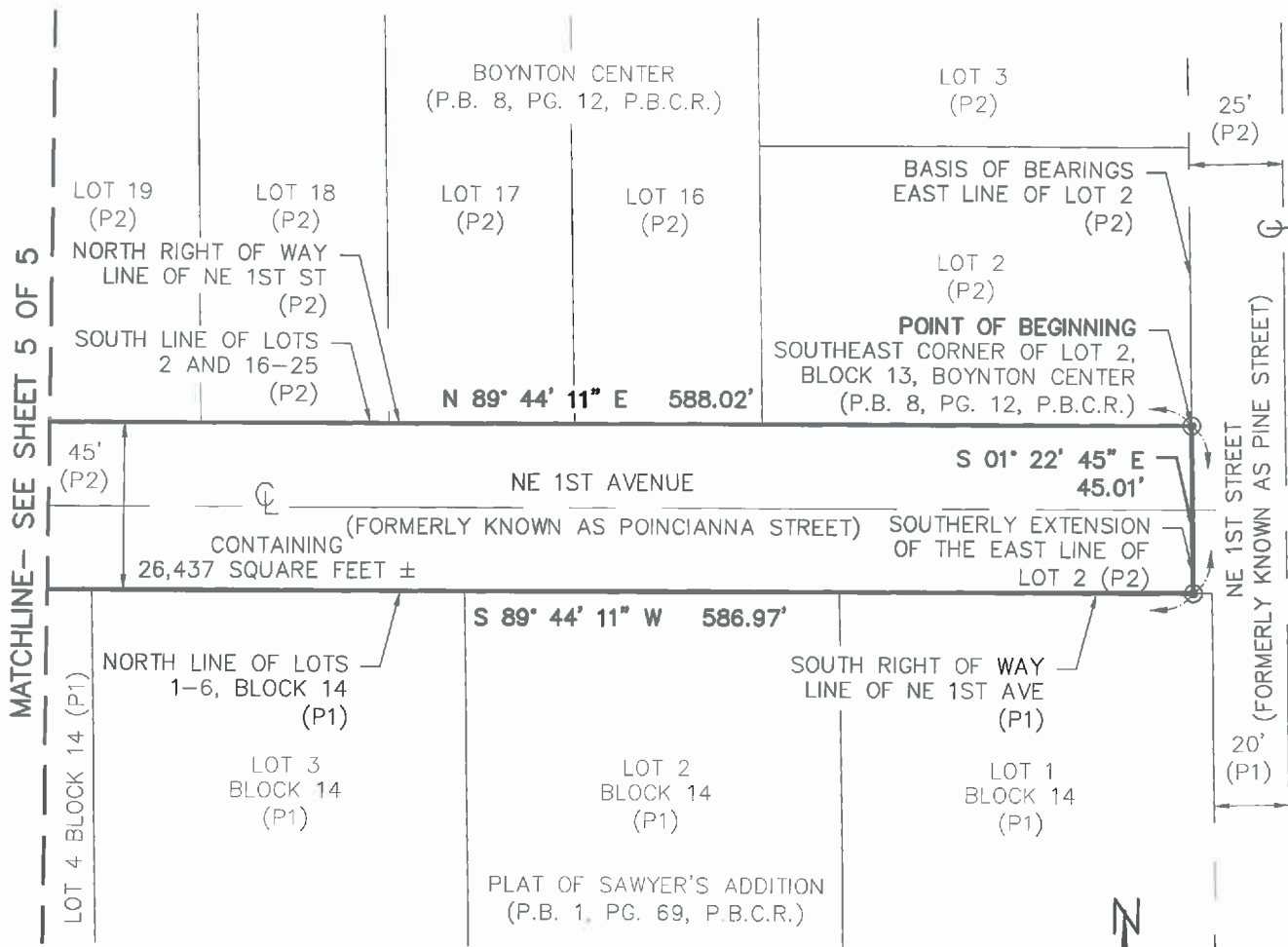
EXHIBIT "B"

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers

460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
For: THE CITY OF BOYNTON BEACH

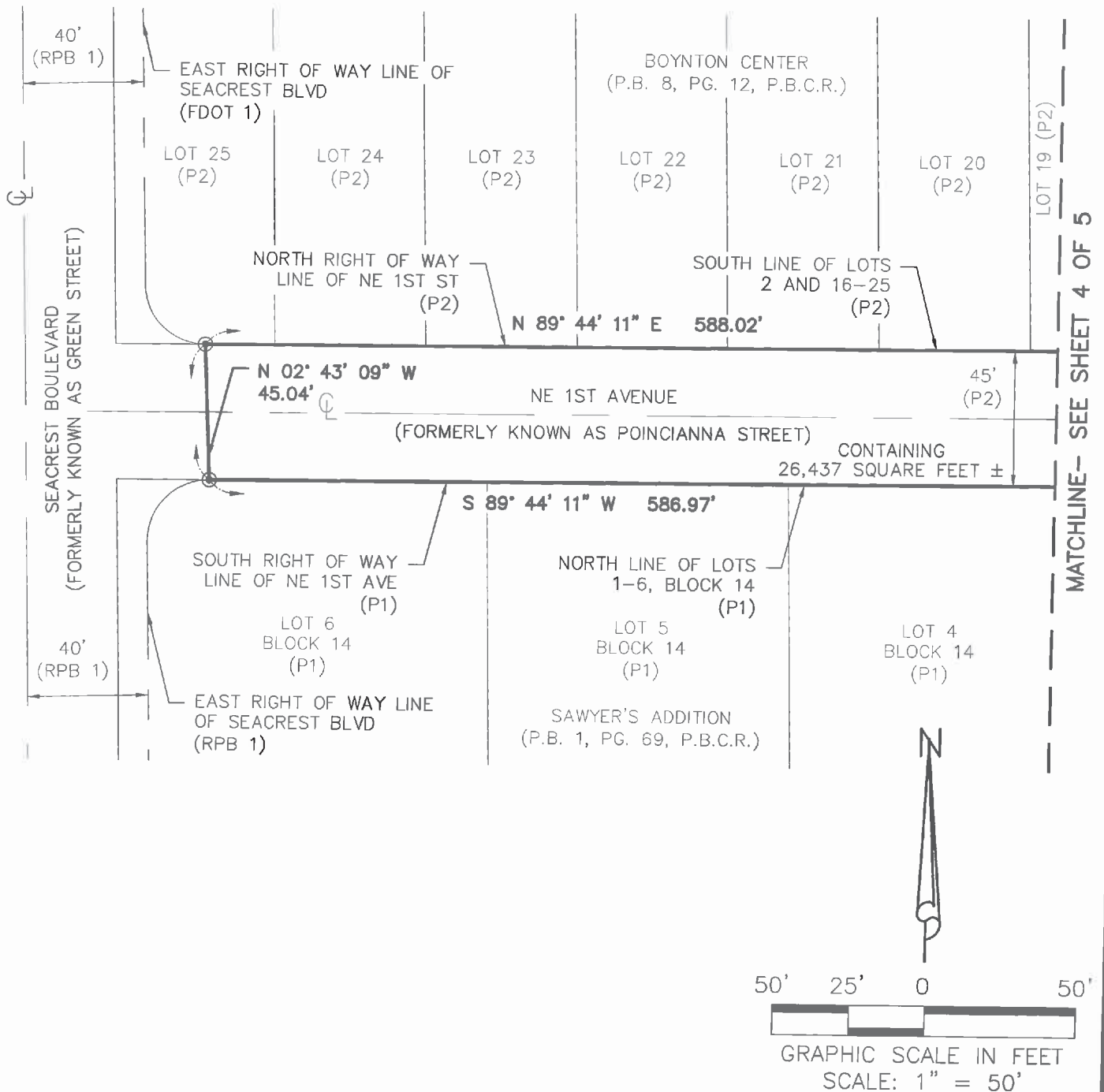
DRAWN: MT	SCALE: N/A	DATE: 08/29/18
CHK: DAB	JOB# 18-056 SD 1	SHEET: 1 OF 5



Dennis J. Leavy & Associates, Inc.
 Land Surveyors * Mappers
 460 Business Park Way * Suite B
 Royal Palm Beach, Florida 33411
 Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
 For: THE CITY OF BOYNTON BEACH

DRAWN: MT	SCALE: 1" = 50'	DATE: 08/29/18
CHK: DAB	JOB# 18-056 SD 1	SHEET: 4 OF 5



Dennis J. Leavy & Associates, Inc.
 Land Surveyors * Mappers
 460 Business Park Way * Suite B
 Royal Palm Beach, Florida 33411
 Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
 For: THE CITY OF BOYNTON BEACH

DRAWN: MT	SCALE: 1" = 50'	DATE: 08/29/18
CHK: DAB	JOB# 18-056 SD 1	SHEET: 5 OF 5

EXHIBIT “B”

NE 1st Avenue Abandonment Request

Application Supplement – Responses to Review Criteria

3. Review Criteria. The vacation and abandonment of a right-of-way, special purpose easement, or other non-fee interest of the city shall be based on a demonstration that the above interest no longer serves a public purpose and there is no encumbrance which would prohibit the clear transfer of ownership of such land. The following review criteria shall be used to justify an application:

a. Access. Does the subject land provide a legal means of access to a lot of record, subdivision, or development? Would the vacation and abandonment cause or result in a permanent stoppage, interruption, or an unacceptable level of service for the subject lot or on neighboring lots, subdivisions, or developments with respect to police, fire, or other emergency services; or solid waste removal?

Response - No interruption of access will take place as the abandoned portion of NE 1st Ave. right-of-way is to be replaced with a platted access right-of-way to be recorded immediately after recording the proposed abandonment. Physical access will be maintained during that recording process and thereafter by construction of Boynton Town Center.

b. Utilities. Does the subject land contain, support, or allow potable water, sanitary sewer, or any other utility (e.g. cable, telephone, electricity, gas, etc.), which would be permanently stopped or interrupted, or cause an unacceptable level of service to the subject lot or neighboring lots, subdivisions, or developments?

Response - The to be abandoned portion of NE 1st Ave right-of-way contains utilities, but no interruption of service will occur. The abandoned right-of-way will be replaced immediately after recording the to be recorded plat which provides additional easements for utilities. Additionally, no physical interruption of utilities will occur prior to utilities replacement.

c. Drainage and Wastewater Management. Does the subject land contain, support, or allow a legal means of drainage or wastewater management for such lot or on neighboring lots, subdivisions, or developments, which would cause or result in a stoppage, interruption, or unacceptable level of service?

Response - No, this abandonment will not result in drainage or wastewater service.

d. Conservation. Does the subject land contain, support, or allow the means for the conservation or preservation of flora or fauna?

Response - No, the abandonment of this portion of NE 1st Ave right-of-way will not compromise conservation or preservation of flora or fauna.

EXHIBIT "C"

CONDITIONS OF APPROVAL

Project Name: NE 1st Avenue (Town Square)
 File number: ABAN 18-003
 Reference: 1st review plans identified as an Abandonment with a September 7, 2018 Planning and Zoning Department date stamp marking.

DEPARTMENTS	INCLUDE	REJECT
ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES		
Comments: None.		
FIRE		
Comments: None.		
POLICE		
Comments: None.		
BUILDING DIVISION		
Comments: None.		
PARKS AND RECREATION		
Comments: None.		
PLANNING AND ZONING		
Comments:		
1. Any conditions of approval from the various utility companies requiring new or revised easements and developer relocation of their facilities will be required to be addressed prior to issuance of a building permit.	X	
COMMUNITY REDEVELOPMENT AGENCY		
Comments: None.		

DEPARTMENTS	INCLUDE	REJECT
PLANNING & DEVELOPMENT BOARD CONDITIONS		
Comments: To be determined.		
CITY COMMISSION CONDITIONS		
Comments: To be determined.		

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