

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 8, 2008 Consent Regular
 Workshop Public Hearing

Department:
 Submitted By: Engineering & Public Works
 Submitted For: Streetscape Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) A Financial Assistance Agreement with Baywinds Community Association, Inc. (Association), to provide reimbursement funding not to exceed \$150,000.
- B) A Budget Transfer of \$150,000 in the Transportation Improvement Fund from Reserve for District 2 to Acreage Access Road beautification from 1,100 feet north of Okeechobee Boulevard to 2,300 feet north of Okeechobee Boulevard.

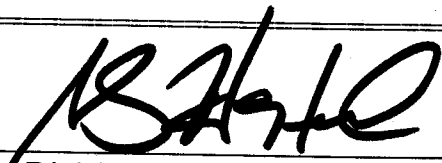
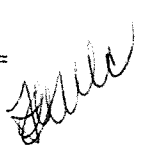
SUMMARY: This item provides funding in an amount up to \$150,000 for the Association's installation of beautification adjacent to (within 25 feet of and visible from) Acreage Access Road right of way on Association property. After the installation, the Association will be responsible for perpetual maintenance of the beautification improvements.

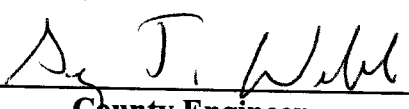
District 2 (MRE)

Background and Justification: This project is deemed to be eligible for gas tax funding, and will enhance the appearance of this public roadway. The District 2 Commissioner has agreed to the use of District 2 Reserves for this purpose.

Attachments:

- 1. Location Sketch
- 2. Insurance Certificate
- 3. Commissioner Authorization
- 4. Agreements (2) with Exhibit "A"
- 5. Budget Transfer

Recommended By:  6/6/08 
 Division Director Date

Approved By:  6/11/08
 County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2008 | 2009 | 2010 | 2011 | 2012 |
|--------------------------|------------------|------------|------------|------------|------------|
| Grant Expenditures | \$150,000 | -0- | -0- | -0- | -0- |
| Operating Costs | -0- | -0- | -0- | -0- | -0- |
| External Revenues | -0- | -0- | -0- | -0- | -0- |
| Program Income (County) | -0- | -0- | -0- | -0- | -0- |
| In-Kind Match (County) | -0- | -0- | -0- | -0- | -0- |
| NET FISCAL IMPACT | \$150,000 | -0- | -0- | -0- | -0- |

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No X
 Budget Acct No.: Fund__ Dept__ Unit__ Object__
 Program

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Transportation Improvement Fund
 Reserve for District 2
 Acreage Access Rd Beaut/1,100' N of Okeechobee to 2,300' N

C. Departmental Fiscal Review: _____ *[Signature]*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 6-13-08
 OFMB
 SW 4/17/08 CN 6/24/08

[Signature] 6/16/08
 Contract Dev. and Control
 G. Jones 6/16/08

B. Approved as to Form and Legal Sufficiency:

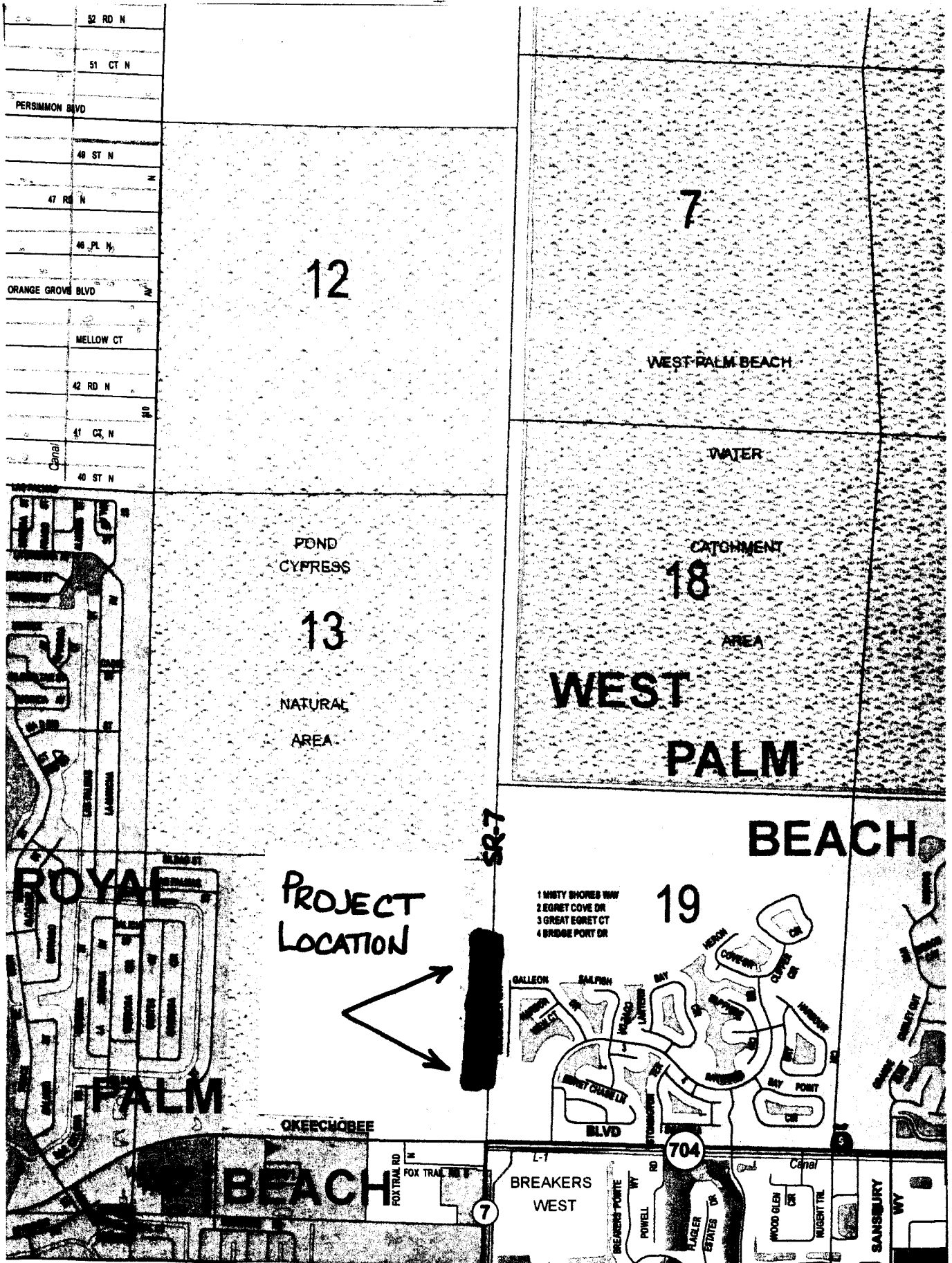
This Contract complies with our contract review requirements.

[Signature] 6/23/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.



LOCATION SKETCH

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/13/2008

PRODUCER (954)315-5000 FAX (954)315-5050
Corporate Insurance Advisors, LLC
100 NE 3rd Avenue
Suite 610
Ft. Lauderdale, FL 33301

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED Baywinds Community Association
DBA: Castle Management Group
5200 Baywinds Drive
West Palm Beach, FL 33411

| INSURERS AFFORDING COVERAGE | NAIC # |
|--|--------|
| INSURER A: Philadelphia Insurance Co. | |
| INSURER B: Travelers Insurance Company | |
| INSURER C: | |
| INSURER D: | |
| INSURER E: | |

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR ADD'L LTR INSRD | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS |
|----------------------|--|---------------|----------------------------------|-----------------------------------|--|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | PHPK242530 | 06/29/2007 | 06/29/2008 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | PHPK242530 | 06/29/2007 | 06/29/2008 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| | GARAGE LIABILITY <input type="checkbox"/> ANY AUTO | | | | AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$ |
| A | EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000 | PHUB088094 | 06/29/2007 | 06/29/2008 | EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ GEN AGG \$ 5,000,000 |
| B | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below | | | | WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |
| | OTHER Directors and Officers | 104527421 | 05/04/2007 | 05/04/2008 | Limits 3,000,000 Ded 15,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Re: 5200 Baywinds Dr., West Palm Beach, FL 33411. Buyer:

A. Crime: #PHPK242530 eff- 06/29/2007-08 Limits 250,000 Ded 2,500

Total Units 1,039
Townhouses

CERTIFICATE HOLDER

Palm Beach County
PO Box 21229
West Palm Beach, FL 33416

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Mark Schwartz/LOURFL

Mark R. Schwartz

ACORD 25 (2001/08)

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ATTACHMENT # 2

ATTACHMENT#:

From: Kim Ciklin
To: Andrew Hertel, Owen Miley, Robert Ward
Date: 5/13/08 9:36 AM
Subject: Baywinds /SR 7 Buffer

This will serve as Commissioner Koons' authorization to transfer \$150,000 from the District 2 Transportation Improvement Funds to the Baywinds Buffer project (as earmarked in 2006).

Thank you.

ATTACHMENT # 3

FINANCIAL ASSISTANCE AGREEMENT WITH BAYWINDS COMMUNITY ASSOCIATION, INC., FOR BEAUTIFICATION ALONG ACREAGE ACCESS ROAD

THIS AGREEMENT is made and entered into this _____ day of _____, 2008, by and between BAYWINDS COMMUNITY ASSOCIATION, INC., a not-for-profit corporation of the State of Florida (Federal I.D. No.650963619), hereinafter "ASSOCIATION", and PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter "COUNTY".

WITNESSETH:

WHEREAS, ASSOCIATION wishes to install beautification on ASSOCIATION property, along (within 25 feet of and visible from) the east side of the right of way for Acreage Access Road, from approximately 1,100 feet north of Okeechobee Boulevard to approximately 2,300 feet north of Okeechobee Boulevard (a distance of approximately 1,200 feet), hereinafter "IMPROVEMENTS"; and

WHEREAS, COUNTY believes that these efforts by ASSOCIATION serve a public purpose in the enhancement of the appearance of the right of way and wishes to support ASSOCIATION's efforts to install the IMPROVEMENTS by providing reimbursement funding from Board of County Commissioners Reserve for District 2, in an amount not to exceed ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$150,000.00); and

WHEREAS, after installation, ASSOCIATION will be responsible for the perpetual maintenance of the IMPROVEMENTS.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties agree as follows:

- 1. The above recitals are true, correct and are incorporated herein.**
- 2. COUNTY agrees to provide to ASSOCIATION reimbursement funding from Board of County Commissioners Reserve for District 2, in an amount not to exceed ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$150,000.00).**