

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: January 12, 2010	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

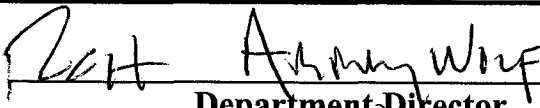
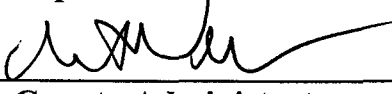
Motion and Title: Staff recommends motion to approve: First Amendment to Temporary Construction Easement in favor of the City of Boynton Beach for the installation of a sewer force main within the County's Caloosa Park.

Summary: The County's Caloosa Park is located south of Woolbright Road on the east side of Congress Avenue in Boynton Beach. On January 13, 2009 the County approved a Temporary Construction Easement (TCE) (R2009-0097) in favor of the City of Boynton Beach to install a sewer force main on the eastern portion of the Park property. The term of the TCE was for a period of one (1) year and will expire on January 13, 2010. Due to unforeseen project development and funding issues, the project has been delayed. The City is therefore requesting an extension of the Temporary Construction Easement until July 13, 2011, which should provide ample time to work through all construction issues and complete the project. In Exchange for granting the easements to the City at no charge, the City has extended its reclaim waterline to the Park boundary and will allow the County to connect without charge. The City will also install a new landscape buffer along the western boundary of the easement. Except for extension of the expiration date, all terms and conditions of the TCE shall remain in full force and effect. **(PREM) District 3 (HJF)**

Background and Justification: In January 2009 the County entered into an Interlocal Agreement, and granted the City a Utility Easement and TCE for the installation of a force main to improve sanitary sewer services within the City. In return, the City has agreed to remove exotic vegetation from the easement area and extend a reclaimed water line to the Caloosa Park boundary. The City was expecting to complete installation of the force main within the one (1) year time frame originally set forth in the Temporary Construction Easement. However, due to unforeseen development and funding issues, bidding for construction of the project was delayed. Bidding has now been completed by the City and a construction contract has been awarded. Project construction is now anticipated to begin in the first quarter of 2010 and is expected to be completed by July 13, 2011. An extension of the Temporary Construction Easement expiration date to July 13, 2011 should give sufficient time to complete construction of the force main.

Attachments:

1. Location Map
2. First Amendment to Temporary Construction Easement

Recommended By:	 Department Director	12/11/09 Date
Approved By:	 County Administrator	12/18/09 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____

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

No Fiscal Impact.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Jim D. L. 12-21-09
OFMB 12/18/09
PM 12-17-09

Dir. J. Jacobson 12/19/09
Contract Development and Control
The Amendment to the Easement
Complies with our review
requirements. At the time of
our review, it was not
extended.

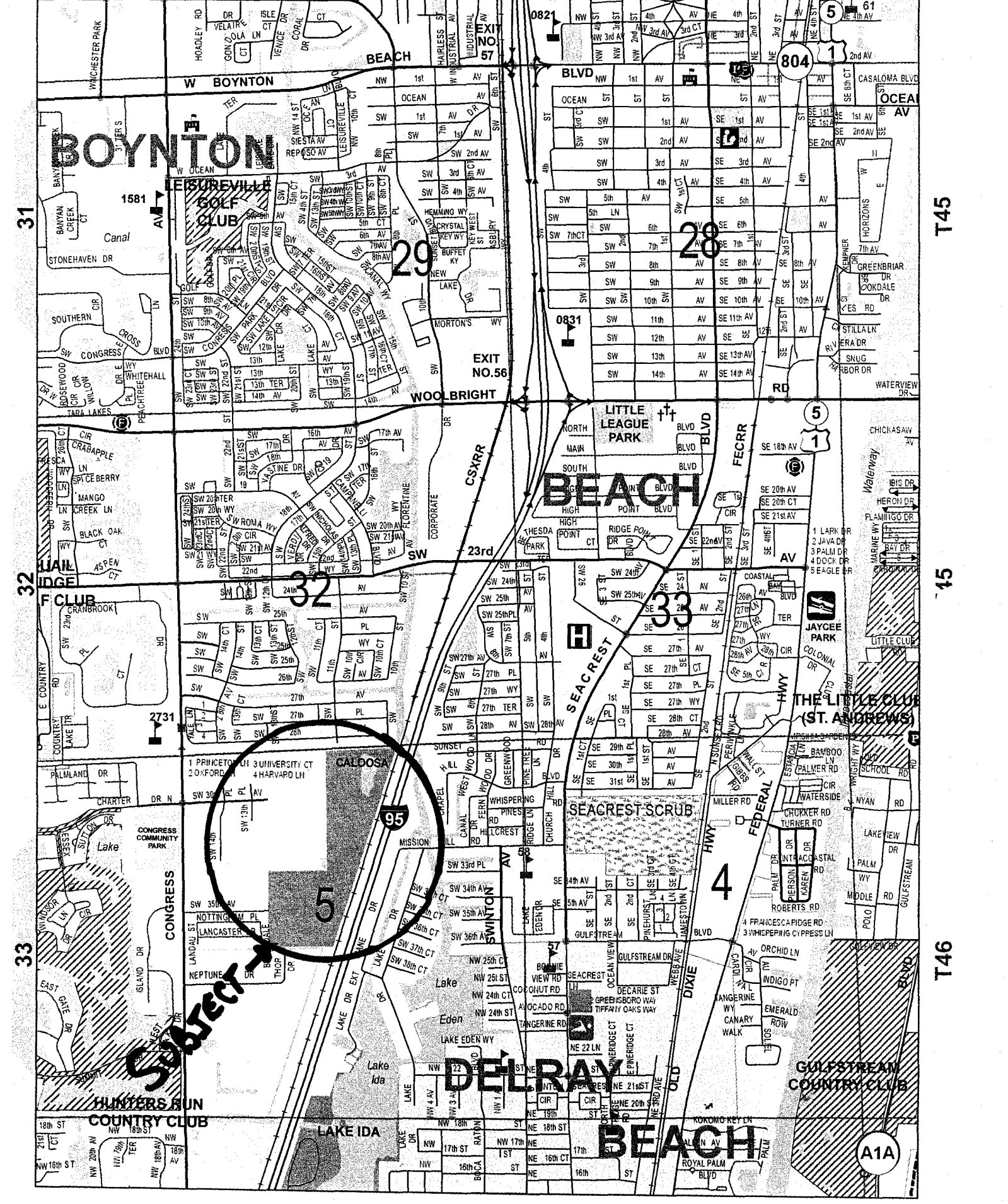
B. Legal Sufficiency:

K. J. L. 12/23/09
Assistant County Attorney

C. Other Department Review:

Department Director

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



LOCATION MAP

ATTACHMENT # 1

Prepared by & Return to:
Peter Banting
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 08-43-46-05-00-000-3010
08-43-46-05-00-000-3040

FIRST AMENDMENT TO TEMPORARY CONSTRUCTION EASEMENT

THIS FIRST AMENDMENT TO TEMPORARY CONSTRUCTION EASEMENT ("First Amendment") made _____ by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County") whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401- 4791, and **CITY OF BOYNTON BEACH**, a municipal corporation of the State of Florida, whose mailing address is 100 East Boynton Beach Boulevard, Boynton Beach, Florida 33435-7934 ("Grantee").

RECITALS

Whereas, County granted Grantee a Temporary Construction Easement on January 13, 2009 (R2009-0097) (the "Easement"); and

Whereas, County and Grantee wish to amend the Easement to extend the termination date.

WITNESSETH:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Easement.
2. The Easement is hereby modified to provide that the rights granted pursuant to the Easement shall expire and the Easement shall automatically terminate upon the earlier of Grantee's completion of the Project or the date of July 13, 2011. Notwithstanding such automatic termination, Grantee shall promptly deliver to County a Release of Easement, in a form satisfactory to County, upon completion of the Project, if so requested by County.

3. Except as modified by this First Amendment, the Easement remains unmodified and in full force and effect and the parties hereby ratify, confirm, and adopt the Easement, as amended, in accordance with the terms thereof.
4. This Easement is expressly contingent upon the approval of the Palm Beach County Board of County Commissioners, and shall become effective only when signed by all parties and approved by the Palm Beach County Board of County Commissioners.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the day and year first above written.

Signed, sealed, and delivered in the presence of:

ATTEST:

GRANTEE:

**CITY OF BOYNTON BEACH, a Florida
municipal corporation organized and
existing under the laws of the State of Florida**

By: _____
City Clerk

By: _____
Mayor

Witness Signature

Witness Name Printed

Witness Signature

Witness Name Printed

APPROVED AS TO FORM

By: _____
City Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this day of _____,
20 __, by _____, the _____, of _____,
a _____ (_____) who is personally known to me OR (_____) who
has produced _____ as identification and who (____) did (_____)
did not take a oath.

(Notary Seal)

Notary Public, State of Florida

Type, print or stamp name

Commission Number: _____
My Commission Expires: _____

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

County:

**PALM BEACH COUNTY, a
political subdivision of the State of
Florida**

By: _____
Chair

**APPROVED AS TO TERMS
AND CONDITIONS**

By: _____
Department Director