

REVISED

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

Agenda Item #:

4-B

Meeting Date: June 18, 2013

Consent Regular
 Workshop Public Hearing

Department:

Submitted By: Engineering & Public Works

Submitted For: Roadway Production Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) Approve Road Program Findings of Fact (per Article 12.M.3.B of the Unified Land Development Code) affirming that the deletion of a construction project will not result in any Link or Intersection on the road network operating at greater than the Adopted LOS (level of service), and that no project which was approved and phased based upon such assured construction would be denied building permits because of the deletion of the construction. Central Boulevard and Indiantown Road meets this criteria for deletion; and
- B) Adopt an Ordinance to amend Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program (Program); providing for title; purpose; adoption of revised program and revised list of projects contained in Exhibit "A"; implementation of the program; modification of the program; funding of other roadway improvements; interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the code of laws and ordinances; and effective date.

SUMMARY: In accordance with Article 12.M.3.B of the Unified Land Development Code, and prior to the deletion of any construction project from Palm Beach County's (County) Program, the Board of County Commissioner's (Board) must determine that the Findings of Fact have been made. See Attachment "1".

Since the development and adoption of the County's Program on December 18, 2012, the progress and evolution of current and near term projects has continued to be monitored. Traffic counts, costs and revenues have been updated. Revisions are being proposed to modify the Program to reflect this updated information.

A Mid Year Ordinance Amendment with a Preliminary Reading and a Public Hearing is required in order to accomplish this. On June 4, 2013, the Board approved this Amendment on Preliminary Reading and authorized advertisement for today's Public Hearing for final adoption. Countywide (MRE)

Background and Policy Issues: The adoption of this Mid Year Ordinance to the County's Program is consistent with the Board's general direction.

Attachment:

- 1. Findings of Fact Inter-Office Memo for deletion of Five Year Road Program Construction projects.
- 2. Ordinance with Exhibit "A"

Recommended By: Donna A. Fernandez 6/12/13 [Signature]
Division Director Date

Approved By: A. J. Webb 6/12/13
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	<u>\$22.2M</u>	<u>\$45.5M</u>	<u>\$34.7M</u>	<u>\$18.6M</u>	<u>\$142.0M</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>(\$28.8M)</u>	<u>(\$46.3M)</u>	<u>(\$35.0M)</u>	<u>(\$20.5M)</u>	<u>(\$143.0M)</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>(\$ 6.6M)</u>	<u>(\$ 0.8M)</u>	<u>(\$ 0.3M)</u>	<u>(\$ 1.9M)</u>	<u>(\$ 1.0M)</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund__ Dept.__ Unit__ Object
Program

Recommended Sources of Funds/Summary of Fiscal Impact:

The Five Year Road Program is funded from Gasoline Taxes and Impact Fees, including the interest on these two sources of funds, as well as Grants and Developer Contributions.

C. Departmental Fiscal Review: Alicia Kovalainen

III. REVIEW COMMENTS

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

[Signature]
OFMB
6/10/2013
6/10/13 4/10

[Signature]
Contract Dev. and Control
6-18-13 B12 heath

B. Approved as to Form and Legal Sufficiency:

Paul F. [Signature]
Assistant County Attorney
6/17/13

C. Other Department Review:

Department Director

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



INTEROFFICE MEMORANDUM

DATE: June 5, 2013

TO: Commissioner Steven L. Abrams, Mayor &
The Board of County Commissioners

THRU: George T. Webb, P.E. *G. T. Webb*
County Engineer

THRU: Tanya N. McConnell, P.E. *T. N. McConnell*
Deputy County Engineer

FROM: Omelio A. Fernandez, P.E., Director *Omelio A. Fernandez*
Roadway Production Division

RE: **ROAD PROGRAM MID-YEAR ADJUSTMENT
PUBLIC HEARING – JUNE 18, 2013
FINDINGS OF FACT**

Per Article 12.M.3.B of the Unified Land Development Code, prior to approving the deletion of any construction project from the County's Five-Year Road Program, the BCC must find:

- 1) That the deletion of the construction Project will not result in any Link or intersection on the road network operating at greater than the Adopted LOS as defined in this Article if such Link would not have operated at greater than the Adopted LOS as defined in this Article had the Project been constructed as originally programmed in the adopted Five-Year Road Program; and
- 2) That no Project which was approved and phased based upon such Assured Construction would be denied Building Permits because of the deletion of the construction.

If both findings can be made, then the construction Project may be eliminated by a majority vote except, if the Project is in the current fiscal year, in which case a majority plus one vote is required.

If only the second finding can be made, then a Project not in the current fiscal year could be deleted by a majority plus one vote.

However, in no case may a Project be deleted when the second finding cannot be made. Note that Article 12.B.2.F.2 of the ULDC also addresses the question of deletion of a construction project from the PBC Five Year Road Program Ordinance to which a Project was approved and phased. This section states that, "Building Permits for development that was phased to that Assured construction shall be issued, but not sooner than the end of the fiscal year construction was to commence."



Article 12.M.3.A of the Unified Land Development Code defines "deletion of a construction Project" as "the elimination of the construction Project, the failure to let a road construction contract, the removal of or failure to establish funding of the construction Project, the material reduction in the scope of work or funding (as it affects the construction Project), or the postponement of the construction Project in the Five-Year Road Program for more than two years beyond the year the construction was originally programmed in the 1988-92 Five-Year Road Program or in the Five-Year Road Program in which the construction was first added after 1987."

One project in the proposed mid-year adjustment to the 5-year road program meets this definition. In order to assist the BCC in making the determination regarding Findings 1 and 2 for this project, the following substantial competent evidence has been provided:

Central Boulevard and Indiantown Road Intersection Improvements:

Construction of intersection improvements is currently scheduled for FY 2017. Construction of the project has been removed completely from the proposed program.

Finding 1

The 2012 peak season critical sum for this intersection is 1,189 which corresponds to LOS C. Because the intersection is currently operating within the Adopted LOS, Finding 1 is met.

Finding 2

There are no development projects which are phased to this construction. Finding 2 is met.

Because both findings can be made and the project is not in the current fiscal year, a majority vote is required.

GTW:OAF:DW:glk

- CC: Steve Carrier, P.E., Assistant County Engineer
Marlene Everitt, Assistant County Attorney
Morton Rose, P.E., Asst. Director, Roadway Production Div.
David Young, P.E., Special Projects Manager, Roadway Production Div.
Dan Weisberg, P.E., Director, Traffic Division

F:\ROADWAY\OME\FIVE_YEAR_ROAD_PROGRAM_MEMOS\2013_Mid_Year\Findings_Of_Fact_06052013.Docx

**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

- Steven L. Abrams, Mayor
Priscilla A. Taylor, Vice Mayor
Hal R. Valeche
Paulette Burdick
Shelley Vana
Mary Lou Berger
Jess R. Santamaria

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM - EXHIBIT A

Mid-Year Adjustment - Public Hearing - June 18, 2013

	FY 2013 BUDGETED	FY 2013 ESTIMATED	FY 2014 PROJECTED	FY 2015 PROJECTED	FY 2016 PROJECTED	FY 2017 PROJECTED	TOTAL PROJECTED
Local Option Gas Taxes Total	46,280,000	45,653,000	46,565,000	46,565,000	46,565,000	46,565,000	231,913,000
LESS Mass Transit (Palm Tran) Share	(32,176,500)	(32,020,000)	(32,264,000)	(32,264,000)	(32,264,000)	(32,264,000)	(161,076,000)
LESS Engineering Operating (Road Maintenance and Streetscape)	(4,644,000)	(4,283,000)	(4,764,000)	(4,764,000)	(4,764,000)	(4,764,000)	(23,339,000)
REMAINING ROAD PROGRAM ALLOCATION	9,459,500	9,350,000	9,537,000	9,537,000	9,537,000	9,537,000	47,498,000
LESS 5% STATUTORY RESERVES	(472,975)	0	(476,850)	(476,850)	(476,850)	(476,850)	(1,907,400)
OCEAN AVENUE LOAN REPAYMENT	(1,029,000)	(1,029,000)	(1,029,000)	(1,029,000)	(1,029,000)	(1,029,000)	(5,145,000)
GAS TAX AVAILABLE FOR NEW ALLOCATIONS	7,957,525	8,321,000	8,031,150	8,031,150	8,031,150	8,031,150	40,445,600
INTEREST EARNINGS	716,177	748,890	722,804	722,804	722,804	722,804	3,640,104
BOND PROCEEDS	0	0	0	0	0	80,000,000	80,000,000
MISCELLANEOUS	100,000	1,100,000 A	397,000 B	1,486,000 C	8,250,000 D	0	11,233,000
IMPACT FEES USED FOR PROJECTS	19,546,000	14,598,000	16,487,000	17,067,000	3,110,000	51,396,000	102,658,000
TOTAL CURRENT REVENUES	28,319,702	24,767,890	25,637,954	27,306,954	20,113,954	140,149,954	237,976,704
BALANCES FORWARD	4,037,418	4,037,418	6,650,308	763,262	335,215	1,874,169	4,037,418
CARRY FORWARD	5,000,000	0	14,000,000	7,000,000	0	1,000,000	22,000,000
TOTAL REVENUES	37,357,120	28,805,308	46,288,262	35,070,215	20,449,169	143,024,122	264,014,122
PROJECT COSTS AS PROPOSED	34,505,000	22,155,000	45,525,000	34,735,000	18,575,000	142,065,000	263,055,000
REVENUES LESS PROJECT COSTS	2,852,120	6,650,308	763,262	335,215	1,874,169	959,122	959,122

General note on interest projections:

Projections for interest earnings assume that average cash balances will approximate 3.0 times the current year revenue projections at an interest rate of 3% in FY 2013 thru FY 2017.

Interest earnings on gas taxes are shown on this sheet.

Interest earnings on impact fees remain within each impact fee area and are not shown above.

Footnotes:

A FDOT (anticipates CIGP funds) up to \$100,000 for design of Northlake Blvd. and Military Tr. Intersection in FY 2013.

FDOT anticipates agreement in the amount of \$1,000,000 for Donald Ross Rd. and I-95 in FY 2013.

B FDOT (Florida Turnpike JPA) \$147,375 for Jog Road, N. of S.R. 710 to N. of Florida's Turnpike Entrance in FY 2014.

FDOT (anticipates CIGP funds) up to \$250,000 for design of Congress Ave., N. of Northlake Blvd. to Alt. A-1-A in FY 2014.

C FDOT (anticipates JPA) (LAP funds) \$1,236,000 for construction of Community Dr. & Military Tr. Intersection in FY 2015.

FDOT (anticipates CIGP funds) up to \$250,000 for right-of-way acquisition of Northlake Blvd. and Military Tr. Intersection in FY 2015.

D Additional funds include \$7,000,000 per Atlantic Ave. Agreement approved by BCC on 11/3/09.

FDOT (anticipates CIGP funds) up to \$1,250,000 for right-of-way acquisition of Congress Ave., N. of Northlake Blvd. to Alt. A-1-A in FY 2016.

PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM - EXHIBIT A (\$'s IN 1,000'S)

Mid-Year Adjustment - Public Hearing - June 18, 2013

PROJECT	LIMITS	DESCRIPTION	FY 2013		FY 2014		FY 2015		FY 2016		FY 2017	
			Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase
10th Ave. N.	Military Tr.	Intersection Improvements			200	C						
45th St.	I-95 to Congress Ave.	0.5 mi, 8 L										100 D/R/M
60th Street North	W. of Royal Palm Beach Blvd. to E. of Royal Palm Beach Blvd.	0.5 mi, 3 L			2,900	C						
A-1-A (Carlin Park)	Bridge	Bridge Replacement			750	C						
Admin. Support/Equipment	Countywide	Staff support and Computer Equip. for Program	370	P	370	P	370	P	370	P	370	P
Annual Contract Advertising	Countywide	Advertising	10	P	10	P	10	P	10	P	10	P
Atlantic Ave.	SR 7 to W. of Lyons Rd.	1.0 mi, 4/6 L	10	D	1,260	D			7,100	R/M		
Atlantic Ave.	Florida's Turnpike	Intersection Improvements	150	D			500	C				
Australian Ave.	7th St. to 15th St.	0.6 mi, 5/6 L	200	R	2,300	R/C						
Belvedere Rd.	Haverhill Rd.	Intersection Improvements	260	C								
Camino Real Rd./Boca Club	over Intracoastal Waterway	Approach Bridge Span Rehabilitation	500	D/M			6,000	D/M/C				
Central Blvd.	Indiantown Rd.	Intersection Improvements										1,000 P
Clint Moore Rd.	Jog Rd. to Military Tr.	1.5 mi, 6 L										100 D/R
Community Dr.	Military Tr.	Intersection Improvements					1,600	C				
Congress Ave.	Hypoluxo Rd. to Donnelly Dr.	0.7 mi, 4 L	1,100	C								
Congress Ave.	S. of Lantana Rd. to Lantana Rd.	0.3 mi, 6 L	800	C								
Congress Ave.	Palm Beach Lakes Blvd.	Intersection Improvements	100	S								
Congress Ave.	N. of Northlake Blvd. to Ait. A-1-A	0.6 mi, 2 L & 3 L	1,500	D/R/M	800	R/M	2,000	R/M/P	1,000	R/M/P		
Donald Ross Road	and I-95	Interchange Modifications	1,000	P								
Ellison Wilson Rd.	S. of Juno Isles Blvd. to N. of Ascot Rd.	0.2 mi, 3 L	300	D			1,400	C				
Flavor Pict Rd.	SR 7 to Lyons Rd.	1.0 mi, 2 L	470	D			100	M				4,500 C
Glades Area	R&R Throughout the Glades	Repair/Reconstruction	700	C	700	C	700	C	700	C	700	C
Glades Rd.	Butts Rd.	Intersection Improvements	100	D	100	R			200	C		

Legend for Phase(s): B=Beautification; C=Construction; D=Design; L=Street Lights; M=Mitigation; P=Payment; R=R/W Acq.; S=Study

PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM - EXHIBIT A (\$'s IN 1,000'S)

Mid-Year Adjustment - Public Hearing - June 18, 2013

PROJECT	LIMITS	DESCRIPTION	FY 2013		FY 2014		FY 2015		FY 2016		FY 2017	
			Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase
Glades Rd.	Florida's Turnpike	Intersection Improvements	100	D			220	C				
Hatton Hwy.	Bridge over PWCD Canal No. 2	Bridge Replacement	50	D	1,950	R/C						
Haverhill Rd.	Lantana Rd. to S. of L.W.D.D. L-14 Canal	0.9 mi, 4 L			2,600	C						
Haverhill Rd.	S. of L.W.D.D. L-14 Canal to Lake Worth Rd.	1.3 mi, 4 L & 5 L			7,600	R/M/C						
Haverhill Rd.	N. of Caribbean Blvd. to Bee Line Hwy.	1.6 mi, 5 L	700	D/R			1,000	R/M			11,000	C
Hood Rd.	E. of Florida's Turnpike to W. of Central Blvd.	1.2 mi, 4 L	1,400	D			200	M/R			6,400	C
Intersection Program	Countywide	Design, R/W & Construction	940	D/R/M/C	800	D/R/M/C	1,250	D/R/M/C	500	D/R/M/C	2,150	D/R/M/C
Jog Rd.	Roebuck Rd. to S. of 45th Street	1.9 mi, 4 L									30,000	R/M/C
Kirk Rd.	Bridge over LWDD L-9 Canal	Bridge Replacement			500	C						
Lake Worth Rd.	Jog Rd.	Intersection Improvements	500	R					630	C		
Linton Blvd.	Military Tr.	Intersection Improvements	250	D/S	200	R	300	R	280	C		
Lyons Rd.	Hillsboro Canal to SW 18th Street	0.3 mi, 6 L	240	D			100	R			2,000	C
Lyons Rd.	Kimberly Blvd	Intersection Improvements	100	C								
Lyons Rd.	Clint Moore Rd. to Atlantic Ave.	3.0 mi, 4 L	1,200	D			2,800	R/M			9,700	C
Lyons Rd.	Lantana Rd. to Lake Worth Rd.	2.0 mi, 4 L	1,300	R/M			1,300	R/M/P	1,300	R/M/P	7,300	R/M/P
Lyons Rd.	Lake Worth Rd. to N. of L.W.D.D. L-10 Canal	1.0 mi, 2 L	1,000	D/R/M			3,500	P				
Northlake Blvd.	Seminole Pratt Whitney Rd. to Coconut Blvd.	3.4 mi, 4 L	500	D/R/M			2,000	R/M			10,500	C
Northlake Blvd.	Military Tr.	Intersection Improvements	200	D			500	R	700	C		
Okeechobee Blvd.	Church St.	Intersection Improvements	200	S/D								
Old Dixie Hwy.	Park Ave. to Northlake Blvd.	0.9 mi, 3 L	1,000	R	3,000	R/C						
PGA Blvd.	Military Tr.	Intersection Improvements			600	R			150	C		
Palmetto Park Rd.	Boca Del Mar Dr. to Palmetto Circle N.	Pedestrian Overpass	50	S	150	D						
Palmetto Park Rd.	over L.W.D.D. E-4 Canal (El Rio Canal)	Bridge Replacement	10	D	500	D			2,600	C		
Pathway Program	Countywide	Pathways	1,500	D/R/C	1,500	D/R/C	1,500	D/R/C	1,500	D/R/C	1,500	D/R/C

Legend for Phase(s): B=Beautification; C=Construction; D=Design; L=Street Lights; M=Mitigation; P=Payment; R=R/W Acq.; S=Study

PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM - EXHIBIT A (\$'s IN 1,000'S)

Mid-Year Adjustment - Public Hearing - June 18, 2013

PROJECT	LIMITS	DESCRIPTION	FY 2013		FY 2014		FY 2015		FY 2016		FY 2017	
			Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase
Purdy Ln.	Forest Hill Elem to E. Major Dr.	0.2 mi, 3 L	220	D			1,100	C				
Recording Fees	Countywide	Right-of-Way	20	R	20	R	20	R	20	R	20	R
Reserve-Bridges	Countywide	Rehab./Repair/Replacement	1,000	S/D/R/M/C	2,300	S/D/R/M/C	2,500	S/D/R/M/C	500	S/D/R/M/C	500	S/D/R/M/C
Reserve-Plans/Align.	Countywide	Study, Design & Mitigation	200	S/D/M	200	S/D/M	200	S/D/M	200	S/D/M	200	S/D/M
Reserve-R/W	Countywide	Land Acquisition	200	R	200	R	200	R	200	R	200	R
Reserve-Traffic Calming	Countywide	Minor Improvements	15	D/C	15	D/C	15	D/C	15	D/C	15	D/C
Reserve-Traffic Signals	Countywide	Mast Arms	600	D/C	600	D/C	600	D/C	600	D/C	600	D/C
Roebuck Rd.	Jog Rd. to Haverhill Rd.	1.0 mi, 5 L	410	D			150	M/R			3,200	C
Roebuck Rd.	Haverhill Rd.	Intersection Improvements	100	C								
Roebuck Rd.	S.R. 7 to Jog Rd.	3.0 mi, 4 L									50,000	M/C
S.W. 3rd. St.	S.R. 7 to E. of S.R. 7	0.1 mi, 3 L	280	D			1,200	C				
Sandalfoot Blvd.	S.R. 7 to E. of S.R. 7	0.1 mi, 5 L	300	D			1,400	C				
Seminole Pratt Whitney Rd.	Orange Blvd. to S. of Northlake Blvd.	1.8 mi, 4/6 L					6,800	C				
Seminole Pratt Whitney Rd.	Northlake Blvd.	Intersection Improvements					3,500	C				
Silver Beach Rd.	E. of Congress Ave. to Old Dixie Hwy.	0.9 mi, 2 L & 3 L					3,100	R/M/C				

PROJECT TOTALS

22,155

45,525

34,735

18,575

142,065

ORDINANCE NO. 2013-

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 85-40, AS AMENDED, ESTABLISHING AN AMENDED FIVE YEAR ROAD PROGRAM; PROVIDING FOR TITLE; PURPOSE; ADOPTION OF REVISED FIVE YEAR ROAD PLAN AND REVISED LIST OF PROJECTS CONTAINED IN EXHIBIT "A"; IMPLEMENTATION OF PLAN; MODIFICATION OF PLAN; FUNDING OF OTHER ROADWAY IMPROVEMENTS, INTERPRETATION OF EXHIBIT; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE CODE OF LAWS AND ORDINANCES; EFFECTIVE DATE.

WHEREAS, by Ordinance 85-40, the County established a Five Year Road Program setting forth the road projects to be funded, designed and constructed by the County within the next five years; and

WHEREAS, Ordinance 85-40 required annual updates of the road projects by December of each year and permits modifications of the plan no more than twice in a one year period; and

WHEREAS, the Board of County Commissioners annually updated Ordinance 85-40 by enacting Ordinances in each fiscal year. by amending the attachment identified as Exhibit "A" to each of the Ordinances; and

WHEREAS, the last adopted Ordinance was 2012-041; and

WHEREAS, the Board has considered the funding and timing of road projects for the next five years as set forth in Exhibit "A" to Ordinance 2012-041 and desires to revise Exhibit "A" of Ordinance 2012-041 to reflect such changes; and

WHEREAS, the Board wishes to amend the Five Year Road Program Ordinance by amending Exhibit "A" and enacting a new Exhibit "A" to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,

THAT:

SECTION I

Ordinance 85-40, as amended by the last adopted Ordinance 2012-041; and is hereby amended.

TITLE

This Ordinance shall be known as the "Palm Beach County Five Year Road Program Ordinance."

PURPOSE

The Palm Beach County Comprehensive Plan, Transportation Element, is designed to be used as a guide to meet existing and future ground transportation needs of the County including major roadways within incorporated municipalities. The element analyzes the primary transportation network within the County to determine system deficiencies and identify improvements.

The Board of County Commissioners now desires to codify in this Ordinance a reasonably attainable program of roadway construction for the next five years and match the construction of the projects with available funding.

The further purpose of this Ordinance is to encourage the prioritization of projects, provide for better timing of right-of-way acquisition and provide improved planning for financial funding mechanisms.

ADOPTION OF REVISED FIVE YEAR ROAD PLAN

The list of projects for the Five Year Road Program set forth in Exhibit "A," of Ordinance 85-40, as amended, is hereby modified as set forth in a new Exhibit "A", attached hereto and incorporated herein, and is hereby adopted as the Five Year Road Plan. Exhibit "A" of Ordinance 2012-041 is hereby deleted and replaced with the new Exhibit "A", attached hereto.

IMPLEMENTATION OF PROGRAM

The County Administrator and the County Engineer are directed to implement the Five Year Road Program by taking such actions as are necessary to cause the construction of the roadway segments indicated on the Program, make periodic reports to the Board of County Commissioners with regard to the progress of the projects and to bring all necessary agreements and budget amendments to accomplish the project to the Board of County Commissioners for consideration.

MODIFICATION OF PROGRAM

Each year prior to December, the Board of County Commissioners shall consider an amendment to this Ordinance modifying the list of projects contained on Exhibit "A" to create a viable list of funded projects for the succeeding five years.

From time to time during each year, the Board of County Commissioners, by resolution, may shift funding within the program to promote the more efficient construction of the projects. Deletions, substitutions and additions of entire construction projects from Exhibit "A" may only be accomplished by Ordinance of the Board of County Commissioners. Deletions of projects may be accomplished no more frequently than twice a year.

FUNDING OF OTHER ROADWAY IMPROVEMENTS, INTERPRETATION OF EXHIBIT

This Ordinance shall not be construed to prevent the Board of County Commissioners from constructing other roadway improvements which are not listed on Exhibit "A," provided the projects are funded from sources which will not delete or delay projects included on Exhibit "A."

It is recognized that Exhibit "A" depicting limits of the various projects, length of projects, type of work, timetables and costs are approximations that will require modification and updating by the County Administrator based upon more detailed information and bidding results; provided that the following changes may only be made by the County Commission:

- (a) Changes that increase or decrease the total approved appropriations of the program.
- (b) Changes requiring funding from a reserve account.
- (c) Changes increasing a Board approved project budget by more than five percent.
- (d) Changes which significantly affect the scope, nature, or phasing of a capital project.

REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, this _____ day of _____, 2013.

Sharon R. Bock, Clerk & Comptroller
Circuit Courts

Palm Beach County Florida, by its
Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of _____,
2013.