

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: 11/07/17

{X} Consent
{ } Workshop

{ } Regular
{ } Public Hearing

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

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:


- A) adopt a Resolution to approve a Maintenance Memorandum of Agreement with the Florida Department of Transportation to ensure the maintenance of landscaping improvements (Beautification) to be installed on SR7/US441 from LWDD L-38 Canal to LWDD L-36 Canal; and
- B) receive and file an Agreement for Installation, Maintenance, Removal, and Indemnification of Landscaping and Irrigation with GL Homes, Inc., doing business as Boynton Beach Associates XXIV LLLP (Developer) recorded on March 1, 2017 and amended on October 2, 2017 (Developer's Agreement) transferring to the Developer the maintenance obligations as stipulated by the Resolution and MMOA.

SUMMARY: Adoption of the Resolution to approve the MMOA will obligate Palm Beach County to maintain the beautification as well as the grassy areas within the limits of the beautification that are to be installed by the developer. The County will pass all of these maintenance obligations to the developer via the developer's agreement. District 5 (LBH)

Background and Justification: The developer is developing a residential community known as Seven Bridges. The developer was conditioned to install beautification on SR7/US441 as part of the development order process. FDOT requires a government agency obtain a permit for beautification on FDOT roads. As part of the permit process, FDOT also requires the government agency enter into an MMOA. Approval of the MMOA will obligate the County to be responsible for ongoing maintenance of the beautification and grassy areas. However, a developer's agreement that delegates all of the County's maintenance responsibilities to the developer and subsequently to the homeowners' association was recorded on March 1, 2017 and amended on October 2, 2017.

Attachments:

- 1. Location Sketch
- 2. Resolution (3 originals)
- 3. Maintenance Memorandum of Agreement with FDOT (5 Originals)
- 4. Agreement for Installation, Maintenance, Removal, and Indemnification of Landscaping and Irrigation with GL Homes, Inc.

Recommended by:  Department Director Date 10/16/2017

Approved By:  Assistant County Administrator Date 10/31/17

RESOLUTION NO.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND MAINTENANCE OF MEDIAN BEAUTIFICATION WITHIN THE RIGHT-OF-WAY OF STATE ROAD 7/US 441.

WHEREAS, State Road 7/US 441 is under the Jurisdiction of the Florida Department of Transportation (FDOT); and

WHEREAS, Palm Beach County desires to add median beautification (through conditions of development) along State Road 7/US 441 from LWDD L-38 Canal to LWDD L-36 Canal.

WHEREAS, FDOT requires government entities that wish to install median beautification on FDOT roadways to enter into a Maintenance Memorandum of Agreement (MMOA) as a prerequisite to receive a permit for such beautification; and

WHEREAS, the MMOA sets forth the requirements for maintaining the median beautification improvements; and

WHEREAS, the Board of County Commissioners has determined approval and execution of the MMOA, attached hereto and incorporated herein, to be in the best interest of the citizens and residents of Palm Beach County.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that the Mayor is hereby authorized to execute the MMOA.

1. The recitations set forth herein above are true, accurate and correct and are incorporated herein.

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2. This Resolution will take effect upon its adoption.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Commissioner Paulette Burdick, Mayor -
- Commissioner Melissa McKinlay, Vice Mayor -
- Commissioner Hal R. Valeche -
- Commissioner Dave Kerner -
- Commissioner Steven L. Abrams -
- Commissioner Mary Lou Berger -
- Commissioner Mack Bernard -

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2017.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sharon R. Bock, Clerk and
Comptroller

By: _____
Assistant County Attorney

By: _____