Agenda Item #: 5H-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	April 12, 2022	[X] Consent [] Ordinance	[] Regular [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) Adopt a Resolution approving a License in favor of Florida Department of Transportation (FDOT) for the occupancy and use of a portion of three (3) County properties for tying in existing property features with the roadway improvements to be constructed by Florida Department of Transportation; and

B) Approve a License in favor of Florida Department of Transportation which shall continue until completion of the roadway improvements, but no later than June 30, 2024.

Summary: The Florida Department of Transportation is currently in the planning and design stages for improvements along east 7th Street to South Lake Avenue in Pahokee. As a part of the roadway project FDOT will be resurfacing the roadway, adding sidewalk on the south side of the road to provide sidewalk continuity along the corridor, and making lighting, signage and pavement marking improvements. The County will grant FDOT a license to occupy and use portions of the County's properties for tying in existing property features with the roadway improvements to be constructed by FDOT. The license is subject to a Resolution authorizing its adoption. (Property & Real Estate Management) <u>District 6</u> (HJF)

Background and Justification: The County will grant FDOT a license to occupy and use a portion of three (3) County properties for sloping, grading, tying-in, harmonizing and reconnecting existing property features with the roadway improvements to be constructed by FDOT. One of the three County properties is currently being used by the County for its Fire Rescue Station No.72. The other two properties were recently acquired by the County and are not currently being used for County operations.

Attachments:

- 1. Location Map
- 2. Resolution
- 3. License

Carri **Recommended By:** Departm **Approved By: County Administrator**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County))				
In-Kind Match (County					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative))				
Is Item Included in Curre	nt Budget:	Yes	No <u>X</u>		
Does this item include the use of federal funds? Yes No \underline{X}					
Budget Account No: Fi	und N/A	Dept	Unit	Object	

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

This item has no fiscal impact

Fixed Asset Number N/A

Departmental Fiscal Review С.

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

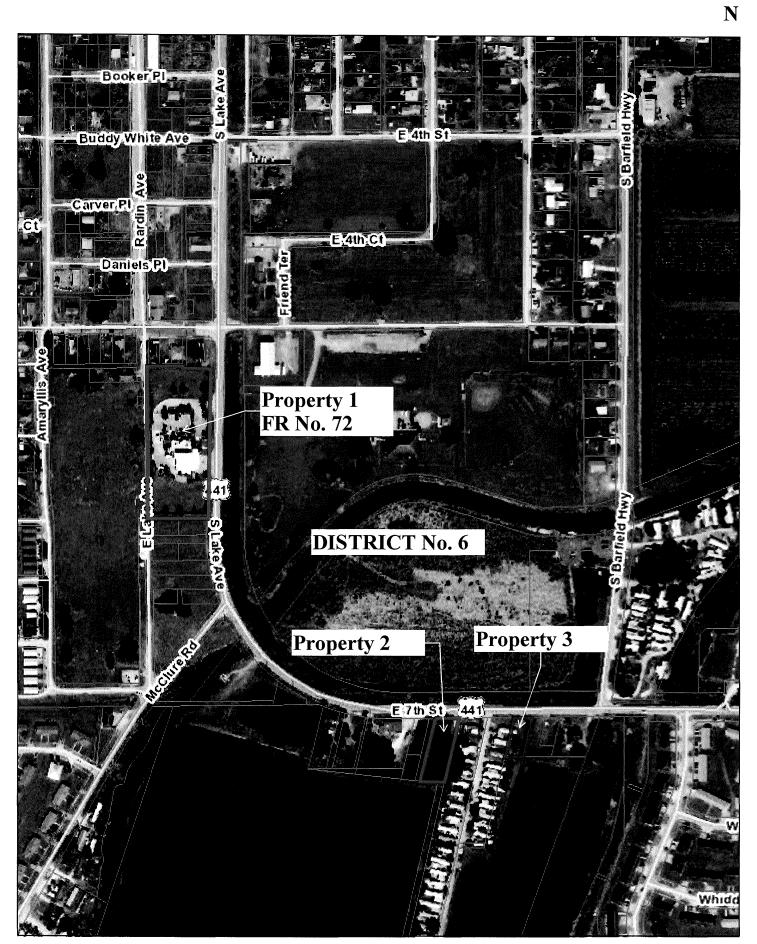
Contract Development and Control

B. Legal Sufficiency: Assistant County Attorney

C. Other Department Review:

Department Director

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



Attachment No. 1 - Location Map Page 1 of 1

Attachment No. 2 Resolution – 2 Pages 09-LA.12-07/18

This instrument prepared under the direction of: Elizabeth S. Quintana, Esq. 50 District Four Assistant General Counsel Legal Description prepared by: Amelia Rodriguez-Alers, P.S.M. (11/01/21) Parcel No. 906.1R Document prepared by: Item/Segment No. 4439941 S. Rowland (02/17/22) Section: N/A Florida Department of Transportation Managing District: 04 Right of Way Production Services 15 (U.S. 441) S.R. No. 3400 W. Commercial Boulevard County: Palm Beach Fort Lauderdale, Florida 33309

RESOLUTION

ON MOTION of County Commissioner	, seconded by
County Commissioner	, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 15 (U.S. 441/E. 7th Street/S. Lake Avenue/Belle Glade Road), Item/Segment No. 4439941, in Palm Beach County, Florida: and

WHEREAS, it is necessary that certain lands now owned by **Palm Beach County, Florida**, be used temporarily by the State of Florida for the use and benefit of the State of Florida Department of Transportation: and

WHEREAS, said use is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a license, in favor of the State of Florida, for the purpose of sloping, grading, tying in, harmonizing and reconnecting existing features of the licensor's property with the highway improvements which are to be constructed together with incidental purposes related thereto, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of **Palm Beach County, Florida**, that the application of the State of Florida Department of Transportation for a license are for transportation purposes which are in the public or community interest and for public welfare; that a license, in favor of the State of Florida, in Palm Beach County, should be drawn and executed by this Board of County Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 3400 W. Commercial Boulevard, Fort Lauderdale, Florida 33309.

Page 1 of 2

The foregoing resolution was put to a vote, the vote was as follows:

Commissioner Robert S. Weinroth, Mayor	
Commissioner Gregg K. Weiss, Vice Mayor	
Commissioner Maria G. Marino	
Commissioner Dave Kerner	
Commissioner Maria Sachs	
Commissioner Melissa McKinlay	
Commissioner Mack Bernard	

The Mayor thereupon declared the resolution duly passed and adopted this _____ day of _____, 20____.

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

JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT & COMPTROLLER

By:

Deputy Clerk

APPROVED AS TO LEGAL SUFFICIENCY

By: Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: Department Director

Page 2 of 2

Attachment No. 3 License – 2 Pages **09-**LA.11-07/18

This instrument prepared under the direction of		
Elizabeth S. Quintana, Esq. 50		
District Four Assistant General Counsel		
Legal Description prepared by:		
Amelia Rodriguez-Alers, P.S.M. (11/01/21)	Parcel No.	906.1R
Document prepared by:	Item/Segment No.	4439941
<u>S. Rowland (02/17/22)</u>	Section:	N/A
Florida Department of Transportation	Managing District:	04
Right of Way Production Services	S.R. No.	15 (U.S. 441)
3400 W. Commercial Boulevard	County:	Palm Beach
Fort Lauderdale, Florida 33309	·	

LICENSE

THIS LICENSE Made this ______ day of ______, 20____, between PALM BEACH COUNTY, a political subdivision of the State of Florida, whose address is: 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, herein called Licensor, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, herein called Licensee.

In consideration of the benefits accruing unto the Licensor, the parties agree as follows:

Licensor hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions hereof, the following described premises:

Parcel No. 906

Item/Segment No. 4439941

A portion of land situated in the Northeast One-Quarter (NE 1/4) of Section 19, Township 42 South, Range 37 East, Palm Beach County, Florida; said portion lying Southerly of the Existing South Right of Way line of State Road 15 (U.S. 441/E. 7th Street), extending no more than 25.00 feet between Baseline of Survey Stations 1393+16.16 and 1393+34.16, as shown on the Florida Department of Transportation Roadway Plan for Financial Project ID No. 443994-1-52-01.

AND

A portion of land situated in the Northeast One-Quarter (NE 1/4) of Section 19, Township 42 South, Range 37 East, Palm Beach County, Florida; said portion lying Southerly of the Existing South Right of Way line of State Road 15 (U.S. 441/S. Lake Avenue), extending no more than 11.00 feet between Baseline of Survey Stations 1395+45.40 and 1395+65.15, as shown on the Florida Department of Transportation Roadway Plan for Financial Project ID No. 443994-1-52-01.

AND

Page 1 of 2

A portion of Tract 61, Block A, RIDGEWAY BEACH, FLA. according to the plat thereof, as recorded on Plat Book 7, Page 11 of the Public Records of Palm Beach County, Florida, lying in Section 18, Township 42 South, Range 37; said portion lying Northerly of the Existing North Right of Way line of State Road 15 (U.S. 441/E. 7th Street), extending no more than 2.00 feet between Baseline of Survey Stations 1410+70.00 and 1411+40.00, as shown on the Florida Department of Transportation Roadway Plan for Financial Project ID No. 443994-1-52-01.

The premises may be occupied and used by licensee for sloping, grading, tying in, harmonizing and reconnecting existing features of the licensor's property with the highway improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the transportation project, but not later than the last day of June 2024.

The making, execution and delivery of this license by Licensor has been induced by no representations, statements, warranties, or agreements other than those contained herein. This license embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the said Licensor has signed and sealed these presents the day and year first above written.

ATTEST: _____

Joseph Abruzzo:_____ Clerk of the Circuit Court & Comptroller **PALM BEACH COUNTY,** a political subdivision of the State of Florida

By: _____

Robert S. Weinroth, Mayor

APPROVED AS TO LEGAL SUFFICIENCY

Page 2 of 2