Agenda Item #: 3H-1

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

Meeting Date:	October 8, 2024	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
Department:	Facilities Developme	nt & Operations	

### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: a First Amendment to the Amended and Restated Temporary Construction Easement (First Amendment) in favor of South Florida Regional Transportation Authority (SFRTA) for the purpose of allowing SFRTA to temporarily use a portion of the County's Intermodal Transit Center (located at 134 Clearwater Drive, West Palm Beach) as a construction staging site, while SFRTA makes renovations to its pedestrian bridge.

Summary: On March 12, 2024 (R2024-0296), the Board of County Commissioners (BCC) received and filed a Temporary Construction Easement (TCE) in favor of SFRTA granting SFRTA the right to temporarily use a portion of the County's Intermodal Transit Center as a construction staging site while SFRTA makes renovations to its pedestrian bridge. Said TCE was for a term of ninety (90) days and was set to expire on May 15, 2024. On August 20, 2024, the BCC received and filed an Amended and Restated Temporary Construction Easement (R2024-0931) (Amended Easement), which provided an additional ninety (90) days for SFRTA to complete the improvements. The extended term expired on August 5, 2024. SFRTA has requested additional time to complete the improvements. The proposed First Amendment retroactively extends the Term through January 29, 2025. All others terms of the Amended Easement remain the same. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. The attached First Amendment has been fully executed on behalf of the BCC by the County Administrator's designee, who in this case was the Director of the Facilities Development and Operations Department. The standard form Temporary Construction Easement was approved by the BCC on July 1, 2014. The executed First Amendment is now being submitted to the BCC to receive and file. There is no fiscal impact associated with approval of this item. (Property & Real Estate Management) District 2 (HJF)

Background and Justification: The delegation of authority which provided authority for the County Administrator or designee to execute temporary construction easements was designed to expedite and streamline the process for commercial use of county-owned property. SFRTA is making certain repairs to its pedestrian bridge at the West Palm Beach Station located at 203 South Tamarind Avenue in West Palm Beach and requested to use of a portion of the County's Intermodal Transit Center currently used as parking for SFRTA and Palm Tran employees as a construction staging site. This First Amendment extends the term of the TCE previously approved by the Board through January 29, 2025. SFRTA will provide to County a Release of Easement upon completion of the Project, if requested.

#### Attachments:

- 1. Location Map
- 2. First Amendment to Amended and Restated Temporary Construction Easement

Recommended By:	Bean ! . ligal (all)	9/4/24	
_	Department Director	Date,	_
Approved By:	10 Baller	9/14/24	
	County Administrator	Date	_

## II. FISCAL IMPACT ANALYSIS

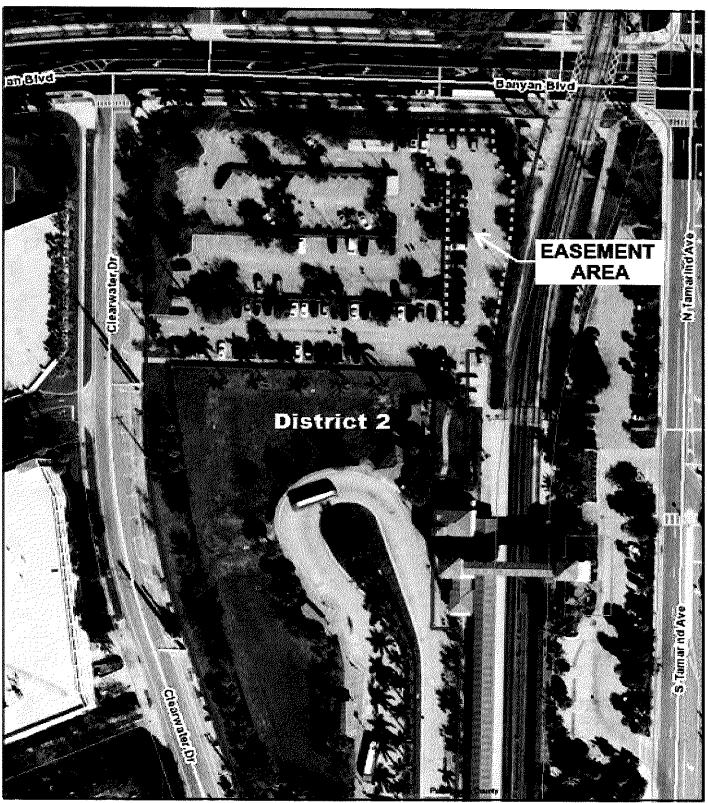
A.	Five Year Summary of F	iscal Impact	•			
Fisca	al Years	2025	2026	2027	2028	2029
Oper Exte Prog	ital Expenditures rating Costs rnal Revenues gram Income (County) Kind Match (County					
NET	FISCAL IMPACT	0	0	***************************************	THE STATE OF THE S	
	ODITIONAL FTE ITIONS (Cumulative)		<del></del>		***************************************	
Is It	em Included in Current B	Budget: Yes		No x		
Doe	s this item include the use	of federal fu	nds? Yes	No <u>x</u>	····	
Doe	s this item include the use	of state fund	ls? Yes	Nox	_	
Bud	get Account No: Fund	Program _		Unit	Object _	<del></del>
В.	Recommended Sources	of Funds/Sur	nmary of Fis	cal Impact:		
	No fiscal impact					
C.	Departmental Fiscal Re	view:	) g~ }	<u> </u>	<del></del>	
	-	III. <u>REV</u>	IEW COMN	<u>MENTS</u>		
<b>A.</b> (	OFMB Fiscal and/or Co	9 10/2027 3W 9-10-24	M	evelopment and s. 9/13/2	M/3 9/13 and Control	3/24
В.	Legal Sufficiency:  Assistant County Attorne	<u>— 9/1</u> 6/	24			
C.	Other Department Revi	iew:				
	Department Director					

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

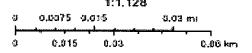
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## **Location Map**

74-43-43-21-27-001-0000, portion



February 5, 2024



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

PCN: Portion of 74-43-43-21-27-001-0000

## FIRST AMENDMENT TO AMENDED AND RESTATED TEMPORARY CONSTRUCTION EASEMENT

THIS FIRST AMENDMENT TO AMENDED AND RESTATED TEMPORARY CONSTRUCTION EASEMENT ("First Amendment"), made and entered into August 21, 2024, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, ("County") and SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY, a body politic and corporate, a public instrumentality and an agency of the State of Florida, pursuant to Florida Statutes, Chapter 343, ("SFRTA") (collectively, the "Parties").

#### WITNESSETH:

WHEREAS, County granted SFRTA a Temporary Construction Easement, dated January 30, 2024, allowing SFRTA to temporarily use the Easement Premises defined therein as a construction staging site during its pedestrian bridge rehabilitation for ninety (90) days; and

WHEREAS, County granted SFRTA an Amended and Restated Temporary Construction Easement, dated May 2, 2024 ("Amended Easement"), extending the term of the Temporary Construction Easement for an additional ninety (90) days; and

WHEREAS, the Amended Easement is set to expire on August 5, 2024; and

**WHEREAS,** the Parties want to extend the period of said Amended Easement through January 29, 2025; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

- 1. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this First Amendment shall have the same meaning and effect as in the Amended Easement.
- 2. The period of temporary use of the Easement Premises as defined in the Amended Easement is hereby extended retroactively from August 6, 2024, through January 29, 2025, unless sooner terminated pursuant to the provisions of the Amended Easement, as amended.

3. Except as modified by this First Amendment, the Amended Easement remains unmodified and in full force and effect, and the Parties hereby ratify, confirm, and adopt the Amended Easement, as amended, in accordance with the terms thereof.	orce and effect, and the Parties hereby ratify, confirm, and adopt
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### SIGNATURE PAGE to FIRST AMENDMENT TO AMENDED AND RESTATED TEMPORARY CONSTRUCTION EASEMENT between PALM BEACH COUNTY and SOUTH FLORIDA REGIONAL TRANPORTATION AUTHORITY

IN WITNESS WHEREOF, the Parties have executed this First Amendment, or have caused the same to be executed by their duly authorized representatives, as of the day and year first above written.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY, a body politic and corporate and an agency of the State of Florida created pursuant to Chapter 343, Florida Statutes.

ATTEST:	
By: Myloy f. Priverse	By: Chefy
Anthony Carivead	DAVID W. DECH
Chief Contracting Officer	Executive Director
	16 DAY OF August, 20
Approved by General Counsel as to leg form and sufficiency:	al
form and sufficiency:	
Just for	····
TERESA J. MOORE, Esq.	
General Counsel	
STATE OF FLORIDA	
COUNTY OF BROWARD	
The feregoing instrument was a la	
online notarization, this lo day of	nowledged before me by means of physical presence or hugust, 20 24, by 10010 w. Dech., the
Executive Director, of SFR-	, a , who
☑ is personally known to me OR ☐ has p	oroduced as identification.
	Domino Roman
(Notary Seal)	Notary Public, State of Florida
· · · · · · · · · · · · · · · · · · ·	Denise Lerner
DENISE LERNER	Type, print or stamp name
MY COMMISSION # HH 281652	Commission Number: HH 281652
EXPIRES: July 25, 2026	My Commission Expires: July 25, 2026
	) ) )
	Page 3 of 4

# SIGNATURE PAGE to FIRST AMENDMENT TO AMENDED AND RESTATED TEMPORARY CONSTRUCTION EASEMENT between PALM BEACH COUNTY and SOUTH FLORIDA REGIONAL TRANPORTATION AUTHORITY

Signed, sealed, and delivered	COUNTY:
in the presence of:	
	PALM BEACH COUNTY, a political subdivision of the State of Florida
Witness 1 Signature  Vancets Houra  Print Witness 1 Name  2633 Vista Laukway  War film beach PL  Witness 1 Address	By: Director, Facilities Development & Operation
Witness 2 Signature  Shaw N. Bobo  Print Witness 2 Name  2633 Unita Parlua  313 71 33711  Witness 2 Address	
APPROVED AS TO FORM AND LEGAL SUFFICIENCY  By:  Assistant County Attorney	APPROVED AS TO TERMS AND CONDITIONS  By: Department Director
APPROVED AS TO CONTRACT REVIEW  By: OFMB/CDC	Landing Control of the Control of th

G:\PREM\Dev\Open Projects\Intermodal Facilities-jb\SFRTA Agreements\First Amendment to Amend-Restated TCE\1st Amendment Drafts\7.30.24 - 1st Amend. to Amend-Restated TCE (SFRTA).DWL-approved.docx