

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

Meeting Date: April 1, 2025 ☒ Consent ☐ Regular
 ☐ Ordinance ☐ Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

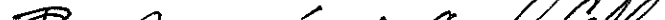
Motion and Title: Staff recommends motion to receive and file: a Second Amendment to the Amended and Restated Temporary Construction Easement (Second Amendment) in favor of South Florida Regional Transportation Authority (SFRTA) for the purpose of allowing SFRTA to temporarily use a portion of the County's 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, for an initial 90-day period, 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. On August 20, 2024, the BCC received and filed an Amended and Restated Temporary Construction Easement (R2024-0931) (Amended Easement), which provided an additional 90 days for SFRTA to complete the improvements, with an expiration date of August 5, 2024. On October 8, 2024, the BCC received and filed a First Amendment to the Amended Easement (R2024-1317), extending the term of the Amended Easement through January 29, 2025. SFRTA requested additional time to complete the improvements. The Second Amendment grants an additional 120 days, extending the term through May 29, 2025. All other terms of the Amended Easement remain unchanged. 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 Second 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 Second Amendment is now being submitted to the BCC as a receive and file agenda item. There is no fiscal impact associated with the approval of this item. **(Property & Real Estate Management) District 2 (HJF)**

Background and Justification: The delegation of authority, which grants the County Administrator or designee to execute temporary construction easements, was established to expedite and streamline the process for the commercial use of county-owned property. SFRTA is making repairs to its pedestrian bridge at the West Palm Beach Station, located at 203 South Tamarind Avenue in West Palm Beach, and has 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 Second Amendment extends the term of the previously approved TCE through May 29, 2025. Upon completion of the project, SFRTA will provide the County with a Release of Easement, if requested.

Attachments:

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

Recommended By:  2/14/25
Department Director Date

Approved By:  2/27/25
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2025 | 2026 | 2027 | 2028 | 2029 |
|--|------------|------------|-------|-------|-------|
| Capital Expenditures | _____ | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | _____ | _____ | _____ | _____ |
| External Revenues | _____ | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT | <u>-0-</u> | <u>-0-</u> | _____ | _____ | _____ |
| # ADDITIONAL FTE POSITIONS (Cumulative) | _____ | _____ | _____ | _____ | _____ |

Is Item Included in Current Budget: Yes _____ No x _____

Does this item include the use of federal funds? Yes _____ No x _____

Does this item include the use of state funds? Yes _____ No x _____

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

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

No fiscal impact.

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

Fixed Asset Number N/A

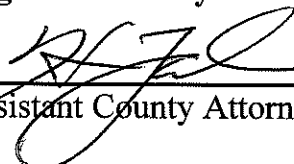
C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

| | |
|--|--|
| <u></u> 2/19/25 OFMB <u>QA 2/19</u> ESW 2.19.25 | <u></u> 2/20/25 Contract Development and Control 267 2.20.25 |
|--|--|

B. Legal Sufficiency:

 2/25/25
Assistant County Attorney

C. Other Department Review:

Department Director

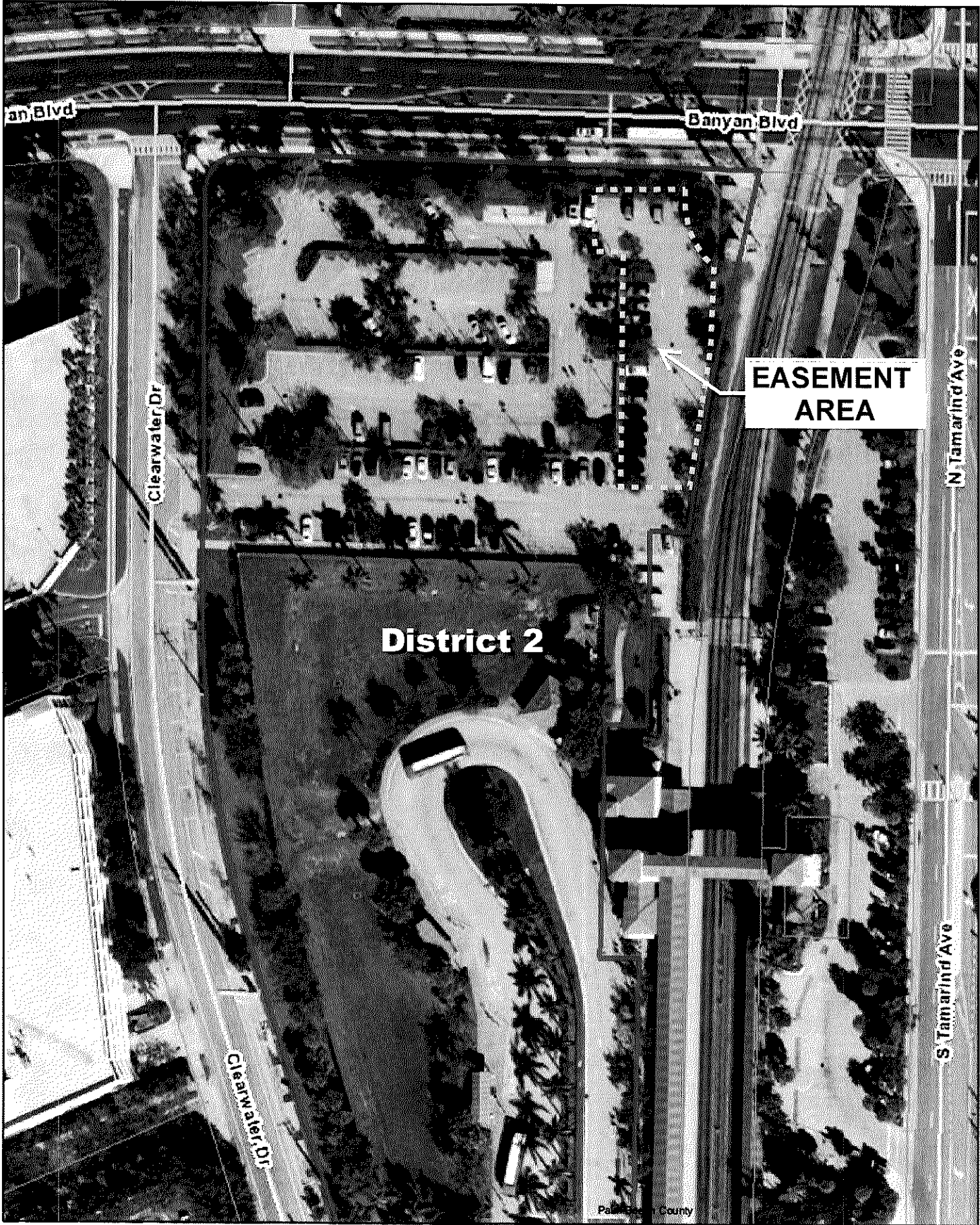
This summary is not to be used as a basis for payment.

Attachment #1

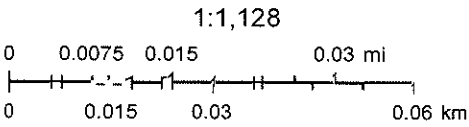
Location Map

Location Map

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



February 5, 2024



Attachment #2

Second Amendment to Amended and Restated Temporary Construction Easement

**SECOND AMENDMENT TO AMENDED AND RESTATED
TEMPORARY CONSTRUCTION EASEMENT**

THIS SECOND AMENDMENT TO AMENDED AND RESTATED TEMPORARY CONSTRUCTION EASEMENT (“Second Amendment”), made and entered into January 29, 2025, 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 Chapter 343, Florida Statutes (“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 through August 5, 2024; and

WHEREAS, on October 8, 2024, County granted SFRTA a First Amendment to the Amended Easement, which extended the period of said Amended Easement through January 29, 2025; and

WHEREAS, the Parties want to extend the period of said Amended Easement for an additional 120 days commencing on January 30, 2025, and expiring on May 29, 2025.

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 Second Amendment shall have the same meaning and effect as in the Amended Easement, as amended.
2. The period of temporary use of the Easement Premises as defined in the Amended

Easement is hereby extended from January 30, 2025 through May 29, 2025, unless sooner terminated pursuant to the provisions of the Amended Easement, as amended.

3. Except as modified by this Second Amendment, the Amended Easement, as amended, 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.

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**SIGNATURE PAGE to SECOND AMENDMENT TO AMENDED AND RESTATED
TEMPORARY CONSTRUCTION EASEMENT between PALM BEACH COUNTY and SOUTH
FLORIDA REGIONAL TRANSPORTATION AUTHORITY**

IN WITNESS WHEREOF, the Parties have executed this Second 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: *Anthony Cariveau*
Anthony Cariveau
Chief Contracting Officer

By: *David W. Dech*
David W. Dech
Executive Director

28 DAY OF January 2025

Approved by General Counsel as to legal form and sufficiency:

Teresa Moore *(initials)*
Teresa J. Moore
General Counsel

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28 day of January, 2025, by David W. Dech, the Executive Director, of SFRTA, a _____, who ☒ is personally known to me OR ☐ has produced _____ as identification.

(Notary Seal)



Denise Lerner
Notary Public, State of Florida
Denise Lerner
Type, print or stamp name


Commission Number: HH281652
My Commission Expires: July 25, 2026

**SIGNATURE PAGE to SECOND AMENDMENT TO AMENDED AND RESTATED
TEMPORARY CONSTRUCTION EASEMENT between PALM BEACH COUNTY and SOUTH
FLORIDA REGIONAL TRANSPORTATION AUTHORITY**

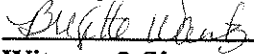
Signed, sealed, and delivered
in the presence of:

COUNTY:

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


Witness 1 Signature
Vanceela Azora
Print Witness 1 Name
2633 Vista Parkway
West Palm Beach, FL
Witness 1 Address

By: 
Director, Facilities Development & Operations


Witness 2 Signature
Brigitte Wantz
Print Witness 2 Name
2633 Vista Parkway
West Palm Beach, FL
Witness 2 Address

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

Howard J. Falco
By: III
Assistant County Attorney

**APPROVED AS TO TERMS
AND CONDITIONS**

By: 
Department Director
Division

**APPROVED AS TO
CONTRACT REVIEW**

Brenda Znack
By:
OFMB/CDC