

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 11, 2025

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Mid-Town Beach Renourishment Update

DATE: January 27, 2025

STAFF RECOMMENDATION

Town staff provided a project update to Town Council at the January 14, 2025 meeting. Due to The Breakers inability to be present, staff promised to bring the Mid-Town Beach Renourishment Project back for discussion.

GENERAL INFORMATION

United States Army Corps of Engineers (“USACE”) had approved and received full funding for a Flood Control and Coastal Emergencies Act (“FCCE”) project for the Mid-Town Beach Federal Nourishment Project in the Town of Palm Beach to replace sand lost from Hurricane Nicole. USACE headquarters had determined that the project cannot be designed or constructed due to the Town of Palm Beach’s inability to acquire 100% of the required perpetual easements. Based on meetings with General Spellmon, Chief of Engineers, the Jacksonville District was directed to move forward with a re-evaluation report to eliminate the northern eleven (11) properties that have refused to provide a perpetual easement. Staff is working to secure easements that were identified by USACE as non-compliant. Three (3) of these easements are within The Breakers property and three (3) others are represented by the same attorney representing The Breakers. The Breakers, and their attorney, informed staff that a perpetual easement which includes public use is unacceptable to them.

Over the past two (2) years the State of Florida’s federal legislatures have been working to overcome the newly enforced requirement for 100% perpetual easements within the Federal project envelope. The Water Resources Development Act of 2024 (“WRDA”) has been passed and signed. At this point in time, USACE is uncertain how this language impacts the Mid-Town Beach Renourishment Project. Due to the schedule for construction of the Mid-Town Project, USACE is continuing the project as promised by the Chief of Engineers in February of 2024. Therefore, the Town is required to certify that all lands are available for the Project. USACE has identified twelve (12) easements within the remaining Mid-Town Project that are not compliant with the USACE requirement. Staff has acquired two (2) of the twelve (12). Out of the remaining ten (10) properties six (6) of the properties are represented by the same attorney. Five (5) of the six (6) properties are also permittees for The Breakers Mid-Town Headland Area Erosion Control Project. The permittees are; The Breakers Palm Beach, Inc., Flagler Drive Holdings, LLC, and South Ocean Boulevard, LLC. These entities represent five (5) of the necessary easements for the immediate Mid-Town Project and subsequently the long-term implementation of the federally authorized USACE Mid-Town Beach Nourishment Project.

The Town has received notice from the Florida Department of Environmental Protection (FDEP) that the permittees of this project are required to get an easement from the Town for the Clarke Beach property within one (1) year of the time of the project construction. The Breakers Mid-Town Headland Area Erosion Control Project is under construction now. The Town has not been approached about providing an easement for this project.

It is also important to note that FDEP approval of this project was based on the long-term implementation of the Mid-Town Beach Renourishment Project. The Mid-Town Project is expected to provide sand to the north of The Breakers Project to ensure that sand is available for the Headland Erosion Control Project. Without sand provided north of The Breakers, the Headland Erosion Control Project, will not perform as designed.

At this time, staff would not recommend agreeing to an easement without first getting the necessary perpetual easements from the five (5) properties associated with the Town's Mid-Town Beach Nourishment Project.

FUNDING/FISCAL IMPACT

Staff has not determined what the additional cost to the Town would be for the areas with only perpetual construction easements or how this would be funded.

cc: Jason Debrincat, P.E., Assistant Director
Patricia Strayer, P.E., Town Engineer
Julie Parham, P.E., Senior Project Engineer
Sara Gutekunst, Coastal Coordinator
Joanne O'Connor, Town Attorney, Jones Foster
Shore Protection Board