

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 10, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Consideration of Procedures for Roadway Paving by Property Owners during the
Town-Wide Underground Utilities Project
Resolution 101-2018

DATE: June 21, 2018

STAFF RECOMMENDATION

Town staff recommends Town Council modify the roadway restoration requirements by property owners during the Town-wide undergrounding utilities project and amending the Department of Public Works Engineering Division Standards Applicable to the Public Right-of-Way and Easements within the Town of Palm Beach (Right-of-Way Manual) as revised through September 26, 2017, via Resolution 101-2018.

GENERAL INFORMATION

The Town Council approved the master contract and purchase order for Task Order 1 of the Town-wide Undergrounding Utility Program at the May 10, 2016 meeting. The first task order includes the master planning for the first phase of bonding and the design for undergrounding utilities from Sloan's Curve to the southern limits of the Town and from Onondaga Avenue north. Construction began in May 2017 and is expected to continue new phases of construction each May for the next seven (7) years.

The Town Right-of-Way Manual requires restoration of an excavated roadway to include milling and resurfacing to a 100-foot minimum. Resolution 144-2016 modified the manual to address the circumstance such that if a major Town project is scheduled for the near future and the previously required road restoration would be disturbed within two (2) years after the completed restoration, the property owner could provide a bond to pay for the work in place of performing the work. The Town presently requires a bond in the amount of the cost of milling and resurfacing plus 35% to be provided to the Town in these circumstance. This is consistent with the requirement in the circumstances where the milling and resurfacing to be performed by the property owner is delayed due to season or other permitting restrictions.

Staff anticipates that the Undergrounding Project will cause the need for milling and resurfacing of most, if not all, of the public and private roads. The Right-of-Way Manual was modified to address the undergrounding project as follows:

Chapter II GENERAL PROVISIONS,

2. General Requirements, 2.21 Restoration of Right-of Way

2.21.1 in part.... Exceptions to these requirements may be granted by the Director of Public Works when a scheduled Town project will be excavating the roadway in the affected area within one (1) year, and within (2) two years, if preceding the Town-Wide Utility Undergrounding Project. The Town will require a bond equal to the cost of the milling and resurfacing plus 35%. If the Town does not complete a project within the area, the Town will require the property owner to perform the required work and the bond will be released. If the work is not performed by the property owner, the Town will utilize the bond to complete the required milling and resurfacing.

As presently stated there is no means for the Town to release all or a portion of the Bond if the work falls within Town project limits, where the Town performs the work. The Town expects a reduction in costs due to economy of scale when several roadways are milled and resurfaced simultaneously. The bulk price could be passed onto the private property owner if the language is modified. Therefore, Town-wide, staff recommends the following revision in regards to roadway restoration.

In circumstances where the Town does complete a project within the area, the property owner shall be responsible for the actual cost of the milling and resurfacing of the area covered by their bond. The rates shall be based on the bid price of the contract as approved by the Town Council. The Town will release the remainder of the bond to the property owner at the time of construction.

The workmanship performed by the property owner's contractor to patch the roadway in the interim would still be required to meet the Town standards. The property owner shall be responsible for any failures in the right-of-way related to the permitted installation, for a period of one (1) year after the permitted work is completed and accepted by the Engineering Division, if the milling and resurfacing is deferred. This practice is currently in place.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

Attachment

cc. John C. Randolph, Town Attorney
Patricia Strayer, P.E., Town Engineer
Paul Castro, AICP, Interim Director of Planning, Zoning & Building Dept.
Dean Mealy, Purchasing Manager