

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 10, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Phase 1 North Easement Abandonment

DATE: August 26, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve vacating the rear yard easements, where possible, for properties that provided easements for the Town-wide Undergrounding for Phase 1 North. Therefore, all others will be responsible for pursuing the easement abandonment process through their own resources.

GENERAL INFORMATION

This item was discussed at the August 14, 2019 Town Council meeting. Town Council requested this item brought back for discussion with more details. Staff understood the additional information required was what the cost would be for each of three (3) scenarios considered by Town Council. The first scenario is the staff recommended option, which is to pay for and perform the process to abandon where possible the rear yard easements for property owners only if they provided an easement for the Town-wide undergrounding project. The second option is to pay for, and perform the process to abandon, where possible, the rear yard easements for all property owners. The third option is to pay for, and perform the process to abandon, where possible, the rear yard easements for property owners only if they provided an easement for the Town-wide undergrounding project and waive the application fee for all other property owners. Below a cost estimate is provided for each option:

1. Pay and perform process for only properties that provided easements:
 - a. Prepare legal descriptions for approximately 930 easements - \$200,000
 - b. Hire temporary staff for 2 months per year at an hourly rate of \$24.34 per hour (10 months) to process abandonments - \$40,000
 - c. Total estimated cost \$240,000

2. Pay and perform process for all property owners:
 - a. Prepare legal descriptions for approximately 2,700 parcels - \$575,000
 - b. Hire a full time temporary employee to perform the process for the next 5 years – \$255,000
 - c. Total estimated cost \$830,000

3. Pay and perform process for only properties that provided easements and waive fee for remaining properties:
 - a. Prepare legal descriptions for approximately 930 easements - \$200,000
 - b. Hire temporary staff for 2 months per year at an hourly rate of \$24.34 per hour (10 months) to process abandonments - \$40,000
 - c. Waive processing fee for approximately 1,770 property at \$1,000 each – \$1,770,000
 - d. Total estimated cost \$240,000 plus loss of fees of \$1,770,000

The Town regularly receives request to abandon easements. The first time Town staff performed the easement abandonment process was when the utility undergrounding project for Nightingale and La Puerta was completed. Each easement is reflected on the title of each property. Therefore, to clear the property of the easement that is being abandoned, each abandonment has to be performed for the individual property and recorded for the individual property. The Nightingale and La Puerta project included in the total project cost the cost of legal descriptions. Staff performed the remainder of the effort.

As a reminder of what is required by Town Code to abandon an easement, the Code is outlined below:

Town Code of Ordinances, Chapter 106, Article IV, requires an application to abandon the public utility easement to make in writing on an application form provided by the Town and include the following information:

- (1) The name and address of the applicant.
- (2) A general description of the street, alley, special purpose easement or other non-fee interest of the Town the applicant seeks to have abandoned, and the location of same. A legal description shall be provided, which description shall be accompanied by a plat, map, or drawing, that also shows the general area involved and the location of the specific property interest to be abandoned.
- (3) The reason for the request of abandonment.
- (4) The names and addresses of the owners and occupants of real property bounding and abutting the street, alley, special purpose easement or other non-fee interest of the Town the applicant seeks to have abandoned, and all owners of property within 300 feet in all directions from any point of a street or alley proposed to be abandoned. The owners of property shall be deemed to be those shown on the then current tax assessment role of the Town. (Note: This is performed by the Town temporary staff if the Town accepts the responsibility or by the property owner if the owner retains the responsibility of processing the request to abandon the easement.)
- (5) Letters of consent from affected utilities in the event of a utility abandonment, including but not limited to, FPL, Southern Bell Telephone Company, Florida Public Utilities, West Palm Beach Water Department, Comcast Cable Television, American Telephone and Telegraph, Town of Palm Beach Water Pollution Control Division, Operations Division, and the Town of Palm Beach Electrical Bureau.
- (6) Existing utilities or improvements, if any, in the area involved. If utilities and improvements need to be relocated, all details regarding same should be identified, including dedication of new easements including legal descriptions.
- (7) At least 45 days prior to the Town Council meeting at which the application is to be considered, 20 complete copies of the application should be submitted to the Public Works Department.
- (8) Such other relevant information as the Town may require. The application shall be signed by the party requesting same, who shall verify same under oath that the information contained therein is true and correct.

For reference, last month's memorandum to Town Council is attached.

FUNDING/FISCAL IMPACT:

The funding will be from the Underground Utility Fund for the Town-wide undergrounding work.

PURCHASING REVIEW

Not required at this time.

TOWN ATTORNEY REVIEW

Not required at this time.

cc: Jane Le Clainche, Finance Director
Steven Stern, Project Manager Town Wide Undergrounding Program
Patricia Strayer, P.E., Town Engineer