

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 11, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Palm Beach Country Club Deed and Easement Modifications with the Town of Palm Beach.

DATE: July 27, 2020

STAFF RECOMMENDATION

Town staff is seeking direction from Town Council on a request for Palm Beach Country Club Deed and Easement Modifications with the Town of Palm Beach.

GENERAL INFORMATION

In April 1941, the Town and Palm Beach Country Club entered into an agreement that includes right-of-way for road purposes through, on and across the Country Club property. The agreement refers to the recorded plat that defines and describes the right-of-way for road purposes along the eastern portion of the property also known as Ocean Boulevard. The Town's responsibility for maintenance of the North Ocean Blvd. seawall is also included in this agreement.

Along the western portion of the Country Club property, the Country Club dedicated easements for both the roadway and the Lake Trail. The Palm Beach Country Club has provided records from the 1941 Plat, which is attached, and the Deed Book which indicates an agreement for maintenance of the described areas.

Historically over the past 78 years, the Palm Beach Country Club and the Town have worked together on the maintenance for the described areas and protection of both shorelines.

The Country Club has also provided additional property not listed in the 1941 agreement for a major stormwater pump-station (D-8) and outfall that is essential to the right-of-way drainage that is owned and operated by the Town. This parcel of land should be clarified in the easement and maintenance responsibility discussion as well.

D-8 STORMWATER PUMPSTATION EASEMENT AND MAINTENANCE

Over the past several months, staff has met with the Country Club for easement and maintenance responsibility clarification, including easement documents for the D-8 Stormwater Pump Station and Outfall. The Country Club allowed both of these structures to be constructed on Country Club property at no cost to the Town. The Country Club and Town staff agree that it is time to formalize this easement across Country Club property.

Staff recommends that the Town Manager be authorized to execute an Easement Agreement that is reviewed and approved by the Town Attorney.

N. LAKE WAY EASEMENT MAINTENANCE

Recent meetings and discussions also included developing a maintenance agreement for the area between the Intracoastal Waterway and the bike trail. The 1941 Agreement outlines responsibilities, but our practice (both the Town and the Country Club) have been different. The Country Club has been a very good partner through all of these efforts and is in the process of developing revisions to the original agreement. These revisions will clarify the responsibilities by both parties that have been worked out jointly over the past 78 years as described.

In the April 1941 agreement, Area “A” is designated as the Lake Trail along the western portion of the property and agreed to be limited to the use of wheel chairs, bicycles and pedestrians. Area “B” is designated as the two (2) foot wide strip of land east of the Lake Trail and west of N. Lake Way as a divider. The Agreement includes a requirement for the Town to provide shore protection (construction of a bulkhead) for a certain section of this area. The Town has placed a revetment to stabilize the area and the Country Club has accepted this a temporary solution but does not waive the requirement of the Town building a bulkhead if necessary due to erosion.

The Town and the Country Club have been working jointly on maintenance responsibilities along North Lake Way. The Country Club has been cutting the grass and trees west of the bike path. In turn, the Town has been maintaining the Lake Trail, the two (2) foot wide strip of grass and the white concrete traffic barrier posts. This has been working well for both parties, therefore, the Country Club is proposing to continue this arrangement and update the easement documents to state as such. Town staff agrees with this approach and recommends that the Town Council direct staff to work with the Country Club to finalize this agreement and return to a future Town Council meeting for final approval.

OWNERSHIP OF 11 PARKING SPACES ALONG N. OCEAN BLVD

In April 1941, the Town and Palm Beach Country Club entered into an Agreement that includes a right-of-way for road purposes across the Country Club property. This right-of-way agreement includes N. Ocean Blvd. Along the southern limits of the Country Club property along N. Ocean Blvd, the agreement and right-of-way includes eleven (11) parking spaces designated for public use. The Country Club would like to modify the current easement agreement to dedicate the eleven (11) spaces for Country Club use only.

Staff believes that this has been the historic use of these spaces but can find no documentation that dedicates the use of these spaces to the Country Club. The Country Club has several parking spaces north of this location on the west side of North Ocean Blvd. These spaces are on Country Club property. The Country Club has always allowed the Town to use these spaces for public projects as well as for debris management during storm recovery. If the Country Club would allow Town use of these new spaces if necessary, staff would recommend that the Town Council dedicate the eleven (11) new spaces for use by the Country Club.

PUBLIC/PRIVATE BEAUTIFICATION PROJECT ALONG N. OCEAN BLVD

In April 1941, the Town and Palm Beach Country Club entered into an Agreement that includes a right-of-way for road purposes across the Country Club property. This right-of-way is North Ocean Boulevard. The agreement also addresses the Town’s responsibility for the recently replaced seawall. The language does not directly address the strip of land between the road and the seawall. The Country Club believes that the language of the Agreement implies that the Town has some responsibility for this strip of land. The Town Attorney has reviewed this language and does not believe that the Town owns this strip of land and does not believe that the Town has a maintenance responsibility.

The original wooden bulkhead was close to the existing edge of pavement. That wall was replaced with a steel sheet pile wall that was constructed water ward of the original timber bulkhead. We recently replaced that steel wall with a new steel sheet pile wall that was constructed water ward of the old wall. The grass strip between the edge of pavement and the newest wall may not have existed when the timber bulkhead was in place. This strip of land has gotten larger with each replacement wall. Staff believes that the old agreement does not address this area because this area did not originally exist.

This lack of clarity about the ownership or responsibility for maintenance does not preclude the Town from pursuing a joint public/private beautification project along North Ocean Boulevard.

The Palm Beach Country Club met with Town staff and discussed a possible beautification project for the strip of land between North Ocean Boulevard and the seawall. A public/private partnership would allow the Town the opportunity to help decide what this vista would become. The Town Council previously gave conceptual approval to a public/private beautification project. Staff has worked with the Country Club to develop alternatives and preliminary budgets. The goal is to install native plantings that do not require irrigation and only minimal maintenance. A conceptual plan is attached. Staff recommends that the Town Council approves moving forward with this project.

FUNDING/FISCAL IMPACT

Town Council previously conceptually approved the Town's participation up to \$100,000 for a joint public/private beautification project.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this item and will be available for comment during the Town Council meeting.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Maura Ziska, Esq., Kochman & Ziska PLC
Robert A. Schlager, CPM, Palm Beach Country Club
Tom Youchak, P.E., Palm Beach Country Club