

# TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

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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 Phase 7 of the Town-Wide Underground Utilities Project  
**Resolution 130-2021**

DATE: September 27, 2021

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## **STAFF RECOMMENDATION**

Town staff recommends Town Council approve Resolution No. 130-2021 to modify the roadway restoration requirements by property owners for Phase 7 during the Town-wide Underground 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 October 12, 2018 via Resolution 101-2021.

## **GENERAL INFORMATION**

The Town Right-of-Way Manual requires restoration of an excavated roadway to include milling and resurfacing to a 100-foot minimum. Resolution No. 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 circumstances. This is consistent with the requirement in this circumstance where the milling and resurfacing to be performed by the property owner is delayed due to season or other permitting restrictions.

The present schedule for initiating Phase 7 North undergrounding construction is May 1, 2023. Therefore, roads located in Phase 7 North, from Kawama Lane south to Atlantic Avenue, will start to see impacts as soon as June, 2023. Florida Public Utilities (FPU) has completed the work to replace bare steel conduits in rear easements with polyethylene pipe primarily in the road right-of-way. This work included installing FPU lines in the roadway on streets within Phase 7 North of the undergrounding project. Until this year, FPU has been able to work within the Town's scheduled phases for undergrounding. The Phase 7 area was the only remaining area to complete the FPU relocation of pipe. Therefore, the Town will no longer see significant right-of-way work being performed by FPU in the upcoming years. FPU has worked with the Town on previous phases to cost share the repaving of roads. Since they are now complete, they requested the Town to consider accepting a cash contribution for the repaving of the roads in Phase 7 North in lieu of milling and resurfacing the required 100 feet. With the construction of Phase 7 North scheduled to begin just under

two (2) years from now, it is likely that the work that impacted the roads performed by FPU would fall outside of the present time constraint outlined above in the road Rights-of-Way Manual. Staff recommends residents within Phase 7 North be given the same consideration as FPU for milling and resurfacing within in Phase 7 North. Therefore, staff is requesting that for Phase 7 North only that this two (2) year time frame be modified to “any road restoration that would be disturbed by the undergrounding construction in Phase 7 North.”

## 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 two (2) years, if preceding the Town-Wide Utility Undergrounding Project **or within Phase 7 North of the Town-wide 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.*

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 Town has recently improved inspection of patches and has required the certification from a registered engineer that the patch was performed in accordance with the Town’s standards as stated in the Town’s Rights-of-Way Manual. The property owner shall be responsible for any failures in the right-of-way related to the permitted installation. This practice is currently in place.

## FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

## TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

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