

**RESOLUTION NO. 130-2021**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION STANDARD APPLICABLE TO PUBLIC RIGHTS-OF-WAY AND EASEMENTS, AMENDING CHAPTER 2, SECTION 2.21, RESTORATION OF RIGHT-OF-WAY.

WHEREAS, the Town of Palm Beach, Town Council authorized the creation of the Department of Public Works, Engineering Division Standards Applicable to Public Rights-of-Way and Easements by Ordinance 11-94 on July 12, 1994; and

WHEREAS, the Department of Public Works, Engineering Division Standards Applicable to Public Rights-of-Way and Easements is reviewed from time-to-time and may be modified by Resolution of the Town Council; and

WHEREAS, the Town has determined, due to the forthcoming Town-wide Utility Undergrounding Project, that it is necessary to relax pavement restoration efforts in areas that are to undergo construction related to the Utility Undergrounding Project; and

WHEREAS, the Town has determined that it is necessary to amend the Town's Right-of-Way Manual in the manner below.

WHEREAS, the Town passed and adopted Resolution No. 144-2016 amending Chapter 2, General Provisions, General Requirements, Section 2.21, Restoration of Right-of-Way as follows: *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.*

WHEREAS, the provision does not allow the Town to release all or a portion thereof of the Bond if the work falls within a Town project limits, wherein the Town performs the work.

WHEREAS, the Public Works Department recognizes a reduction in costs when several roadways are milled and resurfaced simultaneously.

WHEREAS, the cost savings can be passed on to the property owner in whole or in part.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Right-of-Way Manual is hereby amended to add at Chapter 2, General Provisions, General Requirements, Section 2.21, Restoration of Rights-of-Way as follows:

**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.**

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12<sup>th</sup> day of October 2021.

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Danielle H. Moore, Mayor

ATTEST:

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Queenester Nieves, CMC, Town Clerk