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RESOLUTION 33, 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE RIGHT OF WAY CONVEYANCE AGREEMENT BETWEEN THE SCHOOL BOARD OF PALM BEACH COUNTY AND THE CITY OF PALM BEACH GARDENS FOR 117TH COURT NORTH RIGHT OF WAY; AUTHORIZING AND RATIFYING THE TRANSFER OF FUNDS FROM BUDGETED RESERVES, PURSUANT TO SECTION 2-293. APPROPRIATIONS. OF THE CITY CODE OF ORDINANCES, NECESSARY TO FUND THE CONSTRUCTION OF THE 117TH COURT NORTH IMPROVEMENT PROJECT; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAID PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, fee title to 117th Court North is presently owned by the School Board of Palm Beach County; and

WHEREAS, the City has requested that the Board convey fee title to 117th Court North, and in exchange the City will, at its sole cost and expense, design and construct certain improvements to 117th Court North that will benefit the Timber Trace Elementary and Watson B. Duncan Middle Schools (the "Schools") and the public at large; and

WHEREAS, the City Council deems approval of this Resolution to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The City Council hereby approves the Right of Way Conveyance Agreement, which is attached hereto and incorporated herein as Exhibit "A", and pursuant to Section 2-293. Appropriations. of the City Code of Ordinances, authorizes the City Manager to transfer any necessary funds from budgeted reserves to fund all costs associated with the construction of the 117th Court North improvement project, in substantial conformity with the conceptual plans as referenced in the subject agreement. The City Council further authorizes the City Manager to take all actions and execute all documents necessary to construct the subject improvements, which include, but are not limited to, funding, staffing, procuring professional services and/or any other related activities.

SECTION 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 5th day of May, 2016.

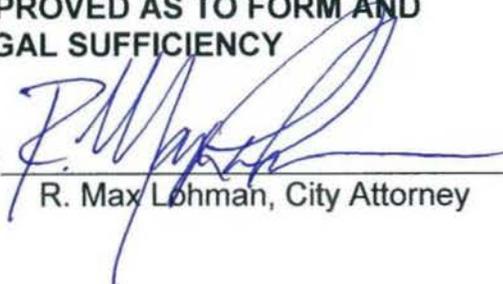
CITY OF PALM BEACH GARDENS, FLORIDA

BY: 
Marcie Tinsley, Mayor

ATTEST:

BY: 
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 
R. Max Lohman, City Attorney

VOTE:

AYE NAY ABSENT

MAYOR TINSLEY	<u>✓</u>	___	___
VICE MAYOR JABLIN	<u>✓</u>	___	___
COUNCILMEMBER PREMURROSO	<u>✓</u>	___	___
COUNCILMEMBER LEVY	<u>✓</u>	___	___
COUNCILMEMBER MARINO	<u>✓</u>	___	___

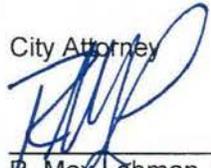


**CITY OF PALM BEACH GARDENS
CITY COUNCIL
Agenda Cover Memorandum**

**Meeting Date: May 5, 2016
Resolution 33, 2016**

Subject/Agenda Item: Right of Way Conveyance Agreement between the City of Palm Beach Gardens and the School Board of Palm Beach County, Florida for conveyance and improvement of 117th Court North. In addition, this resolution authorizes the City Manager to transfer any necessary funds from the Unassigned Reserves to fund all the costs associated with construction of the 117th Court North improvement project, in substantial conformity with the conceptual plans as referenced in the subject agreement. It further authorizes the City Manager to take all actions and execute all documents necessary to construct the subject improvements, which includes, but is not limited to, funding, staffing, procuring professional services and/or any other related activities.

Recommendation to APPROVE
 Recommendation to DENY

<p>Reviewed by:</p> <p>City Attorney  R. Max Lohman, Esq.</p> <p>Finance Administrator  Allan Owens</p>	<p>Originating Dept.: Engineering</p> <p> Todd Engle, P. E. City Engineer</p> <p>Advertised: NA</p> <p>Date:</p> <p>Paper:</p> <p><input checked="" type="checkbox"/> Not Required</p>	<p>Costs: \$ 2,200,000.00 (Total)</p> <p>\$ _____ Current FY</p> <p>Funding Source:</p> <p><input type="checkbox"/> Operating</p> <p><input checked="" type="checkbox"/> Other</p>	<p>Council Action:</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/ Conditions</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Continued to:</p>
<p>Submitted by:</p> <p>Department Director  J. E. Doughney, III Deputy City Manager</p>	<p>Affected parties</p> <p><input type="checkbox"/> Notified</p> <p><input checked="" type="checkbox"/> Not required</p>	<p>Contract/Agreement:</p> <p>Effective Date: June 15, 2016</p> <p>Expiration Date: N / A</p>	<p>Attachments:</p> <ul style="list-style-type: none"> • Resolution 33, 2016 - Exhibit "A": Right of Way Conveyance Agreement Between the City of Palm Beach Gardens and the School Board of Palm Beach County, Florida for Conveyance and Improvement of 117th Court North
<p>Approved by:</p> <p>City Manager  Ronald M. Ferris</p>			
<p>Budget Acct.#:</p> <p>001.0900.519.9920</p>			

BACKGROUND: The City of Palm Beach Gardens (City) has requested that the School Board of Palm Beach County (Board) convey fee title to 117th Court North to the City in order to improve traffic flow and public safety on 117th Court North.

In exchange, the City will, at its sole cost and expense, design and construct certain improvements to 117th Court North that will benefit Timber Trace Elementary and Watson B. Duncan Middle Schools, along with significantly improving the traffic flow and public safety along this roadway and connecting roadways in the area. Upon the execution of the agreement, the City will assume the responsibility for maintenance, improvements, and management of 117th Court North.

In addition, Resolution 33, 2016 authorizes the City Manager to transfer any necessary funds from the Unassigned Reserves to fund all the costs associated with construction of the 117th Court North improvement project, in substantial conformity with the conceptual plans as referenced in the subject agreement. It further authorizes the City Manager to take all actions and execute all documents necessary to construct the subject improvements, which includes, but is not limited to, funding, staffing, procuring professional services, and/or any other related activities.

The City Engineer's conceptual cost estimate is \$2.2 million.

STAFF RECOMMENDATION: Staff recommends approval of Resolution 33, 2016 as presented.