



**VILLAGE COUNCIL AGENDA
REGULAR MEETING
226 Cypress Lane, Palm Springs, Florida 33461
Thursday, June 11, 2020
6:30 PM**

Persons who need an accommodation in order to attend or participate in this meeting should contact the Village Clerk at (561) 965-4010 at least three (3) business days prior to the meeting in order to request such assistance.

1. CALL TO ORDER

2. ROLL CALL:

Mayor Bev Smith, Vice Mayor Patti Waller, Mayor Pro Tem Gary Ready, Council Member Doug Gunther, Council Member Joni Brinkman, Village Attorney Glen Torcivia, Village Manager Richard Reade and Village Clerk Kimberly Wynn

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. ADDITIONS, DELETIONS, OR MODIFICATIONS, AND APPROVAL OF AGENDA

Motion	Second	Vote
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6. CONSENT AGENDA *(Public Comment on Consent Agenda Items is permissible prior to voting)*

6.1 Appointment to the Construction Board of Adjustment and Appeals

[Application - Jerome Small](#)

6.2 Approve Playground Equipment and Installation Sago Palm Park Improvements Contract Award (Task Order No. 254) - Cooperative Purchasing (Piggyback) - Parks and Recreation Department (FY 2020 Funded - General Fund) - GameTime c/o Dominica Recreation Products, Inc. **(STAFF HAS REQUESTED THAT THIS ITEM BE POSTPONED)**

- 6.3 Approve Transfer of Three (3) Tax Deed Parcels - Various Locations - Palm Beach County
 Proposed Approval to Transfer Three (3) Tax Deed Parcels (Draft Version) - Village of Palm Springs
 Location Map - Three (3) Tax Deed Parcels for Conveyance
 Chapter 197.592 - Florida Statutes - County delinquent tax lands
 Completed Title Search - Various Properties - Village Attorney
 PBC Tax Deed - Floweva Street Parcel
 Aerial Map - Floweva Street Parcel
 PBC Tax Deed - Adcock Lane Parcel
 Aerial - Adcock Lane Parcel
 Aerial - Elizabeth Street Parcel
 PBC Tax Deed - Adcock Lane Parcel
 Property Conveyance Request - Iglesia de Dios Ebenezer International
- 6.4 Approve Village-Wide Landscaping Services Contract - Invitation to Bid (ITB) - Public Service Department (FY 2020 Budget Funded - General Fund and Water & Sewer Fund) - Cayco Landscaping
 Proposed Agreement - Cayco Landscaping
 Bid Proposal - Cayco Landscaping
 Bid Tabulation - ITB #2020-005
 Recommendation of Award - Cayco Landscaping
 Village Attorney Opinion - Waive Non-Material Irregularities - Cayco Bid
 Invitation to Bid - ITB #2020-005
 Questions & Answers - ITB #2020-005
- 6.5 Approve 4th of July Fireworks Display Vendor - Parks and Recreation Department (FY 2020 Funded - General Fund) - Exposhow, Inc.
 Proposed Agreement - Exposhow, Inc.
 Cost Proposal and Specifications - Village of Palm Springs
- 6.6 Resolution No. 2020-18: Village Council Rules of Order and Procedure
 Proposed Resolution No. 2020-18
 Exhibit A Council Meeting Rules & Procedure
 Quasi-Judicial Rules Procedures
 Section 3.08 - Village Charter - Village Council Meeting Rules & Procedure

END OF CONSENT AGENDA

MOTION	SECOND	VOTE
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7. PRESENTATIONS

8. **PUBLIC COMMENT** *The public shall be limited to three (3) minutes to speak on agenda or non-agenda item(s)*

9. PUBLIC HEARINGS

9.1 Resolution No. 2020-17 - Preliminary Plat - Beatrice Place - 4405 Dale Road (*Quasi-Judicial Hearing*)

Motion	Second	Vote
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[Proposed Resolution No. 2020-17 - Preliminary Plat - Beatrice Place - 4405 Dale Road](#)

[Proposed Preliminary Plat - Beatrice Place - 4405 Dale Road](#)

[Letter of Compliance with Florida Statutes - Beatrice Place - 4405 Dale Road - Engenuity Group](#)

[Special Purpose Survey](#)

[Preliminary Plat Narrative - Beatrice Place - 4405 Dale Road](#)

[Advertisement - Proposed Resolution No. 2020-17 - Beatrice Place - 4405 Dale Road](#)

[Aerial Map and Location Map](#)

9.2 Ordinance No. 2020-08 - Village Code Amendment - Chapter 34 - Land Development Procedures (First Reading)

Motion	Second	Vote
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[Proposed Ordinance No. 2020-08 - Village Code Amendment - Chapter 34 - Land Development Procedures](#)

9.3 Ordinance No. 2020-09 - Village Code Amendment - Chapter 34 - Article VI "Land Use" - Mobile Food Dispensing Vehicles (First Reading)

Motion	Second	Vote
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[Proposed Ordinance No. 2020-09 - Permit Mobile Food Trucks](#)

[Approved 2020 House Bill \(HB\) 1193](#)

9.4 Ordinance No. 2020-10 - Village of Palm Springs General Employees Pension Fund

Motion	Second	Vote
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[Proposed Ordinance No. 2020-10 - General Employee Pension \(Board Composition\)](#)

[E-mail from Plan's Attorney Regarding Proposed Ordinance No. 2020-10 - June 2020](#)

[Previous Version \(Prior to the Review by the Plan's Attorney\) - Proposed Ordinance No. 2020-10 - General Employee Pension \(Board Composition\)](#)

[E-mail Requesting an Actuarial Impact Statement Regarding Proposed Ordinance No. 2020-10 - Sent to the Plan's Pension Administrator - June 2020](#)

10. ACTIONS AND REPORTS

10.1 Discussion - Proposed Lake Worth Road (State Road 802) Corridor Improvements - Florida Department of Transportation (FDOT)

[FDOT Presentation - Summary of Proposed Lake Worth Road Improvements](#)

[Preliminary Plans - State Road 802 \(Lake Worth Road\) \(441632-1\) Access Management](#)

[Lake Worth Road MultiModal Corridor Improvement Study, Palm Beach](#)

[Transportation Planning Agency, March 2020](#)

[PZB Director Comments on Initial Plans 4.6.20](#)

[Resolution No. 2018-21 Safety Speed Reduction](#)

[FDOT Response Letter to Mayor Smith](#)

[Road Safety Audit SR-802 \(Lake Worth Rd\) May 2019](#)

11. VILLAGE MANAGER COMMENTS

12. VILLAGE COUNCIL COMMENTS

13. ADJOURNMENT

Next Meeting

THURSDAY, JULY 9, 2020, AT 6:30 PM

If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Administration

ITEM 6.1: Appointment to the Construction Board of Adjustment and Appeals

SUMMARY:

Currently, there are four (4) Regular Member vacancies and two (2) Alternate Member vacancies on the Construction Board of Adjustment and Appeals.

Mr. Jerome Small has expressed an interest in serving as a Regular Member. Mr. Small serves as a Student Field Engineer (Intern) and would be a valuable asset to the Board. If appointed, he would serve an unexpired three (3) year term ending on May 14, 2023.

If the appointment is approved, there would be three (3) Regular member and two (2) Alternate member vacancies.

FISCAL IMPACT:

The proposed appointment does not have a fiscal impact to the Village.

ATTACHMENTS:

Application - Jerome Small

226 Cypress Lane • Palm Springs, FL 33461
Village Clerk Office
☎ (561) 965-4010 • FAX (561) 304-4602



**APPLICATION FOR APPOINTMENT to
ADVISORY BOARD and COMMITTEES**

NAME: Jerome Roal Small HOME PHONE: 561-572-7680
EMAIL ADDRESS: LancersLeed@gmail.com CELL PHONE: 561-572-7680
ADDRESS: 1246 Sweet Violet Ct, West Palm Beach, Florida
OCCUPATION: Student Field Engineer
BUSINESS: Palm Beach County Engineering BUSINESS PHONE:
BUSINESS ADDRESS: 2300 N Jog Road, West Palm Beach, Florida, 33411
BRIEF DESCRIPTION OF EDUCATION OR EXPERIENCE:

Are you a registered voter?

☒ Yes ☐ No

What County? Palm Beach

Do you currently serve on a board?

☐ Yes ☒ No

If yes, which one(s)?

Why are you interested in serving on this board?

I am interested in serving on this board because I have a genuine interest in the growth and development of Palm Springs. I also want the young people to take more action.

Please indicate on which board you wish to serve. If more than one, list in order of preference.

☒ Construction Board of Adjustment and Appeals

☒ Planning & Zoning Board

☐ General Employees' Pension Board of Trustees

☐ Parks & Recreation Board

☐ Grievance Board

☐ Police Employees Pension Board of Trustees

☐ Infrastructure Surtax Citizens' Oversight Committee ☐ Other

☐ Library Board

Signature

Date:

05/21/20

1246 Sweet Violet Ct
West Palm Beach, FL 33415

Jerome Small

(561) 572-7680
lancersleed@gmail.com

Education: UF Geomatics Masters (current) Florida Atlantic University (Bachelors in Geosciences), Palm Beach State College (Associates Degree), John I Leonard High School (High School Diploma), Cambridge International University (AICE Diploma)

Work: Palm Beach County Environmental Resources Management: 07/2018 – 09/2019
Environmental Engineering and Resources Protection Intern. Involved work such as Bathymetric data collection, AutoCAD, MicroStation, Storage Tank Compliance and Inspections, Total Station, Trimble GPS, Drones, Theodolites, Leica, Level, Measuring Wheel, Plumb Bob, Ranging Rod, Tripod,

Pine Jog Environmental Education Center 08/2013 – 05/2018, prescribed Burns, Natural Areas Maintenance, Orchid Propagation lab work, Environmental Design, exotic plant removal

College: Physics with Calculus Lab, Statistics, Physical Geology Lecture and Lab, Hydrogeology, Structural Geology, Stratigraphy and Sedimentation, GIS and Mapping, Environmental Engineering Internship

12th Grade: AICE Environmental Resources and Management, ESC 1000 Earth Science (Palm Beach State), MGF 1106 Liberal Arts (Palm Beach State), AICE Travel and Tourism, AICE English A, AICE Global Perspectives A level, AICE General Papers, AVID 4, AICE Business AS, AICE Business A, AICE US History,

11th Grade: AICE Physics, AICE Marine, EDG 4045 Civic Engagement through Environmental Service Learning (FAU Pine Jog Fellowship Fall Semester), HUN 1201 Elements of Nutrition (Palm Beach State), AP Stats, AICE Psychology (AICE Science), AICE ICT AS Level, AICE ICT A Level, AVID 3, AMH 2010 US History to 1865 (Palm Beach State), Life Management Skills, Economics, AICE English AS,

10th Grade: Chemistry Honors; Chemistry Regular, EDG 4044 Survey of Current Environmental Issues through Service Learning (FAU Pine Jog Fellowship Summer Semester), GEA 1000 Principles of Geography and Conservation (Palm Beach State), Pre-Calculus Hon, AICE Thinking Skills, AVID 2, AP Government, English 3 Honors, US History Honors

Notable GPA Information: Went from a 1.7 GPA in my first semester of high school to a 3.5 GPA (still improving); Florida Atlantic University GPA: 3.8; Palm Beach State College GPA: 3.7; Associated at events with Philippe Cousteau Jr., Miss Florida (Mary Katherine Fechtel), Governor Rick Scott, and Congressman Ted Deutch, Dr. Mehmet Oz, Tinu Pena

Field and Laboratory Skills and Techniques: Pine Jog Environmental Education Center (Pine Jog Fellowship Program, STEM mentoring program, H2O to Go Program, Orchid Lab experience, Pine Jog Environmental Education Center Volunteering, Pine Jog Afterschool Program (mentoring and volunteering), Pine Jog Elementary School (mentoring and volunteering); Earth Echo International Virtual Youth Program (Worked with Philippe Cousteau Jr.); Wastewater and Water management experience from father; AVID; Computer Academy Magnet Program; Donating healthy food to people and peers; Python Programming

Community Service: Over 4263 Community Service Hours

Awards and Achievements: Perfect Attendance (3 years), Community Service (4 years), National Academy of Future Scientist and Technologist Award of Excellence (1); The National Society of High School Seniors Scholarship Award (1); Citizenship Award (1); AVID Award (1); Microsoft Scholarship Winner

Altruism: Two hundred and fifty dollar scholarship I donated to John I Leonard towards agricultural purposes

Representations, Organizations, and Events: Science Fair (How much Biogas do different fruit and vegetable purees make); Academic Games; Learn Green Conference; SECME Olympiad; Envirothon (environmental competition); Pine Jog Green Gala (volunteered with Kristi Moyer); Academy Awards; School Board Meetings; Strawberry Festival Volunteering; Pine Jog Enchanted Forest Volunteering; The Breakers Hotel (volunteered with Rick Hawkins and measured the sustainability of the hotel); Mounts Botanical Garden, Palm Beach Zoo and Conservation Society (volunteered in summer 2015); Audubon Society of the Everglades (volunteered with Susan Snyder); Palm Beach County Beekeepers Association (volunteered with Al Salopek);

Organizations Volunteered: Our Florida Reefs; Sierra Club; Solid Waste Authority (volunteered with Brian Elkins); Grey Mocking Bird Community Garden (volunteered with Brian Kirsch); South Florida Water Management District (volunteered with Robert Wanvestraute); Sustainability Office of West Palm Beach (volunteered with Penni Redford); Grassy Waters Preserve (volunteered with Pat Painter); Storm Treatment Area Loxahatchee (volunteered with Lou Toth); Strazulla Marsh (volunteered with and Ellen Lake); West Palm Beach Wastewater Plant; Boca Water Treatment Plant (volunteered with Marie Przybylski); Florida Fish and Wildlife Commission (volunteered with Kelly Gestring); Everglades Foundation; USDA (volunteered with LeRoy Rogers); Lake Worth Lagoon (volunteered with Wendy Puz); Green Cay Farms (volunteered with Nancy Roe)

Research Projects: Project John I Leonard Restoration (Pine Jog Fellows Fall project, ongoing); Victoria Woods Homeowners Association (Community Farm developed in environmental preserve with minimal impacts; almost 10 years and continuing); Started Gardens/Farms all over Palm Beach County (ongoing); AICE Global AS (How to improve Food Diets); AICE Global (Should Organic Foods Be Implemented into School Lunch)

Certifications: Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Word Expert, Microsoft Access, Microsoft Excel Expert,

References:

Maria Fadiman

FAU Associate Professor Department of Geosciences

561-297-3314

mfadiman@fau.edu

Anne Henderson

FAU Pine Jog Director of Education

561-686-6600

ahender8@fau.edu

Joseph Chaison

Senior Engineer Palm Beach County Environmental Resource Management

561-400-2579

JChaison@pbcgov.org

Ray Coleman

Executive Director of FAU Pine Jog Environmental Education Center

561-686- 6600

colemanr@fau.edu

Moni Spivey

Development and Events Coordinator

mspivey@evergladesfoundation.org

[786.249.4454](tel:786.249.4454)

Norman Riemer

John I Leonard AICE Physic Teacher/ SECME Coordinator/ Science Fair Coordinator

norman.riemer@palmbeachschools.org

Pierrette Lagor

John I Leonard High School AVID Elective Teacher

pierrette.lagor@palmbeachschools.org



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Parks & Recreation

ITEM 6.2: Approve Playground Equipment and Installation Sago Palm Park Improvements Contract Award (Task Order No. 254) - Cooperative Purchasing (Piggyback) - Parks and Recreation Department (FY 2020 Funded - General Fund) - GameTime c/o Dominica Recreation Products, Inc. ***(STAFF HAS REQUESTED THAT THIS ITEM BE POSTPONED)***

SUMMARY:

FISCAL IMPACT:

ATTACHMENTS:



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Planning, Zoning & Building

ITEM 6.3:

Approve Transfer of Three (3) Tax Deed Parcels - Various Locations - Palm Beach County

SUMMARY: The Property Management Section of Palm Beach County's Division of Property and Real Estate Management (PREM) (Facilities Development and Operations Department) is requesting to transfer three (3) parcels of property (various locations within the Village) from Palm Beach County to the Village of Palm Springs pursuant to Florida Statutes Chapter 197.592.

The proposed parcels were acquired by Palm Beach County through Tax Deeds (delinquent property taxes) and are located within the municipal boundaries of Palm Springs. Florida Statutes Chapter 197.592(3) allows for the transfer of these surplus parcels to the municipal jurisdiction, free of charge, and without encumbrances such as liens or use restrictions. Following conveyance by the County, the Village may sell, deed or otherwise dispose of the parcels.

Note: The proposed transfer of properties is being presented to the Village Council for final approval; however, the County has noted that the proposed transfer of surplus tax deed parcels would not require Village approval. The Palm Beach County Board of County Commissioners consideration of this proposed transfer is anticipated in August 2020.

The three (3) Palm Beach County tax deed parcels that are proposed to be conveyed/transferred to the Village are as follows:

Location: Sliver Parcel - Floweva Street

- Tax Deed: Certificate Number 599 - June 1, 1972
- PCN: 70-43-44-08-04-000-0482
- Size: 0.01 Acres

- Characteristics:
 - 2.75 feet wide by 92 feet long
 - Previously part of adjacent lot - 2830 Floweva Street
 - Fence(s) located in area
 - Annexed in 2001
 - Current assessed value = \$327
- Proposed Use: Deed to adjacent property owner (2830 Floweva Street)

- **Location: Road Parcel - Adcock Lane**
- Tax Deed: Certificate Number 7521 - June 1, 1989
- PCN: 70-43-44-19-11-002-0249
- Size: 0.0367 Acres
- Characteristics:
 - 20 feet wide by 80 feet long
 - Previously part of adjacent lot - 3929 Adcock Lane
 - Adcock Lane road improvements
 - Annexed in 2005
 - Current assessed value = \$3,840
- Proposed Use: Private Road - Deed to property adjacent property owner (3929 Adcock Lane) or retain and acquire balance of street to serve as public right-of-way

- **Location: Sliver Parcel (Former Alley) - Elizabeth Street**
- Tax Deed: Certificate Number 11937 - June 1, 1991
- PCN: 70-43-44-19-08-000-1050
- Size: 0.0282 Acres
- Characteristics:
 - 12 feet wide by 102.5 feet long
 - Previously part of adjacent lot – 3766 Elizabeth Street
 - Church driveway
 - Annexed in 2004
 - Current assessed value = \$300
- Proposed Use: Driveway - Deed to church (3724 and 3766 Elizabeth Street)

The Village Attorney has obtained a title search of the parcels and finds no encumbrances or issues that would affect the Village's ability to sell, transfer or dispose of the parcels after they are conveyed from the County.

If approved, the proposed conveyance to the three (3) parcels of property would be effective upon recordation of a County Deed.

The proposed transfer of properties by PBC has been reviewed by the Village Attorney, the Planning, Zoning & Building Director and the Public Service Director/Engineer.

Note: The Village has been approached by a local church, Iglesia De Dios Ebenezer International, Inc., located at 3724 Elizabeth Street, to convey the Elizabeth Street parcel to the church. The Church owns the residential property at 3766 Elizabeth Street (the Pastor's residence) on the south side of the subject tax deed parcel, as well as two parcels at 3724 Elizabeth Street on its north side (church building location).

The remaining parcels may be dedicated to adjacent parcels, if accepted by the property owners and approved by the Village Council at a future date.

FISCAL IMPACT:

Upon transfer of the three (3) parcels, the Village will assume responsibility for on-going maintenance costs for each of the three parcels of property.

ATTACHMENTS:

Proposed Approval to Transfer Three (3) Tax Deed Parcels (Draft Version) - Village of Palm Springs

Location Map - Three (3) Tax Deed Parcels for Conveyance

Chapter 197.592 - Florida Statutes - County delinquent tax lands

Completed Title Search - Various Properties - Village Attorney

PBC Tax Deed - Floweva Street Parcel

Aerial Map - Floweva Street Parcel

PBC Tax Deed - Adcock Lane Parcel

Aerial - Adcock Lane Parcel

Aerial - Elizabeth Street Parcel

PBC Tax Deed - Adcock Lane Parcel

Property Conveyance Request - Iglesia de Dios Ebenezer International



Village of Palm Springs

226 Cypress Lane • Palm Springs, Florida 33461 -1699

561-965-4010 • www.vpsfl.org

June 12, 2020

Mr. Richard Bogatin
Manager
Property & Real Estate Management - Palm Beach County
2633 Vista Parkway
West Palm Beach, FL 33411

RE: Conveyance of Three (3) Escheatment Deed Parcels

Dear Mr. Bogatin:

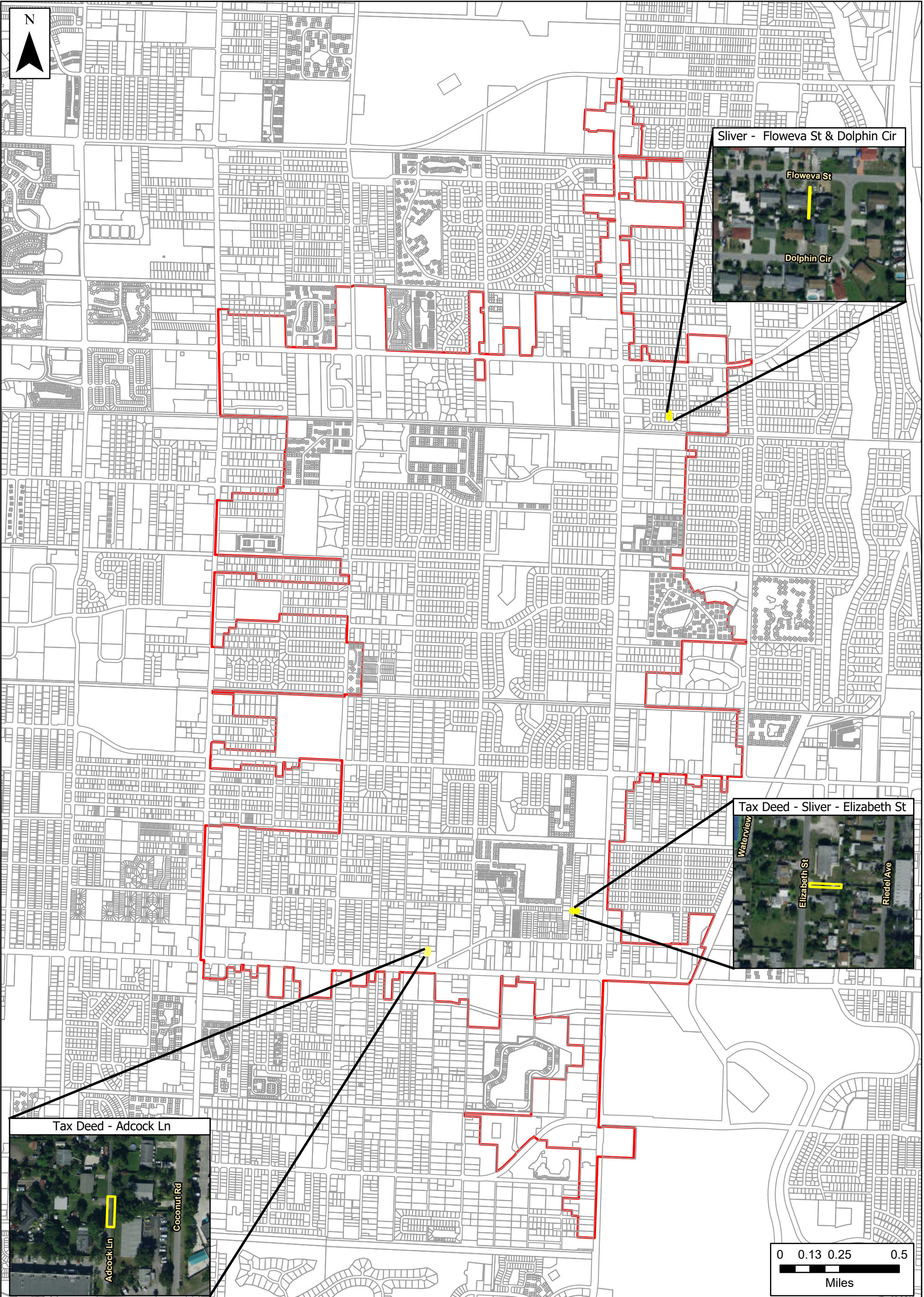
Pursuant to your request, the Village of Palm Springs will accept conveyance of the three tax deed parcels located on Floweva Street (70-43-44-08-04-000-0482), Adcock Lane (70-43-44-19-11-002-0249) and Elizabeth Street (70-43-44-19-08-000-1050).

Thank you for this consideration.

Sincerely,

Richard J. Reade
Village Manager

c: The Honorable Mayor Dave Kerner
 The Honorable Vice Mayor Robert Weinroth
 The Honorable Commissioner Hal R. Valeche
 The Honorable Commissioner Melissa McKinlay
 The Honorable Commissioner Mary Lou Berger
 The Honorable Commissioner Mack Bernard
 The Honorable Commissioner Gregg Weiss
 The Honorable Mayor Bev Smith
 The Honorable Vice-Mayor Patti Waller
 The Honorable Mayor Pro-Tem Gary Ready
 The Honorable Council Member Doug Gunther
 The Honorable Council Member Joni Brinkman



Village of Palm Springs

Tax Deed Parcels

pursuant to Chp 197.592(3)

The Data is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The Village of Palm Springs make no warranties, express or implied, as to the use of the licensed Data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction and update.

- Tax Deed Parcels
- Parcels
- Village Limits

Data Source: Tax Deed Parcels and Village Limits data provided by the Village of Palm Springs, Parcels provided by Palm Beach County, Basemap provided by ESRI World Imagery.

Select Year: 2019 ▼ Go

The 2019 Florida Statutes

[Title XIV](#)

TAXATION AND FINANCE

[Chapter 197](#)

TAX COLLECTIONS, SALES, AND LIENS

[View Entire Chapter](#)**197.592 County delinquent tax lands; method and procedure for sale by county; certain lands conveyed to municipalities; extinction of liens.—**

(1) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold or dedicated by the board of county commissioners may, at its discretion, be conveyed to the record fee simple owner of such lands as of the date the county obtained title to the lands. However, before any conveyance shall be made, the former owner of the lands may file with the board of county commissioners a verified written application which shall show:

- (a) The description of the lands for which a conveyance is sought;
- (b) The name and address of the former owner;
- (c) The date title was acquired by the county;
- (d) The price of the lands as previously fixed by resolution of the board of county commissioners, if this has been done;
- (e) The use to which the lands were enjoyed by the record fee simple owner at the time of acquisition by the county;
- (f) A brief statement of the facts and circumstances upon which the former owner bases the request for restitution of the described property;
- (g) An offer to pay an amount equal to all taxes, including municipal taxes and liens, if any, which had become delinquent, together with interest and costs provided by law.

(2) In the event the described lands have not been assessed for taxes for the current year in which the petition is filed, the applicant shall pay, in addition, the taxes for current and omitted years, the latter amount to be determined by applicable millage for the omitted years and based on the last assessment of the described lands.

(3) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold, acquired for infill housing, or dedicated by the board of county commissioners, which the board of county commissioners has determined are not to be conveyed to the record fee simple owner in accordance with the provisions of subsections (1) and (2), and which are located within the boundaries of an incorporated municipality of the county shall be conveyed to the governing board of the municipality in which the land is located. Such lands conveyed to the municipality shall be freely alienable to the municipality without regard to third parties. Liens of record held by the county on such parcels conveyed to a municipality shall not survive the conveyance of the property to the municipality.

(4) Liens of record held by the county upon lands not conveyed in accordance with subsections (1) and (2) or subsection (3) shall not survive the conveyance of the property to the county.

History.—s. 1, ch. 22870, 1945; ss. 1, 2, ch. 69-55; s. 1, ch. 72-268; s. 23, ch. 73-332; s. 197, ch. 85-342; s. 7, ch. 86-141; s. 6, ch. 99-190.

Note.—Former ss. 194.471, 197.655, 197.302.

STEVEN D. RUBIN

ATTORNEY AT LAW

SUITE 440

980 N. FEDERAL HIGHWAY

BOCA RATON, FLORIDA 33432

- FLORIDA BAR BOARD CERTIFIED:
REAL ESTATE LAW
CONDOMINIUM AND PLANNED DEVELOPMENT LAW
- FLORIDA S. CT. CERTIFIED CIRCUIT MEDIATOR

TELEPHONE (561) 391-7992
FAX (561) 270-0478
steven@rubinlawflorida.com
www.rubinlawflorida.com

February 6, 2020

Brian Shutt, Esquire
Torcivia, Donlon, Goddeau & Ansay, PA
701 Northpoint Parkway Suite 209
West Palm Beach, Florida 33407
bshutt@torcivialaw.com

Re: Village of Palm Springs/Four Ditches title search

Dear Brian:

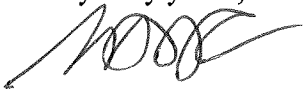
Enclosed with this letter, please find a copy of the Title Search Report for the four parcels you had requested a search of, all of which are located in Village of Palm Springs. Attached to the title search report is a copy of each Deed with respect to each parcel, followed by a copy of the relevant plat and the tax information for the parcel. The last document attached to the Report is the only other exception noted in the report and that is for an Ordinance adopted by the Village of Palm Springs, Florida in 2014, Ordinance No. 2014-25. I only included the first page of the Ordinance with the understanding that the Village of Palm Springs has the entire document. If you need the entire document, please let me know.

The title search report reflects that the County of Palm Beach is the record Owner of each of the four parcels, subject only to matters shown on the underlying respective Plats and the Palm Springs Ordinance.

This letter is not a title opinion and is intended as a summary of the Title Search Report provided to me by Attorney's Title Fund Services, LLC. This letter may only be relied upon by the Village of Palm Springs and your office.

Please let me know if you have any questions.

Very truly yours,



Steven D. Rubin
SDR/dam
enclosures

TITLE SEARCH REPORT

Fund File Number: 830300

The information contained in this title search is being furnished by Attorneys' Title Fund Services, LLC. If this report is to be used by a title insurance agent for evaluation and determination of insurability by the agent prior to the issuance of title insurance, then the agent shall have liability for such work.

Provided For: Steven D. Rubin

Agent's File Reference: PalmSpringsDitches

After an examination of this search the Agent must:

- A. Evaluate all instruments, plats and documents contained in the report.*
- B. Include in the Commitment under Schedule B, any additional requirements and/or exceptions you find necessary from your analysis of the surveys, prior title evidence or other relevant information from the transaction.*
- C. Verify the status of corporations and limited partnerships and other business entities with the appropriate governmental agency or other authority.*
- D. Determine whether the property has legal access.*
- E. Determine if any unpaid municipal taxes or assessments exist, which are not recorded in the Official Records Books of the county.*
- F. Determine whether any portion of the property is submerged or artificially filled, if the property borders a body of water, and if riparian or littoral rights exist.*
- G. The information provided herein does not include a search of federal liens and judgment liens filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)**

Prepared Date: January 30, 2020

Attorneys' Title Fund Services, LLC

Prepared by: Patricia Credit-Jones, Examiner

Phone Number: (800) 515-0155 x6414

Email Address: pcredit-jones@thefund.com

TITLE SEARCH REPORT

Fund File Number: 830300

Effective Date of approved base title information: January 1, 1900

Effective Date of Search: January 22, 2020 at 11:00 PM

Apparent Title Vested in:

Description of real property to be insured/foreclosed situated in Palm Beach County, Florida.

See Exhibit A

Muniments of Title, including bankruptcy, foreclosure, quiet title, probate, guardianship and incompetency proceedings, if any, recorded in the Official Records Books of the county:

1. Tax Deed from Clerk Circuit Court to Palm Beach County, recorded March 20, 2000 in O.R. Book 11669, Page 493, Public Records of Palm Beach County, Florida. (Parcel 1) ✓
2. Tax Collector's Certification recorded in O.R. Book 11669, Page 490, and Notice recorded in O.R. Book 11669, Page 491, Public Records of Palm Beach County, Florida. (Parcel 1)
3. Dedication from W R S Associated, Inc., a Florida corporation to Palm Beach County, recorded January 29, 1960 in O.R. Book 461, Page 430, Public Records of Palm Beach County, Florida. (Parcel 2) ✓
4. Tax Deed from Clerk of Circuit Court of Palm Beach County to Wanda C. Wheeler, recorded September 9, 1981 in O.R. Book 3592, Page 1224, Public Records of Palm Beach County, Florida. (Parcel 3)
5. Warranty Deed from Wanda C. Wheeler to Robert L. Toler and Donna L. Toler, recorded November 21, 1983 in O.R. Book 4090, Page 1308, Public Records of Palm Beach County, Florida. (Parcel 3)
6. Warranty Deed from Wanda C. Wheeler to Robert L. Toler and Donna L. Toler, recorded January 25, 1990 in O.R. Book 6334, Page 764, Public Records of Palm Beach County, Florida. (Parcel 3)
7. Tax Deed from Clerk Circuit Court to Board County Commissioners Palm Beach County, recorded February 27, 2002 in O.R. Book 13452, Page 432, Public Records of Palm Beach County, Florida. (Parcel 3) ✓
8. Certificate recorded in O.R. Book 13452, Page 429, and Notice recorded in O.R. Book 13452, Page 430, Public Records of Palm Beach County, Florida. (Parcel 3)
9. Tax Deed from Clerk Circuit Court to Board of County Commissioners, recorded August 4, 1992 in O.R. Book 7347, Page 1068, Public Records of Palm Beach County, Florida. (Parcel 4) ✓

Mortgages, Assignments and Modifications:

TITLE SEARCH REPORT

Fund File Number: 830300

1. Mortgage to Church of God Benefits Board, Inc., Tennessee corporation, mortgagee(s), recorded in O.R. Book 12158, Page 1955, Public Records of Palm Beach County, Florida. (Parcel 3)
2. Assignment of Leases, Rents and Profits filed May 11, 1990, in O.R. Book 6450, Page 1212, Public Records of Palm Beach County, Florida. (Parcel 3)

Other Property Liens:

1. Nothing Found

Restrictions/Easements:

1. Rights of the lessees under unrecorded leases.
2. All matters contained on the Plat of Lakewood Gardens, Plat No. 1, as recorded in Plat Book 18, Page 38, Public Records of Palm Beach County, Florida. (Parcel 1)
3. All matters contained on the Plat of Evergreen Acres, as recorded in Plat Book 26, Page 43, and RP O.R. Book 3, Page 72, Public Records of Palm Beach County, Florida. (Parcel 2)
4. Ordinance No. 2014-25 recorded in O.R. Book 27316, Page 1893, Public Records of Palm Beach County, Florida. (Parcel 2)
5. FOR INFORMATIONAL PURPOSES ONLY, An alert warning has appeared in ATIDS for the property and/or name search as follows: MS 99999/164 - Chancery Case No. 407 re the Lake Worth Drainage District. This alert warning has been reviewed by the Branch Examiner prior to release of the commitment and is not required to be reviewed or cleared if appearing in your update. (Parcel 2)
6. All matters contained on the Plat of Lake Echo, as recorded in Plat Book 21, Page 41, as affected by Quit Claim Deeds recorded in O.R. Book 2147, Page 331 and O.R. Book 2147, Page 333 and Affidavit recorded in O.R. Book 2253, Page 50, Public Records of Palm Beach County, Florida. (Parcel 3)
7. All matters contained on the Plat of Congress Heights, as recorded in Plat Book 25, Page 192, Public Records of Palm Beach County, Florida. (Parcel 4)

Other Encumbrances:

1. Nothing Found

REAL PROPERTY TAX INFORMATION ATTACHED

Proposed Insured:

TITLE SEARCH REPORT

Fund File Number: 830300

A 20-year name search was not performed on the proposed insured. It is the agent's responsibility to obtain a name search if a loan policy to be issued based on this product is other than a 100% purchase money mortgage.

STANDARD EXCEPTIONS

Unless satisfactory evidence is presented to the agent eliminating the need for standard exceptions, the following should be made a part of any commitment or policy.

- 1. General or special taxes and assessments required to be paid in the year 2020 and subsequent years.*
- 2. Rights or claims of parties in possession not shown by the public records.*
- 3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.*
- 4. Easements or claims of easements not shown by the public records.*
- 5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
- 6. Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
- 7. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and*
 - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)**
- 8. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems,*

TITLE SEARCH REPORT

Fund File Number: 830300

sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

The report does not cover bankruptcies or other matters filed in the Federal District Courts of Florida.

In foreclosure proceedings, title should be examined between the effective date of this report and the recording of the lis pendens to assure that all necessary and proper parties are joined. Consideration should be given to joining as defendants any persons in possession, other than the record owner, and any parties, other than those named herein, known to the plaintiff or the plaintiff's attorney and having or claiming an interest in the property.

Prior to issuance of any policy of title insurance underwritten by Old Republic National Title Insurance Company, the agent must obtain and evaluate a title search for the period between the effective date of this Title Search Report and the recording date(s) of the instrument(s) on which the policy is based.

If this product is not used for the purpose of issuing a policy, then the maximum liability for incorrect information is \$1,000.

Note: The Agent is responsible for obtaining underwriting approval on any commitment prepared from this product in the amount of \$1,000,000.00 or more.

TITLE SEARCH REPORT

Exhibit A

Fund File Number: 830300

Parcel 1:

The East 20 feet of North 80 feet of South 350 feet of Tract 24, Block 2, Lakewood Gardens, Plat No. 1, according to the map or plat thereof as recorded in Plat Book 18, Page 38, Public Records of Palm Beach County, Florida.

Parcel 2:

Parcel C, Evergreen Acres, according to the map or plat thereof as recorded in Plat Book 26, Page 43, Public Records of Palm Beach County, Florida.

Parcel 3:

That Portion of a Private Alley shown on the Plat of Lake Echo, according to the plat thereof; recording in Plat Book 21, Page 41, Public Records of Palm Beach County, Florida. Lying North of and adjacent to Lot 51 and South of and adjacent to Lot 52 of said plat.

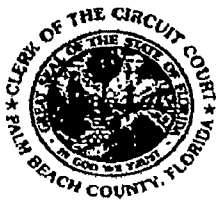
Parcel 4:

West 2.75 feet of Lot 48, Congress Heights, according to the map or plat thereof as recorded in Plat Book 25, Page 192, Public Records of Palm Beach County, Florida.

PARCEL #1

✓ TX
W/C 93

Mar-20-2000 12:28pm 00-099317
DRN 11669 Pg 493
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



Dorothy H. Wilken
Clerk

Tax Deed

KNOW ALL MEN BY THESE PRESENTS: That whereas, the folling Tax Certificate, to wit:

CERTIFICATE NUMBER
7521

DATE OF ISSUANCE
June 1, 1989

was duly filed in the office of the Clerk of the Circuit Court of this County and application made for the issuance of a tax deed based thereon; and the applicant having paid or redeemed all other taxes on the lands hereinafter described required by law to be paid or redeemed, and the cost and expenses of this sale and due notice of sale having been published as required by law, and no person entitled so to do having appeared to redeem said lands; such lands were on the 17th day of March, 1993 offered for sale at the courthouse door for cash to the highest bidder and there being no bid were placed upon the list of lands available for sale. The said tax certificate or certificates remained available for purchase by any or all persons for a period of seven years and have not been claimed.

Now, therefore, pursuant to F.S. 197.502(8) seven years having now elapsed, Dorothy H. Wilken, Clerk of the Circuit Court does hereby execute this tax deed vesting title in the Board of County Commissioners, Palm Beach County, whose address is: C/O Property and Real Estate Management, 3323 Belvedere Road, Building 503, West Palm Beach, Florida 33406, for the following described property:

LAKEWOOD GARDENS PLAT 1
E 20 FT OF N 80 FT OF S 350 FT OF TR 24 BLK 2

00-43-44-19-11-002-0249

IN TESTIMONY WHEREOF, by virtue of the authority in me vested by law, and for and on behalf of the County of Palm Beach, State of Florida, I, Leah S. Emerson, the undersigned, a Deputy Clerk for the Clerk of the Circuit Court for the County and State aforesaid, have executed this deed and have thereunto set my official signature and seal, at West Palm Beach in the County of Palm Beach and State of Florida, this 17TH day of MARCH, 2000.

(Page 2 of Tax Deed)

Signed, sealed and delivered
in the presence of:

Dorothy H. Wilken
Clerk of the Circuit Court

Bobette A. Plautz
Bobette A. Plautz

Katherine A. Gunther
Katherine A. Gunther

By: Leah S. Emerson
Leah S. Emerson
Deputy Clerk

State of Florida
County of Palm Beach

On this 17th day of March, 2000, before me, Tamara T. Stambaugh, a Notary Public, personally appeared Leah S. Emerson, a Deputy Clerk for the Circuit Court in and for the State and County aforesaid, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged the execution thereof to be her own free act and deed for the use and purposes therein mentioned. She is personally known to me and did not take an oath.

Witness my hand and official seal the date aforesaid.

Tamara T. Stambaugh
Notary Public State of Florida

State of Florida
County of Palm Beach



Tamara T. Stambaugh
MY COMMISSION # CC579033 EXPIRES
October 29, 2000
BONDED THRU TROY FARM INSURANCE, INC.

On this 17th day of March, 2000, before me Tamara T. Stambaugh, a notary public, personally appeared Bobette A. Plautz to me known to be one of the subscribing witnesses to the foregoing instrument, who being duly sworn, deposes and says that Leah S. Emerson, a Deputy Clerk of the Clerk of the Circuit Court in and for County and State aforesaid, to her personally known, did in her presence, sign, seal and deliver the foregoing instrument of writing for the purposes therein mentioned, and that Bobette A. Plautz did in her presence witness the same, and that she and the said other witness did attest the same as witnesses in the presence of each other.

Sworn to and subscribed before me this 17th day of March, 2000 by Bobette A. Plautz, who is personally known to me.



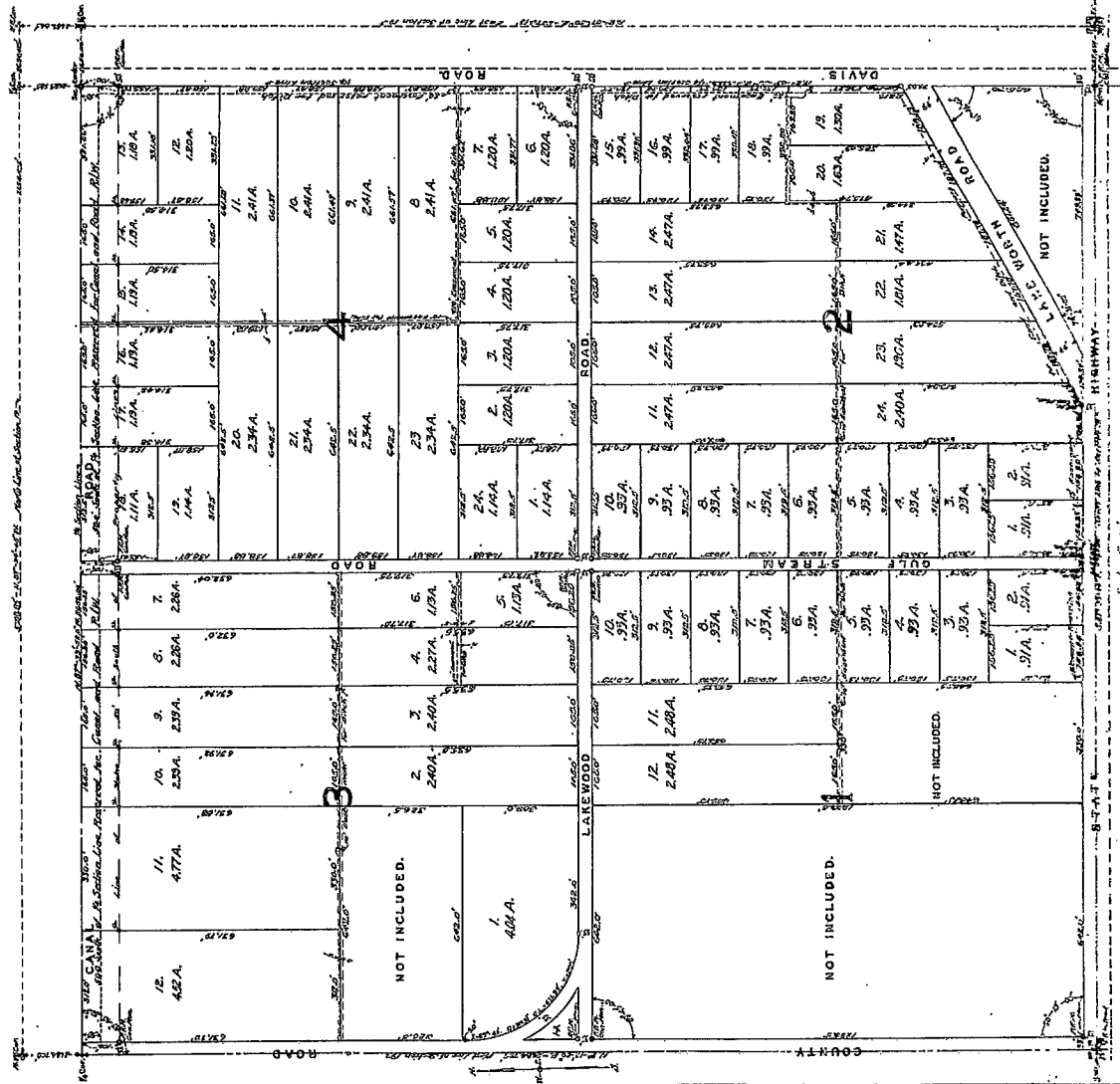
Tamara T. Stambaugh
MY COMMISSION # CC579033 EXPIRES
October 29, 2000
BONDED THRU TROY FARM INSURANCE, INC.

Tamara T. Stambaugh
Notary Public State of Florida

LAKEWOOD GARDENS, PLAT NO. 1,

BEING THE S.W. QUARTER OF SECTION 19, T.44S. R. 43 E.

PALM BEACH COUNTY, FLORIDA



DEDICATION

STATE OF FLORIDA,
COUNTY OF PALM BEACH, SS.

KNOW ALL MEN BY THESE PRESENTS THAT David J. Reed and Flora Reed, his wife, of the County of Palm Beach, State of Florida, for and in consideration of the sum of One Hundred Dollars to them in hand paid by James H. Reed, the receipt of which is hereby acknowledged, have granted, sold and conveyed unto the said James H. Reed, his heirs and assigns forever, all that certain lot or lots of land situated in the County of Palm Beach, State of Florida, and being more particularly described as follows: Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 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986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

and except 15 days of time, A.D. 1932.

James H. Reed

Flora Reed

James H. Reed

Flora Reed

James H. Reed

Flora Reed

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Flora Reed

James H. Reed

ACKNOWLEDGEMENTS

STATE OF FLORIDA,
COUNTY OF PALM BEACH, SS.

I HEREBY CERTIFY, that on this day personally appeared before me James H. Reed and Flora Reed, his wife, and they acknowledged to me the execution of the foregoing instrument, and they acknowledged that they executed the same for the purposes and consideration therein expressed.

James H. Reed

Flora Reed

James H. Reed

Flora Reed

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Flora Reed

James H. Reed

SURVEYORS CERTIFICATE

STATE OF FLORIDA,
COUNTY OF PALM BEACH, SS.

I HEREBY CERTIFY, that on this day personally appeared before me James H. Reed and Flora Reed, his wife, and they acknowledged to me the execution of the foregoing instrument, and they acknowledged that they executed the same for the purposes and consideration therein expressed.

James H. Reed

Flora Reed

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Flora Reed

CHESTER E. WRIGHT ENGINEER & SURVEYOR
FLORIDA CERTIFICATE 472-105.
LAKE WORTH, FLORIDA.
JUNE 14 1932

APPROVED:
County Commissioner
J. M. [Signature]
County Engineer
J. M. [Signature]



ANNE M. GANNON
 CONSTITUTIONAL TAX COLLECTOR
 Serving Palm Beach County
 Serving you.

Anne M. Gannon
 Constitutional Tax Collector
 Serving Palm Beach County
 P.O. Box 3353
 West Palm Beach, FL 33402-3353

Collection Cart				
Collection Cart	Items 0	Total \$0.00	Checkout	View

Tax Account		
Property Control Number	Property Type	Status
70-43-44-19-11-002-0249	Real Property	Active
Mailing Address: PALM BEACH COUNTY 2633 VISTA PKWY WEST PALM BEACH, FL 33411-5613 Geo CD:		Property Address: 0 ADCOCK LN FL Deed Number: 0
Legal Description		
LAKEWOOD GARDENS PLAT 1 E 20 FT OF N 80 FT OF S 350 FT OF TR 24 BLK 2		

Tax & Assessment				
Ad Valorem	Gross Tax	Credit	Net Tax	Savings
VILLAGE OF PALM SPRINGS	\$0.00	\$0.00	\$0.00	\$0.00
COUNTY	\$0.00	\$0.00	\$0.00	\$0.00
SO FLA WATER MANAGEMENT DIST.	\$0.00	\$0.00	\$0.00	\$0.00
SCHOOL	\$0.00	\$0.00	\$0.00	\$0.00
CHILDRENS SERVICES COUNCIL	\$0.00	\$0.00	\$0.00	\$0.00
F.I.N.D.	\$0.00	\$0.00	\$0.00	\$0.00
PBC HEALTH CARE DISTRICT	\$0.00	\$0.00	\$0.00	\$0.00
FIRE/RESCUE MSTU	\$0.00	\$0.00	\$0.00	\$0.00
Sub Total	\$0.00	\$0.00	\$0.00	\$0.00
Total Tax	\$0.00	\$0.00	\$0.00	\$0.00

Tax Installment								
Period	Bill Number	Due Date	Bill Year	Tax	Discount	Penalty/Fee	Interest	Total Due
INST 1	101546369	3/31/2020	2019	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Due:				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Notice to Tax Payer	
Tax Certificates Payments made between 5/31 – 6/7 of any year indicates the purchase of a <u>Tax Certificate</u> for delinquent taxes. <u>Tax Certificate</u> purchase(s) ARE NOT a payment of taxes. "Paid By" information displays the name of the <u>Tax Certificate</u> purchaser. If a bill number begins with a year (i.e. 2017-001234), a Tax Certificate was sold for <u>delinquent property taxes</u>. The amount due is shown above in the "Tax Installment" section under the Total Due column. ** This Icon  indicates delinquent taxes and the tax bill cannot be paid on-line at this time. It may also indicate a recent TDA where additional fees are required. Contact our office at 561-355-2264 or email ClientAdvocate@taxcollectorpbc.com for additional details.	
Property Tax Help	

Tax Payment
No Payment Records Found

4051.9

5154

DEDICATION

RECORD

461 PAGE 430

1960 JAN 27 PM 4 45

KNOW ALL MEN BY THESE PRESENTS, that the undersigned
W R S ASSOCIATES, INC., a Florida corporation, does hereby
dedicate unto the public the following described parcel of land
situate, lying and being in Palm Beach County, Florida, to wit:

Parcel "C" of EVERGREEN ACRES, according to the
plat thereof on file in the office of the Clerk
of the Circuit Court in and for Palm Beach County,
Florida, in Plat Book 26, Page 43;

for drainage purposes.

IN WITNESS WHEREOF W R S ASSOCIATES, INC. has caused
these presents to be executed in its name by its President,
attested by its Secretary, and its corporate seal hereunto
affixed, all on this 22nd day of January, 1960.

(CORPORATE SEAL)

W R S ASSOCIATES, INC.

By: Elwyn L. Middleton
Elwyn L. Middleton, President

Attest: Bertie M. Herring
Bertie M. Herring, Secretary

Signed, sealed and delivered
in the presence of:

John D. [Signature]
Patricia Linker

STATE OF FLORIDA

COUNTY OF PALM BEACH

} ss.:

Before me the undersigned authority personally appeared
ELWYN L. MIDDLETON and BERTIE M. HERRING respectively, President
and Secretary of W R S ASSOCIATES, INC., to me well known and
acknowledged before me that they executed the foregoing instru-
ment as such officers of said corporation, and that they affixed
thereto the official seal of said corporation; and I FURTHER
CERTIFY that I know the said persons making said acknowledgments
to be the individuals described in and who executed the said
instrument.

WITNESS my hand and official seal this 22nd day of
January, 1960.

John D. [Signature]
Notary Public, State of Florida

My commission expires 1/20/64

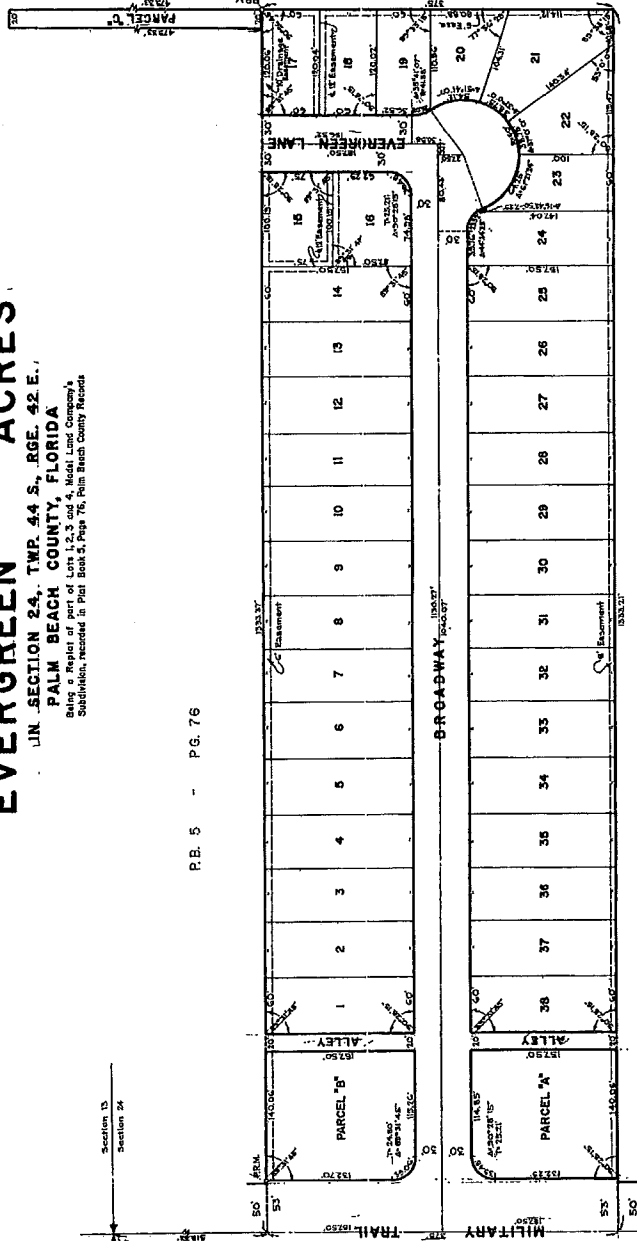
BURNS, MIDDLETON, ROGERS & RANDELL
205 NORTH AVENUE
PALM BEACH, FLORIDA

Recorded in Official Record Book
of Palm Beach County, Florida
J. ALEX ARNETTE
CLERK OF CIRCUIT COURT

PLAT OF
EVERGREEN ACRES

IN SECTION 24, TWP. 44 S., RGE. 42 E.,
PALM BEACH COUNTY, FLORIDA
Being a Replat of part of Lots 1, 2, 3 and 4, Model Land Company's
Subdivision, recorded in Plat Book 5, Page 76, Palm Beach County Records

P.B. 5 - PG. 76



P.B. 5 - PG. 76

NOTE

All street intersections are marked with a 25 ft. radius unless otherwise shown.
P.B.M. indicates permanent reference monuments.
All curve data shown are as shown on the plat.
Easements are for Public Utilities, unless otherwise noted.
Building Setback Lines shall be in accordance with Palm Beach County Zoning Regulations except that the front setback line for Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 shall be 40 feet.
There shall be no buildings or other structures placed on Utility Easements.
There shall be no buildings or any kind of construction or trees or shrubs placed on Driveway Easements.
Parcel 'C' is a Driveway Right of Way.

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, **HERBERT CERTIFY**, that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **JOHN ADAIR, JR.**, who acknowledged to me that he executed the foregoing dedication, and that he executed the same as such officers of said County of Palm Beach, Florida, and that he executed the same for the purposes therein expressed and that their act and deed was the act and deed of said Corporation.
WITNESS my hand and official seal of the County of Palm Beach and State of Florida, this 29th day of October, A.D. 1962.

My Commission expires: Oct. 29, 1962

John Adair, Jr.
Notary Public

GRAMMES HOMESITES
P.B. 21 - PG. 91

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, **HERBERT CERTIFY**, that **W.R.S. ASSOCIATES, INC.**, a Florida Corporation, the owner of a tract of land in the County of Palm Beach, State of Florida, known as **EVERGREEN ACRES**, and more particularly described as follows, to wit:
The South 375 feet of the North 654.33 feet of Lots 1, 2, 3 and 4 and the East 20 feet of the North 473.33 feet of Lot 1 of Model Land Company Subdivision of the North One Half (N 1/2) of Section 24, Township 44 South, Range 42 East, Palm Beach County, Florida, recorded in Plat Book 5, Page 76, Public Records of Palm Beach County, Florida, and the use of the same to be surveyed and plotted on shown herein, and does hereby dedicate to the perpetual use of the public, as public highways, the Streets and Alleys shown herein, and the use of the Easements for the construction and maintenance of Public Utilities.
The said dedication is made subject to be approved by the President and attested by the Secretary and the Executive Committee of the Board of Directors of the Corporation, this 27th day of February, A.D. 1962,
W. R. S. ASSOCIATES, INC.

Attest: *Robert M. Sullivan*
Secretary

By: *John Adair, Jr.*
President

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, **HERBERT CERTIFY**, that we have surveyed and plotted the tract of land shown herein, and that the said plat is a true and correct representation thereof in the face of our knowledge and belief, and that permanent reference monuments have been set as required by law.

JOHN ADAIR, JR. & ASSOCIATES

By: *John Adair, Jr.*
Registered Engineer & Land Surveyor
Florida Certificate No. 1240

Subscribed and sworn to before me this 27th day of February, A.D. 1962.

Robert M. Sullivan
Notary Public

My Commission expires: June 9, 1964

Approved: February 24, A.D. 1962

By: *John Adair, Jr.*
President

By: *Robert M. Sullivan*
Secretary

EVERGREEN ACRES

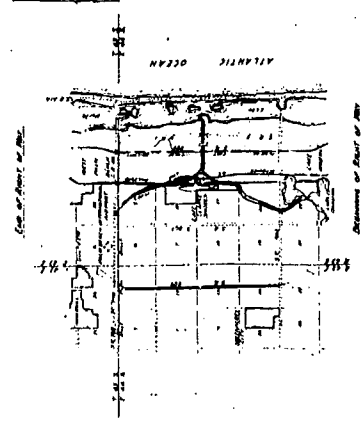
JOHN ADAIR, JR. & ASSOC.
ENGINEERS AND LAND SURVEYORS

DATE: <u>February</u>	SCALE: <u>1" = 40'</u>	DRAWN BY: <u>FP 162</u>
SHEET: <u>1</u>	OF: <u>1</u>	

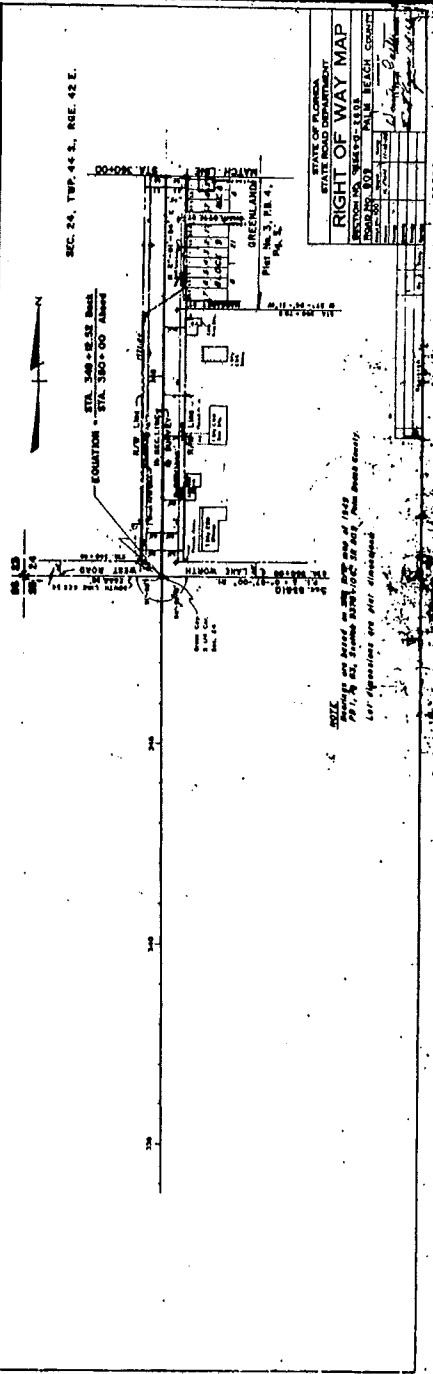
STATE ROAD DEPARTMENT
STATE AOR NO. 93590-1521

72

APPROVED FOR RECORD
DATE 11/11/54
BY [Signature]
[Stamp]



Location Map



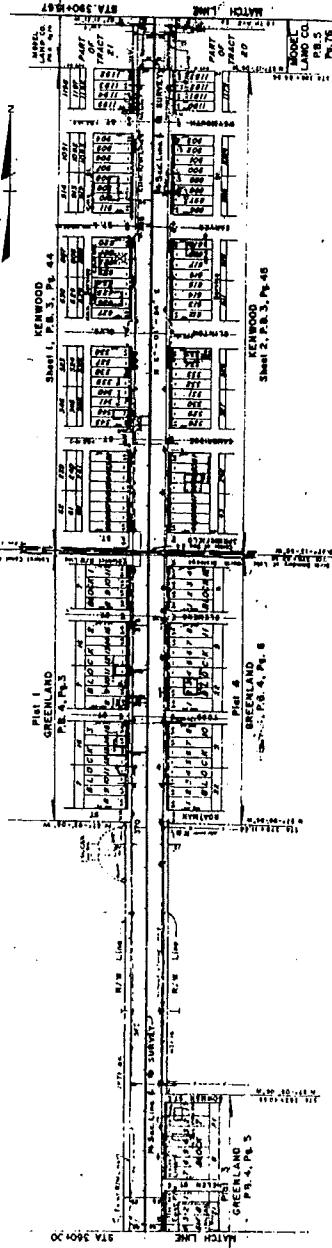
STATE OF FLORIDA
STATE ROAD DEPARTMENT
RIGHT OF WAY MAP
SECTION 24, TWP. 44 S., RGE. 42 E.
GREENLAND
DATE 11/11/54
BY [Signature]

93590-2403

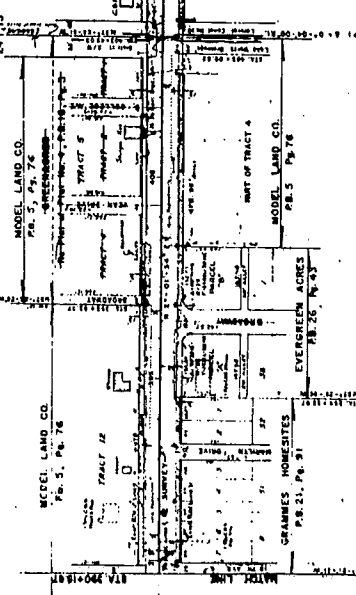
STATE JOB NO. 8350-3105

73

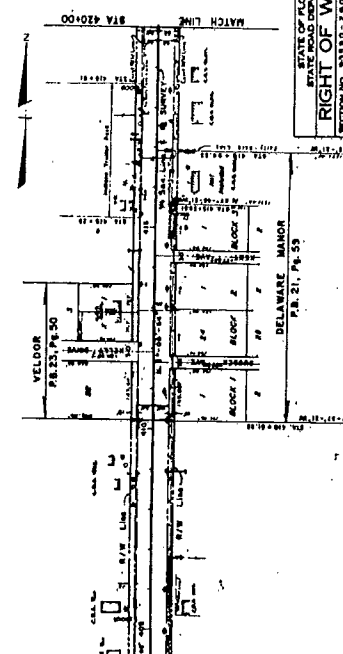
SEC. 24, TWP. 44 S., RGE. 42 E.



SEC. 24, TWP. 44 S., RGE. 42 E.



SEC. 13, TWP. 44 S., RGE. 42 E.



STATE OF FLORIDA
STATE ROAD DEPARTMENT
RIGHT OF WAY MAP
SECTION NO. 53510-2001
TOWNSHIP 44 S., RANGE 42 E.
SECTION 13, 24
DATE: 10/1/73
BY: [Signature]
CHECKED: [Signature]
93550-2603

AURORA ESTATES - PALM BEACH PLANTATIONS
P. B. 23, P. 203 Plot No. 1 P. B. 10, P. 20

[illegible]

Technical drawing of a mechanical assembly, likely a piston and connecting rod, showing various components and dimensions. The drawing is oriented vertically and includes labels for parts such as 'Piston', 'Connecting Rod', 'Crankshaft', and 'Cylinder Block'. Dimensions are provided in inches and millimeters. The drawing is a cross-section view showing the internal structure of the components.

Plot No. 1, Sheet No. 1 P.B. 10, P. 20

[illegible]

100-100000



ANNE M. GANNON
 CONSTITUTIONAL TAX COLLECTOR
 Serving Palm Beach County
 Serving you.

Anne M. Gannon
 Constitutional Tax Collector
 Serving Palm Beach County
 P.O. Box 3353
 West Palm Beach, FL 33402-3353

Collection Cart

Collection Cart	Items 0	Total \$0.00	Checkout	View
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Tax Account

Property Control Number 70-42-44-24-04-000-0410	Property Type Real Property	Status Active
Mailing Address: PALM BEACH COUNTY 2633 VISTA PKWY WEST PALM BEACH , FL 33411-5613 Geo CD:	Property Address: 0 EVERGREEN LN COUNTY OF PALM BEACH FL Deed Number: 0	
Legal Description EVERGREEN ACRES PARCEL C (DRG R/W)		

Tax & Assessment

Ad Valorem	Gross Tax	Credit	Net Tax	Savings
VILLAGE OF PALM SPRINGS	\$0.00	\$0.00	\$0.00	\$0.00
COUNTY	\$0.00	\$0.00	\$0.00	\$0.00
SO FLA WATER MANAGEMENT DIST.	\$0.00	\$0.00	\$0.00	\$0.00
SCHOOL	\$0.00	\$0.00	\$0.00	\$0.00
CHILDRENS SERVICES COUNCIL	\$0.00	\$0.00	\$0.00	\$0.00
F.I.N.D.	\$0.00	\$0.00	\$0.00	\$0.00
PBC HEALTH CARE DISTRICT	\$0.00	\$0.00	\$0.00	\$0.00
FIRE/RESCUE MSTU	\$0.00	\$0.00	\$0.00	\$0.00
Sub Total	\$0.00	\$0.00	\$0.00	\$0.00
Total Tax	\$0.00	\$0.00	\$0.00	\$0.00

Tax Installment

Period	Bill Number	Due Date	Bill Year	Tax	Discount	Penalty/Fee	Interest	Total Due
INST 1	101135741	3/31/2020	2019	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Due:				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Notice to Tax Payer

Tax Certificates

[Property Tax Help](#)

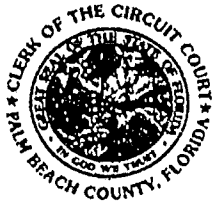
Payments made between 5/31 – 6/7 of any year indicates the purchase of a Tax Certificate for delinquent taxes. Tax Certificate purchase(s) ARE **NOT** a payment of taxes. "Paid By" information displays the name of the Tax Certificate purchaser.

If a bill number begins with a year (i.e. 2017-001234), a Tax Certificate was sold for delinquent property taxes. The amount due is shown above in the "Tax Installment" section under the Total Due column.

** This Icon  indicates delinquent taxes and the tax bill cannot be paid on-line at this time. It may also indicate a recent TDA where additional fees are required. Contact our office at 561-355-2264 or email ClientAdvocate@taxcollectorpbcc.com for additional details.

Tax Payment
No Payment Records Found

✓
D
W/C 93



Dorothy H. Wilken
Clerk

PARCEL #3

02/27/2002 08:14:20 20020105806
OR BK 13452 PG 0432
Palm Beach County, Florida

Tax Deed

KNOW ALL MEN BY THESE PRESENTS: That whereas, the folling Tax Certificate, to wit:

CERTIFICATE NUMBER
11937'91

DATE OF ISSUANCE
June 1, 1991

was duly filed in the office of the Clerk of the Circuit Court of this County and application made for the issuance of a tax deed based thereon; and the applicant having paid or redeemed all other taxes on the lands hereinafter described required by law to be paid or redeemed, and the cost and expenses of this sale and due notice of sale having been published as required by law, and no person entitled so to do having appeared to redeem said lands; such lands were on the 11th day of January 1991 offered for sale at the courthouse door for cash to the highest bidder and there being no bid were placed upon the list of lands available for sale. The said tax certificate or certificates remained available for purchase by any or all persons for a period of seven years and have not been claimed.

Now, therefore, pursuant to F.S. 197.502(8) seven years having now elapsed, Dorothy H. Wilken, Clerk of the Circuit Court does hereby execute this tax deed vesting title in the Board of County Commissioners, Palm Beach County, whose address is: C/O Property and Real Estate Management, 3323 Belvedere Road, Building 503, West Palm Beach, Florida 33406, for the following described property:

Lake Echo Plat Private Alley N of & Adj to Lt 51

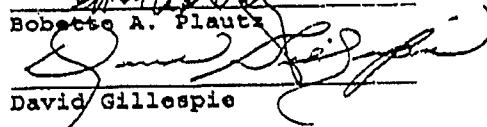
00-43-44-19-08-000-1050

IN TESTIMONY WHEREOF, by virtue of the authority in me vested by law, and for and on behalf of the County of Palm Beach, State of Florida, I, Tamara T. Stambaugh, the undersigned, a Deputy Clerk for the Clerk of the Circuit Court for the County and State aforesaid, have executed this deed and have thereunto set my official signature and seal, at West Palm Beach in the County of Palm Beach and State of Florida, this 15th day of February, 2002.

(Page 2 of Tax Deed)

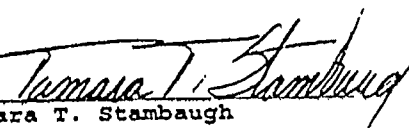
Signed, sealed and delivered
in the presence of:


Bobette A. Plautz

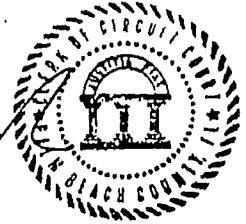

David Gillespie

State of Florida
County of Palm Beach

Dorothy H. Wilken
Clerk of the Circuit Court

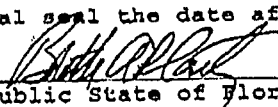
By: 

Tamara T. Stambaugh
Deputy Clerk



On this 13th day of February, 2002, before me, Bobette A. Plautz, a Notary Public, personally appeared Tamara T. Stambaugh, a Deputy Clerk for the Circuit Court in and for the State and County aforesaid, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged the execution thereof to be her own free act and deed for the use and purposes therein mentioned.
She is personally known to me and did not take an oath.

Witness my hand and official seal the date aforesaid.


Notary Public State of Florida



Bobette A. Plautz
Commission # DD 046291
Expires July 31, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

80.80
4-93

AUG-04-1992 02:16PM 92-240093

ORB 7347 Pg 1068

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) SS

Con 103.00 Doc 1.20
CLERK OF THE COURT - PB COUNTY, FL

I, MILTON T. BAUER, Clerk of the Circuit Court of the Fifteenth Judicial Circuit of Florida, in and for Palm Beach County, do hereby certify that

The attached copy is a true and correct copy of the original Tax Deed which was signed by the Clerk of the Circuit Court before witnesses on the 16th day of July, 1981 and submitted to the Board of County Commissioners on that date.

This certified copy is being recorded in lieu of the original due to the loss of the original Tax Deed.

Certificate number; 599
Issued: June 1, 1971
Sale Date: July 15, 1974

Consideration amount: 103.00

IN WITNESS THEREOF, I have hereunto set my hand and seal of the Court at West Palm Beach, Florida, this 17th day of July, A.D. 19 92.

MILTON T. BAUER
CLERK OF CIRCUIT COURT
PALM BEACH COUNTY, FLORIDA

by Tamara T. Stambaugh
Deputy Clerk

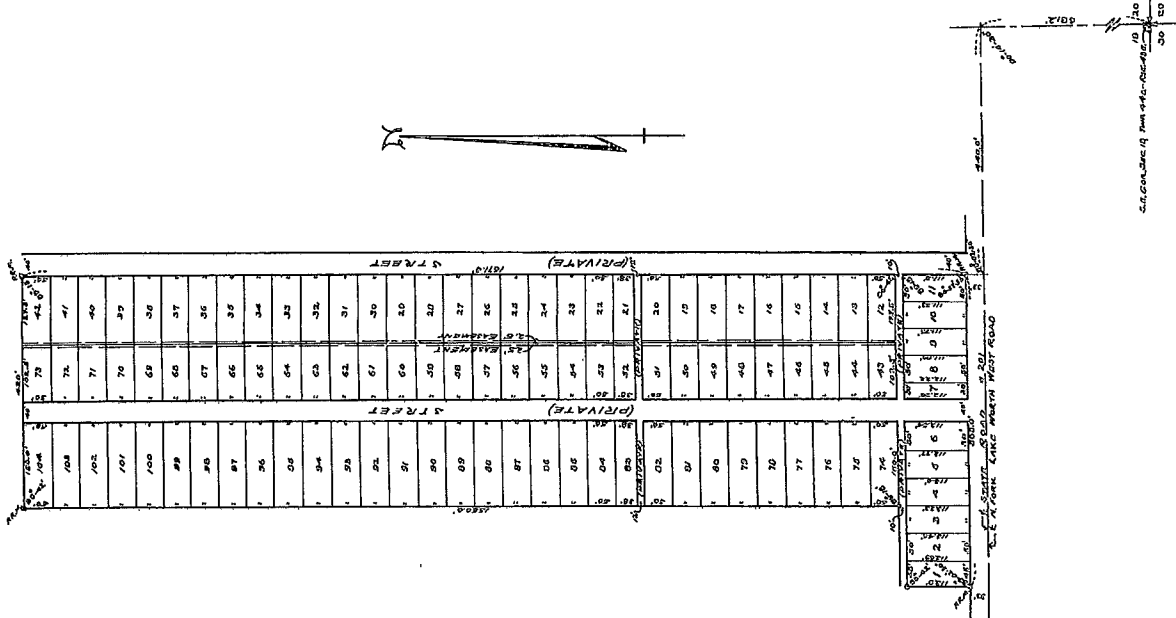


STATE OF FLORIDA
COUNTY OF PALM BEACH
This is to certify that the within and foregoing plat is a correct and true representation thereof to the best of my knowledge and belief, and that the same has been duly approved by me as County Commissioner.

LAKE ECHO

A RESUBDIVISION
OF
PARTS OF TRACTS 52 & 53 OF THE
SUBDIVISION OF SEC. 19, TWP. 48 N., R. 10 E.,
PALM BEACH COUNTY, FLORIDA
AS RECORDED IN PLAT BOOK 8, PAGE 65.

SCALE 1" = 100' OCT. 1946.



DEDICATION

STATE OF FLORIDA } ss.
COUNTY OF PALM BEACH } ss.
I, the undersigned, County Commissioner of the County of Palm Beach, do hereby certify that the within and foregoing plat is a correct and true representation thereof to the best of my knowledge and belief, and that the same has been duly approved by me as County Commissioner.

In witness whereof, I have hereunto set my hand and seal this 25th day of October, A.D. 1946.

William F. Reed
County Commissioner

STATE OF FLORIDA } ss.
COUNTY OF PALM BEACH } ss.
I, the undersigned, County Commissioner of the County of Palm Beach, do hereby certify that the within and foregoing plat is a correct and true representation thereof to the best of my knowledge and belief, and that the same has been duly approved by me as County Commissioner.

In witness whereof, I have hereunto set my hand and seal this 25th day of October, A.D. 1946.

William F. Reed
County Commissioner

Approved by the Board of County Commissioners
Name *William F. Reed*
Date *Oct. 25, 1946*

AFFIDAVIT

STATE OF FLORIDA } ss.
COUNTY OF PALM BEACH } ss.
I, the undersigned, County Commissioner of the County of Palm Beach, do hereby certify that the within and foregoing plat is a correct and true representation thereof to the best of my knowledge and belief, and that the same has been duly approved by me as County Commissioner.

In witness whereof, I have hereunto set my hand and seal this 25th day of October, A.D. 1946.

William F. Reed
County Commissioner

Subscribed and sworn to before me this 25th day of October, A.D. 1946.
My commission expires *Nov. 28, 1946*



ANNE M. GANNON
 CONSTITUTIONAL TAX COLLECTOR
 Serving Palm Beach County
 Serving you.

Anne M. Gannon
 Constitutional Tax Collector
 Serving Palm Beach County
 P.O. Box 3353
 West Palm Beach, FL 33402-3353

Collection Cart

Collection Cart	Items 0	Total \$0.00	Checkout	View
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Tax Account

Property Control Number 70-43-44-19-08-000-1050	Property Type Real Property	Status Active
Mailing Address: PALM BEACH COUNTY 2633 VISTA PKWY WEST PALM BEACH , FL 33411-5613 Geo CD:	Property Address: 0 ELIZABETH ST FL Deed Number: 0	
Legal Description LAKE ECHO PLAT PRIVATE ALLEY N OF & ADJ TO LT 51		

Tax & Assessment

Ad Valorem	Gross Tax	Credit	Net Tax	Savings
VILLAGE OF PALM SPRINGS	\$0.00	\$0.00	\$0.00	\$0.00
COUNTY	\$0.00	\$0.00	\$0.00	\$0.00
SO FLA WATER MANAGEMENT DIST.	\$0.00	\$0.00	\$0.00	\$0.00
SCHOOL	\$0.00	\$0.00	\$0.00	\$0.00
CHILDRENS SERVICES COUNCIL	\$0.00	\$0.00	\$0.00	\$0.00
F.I.N.D.	\$0.00	\$0.00	\$0.00	\$0.00
PBC HEALTH CARE DISTRICT	\$0.00	\$0.00	\$0.00	\$0.00
FIRE/RESCUE MSTU	\$0.00	\$0.00	\$0.00	\$0.00
Sub Total	\$0.00	\$0.00	\$0.00	\$0.00
Total Tax	\$0.00	\$0.00	\$0.00	\$0.00

Tax Installment

Period	Bill Number	Due Date	Bill Year	Tax	Discount	Penalty/Fee	Interest	Total Due
INST 1	101546896	3/31/2020	2019	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Due:				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Notice to Tax Payer

Tax Certificates

[Property Tax Help](#)

Payments made between 5/31 – 6/7 of any year indicates the purchase of a Tax Certificate for delinquent taxes. Tax Certificate purchase(s) ARE **NOT** a payment of taxes. "Paid By" information displays the name of the Tax Certificate purchaser.

If a bill number begins with a year (i.e. 2017-001234), a Tax Certificate was sold for delinquent property taxes. The amount due is shown above in the "Tax Installment" section under the Total Due column.

** This Icon indicates delinquent taxes and the tax bill cannot be paid on-line at this time. It may also indicate a recent TDA where additional fees are required. Contact our office at 561-355-2264 or email ClientAdvocate@taxcollectorpbcc.com for additional details.

Tax Payment
No Payment Records Found

PARCEL #4

STATE OF FLORIDA
COUNTY OF PALM BEACH

TAX DEED

KNOW ALL MEN BY THESE PRESENTS: That whereas, the following Tax Certificate, to wit:

CERTIFICATE NUMBER

599

DATE ISSUED

JUNE 1st, 1971

was, duly filed in the office of the Clerk of the Circuit Court of this County and application made for the issuance of a tax deed based thereon; and the applicant having paid or redeemed all other taxes on the lands hereinafter described required by law to be paid or redeemed, and the cost and expenses of this sale; and due notice of sale having been published as required by law, and no person entitled as to do having appeared to redeem said lands; such lands were on the 15th day of JUNE 1971, offered for sale at the courthouse door for cash to the highest bidder and there being no bid were placed upon a list of lands available for sale. The said tax certificate or certificates remained available for purchase by any or all persons for a period of seven years and have not been claimed.

NOW, THEREFORE, pursuant to FS 197.241 (5) seven years having now elapsed, JOHN B. DINKLE, Clerk of the Circuit Court does hereby execute this tax deed vesting title in The Board of County Commissioners, Palm Beach County, for the following described property: N 2.75 FT OF LOT 48, BEING IN S 1/2 OF SW 1/4 OF SW 1/4,
IN PB 25 P 192

CONCORDS REFERENCE

00-43-44-06-04-000-0482

IN TESTIMONY WHEREOF, by virtue of the authority in me vested by law, and for and on behalf of the County of Palm Beach, State of Florida, I, the undersigned, as Clerk of the Circuit Court for the County and State aforesaid, have executed this deed and have thereunto set my official signature and seal, at West Palm Beach in the County of Palm Beach and State of Florida, this the 16th day of JUNE,
A. D. 1981.

Signed, sealed and delivered in the presence of:

Frederic A. Reed
Margaret L. Dunlop

John B. Dinkle
Clerk of the Circuit Court
Palm Beach County, Florida

RECORDERS MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

75197241(5)

STATE OF FLORIDA
COUNTY OF PALM BEACH

On this 16th day of JULY A. D. 1961 before me,
a Notary Public, personally appeared JOHN B. DUNBLE, Clerk of the Circuit
Court in and for the State and County aforesaid, to me known to be the person described in, and who executed
the foregoing instrument, and acknowledged the execution thereof to be his own free act and deed for the use
and purposes therein mentioned.

Witness my hand and official seal the date aforesaid.

Margaret L. Newman
Notary Public, State of Florida in and for
My Commission Expires June 7, 1962
Notary Seal No. 100,000,000

STATE OF FLORIDA
COUNTY OF PALM BEACH

On this 16th day of JULY A. D. 1961 before me,
JOHN B. DUNBLE, Clerk of the Circuit Court in and for the County and State
aforesaid, personally appeared MARGARET L. NEWMAN
to me known to be one of the subscribing witnesses to the foregoing instrument, who, being duly sworn,
deposes and says that JOHN B. DUNBLE, Clerk of the Circuit Court
in and for County and State aforesaid, is well known, did, in my presence, sign, seal and deliver the
foregoing instrument of writing for the purposes therein mentioned, and that
BARBARA A. PLATT did in my presence witness the same, and that she and the said
other witness did attest the same as witnesses in the presence of each other.

Sworn to and subscribed before me this 16th day of JULY A. D. 1961

John B. Dunble *Margaret L. Newman*
Clerk Circuit Court Palm Beach County

TAX DEED No.	day of	19
PALM BEACH COUNTY	Examined on the	TO

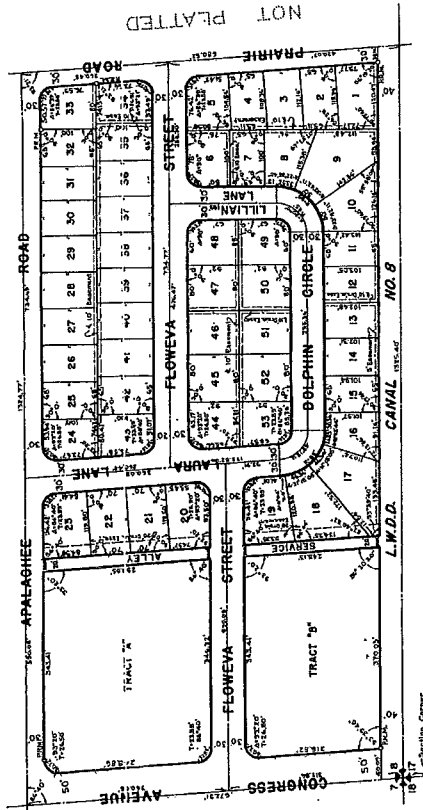
RECORDED MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

PLAT OF CONGRESS HEIGHTS IN SECTION 8, TWP. 44 S., R6E. 43 E. PALM BEACH COUNTY, FLORIDA

192

STATE OF FLORIDA
COUNTY OF PALM BEACH
I, Timothy J. Winters, County Clerk,
do hereby certify that this is a true and correct copy
of the original of the above described plat as the same
is on file in my office.
Witness my hand and the seal of said County at
Palm Beach, Florida, this 1st day of March, A.D. 1958.

P.B. 23 PG. 43



"NOTE"
Building Setback Lines shall be as required by
Town and County Ordinance.
There shall be no building or other structures
placed on utility easements.
There shall be no buildings or any kind of construc-
tion or trees or shrubs placed on Drillage Easements.

"NOTE"
All street intersections are rounded with a 25 ft.
radius, unless otherwise shown.
Easements are for Public Utilities, unless other-
wise noted.

STATE OF FLORIDA
COUNTY OF PALM BEACH
I, Timothy J. Winters, County Clerk,
do hereby certify that this is a true and correct copy
of the original of the above described plat as the same
is on file in my office.
Witness my hand and the seal of said County at
Palm Beach, Florida, this 1st day of March, A.D. 1958.

has caused the same to be surveyed and plotted as shown herein and does hereby
dedicate to the perpetual use of the public, as public highways and waterways, the Streets
and Canal shown herein, and the use of the Easements for the construction and
maintenance of Public Utilities.
IN WITNESS WHEREOF, the said Corporation has caused these presents
to be signed hereat, by one of its officers, and the same to be attested, this 1st
day of March, A.D. 1958.

Attest:
DAY-MAR DEVELOPERS, INC.

By James P. Paulsen Secretary
By David J. Paulsen President

STATE OF FLORIDA
COUNTY OF PALM BEACH
I, Timothy J. Winters, County Clerk,
do hereby certify that this is a true and correct copy
of the original of the above described plat as the same
is on file in my office.
Witness my hand and the seal of said County at
Palm Beach, Florida, this 1st day of March, A.D. 1958.

has caused the same to be surveyed and plotted as shown herein and does hereby
dedicate to the perpetual use of the public, as public highways and waterways, the Streets
and Canal shown herein, and the use of the Easements for the construction and
maintenance of Public Utilities.
IN WITNESS WHEREOF, the said Corporation has caused these presents
to be signed hereat, by one of its officers, and the same to be attested, this 1st
day of March, A.D. 1958.

My Commission expires: MARCH 17, 1961

Approved: 9. C. C. C.
Board of County Commissioners

By Timothy J. Winters Chairman
County Engineer

STATE OF FLORIDA
COUNTY OF PALM BEACH
I, Timothy J. Winters, County Clerk,
do hereby certify that this is a true and correct copy
of the original of the above described plat as the same
is on file in my office.
Witness my hand and the seal of said County at
Palm Beach, Florida, this 1st day of March, A.D. 1958.

has caused the same to be surveyed and plotted as shown herein and does hereby
dedicate to the perpetual use of the public, as public highways and waterways, the Streets
and Canal shown herein, and the use of the Easements for the construction and
maintenance of Public Utilities.
IN WITNESS WHEREOF, the said Corporation has caused these presents
to be signed hereat, by one of its officers, and the same to be attested, this 1st
day of March, A.D. 1958.

My Commission expires: August 7, 1961

Notary Public

BROCKWAY, WEBER & BROCKWAY
ENGINEERS
WEST PALM BEACH, FLORIDA

CONGRESS HEIGHTS

PLAT	T.W.	SCALE	1"=100'	Page No.
DATE	W.F.T.	DATE	1958	19
BY	M.D.L.	DATE	FEBRUARY 1958	19



ANNE M. GANNON
CONSTITUTIONAL TAX COLLECTOR
 Serving Palm Beach County
 Serving you.

Anne M. Gannon
 Constitutional Tax Collector
 Serving Palm Beach County
 P.O. Box 3353
 West Palm Beach, FL 33402-3353

Collection Cart

Collection Cart	Items 0	Total \$0.00	Checkout	View
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Tax Account

Property Control Number	Property Type	Status
70-43-44-08-04-000-0482	Real Property	Active
Mailing Address: PALM BEACH COUNTY 2633 VISTA PKWY WEST PALM BEACH , FL 33411-5613 Geo CD:	Property Address: 0 FLOWEVA ST FL Deed Number: 0	
Legal Description		
CONGRESS HEIGHTS W 2.75 FT OF LOT 48		

Tax & Assessment

Ad Valorem	Gross Tax	Credit	Net Tax	Savings
VILLAGE OF PALM SPRINGS	\$0.00	\$0.00	\$0.00	\$0.00
COUNTY	\$0.00	\$0.00	\$0.00	\$0.00
SO FLA WATER MANAGEMENT DIST.	\$0.00	\$0.00	\$0.00	\$0.00
SCHOOL	\$0.00	\$0.00	\$0.00	\$0.00
CHILDRENS SERVICES COUNCIL	\$0.00	\$0.00	\$0.00	\$0.00
F.I.N.D.	\$0.00	\$0.00	\$0.00	\$0.00
PBC HEALTH CARE DISTRICT	\$0.00	\$0.00	\$0.00	\$0.00
FIRE/RESCUE MSTU	\$0.00	\$0.00	\$0.00	\$0.00
Sub Total	\$0.00	\$0.00	\$0.00	\$0.00
Total Tax	\$0.00	\$0.00	\$0.00	\$0.00

Tax Installment

Period	Bill Number	Due Date	Bill Year	Tax	Discount	Penalty/Fee	Interest	Total Due
INST 1	101542038	3/31/2020	2019	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Due:				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Notice to Tax Payer

Tax Certificates

[Property Tax Help](#)

Payments made between 5/31 – 6/7 of any year indicates the purchase of a Tax Certificate for delinquent taxes. Tax Certificate purchase(s) ARE **NOT** a payment of taxes. "Paid By" information displays the name of the Tax Certificate purchaser.

If a bill number begins with a year (i.e. 2017-001234), a Tax Certificate was sold for delinquent property taxes. The amount due is shown above in the "Tax Installment" section under the Total Due column.

** This Icon indicates delinquent taxes and the tax bill cannot be paid on-line at this time. It may also indicate a recent TDA where additional fees are required. Contact our office at 561-355-2264 or email ClientAdvocate@taxcollectorpbc.com for additional details.

Tax Payment
No Payment Records Found



ORDINANCE NO. 2014-25

(SMALL SCALE ANNEXATION, LAND USE AMENDMENT & REZONING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING TWENTY-FOUR PARCELS OF LAND, TOTALING 10.62 ACRES, INDIVIDUALLY OWNED; LOCATED ON LAKEWOOD ROAD, PATIO COURT, BROADWAY STREET, DIAMOND ROAD, EVERGREEN LANE, AND DIAMOND LANE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO "LOW DENSITY RESIDENTIAL" AND "MEDIUM DENSITY RESIDENTIAL", PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT "RESIDENTIAL MULTI-FAMILY" AND "RESIDENTIAL SINGLE FAMILY", DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP, BEING MORE FULLY DESIGNATED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Petitioner(s), individually owned, constituting all of the fee simple title holders to those lands located on Lakewood Road, Patio Court, Broadway Street, Diamond Road, Evergreen Lane, and Diamond Lane, and more particularly described in **Exhibit "A"** ("the subject properties"), attached hereto and made a part hereof, have voluntarily requested the Village of Palm Springs annex said lands into the corporate limits of the Village; and

WHEREAS, Concurrent with the annexation, the Village is seeking to re-designate the Future Land Use and Land Development district for said lands; and

WHEREAS, the existing land use designation assigned to all the subject properties is Palm Beach County "HR-8 and MR-5" and the existing zoning designation is "RS and RM"; and

FILE NUM 20150038562 CR BOOK/PAGE 27316/1893 DATE: 02/04/2015 09:30:49 Pgs 1893 - 1903 (11 pgs)
Sharon R. Beck, CLERK & COMPTROLLER

493

PCN: 01-43-44-08-04-000 0482 XX

AUG-04-1992 02:16PM 92-240093

ORB 7347 Pg 1068

STATE OF FLORIDA)
COUNTY OF PALM BEACH) SS

Con 103.00 Doc 1.20
CLERK OF THE COURT - PB COUNTY, FL

I, MILTON T. BAUER, Clerk of the Circuit Court of the Fifteenth Judicial Circuit of Florida, in and for Palm Beach County, do hereby certify that

The attached copy is a true and correct copy of the original Tax Deed which was signed by the Clerk of the Circuit Court before witnesses on the 16th day of July, 1981 and submitted to the Board of County Commissioners on that date.

This certified copy is being recorded in lieu of the original due to the loss of the original Tax Deed.

Certificate number; 599
Issued: June 1, 1971
Sale Date: July 15, 1974

Consideration amount: 103.00

IN WITNESS THEREOF, I have hereunto set my hand and seal of the Court at West Palm Beach, Florida, this 17th day of July, A.D. 19 92.

MILTON T. BAUER
CLERK OF CIRCUIT COURT
PALM BEACH COUNTY, FLORIDA

by Tamara T. Stambaugh
Deputy Clerk



STATE OF FLORIDA
COUNTY OF PALM BEACH

Copy
TAX DEED

KNOW ALL MEN BY THESE PRESENTS: That whereas, the following Tax Certificate, to-wit:

CERTIFICATE NUMBER

599

DATE ISSUED

JUNE 1st, 1971

was, duly filed in the office of the Clerk of the Circuit Court of this County and application made for the issuance of a tax deed based thereon; and the applicant having paid or redeemed all other taxes on the lands hereinafter described required by law to be paid or redeemed, and the cost and expenses of this sale; and due notice of sale having been published as required by law, and no person entitled as to do having appeared to redeem said lands; such lands were on the 15th day of JULY 1971, offered for sale at the courthouse door for cash to the highest bidder and there being no bid were placed upon a list of lands available for sale. The said tax certificate or certificates remained available for purchase by any or all persons for a period of seven years and have not been claimed.

NOW, THEREFORE, pursuant to FS 197.241 (5) seven years having now elapsed, JOHN B. DUNKLE, Clerk of the Circuit Court does hereby execute this tax deed vesting title in The Board of County Commissioners, Palm Beach County, for the following described property: W 2.75 FT OF LOT 48, BEING IN S 1/2 OF SW 1/4 OF SW 1/4,

IN PB 25 P 192

CONGRESS HEIGHTS

00-43-44-08-04-000-0482

IN TESTIMONY WHEREOF, by virtue of the authority in me vested by law, and for and on behalf of the County of Palm Beach, State of Florida, I, the undersigned, as Clerk of the Circuit Court for the County and State aforesaid, have executed this deed and have thereunto set my official signature and seal, at West Palm Beach in the County of Palm Beach and State of Florida, this the 16th day of JULY, A. D. 1981.

Signed, sealed and delivered in the presence of:

Arthur A. Shad
Margaret A. Randall

John B. Dunkle
Clerk of the Circuit Court
Palm Beach County, Florida

75197.241(4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

On this 16th day of JULY A. D. 1981 before me,

a Notary Public, personally appeared JOHN B. DUNKLE, Clerk of the Circuit Court in and for the State and County aforesaid, to me known to be the person described in, and who acknowledged the foregoing instrument, and acknowledged the execution thereof to be his own free act and deed for the purposes therein mentioned.

Witness my hand and official seal the date aforesaid.

Mark L. B...
Notary Public, State of Florida
My Commission Expires Jan 7, 1984

STATE OF FLORIDA
COUNTY OF PALM BEACH

On this 16th day of JULY A. D. 1981, before me,

JOHN B. DUNKLE, Clerk of the Circuit Court in and for the County and State

aforesaid, personally appeared MARGARET L. MURPHY, to me known to be one of the subscribing witnesses to the foregoing instrument, who, being duly sworn, deposes and says that JOHN B. DUNKLE, Clerk of the Circuit Court in and for County and State aforesaid, to me well known, did, in my presence, sign, seal and deliver the foregoing instrument of writing for the purposes therein mentioned, and that

BARBARA A. PIATT, her other witness did attest the same as witnesses in the presence of each other.

Sworn to and subscribed before me this the

16th day of JULY A. D. 1981
John B. Dunkle
Clerk Circuit Court Palm Beach County
Margaret L. Murphy

TAX DEED No.	
PALM BEACH COUNTY	
Executed on the	day of
	19
	TO

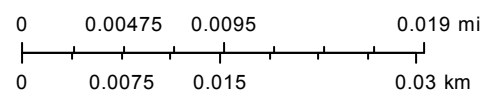
copy

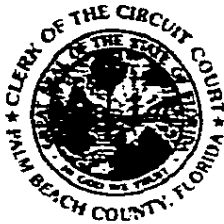
70434408040000482



December 27, 2019

1:576





Dorothy H. Wilken
Clerk

Tax Deed

KNOW ALL MEN BY THESE PRESENTS: That whereas, the folling Tax Certificate, to wit:

CERTIFICATE NUMBER
7521

DATE OF ISSUANCE
June 1, 1989

was duly filed in the office of the Clerk of the Circuit Court of this County and application made for the issuance of a tax deed based thereon; and the applicant having paid or redeemed all other taxes on the lands hereinafter described required by law to be paid or redeemed, and the cost and expenses of this sale and due notice of sale having been published as required by law, and no person entitled so to do having appeared to redeem said lands;

such lands were on the 17th day of March, 1993 offered for sale at the courthouse door for cash to the highest bidder and there being no bid were placed upon the list of lands available for sale. The said tax certificate or certificates remained available for purchase by any or all persons for a period of seven years and have not been claimed.

Now, therefore, pursuant to F.S. 197.502(8) seven years having now elapsed, Dorothy H. Wilken, Clerk of the Circuit Court does hereby execute this tax deed vesting title in the Board of County Commissioners, Palm Beach County, whose address is: C/O Property and Real Estate Management, 3323 Belvedere Road, Building 503, West Palm Beach, Florida 33406, for the following described property:

LAKEWOOD GARDENS PLAT 1
E 20 FT OF N 80 FT OF S 350 FT OF TR 24 BLK 2

00-43-44-19-11-002-0249

IN TESTIMONY WHEREOF, by virtue of the authority in me vested by law, and for and on behalf of the County of Palm Beach, State of Florida, I, Leah S. Emerson, the undersigned, a Deputy Clerk for the Clerk of the Circuit Court for the County and State aforesaid, have executed this deed and have thereunto set my official signature and seal, at West Palm Beach in the County of Palm Beach and State of Florida, this 17TH day of MARCH, 2000.

(Page 2 of Tax Deed)

Signed, sealed and delivered
in the presence of:

Dorothy H. Wilken
Clerk of the Circuit Court

Bobette A. Plautz
Bobette A. Plautz

Katherine A. Gunther
Katherine A. Gunther

By: Leah S. Emerson
Leah S. Emerson
Deputy Clerk

State of Florida
County of Palm Beach

On this 17th day of March, 2000, before me, Tamara T. Stambaugh, a Notary Public, personally appeared Leah S. Emerson, a Deputy Clerk for the Circuit Court in and for the State and County aforesaid, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged the execution thereof to be her own free act and deed for the use and purposes therein mentioned.

She is personally known to me and did not take an oath.

Witness my hand and official seal the date aforesaid.

State of Florida
County of Palm Beach



Tamara T. Stambaugh
Notary Public State of Florida
Tamara T. Stambaugh
MY COMMISSION # 00579033 EXPIRES
October 29, 2000
BONDED THROUGH TROY FARM INSURANCE, INC.

On this 17th day of March, 2000, before me Tamara T. Stambaugh, a notary public, personally appeared Bobette A. Plautz to me known to be one of the subscribing witnesses to the foregoing instrument, who being duly sworn, deposes and says that Leah S. Emerson, a Deputy Clerk of the Clerk of the Circuit Court in and for County and State aforesaid, to her personally known, did in her presence, sign, seal and deliver the foregoing instrument of writing for the purposes therein mentioned, and that Bobette A. Plautz did in her presence witness the same, and that she and the said other witness did attest the same as witnesses in the presence of each other.

Sworn to and subscribed before me this 17th day of March, 2000 by Bobette A. Plautz, who is personally known to me.



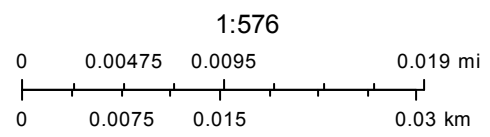
Tamara T. Stambaugh
Notary Public State of Florida
Tamara T. Stambaugh
MY COMMISSION # 00579033 EXPIRES
October 29, 2000
BONDED THROUGH TROY FARM INSURANCE, INC.

Tamara T. Stambaugh
Notary Public State of Florida

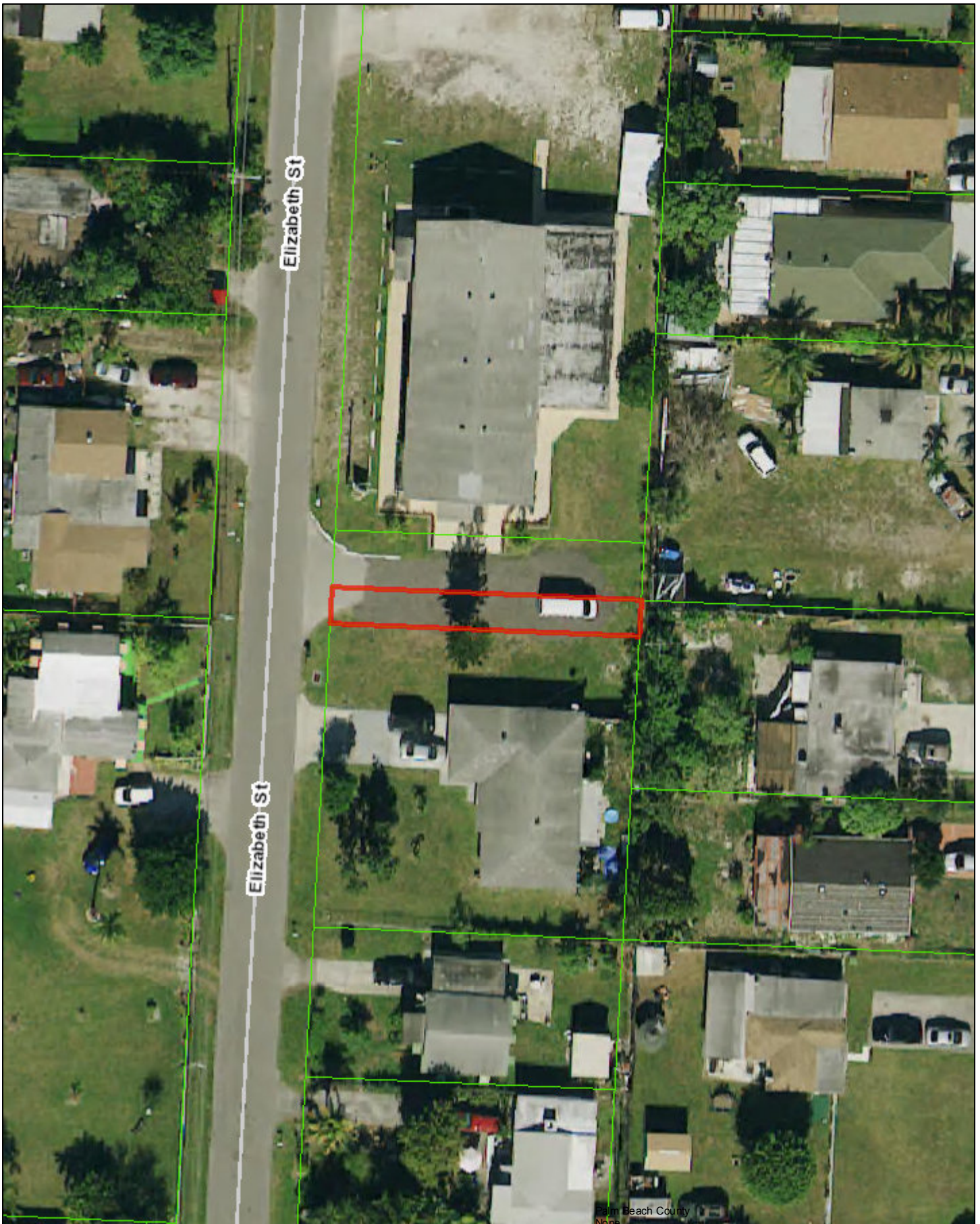
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December 27, 2019

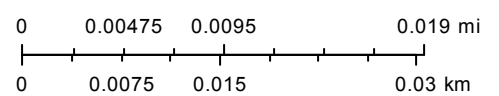


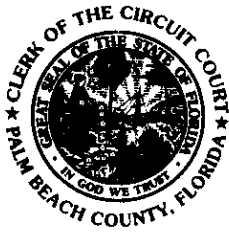
70434419080001050



December 27, 2019

1:576





02/27/2002 08:14:20 20020105806
OR BK 13452 PG 0432
Palm Beach County, Florida

Dorothy H. Wilken
Clerk

Tax Deed

KNOW ALL MEN BY THESE PRESENTS: That whereas, the folling Tax Certificate, to wit:

CERTIFICATE NUMBER
11937'91

DATE OF ISSUANCE
June 1, 1991

was duly filed in the office of the Clerk of the Circuit Court of this County and application made for the issuance of a tax deed based thereon; and the applicant having paid or redeemed all other taxes on the lands hereinafter described required by law to be paid or redeemed, and the cost and expenses of this sale and due notice of sale having been published as required by law, and no person entitled so to do having appeared to redeem said lands; such lands were on the 11th day of January 1991 offered for sale at the courthouse door for cash to the highest bidder and there being no bid were placed upon the list of lands available for sale. The said tax certificate or certificates remained available for purchase by any or all persons for a period of seven years and have not been claimed.

Now, therefore, pursuant to F.S. 197.502(8) seven years having now elapsed, Dorothy H. Wilken, Clerk of the Circuit Court does hereby execute this tax deed vesting title in the Board of County Commissioners, Palm Beach County, whose address is: C/O Property and Real Estate Management, 3323 Belvedere Road, Building 503, West Palm Beach, Florida 33406, for the following described property:

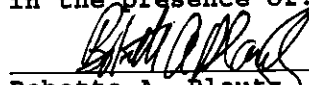
Lake Echo Plat Private Alley N of & Adj to Lt 51

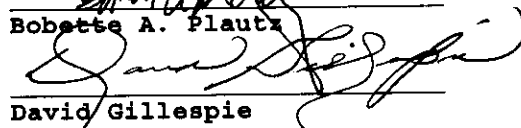
00-43-44-19-08-000-1050

IN TESTIMONY WHEREOF, by virtue of the authority in me vested by law, and for and on behalf of the County of Palm Beach, State of Florida, I, Tamara T. Stambaugh, the undersigned, a Deputy Clerk for the Clerk of the Circuit Court for the County and State aforesaid, have executed this deed and have thereunto set my official signature and seal, at West Palm Beach in the County of Palm Beach and State of Florida, this 15th day of February, 2002.

(Page 2 of Tax Deed)

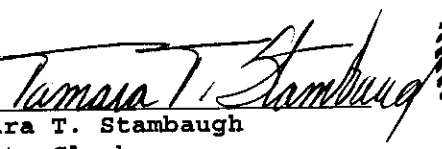
Signed, sealed and delivered
in the presence of:


Bobette A. Plautz


David Gillespie

State of Florida
County of Palm Beach

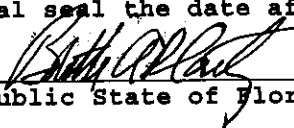
Dorothy H. Wilken
Clerk of the Circuit Court

By: 
Tamara T. Stambaugh
Deputy Clerk



On this 13th day of February, 2002, before me, Bobette A. Plautz, a Notary Public, personally appeared Tamara T. Stambaugh, a Deputy Clerk for the Circuit Court in and for the State and County aforesaid, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged the execution thereof to be her own free act and deed for the use and purposes therein mentioned.
She is personally known to me and did not take an oath.

Witness my hand and official seal the date aforesaid.


Notary Public State of Florida



Bobette A. Plautz
Commission # DD046291
Expires July 31, 2005
Bonded Thru
Atlantic Bonding Co., Inc

Not a Certified Copy

From: angelito68285027
To: [Kimberly K. Glas-Castro](#)
Subject: Parcel Control Number 70-43-44-19-08-000-1050
Date: Monday, June 1, 2020 11:28:24 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

To. Ms. Kim Glas - Castro Planning, Zoning & Building Director for The Village of Palm Springs, Mayor Beverly "Bev" Smith and Councilmembers goodmorning my name is Samuel Beltre I am the Senior Pastor at Iglesia De Dios Ebenezer Internacional Inc.. My Associate Pastor Angel Agosto has been in communications with Mr. Richard C. Bogatin Property Management and Real Estate Management for Palm Beach County and we understand the County of Palm Beach is in the process of turning over (PCN) Parcel Control Number 70-43--44-19-08-000-1050 to the Township of Palm Springs. The Church of God Ebenezer Internacional incorporated at this time owns PCN 70-43-44-19-08-000-0521, 70-43-44-19-08-000-0500 which is the pastoral residence and 70-43-44-19-08-000-0522 which is the sanctuary. We would like to know what is the process for acquiring PCN 70-43-44-19-08-000-1050 which the church already owns the parcels on either sides of PCN 70-43-44-19-08-000-1050. Please feel free to contact Associate Pastor Angel Agosto at (561) 502-1386 who is spearheading this endeavor and who is my translator since he speaks the English language very well.

Sincerely,

Senior Pastor Samuel Beltre

Sent via the Samsung Galaxy Note8, an AT&T 5G Evolution capable smartphone



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Public Service

ITEM 6.4: Approve Village-Wide Landscaping Services Contract - Invitation to Bid (ITB) - Public Service Department (FY 2020 Budget Funded - General Fund and Water & Sewer Fund) - Cayco Landscaping

SUMMARY:

The Public Service Department, throughout the year, has a need to select a vendor to provide landscaping services at Village-owned properties, including the Village Hall complex, parks, roadway medians, Village-owned lots, water treatment plant entrances and various utility locations. Currently, the Village's Village-Wide Landscaping Services Contract that provides these needed services is expected to expire on July 21, 2020.

To ensure the lowest possible price, the Village issued an Invitation to Bid (ITB) on April 17, 2020, for landscaping services throughout the Village. This process was completed by the Village through a competitive selection process - Village Wide Landscaping Service (ITB No. 2020B-005 - May 19, 2020).

Within the Fiscal Year 2020 Budget - General Fund and Water & Sewer Enterprise Fund, the Village Council approved \$107,127 in funding for these ongoing contractual services.

As a result of the Village's ITB, the following ten (10) bid proposals were received:

<u>VENDOR</u>	<u>TOTAL BID</u>
Cayco Landscaping	\$118,801.83
C. Martin Landscaping, Inc.	\$134,647.20
Trimac Outdoor	\$135,951.00
Total Maintenance	\$137,668.53

V&S Landscaping, Inc.	\$137,974.83
Fresh Start Maintenance, Inc.	\$147,792.00
Epicurean Park	\$151,602.00
Salgado Tree Trimming	\$175,500.00
Best Painting Company	\$ 1.00

The Village-Wide Landscaping Services bid package was prepared by the Village and included a bid alternate to provide pricing to mow the Village Complex's athletic fields as well as an option to purchase additional mulch (per bag), which would be utilized on an as-needed basis (if accepted). This pricing is being requested to be considered by the Village Council for this landscaping services contract.

Note: Village staff reviewed the bids and identified that the low-bidder's proposal, Cayco Landscaping, included two (2) non-material irregularities [i.e., multiplication errors and pricing for mowing foreclosed properties not provided (which is a minor portion of this proposed bid request)]. Further, two (2) additional bid proposals (Best Painting Company and Salgado Landscaping) contained material irregularities (i.e., bid package not completed and required forms not executed) and were rejected. The Village Attorney reviewed the informalities from the low-bidder, Cayco Landscaping, and determined that they were non-material and concurs that they are eligible to be waived.

Additionally, it should be noted that six (6) of the bids (Cayco Landscaping, C. Martin Landscaping, Trimac Outdoor, Total Maintenance Landscaping, V & S Landscaping and Epicurean Park) contained multiplication irregularities; however, these errors were corrected in favor of the unit pricing that was submitted with the bid documents. The corrected bid amounts are/have been included within the final bid tabulation (attached and above table) that was used to evaluate the final bid amounts provided to the Village for consideration.

The Village's Purchasing Code - Section 58-5(4)b - Competitive Selection Purchase Requirements, provides that the Village Manager shall have the authority to waive all nonmaterial irregularities on any and all bids, proposals or other responses requested. Nonmaterial irregularities are those irregularities which do not substantially affect the price and/or competition.

After review of the ten (10) bids received, the Public Service Director/Engineer, Assistant Public Service Director and the Village Attorney determined that Cayco Landscaping provided the lowest, responsible and responsive bid, and recommends that the Village Manager, in accordance with Village Code, waive the non-material irregularities. If approved, the Village would accept Cayco Landscaping's pricing including all terms, conditions and pricing as submitted within their ITB proposal and proposed agreement. The Village will not expend more than the amount in the approved budget as it may be adopted/amended each year for these goods and services over the term of this contract.

As a result, the Village Manager, in accordance with Village Code, has determined that the irregularities do not substantially affect the price and/or competition and staff is recommending that the Council approve an agreement with Cayco Landscaping to provide landscaping services throughout the Village.

If approved, the proposed agreement for Village-wide landscaping services would begin on July 22, 2020 and would continue for a period of three (3) years with the option to renew for up to an additional three (3) years.

The proposed agreement was prepared by the Village Attorney and reviewed by the Public Service Director/Engineer, the Assistant Public Service Director and the Finance Director.

The Village has not worked with the proposed vendor previously; however, the Village received positive references from several private businesses and clients of the proposed vendor.

FISCAL IMPACT:

Funding to support the proposed services is available within the FY 2020 Budget - General Fund, Stormwater Fund & Water & Sewer Fund.

<u>Allocated/Estimated Project Funding:</u>	
FY 2020 Approved Budget - Parks and Recreation - General Fund	\$ 13,875.72
FY 2020 Approved Budget - Public Service - General Fund	\$ 78,865.20
FY 2020 Approved Budget - Public Service - Water & Sewer Fund	\$ 14,386.08
Total Approved Budget	\$107,127.00

<u>Expected Project Costs:</u>	
Project Request/Cost - Various Funds:	
- Annual Costs Parks and Recreation - General Fund	\$ 35,736.96
- Annual Costs Library - General Fund	\$ 3,272.04
- Annual Costs Public Safety - General Fund	\$ 3,272.04
- Annual Costs Public Service - General Fund	\$ 40,869.84
- Annual Costs Stormwater - General Fund	\$ 2,580.03
- Annual Costs Public Service - Water & Sewer Fund	\$ 33,070.92
Total Request/Costs:	\$118,801.83

Note: The Village Council has approved funding (\$107,127) within the FY 2020 Budget -

General Fund and Water & Sewer Enterprise Fund to support this project. Although the full cost for this project was not included within the FY 2020 Budget due to this annual project extending over multiple fiscal years (throughout the term of the agreement, if approved), funding to support the proposed project is available within the General and Water & Sewer Funds. As a result, this project may exceed the cost amount budgeted in the current fiscal year; however, funding is available and an internal budget transfer or amendment to support this proposed cost above the budgeted amount may be completed within the General Fund and Water & Sewer Enterprise Fund at a later date, if necessary.

Further, the total annual cost (\$118,801.83) to support these services will be an on-going annual cost and will begin to be budgeted within the FY 2021 Budget.

The Village will not expend more than the amount in the approved budget as it may be adopted/approved each year for these goods and services for the term of the contract.

ATTACHMENTS:

Proposed Agreement - Cayco Landscaping

Bid Proposal - Cayco Landscaping

Bid Tabulation - ITB #2020-005

Recommendation of Award - Cayco Landscaping

Village Attorney Opinion - Waive Non-Material Irregularities - Cayco Bid

Invitation to Bid - ITB #2020-005

Questions & Answers - ITB #2020-005

CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES

THIS CONTRACT is made this _____ day of _____, 2020 between the **Village of Palm Springs, Florida**, a municipal corporation with its principle office located at 226 Cypress Lane, Palm Springs, Florida 33461, herein referred to as the "Village", and **Cayco Landscaping**, a company, with its office located at 3700 NW 10th Ave, Oakland Park, FL 33309, hereinafter referred to as the "Contractor".

RECITALS

WHEREAS, the Village is a municipal corporation organized and existing pursuant to the Charter and the Constitution of the State of Florida;

WHEREAS, the Village issued an Invitation to Bid # 2020B-005 for the procurement of Village wide landscaping maintenance services for the parcels and properties listed in the ITB;

WHEREAS, Contractor submitted a proposal to perform the work described and set out in ITB # 2020B-005;

WHEREAS, the Village desires to accept Contractor's proposal in order for Contractor to render the services to the Village as provided herein;

WHEREAS, the Contractor further warrants that it is experienced and capable of performing the tasks hereunder in a professional and competent manner;

WHEREAS, the Village finds awarding ITB # 2020B-005 to the Contractor as described herein serves a valid public purpose.

NOW, THEREFORE, the Village hereby engages the services of the Contractor, and in consideration of the mutual promises herein contained, the sufficient of which is hereby acknowledged by both parties, the parties agree as follows:

I. General Conditions

1.1 Contract Documents. The Contract Documents are incorporated herein by reference as if originally set forth in this Contract, and comprise the entire agreement between the Village and Contractor. The Contract Documents consist of this Contract, the Invitation to Bid #2020B-005 ("ITB"), the proposal submitted by the Contractor and any duly executed and issued Change Orders, Work Directive Changes, Field Orders and amendments relating thereto. If, during the performance of the work, the Contractor finds an ambiguity, error or discrepancy in the Contract Documents, the Contractor shall so notify the Village, in writing, at once and before proceeding shall obtain a written

interpretation or clarification. In resolving conflicts in any of the Contract Documents, the order of precedence shall be as follows:

- First Priority: Duly executed Change Orders; Work Direct Changes; and, Field Orders
- Second Priority: This Contract
- Third Priority: ITB #2020B-005
- Fourth Priority: Contractor's Proposal

The Village will not be responsible for any oral instructions, clarifications, or other communications except those provided in writing in response to Contractor's request for clarification of an ambiguity, discrepancy or error.

1.2 Contract Administrator. The Contractor shall follow the instructions of the Village's Contract Administrator. The Contract Administrator shall be the Village Manager or his/her designee. In the administration of this Contract, as contrasted with matters of policy, all parties may rely upon instructions or determinations made by the Contract Administrator.

1.3 Contract Price. The Contract Price shall be as set forth in Contractor's Proposal, Exhibit "A", attached hereto and incorporated herein. However, the Village reserves the right to amend the location list to remove or add parcels.

1.4 The term of this Contract shall be from the execution by the Village for a period of three (3) years with an option of one three (3) year renewal. The option to renew may be exercised by the Village Manager. The Village, however, may terminate this Contract as stated herein.

II. Scope of Services/Work

Contractor agrees to provide landscape maintenance services as set forth in the ITB.

2.1 All terms and conditions outlined in the ITB are incorporated in this Contract by reference and in full force and effect unless superseded by the terms of this Contract.

2.2 The Contractor represents to the Village that the services to be performed under this Contract shall be in accordance with accepted and established trade practices and procedures recognized in the Contractor's trade in general and that the Contractor's services shall conform to the highest standards and in accordance with this Contract.

2.3 The Contractor represents that it is licensed to do business in the State of Florida and further warrants its capability and experience to perform the tasks and services provided for herein in a professional and competent manner.

III. USE OF AGENTS OR ASSISTANTS

3.1 To the extent reasonably necessary to enable the Contractor to perform its duties hereunder, the Contractor shall be authorized to engage the services of any agents or assistants which it may deem proper, and may further employ, engage, or retain the services of such other persons or corporations to aid or assist in the proper performance of its duties upon approval by the Contract Administrator. All costs of the services of, or expenses incurred by, such agents or assistants shall be paid by the Contractor.

IV. PROJECT MANAGEMENT

4.1 Both parties shall appoint a person who shall meet to coordinate, review and insure performance by the Contractor under this Contract. The Contract Administrator will oversee the daily administration of the tasks to be performed by the Contractor under this Contract.

V. EQUIPMENT

5.1 The Contractor shall provide all the equipment and fuel necessary to complete the various work tasks to be performed hereunder. In the event the Contractor requires equipment from the Village, the Contractor shall meet and confer with the Contract Administrator before work commences. In the event the Village's equipment is to be utilized, any costs chargeable to the Contractor shall be agreed upon in advance of the commencement of work.

VI. FEE AND ORDERING MECHANISM

6.1 For services rendered in accordance this Contract, the Contractor shall be entitled to a fee for actual services performed and accepted by the Village.

6.2 Should the Village require additional services not included in this Contract, fees and payment for such services will be set forth in a separate Additional Services Addendum, as authorized by the Village prior to any such additional services or work being performed by the Contractor.

6.3 The Village's ordering mechanism for all work performed under this Contract shall be a Village Purchase Order. The Contractor shall not perform work under this Contract without a Village Purchase Order specifically for this purpose. The Contractor shall not perform work which is out of scope, nor exceed any not to exceed amounts expressed on

the Purchase Order. Note that the Village's Fiscal Year ends on September 30th of each calendar year. The Village cannot authorize work beyond September 30th of each calendar year, prior to the annual budget being approved by the Village Commission. Additionally, the Village must have budgeted appropriate funds for this work in any subsequent Fiscal Year. The Village will issue a new Purchase Order each Fiscal Year, for required and approved services.

VII. MAXIMUM COSTS

7.1 The Contractor expressly acknowledges and agrees that the total cost to complete all tasks as specified herein shall not exceed the maximum contractual amount provided for herein without prior written approval from the Village. The maximum costs, as expressed herein, include any approved costs associated with Additional Services Addendums approved during the performance of this Contract.

VIII. BILLING

8.1 The Contractor shall submit an itemized monthly bill to the Contract Administrator for approval prior to receiving compensation. Billing shall include an itemized summary of total costs billed.

8.2 The Contractor shall be paid within thirty (30) days receipt of approved invoice for services.

IX. AUDIT BY VILLAGE

9.1 The Contractor shall permit the Village, or any authorized representatives of the Village, at all reasonable times, access to and the right to examine all records, books, papers or documents related to the Contractor's performance under this Contract including, but not limited to, expenses for sub-Contractors, agents or assistants, direct and indirect charges for work performed and detailed documentation for all such work performed or to be performed under this Contract.

X. COPIES OF DATA/DOCUMENTS

10.1 Copies or original documents prepared by the Contractor in relation to work associated with this Contract shall be provided to the Village. Data collected, stored, and/or provided shall be in a form acceptable to the Village and agreed upon by the Village.

XI. OWNERSHIP

11.1 Each and every report, draft, work product, map, record, and other document reproduced, prepared, or caused to be prepared by the Contractor pursuant to or in connection with this Contract shall be the exclusive property of the Village.

XII. WRITTEN AUTHORIZATION REQUIRED

12.1 The Contractor shall not make changes to the Scope of Work or perform any additional work or provide any additional without first obtaining written authorization from the Village for such additional work or materials. Additional labor or materials provided without written authorization shall be done at the Contractor's risk and without payment.

XXIII. DEFAULTS, TERMINATION OF CONTRACT

13.1 If the Contract Administrator deems that the Contractor is in default for failure to supply an adequate working force, or service of proper quality, or has failed in any other respect to satisfactorily perform the services specified in this Contract, the Contract Administrator may give written notice to the Contractor specifying defaults to be remedied within thirty (30) days. Such notice, made pursuant to paragraph 23.1 of this Contract, shall set forth the basis for any dissatisfaction and suggest corrective measures.

A. If the Contractor does not remedy defaults within thirty (30) days or commence steps to remedy default to the reasonable satisfaction of the Contract Administrator, the Village may secure such services from another Contractor and the Village may withhold any money due or which may become due to the Contractor for such task related to the claimed default; or

B. If after thirty (30) days the Contractor has not remedied defaults or commenced steps to remedy defaults to the satisfaction of the Contract Administrator, the Village may elect to terminate this Contract.

13.2 Notwithstanding paragraph 13.1, the Village reserves the right and may elect to terminate this Contract at any time, with or without cause. At such time, the Contractor would be compensated only for that work which has been satisfactorily completed to the date of termination. No compensation shall be paid for de-mobilization, take-down, disengagement wind-down or other costs incurred due to termination of this Contract.

XIV. INSURANCE

Prior to the effective date of this contract, Contractor shall be required to submit to the Village, a copy of its Certificate of Insurance, reflecting, at a minimum, the insurance requirements as set forth in the ITB.

The VILLAGE of Palm Springs shall be named as "Additional Insured" on the Contractor's General Liability Policy, and if bidder's vehicles will be operating on VILLAGE-owned property, the Village of Palm Springs must also be named as "Additional Insured" on the Contractor's Automobile Liability policy.

Coverage must be maintained during the full term of the contract. Copy must be provided to the Village Clerk and Contract Administrator prior to beginning work or within specified number of days following execution of Contract. If there is a cancellation of or change to the policy submitted as proof of coverage, it is the responsibility of the Contractor to insure it or the Insurance carrier, notifies the Village of Palm Springs's Contract Administrator, at least thirty (30) days before expiration of or any changes to the policy.

XV. WAIVER OF BREACH

15.1 The waiver of either party of any breach of any provision of this Contract shall not operate or be construed as a waiver of any subsequent breach of that same or any other provision.

XVI. INDEMNITY

The parties recognize that the CONTRACTOR is an independent contractor. The CONTRACTOR agrees to assume liability for and indemnify, hold harmless, and defend the VILLAGE, its council members, mayor, officers, employees, agents, and attorneys of, from, and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature, including claims for personal injury, property damage, equitable relief, or loss of use, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the CONTRACTOR, its agents, officers, Contractors, subcontractors, employees, or anyone else utilized by the CONTRACTOR in the performance of this Contract. The CONTRACTOR's liability hereunder shall include all attorney's fees and costs incurred by the VILLAGE in the enforcement of this indemnification provision. This includes claims made by the employees of the CONTRACTOR against the VILLAGE and the CONTRACTOR hereby waives its entitlement, if any, to immunity under Section 440.11, Florida Statutes. The obligations contained in this provision shall survive termination of this Contract and shall not be limited by the amount of any insurance required to be obtained or maintained under this Contract.

Subject to the limitations set forth in this Section, CONTRACTOR shall assume control of the defense of any claim asserted by a third party against the VILLAGE and, in connection with such defense, shall appoint lead counsel, in each case at the CONTRACTOR's expense. The VILLAGE shall have the right, at its option, to participate in the defense of any third party claim, without relieving CONTRACTOR of any of its obligations hereunder. If the CONTRACTOR assumes control of the defense of any third party claim in accordance with this paragraph, the CONTRACTOR shall obtain the prior written consent of the VILLAGE before entering into any settlement of such claim. Notwithstanding anything to the contrary in this Section, the CONTRACTOR shall not assume or maintain control of the defense of any third party claim, but

shall pay the fees of counsel retained by the VILLAGE and all expenses, including experts' fees, if (i) an adverse determination with respect to the third party claim would, in the good faith judgment of the VILLAGE, be detrimental in any material respect to the VILLAGE's reputation; (ii) the third party claim seeks an injunction or equitable relief against the VILLAGE; or (iii) the CONTRACTOR has failed or is failing to prosecute or defend vigorously the third party claim. Each party shall cooperate, and cause its agents to cooperate, in the defense or prosecution of any third party claim and shall furnish or cause to be furnished such records and information, and attend such conferences, discovery proceedings, hearings, trials, or appeals, as may be reasonably requested in connection therewith.

It is the specific intent of the parties hereto that the foregoing indemnification complies with Section 725.06, Florida Statutes, as amended. CONTRACTOR expressly agrees that it will not claim, and waives any claim, that this indemnification violates Section 725.06, Florida Statutes. Nothing contained in the foregoing indemnification shall be construed as a waiver of any immunity or limitation of liability the VILLAGE may have under the doctrine of sovereign immunity or Section 768.28, Florida Statutes.

XVII. ENTIRE CONTRACT

17.1 This Contract supersedes any and all other Contracts, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other Contract, statement, or promise relating to the subject matter of this Contract which is not contained herein shall be valid or binding.

XVIII. ASSIGNMENT

18.1 Nothing under this Contract shall be construed to give any rights or benefits to any party other than the Village and the Contractor. All duties and responsibilities under this Contract shall be for the sole and exclusive benefit of the Village and the Contractor and not for the benefit of any other party. The Contractor shall not assign any right or interest in this Contract, and shall not delegate any duty owned, without the Village's prior written consent. Any attempted assignment or delegation shall be void and totally ineffective for all purposes, and shall constitute a material breach upon which the Village may immediately terminate or suspend this Contract.

18.2 In the event the VILLAGE consents to an assignment or delegation, the assignee, delegate, or its legal representative shall agree in writing to personally assume, perform, and be bound by this Contract's covenants, conditions, obligations and provisions.

XIX. SUCCESSORS AND ASSIGNS

19.1 Subject to the provision regarding assignment, this Contract shall be binding on the heirs, executors, administrators, successors, and assigns of the respective parties.

XX. WAIVER OF TRIAL BY JURY

20.1 TO ENCOURAGE PROMPT AND EQUITABLE RESOLUTION OF ANY LITIGATION, EACH PARTY HEREBY WAIVES ITS RIGHTS TO A TRIAL BY JURY IN ANY LITIGATION RELATED TO THIS CONTRACT.

XXI. GOVERNING LAW

21.1 The validity of this Contract and of any of its terms or provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of Florida and venue shall be in Palm Beach County, Florida.

XXII. TIME IS OF THE ESSENCE

22.1 Time is of the essence in the completion of tasks and services as specified herein. The Contractor and the Village agree that the ongoing performance and completion of all tasks and services specified in this Contract are of vital importance to the Village and the Village will suffer irreparable harm and injury of a nature not capable of being calculated with reasonable certainty if they are not timely completed.

22.2 The Village may recover from the Contractor any amounts paid by the Village for damages suffered to third parties as a result of the Contractor's failure to complete the tasks and services as required in this Contract.

XXIII. NOTICES

23.1 All notices hereunder must be in writing and, unless otherwise provided herein, shall be deemed validly given on the date personally delivered to the address indicated below or delivered by nationally recognized overnight courier to the address indicated below or on the third (3rd) business day following deposit, postage prepaid, using certified mail, return receipt requested, in any U.S. postal mailbox or at any U.S. Post Office to the address indicated below. Should the Village or the Contractor have a change of address, the other party shall immediately be notified in writing of such change, provided, however, that each address for notice must include a street address and not merely a post office box. All notices, demands or requests from the Contractor to the Village shall be given to the Village address as follows:

Richard J. Reade, Village Manager
Village of Palm Springs
226 Cypress Lane
Palm Springs, Florida 33461

All notices, demands or requests from the Village to the Contractor shall be given to the Contractor address as follows:

XXIV. SEVERABILITY

24.1 Should any part, term or provision of this Contract or any document required herein to be executed be declared invalid, void or unenforceable, all remaining parts, terms and provisions hereof shall remain in full force and effect and shall in no way be invalidated, impaired or affected thereby.

XXV. FORCES OF NATURE

24.1 Neither party shall be considered in default in the performance of its obligations hereunder or any of them, if such obligations were prevented or delayed by any cause, existing or future beyond the reasonable control of such party which include but are not limited to acts of God, labor disputes or civil unrest. Any delays beyond the control of either party shall automatically extend the time schedule as set forth in this Contract by the period of any such delay.

XXV. COUNTERPARTS

25.1 This Contract may be executed in counterparts, each of which shall be an original, but all of which shall constitute one and the same document. Each of the parties shall sign a sufficient number of counterparts, so that each party will receive a fully executed original of this Contract.

XXVI. PUBLIC ENTITY CRIMES

26.1 Contractor acknowledges and agrees that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a Contractor, supplier or sub-Contractor under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36

months following the date of being placed on the convicted vendor list. The Contractor will advise the Village immediately if it becomes aware of any violation of this statute.

XXVII PREPARATION

27.1 This Contract shall not be construed more strongly against either party regardless of who was more responsible for its preparation.

XXVIII PALM BEACH COUNTY IG

28.1 In accordance with Palm Beach County ordinance number 2011-009, the Contractor acknowledges that this Contract may be subject to investigation and/or audit by the Palm Beach County Inspector General. The Contractor has reviewed Palm Beach County ordinance number 2011-009 and is aware of its rights and/or obligations under such ordinance.

XXIX PUBLIC RECORDS

29.1 The CONTRACTOR shall comply with Florida's Public Records Laws, Chapter 119, Florida Statutes, and, if it is acting on behalf of the VILLAGE as provided under section 119.011(2), the CONTRACTOR specifically agrees to:

- (a) Keep and maintain public records required by the VILLAGE to perform the services under this Agreement.
- (b) Upon request from the VILLAGE's custodian of public records, provide the VILLAGE with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this Chapter 119, Florida Statutes, or as otherwise provided by law.
- (c) Ensure that said public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement, if the CONTRACTOR does not transfer the records to the VILLAGE.
- (d) Upon the completion of the Agreement, transfer, at no cost, to the VILLAGE all public records in possession of the CONTRACTOR or keep and maintain public records required by the VILLAGE to perform the services. If the CONTRACTOR transfers all public records to the VILLAGE upon completion of the Agreement, the CONTRACTOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the CONTRACTOR keeps and maintains public records upon completion of the Agreement, the

CONTRACTOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the VILLAGE, upon request from the VILLAGE's custodian of public records, in a format that is compatible with the information technology systems of the Village.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS OR DESIGNEE AT 561-434-5084, kwynn@vpsfl.org, OR BY MAIL AT VILLAGE OF PALM SPRINGS, 226 CYPRESS LANE, PALM SPRINGS, FL 33461.

XXX PROTECTION OF PROPERTY

30.1 The CONTRACTOR shall at all times guard against damage or loss to the property of the VILLAGE or of other vendors or contractors and shall be held responsible for replacing or repairing any such loss or damage. The VILLAGE may withhold payment or make such deductions as deemed necessary to insure reimbursement or replacement for loss or damage to property through negligence of the successful CONTRACTOR or its agents. The CONTRACTOR shall be responsible to safeguard all of their property such as tools and equipment while on site. The VILLAGE will not be held responsible for any loss of CONTRACTOR property due to theft or vandalism.

XXXI DISCRIMINATION

31.1 The CONTRACTOR warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, political affiliation, marital status, handicap, or sexual orientation. Further, CONTRACTOR shall not discriminate or permit discrimination against any employee or an applicant for employment on the basis of race, color, sex, religion, political affiliation, natural origin, ancestry, marital status, sexual orientation or handicap.

XXXII SCRUTINIZED COMPANIES

32.1 As provided in F.S. 287.135, by entering into any agreement with the VILLAGE, or performing any work in furtherance hereof, CONTRACTOR certifies that CONTRACTOR and CONTRACTOR's affiliates, suppliers, subcontractors and consultants that will perform hereunder that at the time CONTRACTOR submits a bid or proposal for a contract or before CONTRACTOR enters into or renews a contract with an agency or local governmental entity for goods or services of \$1 million or more, the company must certify that CONTRACTOR is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List and that it does not have business operations in Cuba or Syria. Also, at the time a

contractor submits a bid or proposal for a contract or before the contractor enters into or renews a contract with an agency or local governmental entity for goods or services of any amount, CONTRACTOR must certify that it is not participating in a boycott of Israel. If the VILLAGE determines, using credible information available to the public, that a false certification has been submitted by CONTRACTOR, the VILLAGE's Agreement may be terminated and a civil penalty equal to the greater of \$2 million or twice the amount of the Agreement shall be imposed, pursuant to Section 287.135, Florida Statutes.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF the parties hereto have made and executed this Agreement for the maintenance of Village wide landscaping services on the day and year first above written.

VILLAGE OF PALM SPRINGS, FLORIDA

By: _____
Beverly Smith, Mayor

ATTEST:

Kimberly Wynn, Village Clerk

Approved as to form and legal sufficiency:

Glen J. Torcivia, Village Attorney

CONTRACTOR: **CAYCO LANDSCAPING**

By: _____

[Corporate Seal]

Print Name: _____

Title: _____

STATE OF _____)

COUNTY OF _____)

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this _____ this _____ day of _____, 2020, by _____.

(Signature of Notary Public-State of Florida)

(Print, type, or stamp commissioned name of Notary public)

Personally Known ____ OR Produced Identification ____
Type of Identification Produced: _____

BID FORM – ITB # 2020B-005			
Location #	Price Per Month	x 12 =	Annual Price
1.	\$ 613.50	x 12 =	\$ 7,362
2.	\$ 272.67	x 12 =	\$ 3,272
3.	\$ 272.67	x 12 =	\$ 3,272
4.	\$ 238.58	x 12 =	\$ 2,863
5.	\$ 357.92	x 12 =	\$ 4,295
6.	\$ 119.33	x 12 =	\$ 1,432
7.	\$ 489.92	x 12 =	\$ 5,879
8.	\$ 2,038	x 12 =	\$ 24,456
9.	\$ 258	x 12 =	\$ 3,096
10.	\$ 282.33	x 12 =	\$ 3,388
11.	\$ 331.75	x 12 =	\$ 3,981
12.	\$ 238.58	x 12 =	\$ 2,863
13.	\$ 29.83	x 12 =	\$ 358
14.	\$ 25.58	x 12 =	\$ 307
15.	\$ 241	x 12 =	\$ 2,892
16.	\$ 238.58	x 12 =	\$ 2,863
17.	\$ 255.67	x 12 =	\$ 3,068
18.	\$ 245.67	x 12 =	\$ 2,948
19.	\$ 971.33	x 12 =	\$ 11,656
20.	\$ 247.83	x 12 =	\$ 2,974
21.	\$ 238.58	x 12 =	\$ 2,863
22.	\$ 59.67	x 12 =	\$ 716
23.	\$ 126.42	x 12 =	\$ 1,517
24.	\$ 243.33	x 12 =	\$ 2,920
25.	\$ 257.83	x 12 =	\$ 3,094

26.	\$ 477.17	x 12 =	\$ 5,726
27.	\$ —	x 12 =	\$ —
28.	\$ 340.83	x 12 =	\$ 4,090
29.	\$ 172.58	x 12 =	\$ 2,071
SUBTOTAL =			\$ 116,222
Ditches Location #	Price Per Service	x 3 =	Annual Price
1.	\$ 58.67	x 3 =	\$ 176
2.	\$ 75	x 3 =	\$ 225
3.	\$ 150	x 3 =	\$ 450
4.	\$ 58.67	x 3 =	\$ 176
5.	\$ 75	x 3 =	\$ 225
6.	\$ 195	x 3 =	\$ 585
7.	\$ 15	x 3 =	\$ 45
8.	\$ 150	x 3 =	\$ 450
9.	\$ 82.67	x 3 =	\$ 248
SUBTOTAL DITCHES			\$ 2,580
TOTAL ANNUAL PRICE =		\$ 118,802	

Optional Additional Items:

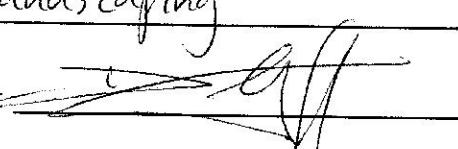
1. Additional mulch price – Per Bag \$ 5
2. Mow Village Complex Ball Fields (Bermuda Grass) – contractor shall have mower blades cleaned prior to service of the Village complex.
Price Per Mow (not Monthly) \$ 2,500
3. Sabal Palm Park field (Bermuda Grass) – Price Per Mow \$ 2,500

BID SUBMITTAL SIGNATURE PAGE – ITB # 2020B-005

*** PLEASE AFFIX SIGNATURE WHERE INDICATED**

(FAILURE TO DO SO SHALL RESULT IN THE REJECTION OF YOUR ITB)

By signature on this document, Bidder acknowledges and agrees that its offer includes and accepts all terms, conditions, and specifications of the Village's ITB solicitation as originally published, without exception, change or alteration of any kind, except as may have been published by the Village in official amendments prior to the submission time.

FIRM NAME: (Enter the entire legal name of the quoting entity) <i>Cayco Landscaping</i>		DATE: <i>5/18/20</i>
* SIGNATURE: 		PRINT NAME: <i>Daniel Gonzalez</i> PRINT TITLE: <i>President</i>
ADDRESS: <i>3700 HW 10th Ave,</i>		
CITY / STATE: <i>Oakland Park, FL</i>		ZIP CODE: <i>33309</i>
TELEPHONE # (866) <i>203-2292</i>		E-MAIL: <i>dgonzalez@caycolandscaping.com</i>
TOLL FREE # (—) <i>N/A</i>		FAX #: (—) —
APPLICABLE LICENSE(S) NUMBER # <i>324-289996</i> TYPE: <i>Business Tax Receipt</i>		
FEDERAL ID # <i>30-096-2212</i>		

ACKNOWLEDGEMENT OF ADDENDA
ITB # 2020B-005

VILLAGE WIDE LANDSCAPING SERVICE

INSTRUCTIONS: COMPLETE PART I OR PART II, WHICHEVER APPLIES

PART I:

List below the dates of issue for each addendum received in connection with this Solicitation:

Addendum #1, Dated 5/13/2020

Addendum #2, Dated _____

Addendum #3, Dated _____

Addendum #4, Dated _____

Addendum #5, Dated _____

PART II:

NO ADENDUM WAS RECEIVED IN CONNECTION WITH THIS SOLICITATION

Firm Name

Signature

Name and Title (Print or Type)

Date

CONFLICT OF INTEREST DISCLOSURE FORM

The award of this contract is subject to the provisions of Chapter 112, *Florida Statutes*. All Bidders must disclose within their Bids: the name of any officer, director, or agent who is also an employee of the Village of Palm Springs.

Furthermore, all Bidders must disclose the name of any Village employee who owns, directly, or indirectly, an interest of more than five percent (5%) in the Bidder's firm or any of its branches.

The purpose of this disclosure form is to give the Village the information needed to identify potential conflicts of interest for evaluation team members and other key personnel involved in the award of this contract.

The term "conflict of interest" refers to situations in which financial or other personal considerations may adversely affect, or have the appearance of adversely affecting, an employee's professional judgment in exercising any Village duty or responsibility in administration, management, instruction, research, or other professional activities.

Please check one of the following statements and attach additional documentation if necessary:

☒ To the best of our knowledge, the undersigned firm has no potential conflict of interest due to any other Cities, Counties, contracts, or property interest for this Bid.

The undersigned firm, by attachment to this form, submits information which may be a potential conflict of interest due to other Cities, Counties, contracts, or property interest for this Bid.

Acknowledged by: Daniel Gonzalez

Firm Name: Layco Landscaping

Signature: [Signature]

Name and Title (Print or Type): Daniel Gonzalez / President

Date: 5/15/20

NOTIFICATION OF PUBLIC ENTITY CRIMES LAW

Pursuant to Section 287.133, *Florida Statutes*, you are hereby notified that a person or affiliate who has been placed on the convicted contractors list following a conviction for a public entity crime may not submit a Bid on a contract to provide any goods or services to a public entity, may not submit a Bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit Bids on leases or real property to a public entity, may not be awarded or perform work as a contractor, supplier, sub-Bidder, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 [F.S.] for Category Two [\$35,000.00] for a period of thirty-six (36) months from the date of being placed on the convicted contractors list.

Acknowledged by: Daniel Gonzalez
Firm Name: Carlo Landscaping
Signature: [Signature]
Name and Title (Print or Type): Daniel Gonzalez / President
Date: 5/18/20

Notification of Public Records Law Pertaining to Public Contracts and Requests for Contractor Records Pursuant to Chapter 119, *Florida Statutes*

Pursuant to Chapter 119, *Florida Statutes*, Contractor shall comply with the public records law by keeping and maintaining public records required by the Village of Palm Springs in order to perform the service. Upon request from the Village of Palm Springs' custodian of public records, Contractor shall provide the Village of Palm Springs with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, *Florida Statutes* or as otherwise provided by law. Contractor shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract. If the Contractor does not transfer the records to the Village of Palm Springs. Contractor upon completion of the contract, shall transfer, at no cost, to the Village of Palm Springs all public records in possession of the Contractor or keep and maintain public records required by the Village of Palm Springs in order to perform the service. If the Contractor transfers all public records to the Village of Palm Springs upon completion of the contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Village of Palm Springs, upon request from the Village of Palm Springs' custodian of public records, in a format that is compatible with the information technology systems of the Village of Palm Springs.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS OR DESIGNEE AT 561-434-5084, *Public Records Officer*, OR BY MAIL AT VILLAGE OF PALM SPRINGS, 226 CYPRESS LANE, PALM SPRINGS, FL 33461.

Acknowledged by:

Largo Landscaping
Firm Name

[Signature]
Signature

Daniel Gonzalez / President
Name and Title (Print or Type)

5/18/20
Date

DRUG-FREE WORKPLACE

Cayo Landscaping is a drug-free workplace and
has (Company Name) a substance abuse policy in accordance with and pursuant to Section
440.102, Florida Statutes.

Acknowledged by: Daniel Gonzalez

Firm Name: Cayo Landscaping

Signature: [Signature]

Name and Title (Print or Type): Daniel Gonzalez / President

Date: 5/18/20

NON-COLLUSION AFFIDAVIT

STATE OF Florida COUNTY OF Broward

Before me, the undersigned authority, personally appeared Daniel N. Gonzalez who, after being by me first duly sworn, deposes and says of his/her personal knowledge that:

a. He / She is President of Layco Landscaping, the Bidder that has submitted a Bid to perform work for the following:

ITB No.: 2020B-005Title: Village-Wide Landscaping Services

b. He / She is fully informed respecting the preparation and contents of the attached Request for Bids, and of all pertinent circumstances respecting such Solicitation. Such Bid is genuine and is not a collusive or sham Bid.

c. Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly, with any other Bidder, firm, or person to submit a collusive or sham Bid in connection with the Solicitation and contract for which the attached Bid has been submitted or to refrain from proposing in connection with such Solicitation and contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached Bid or any other Bidder, or to fix any overhead, profit, or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the Village or any person interested in the proposed contract.

d. The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.


 Signature
STATE OF FLORIDA
COUNTY OF Broward

Sworn to (or affirmed) and subscribed before me by means of

☒ physical presence or ☐ online notarization, this 14th day of MAY, 2020, by Daniel N. Gonzalez (name of person making Statement)

(Signature of Notary Public - State of Florida) Milay Lozano-Meleán (Print, Type, or
Stamp Commissioned Name of Notary Public) _____ Personally Known ☒ OR Produced
Identification FLORIDA DL
Type of Identification Produced FLORIDA DL (b) For an acknowledgment in
an individual capacity.

SEAL



Milay Lozano-Meleán
State of Florida
My Commission Expires 12/04/2021
Commission No. GG 165054

Notary Signature Milay Lozano-Meleán Notary Name: Milay Lozano-Meleán
Notary Public (State): FLORIDA
My Commission No: GG 165054 Expires on: 12/04/2021

BIDDER QUALIFICATION FORM

Name of Bidder Cayo Landscaping
 Address of Bidder 3700 NW 10th Ave, Oakland Park, FL 33309

To: Village of Palm Springs
 226 Cypress Lane
 Palm Springs, Florida 33461

Gentlemen:

The signer of this affidavit guarantees the truth and accuracy of all statements and information submitted herein in support of its bid proposal to furnish all materials, equipment, and labor, and to perform all work in accordance with the Contract Documents for **Village-Wide Landscaping Services** located in the Village of Palm Springs, Florida.

The undersigned hereby authorizes and requests any authorized municipal or governmental employee, engineer, architect, surety company, bank depository, material or equipment manufacturer or distributor or any person, firm or corporation to furnish any pertinent information requested by the Village of Palm Springs 226 Cypress Lane, Palm Springs, Florida 33461, deemed necessary to verify the statements made, information submitted, or regarding the standing and general reputation of the applicant.

The undersigned has not been disqualified by any public agency in Florida except as is explained as follows: N/A

The undersigned further affirms that, if false information is furnished in support of its bid proposal, it can and will fully be prosecuted of the law for perjury.

Cayo Landscaping
 Name of Organization

Sworn to and subscribed before
 me this 14th day of MAY 2020

5/14, 2020.

BY: [Signature]
 Title of Person Signing

Notary Public - State of FLORIDA

My commission expires 12/04/2021

(If Corporation, Affix Seal)

[Signature]
 (Printed, typed, or stamped
 Commissioned name of notary public)

☒ physical presence or ☐ online notarization, this 14th day of MAY, 2020, by
Daniel H. Gonzalez (name of person making Statement)



Milag Lozano-Meleon
 State of Florida
 My Commission Expires 12/04/2021
 Commission No. GG 165054



ITB NO. 2020B-005
Landscape Maintenance
May 19, 2020 @ 2:00 PM
VIRTUAL E-BID MEETING

Staff Present:

Chad Girard, VPS Public Service
 Tim Crespo, VPS Public Service
 Jim Schmitz, VPS Public Service
 Ron Eyma, VPS Public Service
 Kimberly Wynn, VPS Clerk

Meeting Began: 2:15 PM

Meeting Adjourned: 2:32 PM

NAME	ADDRESS	BID AMOUNT	BID PACKAGE COMPLETE	Comments
C. Martin Landscaping	1016 Charlotte Avenue, West Palm Beach, Florida 33401	\$ 134,646.60	Y	
Vincent and Son Landscaping	4447 Broadway Street, Lake Worth, Florida 33461	\$ 137,971.47	Y	
Trimac Outdoor	1650 Latham Drive Ste #5 WPB, FL 33409	\$ 131,151.00	Y	
Epicurean Park	4447 Broadway Street, Lake Worth, Florida 33461	\$ 148,870.00	Y	
Salgado Tree Trimming	924 Saint James Street WPB, FL 33415	\$ 175,500.00	N	
Total Maintenance	P.O. box 31962 , Palm Beach Gardens, Florida 33418	\$ 137,669.00	Y	
Cayco Landscaping	3700 NW 10th Ave, Oakland Park, Florida 33309	\$ 118,802.00	Y	
Fresh Start Maintenance	2660 Carambola Road West Palm Beach 33406	\$ 147,792.00	Y	
Best Painting	Appears 1411 Fourth Ave Seattle, Washington 98101	\$ 1.00	N	Appears to be submitted in error



Village of Palm Springs

PUBLIC SERVICE DEPARTMENT MEMORANDUM

TO: Richard Reade – Village Manager

FROM: Chad Girard – Asst. Public Service Director

CC: Kimberly Wynn, Ron Eyma

RE: ITB #2020-005 Village Wide Landscaping Bid –
Recommendation of Award

DATE: June 01, 2020

On April 16, 2020 the Advertisement for Bids for the Village Wide Landscaping Bid was published in the Lake Worth Herald and on Demandstar. Bids were received on May 19, 2020 at 2:00 PM and read aloud via a GoToMeeting. Nine bids were received ranging from \$1.00 to \$175,500.00. Each bid was processed by the Village Clerk and subsequently reviewed by the Assistant Public Service Director for responsiveness. The bid tabulation is attached.

Two of the nine bidders (Best Painting Company, and Salgado Landscaping) were deemed to not be complete.

The lowest bid was submitted by Cayco Landscaping in the amount of \$118,801.83. The bid by Cayco Landscaping included two informalities (multiplication errors corrected in favor of the line items, and a no bid for the foreclosed properties). These informalities have been reviewed with the Village attorney and are recommended to be waived. After review of the bid packages, Public Service staff recommends the award of the Village Wide Landscaping project to Cayco Landscaping in the annual amount of \$118,801.83.

Richard J. Reade

From: Brian Shutt <bshutt@torcivialaw.com>
Sent: Monday, June 1, 2020 4:59 PM
To: Richard J. Reade; Ronald R. Eyma
Cc: Glen Torcivia
Subject: Landscape Bid

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Rich/Ron, based on our earlier discussion where, even if the low bidder were to use the highest number on line 27, they would still be the low bidder then I think this falls under the ability of the Manager to waive the irregularity of them not putting a number on line 27 as it appears that this is a "nonmaterial irregularity" which does not substantially affect the price or competition. Language provided below:

Waiver of irregularities. The village manager shall have the authority to waive all nonmaterial irregularities on any and all bids, proposals or other responses requested. Nonmaterial irregularities are those irregularities which do not substantially affect price and/or competition.

Therefore, I do not see an issue with you awarding to this bidder, provided that in your EB you provide for the waiver of that nonmaterial irregularity.

Brian

R. Brian Shutt, Esquire

**TORCIVIA, DONLON,
GODDEAU & ANSAY, P.A.**

Northpoint Corporate Center
701 Northpoint Parkway, Suite 209
West Palm Beach, FL 33407
(561) 686-8700
(561) 686-8764 fax
bshutt@torcivialaw.com
www.torcivialaw.com

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE COLLECT AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR YOUR EXPENSES. THANK YOU.



Village of Palm Springs

226 Cypress Lane • Palm Springs, Florida 33461-1699

561-965-4010 • www.vpsfl.org

NOTICE OF SOLICITATION ITB # 2020B-005

VILLAGE-WIDE LANDSCAPING SERVICE

ITB SUBMISSION DATE: May 19, 2020 AT 2:00 P.M.

**** FAXED OR E-MAILED RESPONSES ACCEPTABLE ****

Sealed Bids for the routine maintenance of the Village-Wide Landscaping will be received, by the Village of Palm Springs, at the office of the Palm Springs Village Clerk, until **2:00 pm local time on May 19, 2020**, at which time the Bids received will be publicly opened and read. The Bid consists of routine landscaping maintenance throughout the Village, including but not limited to common areas around Village Hall, parks, medians, etc.

The Village of Palm Springs will provide for public participation through Gotowebinar.com, a communication media technology (teleconference) for the pre-bid conference at **2:00 pm local time on May 1, 2020**. The Physical Point of Access is Village Hall at 226 Cypress Lane, Palm Springs, FL 33461. Attendance at the pre-bid conference is **NOT MANDATORY**.

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, the Village of Palm Springs will be utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statute to conduct.

It is the responsibility of the Bidder to ensure that all pages are included. Therefore, all Bidders are advised to closely examine this package. Any questions regarding the completeness of this package should be immediately directed to the Village Clerk.

Quotations are requested for furnishing the goods/services as described herein and in accordance with applicable terms, conditions and specifications as set forth herein without any modification, change or alterations to any terms, conditions or provisions of this solicitation, unless specifically approved in writing by the Village.

By submitting an offer which is accepted by the Village, a binding contract is formed in accordance with the terms, conditions and specifications as set forth in this Invitation to Bid (ITB).

BROADCAST

The Village of Palm Springs utilizes electronic online services for notification and distribution of its Solicitation documents. The Village's Solicitation information can be obtained from: (a) Demandstar website – www.Demandstar.com; (b) Purchasing webpage on the Village of Palm Springs – www.vpsfl.org.

Bidders who obtain Solicitations from sources other than those named above are cautioned that the Bid package may be incomplete. The Village will not evaluate incomplete Bid packages. Demandstar is an independent entity and is not an agent or representative of the Village. Communications to Demandstar do not constitute communications to the Village. The Village is not responsible for errors and omissions occurring in the transmission or downloading of any documents, addenda, plans, or specifications from these websites. In the event of any discrepancy between information on these websites and the Solicitation documents, the terms and conditions of the Solicitation documents will prevail.

CONTACT PERSON

Any questions regarding the specifications and Solicitation process must be submitted in writing to the Village Clerk, Kimberly Wynn at kwynn@vpsfl.org. Questions and requests for clarification and additional information must be received prior to the Deadline for Submission of Questions on **May 8, 2020**.

Village of Palm Springs
Kimberly Wynn, Village Clerk
April 16, 2020
Lake Worth Herald and Demandstar

REQUEST FOR QUOTATION

ITB # 2020B-005	TITLE: Village Wide Landscaping Service	
CONTACT PERSON: Kimberly Wynn		PHONE: (561) 965-4010
FAX: (561) 965-0899	E-MAIL: kwynn@vpsfl.org	

**** FAXED OR E-MAILED RESPONSES ACCEPTABLE ****

To ensure that your offer is considered, it must be received in the Village of Palm Springs Clerks Office no later than 2:00 P.M., PALM BEACH COUNTY LOCAL TIME, by the submission date. Offers received after this time will not be considered.

This Request for Quotation, General Conditions, Instructions to Bidders, Special Conditions, Specifications, Attachments, Amendments (if issued), and/or any other referenced document form a part of this ITB solicitation and response thereto, and by reference are made a part thereof. The selected awardee shall be bound by all terms, conditions and requirements in these documents.

GENERAL CONDITIONS, INSTRUCTIONS AND INFORMATION FOR BIDDERS

GENERAL CONDITIONS

The following Terms and Conditions are applicable to this purchase order/contract entered into by and between the Village of Palm Springs (referred to as Village) and Bidder.

1. CONE OF SILENCE

Pursuant to Section 2-355 of Palm Beach County Ordinance No. 2011-039, and the purchasing policies of the Village of Palm Springs, all Solicitations, once advertised and until the appropriate authority has approved an award recommendation, are under the "Cone of Silence". This limits and requires documentation of communications between potential Bidders and/or Bidders on Village Solicitations, the Village's professional staff, and the Village Council members.

2. ADDENDUM

The Purchasing Department may issue an addendum in response to any inquiry received, prior to the close of the Solicitation period, which changes, adds, or clarifies the terms, provisions, or requirements of the Solicitation. The Bidder should not rely on any representation, statement, or explanation, whether written or verbal, other than those made in the Solicitation document or in the addenda issued. Where there appears to be a conflict between the Solicitation and any addenda, the last addendum issued shall prevail. It is the vendor's responsibility to ensure receipt of all addenda, and any accompanying documentation. The vendor is required to submit with its Bid or Bid a signed "Acknowledgment of Addenda" form, when any addenda have been issued.

3. LEGAL REQUIREMENTS

This Solicitation is subject to all legal requirements contained in the applicable Village Ordinances and Resolutions, as well as all applicable Village, State, and Federal Statutes. Where conflict exists between this Bid Solicitation and these legal requirements, the authority shall prevail in the following order: Federal, State, and local.

4. CHANGE OF BID

Prior to the scheduled Bid opening a Bidder may change its Bid by submitting a new Bid (as indicated on the cover page) with a letter on the firm's letterhead, signed by an authorized agent stating that the new submittal replaces the original submittal. The new submittal shall contain the letter and all information as required for submitting the original Bid. No changes to a Bid will be accepted after the Bid has been opened.

5. WITHDRAWAL OF BID

A Bid shall be irrevocable unless the Bid is withdrawn as provided herein. Only a written letter received by the Village Clerk prior to the Bid opening date may withdraw a Bid. The withdrawal letter must be on company letterhead and signed by an authorized agent of the Bidder.

6. CONFLICTS WITHIN THE BID SOLICITATION

Where there appears to be a conflict between the General Terms and Conditions, Special Conditions, the Technical Specifications, the Bid Submittal Form, or any addendum issued, the order of precedence shall be: the last addendum issued, the Bid Submittal Form, the Technical Specifications, the Special Conditions, and then the General Terms and Conditions.

7. PAYMENT TERMS

It is the policy of the Village of Palm Springs that payment for all purchases by Village departments shall be made in a timely manner. The Village will pay the awarded Bidder upon receipt and acceptance of the goods or services by a duly authorized representative of the Village. In accordance with Section 218.74, Florida Statutes, the time at which payment shall be due from the Village shall be forty-five (45) days from receipt of a proper invoice. Proceedings to resolve disputes for payment of obligations shall be concluded by final written decision of the Village Manager or designee, not later than sixty (60) days after the date on which the proper invoice was received by the Village.

8. DISCOUNTS (PROMPT PAYMENTS)

The Bidder may offer cash discounts for prompt payments; however, such discounts will not be considered in determining the lowest price during Bid evaluation. Bidders are requested to provide prompt payment terms in the space provided on the Bid submittal signature page of the Solicitation.

9. PREPARATION OF BIDS

- a. The Bid forms define requirements of items to be purchased and must be completed and submitted with the Bid. Use of any other forms will result in the rejection of the Bidder's offer. The Bid submittal forms must be legible. Bidders shall use typewriter, computer, or ink. All changes must be crossed out and initialed in ink. Failure to comply with these requirements may cause the Bid to be rejected.
- b. An authorized agent of the Bidder's firm must sign the Bid submittal form. Failure to sign the Signature Page of the Bid shall render the Bid non-responsive.
- c. The Bidder may be considered non-responsive if Bids are conditioned upon modifications, changes, or revisions to the terms and conditions of this Solicitation.
- d. The Bidder may submit alternate Bid(s) for the same Solicitation provided that such offer is allowable under the terms and conditions. The alternate Bid must meet or exceed the minimum requirements and be submitted as a separate Bid submittal marked "Alternate Bid".
- e. When there is a discrepancy between the unit prices and any extended prices, the unit prices will prevail.
- f. Late Bids will not be accepted and will be returned to the sender unopened. It is the Bidder's responsibility to ensure timely delivery by the due date and time, and at the place stated in this Solicitation. No exceptions will be made due to weather, carrier, traffic, illness, or other issues.

10. CANCELLATION OF BID SOLICITATION

The Village of Palm Springs reserves the right to cancel, in whole or in part, any Invitation to Bid when it is in the best interest of the Village.

11. AWARD OF CONTRACT

- a. The contract may be awarded to the responsive and responsible Bidder meeting all requirements as set forth in the Solicitation. The Village reserves the right to reject any and all Bids, to waive irregularities or technicalities, and to re-advertise for all or any part of this Bid Solicitation as deemed in its best interest. The Village shall be the sole judge of its best interest.
- b. The Village reserves the right to reject any and all Bids if it is determined that prices are excessive, best offers are determined to be unreasonable, or it is otherwise determined to be in the Village's best interest to do so.
- c. The Village reserves the right to negotiate prices with the responsive and responsible low Bidder, provided that the scope of work of this Solicitation remains the same.
- d. The Bidder's performance as a prime contractor or subcontractor on previous Village contracts shall be taken into account in evaluating the Bid received for this Bid Solicitation.
- e. The Bid Solicitation, any addenda and/or properly executed modifications, the signed Agreement, the purchase order, and any change order(s) shall constitute the contract.
- f. Award of this Bid may be predicated on compliance with and submittal of all required documents as stipulated in the Bid Solicitation.
- g. The Village reserves the right to request and evaluate additional information from any Bidder after the submission deadline as the Village deems necessary.

12. CONTRACT EXTENSION

The Village Manager reserves the right to automatically extend any agreement for a maximum period not to exceed ninety (90) calendar days in order to provide Village departments with continual service and supplies while a new agreement is being solicited, evaluated, and/or awarded.

13. WARRANTY

All warranties express and implied shall be made available to the Village for goods and services covered by this Bid Solicitation. All goods furnished shall be fully guaranteed by the awarded Bidder against factory defects and workmanship. At no expense to the Village, the awarded Bidder shall correct any and all apparent and latent defects that may occur within the manufacturer's standard warranty.

14. ESTIMATED QUANTITIES

Estimated quantities or dollars are for Bidder's guidance only: (a) estimates are based on the Village's anticipated needs and/or usage; and (b) the Village may use these estimates to determine the low Bidder. No guarantee is expressed or implied as to quantities or dollars that will be used during the contract period. The Village is not obligated to place any order for the given amount subsequent to the award of this Bid Solicitation.

15. NON-EXCLUSIVITY

It is the intent of the Village to enter into an agreement with the awarded Bidder that will satisfy its needs as described herein. However, the Village reserves the right as deemed in its best interest to perform, or cause to be performed, the work and services, or any portion thereof, herein described in any manner it sees fit, including but not limited to, award of other contracts, use of any contractor, or perform the work with its own employees.

16. CONTINUATION OF WORK

Any work that commences prior to and will extend beyond the expiration date of the current contract period shall, unless terminated by mutual written agreement between the Village and the successful Bidder, continue until completion at the same prices, terms, and conditions.

17. BID PROTEST

Shall be in accordance with Section 58-6 of the Village Code.

18. LICENSES, PERMITS AND FEES

The awarded Bidder(s) shall hold all licenses and/or certifications, obtain and pay for all permits and/or inspections, and comply with all laws, ordinances, regulations, and building code requirements applicable to the work required herein. Damages, penalties, and/or fines imposed on the Village or an awarded Bidder for failure to obtain and maintain required licenses, certifications, permits, and/or inspections shall be borne by the awarded Bidder.

19. SUBCONTRACTING

Unless otherwise specified in this Bid Solicitation, the successful Bidder shall not subcontract any portion of the work without the prior written consent of the Village. The ability to subcontract may be further limited by the Special Conditions. Subcontracting without the prior consent of the Village may result in termination of the contract for default.

20. ASSIGNMENTS

The awarded Bidder shall not assign, transfer, hypothecate, or otherwise dispose of this contract, including any rights, title, or interest therein, or its power to execute such contract to any person, company, or corporation without the prior written consent of the Village. Assignment without the prior consent of the Village may result in termination of the contract for default.

21. SHIPPING TERMS

Unless otherwise specified in the Bid Solicitation, prices quoted shall be F.O.B. Destination. Freight shall be included in the proposed price.

22. RESPONSIBILITIES AS EMPLOYER

The employee(s) of the awarded Bidder shall be considered to be at all times its employee(s), and not an employee(s) or agent(s) of the Village or any of its departments. The awarded Bidder shall provide physically competent employee(s) capable of performing the work as required. The Village may require the awarded Bidder to remove any employee it deems unacceptable. All employees of the awarded Bidder shall wear proper identification.

It is the awarded Bidder's responsibility to ensure that all its employees and subcontractors comply with the employment regulations required by the US Department of Homeland Security. The Village shall have no responsibility to check or verify the legal immigration status of any employee of the awarded Bidder.

23. INDEMNIFICATION

The awarded Bidder shall indemnify and hold harmless the Village and its officers, employees, agents, and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the Village or its officers, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of actions, or proceedings of any kind or nature arising out of, relating to, or resulting from the performance of the agreement by the awarded Bidder or its employees, agents, servants, partners, principals, or subcontractors. The awarded Bidder shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits, or actions of any kind or nature in the name of the Village, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may be incurred thereon. The awarded Bidder expressly understands and agrees that any insurance protection required by this contract agreement or otherwise provided by the awarded Bidder shall in no way limit the responsibility to indemnify, keep and save harmless, and defend the Village or its officers, employees, agents, and instrumentalities as herein provided.

24. COLLUSION

A Bidder recommended for award as the result of a competitive Solicitation for any Village purchases of supplies, materials, and services (including professional services, other than professional architectural, engineering, and other services subject to Sec. 287.055 Florida Stats.), purchase, lease, permit, concession, or management agreement shall, within five (5) business days of the filing of such recommendation, submit an affidavit under the penalty of perjury, on a form provided by the Village, stating either that the contractor is not related to any of the other parties Bidding in the competitive Solicitation or identifying all related parties, as defined in this Section, which Bid in the Solicitation; and attesting that the contractor's Bid is genuine and not a sham or collusive or made in the interest or on behalf of any person not therein named, and that the contractor has not, directly or indirectly, induced or solicited any other Bidder to put in a sham Bid, or any other person, firm, or corporation to refrain from proposing, and that the Bidder has not in any manner sought by collusion to secure to the Bidder an advantage over any other Bidder. In the event a recommended Bidder identifies related parties in the competitive Solicitation its Bid shall be presumed to be collusive and the recommended Bidder shall be ineligible for award unless that presumption is rebutted to the satisfaction of the Village. Any person or entity that fails to submit the required affidavit shall be ineligible for contract award.

25. MODIFICATION OF CONTRACT

The contract may be modified by mutual consent, in writing, through the issuance of a modification to the contract, a supplemental agreement, purchase order, or change order, as appropriate.

26. TERMINATION FOR CONVENIENCE

The Village, at its sole discretion, reserves the right to terminate any contract entered into pursuant to this Invitation to Bid (ITB) with or without cause immediately upon providing written notice to the awarded Bidder. Upon receipt of such notice, the awarded Bidder shall not incur any additional costs under the contract. The Village shall be liable only for reasonable costs incurred by the awarded Bidder prior to the date of the notice of termination. The Village shall be the sole judge of "reasonable costs."

27. TERMINATION FOR DEFAULT

The Village reserves the right to terminate this contract, in part or in whole, or place the vendor on probation in the event the awarded Bidder fails to perform in accordance with the terms and conditions stated herein by providing written notice of such failure or default and by specifying a reasonable time period within which the awarded Bidder must cure any such failure to perform or default. If the awarded Bidder fails to cure the default within the time specified, the Village may then terminate the subject contract by providing written notice to the awarded Bidder. The Village further reserves the right to suspend or debar the awarded Bidder in accordance with the appropriate Village ordinances, resolutions, and/or policies. The vendor will be notified by letter of the Village's intent to terminate. In the event of termination for default, the Village may procure the required goods and/or services from any source and use any method deemed in its best interest. All re-procurement costs shall be borne by the incumbent Bidder.

28. FRAUD AND MISREPRESENTATION

Any individual, corporation, or other entity that attempts to meet its contractual obligations with the Village through fraud, misrepresentation, or material misstatement, may be debarred as set forth by the Village Code. The Village, as a further sanction, may terminate or cancel any other contracts with such individual, corporation, or entity. Such individual or entity shall be responsible for all direct or indirect costs associated with termination or cancellation, including attorney's fees.

29. ACCESS AND AUDIT OF RECORDS

The Village reserves the right to require the awarded Bidder to submit to an audit by an auditor of the Village's choosing at the awarded Bidder's expense. The awarded Bidder shall provide access to all of its records, which relate directly or indirectly to this Agreement, at its place of business during regular business hours. The awarded Bidder shall retain all records pertaining to this Agreement, and upon request, make them available to the Village for three (3) years following expiration of the Agreement. The awarded Bidder agrees to provide such assistance as may be necessary to facilitate the review or audit by the Village to ensure compliance with applicable accounting and financial standards.

30. OFFICE OF THE INSPECTOR GENERAL

Palm Beach County has established the Office of the Inspector General, which is authorized and empowered to review past, present, and proposed County programs, contracts, transactions, accounts and records. The Inspector General (IG) has the power to subpoena witnesses, administer oaths, require the production of records, and monitor existing projects and programs. The Inspector General may, on a random basis, perform audits on all Village contracts.

31. PRE-AWARD INSPECTION

The Village may conduct a pre-award inspection of the Bidder's site or hold a pre-award qualification hearing to determine if the Bidder is capable of performing the requirements of this Bid Solicitation.

32. PROPRIETARY AND/OR CONFIDENTIAL INFORMATION

Bidders are hereby notified that all information submitted as part of, or in support of Bid submittals will be available for public inspection after the opening of Bids in compliance with Chapter 119 of the Florida Statutes, popularly known as the "Public Records Law." The Bidder shall not submit any information in response to this Solicitation which the Bidder considers to be a trade secret, proprietary, or confidential. The submission of any information to the Village in connection with this Solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection which would otherwise be available to the Bidder. In the event that the Bidder submits information to the Village in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the Bid as protected or confidential, the Village may, in its sole discretion, either (a) communicate with the Bidder in writing in an effort to obtain the Bidder's withdrawal of the confidentiality restriction, or (b) endeavor to redact and return that information to the Bidder as quickly as possible, and if appropriate, evaluate the balance of the Bid. The redaction or return of information pursuant to this clause may render a Bid non-responsive.

33. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

Any person or entity that performs or assists the Village of Palm Springs with a function or activity involving the use or disclosure of "individually identifiable health information (IIHI) and/or Protected Health Information (PHI) shall comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996. HIPAA mandates for privacy, security, and electronic transfer standards include, but are not limited to:

- a. Use of information only for performing services required by the contract or as required by law;
- b. Use of appropriate safeguards to prevent non-permitted disclosures;
- c. Reporting to the Village of Palm Springs any non-permitted use or disclosure;
- d. Assurances that any agents and subcontractors agree to the same restrictions and conditions that apply to the Bidder and reasonable assurances that IIHI/PHI will be held confidential;
- e. Making Protected Health Information (PHI) available to the customer;
- f. Making PHI available to the customer for review and amendment, and incorporating any amendments requested by the customer;
- g. Making PHI available to the Village of Palm Springs for an accounting of disclosures; and
- h. Making internal practices, books, and records related to PHI available to the Village of Palm Springs for compliance audits. PHI shall maintain its protected status regardless of the form and method of transmission (paper records and/or electronic transfer of data). The Bidder must give its customers written notice of its privacy information practices, including specifically, a description of the types of uses and disclosures that would be made with protected health information.

34. ADDITIONAL FEES AND SURCHARGES

Unless provided for in the contract/agreement, the Village will not make any additional payments such as fuel surcharges, demurrage fees, or delay-in-delivery charges.

35. COMPLIANCE WITH FEDERAL STANDARDS

All items to be purchased under this contract shall be in accordance with all governmental standards, to include, but not be limited to, those issued by the Occupational Safety and Health Administration (OSHA), the National Institute of Occupational Safety Hazards (NIOSH), and the National Fire Protection Association (NFPA).

36. COMPLIANCE WITH FEDERAL REGULATIONS DUE TO USE OF FEDERAL FUNDING

If the goods or services to be acquired under this Solicitation are to be purchased, in part or in whole, with Federal funding, it is hereby agreed and understood that Section 60-250.4, Section 60-250.5, and Section 60-741.4 of Title 41 of the United States Code, which addresses Affirmative Action requirements for disabled workers, is incorporated into this Solicitation and resultant contract by reference.

37. BINDING EFFECT

All of the terms and provisions of this contract/agreement, whether so expressed or not, shall be binding upon, inure to the benefit of, and be enforceable by the parties and their respective legal representatives, successors, and permitted assigns.

38. SEVERABILITY

The Village's obligation pursuant to any contract or agreement entered into in accordance with this Solicitation is specifically contingent upon the lawful appropriation of funds. Failure to lawfully appropriate funds for any contract or agreement awarded shall result in automatic termination of the contract or agreement. A non-appropriation event shall not constitute a default or breach of said contract or agreement by the Village.

39. NO THIRD-PARTY BENEFICIARY

No provision of this Contract is intended to, or shall be construed to, create any third-party beneficiary or to provide any rights to any person or entity not a party to this Contract, including but not limited to any citizen or employees of the Village and/or successful vendor.

40. GOVERNING LAW AND VENUE

This contract and all transactions contemplated by this agreement shall be governed by and construed and enforced in accordance with the laws of the State of Florida without regard to any contrary conflicts of law principle. Venue of all proceedings in connection herewith shall lie exclusively in Palm Beach County, Florida, and each party hereby waives whatever its respective rights may have been in the selection of venue.

41. ATTORNEY'S FEES

It is hereby understood and agreed that in the event any lawsuit in the judicial system, federal or state, is brought to enforce compliance with this contract or interpret same, or if any administrative proceeding is brought for the same purposes, each party shall pay their own attorney's fees and costs, including appellate fees and costs.

42. EQUAL OPPORTUNITY AND ANTI-DISCRIMINATION

The Village of Palm Springs complies with all laws prohibiting discrimination on the basis of age, race, gender, religion, creed, political affiliation, sexual orientation, physical or mental disability, color or national origin, and therefore is committed to assuring equal opportunity in the award of contracts and encourages small, local, minority, and female- owned businesses to participate.

During the performance of this contract, the awarded Bidder agrees it will not discriminate or permit discrimination in its hiring practices or in its performance of the contract. The awarded Bidder shall strictly adhere to the equal employment opportunity requirements and any applicable requirements established by the State of Florida, Palm Beach County and the federal government.

The awarded Bidder further acknowledges and agrees to provide the Village with all information and documentation that may be requested by the Village from time to time regarding the Solicitation, selection, treatment and payment of subcontractors, suppliers, and vendors in connection with this Contract.

43. AVAILABILITY OF CONTRACT TO OTHER VILLAGE DEPARTMENTS

It is agreed and understood that any Village department or agency may access this contract and purchase the goods or services awarded herein. Each Village department will issue a separate purchase order to the awarded Bidder for the department's specific purchases.

44. CRIMINAL HISTORY BACKGROUND CHECKS

Prior to hiring a contract employee or contracting with a Bidder, the Village may conduct a comprehensive criminal background check by accessing any Federal, State, or local law enforcement database available. The contract employee or Bidder will be required to sign an authorization for the Village to access criminal background information. The costs for the background checks shall be borne by the Village.

45. LABOR, MATERIALS, AND EQUIPMENT

Unless specified elsewhere in the Solicitation or resultant contract, all labor, materials, and equipment required for the performance of the requirements of the Contract shall be supplied by the awarded Bidder.

46. MINIMUM WAGE REQUIREMENTS

The awarded Bidder shall comply with all minimum wage and living wage requirements, such as Living Wage requirements, minimum wages based on Federal Law, minimum wages based on the Davis-Bacon Act, and the provisions of any other wages laws, as may be applicable to this Contract.

47. PACKING SLIP AND DELIVERY TICKET

A packing slip and/or delivery ticket shall accompany all items during delivery to the Village. The documents shall include information on the contract number or purchase order, any back-order items, and the number or quantity of items being delivered.

48. PURCHASE OF OTHER ITEMS

The Village reserves the right to purchase other related goods or services, not listed in the Solicitation, during the contract term. When such requirements are identified, the Village may request price quote(s) from the awarded Bidder(s) on the contract. The Village, at its sole discretion, will determine if the prices offered are reasonable, and may choose to purchase the goods or services from the awarded Bidder, another contract vendor, or a non-contract vendor.

49. PUBLIC RECORDS

Florida law provides that municipal records shall at all times be available to the public for inspection. Chapter 119, Florida Statutes, the Public Records Law, requires that all material submitted in connection with a Bid response shall be deemed to be a public record subject to public inspection upon award, recommendation for award, or thirty (30) days after Bid opening, whichever occurs first. Certain exemptions to public disclosure are statutorily provided for in Section 119.07, Florida Statutes. If the Bidder believes any of the information contained in his/her/its Bid is considered confidential and/or proprietary, inclusive of trade secrets as defined in Section 812.081, Florida Statutes, and is exempt from the Public Records Law, then the Bidder, must in its response, specifically identify the material which is deemed to be exempt and state the legal authority for the exemption. All materials that qualify for exemption from Chapter 119, Florida Statutes or other applicable law must be submitted in a separate envelope, clearly identified as "EXEMPT FROM PUBLIC DISCLOSURE" with the firm's name and the Bid number clearly marked on the outside. The Village will not accept Bids when the entire Bid is labeled as exempt from disclosure. The Village's determination of whether an exemption applies shall be final, and the Bidder agrees to defend, indemnify, and hold harmless the Village and the Village's officers, employees, and agents, against any loss or damages incurred by any person or entity as a result of the Village's treatment of records as public records.

The awarded Bidder(s) shall keep and maintain public records and fully comply with the requirements set forth at Section 119.0701, Florida Statutes, as applicable; failure to do so shall constitute a material breach of any and all agreements awarded pursuant to this Solicitation.

50. CONFLICTS OF INTEREST

All Bidders must disclose with their Bid the name of any officer, director, or agent who is also an employee of the Village of Palm Springs. Further, all Bidders must disclose the name of any Village employee who has any interest, financial or otherwise, direct or indirect, of five percent (5%) or more in the Bidders' firm or any of its branches. Failure to disclose any such affiliation will result in disqualification of the Bidder from this Invitation to Bid and may be grounds for further disqualification from participating in any future Bids with the Village.

51. PUBLIC ENTITY CRIMES

As provided in Section 287.133(2) (a), Florida Statutes, a person or affiliate who has been placed on the convicted vendors list following a conviction for a public entity crime may not submit a Bid on a contract to provide any goods or services to a public entity; may not submit a Bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit Bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.

52. OTHER GOVERNMENTAL AGENCIES

If a Bidder is awarded a contract as a result of this ITB, the Bidder shall allow other governmental agencies to access this contract and purchase the goods and services under the terms and conditions at the prices awarded, as applicable.

53. COMPLETION OF WORK AND DELIVERY

All work shall be performed and all deliveries made in accordance with good commercial practice. The work schedule and completion dates shall be adhered to by the awarded Bidder(s), except in such cases where the completion date will be delayed due to acts of nature, force majeure, strikes, or other causes beyond the control of the awarded Bidder. In these cases, the awarded Bidder shall notify the Village of the delays in advance of the original completion so that a revised delivery schedule can be appropriately considered by the Village.

54. FAILURE TO DELIVER OR COMPLETE WORK

Should the awarded Bidder(s) fail to deliver or complete the work within the time stated in the contract, it is hereby agreed and understood that the Village reserves the authority to cancel the contract with the awarded Bidder and secure the services of another vendor to purchase the items or complete the work. If the Village exercises this authority, the Village shall be responsible for reimbursing the awarded Bidder for work that was completed, and items delivered and accepted by the Village in accordance with the contract specifications. The Village may, at its option, demand payment from the awarded Bidder, through an invoice or credit memo, for any additional costs over and beyond the original contract price which were incurred by the Village as a result of having to secure the services of another vendor.

55. CORRECTING DEFECTS

The awarded Bidder shall be responsible for promptly correcting any deficiency, at no cost to the Village, within three (3) calendar days after the Village notifies the awarded Bidder of such deficiency in writing. If the awarded Bidder fails to correct the defect the Village may (a) place the awarded Bidder in default of its contract; and/or (b) procure the products or services from another source and charge the awarded Bidder for any additional costs that are incurred by the Village for this work or items, either through a credit memorandum or through invoicing.

56. ACCIDENT PREVENTION AND BARRICADES

Precautions shall be exercised at all times for the protection of persons and property. All awarded Bidders performing services or delivering goods under this contract shall conform to all relevant OSHA, State, and County regulations during the course of such effort. Any fines levied by the above-mentioned authorities for failure to comply with these requirements shall be borne solely by the awarded Bidder. Barricades shall be provided by the awarded Bidder when work is performed in areas traversed by persons, or when deemed necessary by the Village.

57. OMISSIONS IN SPECIFICATIONS

The specifications and/or statement of work contained within this Solicitation describe the various functions and classes of work required as necessary for the completion of the project. Any omissions of inherent technical functions or classes of work within the specifications and/or statement of work shall not relieve the Bidder from furnishing, installing, or performing such work where required to the satisfactory completion of the project.

58. MATERIALS SHALL BE NEW AND WARRANTED AGAINST DEFECTS

The awarded Bidder hereby acknowledges and agrees that all materials, except where recycled content is specifically requested, supplied by the awarded Bidder in conjunction with this Solicitation and resultant contract shall be new, warranted for their merchantability, and fit for a particular purpose. In the event any of the materials supplied to the Village by the awarded Bidder are found to be defective or do not conform to specifications, (1) the materials may be returned to the awarded Bidder at the Bidder's expense and the contract cancelled; or (2) the Village may require the awarded Bidder to replace the materials at the Bidder's expense.

59. TOXIC SUBSTANCES/FEDERAL "RIGHT TO KNOW" REGULATIONS

The Federal "Right to Know" Regulation implemented by the Occupational Safety and Health Administration (OSHA) requires employers to inform their employees of any toxic substances to which they may be exposed in the workplace, and to provide training in safe handling practices and emergency procedures. It also requires notification to local fire departments of the location and characteristics of all toxic substances regularly present in the workplace.

Accordingly, the awarded Bidder(s) performing under this contract are required to provide two (2) complete sets of Material Safety Data Sheets to each Village department utilizing the any awarded products that are subject to these regulations. This information should be provided at the time when the initial delivery is made, on a department-by- department basis.

60. TAXES

The Village of Palm Springs is exempt from Federal and State taxes for tangible personal property.

61. BIDDER'S COSTS

The Village shall not be liable for any costs incurred by Bidders in responding to this Invitation to Bid.

62. SUBSTITUTION OF PERSONNEL

It is the intention of the Village that the awarded Bidder's personnel proposed for the contract shall be available for the initial contract term. In the event the awarded Bidder wishes to substitute personnel, the awarded Bidder shall propose personnel of equal or higher qualifications, and all replacement personnel are subject to the Village's approval. In the event the substitute personnel are not satisfactory to the Village, and the matter cannot be resolved to the satisfaction of the Village, the Village reserves the right to cancel the contract for cause.

63. FORCE MAJEURE

The Village and the awarded Bidder are excused from the performance of their respective obligations under the contract when and to the extent that their performance is delayed or prevented by any circumstances beyond their control, including fire, flood, explosion, strikes or other labor disputes, natural disasters, public emergency, war, riot, civil commotion, malicious damage, act or omission of any governmental authority, delay or failure or shortage of any type of transportation, equipment, or service from a public utility needed for their performance provided that:

- a. The non-performing party gives the other party prompt written notice describing the particulars of the force majeure, including, but not limited to, the nature of the occurrence and its expected duration, and continues to furnish timely reports with respect thereto during the period of the force majeure.
- b. The excuse of performance is of no greater scope and of no longer duration than is required by the force majeure.
- c. No obligations of either party that arose before the force majeure causing the excuse of performance are excused as a result of the force majeure.
- d. The non-performing party uses its best efforts to remedy its inability to perform.

Notwithstanding the above, performance shall not be excused under this section for a period in excess of two (2) months, provided that in extenuating circumstances, the Village may excuse performance for a longer term. Economic hardship of the awarded Bidder shall not constitute a force majeure. The term of the contract shall be extended by a period equal to that during which either party's performance is suspended under this section.

64. NOTICES

Notices shall be effective when received at the addresses specified in the contract/agreement. Changes in respective addresses to which such notices are to be directed may be made from time to time by either party by written notice to the other party. Facsimile and email transmissions are acceptable notice effective when received; however, facsimile and email transmissions received after 4:30 p.m. or on weekends or holidays will be deemed received on the next business day. The original of the notice must also be mailed to the receiving party.

Nothing contained in this section shall be construed to restrict the transmission of routine communications between representatives of the successful Proposer and the Village of Palm Springs.

65. POOL CONTRACTS

During the term of contracts and agreements that are executed as vendor pools, awarding vendors in prequalified pools of vendors, either as a general pool or by categories, sub-categories, or groups, the Village reserves the right to add new vendors to these contracts for goods or services not awarded for the original Solicitation or as part of the general pool category, sub-category or group. To be eligible to be added to these pool contracts, a vendor must meet the same eligibility requirements established in the original Invitation to Bid.

66. FISCAL FUNDING OUT

The Village's obligation pursuant to any contract or agreement entered into in accordance with this Solicitation is specifically contingent upon the lawful appropriation of funds. Failure to lawfully appropriate funds for any contract or agreement awarded shall result in automatic termination of the contract or agreement.

67. PURCHASE ORDER

The Village will not accept any goods delivered or services performed unless a duly authorized purchase order has been issued for said goods and/or services. The purchase order number must appear on all invoices, packing slips and all correspondence concerning the order.

68. DELIVERIES

Deliveries are to be made Monday through Friday, excluding Village holidays, unless otherwise stipulated.

69. SALES PROMOTIONS / PRICE REDUCTIONS

Should sales promotions occur during the term of the order/contract that lower the price of the procured item, the successful vendor shall extend to the Village the lower price offered by the manufacturer on any such promotional item. Further, any price decreases effectuated during the order/contract period by reason of market change or otherwise, shall be passed on to the Village. Additionally, anytime after award, the vendor may offer a reduced price which shall remain in effect for the duration of the order/contract.

SPECIAL CONDITIONS

70. PURPOSE

The purpose of this Solicitation is to obtain bids from contractors to provide the Village with Village Wide Landscaping Services, in accordance with the terms, conditions, and specifications contained in this Invitation to Bid.

71. TERM OF CONTRACT

The Contract shall commence upon the date of the duly executed Agreement and shall remain in effect for a term of 3 year(s).

72. OPTIONS TO RENEW

Upon mutual agreement of the Village Manager and the successful Bidder, the Agreement may be renewed for up to an additional 3 year(s).

73. METHOD OF AWARD: LOWEST PRICE

If the Bidder is awarded a contract under this Solicitation, the prices offered by the Bidder shall remain fixed and firm during the performance of the Work.

74. PRICES SHALL BE FIXED AND FIRM

If the Bidder is awarded a contract under this Solicitation, the prices offered by the Bidder shall remain fixed and firm during the performance of the Work.

75. PRICE ADJUSTMENTS

Prior to, or upon completion, of the first year of the Contract term, and every 12-month anniversary thereafter, the Village may consider an adjustment to prices based on the following:

The actual amount of increase in awarded Bidder's costs from the manufacturer or its supplier.

It is the awarded Bidder's responsibility to request any pricing adjustment under this provision. For any adjustment to commence, the awarded Bidder's request for adjustment should be submitted at least sixty (60) days prior to the anniversary date. The adjustment requested shall not be in excess of the relevant pricing increase. All requests must include documentation of the increase in price to awarded Bidder. If a timely adjustment request is not received from the awarded Bidder, the Village may exercise its Option to Renew the Contract for another Term without any pricing adjustment.

76. EQUAL PRODUCTS

Only the referenced manufacturers will be considered unless noted otherwise in the technical specifications.

77. INSURANCE

The awarded Bidder shall not commence any performance pursuant to the terms of this Solicitation until certification or proof of insurance has been received by the Finance Department and approved.

The required insurance coverage is to be issued by an insurance company authorized and licensed to do business in the State of Florida, with the minimum rating of A- VIII or better, in accordance with the latest edition of A.M. Best's Insurance Guide. This insurance shall be documented in certificates of insurance which provides that the Village of Palm Springs shall be notified at least thirty (30) days in advance of cancellation, non-renewal, or adverse change. The receipt of certificates or other documentation of insurance or policies or copies of policies by the Village or by any of its representatives, which indicate less coverage than is required, does not constitute a waiver of the awarded Bidder's obligation to fulfill the insurance requirements herein. Deductibles must be acceptable to the Village of Palm Springs.

The awarded Bidder must submit a current Certificate of Insurance, naming the Village of Palm Springs as an additional insured and list as such on the insurance certificate. New certificates of insurance are to be provided to the Village upon expiration.

The awarded Bidder shall provide insurance coverage as follows, and shall carry:

- a. Workers' Compensation Insurance – as required by law.
- b. Employer's Liability Insurance - \$100,000 per occurrence, \$100,000 for each disease, and \$500,000 for aggregate disease
- c. Comprehensive General Liability Insurance – with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate for Bodily Injury and Property Damage.
- d. Automobile Liability Insurance - for owned, non-owned and hired vehicles – with a limit of not less than \$1,000,000 per occurrence, combined single limit for Bodily Injury Liability and Property Damage Liability.

If no deductible for insurance is referenced above, the Village reserves the right to require such deductibles which shall be determined by the Finance Department, but not less than \$25,000 per claim.

The Comprehensive General Liability insurance policy must include coverage that is not more restrictive than the latest edition of the Comprehensive General Liability Policy, without restrictive endorsements, as filed by the Insurance Services Offices, and the policy must include coverage's for premises and/or operations, independent contractors, products and/or completed operations for contracts, contractual liability, broad form contractual coverage, broad form property damage, products, completed operations, and personal injury. Personal injury coverage shall include coverage that has the Employee and Contractual Exclusions removed.

78. CERTIFICATIONS

Any Bidder that submits an offer in response to this Solicitation shall, at the time of such offer, hold all necessary certifications issued by the State or County Examining Board qualifying the Bidder to perform the work proposed for this project. If other professions or trades are required in conjunction with this Solicitation and such work/services will be performed or provided by a subcontractor(s), an applicable Certificate of Competency issued to the subcontractor(s) shall be submitted with the Bidder's offer; provided, however, that the Village may at its option and in its best interest allow the Bidder to supply the subcontractor(s) certificate to the Village during the evaluation period.

All architects or engineers on this project must possess current Florida professional registrations or licenses for the architectural and engineering services which they intend to provide.

79. METHOD OF PAYMENT: INVOICE FOR COMPLETED WORK

The awarded Bidder shall submit an invoice to the Village for progress payments for work that has been completed, and has been inspected and accepted by the Village. The date of the invoices shall not exceed thirty (30) calendar days from the completion of that portion of the work. Under no circumstances shall the invoice be submitted to the Village in advance of the completion and acceptance of the work.

The invoice shall contain the following basic information: the awarded Bidder's name and address, invoice number, date of invoice, description of the goods or service, the contract number, purchase order number, and any discounts.

The Village prides itself on paying its vendors promptly and efficiently, and as such requires that vendors accept payment via wire transfer, ACH (direct deposit), or an appropriate electronic payment method. All payments shall be made in accordance with the Florida Prompt Payment Act, Section 218.74, Florida Statutes, upon presentation of a proper invoice by the awarded Bidder.

80. WARRANTY REQUIREMENTS

In addition to all other warranties that may be supplied by the Bidder or required in the technical specifications, the awarded Bidder shall warrant its products and/or service against faulty labor and/or defective material, for a minimum period of one (1) year from the date of acceptance of the labor, materials and/or equipment by the Village. This warranty requirement shall remain in force for the full period; regardless of whether the awarded Bidder is under contract with the Village at the time of defect. Any payment by the Village on behalf of the services received from the awarded Bidder does not constitute a waiver of these warranty provisions.

81. ADDITIONAL FACILITIES

Although this Solicitation and resultant Contract may identify specific facilities or locations, it is hereby agreed and understood that any Village department or agency facility or related products may be added to this Contract at the option of the Village, for similar products or services. The awarded Bidder shall be invited to submit price quotes for these additional facilities or location. If these quotes are determined to be fair and reasonable, then the additional work will be awarded to the awarded Bidder by formal modification of the Contract or Purchase Order. The Village may determine to obtain price quotes for the additional facilities from non-contract awarded Bidder(s) in the event that fair and reasonable pricing is not obtained from the awarded Bidder, or for other reasons, at the Village's discretion.

82. PATENTS AND ROYALTIES

The awarded Bidder, without exception, shall indemnify and hold harmless the Village and its employees from liability of any nature or kind, including cost and expenses for, or as a result of, any copyrighted, patented, or unpatented invention, process, or article manufactured by the awarded Bidder. The awarded Bidder has no liability when such claim is solely and exclusively due to the combination, operation, or use of any article supplied hereunder with equipment or data not supplied by awarded Bidder, or is based solely and exclusively upon the Village's alteration of the article. The Village will provide prompt written notification of a claim of copyright or patent infringement.

Further, if such a claim is made or is pending, the awarded Bidder may, at its option and expense, procure for the Village the right to continue use of, replace or modify the article to render it noninfringing. (If none of the alternatives are reasonably available, the Village agrees to return the article on request to the awarded Bidder and receive reimbursement, if any, as may be determined by a court of competent jurisdiction.) If the awarded Bidder uses any design, device, or materials covered by letters, patent or copyright, it is mutually agreed and understood without exception that the contract prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

83. RELEASE OF CLAIM REQUIRED

The awarded Bidder must provide the Village with duly executed affidavits (subcontractor's statement of satisfaction) or releases of claim from all subcontractors and suppliers who have performed any work or supplied any materials for on the project as of that date. The affidavit or releases shall certify that said subcontractors and suppliers have been paid their proportionate share of all previous partial payments to the awarded Bidder. In the event such affidavits cannot be furnished, the awarded Bidder may submit an executed consent of surety to requisition payment; identifying the subcontractors and suppliers with the amounts for which the statement of satisfaction cannot be furnished. If the awarded Bidder fails to provide a consent of surety to requisition payment, the amount in dispute will be withheld until either the statement of satisfaction is furnished, or the consent of surety to requisition payment is furnished.

84. SUBCONTRACTORS OF WORK SHALL BE IDENTIFIED

As part of its Bid, the Bidder must identify any and all subcontractors that will be used in the performance of the proposed work, their capabilities and experience, and the portion of the work to be done by the subcontractor. The competency of the subcontractor(s) with respect to experience, skill, responsibility and business standing shall be considered by the Village when making the award in the best interest of the Village. If the Bidder fails to identify any and all sub-contractors in the Bid, the Bidder may be allowed to submit this documentation during the Bid evaluation period, if such action is in the best interest of the Village.

85. OTHER FORMS OR DOCUMENTS

If the Village is required by the awarded Bidder to complete and execute any other forms or documents in relation to this Solicitation, the terms, conditions, and requirements in this Solicitation shall take precedence to any and all conflicting or modifying terms, conditions or requirements of the Bidder's forms or documents.

SCOPE OF SERVICES

ITB # 2020B-005

VILLAGE WIDE LANDSCAPING SERVICES

Contractor agrees to provide services in the areas of landscaping, hedging, mowing, edging, pruning, trimming, pest control, and fertilization and all related activities, etc. as defined below:

All lawnmowers are to arrive on site clean and free of previously cut turf, both on top and under portions. Cutting blades are to be sharp upon providing service.

All turf areas are to be cut forty-two (42) times on an annual basis, unless otherwise specified.

Areas to be maintained from the list provided by Village of Palm Springs are to be priced individually. These areas are as follows as of April 16, 2020:

1. VILLAGE HALL (Includes Leisure Activities Building (LAB) area, Water Park, Basketball Courts, Tennis Courts & Parking Area-East).
2. LIBRARY (All Common Grounds).
3. PUBLIC SAFETY.
4. GREENBRIER DR. AND CONGRESS AVE. (North & South Parks and Islands).
5. MEDIANS ON CONGRESS AVENUE (Lake Worth Rd. to Summit Blvd.).
6. ARABIAN ROAD (South Side Only to Village limits).
7. MAIN WATER PLANT PALM SPRINGS (Includes access road). 36 times per year.
8. RLP WATER PLANT (All property located inside area at 5618 BASIL DRIVE). 36 times per year.
9. 2400 KIRK ROAD (Utilities Building).
10. DAVIS ROAD ISLANDS and 10th AVENUE ISLANDS & ROW (North and South Islands at the 10th Ave. and Davis Rd. intersection) and (Islands and ROW's from Congress Ave to Rostan Ln.).
11. SAGO PALM PARK (Access Rd. into Park & Park itself).
12. GREENBRIER DR. BETWEEN LAKE BONITA AND LAKE PALMARITO (Row on South side of Road).
13. VAC STATION ON LILLIAN ROAD (North Side of Lillian – West of Congress Ave.).
14. 7TH AVENUE VAC STATION (East of Kirk South of 10th Avenue North). 36 times per year.
15. ALBERT LAKES COMMUNITY PARK (Emilio Lane & Maria Theresa Avenue).
16. DAVIS ROAD ROW (West side of Davis Rd. Beginning at Canal Rd. south to 2nd Ave.)
17. ARECA PALM PARK (Includes MiniGolf, and Fitness Park north to Alameda Dr.).
18. SABAL PALM PARK (Summer St. – North of 10th Ave North, East of Congress Ave.)
19. FROST LAKE (In Between Lillian Rd. and Thelma Rd).
20. CHRISTMAS PALM PARK (Emerson Circle and Poe Drive).
21. PATHWAY PARK WALKWAY (From the South end of LAB building to Lake Frost).

22. PONYTAIL PALM PARK (360 Davis Rd.)
23. ROYAL PALM PARK (Davis Road, North of 2nd Avenue on the East side).
24. FOXTAIL PALM PARK (Park is currently under construction only, responsible once complete).
25. LAKEWOOD GARDENS PARK (Lakewood Road & Kirk Road).
26. CANAL 11 ROAD (from Kirk to Davis from the guardrail to the edge of pavement.)
27. FORECLOSED PROPERTIES TO BE SERVICED ONCE A MONTH (Price per property, Front Yard Only with before and after photos per each cut) – Locations vary and will be provided by the Village Clerks office monthly. Contractor to price per lot.
28. CITY OWNED LOTS TO BE SERVICED ONCE A MONTH:
 - a. Right of Way (R.O.W.) at East End of Prairie Rd. Connecting Alice Dr. and Lorene Dr.
 - b. R.O.W. on Lorene Dr. in front on retention lake.
 - c. 2 Lots on Kirk Rd. just North of Lake Worth Rd.
 - d. 1 Lot on Beverly Dr.
 - e. 1 Lot on Miller Rd.
 - f. R.O.W. on Miller Rd. end of road on the East side.
 - g. R.O.W. on Coconut Rd. from 2nd Ave, North to first house, East side of road
 - h. 1 Lot on Barbridge Rd.
 - i. R.O.W. on Riedel Ave., East side of road along chain link fence.
 - j. R.O.W. on Dolan Rd., South side from church to pathway park walkway.
29. Utility Owned Locations - 36 times per year
 - a. Davis Road lift station, On the Northeast corner of Davis Rd. & Tam O Shanter Dr.
 - b. Well #15, At the Southeast corner of Kirk Rd. and Dale Rd.
 - c. Well #18, Kirk Rd. Just south of Purdy Ln. on the west side of the road.

DITCHES – To be done 3 times a year.

1. Tucker Road – 370 Lf.
2. Apalachee Road – 550 Lf.
3. Dolan Road North/South – 800 Lf.
4. Summer Street – 575 Lf.
5. 2nd Avenue – 550 Lf.
6. April Avenue – 1200 LF. & R.O.W. on west side of ditch.
7. Price Street – 50 Lf.
8. Patio Court – 800 Lf.
9. Lakewood Road – 650 Lf.

Size of Turf Area

* All linear and square footages are approximate.

* Fertilizer = F

* Pest Control = P

1. Village Hall	31,075 SQ FT	2,000 LF of Hedges
2. Library	11,000 SQ FT	420 LF of Hedges
3. Public Safety	13,500 SQ FT	500 LF of Hedges
4. Greenbrier Dr & Congress Ave	<u>(39,000 SQ FT)</u>	
A) North Side	22,500 SQ FT	325 LF of Hedges
B) South Side	13,500 SQ FT	
C) Island	3,000 SQ FT	
5. Island on Congress Ave between Summit & Lake Worth Rd	<u>(32,500 SQ FT)</u>	– No F or P
1) 4,800 SQ FT		200 LF of Hedges
2) 6,000 SQ FT		350 LF of Hedges
3) 2,550 SQ FT		
4) 1,500 SQ FT		75 LF of Hedges
5) 2,500 SQ FT		130 LF of Hedges
6) 3,000 SQ FT		150 LF of Hedges
7) 1,950 SQ FT		135 LF of Hedges
8) 1,200 SQ FT		70 LF of Hedges
9) 4,200 SQ FT		250 LF of Hedges
10) 4,800 SQ FT		250 LF of Hedges
6. Arabian Road	21,750 SQ FT	No F or P
7. Main Water Plant	60,000 SQ FT	140 LF of Hedges – No F or P
8. RLP Water Plant	239,200 SQ FT	210 LF of Hedges – No F or P
9. 2400 Kirk Rd	2,700 SQ FT	200 LF of Hedges – F and P 1x/yr.
10. Davis Rd ROW & Island	<u>(61,890 SQ FT)</u>	
1) North Side	30,000 SQ FT	F & P 1x/yr.
2) South Side	30,000 SQ FT	F & P 1x/yr.
3) North Island	1,260 SQ FT	No F or P
4) South Island	630 SQ FT	No F or P
11. Sago Park	373,700 SQ FT	F and P 1x/yr.
12. Greenbrier ROW	5,100 SQ FT	No F or P
13-Vac Station Lillian	5,525 SQ FT	No F or P
14-Vac Station 7 th Ave	1,125 SQ FT	No F or P
15. Albert Lakes	15,275 SQ FT	F and P 1x/yr.

16. Davis Rd ROW	45,125 SQ FT	No F or P
17. Areca Palm Park	31,350 SQ FT	320 LF of Hedges
18. Sabal Palm Park	45,000 SQ FT	F and P 1x/yr.
19. Frost Lake	31,500 SQ FT	75 LF of Hedges
20. Christmas Palm Park	25,200 SQ FT	210 LF of Hedges - F and P 1x/yr.
21. Pathway Park	35,250 SQ FT	No F or P
22. Ponytail Palm Park	7,500 SQ FT	100 LF of Hedges – flower beds excluded No F or P.
23. Royal Palm Park	55,800 SQ FT	F and P 1x/yr.
24. Foxtail Palm Park	24,750 SQ FT	F and P 1x/yr.
25. Lakewood Gardens	39,000 SQ FT	570 LF of Hedges - F and P 1x/yr.
26. Canal 11 Rd	51,500 SQ FT	No F or P
27. Foreclosed Properties	3,000 SQ FT (each)	Square footage is representative; lots will vary month to month (No F or P)
28. City Own Lots	<u>(76,850 SQ FT)</u> – No F or P	
A) ROW on Prairie	6,400 SQ FT	
B) ROW on Lorene Dr	7,400 SQ FT	
C) 2 Lots on Kirk Rd	5,250 SQ FT	(each) – [10,500 SQ FT Total]
D) Lot on Beverly	4,800 SQ FT	
E) Lot on Miller	13,650 SQ FT	
F) ROW on Miller	550 SQ FT	
G) ROW on Coconut	4,500 SQ FT	
H) Lot on Barbridge	16,900 SQ FT	
I) ROW on Riedel	1,850 SQ FT	
J) ROW on Dolan	10,300 SQ FT	
29. Utilities Owned – No F or P		
A) Davis Lift Station	600 SQ FT	
B) Well #15	3,250 SQ FT	
C) Well #18	4,500 SQ FT	

A. RESPONSIBILITIES

Successful bidder shall remove all trash and litter from the entire area prior to initiating any mowing of the turf area.

Any papers, cans or bottles cut or broken during maintenance operations shall be completely removed from the site immediately prior to proceeding with the maintenance of other areas.

Turf is never cut shorter than 2 inches and never more than 4 inches. A cutting schedule is to be approved by the Village Manager or Designee/ Project Manager in advance.

Complete mechanical edging of all hard and soft boarder edges will occur with each mowing cycle.

All flower beds, hedge rows and individual tree bed areas are to be weeded and or sprayed twelve (12) times annually to control weed growth.

All walkways and sidewalks are to be sprayed with weed killer every (4) four months or with call backs as needed.

All bushes, shrubs and hedge rows are to be trimmed six (6) times annually to maintain a neat trim appearance on both sides of the hedge, unless otherwise noted.

All trees are to be lofted to a height of eight (8) feet once per month.

Special care shall be given to trimming around trees so as not to inflict damage or creating a condition known as girdling to the bark of the trees. Girdling is to destroy the bark in a ring around the trunk or branch of a plant, cutting off flow of nutrients and water through the bark; ultimately the plant dies.

Contractor will notify Village's Designee/ Project Manager immediately of any disease, fungus, fertilization related or insect infestation to any plants, trees or turf areas.

All debris generated from the operation of the Contractor is to be removed from the village's property on a daily basis and disposed of properly and legally each day services are performed. Weather permitting.

The Contractor is to provide at least one English speaking supervisor to be on site while work is being performed. The supervisor will also check in with the Village's Designee/ Project Manager each day services are being performed.

Red Cypress Mulch will be installed two (2) times per year at the Village complex at no additional cost to the Village.

All parks will be mulched once a year.

All medians will be mulched once a year.

Upon request, additional mulch in other listed areas can be done for an additional fee at \$_____ per bag.

Contractor will fertilize ornamentals (2) two times per year with granular, 50% sulfur coated, slow release tropical plant and palm tree fertilizer. Ornamental palm trees (phoenix robellini) that need to be fertilized will be treated at the same time as ornamental applications.

Turf fertilization of the lawn (2) two times per year spring and fall.

Contractor will provide either directly with proper licensing or through third party pest control treatments that are causing damage to the lawns and ornamentals as necessary.

Turf will be treated for chinch bugs, sod webworms, inch worms, millipedes and fire ants.

All species of weeds will be sprayed to control when necessary.

Ornamentals will be sprayed for aphids, whitefly, common scale, leaf minors and caterpillars when necessary.

Contractor will respond to call backs for pest control within (2) two business days during regular business week.

As known, Contractor agrees to use reasonable efforts to help maintain Village community standards.

Successful bidder shall maintain a working phone number and e-mail or fax to ensure weekly contact with the Project Representative.

The successful bidder shall provide all the equipment and fuel necessary to complete the various work tasks to be performed hereunder.

Contractor will provide current copies of ALL pesticide and herbicide spray licenses.

Work excludes mulch beneath playground equipment.

*****Contractor non-performance** shall be considered to have occurred when services in an area were not performed in accordance with the terms, conditions and specifications of this contract.

Deficiencies: A deficiency is defined as when the Contractor has failed to complete all their requirements during a service visit.

When a deficiency has occurred, the Contract Administrator shall have the right, with the Public Services Department's concurrence, to remedy by the following method:

- The Village shall notify the Contractor (via telephone) of the non-performance and allow the Contractor to correct said item(s), within a certain time period.
- The Village shall make no monetary deductions if corrective actions are taken within **TWENTY-FOUR (24) HOURS** of notification. **NOTE:** The **TWENTY-FOUR (24) HOURS** time frame begins with the initial phone call or voice message is placed by the Contract Administrator. If corrections are not made, the Village shall correct the item(s) of non-performance by any means it deems necessary.
- Direct costs incurred by the Village for the correction shall be deducted from payments made to the Contractor. If necessary, a meeting will be set up between the parties to reinforce the requirements of the contract in order to avoid repeat non-performance.
- If deficiencies are **NOT** addressed to the satisfaction of the Contract Administrator within twenty-four (24) hours of notification, the Village may make monetary deductions to those affected locations using the percentages listed below:

- o **Missed Service – 100%**

- o **Mowing – 75%**
- o **Edging – 25%**
- o **Pruning/Trimming of Trees, Shrubs, Plants, Bushes and Ground Covers – 25%**
- o **Raking – 25%**
- o **Detail Cleanup – 25%**
- o **Debris Removal – 25%**
- o **Chemical Application – 30%**

These percentages reflect the level of deficiencies and do not represent the actual services performed. Percentages are a deduct from the monthly service price for the location.

B. BENEFITS

Personnel shall not be entitled to any benefits provided by the Village to its employees, which include but are not limited to, workers' compensation insurance, health insurance, dental insurance, unemployment compensation insurance, pension plan coverage, paid holidays, vacation leave, or sick leave.

C. SELECTION AND ASSIGNMENT OF PERSONNEL

The Village retains the right to interview and select personnel assigned to its jurisdiction.

Personnel assigned to the Village shall be subject to pre-employment background checks by the Florida Department of Law Enforcement, the Florida Department of Motor Vehicles and a urine drug test. Personnel must meet or exceed the employment requirements of Village personnel prior to approval and assignment. The Village reserves the right to terminate the contract or have an individual person removed from service in the Village.

All contractor representatives shall have an identifiable uniform or identification badge shown at all times.

D. FACILITIES

The Contractor will provide personnel with facilities and support services adequate for the performance of their duties. All vehicles, radios, cellular telephones, ladders, and safety equipment and equipment to accomplish landscaping tasks shall not be provided by the Village but must be provided by the Contractor.

BID FORM – ITB # <u>2020B-005</u>			
Location #	Price Per Month	x 12 =	Annual Price
1.	\$	x 12 =	\$
2.	\$	x 12 =	\$
3.	\$	x 12 =	\$
4.	\$	x 12 =	\$
5.	\$	x 12 =	\$
6.	\$	x 12 =	\$
7.	\$	x 12 =	\$
8.	\$	x 12 =	\$
9.	\$	x 12 =	\$
10.	\$	x 12 =	\$
11.	\$	x 12 =	\$
12.	\$	x 12 =	\$
13.	\$	x 12 =	\$
14.	\$	x 12 =	\$
15.	\$	x 12 =	\$
16.	\$	x 12 =	\$
17.	\$	x 12 =	\$
18.	\$	x 12 =	\$
19.	\$	x 12 =	\$
20.	\$	x 12 =	\$
21.	\$	x 12 =	\$
22.	\$	x 12 =	\$
23.	\$	x 12 =	\$
24.	\$	x 12 =	\$
25.	\$	x 12 =	\$
26.	\$	x 12 =	\$
27.	\$	x 12 =	\$
28.	\$	x 12 =	\$
29.	\$	x 12 =	\$
SUBTOTAL =		\$	

Ditches Location #	Price Per Service	x 3 =	Annual Price
1.	\$	x 3 =	\$
2.	\$	x 3 =	\$
3.	\$	x 3 =	\$
4.	\$	x 3 =	\$
5.	\$	x 3 =	\$
6.	\$	x 3 =	\$
7.	\$	x 3 =	\$
8.	\$	x 3 =	\$
9.	\$	x 3 =	\$
SUBTOTAL DITCHES =			\$
TOTAL ANNUAL PRICE =		\$	

Optional Additional Items:

1. Additional mulch price – Per Bag \$_____
2. Mow Village Complex Ball Fields (Bermuda Grass) – contractor shall have mower blades cleaned prior to service of the Village complex.
Price Per Mow (not Monthly) \$_____
3. Sabal Palm Park field (Bermuda Grass) – Price Per Mow \$_____

BID SUBMITTAL SIGNATURE PAGE – ITB # 2020B-005

*** PLEASE AFFIX SIGNATURE WHERE INDICATED**
(FAILURE TO DO SO SHALL RESULT IN THE REJECTION OF YOUR ITB)

By signature on this document, Bidder acknowledges and agrees that its offer includes and accepts all terms, conditions, and specifications of the Village's ITB solicitation as originally published, without exception, change or alteration of any kind, except as may have been published by the Village in official amendments prior to the submission time.

FIRM NAME: (Enter the entire legal name of the quoting entity)		DATE:
* SIGNATURE: _____	PRINT NAME: PRINT TITLE:	
ADDRESS: _____		
CITY / STATE: _____		ZIP CODE: _____
TELEPHONE # ()	E-MAIL:	
TOLL FREE # ()	FAX #: ()	
APPLICABLE LICENSE(S) NUMBER # _____ TYPE:		
FEDERAL ID # _____		

ACKNOWLEDGEMENT OF ADDENDA
ITB # 2020B-005

VILLAGE WIDE LANDSCAPING SERVICE

INSTRUCTIONS: COMPLETE PART I OR PART II, WHICHEVER APPLIES

PART I:

List below the dates of issue for each addendum received in connection with this Solicitation:

Addendum #1, Dated _____

Addendum #2, Dated _____

Addendum #3, Dated _____

Addendum #4, Dated _____

Addendum #5, Dated _____

PART II:

NO ADENDUM WAS RECEIVED IN CONNECTION WITH THIS SOLICITATION

Firm Name

Signature

Name and Title (Print or Type)

Date

AFFIDAVITS, PERFORMANCE AND PAYMENT BONDS FORMAT, LETTER OF CREDIT FORMAT

AFFIDAVITS

The forms listed below must be completed by an official having legal authorization to contractually bind the company or firm. Each signature represents a binding commitment upon the Bidder to provide the goods and/or services offered to the Village if the Bidder is determined to be the lowest responsive and responsible Bidder.

- a. Bid Submittal Signature Page
- b. Acknowledgement of Addenda
- c. Conflict of Interest Disclosure Form
- d. Notification of Public Entity Crimes Law
- e. Notification of Public Records Law
- f. Drug-Free Work Place
- g. Non-Collusion Affidavit
- h. Bidder Qualification Form

CONFLICT OF INTEREST DISCLOSURE FORM

The award of this contract is subject to the provisions of Chapter 112, *Florida Statutes*. All Bidders must disclose within their Bids: the name of any officer, director, or agent who is also an employee of the Village of Palm Springs.

Furthermore, all Bidders must disclose the name of any Village employee who owns, directly, or indirectly, an interest of more than five percent (5%) in the Bidder's firm or any of its branches.

The purpose of this disclosure form is to give the Village the information needed to identify potential conflicts of interest for evaluation team members and other key personnel involved in the award of this contract.

The term "conflict of interest" refers to situations in which financial or other personal considerations may adversely affect, or have the appearance of adversely affecting, an employee's professional judgment in exercising any Village duty or responsibility in administration, management, instruction, research, or other professional activities.

Please check one of the following statements and attach additional documentation if necessary:

To the best of our knowledge, the undersigned firm has no potential conflict of interest due to any other Cities, Counties, contracts, or property interest for this Bid.

The undersigned firm, by attachment to this form, submits information which may be a potential conflict of interest due to other Cities, Counties, contracts, or property interest for this Bid.

Acknowledged by: _____

Firm Name: _____

Signature: _____

Name and Title (Print or Type): _____

Date: _____

NOTIFICATION OF PUBLIC ENTITY CRIMES LAW

Pursuant to Section 287.133, *Florida Statutes*, you are hereby notified that a person or affiliate who has been placed on the convicted contractors list following a conviction for a public entity crime may not submit a Bid on a contract to provide any goods or services to a public entity, may not submit a Bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit Bids on leases or real property to a public entity, may not be awarded or perform work as a contractor, supplier, sub-Bidder, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 [F.S.] for Category Two [\$35,000.00] for a period of thirty-six (36) months from the date of being placed on the convicted contractors list.

Acknowledged by: _____

Firm Name: _____

Signature: _____

Name and Title (Print or Type): _____

Date: _____

**Notification of Public Records Law Pertaining to Public Contracts and Requests for Contractor Records
Pursuant to Chapter 119, *Florida Statutes***

Pursuant to Chapter 119, *Florida Statutes*, Contractor shall comply with the public records law by keeping and maintaining public records required by the Village of Palm Springs in order to perform the service. Upon request from the Village of Palm Springs' custodian of public records, Contractor shall provide the Village of Palm Springs with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, *Florida Statutes* or as otherwise provided by law. Contractor shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract. If the Contractor does not transfer the records to the Village of Palm Springs, Contractor upon completion of the contract, shall transfer, at no cost, to the Village of Palm Springs all public records in possession of the Contractor or keep and maintain public records required by the Village of Palm Springs in order to perform the service. If the Contractor transfers all public records to the Village of Palm Springs upon completion of the contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Village of Palm Springs, upon request from the Village of Palm Springs' custodian of public records, in a format that is compatible with the information technology systems of the Village of Palm Springs.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS OR DESIGNEE AT 561-434-5084, kwynn@vpsfl.org, OR BY MAIL AT VILLAGE OF PALM SPRINGS, 226 CYPRESS LANE, PALM SPRINGS, FL 33461.

Acknowledged by:

Firm Name

Signature

Name and Title (Print or Type)

Date

DRUG-FREE WORKPLACE

_____ is a drug-free workplace and has
(Company Name)
a substance abuse policy in accordance with and pursuant to Section 440.102, *Florida Statutes*.

Acknowledged by: _____

Firm Name: _____

Signature: _____

Name and Title (Print or Type): _____

Date: _____

NON-COLLUSION AFFIDAVIT

STATE OF _____ COUNTY OF _____

Before me, the undersigned authority, personally appeared _____,
 who, after being by me first duly sworn, deposes and says of his/her personal knowledge that:

a. He / She is _____ of _____, the
 Bidder that has submitted a Bid to perform work for the following:

ITB No.: _____ Title: _____

b. He / She is fully informed respecting the preparation and contents of the attached Request for Bids, and of all pertinent circumstances respecting such Solicitation. Such Bid is genuine and is not a collusive or sham Bid.

c. Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly, with any other Bidder, firm, or person to submit a collusive or sham Bid in connection with the Solicitation and contract for which the attached Bid has been submitted or to refrain from proposing in connection with such Solicitation and contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached Bid or any other Bidder, or to fix any overhead, profit, or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the Village or any person interested in the proposed contract.

d. The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

 Signature

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20____, by
 _____, who is personally known to me or who has produced
 _____ as identification.

SEAL

Notary Signature _____ Notary Name: _____

Notary Public (State): _____

My Commission No: _____ Expires on: _____

BIDDER QUALIFICATION FORM

Name of Bidder _____

Address of Bidder _____

To: Village of Palm Springs
 226 Cypress Lane
 Palm Springs, Florida 33461

Gentlemen:

The signer of this affidavit guarantees the truth and accuracy of all statements and information submitted herein in support of its bid proposal to furnish all materials, equipment, and labor, and to perform all work in accordance with the Contract Documents for **Village Wide Landscaping Services** located in the Village of Palm Springs, Florida.

The undersigned hereby authorizes and requests any authorized municipal or governmental employee, engineer, architect, surety company, bank depository, material or equipment manufacturer or distributor or any person, firm or corporation to furnish any pertinent information requested by the Village of Palm Springs 226 Cypress Lane, Palm Springs, Florida 33461, deemed necessary to verify the statements made, information submitted, or regarding the standing and general reputation of the applicant.

The undersigned has not been disqualified by any public agency in Florida except as is explained as follows: ____

The undersigned further affirms that, if false information is furnished in support of its bid proposal, it can and will be prosecuted to the fullest extent of the law for perjury.

 Name of Organization

Sworn to and subscribed before
 me this _____ day of _____, 20____.

BY: _____

Notary Public - State of _____

Title of Person Signing
 (If Corporation, Affix Seal)

My commission expires _____

(Printed, typed, or stamped
 Commissioned name of notary public)

Personally known _____

OR Produced identification _____

(Type of identification)

PART I - STATEMENT OF EXPERIENCE:

1. Legal Name, Address, and Telephone Number:

2. Check one: Corporation____; Partnership____; Individual____

3. If a Corporation, state:

Date of Incorporation: _____

State in which incorporated: _____

Name and Title of Principal Officers

Date of Assuming Position

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If an Out-of-State Corporation, currently authorized to do business in Florida, give date of such authorization:

4. If Partnership:

Date of organization: _____

Nature of Partnership (General, Limited, or Association):

Names and Addresses of Partners

5. If an Individual, State-Name & Address of Owner:

6. Enumerate State, County, or other Public Agencies in which your organization is qualified to perform work by some means of pre-qualification:

<u>Agency</u>	<u>Trade in Which Qualified</u>	<u>Expiration Date</u>	<u>Approved Amount</u>
_____	_____	_____	_____
_____	_____	_____	_____

7. Describe your organizational structure, including the number of permanent employees engaged in cost estimating, purchasing, expediting, detailing, and field supervision:

(Use extension sheet if necessary)

8. BIDDER to identify a minimum of five (5) satisfactory references that are for similar work. Similar shall refer to: landscape maintenance, tree trimming, fertilizing, etc. of similar size, scope, cost, and complexity completed within the last ten (10) years. The references are to demonstrate that the bidder has been continuously and actively engaged in this type of work over the last five (5) year period. **Of the five (5) satisfactory references for similar work, a minimum of two (2) shall be from the past five years.** The VILLAGE may not award a bid to any BIDDER who cannot prove to the satisfaction of the VILLAGE that the Corporation/Partnership/Individual identified on the Bid Form has satisfactory written references for similar work. References that are from a Parent Corporation or affiliated Subsidiary shall not be submitted as a reference and will not be considered by the VILLAGE.

Additional references may be submitted as an attachment. BIDDERS ARE RESPONSIBLE FOR CHECKING CONTACTS AND PHONE NUMBERS TO VERIFY INFORMATION IS ACCURATE.

a. Project Name: _____

Owner/Entity Name: _____

Address: _____

City, State, Zip: _____

Owner Contact _____ Title: _____ Ph No.: _____

Start Date of Project/Contract: _____

Completion Date of Project/Contract: _____

Summary of Project: _____

Similar Reference type: (check all that apply)

Government / Municipal Work _____

Other Similar Equivalent Work _____

b. Project Name: _____

Owner/Entity Name: _____

Address: _____

City, State, Zip: _____

Owner Contact _____ Title: _____ Ph No.: _____

Start Date of Project/Contract: _____

Completion Date of Project/Contract: _____

Summary of Project: _____

Similar Reference type: (check all that apply)

Government / Municipal Work _____

Other Similar Equivalent Work _____

c. Project Name: _____

Owner/Entity Name: _____

Address: _____

City, State, Zip: _____

Owner Contact _____ Title: _____ Ph No.: _____

Start Date of Project/Contract: _____

Completion Date of Project/Contract: _____

Summary of Project: _____

Similar Reference type: (check all that apply)

Government / Municipal Work _____

Other Similar Equivalent Work _____

d. Project Name: _____

Owner/Entity Name: _____

Address: _____

City, State, Zip: _____

Owner Contact _____ Title: _____ Ph No.: _____

Start Date of Project/Contract: _____

Completion Date of Project/Contract: _____

Summary of Project: _____

Similar Reference type: (check all that apply)

Government / Municipal Work _____

Other Similar Equivalent Work _____

e. Project Name: _____

Owner/Entity Name: _____

Address: _____

City, State, Zip: _____

Owner Contact _____ Title: _____ Ph No.: _____

Start Date of Project/Contract: _____

Completion Date of Project/Contract: _____

Summary of Project: _____

Similar Reference type: (check all that apply)

Government / Municipal Work	_____
Other Similar Equivalent Work	_____

9. Provide (attach) evidence that BIDDER can provide the minimum insurance requirements per Special Condition #77 – Insurance.

END OF FORM



Village of Palm Springs

226 Cypress Lane • Palm Springs, Florida 33461-1699
561-965-4010 • www.vpsfl.org

Village Wide Landscaping Service

Questions & Answers

No. 1

May 13, 2020

BIDS DUE: 2:00 PM, Local Time, May 19, 2020

Question 1: Is there any restrictions on what day of the week that we can perform the grounds maintenance at the Village Hall?

Response 1: The work shall be performed during regular working hours which are 7:30 a.m. – 4:30 p.m. Monday through Friday and 9:00 a.m. – 3:30 p.m. Saturday unless other arrangements are made in advance.

Question 2: Is Preston Square part of this bid?

Response 2: Preston Square is a private Homeowners Association and is not included this agreement.

Question 3: The specs in the bid package says that hedges will be trimmed 6 times a year. On the Google Maps it says 3 times per year. Please clarify this item.

Response 3: The areas around Village Hall, Police Department and the Library are to be trimmed 6 times a year. Some of the more remote area shall be trimmed 3 times a year.

Question 4: In the ditches there is debris i.e. furniture, mattresses and other items, is there any requirement to remove or report this to the village management?

Response 4: These items shall be removed from the ditch by the contractor and placed to the side then reported to the Public Works Superintendent so he can arrange to have the items removed and disposed of.

Question 5: Also, there are trees overhanging the ditches that hang to the bottom of the ditch. Do these trees limbs need to be removed?

Response 5: Yes, the contractor shall cut tree limbs to a minimum of 8' above the ground. The Village crews will cut them again if they need to be cut higher than 8' above the ground.

Question 6: There are trees 20 ft trees tall in the 2nd Avenue ditch. Please advise to what is to be done to this vegetation.

Response 6: Any vegetation growing in the ditch is the responsibility of the contractor.

Question 7: How do we get access to the 2 Water plants so that we can accurately access the amount of work to complete those locations?

Response 7: To gain access to the Water Treatment Plants please call the PW Superintendent, Jim Schmitz at 561-304-4610 and he will arrange access.

Question 8: Can bid tabulations from previous bids be made available?

Response 8: See the attachment for the past bid tabulation.

Question 9: If no site inspection, can we have printout of maps?

Response 9: The maps are all available for download on PDF so you can print them as needed.

Question 10: What is the current budget for the landscaping agreement?

Response 10: The current budget is about \$8,100. Per month for landscape services.

Question 11: Is mulch included in the Parks and R.O.W.?

Response 11: Yes, only where there is currently mulch in the Parks and Rights of Way. Mulch below the playground equipment is excluded.

Question 12: Is irrigation included in the landscaping services agreement?

Response 12: No, irrigation repairs are the responsibility of the Village Public Works Department. The landscaping vendor will be required to notify the Public Works Department if they notice broken heads or problems with the irrigation.

Question 13: Why is the contract out for bid?

Response 13: The current contract expires this year and there are no additional renewals.

Question 14: Is the Village happy with the current vendor?

Response 14: Yes, the Village is happy with the current contractor.

Question 15: Is there a bid bond or performance bond required?

Response 15: There is no bid bond or performance bond required.

Question 16: Is tree trimming required?

Response 16: Yes, trees are to be trimmed to a height of 8'. Anything more than 8' is to be done by Public Works.

Question 17: What are the required standards for type, minerals and amounts of fertilizer?

Response 17: Contractor will fertilize ornamentals (2) two times per year with granular, 50% sulfur coated, slow release tropical plant and palm tree fertilizer. Ornamental palm trees (phoenix robellini) that need to be fertilized will be treated at the same time as ornamental applications. Turf fertilization of the lawn (2) two times per year spring and fall. Fertilizers shall be commercial grade and must be approved by the Public Works Superintendent and shall be applied in accordance with the manufacturer's instructions. The type and amount of fertilizer applied shall be based on the desired performance work standard of maintaining turf, shrubs, and trees that are healthy, full formed and aesthetically pleasing. Contractor shall notify the Public Works Superintendent one week in advance of fertilizing so that the Superintendent can make the necessary changes to the Village operations or activities. Contractor shall maintain records of all fertilizer usage on a contractor provided form. This form shall be filled out as fertilizing operations are being performed, and all entries must be available for inspection upon request from the Superintendent.



ITB NO. 2019B-013
Landscape Maintenance
June 19, 2019 @ 2:00 PM
VILLAGE COUNCIL CHAMBERS

Staff Present:

Chad Girard, Asst Dir of Public Works
 Kimberly Wynn, Village Clerk

Begin @ 2:08 PM

End @ 2:34 PM

NAME	ADDRESS	BID AMOUNT	BID PACKAGE COMPLETE	RECEIVED	Comments
True Terrain Landscaping Services	524 Datura Street West Palm Beach, FL 33401	\$66,672.00	N	6/11/2019 11:45 AM	Addendum Not Signed/Acknowledged All items on the list not bid
Vincent and Son Landscaping	PO Box 20605 WPB, FL 33416	Items 1-7: \$134,311.30 Ditches: \$ 28,800.00 Total: \$163,111.30	Y	06/19/2019 11:06 AM	
Property Works	PO Box 6942 WPB, FL 33405	\$152,294.00	Y	06/19/2019 11:47 AM	
Mainguy Landscape Service	1855 South Flamingo Rd Davie, FL 33325	\$177,210.00	Y	06/19/2019 1:10 PM	
Salgado Tree Trimming	924 Saint James Street WPB, FL 33415	\$80,050.00	N	06/19/2019 1:50 PM	Missing Notarization and Addendum Acknowledgement
Total Maintenance	94 NE 5th Avenue #15 Delray Beach, FL 334883	\$100,021.52 \$3,409.50 Total: 103,430.80	Y	06/19/2019 1:57 PM	



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Parks & Recreation

ITEM 6.5: Approve 4th of July Fireworks Display Vendor - Parks and Recreation Department (FY 2020 Funded - General Fund) - Exposhow, Inc.

SUMMARY:

The Parks and Recreation Department has identified a need to select a vendor to provide the fireworks display for the Village's annual 4th of July Fireworks event that will be held on Saturday, July 4, 2020 at the Village Center Complex. With the ongoing COVID-19 pandemic, staff is attempting to provide a 4th of July event that will help Village residents celebrate this important American holiday, while maintaining CDC requirements for social distancing and limiting large group gatherings.

As a result, the Village requested quotes from various vendors and received the following three (3) proposals:

Exposhow, Inc.	\$21,500 for a 21-minute display with a 2-minute grand finale
Zambelli Fireworks Manufacturing Company	\$22,000 for a 21-minute display with a 2-minute grand finale
J & M Displays	\$26,000 for a 21-minute display with a 2-minute grand finale

Staff recommends approval of the proposed agreement with Exposhow in the amount of \$21,500 to provide the fireworks display for the Village's 4th of July celebration. If approved, a certificate of insurance will be provided prior to the event and the approved vendor would be responsible for meeting all Village and County permitting guidelines/requirements.

Note: The Village is working with local businesses to assist in sponsoring the Village's 4th of July fireworks display, which would provide financial assistance in offsetting the cost of the increased fireworks display.

The proposed agreement has been prepared by the Village Attorney and reviewed by the

Parks and Recreation Director, the Public Works Director and the Finance Director.

The Village has not worked with the proposed vendor previously; however, we have received positive references from City of Lynwood Recreation Department and City of Downey Fire Inspector for the proposed vendor.

FISCAL IMPACT:

Funding to support the 4th of July fireworks display is available within the approved FY 2020 Budget - General Fund.

<i>FY 2020 Budget - General Fund (Special Events):</i>	
FY 2020 Approved Budget - General Fund	\$21,500

<i>Expected Event Costs:</i>	
Proposed Event Cost - 4th of July Fireworks - Exposhow	\$21,500

Note: The proposed budget for the 4th of July event included funding to support various activities and programs (i.e., giveaways, games, equipment rentals, entertainment, etc.), which will be utilized to support the additional fireworks display cost. These additional activities and programs will not be offered this year due to the emergency pandemic that we are currently facing. Further, the Village Hall Complex and parking lot is expected to be closed down to visitors to ensure the safest environment possible during this event.

ATTACHMENTS:

Proposed Agreement - Exposhow, Inc.

Cost Proposal and Specifications - Village of Palm Springs

COMMUNITY FIREWORKS DISPLAY CONTRACT

This Community Fireworks Display Contract ("Contract" hereafter) is entered into between the VILLAGE OF PALM SPRINGS, a Florida municipal corporation ("VILLAGE" hereafter), and EXPOSHOVS, INC., a company authorized to conduct business in the State of Florida, with a mailing address of P.O. Box 5590, Santa Monica, CA 90409 ("CONTRACTOR" hereafter).

RECITALS

WHEREAS, the VILLAGE is in need of a contractor to provide a community fireworks display for the VILLAGE's 4th of July Fireworks Display (hereinafter the "Services");

WHEREAS, CONTRACTOR submitted a proposal to perform the Services, attached hereto as Exhibit "A" (the "Proposal");

WHEREAS, the VILLAGE desires to accept CONTRACTOR's Proposal in order for CONTRACTOR to render the Services to the VILLAGE as provided herein;

WHEREAS, the CONTRACTOR further warrants that it is experienced and capable of performing the Services hereunder in a professional and competent manner; and,

WHEREAS, the VILLAGE finds approving this Contract with the CONTRACTOR as described herein serves a valid public purpose.

NOW THEREFORE, the VILLAGE hereby engages the Services of the CONTRACTOR, and in consideration of the mutual promises herein contained, the sufficiency of which is hereby acknowledged by both parties, the parties agree as follows:

I. Term of Contract: The term of this Contract shall begin upon approval by both parties and shall terminate upon the conclusion of the fireworks show or termination as set forth below.

II. Scope of Services:

2.1 The scope of Services to be provided under this Contract is as set forth in the Contract and the CONTRACTOR's Proposal (see Exhibit "A"). The VILLAGE's cancellation of the Display shall only be effective upon receipt by the CONTRACTOR of a written notice from the VILLAGE's authorized Project Manager. In the event the VILLAGE cancels the Display the VILLAGE shall not be entitled to a refund of its deposit, but the Village shall not be required to pay any further charges.

However, if the Display is cancelled due to inclement weather, as determined in the sole discretion of the VILLAGE, then the Display shall be postponed and fired on the Postponement Date. Postponement Dates shall be agreed to by the parties. If the

VILLAGE wishes to cancel the Display instead of scheduling a Postponement Date, the Display will be cancelled and there will be no refund of the Deposit.

2.2 The CONTRACTOR represents to the VILLAGE that the Services to be performed under this Contract shall be in accordance with accepted and established trade practices and procedures recognized in the CONTRACTOR's trade in general and that the CONTRACTOR's Services shall conform to the highest standards and in accordance with this Contract.

2.3 The CONTRACTOR represents that it is licensed to do business in the State of Florida and holds and will maintain all applicable licenses required for the Services to be completed under this Contract. The CONTRACTOR further warrants its capability and experience to perform the Services provided for herein in a professional and competent manner and consistent with all applicable laws.

III. USE OF AGENTS OR ASSISTANTS: To the extent reasonably necessary to enable the CONTRACTOR to perform its Services hereunder, the CONTRACTOR shall be authorized to engage the services of any agents or assistants which it may deem proper, and may further employ, engage, or retain the services of such other persons or corporations to aid or assist in the proper performance its duties. All costs of the services of, or expenses incurred by, such agents or assistance shall be paid by the CONTRACTOR.

IV. PROJECT MANAGEMENT: Both parties shall appoint a Project Manager who shall meet to coordinate, review and insure performance by the CONTRACTOR under this Contract. The Project Manager appointed by the VILLAGE will oversee the administration of the Services to be performed by the CONTRACTOR under this Contract but is not authorized to modify this Contract.

V. EQUIPMENT: The CONTRACTOR shall provide all equipment necessary to complete the Services to be performed hereunder. In the event CONTRACTOR requires equipment from the VILLAGE, the CONTRACTOR shall meet and confer with the VILLAGE before Services commence. In the event the VILLAGE's equipment is to be utilized, any costs chargeable to the CONTRACTOR shall be agreed upon in advance of the commencement of the Services.

VI. FEE AND ORDERING MECHANISM

6.1 For actual Services performed under this Contract for each year of the Display (including any renewals agreed to by the VILLAGE), the VILLAGE shall pay the CONTRACTOR a fee as follows: Twenty-One Thousand, Five Hundred Dollars (\$21,500.00) 50% paid on execution of this Contract, with the remaining amount paid upon conclusion of the event.

6.2 Should the VILLAGE require additional Services not included in this Contract, fees and payment for such additional Services will be set forth in a separate amendment, as

authorized in accordance with the VILLAGE's procurement code prior to any such additional Services being performed by the CONTRACTOR.

6.3 The Village's ordering mechanism for all Services performed under this Contract shall be a Village Purchase Order; however, the terms and conditions stated in a Village Purchase Order shall not apply. CONTRACTOR shall not perform Services under this Contract without a Village Purchase Order specifically for this purpose. CONTRACTOR shall not perform work which is out of scope, nor exceed any not to exceed amounts expressed on the Purchase Order. Note that the Village's Fiscal Year ends on September 30th of each calendar year. The Village cannot authorize Services beyond September 30th of each calendar year, prior to the annual budget being approved by the Village Commission. Additionally, the Village must have budgeted appropriate funds for the Services in any subsequent Fiscal Year. If the budget is approved for said Services, the Village will issue a new Purchase Order each Fiscal Year for required and approved Services.

VII. MAXIMUM COSTS: The CONTRACTOR expressly acknowledges and agrees that the total cost to complete all Services is as specified herein and no additional costs shall be authorized without prior written approval from VILLAGE.

VIII. INVOICE: The CONTRACTOR shall submit an invoice to the Project Manager for approval prior to receiving compensation.

IX. DEFAULTS, TERMINATION OF CONTRACT

9.1 If the Project Manager deems that the CONTRACTOR is in default for failure to supply an adequate working force or has failed in any other respect to satisfactorily perform the Services specified in this Contract; or, is in material breach of a term or condition of this Contract, the Project Manager may give written notice to the CONTRACTOR specifying defaults to be remedied within ten (10) days. Such notice shall set forth the basis for any dissatisfaction and suggest corrective measures. If the CONTRACTOR does not remedy defaults within ten (10) days or commence good faith steps to remedy the default to the reasonable satisfaction of the Project Manager, the VILLAGE may take such action to remedy the default and all expenses related thereto shall be borne by the CONTRACTOR including, without limitation, utilization of another contractor to provide for such Services; and/or, the VILLAGE may withhold any money due or which may become due to the CONTRACTOR for such expense and/or Services related to the claimed default. Alternatively, or in addition to the foregoing, if after ten (10) days the CONTRACTOR has not remedied defaults or commenced good faith steps to remedy defaults to the satisfaction of the Project Manager, the VILLAGE may elect to terminate this Contract. No compensation shall be paid for de-mobilization, take-down, disengagement wind-down, lost profits or other costs incurred due to termination of this Contract under this paragraph 9.1.

9.2 Notwithstanding paragraph 9.1, the VILLAGE reserves the right and may elect to terminate this Contract at any time without cause and for convenience. At such time, the CONTRACTOR would be compensated as set forth above.

X. INSURANCE

10.1 The CONTRACTOR shall, at its own expense, procure and maintain throughout the term of this Contract, with insurers acceptable to the VILLAGE, the types and amounts of insurance conforming to the following requirements:

The CONTRACTOR shall furnish proof of Workers' Compensation Insurance, General Liability Insurance and Comprehensive Automobile Liability Insurance. The coverage is to remain in force at all times during the Contract period. The following minimum insurance coverage is required. The VILLAGE shall be added as an "additional insured" with relation to General Liability and Automobile Insurance. Any costs for adding the VILLAGE as "additional insured" will be at the CONTRACTOR's expense.

Workers' Compensation and Employers' Liability Insurance

Limits: Workers' Compensation – Statutory Limits

Employers' Liability - \$1,000,000.00

Commercial General Liability Insurance

Covering premises-operations, products-completed operations, independent Contractors and Contractual liability as required by the RFP.

Limits: Combined single limit bodily injury/property damage \$1,000,000.

This coverage must include:

- a. Coverage for the liability assumed by the Contractor under the indemnity provision of the Contract.
- b. The CONTRACTOR's coverage is primary and the VILLAGE's coverage is non-contributory.

Automobile Liability Insurance

Covering all owned, hired and non-owned automobile equipment.

Limits: Bodily injury	\$250,000 each person
	\$500,000 each occurrence
Property damage	\$100,000 each occurrence
Or combined single limit	\$1,000,000 (bodily injury and property damage combined)

Certificate holder should be addressed as follows:

Village of Palm Springs
226 Cypress Lane
Palm Springs, FL 33461

It is agreed by and between the CONTRACTOR and the VILLAGE that in the event any person, firm or corporation should sustain damages not covered by the insurance furnished by the CONTRACTOR as herein provided or in excess of the limits of said insurance, then in that event, the CONTRACTOR agrees to indemnify and hold harmless the VILLAGE.

The CONTRACTOR shall not commence Services until the required insurance is in force and evidence of insurance acceptable to the VILLAGE has been provided to, and approved by, the VILLAGE. Until such insurance is no longer required by this Contract, the CONTRACTOR shall provide the VILLAGE with renewal or replacement evidence of insurance at least thirty (30) days prior to the expiration or termination of such insurance.

10.2 The insurance provided by the CONTRACTOR shall apply on a primary basis. Any insurance, or self-insurance, maintained by the Village shall be excess of, and shall not contribute with, the insurance provided by the CONTRACTOR. Except as otherwise specified, no deductible or self-insured retention is permitted.

10.3 Compliance with these insurance requirements shall not limit the liability of the CONTRACTOR. Any remedy provided to the VILLAGE by the insurance provided by the VILLAGE shall be in addition to and not in lieu of any other remedy (including, but not limited to, as an indemnitee of the CONTRACTOR) available to the VILLAGE under this Contract or otherwise.

10.4 Neither approval nor failure to disapprove insurance furnished by the CONTRACTOR shall relieve the CONTRACTOR from responsibility to provide insurance as required by this Contract.

10.5 The CONTRACTOR's failure to obtain, pay for, or maintain any required insurance shall constitute a material breach upon which the VILLAGE may immediately terminate or suspend this Contract. In the event of any termination or suspension, the VILLAGE may use the services of another contractor without the VILLAGE incurring any liability to the CONTRACTOR.

10.6 At its sole discretion, the VILLAGE may obtain or renew the CONTRACTOR's insurance, and the VILLAGE may pay all or part of the premiums. Upon demand, the CONTRACTOR shall repay the VILLAGE all monies paid to obtain or renew the insurance. The VILLAGE may offset the cost of the premium against any monies due the CONTRACTOR from the VILLAGE.

XI. WAIVER OF BREACH: The waiver of either parts of any breach of any provision of this Contract shall not operate or be construed as a waiver of any subsequent breach of that same or any other provision.

XII. INDEMNITY:

12.1 The CONTRACTOR shall indemnify, defend and hold harmless, to the maximum extent permitted by law, the VILLAGE and its officers, agents, employees and representatives, from and against any and all liability, suits, actions, proceedings, judgments, claims, losses, liens, damages, injuries (whether in contract or in tort, including personal injury, accidental death or property damage, and regardless, of whether the allegations are false, fraudulent or groundless), costs and expenses (including attorney's fees for all litigation, arbitration, mediation, appeal expenses) ("Claims" hereafter) to the extent arising out of or related to the acts or neglect of its agents, employees, subcontractors or by anyone the CONTRACTOR directly or indirectly employed in the performance of the Services.

12.2 The CONTRACTOR's obligation to indemnify, defend and hold harmless shall remain in effect and shall be binding upon the CONTRACTOR whether such injury or damage shall accrue, or may be discovered, before or after termination of this Contract.

12.3 The CONTRACTOR's failure to comply with this section's provisions shall constitute a material breach upon which the VILLAGE may immediately terminate or suspend this Contract.

XIII. ENTIRE CONTRACT AND ORDER OF PRECEDENCE

13.1 This Contract consists of the terms and conditions provided herein, and, the CONTRACTOR's proposal. To the extent that there exists a conflict between this Contract and the remaining documents, the terms, conditions, covenants, and/or provisions of this Contract shall prevail. Wherever possible, the provisions of such documents shall be construed in such a manner as to avoid conflicts between provisions of the various documents.

13.2 This Contract supersedes any and all other Contracts, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other Contract, statement, or promise relating to the subject matter of this Contract which is not contained herein shall be valid or binding.

XIV. ASSIGNMENT

14.1 Nothing under this Contract shall be construed to give any rights or benefits to any party other than the VILLAGE and the CONTRACTOR. All duties and responsibilities under this Contract shall be for the sole and exclusive benefit of the VILLAGE and the CONTRACTOR and not for the benefit of any other party. The CONTRACTOR shall not assign any right or interest in this Contract, and shall not delegate any duty owned, without the VILLAGE's prior written consent. Any attempted assignment or delegation shall be void and totally ineffective for all purposes, and shall constitute a material breach upon which the VILLAGE may immediately terminate or suspend this Contract.

14.2 In the event the VILLAGE consents to an assignment or delegation, the assignee, delegate, or its legal representative shall agree in writing to personally assume, perform, and be bound by this Contract's covenants, conditions, obligations and provisions.

XV. SUCCESSORS AND ASSIGNS: Subject to the provision regarding assignment, this Contract shall be binding on the heirs, executors, administrators, successors, and assigns of the respective parties.

XVI. WAIVER OF TRIAL BY JURY: TO ENCOURAGE PROMPT AND EQUITABLE RESOLUTION OF ANY LITIGATION, EACH PARTY HEREBY WAIVES ITS RIGHTS TO A TRIAL BY JURY IN ANY LITIGATION RELATED TO THIS CONTRACT.

XVII. GOVERNING LAW AND REMEDIES:

17.1 The validity of this Contract and of any of its terms or provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of Florida and venue shall be in Palm Beach County, Florida.

17.2 No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

XVIII. TIME IS OF THE ESSENCE: Time is of the essence in the completion of tasks and services as specified herein.

XIX. NOTICES: All notices hereunder must be in writing and, unless otherwise provided herein, shall be deemed validly given on the date when personally delivered to the address indicated below; or on the third (3rd) business day following deposit, postage prepaid, using certified mail, return receipt requested, in any U.S. postal mailbox or at any U.S. Post Office; or when sent via nationally recognized overnight courier to the address indicated below. Should the VILLAGE or the CONTRACTOR have a change of address, the other party shall immediately be notified in writing of such change, provided, however, that each address for notice must include a street address and not merely a post office box. All notices, demands or requests from the CONTRACTOR to the VILLAGE shall be given to the VILLAGE address as follows:

Village Manager
Village of Palm Springs
226 Cypress Lane
Palm Springs, Florida 33461

All notices, demands or requests from the VILLAGE to the CONTRACTOR shall be given to the CONTRACTOR address as follows:

Exposhow, Inc.
P.O. Box 5590
Santa Monica, CA 90409

XX. SEVERABILITY: Should any part, term or provision of this Contract or any document required herein to be executed be declared invalid, void or unenforceable, all remaining parts, terms and provisions hereof shall remain in full force and effect and shall in no way be invalidated, impaired or affected thereby.

XXI. DELAYS AND FORCES OF NATURE:

21.1 Except as otherwise set forth in this Contract, the CONTRACTOR specifically waives any right to seek any monetary damages or losses for a delay in completion of the Services or the termination of Services, including, but not limited to, waiving any right to seek monetary amounts for lost profits, additional overhead, salaries, lost productivity, efficiency losses, or any other alleged monetary losses which may be allegedly suffered by CONTRACTOR due to a delay in the completion of the Services or a termination of Services.

21.2 The VILLAGE shall not be considered in default in the performance of its obligations hereunder or any of them, if such obligations were prevented or delayed by any cause, existing or future beyond the reasonable control of the VILLAGE which include but are not limited to acts of God, labor disputes or civil unrest.

XXII. COUNTERPARTS: This Contract may be executed in counterparts, each of which shall be an original, but all of which shall constitute one and the same document. Each of the parties shall sign a sufficient number of counterparts, so that each party will receive a fully executed original of this Contract.

XXIII. LIMITATIONS OF LIABILITY: Under no circumstances shall either party be liable to the other for any consequential, incidental, special, punitive, or any other form of indirect or non-compensatory damages.

XXIV. PUBLIC ENTITY CRIMES: CONTRACTOR acknowledges and agrees that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier or sub-contractor under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list. CONTRACTOR will advise the VILLAGE immediately if it becomes aware of any violation of this statute.

XXV. PREPARATION: This Contract shall not be construed more strongly against either party regardless of who was more responsible for its preparation.

XXVI. PALM BEACH COUNTY IG: In accordance with Palm Beach County ordinance number 2011-009, the CONTRACTOR acknowledges that this Contract may be subject

to investigation and/or audit by the Palm Beach County Inspector General. The CONTRACTOR has reviewed Palm Beach County ordinance number 2011-009 and is aware of its rights and/or obligations under such ordinance.

XXVII. ENFORCEMENT COSTS: All parties shall be responsible for their own attorneys' fees, court costs and expenses if any legal action or other proceeding is brought for any dispute, disagreement, or issue of construction or interpretation arising hereunder whether relating to the Contract's execution, validity, the obligations provided therein, or performance of this Contract, or because of an alleged breach, default or misrepresentation in connection with any provisions of this Contract.

XXVIII. SURVIVABILITY: Any provision of this Contract which is of a continuing nature or imposes an obligation which extends beyond the term of this Contract shall survive its expiration or earlier termination.

XXIX. PUBLIC RECORDS. The CONTRACTOR shall comply with Florida's Public Records Laws, Chapter 119, Florida Statutes, and, if it is acting on behalf of the VILLAGE as provided under section 119.011(2), the CONTRACTOR specifically agrees to:

- (i) Keep and maintain public records required by the VILLAGE to perform the services under this Agreement.
- (ii) Upon request from the VILLAGE's custodian of public records, provide the VILLAGE with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this Chapter 119, Florida Statutes, or as otherwise provided by law.
- (iii) Ensure that said public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement, if the CONTRACTOR does not transfer the records to the VILLAGE.
- (iv) Upon the completion of the Agreement, transfer, at no cost, to the VILLAGE all public records in possession of the CONTRACTOR or keep and maintain public records required by the VILLAGE to perform the services. If the CONTRACTOR transfers all public records to the VILLAGE upon completion of the Agreement, the CONTRACTOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the CONTRACTOR keeps and maintains public records upon completion of the Agreement, the CONTRACTOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the VILLAGE, upon request from the VILLAGE's custodian of public records, in a format that is compatible with the information technology systems of the Village.

IF THE VENDOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE VENDOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS OR DESIGNEE AT

561-434-5084, kwynn@vpsfl.org, OR BY MAIL AT VILLAGE OF PALM SPRINGS, 226 CYPRESS LANE, PALM SPRINGS, FL 33461.

XL. SCRUTINIZED COMPANIES

40.1 As provided in F.S. 287.135, by entering into any agreement with the Village, or performing any work in furtherance hereof, Vendor certifies that Vendor and Vendor's affiliates, suppliers, subcontractors and consultants that will perform hereunder that at the time Vendor submits a bid or proposal for a contract or before Vendor enters into or renews a contract with an agency or local governmental entity for goods or services of \$1 million or more, the company must certify that Vendor is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List and that it does not have business operations in Cuba or Syria. Also, at the time a Vendor submits a bid or proposal for a contract or before the Vendor enters into or renews a contract with an agency or local governmental entity for goods or services of any amount, Vendor must certify that it is not participating in a boycott of Israel. If the Village determines, using credible information available to the public, that a false certification has been submitted by Vendor, the Village's Agreement may be terminated and a civil penalty equal to the greater of \$2 million or twice the amount of the Agreement shall be imposed, pursuant to Section 287.135, Florida Statutes.

IN WITNESS WHEREOF the parties hereto have made and executed this Agreement on the day and year first above written.

VILLAGE OF PALM SPRINGS, FLORIDA

By: _____
Rich Reade, Village Manager

ATTEST

Kimberly Wynn, Village Clerk

Approved as to form and legal sufficiency:

Glen J. Torcivia, Village Attorney

CONTRACTOR: **EXPOSHOWS, INC.**

By: _____

DMC

Digitally signed by David MacCormick
DN: cn=David MacCormick, o=Exposhow Inc., ou=VP Sales, email=dm@exposhow.net, c=US
Date: 2020.06.05 08:48:19 -07'00'

[Corporate Seal]

Print Name: David MacCormick

Title: VP Sales

STATE OF FLORIDA)

COUNTY OF _____)

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this _____ this _____ day of _____, 2020, by _____.

(Signature of Notary Public-State of Florida)

(Print, type, or stamp commissioned name of Notary public)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced: _____

Exposhow Inc.
11 May, 2020

Proposal for

Village of Palm Springs, Florida

2020 Independence Fireworks Display

Saturday, July 4th, Village Center



I.	SUMMARY.....	3
II.	INTRODUCTION.....	3
III.	EVENT OUTLINE.....	3
IV.	DISPLAY ELEMENTS / SHELL COUNT/PRICING.....	4
V.	PLOT MAP AND SITE LOCATION.....	5
VI.	PRODUCTION AGREEMENT / CONTRACT.....	6
VII.	TIMETABLE.....	7
VIII.	BUDGET.....	7
IX.	KEY PERSONNEL.....	7
X.	EVALUATION.....	7
XI.	REFERENCES/ENDORSEMENTS.....	8
XII.	STATEMENT OF QUALIFICATIONS.....	9-10
XIII.	TECHNICAL PROPOSAL – SCOPE OF WORK.....	11-13

I. Summary

Exposhow's, a professional firework Display Company is excited at the opportunity to be selected as the vendor to operate a world-class fireworks display for the 2020 Village of Palm Springs Independence Celebration Fireworks at the Village Center on Saturday, July 4th.

Fireworks capture the Spirit of America and create an event that brings families together as a community. Exposhow's is entering the public fireworks display market in Florida to provide services for municipal agencies.

II. Introduction

Exposhow's was founded by pyrotechnic and meeting planning professionals to provide municipalities a local firework Display Company for community events and private celebrations.

"Our business defines success by making people smile, never compromising on issues of safety and consistently over delivering results. There are many ways to the same place but no such thing as staying the same. If we are not moving forward, we are falling behind."

- Exposhow's Inc.,-

III. Event Outline

The 2020 Village of Palm Springs Independence Day Celebration Fireworks at Village Center Athletic Complex is scheduled for the evening of Saturday, July 4th at approximately 9 p.m. or a time (TBA). The primary spectator location are the athletic fields and area proximate to Village Center (See Section V, Page 5)

The launch site is the Village Center Athletic Complex. Proximity of the viewing audience and public thoroughfares allow the maximum size shell that can be fired safely to be 3". Section V. (Plot Map and Site Location) details the firing site location.

Display elements are detailed on the page following and include 2", 2.5" & 3" single shot shells, specialty shells and multi-shot devices. Multi shot devices contain from 25-300 shots per device. Load in and setup of the display will be done July 4th. Equipment strike and clean-up will be conducted following the conclusion of the event.

IV. Display Elements / Shell Count

Shell count and device totals are listed and will be sent for review and approval by Palm Beach County Fire Dept. Price includes all permit filings and fees.

Additional specialty custom multi break shells are used to enhance the audience experience. These shells are made in the United States. Exposhow is proud to support American manufacturers.

Shell Size /Effect / Device	Shell Count
Aerial Barrage Opening	
Multi Shot Device (36 shots)	1
2.5" Shells	10
3" Shells	10
Aerial Main Display	
2" Main Display Shells	50
2.5" Main Display Shells	186
3" Main Display Shells	350
Multishot Devices (1400 shots)	5
Aerial Grand Finale	
2.5" (Chain Finale & Titanium Salute)	160
3" Shells (Chain Color Finale)	240
Total Shell Count / Run Time / Price	Summary Total
Breaking Shell Total*	1006
Main Display Shells (Lift Rate Average)	35 shells per minute
Finale Run Time	2 minutes
Total Display Run Time	21 min
Total Price	\$21,500

As an operating standard and value added feature, Exposhow displays are loaded with additional product above listed total count to exceed your expectations and ensure compliance with contracted shell count.

V. Plot Map / Firing Site Location

226 Cypress Lane. Village of Palm Springs FL 33461



■ Firing Site - 3" Shell Max - Safety Zone Radius (300')
Coordinates 26° 38' 31.09" North Latitude 80° 05' 35.19" West Longitude

VI. Production Agreement / Contract

A formal Production Agreement / Contract with Scope of Work details between Exposhow Inc. and Village of Palm Springs will be submitted for review or provided by the sponsor following acceptance of a display option or modification to and subsequent acceptance of the same. Scope of work includes the following standard production agreement details.

- 1 Engagement
- 2 Exposhow duties and Client (Village of Palm Springs) duties
- 3 Time and Place of Production
- 4 Fees, Interest and Expenses
- 5 Proprietary Rights
- 6 Safety
- 7 Security
- 8 Clean Up
- 9 Permits
- 10 Insurance
- 11 Indemnification
- 12 Limitation of Damages from Ordinary Breach
- 13 Force Majeure
- 14 Rescheduling of Event / Right to Cancel
- 15 No Joint Venture / Applicable Law
- 16 Notices / Modification of Terms / Severability
- 17 Price Firm
- 18 Contract Endorsement

VII. Timetable

	Description of Work	Start and End Dates
Phase One	Formal Bid Submission /Approval	May 2020
Phase Two*	Pre Event Logistics / Show Scripting	May – July 3, 2020
Phase Three	Display Set Up / Operation / Strike	July 4 th , 2020

**Phase Two includes all show preliminaries, permit filings & coordination with Palm Beach County Fire Department Inspector(s) and Village of Palm Springs Event Staff.*

VIII. Budget

	Description of Work	Payment Schedule
Deposit	On Contract Approval	\$10,750
Balance	Post Event Reconciliation 2020	\$10,750
Total	Total	\$21,500

IX. Key Contact Information

David MacCormick
VP Sales / Logistics
310-864-9616
dm@exposhow.net

Dan Douglass
VP Operations
818-219-0376
dan@exposhow.com

Rick Zaday
Equipment Fabrication
818-877-9217
rick@exposhow.net

Exposhow Inc. PO Box 5590, Santa Monica, CA 90409 USA

Key Contacts are current State Licensed Pyrotechnicians.

X. Evaluation

1. Pre Event meeting with Village of Palm Springs Event Staff & Public Safety Depts.
2. Post Display Reporting and Follow Up with Village Event Staff.

XI. References/ Endorsements

City of Fillmore - Fire Chief Keith Gurrola (805)524-1500
LA County Dept. of Beaches & Harbors Marina del Rey - Catrina Love (424) 526-7874
City of Beverly Hills - Special Events Director Magdalena Davis (310) 285-1098
City of Redondo Beach - Community Services Director John LaRock (310) 318-0671
Six Flags Magic Mountain - Entertainment Director Pam Bugbee (661) 255-4810
Two Harbors, Catalina Island – Sales Director Leslie Boufillier (310) 510-4249
State of Montana – Deputy State Fire Marshal Sally McKenna (406) 896-4388
City of Lynwood Recreation Services Director - Rozie Carrillo (310)603-0220 x-225
US Navy Los Angeles Fleet Week Battleship USS Iowa Jonathan Williams (877) 446-9261
Riverside County Fire Marshal - Deputy Marshal Sonia Cooley (760) 863-8886
LA County Fire Dept. – Fire Prevention / Firework Permits Amy Mawson (323)890-4122
Orange County Fire Authority - Fire Inspector Darren Johnson (714) 402-3103
LA City Fire Dept. Public Assemblage Unit – Inspector John Williams (213) 978-3650
City of Avalon, Catalina Island – Community Services Director Dan Hunke (310) 701-4153
Truckee Fire Protection District - Fire Marshal Kevin McKechnie (530) 582-7855
City of Santa Clarita Arts & Events - Joel Beck (661) 250-3720
City of Alhambra Community Services – Vincent Hon (626) 570-5089
Los Angeles County Fire Dept - Fire Inspector Gary Black (310) 510-0424
Santa Monica Beach Club - Event Director Jeannie Mai (310) 395-3254
Stanislaus County Parks & Recreation – Heidi Hildago (209) 525-6763
City of Murrieta Recreation Services Event Director – Laura Frasso (951)461-6110
City of Downey Fire Inspector Lee Kirby (562) 904-7348
Crazy Mountain Ranch, Montana KMG Irongate Jon Delaurier (406) 686-9099
LA County Fire Inspector – Inspector William Boller (661) 286-8821
City of Murrieta Fire Dept - Fire Marshal Jason Briley (951)757-0022
Fountain Valley Fire Department – Deputy Fire Marshal Adria Smith (714)397-1734
City of Newport Beach Fire Department - Fire Inspector Steve Michael (949)644-3110
San Bernardino Fire Protection District – Division Chief Sal Corrao (760) 256-2254

XII. Statement of Qualifications

Key Contacts / Statement of Qualifications

Exposhow Inc. PO Box 5590, Santa Monica, CA 90409 USA
Tel (424) 322-8747 Fax (310) 451-7994 www.exposhow.net

*David MacCormick	<i>Operations/Logistics</i>	310-864-9616	dm@exposhow.net
*Dan Douglass	<i>Site Storage & Security</i>	818-219-0376	dan@exposhow.net
*Rick Zaday	<i>Equipment Manager</i>	661-713-4217	rick@exposhow.net
*Larry Ochner	<i>Staff Training Mgr</i>	661-202-9120	larry@exposhow.net
*Frank Ponce	<i>Digital Sys Manager</i>	661-542-1985	frank@exposhow.net
*Paul Newland	<i>HazMat Transport Mgr</i>	661-713-6140	paul@exposhow.net
Richard Morrison	<i>Audio Engineer</i>	661-713-1852	

**Key Contacts are current State Licensed Pyrotechnic Operators*

Exposhow Inc. was established in 2010 and founded by licensed pyrotechnic professionals to provide local municipalities a company specializing in outdoor aerial firework displays for the general public, stadium shows, city celebrations, NASCAR, theme parks and arenas for both indoor and outdoor venues.

Exposhow is comprised of State licensed operators and experienced veteran pyrotechnicians. Our staff has been involved in the production and operation of outdoor aerial displays, theatrical and special effects pyrotechnics in California for over twenty-five years.

Our staff has operated hundreds of outdoor and theatrical displays including large public shows for the State of California, Los Angeles, Orange, Ventura and Stanislaus County and multiple year municipal clients; Cities of Alhambra, Avalon, Los Angeles, Redondo Beach, Marina del Rey, Fillmore, Murrieta, Downey, Modesto, Newport Beach, Fountain Valley and many others.

Exposhow is experienced with marine shows, operating multiple year US Navy Fleet Week displays, Battleship USS Iowa, City of Redondo Beach, Los Angeles Beaches and Harbors and Marina del Rey. In addition to ten years of public displays for Six Flags Entertainment. It is our goal to continue with only select celebrations. We sincerely hope to work with the Village of Palm Springs.

Past event and venue highlights of our operating staff include experience with over 100 displays, the Olympics, PBR, Los Angeles Dodgers, performing artists, arena shows and more. The Grand Display at the 2016 Western Pyrotechnic Association Conference and 2016/2018 US Navy Fleet Week

Exposhow's state of the art digital fireworks scripting software and firing systems enable us to produce exciting precision choreographed shows for your event. Experienced with simulcast broadcasts, our multiple Grammy award winning audio engineer designs custom music tracks for each show.

In addition to foreign product manufacturers, Exposhow's works directly with different US manufacturers of pyrotechnic product. This allows us to select the newest and best product from different sources for your show. If we find a way to add more as a value added feature, we will make sure to do so to ensure that your expectations are exceeded.

Exposhow's personnel assigned to set up, operate the Village of Palm Springs Fireworks Display consist of no less than 4 experienced staff members and a licensed operator. All aspects of the Fireworks Display will be conducted by Exposhow's staff and are never subcontracted to another agency or any third parties.

Equipment and Explosives Storage facilities are registered with the ATF and the State Fire Marshal.

Primary focus is safety of spectator audience and staff members and will never be compromised under any circumstances. No incidents involving any violations of safety, injury to any spectators or property damage have ever occurred with Exposhow's or with our experienced operators and team members.

Exposhow's has never been disqualified from a project and has never been a party to litigation arising from one of our displays. Our general liability, workers comp and transportation insurance loss runs have no losses since inception.

All staff members are qualified and authorized to work as employee possessors under Exposhow's Inc. Federal Explosives License as required by Federal Law. In addition, all pyrotechnicians have multishow outdoor experience and receive annual safety and pyrotechnic training.

Close coordination with Event Staff and municipal public safety departments with pre-event meeting(s) and clear timely communication are hallmarks that distinguish Exposhow's; a detail-oriented display company with logistical expertise and demonstrated leadership qualities that result in production excellence.

XIII. Technical Proposal/Scope of Work

Permit Filings

All permits required by Federal agencies and Palm Beach County Fire Dept. in accordance with U.S., State and local laws will be submitted by Exposhow after endorsement and approval. Village of Palm Springs, its officers and agents and public safety agencies will be listed as additional insured on our general liability and Workers Comp policies.

Personnel Training

Only trained and experienced pyrotechnicians are assigned to Exposhow Fireworks Displays that include all permit filings, labor, product, transportation, setup, discharge and strike of the show. Exposhow technicians receive annual recurring explosives safety training including OSHA High Hazard IIP Plan training and Industry safety protocols. In addition, Site safety briefings are conducted daily prior to work. All Exposhow staff are US Citizens with no felony convictions that have passed a DOJ Background Check and are authorized to perform duties as employee possessors under Exposhow Federal Explosives License. No display work is ever subcontracted.

Pre Event Meeting

Exposhow will conduct a pre-event meeting with Village of Palm Springs staff and Public Safety Department(s) at a date and time TBA following contract endorsement.

Launch Site

Launch site is on the baseball fields of Village Center.

Storage and Delivery of Product (Pyrotechnic 1.3G and 1.4G Explosives)

Fireworks and associated show equipment will be delivered via secured Hazmat licensed box truck to the launch site on Saturday, July 4th, 2020. Hazmat Transportation Permit documents include the travel route of the truck. Palm Beach County Fire Dept. and Village of Palm Springs will be advised when the truck arrives on-site. Product remains secured inside the truck until equipment has been configured and until such a time licensed operator in charge and/or Fire Inspector determines display site is secured and ready for product loading.

Display Setup

Site configuration and setup of equipment; mortars, racks will be executed Saturday, July 4th. HazMat load will remain secured on-site under the constant and direct supervision of the licensed operator from arrival on site until load out and departure later that evening. No pyrotechnic product will be unloaded or deployed until a safety perimeter has been established

Itemized List of Pyrotechnic Display Equipment

Equipment list includes wooden 2", 2.5" & 3" racks and HDPE Mortar Guns constructed in accordance and exceeding State Fireworks Law specifications and approved rack stabilization methods.

An electronic firing system with built in safeguards consistent with California Fireworks Law is used. Equipment listing includes all applicable modules, cables, connectors related to the firing system. E-match, quick match and 22-2 low voltage zip wire to connect fireworks to firing strips or modules.

Fire suppression equipment; multiple 1.5 gallon pressurized water extinguishers. Foil and Visqueen (polyethylene plastic) for display protection until display time in the event of inclement weather conditions.

Detailed Show Description with number and type of shells for show and finale

Display contains a variety of several dozen different types of aerial display shell effects from different manufacturers in all colors. Several of the same effects may be combined to create sweeping panoramas.

Display will be weighted with emphasis on Red, White and Blue color shells as well as pattern shells. The display opens with an opening barrage of titanium salutes and show effects accompanied by single shell display aerial shells.

The main body display consists of single shot shells and chained shells, many fired in tandem to a faux finale, and build again in intensity for the finale that will engage single shot shells, chained shells and salutes.

The display will be choreographed to a soundtrack based on lift time of the shell. It enables selection of color and pattern shells to fit the song and prints labels for each shell used based on position, gun angle, module and cue.

Total run time of the show will be 21 minutes. The finale incorporates a lights-out 400 shells and runs a full two minutes. The main body of the display is action packed, it launches 35 aerial shells/minute into the air, far above competitor standard 20-23 shells per minute.

Description of electronically fired display

Entire duration of the display from the opening shot to the final finale cue will be fired electronically.

Audio Track / Musical Choreography

Entire duration of the fireworks display is choreographed to a pre-approved audio track that will be submitted to Event staff for review and approval. This music track can be broadcast and simulcast on a local radio station if desired. Our staff will coordinate with the Village of Palm Springs media partner and provide a CD of the approved soundtrack.

Shell Substitutions

No shells will be substituted that deviate from the approved Palm Beach County Fire Dept Fireworks permit without approval of Event staff.

Shell Labeling

Shells will be labeled with shell type, caliber, position, module, gun angle and cue number consistent with the choreographed show for easy identification. A sample of the labels affixed to each shell in the display is included here.



Condition of Site

Following the display, any remaining live pyrotechnic product, unfired or located during a dud sweep will be secured following the display. Exposhow's will be responsible for removal of all pyrotechnic equipment, material, debris and return of the substrate to its original condition.

Following site clean up, A Village of Palm Springs supervisor will be contacted to conduct a post display site inspection or a photograph will be taken to ensure site is compliant with Site Conditions terms.

Post Display Reporting & Evaluation

Post display reporting and display evaluation will be conducted with Village of Palm Springs event staff. In addition, Post Display reports are filed with Palm Beach County Fire Dept. in accordance with best practices.



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Administration

ITEM 6.6: Resolution No. 2020-18: Village Council Rules of Order and Procedure

SUMMARY:

The Village of Palm Springs Charter - Section 3.08 - provides a broad outline of meeting procedures for the Village Council and provides that the Village Council will determine its own rules and order of business, and in the absence of adopted rules, the Council shall follow Robert's Rules of Order.

However, during many situations, Robert's Rules of Order may not be the most appropriate tool for managing the Village's public meetings, especially during quasi-judicial proceedings.

Note: During the COVID-19 virus pandemic, it was found that during preparation for virtual meetings, that the Village Council's adopted rules of order and procedures, including quasi-judicial hearing procedures and rules for ex-parte communication, were outdated. These rules of order and procedure were adopted by the Village on August 3, 2003 (Resolution No. 2003-71).

As a result, staff is proposing that the Village Council adopt more updated rules of order and procedures that better matches the current process and expectation for holding efficient and effective Council and/or Board and Committee meetings.

The proposed rules of order and procedures were prepared by the Village Attorney and reviewed by the Village Clerk and the Planning, Zoning & Building Director.

If approved, the proposed resolution and all related attachments would be effective immediately and would be distributed to all board and committee members by the Village Clerk.

FISCAL IMPACT:

There is no direct fiscal impact of the proposed rules.

ATTACHMENTS:

Proposed Resolution No. 2020-18

Exhibit A Council Meeting Rules & Procedure

Quasi-Judicial Rules Procedures

Section 3.08 - Village Charter - Village Council Meeting Rules & Procedure

RESOLUTION NO. 2020-18

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING COUNCIL RULES OF ORDER AND PROCEDURE, INCLUDING QUASI-JUDICIAL RULES OF PROCEDURE AND REPEALING RESOLUTION 2003-71; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances provides at Section 2-45 for the adoption of rules and order of business at Village Council meetings to be by Resolution; and

WHEREAS, on August 3, 2003, the Village Council adopted Resolution No. 2003-71, Rules and Order of Business; and

WHEREAS, upon the adoption of this Resolution, Resolution No. 2003-71 shall be repealed; and

WHEREAS, pursuant to Charter subsection 3.08(c), Robert's Rules of Order shall govern Village meetings unless the Village Council has adopted its own set of rules; and

WHEREAS, the Village Council has considered and hereby wishes to amend the Rules of Order and Procedure to further promote flexibility and clear and concise communication, and allow the greatest public access possible under the law to its elected and appointed officials and to provide for the orderly accomplishment of Village business.

NOW THEREFORE, BE IT RESOLVED by the Village Council of the Village of Palm Springs, Florida, as follows:

Section 1. The "Whereas" clauses are hereby incorporated and adopted as set forth above.

Section 2. The Village Council hereby adopts the Rules and Order of Business attached hereto as "Exhibit A", "Exhibit B" and "Exhibit C" as set forth herein. The Village Council further adopts the Rules of Order and Procedure, including the Quasi-Judicial

Resolution No. 2020-18

Rules, that are attached hereto.

Section 3. The Rules and Order of Business and Rules of Order and Procedure adopted herein shall be effective until modified or repealed by the Village Council. Nothing contained herein shall prohibit the Village Council from temporarily suspending or altering these Rules and Order of Business and Rules of Order and Procedure upon proper motion adopted by the Village Council, and nothing contained herein shall invalidate any lawful action taken by the Village Council which does not comply with these Rules and Order of Business and Rules of Order and Procedure.

Section 4. This Resolution shall take effect immediately upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
PATTI WALLER, VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
DOUG GUNTHER, COUNCIL MEMBER	☐	☐	☐
JONI BRINKMAN, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared the Resolution duly passed and adopted this 11th day of June 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

Resolution No. 2020-18

ATTEST:

KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

GLEN TORCIVIA, VILLAGE ATTORNEY

“EXHIBIT A” TO RESOLUTION NO. 2020-18 JUNE 11, 2020

ORDER OF BUSINESS

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

CONSENT AGENDA

PRESENTATIONS

End of Consent Agenda

PUBLIC COMMENT - (Three-minute limit.)

PUBLIC HEARINGS (SITE PLANS, SPECIAL EXCEPTIONS, SIGN VARIANCES)
AND SECOND READINGS OF ORDINANCES

ACTIONS AND REPORTS

VILLAGE MANAGER COMMENTS

VILLAGE COUNCIL COMMENTS

ADJOURNMENT

“EXHIBIT B” TO RESOLUTION NO. 2020-18 JUNE 11, 2020

COUNCIL MEETING PROCEDURE RULES

FIRST READING OF ORDINANCES, AND ALL RESOLUTIONS (EXCEPT THOSE ON CONSENT AGENDA):

1. Mayor - introduce agenda item (Ordinance or Resolution)
2. Staff - make presentation and recommendations
3. Council - discuss proposed items, address questions to staff
4. Public – comment – Ordinance Only
5. Attorney - read Ordinance or Resolution
6. Council - motion & vote

SECOND READING OF ORDINANCES AND PUBLIC HEARINGS:

1. Mayor - introduce agenda item
2. Clerk - make statement of advertisement
3. Attorney - read Ordinance or item
4. Manager - make any further comments or recommendation
5. Council - address further questions to staff
6. Public – comment
7. Council - motion & roll call vote

**“EXHIBIT C” TO RESOLUTION NO. 2020-18 JUNE 11, 2020
LOCAL PLANNING AGENCY PROCEDURE**

1. Mayor - introduce agenda item.
2. Clerk - make statement of advertisement.

Resolution No. 2020-18

3. Mayor - ascertain if there are any *ex parte* communications to be disclosed.
4. Mayor – calls for all those giving testimony to stand-up face the Clerk, raise their right hands, and give name for the record.
5. Clerk - swear in those giving testimony
6. Manager - Staff comments or recommendation.
7. Local Planning Agency - address further questions to staff.
8. Applicant - Presentation by applicant or others.
9. Public – comment, if any.
10. Local Planning Agency - makes recommendation to Village Council - motion & vote.

SITE PLAN APPROVAL PROCEDURE

1. Mayor - introduces agenda item and calls on Village Clerk regarding public notice.
2. Clerk - make statement of advertisement.
3. Mayor - ascertain if there are any *ex parte* communications to be disclosed.
4. Mayor - calls for all those giving testimony to stand-up, face the Clerk, raise their right hands and give name for the record.
5. Village Clerk - swears-in those giving testimony
6. Planning, Zoning & Building Director - makes a presentation, stating the facts, describing the proposal, and giving a staff recommendation.
7. Applicant - may make presentation, may fill-in any missing facts and may argue its legal position. (Sworn application may replace presentation)
8. Planning, Zoning & Building Director - may then rebut.
9. Public - comment.
10. Rebuttal by Applicant & Staff
11. Village Council - then deliberates, in public, citing the facts being considered.
12. Attorney – Reads Resolution.

Resolution No. 2020-18

13. Council - motion and vote

VILLAGE COUNCIL RULES OF ORDER AND PROCEDURE
Adopted by Resolution No. 2020-18 on June 11, 2020

Rule 1. Public Meetings.

- 1.1 All Village Council meetings shall be open to the public except as otherwise provided by law.

Rule 2. Regular Meetings.

- 2.1 The Village Council shall meet the second Thursday of each month at 6:30 p.m. in Village Hall. This date may be changed from time to time as needed by a majority vote of the Village Council.
- 2.2 The Village Manager or designee shall prepare the agenda, notices, and package materials for the meetings as required by Florida law. Village Council Members and Department Heads may make requests in writing to the Village Manager to place an item on the upcoming Village Council meeting agenda by the deadline date set by the Village Manager. The order of the items on the Village Council agenda will be determined by the Village Manager, subject to change by a majority vote of the Village Council at the beginning of the meeting.

Rule 3. Special Meetings

- 3.1 Special Meetings may be held on the call of the Mayor or of any two members of the Village Council and, whenever practicable, upon no less than twenty-four hours' notice to each member and the public, unless there is an immediate threat to the public health, safety or welfare. The Village Manager or designee shall prepare the agenda, notices, and package materials for the meetings as required by Florida law.
- 3.2 The Mayor, Village Manager, or a majority of the Council Members may call an Emergency Village Council meeting when a sudden, urgent event or situation arises necessitating immediate action and judgment. The Village Clerk or designee shall post the agenda and notify each Village Council Member, the Village Manager, and Village Attorney immediately. Such notification shall be given as soon as practicable before commencement of the meeting, which may be less than 24 hours' notice, and shall state the time, place, and subject of the meeting.

Rule 4. Adjourned Meeting and continued/postponed/tabled item

- 4.1 A Village Council session may be adjourned or continued from day to day or for more than one day, but the adjournment shall not be extended beyond the next regular meeting.
- 4.2 An agenda item may be continued/postponed/tabled from the current meeting or it may be continued/postponed/tabled to a specific meeting date in the future upon a motion and majority vote of the Council. For the purposes of these rules a motion to postpone is primarily used when there has not been discussion on the item. Motions to continue or table an item

are generally used after discussion on the item has begun and it is desired to continue the discussion to a future meeting date.

Rule 5. Duties and Responsibilities of the Presiding Officer

- 5.1 The Mayor shall preside at Village Council meetings and shall be recognized as head of the Village government for ceremonial purposes and by the Governor for martial law purposes. In the case of absence or disability of the Mayor, the Vice-Mayor shall assume the responsibilities of the Mayor as Presiding Officer, and if both are absent or disabled the Mayor Pro Tem shall preside.
- 5.2 The Presiding Officer shall preserve order during Village Council meetings. The Presiding Officer may call to order any member of the Council, staff, or any member of the public who shall violate any of these rules or otherwise disrupt the orderly proceeding of the meeting.

Rule 6. Corporate Seal

- 6.1 The duly appointed Village Clerk shall keep in custody the Village's corporate seal and ensure its proper and lawful use on behalf of the Village. No person shall use the Village Seal for a purpose other than official Village business.

Rule 7. Presentations & Public Comment

- 7.1 Village Council meetings are business meetings of the Council and the right to limit discussion rests with the Council.
- 7.2 Except as otherwise set forth in these Rules, persons who make an approved, pre-scheduled presentation to the Village Council must limit the duration of their presentation to 15 minutes. Exceptions may be granted by the Presiding Officer.
- 7.3 Public Comments made by a member of the public will be limited to one time per subject matter for a total of three (3) minutes. A person representing a group of persons, who are present, may have a total of five (5) minutes to speak per subject matter. Exceptions may be granted by the Presiding Officer. Individuals addressing the Council on the same topic as an individual who has already spoken should attempt to provide new information and not repeat the comments of the previous speakers. Where possible, individual grievances should first be taken up with Village Staff before comments are made at a Village Council meeting.
- 7.4 The Village Council may withhold comment or direct the Village Manager to take action on requests or comments made by the public.
- 7.5 Each person addressing the Council shall step up to the podium and state his/her name and address in an audible tone of voice for the record. All public comments must be addressed to the Council as a body and not to individuals. Personal verbal attacks upon Council Members, staff, and/or members of the public will not be tolerated. Any person making impertinent obscene, personally insulting, defamatory, or slanderous

remarks or who becomes disruptive while addressing the Council shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Council is granted by a majority vote of the Council members present.

Rule 8. Decorum and Order

- 8.1 The presiding officer shall preserve decorum and order during Village Council meetings. Any Council Member may call for a point of order during the meeting and state the question of order along with the rule citation. The Presiding Officer decides all questions of order subject to an appeal of a majority vote of all Council Members present.
- 8.2 During all meetings of the Village Council, Council Members must preserve order and decorum and a Council Member shall neither by conversation or otherwise, delay or interrupt the proceeding or the peace of the Council nor disturb any Council Member while speaking, or refuse to obey the rules of the Council or its Presiding Officer, except as otherwise provided herein. Members of the Council shall accord the utmost courtesy to each other, the Village employees, consultants, professionals presenting applications or other matters, and the public appearing before the Council. Members of the Council shall refrain at all times from rude and derogatory remarks, reflections as to an individual's integrity, abusive comments and statements as to motives and personalities.
- 8.3 No member of the public shall, during a Council meeting, make or cause to be made any disruptive noise, or take any disruptive action of any kind in the Council Chambers.
- 8.4 The presiding officer shall have the authority to direct the removal of any member of the public who violates the rules of decorum as set forth herein.
- 8.5 Village Staff members and those individuals who address the Council or its appointed boards or committees shall use proper language when addressing the Council or its appointed boards or committees. Language which includes profanity or cursing, or which is presented in an aggressive or threatening manner toward the Village Council, members of its staff or its consultants, the public or other individuals participating in a public meeting is prohibited as it is disruptive to the decorum of the meeting. All comments shall be directed to the Presiding Officer of the meeting and not to individual members of the Village Council, Village staff or consultants, or to members of the public in the audience. Those addressing the Council or its appointed boards or committees shall avoid personal verbal attacks toward members of the Village Council, members of its appointed boards or committees, Village staff or consultants, or members of the public in order to preserve decorum during the conduct of public meetings. The Presiding Officer may remove individual(s) from the Village Council Chambers if such

conduct persists after the Presiding Officer has provided the offending individual with a warning that the individual is in violation of this policy.

8.6 It is the intent of Council to maintain order and enforce the Rules of Decorum for Citizen Participation for its meetings. Disregard of these rules will be met with the following consequences:

1. The Presiding Officer will identify out loud the out-of-compliance behavior and request for the behavior to stop;
2. The Presiding Officer will ask the speaker to have a seat if he/she continues to disrupt the meeting;
3. If the speaker refuses to have a seat, the Presiding Officer will recess the meeting; and,
4. Will instruct a law enforcement officer to instruct the speaker to stop the disruptive conduct and escort the speaker out of the meeting venue.

Rule 9. Rules of Debate

- 9.1 Sequence of Debate: With the exception of quasi-judicial matters, items before the Village Council shall be commenced by presentation of the item by a staff member, followed by public comment on the item. Once the Presiding Officer closes public comment, he or she opens the floor for debate by Council Members, and shall not re-open public comment on the item unless there is a majority vote by all Council Members present to do so. Once all Council Members have had the opportunity to speak on the item, the Presiding Officer may call for a motion and a second on the item and then open debate on the motion by the Council. Once debate by Council Members has concluded on the motion, the Presiding Officer shall call for a vote on the motion. A roll call vote may be requested by any Council Member on any item.
- 9.2 Presiding Officer May Move, or Second, & Debate: The Presiding Officer may make a motion or second on any item subject only to such limitations of debate as are imposed by these rules on all Council Members and shall not be deprived of any of the rights and privileges of the Council Member by reason of the Council Member acting as the Presiding Officer. However, the Presiding Officer may only make a motion once he/she has called for a motion and no other Council Member has offered a motion on the floor.
- 9.3 Responsibility of Presiding Officer: The Presiding Officer has the responsibility of controlling and expediting debate. A Council Member who has been recognized to speak on a question has a right to the undivided attention of the Council. The Presiding Officer responsibility is to keep the subject clearly before the Council Members, to rule out irrelevant discussion, and to restate the question whenever necessary.

- 9.4 All Members Shall Vote: No member of the Council who is present at any meeting of the Council at which an official decision, ruling or other official action is to be taken or adopted may abstain from voting in regard to such decision, ruling or act and a vote shall be recorded or counted for each such member present, except when, with respect to any such Council Member, there is a conflict of interest under the provisions of Chapter 112, Florida Statutes. In such cases, such Council Member shall comply with the disclosure requirements of Section 112.313, Florida Statutes.
- 9.5 Interruptions: A Council Member, once recognized, shall not be interrupted when speaking except to call the Council Member to order or as herein otherwise provided. If a Council Member while speaking is called to order, said Council Member shall cease speaking until the question of order is determined, and if in order, the Council Member shall be permitted to proceed.
- 9.6 Withdrawal of Motions: Any motion before the Council may be withdrawn at any time prior to a vote being taken thereon by the Council Member making such motion, upon agreement by the Council Member seconding said motion to withdraw the second.
- 9.7 Amending of Motions: At any time during discussion of a motion on the floor, a motion to amend said motion may be made. If the amending motion is seconded, the Council shall at the conclusion of discussion, first vote on the amending motion and then vote upon the original motion in its amended form. An amending motion may be withdrawn in the same manner as set forth in sub-paragraph 9.6 above.
- 9.8 Motion to Reconsider: A motion to reconsider any action taken by the Council may be made only during the meeting that such action was taken. Such motion must be made by one of the Council Members on the prevailing side, but may be seconded by any Council Member. The motion to reconsider may be made at any time and have precedence over all other motions. Nothing herein contained shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

Rule 10. Appointments to the Council and Boards & Committees

- 10.1 Vacancies on the Village Council or any Board or Committee of the Village of Palm Springs shall be announced on the Village Council agenda, and on the Village website. All interested persons shall submit a letter of interest and resume to the Village Clerk by the deadline stated in the announcement. The Village Clerk shall determine whether or not the interested person is a qualified elector, where being a qualified elector is required by a charter, ordinance or resolution provision, of the Village and submit that information to the Village Council. No nominations from the floor are allowed unless otherwise set forth herein.
- 10.2 To fill a vacancy on the Village Council, the Village Council shall vote by ballot. The Village Clerk shall prepare the ballots, listing the qualified

candidates that submitted a letter of interest and resume by the stated deadline. If no letters of interest or resumes are received by the stated deadline, or only one letter of interest and resume is received by the stated deadline, the Council may choose to fill the vacancy by a motion and second, nominating any qualified elector to fill the vacancy. The Village Council may, by majority vote of the Council, change the voting process at any time.

- 10.3 To fill a vacancy on any Board or Committee of the Village other than the Village Council, the Village Council shall vote on the appointment by motion and second.

Rule 11. Quasi-Judicial Rules

- 11.1 Rules governing quasi-judicial hearings before the Village Council and any Village board are attached hereto and incorporated into these rules.

Rule 12. Suspension and Amendment of these Rules

- 12.1 Suspension of Rules: Any provision of these rules not governed by the Village Charter or Village Code may be temporarily suspended by a vote of a majority of the Village Council Members.
- 12.2 Amendment of Rules: These rules may be amended, or new rules adopted, by a majority vote of the full membership of the Village Council, provided that the proposed amendments or new rules shall have been introduced into the record.

QUASI-JUDICIAL HEARING PROCEDURES
AND RULES FOR EX-PARTE COMMUNICATIONS

I. Scope and Applicability. These procedures shall apply to all quasi-judicial hearings held by the Village Council or by any Board or Committee (hereinafter referred to as "Boards") which holds quasi-judicial hearings.

II. Proceedings. Mayor, Vice Mayor or other presiding officer (hereafter, the "Presiding Officer") shall conduct the proceedings and maintain order. The Village Attorney shall represent the Village Council or Board, rule on all evidentiary and procedural issues and objections, and advise the Village Council or Board as to the applicable law and necessary factual findings. Hearings shall be conducted informally, but with decorum. Formal rules of procedure shall not apply except as set forth herein; however, fundamental due process shall be accorded.

III. Unauthorized Communications. In all quasi-judicial hearings, all rulings must be based only upon the evidence presented at the hearing. In accordance with Section 286.0115(1), Florida Statutes, ex parte communications with Village Council Members or Board members in quasi-judicial matters is permissible and the adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with Village Council Members or Board members:

1. The substance of any ex parte communication with a Village Council Member or Board member which relates to a quasi-judicial action pending before the Council or Board is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.

2. Village Council Members or Board members may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

3. Disclosure made pursuant to subparagraphs 1 and 2 must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.

IV. Witnesses and Supporting Materials. At least three (3) weeks before a quasi-judicial hearing.

1. Staff shall prepare a report, recommendation and supporting materials, a copy of which shall be available to the applicant and to the public at the Village Clerk's Office. Included in the supporting materials will be copies of all exhibits and documents upon which staff's recommendation is based.

2. The Applicant shall submit a detailed outline of the argument in support of their application, copies of all exhibits which will be presented at hearing and the names and addresses of all witnesses who will be called to testify in support of the application (including resumes for any witness the party intends to qualify as an expert).

3. The 3-week deadline is necessary to ensure the Council or Board members are given sufficient opportunity to review the written submissions prior to the hearing, and shall be strictly observed. Should the deadline for submittal of materials be missed by either staff or the Applicant, the item may be continued at the discretion of the Village Council or Board to the next available agenda.

V. Party Intervenors.

A person may be allowed to intervene as a Party Intervenor if they meet the following requirements:

1. The person must have an interest in the application, which is different than the public at large, such as they reside or own property within 300 feet of the property that is the subject to this hearing.

2. At least three (3) business days prior to the hearing, the person shall submit a written request to intervene including: a detailed outline of their interest in the application and argument in favor or against it, copies of all exhibits which will be presented at the hearing and the names and addresses of all witnesses who will be called to testify on their behalf (including resumes for any witness the person intends to qualify as an expert).

VI. Conduct of Hearing.

1. The Presiding Officer shall call the proceeding to order and announce that the hearing has begun.

2. The Village Clerk or staff liaison shall swear in all witnesses who are to testify at

the hearing.

3. The order of proof shall be as follows:

a. A representative of the Village's staff shall briefly describe the Applicant's request, introduce and review all relevant exhibits and evidence, report staff's recommendation, and present any testimony in support of staff's recommendation. Staff shall have a maximum of 15 minutes to make their full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Council or a Board member.

b. The Applicant, (or his/her representative or counsel) shall present evidence and testimony in support of the application. Applicant shall have a maximum of 15 minutes to make its full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Council or a Board member.

c. Any Party Intervenor (or his/her representative or counsel) shall present evidence and testimony in support of or opposed to the application. A Party Intervenor shall have a maximum of 15 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Council or a Board Member.

d. Any other persons present who wish to submit relevant information to the Village Council or Board shall speak next for a maximum of three minutes each (excluding any cross-examination or questions from the Council or a Board member).

e. The Applicant will be permitted to make final comments, if any (maximum of five minutes).

f. The Party Intervenor will be permitted to make final comments, if any (maximum of five minutes).

g. The Village's staff will make final comments, if any (maximum of five minutes)

h. At the discretion of the Presiding Officer, the Applicant may be permitted to respond to the final Party Intervenor and staff comments and recommendations (maximum of three minutes).

i. The Presiding Officer may extend the time frames set forth in this subsection

(3) upon the request of the applicant, Village staff or a party intervenor and good cause is shown.

4. The Village Council or Board will conduct open deliberation of the application. The Presiding Officer shall have the discretion to reopen the proceeding for additional testimony or argument by the parties when an outcome substantially different than either the granting or denial of the application is being considered. After deliberations, a vote shall be taken to approve, approve with conditions or deny the application.

VII. Cross-Examination of Witnesses. After each witness testifies, the Village staff representative, the Applicant's representative and/or the Party Intervenor's representative shall be permitted to question the witness, but such cross-examination shall be limited to matters about which the witness testified and shall be limited to five minutes per side. Members of the public will not be permitted to cross-examine witnesses. Cross-examination shall be permitted only as would be permitted in a Florida court of law.

VIII. Continuances/Postponements. The Village Council or Board shall consider requests for continuances made by Village staff, the Applicant, or a Party Intervenor and may grant continuances in its sole discretion. If, in the opinion of the Village Council or Board, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, then the Village Council or Board may continue the matter to a time certain to allow for such research or review.

IX. Failure of Applicant to Appear. If the Applicant or Party Intervenor or their representative fails to appear at the time fixed for the hearing, and such absence is not excused by the Council or Board, the Council or Board may proceed to hear the evidence and render a decision thereon *in absentia*.

Section 3.08. - Meeting procedure.

- (a) *Meetings.* The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or two councilmembers, and in either instance, upon no less than 24 hours' notice to each member and the public, unless there is an immediate threat to the public safety. All meetings shall be public.
- (b) *Quorum.* A majority of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of the council.
- (c) *Rules.* The council shall determine its own rules and order of business. In the event it does not adopt rules, it shall be governed by Robert's Rules of Order, revised edition, in conducting its meetings. The proceedings of each council meeting, including the voting on ordinances and resolutions, shall be recorded.

(Ord. No. 2015-39, § 5, 12-10-2015)

State Law reference— Notice of meetings and hearings must advise that a record is required, F.S. § 286.0105; voting requirement at meeting in public, F.S. § 286.012; public meeting open to public at large, F.S. § 286.011.



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Planning, Zoning & Building

ITEM 9.1: Resolution No. 2020-17 - Preliminary Plat - Beatrice Place - 4405 Dale Road
(Quasi-Judicial Hearing)

SUMMARY:

Mrs. Beatrice Rodriguez, agent for the owner of the property, Yordan Sardinias, has filed a preliminary plat to subdivide a single multi-family lot, located at 4405 Dale Road, into three (3) separate lots. The RS district requires single-family lots to have a minimum lot dimension of 65 feet width by 100 feet depth. The applicant is proposing three (3) buildable single-family residential lots with dimensions between ± 69 to ± 80 feet width, by ± 122 to ± 130 feet depth.

Note: The proposed new Lot 'B' is currently developed with a 2,208 square feet single-family residence.

The Village's Surveyor, Engenuity Group, has reviewed the proposed plat and has determined that it complies with Chapter 177, F.S.- Platting Regulations.

The Planning & Zoning Board considered the proposed plat during their May 12, 2020, meeting and recommended approval.

If approved, a final plat will be presented to the Village Council for consideration. The recording of the final plat is required prior to the sale of any lot and/or prior to issuance of a certificate of occupancy for a new residence.

FISCAL IMPACT:

There is no direct fiscal impact from the proposed preliminary plat.

ATTACHMENTS:

Proposed Resolution No. 2020-17 - Preliminary Plat - Beatrice Place - 4405 Dale Road

Proposed Preliminary Plat - Beatrice Place - 4405 Dale Road

Letter of Compliance with Florida Statutes - Beatrice Place - 4405 Dale Road - Engenuity Group

Special Purpose Survey

Preliminary Plat Narrative - Beatrice Place - 4405 Dale Road

Advertisement - Proposed Resolution No. 2020-17 - Beatrice Place - 4405 Dale Road

Aerial Map and Location Map

RESOLUTION NO. 2020-17

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING/DENYING THE PRELIMINARY PLAT, TO SUBDIVIDE A MULTI-FAMILY LOT INTO THREE (3) SEPARATE LOTS, SUBMITTED BY BEATRIZ RODRIGUEZ, AGENT FOR THE OWNER, YORDAN SARDINAS, ("APPLICANT"), FOR THE PROPERTY LOCATED AT 4405 DALE ROAD AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 12, 2020, Beatriz Rodriguez, agent for the owner, Yordan Sardinas, ("Applicant"), requested approval to subdivide a multi-family lot into three (3) separate lots, located at 4405 Dale Road; and

WHEREAS, the recommendation of the Planning and Zoning Board to approve the application has been forwarded to the Village Council for final consideration; and

WHEREAS, the Village Council has heard this matter in public session; has considered the presentation and other evidence presented by the Applicant; has received and considered the recommendations of the Village Staff and Planning and Zoning Board; and has otherwise been fully informed regarding this matter.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, as follows:

Section 1. The Village Council of the Village of Palm Springs, Florida, having received and considered the request of the Applicant to subdivide a multi-family lot, into three (3) buildable single-family residential lots, located at 4405 Dale Road; and the same having been heard in Regular Session on June 11, 2020, and having been otherwise fully apprised of the premises herein, hereby approves the Preliminary Plat, which is incorporated herein by reference.

Section 2. This Resolution shall take effect immediately upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

Resolution No. 2020-17 - Preliminary Plat – 4405 Dale Road

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEVERLY SMITH, MAYOR	☐	☐	☐
PATTI WALLER, VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
DOUG GUNTHER, COUNCIL MEMBER	☐	☐	☐
JONI BRINKMAN, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared this Resolution duly passed and adopted this _____ day of June 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____

BEVERLY "BEV" SMITH, MAYOR

ATTEST:

BY: _____

KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: _____

GLEN J. TORCIVIA, VILLAGE ATTORNEY

BEATRICE PLACE

BEING A PORTION OF THE SOUTHEAST
ONE QUARTER OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST,
VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA.
SHEET 1 OF 2

DEDICATION AND RESERVATIONS:

KNOW ALL MEN BY THESE PRESENTS THAT YORDAN SARDINAS, OWNER OF THE LANDS SHOWN HEREON AS BEATRICE PLACE, BEING A PORTION OF THE SOUTHEAST ONE QUARTER OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE "NOT INCLUDED" PORTION OF BLOCK 'B', MILITARY HILL, AS RECORDED IN PLAT BOOK 23, PAGE 21, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 14, BLOCK 'B', OF SAID MILITARY HILL; THENCE RUNNING ON AN ASSUMED BEARING OF DUE NORTH (ALL OTHER BEARINGS BEING RELATIVE THERETO), A DISTANCE OF 127.51 FEET; THENCE RUNNING N89°58'00"W A DISTANCE OF 150.00 FEET; THENCE RUNNING DUE SOUTH A DISTANCE OF 127.12 FEET TO THE SOUTH LINE OF AFOREMENTIONED BLOCK 'B'; THENCE, RUNNING N89°54'30"E ALONG SAID SOUTH LINE A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING. (A/K/A LOTS 11, 12, AND 13, BLOCK B, MILITARY HILL, UNRECORDED).
AND
THE SOUTH 127.50 FEET OF THE NORTH 522.27 FEET OF THE EAST 75 FEET OF THE WEST 582.96 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. (A/K/A THE EAST 1/2 OF LOT 45 AND ALL OF LOT 46, BLOCK 'B', MILITARY HILL UNRECORDED)

ALSO BEING HEREON DESCRIBED AS:
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE PROCEED S01°59'20"W ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 669.27 FEET; THENCE PROCEED S87°54'10"E A DISTANCE OF 432.96 FEET; THENCE PROCEED N02°00'20" E A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DALE ROAD AND THE POINT OF BEGINNING; THENCE PROCEED S87°54'10"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF LOT 14, BLOCK B OF SAID MILITARY HILL; THENCE N02°00'20"E ALONG THE WEST LINES OF LOTS 14 AND 43 OF SAID MILITARY HILL FOR A DISTANCE OF 253.53 FEET; THENCE N88°01'40"W ALONG THE SOUTH RIGHT OF WAY OF VICLIFF ROAD FOR A DISTANCE OF 75.00 FEET; THENCE S02°00'20"W A DISTANCE OF 126.00 FEET; THENCE PROCEED N88°01'40"W A DISTANCE OF 75.00 FEET; THENCE S02°00'20"W A DISTANCE OF 127.21 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 28555.35 SQUARE FEET OR 0.66 ACRES.

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AS FOLLOWS:

LOT A, LOT B AND LOT C, AS SHOWN HEREON ARE HEREBY RESERVED BY YORDAN SARDINAS, HIS SUCCESSORS AND ASSIGNS, FOR PURPOSES CONSISTENT WITH THE ZONING REGULATIONS OF PALM SPRINGS, FLORIDA, AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF YORDAN SARDINAS, HIS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE VILLAGE OF PALM SPRINGS, FLORIDA.

THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED IN PERPETUITY FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITY FACILITIES, INCLUDING CABLE TELEVISION SYSTEMS. THE INSTALLATION OF CABLE TELEVISION SYSTEMS SHALL NOT INTERFERE WITH THE CONSTRUCTION AND MAINTENANCE OF OTHER UTILITIES. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

IN WITNESS WHEREOF, I, YORDAN SARDINAS DO HEREUNTO SET MY HAND AND SEAL THIS ____ DAY OF _____, 2020.

WITNESS: _____ BY: _____
YORDAN SARDINAS

PRINT NAME: _____

WITNESS: _____

PRINT NAME: _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF () PHYSICAL PRESENCE OR () ONLINE NOTARIZATION, THIS ____ DAY OF _____, 2020, BY YORDAN SARDINAS WHO IS () PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED _____ (TYPE OF IDENTIFICATION) AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____ SIGNATURE _____

(PRINTED NAME) - NOTARY PUBLIC

(SEAL)

TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

WE, KUPFER SKOLNICK P.A., ISSUER OF THE POLICY, AS DULY AUTHORIZED TO DO BUSINESS IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED IN YORDAN SARDINAS.; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE ENCUMBRANCES OF RECORD, BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATED THIS ____ DAY OF _____, 2020. BY: _____
SIGNATURE

PRINTED NAME AND TITLE

APPROVAL- VILLAGE OF PALM SPRINGS

STATE OF FLORIDA
COUNTY OF PALM BEACH

THIS PLAT IS HEREBY APPROVED FOR RECORD BY THE VILLAGE OF PALM SPRINGS, FLORIDA, THIS ____ DAY OF _____, 2020.

BY: _____ ATTEST BY: _____
BEV SMITH, MAYOR KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWING SURVEYORS SEAL

VILLAGE OF PALM SPRINGS SEAL

SURVEYOR'S SEAL

REVIEWING SURVEYOR

THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY IN ACCORDANCE WITH CHAPTER 177.081 OF THE FLORIDA STATUTES AND THE ORDINANCES OF THE VILLAGE OF PALM SPRINGS, FLORIDA. THIS REVIEW DOES NOT INCLUDE VERIFICATION OF GEOMETRIC DATA OR FIELD VERIFICATION OF THE PERMANENT CONTROL POINTS (P.C.P.'S) AND MONUMENTS AT LOT CORNERS.

DATED THIS ____ DAY OF _____, 2020.

JOHN J. RICE, PSM
ENGENUITY GROUP, INC.
FLORIDA CERTIFICATE NO. LS4506

SURVEYOR AND MAPPER CERTIFICATE

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) AND MONUMENTS ACCORDING TO SECTION 177.091 (9), FLORIDA STATUTES, HAVE BEEN PLACED AS REQUIRED BY LAW; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE VILLAGE OF PALM SPRINGS, FLORIDA.

DATED THIS ____ DAY OF _____, 2020.

DOUG WALKER, PSM
FLORIDA CERTIFICATE NO. LS 7211

SURVEYOR'S NOTES:

* NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.*

* RESTRICTION ON OBSTRUCTION OF EASEMENTS:
NO BUILDINGS OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT THE PRIOR WRITTEN APPROVAL OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE VILLAGE APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENT.

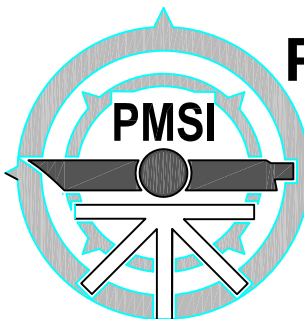
* IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.

* TABULAR AREA:
TOTAL = 28555.35 SQUARE FEET OR 0.66 ACRES
* THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 13, T44S, R42E BEARS S01°59'20"W, AND ALL BEARINGS SHOWN ARE RELATIVE THERETO AS A BASIS OF BEARINGS FOR THIS PLAT.

* DISTANCES ARE IN U.S. SURVEY FOOT 1' x 3.2808333= 1 METER

* PREPARING SURVEYOR & MAPPER STATEMENT:
THIS INSTRUMENT WAS PREPARED BY DOUG WALKER
P.S.M. # 7211, STATE OF FLORIDA
IN AND FOR THE OFFICES OF PRINCIPAL MERIDIAN SURVEYING, AT 4546 CAMBRIDGE STREET, WEST PALM BEACH, FLORIDA, 33415.
CERTIFICATE OF AUTHORIZATION LB #8261

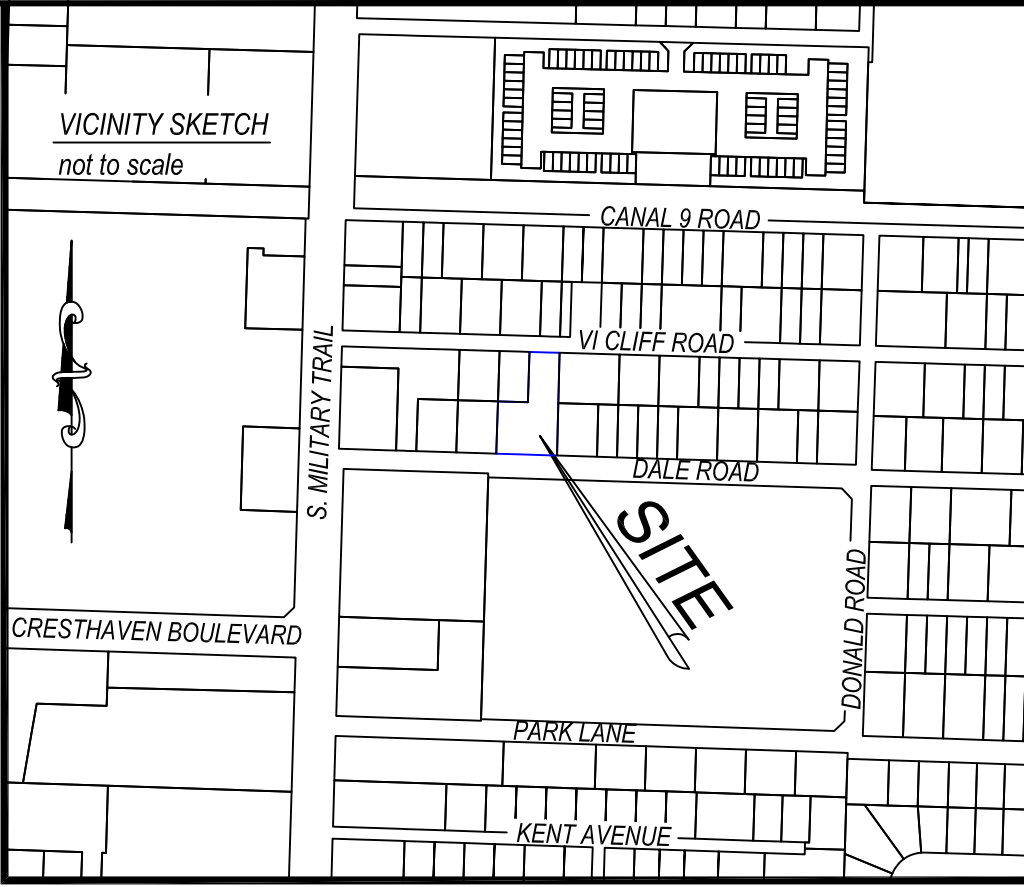
* ABBREVIATIONS:
PSM = FLORIDA LICENSED SURVEYOR & MAPPER
LB = LICENSED BUSINESS
PB = PLAT BOOK
ORB = OFFICIAL RECORD BOOK
PG = PAGE
SQ. FT. = SQUARE FEET
PRM = PERMANENT REFERENCE MONUMENT
LS= LICENSED SURVEYOR
ID= IDENTIFICATION



**PRINCIPAL MERIDIAN
SURVEYING, Inc.**

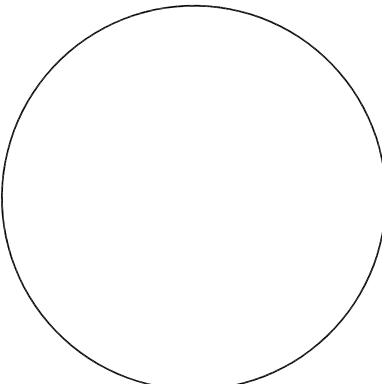
LICENSED BUSINESS No. 8261
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
OFFICE 561-478-7764

JOB # 19110867



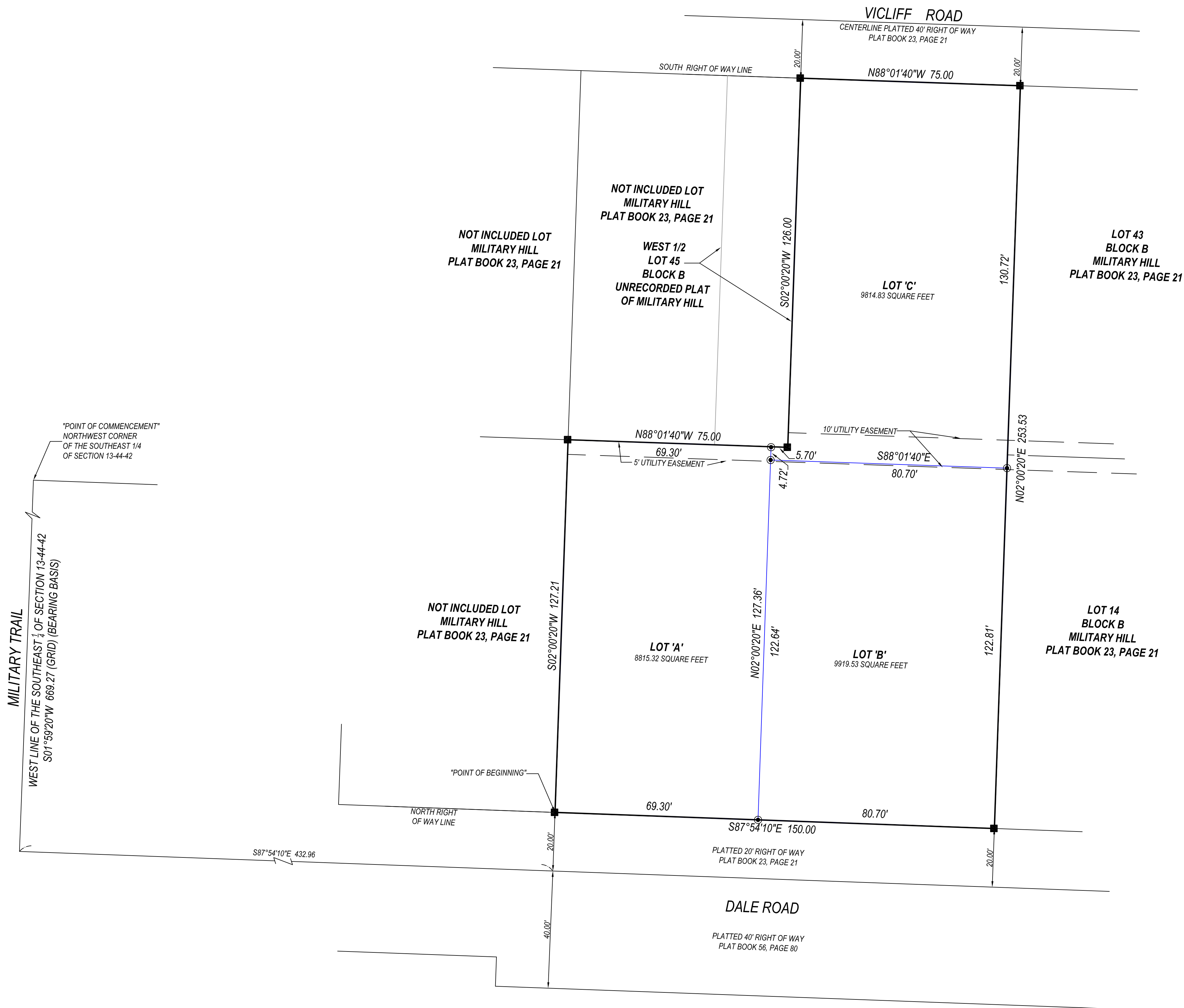
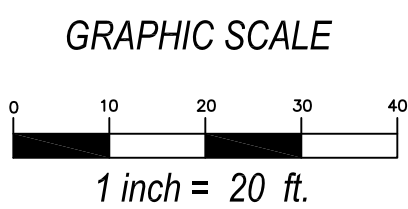
STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT HAS BEEN FILED FOR
RECORD AT _____ THIS ____
DAY OF _____, 2020
AND DULY RECORDED IN PLAT
BOOK _____ ON PAGE _____.
SHARON R. BOCK
CLERK & COMPTROLLER
PALM BEACH COUNTY

BY: _____



BEATRICE PLACE

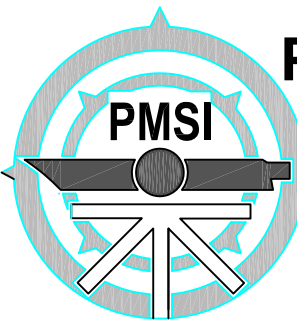
BEING A PORTION OF THE SOUTHEAST
ONE QUARTER OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST,
VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA.
SHEET 2 OF 2



* ABBREVIATIONS:
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PG = PAGE
SQ. FT. = SQUARE FEET
PRM = PERMANENT REFERENCE MONUMENT
LS = LICENSED SURVEYOR
ID = IDENTIFICATION

LEGEND

- SET 4"x 4" CONCRETE MONUMENT AND BRASS DISK "LB 6788"
- SET 1/2" IRON ROD AND CAP "LB 6788"



**PRINCIPAL MERIDIAN
SURVEYING, Inc.**
LICENSED BUSINESS No. 8261
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
OFFICE 561-478-7764
JOB # 19110867



ENGINEERS SURVEYORS GIS MAPPERS

C. ANDRE RAYMAN, P.S.M.

KEITH B. JACKSON, P.E.

LISA A. TROPEPE, P.E.

ADAM SWANEY, P.E., LEED AP

JENNIFER MALIN, P.S.M.

April 17, 2020

Ms. Iramis Cabrera, Planner
Land Development Department
Village of Palm Springs
226 Cypress Lane
Palm Springs, FL 33461
(Via E-Mail icabrera@vpsfl.org)

**RE: 4405 Dale Rd
Fifth Plat Review
Engenuity Group Project No. 6001.04.25**

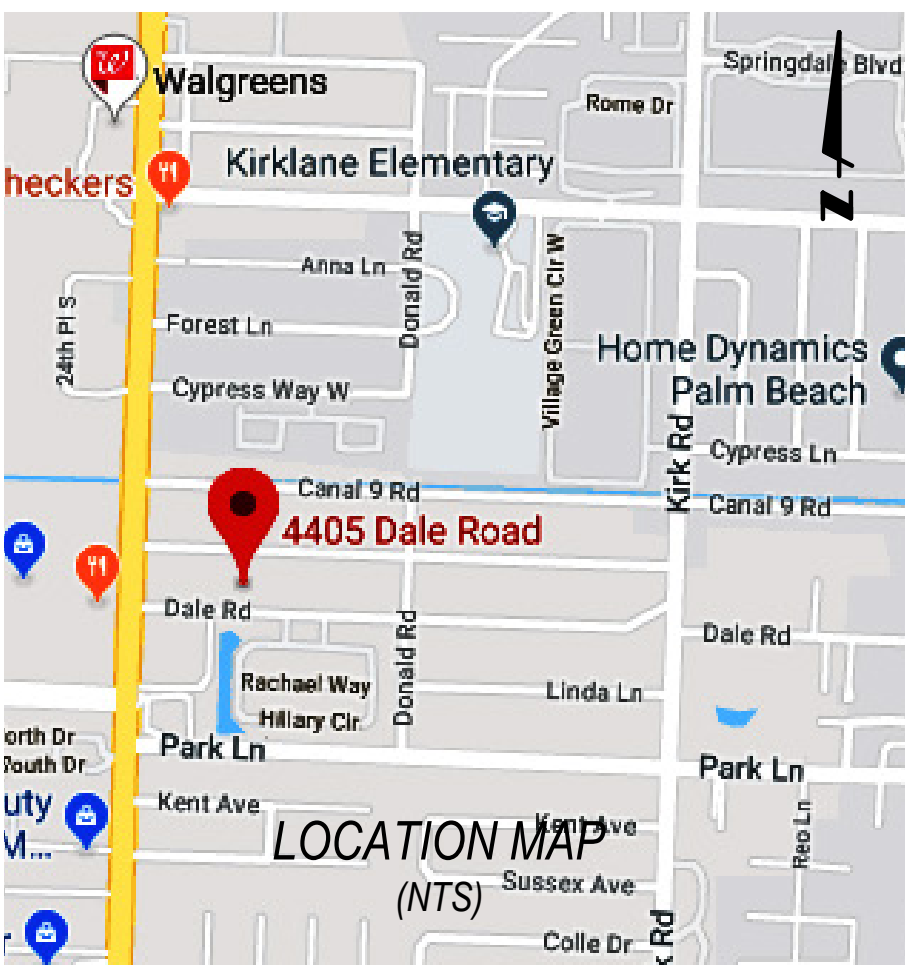
Dear Ms. Cabrera,

This is the fifth review of this Plat. This review is done for compliance with Chapter 177, Florida Statutes and the Village of Palm Spring's requirements. We offer the following comments:

All of our previous comments have been adequately addressed. The Plat is now in compliance. We can now recommend that the Village of Palm Springs approve the Plat.

Sincerely,

John J. Rice, P.S.M.
Project Manager



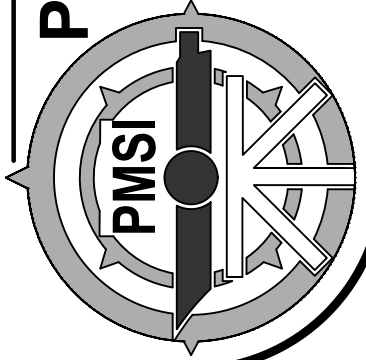
SURVEYORS' NOTES:

1. THIS EXHIBIT REPRESENTS A BOUNDARY SURVEY PREPARED BY THIS OFFICE. SAID SURVEY HAS BEEN PROVIDED AS PART OF THE REQUIRED SUBMISSIONS FOR PLATTING OF WHICH THIS IS NOT A PART OF.

2. THIS EXHIBIT IS PER REQUEST OF THE ZONING OFFICIAL AND IS NOT MEANT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT A REQUIREMENT OF THE PLATTING PROCESS AND CANNOT BE USED FOR ANY PURPOSE OTHER THAN GRAPHIC REPRESENTATION OF WHAT HAS ALREADY BEEN PROVIDED AS PART OF THE SUBMISSION AS PER CODE.



PRINCIPAL MERIDIAN
SURVEYING, Inc.
LICENSED BUSINESS No. 8261
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
OFFICE 561-478-7764



SECTION 4 - DESCRIPTION OF PROJECT (attach additional pages if necessary)
Including compliance with zoning standards and supplemental regulations

BEATRICE'S PLACE PROPOSES TO SUBDIVIDE AND PLAT THE EXISTING
PROPERTY LOCATED AT 4405 DALE ROAD PALM SPRINGS FL 33406

INTO 3 SEPARATE LOTS (FOR SINGLE FAMILY DWELLING USE) AS FOLLOWS:

(LOT A, LOT B, AND LOT C)

LOT 'A' DIMENSIONS: 127.21' X 69.3' (VACANT)

LOT 'B' DIMENSIONS: 122.38' X 80.70'
(CONTAINING - SFD: 48.00' X 24.00')

LOT 'C' DIMENSIONS: 126.00' X 75.00' (VACANT)

PLEASE SEE ATTACHED PROPOSED PLAT
FOR MORE SPECIFICATIONS IF NEEDED

The Lake Worth Herald Press

1313 Central Terrace
Lake Worth, FL 33460

Invoice

Date
4/29/2020

Invoice #
L36704

Village of Palm Springs
Attn: Village Clerk
226 Cypress Lane
Palm Springs, FL 33461-1699

P.O. No.

Description	Qty	Rate	Amount
Legal Publication No. 36704 Notice of Hearing - Resolution 2020-17 Preliminary Plat Run date: 4-3-2020		75.75	75.75

Total \$75.75

Questions or concerns please feel free to contact us by phone
(561) 585- 9387 or via LWHPRESS@hotmail.com
If you would like to use your credit or debit card please fill out
the form listed below

By signing this form you give us permission to debit your account for the amount indicated on or after the indicated
date. This is permission for a single transaction only, and does not provide authorization for any additional unrelated
debits or credits to your account unless other wise noted.

I _____ authorize
(The Lake Worth Herald Press Inc)

To charge account indicated below for In the amount of \$_____ on or after the date of _____

Credit Card Type

Rep

MC_____ Visa_____ Amex_____ Discover_____

Judy

Number: _____

Expiration Month _____ Expiration Year _____

Billing Zip _____

For repeat authorization please check box

Phone #

(561) 585-9387

***PLEASE NOTE OUR
NEW MAILING**

THE LAKE WORTH HERALD

Published Once a Week

Lake Worth, Palm Beach County, Florida

STATE OF FLORIDA

COUNTY OF PALM BEACH:

BEFORE the undersigned authority personally appeared MARK J EASTON, who on oath says that he is PRESIDENT of *The Lake Worth Herald*, a weekly newspaper published at Lake Worth in Palm Beach County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

Village of Palm Springs Notice of Public Hearing to be held at 6:30 p.m. Tuesday, May 12 and Thursday, June 11, 2020, in the Village Council Chambers at Village Hall, 226 Cypress Lane, Palm Springs, Florida, to consider Resolution 2020-17 - Preliminary Plat, 4405 Dale Road.

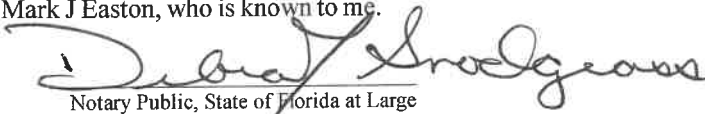
was published in said newspaper in the issue of

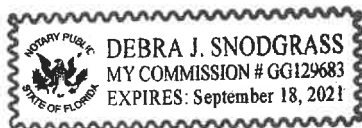
April 30, 2020

Affiant further says that the said *The Lake Worth Herald* is a newspaper published at Lake Worth, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, each week and has been entered as second class mail matter at the post office in Lake Worth, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


MARK J EASTON

SWORN TO AND SUBSCRIBED before me this 30th day of April, 2020, by Mark J Easton, who is known to me.


Notary Public, State of Florida at Large



Legal Notice No. 36704

PUBLIC HEARING NOTICE

Notice is hereby given that public hearings will be held on:

Tuesday, May 12, 2020 at 6:30 p.m. by the Planning & Zoning Board
Thursday June 11, 2020 at 6:30 p.m. by the Village Council
in the Village Hall Council Chambers at 226 Cypress Lane, Palm Springs, FL 33461 to consider:

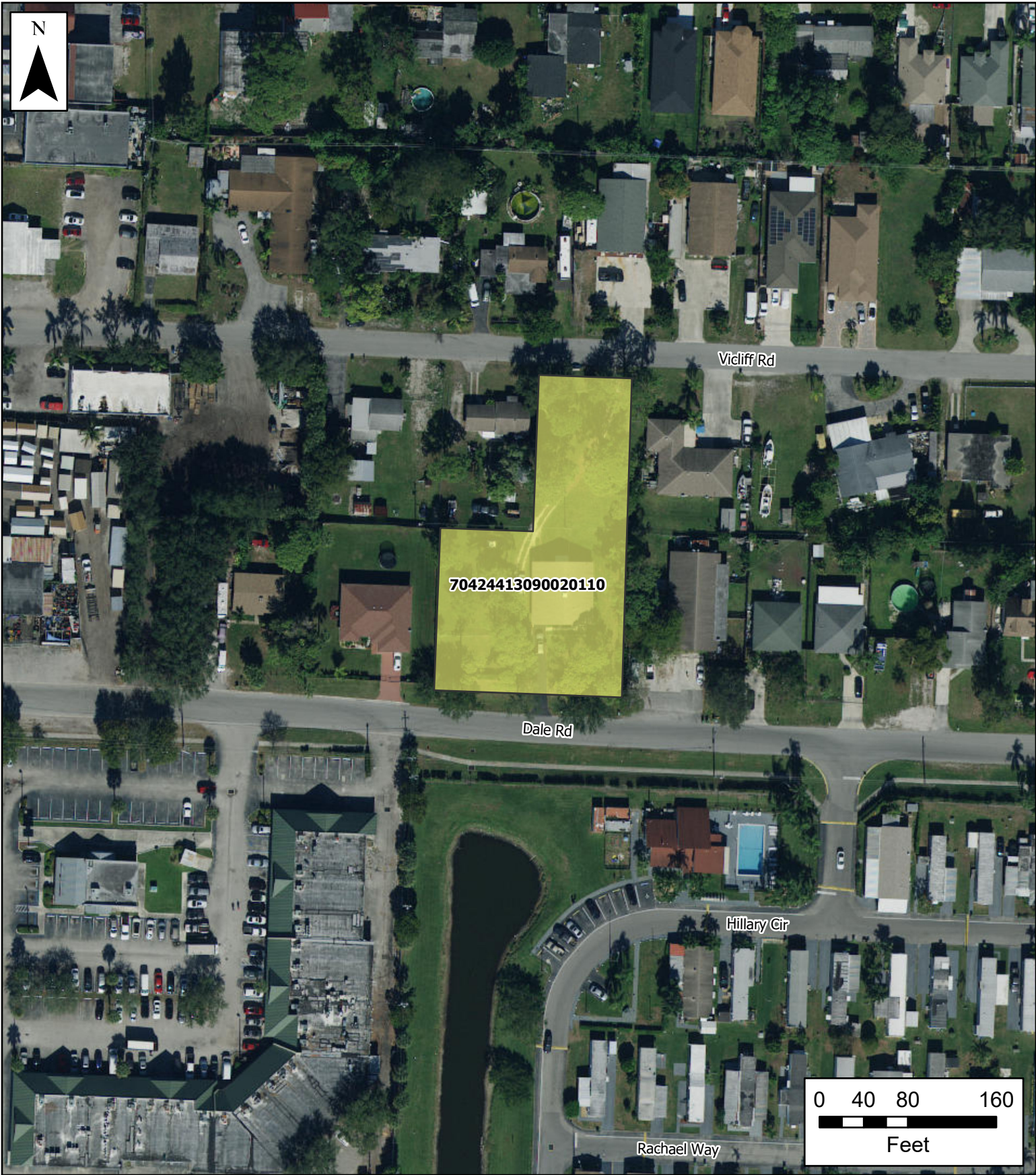
Resolution 2020-17 - Preliminary Plat

An application submitted by Beatriz Rodriguez, agent for the owner, Yordan Sardinias ("Applicant") for a preliminary plat to subdivide a multi-family lot, located at 4405 Dale Road, into three (3) separate lots. The proposed plat would divide the property into three (3) buildable single-family residential lots. Each lot will exceed the minimum lot dimensions requirement of 65 feet width by 100 feet depth.

All persons interested in these matters may appear at the times and place aforesaid and be heard. Prior to the meeting the application may be reviewed at the Village Clerk's Office.

If a person decides to appeal any decision made by the above Boards with respect to any matter considered at such hearings, he or she will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who need an accommodation in order to attend or participate in this meeting should contact the Village Clerk at (561) 965-4010 at least three (3) business days prior to the meeting in order to request such assistance.

VILLAGE OF PALM SPRINGS, FLORIDA
Kimberly M. Wynn, Village Clerk
Publish: *The Lake Worth Herald*
April 30, 2020



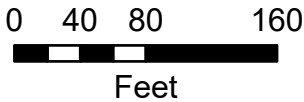
70424413090020110

Vicliff Rd

Dale Rd

Hillary Cir

Rachael Way



Village of Palm Springs

4405 Dale Road

 4405 Dale Road

The Data is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The Village of Palm Springs make no warranties, express or implied, as to the use of the licensed Data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction and update

Data Source: Project boundary provided by Palm Beach County, World Imagery Basemap provided by ESRI Online Services.



Village of Palm Springs

4405 Dale Road

-  4405 Dale Road
-  Parcels

The Data is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The Village of Palm Springs make no warranties, express or implied, as to the use of the licensed Data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction and update

Data Source: Parcels provided by Palm Beach County



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Planning, Zoning & Building

ITEM 9.2: Ordinance No. 2020-08 - Village Code Amendment - Chapter 34 - Land Development Procedures (First Reading)

SUMMARY:

The Planning, Zoning & Building department is requesting an amendment to the Village Code - Chapter 34 - Article VI "Land Use" at Division 2 "Administration" to provide clarification on quasi-judicial procedures (which has been identified as a result of preparing for virtual public hearings during the current COVID-19 pandemic).

The proposed amendment includes:

1. Clarification of Village Council authority
2. Eliminating application and record-keeping requirements from the Code (which is an administrative function)
3. Eliminating duplication and internal conflicts related to Special Exceptions

The Planning & Zoning Board considered the proposed ordinance during their May 12, 2020, meeting and recommended approval.

The proposed ordinance was prepared by the Village Attorney and reviewed by the Planning, Zoning & Building Director.

If approved on 1st reading, the proposed ordinance will be considered for 2nd and final reading by the Village Council on July 9, 2020.

FISCAL IMPACT:

The proposed ordinance does not have a direct fiscal impact to the Village.

ATTACHMENTS:

Proposed Ordinance No. 2020-08 - Village Code Amendment - Chapter 34 - Land Development Procedures

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI "LAND USE", DIVISION 2 "ADMINISTRATION" TO AMEND AND MODIFY THE REGULATIONS REGARDING HOW LAND DEVELOPMENT PROCEDURES ARE APPLIED AND THE LEGISLATIVE AND ADMINISTRATIVE AUTHORITY; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Village Council desires to amend its existing regulations to modify and update regulations regarding the land development procedures and processes of the Village; and

WHEREAS, the Village Council has reviewed the recommended ordinance and has determined that it is in the best interests and general welfare of the Village to adopt this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of fact of the Village Council and serve as a basis for adoption of this Ordinance.

Section 2. Chapter 34 "Land Development", Article VI "Land Use" and Division 2 "Administration" is hereby amended as follows:

DIVISION 2. - ADMINISTRATION

Sec. 34-601. - Authority of Village Council.

- (a) No action shall be taken on any application until a public hearing has been held, with due public notice.
- (b) The Village Council shall either approve or disapprove the application as submitted; approve the application as amended or conditioned; or defer action as council determines.
- (c) Representations made at the public hearing by the applicant, including graphic materials or oral commitments, that relate to additions or deletions from the site plan application or additional conditions of approval, shall be made part of the record and considered an amendment to the application that is before the Village Council for action, and subject to enforcement under the provisions of this Code.

- ~~(a) The village council, by itself or through the village manager, shall adopt procedures for enforcing and administering this article and employ persons necessary for the administration and enforcement of this article.~~
- ~~(b) The village council shall be guided by the rules of procedure as adopted by the village council and shall have final effect.~~

Sec. 34-602. - Land development Planning and Zoning Board.

- (a) *Members; terms; compensation.* A land development Planning and Zoning Board for the village is hereby established, consisting of five members and two alternates, collectively referred to as "members" in this section. The alternate members shall attend all meetings, but shall not vote unless a regular member is absent, with the senior alternate member having priority to vote over the junior alternate member if both are present. Members shall be appointed by a majority vote of the Village Council from the citizens at-large of the village and shall serve without compensation. The Village Council shall designate senior and junior alternates. ~~The original appointments shall be one member appointed for a one-year term; two members shall be appointed for two-year terms; two members shall be appointed for three-year terms; and two alternate members shall be appointed for three-year terms. Thereafter, all succeeding~~ All members shall be appointed for terms of three years, including alternates. The land development Planning and Zoning Board shall elect a Chairman and Vice-Chairman. The Village Clerk shall act as the recording secretary for the board.
- (b) *Vacancies.* Any vacancy occurring on the land development Planning and Zoning Board shall be filled by the Village Council as expeditiously as possible.
- (c) *Meetings .* Meetings of the land development Planning and Zoning Board shall be held at the call of the Chairman or at other times as the land development Planning and Zoning Board or land development Planning, Zoning and Building dDirector may determine. The land development Planning and Zoning Board shall fix by rule the manner in which the Chairman shall issue any call for a meeting and the amount of notice required for any call. The land development Planning and Zoning Board shall also fix by rule the manner, including the amount of notice, in which meetings other than those at the call of the Chairman may be held.
- (d) *Power and duties .* The land development Planning and Zoning Board shall have the authority and duty to consider and make recommendations upon applications submitted for district boundary changes, special exceptions, land development district changes (amendments) and others set forth in this section after first considering the recommendations thereon of the Village Manager or his representative, and after a determination of the fact that the application would not generate excessive noise or traffic; tend to create a fire, disease or other equally or greater dangerous hazard; provoke excessive crowding or over concentration of people; be in harmony and compatible with the present and future developments of the area concerned; provide for the appropriate use of land and water; provide light and air in amounts adequate to promote the health of the community; promote such a distribution of population and such a classification of land uses, development and utilization as will tend to facilitate and provide adequate provisions for public requirements and improvements; would

not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas; and would not be adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare. The ~~land development~~ Planning and Zoning Board's duties shall also include the following:

- (1) Hear applications for district boundary changes.
- (2) Hear applications for changes in the regulations.
- (3) Hear applications for special exceptions permitted by this article.
- ~~(4) Revoke, modify or change any resolution, ordinance or approval adopted granting a special exception if, upon application filed at any time by the village manager and after public hearing, the land development board finds that there has been a violation of any imposed conditions, restrictions or limitations in any resolution, ordinance or approval. However, the public hearing shall not be held until published notice, as provided in this section, has been given.~~
- (54) Acquire, maintain and update basic data, statistics, charts, maps and any other information necessary to accurately depict and record existing conditions for the purpose of analyzing, interpreting and projecting trends and future potentialities with respect to population, economic base, property values, building construction, tourist and traffic impact, transportation, housing, public facilities, utilities, recreation and land use of the Village and related area.
- (65) ~~Establish~~ Recommend principles and policies for guiding action in the development of the area.
- (76) Conduct public hearings, as required, to gather information necessary for the drafting, establishment and maintenance of the comprehensive plan and any additional public hearings that are specified and required by other ordinances.
- (87) Make or cause to be made, any special studies related to the adequacy of public related facilities in the area.
- (98) Review, pass upon and recommend to the Village Council all preliminary plats for the subdivision of land within the Village and recommend subdivision regulations and subsequent amendments thereto to the Village Council.
- (109) Review and make recommendations to the Village Council on all acquisitions of property for public purposes, all sales or dispositions of public property and all allocations or changes of use of public property.
- (110) Conduct all public hearings necessary for the proper performance of its duties as may be assigned to the ~~land development~~ Planning and Zoning Board by the Village Council or the terms of this article.
- (121) Hear applications for variances from the Village's land development code.
- (132) Hear appeals from decisions of the ~~land development director~~ Planning, Zoning and Building Director that relate to the Village's land development code.

(143) Hear applications for minor site plans. For the purposes of this subsection, the term "minor site plan" means one in which the requested approval or revision involves:

- a. Residential projects of three to five dwelling units
- b. Nonresidential projects, including change of use requests, not exceeding 3,000 square feet in floor area, or
- c. Site plan amendments affecting less than 10,000 square feet of floor area.

~~(e) — Advisory board duties.~~

~~(1) — District boundary changes (rezoning).~~

~~a. — Every application for rezoning involving changes in district boundaries shall be made upon forms for district boundary changes (rezoning) provided by the village clerk and shall include the following:~~

~~1. — A statement of the petitioner's interest in the property to be rezoned, including a copy of the last recorded warranty deed. The following shall also be included, if applicable:~~

~~(a) — If the interest is a joint and several ownership, a written consent to the rezoning petition by all parties of record.~~

~~(b) — If the interest is a contract purchase, a copy of the purchase contract and written consent of the seller/owner.~~

~~(c) — If an authorized agent is involved, a copy of the agency agreement or written consent of the principal/owner.~~

~~(d) — If a lessee is involved, a copy of the lease agreement and written consent of the owner.~~

~~(e) — If a corporation or other business entity is involved, the name of the officer or person responsible for the application and written proof that the representative has the delegated authority to represent the corporation or other business entity, or in lieu thereof, written proof that he is in fact an officer of the corporation.~~

~~2. — A certified boundary survey by a surveyor registered in the state, at a scale prescribed by the village, containing the following:~~

~~(a) — An accurate legal description of the property to be rezoned.~~

~~(b) — A computation of the total acreage of the tract to the nearest one-tenth of an acre.~~

~~3. — The location of the subject parcel, plotted on an official base map, land development map or other acceptable map of the village.~~

~~4. — A property owner's location drawing, showing all properties within 300 feet of the subject property and their relation to the subject parcel.~~

~~5.— A statement of special reasons or the basis for the rezoning request, including the intended use of the property.~~

~~6.— A confirmation of the provisions of all necessary facilities and systems, and attested to by the applicant or authorized agent, for storm drainage, water supply, sewage treatment, solid waste disposal, public safety protection, recreational and park areas, school sites and any other services, where applicable.~~

~~7.— Payment of a filing fee as established by the village.~~

~~b.— The cost of all required public notices in newspapers and certified mailings to property owners within 300 feet of the subject property shall be borne by the applicant.~~

~~(2)— Land development regulation changes (amendments).~~

~~a.— Every application for changes in land development regulations involving amendments to this article shall be made upon forms for land development regulation changes provided by the village and shall be brought in the name of the village manager.~~

~~b.— The procedure provided in this section shall be exclusive in the incorporated area of the village. Every application shall contain the reasons for requesting a change or amendment to this article and shall cite specific sections, subsections, paragraphs or similar references to the regulations that are requested for change or amendment.~~

~~c.— After compliance with such requirements, the application shall be promptly transmitted to the land development board, where it shall be assigned an official file number which shall identify the application and the year of acceptance. The application shall become a part of the official records of the land development board and shall not be returnable.~~

~~(3)— Special exceptions.~~

~~a.— Every application for special exception shall conform to requirements established in section 34-684 and section 34-608 and be subject to the site plan review requirements established within this article.~~

~~b.— If an applicant fails to effect a special exception within 18 months of the date of the final action of the village council, the special exception shall become null and void, and the uses permitted shall be limited to the permitted uses of the land development district in which the proposed use is located unless the property owner has applied for and received a time extension from the village council. No such time extension shall exceed one additional year.~~

~~c.— An approved special exception use, including those on annexed properties originally approved by the county, that has ceased, been terminated, or is unutilized for a 12-month period after it is first effected per subparagraph b. above, shall expire and become null and void, and use of the property shall be limited to the permitted uses of the land development district.~~

~~(4) — *Public hearing required for advisory board duties.*~~

- ~~a. — No action shall be taken on any application for district boundary change (rezoning), special exception or land development regulation change (amendment) to be heard and reviewed by the land development board until a public hearing has been held, with due public notice.~~
- ~~b. — Within 45 days after the village manager certifies an application for inclusion on the land development board official agenda, a public hearing shall be held by the land development board.~~
- ~~c. — The hearing may be continued from time to time or postponed; however, the public hearing shall be concluded within 90 days after the date of the first public hearing. Failure of the land development board to act within the time prescribed shall result in the application being submitted without recommendation to the village council at its next regularly scheduled meeting, provided, there has been compliance with any other public hearing notice requirements. The action of the land development board shall be advisory in nature only and shall be subject to final approval of the village council. The land development board may submit an application to the village council without recommendation.~~

~~(5) — *Withdrawal of application.* Any application for district or boundary change (rezoning), special exception land development regulation change (amendment) as required by this article may be withdrawn by the applicant without a public hearing, provided, the written request is received by the village manager prior to the second notice of public hearing. Requests for withdrawal received after such date shall not be considered with the petition being considered at the public hearing. The applicant may, however, after the recommendation of the village manager or his representative is made, request a withdrawal of the petition. The land development board may elect not to honor the request and continue the public hearing. If the application is withdrawn, a minimum of one year from the withdrawal will be required before the same application will be considered and heard again. All requirements and fees will be imposed as if the application were new.~~

~~(6) — *Final approval or disapproval by village council.*~~

- ~~a. — No action shall be taken on any application until a public hearing has been held, with due public notice.~~
- ~~b. — Within 45 calendar days, excluding holidays, of the date of the rendering of the land development board advisory recommendation, the village council shall consider, at a duly noticed public hearing, the application.~~
- ~~c. — The village council shall either approve or disapprove the application as submitted; approve the application as amended or conditioned; or defer action on any matter before it in order to:~~

- ~~1. — Inspect the site in question;~~

- ~~2. Refer the matter to the village manager or his representative for further consideration and recommendation;~~
- ~~3. Refer the matter to the land development board for the purpose of conducting further hearings with the taking of additional testimony; or~~
- ~~4. Defer for any other justifiable reason.~~

~~d. Representations made at the public hearing by the applicant, including graphic materials or oral commitments, that relate to additions or deletions from the site plan application or additional conditions of approval, shall be made part of the record and considered an amendment to the application that is before the village council for action, and subject to enforcement under the provisions of this Code.~~

~~e. When the final action has been taken by the village council, its records, together with a certified copy of its minutes and the resolution pertaining to the action, shall be available to the public for inspection.~~

~~(7) Referral of requests for amendment . Prior to holding a public hearing and acting on any request or proposal for an amendment to this article, including a request for amendment of the land development map, the village manager shall, where applicable, refer copies of the proposal and supporting materials to the county, adjoining and/or nearby cities, the county countywide planning council, South Florida Water Management District, Lake Worth Drainage District, state game and freshwater fish commission, state department of environmental regulations, state department of natural resources, state department of transportation and such other agencies as determined appropriate by the village manager or which request copies for review.~~

Sec. 34-603. – Quasi-judicial hearings.

~~(f) Quasi-judicial duties.~~

~~(1a) Minor site plans . Applications for minor site plan considerations shall conform to the requirements of division 5, site plan.~~

~~a(1)- The land development Planning and Zoning Board may approve, approve with conditions, or deny an application for minor site plan consideration.~~

~~b.(2) Appeal. If an application for a minor site plan is denied or is approved with conditions unacceptable to the applicant by the land development Planning and Zoning Board, the applicant must file a letter requesting an appeal, within 15 days of the decision, to appeal to the Village Council for review of the decision. The appeal shall be made by letter to the Village Clerk and a copy filed with the land development director Planning, Zoning and Building Director. In such event, the land development Planning and Zoning Board's denial shall act as a recommendation and the application will be automatically placed on an upcoming Village Council meeting. The Village Council shall hold a public hearing to consider the application and may reject, approve or amend the decision of the land development Planning and Zoning Board. Appeal from a final decision by~~

the Village Council shall be to the circuit court by filing a petition for writ of certiorari within 30 days of the decision.

(2b) *Variances.*

~~a.~~(1) The ~~land development~~ Planning and Zoning Board shall authorize, ~~upon appeal,~~ such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship, including any alterations to nonconforming or grandfathered uses or structures. In order to authorize any variance in the terms of this chapter, the land development board must and shall find that:

~~1a.~~ Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same land development district.

~~2b.~~ The special conditions and circumstances do not result from the actions of the applicant.

~~3c.~~ Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same land development district.

~~4d.~~ Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same land development district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

~~5e.~~ The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

~~6f.~~ The grant of the variance will be in harmony with the general intent and purpose of this chapter.

~~7g.~~ Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

~~b.~~(2) In granting any variance, the ~~land development~~ Planning and Zoning Board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. The ~~land development~~ Planning and Zoning Board may also prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both. Under no circumstances, except as permitted in this section, shall the ~~land development~~ Planning and Zoning Board grant a variance to permit a use not generally permitted in the land development district involved. No nonconforming or grandfathered use of neighboring lands, structures or buildings in the land development district shall be considered grounds for the authorization of a variance. Financial hardship is not to be considered alone as sufficient evidence of a hardship in the grant of a variance. A variance granted under the provisions of this chapter shall

automatically lapse if building construction, in accordance with the plans for which such variance was granted, has not been initiated within one year from the date of granting of such variance by the ~~land development~~ Planning and Zoning Board, or, if judicial proceedings to review the land development board's decision are instituted, from the date of entry of the final order in such proceedings, including all appeals.

(3c) *Appeals from decisions of ~~land development director~~ Planning, Zoning and Building Director.*

a.(1) *Initiation of appeal* . An appeal by an aggrieved party taken from any interpretation, requirement, decision or determination made by the ~~land development director~~ Planning Zoning and Building Director or her/his designee who is charged with making the final determinations in the enforcement of any land development regulations adopted pursuant to this chapter, shall be filed in writing, with the ~~secretary for the land development board ("board")~~ Village Clerk within 30 days after the rendition of the written decision, interpretation, or determination of the ~~land development director~~ Planning Zoning and Building Director. The secretary for the board shall immediately provide written notice of the appeal to the ~~land development director~~ Planning Zoning and Building Director of the decision being appealed. The failure of an aggrieved party to file an appeal within the 30-day period shall render the appeal untimely and the appeal shall be summarily dismissed by the board and may not be heard by the board.

b. ~~*Preparation of the record on appeal* . After receipt of the written notice of the appeal from the board secretary, the land development director or her/his authorized designee, shall transmit to the secretary for the board all documents, plans and papers constituting the record of the action from which the appeal was taken. The board's secretary shall ensure that complete agenda (appeal) packages are prepared for each board member which contain all documents relevant to the decision appealed and that these agenda packages are distributed to the board members within at least five calendar days before the board meeting on the appeal, if possible.~~

c.(2) *Application for appeal* .

1a. All appeals of administrative decisions shall be made by completing and submitting a technically complete appeal form, using forms prescribed by the Village together with the payment of the appeal filing fee. The appeal filing fee is an administrative costs that has been established by resolution of the Village Council and which may be amended from time to time. The aggrieved party may provide additional information and documentation in addition to the information requested on the Village form. The appeal shall specify at a minimum the following:

(a)1. A detailed description of the decision, interpretation, requirement or determination which is being appealed.

~~(b)~~2. A copy of the written decision, interpretation, requirement or determination which is being appealed which also reflects the date when such action was taken by the ~~land development director~~ Planning Zoning and Building Director.

~~(c)~~3. The form of relief that the aggrieved party ("appellant") is requesting.

~~(d)~~4. A statement as to whether any code enforcement proceedings have been initiated by the Village that involve the subject matter of the appeal and if the subject of the appeal has been heard and ruled upon by the Village's special magistrate.

~~(e)~~5. The sections of the Village land development code that are at issue.

~~(f)~~6. The appeal application form must be executed, sworn to under oath, and notarized by the owners of at least 75 percent of the property affected by the decision appealed. If the appeal is submitted by an agent of the property owner or an agent of a tenant or a contract purchaser, or other person aggrieved by the decision, the appeal must be accompanied by a written power of attorney appointing the agent to act on behalf of the aggrieved party or appellant in the proceedings. The power of attorney shall be subject to review as to form and legal sufficiency by the Village Attorney, and may be rejected if the document is not deemed legally sufficient in the sole discretion of the Village Attorney.

~~(g)~~7. Attach all documents and other tangible evidence to support your position in the appeal.

2b. If an aggrieved party or appellant fails to submit a technically sufficient appeal using the application form provided by the Village, the appeal will not be scheduled for hearing until a technically complete appeal has been submitted. The submission of an appeal that is not technically sufficient, does not toll the running of the 30 days appeal period, and unless a sufficient appeal is received within the 30-day period, the appeal will be forever time barred.

3c. All properties described in one application must be contiguous and immediately adjacent to one another, and the administrative official may require more than one application if the property concerned contains more than ten acres or if the fee paid for one application would not equal the cost of processing the application.

4d. Only applications which the land development board is authorized to consider and act upon shall be accepted for filing, and no application shall be considered or construed to be filed until the required fee has been paid.

(4d) *Notice for quasi-judicial hearings and hearing prerequisite for quasi-judicial duties.* Every application to the Village Council or other Village land development board shall include a list of all properties and their owners within 300 feet of the subject property with addressed, stamped envelopes for each property owner on said list. The address provided for each property owner shall be the same address provided for in the most current Palm Beach County property tax rolls. The stamped envelopes shall include sufficient postage to cover regular mailing costs for a one-page notice to be sent by Village staff to each property owner. Said courtesy notice shall generally describe the application to be considered and the date and time of the ~~land development board~~ meeting considering said application. Costs of the courtesy notice and copying thereof shall be borne by the applicant and be in addition to the application fee. Failure of a property owner to receive said courtesy notice shall not invalidate the decision of the ~~land development council or board~~. Due public notice for all applications to the ~~land development council or board~~ shall be considered provided when Village staff mails out the courtesy notice in the addressed, stamped envelopes provided by the applicant and the applicant posts the subject property.

~~(5) Withdrawal, denial, continuance or postponement of application.~~

- ~~a. Upon the denial of an application, in whole or in part, a period of one year must run prior to the filing of a subsequent application affecting the same property, or any portion thereof.~~
- ~~b. Upon the withdrawal of an application, in whole or in part, a period of six months must run prior to the filing of a subsequent application affecting the same property, or any portion thereof, unless, however, the decision of the land development board is without prejudice or permits the withdrawal without prejudice. Further, either period of limitation shall be increased to a two-year waiting period if such an application, in whole or in part, has been twice or more denied or withdrawn.~~
- ~~c. An application may be withdrawn without prejudice by the applicant as a matter of right, provided, the request for withdrawal is in writing and executed in a manner and on a form prescribed by the village, and filed with the village within the two-week period subsequent to the deadline for filing an application; otherwise, all such requests for withdrawal shall be with prejudice. No application may be withdrawn after final action has been taken. When an application is withdrawn without prejudice, the time limitations for reapplication provided in this section shall not apply.~~
- ~~d. An application may be continued or postponed at the request of the applicant or the land development board by majority vote, but the public hearing shall be concluded within 60 days after the date of the first public hearing.~~

(ie) *Quasi-judicial hearing procedures.*

- (1) All quasi-judicial hearings of the land development council or board meetings of the ~~zoning board of adjustment~~ shall be open to the public, as provided by law.

- (2) The ~~administrative official or his land development director~~ Planning Zoning and Building Director or designee shall attend all meetings quasi-judicial hearings and be permitted to propose questions, give evidence and make recommendations.
- (3) The Village Clerk or his/her designated Deputy Clerk may administer oaths, and the Chairman or acting Chairman may compel the attendance of witnesses in the same manner as prescribed in the circuit court.
- ~~(4) No action shall be taken on any appeal application unless a quorum of three members is present, and action shall be taken only upon a majority vote of all members present and voting. No member shall be permitted to abstain from voting unless he has a conflict of interest pursuant to the provisions of F.S. ch. 112.~~
- ~~(5) Minutes will be kept of all quasi-judicial hearings public meetings and proceedings, and shall include and state the vote of each member on each question, and the motion shall state the reason upon which it is made, such reason being based upon the prescribed guides and standards of good land development and planning principles. If a member is absent or abstains from voting, the minutes shall so indicate.~~
- ~~(6) The land development board shall keep accurate records of its quasi-judicial public hearings, which shall be filed, together with its minutes and resolutions, with the village, and the records shall be open for public inspection at reasonable times and hours.~~
- ~~(7) The administrative official land development director shall furnish from the village such staff as may be necessary to assist and advise the land development board in the fulfillment of its duties, and is authorized to retain a qualified reporter or clerk to record and transcribe the hearings public proceedings of the land development board.~~
- ~~(8) All quasi-judicial decisions of the land development board shall be by motion. The decision of the land development board shall be final as to administrative action.~~
- ~~(9) The land development board or any of its members may inspect the premises, site or area under consideration.~~
- ~~(j) *Staying of work on the premises.* When an appeal from the decision of the land development director administrative official or any administrative official has been taken and filed with the land development board all proceedings and work on the premises concerning which the decision was made shall be stayed.~~
- ~~(k) *Review of decisions; precedence; costs of actions.*~~
 - ~~(1) No person aggrieved by any quasi-judicial decision of the land development board may apply to the court for relief unless he has first exhausted the remedies provided for in this section and taken all available steps provided by this chapter. The decision of the land development board may be reviewed by the filing of a petition for writ of certiorari in the circuit court for the Fifteenth Judicial Circuit in and for the county, in accordance with the procedure and within the time provided~~

~~by court rule for the review of the rulings of any commission or board, and such time shall commence to run from the date of the decision sought to be reviewed.~~

- ~~(2) No change of venue from the area in which the premises affected is located shall be had in any cause arising under the provisions of this section.~~
- ~~(3) Costs shall not be allowed against the Land Development Board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.~~
- ~~(4) In any court action appealing the quasi-judicial decision of the land development board, the village attorney shall provide legal defense for the land development board. If the village council shall challenge a quasi-judicial decision of the land development board, the land development board shall be entitled to appoint independent special counsel, paid for by the village council, to defend the action, which action may be brought by the village attorney.~~

Sec. 34-6034. - Local planning agency.

Pursuant to the provisions of F.S. § 163.3174, the Village Council is hereby designated as the local planning agency for the Village.

Sec. 34-6045. - Construction board of adjustment and appeals.

- (1) *Appointment.* There is hereby established a board to be called the construction board of adjustment and appeals, which shall consist of ~~seven~~ five members and two alternates. The Village Council shall appoint the board.
- (2) *Membership and terms.*
 - (a) *Membership.* The construction board of adjustment and appeals shall consist of ~~seven~~ five members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, if possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category or building inspectors, plans examiners, or building officials licensed by F.S. ch. 468. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.
 - (b) *Terms.* The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve ~~one~~ three-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12-month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.
 - (c) *Quorum and voting.* A simple majority of the board shall constitute a quorum. In varying any provision of this Code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision

of the building official, not less than four affirmative votes, ~~but not less than a majority of the board~~, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

- (d) *Secretary of board.* The ~~building official~~ Village Clerk or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.
- (3) *Powers.* The construction board of adjustments and appeals shall have the power, ~~as further defined in 112.4~~, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes. ~~The board shall constitute the local contractor regulatory board of the Village of Palm Springs pursuant to F.S. ch. 489 for hearings on willful building violations of state licensed contractors.~~
- (4) *Appeals/variances.*
 - (a) *Decision of the building official.* The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:
 - 1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
 - 2. The provisions of this Code do not apply to this specific case.
 - 3. That an equally good or more desirable form of installation can be employed in any specific case.
 - 4. The true intent and meaning of this Code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.
 - (b) *Variances.* The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:
 - 1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
 - 2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
 - 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service system.

4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
 5. That the grant of the variance will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety and general welfare.
- (c) *Conditions of the variance.* In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.
- (d) *Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. The failure of an aggrieved party to file an appeal within the 30-day period shall render the appeal untimely and the appeal shall be summarily dismissed by the board and may not be heard by the board.
- (e) *Unsafe or dangerous buildings or service systems.* In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.
- (5) *Procedures of the board.*
- (a) *Rules and regulations.* The board ~~shall~~ may establish rules and regulations for its own procedure not inconsistent with the provisions of this Code. ~~The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.~~
- (b) *Application for appeal.*
1. All appeals of administrative decisions shall be made by completing and submitting a technically complete appeal form using forms prescribed by the Village together with the payment of the appeal filing fee. The filing fee is an administrative cost that has been established by resolution of the Village Council and which may be amended from time to time. The aggrieved party or appellant may provide additional information and documentation in addition to the information requested on the Village form. The appeal shall specify at a minimum the following:
 - a. A detailed description of the decision, interpretation, requirement or determination which is being appealed.
 - b. A copy of the written decision, interpretation, requirement or determination which is being appealed which also reflects the date when such action was taken by the building official.
 - c. The form of relief that the aggrieved party ("appellant") is requesting.
 - d. A statement as to whether any code enforcement proceedings have been initiated by the Village that involve the subject matter of the appeal and

- if the subject of the appeal has been heard and ruled upon by the Village's special magistrate.
- e. The sections of the Village code and/or the Florida Building Code that are at issue.
 - f. The appeal application form must be executed, sworn to under oath and notarized by the owners of at least 75 percent of the property described in the application. If the appeal is submitted by an agent of the property owner or an agent of a tenant or contract purchaser, or other person aggrieved by the decision, the appeal must be accompanied by a written power of attorney appointing the agent to act on behalf of the appellant in the proceedings. The power of attorney shall be subject to review as to form and legal sufficiency by the Village Attorney, and may be rejected if the document is not deemed legally sufficient in the sole discretion of the Village Attorney.
 - g. Attach all documents and other tangible evidence to support your position in the appeal.
- 2. If an aggrieved party/appellant fails to submit a technically sufficient appeal using the application form provided by the village, the appeal will not be scheduled for hearing until a technically complete appeal has been submitted. The submission of an appeal that is not technically sufficient, does not toll the running of the 30-day appeal period, and unless a sufficient appeal is received with the 30-day period, the appeal will be forever time barred.
 - 3. All properties described in one application must be contiguous and immediately adjacent to one another, and the administrative official may require more than one application if the property concerned contains more than ten acres or if the fee paid for one application would not equal the cost of processing the application.
 - 4. Only applications which the board is authorized to consider and act upon shall be accepted for filing, and no application shall be considered or construed to be filed until the required fee has been paid.
- ~~(c) *Decisions.* The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal order, or disallowance of the building official or varies the application of any provision of this Code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.~~

Sec. 34-6056. - Administrative approvals.

(a) *Authority.*

- (1) The planning zoning and building director is hereby granted the power and authority to grant administrative and ministerial approval and to vary the provisions of this chapter only as provided in this section. Generally, such procedure is to provide for an efficient and effective review and approval process for certain minor aspects of development in the village. Pursuant to the following, the planning zoning and building director may review and approve, approve with conditions or deny:
 - a. *Yard setbacks.* Any yard setback variance request which does not exceed 110 percent of the requirement set forth in this chapter (for example, where a yard setback is 15 feet and the variance request does not exceed 1.5 feet of relief or a reduction to a 13.5-foot setback).
 - b. *Fences, walls and hedges.* Any variance request for a fence, wall or hedge height or location, or other buffer screening matter.
 - c. *Other administrative approvals, minor chapter variances and site plan amendments.* Any other de minimus approval or minor chapter variance (not including setback variances or fences, walls and hedges as set forth in subsections (a)(1) and (a)(2) of this section) or any minor site plan revision or amendment for items including, but not limited to, those affecting drainage, easements, bulkheads, docks, flood elevation, curbing and curb cuts, medians, solid waste collection, principal or accessory structures or lots, signage, landscape, lighting, parking, driveways or utilities, and including a change of use from one permitted use to another permitted use. For the purposes of this subsection, the term "de minimus approval", "minor chapter variance" or "site plan revision" means one in which the requested approval or change:
 1. Consists only of a single-family or duplex residence;
 2. Does not increase or enlarge the density, intensity of use, footprint or any dimension of the overall plan by more than five percent;
 3. Does not increase or enlarge the footprint of commercial or multifamily (five or more dwelling units) buildings by more than 1,000 square feet of building or more than 1,000 square feet of additional impervious area;
 4. Does not increase or enlarge the footprint of multifamily (four or fewer dwelling units) buildings by more than 360 square feet of building or more than 360 square feet of additional impervious area; and
 5. Does not violate the scope and intent of a site plan previously approved by the Village Council.
- (2) When authority to do so is conferred as a condition of zoning approval, plat approval or site plan approval by the Village Council, the land development

director may approve, approve with conditions or deny any final development plan.

- (b) *Intent.* By adoption of the ordinance from which this section is derived, the Village Council intends that the ~~land development director~~ Planning Zoning and Building Director shall use the provisions of section 34-602(f)(2)~~603~~ as a guide. Because the nature of the variances permitted in this section are minor, the strict adherence to the hardship requirements for a variance of this chapter granted by the land development board shall not pertain, and the land development director shall be free to use reasonableness, as well as an awareness of community needs and aesthetics, in addition to the criteria set forth in section 34-602(f)(2)~~603~~, as a basis for all decisions.
- (c) *Procedure not exclusive.* Nothing contained in this section shall require that an applicant submit any variance request to the ~~land development director~~ Planning Zoning and Building Director for consideration. It is the intent of the Village Council that the procedure set forth in this section shall be summary in nature and nonexclusive, and that any applicant shall be free to apply to the ~~land development~~ Planning and Zoning Board or use other available administrative or legal process.

Sec. 34-6067. - Special exception procedures.

- (a) The ~~land development~~ Planning and Zoning Board shall review all requests for special exception uses, with the exception of minor special exception uses, except on appeal, and forward their recommendations on the request to the Village Council for their consideration. The Village Council shall hear and decide requests for special exception uses in a quasi-judicial proceeding. Any person aggrieved by a decision of the council may appeal the final order of the council in accordance with the Florida Rules of Appellate Procedure.
- (b) In reviewing a request for a special exception use, the Village Council shall take into consideration all technical, relevant factors and the factors and criteria set forth herein. A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:
 - (1) The proposed special exception use is consistent with the goals, objectives, and policies of the village's comprehensive plan.
 - (2) The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.
 - (3) The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.
 - (4) The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.

- (5) The proposed special exception use does not have a detrimental impact on surrounding properties based on:
 - a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;
 - b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and
 - c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.
- (6) That the proposed special exception use:
 - a. Does not significantly reduce light and air to adjacent properties.
 - b. Does not adversely affect property values in adjacent areas.
 - c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.
 - d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.
 - e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.
- (7) The proposed use would enhance and/or promote redevelopment of the Village, fulfill redevelopment objectives, and/or have a positive economic impact on the Village, including creating new jobs, economic growth and provide needed community-serving (neighborhood retail and commercial) uses and businesses.
- (c) Should the Village Council determine that the proposed special exception use is not consistent with the criteria outlined hereinabove, it may either deny the application or impose such conditions of approval as it deems necessary to mitigate the adverse impacts of the proposed special exception use. The conditions of approval may require the applicant to exceed the minimum zoning or land development regulations established by this Code. Conditions of approval may include, but are not limited to, the following:
 - (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and/or restraints to minimize such effects as noise, vibration, air pollution, glare and/or odor.
 - (2) Establish a special setback, open space requirement, and/or lot area or dimension.
 - (3) Limit the height, size, and/or location of a building or other structure.
 - (4) Designate the size, number, location and/or nature of access points (vehicle and pedestrian).
 - (5) Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.

- (6) Limit or otherwise designate the number, size, location, height and/or lighting of signs.
 - (7) Require the use of, and designate the size, height, location and/or materials for berms, screening, landscaping and/or other facilities to protect and/or buffer adjacent or nearby property, including designating standards for installation and/or maintenance of the facilities.
 - (8) Require the protection and/or relocation of additional trees, vegetation, water resources, wildlife habitat and/or other appropriate natural resources, and/or off-site landscape mitigation, dedication of park land or open space.
 - (9) Require specific architectural details and/or design that produces a physical development which is compatible in appearance with the uses permitted by right in the zoning district.
 - (10) Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the village's comprehensive plan.
- (d) Violation of any conditions, when made a part of the terms under which the special exception use is approved, shall be deemed a violation of this chapter subject to enforcement under the provisions of this Code.
- (e) *Minor special exception uses.* Uses permissible in each land development district as a special exception use, comprising 3,000 square feet or less in floor area, including outdoor seating area, may be reviewed and approved by administrative decision of the ~~land development director~~ Planning Zoning and Building Director, with the exception of the following uses which are not considered minor regardless of size: nightclub, bar, place of assembly (which may include but is not limited to a club, church, and meeting hall) any use with drive-in/drive-thru window service, medical marijuana treatment center and dispensary, adult entertainment, vehicle sales, and assisted living facility or community residential home.
- (1) The ~~land development director~~ Planning Zoning and Building Director may solicit village staff, consultants and others that may be deemed appropriate to review and comment on the application, and supporting technical and relevant factors. A minor special exception use shall not be approved unless an applicant establishes that all of the criteria of subsection 34-6067(b) are met.
 - (2) Should the ~~land development director~~ Planning Zoning and Building Director determine that the proposed minor special exception use is not consistent with the criteria outlined in subsection 34-6067(b), he/she may either deny the application or impose such conditions of approval as she/he deems necessary to mitigate the adverse impacts of the proposed special exception use. The conditions of approval may require the applicant to exceed the minimum zoning or land development regulations established by this Code. Conditions of approval may include, but are not limited to, those outlined in subsection 34-6067(c).
 - (3) Violation of any conditions, when made a part of the terms under which the minor special exception use is approved, shall be deemed a violation of this chapter subject to enforcement under the provisions of this Code.

- (4) Appeal. Any person or entity who applies for a minor special exception use and is denied by the ~~land development director~~ Planning Zoning and Building Director may appeal to the ~~land development~~ Planning and Zoning Board for a minor special exception. Such appeal application shall be filed with the ~~land development director~~ Planning Zoning and Building Director within 30 days of the ~~land development director~~ Planning Zoning and Building Director's written denial. Any person or entity who applies for a minor special exception use and is denied by the ~~land development~~ Planning and Zoning Board may appeal the ~~land development~~ Planning and Zoning Board's decision to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the ~~land development~~ Planning and Zoning Board. An appeal shall be filed within 30 days of the ~~land development~~ Planning and Zoning Board's decision.

(f) Special exception period of validity.

- (1) Every application for special exception shall conform to requirements established in section 34-684 and section 34-607 and be subject to the site plan review requirements established within this article.
- (2) If an applicant fails to effect a special exception within 18 months of the date of the final action of the Village Council, the special exception shall become null and void, and the uses permitted shall be limited to the permitted uses of the land development district in which the proposed use is located unless the property owner has applied for and received a time extension from the Village Council. No such time extension shall exceed one additional year.
- (3) An approved special exception use, including those on annexed properties originally approved by the county, that has ceased, been terminated, or is unutilized for a 12-month period after it is first effected per subparagraph b. above, shall expire and become null and void, and use of the property shall be limited to the permitted uses of the land development district.

Sec. 34-6078. - Exhaustion of remedies Planning and zoning application processing time frames.

Once an application has been submitted to the planning and zoning department the application shall proceed in accordance with a timeline that is acceptable to the planning zoning and building director regarding the scheduling of the application in front of the Village boards and council. The planning zoning and building director shall make the final determination on when an item shall be presented to the various Village boards and council.

~~No person aggrieved by any land development decision, order, requirement, resolution or determination of an administrative official, or by any decision of the village council, may apply to the court for relief unless the person has first exhausted the remedies provided for in this article and taken all available steps provided by this article.~~

Section 3. Codification. This ordinance shall be codified in the Code of Ordinances of the Village of Palm Springs, Florida.

Section 4. Repeal of Conflicting Ordinances. All ordinances, resolutions or parts of ordinances and resolutions in conflict with this Ordinance are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEVERLY SMITH, MAYOR	☐	☐	☐
PATTI WALLER, VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
DOUG GUNTHER , COUNCIL MEMBER	☐	☐	☐
JONI BRINKMAN, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the _____ day of _____, 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEVERLY "BEV" SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Planning, Zoning & Building

ITEM 9.3: Ordinance No. 2020-09 - Village Code Amendment - Chapter 34 - Article VI "Land Use" - Mobile Food Dispensing Vehicles (First Reading)

SUMMARY:

The Planning, Zoning & Building department is requesting an amendment to the Village Code - Chapter 34 - Article VI "Land Use" - Division 7 "Supplemental District Regulations" to add provisions pertaining to mobile food dispensing vehicles (a.k.a., food trucks).

During the 2020 Legislative Session, House Bill (HB) 1193 was approved that pre-empts cities from regulating food trucks, including licenses, special permits and business taxes. (Note: This new legislation will become effective on July 1, 2020). As a result, cities are no longer eligible to prohibit food trucks from operating within their jurisdictions. However, cities still retain land-use authority and may specify where food trucks may operate.

The proposed amendment includes:

1. Permits food trucks to operate on parcels of property within the Village that are zoned Commercial General (CG) and with the owner's written permission
2. Provides for basic operating parameters:
 - a. one (1) food truck per property
 - b. hours of operation to coincide with hours of principal business or 7 a.m. to 9 p.m.
 - c. public restroom must be available on property for customers use
 - d. adequate parking for principal business and food truck customers
 - e. no use of tables, umbrellas, etc.
 - f. no advertising, flags, music or public address
 - g. no restriction of site access or circulation
 - h. provide for their own garbage removal and prohibition of on-site disposal for Village collection

The Planning & Zoning Board considered the proposed ordinance during their May 12, 2020, meeting and recommended approval, with the addition of a requirement that any food truck must be parked on a paved or non-dusting surface.

The proposed ordinance was prepared by the Planning, Zoning & Building Director and reviewed by the Village Attorney and the Police Department's Community Policing Officer and Code Enforcement Officers.

If approved on 1st reading, the proposed ordinance will be considered for 2nd and final reading by the Village Council on July 9, 2020.

FISCAL IMPACT:

The proposed ordinance does not have a direct fiscal impact to the Village.

ATTACHMENTS:

Proposed Ordinance No. 2020-09 - Permit Mobile Food Trucks

Approved 2020 House Bill (HB) 1193

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 1 "GENERAL PROVISIONS", SECTION 1-2 "DEFINITIONS AND RULES OF CONSTRUCTION" AND AMENDING CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI "LAND USE", DIVISION 7 "SUPPLEMENTAL DISTRICT REGULATIONS", SUBDIVISION 1 "IN GENERAL" IS HEREBY AMENDED TO ADD A NEW SECTION 34-898 "MOBILE FOOD DISPENSING VEHICLES AND MOBILE VENDORS" TO PROVIDE FOR REGULATIONS REGARDING MOBILE VENDORS DISPENSING FOOD AND OTHER ITEMS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Village Council desires to amend its existing regulations to modify and update regulations regarding the regulation of mobile food dispensing vehicles and mobile vendors within the Village; and

WHEREAS, the Village Council has reviewed the recommended ordinance and has determined that it is in the best interests and general welfare of the Village to adopt this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of fact of the Village Council and serve as a basis for adoption of this Ordinance.

Section 2. Chapter 1 "General Provisions", Section 1-2 "Definitions and Rules of Construction" is hereby amended to add a new definition as follows:

.....

Mobile Food Dispensing Vehicle. Any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal (defined in Chapter 509.102, F.S.).

Mobile vendor. Is any person, firm, corporation or other entity engaged in the selling or offering for sale any and all goods, wares, beverages or merchandise including food or food products outdoors from a mobile vending vehicle or from his/her person.

.....

Section 3. Chapter 34 “Land Development”, Article VI “Land Use” and Division 7 “Supplemental District Regulations”, Subdivision 1 “In General” is hereby amended to add a new Section 34-898 “Mobile food dispensing vehicles and mobile vendors” as follows:

Sec. 34-898. – Mobile food dispensing vehicles and mobile vendors.

- (a) No person, natural or corporate, shall conduct any business from within the public rights-of-way within the municipal limits of the Village. Specifically prohibited under this section is the sale of food of any kind, goods, wares or merchandise from a vehicle whether motorized or not, regardless of the number of wheels affixed thereto, or on foot.
- (b) There is a general prohibition of mobile vending within private or public property, except as expressly provided herein for mobile food dispensing vehicles, and except as allowed through a special event permit pursuant to Sec. 34-896.
- (c) Mobile food dispensing vehicles shall be permitted on all ongoing construction sites within the Village on a temporary basis, irrespective of the zoning category, during normal hours of construction specified in Sec. 34-891.
- (d) Mobile food dispensing vehicles shall be prohibited in the Village, other than in the Commercial General (CG) land development (zoning) district, and subject to the following requirements:
 - 1) Written permission shall be obtained from the property owner stating that the mobile food dispensing vehicle may operate on the premises.
 - 2) Limitation of one (1) mobile food dispensing vehicle per property.
 - 3) Hours of operation for mobile food dispensing vehicles shall not be earlier or later than those of the principal business, however, in no event shall a mobile food dispensing be allowed to remain on the property after 9:00 P.M. or before 7:00 A.M.
 - 4) Mobile food dispensing vehicle shall be removed from the premises when not in operation. Location shall be picked up of any litter and all refuse shall be removed from the property. No fluids shall be discharged from the vehicle.
 - 5) Public restroom shall be available on the property for customers of mobile food dispensing vehicle.
 - 6) On-site parking shall be maintained for the principal use of the property, as well as for customers of the mobile food dispensing vehicle.
 - 7) No mobile vending shall be located within five hundred feet (500') of the grounds of any nursery, elementary, middle or high school between one (1) hour prior to the start of the school day and one (1) hour after dismissal at the end of the school day.
 - 8) No mobile vending shall occur in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant or create

or become a public nuisance, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire/medic, police or sanitation vehicles.

- 9) Mobile food dispensing vehicle shall be parked on paved or non-dusting surface.
- 10) No outside display of products.
- 11) No use of tables, seats, umbrellas or similar furnishings for customers, with exception of garbage receptable.
- 12) All mobile vendors must provide for their own trash and garbage removal such that no trash or garbage remains on the premises upon which the sale or vending transaction was conducted. Vendors are prohibited from utilizing village-owned receptacles for disposal of trash or garbage.
- 13) No advertising, except the posting of prices and products and name of the vendor on the vehicle. No freestanding advertising, nor waving of flags or motioning to vehicles on the street. No use of public address system or amplified music.

Section 4. Codification. This ordinance shall be codified in the Code of Ordinances of the Village of Palm Springs, Florida.

Section 5. Repeal of Conflicting Ordinances. All ordinances, resolutions or parts of ordinances and resolutions in conflict with this Ordinance are hereby repealed.

Section 6. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEVEVERLY SMITH, MAYOR	☐	☐	☐
PATTI WALLER , VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
JONI BRINKMAN, COUNCIL MEMBER	☐	☐	☐
DOUG GUNTHER, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the _____ day of _____, 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEVERLY SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

ENROLLED

CS/HB 1193, Engrossed 3

2020 Legislature

final order.

Section 74. Section 492.115, Florida Statutes, is amended to read:

492.115 Roster of licensed professional geologists.—A roster showing the names and places of business or residence of all licensed professional geologists and all properly qualified firms, corporations, or partnerships practicing holding ~~certificates of authorization to practice~~ professional geology in the state shall be prepared annually by the department. A copy of this roster must be made available to ~~shall be obtainable by~~ each licensed professional geologist and each firm, corporation, or partnership qualified by a professional geologist holding a certificate of authorization, and copies thereof shall be placed on file with the department.

Section 75. Section 509.102, Florida Statutes, is created to read:

509.102 Mobile food dispensing vehicles; preemption.—

(1) As used in this section, the term "mobile food dispensing vehicle" means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

(2) Regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees is

ENROLLED

CS/HB 1193, Engrossed 3

2020 Legislature

preempted to the state. A municipality, county, or other local governmental entity may not require a separate license, registration, or permit other than the license required under s. 509.241, or require the payment of any license, registration, or permit fee other than the fee required under s. 509.251, as a condition for the operation of a mobile food dispensing vehicle within the entity's jurisdiction. A municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles from operating within the entirety of the entity's jurisdiction.

(3) This section may not be construed to affect a municipality, county, or other local governmental entity's authority to regulate the operation of mobile food dispensing vehicles other than the regulations described in subsection (2).

(4) This section does not apply to any port authority, aviation authority, airport, or seaport.

Section 76. Paragraph (i) of subsection (2) of section 548.003, Florida Statutes, is amended to read:

548.003 Florida State Boxing Commission.—

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Administration

ITEM 9.4: Ordinance No. 2020-10 - Village of Palm Springs General Employees Pension Fund

SUMMARY: The Village Council is requested to consider various amendments to the Village's General Employee Pension Fund board:

1. Appoint the Village Manager or the Manager's designee to the General Employee Pension Fund as a Trustee
2. Enables the 5th Member Trustee to be either a resident or person engaged in business within the Village. This appointment would require approval by the Village Council and would provide preference to those candidates who maintain significant educational or experiential qualifications in the field of pension, tax, finance, or other closely related field.

Note: This proposed language/requirement is similar to the language approved for the recently approved Palm Springs CRA to ensure that a wider range of applicants were available to participate. Further, this member would not be eligible to serve if they are a current or former Village employee; or such a person's spouse, parent, child, or sibling; or a present or designated beneficiary of the Fund.

3. The Plan Chairperson would be required to approve the Plan's meeting agendas prior to distribution to the Board and the agenda and all supporting materials shall be distributed to all Board members at least one week before the meeting.
4. The Village would have a right of intervention as a Party and to have and exercise all rights of a Party, including, but not limited to, the right of judicial review, if ever necessary.

The proposed ordinance was prepared by the Village's Pension Attorney and reviewed by the Village Attorney.

If approved on 1st reading, the proposed ordinance will be considered for 2nd and final reading by the Village Council on July 9, 2020.

Note: The Village has made a formal request (E-mail sent on June 5, 2020) to the General Employee Pension Fund's Plan Administrator to forward the proposed ordinance to the Plan's actuary to review and provide the Village and the General Employee Pension Fund's Board with an Actuarial Impact Statement (AIS), which provides whether the proposed changes outlined within the proposed ordinance will have any impact on the funded status of the plan. This AIS is expected to be provided to the Village Council prior to consideration of the proposed ordinance on 2nd and final reading.

FISCAL IMPACT:

The proposed ordinance does not have a direct fiscal impact to the Village.

ATTACHMENTS:

Proposed Ordinance No. 2020-10 - General Employee Pension (Board Composition)

E-mail from Plan's Attorney Regarding Proposed Ordinance No. 2020-10 - June 2020

Previous Version (Prior to the Review by the Plan's Attorney) - Proposed Ordinance No. 2020-10 - General Employee Pension (Board Composition)

E-mail Requesting an Actuarial Impact Statement Regarding Proposed Ordinance No. 2020-10 - Sent to the Plan's Pension Administrator - June 2020

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING SECTION 8 OF ORDINANCE NO. 2017-26, ADOPTED OCTOBER 12, 2017; AMENDING SECTION 8 PROVIDING FOR THE COMPOSITION OF THE BOARD OF TRUSTEES; PROVIDING FOR THE DUTIES OF CERTAIN OFFICERS AND OF THE BOARD OF TRUSTEES GENERALLY; PROVIDING FOR CERTAIN HEARING PROCEDURES; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council desires to modify the composition of the Board of Trustees of the Village of Palm Springs General Employees Pension Fund;

NOW, THEREFORE, IT IS ORDAINED by the Village Council of the Village of Palm Springs, Florida:

Section 1. Section 8 of Ordinance No. 2017-26 is amended to read as follows:

Section 8. **Creation of the Board of Trustees.**

The trustee of such fund shall consist of five (5) members, who shall be selected as follows:

a. One member shall consist of an elected Village Council Member, appointed by a majority vote of the Council, to serve at the pleasure of the Council, so long as said Member shall remain a Member of the Village Council, as an ex-officio duty.

b. ~~The Finance Director of the Village, who shall serve as long as he/she shall continue to hold such position, and upon vacancy in the position, the successor Finance Director shall succeed to the position of Member of the Board.~~ One member shall be the Village Manager, who will serve as long as he or she remains Manager. Subject to Council approval, the Village Manager may appoint a designee, who will serve at the pleasure of the Manager.

c. Two active Employee Participants elected by a majority of the voting active Employee pension plan Participants, to serve for a period of four (4) years,

or until such member leaves the Village's full time employment or resigns from the Board, whereupon an election shall be held to fill an unexpired term. An Employee so elected may succeed himself/herself in office.

d. A resident of the Village or person engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the boundaries of the Village. ~~(not connected with the Municipal Government), elected~~ Such person shall be nominated by a majority of the other four (4) Board Members and subject to approval by vote of the Village Council. This member shall serve for a period of four (4) years, or until such time as he/she terminates residency within the Village or ceases to be engaged in business within the boundaries of the Village, at which time a successor shall be ~~selected~~ nominated by the majority of the remaining Board Members and approved by vote of the Village Council. Preference shall be given to a candidate who can demonstrate to the satisfaction of the Board that he or she possesses significant educational or experiential qualifications in the field of pension, tax, finance, or other closely related field. This member may succeed himself/herself in office. This member shall not be a current or former Village employee; or such a person's spouse, parent, child, or sibling; or a present or designated beneficiary of the Fund.

Section 2. Section 9 of Ordinance No. 2017-26 is amended to read as follows:

Section 9. Officers of Pension Board.

The five (5) Board Members shall elect a Chairperson, Vice-Chairperson, and a Secretary. The Chairperson shall preside at all the meetings of the Board, ~~and the~~ and shall approve the agenda prior to distribution to the Board. The agenda and all supporting materials shall be distributed to all Board members at least one week before the meeting. The Vice-Chairperson shall perform the duties of the Chairperson in the Chairperson's absence. The Secretary shall keep a complete minute book of the proceedings of the Board. The Board may retain the services of an Administrator to prepare and retain custody of the minutes on behalf of the Secretary.

Section 3. Section 12 of Ordinance No. 2017-26 is amended to read as follows:

Section 12. Powers and Duties of Trustees.

a. Each Board of Trustees shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of

every kind, nature, and description. The Board of Trustees shall also have the power to engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the Pension Fund. The compensation of all persons engaged by the Board of Trustees and all other expenses of the Board necessary for the operation of the Pension Fund shall be paid from the fund at such rates and in such amounts as the Board of Trustees shall agree.

b. The duties and responsibilities of the Board of Trustees shall include, but not necessarily be limited to the following:

1. To construe the provisions of the Pension Fund and determine all questions arising thereunder.
2. To determine all questions relating to eligibility and participation.
3. To determine and certify the amount of all retirement allowances or other benefits hereunder .
4. To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the Pension Fund.
5. To distribute to Participants and beneficiaries at regular intervals, information concerning the Pension Fund.
6. To receive and process all applications for participation and benefits.
7. To authorize all payments whatsoever from the Fund, and to notify any disbursing agency, in writing, of approved benefit payments and other expenditures arising through operation of the Pension Fund.
8. To have performed actuarial studies and valuations at least every three years, and make recommendations regarding any and all changes in the provisions of the Pension Fund.
9. To perform such other duties as are specified in this Ordinance or by law.

Section 4. Section 25 of Ordinance No. 2017-26 is amended to read as follows:

Section 25. **Hearing Procedures.**

a. The Chairperson shall preside over the hearing and shall with the advice of legal counsel, rule on all evidentiary and other legal questions that arise during the hearing.

b. Either party, the claimant or the Board, may file pleadings within the time limits set herein. Procedural motions are to be determined by the Chairperson of the Board at any time. All parties are to furnish copies of all pleadings to the opposing parties and exchange lists with names and addresses of witnesses expected to be called to testify at the hearing, as well as the list of exhibits that are intended to be introduced, at least forty-five (45) days prior to the hearing. Testimony of witnesses shall be under oath or affirmation. Depositions or affidavits shall not be admissible unless upon stipulation by all parties. The Chairperson, any Member of the board, the attorney for the Board, the claimant and the claimant's attorney, upon recognition by the Chairperson, may direct questions to any witness during the proceedings. Each party shall have the right to present evidence relevant to the issues, to cross-examine witnesses, to impeach witnesses and to respond to the evidence presented against the party. Each party shall have the right to represent any opening and closing arguments. Any party may secure the services of a court reporter to record the proceedings with the cost to be borne by the party requesting the court reporter or requesting the transcription of the proceedings.

c. In all cases, unless otherwise provided in this section, the burden of proof shall be on the claimant.

d. In all cases, the Village shall have a right of intervention as a Party and to have and exercise all rights of a Party, including, but not limited to, the right of judicial review.

Section 5. Repeal of Conflicting Ordinances.

All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date; Retention of Board Members.

This Ordinance shall become effective upon adoption.

(THIS SPACE INTENTIONALLY LEFT BLANK)

Council Member _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Council Member _____ and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
PATTI WALLER, VICE MAYOR	☐	☐	☐
GARY M. READY, MAYOR PRO TEM	☐	☐	☐
DOUG GUNTHER, COUNCIL MEMBER	☐	☐	☐
JONI BRINKMAN, COUNCIL MEMBER	☐	☐	☐

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading _____

Second Reading _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

Richard J. Reade

From: Bonni Jensen <bonni@robertdklausner.com>
Sent: Monday, June 8, 2020 4:55 PM
To: David C. Miller
Cc: bsjteam; Administrator Margaret M. Adcock; Chad Little
Subject: RE: Village of Palm Springs General Employees Pension Fund - Ordinance change

David,

The Board is charged with the responsibility to make decisions in accordance with their fiduciary responsibility and not under any procurement code restrictions or criteria in accordance with Florida Statutes 112.656. Florida Statutes 112.661 (4) provides that:

(4) INVESTMENT AND FIDUCIARY STANDARDS.—The investment policy shall describe the level of prudence and ethical standards to be followed by the board in carrying out its investment activities with respect to funds described in this section. The board in performing its investment duties shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this section shall prevail.

The provisions of this law pre-empt any other law regarding investments. The Purchasing Code sets out that the Finance Department is responsible for the procurement of goods and services under the Code. This would not meet with the Board's responsibilities.

The Procurement code itself exempts Pension and all of the other requests for services that the Board may perform.

Sec. §58-2 of the Village Code exempts:

- (4) Pension Benefit Payments

- (9) Pension plan contributions
- (10) Memberships, dues, subscriptions, publications

- (13) Court reporting services

- (17) Job related seminars, training and related travel and per diem expenses.

- (27) Goods and/or services provided by governmental agencies

- (32) Payments made for travel and accommodations
- (33) Professional services as described below

Sec. 58-3 of the Village Code describes the exempt professional services as:

- (b) Auditor services
- (c) Legal services
- (d) Consulting services. The village manager may select a consultant with a distinctive field of expertise without competitive selection for services which are not anticipated to exceed \$10,000.00. The village council may select a consultant with a distinctive field of expertise without competitive selection for services which are anticipated to exceed \$10,000.00.

Ultimately all of the provider services that the Trustees would look for are exempted.

There are at least two provisions in the Procurement Code which are problematic for the Trustees:

- a right to protest which creates a potential additional burden on the pension board, particularly when selecting a manager.
- local preference

I am available discuss further with you, if you have additional questions.

To expedite the handling of your email, please be sure to copy bsjteam@robertdklausner.com on your emails.

Bonni S. Jensen
Klausner, Kaufman, Jensen & Levinson
7080 N.W. 4th Street
Plantation, Florida 33317
Telephone: 954-916-1202
Facsimile: 954-916-1232
bonni@robertdklausner.com
website – www.klausnerkaufman.com



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From: David C. Miller <dmiller@bmolaw.com>
Sent: Monday, June 8, 2020 4:11 PM
To: Bonni Jensen <bonni@robertdklausner.com>
Cc: bsjteam <bsjteam@robertdklausner.com>; Administrator Margaret M. Adcock <margie@resourcecenters.com>; Chad Little <chad@flactuaries.com>
Subject: RE: Village of Palm Springs General Employees Pension Fund - Ordinance change

Hi, Bonni,

Thanks. I'm discussing with my client and I'll get back with you soonest.

Meantime, could you expand on no. 3?

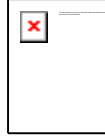


David C. Miller | Bryant Miller Olive P.A.

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From: Bonni Jensen [<mailto:bonni@robertdklausner.com>]

Sent: Monday, June 8, 2020 1:09 PM

To: David C. Miller <dmiller@bmolaw.com>

Cc: bsjteam <bsjteam@robertdklausner.com>; Administrator Margaret M. Adcock <margie@resourcecenters.com>; Chad Little <chad@flactuaries.com>

Subject: Fwd: Village of Palm Springs General Employees Pension Fund - Ordinance change

David,

I spoke with Glen Torcivia on Friday and understand that you drafted the attached. See my below comments. The Village Manager has contacted the Plan Administrator and indicated that time is of the essence on this. Please give me a call on my cell (561-373-6714) to discuss. I am still working remotely.

Thanks!

Sent from my iPhone

Bonni Jensen

Begin forwarded message:

From: Bonni Jensen <bonni@robertdklausner.com>

Date: June 5, 2020 at 3:44:10 PM EDT

To: Glen Torcivia <glen@torcivialaw.com>

Cc: bsjteam <bsjteam@robertdklausner.com>, "Margie Adcock (margie@resourcecenters.com)" <margie@resourcecenters.com>, Chad Little <chad@flactuaries.com>

Subject: Village of Palm Springs General Employees Pension Fund - Ordinance change

Glen,

As you may know, the attached Ordinance is proposed to amend the Village of Palm Springs General Employee Pension Fund. I have the following concerns with the language:

1. The proposed language in Section 8b is inconsistent with the trustee duties and the fiduciary language of Florida Statutes 112.656. The Village Manager or their designee could serve as a trustee but serving alternately does not meet that standard. Since Pension Trustees are also considered officers for purposes of Florida law, this seems to also be contrary to the

Florida Constitutional provision in Section 5 b “shall devote personal attention to the duties of the office.”

2. The application of the removal for unexcused absence does not apply equally to all of the trustees.
3. The use of the Purchasing Code seems to, at a minimum, conflict with the responsibilities under Florida Statutes 112.656 and 112.661.
4. The clause at the end appears to retroactively change the qualification requirements for someone to be trustee and therefore divest them from office with new qualification that was passed after appointment.

Please give me a call to discuss.

To expedite the handling of your email, please be sure to copy bsiteam@robertdklausner.com on your emails.

Bonni S. Jensen
Klausner, Kaufman, Jensen & Levinson
7080 N.W. 4th Street
Plantation, Florida 33317
Telephone: 954-916-1202
Facsimile: 954-916-1232
bonni@robertdklausner.com
website – www.klausnerkaufman.com

ORDINANCE NO. 2020-____

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING SECTION 8 OF ORDINANCE NO. 2017-26, ADOPTED OCTOBER 12, 2017; AMENDING SECTION 8 PROVIDING FOR THE COMPOSITION OF THE BOARD OF TRUSTEES; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council desires to modify the composition of the Board of Trustees of the Village of Palm Springs General Employees Pension Fund;

NOW, THEREFORE, IT IS ORDAINED By the Village Council of the Village of Palm Springs, Florida:

Section 1. Section 8 of Ordinance No. 2017-26 is amended to read as follows:

Section 8. Creation of the Board of Trustees.

The trustee of such fund shall consist of five (5) members, who shall be selected as follows:

a. One member shall consist of an elected Village Council Member, appointed by a majority vote of the Council, to serve at the pleasure of the Council, so long as said Member shall remain a Member of the Village Council, as an ex-officio duty.

b. ~~The Finance Director of the Village, who shall serve as long as he/she shall continue to hold such position, and upon vacancy in the position, the successor Finance Director shall succeed to the position of Member of the Board.~~ One member shall be the Village Manager. Subject to Council approval, the Village Manager may designate an Assistant to the Village Manager/Assistant Manager or a director or an assistant director of any department of the Village to serve as an alternate member with full authority in the Manager's place in the Manager's absence. The Manager shall serve so long as the Manager continues in his or her position.

c. Two active Employee Participants elected by a majority of the voting active Employee pension plan Participants, to serve for a period of four (4) years, or until such member leaves the Village's full time employment or resigns from the Board, whereupon an election shall be held to fill an unexpired term. An Employee so elected may succeed himself/herself in office.

d. A resident of the Village or person engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the boundaries of the Village. (not connected with the Municipal Government), elected Such person shall be nominated by a majority of the other four (4) Board Members and subject to approval by vote of the Village Council. This member shall serve for a period of four (4) years, or until such time as he/she terminates residency within the Village or ceases to be engaged in business within the boundaries of the Village, at which time a successor shall be ~~selected~~ nominated by the majority of the remaining Board Members and approved by vote of the Village Council. Preference shall be given to a candidate who can demonstrate to the satisfaction of the Board that he or she possesses significant educational or experiential qualifications in the field of pension, tax, finance, or other closely related field. This member may succeed himself/herself in office. This member shall not be a current or former Village employee; or such a person's spouse, parent, child, or sibling; or a present or designated beneficiary of the Fund.

e. Unexcused absence by a member from three (3) meetings during a period of four (4) consecutive years may be grounds for removal from the Board. Such removal shall be by majority vote of the Board. Absences may be excused for good cause by a majority vote of the Board.

Section 2. Section 9 of Ordinance No. 2017-26 is amended to read as follows:

Section 9. Officers of Pension Board.

The five (5) Board Members shall elect a Chairperson, Vice-Chairperson, and a Secretary. The Chairperson shall preside at all the meetings of the Board, ~~and the~~ and shall approve the agenda prior to distribution to the Board. The agenda and all supporting materials shall be distributed to all Board members at least one week before the meeting. The Vice-Chairperson shall perform the duties of the Chairperson in the Chairperson's absence. The Secretary shall keep a complete minute book of the proceedings of the Board. The Board may retain the services of an Administrator to prepare and retain custody of the minutes on behalf of the Secretary.

Section 3. Section 12 of Ordinance No. 2017-26 is amended to read as follows:

Section 12. Powers and Duties of Trustees.

a. Each Board of Trustees shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description. The Board of Trustees shall also have the power to engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the Pension Fund. The compensation of all persons engaged by the Board of Trustees and all other expenses of the Board necessary for the operation of the Pension Fund shall be paid from the fund at such rates and in such amounts as the Board of Trustees shall agree.

b. The duties and responsibilities of the Board of Trustees shall include, but not necessarily be limited to the following:

1. To construe the provisions of the Pension Fund and determine all questions arising thereunder.
2. To determine all questions relating to eligibility and participation.
3. To determine and certify the amount of all retirement allowances or other benefits hereunder .
4. To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the Pension Fund.
5. To distribute to Participants and beneficiaries at regular intervals, information concerning the Pension Fund.
6. To receive and process all applications for participation and benefits.
7. To authorize all payments whatsoever from the Fund, and to notify any disbursing agency, in writing, of approved benefit payments and other expenditures arising through operation of the Pension Fund.
8. To have performed actuarial studies and valuations at least every three years, and make recommendations regarding any and all changes in the provisions of the Pension Fund.
9. To perform such other duties as are specified in this Ordinance or by law.

c. All purchases of goods or services shall be subject to and made pursuant to and in compliance with the Purchasing Code of the Village of Palm Springs, provided, however, that authority allocated in the Purchasing Code to the Village Council or Village Manager shall instead be reserved to the Board of Trustees.

Section 4. Section 25 of Ordinance No. 2017-26 is amended to read as follows:

Section 25. Hearing Procedures.

a. The Chairperson shall preside over the hearing and shall with the advice of legal counsel, rule on all evidentiary and other legal questions that arise during the hearing.

b. Either party, the claimant or the Board, may file pleadings within the time limits set herein. Procedural motions are to be determined by the Chairperson of the Board at any time. All parties are to furnish copies of all pleadings to the opposing parties and exchange lists with names and addresses of witnesses expected to be called to testify at the hearing, as well as the list of exhibits that are intended to be introduced, at least forty-five (45) days prior to the hearing.

Testimony of witnesses shall be under oath or affirmation. Depositions or affidavits shall not be admissible unless upon stipulation by all parties. The Chairperson, any Member of the board, the attorney for the Board, the claimant and the claimant's attorney, upon recognition by the Chairperson, may direct questions to any witness during the proceedings. Each party shall have the right to present evidence relevant to the issues, to cross-examine witnesses, to impeach witnesses and to respond to the evidence presented against the party. Each party shall have the right to represent any opening and closing arguments. Any party may secure the services of a court reporter to record the proceedings with the cost to be borne by the party requesting the court reporter or requesting the transcription of the proceedings.

c. In all cases, unless otherwise provided in this section, the burden of proof shall be on the claimant.

d. In all cases, the Village shall have a right of intervention as a Party and to have and exercise all rights of a Party, including, but not limited to, the right of judicial review.

Section 5. Repeal of Conflicting Ordinances.

All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date; Retention of Board Members.

Except as otherwise provided, this Ordinance shall become effective upon adoption. An individual who is a member of the Board of Trustees as of the Effective Date of this Ordinance shall retain his or her seat and serve out his or her current term if and only if such individual meets the qualifications for such seat as set forth in this Ordinance. Otherwise, such individual shall be immediately replaced according to the requirements set forth in this Ordinance.

(THIS SPACE INTENTIONALLY LEFT BLANK)

Council Member _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Council Member _____ and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
JONI BRINKMAN, VICE MAYOR	☐	☐	☐
PATTI WALLER, MAYOR PRO TEM	☐	☐	☐
DOUG GUNTHER, COUNCIL MEMBER	☐	☐	☐
GARY M. READY, COUNCIL MEMBER	☐	☐	☐

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading _____

Second Reading _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

From: [Richard J. Reade](#)
To: [Margie Adcock](#)
Cc: [David Miller \(dmiller@bmlaw.com\)](#); [Lara Donlon](#); [Glen Torcivia](#); [Kimberly M. Wynn](#)
Bcc: [bevsmith6644@gmail.com](#); [Doug Gunther - Village of Palm Springs \(douglasgunther@bellsouth.net\)](#); [Gary Ready](#); [Joni Brinkman - Personal Home E-mail](#); [Joni Brinkman - Urban Design Kilday Studios \(jbrinkman@udkstudios.com\)](#); [Patti Waller](#)
Subject: Proposed Ordinance - General Employee Pension Board
Date: Friday, June 5, 2020 12:06:00 PM
Attachments: [General Employee Pension Board Ordinance \(Board Composition\).pdf](#)

Good morning Ms. Adcock,

I am writing to request that the attached proposed ordinance be provided to the General Employee Pension Board's actuary, Freiman Little Actuaries, LLC, for their review and to provide the Board and the Village with an Actuarial Impact Statement. We are hopeful that this information can be provided as soon as possible and that a determination is provided by Freiman Little Actuaries prior to the Council considering this proposed ordinance during their June 11, 2020 Council Meeting.

Should you have any questions and/or require any additional information, do not hesitate to contact me directly.

Thank you.

Have a great day.

Richard J. Reade
Village Manager
Village of Palm Springs

Tel: 561.965.4011

E-mail: rreade@vpsfl.org



Village of Palm Springs

Executive Brief

AGENDA DATE: June 11, 2020

DEPARTMENT: Planning, Zoning & Building

ITEM 10.1: Discussion - Proposed Lake Worth Road (State Road 802) Corridor Improvements - Florida Department of Transportation (FDOT)

SUMMARY:

Mr. Scott Thurman, FDOT Project Manager, has requested the Village to review and provide comment on the preliminary plans for the proposed Lake Worth Road corridor improvements that are expected to be included with the Resurfacing, Restoration and Rehabilitation (3R or RRR) construction project. The proposed RRR project extends from Raulerson Drive (west of Military Trail - City of Greenacres) to the entrance for Palm Beach State College (east of Congress Avenue).

The initial set of plans presented for Village comment include the following main areas of improvement:

- Narrow the width of medians (22' to 16') and inside travel lane (11' to 10')
- Provide separated bike lane [5' wide bike lane with 2' wide separator (curb)]
- Install raised pavement at transit stops for ADA boarding
- Add directional medians ("peanuts") and eliminate left-turn movements from 10 local streets
- Incorporate at least one mid-block crossing (two other crossings are still being evaluated)

Following comments by the Village, the FDOT anticipates refining the plans to have the design 60% complete by August 2020 and 90% complete in December 2020. The construction project is scheduled to be awarded in August 2021 and is expected to take 1.5 years to complete (Spring 2023).

Note: The Village has previously requested a speed reduction to 35 mph in July 2018 (Resolution No. 2018-21) to enhance safety along the Lake Worth Road corridor. FDOT

conducted a Road Safety Audit and determined that the existing 40 mph speed limit is appropriate for the characteristics of the corridor.

Mr. Thurman is expected to be in attendance to provide additional information related to this proposed project.

FISCAL IMPACT:

This discussion does not have a direct fiscal impact to the Village at this time; however, desired (or additional) corridor improvements to supplement FDOT's project may require Village and/or CRA expenditures in the future.

ATTACHMENTS:

FDOT Presentation - Summary of Proposed Lake Worth Road Improvements

Preliminary Plans - State Road 802 (Lake Worth Road) (441632-1) Access Management

Lake Worth Road MultiModal Corridor Improvement Study, Palm Beach Transportation Planning Agency, March 2020

PZB Director Comments on Initial Plans 4.6.20

Resolution No. 2018-21 Safety Speed Reduction

FDOT Response Letter to Mayor Smith

Road Safety Audit SR-802 (Lake Worth Rd) May 2019

FM 441632-1-52-01

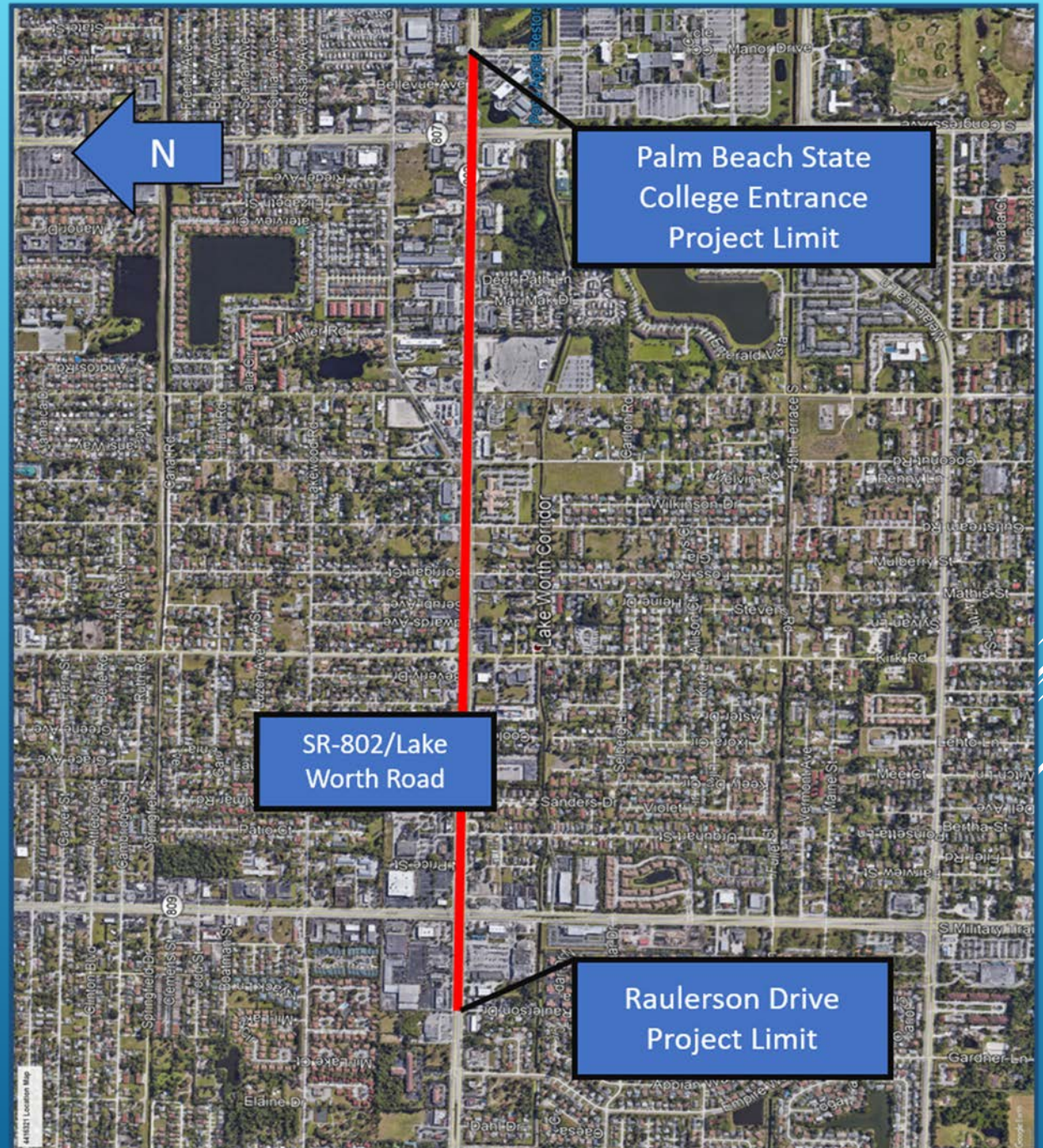
SR-802/LAKE WORTH ROAD

FROM RAULERSON DR. TO PALM BEACH STATE COLLEGE
ENTRANCE



PROJECT OVERVIEW

- On-System Project
 - TPA Priority Project
- Location:
 - Palm Beach County
 - City of Greenacres
 - Village of Palm Springs
- Scope – RRR
 - Milling and Resurfacing
 - Separated Bike Lanes & Median Modifications
 - Length: 1.846 Miles
- Currently designing for 60% plans



EXISTING CONDITIONS

Lake Worth Road (SR-802)

- From Raulerson Dr. to East of Congress Ave:

6-lane section (three 11' lanes in each direction), 22' Median and no designated bike lanes

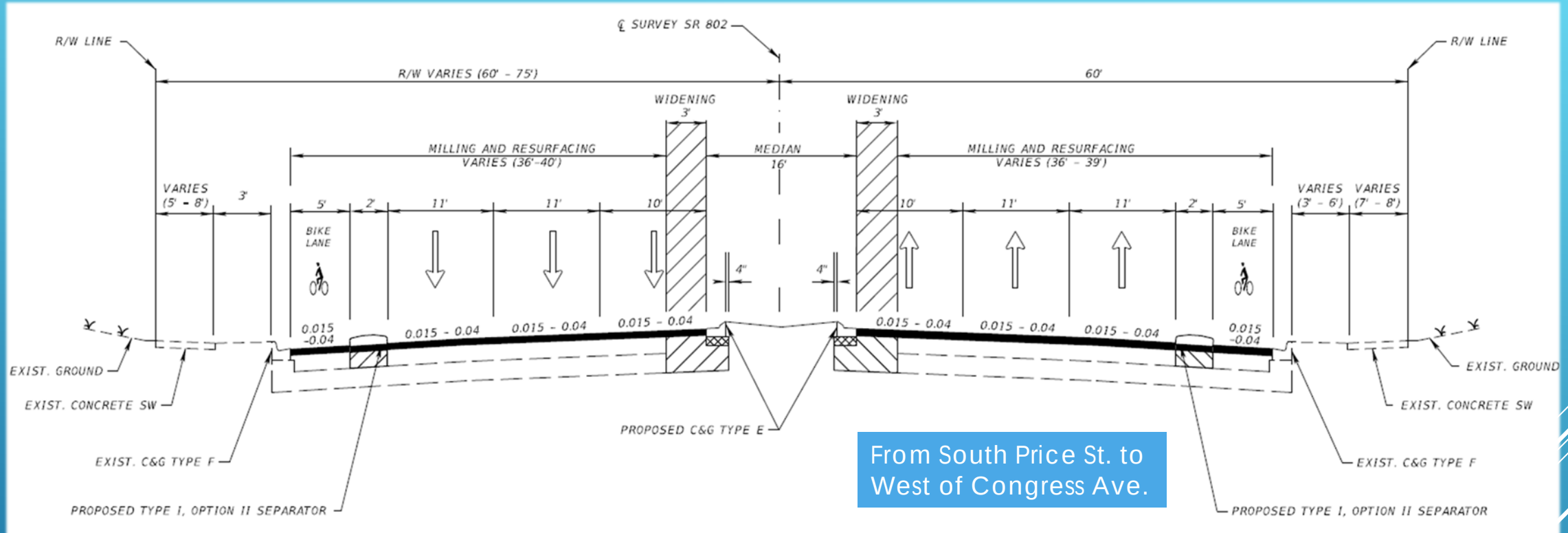


- From East of Congress Ave. to Palm Beach State College Entrance:

4-lane section (two 11' lanes in each direction), 22' Median and designated bike lanes on North and South side of roadway



PROPOSED TYPICAL SECTION



Design Key Features

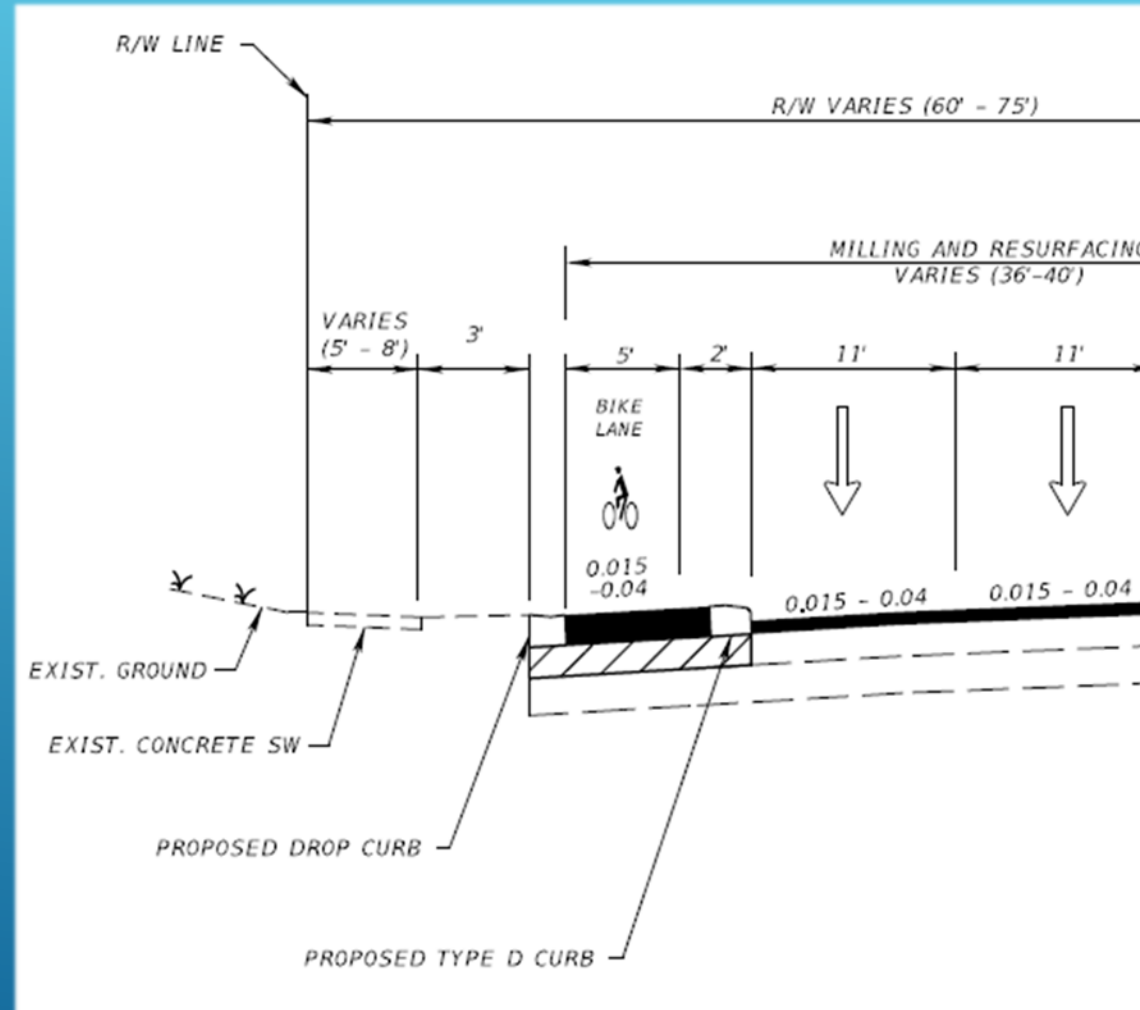
- 11' travel lanes
- 10' inside lane (East and West-bound)
- 5' bike lanes
- 2' mountable bike lane separator

SPECIAL DETAIL FOR TRANSIT STOPS

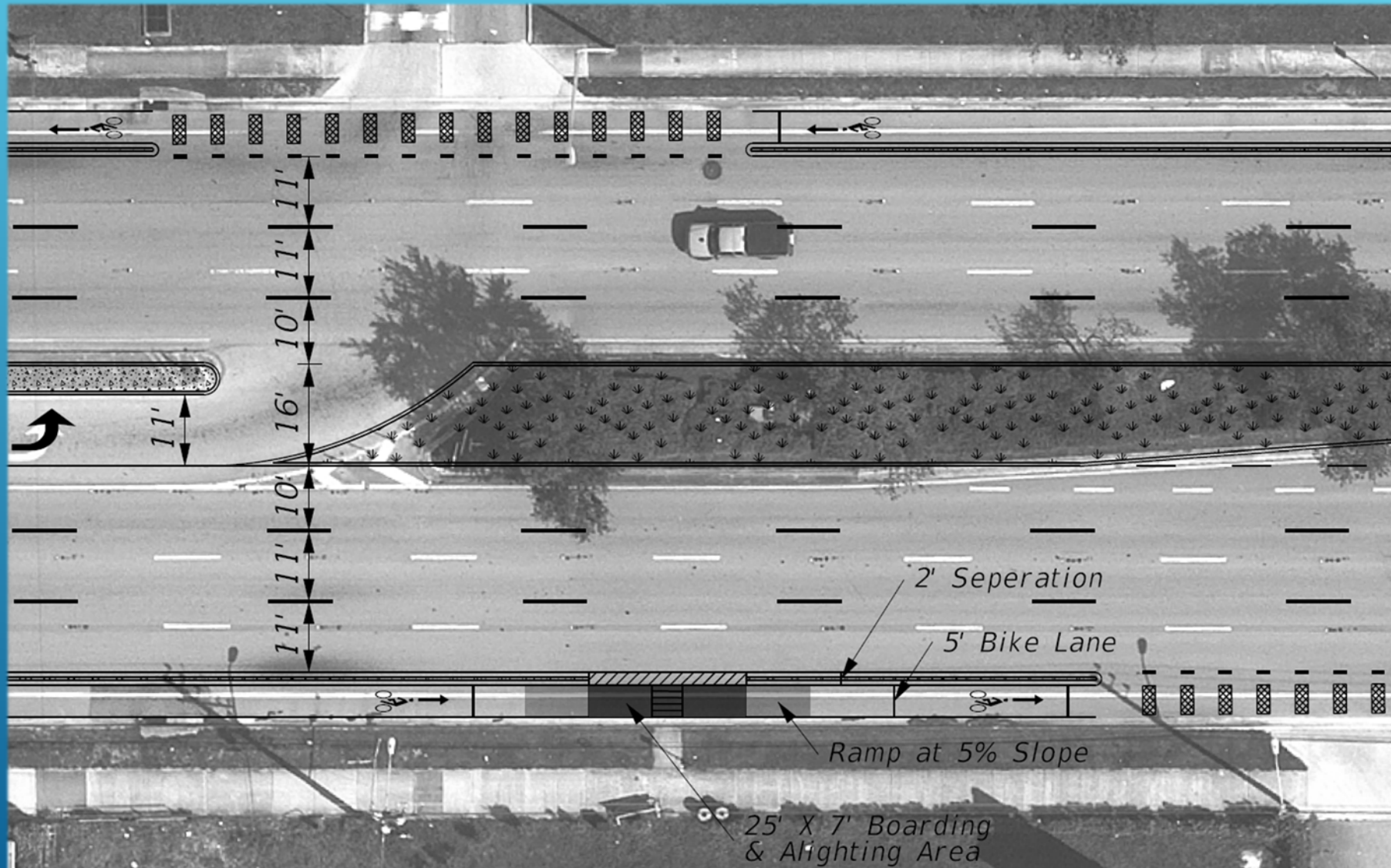
A Special Detail for ramps is needed at transit stops

- o There are 20 bus stops throughout project limits
- o 25' X 7' Boarding Area

Some transit stops may be relocated to accommodate for proper drainage of the roadway



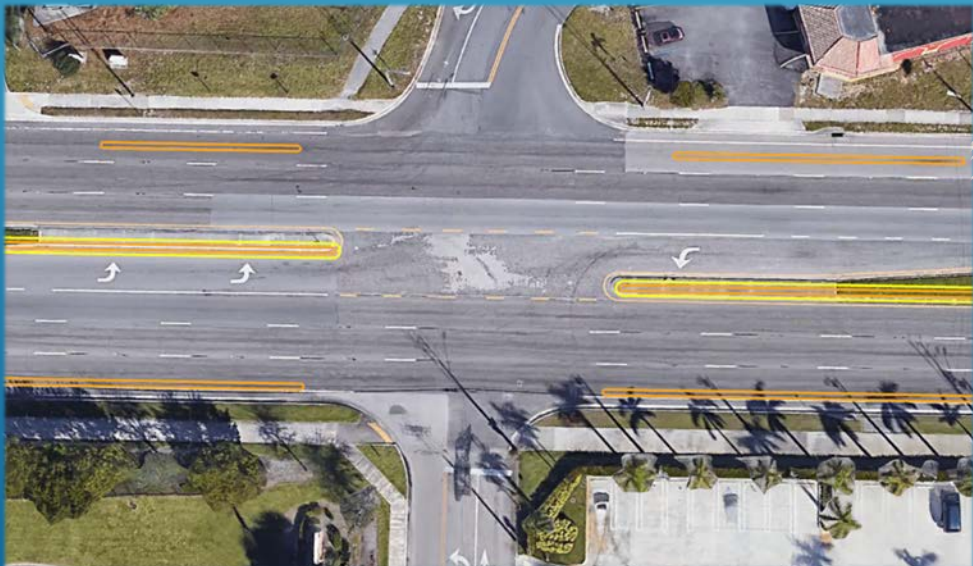
CONCEPTUAL SKETCH



MEDIAN MODIFICATIONS

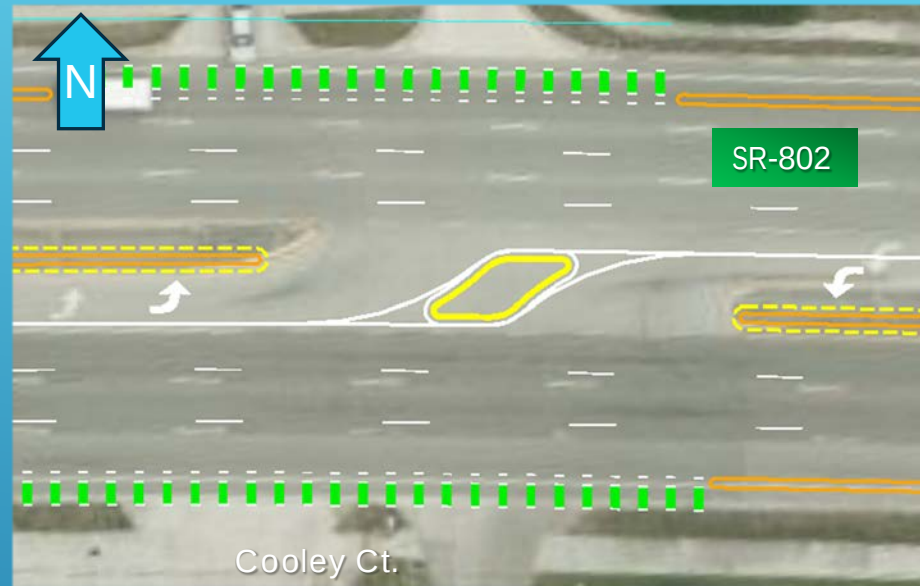
Due to the Median width reduction from 22' to 16'

- **Some trees will have to be removed/relocated** (the full extent of tree impacts is being evaluated)
- Median Cross-overs will be impacted in areas where widening is taking place.
- **A Total of 10 Access Impacted Movements:**
 - Cooley Ct. to West-bound SR-802
 - Foss Rd. to West-bound SR-802
 - Corrigan Ct. to East-bound SR-802
 - Gulfstream Rd. N-bound to W-bound SR-802
 - Gulfstream Rd. S-bound to E-bound SR-802
 - Coconut Rd. to West-bound SR-802
 - 2nd Ave. N. to East-bound SR-802
 - Mar Mak Dr. to West-bound SR-802
 - Palm Springs Commerce Center to E-bound SR-802
 - 3199 Lake Worth Rd. to E-bound SR-802

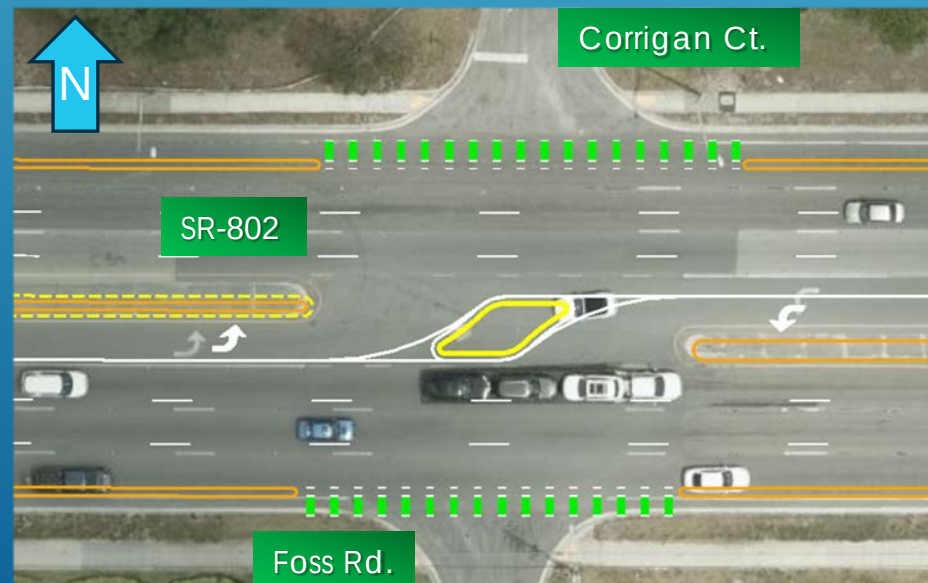


MEDIAN MODIFICATIONS

- o Cooley Ct. to West-bound SR-802



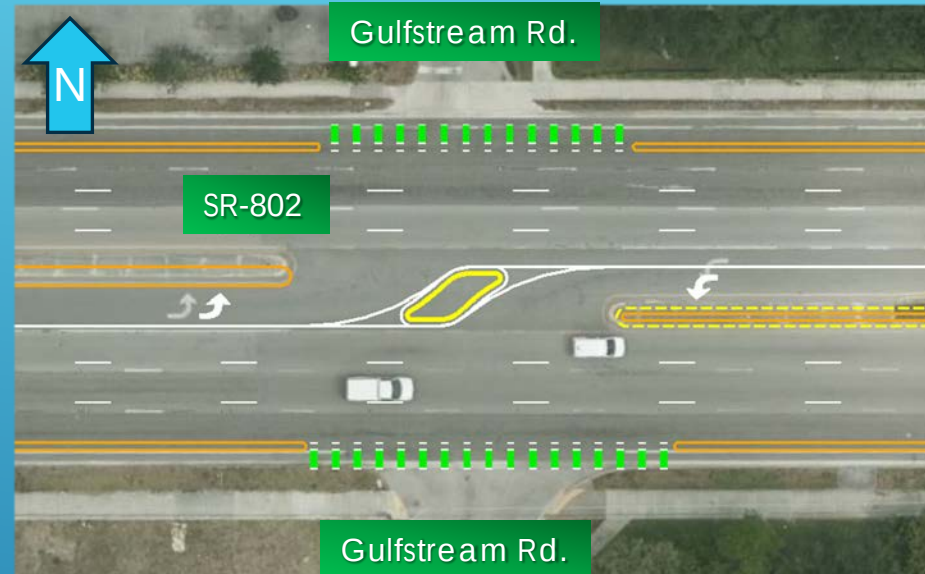
- o Foss Rd. to West-bound SR-802
- o Corrigan Ct. to East-bound SR-802



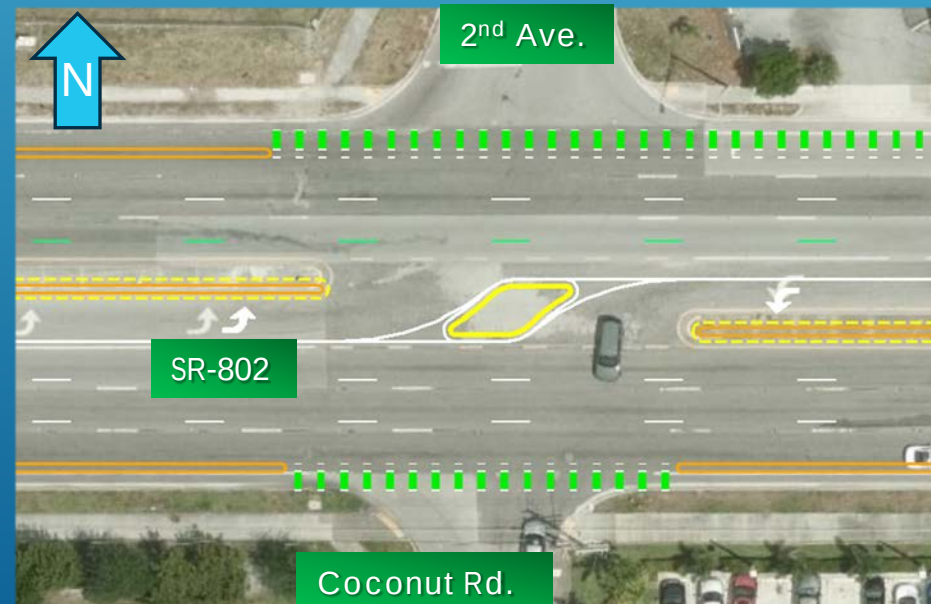
MEDIAN MODIFICATIONS

- o A Total of 10 Access Impacted Movements:
 - Mar-Mak Dr. to West-bound SR-802
 - Palm Springs Commerce Center to E-bound SR-802
 - 3199 Lake Worth Rd. to E-bound SR-802

- o Gulfstream Rd. N-bound to W-bound SR-802
- o Gulfstream Rd. S-bound to E-bound SR-802

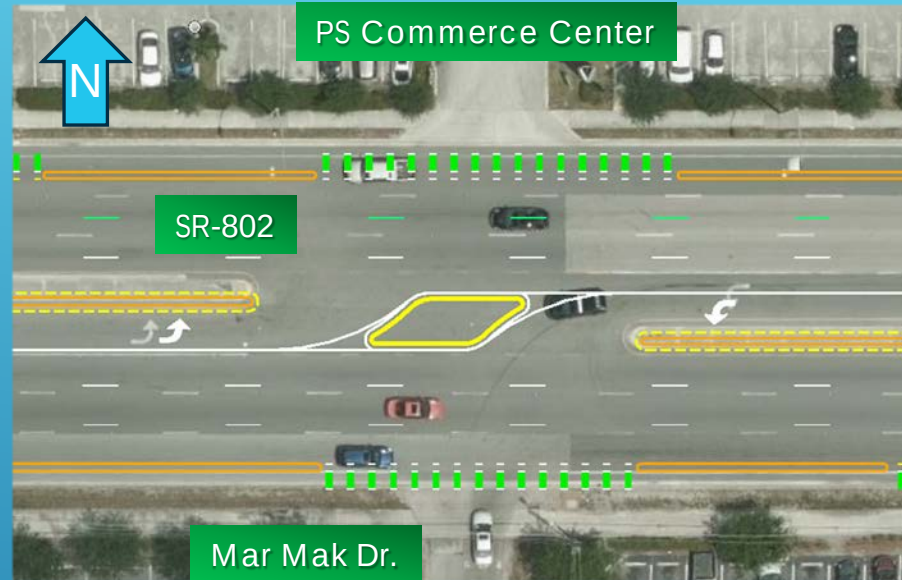


- o Coconut Rd. to West-bound SR-802
- o 2nd Ave. N. to East-bound SR-802

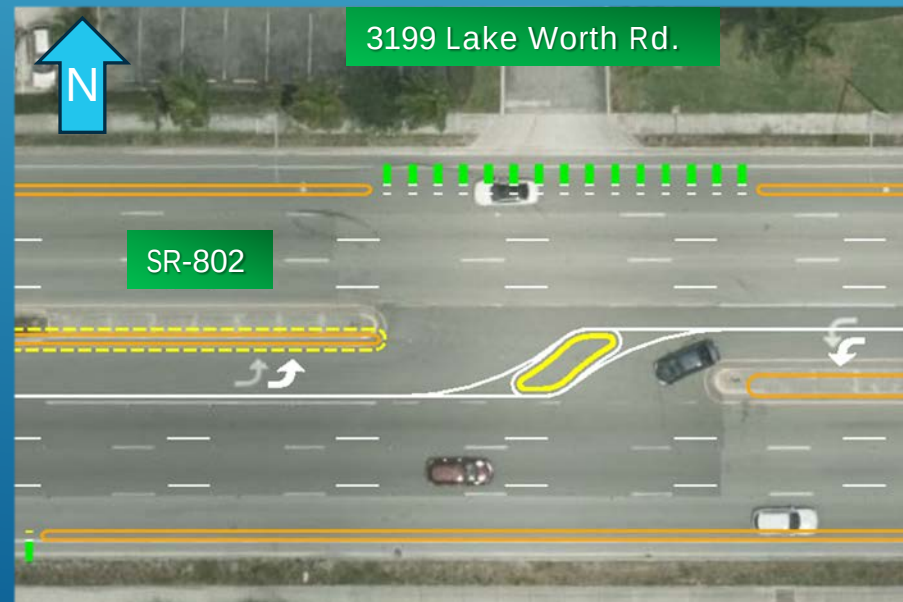


MEDIAN MODIFICATIONS

- o Palm Springs Commerce Center to E-bound SR-802
- o Mar Mak Dr. to West-bound SR-802



- o 3199 Lake Worth Rd. to E-bound SR-802



ROADWAY CONDITIONS

- Heavy rutting throughout project corridor
- Cracking and pavement separation, especially around manholes
- Faded and missing pavement markings
- Ponding issues to be addressed



BICYCLIST & PEDESTRIAN SAFETY

Major Concerns:

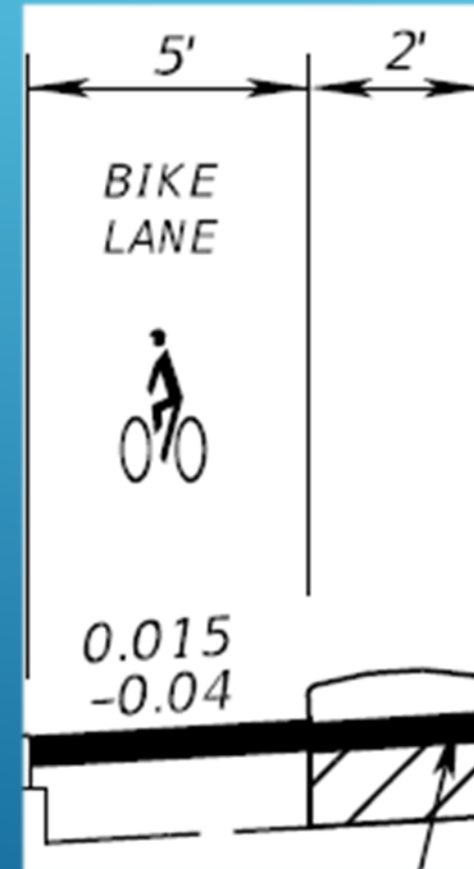
- o Bicyclist Safety
- o Pedestrian Crossings
- o Sidewalk Requirements



BICYCLIST SAFETY



Fatal and incapacitating bicyclist injuries have occurred throughout the project corridor



The purpose of the Separated Bicycle Lane Facility is to reduce future accidents

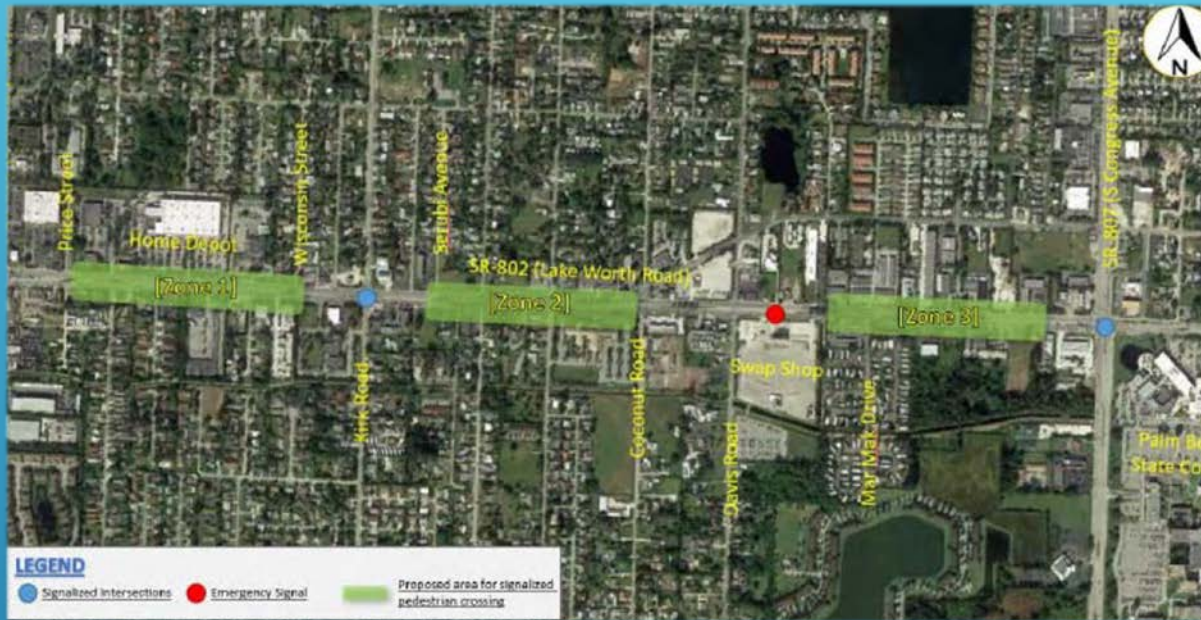
PEDESTRIAN MID-BLOCK CROSSINGS



- o By incorporating Mid-Block crossing(s), pedestrian crossings at unsignalized locations will be reduced.
- o A total of 3 Mid Block Crossing locations were examined in a “Mid Block Crossing Study”.

Photo taken between
Raulerson Dr. and Military Tr.

PEDESTRIAN MID-BLOCK CROSSINGS

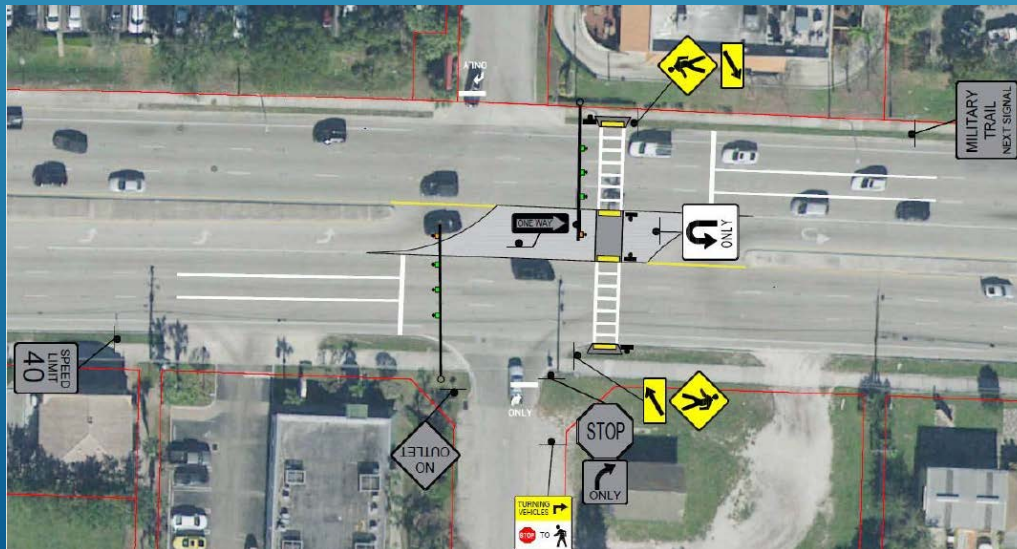


Three zones were studied based on the following criteria:

- Corridor Crash Data
- Traffic Engineering Manual Guidance
- Locational Review

One location was recommended by the Mid Block Crossing Study:

- Just east of Urquhart St.



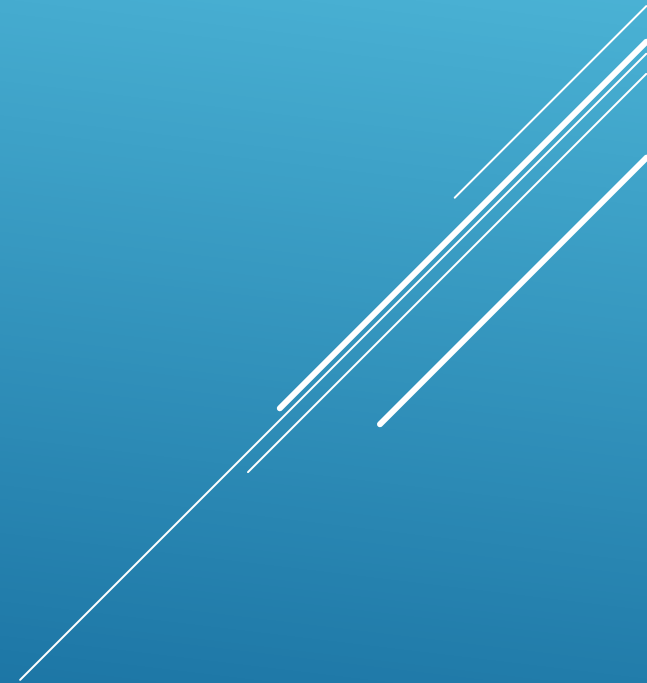
SIDEWALK REQUIREMENTS

- o All damaged/missing detectable warning surfaces will be replaced
- o Sidewalks will be upgraded in accordance to FDOT and ADA standards
- o All abandoned utility poles will be removed.



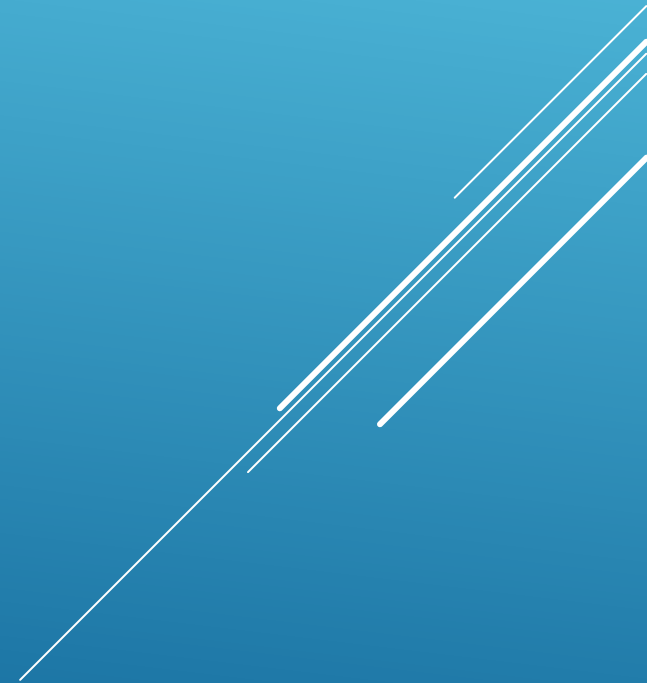
OPEN DISCUSSION

QUESTIONS?



THANK YOU

WE LOOK FORWARD TO CONTINUE WORKING WITH YOU



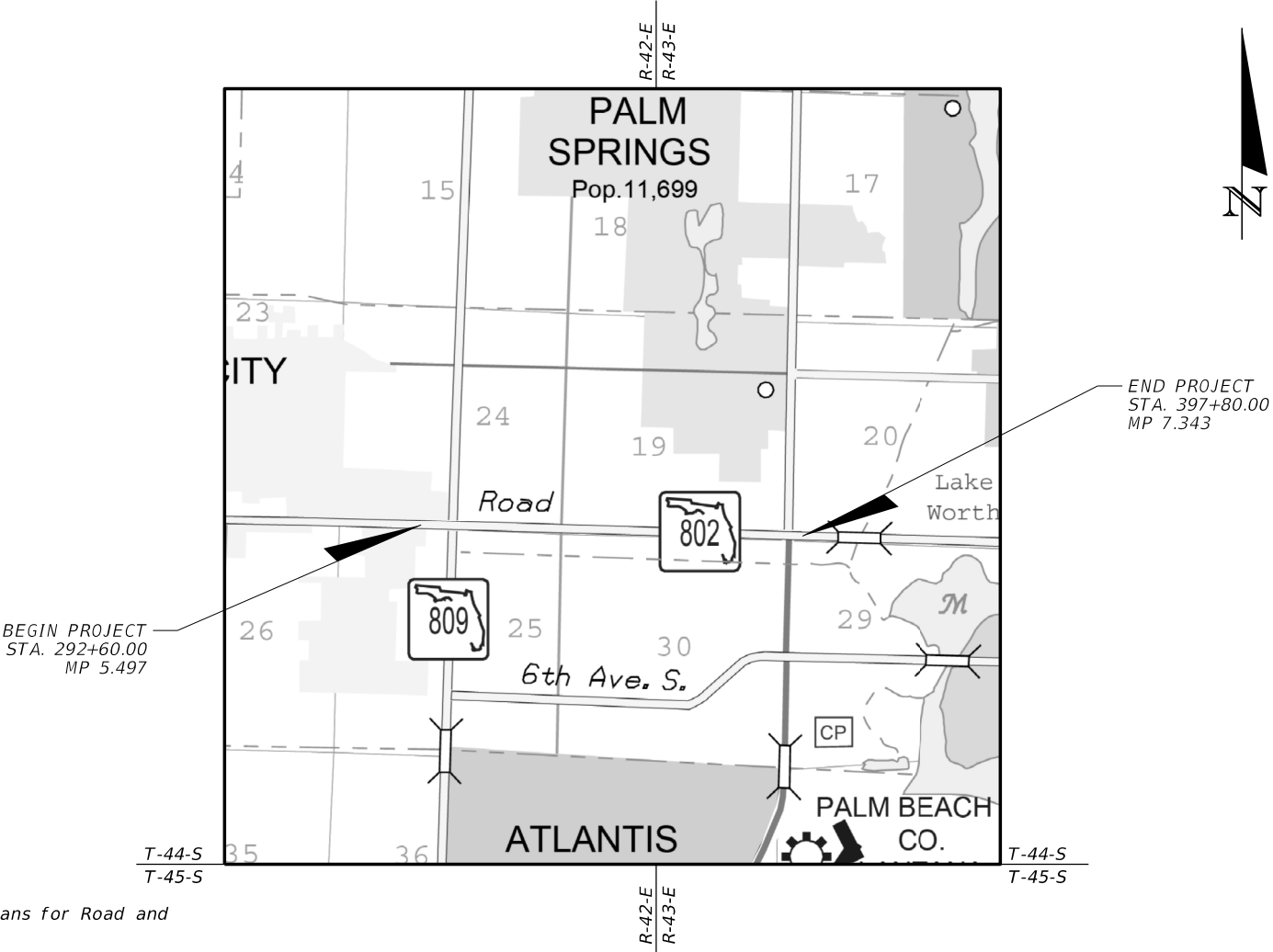
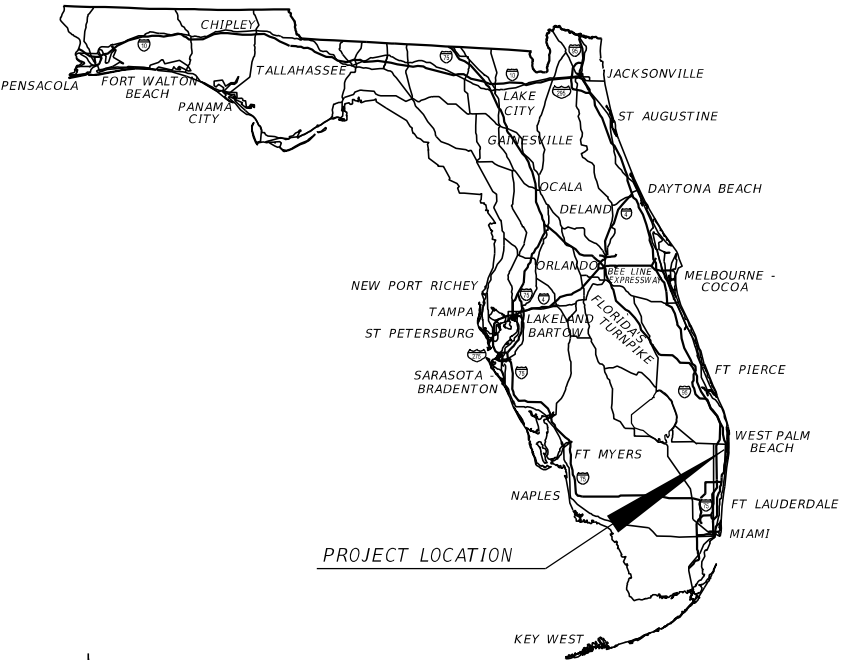
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
ACCESS MANAGEMENT REVIEW

FINANCIAL PROJECT ID 441632-1-52-01

INDEX OF ROADWAY PLANS

SHEET NO.	SHEET DESCRIPTION
1	KEY SHEET
2 - 20	ACCESS MANAGEMENT

PALM BEACH COUNTY (93180)
STATE ROAD NO. 802/LAKE WORTH ROAD
FROM RAULERSON DRIVE TO PALM BEACH
STATE COLLEGE ENTRANCE



GOVERNING STANDARD PLANS:
Florida Department of Transportation, FY 2020-2021 Standard Plans for Road and Bridge Construction and applicable Interim Revisions (IRs).

Standard Plans for Road Construction and associated IRs are available at the following website: <http://www.fdot.gov/design/standardplans>

GOVERNING STANDARD SPECIFICATIONS:
Florida Department of Transportation, Jan, 2020 Standard Specifications for Road and Bridge Construction at the following website: <http://www.fdot.gov/programmanagement/Implemented/SpecBooks>

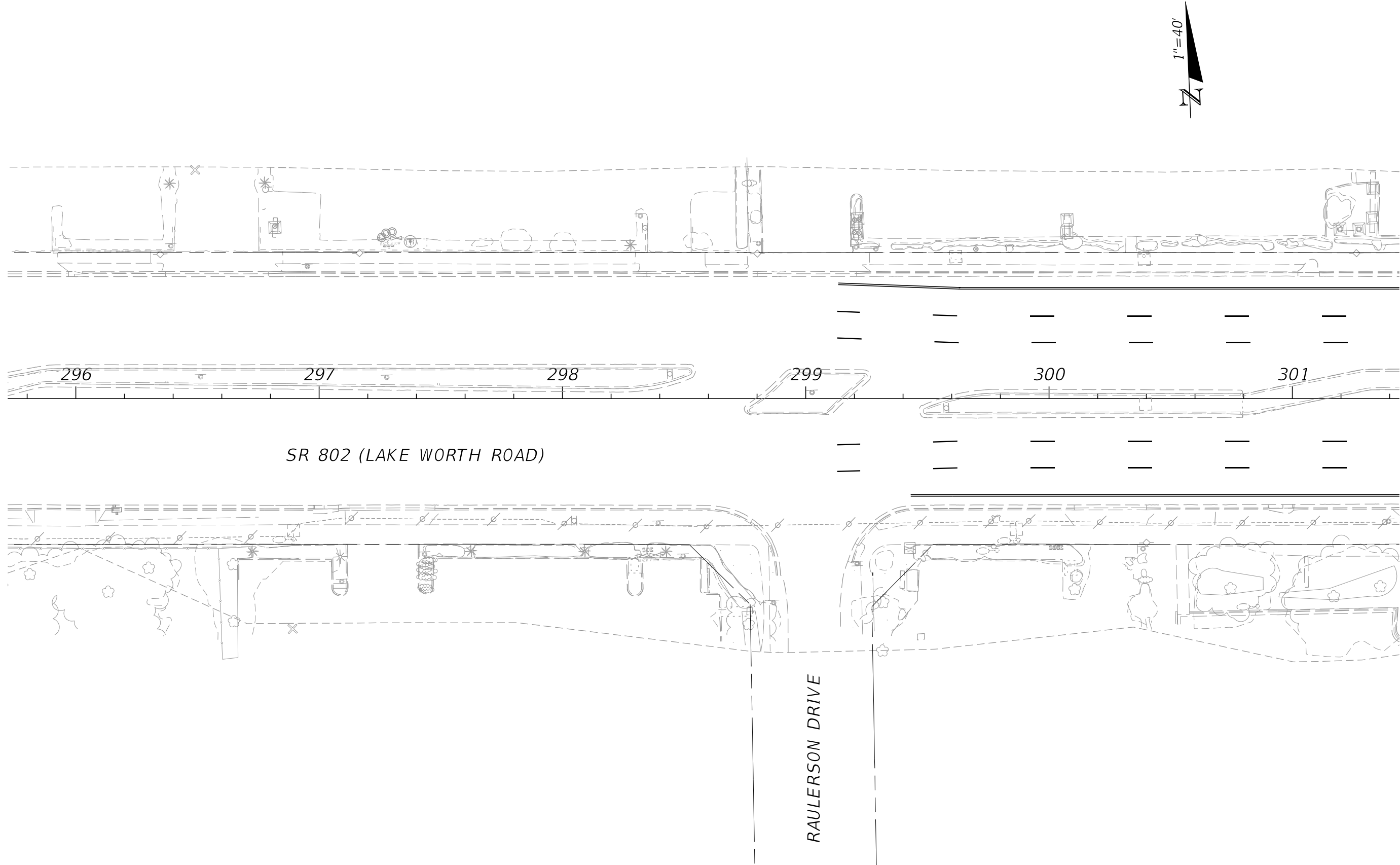
ROADWAY PLANS
ENGINEER OF RECORD:

SCOTT THURMAN, P.E.
P.E. LICENSE NUMBER 72240
FDOT DISTRICT 4
3400 W. COMMERCIAL BLVD.
FT. LAUDERDALE FL 33309

FDOT PROJECT MANAGER:
SCOTT THURMAN, P.E.

CONSTRUCTION CONTRACT NO.	FISCAL YEAR	SHEET NO.
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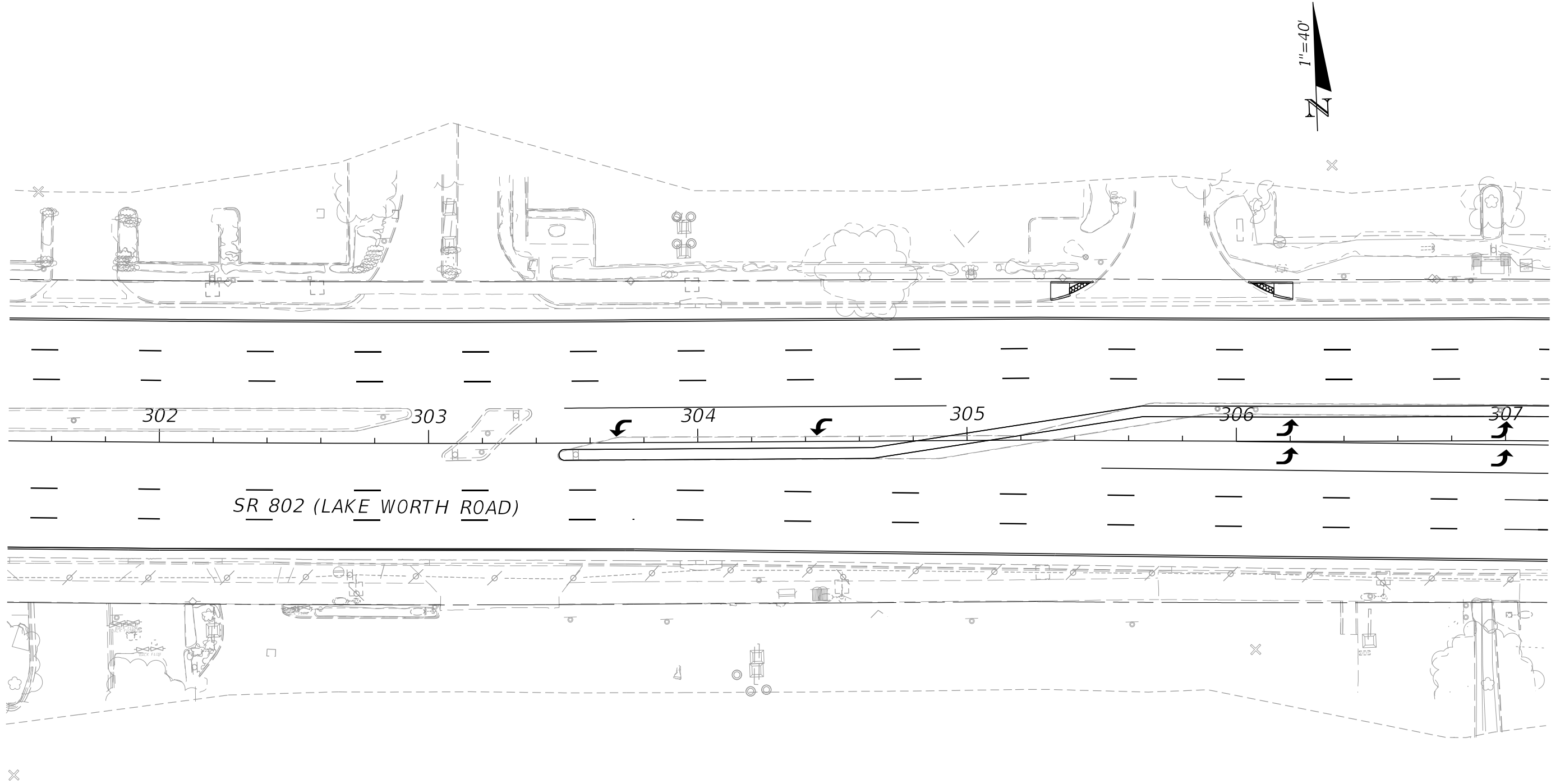
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DATE	DESCRIPTION	DATE	DESCRIPTION		ROAD NO.	COUNTY	FINANCIAL PROJECT ID		
					SR-802	PALM BEACH	441632-1-52-01		2

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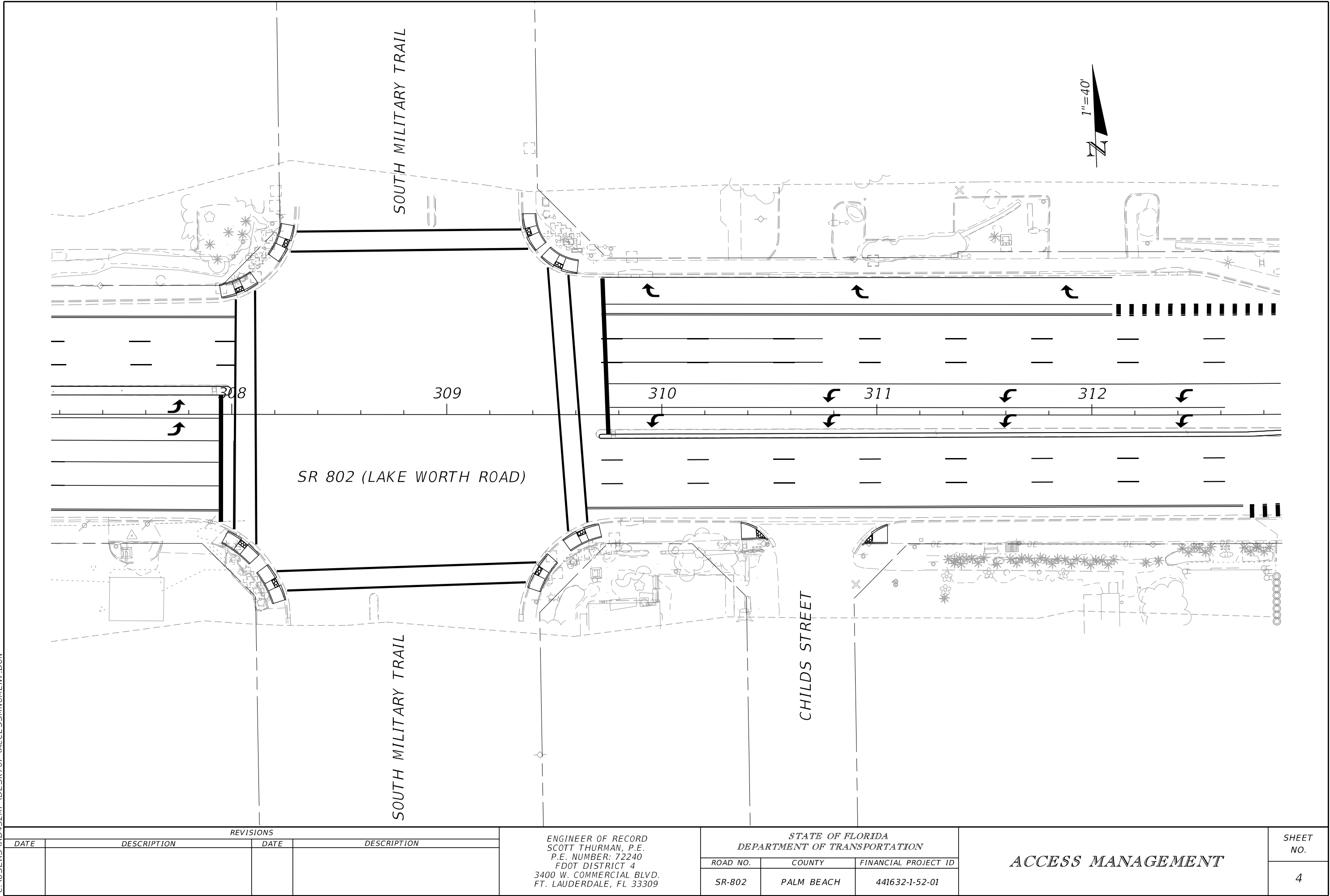
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ACCESS MANAGEMENT	
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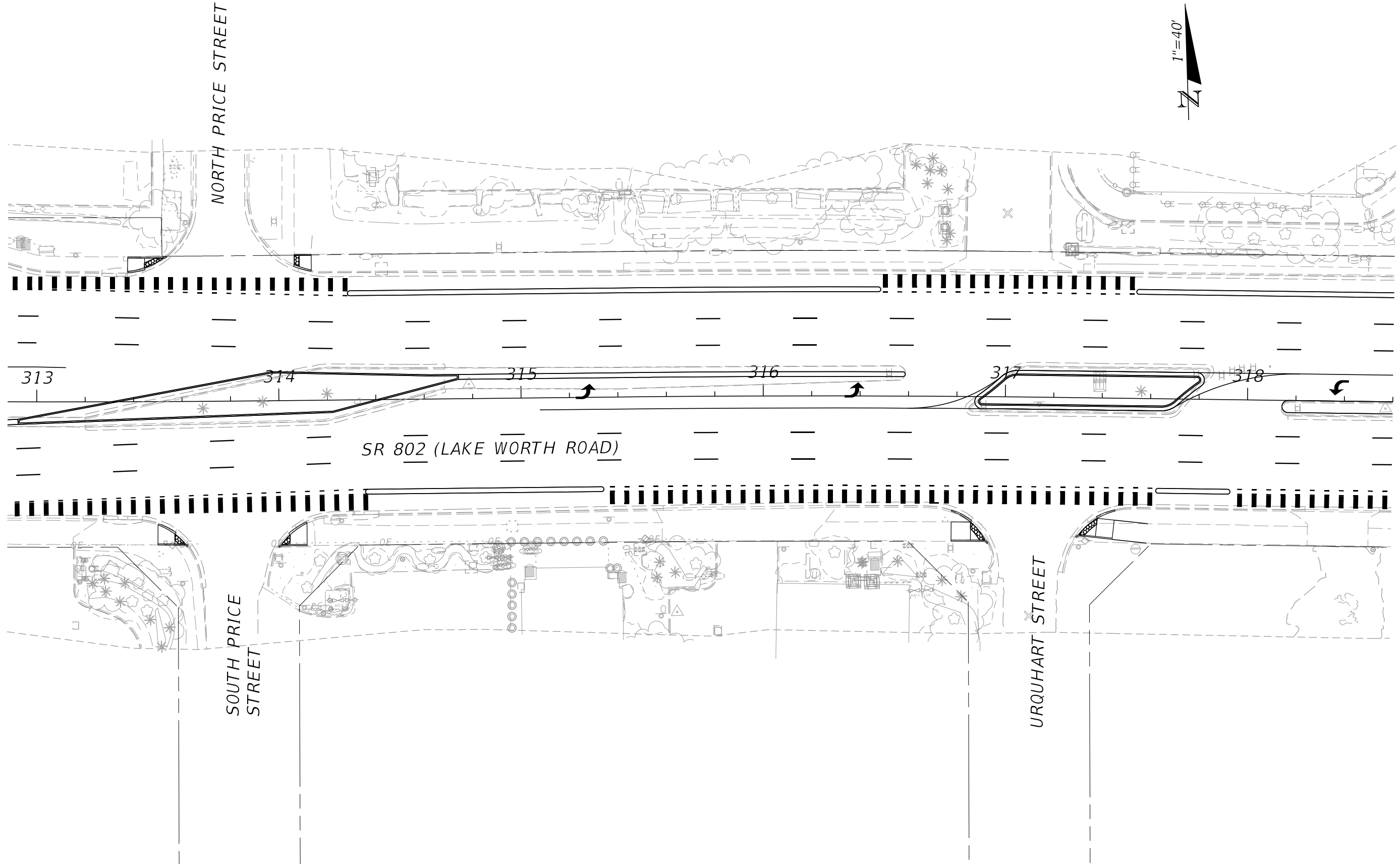
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ACCESS MANAGEMENT

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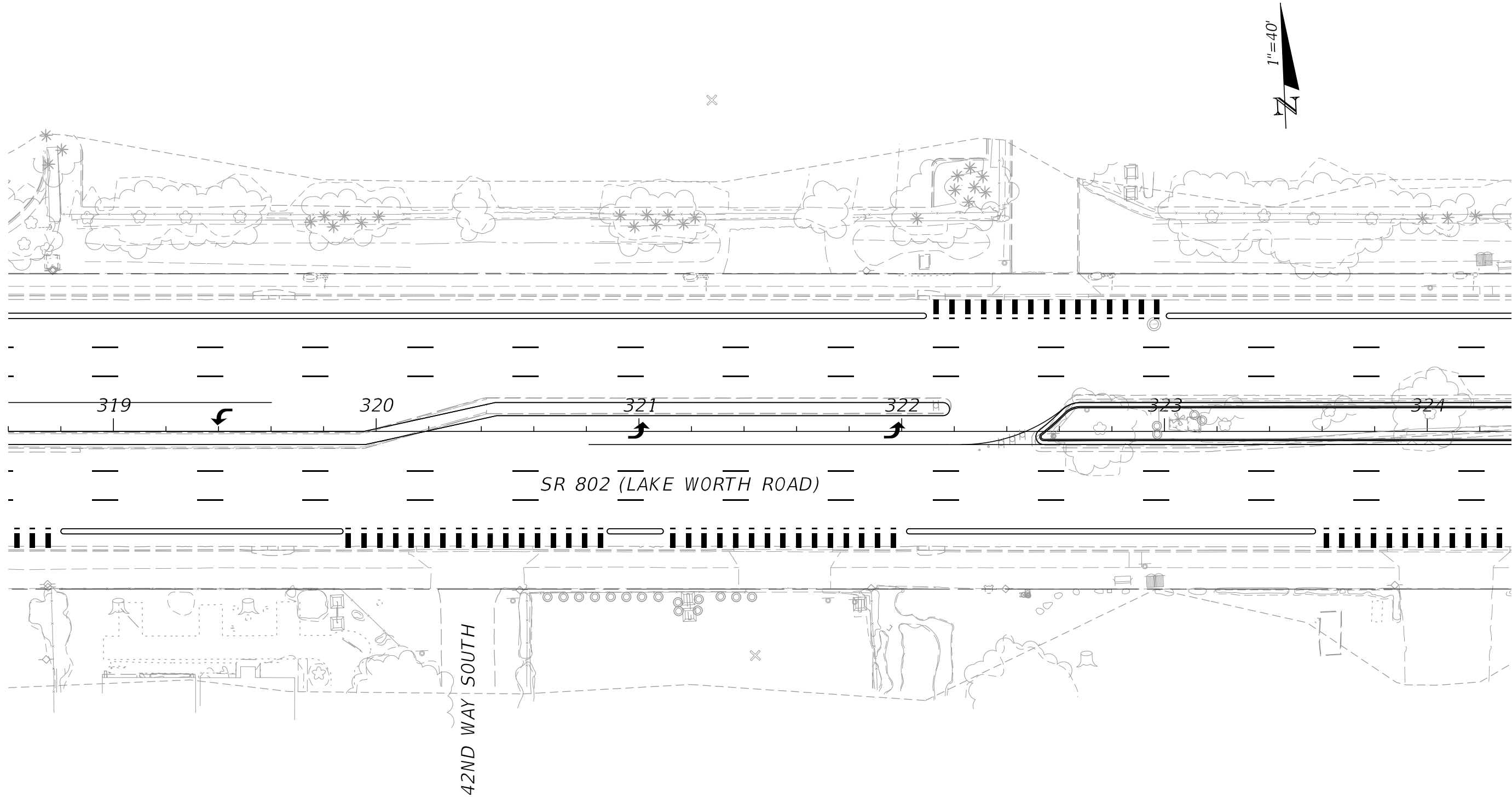
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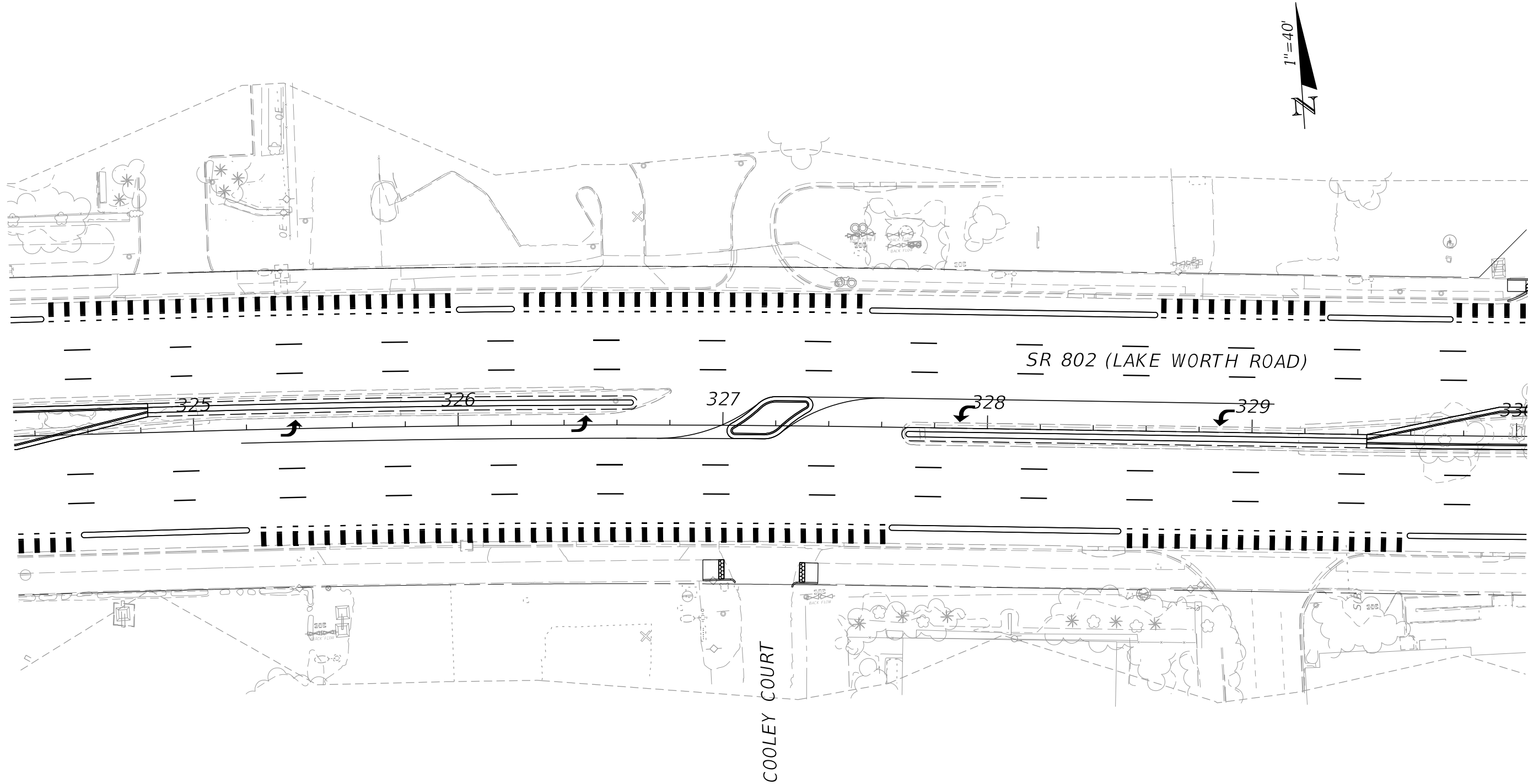
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SR-802	PALM BEACH	441632-1-52-01

<i>ACCESS MANAGEMENT</i>	
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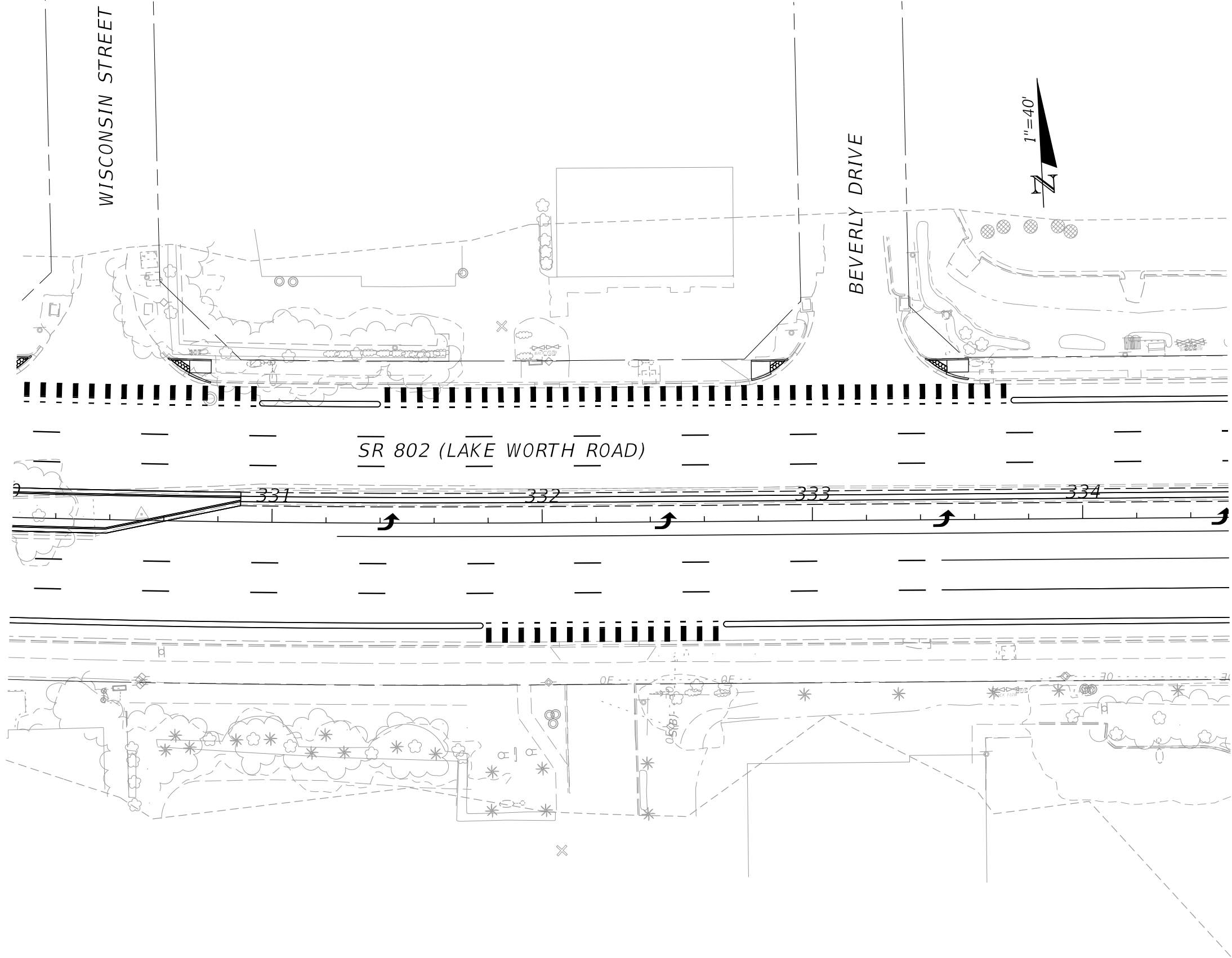
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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
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SR-802	PALM BEACH	441632-1-52-01

ACCESS MANAGEMENT

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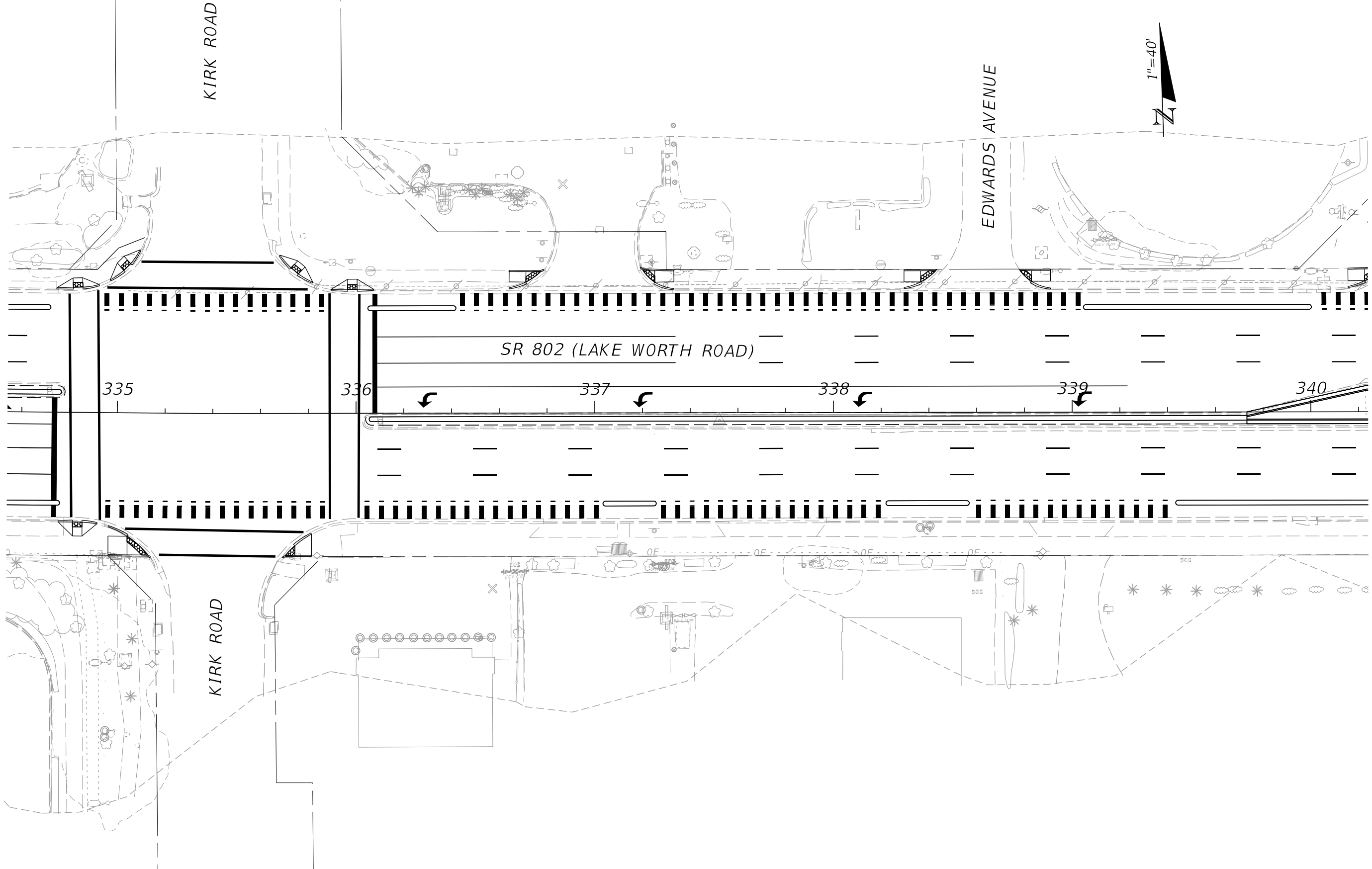
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FDOT DISTRICT 4
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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
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SR-802	PALM BEACH	441632-1-52-01

ACCESS MANAGEMENT

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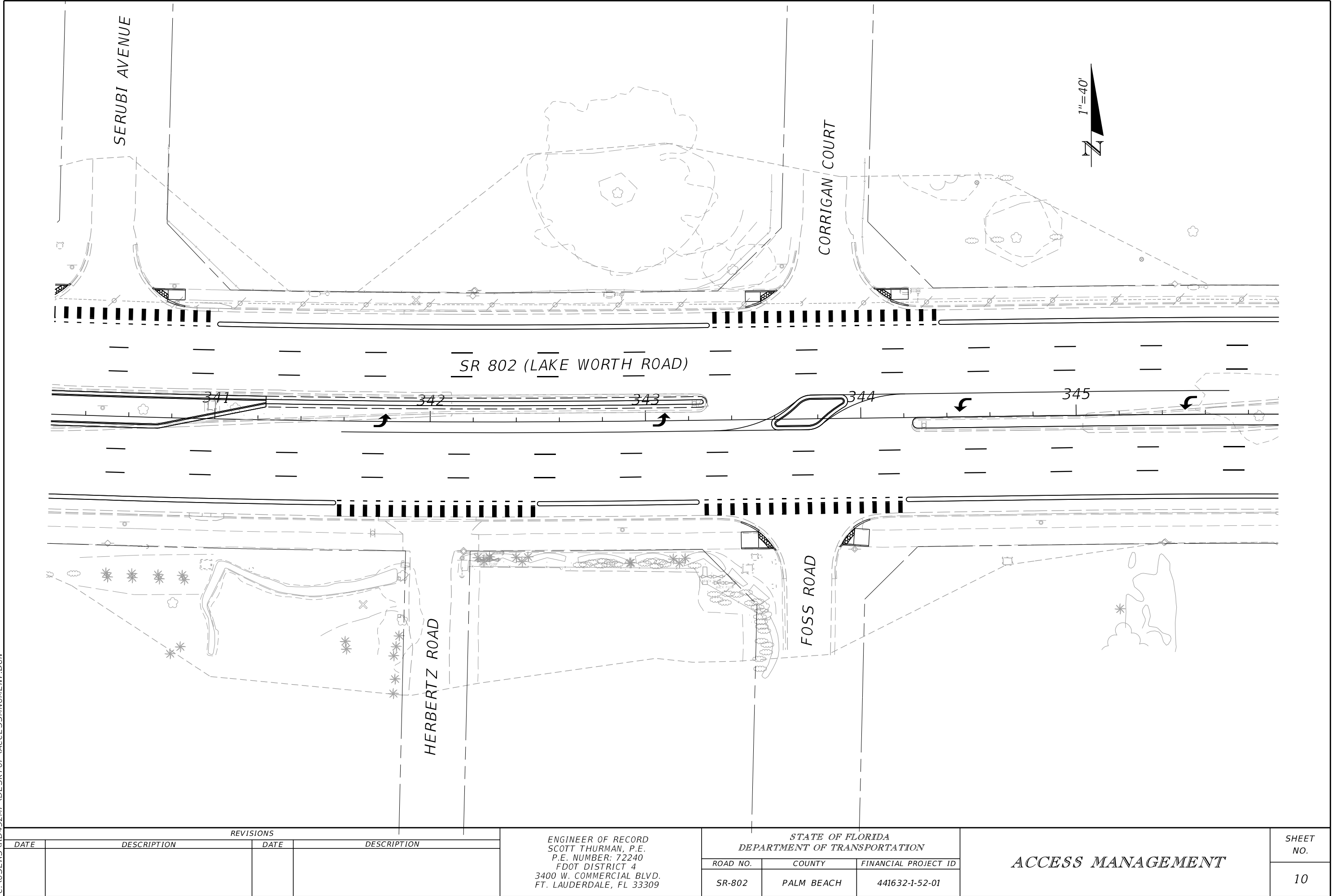
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SR-802	PALM BEACH	441632-1-52-01

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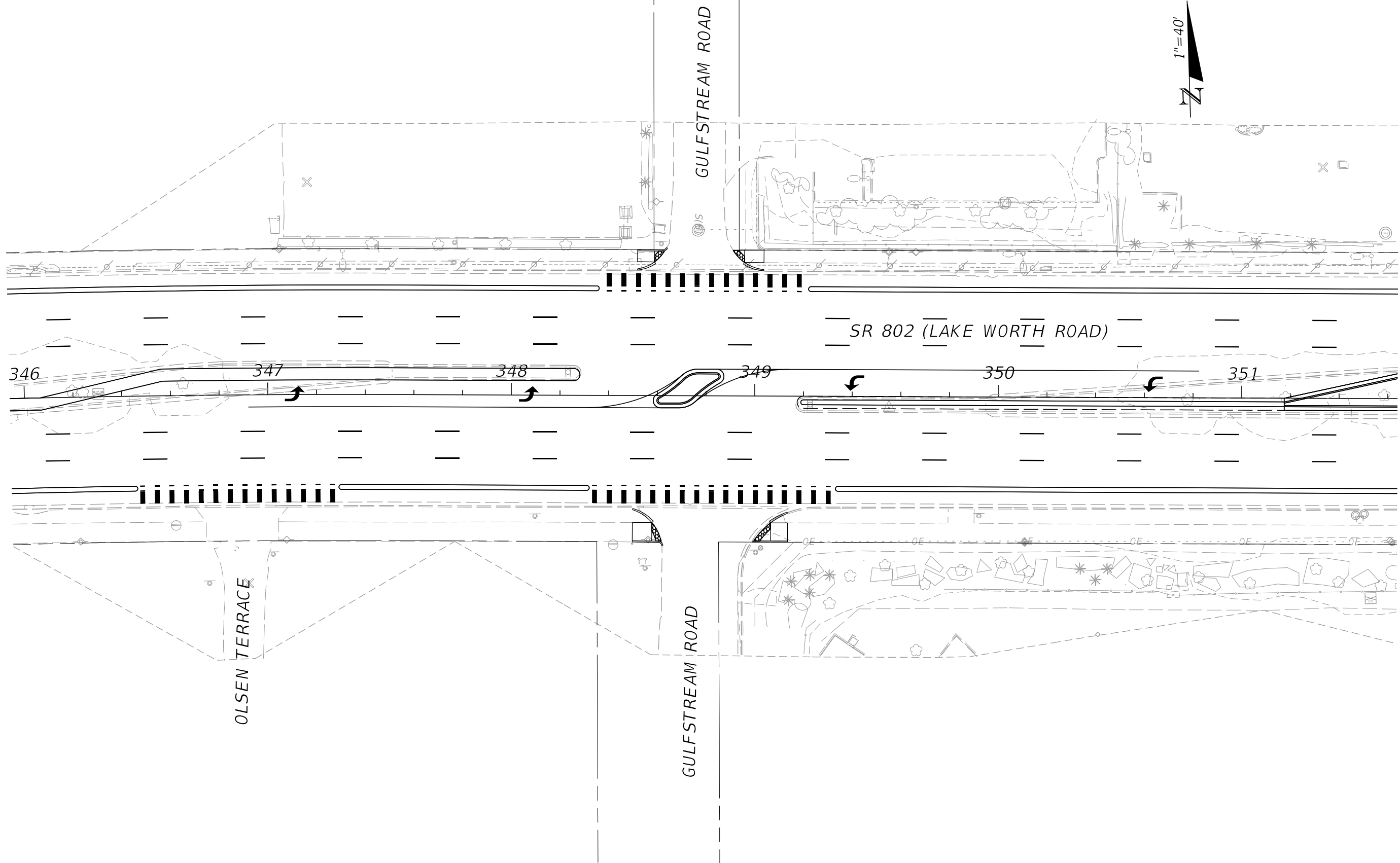
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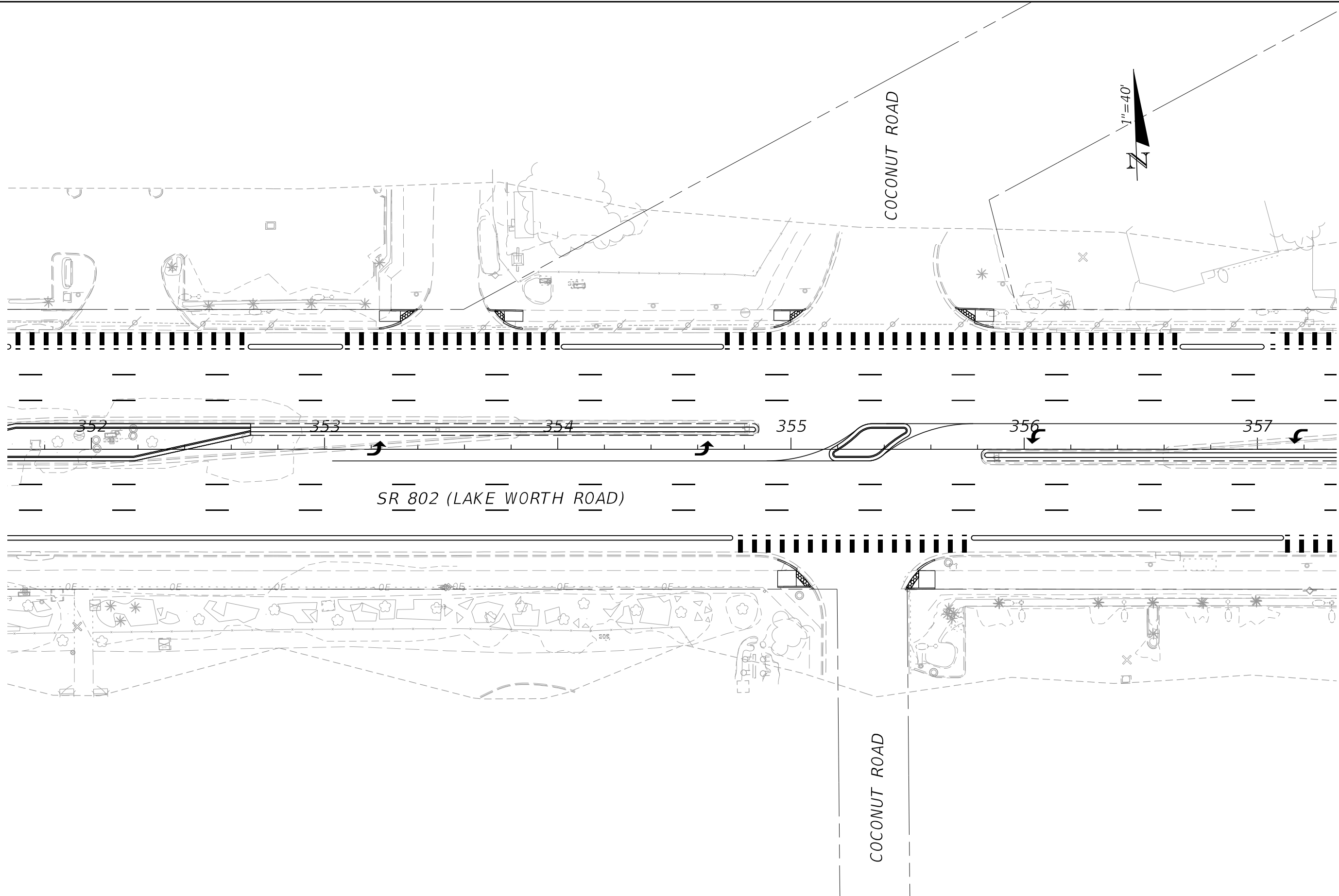
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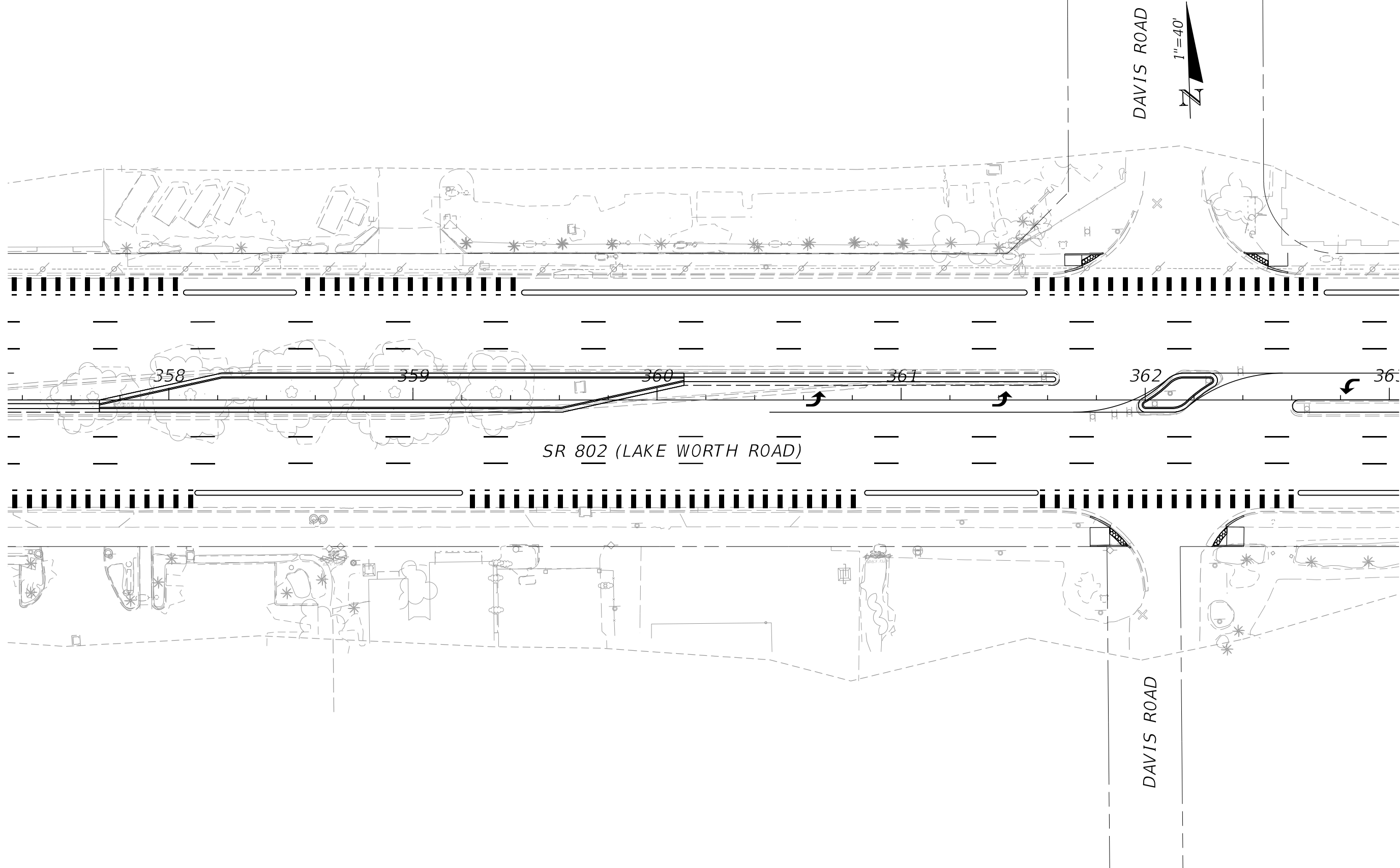
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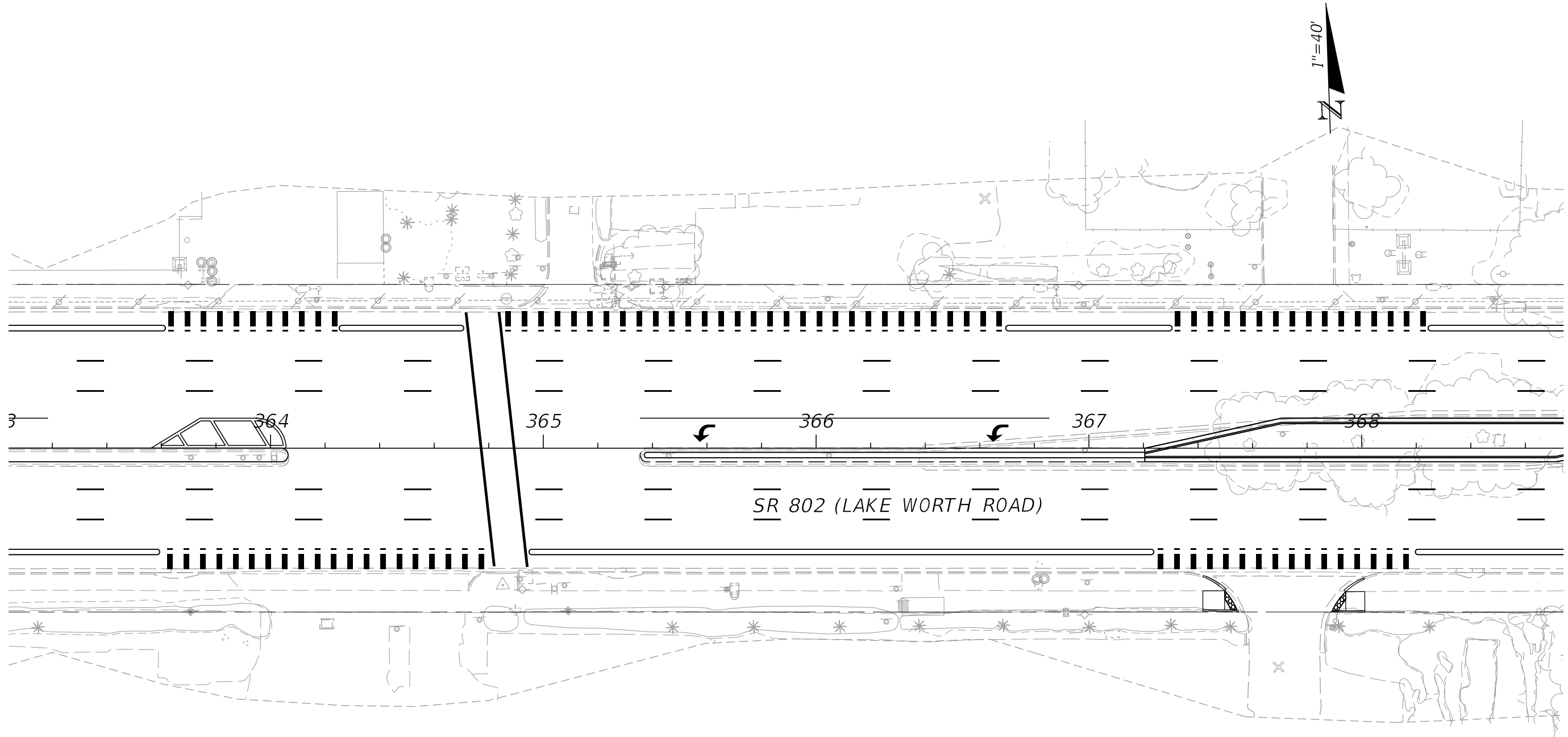
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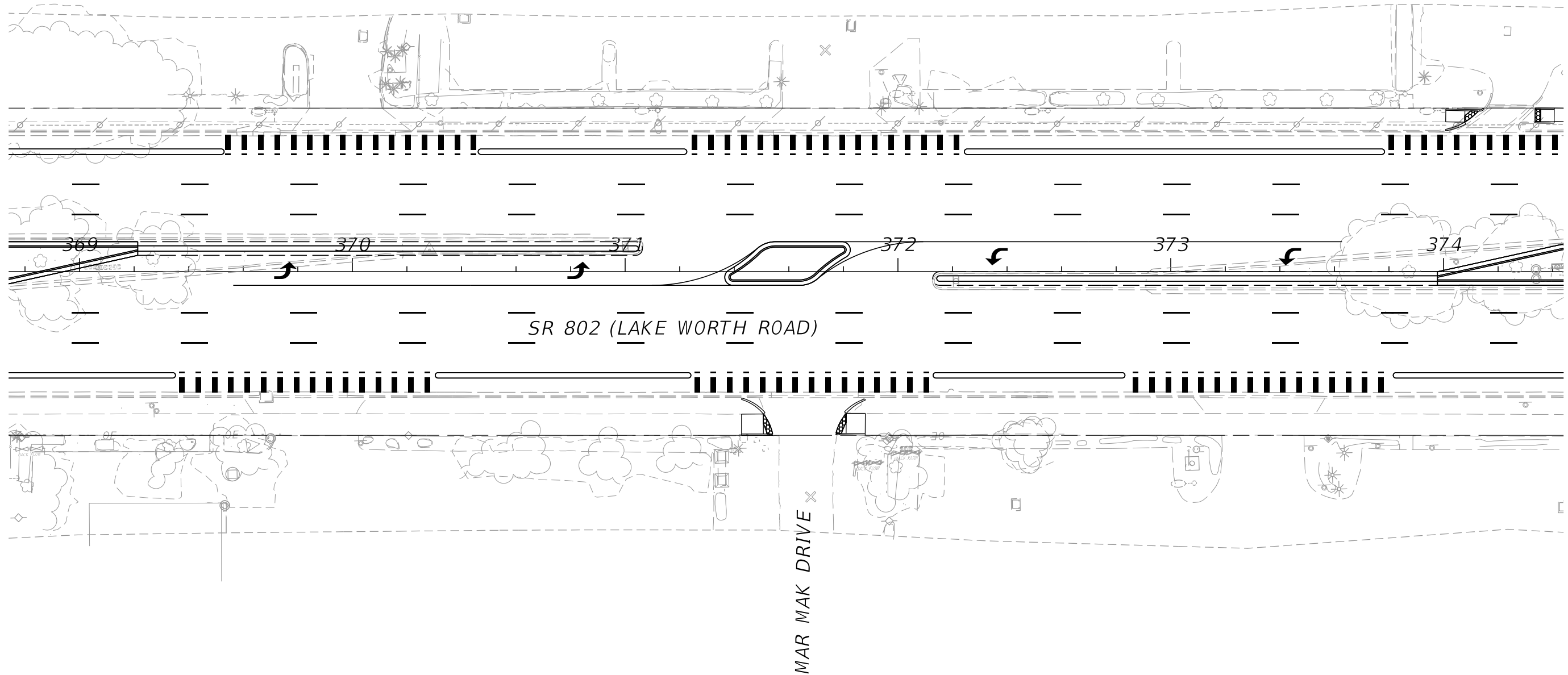
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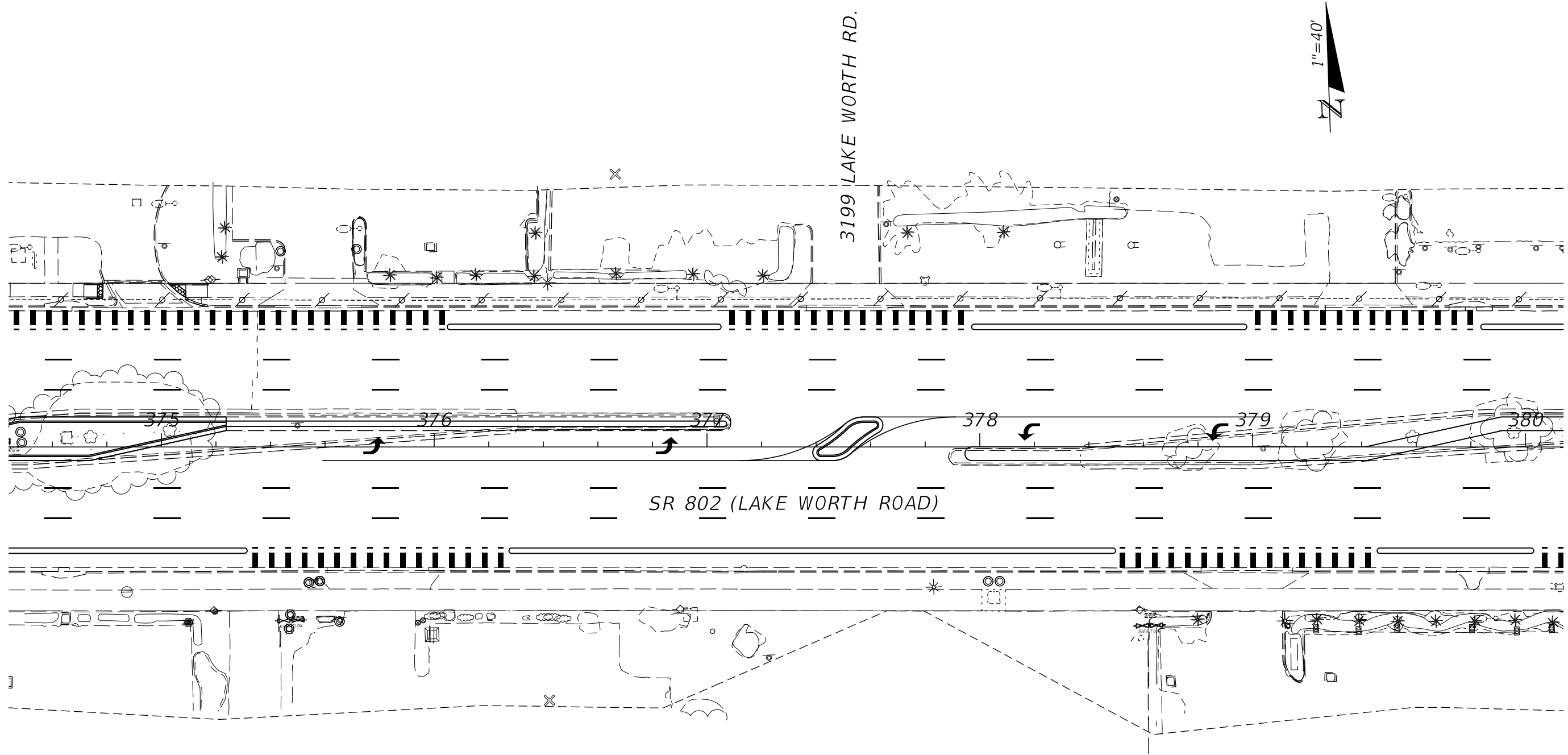
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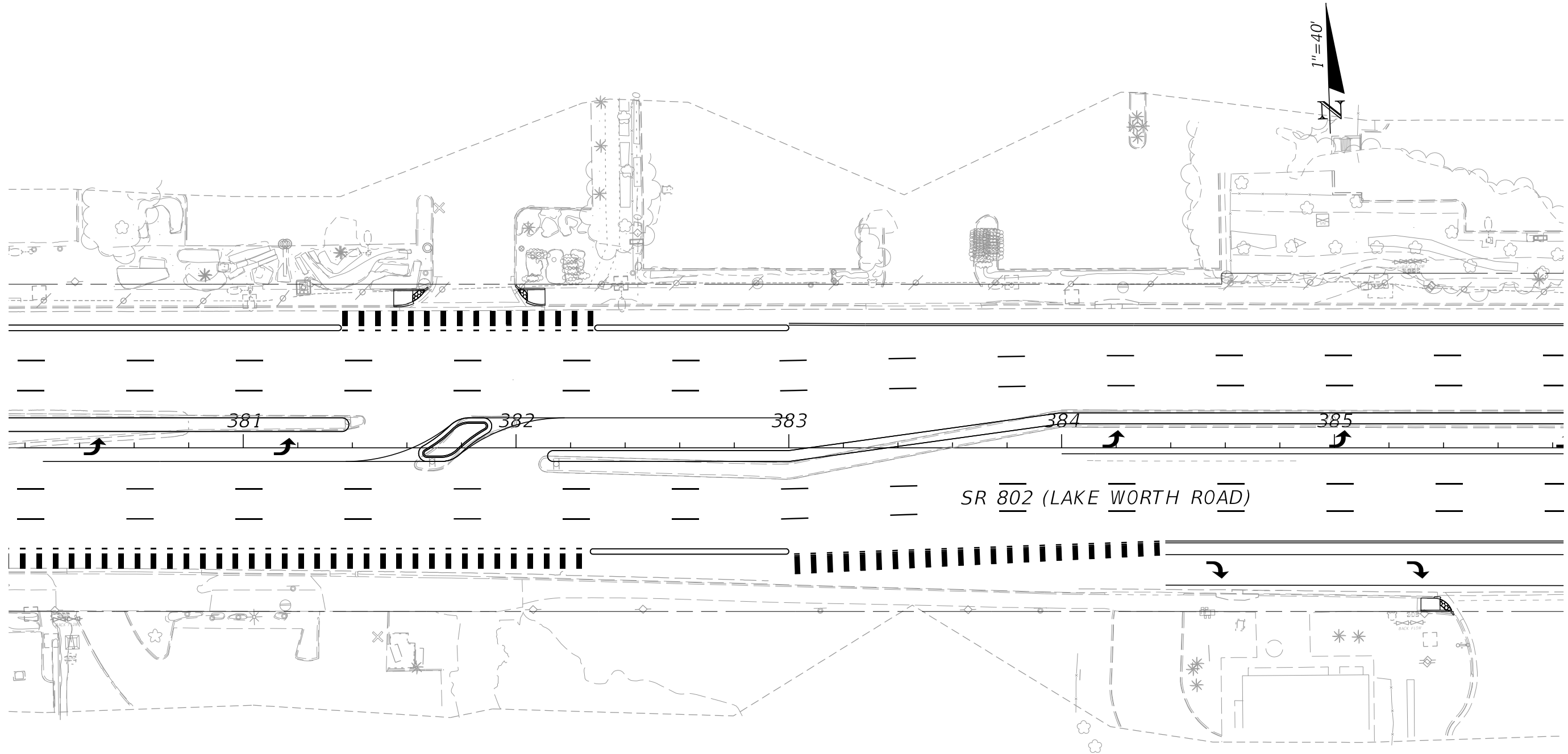
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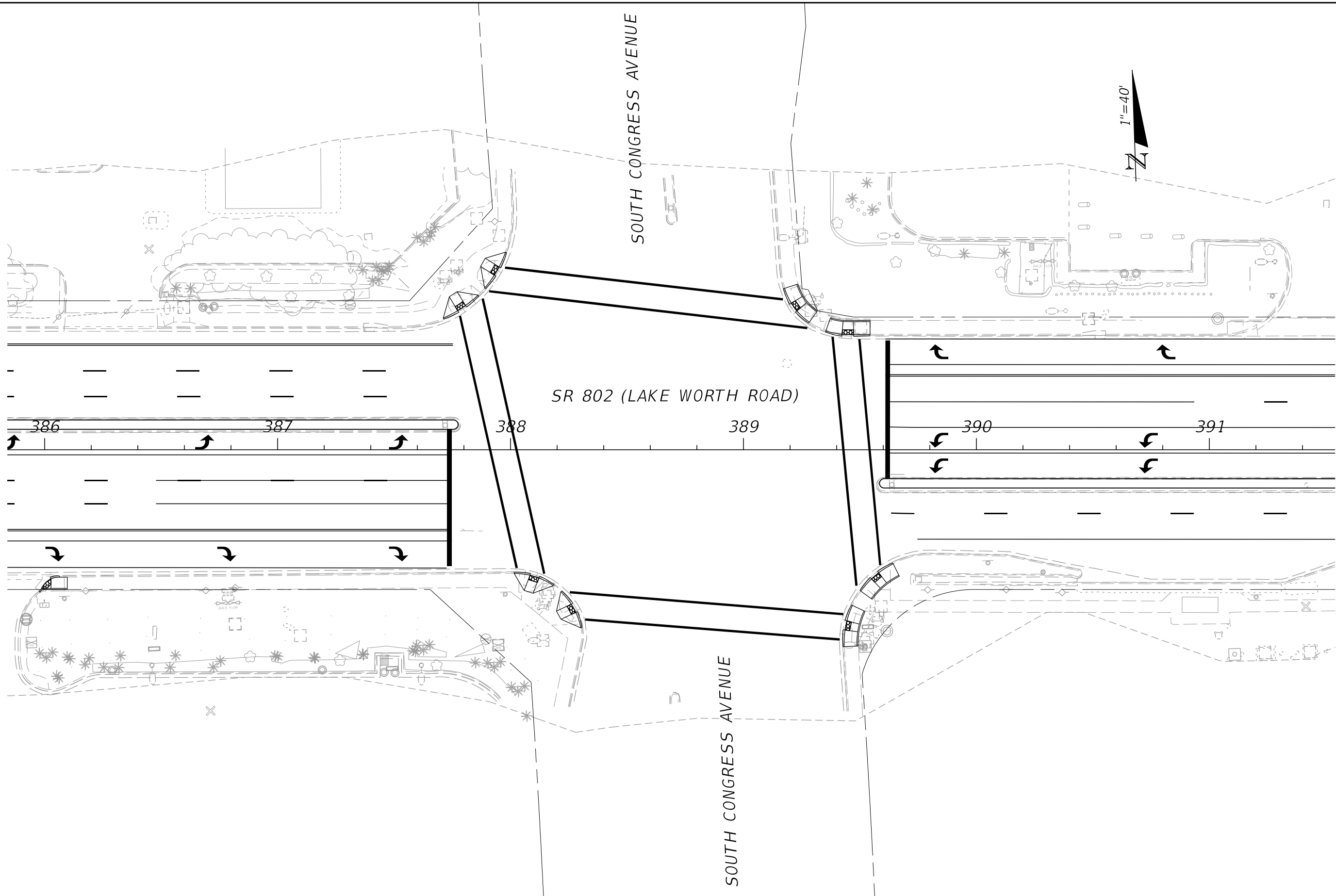
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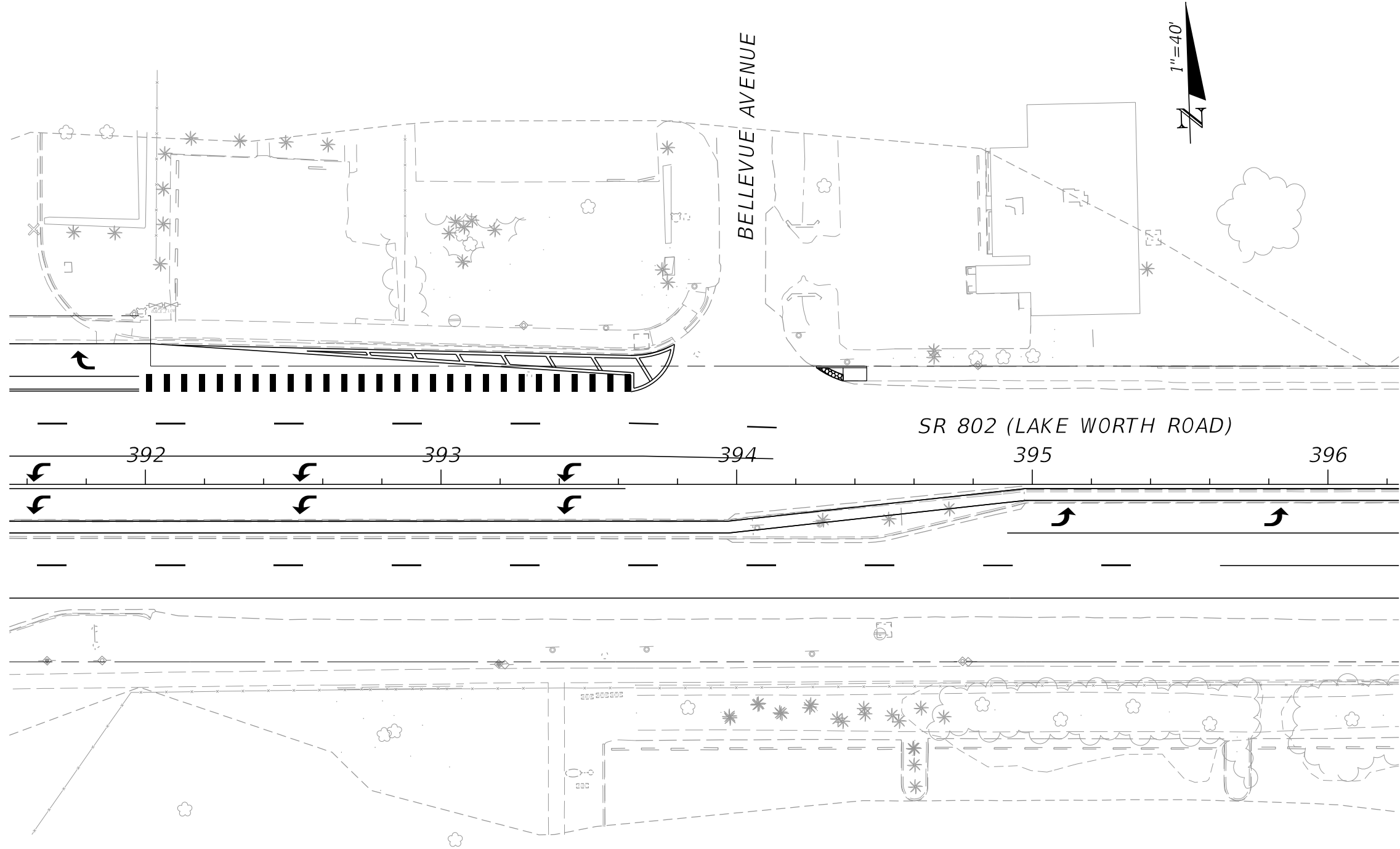
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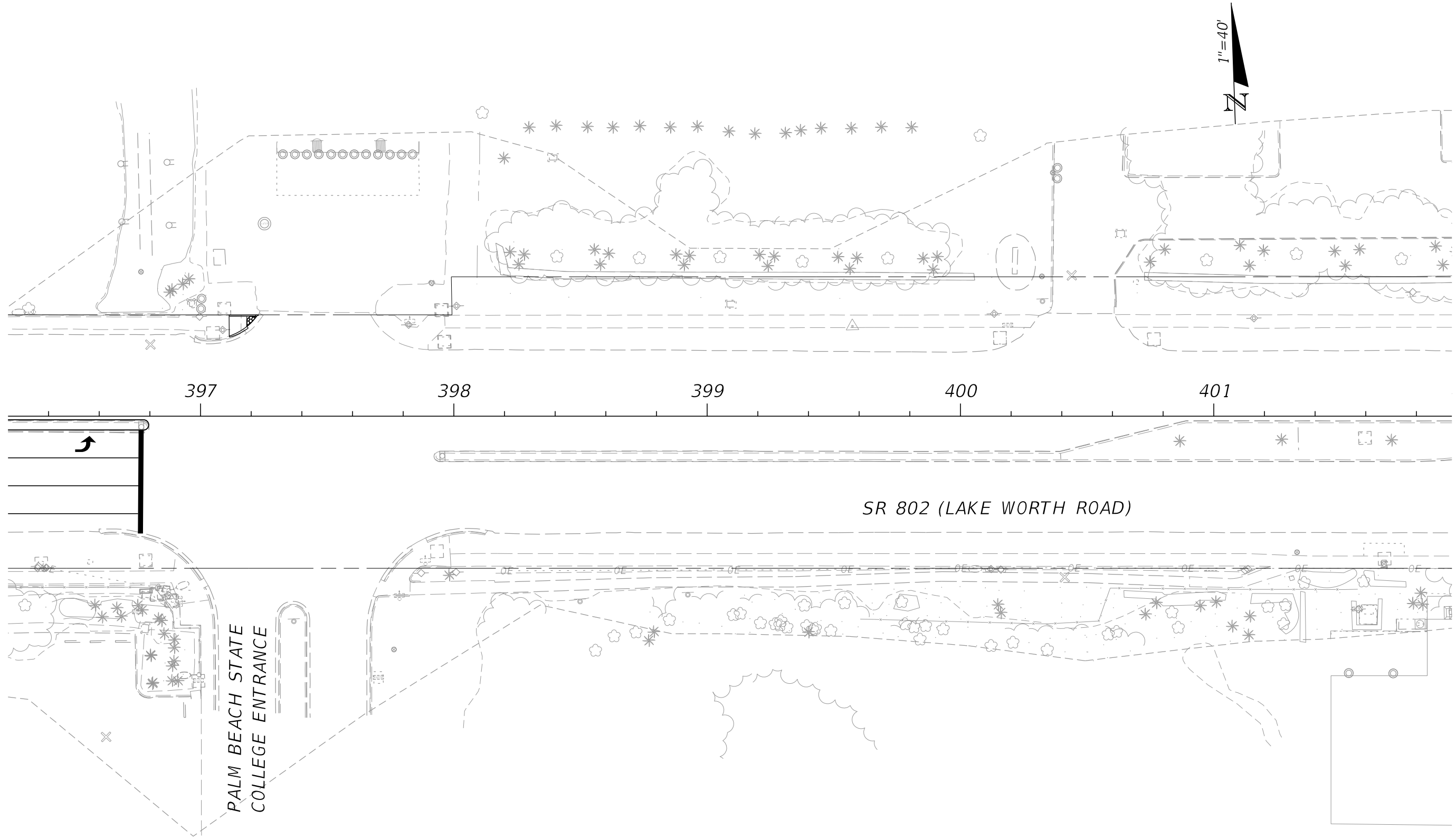
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LAKE WORTH ROAD MULTIMODAL CORRIDOR IMPROVEMENT STUDY

RAULERSON DRIVE TO SOUTH CONGRESS AVENUE

PREPARED FOR THE PALM BEACH TRANSPORTATION PLANNING AGENCY

**FINAL
MARCH 2020**

PREPARED BY THE TREASURE COAST REGIONAL PLANNING COUNCIL

TABLE OF CONTENTS

Executive Summary1

Purpose and Need.....1

Process.....1

What is a Complete Street?.....1

Palm Beach TPA 2045.....1

Summary of Findings.....2

Summary of Design Recommendations4

Existing Conditions and Needs6

Summary.....6

Field Notes.....7

Opportunities and Constraints8

Safety Analysis9

FDOT Road Safety Audit (RSA) - Lake Worth Road.....11

FDOT Context Classification12

Palm Beach TPA Complete Streets Design Guidelines13

Recommendations.....15

Recommended Design15

Corridor-Wide Recommendations18

Next Steps22

Appendix A.....24

FDOT Design Standards.....24

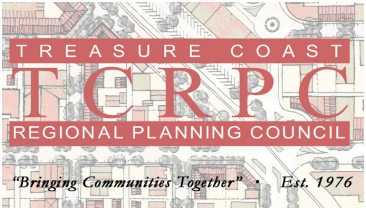
Appendix B....27

Alternative Design27

Prepared For:



Prepared By:



In partnership with:



In coordination with:



- Abbreviations Commonly Used in this Report
- FDOT - Florida Department of Transportation
 - FHWA - Federal Highway Administration
 - MUTCD - Manual on Uniform Traffic Control Devices
 - NACTO - National Association of City Transportation Officials
 - RRR - Roadway Resurfacing and Rehabilitation
 - RSA - Road Safety Audit
 - TCRPC - Treasure Coast Regional Planning Council
 - TPA - Palm Beach Transportation Planning Agency

EXECUTIVE SUMMARY

PURPOSE AND NEED

The purpose of the Lake Worth Road Multimodal Corridor Improvement Study is to develop multimodal corridor recommendations for the Florida Department of Transportation (FDOT), the Village of Palm Springs, and the City of Greenacres, including potential “Complete Street” design options to improve the function, safety, and multimodal transportation components of the Lake Worth Road Corridor (from Raulerson Drive to South Congress Avenue). The study is funded by the Palm Beach Transportation Planning Agency (TPA) and is designed to help accomplish the agency’s goals as contained within its Long Range Transportation Plan. The work has included coordination with the two municipalities as well as Palm Beach County, FDOT, Palm Tran, Palm Beach State College, Lake Worth Drainage District, and the School District of Palm Beach County. The study has been coordinated with FDOT to enable study recommendations to be incorporated into the planned FDOT Resurfacing, Restoration, and Rehabilitation (RRR) project which is currently scheduled for the subject roadway segment in FY 2021.

PROCESS

To develop this report, the Treasure Coast Regional Planning Council (TCRPC) led a multi-agency planning process that included stakeholder coordination, technical analysis, field work, public input, and implementation recommendations informed by the coordination and analysis.

The planning process included the following components:

- › Hosted several project stakeholder meetings, including representatives from Village of Palm Springs, City of Greenacres, Palm Beach County, Palm Beach State College, Palm Tran, FDOT, Palm Beach TPA, and TCRPC.
- › TCRPC staff provided presentations to local government councils, the TPA’s advisory committees, and the Palm Beach TPA board.
- › Mapped and analyzed locations of historic crashes involving people walking, bicycling, and driving.
- › Conducted an analysis of the corridor, documenting existing conditions, opportunities, and constraints along Lake Worth Road.
- › Organized a site visit and walking tour of the study corridor with the key stakeholders, including representatives from the local governments and agencies and law enforcement.
- › Presented preliminary conceptual improvements to the project stakeholders.
- › Revised and expanded upon preliminary conceptual improvements based on stakeholder input to develop final recommendations for this report.

WHAT IS A COMPLETE STREET?

FDOT defines a “Complete Street” as a street that maintains safety and mobility while serving the needs of transportation system users of all ages and abilities. These users include drivers, cyclists, pedestrians, transit users, and freight handlers. Additionally, Complete Streets are context-sensitive and require a transportation system design that considers local land development patterns and the built form.

Both FDOT and the Palm Beach TPA have adopted Complete Streets Policies. Both policies have been used to develop the recommendations included in this report. For more about FDOT’s and the TPA’s Complete Streets Policies, see Chapter 2 (Existing Conditions and Needs).

PALM BEACH TPA 2045

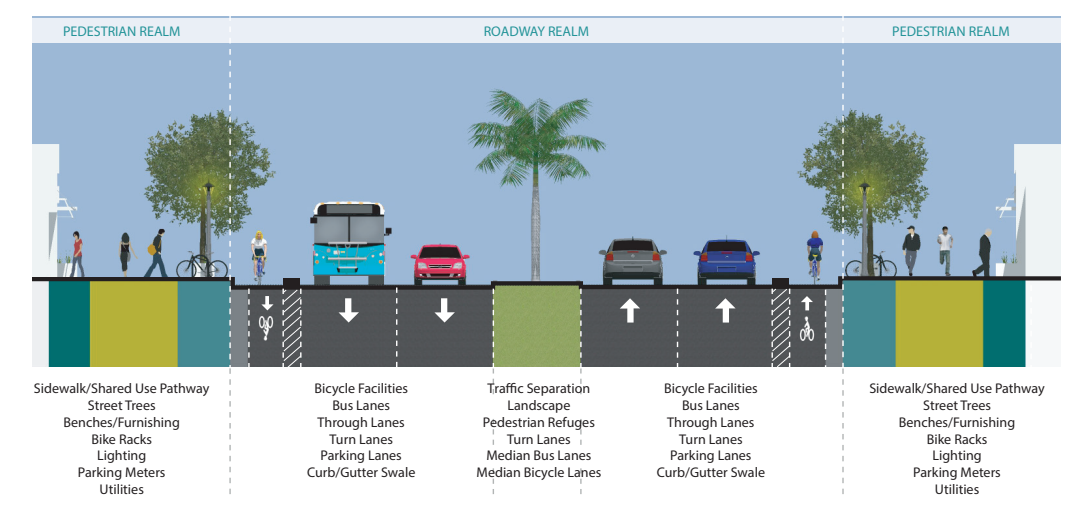
LONG RANGE TRANSPORTATION PLAN GOALS

The goals, objectives, performance measures, and targets reflect the TPA’s vision of a safe, efficient, and connected multimodal transportation system. The TPA has adopted the target of zero traffic related fatalities and serious injuries as well as a Vision Zero Action Plan. For more information please visit palmbeachtpa.org/lrtp and palmbeachtpa.org/safety.

- › Preserve - maintenance, environment, and resiliency
- › Safe - vision zero action plan
- › Efficient - reliability and productivity
- › Connected - complete streets health and equity
- › Multimodal - commuter mode split and freight



The project team and stakeholders at the design workshop.



Complete Streets include design elements to safely and comfortably accommodate people of all ages and abilities using a street.

EXECUTIVE SUMMARY

SUMMARY OF FINDINGS

EXISTING CONDITIONS AND NEEDS:

Lake Worth Road’s current roadway design and operation prioritizes motor vehicle speed and throughput. This results in a challenging and often unsafe environment for people walking, bicycling, and taking transit.

Despite the presence of continuous sidewalks, the pedestrian experience along the roadside is uncomfortable. On the north side of the street, 5’ wide sidewalks feel narrow for the context, and the typical 3’ wide grassed utility strip does not provide sufficient space from fast-moving traffic. Though the existing sidewalk is wider than that on the north side, on the south side a wider sidewalk and planting strip would provide a safer and more pedestrian-friendly environment. This would be further enhanced with the installation of shade trees and a better organized land use pattern with consolidated driveways and site designs that locate building facades closer to streets and reorganized parking. These improvements would create a safer and more comfortable experience for people walking and cycling along the corridor.

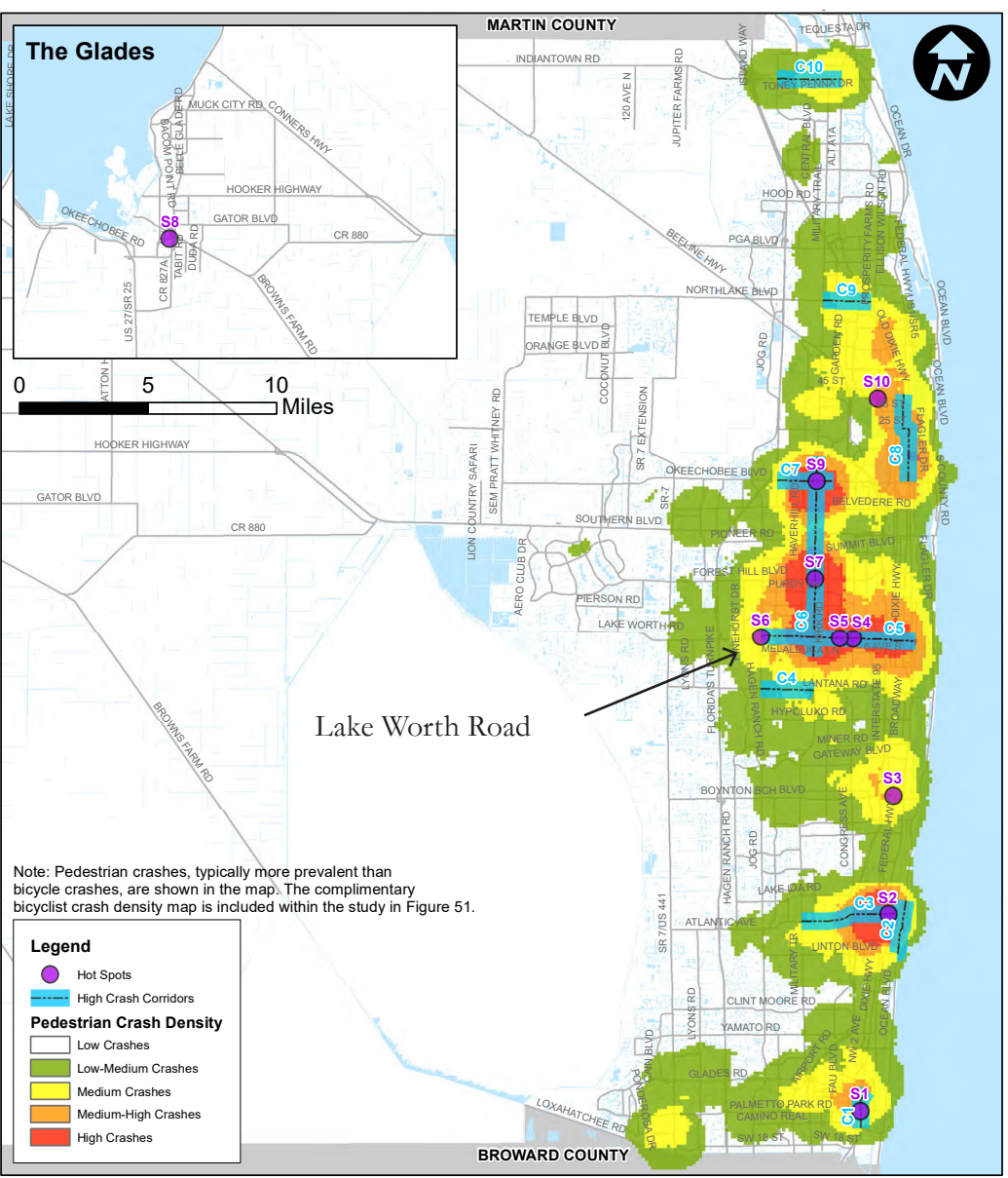
Frequent driveways create an unnecessarily high number of conflict points between pedestrians and vehicles. Most driveways, in addition to some minor street crossings, lack distinct visual cues where they bisect sidewalks.

The lack of frequent, safe, and convenient opportunities to cross Lake Worth Road is arguably the most significant safety and convenience issue for people walking.

High vehicle volumes and speeds, combined with a lack of dedicated bicycle facilities, encourages bicyclists to use the sidewalk. This creates conflicts with pedestrians and increases safety risks for bicyclists especially at driveways and intersections.

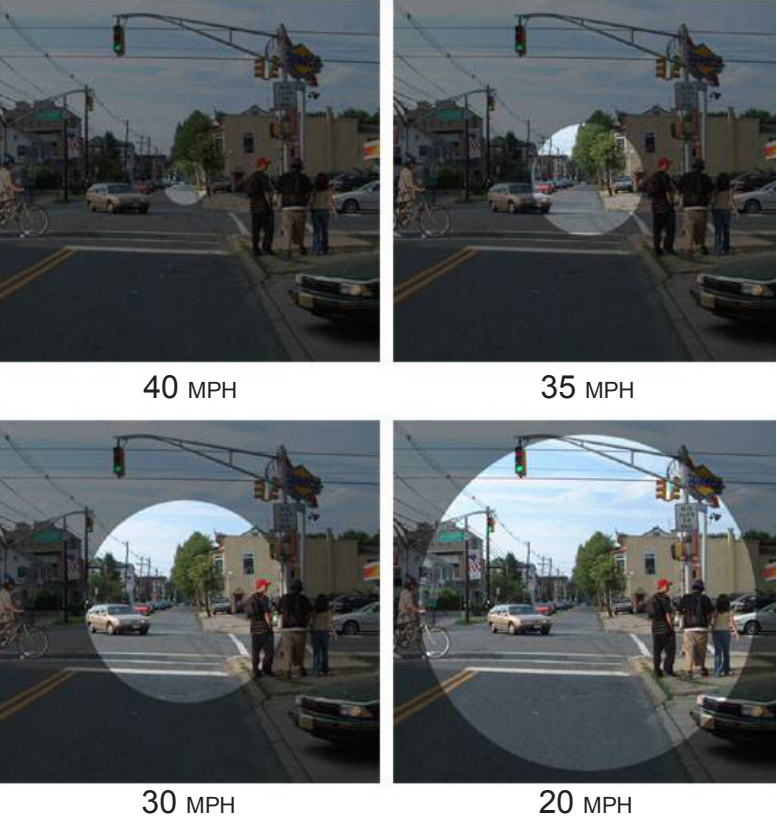
Lake Worth Road is a high-crash corridor for people walking, biking, and driving. Additionally, according to crash data on the corridor, people walking and bicycling are proportionally more often victim to severe injuries and fatalities than drivers, which underscores the need to remedy the corridor’s safety deficiencies.

TOP 10 HOT SPOTS AND HIGH CRASH CORRIDORS (PALM BEACH COUNTY)



Lake Worth Road is identified as one of the top ten high crash corridors for pedestrians and bicyclists as part of the Palm Beach TPA Pedestrian and Bicycle Safety Study.

Source: Palm Beach TPA



The images above illustrate how the speed of a vehicle directly affects the driver's field of vision. The slower a vehicle travels, the broader the field of vision for the driver. Slower speed roadways are inherently safer for pedestrians and cyclists.



The project team conducted an in-person assessment of existing conditions and user behavior. As illustrated in this image, vehicles travel well above the posted speed limit of 40 mph.

EXECUTIVE SUMMARY

RECOMMENDATIONS:

This study recommends the following changes for the corridor to improve safety, function, and comfort for all modes while beautifying the corridor:

- › Reconfigure the roadway to create a more balanced multi-modal street that includes high-comfort walkways and separated bikeways
- › Reduce roadway design speed to 35 mph to allow narrower travel lanes and a narrower center median
- › Increase the frequency of safe, convenient crossings for people walking, bicycling, and driving, including new signalized intersections at Davis Road and Gulfstream Road
- › Add pedestrian refuges in center medians to improve safety for people walking
- › Adjust geometric design and signal operations at major intersections to prioritize safety for vulnerable roadway users
- › Plant shade trees to beautify the corridor, reduce the urban heat island effect, and discourage speeding
- › Enhance the experience of waiting for the bus by installing bus shelters
- › Install improved pedestrian-scaled lighting
- › Reduce conflicts by consolidating driveways and managing access to destinations along the corridor
- › Make it easier to combine bicycle and transit trips by installing bicycle parking at bus stops
- › Address stormwater ponding and backup issues in spot locations
- › Remove obstacles in sidewalks such as remnant light pole bases

These findings and recommendations are presented in more detail in the pages that follow.

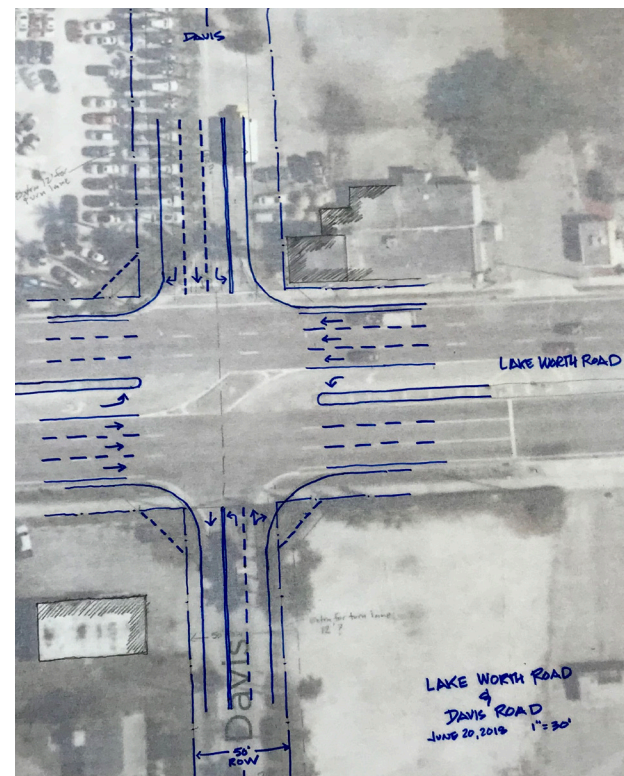
Pedestrian hit in traffic on Lake Worth Road; headed for hospital



Sonja Isger - Palm Beach Post Staff Writer
Updated 6:52 a.m. Tuesday, April 1, 2014 Filed in Local News

A man was hit by a car on Lake Worth Road west of Congress Avenue and is being flown to the hospital, Palm Beach County Fire Rescue spokesman Capt. Albert Borroto said.

The crash was in the eastbound lanes of Lake Worth Road at Davis Road.



A sketch of potential intersection improvements developed during the stakeholder workshop.



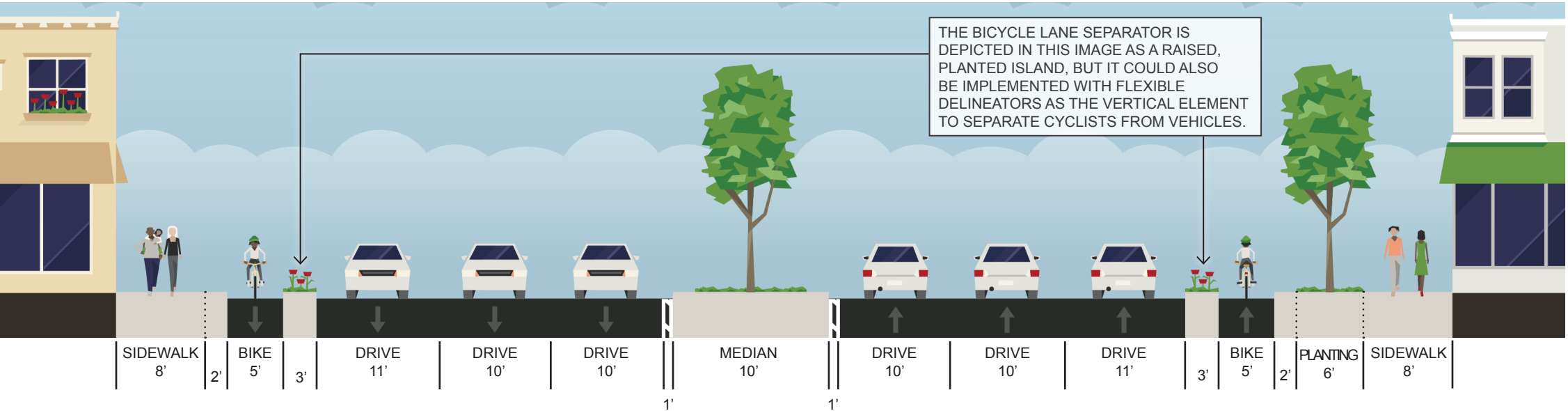
A refined potential intersection concept for the intersection of Lake Worth Road and Davis Road.



EXECUTIVE SUMMARY

SUMMARY OF DESIGN RECOMMENDATIONS

RECOMMENDED DESIGN: REDUCED MEDIAN WITH SEPARATED BICYCLE LANES (LOOKING EAST)



The recommended design for the Lake Worth Road corridor proposes four modest roadway reconfigurations to better accommodate all users of the corridor. The design includes high-comfort bicycle facilities and increases the area between high-speed vehicle traffic and existing walkways. On the north side of the street, the sidewalk should be expanded from 5' to 8' to accommodate cyclists and pedestrians.

The recommended design cross section is achieved by repurposing the existing planting strip on the north side of the street, eliminating the 3' shoulders, narrowing 4 of the 6 existing through-lanes from 11' to 10', and by reducing the width of the existing landscaped median from 16' to 10'. These changes provide enough space to install separated bicycle lanes without modifying existing curblines or stormwater infrastructure along the edges of the roadway. This concept also maintains the current number of vehicle through-lanes and can be implemented within the scope of a typical FDOT RRR project.

The design can be accommodated either in a 35 mph design speed corridor or with the current 40 mph design speed with variances by FDOT to reduce the median and travel lane widths to enable the installation of separated bicycle lanes.

EXISTING CONDITIONS AND NEEDS

EXISTING CONDITIONS AND NEEDS

SUMMARY

Lake Worth Road is a major east-west thoroughfare in central Palm Beach County. The portion of the roadway being studied as part of the Lake Worth Road Multimodal Corridor Improvement Study extends from Raulerson Drive in the City of Greenacres to South Congress Avenue in the Village of Palm Springs. Land uses are primarily auto-oriented commercial and institutional as well as some limited residential uses.

Within the study area, Lake Worth Road is a 6-lane divided roadway that carries between 40,000 and 45,000 cars per day (source: Florida Department of Transportation’s 2018 Florida Traffic Online Web Application).

The posted speed limit is 40 miles per hour, although the project team observed actual speeds well above 50 miles per hour.

Palm Tran provides bus service along the corridor via Route 62. Palm Tran transfer points along the study corridor include Military Trail (Route 3), Kirk Road (Route 60), and Congress Avenue (Route 2).

A wide, landscaped median is present along much of the corridor. At intersections, the median is narrowed to accommodate dedicated left-turn lanes. At major intersections, such as Military Trail and South Congress Avenue, dual left-turn lanes are provided to accommodate vehicle turning movements.

On the north side of the street, a 5’ wide sidewalk with a 3’ wide planting strip is typical. On the south side of the street, an 8’ wide sidewalk with a 6’ wide planting strip is typical. 6” wide curbs, 18” wide gutter pans, and 3’ wide paved shoulders are present between general purpose travel lanes and sidewalk-level planting strips.

Formal pedestrian crossings are spaced at 1/4 - 1/2 mile frequencies, on average.



Lake Worth Road at Kirk Road. At signalized intersections, the wide landscaped median is reduced in size to accommodate left turn lanes.



Typical sidewalk width along the north side of the street is 5’ with a 3’ planting strip, 2’ curb and gutter, and a 3’ shoulder at the edge of the roadway.

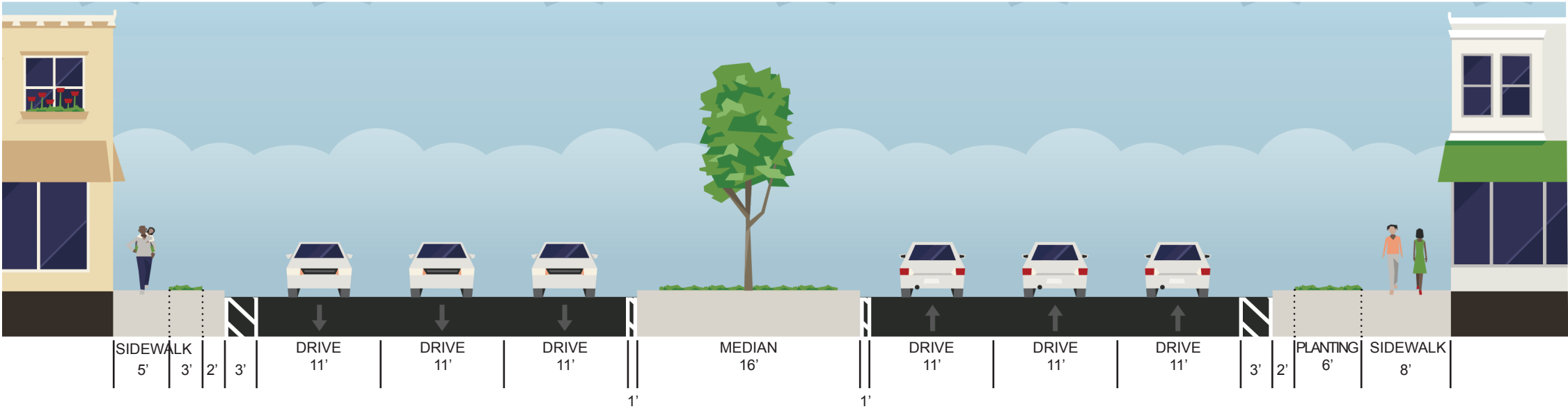


The corridor is served by Palm Tran’s Route 62.



Typical sidewalk width along the south side of the street is a more generous 8’.

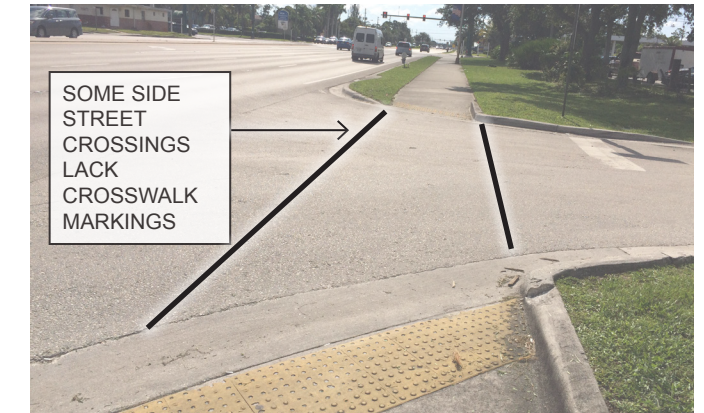
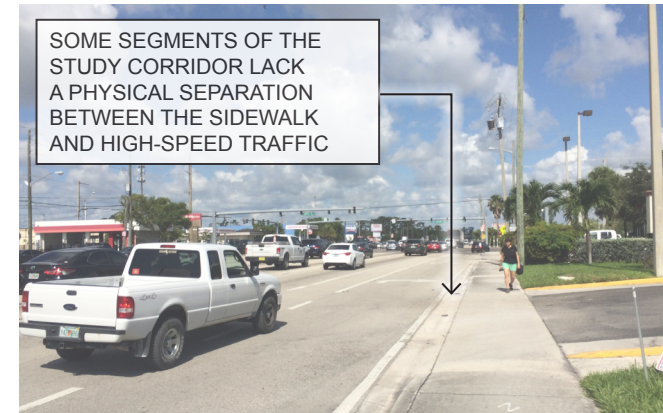
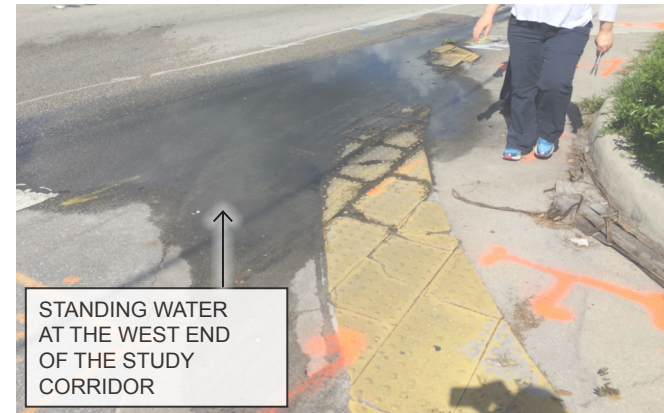
EXISTING TYPICAL CROSS SECTION (LOOKING EAST)



- As illustrated to the left, existing conditions within the study corridor include:
- Six 11’ wide travel lanes
 - Landscaped median with left turn pockets (dual lefts at major intersections)
 - 3’ wide shoulders
 - 18” wide gutter pan
 - 6” wide curb
 - 5’ wide sidewalk with 3’ planting strip (typical) on the north side
 - 8’ wide sidewalk with 6’ planting strip (typical) on the south side

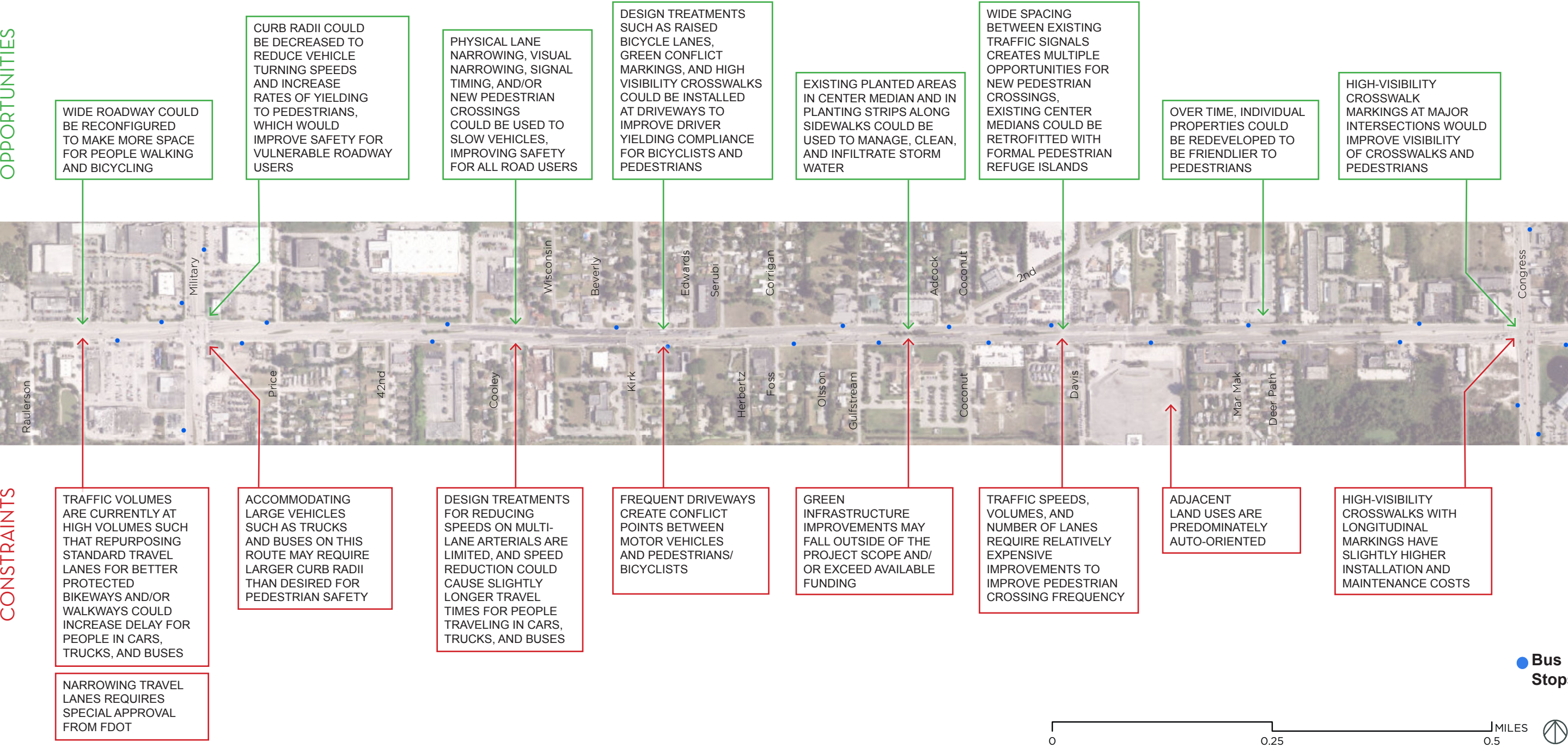
EXISTING CONDITIONS AND NEEDS

FIELD NOTES



EXISTING CONDITIONS AND NEEDS

OPPORTUNITIES AND CONSTRAINTS



EXISTING CONDITIONS AND NEEDS

SAFETY ANALYSIS

TOTAL CRASHES

The Lake Worth Road corridor has an alarming history of severe crashes resulting in a high number of injuries and fatalities, especially for pedestrians, and cyclists. An overview of highlighted safety concerns is presented below.

Between 2012 and 2017, a total of 539 crashes occurred along Lake Worth Road within the study limits. During this 5 year time period, an average of 108 crashes per year (about one crash every 3 days) occurred between Raulerson Drive and South Congress Avenue.

CRASH SEVERITY

7 people were killed, and 29 people were severely injured as a result of crashes occurring along the study corridor between 2012 and 2017. 7% of all reported crashes resulted in either severe injuries or death.

MODAL BREAKDOWN

479 crashes (89%) involved people driving, 38 crashes (7%) involved people walking, and 23 crashes (4%) involved people bicycling.

While only 11% of all crashes involved a pedestrian or bicyclist, 39% of all crashes resulting in an injury or fatality involved a pedestrian or bicyclist. Pedestrians and bicyclists are over-represented in the injury and fatality data, indicating that relative to people

driving, vulnerable roadway users are more likely to be injured or killed while using this roadway.

CRASH LOCATION

The maps on the following page show locations of crashes along the study corridor by mode of transportation. It should be noted that crashes are mapped based on police reports, which provide varying levels of precision regarding crash location. At the corridor level, it is appropriate to look for general trends in the distribution of crashes, but it is not appropriate to interpret mapped crash locations as having occurred at the exact location shown on the map.

Reported crashes involving people walking are distributed

fairly evenly throughout the study corridor. Crashes involving pedestrians appear to have occurred most frequently near bus stops, at unsignalized mid-block locations, and at signalized intersections. The general pattern of pedestrian crash locations suggests a need for more frequent formal crossings as well as improvements at existing signalized intersections.

Crashes involving bicyclists exhibited slightly more clustering around specific locations, including the intersections with major arterials such as Military Trail and South Congress Avenue, at Cooley Court near the Post Office, and near the Lake Worth Drive-In movie theater/Davis Road intersection.

Crashes involving motor vehicles occurred throughout the study corridor as well, with concentrations of crashes occurring at Military Trail, between Kirk Road and Edwards Avenue, near the Lake Worth Drive-In movie theater/Davis Road intersection, and South Congress Avenue.

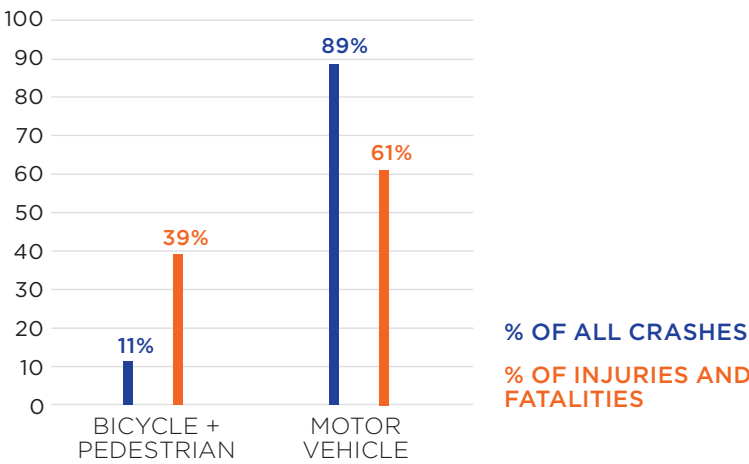


A roadside memorial for Jerry Alan McWilliams, who died in a crash along Lake Worth Road in 2015.

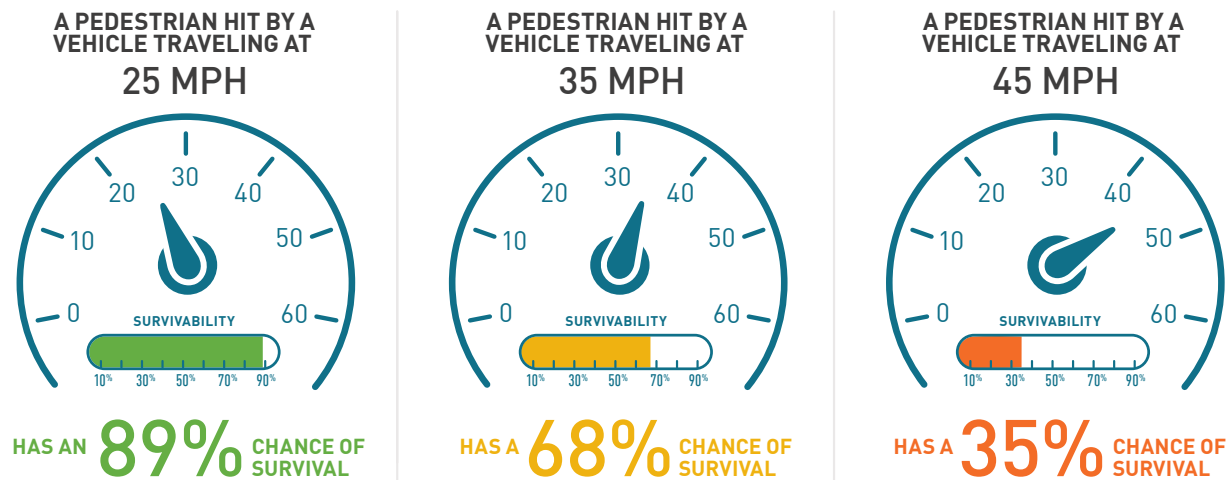


The lack of frequent formal crossing opportunities encourages pedestrians to cross at unsignalized locations in the middle of the block.

PERCENT OF CRASHES RESULTING IN AN INJURY OR FATALITY, BY TRANSPORTATION MODE



IMPACT OF VEHICLE SPEED ON CRASH SEVERITY



Vehicle speed plays a critical role in crash severity for all modes, but it particularly impacts the most vulnerable roadway users like pedestrians and bicyclists.



People bicycling along the corridor experience exposure to high-speed motor vehicle traffic.

EXISTING CONDITIONS AND NEEDS

CRASHES INVOLVING PEOPLE WALKING



CRASHES INVOLVING PEOPLE BICYCLING



CRASHES INVOLVING PEOPLE DRIVING



EXISTING CONDITIONS AND NEEDS

FDOT ROAD SAFETY AUDIT (RSA) - LAKE WORTH ROAD

WHAT IS A ROAD SAFETY AUDIT?

The Federal Highway Administration's (FHWA) Safety Office has established the Roadway Safety Audit (RSA) process as a way to further enhance the overall safety performance of roadways for all users. An RSA is the formal safety performance examination of an existing or future road or intersection by an independent, multidisciplinary team that qualitatively estimates and reports on potential road safety issues and identifies opportunities for improvements in engineering, education, enforcement, and emergency response to improve safety for all road users.

The goal of an RSA is to provide a low-cost, proactive approach to safety that considers all road users and identifies opportunities to enhance safety and reduce the number and severity of crashes.

LAKE WORTH ROAD RSA

FDOT conducted an RSA for the Lake Worth Road Corridor in 2019. The field observations were completed in January 2019. Crash data from 2014 to 2016 was analyzed.

As a part of the analysis the purpose of the RSA was to:

- Evaluate pedestrian and bicycle activity along the corridor
- Identify high conflict areas between pedestrians, bicycles, and vehicles
- Evaluate roadway and roadside features, design elements, and local conditions (e.g. street parking, sidewalk and bicycle lane conditions, night visibility, adjacent land uses) that could increase the likelihood and severity of crashes
- Review firsthand the interaction of various design elements with each other and the surrounding road network
- Observe how roadway users are interacting with the roadway facility and other roadway users
- Determine if the needs of all roadway users have been adequately and safely met
- Explore emerging operational trends and/or safety issues along the corridor

SUMMARY OF FINDINGS

Key findings from the Lake Worth Road Corridor RSA are as follows:

- 7% of crashes involve a bicyclist or pedestrian
- 93% of crashes involve a motor vehicle
- The primary crash types are rear-end crashes (46%) and side-swipe (21%)
- 28% of crashes occur during dawn, dusk, or when dark

SUMMARY OF RECOMMENDATIONS

The RSA includes a range of recommendations designed to improve the safety of everyone using the corridor, including motorists, pedestrians, and cyclists. Recommendations include street design changes, utility changes, and operational changes.

In terms of design changes, key recommendations include:

- Adding a dedicated bikeway
- Enhancing crosswalks
- Installing additional signs to increase awareness of people walking and biking
- Reviewing FDOT design criteria for potential speed limit reduction
- Upgrading the corridor for ADA compliance

In terms of utility changes, key recommendations include:

- Removing unused utility features obstructing sidewalks
- Evaluating lighting and areas that are underlit or not lit

In terms of operational changes, key recommendations include:

- Installing new signalized intersections and signalized midblock crossings
- Upgrading pedestrian push-buttons at intersections

CRASH STATISTICS - 2014 TO 2016

SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive		Years			3-Year Total	Mean Crashes	%
Crash Type	Angle	15	17	24	56	18.7	9.4%
	Bike	9	16	5	30	10	5.1%
	Pedestrian	5	4	2	11	3.7	1.9%
	Near miss	1	0	1	2	0.7	0.3%
	Rear-end	73	93	106	272	90.7	45.8%
	Head-on	2	2	3	7	2.3	1.2%
	Left-turn	9	9	13	31	10.3	5.2%
	Hit Fixed Object	11	7	6	24	8	4.0%
	Hit Non-Fixed Object	0	1	1	2	0.7	0.3%
	Right-turn	4	4	7	15	5	2.5%
	Sideswipe	29	37	61	127	42.3	21.4%
	Single Vehicle	1	1	0	2	0.7	0.3%
	Backed into	1	3	0	4	1.3	0.7%
	U-Turn	6	4	1	11	3.7	1.9%
	Total	166	198	230	594	198.0	100%
Injury Severity	Fatal	1	4	0	5	1.7	0.8%
	Incapacitating	10	5	4	19	6.3	3.2%
	Non Incapacitating	26	20	11	57	19	9.6%
	Possible Injury	43	46	38	127	42.3	21.4%
	None	86	123	177	386	128.7	65.0%
	Total	166	198	230	594	198.0	100%
Lighting Condition	Daylight	117	139	172	428	142.7	72.1%
	Dawn	1	4	3	8	2.7	1.3%
	Dusk	7	3	11	21	7	3.5%
	Dark-Lighted	35	48	44	127	42.3	21.4%
	Dark-Not Lighted	1	3	0	4	1.3	0.7%
	Dark-Unknown Lighting	5	1	0	6	2	1.0%
	Total	166	198	230	594	198.0	100%
Surface Conditions	Dry	139	167	203	509	169.7	85.7%
	Wet	27	31	27	85	28.3	14.3%
	Total	166	198	230	594	198.0	100%



EXISTING CONDITIONS AND NEEDS

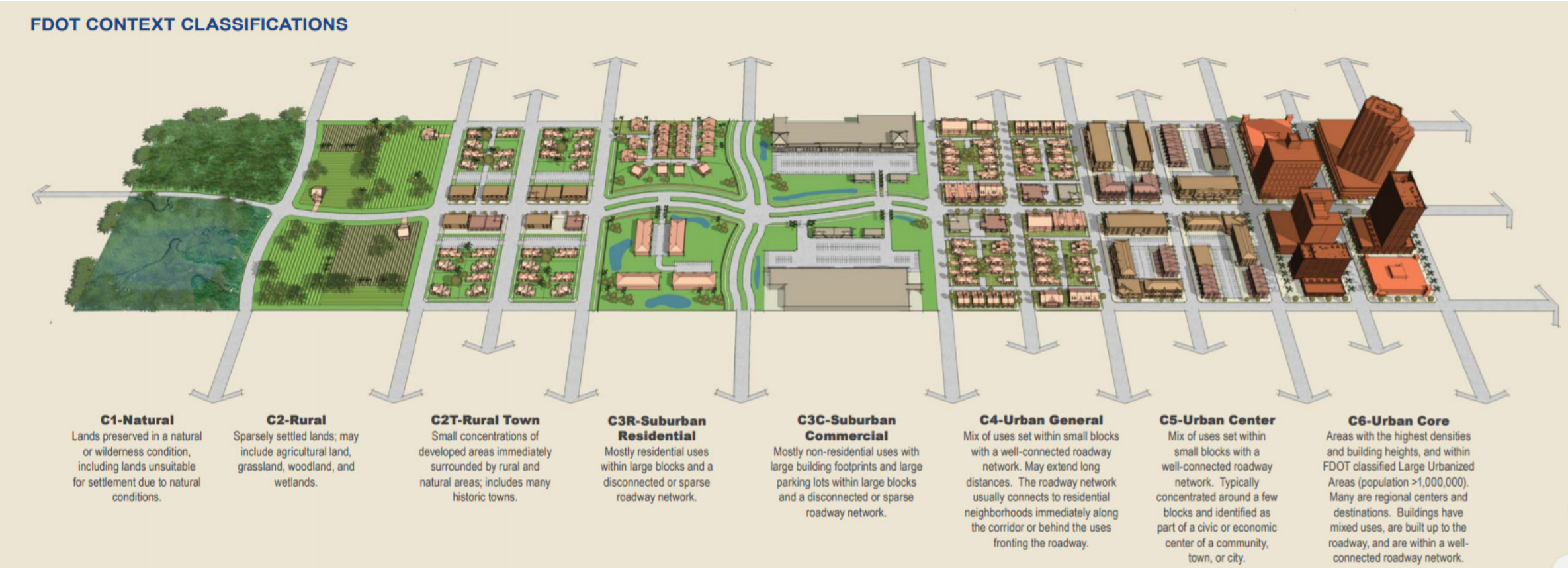
FDOT CONTEXT CLASSIFICATION

FDOT adopted a Complete Streets policy in 2017 with a goal of promoting safety, quality of life, and economic development in Florida. While maintaining safety and mobility, Complete Streets are designed to meet the transportation needs of transportation system users of all ages and abilities and using all modes. FDOT expressly recognizes that Complete Streets are context-sensitive and require transportation system design that considers local land development patterns and built form.

To align design standards with the roadway context, FDOT has developed context zones. The zones range from least dense areas (classified as Natural or Rural) to the most densely developed areas (classified as Urban Core). A graphic describing each of the eight context classifications is provided on this page.

FDOT Distirct 4 has developed land use and roadway classification maps to help implement Complete Streets. The maps describe the existing context for an area and are designed to help practitioners and community members identify applicable design standards for roadway projects.

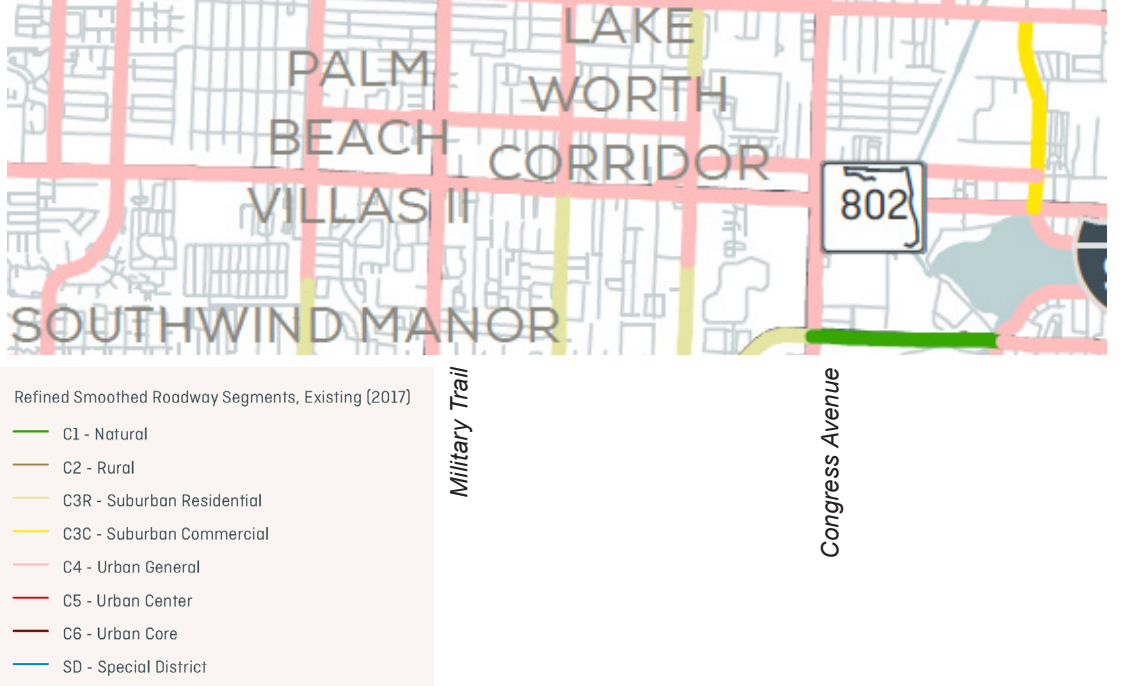
Within the study area, the Lake Worth Road corridor has a land use classification of C4-Urban General and a roadway classification of C4 - Urban General.



FDOT LAND USE CONTEXT CLASSIFICATION FOR STUDY AREA



FDOT ROADWAY CONTEXT CLASSIFICATION FOR STUDY AREA



EXISTING CONDITIONS AND NEEDS

PALM BEACH TPA COMPLETE STREETS DESIGN GUIDELINES

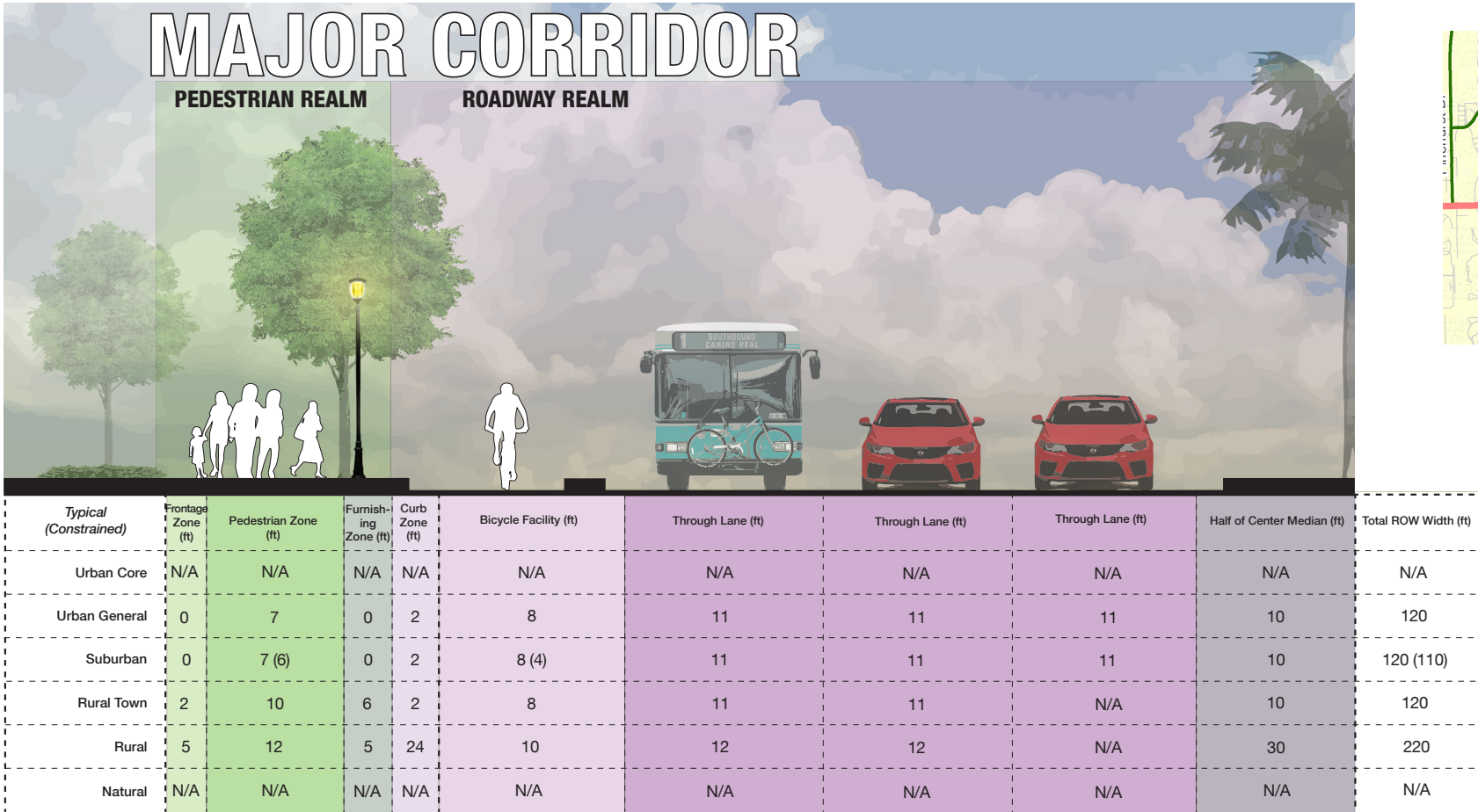
The Palm Beach TPA adopted a Complete Streets policy in 2016. It states the goal of the TPA is “to achieve a safe and convenient transportation network by implementing Complete Streets within the context of our County’s diverse communities. The Palm Beach TPA will seek to promote Complete Streets by prioritizing the funding of Complete Street infrastructure projects, providing educational opportunities, and encouraging local jurisdictions to adopt and implement local Complete Streets policies.”

To support the implementation of its policy, the TPA has developed and adopted the Palm Beach TPA Complete Streets Design Guidelines. Similar to FDOT, the TPA’s Design Guidelines includes context zones to align design standards with roadway context as a key component of the design guidelines. The zones range from least dense areas, which are classified as Natural or Rural, to the most densely developed areas, which are classified as Urban Core.

The TPA has also developed land use and roadway classification maps. The maps describe the existing context for an area to help practitioners and community members identify applicable design standards for roadway projects.

According to the TPA’s Complete Streets mapping, the Lake Worth Road corridor in the study area has a land use classification of Suburban with roadway classification as a Major Corridor. The design guidelines matrix for Major Corridors is provided in this section.

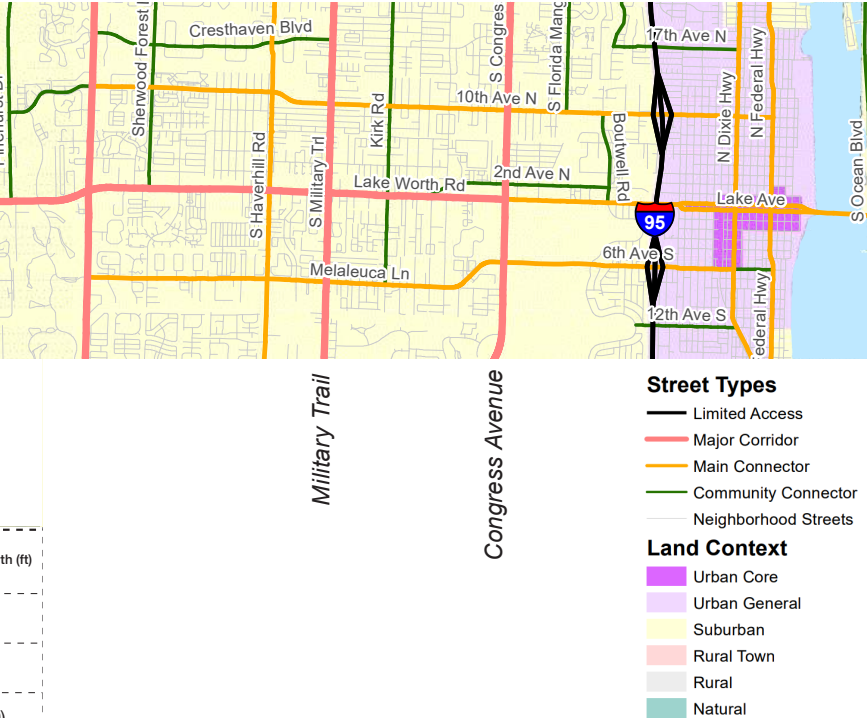
PALM BEACH TPA MAJOR CORRIDOR STREET TYPE MATRIX



- NOTES**
- Dimensions shown in the table reflect typical values with constrained values shown in parentheses.
 - Separated bicycle lanes are preferred because they are most likely to attract a wider range of bicyclists.
 - Design speeds of 50 mph or greater may require greater separation between through lane and a raised separator.
 - Where driveway density and/or drainage concerns prevent the introduction of separated bicycle lanes, buffered bicycle lanes are acceptable.
 - Turn lane will exist in median space where applicable.
 - When used, on-street parking should be provided in the roadway realm with a total width of 8 feet, which may be inclusive of an 18-inch gutter pan on curb-and-gutter roadways.
 - N/A refers to street type and land use typology combinations that do not occur within Palm Beach County.
 - In Rural areas, curb zone accommodates swale and drainage.

Source: Palm Beach TPA

PAM BEACH TPA LAND USE CONTEXT AND STREET TYPE CLASSIFICATION FOR THE STUDY AREA



Cover page of the Complete Streets Design Guidelines

Source: Palm Beach TPA

RECOMMENDATIONS

RECOMMENDATIONS

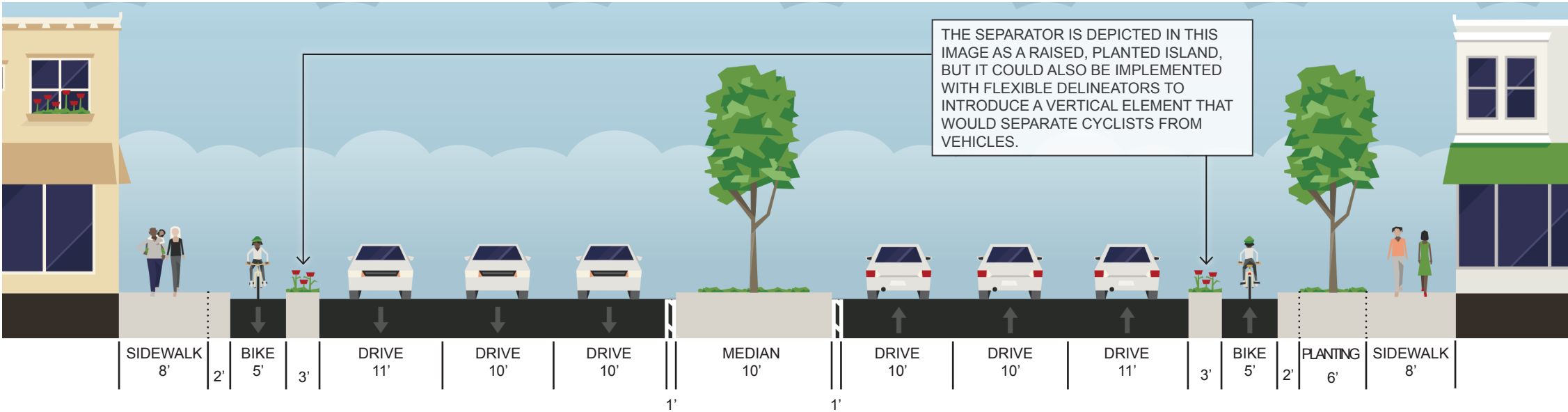
RECOMMENDED DESIGN

The first is the recommended corridor design, which maintains the current roadway configuration with six through-lanes but adds separated bicycle lanes and enhanced pedestrian facilities. A second alternative, located in Appendix B of this report, was also developed that considers a lane repurposing concept that would reduce the corridor to four through-lanes. No traffic analyses were conducted to further test the alternative lane repurposing concept.

Per direction from the two municipalities in which the subject corridor is located and with the concurrence of Palm Beach County, the recommended Complete Streets concept design maintains the 6-lane roadway configuration.

Cross sections are provided for the 6-lane corridor alternative. Additionally, further recommendations related to the corridor wide-design features and corridor operations are provided in this chapter.

RECOMMENDED: 6-LANE CORRIDOR (LOOKING EAST)



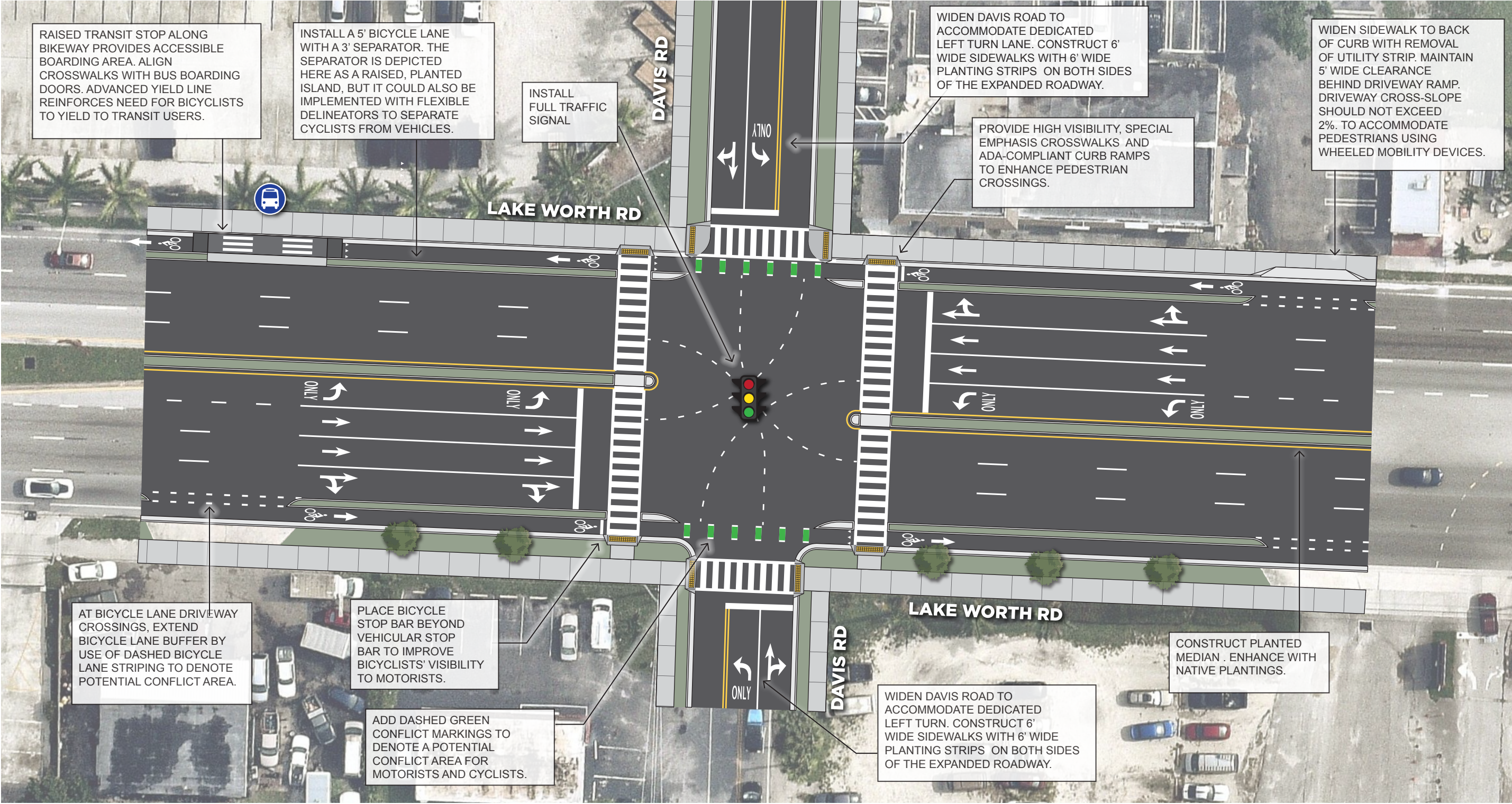
6-LANE SUMMARY

The recommended typical cross section provides high-comfort bicycle facilities and increases the area between high-speed vehicle traffic and existing walkways. On the north side of the street, the sidewalk is expanded from 5' to 8'. The recommended typical cross section is achieved by repurposing the existing planting strip on the north side of the street, eliminating the 3' shoulders, narrowing four of the six existing through-lanes from 11' to 10', and by reducing the width of the existing landscaped median from 16' to 10'. These changes provide enough space to install separated bicycle lanes without modifying existing curblines or stormwater infrastructure along the edges of the roadway. This concept also maintains the current number of vehicle through-lanes. To implement the concept the design speed of the road must be reduced from 40 mph to 35 mph or variances must be provided by FDOT to allow the narrower median and travel-lane widths.

TRAVEL LANES/DESIGN SPEED	- TWO 11' OUTSIDE LANES; FOUR 10' INSIDE LANES 35 MPH DESIGN SPEED (REDUCED FROM 45 MPH DESIGN, 40 MPH POSTED)
LANDSCAPE MEDIAN	REDUCED TO 10'
SIDEWALKS	8' SIDEWALKS WITH 6' PLANTING - SEPARATED FROM ROADWAY BY BIKEWAY AND 6' PLANTING AREA
BICYCLE LANES	5' SEPARATED BICYCLE LANES - BIKEWAY SEPARATED FROM ROADWAY WITH PLANTING AREA - DIRECT BICYCLE LANES BEHIND "FLOATING SHARED BUS STOPS" OR THROUGH A RAISED SHARED BOARDING PAD
TRANSIT STOPS	- TRANSIT SHELTERS FOR "PRIMARY" STOPS (AS IDENTIFIED BY PALM TRAN) "SHARED BUS STOPS" WHERE POSSIBLE (BICYCLE LANE LOCATED BETWEEN TRANSIT STOP AND CURB)
PEDESTRIAN CROSSINGS	- TWO ADDITIONAL PEDESTRIAN MID-BLOCK CROSSINGS - TWO ADDITIONAL FULLY SIGNALIZED INTERSECTIONS (DAVIS ROAD AND GULFSTREAM ROAD) - INCREASE IN NUMBER OF SIGNALIZED CROSSINGS TO ESTABLISH SIGNALIZED PEDESTRIAN CROSSING SPACING OF APPROXIMATELY 1/4 MILE ON AVERAGE
LIGHTING	LED LIGHTING THROUGHOUT CORRIDOR (UPGRADED), INCLUDING LIGHTING OF THE ROADWAY, BICYCLE LANE, AND SIDEWALKS.

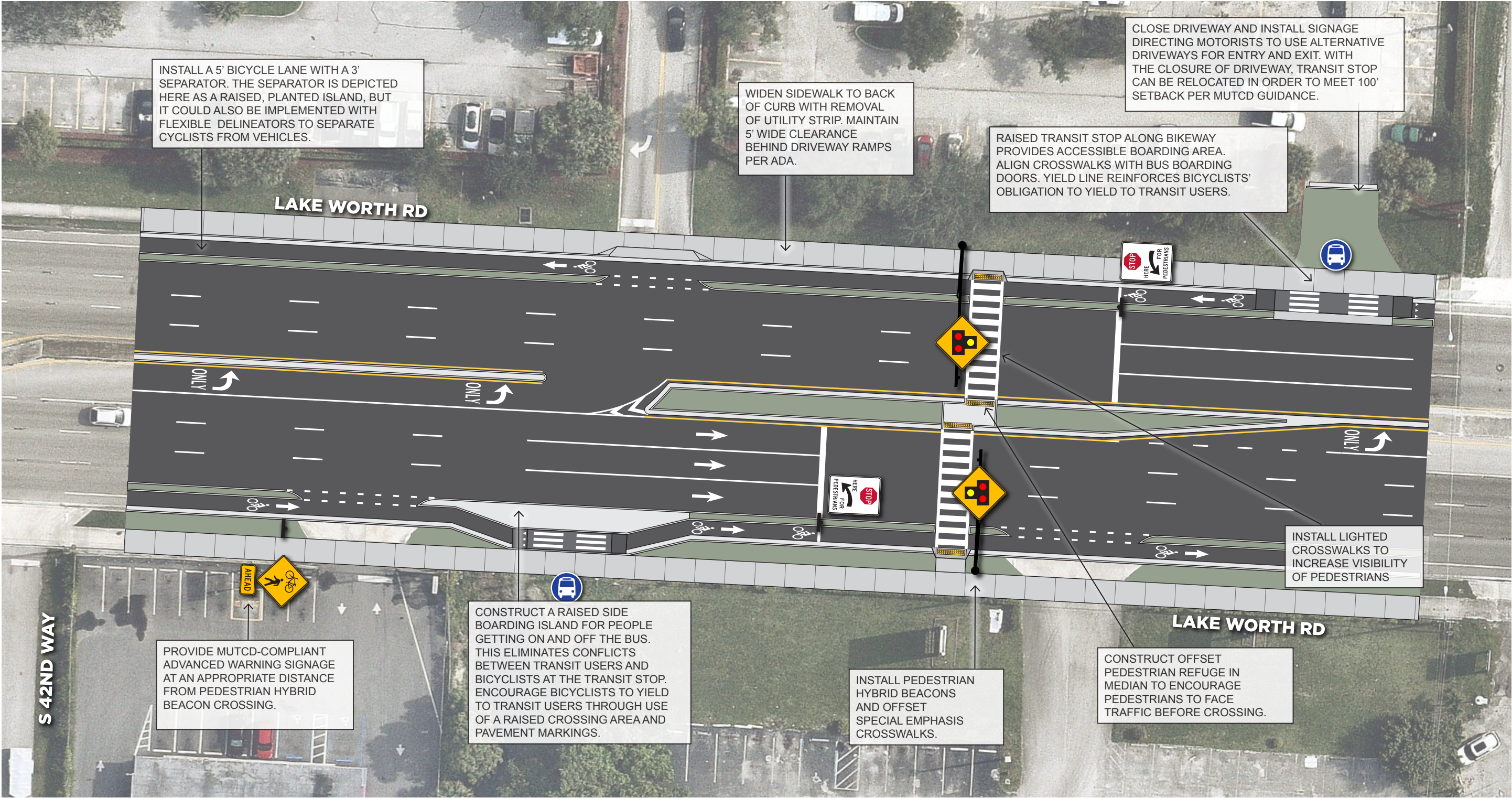
RECOMMENDATIONS

TYPICAL 6-LANE CORRIDOR INTERSECTION IMPROVEMENT LAKE WORTH ROAD AT DAVIS ROAD



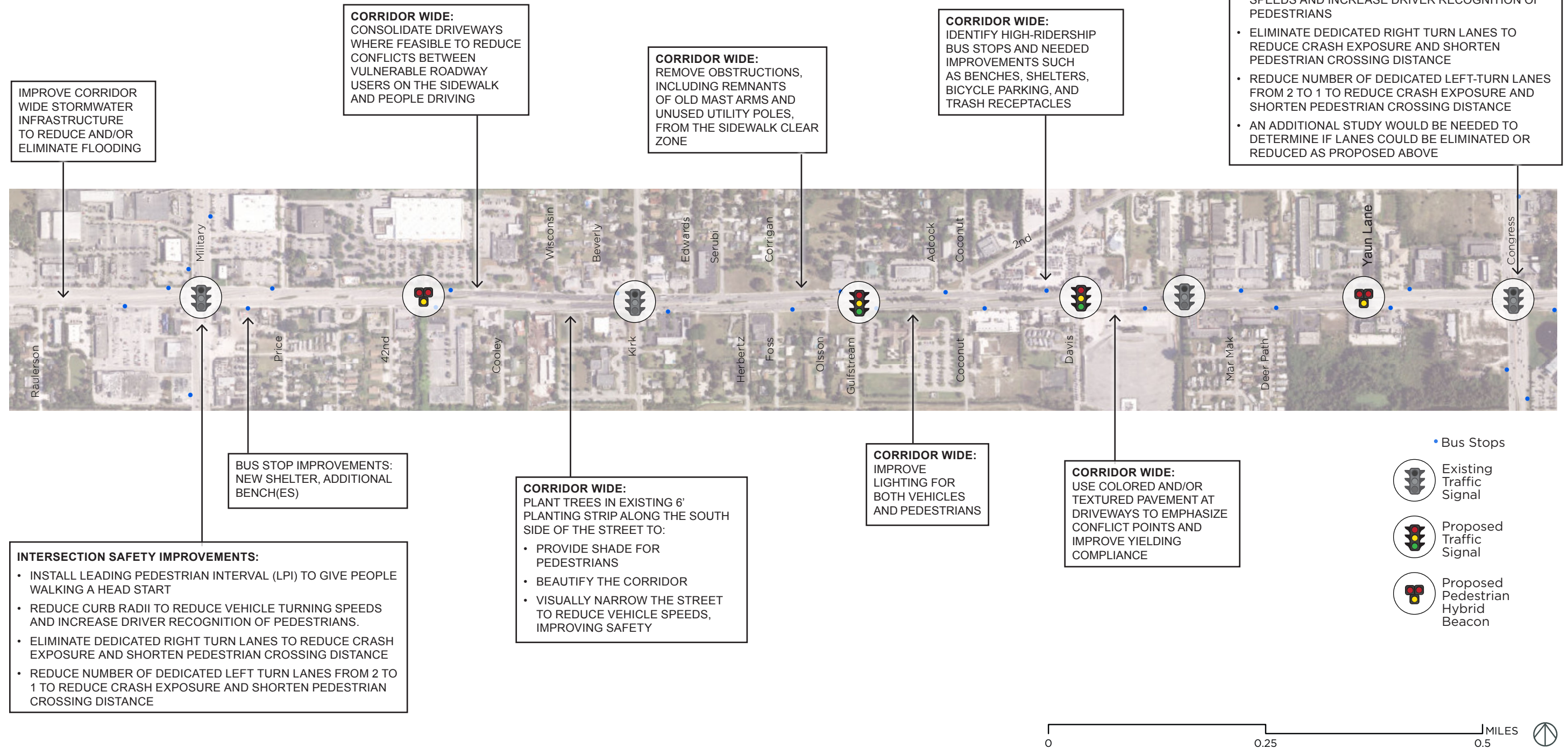
RECOMMENDATIONS

TYPICAL 6-LANE CORRIDOR MID-BLOCK CROSSING IMPROVEMENT LAKE WORTH ROAD BETWEEN 42ND WAY S AND COOLEY COURT



RECOMMENDATIONS

CORRIDOR-WIDE RECOMMENDATIONS



RECOMMENDATIONS

RECOMMENDED DESIGN SPEED

The Lake Worth Road corridor is one of the most dangerous in Palm Beach County. Due to the high crash history of the corridor and the increased severity of higher-speed crashes, the Village of Palm Springs, City of Greenacres, and TPA Board adopted resolutions requesting FDOT conduct a corridor speed study to consider a reduction in the design speed to be included in the RRR project design.

A lower design speed would enable narrower travel lanes, a narrower median, and create a broader range of design alternatives for the corridor. Because FDOT's study indicated the average vehicular speeds exceed the current 40 mph posted speed, FDOT concluded the corridor design speed should be maintained at 45 mph at the present time. However, this is inconsistent with the desire of the local governments and TPA Board, who have emphasized that high number of severe and fatal pedestrian and bicyclist crashes are correlated with higher vehicular travel speeds. Although latest FDOT correspondence indicates the RRR project is anticipated to be designed with a 45 mph design speed, future speed studies should be conducted after construction has been in place for a while to determine if physical changes in the new Complete Streets concept induces driver behavior that could enable a lower posted speed at a point in the future.

RECOMMENDED ROADWAY CONFIGURATION

Several lane configuration alternatives were evaluated in the course of the study, including the current 6-lane configuration as well as a lane repurposing alternative concept that considers a 4-lane configuration with expanded multimodal design components (found in Appendix B of this report). In that current travel volumes through the study area range from 40,000 – 45,500 AADT, both municipalities requested the current RRR project maintain a 6-lane roadway configuration.

Current lane widths are 11-feet for all six lanes; however, to improve safety, it is recommended the four inside travel lanes be reduced to 10' while the outside lane be maintained at 11'.

RECOMMENDED LANDSCAPE MEDIAN DESIGN

The current landscape median is 16' in width, and the corridor contains six through lanes with insufficient room for bicycle lanes in the curb-to-curb dimension. In contrast, the recommended design alternative includes a narrower 10-foot center median, which would enable the introduction of separated bicycle lanes on the corridor. FDOT has indicated the ability to accommodate a narrower median with a 45 mph design speed through its variance process. Center medians should be designed with pedestrian refuges to accommodate the high volume of pedestrian activity and improve safety on the corridor.



Landscape medians on the Lake Worth Road Corridor should be redesigned to include pedestrian refuges, such as the one pictured above, to improve corridor safety.

RECOMMENDATIONS

RECOMMENDED SIDEWALK DESIGN

Current sidewalks on the corridor vary from 5-8’ in width. To better accommodate pedestrian activity, the recommended design concept includes 8’ sidewalks with 6’ planting area to be located between sidewalks and curbs. This will require concreting the utility strips to gain additional sidewalk width.

Field work conducted as part of the study indicated the presence of remnant utility pole structures within sidewalks, which should be removed as part of the RRR

RECOMMENDED BIKEWAY DESIGN

The corridor is currently lacking in bicycle amenities, which can be a contributing factor in the unsafe conditions and high number of severe and fatal crashes. To help remedy the unsafe conditions, the design concept recommends a narrowed median to allow for the installation of 5’ separated bicycle lanes with a 3’ curb separator.

RECOMMENDED TRANSIT STOP DESIGN

The corridor is currently lacking in transit infrastructure, and most stops include only benches and signs at transit stops. To improve conditions for transit riders, Palm Tran evaluated transit stops on the corridor, and the recommended design concept includes new or replaced transit shelters at these locations. Of the 19 stops, Palm Tran has identified several stops that could be consolidated with modified transit operations and safety improvements. Palm Tran’s inventory of the transit stops on the corridor that can be enhanced and consolidated is indicated in the table on this page.

Per input from Palm Tran and the TPA, a “shared bikeway bus stop” design and an “side boarding island stop” are proposed where possible. The “shared bikeway bus stop” can generally be applied on the north side of the roadway. The “side boarding island stop” can generally be applied on the south side of the roadway. An illustrative representation of these types of bus stops from the National Association of City Transportation Officials (NACTO) is provided on this page. Additionally, the Typical Intersection diagrams in this chapter also illustrate how these types of bust stops can be implemented along the Lake Worth Road Corridor as part of the recommended design concept (6-lane corridor).

PALM TRAN RECOMMENDATIONS FOR BUS STOP ENHANCEMENT AND CONSOLIDATION

Lake Worth Road Corridor - High Ridership Transit Stops for Improved Transit Infrastructure & Opportunities for Consolidation with Improved Pedestrian Infrastructure Provided by Palm Tran 4/17/2019										
Stop #	Direction	OnStreet	AtStreet	Boardings	Alightings	Enhanced Stop Treatment Need (1-5) 1 highest	City	Bench/Shelter	Issues	Currently ADA?
5975	EB	LW Rd.	Military	1245	1335	4	GA	Bench	Near-side, can be removed/eliminated if safety improvements, striping, enhanced pedestrian timers, etc. done to intersection of Military and Lake Worth Road.	Y
5944	EB	LW Rd.	Childs	3683	982	1	UNC	Bench	Transfer for route 3, Highest ridership stop in project area, limited ROW for shelter.	Y
5945	EB	LW Rd.	Home Depot	381	121	4	UNC	Bench	No issues	Y
5947	EB	LW Rd.	Kirk Rd	944	443	1	UNC	Bench	Room for a shelter - ROW	Y
5948	EB	LW Rd.	Foss Rd	30	70	n/a	UNC	None	Stop can be removed	N
5949	EB	LW Rd.	Gulfstream Way	256	284	4	UNC	None	Consolidate into one stop	N
5950	EB	LW Rd.	Coconut Rd	164	145	4	UNC	None	Consolidate into one stop	N
5951	EB	LW Rd.	Davis Rd	692	778	3	UNC	Shelter	No issues	Y
5952	EB	LW Rd.	Bld3280	176	186	4	UNC	None	No issues	N
5978	EB	LW Rd.	Congress	134	1152	3	UNC	None	Near-side, can be removed/eliminated if safety improvements, striping, enhanced pedestrian timers, etc. done to intersection of Congress and Lake	N
5965	WB	LW Rd.	Price St	454	2648	1	UNC	Bench	Near-side, Supermercado can be removed/eliminated if safety improvements, striping, enhanced pedestrian timers, etc. done to intersection of Military and Lake Worth Road. Greenacres should install another shelter adjacent to existing one	N
5912	WB	LW Rd.	Home Depot	106	467	3	UNC	Bench	No issues	Y
5911	WB	LW Rd.	Kirk Rd	481	797	2	UNC	Bench	No issues	Y
5910	WB	LW Rd.	Gulfstream Way	193	256	3	PSP	Bench	No issues	Y
5909	WB	LW Rd.	Adcock Rd	243	320	3	PSP	None	ROW from old 2nd Ave	N
5908	WB	LW Rd.	Davis Rd	447	475	2	PSP	None	Relocate 300 feet east in front of Los Gallitos to encourage crosswalk use, if crosswalk will be replaced by full signal than stop can stay as-is	N
5946	WB	LW Rd.	Venture	279	424	3	PSP	None		N
5907	WB	LW Rd.	S Congress	2199	855	1	PSP	None	Relocate 280 feet east to be a far-side stop w/Congress Ave intersection, appears to be available ROW	N
5953	EB	LW Rd	Congress	1066	1144	2	UNC	Shelter	Additional/replacement shelter to be installed by Palm Tran in future	

SHARED BIKEWAY BUS STOP DIAGRAM



With a shared bikeway bus stop, the bikeway is raised to be flush with the sidewalk. Both the bus boarding and alighting zone uses the bikeway and people biking yield to pedestrians.

SIDE BOARDING ISLAND BUS STOP DIAGRAM



With a side boarding bus stop, the bikeway is redirected behind the bus stop. This shift removes the conflict between people boarding and alighting buses and people biking.

RECOMMENDATIONS

RECOMMENDED PEDESTRIAN CROSSING DESIGN

There are currently only four marked pedestrian crossings in the study segment (from South Congress Avenue to Raulerson Drive), including SR-809 (South Military Trail), Kirk Road, Swap Shop, and SR-807 (South Congress Avenue). FDOT's RSA also includes a fifth crossing at Douglas Drive (just east of South Congress Avenue). Due to the high frequency and severity of crashes on the corridor as well as documented incidences of mid-block pedestrian crossing activity, the recommended design concept suggests several vehicular and pedestrian crossings be installed to formalize pedestrian crossings and improve pedestrian safety. These include:

- New lighted vehicular intersection at Davis Road with realignment of 2nd Avenue North to replace diagonal intersection with Lake Worth Road with 90-degree intersection.
- New signalized intersection at Gulfstream Road.
- New signalized vehicular intersection at Davis Road with incorporation of emergency signal at Swap Shop/Fire Station.
- New mid-block pedestrian signalized crossings at approximately 42nd Way and Yaun Lane.

Mid-block pedestrian crossings should be designed with Pedestrian Hybrid Beacons for traffic control. It should be noted the FDOT RSA also recommends the evaluation of new potential pedestrian crossings in the same general locations proposed here. All crosswalks should be designed with high-visibility markings, and with detectable warning surfaces at the interface with roadways. Consideration should also be given to lighted crosswalks on the corridor, such as the one illustrated on this page.

The Corridor Wide Recommendations diagram in this chapter provides additional notes regarding the location and implementation of these signalized crossings.

RECOMMENDED LIGHTING DESIGN

Lighting on the corridor is deficient, which is evidenced in the high rate of nighttime pedestrian and bicyclist crashes.

The FDOT RSA indicates 37% of total crashes on the corridor occur at nighttime versus an average of 31% across FDOT District 4. FDOT's RSA also indicates "existing lighting at major intersections SR-809 (Military Trail) and SR-807 (Congress Avenue) appears to be insufficient for intersections' geometric and pedestrian/bicycle activity."

To improve safety on the corridor, the design concept recommends the conversion of existing lighting to LED throughout the corridor and the installation of additional pedestrian scaled street lighting, especially in the locations of anticipated pedestrian mid-block crossings. FDOT's RSA recommends a lighting study be conducted to further evaluate lighting conditions. The RSA recommends intersection lighting be upgraded as well as consideration of LED lighting throughout the corridor in conjunction with the RRR project. These lighting recommendations are consistent with the recommended design concept.



Lighted crosswalk

Credit: Light Guard Systems



Light bollards with pedestrian refuge within the median.

Credit: Light Guard Systems



NEXT STEPS

NEXT STEPS

As multimodal facilities, Complete Streets occur when there is a coordinated development effort to produce a highly walkable, safer, more efficient, and more effective arrangement of transportation and land use components. Some activities occur within public rights-of-way, which have been detailed in this study, while others occur on the private parcels fronting a roadway. Accordingly, to implement the recommendations contained in this study and produce an optimal multimodal corridor along Lake Worth Road, there are different steps necessary by the various stakeholder entities that will be benefited by continued coordination going forward.

The TPA is the appropriate coordinating entity to help facilitate the balance of actions by other stakeholder entities as detailed in this section.

FDOT is the roadway owner and has been an active participant throughout all phases of the Lake Worth Road Multimodal Corridor planning and evaluation process, and the agency will ultimately be responsible for the implementation of the roadway design recommendations contained herein. FDOT has indicated it will continue to engage the project stakeholders, especially the Palm Beach TPA and local governments, as it proceeds through additional corridor analyses, including the Preliminary Design and Engineering (PD&E) phase, engineering plans, and ultimately construction. Special coordination with the two municipalities will also be necessary for the maintenance of landscaping within the corridor.

Palm-Tran will be responsible for implementing potential stop consolidation and for pursuing funding to establish shelters on the corridor. Shelter design, location, and access should be coordinated with the two municipalities.

The new intersection proposed at Davis Road may require participation by the Village of Palm Springs regarding right-of-way acquisition due to FDOT scope and timing reasons as well as participation by the TPA and/or Palm Beach County for funding.

In addition to the design recommendations regarding Lake Worth Road itself, the remaining recommendations are focused on land development activities and would be implemented by the two municipalities through their Comprehensive Plans and Land Development Regulations. As discussed in the report, the multimodal function of the corridor would be improved with an urban pattern of land development that requires driveway and parking consolidation where possible, includes “build to” setbacks to bring building frontages closer to Lake Worth Road, requires enhanced lighting and landscaping standards, and establishes parking standards that shift parking fields away from the Lake Worth Road frontage, ideally to the side or rear of buildings, and cross-access connections between adjacent parcels. The urban form and access recommendations will take time to fully implement, but it is important to recognize the need to start and diligently pursue implementation.



APPENDIX A

FDOT DESIGN STANDARDS

To implement the recommended design concept for the Lake Worth Road study area, the posted speed and design speed is recommended to be reduced to 35 mph. Alternatively, FDOT can permit the design recommendations utilizing its variance process. Either with a 35 mph design speed or by utilizing a FDOT design variance, the corridor can be constructed with the narrower lanes and median to enable the inclusion of more substantial separated bicycle lanes that are safer and more appropriate for cyclists utilizing the corridor. The narrower lanes and median would also provide traffic calming to slow vehicles down to a safer speed in an area that has experienced high crash rates for people walking, biking, and driving.

A summary of each design standard is provided in this report. The specific sections of the FDOT Design Manual that are referenced in this report should be referenced during the decision-making process for the RRR project within the study area.

CONTEXT-BASED DESIGN

See section 200 Context Based Design of the FDOT Design Manual.

The section of Lake Worth Road, within the study area is classified by FDOT as C4- Urban General.

Table 200.4.1 Context Classifications

Context Classification		Description of Adjacent Land Use
C1	Natural	Lands preserved in a natural or wilderness condition, including lands unsuitable for settlement due to natural conditions.
C2	Rural	Sparsely settled lands; may include agricultural land, grassland, woodland, and wetlands.
C2T	Rural Town	Small concentrations of developed areas immediately surrounded by rural and natural areas; includes many historic towns.
C3R	Suburban Residential	Mostly residential uses within large blocks and a disconnected/sparse roadway network.
C3C	Suburban Commercial	Mostly non-residential uses with large building footprints and large parking lots. Buildings are within large blocks and a disconnected/sparse roadway network.
C4	Urban General	Mix of uses set within small blocks with a well-connected roadway network. May extend long distances. The roadway network usually connects to residential neighborhoods immediately along the corridor or behind the uses fronting the roadway.
C5	Urban Center	Mix of uses set within small blocks with a well-connected roadway network. Typically concentrated around a few blocks and identified as part of the community, town, or city of a civic or economic center.
C6	Urban Core	Areas with the highest densities and with building heights typically greater than four floors within FDOT classified Large Urbanized Areas (population >1,000,000). Many are regional centers and destinations. Buildings have mixed uses, are built up to the roadway, and are within a well-connected roadway network.

DESIGN SPEED

See section 201 Design Controls of the FDOT Design Manual.

The section of Lake Worth Road, within the study area is classified by FDOT as C4- Urban General. Because Lake Worth Road, is not on the SIS, the allowable range for the design speed is 30-45 mph.

Table 201.4.1 Design Speed

Limited Access Facilities (Interstates, Freeways, and Expressways)		
Area	Allowable Range (mph)	SIS Minimum (mph)
Rural and Urban	70	70
Urbanized	50-70	60
Arterials and Collectors		
Context Classification	Allowable Range (mph)	SIS Minimum (mph)
C1 Natural	55-70	65
C2 Rural	55-70	65
C2T Rural Town	25-45	40
C3 Suburban	35-55	50
C4 Urban General	30-45	45
C5 Urban Center	25-35	35
C6 Urban Core	25-30	30
Notes: (1) SIS Minimum Design Speed may be reduced to 35 mph for C2T Context Classification when appropriate design elements are included to support the 35 mph speed, such as on-street parking. (2) SIS Minimum Design Speed may be reduced to 45 mph for curbed roadways within C3 Context Classification. (3) For SIS facilities on the State Highway System, a selected design speed less than the SIS Minimum Design Speed requires a Design Variation as outlined in SIS Procedure (Topic No. 525-030-260) . (4) For SIS facilities not on the State Highway System, a selected design speed less than the SIS Minimum Design Speed may be approved by the District Design Engineer following a review by the District Planning (Intermodal Systems Development) Manager.		

FDOT DESIGN STANDARDS

TRAVEL LANE WIDTHS

See section 210 Arterials and Collectors of the FDOT Design Manual.

To allow for travel lane widths of 10 feet, the design speed for Lake Worth Road must be 35 mph or less; otherwise, a variance will be required as noted in this report.

Table 210.2.1 – Minimum Travel and Auxiliary Lane Widths

Context Classification		Travel (feet)			Auxiliary (feet)			Two-Way Left Turn (feet)	
		Design Speed (mph)			Design Speed (mph)			Design Speed (mph)	
		25-35	40-45	≥ 50	25-35	40-45	≥ 50	25-35	40
C1	Natural	11	11	12	11	11	12	N/A	
C2	Rural	11	11	12	11	11	12		
C2T	Rural Town	11	11	12	11	11	12	12	12
C3	Suburban	10	11	12	10	11	12	11	12
C4	Urban General	10	11	12	10	11	12	11	12
C5	Urban Center	10	11	12	10	11	12	11	12
C6	Urban Core	10	11	12	10	11	12	11	12
Travel Lanes: (1) Minimum 11-foot travel lanes on designated freight corridors, SIS facilities, or when truck volume exceeds 10% with design speed 25-35 mph (regardless of context). (2) Minimum 12-foot travel lanes on all undivided 2-lane, 2-way roadways (for all context classifications and design speeds). However, 11-foot lanes may be used on 2-lane, 2-way curbed roadways that have adjacent buffered bicycle lanes. (3) 10-foot travel lanes are typically provided on very low speed roadways, but should consider wider lanes when transit is present or truck volume exceeds 10%. (4) Travel lanes should not exceed 14 feet in width. Auxiliary Lanes: (1) Auxiliary lanes are typically the same width as the adjacent travel lane. (2) Table values for right turn lanes may be reduced by 1 foot when a bicycle keyhole is present. (3) Median turn lanes should not exceed 15 feet in width. (4) For high speed curbed roadways, 11-foot minimum lane widths for dual left turn lanes are allowed. (5) For RRR Projects, 9-foot right turn lanes on very low speed roadways are allowed. Two-way Left Turn Lanes: (1) Two-way left turn lanes are typically one foot wider than the adjacent travel lanes. (2) For RRR Projects, the values in the table may be reduced by 1-foot.									

MEDIAN WIDTHS

See section 210 Arterials and Collectors of the FDOT Design Manual.

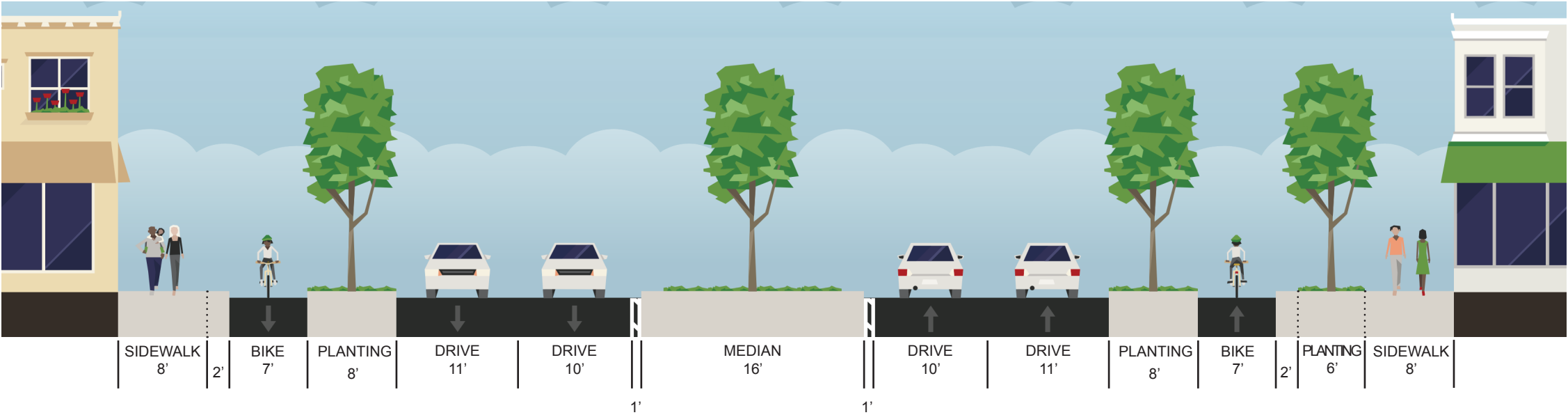
To allow for a minimum median width of 15.5 feet, the design speed for Lake Worth Road must be 35 mph or less; otherwise, a variance will be required as noted in this report.

Table 210.3.1 Median Widths

Context Classification		Curbed Roadways and Flush Shoulder Roadways (feet)		High Speed Curbed Roadways (feet)	Flush Shoulder Roadways (feet)
		Design Speed (mph)			
		25-35	40-45	50-55	≥ 50
C1	Natural	N/A	N/A	30	40
C2	Rural	N/A	N/A	30	40
C2T	Rural Town	15.5	22	N/A	N/A
C3	Suburban	22	22	30	40
C4	Urban General	15.5	22	N/A	N/A
C5	Urban Center	15.5	N/A	N/A	N/A
C6	Urban Core	15.5	N/A	N/A	N/A
		(1) On reconstruction projects where existing curb locations are fixed due to severe right of way constraints, the minimum median width may be reduced to 19.5 feet for design speeds = 45 mph, and to 15.5 feet for design speeds ≤ 40 mph. (2) A minimum 6-foot median may be used within C5 and C6 context classifications only where left turn lanes are not expected.			

APPENDIX B

ALTERNATIVE DESIGN: LANE REPURPOSING WITH SEPARATED BICYCLE LANES (LOOKING EAST)



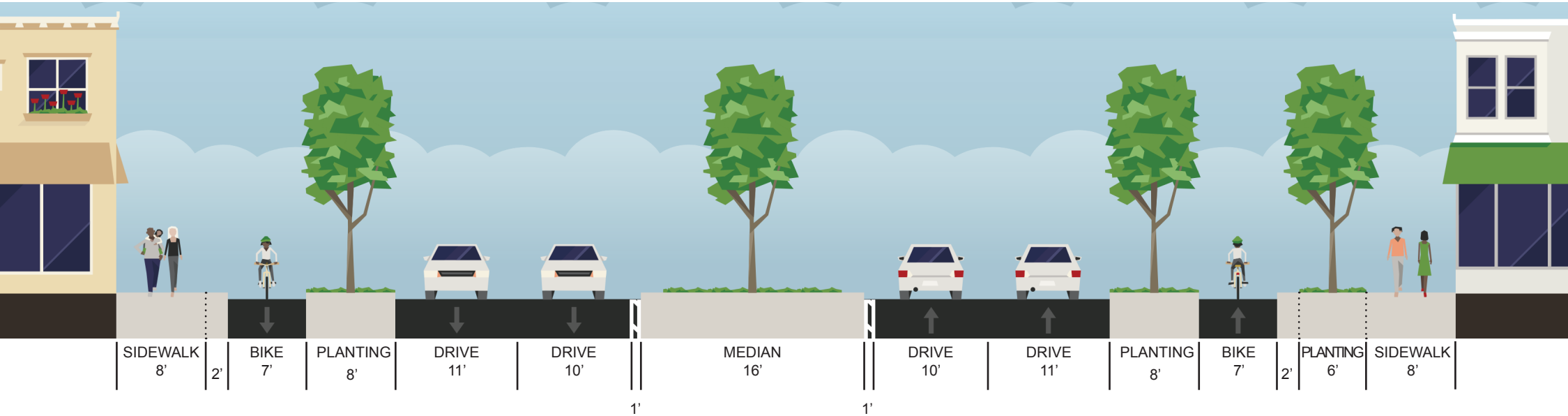
ALTERNATIVE DESIGN CONCEPT

An alternative design for the corridor includes a more extensive lane repurposing with a reduction in the number of vehicle through-lanes and more substantial multimodal accommodations. This design provides wider protected bicycle lanes with separators as well as space for shade trees on both sides of the street.

While this concept provides increased comfort for people walking and bicycling compared to the recommended alternative, a traffic analysis was not conducted to evaluate the impacts of a reduction in the number of vehicle through-lanes and the potential impacts on travel times for transit riders, freight movement, and personal vehicles. This concept would require modification of existing curblines and stormwater infrastructure, which is outside the scope of a typical FDOT RRR project.

ALTERNATIVE DESIGN

ALTERNATIVE DESIGN CONCEPT: 4-LANE CORRIDOR (LOOKING EAST)



4-LANE SUMMARY

An alternative typical cross section provides additional bicycle lane and planting area as well as space for shade trees on both sides of the street. While this concept provides increased comfort for people walking and bicycling as compared to the recommended concept, a traffic analysis was not conducted to evaluate the impacts of a reduction in the number of vehicle through-lanes and the potential impacts on travel times for transit riders, freight movement, and personal vehicles. This alternative concept also requires modifications of existing curblines and stormwater infrastructure, which are outside the scope of a typical FDOT RRR project.

TRAVEL LANES/DESIGN SPEED	• TWO 11' OUTSIDE LANES; TWO 10' INSIDE LANES • 35 MPH DESIGN SPEED (REDUCED FROM 45 MPH DESIGN, 40 MPH POSTED)
LANDSCAPE MEDIAN	• MAINTAINED AT 16'
SIDEWALKS	• 8' SIDEWALKS WITH 6' PLANTING • SEPARATED FROM THE ROADWAY BY A BIKEWAY AND PLANTING AREA
BICYCLE LANES	• 7' SEPARATED BICYCLE LANES • BIKEWAY SEPARATED FROM ROADWAY BY AN 8' PLANTING AREA • DIRECT BICYCLE LANES BEHIND FLOATING SHARED BUS STOPS OR THROUGH A RAISED SHARED BOARDING PAD
TRANSIT STOPS	• TRANSIT SHELTERS FOR "PRIMARY" STOPS (AS IDENTIFIED BY PALM TRAN) • "SHARED BUS STOPS" WHERE POSSIBLE (BICYCLE LANE LOCATED BETWEEN TRANSIT STOP AND CURB)
PEDESTRIAN CROSSINGS	• TWO ADDITIONAL PEDESTRIAN MID-BLOCK CROSSINGS • TWO ADDITIONAL FULLY SIGNALIZED INTERSECTIONS (DAVIS ROAD AND GULFSTREAM ROAD) • INCREASE IN NUMBER OF SIGNALIZED CROSSINGS TO ESTABLISH SIGNALIZED PEDESTRIAN CROSSING SPACING OF APPROXIMATELY 1/4 MILE ON AVERAGE
LIGHTING	• LED LIGHTING THROUGHOUT CORRIDOR (UPGRADED), INCLUDING LIGHTING OF THE ROADWAY, BICYCLE LANE, AND SIDEWALKS.

Submittal Report

Financial Project:	441632-1-52-01	Submittal Type:	PLANS
Submittal Phase:	INITIAL	Submittal Staff Type:	CONSULTANT
Received Date:	3/9/2020	Response Due Date:	5/11/2020
Grace Period:	0	District:	FOURTH
Status:	OPEN	Create Date:	3/9/2020
Create User Id:	RD452BA	Last Update:	3/9/2020
		Last Update User Id:	RD452BA

Description:

INITIAL ENGINEERING PHASE REVIEW
 SR: SR 802
 County: PALM BEACH(93)

ATTENTION REVIEWERS: ALL FILES NEEDED FOR YOUR REVIEW ARE DIRECTLY ATTACHED INSIDE THE ERC UNDER THE DOCUMENTS TAB.

Desc: SR-802-LAKE WORTH ROAD FR RAULERSON DR TO PALM BEACH STATE COLLEGE ENT
 Roadways:

93180000 L 5.497 - 7.193 1.696

93180000 L 7.193 - 7.343 0.150

93180000 R 5.497 - 7.193 1.696

93180000 R 7.193 - 7.343 0.150

Summary: 2020 TPA TAP PRIORITY #17-5 52-02 TPA REQUESTED WORK: SEPARATED BIKE LANES

Fed-Aid:

Total: \$4,555,018.00

Schedule:

Constructability 08-21-2020

Biddability 12-01-2020

Production 04-05-2021

Letting 08-25-2021

INHOUSE PM: Scott Thurman 954-777-4135 Scott.Thurman@dot.state.fl.us

CONSULTANT PM: Martin PapaleSchwarz 954-777-4301 martin.papaleschwarz@dot.state.fl.us

ERC & DOWNLOADING: Angel Betancourt 954-777-4572 angel.betancourt@dot.state.fl.us

Threads:

No	Status	Current Holder	Reference	Categories
6	COMMENT SUBMITTED FOR RESPONSE	Martin PapaleSchwarz		BICYCLE/PEDESTRIAN,ADA
Created By KIM GLAS-CASTRO Created On 4/6/2020 Version 1 Delegate For				
While a protected bike lane is depicted on the plans to help reduce the number of vehicle/bicycle crashes, nothing appears to be done to address the substandard sidewalks. The pedestrian zone needs to be addressed. There are ADA issues due to insufficient width. If needed, reduce the median width further so that a wider sidewalk can be accommodated. Also, sidewalks are currently encumbered by electric utility poles and light poles. These need to be moved out of the pedestrian zone.				
No	Status	Current Holder	Reference	Categories
7	COMMENT SUBMITTED FOR RESPONSE	Martin PapaleSchwarz		DESIGN VARIATION,SAFETY,ACCESS MANAGEMENT
Created By KIM GLAS-CASTRO Created On 4/6/2020 Version 1 Delegate For				
The Village had previously recommended that mid-block crossings be added due to the distance between signalized intersections, and the number of pedestrian/bicycle and vehicle crashes occurring mid-block. Mid-block crossings were also recommended by the TPA. Mid-block crossings are also recommended in the Road Safety Audit Findings.				

No	Status	Current Holder	Reference	Categories
8	COMMENT SUBMITTED FOR RESPONSE	Martin PapaleSchwarz		ACCESS MANAGEMENT,DESIGN VARIATION,BICYCLE/PEDESTRIAN,SAFETY
Created By		Created On	Version	Delegate For
KIM GLAS-CASTRO		4/6/2020	1	

Reduce posted speed along corridor in consideration of high pedestrian and bicycle activity in the area. As noted in the Road Safety Audit, vehicles appear to travel above the posted speed limit.

Reduced speed was recommended by the Palm Springs, Greenacres, and TPA.

The reduction of lanes to 10' width coincides to a speed of 35 mph.

No	Status	Current Holder	Reference	Categories
9	COMMENT SUBMITTED FOR RESPONSE	Martin PapaleSchwarz		ACCESS MANAGEMENT,DESIGN VARIATION,SIGNALIZATION
Created By		Created On	Version	Delegate For
KIM GLAS-CASTRO		4/6/2020	1	

As has been previously shared with FDOT, the Village has identified a future thoroughfare system improvement - a signalized intersection at Davis Road / Lake Worth Road.

To facilitate this future signalization, please amend the plans to 1) eliminate the full median opening at Coconut Road (change it to directional median openings) and 2) consider feasibility/safety enhancements needed to make a full median opening at Davis Road.

RESOLUTION NO. 2018-21

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS SUPPORTING A REQUEST TO HAVE A SAFETY STUDY CONDUCTED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LAKE WORTH ROAD IN CONSIDERATION OF A SPEED REDUCTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake Worth Road Corridor is a primary corridor through the Village of Palm Springs; and

WHEREAS, the Lake Worth Road Corridor provides a "front door" welcome to residents and visitors to the Village of Palm Springs; and

WHEREAS, Lake Worth Road provides an essential connection from the Florida Turnpike to the Village of Palm Springs; and

WHEREAS, Lake Worth Road provides direct connections to schools, neighborhoods and destinations in the Village of Palm Springs; and

WHEREAS, there is substantial pedestrian and cyclist activity on Lake Worth Road for residential, commercial, educational, institutional, recreational, and other purposes; and

WHEREAS, the Lake Worth Road Corridor has been identified as one of the most dangerous roadways in Palm Beach County by the Palm Beach TPA due to the high number and severity of accidents on the corridor; and

WHEREAS, there is a direct correlation between the speed of a roadway, roadway design, and the number and severity of accidents, including pedestrian and cyclist fatalities; and

WHEREAS, the current posted speed on Lake Worth Road is 45 MPH; and

Resolution No. 2018-21 Support of a "Safety Study" for Lake Worth Road Corridor

WHEREAS, the portion of Lake Worth Road from Congress Avenue west through the Village of Palm Springs has urban characteristics; a high degree of pedestrian, cyclist, and transit usage; a significant number of driveways; and a history of severe accidents, including pedestrian and cycling fatalities; and

WHEREAS, Lake Worth is a state roadway, falling under the jurisdiction of FDOT for design, maintenance, and vehicular speed designations; and

WHEREAS, in July 2018, FDOT will begin an analysis to "Resurface, Restore and Rehabilitate" (RRR) Lake Worth Road from Raulerson Drive to Congress Avenue, including a portion within the Village of Palm Springs; and

WHEREAS, a 35 MPH designation for this portion of Lake Worth Road would require slower speed vehicular traffic and enable the narrowing of vehicular travel lanes, which would provide a safer condition on the roadway; and

WHEREAS, the Village of Palm Springs is working with the City of Greenacres and other agencies to address the significant safety concerns associated with Lake Worth Road; and

WHEREAS, the Village of Palm Springs, through which Lake Worth traverses is requesting FDOT reduce the posted and design speed of its portion of Lake Worth Road from 45 MPH to 35 MPH to improve the safety of the corridor; and

WHEREAS, that portion of Lake Worth Road from Congress Avenue east has a posted speed of 35 MPH; and

WHEREAS, the Village of Palm Springs considers safety of residents and visitors to be of the utmost priority; and

WHEREAS, a design and posted speed of 35 MPH would help improve the safety of Lake Worth Road.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, as follows:

Section 1. The Village of Palm Springs requests FDOT initiate a "safety study" to evaluate the conditions on Lake Worth Road.

Resolution No. 2018-21 Support of a "Safety Study" for Lake Worth Road Corridor

Section 2. The FDOT safety study consider the unique conditions present along the corridor, including schools, the high number of destinations, the high number of driveways, the high and increasing amount of pedestrian, cyclist, and transit usage; the visual impacts of sunset for westbound afternoon drivers.

Section 3. A speed reduction to 35 MPH be considered as part of the design plans for the planned FDOT RRR project for the subject portion of Lake Worth Road.

Section 4. This Resolution shall take effect immediately upon adoption.
Council Member Gunther offered the foregoing resolution. Council Member Waller seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☒	☐	☐
DOUG GUNTHER, VICE MAYOR	☒	☐	☐
JONI BRINKMAN, MAYOR PRO TEM	☒	☐	☐
PATTI WALLER, COUNCIL MEMBER	☒	☐	☐
LIZ SHIELDS, COUNCIL MEMBER	☐	☐	☒

The Mayor thereupon declared this Resolution duly passed and adopted this 12th day of JULY, 2018.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: [Signature]

BEV SMITH, MAYOR

ATTEST:

BY: [Signature]

KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: [Signature]

[Signature] GLEN J. TORCIVIA, VILLAGE ATTORNEY





Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

**MIKE DEW
SECRETARY**

October 19, 2018

The Honorable Beverly Smith, Mayor
Village of Palm Springs
226 Cypress Lane
Village of Palm Springs, FL 33461-1699

Dear Mayor Smith:

Re: Request for Speed Reduction
SR 802 (Lake Worth Road)
Village of Palm Springs, Palm Beach County

This is in response to the Village of Palm Springs' (Village) September 26, 2018 letter. This letter requests the Florida Department of Transportation (Department) reduce the existing posted and design speed in conjunction with the Department's resurfacing project scheduled for design in FY 2019 and construction in FY 2021.

The Department has conducted a speed study for the section of Lake Worth Road (SR 802) between Raulerson Drive and Palm Beach State College. This study indicated the existing posted speed limit (40 mph) is appropriate based on the observed operating speed of traffic. A safety study reviewed the crash history between 2013 - 2015 and concluded there was no pattern of crashes related to the existing posted speed. Based on these study findings, the Department does not plan to reduce the posted or design speed on Lake Worth Road within the Village. We will update this study as part of the referenced resurfacing project and updated results will be addressed in the design, where possible.

The Department is exploring other ways to achieve the Village's corridor vision thru travel lane, median, and bicycle lane widths without lowering the design speed. Our design team continues to work with stakeholders to assess viable typical section options and define the scope for the project.

Please feel free to contact our District Traffic Operations Engineer, Mark Plass, at 954-777-4351 or mark.plass@dot.state.fl.us regarding the speed and safety studies; or the Design's Project Manager, Scott Thurman, at (954) 777-4135 or scott.thurman@dot.state.fl.us, if you should require additional information.

Sincerely,

Gerry O'Reilly, PE
District Four Secretary

GO:stj

cc: The Honorable Rick Scott, Governor of the State of Florida
The Honorable Mike Dew, Secretary of the Florida Department of Transportation
Village of Palm Springs Village Council
The Honorable Lori Berman, Florida Senator - District 31
The Honorable David Silvers, Florida House of Representative - District 87

The Honorable Melissa McKinlay, Mayor & the Palm Beach County Board of County Commissioners
The Honorable David Kerner, Commissioner - Palm Beach County Board of County Commissioners
The Honorable Joel Flores, Mayor - City of Greenacres
The Honorable Pam Triolo, Mayor — City of Lake Worth
The Honorable Anne Gerwig — President — The Palm Beach County League of Cities
Richard J. Reade, Village Manager — Village of Palm Springs
Andrea McCue, City Manager - City of Greenacres
Mike Bornstein, City Manager — City of Lake Worth
Verdenia Baker, County Administrator - Palm Beach County Board of County Commissioners
Glen Torcivia, Village Attorney - Village of Palm Springs
Ava Parker, President — Palm Beach State College
Richard Radcliffe, Executive Director — The Palm Beach County League of Cities
Thomas Lanahan, Executive Director - Treasure Coast Regional Planning Council
Kim DeLaney, Director of Strategic Dev. & Policy - Treasure Coast Regional Planning Agency
Nick Uhren, Executive Director - Palm Beach Transportation Planning Agency
Steven Braun, P.E., District Design Engineer - FDOT District 4
Scott Thurman, P.E., Project Manager - FDOT District 4

ROAD SAFETY AUDIT REPORT

SR-802 (LAKE WORTH ROAD) FROM RAULERSON DRIVE TO DOUGLAS DRIVE

Palm Beach County, Florida

Section Number: 93 180 000

Mile Posts: 5.497 To 7.343

Safety Review FM No. 429650-2-32-01

Task Work Order No. 78

Prepared for:

Florida Department of Transportation, District 4

Prepared by:

Tindale Oliver

FINAL DRAFT

MAY 2019



I, W.T Bowman, P.E. #69132, certify that I currently hold an active Professional Engineers License in the State of Florida and am competent through education or experience to provide engineering services in the civil and traffic engineering disciplines contained in this plan, print, specification, or report.

I further certify that this Road Safety Audit (RSA) was prepared by me or under my responsible charge as defined in Chapter 61G15-18.001 F.A.C. and that all statements, conclusions and recommendations made herein are true and correct to the best of my knowledge and ability.

Study Roadway: SR-802 (Lake Worth Road)

From: Raulerson Drive

To: Douglas Drive

Section No: 93 180 000

Project Mile Posts: from 5.497 to 7.343

Project Location: Palm Beach County, Florida

FINAL DRAFT

Table of Contents

Introduction

Road Safety Audit Process.....	3
Road Safety Audit Purpose.....	3
Road Safety Audit Team Members	3
Road Safety Audit Findings.....	4
Study Corridor	5
Stakeholders Concerns and Key Observations.....	6
Previous Studies and Background Information	7
FDOT Work Program	8
Crash Data Analysis	9
Road Safety Audit Findings Summary	16
Responses to Recommendations Summary	17
Road Safety Audit Findings Details.....	18

Appendix A: Stakeholders Email List – Sign in Sheet from RSA Team Meeting

Appendix B: Previous Studies Recommendations – Other Background Information

Appendix C: Scope of 3R Project FM # 441632-1

Appendix D: Proposed Locations for Pedestrian Signalized Crossings

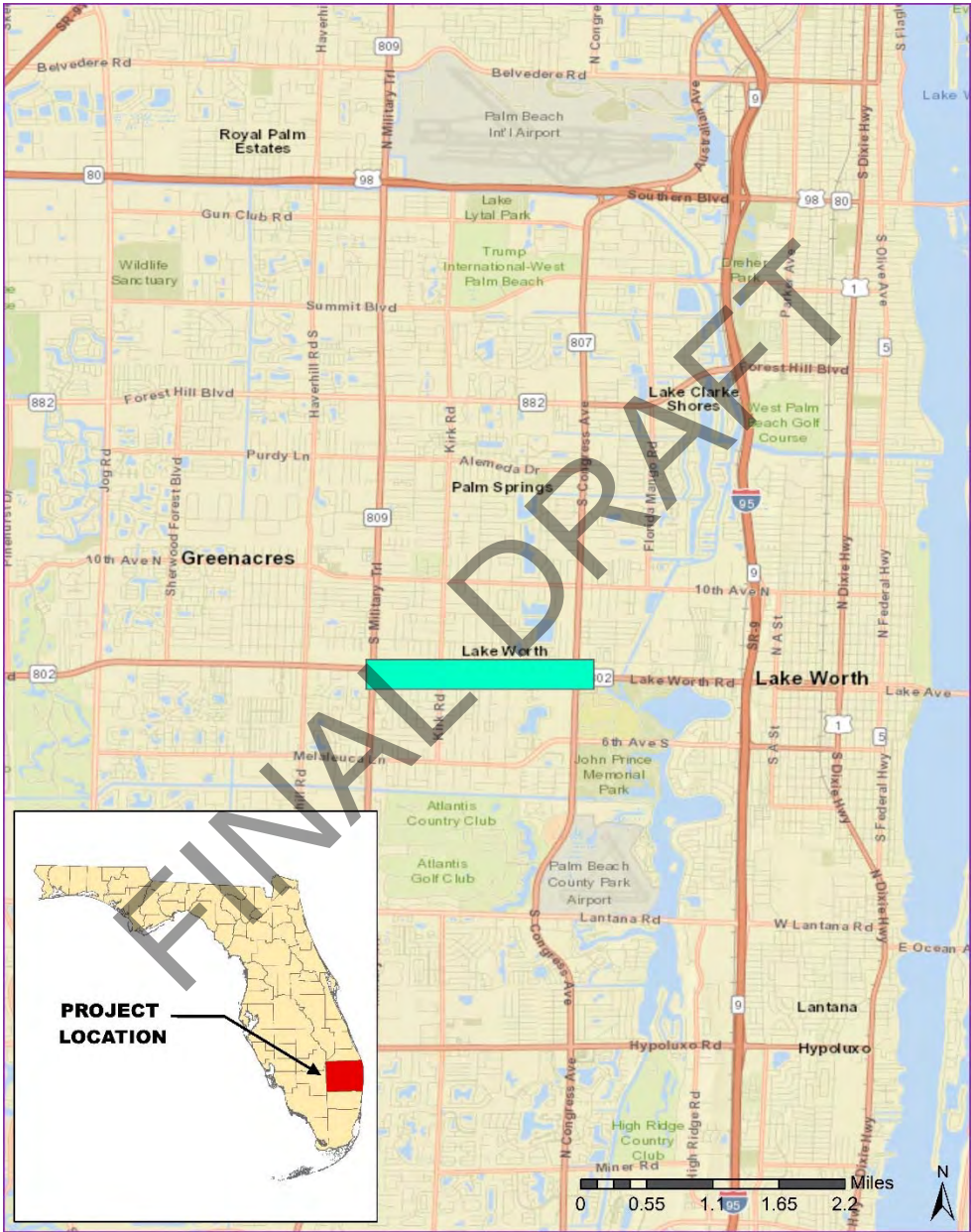


Figure 1: Project Location

Project Location

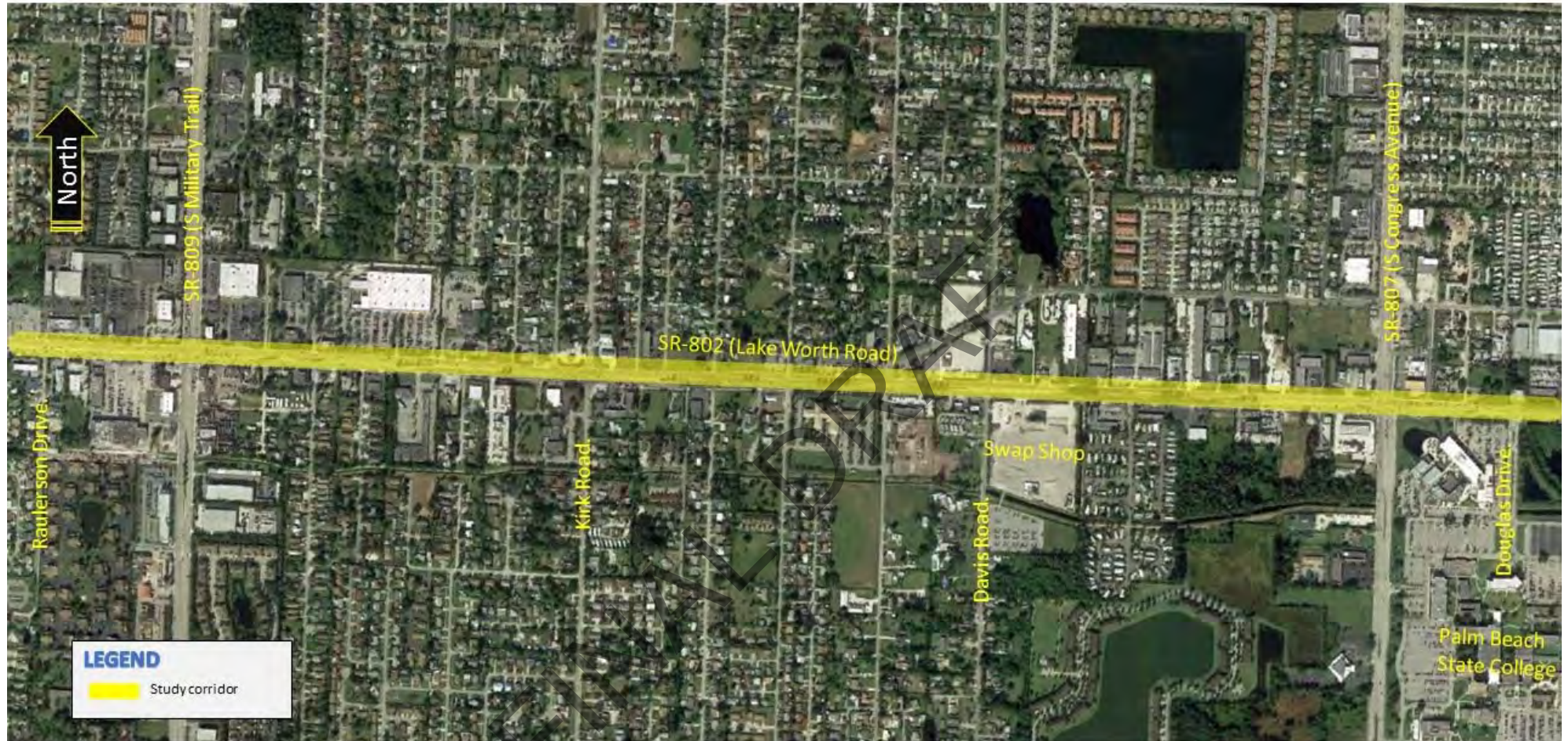


Figure 2: Study Area

Findings

Road Safety Audit Process

The Federal Highway Administration's (FHWA) Safety Office has established the Roadway Safety Audit (RSA) process as a way to further enhance the overall safety performance of roadways for all users. An RSA is the formal safety performance examination of an existing or future road or intersection by an independent, multidisciplinary team that qualitatively estimates and reports on potential road safety issues and identifies opportunities for improvements in engineering, education, enforcement, and emergency response to improve safety for all road-users.

The goal of an RSA is to provide a low-cost, proactive approach to safety that considers all road users and identifies opportunities to enhance safety and reduce the number and severity of crashes.

A typical RSA consists of the following steps:

1. Identify project or road in service to be audited.
2. Select RSA team.
3. Conduct pre-audit meeting to review project information.
4. Perform field observations under various conditions.
5. Conduct audit analysis and prepare report of findings.
6. Present audit findings to Project Owner/Design Team.
7. Project Owner/Design Team prepares formal response.
8. Incorporate findings into project when appropriate.

Road Safety Audit Purpose

This RSA was conducted along a 1.85-mile segment of SR-802 (Lake Worth Road) in Palm Beach County, Florida. Field reviews were conducted in January 2019, and team observations were as follows:

- RSA Team – midday field observation on January 9, 2019 (11:00 AM–12:30 PM)

The RSA was requested by Florida Department of Transportation (FDOT) District 4 (D4) anticipating a programmed resurfacing project (FM# 441632-1) schedule to start construction in November 2021. The safety of the roadway for all transportation users was reviewed; however, the focus of this RSA was pedestrian/bicycle crash patterns and driver/pedestrian-bicycle behavior within the study area, specifically reviewing midblock crossings. This RSA was conducted to:

- Evaluate pedestrian and bicycle activity along the corridor.
- Identify high conflict areas between pedestrians/bicycles and vehicles.
- Evaluate roadway and roadside features, design elements, and local conditions (street parking, sidewalk and bike lane conditions, night visibility, adjacent land uses, etc.) that would increase the likelihood and severity of crashes.
- Review firsthand the interaction of various design elements with each other and the surrounding road network.
- Observe how roadway users are interacting with the roadway facility and other roadway users.
- Determine if the needs of all roadway users have been adequately and safely met.
- Explore emerging operational trends and/or safety issues at the location.

The objective of this RSA was to answer the following questions:

- What environmental, design, and behavioral elements present potential safety concerns for pedestrians and bicyclists at this location; to what extent, and under what circumstances?
- What engineering, education, and enforcement opportunities exist to eliminate or mitigate identified safety concerns?

Road Safety Audit Team Members

Tindale Oliver conducted pre-audit coordination with stakeholders to familiarize and engage potential partners on the RSA process and outcomes

Findings

and to provide participants with an opportunity to exchange information and ideas and ask questions. In addition to the core RSA team, stakeholders in the audit included representatives from Palm Beach County, the Palm Beach Transportation Planning Agency (TPA), FDOT District 4, the Village of Palm Springs, the City of Greenacres, Palm Beach State College (PBSC), and the Village of Palm Springs Police Department.

Specific participants were as follows; those who attended meetings and field reviews are shown in **bold**. Email addresses and other contact information are provided in **Appendix A**.

Core Road Safety Audit Team Members:

- **W.T. Bowman, P.E.**, Tindale Oliver
- **Abel Espino, E.I.**, Tindale Oliver

Other Contributing Road Safety Audit Stakeholders:

- **Kim Glas-Castro**, Planning, Zoning and Building, Village of Palm Springs
- **Chad Girard**, Village of Palm Springs
- **Officer Greg Croucher**, Village Police Department, Village of Palm Springs
- **Carlos Cedeno**, Public Works Director, City of Greenacres
- **Wade Neilson**, Roads and Drainage Supervisor, City of Greenacres
- **Melissa Ackert**, Assistant Director of Traffic Engineering, Palm Beach County
- **Fadi Nassar**, Traffic Engineering Operations, Palm Beach County
- **Nicolas Hernandez**, TPA Ped/Bike Coordinator, West Palm Beach
- John Wasukanis, Director of Facilities, Palm Beach State College
- **Robert J. Priolo, P.E.**, Facilities Assistant Director, Palm Beach State College
- **Chris Ward**, Grounds and Landscaping Supervisor, Palm Beach State College
- Thomas Miller, Bike/Ped Safety Program Specialist, FDOT D4
- Adalberto Acuna, Traffic Safety Program Specialist, FDOT D4

- Maria E. Anaya de Yeats, Traffic Operations, FDOT D4

Road Safety Audit Findings

The RSA Findings Summary lists the location, observation overview, recommendations, and responsible agency for each observation. Observations are sorted geographically from south to north or west to east following mile-post convention. Observations and corresponding recommendations are assigned one of three levels of effort categories—Low, Medium, and High:

- “Low” improvements consist of basic improvements such as signs and pavement markings that can generally be done with in-house maintenance forces.
- “Medium” improvements are more involved and can typically be done by pushbutton forces.
- “High” improvements are the most involved in scope, may require right-of-way and public involvement, and typically will require a work program project to complete.

Observations are also assigned one of three time frame categories—Short-Term, Mid-Term, and Long-Term.

- “Short-term” recommendations can take weeks to implement.
- “Mid-term” recommendations can take months to implement.
- “Long-term” recommendations can take years to implement.

The observations and corresponding recommendations are grouped into spot and corridor-wide observations:

- Spot observations relate to one issue at a single location.
- Corridor-wide observations relate to a recurring issue throughout study area.

Study Corridor

SR-802 (Lake Worth Road) is an east-west, 6-lane divided roadway for most of the study segment west of SR-807 (S Congress Avenue). East of SR-807 (S Congress Avenue), it becomes 4-lane divided. The posted speed limit is 40 miles per hour (mph). Street lighting and sidewalks are provided on both sides of SR-802 (Lake Worth Road). There are no bike lanes present along the corridor; bike lanes are provided east of the study area. A mid-block pedestrian crosswalk is located just east of the Swap Shop Flea Market entrance where there is also an emergency signal for Fire Rescue Station 31 to access SR-802 (Lake Worth Road). This emergency signal can be activated by pedestrians using the crosswalk at this location. An existing conditions diagram of the study area is shown in **Figure 3**.

Within the study limits and along SR-802 (Lake Worth Road) are 11 bus stops in the eastbound direction and 9 bus stops in the westbound direction. **Table 1** presents average ridership for the month of October 2018, based on the latest available transit data provided by Palm Tran.

Table 1: Estimated Average Ridership, October 2018

Bus Stop Activity	Eastbound	Westbound
Boarding	811	717
Alighting	590	906
Total	1,401	1,623

Signalized intersections within the study limits are at:

- SR-809 (S Military Trail) MP: 5.677
- Kirk Road MP: 6.198
- Emergency Signal/Pedestrian Crossing (Swap Shop) MP: 6.756
- SR-807 (S Congress Avenue) MP: 7.193
- Douglas Drive MP: 7.357

Based on the traffic information from FDOT's Florida Traffic Online Web Application, the roadway has the following 2017 Annual Average Daily Traffic (AADT) within the study area:

- 43,000 AADT (PTMS-930404: SR-802 – west of SR-809, MP 5.502)
- 45,500 AADT (PTMS-930024: SR-802 – east of SR-809, MP 5.838)
- 40,000 AADT (PTMS-937234: SR-802 – west of SR-807, MP 6.986)

Preliminary review of FDOT Context Classification framework suggests that this section of SR-802 (Lake Worth Road) falls under "C4-Urban General" category, described as "Mix of uses set within small blocks with a well-connected roadway network. May extend long distances. The roadway network usually connects to residential neighborhoods immediately along the corridor or behind the uses fronting the roadway."

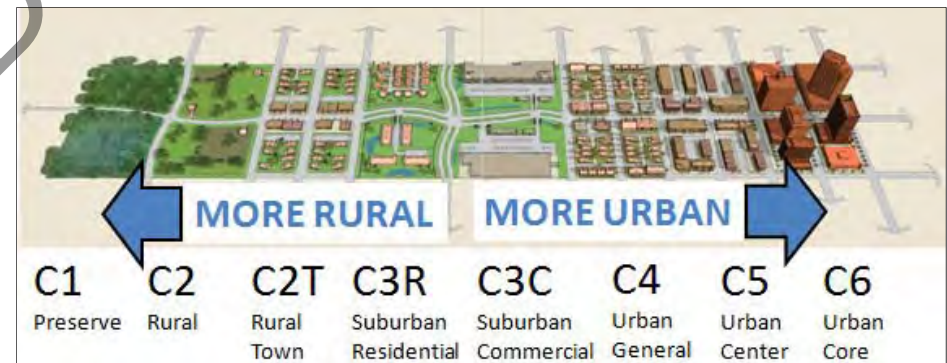


Figure 3: FDOT Context Classifications

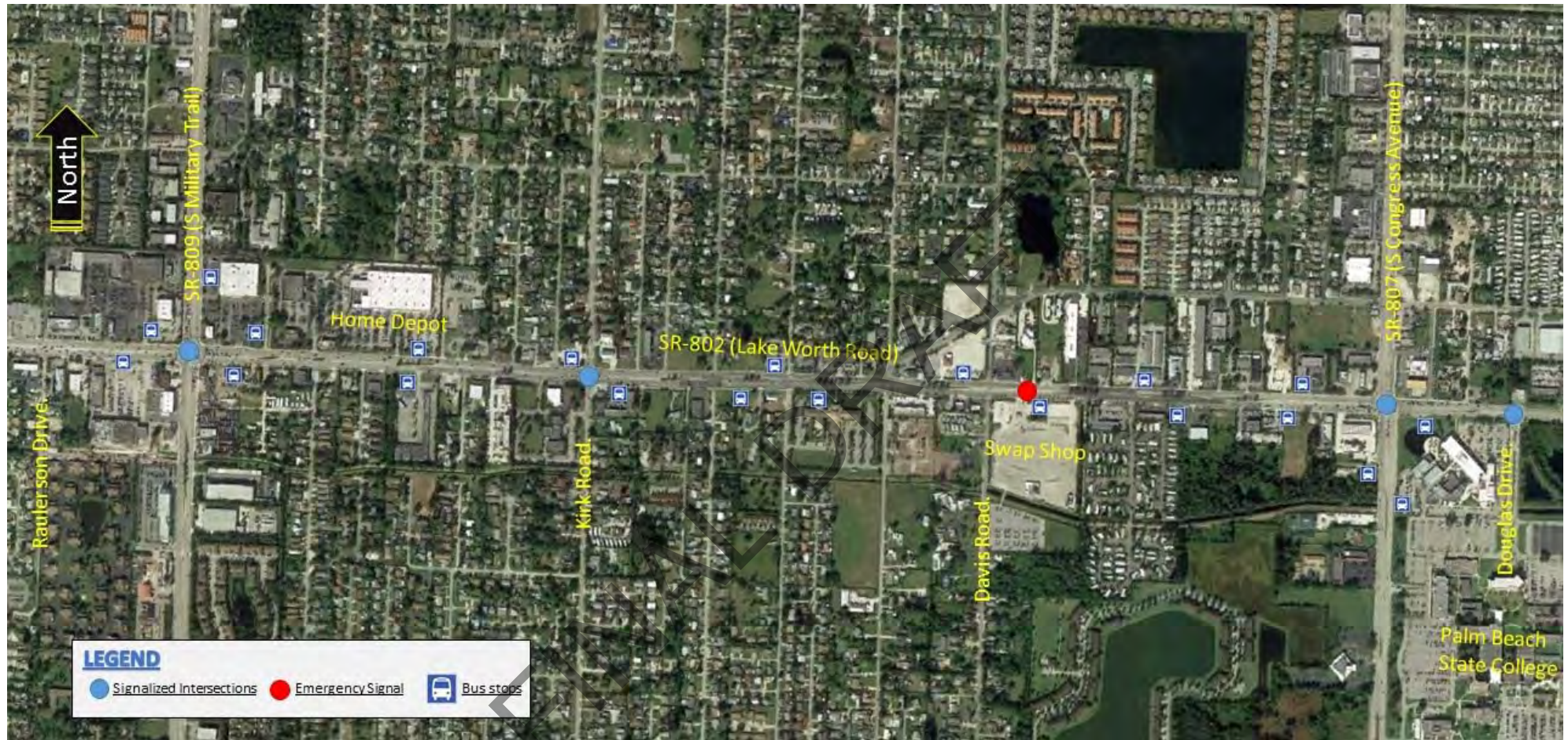


Figure 4: Existing Conditions Diagram

Stakeholders Concerns and Key Observations

Observations and recommendations are summarized in the RSA Findings Summary. Key general observations that resulted from this review and stakeholder coordination include the following:

➤ Stakeholder mentioned:

- o Only five marked pedestrian crossings within the 1.9-mile study segment. Existing crossings are located at SR-809 (S Military Trail), Kirk Road, Swap Shop, SR-807 (S Congress Avenue) and Douglas Drive.
- o Posted speed limit of 40 mph presents higher safety risks for pedestrians and bicyclists.

Findings

- Signal installation at Davis Road instead of exiting directional median prohibiting through traffic north-south at this location.
- Full review of existing cross section of corridor to include bike lanes and narrow travel lanes.
- Demographics of the area generate high pedestrian, bicycle, and transit rider activity. Study corridor experiences high pedestrian and bicycle activity, with a high number of crossings at undesignated areas (mid-block locations).
- Bike lanes are not provided in a corridor with high bicycle activity. Despite corridor currently having “Share Road” bike signs throughout, most bicycles were observed riding on the sidewalk. A high number of bicyclists were traveling in the opposite direction of vehicular traffic. Most bikers in the area are commuters, not recreational.
- Pavement and pavement markings are in poor condition throughout the corridor.
- *3R Safety Review Draft Memo (FDOT Traffic Operations, August 2018)* – Study based on crash data analysis and field observations along SR-802 (Lake Worth Road) from Raulerson Drive to Palm Beach State College Entrance/Douglas Drive. Main recommendations included installation of bike lanes, coordination of targeted enforcement for driving under the influence, discouragement of mid-block crossing and wrong-way bicyclists, and additional pedestrian/bicycle-related signage.
- *Lake Worth Multimodal Corridor Study Update (Treasure Coast Regional Planning Council, October 2018)* – Presents key points from the Lake Worth Multimodal Corridor Study that reviewed existing conditions, crash data, and stakeholder concerns about pedestrian/bicycle safety in the area. Study recommended reduction of speed limit, reconfiguration of corridor cross section to include bike lanes, installation of additional signalized pedestrian crossings, and installation of new traffic signal at Davis Road.

Previous Studies and Background Information

In recent years this corridor has been subject of several studies and analysis where crash data, roadway traffic and operations, and roadway design elements have been reviewed to improve safety for all roadway users. As part of this study, recommendations from previous efforts were evaluated according to most recent available data. **Appendix B** includes a list documenting and summarizing full recommendations from prior studies. Full documents are available upon request. The following is a list and summary of previous studies:

- *SR-802 (Lake Worth) at Davis Road Pedestrian-Bicycle Study (Tindale Oliver, March 2015)* – Study reviewed pedestrian and bicycle historical crash data and field observations. Recommendations were divided in into three timeframe categories: Short-Term, Mid-Term, and Long-Term. Proposed improvements included signage upgrade, pavement marking enhancement, signalization studies, and geometric modifications.

Other reviewed documents are also included in **Appendix B**. Brief descriptions of these documents are as follows:

- *TPA Resolution 2018-17 (October 2018)* – Request to FDOT to accommodate requests for Lake Worth Road corridor speed reduction and narrowing travel lane width.
- *TPA request for speed reduction (October 25, 2018)* – Request to FDOT for speed reduction following approval of resolution 2018-17 by TPA Board; includes response letter from FDOT.
- *F95-7 - Task 3.1 (June 2018)* – Lake Worth Multimodal Corridor Study, Design Session – Meeting Notes Package.
- *City of Greenacres Resolution 2018-24 (October 2018)* – Request to FDOT for speed reduction.
- *Village of Palm Springs request for speed reduction (September 2018)* – Request to FDOT for speed reduction following approval of Resolution 2018-21 by Village Council.

FDOT Work Program

Two projects were identified corresponding with the limits of the study:

- *3R project FM# 441632-1* – 3R project along SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive.
- *Intersection Lighting Improvement FM # 436113-1* – Improve lighting at several intersections along SR-802 (Lake Worth Road) including SR-809 (S Military Trail).

Excerpts of approved scopes for these projects are presented in **Appendix C**.



Findings

Crash Data Analysis

Crash data from January 2014 to December 2016 were extracted from the State Crash Analysis Reporting System (CARS) and Tindale Oliver's Crash Data Management System (CDMS) along the study area.

Crash data were reviewed to identify any crash patterns that could be addressed as part of the RSA recommendations. A total of 594 crashes were documented, with predominance in rear-end crashes (274, 46%), followed by sideswipes, (127, 21%). **Table 2** shows the overall number of crashes per study year, crash type, lighting conditions, surface conditions, and severity.

Table 2: Crash Statistics (2014–2016)

SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive		Years			3-Year Total	Mean Crashes	%
		2014	2015	2016			
Crash Type	Angle	15	17	24	56	18.7	9.4%
	Bike	9	16	5	30	10	5.1%
	Pedestrian	5	4	2	11	3.7	1.9%
	Near miss	1	0	1	2	0.7	0.3%
	Rear-end	73	93	106	272	90.7	45.8%
	Head-on	2	2	3	7	2.3	1.2%
	Left-turn	9	9	13	31	10.3	5.2%
	Hit Fixed Object	11	7	6	24	8	4.0%
	Hit Non-Fixed Object	0	1	1	2	0.7	0.3%
	Right-turn	4	4	7	15	5	2.5%
	Sideswipe	29	37	61	127	42.3	21.4%
	Single Vehicle	1	1	0	2	0.7	0.3%
	Backed into	1	3	0	4	1.3	0.7%
	U-Turn	6	4	1	11	3.7	1.9%
	Total	166	198	230	594	198.0	100%
Injury Severity	Fatal	1	4	0	5	1.7	0.8%
	Incapacitating	10	5	4	19	6.3	3.2%
	Non Incapacitating	26	20	11	57	19	9.6%
	Possible Injury	43	46	38	127	42.3	21.4%
	None	86	123	177	386	128.7	65.0%
	Total	166	198	230	594	198.0	100%
Lighting Condition	Daylight	117	139	172	428	142.7	72.1%
	Dawn	1	4	3	8	2.7	1.3%
	Dusk	7	3	11	21	7	3.5%
	Dark-Lighted	35	48	44	127	42.3	21.4%
	Dark-Not Lighted	1	3	0	4	1.3	0.7%
	Dark-Unknown Lighting	5	1	0	6	2	1.0%
	Total	166	198	230	594	198.0	100%
Surface Conditions	Dry	139	167	203	509	169.7	85.7%
	Wet	27	31	27	85	28.3	14.3%
	Total	166	198	230	594	198.0	100%

As shown in **Table 2**, total number of crashes increased significantly over the study period, mostly accredited to rear-end and sideswipe crashes. These crashes were primarily related to congestion at intersections.

There were 166 crashes during dark/dusk/dawn lighting conditions (28%),

Findings

which is lower than the five-year districtwide average of 31% for nighttime crashes. Crashes during wet pavement conditions totaled 85 (14%), which is below five-year districtwide average of 19%.

Crashes were further broken down into periods of the day, as presented in **Figure 5**. Total crashes showed a fairly steady trend throughout hours of high traffic volume with a spike during the afternoon peak period.

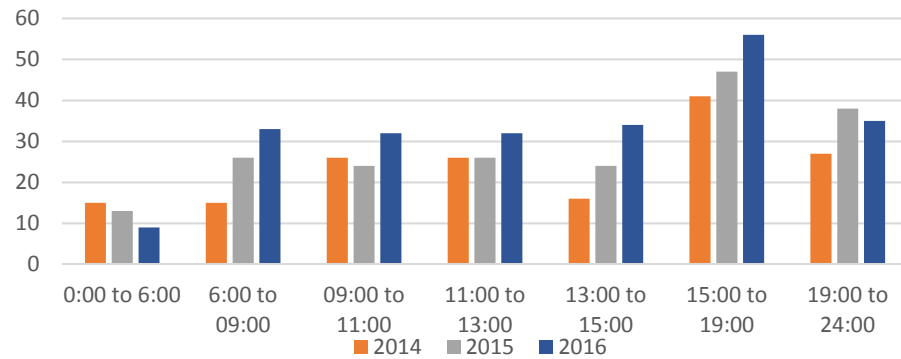


Figure 5: Crashes by Time of Day

Based on the crash severity, of the total 594 crashes, 19 (3%) were incapacitating crashes and 5 (0.8%) were fatalities. **Table 3** summarizes details of fatal crashes along the corridor. **Table 4** presents statistic summary of incapacitating crashes. As described in **Table 3**, four of the five fatal crashes were pedestrian/bicycle-related and three involved a pedestrian-bicyclist crossing outside the designated area.

Table 3: Fatal Crash Summary

HWMV Report Number	Date	Location	Day, Time, Lighting	Crash Type	Summary
84508215	12/29/2014	SR-802 (Lake Worth Road) 74 ft. west of Mar-Mak Drive	Monday, 07:34 PM, Dark-Lighted	Pedestrian	Vehicle 1 (V1) traveling eastbound. Pedestrian crossing eastbound lanes southbound at mid-block location. V1 could not avoid impacting pedestrian. Pedestrian was pronounced dead at scene.
81396558	1/3/2015	SR-802 (Lake Worth Road) 100 ft. east of Gulfstream Road	Saturday, 06:09 AM, Daylight	Bike	Vehicle 1 (V1) traveling eastbound in the outside lane. For unknown reasons, bicyclist was lying on the roadway next to his bike also in the outside lane prior to the accident. V1 ran over bicyclist and fled scene. Bicyclist was transported to medical center where he died as results of his injuries.
84511636	3/22/2015	SR-802 (Lake Worth Road) 0.5 miles west of SR-807 (S Congress Avenue)	Sunday, 11:15 AM, Daylight	Bike	Vehicle 1 (V1) traveling westbound. Bicyclist crossing southbound not at designated area, entered the path of V1. V1 was unable to avoid colliding with Bicyclist. Bicyclist was transported to medical center where he was pronounced dead.
81421402	10/25/2015	SR-809 (S Military Trail) 60 ft. north of SR-802 (Lake Worth Road)	Sunday, 12:39 AM, Dark-Lighted	Rear-end	Both vehicles were traveling north bound passed the intersection. Vehicle 1 (V1) was a high speed rate and hit Vehicle 2 (V2) from behind. Driver of V1 was ejected after impact with V2 and died due to her injuries.
85771935	11/20/2015	SR-802 (Lake Worth Road) 711 ft. east of Mar-Mak Drive	Friday, 09:44 PM, Dark-Not Lighted	Pedestrian	Vehicle 1 (V1) traveling eastbound in the inside lane. Pedestrian was crossing northbound and walked into the path on V1. Pedestrian was hit by V1. Pedestrian was transported to hospital where he died as results of his injuries.

Table 4: Incapacitating Crash Summary (2014–2016)

SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive		Years			3-Year Total	Mean Crashes	%
		2014	2015	2016			
Crash Type	Angle	1	0	1	2	0.7	10.5%
	Bike	3	1	0	4	1.3	21.1%
	Pedestrian	0	1	0	1	0.3	5.3%
	Rear-end	5	1	2	8	2.7	42.1%
	Left-turn	0	0	1	1	0.3	5.3%
	Hit Fixed Object	1	0	0	1	0.3	5.3%
	Sideswipe	0	2	0	2	0.7	10.5%
	Total	10	5	4	19	6.3	100%
Lighting Condition	Daylight	3	2	1	6	2	31.6%
	Dawn	0	1	0	1	0.3	5.3%
	Dusk	1	0	1	2	0.7	10.5%
	Dark-Lighted	6	1	2	9	3	47.4%
	Total	10	5	4	19	6.3	100%
Surface Conditions	Dry	4	5	3	12	4	63.2%
	Wet	6	0	1	7	2.3	36.8%
	Total	10	5	4	19	6.3	100%

Pedestrian and Bicycle Crashes

Crash data showed a total of 30 bicycle crashes and 11 pedestrian crashes during the three-year period of analysis, with an overall yearly average of 14 crashes. An injury severity and lighting condition summary for pedestrian/bicycle crashes is presented in **Table 5**. As shown in **Table 5**, 15 (37%) of the 41 pedestrian/bicycle crashes occurred during nighttime conditions (dawn, dusk, and dark), which is higher than Pedestrian/Bicycle five-year Districtwide average of 31% (2012–2016). A location summary of nighttime pedestrian/bicycle crashes is shown in **Table 6**.

Further review of the locations of pedestrian and bicycle crashes was conducted, with special emphasis on crashes occurring while pedestrians and bicyclists were crossing mid-block. This crash review included rear-end crashes caused by presence of pedestrian on the roadway, coded as “near miss.” Results from the analysis revealed that six pedestrian crashes, four bicycle crashes, and one near miss were reported at mid-block locations. Although no

specific hot spot was identified for mid-block crashes, it was noted that six of the 11 crashes were located between Davis Road and SR-807 (S Congress Avenue).

Table 5: Pedestrian-Bicycle Crash Summary (2014–2016)

SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive		Years			3-Year Total	Mean Crashes	%
		2014	2015	2016			
	Bike	9	16	5	30	10	73.2%
	Pedestrian	5	4	2	11	3.7	26.8%
	Total	14	20	7	41	13.7	100%
Injury Severity	Fatal	1	3	0	4	1.3	9.8%
	Incapacitating	3	2	0	5	1.7	12.2%
	Non Incapacitating	4	4	5	13	4.3	31.7%
	Possible Injury	4	9	2	15	5	36.6%
	None	2	2	0	4	1.3	9.8%
	Total	14	20	7	41	13.7	100%
Lighting Condition	Daylight	8	11	7	26	8.7	63.4%
	Dawn	0	1	0	1	0.3	2.4%
	Dusk	1	0	0	1	0.3	2.4%
	Dark-Lighted	5	7	0	12	4	29.3%
	Dark-Not Lighted	0	1	0	1	0.3	2.4%
	Total	14	20	7	41	13.7	100%

Table 6: Summary of Nighttime Pedestrian/Bicycle crash Location (2014–2016)

Location	Crashes
Mid-block	7
Signalized Intersection	5
Driveway	2
Unsignalized intersection	1
Total	15

A detailed pedestrian/bicycle crash data review also showed the following:

- 16 (53%) of the 30 bicycle crashes were at driveways when bicyclists were on the sidewalk or at unsignalized intersections when bicyclists were at unmarked crosswalk areas connecting sidewalks, and 14 involved bicyclists traveling in the wrong direction.

Findings

- 28 (93%) of all bicycle crashes where bicyclists riding on the sidewalk or away from the sidewalk at the time of the crash.
- 6 (14%) of the 41 pedestrian/bicycle crashes involved turning vehicles at an intersection.

Figure 5 presents all pedestrian, bicycle, and near-miss crashes along the corridor during the three-year period from 2014 to 2016. **Figure 6** shows mid-block location crashes.

Although unofficial at the time of this report, crash data corresponding to years 2017 and 2018 also were reviewed; preliminary analysis revealed 14 pedestrian crashes and 4 bicycle crashes, with 4 incapacitating crashes, all pedestrian-related. One fatal crash was reported when a bicycle traveling eastbound on SR-802 (Lake Worth Road) turned left onto the path of vehicle 1 (V1) traveling westbound during dark not-lighted condition. The bicyclist was pronounced dead at the scene.

Quantity and severity of pedestrian/bicycle crashes during 2017–2018 was considerably high.

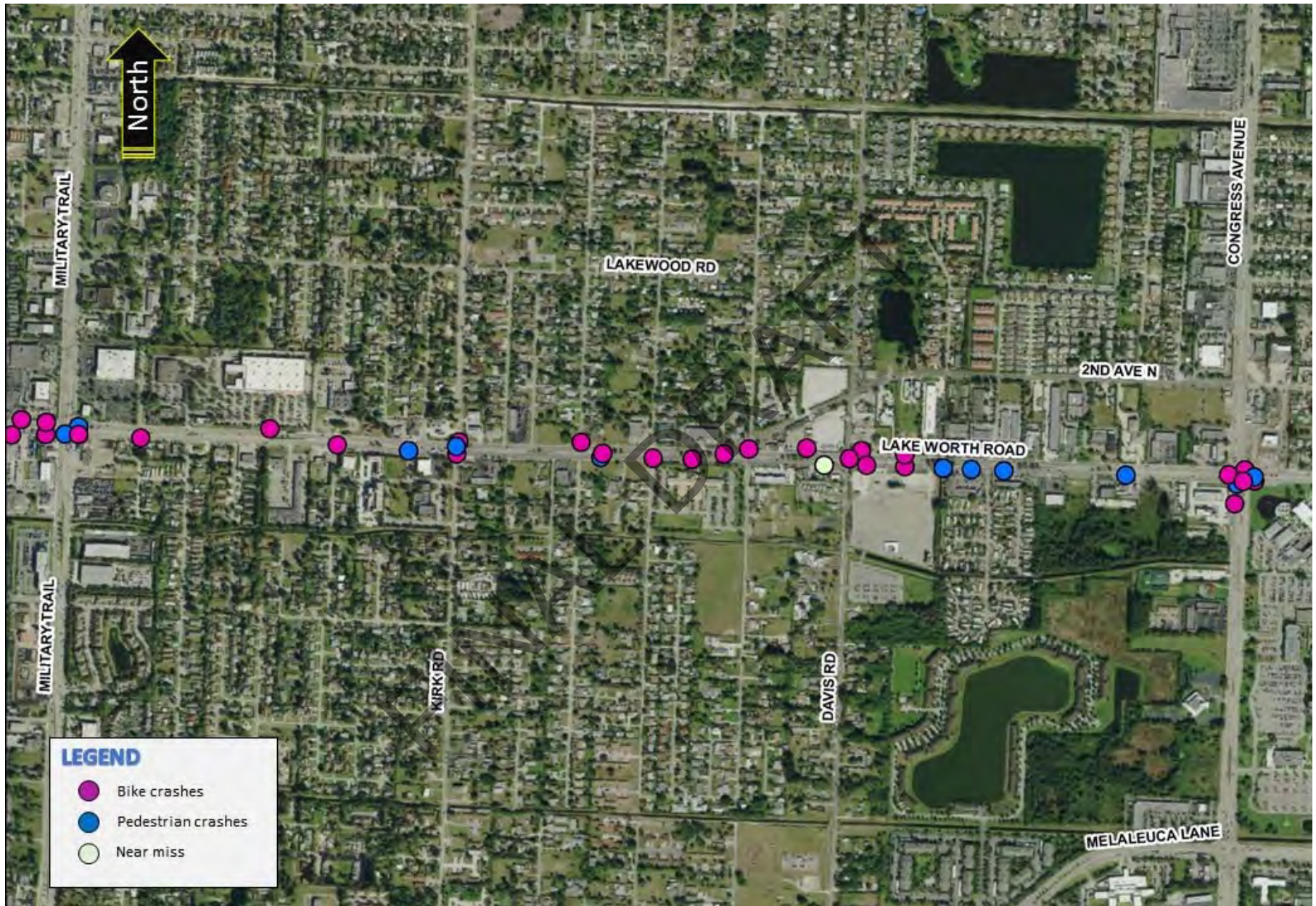


Figure 6: Pedestrian-bicycle Crash Location

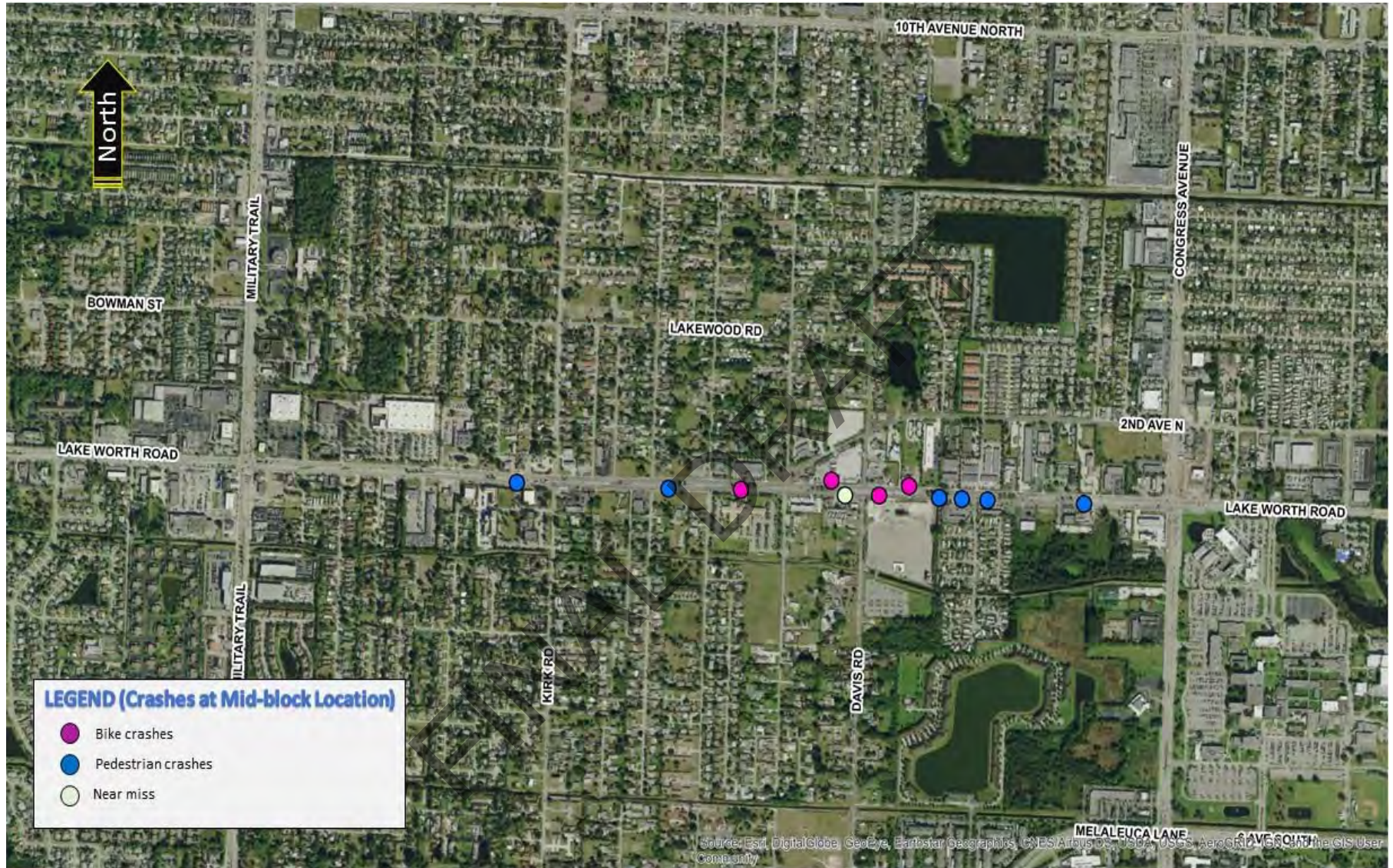


Figure 7: Pedestrian-Bicycle Crashes at Mid-block Location

Road Safety Audit Findings Summary

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:	Assigned to:
C01	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	High pedestrian activity and pedestrian mid-block crossings	Evaluate installation of signalized mid-block crossing	FDOT
C02	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	High bicycle activity along corridor	Evaluate installation of bike lanes	FDOT
C03	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Existing posted speed limit	Review design criteria for speed limit reduction	FDOT
C04	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	High vehicular speed	Install speed feedback signs	FDOT
C05	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Pedestrian/bicycle crashes during nighttime	Evaluate lighting conditions	FDOT
C06	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Bicycle crashes at driveways and unsignalized intersections	Improve signage for bicyclists and drivers	FDOT
C07	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Missing or substandard detectable warning surfaces	Retrofit/provide detectable warning surfaces at ADA ramps	FDOT
C08	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Remnants of utility pole structures on sidewalk	Remove unnecessary obstruction from sidewalk	FDOT
C09	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Lack of back-plates on signal heads	Install back-plates with yellow retroreflective border	FDOT
C10	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Pavement and pavement markings in poor condition	Retrofit pavement and pavement markings	FDOT
ID	Location Description:	Spot Observation Overview:	Recommendations:	Assigned to:
01	SR-802 (Lake Worth Road) at SR-807 (S Congress Avenue)	Standard marking crosswalks	Install special emphasis crosswalks	FDOT
02	SR-802 (Lake Worth Road) at SR-807 (S Congress Avenue)	Lack of pedestrian signs	Install pedestrian signs at intersection	FDOT
03	SR-802 (Lake Worth Road) at Douglas Drive	Standard crosswalk markings on north and south legs	Install special emphasis markings	FDOT
04	SR-802 (Lake Worth Road) at Kirk Road	Faded pedestrian push button signs	Replace push button signs	FDOT
05	SR-802 (Lake Worth Road) 270 feet east of Davis Road (Swap Shop/Emergency signal)	Faded pedestrian push button signs	Replace push button signs	FDOT

Responses to Recommendations Summary

ID	Location Description:	Corridorwide Recommendation:	Responses to Recommendations:
C01	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Evaluate installation of signalized mid-block crossing	FDOT will initiate mid-block crossing study in 2019 for justification of mid-block crossings. If justified, will be incorporated into 3R project 441632-1.
C02	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Evaluate installation of bike lanes	3R project 441632-1 design team evaluating feasibility and layout of bike lanes to be incorporated into 3R project.
C03	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Review design criteria for speed limit reduction	Several design changes being incorporated into 3R project 441632-1 (i.e., potentially buffered bike lanes and reduced lane width) that could impact travel speed of vehicles.
C04	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Install speed feedback signs	Speed conditions will be re-evaluated after completion of 3R project 441632-1.
C05	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Evaluate lighting conditions	FDOT will conduct lighting study in 2019 to assess necessary improvements or upgrades to corridor and intersection lighting. If needed, lighting improvements will be incorporated into 3R project 441632-1.
C06	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Improve signage for bicyclists and drivers	Short term recommendation to be completed by FDOT.
C07	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Retrofit/provide detectable warning surfaces at ADA ramps	Included in 3R project 441632-1.
C08	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Remove unnecessary obstruction from sidewalk	FDOT to coordinate with Maintenance and local utility companies to determine ownership and responsibility for removal.
C09	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Install back-plates with yellow retroreflective border	Included in 3R project 441632-1.
C10	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Retrofit pavement and pavement markings	Included in 3R project 441632-1.
ID	Location Description:	Spot Recommendation:	Responses to Recommendations:
01	SR-802 (Lake Worth Road) at SR-807 (S Congress Avenue)	Install special emphasis crosswalks	Included in 3R project 441632-1.
02	SR-802 (Lake Worth Road) at SR-807 (S Congress Avenue)	Install pedestrian signs at intersection	Short-term recommendation to be completed by FDOT.
03	SR-802 (Lake Worth Road) at Douglas Drive	Install special emphasis markings	Included in 3R project 441632-1.
04	SR-802 (Lake Worth Road) at Kirk Road	Replace push button signs	Included in 3R Project 441632-1: FDOT reviewing feasibility of advancing this improvement in short term.
05	SR-802 (Lake Worth Road) 270 feet east of Davis Road (Swap Shop/Emergency signal)	Replace push button signs	Included in 3R Project 441632-1: FDOT reviewing feasibility of advancing this improvement in short term.

Road Safety Audit Findings Details - Corridorwide Observations

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:
C01	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	High pedestrian activity and pedestrian mid-block crossings	Evaluate installation of signalized mid-block crossing



Group of pedestrians staging in the median while crossing mid-block. Looking west.



Pedestrian crossing mid-block after staging in the traffic separator. Looking east (left) and west (right).

Corridorwide Observation Details:

Corridor experiences high pedestrian activity. High number of pedestrians crossing mid-block observed all along study segment. Vehicular traffic was heavy, leaving insufficient gaps to cross in one stage. There are only five protected crossings along the 1.9-mile study segment:

- SR-809 (Military Trail)
- Kirk Road
- SR-807 (Congress Avenue)
- Douglas Drive
- Emergency signal/Pedestrian crossing (Swap Shop)

Recommendation Details:

Evaluate feasibility of installing signalized pedestrian mid-block crossings between existing signals. Installation of a signalized crossing will encourage pedestrians to use marked crosswalk and reduce number of unprotected mid-block crossings. Additionally, it will encourage vehicles to yield to crossing pedestrians and draw attention to sporadic crossings outside designated areas.

This recommendation must be documented by a traffic engineering study in accordance to FDOT TEM section 3.8. Proposed zones to perform required studies for signalized pedestrian crossings are described below and graphically presented in Appendix D.

- Zone 1: From east of Price Street to east of Winsconsin Street
- Zone 2: From west of Serubi Avenue to west of Coconut Road
- Zone 3: From 300 feet west of Mar Mak Drive to 500 feet west of SR-807 (S Congress Avenue)

Agency:

FDOT

Improvement Type:

Construction, Pedestrians

Time Frame:

Mid Term

EEE:

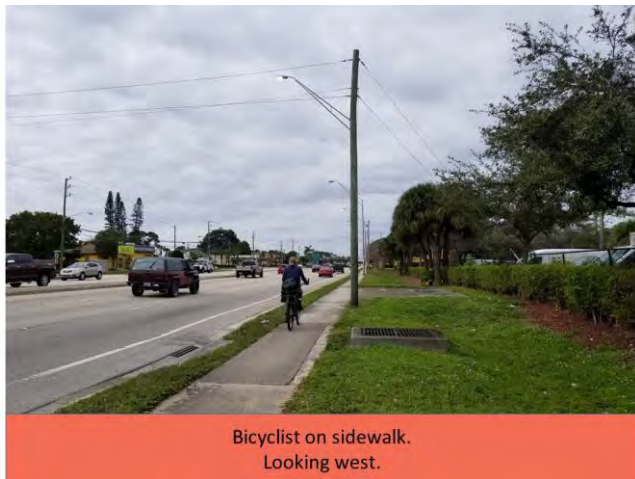
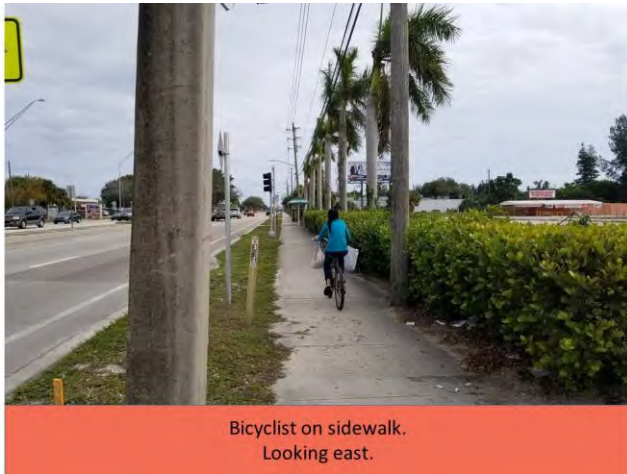
Engineering

Level of Effort:

High

Comment:

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:
C02	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	High bicycle activity along corridor	Evaluate installation of bike lanes



Corridorwide Observation Details:

Corridor experiences high bicycle activity. Despite corridor having "Share Road" bike signs throughout, most bicyclists observed riding on sidewalk. Also noted high number of bicyclists traveling in opposite direction of vehicular traffic. This situation increases likelihood of bicycle-vehicle crashes at driveways and unsignalized intersections.

Crash data showed 16 (53%) of 30 bicycle crashes were either at driveways while bicyclists were on sidewalk or at unsignalized intersections while bicyclists were at crosswalk areas connecting sidewalks; 14 of these 16 crashes involved bicyclists traveling in opposite direction of vehicular traffic.

According to Straight Line Diagram (SLD) for this section of SR-802 (Lake Worth Road), corridor has 4-ft shoulders on both sides of the road; however, field observations showed that shoulders vary from 3 to 4 feet.

Recommendation Details:

Review cross section and existing ROW for feasibility of installation of bike lanes on both sides of corridor. Include installation of green-colored bike lanes in high conflict areas. This recommendation should be evaluated for implementation within upcoming 3R project 441632-1. Scope of 3R project 441632-1 is included in Appendix C.

Sample cross sections could include:

- 5' bike lanes with 11' outside lanes and 10' inside lanes.
- 7' buffered bike lanes, which would likely require modifications to median or curb along with section modifications to reduce design speed to 40 mph.

Follow guidance from FDM, Section 223.

Agency:	Improvement Type:
FDOT	Construction, Bicycles
Time Frame:	EEE:
Long Term	Engineering
Level of Effort:	Comment:
High	

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:
C03	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Existing posted speed limit	Review design criteria for speed limit reduction

Table 201.4.1 Design Speed

Limited Access Facilities (Interstates, Freeways, and Expressways)		
Area	Allowable Range (mph)	SIS Minimum (mph)
Rural and Urban	70	70
Urbanized	50-70	60
Arterials and Collectors		
Context Classification	Allowable Range (mph)	SIS Minimum (mph)
C1 Natural	55-70	65
C2 Rural	55-70	65
C2T Rural Town	25-45	40
C3 Suburban	35-55	50
C4 Urban General	30-45	45

Excerpt of Table 201.4.1 from Florida Design Manual.



Existing posted speed limit along SR-802 (Lake Worth Road). Eastbound lanes.

Corridorwide Observation Details:

Although not measured, vehicles appear to travel above posted speed limit during free-flow traffic conditions.

Various stakeholders expressed concern about vehicular speed and its negative effect on pedestrian and bicycle crashes in a corridor with high pedestrian and bicycle activity.

Most bicycles observed riding on sidewalk. Probable cause is high traffic speed combined with lack of on-street bike lanes. Most bikers in area are commuters, not recreational.

Preliminary review of FDOT Context Classification framework suggests this section of SR-802 (Lake Worth Road) falls under C4-Urban General category, which allows for lane width of 10 feet and speed limit range of 30–45 mph.

Recommendation Details:

As part of upcoming 3R project 441632-1, review and evaluate opportunities for speed limit reduction on corridor based on updates in design criteria and use of context classification. Account for high pedestrian and bicycle activity in area. Refer to recommendation C02 for alternatives cross sections.

This review must consider segments of SR-802 (Lake Worth Road) to east and to west of study corridor to keep consistency in driver expectations.

Agency:	Improvement Type:
FDOT	Speed limit
Time Frame:	EEE:
Mid Term	Engineering
Level of Effort:	Comment:
Low	

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:
C04	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	High vehicular speed	Install speed feedback signs



Corridorwide Observation Details:

Although not measured, vehicles appear to travel above the posted speed limit during free-flow traffic conditions.

Various stakeholders expressed concern about vehicular speed and its negative effect on pedestrian and bicycle crashes in a corridor with high pedestrian and bicycle activity.

Recommendation Details:

Install speed feedback signs along corridor. This recommendation should be included within upcoming 3R project 441632-1.

Agency:	Improvement Type:
FDOT	Signage
Time Frame:	EEE:
Short Term	Engineering
Level of Effort:	Comment:
Low	

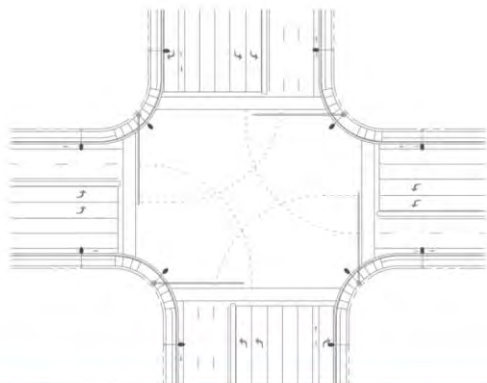
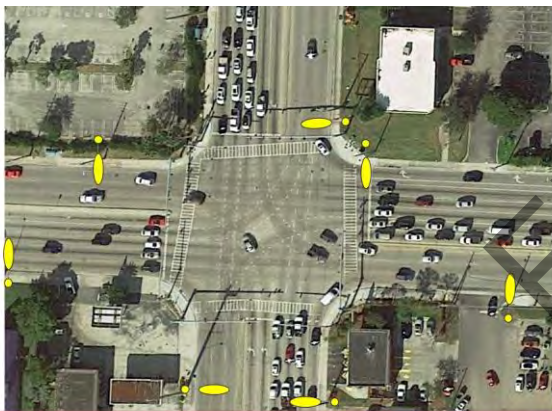


Figure 231.3.4 Typical Lighting Layout for Large Intersection.
Florida Design Manual.



Existing lighting layout at SR-809 (Military Trail).
Looking north.

Corridorwide Observation Details:

Crash data analysis revealed significant incidence of nighttime in pedestrian and bicycle crashes, at 37%, which higher than pedestrian/bicycle five-year districtwide average of 31 percent (2012-2016).

In addition, existing lighting at major intersections SR-809 (Military Trail) and SR-807 (Congress Avenue) appears to be insufficient for intersections' geometric and pedestrian/bicycle activity. Existing lighting at these intersections was compared to Figure 231.3.4 "Typical lighting layout for large intersections" from FDM and is not estimated to provide adequate lighting levels.

Recommendation Details:

Conduct lighting study to evaluate lighting conditions at mid-block locations and at intersections. Follow guidance from FDM, Chapter 231. Consider high pedestrian/bicycle activity along corridor during evaluation process.

Evaluate feasibility of upgrading lighting to LED throughout corridor. Street lighting east and west of Swap Shop is currently LED. Note that lighting on north side of roadway is maintained by FDOT and lighting on south side is maintained by FPL; therefore, coordination among agencies (FDOT and FPL) and cities (City of Greenacres and Village of Palm Springs) is required to keep consistency along corridor.

Upgrade lighting at signalized intersections as part of upcoming 3R project 441632-1 along SR-802 (Lake Worth Road). Note that lighting improvements at SR-802 (S Military Trail) are included in project FM # 436113-1.

Agency:

FDOT

Improvement Type:

Study, Lighting

Time Frame:

Mid Term

EEE:

Engineering

Level of Effort:

Low

Comment:

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:
C06	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Bicycle crashes at driveways and unsignalized intersections	Improve signage for bicyclists and drivers



Bicyclist on sidewalk passing through a driveway.
Looking east.



Bicyclist on sidewalk traveling in opposite direction of vehicular traffic.
Looking east.

Corridorwide Observation Details:

Corridor experiences high bicycle activity. Most bicycles observed riding on sidewalk, many traveling in opposite direction of vehicular traffic. This situation increases likelihood of bicycle-vehicle crashes at driveways and unsignalized intersections.

Crash data showed 16 (53%) of 30 bicycle crashes were either at driveways while bicyclists were on sidewalk or at unsignalized intersections while bicyclists were at crosswalk areas connecting sidewalks; 14 of these 16 crashes involved bicyclists traveling in opposite direction of vehicular traffic. In most cases (14 of 16 crashes), vehicles were turning onto SR-802 (Lake Worth Road) from driveway or side street.

Recommendation Details:

Evaluate feasibility of installing “Watch for Bikes” and W11-1 signs at exit lane of major driveways along corridor to increase driver awareness of bicycle presence. Also, evaluate feasibility of installing stop bar markings at same locations in agreement with business owners.

Additionally, install “Wrong Way” signs for bicycles to alert bicyclists of wrong behavior.

Agency:	Improvement Type:
FDOT	Signs, Bicycles
Time Frame:	EEE:
Short Term	Engineering
Level of Effort:	Comment:
Low	

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:
C07	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Missing or substandard detectable warning surfaces	Retrofit/provide detectable warning surfaces at ADA ramps



Substandard detectable warning surface at Price Street.
Looking west.



No detectable warning surface provided at Davis Road.
Looking west.

Corridorwide Observation Details:

Detectable warning surface at several locations were either non-existent or do not meet current FDOT Design standards.

Recommendation Details:

Install new detectable warning surface at locations where no warning surface is currently installed or existing warning surface does not meet FDOT Standards. Guidance for detectable warning surface design criteria is provided in FDOT Standard Plans Index 522-002.

Scope of upcoming 3R project 441632-1 includes replacement of detectable warning surfaces at following locations only:

- SR-807 (Military Trail)
- Kirk Road
- Coconut Road
- Davis Road

Scope of 3R project 441632-1 is included in Appendix C.

Agency:	Improvement Type:
FDOT	Pedestrian
Time Frame:	EEE:
Short Term	Engineering
Level of Effort:	Comment:
Low	Included in 3R project 441632-1.

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:
C08	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Remnants of utility pole structures on sidewalk	Remove unnecessary obstruction from sidewalk



Remnant utility pole structure on south side sidewalk.
Looking south.



Remnant utility pole structure on north side sidewalk.
Looking west.

Corridorwide Observation Details:

Remnants of utility pole structures at several locations on sidewalk.

Concern from stakeholder expressed during RSA meeting. At moment of field review, these remnants were covered with reflective traffic cones.

Recommendation Details:

Coordinate with corresponding agency for removal of remnant utility pole structures on sidewalk along corridor.

Agency:

FDOT

Improvement Type:

Maintenance

Time Frame:

Short Term

EEE:

Engineering

Level of Effort:

Medium

Comment:

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:
C09	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Lack of back-plates on signal heads	Install back-plates with yellow retroreflective border



Corridorwide Observation Details:

Signal heads at all four signalized intersections and emergency signal lack back-plates. Signal locations are listed as follows:

- SR-809 (Military Trail)
- Kirk Road
- SR-807 (Congress Avenue)
- Douglas Drive
- Emergency signal/Pedestrian crossing (Swap Shop)

Recommendation Details:

Scope of upcoming 3R project 441632-1 includes upgrade of all signal heads along corridor to have back-plates with yellow retroreflective border per FDOT current standards.

Scope of 3R project 441632-1 is included in Appendix C.

Agency:	Improvement Type:
FDOT	Signals upgrade
Time Frame:	EEE:
Mid Term	Engineering
Level of Effort:	Comment:
High	Included in 3R project 441632-1.

ID	Location Description:	Corridorwide Observation Overview:	Recommendations:
C10	SR-802 (Lake Worth Road) from Raulerson Drive to Douglas Drive	Pavement and pavement markings in poor condition	Retrofit pavement and pavement markings



Faded crosswalk markings at Emergency Signal/Swap Shop.
Looking north.



Potholes and cracking in the pavement.
Eastbound lanes.

Corridorwide Observation Details:

Pavement along study corridor is in poor condition with signs of raveling, cracks, and potholes.

Pavement markings are worn and faded.

Recommendation Details:

Pavement and pavement markings will be replaced as part of upcoming 3R project 441632-1 along SR-802 (Lake Worth Road). All pavement markings will be upgrade to current standards.

Scope of 3R project 441632-1 is included in Appendix C.

Agency:	Improvement Type:
FDOT	Construction, Markings
Time Frame:	EEE:
Mid Term	Engineering
Level of Effort:	Comment:
High	Included in 3R project 441632-1.

Road Safety Audit Findings Details - Spot Observations

ID	Location Description:	Spot Observation Overview:	Recommendations:												
01	SR-802 (Lake Worth Road) at SR-807 (S Congress Avenue)	Standard marking crosswalks	Install special emphasis crosswalks												
 Aerial view intersection of SR-802 (Lake Worth Road) and SR-807 (Congress Avenue).  Standard marking crosswalk on east leg at SR-807 (Congress Avenue). Looking west. Spot Observation Details: Crosswalk markings on all legs of intersection are standard. Recommendation Details: Install special emphasis marking crosswalks on all legs. This recommendation should be implemented as part of oncoming 3R project 441632-1 along SR-802 (Lake Worth Road). Scope of this project includes upgrading pavement markings to current standards. Details of special emphasis markings are included in FDOT Standard Plans Index 711-001. Scope of 3R project 441632-1 is included in Appendix C. <table><tr><td>Agency:</td><td>Improvement Type:</td></tr><tr><td>FDOT</td><td>Markings, Pedestrian</td></tr><tr><td>Time Frame:</td><td>EEE:</td></tr><tr><td>Mid Term</td><td>Engineering</td></tr><tr><td>Level of Effort:</td><td>Comment:</td></tr><tr><td>Low</td><td></td></tr></table>				Agency:	Improvement Type:	FDOT	Markings, Pedestrian	Time Frame:	EEE:	Mid Term	Engineering	Level of Effort:	Comment:	Low	
Agency:	Improvement Type:														
FDOT	Markings, Pedestrian														
Time Frame:	EEE:														
Mid Term	Engineering														
Level of Effort:	Comment:														
Low															

ID	Location Description:	Spot Observation Overview:	Recommendations:
02	SR-802 (Lake Worth Road) at SR-807 (S Congress Avenue)	Lack of pedestrian signs	Install pedestrian signs at intersection



R10-15

Recommended pedestrian signs.



Southwest corner from eastbound approach at SR-807 (Congress Avenue).

Spot Observation Details:

Field observations revealed lack of pedestrian signs throughout intersection, where pedestrian and bicycle activity is significantly high. Palm Beach State College is in the vicinity of this intersection.

Crash data analysis located 7 pedestrian/bicycle crashes at this intersection.

Recommendation Details:

Install pedestrian sign R10-15 at all approaches to increase driver awareness of high pedestrian activity in area and urge caution while turning. This recommendation should be included as part of upcoming 3R project 441632-1.

Agency:	Improvement Type:
FDOT	Signs, Pedestrians
Time Frame:	EEE:
Short Term	Engineering
Level of Effort:	Comment:
Low	

ID	Location Description:	Spot Observation Overview:	Recommendations:
03	SR-802 (Lake Worth Road) at Douglas Drive	Standard crosswalk markings on north and south legs	Install special emphasis markings



West leg at Douglas drive where no crosswalk is provided.
Looking west.



Standard marking crosswalk on north leg at Douglas drive.
Looking west.

Spot Observation Details:

Standard marking crosswalks are provided in north and south legs of the intersection. Palm Beach State College is in the vicinity of this intersection, and there is high pedestrian and bicycle activity in area.

Recommendation Details:

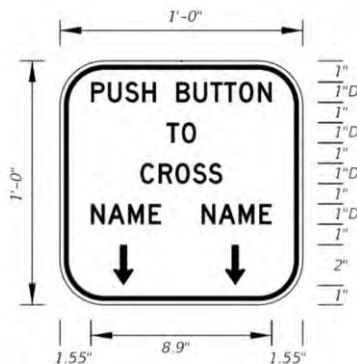
Install special emphasis marking crosswalks on north and south legs of intersection. In addition, evaluate feasibility of providing new special emphasis crosswalk on west leg.

These recommendations should be implemented as part of oncoming 3R project 441632-1 along SR-802 (Lake Worth Road). Scope of this project includes upgrading pavement markings to current standards. Details of special emphasis markings are included in FDOT Standard Plans Index 711-001.

Scope of 3R project 441632-1 is included in Appendix C.

Agency:	Improvement Type:
FDOT	Markings, Pedestrians
Time Frame:	EEE:
Short Term	Engineering
Level of Effort:	Comment:
Low	

ID	Location Description:	Spot Observation Overview:	Recommendations:
04	SR-802 (Lake Worth Road) at Kirk Road	Faded pedestrian push button signs	Replace push button signs



FTP-26-06

Example of push button sign.
Excerpt from FDOT Standard Plans, Index 700-102.



Pedestrian push button sign in poor condition at Kirk Road.
Northwest corner.

Spot Observation Details:

Pedestrian push button signs are in poor condition and not to current standard at all corners of intersection.

Recommendation Details:

Replace pedestrian push button signs. This recommendation will be addressed as part of oncoming 3R project 441632-1 along SR-802 (Lake Worth Road). Scope of this project includes replacement of signs in poor condition. Current standard pedestrian push button signs are depicted in FDOT Standard Plans Index 700-102.

Scope of 3R project 441632-1 is included in Appendix C.

Agency:	Improvement Type:
FDOT	Signs, Pedestrians
Time Frame:	EEE:
Short Term	Engineering
Level of Effort:	Comment:
Low	Included in 3R project 441632-1.

Appendix A
Stakeholders Email List
Sign in Sheet from RSA Team Meeting

FINAL DRAFT

Contacts List

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SR-802 (LAKE WORTH ROAD) FROM RAULERSON DRIVE TO DOUGLAS DRIVE

RSA - Sign-in Sheet

January 9, 2019

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Appendix B

Previous Studies Recommendations Other Background Information

FINAL DRAFT

Location	Recommendation	Term	Status	Comment
SR-802 Lake Worth at Davis Road Ped Bike Study 2015-03-09				
At Swap Shop Entrance	Repair the pedestrian push button on the south side of SR-802 (Lake Worth Road). Consider replacing both push buttons with actuation responsive buttons.	Short	Complete	
At Swap Shop Entrance	Repair/replace the bulb in the signal head controlling the southbound approach.	Short	Complete	
At Swap Shop Entrance	Revise the pedestrian clearance intervals to be in compliance with current FDOT and MUTCD guidance.	Short	Complete	
Along SR-802 (Lake Worth)	For the east/west pedestrian crossings and ADA ramps at Davis Road and the Swap Shop Driveway provide truncated domes.	Short	Complete	
Along SR-802 (Lake Worth)	With the high incidence of bicycle crashes, consider providing "Share the Road" signage along SR-802 (Lake Worth Road) within and outside of the study limits.	Short	Complete	
At Swap Shop Entrance	As this location has been identified by FDOT as a high pedestrian crash location, upgrade the pedestrian crosswalk across SR-802 (Lake Worth Road) that allows access to the Swap Shop, to special emphasis markings per FDOT Index 17346.	Short	Complete	
At Swap Shop Entrance	In order to improve driver notification, supplement the eastbound and westbound emergency signal (W11-8) signs with the "Emergency Signal Ahead" plaque (W11-12P). For the westbound approach, relocate the Emergency Vehicle (W11-8) sign to the utility strip.	Short	Complete	
At Swap Shop Entrance	In order to improve driver notification, install new fluorescent yellow-green "Pedestrian Crossing" signs (W11-2) with "Ahead" (W16-9P) plaque for the eastbound and westbound approaches. In order to improve visibility, install the signs in the grass strip between the sidewalk and the road.	Short	Complete	
At Davis Road	Relocate the bus stop west of Davis Road, on the north side of SR-802 (Lake Worth Road), closer to the signalized intersection of Kirk Road to encourage pedestrians to use the crosswalk. Coordination with Palm Beach County Transportation (Palm Tran) is required for the relocation of bus stop west of Davis Road.	Mid	Not Complete	Coordinate transit stop locations with Palm Tran, also consider in relation to future midblock crosswalks and signal at Davis Road, if constructed.
At Swap Shop Entrance	Restripe the intersection of SR-802 (Lake Worth Road) at Fire station/Swap Shop, using FDOT Standard turn arrows, special emphasis markings, tracking stripes, etc.	Mid	Complete	
At Swap Shop Entrance	Install retro-reflective back plates and a new R10-13 "Emergency Signal" sign on the mast arms. Perform a structural analysis of the mast arm uprights prior to installation.	Mid	Not Complete	Recommendation should be evaluated.
At Swap Shop Entrance	In addition to the Advance Warning sign upgrades for the short term recommendations, consider also installing a "BE PREPARED TO STOP" sign (W3-4) with a "WHEN FLASHING" plaque (W16-13P) in advance of the intersection with a flashing beacon actuated by the signal.	Mid	Not Complete	Recommendation should be evaluated.
At Swap Shop Entrance	Consider dedicated pedestrian lighting at the crosswalk. This should be in compliance with the developmental standards from FDOT.	Mid	Partially Complete	The vicinity of the Swap Shop entrance appears to have been upgraded to LED lighting, though no dedicated crossing lighting is installed.

Location	Recommendation	Term	Status	Comment
At Swap Shop Entrance	Reconfigure the entire intersection with improved channelization. This will reduce driver confusion and improve pedestrian safety. See Appendix D for a conceptual layout.	Long	Partially Complete	Striping improvements complete. Review "road improvements" as part of the 3R.
At Swap Shop Entrance	Change the traffic signal from a dedicated emergency signal to a fully actuated traffic signal controlling the Fire and Rescue driveway as well as the Swap Shop driveway. Maintain emergency pre-emption. Also consider setting the signal to flash during non-peak periods. Prior to undertaking this study, perform a vehicular and pedestrian signal warrant and engineering study during peak and non-peak periods (i.e. hours of Swap Shop operation and weekends). Guidance should be provided by the MUTCD, but given the nature of the trip generator, the study will need to review special conditions.	Long	Not Complete	Evaluate this recommendation.
Along SR-802 (Lake Worth)	With a resurfacing project, reallocate the lane widths to accommodate bicycle lanes along SR802 (Lake Worth Road).	Long	Not Complete	See current RSA recommendation.
SR-802 Lake Worth Safety Review from Raulerson Dr to Douglas Dr 2018-08-17				
Corridorwide	The Traffic Operations Office should, coordinate with the CTST to increase enforcement of driving under influence (DUI).	Short	Unknown	
Corridorwide	If possible, reallocate lane widths to accommodate bicycle lanes along the study corridor.	Medium	Not Complete	Recommendation consistent with the previous and current studies. Evaluate with the 3R.
Corridorwide	Install Bicycle Wrong Way signs (R5-1b) in conjunction with "RIDE WITH TRAFFIC" sign (R9-3c) along the study corridor.	Short	Not Complete	Recommendation consistent with the previous and current studies. Evaluate with the 3R. Extend recommendation to all approaches.
Corridorwide	The Traffic Operations Office should, coordinate with the CTST to increase enforcement/education to discourage midblock crossing and wrong-way bicycle riding. Prepare and distribute flyers that inform pedestrians/bicyclists of potential safety issues associated with jaywalking and riding a bicycle the wrong way.	Short	Unknown	
Corridorwide	Contact Palm Beach Sheriff's Office and Palm Tran for other public outreach activities.	Medium	Unknown	
At SR-809 (Military Trail)	It is recommended that yellow retroreflective borders be installed on the signal head backplates at all approaches of the intersection.	Medium	Not Complete	Recommendation consistent with the previous and current studies. Included in the 3R.
At SR-809 (Military Trail)	Ensure that yellow and all red clearance intervals at this intersection are in compliance with current FDOT standards.	Short	Unknown	

Location	Recommendation	Term	Status	Comment
At SR-809 (Military Trail)	Install modified ground mounted "Turning Vehicles Stop to Pedestrians" sign facing the westbound, northbound and eastbound right turn vehicles.	Short	Not Complete	Recommendation consistent with the previous and current studies. Evaluate with the 3R. Extend recommendation to southbound approach.
At SR-809 (Military Trail)	If possible, install Bicycle/Pedestrian "W11-15" sign with Ahead "W16-9P" plaque or Bicycle/Pedestrian "W11-15" sign with experimental "LOOK" warning plaque facing exiting vehicles at the following location: - 4507 Lake Worth Road - 4544 Lake Worth Road - 4558 Lake Worth Road	Short	Not Complete	Recommendation consistent with the previous and current studies. Evaluate with the 3R. Extend recommendation to all busy driveways.
At SR-809 (Military Trail)	The EOR should verify clear zone requirements in the vicinity of this intersection.	Short	Unknown	
At SR-809 (Military Trail)	Remove the cones and install" KEEP RIGHT" (R4-7) sign at the medians of this intersection. If this installation is not possible due to spacing, then install flexible delineator poles.	Short	Complete	
At SR-809 (Military Trail)	It is recommended to remove the faded push button signage from the mast arm and install the push buttons on the new pedestrian poles.	Short	Complete	
At SR-809 (Military Trail)	Replace the missing cap of the pedestrian pole located at the southeast corner of this intersection to cross the south leg.	Short	Complete	
At SR-809 (Military Trail)	It is recommended to remove the additional pedestrian pole with faded signage. Also, it is recommended to repair or replace the pedestrian pole to cross the west leg of this intersection and install the corresponding push button signage on it.	Short	Complete	
At SR-809 (Military Trail)	Remove the faded pedestrian push button signage and broken push buttons from the pedestrian pole located between the pedestrian pole to cross the west leg and the pedestrian pole to cross the south leg or remove this pedestrian pole and relocate the pedestrian signal heads that are on this pole to their respective pedestrian poles.	Short	Complete	
At Kirk Road	It is recommended that yellow retroreflective borders be installed on the signal head backplates at all approaches of the intersection.	Medium	Not Complete	Recommendation consistent with the previous and current studies. Included in the 3R.
At Kirk Road	Ensure that yellow and all red clearance intervals at this intersection are in compliance with current FDOT standards.	Short	Unknown	
At Kirk Road	Install "Turning Vehicles Stop for Pedestrian" (R10-15 Modified) sign on the northbound, eastbound, and southbound approaches of this intersection.	Short	Not Complete	Recommendation consistent with the previous and current studies. Evaluate with the 3R. Extend recommendation to westbound approach.

Location	Recommendation	Term	Status	Comment
At Kirk Road	If possible, install Bicycle/Pedestrian "W11-15" sign with Ahead "W16-9P" plaque or Bicycle/Pedestrian "W11-15" sign with experimental LOOK warning plaque facing vehicles exiting at 3991 Lake Worth Road.	Short	Not Complete	Recommendation consistent with the previous and current studies. Evaluate with the 3R. Extend recommendation to all busy driveways.
At Kirk Road	If possible, install Bicycle/Pedestrian "W11-15" sign with Ahead "W16-9P" plaque or Bicycle/Pedestrian "W11-15" sign with experimental LOOK warning plaque facing vehicles exiting at 3985 Lake Worth Road.	Short	Not Complete	Recommendation consistent with the previous and current studies. Evaluate with the 3R. Extend recommendation to all busy driveways.
At Kirk Road	Take corrective action to prevent standing water on the southeast, southwest and northeast corners of the intersection.	Medium	Not Complete	Evaluate this recommendation.
At Kirk Road	Replace the existing pedestrian signals with countdown pedestrian signals and upgrade the push button signage to meet current FDOT standards.	Short	Not Complete	Recommendation consistent with the previous and current studies. Included in the 3R.
At Kirk Road	Reconstruct the pedestrian ramps to comply with current ADA standards.	Short	Not Complete	Recommendation consistent with the previous and current studies. Evaluate with the 3R.
At Kirk Road	Coordinate with the maintenance office to clean debris and verify if additional issues related to drainage exist.	Short	Unknown	
At Kirk Road	If possible, consider realigning the crosswalk so it does not conflict with the parking lot for the Presto Pawn Store.	Short	Not Complete	Evaluate this recommendation.
At Kirk Road	Install NEXT SIGNAL" signs approaching the intersection of Kirk Road in both directions along Lake Worth Road.	Short	Not Complete	Evaluate this recommendation.
At Swap Shop Entrance	Install additional "Do Not Cross," "Cross Only at Crosswalk," signs approaching this pedestrian signal.	Short	Not Complete	Evaluate this recommendation.
At Swap Shop Entrance	Take corrective action to prevent standing water on the south side of Lake Worth Road and this mid-block pedestrian signal.	Medium	Not Complete	Evaluate this recommendation.
At Swap Shop Entrance	Upgrade the push button signage to meet current FDOT standards. Do not remove the Spanish pedestrian signage.	Short	Not Complete	Recommendation consistent with the previous and current studies. Included in the 3R.
At Swap Shop Entrance	Replace the "NO TURN ON STEADY RED" and "TURNING TRAFFIC MUST YIELD TO PEDESTRIANS" signs located on the south side of Lake Worth Road.	Short	Not Complete	Recommendation consistent with the previous and current studies. Included in the 3R.
At Swap Shop Entrance	Trim overgrown tree on the north side of SR 802 that is partially blocking the pedestrian crossing sign at the signalized pedestrian crossing located east of Davis Road.	Short	Not Complete	Evaluate this recommendation.
At Swap Shop Entrance	Trim overgrown tree on the north side of SR 802 that is partially blocking the "NO TURN ON STEADY RED" and "TURNING TRAFFIC MUST YIELD TO PEDESTRIANS" sign and orient it in the right direction facing the outbound (southbound) traffic from the side street.	Short	Not Complete	Evaluate this recommendation.

Location	Recommendation	Term	Status	Comment
At SR-807 (Congress Avenue)	It is recommended that yellow retroreflective borders be installed on the signal head backplates at all approaches of the intersection.	Medium	Not Complete	Recommendation consistent with the previous and current studies. Included in the 3R.
At SR-807 (Congress Avenue)	Ensure that yellow and all red clearance intervals at this intersection are in compliance with current FDOT standards.	Short	Unknown	
At SR-807 (Congress Avenue)	Install modified ground mounted "Turning Vehicles Stop to Pedestrians" sign facing southbound, and eastbound right turns.	Short	Not Complete	Recommendation consistent with the previous and current studies. Evaluate with the 3R. Extend recommendation to northbound and westbound approaches.
At SR-807 (Congress Avenue)	Refurbish crosswalk markings with high emphasis markings at the subject intersection per the guidance from the 2018 FDOT Design Manual (FDM).	Medium	Not Complete	Recommendation consistent with the previous and current studies. Included in the 3R.
At SR-807 (Congress Avenue)	Replace the existing pedestrian signals with countdown pedestrian signals and upgrade the push button signage to meet current FDOT standards.	Short	Not Complete	Evaluate this recommendation.
At SR-807 (Congress Avenue)	Repair the existing LED light for the pedestrian signals at the northwest corner of intersection.	Short	Unknown	
At SR-807 (Congress Avenue)	Relocate the existing pedestrian button located on the northeast corner of the intersection to meet ADA distance to the pedestrian ramp or install a separate post-mounted push button to cross the east leg of the intersection.	Short	Unknown	
At SR-807 (Congress Avenue)	Install "CONGRESS AVENUE NEXT SIGNAL" sign approaching the intersection in the eastbound direction.	Short	Not Complete	Evaluate this recommendation.
At SR-807 (Congress Avenue)	Trim the palm trees blocking the "CONGRESS AVENUE NEXT SIGNAL" to make it visible to westbound motorists.	Short	Not Complete	Evaluate this recommendation.
At SR-807 (Congress Avenue)	if possible, install" KEEP RIGHT" (R4-7) sign at the medians of this intersection.	Short	Not Complete	Evaluate this recommendation.
At Douglas Drive	It is recommended that yellow retroreflective borders be installed on the signal head backplates at all approaches of the intersection.	Medium	Not Complete	Recommendation consistent with the previous and current studies. Included in the 3R.
At Douglas Drive	Ensure that yellow and all red clearance intervals at this intersection are in compliance with current FDOT standards.	Short	Unknown	
At Douglas Drive	Refurbish crosswalk markings with high emphasis markings at the subject intersection per the guidance from the 2018 FDOT Design Manual (FDM).	Short	Not Complete	Recommendation consistent with the previous and current studies. Included in the 3R.
At Douglas Drive	Take corrective action to prevent standing water on the southeast corner of the intersection.	Medium	Not Complete	Evaluate this recommendation.

Location	Recommendation	Term	Status	Comment
At Douglas Drive	Remove the faded object markers and install "KEEP RIGHT" (R4-7) sign at the medians of this intersection. If it is not possible this installation due to spacing, install flexible delineator poles.	Short	Not Complete	Evaluate this recommendation.
At Douglas Drive	Trim the palm trees blocking the "Palm Beach State College Next Signal" to make it visible to westbound motorists.	Short	Not Complete	Evaluate this recommendation.
At Douglas Drive	If possible, upgrade the street name signs to internally illuminated street signs for the eastbound and westbound approaches of the intersection of SR 802 and Palm Beach College Entrance.	Medium	Not Complete	Evaluate this recommendation within 3R.
Lake Worth Multimodal Corridor Study (TPA).				
Corridorwide	Review cross section of corridor to include buffered bike lanes.	Medium	Not completed	Require additional study. See current RSA recommendation.
Corridorwide	Install two additional pedestrian mid-block crossings. Proposed locations are: -Home Depot/42nd Way/Cooley Court -C&D Produce/Yuan Lane	Medium	Not completed	Require additional study. See current RSA recommendation.
Corridorwide	Reduce speed limit to 35 mph considering that study corridor falls into C4-Urban General category of FDOT Context Classification which allows for 30-40 mph speed limit range.	Medium	Not completed	Require additional study. See current RSA recommendation.
Corridorwide	Narrow travel lanes to 10 feet width considering that study corridor falls into C4-Urban General category of FDOT Context Classification which allows lane width of 10 feet.	Medium	Not completed	Require additional study. See current RSA recommendation.
At Davis Road	Install new traffic signal at Davis Road, consequently opening north and south bound traffic.	Medium	Not completed	Require additional study. See current RSA recommendation.

TPA RESOLUTION 2018-17

A RESOLUTION OF THE PALM BEACH TRANSPORTATION PLANNING AGENCY REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ACCOMMODATE REQUESTS FOR THE LAKE WORTH ROAD CORRIDOR DESIGN SPEED AND LANE WIDTH; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Palm Beach Metropolitan Planning Organization (MPO), doing business as the Palm Beach Transportation Planning Agency (TPA), has been designated as the official MPO for the Palm Beach County urbanized area to carry out the federally mandated metropolitan transportation planning process pursuant to 23 CFR 450; and

WHEREAS, the Florida Department of Transportation (FDOT) has a resurfacing project (FM # 4416321) on Lake Worth Road from West of Military Trail to East of Congress Avenue with design funds of \$469,364 in FY19 and construction funds of \$3,034,671 in FY21; and

WHEREAS, the TPA and FDOT have each adopted a Complete Streets Policy to accommodate safe access and mobility for users of all ages, abilities and modes into the planning, design, and construction of transportation projects; and

WHEREAS, both the TPA and FDOT have adopted Complete Streets Design Guidelines to implement context sensitive facilities that are designed and operated to enable safe access and mobility for all surface transportation system users; and

WHEREAS, both the TPA and FDOT have adopted Vision Zero safety targets with a commitment to eliminate traffic-related fatalities and serious injuries; and

WHEREAS, Lake Worth Road from Jog Road to East of US 1 was identified in the TPA's 2017 Pedestrian and Bicycle Safety Study as one of Palm Beach County's Top 10 High Crash Corridors, with two of the County's Top 10 High Crash Spots located at the intersections of Lake Worth Road with Davis Road and with Congress Avenue; and

WHEREAS, the TPA hired the Treasure Coast Regional Planning Council to work with FDOT, the City of Greenacres and the Village of Palm Springs, to evaluate and identify Complete Streets safety improvements that could be incorporated into the resurfacing project; and

WHEREAS, there is a direct correlation between the speed of a roadway, roadway design, and the number and severity of accidents, including pedestrian and bicyclist fatalities; and

WHEREAS, the City of Greenacres and the Village of Palm Springs have adopted resolutions requesting FDOT to reduce the design and posted speed limit to 35 miles per hour to improve the safety of the corridor.

NOW THEREFORE, BE IT RESOLVED BY THE PALM BEACH MPO, d/b/a PALM BEACH TRANSPORTATION PLANNING AGENCY, THAT:

SECTION 1. The foregoing recitals are hereby adopted and declared to be true and correct and are incorporated herein.

SECTION 2. The TPA Governing Board requests FDOT accommodation of the following:

- a. Consideration of a design speed of 35 miles per hour based on the context classification and safety history of the corridor;
- b. Consideration of the identified design elements available due to the lower design speed (inner 10-foot wide vehicle lanes with 11-foot wide vehicle lanes curbside to support bus service, separated bike lanes, and introduction of new mid-block pedestrian crossings that employ Pedestrian Hybrid Beacons for traffic control).

SECTION 3. This Resolution shall take effect upon adoption.

The foregoing Resolution was offered by Commissioner Paulette Burdick who moved its adoption.

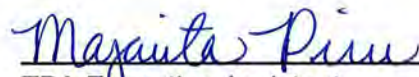
The motion was seconded by Mayor Pam Triolo, and upon being put to a vote, the motion passed.

The Chair thereupon declared the Resolution duly adopted this 18th day of October, 2018.

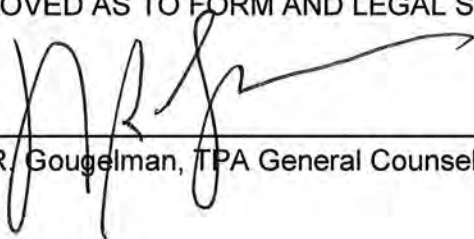
PALM BEACH MPO, d/b/a PALM BEACH TRANSPORTATION
PLANNING AGENCY

By: 
Commissioner Hal Valeche, as its Chair

ATTEST:


TPA Executive Assistant

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Paul R. Gougelman, TPA General Counsel

FINAL DRAFT



3.F.2a

October 25, 2018

To: Gerry O'Reilly (FDOT D4 District Secretary)
[Delivered via e-mail]

Re: TPA Resolution 2018-17, Lake Worth Road Corridor Design Study

Dear Secretary O'Reilly,

During the October 18, 2018 Palm Beach Transportation Planning Agency (TPA) Governing Board meeting, the Board passed TPA Resolution 2018-17 requesting FDOT accommodation of requests for the Lake Worth Road Corridor related to design speed and complete street design elements.

If you should have any questions or concerns please feel free to contact me.

Sincerely,


Nick Uhren, P.E.
Executive Director

NU/mp

Enclosures

Ec: Ms. Stacy L. Miller, P.E., FDOT D4 Director of Transportation Development
Mr. Scott Thurman, FDOT D4 Project Manager
Mr. Michael Busha, Executive Director, Treasure Coast Regional Planning Council

TPA RESOLUTION 2018-17

A RESOLUTION OF THE PALM BEACH TRANSPORTATION PLANNING AGENCY REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ACCOMMODATE REQUESTS FOR THE LAKE WORTH ROAD CORRIDOR DESIGN SPEED AND LANE WIDTH; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Palm Beach Metropolitan Planning Organization (MPO), doing business as the Palm Beach Transportation Planning Agency (TPA), has been designated as the official MPO for the Palm Beach County urbanized area to carry out the federally mandated metropolitan transportation planning process pursuant to 23 CFR 450; and

WHEREAS, the Florida Department of Transportation (FDOT) has a resurfacing project (FM # 4416321) on Lake Worth Road from West of Military Trail to East of Congress Avenue with design funds of \$469,364 in FY19 and construction funds of \$3,034,671 in FY21; and

WHEREAS, the TPA and FDOT have each adopted a Complete Streets Policy to accommodate safe access and mobility for users of all ages, abilities and modes into the planning, design, and construction of transportation projects; and

WHEREAS, both the TPA and FDOT have adopted Complete Streets Design Guidelines to implement context sensitive facilities that are designed and operated to enable safe access and mobility for all surface transportation system users; and

WHEREAS, both the TPA and FDOT have adopted Vision Zero safety targets with a commitment to eliminate traffic-related fatalities and serious injuries; and

WHEREAS, Lake Worth Road from Jog Road to East of US 1 was identified in the TPA's 2017 Pedestrian and Bicycle Safety Study as one of Palm Beach County's Top 10 High Crash Corridors, with two of the County's Top 10 High Crash Spots located at the intersections of Lake Worth Road with Davis Road and with Congress Avenue; and

WHEREAS, the TPA hired the Treasure Coast Regional Planning Council to work with FDOT, the City of Greenacres and the Village of Palm Springs, to evaluate and identify Complete Streets safety improvements that could be incorporated into the resurfacing project; and

WHEREAS, there is a direct correlation between the speed of a roadway, roadway design, and the number and severity of accidents, including pedestrian and bicyclist fatalities; and

WHEREAS, the City of Greenacres and the Village of Palm Springs have adopted resolutions requesting FDOT to reduce the design and posted speed limit to 35 miles per hour to improve the safety of the corridor.

NOW THEREFORE, BE IT RESOLVED BY THE PALM BEACH MPO, d/b/a PALM BEACH TRANSPORTATION PLANNING AGENCY, THAT:

SECTION 1. The foregoing recitals are hereby adopted and declared to be true and correct and are incorporated herein.

SECTION 2. The TPA Governing Board requests FDOT accommodation of the following:

- a. Consideration of a design speed of 35 miles per hour based on the context classification and safety history of the corridor;
- b. Consideration of the identified design elements available due to the lower design speed (inner 10-foot wide vehicle lanes with 11-foot wide vehicle lanes curbside to support bus service, separated bike lanes, and introduction of new mid-block pedestrian crossings that employ Pedestrian Hybrid Beacons for traffic control).

SECTION 3. This Resolution shall take effect upon adoption.

The foregoing Resolution was offered by Commissioner Paulette Burdick who moved its adoption.

The motion was seconded by Mayor Pam Triolo, and upon being put to a vote, the motion passed.

The Chair thereupon declared the Resolution duly adopted this 18th day of October, 2018.

PALM BEACH MPO, d/b/a PALM BEACH TRANSPORTATION
PLANNING AGENCY

By: Hal R. Valeche
Commissioner Hal Valeche, as its Chair

ATTEST:

Maxanta Pina
TPA Executive Assistant

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Paul R. Gougelman
Paul R. Gougelman, TPA General Counsel

FINAL DRAFT

PALM BEACH TPA / TCRPC

LAKE WORTH ROAD MULTIMODAL CORRIDOR STUDY

General Meeting Notes

In- House Design Session with Staff Representatives of Local Governments & Agencies

WEDNESDAY, JUNE 20, 2018
9:30 AM – 3:30 PM

Palm Beach State College; 4200 S Congress Ave, Lake Worth, FL 33461

Meeting arranged by the Treasure Coast Regional Planning Council (TCRPC)

NOTE TO READERS: This document reflects general meeting notes and key points of discussion raised during the design session with the stakeholder representatives from the local governments, agencies and organizations related to the Lake Worth Road Multimodal Corridor Study. The meeting occurred on Wednesday, June 20, 2018. The project is funded by the Palm Beach Transportation Agency (TPA). General meeting notes were prepared by Dr. Kim DeLaney, TCRPC.

Attendees

Danna Ackerman-White	Palm Beach County (Cmr. Kerner)	dawhite@pbcgov.org
Iramis Cabrera	Village of Palm Springs (Planning)	icabrera@vpsfl.org
Carlos Cedeno	City of Greenacres (Public Works)	ccedeno@greenacresfl.gov
Collin Chesston	Alta Planning & Design (Alta)	collinchesston@altaplanning.com
Scott Cirino	City of Greenacres (Planning)	Scirono@greenacresfl.gov
Greg Croucher II	Village of Palm Springs (Police)	gcroucher@vpsfl.org
Brad Davis	Alta Planning & Design (Alta)	braddavis@altaplanning.com
Kim DeLaney	TCRPC	kdelaney@terpc.org
Kim Glas-Castro	Village of Palm Springs (Planning)	Kglas-castro@vpsfl.org
Kara Irwin-Ferris	City of Greenacres (Planning)	kferris@greenacresfl.gov
Navael Fontus	Palm Beach TPA	nfontus@palmbeachtpa.org
Alyssa Frank	Palm Beach TPA	afrank@palmbeachtpa.org
Chad Girard	Village of Palm Springs (Public Works)	cgirard@vpsfl.org
Tom Lanahan	TCRPC	tlanahan@terpc.org
Andrea McCue	City of Greenacres (City Manager)	amccue@greenacresfl.gov
Khurshid Mohyuddin	Palm Beach County (Planning)	kmohyudd@pbcgov.org
Wade Neilson	City of Greenacres (Public Works)	vneilson@greenacresfl.gov
Jorge Perez	Palm Beach County (Planning)	Jperez1@pbcgov.org
Richard Reade	Village of Palm Springs (Village Manager)	rreade@vpsfl.org
Sherrie Sharps	Palm Tran (Planning)	ssharps@pbcgov.org
Scott Thurman	Florida Department of Transportation (FDOT)	Scott.thurman@dot.state.fl.us
Chris Ward	Palm Beach State College (PBSC)	wardc@palmbeachstate.edu
John Wasukanis	Palm Beach State College (PBSC)	wasukanj@palmbeachstate.edu

The meeting sign-in sheet is included as Attachment 1.

General Meeting Notes

- TCRPC provided a welcome, and meeting attendees provided self-introductions.
- TCRPC provided a brief recap of the project purpose and goals, indicating the Lake Worth Road corridor had been identified by the Palm Beach TPA as a County “hot spot” with a prioritized need for multimodal improvements due to its high accident rate, especially with cyclists and pedestrians; demographics that generated high transit ridership and nonmotorized activity; connectivity to schools, residential neighborhoods, and local-servicing commercial uses; and high vehicular speeds. TCRPC then indicated a walking corridor tour was conducted on Tuesday, June 19, 2018, which included participation by many attendees at the design session as well as other local government and agency staff. TCRPC provided a summary of the key observations noted during the corridor tour as follows:
 - There is a lack of shade on the corridor, leaving pedestrians and cyclists exposed to the elements.
 - Vehicular traffic tends to move faster than the posted 45 MPH speed limit, with several vehicles measured at speeds above 55 MPH during the corridor tour.
 - There are several locations where remnants remain of light poles with metal foundation elements sticking up in the sidewalk.
 - There are numerous driveway curb-cuts, which interrupt the sidewalk network.
 - There are several locations where driveways deposit vehicles into turn lanes.
 - There is a need for transit shelters on the corridor, with shade, seating, and trash receptacles.
 - The transit stop at the southeast corner of Military Trail and Lake Worth Road by Tacos al Carbon is heavily utilized, with an abundance of shopping carts left by bus riders. It is noted there is a grocery store across the street, and shoppers push their carts across the street and leave them at the bus stop. They are also being used as seating.
 - There were many instances of mid-block jaywalking noted in the corridor tour, including moms with kids.
 - Standing water was identified along the corridor, evidencing the flooding problems previously noted by local governments.
 - Sidewalks on the north side are 5 feet wide with a 2 to 3 foot wide grassed utility strip. Sidewalks on the south side are 8 feet wide with no grass strip.
 - Alta Planning distributed maps identifying crash locations and opportunities and constraints (included as Attachments 2 and 3).
 - Following the field work, a map indicating suggested improvements on the corridor (included as Attachment 4) was developed by Alta Planning and distributed to participants as part of the design session.
- Palm-Tran noted a system-wide Route Performance Maximization (RPM) study is underway to determine efficiency improvements for bus routes, frequencies, and stops. Stops along the Lake Worth Road corridor may be consolidated. Regarding design of bus stops, PalmTran’s current preference is for the inclusion of bus bay pull-outs for busy

roadways where right-of-way is available and sufficient distance from intersections can be maintained. Shelters are contracted out with vendors who advertise on them.

- The Village of Palm Springs noted the Lake Worth Road/Military Trail bus stop (SE corner) by Tacos Al Carbon is the most problematic on the corridor due to vehicular accidents, with vehicles swerving around stopped buses causing vehicle-to-vehicle and vehicle-to-bus accidents.
- There is also a school bus stop across from Home Depot, which results in many elementary school-aged children walking along the corridor in the afternoon hours. Participants suggested the inclusion of the Palm Beach School District in corridor-related discussions.
- FDOT indicated the planned Resurfacing, Restoration and Rehabilitation (RRR) project does not include funding for right-of-way (ROW) acquisition, but FDOT can build or relocate shelters and/or bus bays as part of the project if ROW is available.
- There was general discussion regarding lighting included a request to convert the current lighting to LED for improved safety and reduced maintenance. In addition, it was noted the corridor has a history of prostitution, for which enforcement was hindered by the lack of proper lighting. Improved lighting would assist in further reducing and eliminating this criminal activity. It was noted existing freestanding light poles are located only on the north side of the corridor, and these may pose a conflict for the installation of shade trees.
- Regarding safety of the corridor, FDOT indicated a safety study was underway to consider reduction of posted speed limits, lighting, and mobility improvements. Upon completion, FDOT indicated the study would be circulated to stakeholders. Further, the remnant utility pole infrastructure identified in the corridor tour would be removed as part of the RRR project.
- There was general discussion regarding the need for additional crosswalks on the corridor to address pedestrian demands and a suggestion of an additional traffic light at Davis Road (with the abandonment of 2nd Street west of Davis Road to its connection with Lake Worth Road). Additionally, participants suggested there should be several additional pedestrian-activated crosswalks installed between existing traffic lights and the newly proposed Davis Road traffic light to increase safety for pedestrians and cyclists by reducing the distance between crosswalks. FDOT noted concerns regarding the possible need for ROW to accommodate a new intersection as the FDOT ROW acquisition process can take 24-30 months. Village of Palm Springs staff indicated the Village's willingness to assist FDOT as appropriate to facilitate ROW acquisition if needed.
- Regarding flooding, FDOT indicated flooding would be addressed as part of the RRR project, and all stormwater infrastructure would be flushed and cleaned as part of the project. Participants noted the presence of permanent signage near Office Depot alerting drivers the road tends to flood regularly during storm events. In addition, FDOT reiterated its request that local governments photograph any instances of flooding to ensure it could be properly addressed as part of the RRR project. Participants noted canals were the

responsibility of the Lake Worth Drainage District, and the agency should be included as a stakeholder in corridor-related discussions.

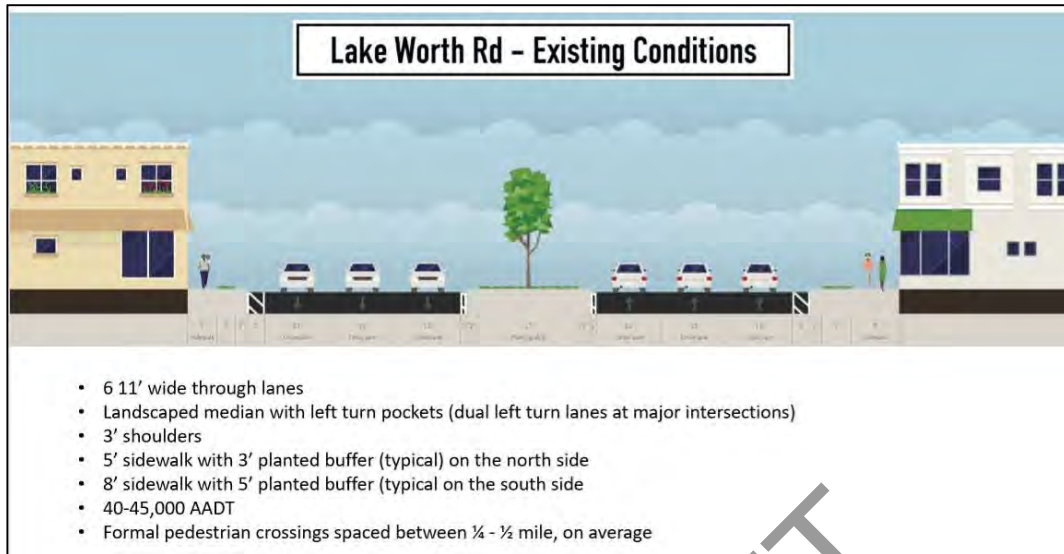
- PBSC indicated it has commissioned a traffic study to evaluate the installation of a deceleration lane along Lake Worth Road to facilitate access for the college's northern entrance (just east of Congress Avenue). PBSC also noted concerns regarding signal timing of several intersections surrounding the college whereby significant traffic stacking occurs during peak hours. Representatives suggested the vehicle detection pads or other infrastructure may need to be updated to improve signal operation. PBSC also indicated a desire to add an additional exit onto Congress Avenue.
- There was extensive discussion regarding the desire by local governments and agencies to reduce the posted speed to 35 MPH as a safety improvement. The current width of travel lanes is 11'; however, the FDOT Design Manual allows for lane widths of 10' for roadways designed for 25-35 MPH and 11' for those designed for 40-45 MPH. Local government police representatives noted the significant safety improvement resulting from lower-speed crashes as well as the pedestrian benefits for shorter crosswalks if lanes are narrowed. Further, narrower travel lanes would enable the inclusion of bicycle lanes, which would create designated areas for cyclists as well as buffer sidewalks. FDOT indicated travel speeds would be evaluated as part of the safety study and suggested local governments may wish to formally request FDOT reduce the speed of the roadway as part of the RRR project. Local government representatives indicated this issue would be scheduled for discussion by local elected officials in July.
- There was also extensive discussion regarding the possibility of reducing the roadway design from six lanes to four lanes to improve safety and function of the roadway for non-vehicular users. By reconfiguring the roadway, it would be possible to add buffered bicycle lanes consistent with FDOT's standard design criteria, landscape areas with shade trees, bus bays, and bus loading zones. A narrower corridor with landscape improvements would also contribute to traffic calming, further slowing vehicular travel speeds and improving safety.
- Participants discussed recent traffic counts, noting the 2016 AADT for the western segment of the Lake Worth Road corridor (from Military Trail to Kirk Road) as 44,545 with lower counts on the eastern segment (from Kirk Road to Congress Avenue) (see image below with excerpt from Palm Beach County 2017 traffic count data). The four-lane configuration of the road immediately east of the Congress Avenue intersection was also discussed along with the lower traffic counts present on that segment.

STA	ROAD	FROM	TO	LANES	LOS	DAILY TRAFFIC VOLUMES					2016 DAILY			2016 AM PEAK HOUR			2016 PM PEAK HOUR		
						2011	2012	2013	2014	2015	DATE	VOL	GR	2-WAY	NB/EB	SB/WB	2-WAY	NB/EB	SB/WB
5307	LAKE IDA RD	Congress Ave	Swinton Ave	4D	1960	19039	18714	18919	19988	21542	2/22/2016	20747	3.12%	1753	1058	695	1961	921	1054
3445	LAKE WORTH RD	South Shore Blvd	120th Av	2	1140		11702	11928	12218	12221	2/10/2016	13161	3.33%	1065	568	525	1121	560	590
4409	LAKE WORTH RD	120th Av	Isles Bl	4D	1960	14905	14438	14670	14802	14871	1/19/2016	15923	2.77%	1439	770	669	1522	705	851
4407	LAKE WORTH RD	Isles Bl	SR-7	4D	1960	27291	25757	26599	26600	26672	1/19/2016	27739	1.41%	2331	1321	1010	2448	1107	1351
4401	LAKE WORTH RD	SR 7	Lyons Rd	6D	2680	32355	30743	34794	37381	38065	4/5/2016	40990	5.61%	2991	1779	1238	3135	1655	1830
4103	LAKE WORTH RD	Lyons Rd	Florida Turnpike	6D	2940				45096	42333	1/19/2016	44333		3650	2187	1481	3882	1798	2101
4201	LAKE WORTH RD	Florida Turnpike	Pinehurst Dr	6D	2680	36088	33882	32373	38071	39166	1/19/2016	39864	7.18%	3089	1362	1776	3406	1849	1557
4645	LAKE WORTH RD	Pinehurst Dr	Jog Rd	6D	2680	45824	46319	45280	46404	46028	1/19/2016	47722	1.77%	3210	1468	1752	3931	2020	1945
4609	LAKE WORTH RD	Jog Rd	Sherwood Forest Blv	6D	2940	42095	42832	43942	45141	45661	2/17/2016	48538	3.37%	3207	1617	1613	3960	2084	1883
4673	LAKE WORTH RD	Sherwood Forest Blvd	Haverhill Rd	6D	2680	40888	39963	42056	43131	41210	3/9/2016	44200	1.67%	2946	1528	1420	3437	1710	1776
4627	LAKE WORTH RD	Haverhill Rd	Military Tr	6D	2940	42224	41047	42285	43957	44371	3/9/2016	45507	2.48%	2953	1727	1268	3599	1774	1856
4611	LAKE WORTH RD	Military Tr	Kirk Rd	6D	2680	41831	41760	43355	42870	42951	3/7/2016	44545	0.91%	2988	1689	1328	3521	1648	1886
4647	LAKE WORTH RD	Kirk Rd	Congress Ave	6D	2940	36874	36598	39516	38338	38415									
4651	LAKE WORTH RD	Congress Ave	Boutwell Rd	4D	1770	25047		24907	24599	23415									

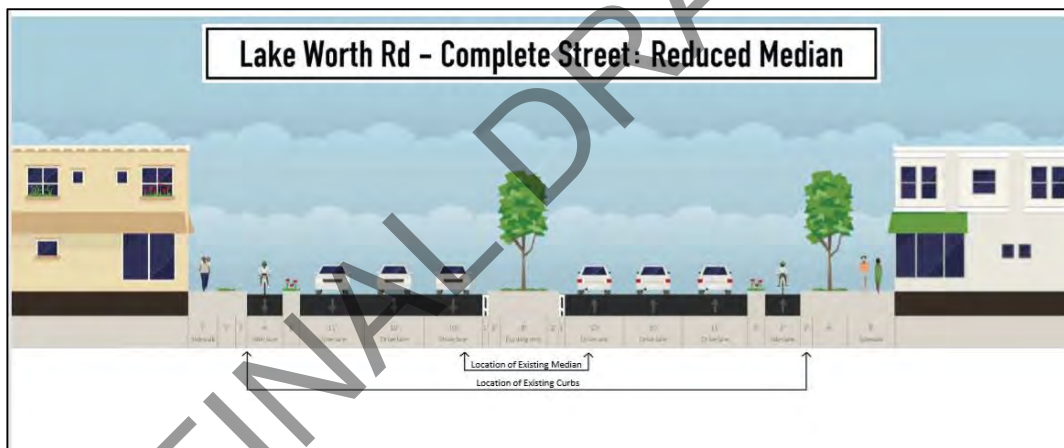
Both municipalities indicated a desire to further explore lane elimination, and the County's prior concerns regarding lane elimination were noted.

Following the general discussion, Alta Planning facilitated a project summary discussion utilizing a "work in progress" presentation (included as Attachment 5), which included an overview of preliminary findings and concepts. The presentation addressed the following topics:

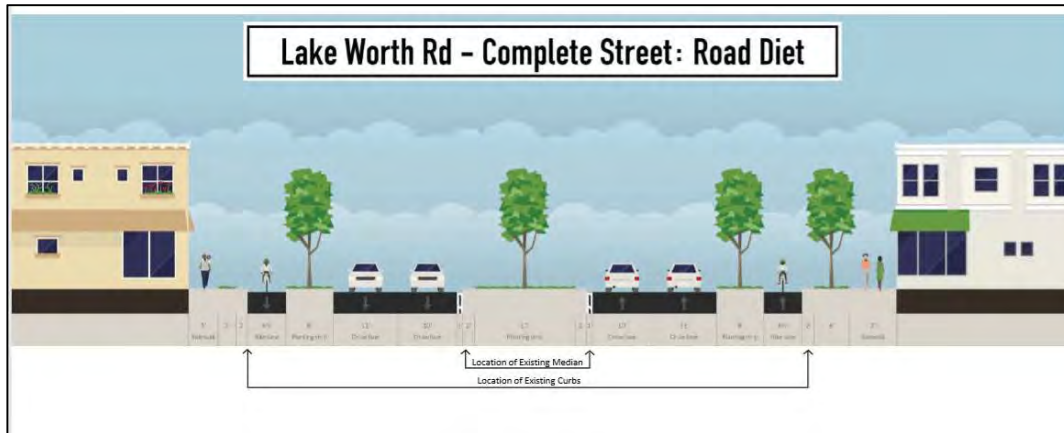
- Review of need and purpose for the study
- Corridor context as identified in the FDOT Complete Streets Design Guide (C-4, Urban General land use and design)
- FDOT design manual regarding roadways in the C4 context (with allowable speeds of 30-45 MPH and lane widths of 10' for roadways designed for 25-35 MPH and 11' for roadways designed for 40-45 MPH)
- The relationship between vehicular travel speeds and the severity of accidents as well as the high amount of pedestrian activity on the corridor
- Design Decision 1: Selection of a Preferred Cross Section
 - A diagram of the existing conditions of the roadway (see image below)



- A diagram of a Complete Streets design alternative with a reduced median and 35 MPH design speed (see image below).



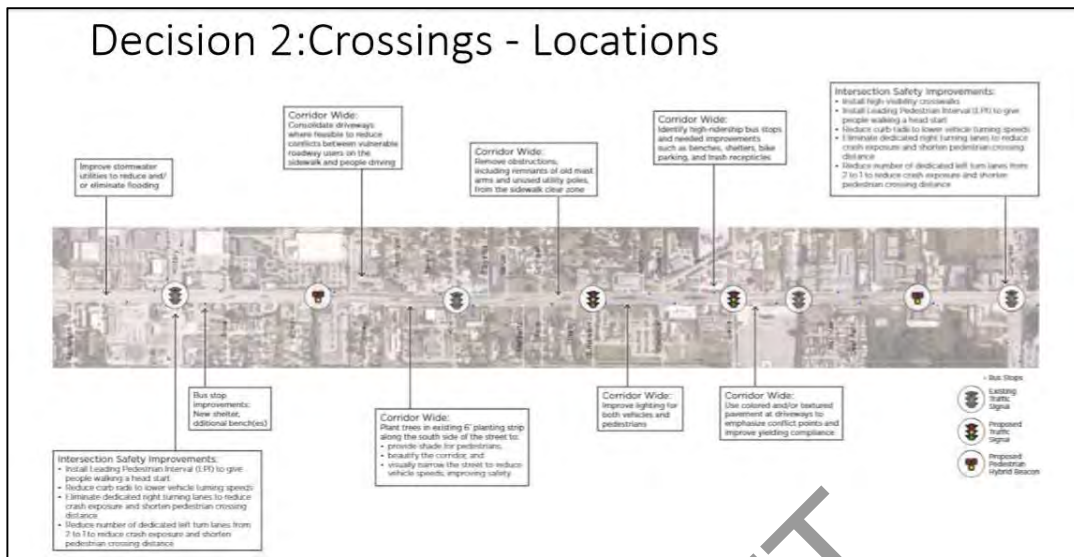
- Reduced median width from 23' to 14'
 - Reduced 2 inside travel lanes from 11' to 10' (maintain outside travel lane at 11' to accommodate buses)
 - Add 3' planted buffer between travel lanes and bike lane
 - Add 5' buffered bike lane
 - Add shade trees in 6' planting strip
 - Maintain 8' on south side
 - Maintain 5' sidewalk and 3' utility strip on north side (or increase width to 8' by concreting the 3' utility strip)
 - Reduction of design speed from 45 MPH to 35 MPH
- A diagram of a Complete Streets design alternative with a Road Diet (see image below)



- Maintain center median width of 23'
- Reduce inside travel lane width from 11' to 10'
- Maintain outside travel lane width of 11'
- Eliminate current outside travel lane
- Add 8' planting strips on both sides to accommodate installation of shade trees
- Add 6.5' bike lanes
- Add 6' planting strip on one side to accommodate installation of shade trees
- Maintain 8' sidewalk on south side
- Maintain 5' sidewalk and 3' utility strip on north side (or increase width to 8' by concreting the 3' utility strip)
- Reduction of design speed from 45 MPH to 35 MPH

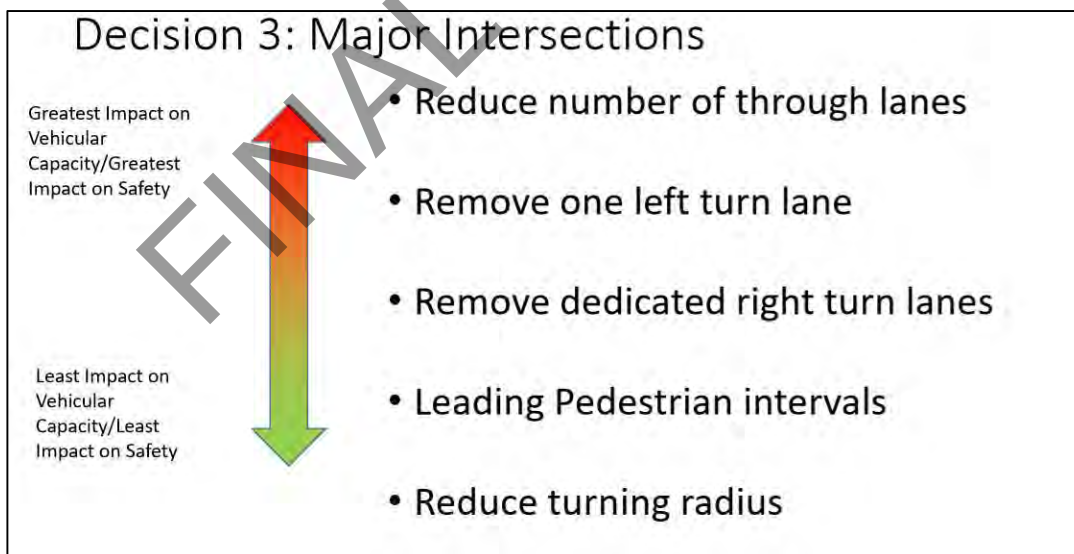
➤ Design Decision 2: Pedestrian Crossings

- Crossing design, location, and the Davis Road signalization as well as the relationship of crossings to design speeds, and traffic calming
- Diagram of potential traffic crossings, including a new traffic signal at the Davis Road intersection and several additional pedestrian-activated crosswalks (see image below)



➤ Design Decision 3: Major Intersections

- Discussion of the relationship between intersection design criteria and the impact on vehicular capacity and safety (see image below)
- Review of intersection sketch prepared by TCRPC staff during the design session which showed that no FDOT ROW is needed and most of the Village of Palm Springs ROW appears to be already in place (it is noted that corner clips for signal poles appear necessary).



- Participants discussed the various design decisions, and there was a consensus that either design alternative was preferable to the existing condition of the corridor. Alta Planning was directed to develop detailed conceptual design plans for the two alternatives to present back to stakeholders at a follow-up meeting (tentatively scheduled for August 22, 2018).

- TCRPC indicated all materials distributed and presented during the design session would be circulated to participants and other stakeholder representatives.
- TCRPC reviewed an updated project study schedule as follows:

May 2018	Staff Level Kickoff
May/June 2018	Data Collection, Field Work
June 2018	Design Session & Presentation of Preliminary Conceptual Plans
Aug 2018	Distribution of Conceptual Plans to Stakeholders Stakeholder Meeting 2 Finalization of Conceptual Plans
Sept/Oct 2018	Presentations to Municipal Councils
Oct/Nov 2018	Presentation of Conceptual Plans to TPA Committees & Board

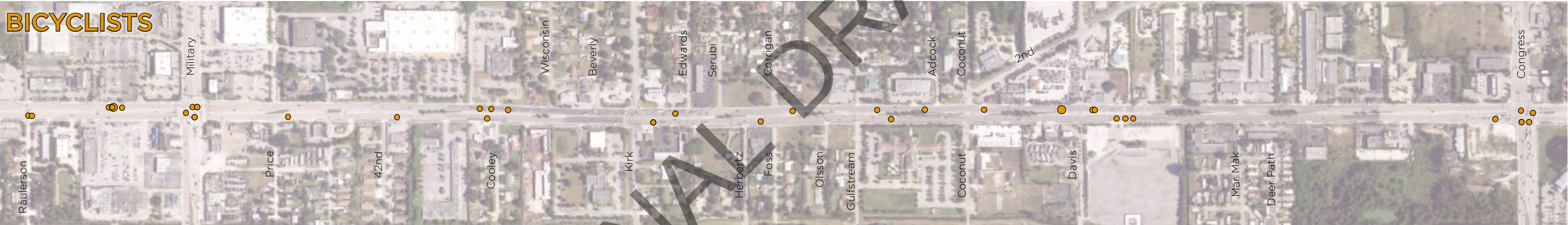
Next Steps

FDOT	• Provide corridor safety studies as available • Confirm process for speed reduction as requested by local governments • Provide update regarding lighting study • Provide location data regarding utilities as available • Confirm process for signal warrant and ROW acquisition (e.g., with assistance from Village of Palm Springs) for new traffic signal at Davis Road intersection
PalmTran	• Provide status of RPM and potential changes to bus stop locations • Confirm preference and design criteria for bus pull-outs
Greenacres & Palm Springs	• Provide documentation (GIS maps, photos) of drainage problems • Obtain Council direction regarding desired design speed (45 vs 35 MPH) • Provide public hearing dates in September & October for presentation to City/Village Councils • Provide summary of LDR requirements for driveway consolidation, cross-access agreements, and shade trees
TPA	• Confirm availability of TAP and Local Initiative funding for potential multimodal improvements to supplement RRR funds
TCRPC	• Include Palm Beach School District and Lake Worth Drainage District as stakeholder agencies • Assist Greenacres and Palm Springs with speed reduction discussion (e.g., agenda items, model resolution) • Confirm date/location of Stakeholder Meeting 2 (tentative August 22, 2018 at Palm Beach TPA) • Circulate design alternative conceptual plans for review by stakeholders prior to Stakeholder Meeting 2 • Provide design session meeting notes for review by stakeholders

ATTACHMENT 1

LW ROAD DESIGN SESSION			6/20/18
NAME	ORGANIZATION	EMAIL	
KARA FERRIS	City of Greenacres	kferris@greenacresfl.gov	
Scott Cirino	City of Greenacres	scirino@greenacresfl.gov	
Wade Nelson	City of Greenacres	wnelson@greenacresfl.gov	
Jorge Perez	PB County Planning	JPerez1@pbcgov.org	
Scott THURMAN	FDOT	Scott.THURMAN@DOT.STATE.FL.US	
Sherrie Sharps	Palm Tran	ssharp@pbcgov.org	
Grey Croocher II	Palm Springs PD	GCroocher@vpsfl.org	
Tom Lanahan	TCRPC	tlanahan@tcrpc.org	
CHRIS WARD	PBSC	WARD@PALMBEACHSTATE.EDU	
BRAD DAVIS	ALTA PLANNING + DESIGN	BRAD.DAVIS@ALTA-PLANNING.COM	
Kim Delaney	TCRPC	KDELANEY@TCRPC.ORG	
ALYSSA FRANK	Palm Beach TPA	AFRANK@PALMBEACHTPA.ORG	
Naveel Fontus	Palm Beach TPA	Nfontus@palmbeachtpa.org	
Danna Ackerman White	PBC BCC Comm. Kerner's office	dawhite@pbcgov.org	
JOHN T. WASUKANIS	PBSC	WASUKANIS@PALMBEACHSTATE.EDU	
Chad Girard	Village of Palm Springs	cgirard@vpsfl.org	
Kim Glas-Castro	VPS	kglas-castro@vpsfl.org	
Josami Calabrese	VPS	jcalabrese@vpsfl.org	
R. Rude	VPS	rrude@vpsfl.org	
Khawshid Mokjuddin	PBC Planning	Kmokjudd@pbcgov.org	
ANDREA MCCUE	GREENACRES	AMCCUE@GREENACRESFL.GOV	
COLLIN CHESSE	GREENACRES ALTA	COLLINCHESSE@ALTA-PLANNING.COM	

CRASHES BY MODE OF TRANSPORTATION



OPPORTUNITIES AND CONSTRAINTS

OPPORTUNITIES

Wide roadway could be reconfigured in multiple different ways to make more space for people walking and bicycling

Curb radii could be decreased to reduce vehicle turning speeds and increase rates of yielding to pedestrians, improving safety for vulnerable roadway users

Use physical lane narrowing, visual narrowing, signal timing, on-street parking, and/or new pedestrian crossings to slow vehicles, improving safety for all road users

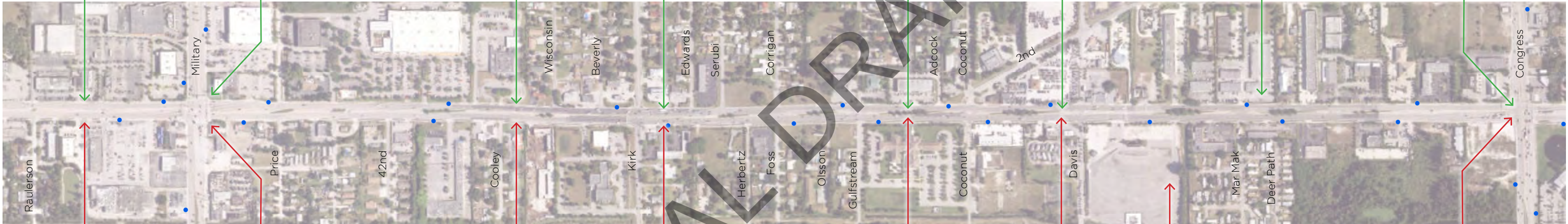
Design treatments such as raised bike lanes, green conflict markings, and high visibility crosswalks could be installed at driveways to improve driver yielding compliance to bicyclists and pedestrians

Existing planted areas in center median and in planting strips along sidewalks could be used to manage, clean, and infiltrate storm water.

Wide spacing between existing traffic signals creates multiple opportunities for new pedestrian crossings; existing center medians could be retrofitted with formal pedestrian refuge islands

Over time, individual properties could be redeveloped to be friendlier to pedestrians

High-visibility crosswalk markings at major intersections would improve visibility of crosswalks.



• Bus Stops

CONSTRAINTS

Traffic volumes are high enough that repurposing standard travel lanes for low-stress bikeways and/or walkways may increase delay for people in cars, trucks, and buses

Accommodating large vehicles such as trucks and buses on this route may require larger curb radii than desired for pedestrian safety

Design treatments for reducing speeds on multi-lane arterials are limited, and speed reduction may create slightly longer travel times for people traveling in cars, trucks, and buses

Frequent driveways create conflict points between motor vehicles and pedestrians/bicyclists

Green infrastructure improvements may fall outside of the project scope and/or exceed available funding

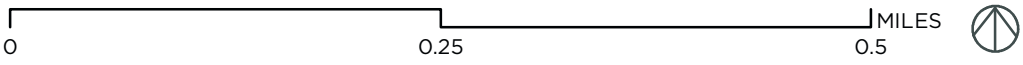
Traffic speeds, volumes, and number of lanes require relatively expensive improvements to improve pedestrian crossing frequency

Adjacent land uses are auto-oriented

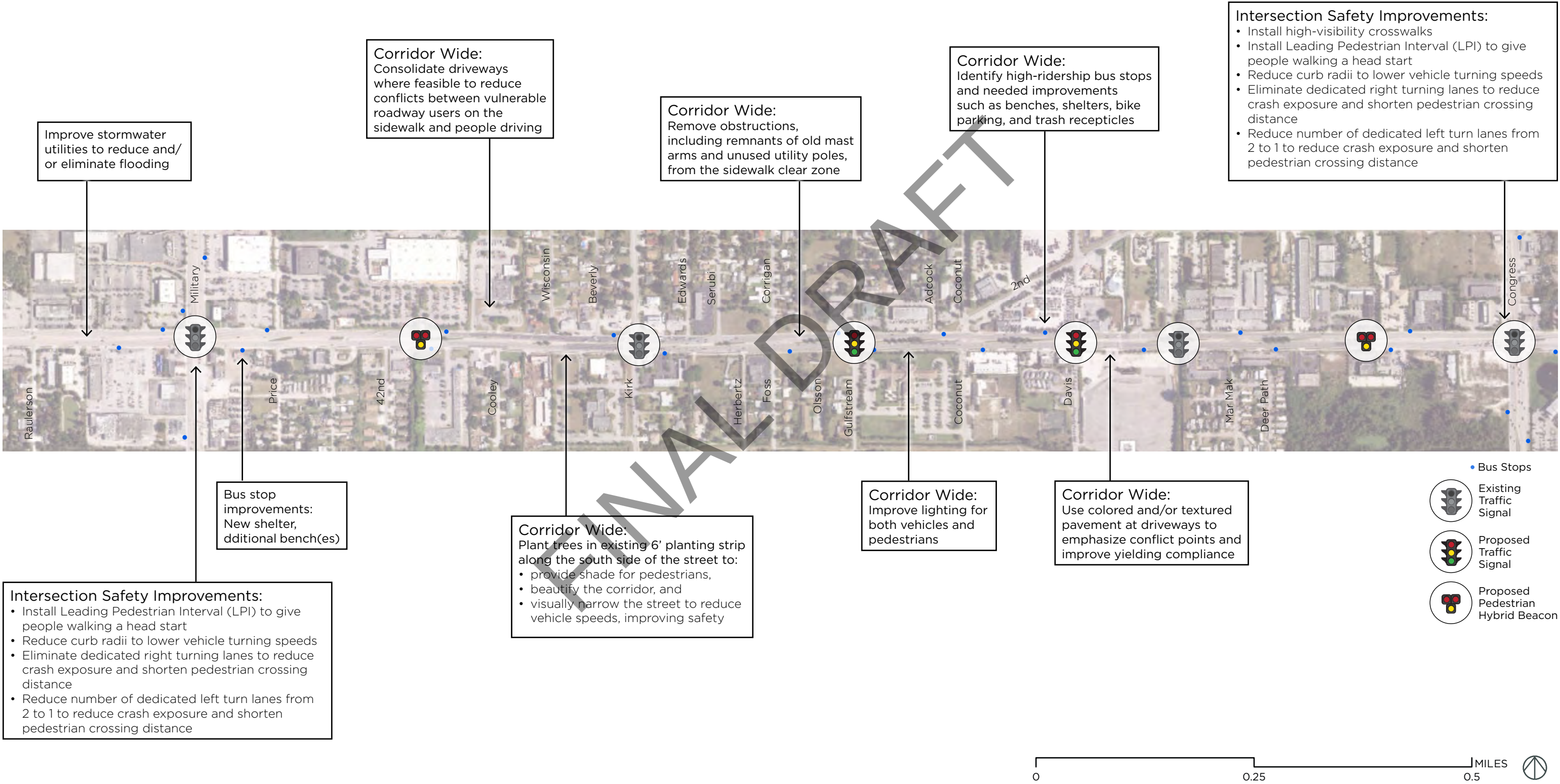
High-visibility crosswalks with longitudinal markings have slightly higher installation and maintenance costs

Narrowing travel lanes requires special approval from FDOT

Some re-configurations may exceed available funding



SUGGESTED IMPROVEMENTS



Work in Progress

Lake Worth Road 3R project

Need and Purpose

Big Moves

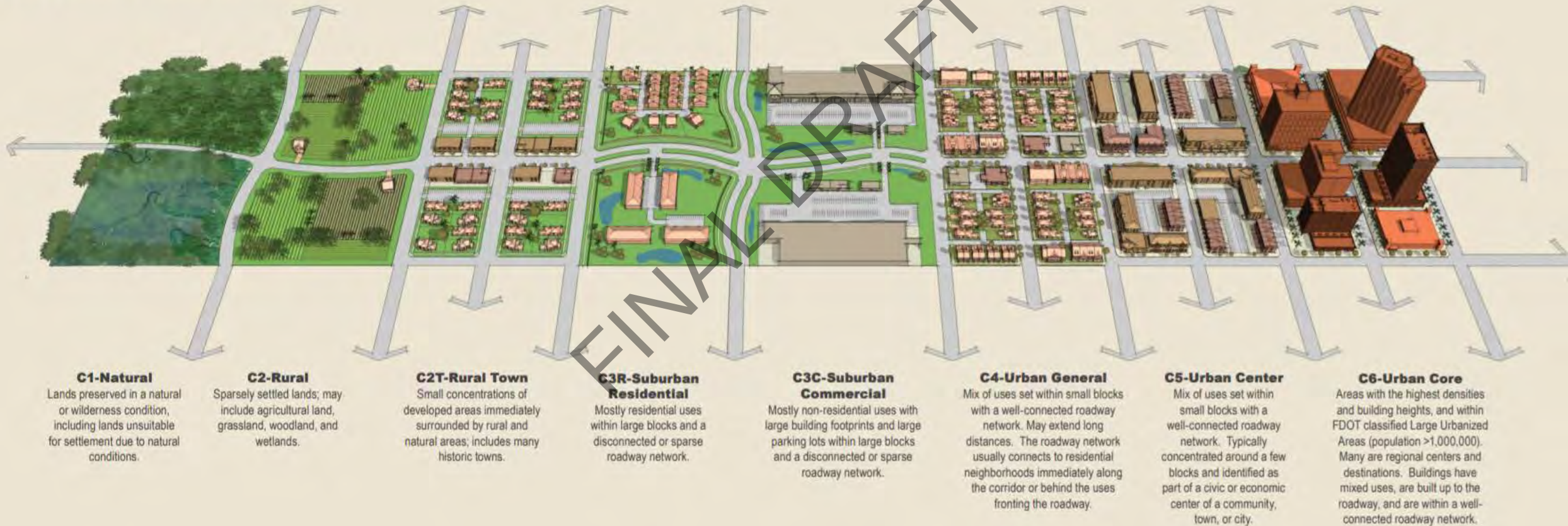
- Safety Improvements
- Crossings and Neighborhood Connections
- Dedicated/Enhanced Space for People Walking and Biking
- Beautification/Comfort/Shade

Other Improvements

- Clear walkways
- Lighting improvements
- Flooding
- Driveway Consolidation and CleanUp

Corridor Context

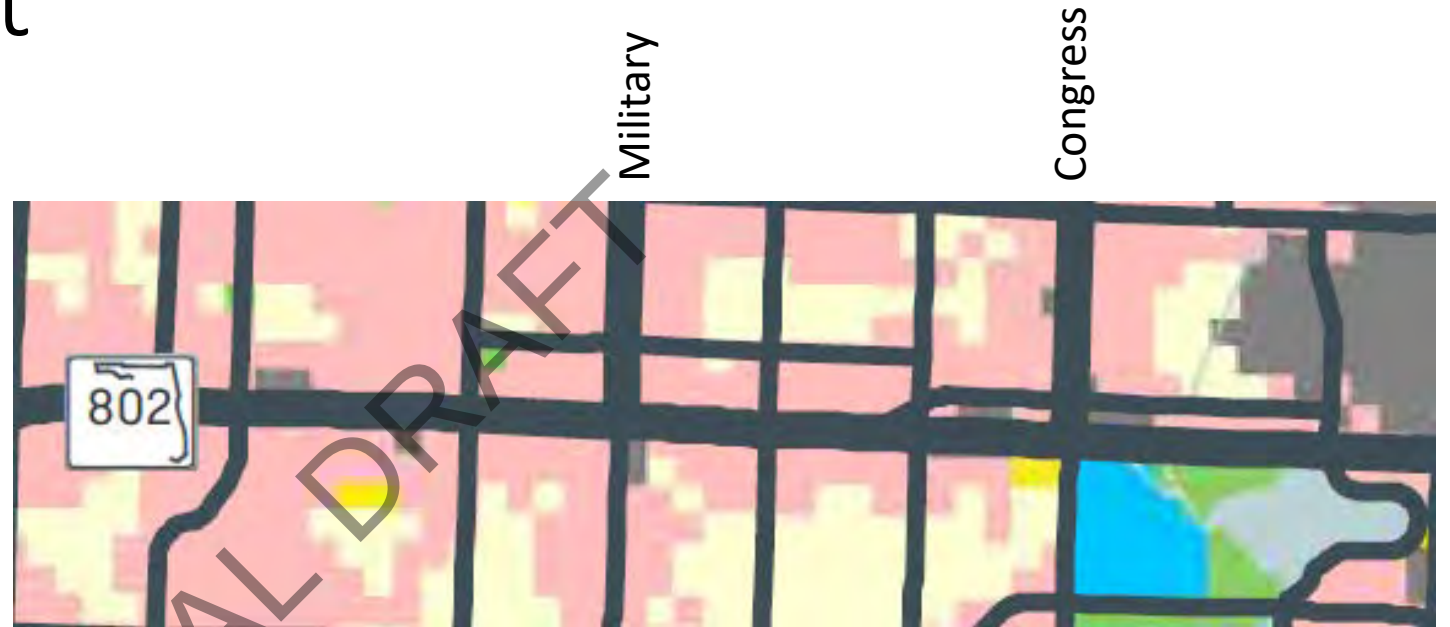
FDOT CONTEXT CLASSIFICATIONS



Corridor Context

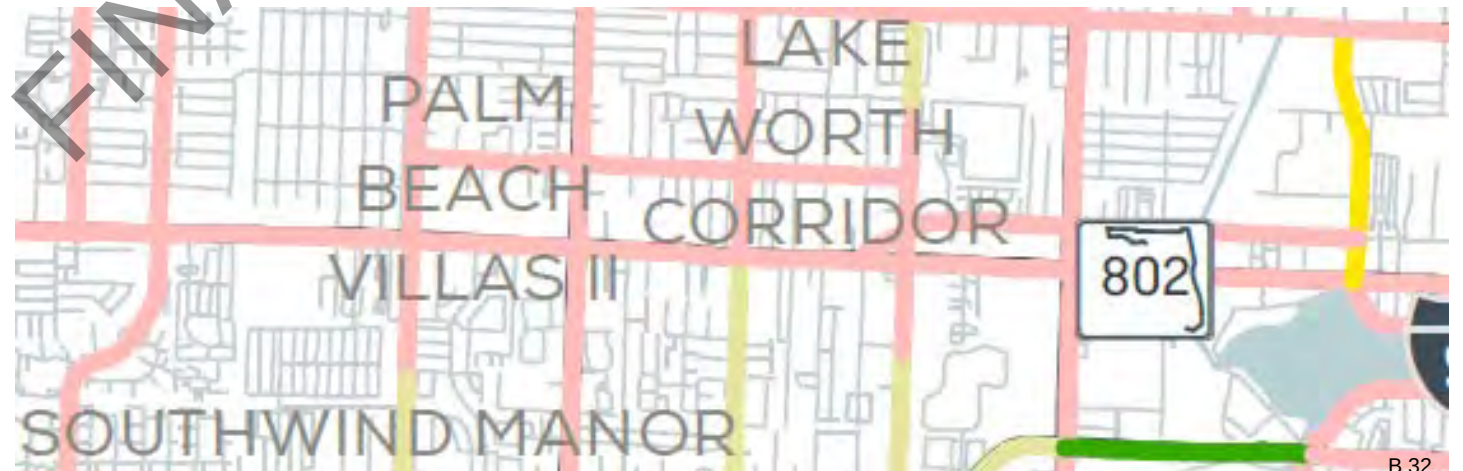
Land Use

- C4 – General Urban



Roadway Classification

- C4 – General Urban



Corridor Context

Topic #625-000-002
FDOT Design Manual

January 1, 2018

Table 201.4.1 Design Speed

Limited Access Facilities (Interstates, Freeways, and Expressways)		
Area	Allowable Range (mph)	SIS Minimum (mph)
Rural and Urban	70	70
Urbanized	50-70	60
Arterials and Collectors		
Context Classification	Allowable Range (mph)	SIS Minimum (mph)
C1 Natural	55-70	65
C2 Rural	55-70	65
C2T Rural Town	25-45	40
C3 Suburban	35-55	50
C4 Urban General	30-45	45
C5 Urban Center	25-35	35
C6 Urban Core	25-30	30

Topic #625-000-002
FDOT Design Manual

January 1, 2018

Table 210.2.1 – Minimum Travel and Auxiliary Lane Widths

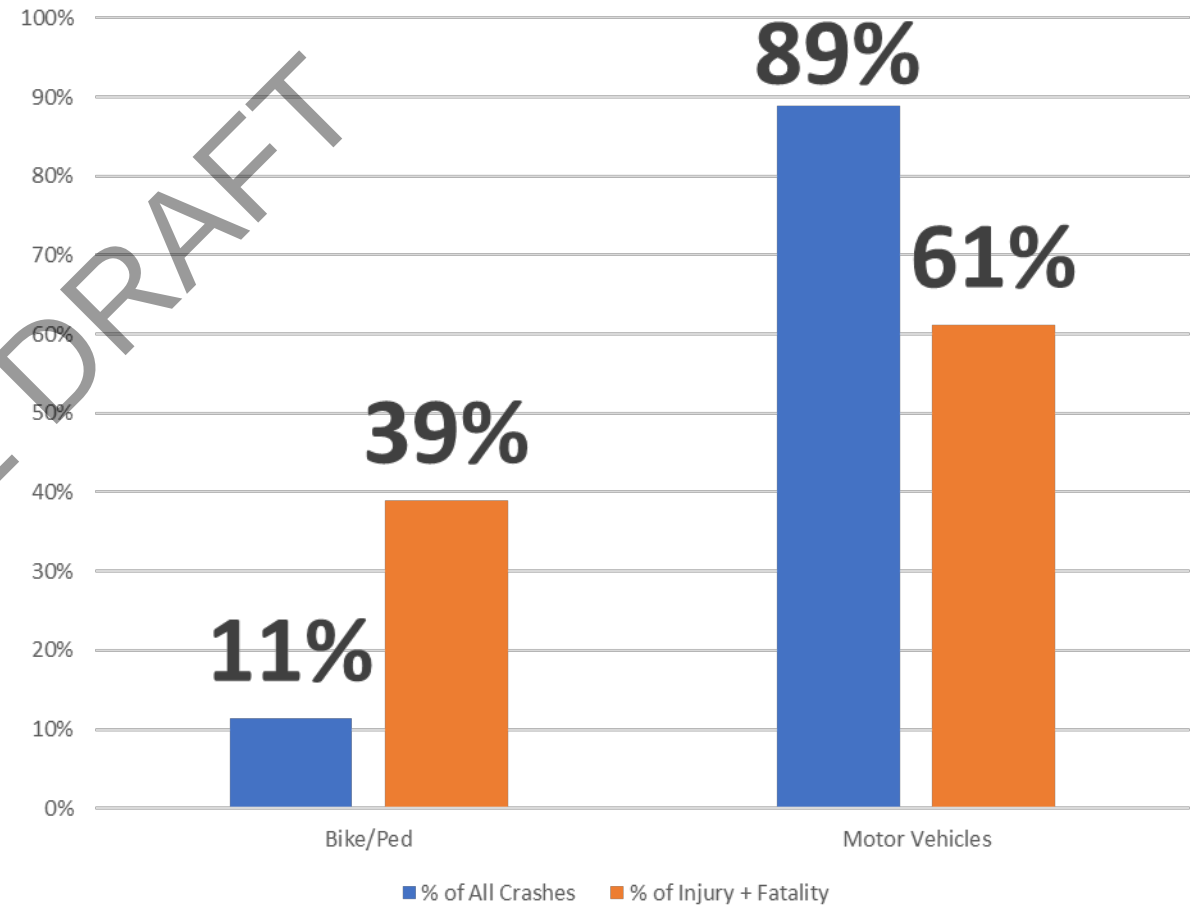
Context Classification		Travel (feet)			Auxiliary (feet)			Two-Way Left Turn (feet)	
		Design Speed (mph)			Design Speed (mph)			Design Speed (mph)	
		25-35	40-45	≥ 50	25-35	40-45	≥ 50	25-35	40
C1	Natural	11	11	12	11	11	12	N/A	
C2	Rural	11	11	12	11	11	12		
C2T	Rural Town	11	11	12	11	11	12	12	12
C3	Suburban	10	11	12	10	11	12	11	12
C4	Urban General	10	11	12	10	11	12	11	12
C5	Urban Center	10	11	12	10	11	12	11	12
C6	Urban Core	10	11	12	10	11	12	11	12

Travel Lanes:

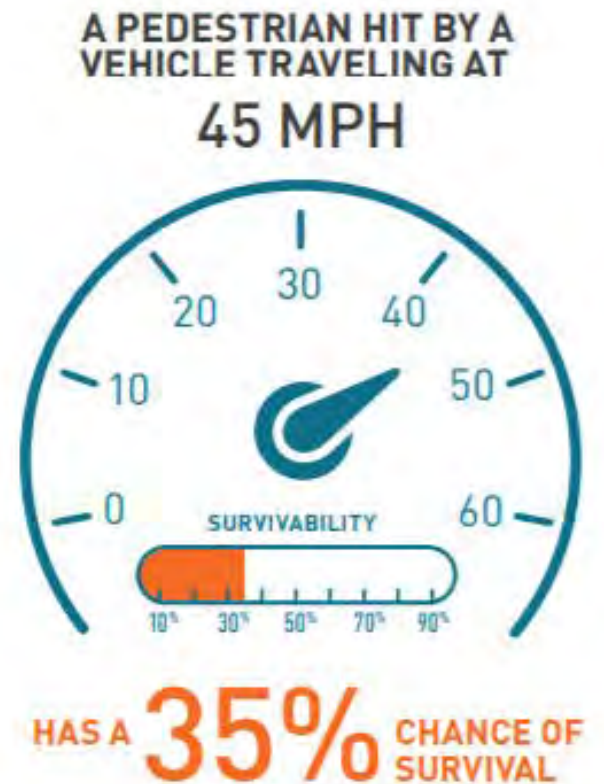
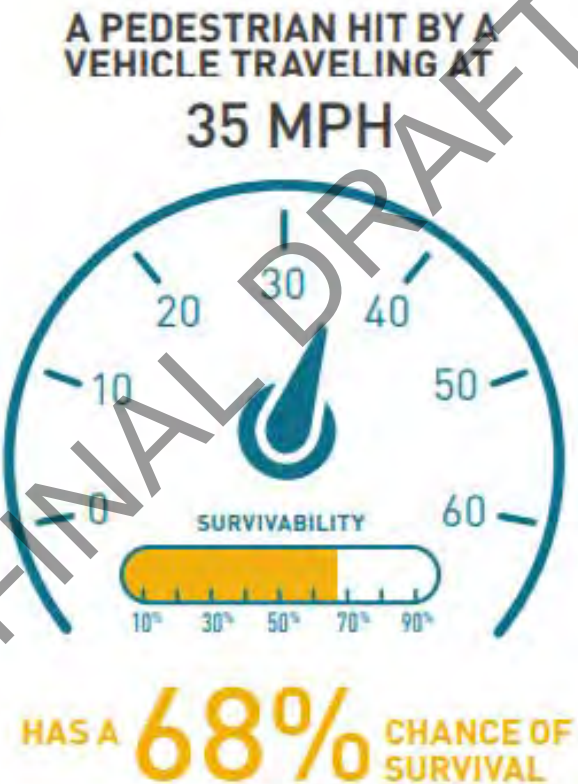
- (1) Minimum 11-foot travel lanes on designated freight corridors, SIS facilities, or when truck volume exceeds 10% with design speed 25-35 mph (regardless of context).
- (2) Minimum 12-foot travel lanes on all undivided 2-lane, 2-way roadways (for all context classifications and design speeds). However, 11-foot lanes may be used on 2-lane, 2-way curbed roadways that have adjacent buffered bicycle lanes.
- (3) 10-foot travel lanes are typically provided on very low speed roadways, but should consider wider lanes when transit is present or truck volume exceeds 10%.
- (4) Travel lanes should not exceed 14 feet in width.

Safety Summary

- Avg. **108 crashes** per year over 5 years
- Crash approx. **every 3 days**
- **7% of all crashes** involve a serious injury or fatality



Impact of Speed on Chance of Survival



Speed impacts the safety of all users of the street.

Posted Speed vs Actual Speed



Crossings and Neighborhood Connections



Dedicated/Enhanced Space for People



3'



5'

Decision 1:Cross Section Selection

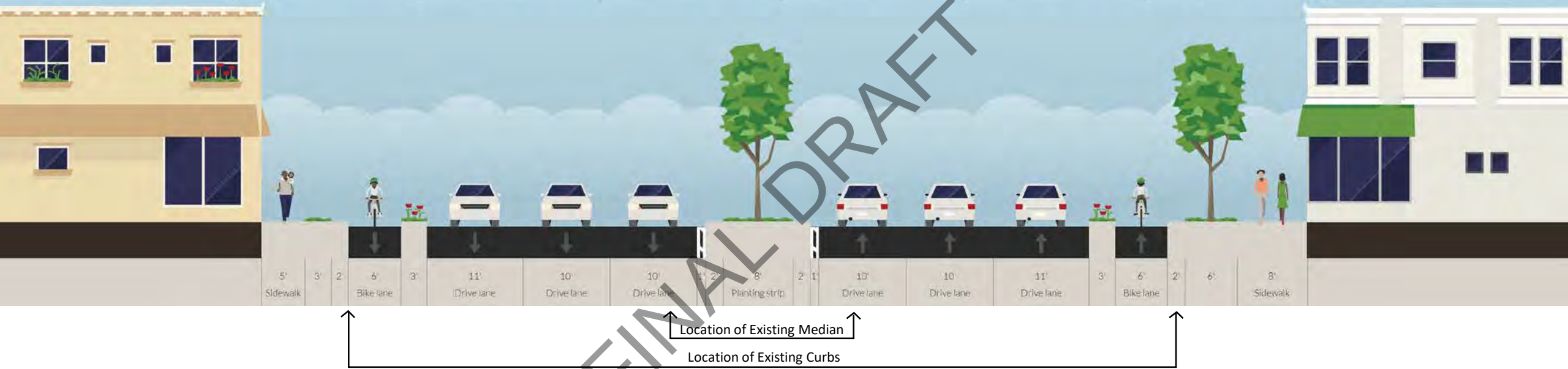
FINAL DRAFT

Lake Worth Rd - Existing Conditions

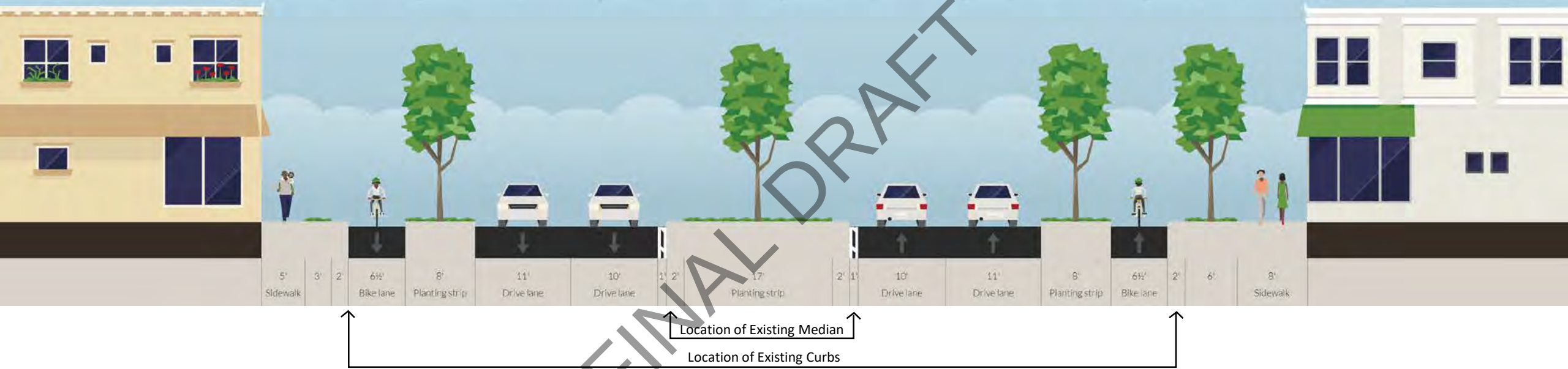


- 6 11' wide through lanes
- Landscaped median with left turn pockets (dual left turn lanes at major intersections)
- 3' shoulders
- 5' sidewalk with 3' planted buffer (typical) on the north side
- 8' sidewalk with 5' planted buffer (typical) on the south side
- 40-45,000 AADT
- Formal pedestrian crossings spaced between $\frac{1}{4}$ - $\frac{1}{2}$ mile, on average

Lake Worth Rd – Complete Street: Reduced Median



Lake Worth Rd – Complete Street: Road Diet

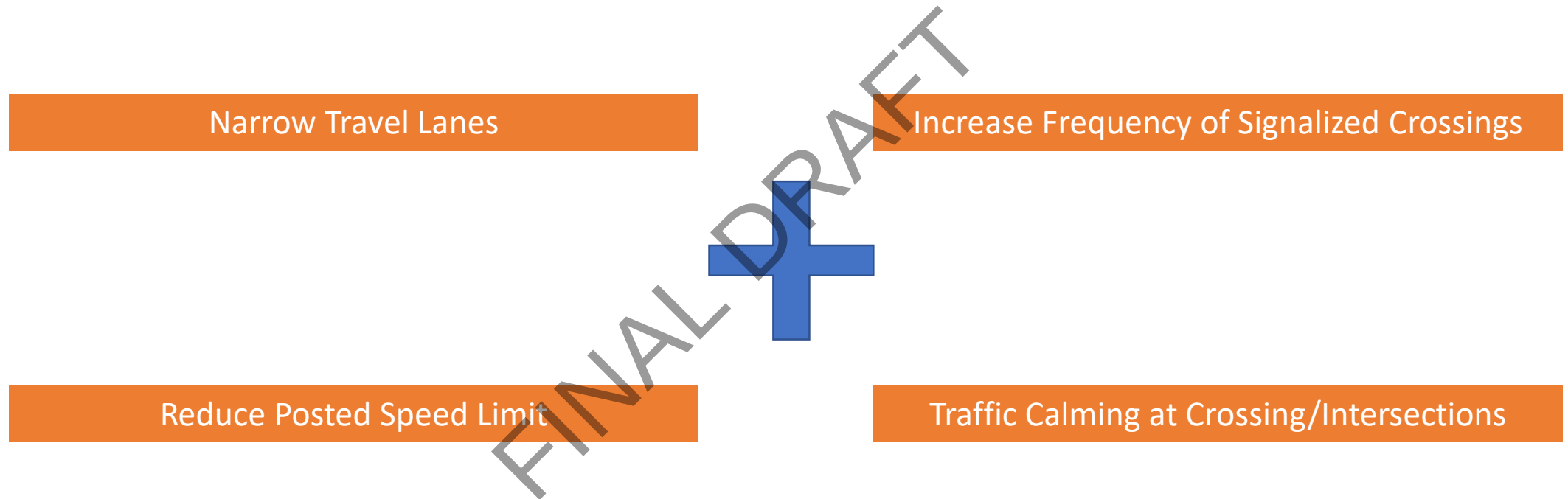


Decision 2: Crossings

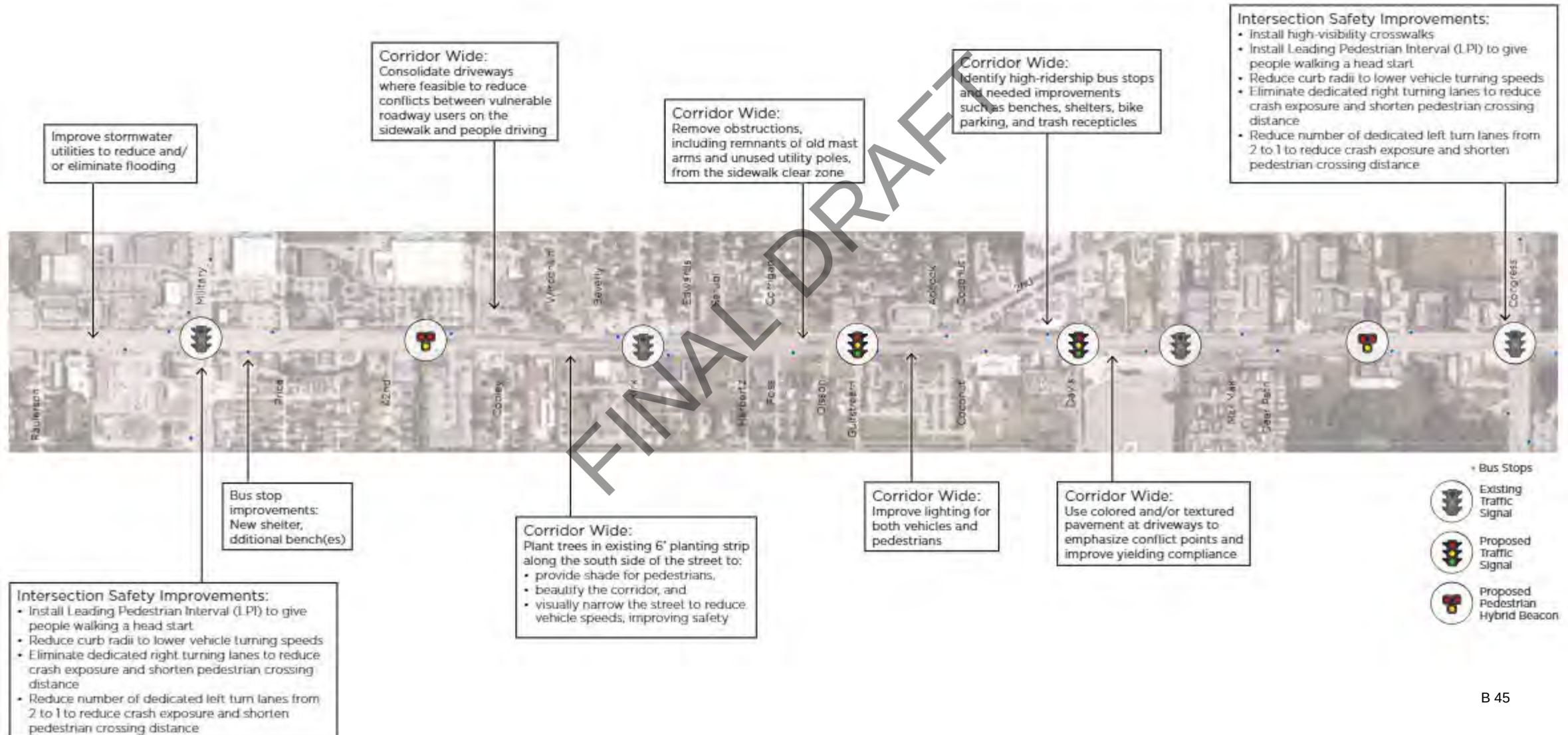
- Increase Frequency of Crossings
- Crossing Design
- Design @ Davis

FINAL DRAFT

Decision 2: Crossings – Traffic Calming



Decision 2: Crossings - Locations



Decision 2: Crossings - Crossing Design

Painted Crossings/Intersections



Decision 2: Crossings – Crossing Design

Pedestrian Hybrid Beacons

Tampa, Florida
Google, Inc.
Street View - Jun 2017

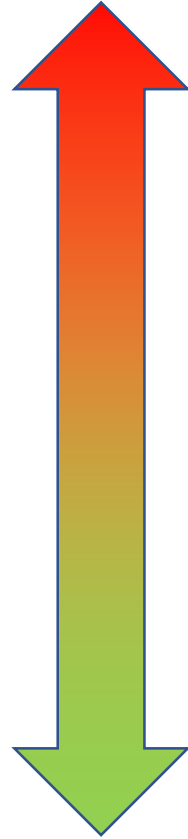


Decision 2: Crossings – Crossing @ Davis



Decision 3: Major Intersections

Greatest Impact on
Vehicular
Capacity/Greatest
Impact on Safety



Least Impact on
Vehicular
Capacity/Least
Impact on Safety

- Reduce number of through lanes
- Remove one left turn lane
- Remove dedicated right turn lanes
- Leading Pedestrian intervals
- Reduce turning radius



Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

MIKE DEW
SECRETARY

November 8, 2018

Mr. Nick Uhren, P.E.
Palm Beach Transportation Planning Agency (TPA)
2300 North Jog Road – 4th Floor
West Palm Beach, FL 33411

Dear Mr. Uhren:

RE: TPA Resolution 2018-17, Lake Worth Road Corridor Design Study

This is in response to your October 25, 2018 letter requesting the Florida Department of Transportation (Department) to accommodate the TPA's resolution relating to design speed and complete street design elements, on the above-mentioned corridor.

The November 5, 2018 meeting (attended by you and Ms. Kim DeLaney) provided the Department's Design Team with a better understanding of the TPA's vision for the corridor. This will greatly assist in our evaluation of the median, through lane, and bicycle lane widths that could accomplish the desired effect, without having to lower the design speed. As you are aware, the Department is currently evaluating available data, including crash history, along with potential approaches that could achieve the TPA's and stakeholders' vision for the corridor. Our design team will continue to work with you and other stakeholders to assess viable typical section options and define the scope for the project.

The Department looks forward to continued cooperation with the Palm Beach TPA on this project. Please feel free to contact the Department's project manager Scott Thurman at (954) 777-4135 or via email at scott.thurman@dot.state.fl.us, for any additional information.

Sincerely,

Gerry O'Reilly, P.E.
District Four Secretary

GO:stj

cc: Michael Busha, Executive Director – Treasure Coast Regional Planning Council
Kim DeLaney, Ph.D., Director of Strategic Dev. & Policy – Treasure Coast Regional Planning Council
Mayur Patel, P.E., District Planning and Environmental Administrator – FDOT
Steve Braun, P.E., District Design Engineer – FDOT
Scott Thurman, P.E., Project Manager – FDOT

GovQA #: W011076 102618

RESOLUTION NO. 2018-24

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, SUPPORTING A REQUEST TO HAVE A SAFETY STUDY CONDUCTED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LAKE WORTH ROAD IN CONSIDERATION OF A SPEED REDUCTION; PROVIDING FOR TRANSMITTAL TO THE VILLAGE OF PALM SPRINGS AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake Worth Road Corridor is a primary corridor through the City of Greenacres; and

WHEREAS, the Lake Worth Road Corridor provides a "front door" welcome to residents and visitors to the City of Greenacres; and

WHEREAS, Lake Worth Road provides an essential connection from the Florida Turnpike, as well as the county's western Palm Beach County communities, through the City of Greenacres to the eastern portion of Palm Beach County; and

WHEREAS, Lake Worth Road corridor also provides direct connections to LC Swain Middle School and indirect connections to Greenacres Elementary School for bicycle and pedestrian traffic; and

WHEREAS, there is substantial pedestrian and cyclist activity on Lake Worth Road for residential, commercial, educational, institutional, recreational, and other purposes; and

WHEREAS, the Lake Worth Road Corridor has been identified as one of the most dangerous roadways in Palm Beach County by the Palm Beach TPA due to the high number and severity of accidents on the corridor; and

WHEREAS, there is a direct correlation between the speed of a roadway, roadway design, and the number and severity of accidents, including pedestrian and cyclist fatalities; and

WHEREAS, the current posted speed on Lake Worth Road within the City of Greenacres is 45 MPH; and

WHEREAS, the current posted speed on Lake Worth Road within the Village of Palm Springs along the portion of Lake Worth Road from South Military Trail to Congress Avenue is 40 MPH speed, and 35 MPH along the portion of Lake Worth Road from Congress Avenue east; and

WHEREAS, the portion of Lake Worth Road from Congress Avenue west through the City of Greenacres has urban characteristics; a high degree of pedestrian, cyclist, and transit usage; a significant number of driveways; and a history of severe accidents, including pedestrian and cycling fatalities; and

WHEREAS, Lake Worth is a state roadway, falling under the jurisdiction of FDOT for design, maintenance, and vehicular speed designations; and

WHEREAS, in July 2018, FDOT will begin an analysis to "Resurface, Restore and Rehabilitate" (RRR) Lake Worth Road from Raulerson Drive to Congress Avenue, including a portion within the City of Greenacres; and

WHEREAS, the Village of Palm Springs desires to reduce the speed limit on the portion of Lake Worth Road that traverses their jurisdiction to 35 MPH; and

WHEREAS, a 35 MPH designation for this portion of Lake Worth Road would require slower speed vehicular traffic and the narrowing of vehicular travel lanes, which would provide a safer condition on the roadway; and

WHEREAS, the City of Greenacres is working with the Village of Palm Springs and other agencies to address the significant safety concerns associated with Lake Worth Road; and

WHEREAS, the Village of Palm Springs is requesting FDOT reduce the posted and design speed of its portion of Lake Worth Road from 40 MPH to 35 MPH in order to improve the safety of the corridor and provide the ability to make design modifications; and

WHEREAS, the City of Greenacres considers safety of residents and visitors to be of the utmost priority; and

WHEREAS, a design and posted speed of 35 MPH would help improve the safety of Lake Worth Road within the Village of Palm Springs; and

WHEREAS, a reduction in the design and posted speed limit of Lake Worth Road within the City of Greenacres would also improve the safety of the roadway;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Section 1. The City of Greenacres requests FDOT initiate a "safety study" to evaluate the conditions on Lake Worth Road; and

Section 2. The FDOT safety study consider the unique conditions present along the corridor, including schools, the high number of destinations, the high number of driveways, the high and increasing amount of pedestrian, cyclist, and transit usage, and the visual impacts of sunset for westbound afternoon drivers.

Section 3. A speed reduction to 35 MPH shall be considered as part of the design plans for the planned FDOT RRR project for the subject portion of Lake Worth Road.

Section 4. This resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this 6th day of August, 2018.

Voted



 Joel Flores
 Mayor



 Paula Bousquet
 Deputy Mayor

(yes)

Attest:



 Joanna Cunningham
 City Clerk



 John Tharp
 Council Member, District I

(yes)





 Peter Noble
 Council Member, District II

(yes)



 Judith Dugo
 Council Member, District III

(no)



 Jonathan G. Pearce
 Council Member, District IV

(no)

Approved as to Form and Legal Sufficiency:



 Glen J. Torcivia
 City Attorney



Village of Palm Springs

"a great place to call home"

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561.965.4010 • Fax 561.965.0899

September 26, 2018

The Honorable Gerry O'Reilly
District Secretary
FDOT District 4
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

RE: Request for Speed Reduction on Lake Worth Road (State Road 802)

Dear District Secretary O'Reilly:

I am writing to formally request the Florida Department of Transportation (FDOT) consider a request by the Village Council of the Village of Palm Springs to reduce the posted and design speed on the portion of Lake Worth Road that traverses the Village (E-4 Keller Canal west to Military Trail). This request is being made following unanimous approval of Resolution No. 2018-21 on July 12, 2018 by the Village of Palm Springs Village Council.

This corridor was annexed into the Village limits in 2014 and has been a safety concern for our community and our Police Department since its incorporation. Additionally, the long-standing safety issues that are being experienced have existed for a number of years prior to the roadway coming into the Village; therefore, something to improve the safety for those utilizing this road must be done as soon as possible.

Recently, the Palm Beach Metropolitan Planning Organization (MPO) (renamed as the Palm Beach Transportation Planning Agency) conducted a Pedestrian and Bicycle Safety Study (in 2017) that identified Lake Worth Road as a "high crash corridor." Further, this section of Lake Worth Road has become so dangerous that it has been labeled as the "Corridor of Death" as a result of a WPBF25 (television) news investigative report¹.

Since January 2016 to present, our Police Department has responded to 515 crashes, including 143 injuries and 2 fatalities. Additionally, from January 2013 to September 2018 (present) there have been 21 traffic fatalities. The investigating agencies for these traffic fatalities include: 11 worked by the Palm Springs Police Department, 6 worked by the Florida Highway Patrol and 4 worked by the Palm Beach County Sheriff's Office.

¹ WPBF25 reported 50 crashes along the road from August 2008 to January 2009.



Village of Palm Springs

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As a result, the total number of accidents that are occurring along this road is significantly impacting the safety and lives of our community residents, businesses, students, visitors and stakeholders. Thus, improving pedestrian and bicycle deficiencies as part of the FDOT's planned Resurfacing, Restoration and Rehabilitation (RRR) Project for Lake Worth Road is timely and, in fact, warranted due to the significant existing safety concerns and the high number of Village and unincorporated residents who live in this area and depend on this roadway (i.e., walk, bike, public transit, school bus transit, etc.) to shop, go to work and attend school (public school as well as Palm Beach State College).

We strongly believe that by our request to reduce speed limits into the FDOT's upcoming RRR project for Lake Worth Road would be consistent with FDOT's Complete Streets Policy and Design Manual while also enabling the FDOT and the Village of Palm Springs (and other surrounding local governments and state agencies) to work collaboratively to provide a safer and healthier roadway that does not consistently endanger our residents.

I appreciate your consideration of our community's request that the FDOT consider a speed reduction as part of the design plans for the RRR project on this dangerous portion of Lake Worth Road. We are working to continuously improve the livability of our region of Palm Beach County and FDOT taking on this action would make a big impact in achieving this goal.

Thank you for your ongoing support of our Village and for your consideration to providing a safe, multi-modal corridor for our residents, businesses, students, visitors and stakeholders.

Sincerely,

Bev Smith
Mayor

Attachment

- c: The Honorable Rick Scott, Governor of the State of Florida
- The Honorable Mike Dew, Secretary of the Florida Department of Transportation
- Village of Palm Springs Village Council
- The Honorable Lori Berman, Florida Senator - District 31
- The Honorable David Silvers, Florida House of Representative - District 87
- The Honorable Melissa McKinlay, Mayor, and Members of the Palm Beach County Board of County Commissioners
- The Honorable David Kerner, Commissioner - Palm Beach County Board of County Commissioners



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The Honorable Joel Flores, Mayor - City of Greenacres
The Honorable Pam Triolo, Mayor – City of Lake Worth
The Honorable Anne Gerwig – President – The Palm Beach County League of Cities
Richard J. Reade, Village Manager – Village of Palm Springs
Andrea McCue, City Manager - City of Greenacres
Mike Bornstein, City Manager – City of Lake Worth
Verdenia Baker, County Administrator - Palm Beach County Board of County Commissioners
Glen Torcivia, Village Attorney - Village of Palm Springs
Ava Parker, President – Palm Beach State College
Steve Braun, Planning & Environmental Engineer - FDOT District 4
Scott Thurman, Project Manager - FDOT District 4
Nick Uhren, Executive Director - Palm Beach Transportation Planning Agency
Richard Radcliffe, Executive Director – The Palm Beach County League of Cities
Thomas Lanahan, Executive Director - Treasure Coast Regional Planning Council
Kim DeLaney, Director of Strategic Development & Policy - Treasure Coast Regional Planning Agency

FINAL DRAFT

RESOLUTION NO. 2018-21

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS SUPPORTING A REQUEST TO HAVE A SAFETY STUDY CONDUCTED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LAKE WORTH ROAD IN CONSIDERATION OF A SPEED REDUCTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake Worth Road Corridor is a primary corridor through the Village of Palm Springs; and

WHEREAS, the Lake Worth Road Corridor provides a "front door" welcome to residents and visitors to the Village of Palm Springs; and

WHEREAS, Lake Worth Road provides an essential connection from the Florida Turnpike to the Village of Palm Springs; and

WHEREAS, Lake Worth Road provides direct connections to schools, neighborhoods and destinations in the Village of Palm Springs; and

WHEREAS, there is substantial pedestrian and cyclist activity on Lake Worth Road for residential, commercial, educational, institutional, recreational, and other purposes; and

WHEREAS, the Lake Worth Road Corridor has been identified as one of the most dangerous roadways in Palm Beach County by the Palm Beach TPA due to the high number and severity of accidents on the corridor; and

WHEREAS, there is a direct correlation between the speed of a roadway, roadway design, and the number and severity of accidents, including pedestrian and cyclist fatalities; and

WHEREAS, the current posted speed on Lake Worth Road is 45 MPH; and

WHEREAS, the portion of Lake Worth Road from Congress Avenue west through the Village of Palm Springs has urban characteristics; a high degree of pedestrian, cyclist, and transit usage; a significant number of driveways; and a history of severe accidents, including pedestrian and cycling fatalities; and

WHEREAS, Lake Worth is a state roadway, falling under the jurisdiction of FDOT for design, maintenance, and vehicular speed designations; and

WHEREAS, in July 2018, FDOT will begin an analysis to "Resurface, Restore and Rehabilitate" (RRR) Lake Worth Road from Raulerson Drive to Congress Avenue, including a portion within the Village of Palm Springs; and

WHEREAS, a 35 MPH designation for this portion of Lake Worth Road would require slower speed vehicular traffic and enable the narrowing of vehicular travel lanes, which would provide a safer condition on the roadway; and

WHEREAS, the Village of Palm Springs is working with the City of Greenacres and other agencies to address the significant safety concerns associated with Lake Worth Road; and

WHEREAS, the Village of Palm Springs, through which Lake Worth traverses is requesting FDOT reduce the posted and design speed of its portion of Lake Worth Road from 45 MPH to 35 MPH to improve the safety of the corridor; and

WHEREAS, that portion of Lake Worth Road from Congress Avenue east has a posted speed of 35 MPH; and

WHEREAS, the Village of Palm Springs considers safety of residents and visitors to be of the utmost priority; and

WHEREAS, a design and posted speed of 35 MPH would help improve the safety of Lake Worth Road.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, as follows:

Section 1. The Village of Palm Springs requests FDOT initiate a "safety study" to evaluate the conditions on Lake Worth Road.

Section 2. The FDOT safety study consider the unique conditions present along the corridor, including schools, the high number of destinations, the high number of driveways, the high and increasing amount of pedestrian, cyclist, and transit usage; the visual impacts of sunset for westbound afternoon drivers.

Section 3. A speed reduction to 35 MPH be considered as part of the design plans for the planned FDOT RRR project for the subject portion of Lake Worth Road.

Section 4. This Resolution shall take effect immediately upon adoption. Council Member Gunther offered the foregoing resolution. Council Member Waller seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☒	☐	☐
DOUG GUNTHER, VICE MAYOR	☒	☐	☐
JONI BRINKMAN, MAYOR PRO TEM	☒	☐	☐
PATTI WALLER, COUNCIL MEMBER	☒	☐	☐
LIZ SHIELDS, COUNCIL MEMBER	☐	☐	☒

The Mayor thereupon declared this Resolution duly passed and adopted this 12th day of JULY, 2018.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____

BEV SMITH, MAYOR

ATTEST:

BY: _____

KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: _____

GLEN J. TORCIVIA, VILLAGE ATTORNEY



Appendix C

Scope of 3R Project 441632-1

FINAL DRAFT

Current Approved Project Scope (Click to collapse)

Scope Definition:	This RRR project is located in Palm Beach County. Limits are from Raulerson Drive (MP 5.504) to Palm Beach State College entrance (MP 7.357). SR 802 is classified as an urban principal arterial other throughout the limits of the project. The corridor is comprised of a 6-lane section (3-lanes in each direction), with auxiliary lanes. There are no designated bike lanes, but there are 'Share Road' signs within the project limits. There is curb and gutter type F and Type E on the outside and inside, respectively. The posted speed limit for the corridor is 40 MPH.	
Scope Elements:	ADA	Sidewalk on both sides from the beginning to the end of the project. The curb ramps will need to be upgraded to have detectable warnings at Military Trail, Kirk Road, Coconut Road and Davis Road.
	Context Sensitive Solutions	To assist the department in helping to meet stakeholders expectations regarding miscellaneous aesthetics and decorative features, as well as pedestrian, bicyclist and transit friendly options. This process will emphasize and encourage discussions among inter- disciplinary professions, local government officials, homeowners and business associations and other local interest groups regarding but not limited to; miscellaneous aesthetics, decorative features, and pedestrian friendly options.
	Drainage	The urban section of the project features a closed drainage system with type F curb and gutter on the outside and curb drainage structures. No modifications needed.
	Landscaping/Hardscape	Landscape medians are present within the project limits. No modifications needed.
	Lighting	Lighting is provided on both sides of the roadway the entire length of the project.
	Signalization	There are 4 signalized intersection, and 1 signalized mid-block crossing within the project limits. The signals at Kirk Road are strain poles, and the other 3 are mast arms. The mid-block crossing signals are mounted on concrete poles. All signal heads will need to be upgrade to have back-plates to meet current standards.
	Signing and Marking	Existing signs to be replaced only based on condition and reflectivity. Pavement markings to be replaced due to milling and resurfacing and upgraded to current standards. There are no designated bike lanes within the corridor, but there are 'SHARE ROAD' bike signs throughout.
	Transit/Modal	Palm Beach County's Public Transportation system has several bus stop locations within the project limits on both sides of the roadway. 10 bus stop locations will require bus pad connections from the back of curb to the face of the sidewalk.
	Typical Section	The typical section consists of 6 travel lanes (3 in each direction), with widths of 3-11' lanes and auxiliary lanes for left and right turn movements. There is type F curb and gutter on the outside and Type E curb and gutter on the inside for both directions. The median is 22', with a combination of traffic separator/lanes and some landscaping. 5' (minimum width) concrete sidewalk is found in both directions.
	Utilities	Overhead utilities are present throughout the project limits. Underground utilities including water and sewer were observed.
	Roadway	Mill and resurface 2.50" the entire project (final pavement design will be determined during the design phase). Type F and Type E curb and gutter are in good condition.
	Sidewalks	There is 5' minimum sidewalk on both sides of the roadway. Reconstruction of a few concrete driveways are needed.

Appendix D

Proposed Locations for Pedestrian Signalized Crossings

FINAL DRAFT

