



RESOLUTION NO. 2021-041

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, REQUIRING TOWN COMMISSION REVIEW AND APPROVAL OF RIGHT-OF-WAY PERMITS FOR CONSTRUCTION OF IMPROVEMENTS OR PLACEMENT OF TREES IN NEW LOCATIONS WITHIN THE STATE ROAD A1A RIGHT-OF-WAY; PROVIDING FOR AUTOMATIC REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 12-12 of the Town Code of Ordinances provides that no person or entity shall construct in the public right-of-way without first obtaining, prior to the commencement of any work, a right-of-way permit from the Town for such activity if required by Section 25-1 of the Town Code; and

WHEREAS, Section 25-1 of the Town Code provides that it shall be unlawful to construct improvements or install trees in new locations within public rights-of-way, including swales, without first obtaining a right-of-way permit from the Building Department unless waived or otherwise determined as not required by the Town's Public Works Director; and

WHEREAS, within the next two to three years, the Florida Department of Transportation ("FDOT") will be initiating a Resurfacing, Restoration and Rehabilitation Project ("RRR Project") and associated drainage improvements along State Road A1A within the Town's municipal limits and the Town Commission wishes to work collaboratively with the Florida Department of Transportation in this endeavor; and

WHEREAS, until such time as the RRR Project is completed, the Town Commission wishes to review all requests for construction of improvements or for the installation of trees in new locations within the State Road A1A right-of-way; and

WHEREAS, the Town Commission determines that the adoption of this Resolution benefits the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, THAT:

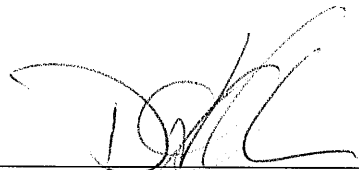
Section 1. The foregoing “WHEREAS” clauses are true and correct and hereby ratified and confirmed by the Town Commission.

Section 2. Commencing with the effective date of this Resolution, all requests to construct improvements or install trees in new locations within the State Road A1A right-of-way shall be reviewed and approved by the Town Commission, in lieu of the Town’s Public Works Director, prior to the issuance of any right-of-way permit by the Town’s Building Department.

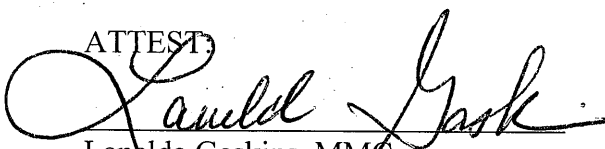
Section 3. The provisions of this Resolution shall remain in full force and effect until the Florida Department of Transportation’s completion of the RRR Project within the Town’s municipal limits (estimated to be July 2025), at which time this Resolution shall automatically be repealed without any further action by the Town Commission.

Section 4. This Resolution shall be effective immediately upon adoption.

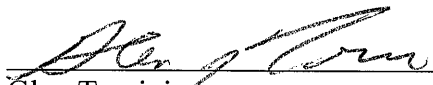
DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this 7th day of December 2021.



Douglas Hillman, Mayor

ATTEST:


Lanelda Gaskins, MMC
Town Clerk

REVIEWED FOR LEGAL SUFFICIENCY:


Glen Torcivia
Town Attorney

VOTES:	YES	NO
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	