

INTRA-OFFICE MEMORANDUM

DATE: August 30, 2016

TO: Traffic Division Growth Management Personnel and any other related Division Employees

THRU: Tanya McConnell, P.E., Deputy County Engineer
Palm Beach County Engineering & Public Works

FROM: Quazi Bari, P.E. – Professional Engineer
Traffic Division

CC: Leonard Berger, Chief Assistant County Attorney
Palm Beach County Attorney's Office

RE: **Proportionate Share Agreement Preparation**

The following are instructions for preparing a proportionate Share Agreement. This information is meant to be distributed to the developers/consultants/agents to inform them about the process, whenever necessary.

Once a determination has been made that the project requires a proportionate share payment and the amounts of that payment, along with phasing(s) of the project to make those payment(s) have been identified in the traffic study, the Developer should start preparing a proportionate Share Agreement. Note that a minimum of 3 original Proportionate Share agreements, fully executed by the applicant, are required to be delivered to the Traffic Division before the project could be considered meeting Traffic Performance Standards and could be certified in the ePZB. Follow the steps below to prepare this agreement. Note that this agreement does not need to be given to the Zoning Division for them to upload on the ePZB as part of any submittal/resubmittal at any point of the agreement preparation process. Preparation of this agreement may require substantial amount of time and effort and should be accommodated in the project certification schedule with adequate time for such. Note that there is no rush service available for preparing this agreement.

1. Contact the Traffic Division for the latest approved Form Agreement. Note that even if you were supplied with a Form Agreement in the past for another project, you are required to obtain a new one from the Traffic Division every time, unless notified by a Traffic Division personnel otherwise.
2. Fill out the relevant sections of the agreement (leave out the agreement date in the introductory paragraph and effective date in Section 18). Contact the Traffic Division, if needed, for the traffic study approval date.

3. Before having the agreement signed by the Developer and having it notarized, send a copy by email to the Traffic Division for review of the Terms and Conditions (mostly Section 3 of the agreement).
4. Once the verification is complete and accepted by the Traffic Division, it will be forwarded through email by the Traffic Division to the County Attorney's Office for their review of the entire document. County Attorney's office, and the Traffic Division as necessary, will directly deal with the Developer's Agent/Legal Counsel for any further modifications required to the agreement. This could be accomplished through email communications among the parties.
5. Once the agreement is deemed acceptable by all the parties for Terms and Conditions and Legal Sufficiency, a minimum of 3 originals must be produced by the Developer. Each Developer(s') signature must be witnessed and notarized. If you need more than one original returned to you at the end of the process, submit additional originals accordingly. Submit all the originals to the Traffic Division. Once all the original signed and notarized complete agreements are received by the Traffic Division by project certification deadline date, Traffic Division will resolve the related issue on ePZB and the project will be deemed certified at that point, provided all the other issues (e.g., site related) have been resolved by that time.
6. After receiving the above, Engineering Office will sign for Terms and Conditions (initialed by the Senior Professional Engineer and Signed by the Deputy County Engineer) and all the originals will be forwarded by the Division to the County Attorney's Office for their signature. County Attorney's Office will then forward the originals to the County Administrator for signature making the agreement effective. Administration will keep one original and return the rest of the originals to the Traffic Division. Traffic Division will keep one original and return the rest to the developer.
7. Note that County Administration can only approve the agreements that are substantially the same as the form agreement, as determined by the County. Proposed agreements that have been substantially changed must be approved by the BCC at a regularly scheduled meeting.
8. Traffic Division will add the agreements on the Receive and File agenda items at regularly scheduled BCC meetings on a quarterly basis or as convenient.

/sl

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