

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 27, 2007 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) an Interlocal Agreement with the City of Lake Worth (City) for the construction and operation of wells and a transmission pipeline at John Prince Memorial Park (Park);
- B) a Temporary Construction Easement in favor of the City across a portion of the land;
- C) Modification of Restrictions in Deed No. 18537-C from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT), to allow municipal wells and public utilities; and
- D) Modification of Restrictions in Deed No. 18516-G from the BOT, to allow municipal wells and public utilities, and to provide that no portion of the property be used for a performing educational arts center.

Summary: Pursuant to this Interlocal Agreement, the County will grant necessary easements to the City for the construction, operation and maintenance of up to four Floridan Aquifer wells and one surficial well at John Prince Memorial Park. This Interlocal Agreement will provide the City up to 20 years to request the easements from the County. Upon approval of the Interlocal Agreement and in exchange for the County's granting the easements, the City shall provide a \$200,000 credit for the benefit of the Parks and Recreation Department to use toward future water and sewer connection fees. This Temporary Construction Easement (TCE) will encumber several areas on the west side of Lake Osborne Drive between Lake Worth Road and Griswold Drive. The TCE will automatically terminate upon the earlier of the City's completion of the project or one year after the effective date. Upon completion of the well and pipeline installation, the City will provide the County with as-built drawings so the County can grant the City a permanent easement. The land for John Prince Memorial Park was conveyed to the County, by the BOT, with a deed restriction that the property be used for park and forest purposes. Both Modifications of Restrictions will modify the restrictions to include public utilities. Additionally, one Modification will provide that no portion of the property may be used for a performing educational arts center. The Parks and Recreation Department has reviewed and approved the location of the easement areas. The City's approval of the Interlocal Agreement and TCE is scheduled for consideration on February 6, 2007, and BOT's approval of the Modifications is scheduled for consideration on March 13, 2007. The Interlocal Agreement and TCE are contingent upon the BOT's approval of the Modifications of Restrictions. The Interlocal Agreement may be terminated by either party with 90 days prior written notice. (PREM) District 3 (JMB)

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Attachments:

- 1. Location Map
- 2. Interlocal Agreement
- 3. Temporary Construction Easement
- 4. Modification of Restrictions (Deed No. 18537-C)
- 5. Modification of Restrictions (Deed No.18516-G)

**Agenda item is more than 50 pages;
may be viewed in Administration.**

Recommended By: REH Annay Wolf 2/9/07
Department Director Date

Approved By: [Signature] 2/4/07
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>- 0 -</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X
 Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Upon execution of this agreement, the City of Lake Worth will issue a \$200,000 credit to the Palm Beach County Parks and Recreation Department to be used toward future water and sewer connection fees.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

James B. Bule 2-15-07
 OFMB ON 2/13/07
Jim J. Jacoby 2/20/07
 Contract Development and Control

B. Legal Sufficiency: This item complies with current County policies.

James Bule 2/21/07
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

Background and Justification: The Florida Department of Environmental Protection has ordered the City to construct an alternative water supply program. In August 2006, the City constructed a Floridan Aquifer Raw Water Well F-2, on City lands adjacent to the Park and the County granted the City a Temporary Construction Easement (R2006-1440) through a portion of the Park to construct the pipeline for Well F-2's connection to the City's water treatment plant. Construction of Well F-2 is on-going. Construction of Well F-3 is scheduled to commence in March 2007 and must be completed by August 1, 2007 in order for the City to receive funds under an alternative water supply grant from the South Florida Water Management District. This TCE consists of three areas: the first easement area, for the construction of Well F-3, is irregularly shaped running along the west right-of-way of Lake Osborne Drive and is approximately 290' x 50' (14,306 SF/0.33 acres); the second easement area, for a temporary asphalt path, is approximately 271.34' x 15' (4,070.74 SF/0.09 acres); and the third easement area, for construction of a pipeline is 40' x 2,177.94' (87,118.46 SF/2.00 acres). A pipeline will connect Well F-3 to Well F-2 and upon completion of the pipeline a permanent easement will be granted to the City which will include both of these areas. After the completion of the construction of Well F-2 and Well F-3 there remains three Floridan and one surficial well sites to be constructed within the Park property which will follow under separate agenda items at later dates, upon the City's request. The City's next well is anticipated to be constructed in approximately 2009. This Interlocal Agreement provides the Parks and Recreation Department a \$200,000 credit towards future connection fees due the City for County project needs within the City's service area. This credit will not be reduced based on any future reduction in the City's need to place wells at the Park or failure of the City to obtain any needed permits. The Park lands were deeded by the BOT in 1939 and 1940 respectively, Deed No. 18516 and Deed No. 18537. The deeds contain restrictions that limit the use of the property for park and forest purposes only with an automatic reversion to the BOT if used for any other purposes. The Modifications of Restrictions will allow the property to be used for public utilities, including municipal water wells, so long as such use does not materially interfere with the primary use of the property for park and forest purposes. The Modification of Restrictions for Deed No. 18516 also contains a provision that no portion of the property be used for a performing educational arts center, in effect rescinding a modification previously approved by BOT when a performing educational arts center was proposed to be constructed on a portion of the Park.