

Agenda Item #:

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: **December 18, 2007**

☒ **Consent** ☐ **Regular**
☐ **Ordinance** ☐ **Public Hearing**

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) an Assignment of Interest in Developer's Agreement with Habitat for Humanity of Palm Beach County, Inc.; and

B) an Assignment of Interest in Agreement for Water Service with Habitat for Humanity of Palm Beach County, Inc.

Summary: The County recently conveyed 6.64 acres of land located just south of Indiantown Road, commonly referred to as Kennedy Estates, to Habitat for Humanity for development of 27 zero lot line single family homes. The County installed infrastructure improvements to support this development, including water and sewer service. In connection therewith, the County entered into Developer Agreement P#541 with the Loxahatchee River Environmental Control District (R2003-0042) for sewer service to the property, and an Agreement for water service with the Town of Jupiter (R2003-0276). The County needs to assign the water and sewer service agreements to Habitat in order for Habitat to develop the property as required by its Agreement with the County (R2007-1726). **(PREM) District 1 (TKF)**

Background and Justification: On October 2, 2007, the Board approved an Agreement with Habitat for Humanity of Palm Beach County, Inc. (R2007-1726) for the County's conveyance to Habitat of 6.64 acres of land known as Kennedy Estates. The property is located in unincorporated Palm Beach County south of Indiantown Road and west of Central Boulevard. The County conveyed the property to Habitat at no cost on November 26, 2007. Prior to conveyance of the property to Habitat, the County obtained permits and installed infrastructure to support development of twenty-seven (27) zero lot line single family homes. Habitat is required by the Agreement to record a plat of the property, complete the development of the property, and construct affordable housing on the 27 lots. As required by the Agreement, Habitat accepted at closing the County's assignment to Habitat of certain permits obtained by the County for development of the land. Although most of the assignments of permits did not require Board approval, the Assignment of Interest in Developer's Agreement required by the Loxahatchee River Environmental Control District and the Assignment of Interest in Agreement for Water Service for the water service provided by the Town of Jupiter require execution by the Board.

Attachments:

1. Location Map
2. Assignment of Interest in Developer's Agreement
3. Assignment of Interest in Agreement for Water Service

Recommended By: Keith Anthony Wolf 11/24/07
Department Director Date

Approved By:  7/7/05
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT	=====	=====	=====	=====	=====
 # ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____

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

No fiscal impact.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 11-29-07
OFMB *[initials]* 11/29/07

[Signature] 11/30/07
Contract Development and Control
11/29/07
At the time of CDC's review, these assignments were not executed.

B. Legal Sufficiency:

See CDC's comment
[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

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

R42
H

No Cont. map

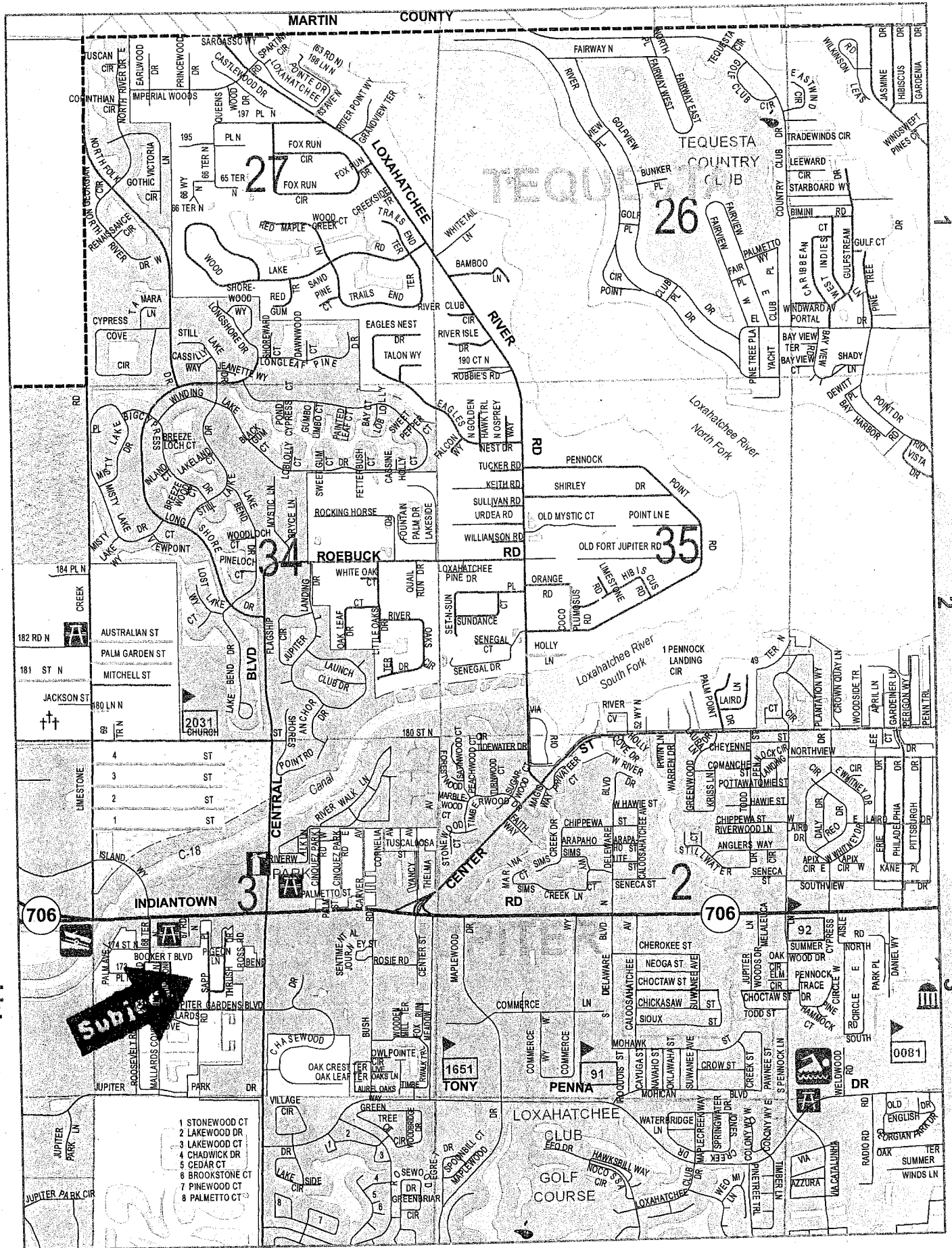
R42
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T41



See pg 14

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6

LOCATION MAP ATTACHMENT #1

Prepared By and Return To:
Betsy Barr
Palm Beach County
Property and Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

ASSIGNMENT OF INTEREST IN AGREEMENT FOR WATER SERVICE

THIS ASSIGNMENT OF INTEREST IN AGREEMENT FOR WATER SERVICE ("Assignment"), made and entered into this _____, by and between Palm Beach County, a political subdivision of the State of Florida ("Assignor"), and HABITAT FOR HUMANITY OF PALM BEACH COUNTY, INC., a Florida non-profit corporation ("Assignee").

WHEREAS, Assignor entered into an Agreement ("Agreement") with the Town of Jupiter, a municipal corporation organized and existing under the laws of the State of Florida ("Town"), on February 25, 2003 (R2003-0276), which Agreement was recorded in Official Record Book 15340 at Page 1392, of the Public Records of Palm Beach County, Florida, with a related Memorandum of Agreement between the parties dated February 25, 2003 (R2003-0277) ("Memorandum"), and recorded in Official Record Book 15340 at Page 1406 in the Public Records of Palm Beach County; and

WHEREAS, the Agreement provides, in part, that the Town shall have the sole and exclusive right to provide all water facilities to the real property described in the attached Exhibit "A" (the "Property"); and

WHEREAS, the Agreement also provides, in part, for certain payments by County to the Town for such water services; and

WHEREAS, the aforesaid Agreement with the Town provides for the right of the Assignor to assign its rights under the aforesaid Agreement without Town's consent provided that County's payments to Town are current; and

WHEREAS, County's payments to Town are current through April 3, 2008, for 26.0 ERC's pursuant to the terms of the Agreement; and

WHEREAS, Assignor has conveyed the Property to Assignee and desires to also assign its rights and obligations under the aforesaid Agreement and Memorandum to Assignee; and

WHEREAS, Assignee agrees to be bound by all the terms and conditions of the aforesaid Agreement and Memorandum between Assignor and Town.

NOW THEREFORE, in consideration of the mutual covenant herein contained, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. Assignor hereby grants, transfers, conveys and assigns to Assignee, the right, title and interest of Assignor in and to the aforesaid Agreement and Memorandum which shall be applicable to the Property.

3. Assignee, by execution of this Assignment, hereby agrees to be bound by all the terms and conditions of the subject Agreement and Memorandum between Assignor and Town and to perform any unperformed obligations that Assignor may have had pursuant to the terms and conditions of the Agreement and Memorandum.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment the date first aforesaid.

ASSIGNOR:

ATTEST:
SHARON R. BOCK
CLERK and COMPTROLLER

PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS:

By: _____
Assistant County Attorney

By: Ret. Anthony Wolf
Department Director

(signatures continue on next page)

ASSIGNEE:

WITNESSES:

HABITAT FOR HUMANITY OF
PALM BEACH COUNTY, INC., a
Florida Non-profit corporation

Witness Signature

By: _____
Michael J. Sabatello, President

Print Witness Name

Address: 1225 Military Trail
West Palm Beach, FL
33415

Witness Signature

Print Witness Name

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____, 2007, by
Michael J. Sabatello as President of HABITAT FOR HUMANITY OF PALM BEACH
COUNTY, INC., a Florida not for profit corporation, on behalf of the corporation. He is
personally known to me or has produced _____ as identification.

Notary Signature

Print Name of Notary

Commission Number: _____

Expiration: _____

G:\Betsy\West Jupiter Housing\Assignment of Agreement.doc

EXHIBIT "A"

EXHIBIT "A"LEGAL DESCRIPTION

ORG 10128 Pg 832
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

A parcel of land in Section 3, Township 41 South, Range 42 East, Palm Beach County, Florida; being more particularly described as follows: Commence at the West $\frac{1}{4}$ corner of said Section 3; thence South $89^{\circ} 24' 50''$ East along the North line of the Southwest $\frac{1}{4}$ of said Section 3 a distance of 1635.67 feet to a point on the West line of the East $\frac{1}{4}$ of the West $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3, said Point being on the Northerly extension of the West line of JUPITER GARDENS, according to the Plat thereof, as recorded in Plat Book 43, at Page 147, of the Public Records of Palm Beach County, Florida; thence South $01^{\circ} 25' 22''$ West along said West line a distance of 440.07 feet to a point on a line parallel with and 400.00 feet South of, when measured at right angles to, the South right-of-way line of State Road 706, said South right-of-way line being 70.00 feet South of the centerline of State Road 706 as shown on Department of Transportation Drawing #9375-110, sheet 2 of 5 and said Point also being the Point of Beginning thence South $88^{\circ} 22' 24''$ West along said parallel line a distance of 746.84 feet to a point on a line parallel with and 420 feet West of, when measured at right angles to, the West line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $01^{\circ} 15' 40''$ West along said parallel line a distance of 185.15 feet to a point on a line parallel with and 15.00 feet North of, when measured at right angles to, the South line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $89^{\circ} 17' 20''$ East along said parallel line a distance of 316.51 feet thence South $01^{\circ} 15' 40''$ West a distance of 15.00 feet to a point on the South line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $89^{\circ} 17' 20''$ East along said South line a distance of 103.50 feet to the Northeast corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $01^{\circ} 15' 40''$ West a distance of 669.96 feet to the Southeast corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $89^{\circ} 09' 44''$ East along the South line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3, a distance of 111.67 feet thence North $01^{\circ} 20' 31''$ East a distance of 25.00 feet thence South $89^{\circ} 09' 44''$ East a distance of 25.00 feet thence South $01^{\circ} 20' 31''$ West a distance of 25.00 feet to a point on the South line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $89^{\circ} 09' 44''$ East along said South line a distance of 25.00 feet to the Southeast corner of the West $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3; thence North $01^{\circ} 20' 31''$ East along the East line of the West $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3, a distance of 516.09 feet thence South $89^{\circ} 24' 50''$ East along line parallel with the North line of the Southwest $\frac{1}{4}$ of said Section 3, a distance of 162.42 feet to a point on the West line of said JUPITER GARDENS; thence North $01^{\circ} 25' 22''$ East along said West line a distance of 384.51 feet to the Point of Beginning.

LRECD - 106 Dated 1-1-98
Prepared By and Return To:
Clinton R. Yerkes
Loxahatchee River Environmental Control District
2500 Jupiter Park Drive
Jupiter, Florida 33458-8964
(561) 747-5700

ASSIGNMENT OF INTEREST IN DEVELOPER'S AGREEMENT

THIS ASSIGNMENT, made and entered into this ____ day of _____, _____, by and between the undersigned party ("Assignor") to a Developer's Agreement with the Loxahatchee River Environmental Control District, hereinafter called "L.R.E.C.D.", and the party to which Assignor desires to assign its rights under the aforesaid Agreement, hereinafter called "Assignee".

WHEREAS, Assignor has entered into a Developer's Agreement as same is recorded in Official Record Book 14904, Page(s) 0171, Official Records of Palm Beach County, Florida, with L.R.E.C.D., dated the 7th day of January, 2003, for a total of 39.0 equivalent connections; and

WHEREAS, the aforesaid Agreement with L.R.E.C.D. provides for the right of the Assignor to assign its rights under the aforesaid Agreement, subject to the consent and approval of L.R.E.C.D.; and

WHEREAS, Assignee agrees to be bound by all the terms and conditions of the aforesaid Agreement between Assignor and L.R.E.C.D.;

NOW THEREFORE, in consideration of the mutual covenant herein contained, the parties hereto agree as follows:

1. The Assignor hereby grants, transfers, conveys and assigns to Assignee, the right, title and interest of Assignor in and to the aforesaid Developer's Agreement to the extent of 39.0 equivalent connections, which shall be applicable to the Property described in Exhibit 'A' attached hereto.
2. Assignee, by execution of this Agreement, hereby agrees to be bound by all the terms and conditions of the subject agreement between Assignor and L.R.E.C.D., to the extent of the equivalent connections hereunder.
3. L.R.E.C.D., by its execution hereof acknowledges the assignment and approves same, from Assignor to Assignee.

IN WITNESS WHEREOF, the parties hereto have executed the aforesaid Assignment of Interest in Developer's Agreement the date first aforesaid.

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

**ASSIGNOR: Palm Beach County Board of
County Commissioners**

By: _____
PRINT: Addie L. Greene, Chairperson

For: Palm Beach County, a political subdivision
of the State of Florida

APPROVED AS TO TERMS AND
CONDITIONS

By: Rich Anthony Wolf
Department Director

AS TO ASSIGNOR:

STATE OF _____
COUNTY OF _____

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that _____ executed the same, that I relied upon the following form of identification of the above named person _____:

Witness my hand and official seal in the County and State last aforesaid this _____ day of _____, A.D. _____.

[Notary Seal]

NOTARY SIGNATURE

PRINTED NOTARY SIGNATURE

WITNESSES:

PRINT: _____

PRINT: _____

ASSIGNEE:

By: _____
PRINT: Michael J. Sabatello, President

For: **HABITAT FOR HUMANITY OF
PALM BEACH COUNTY, INC.**, a Florida
non profit corporation

Address: 1225 South Military Trail
West Palm Beach, Florida 33415
Phone: (561) 433-3351

**LOXAHATCHEE RIVER
ENVIRONMENTAL CONTROL
DISTRICT:**

WITNESSES:

PRINT: _____

PRINT: _____

By: _____
Print: _____
Executive Director

AS TO ASSIGNEE:
STATE OF _____
COUNTY OF _____

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that _____ executed the same, that I relied upon the following form of identification of the above named person ____:

Witness my hand and official seal in the County and State last aforesaid this _____ day of _____, A.D. _____.

[Notary Seal]

NOTARY SIGNATURE

PRINTED NOTARY SIGNATURE

AS TO L.R.E.C.D.:
STATE OF _____
COUNTY OF _____

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that _____ executed the same, that I relied upon the following form of identification of the above named person ____:

Witness my hand and official seal in the County and State last aforesaid this _____ day of _____, A.D. _____.

[Notary Seal]

NOTARY SIGNATURE

PRINTED NOTARY SIGNATURE

EXHIBIT "A"

LEGAL DESCRIPTION

ORB 10128 Pg 832
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

A parcel of land in Section 3, Township 41 South, Range 42 East, Palm Beach County, Florida; being more particularly described as follows: Commence at the West $\frac{1}{4}$ corner of said Section 3; thence South $89^{\circ} 24' 50''$ East along the North line of the Southwest $\frac{1}{4}$ of said Section 3 a distance of 1635.67 feet to a point on the West line of the East $\frac{1}{4}$ of the West $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3, said Point being on the Northerly extension of the West line of JUPITER GARDENS, according to the Plat thereof, as recorded in Plat Book 43, at Page 147, of the Public Records of Palm Beach County, Florida; thence South $01^{\circ} 25' 22''$ West along said West line a distance of 440.07 feet to a point on a line parallel with and 400.00 feet South of, when measured at right angles to, the South right-of-way line of State Road 706, said South right-of-way line being 70.00 feet South of the centerline of State Road 706 as shown on Department of Transportation Drawing 19375-110, sheet 2 of 5 and said Point also being the Point of Beginning thence South $88^{\circ} 22' 24''$ West along said parallel line a distance of 746.84 feet to a point on a line parallel with and 420 feet West of, when measured at right angles to, the West line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $01^{\circ} 15' 40''$ West along said parallel line a distance of 185.15 feet to a point on a line parallel with and 15.00 feet North of, when measured at right angles to, the South line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $89^{\circ} 17' 20''$ East along said parallel line a distance of 316.51 feet thence South $01^{\circ} 15' 40''$ West a distance of 15.00 feet to a point on the South line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $89^{\circ} 17' 20''$ East along said South line a distance of 103.50 feet to the Northeast corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $01^{\circ} 15' 40''$ West a distance of 669.95 feet to the Southeast corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $89^{\circ} 09' 46''$ East along the South line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3, a distance of 111.67 feet thence North $01^{\circ} 20' 31''$ East a distance of 25.00 feet thence South $89^{\circ} 09' 46''$ East a distance of 25.00 feet thence South $01^{\circ} 20' 31''$ West a distance of 25.00 feet to a point on the South line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 thence South $89^{\circ} 09' 46''$ East along said South line a distance of 25.00 feet to the Southeast corner of the West $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3; thence North $01^{\circ} 20' 31''$ East along the East line of the West $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3, a distance of 516.09 feet thence South $89^{\circ} 24' 50''$ East along line parallel with the North line of the Southwest $\frac{1}{4}$ of said Section 3, a distance of 162.42 feet to a point on the West line of said JUPITER GARDENS; thence North $01^{\circ} 25' 22''$ East along said West line a distance of 384.51 feet to the Point of Beginning.