PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

May 06, 2008

Consent [X]

Regular []

Public Hearing []

Submitted By:

Water Utilities Department

Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Unilateral Termination and Partial Release of Standard Potable Water and Wastewater Development Agreement Due to Non-Renewal for the following property owners:

Termination of Standard Development Agreements

A) Palm Beach Habilitation Center, Inc. (District 6) 01-01103-000 02-01065-000

Summary: The terms and conditions for Standard and Non-Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP). Development Agreements are valid for a period of five years and may be renewed for an additional five years by paying an additional Mandatory Agreement Payment (MAP). If the additional MAP is not paid or the Agreement has reached its ten-year expiration date, the Agreement is terminated. This agenda item recommends the Board receive and file the attached terminations. (SF) **Original documents can be viewed in Minutes.**

Background and Justification: The Water Utilities Department's UPAP provides for the execution of Development Agreements to obtain concurrency for water, wastewater, and/or reclaimed water service. The terms and conditions for such agreements, including provisions for termination are contained in the UPAP. The attached terminations have been executed by the Department Director and the County Attorney's Office and have been recorded in the official records of Palm Beach County. They are being provided to the Board to receive and file.

Attachments:

Original documents:

Palm Beach Habilitation Center, Inc.

Boos-Military, LLC

01-01103-000 02-01065-000

Recommended By:

Department Director

Date

Approved By:

Assistant County Administrator

Date



CFN 20080069211
OR BK 22463 PG 0613
RECORDED 02/26/2008 10:12:35
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0613 - 615; (3pgs)

CHARGE #1023 RETURN VIA WILL CALL #133 ATTN: MARK FALLON, CONTRACT MANAGEMENT, PBC WATER UTILITIES DEPT, 8100 FOREST HILL BLVD, WPB, FL 33413

UNILATERAL TERMINATION AND PARTIAL RELEASE OF STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENT DUE TO NON-RENEWAL

THIS UNILATERAL TERMINATION AND PARTIAL RELEASE OF STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENT DUE TO NON-RENEWAL is made this 3/h day of February 2008, by Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County."

WITNESSETH

WHEREAS, on January 13, 2003, County and BOCS-MILITARY, LLC, hereinafter referred to as "Original Property Owner," entered into a Standard Potable Water and Wastewater Development Agreement, hereinafter referred to as the "Agreement", for the provision of Water and Wastewater service to property owned by Original Property Owner; and

WHEREAS, the property affected by this Termination is the same, or is a portion thereof, of the property described in the Agreement, and is more fully described in Exhibit "A", attached hereto, made a part hereof, and is hereinafter referred to as "Property"; and

WHEREAS, Original Property Owner paid County as total amount of \$9,521.61 as required pursuant to the Agreement; and

WHEREAS, said Agreement was recorded in the Official Records of Palm Beach County, Florida, at Book 14679, Page 884; and

WHEREAS, in accordance with Paragraph 5 thereof, the term of the Agreement is five (5) years, which can be extended in accordance with the provisions of the Uniform Policies and Procedures (UPAP) of the County's Water Utilities Department; and

WHEREAS, Original Property Owner or any subsequent property owner, hereinafter collectively referred to as the "Current Property Owner," has not paid the MAP required to extend the Agreement in accordance with the UPAP; and

WHEREAS, the rights, duties, or obligations as set forth in Paragraphs 3, 4, 8, 9, 10, 13, and 14 of the Agreement shall survive the termination of the Agreement, and Current Property Owner and County shall not be released from said specified rights, duties, and obligations; and

WHEREAS, County desires to terminate the Agreement except for the rights, duties, and obligations as set forth in Paragraphs 3, 4, 8, 9, 10, 13, and 14 thereof.

NOW THEREFORE, the following shall become effective as of the date this document is recorded in the Official Records of Palm Beach County, Florida:

- 1. Except for the provisions as set forth in Paragraphs 3, 4, 8, 9, 10, 13, and 14 thereof, the Agreement executed by and between Palm Beach County and Original Property Owner dated January 13, 2003, and only for the property identified in **Exhibit "A"** is hereby terminated.
- 2. County and Current Property Owner shall continue to be bound by all remaining rights, duties, or obligations existing in the above-referenced Paragraphs of the Agreement and only for the property identified in **Exhibit "A"** and the parties are not released from any such rights, duties, or obligations as set forth therein.
- 3. County shall duly record this Unilateral Termination and Partial Release of Standard Potable Water and Wastewater Development Agreement due to Non-Renewal for the Property.

IN WITNESS WHEREOF, the County, by and through its fully authorized agent, and Property Owner have hereunto set their hands and seals on the date first above written.

WITNESSES:	PALM BEACH COUNTY
Mancy M. May Signature NANCY M. MAY	By: County Administrator or Designee
Typed or Printed Name	
Signature Anna M Daniels Typed or Printed Name	
WATER UTILITIES DEPARTMENT APPROV	'AL
By: Selva m West	
Director of Finance and Administration PBC Water Utilities Department	
APPROVED AS TO FORM AND	

County Attorney

EXHIBIT "A" LEGAL DESCRIPTION

The West half (W 1/2) of the East half (E 1/2) of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, less right-of-way of Melaleuca lane as laid out and in use and as described in Order of Taking recorded August 3, 1989, in Official Records Book 6150, Page 1355, and as described In Order of Taking recorded December 18, 1998, in Official Records Book 10802, Page 790 of the Public Records of Palm Beach County, Florida.



CFN 20080104067
OR BK 22516 PG 1139
RECORDED 03/20/2008 09:23:22
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1139 - 1141; (3pgs)

CHARGE #1023
ATTN: MARK FALLON, CONTRACT MANAGEMENT,
PBC WATER UTILITIES DEPT,
8100 FOREST HILL BLVD, WPB, FL 33413

UNILATERAL TERMINATION AND PARTIAL RELEASE OF STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENT DUE TO NON-RENEWAL

THIS UNILATERAL TERMINATION AND PARTIAL RELEASE OF STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENT DUE TO NON-RENEWAL is made this // // day of March, 2008, by Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County."

WITNESSETH

WHEREAS, on February 28, 2003, County and Palm Beach Habilitation Center, Inc., hereinafter referred to as "Original Property Owner," entered into a Standard Potable Water and Wastewater Development Agreement, hereinafter referred to as the "Agreement", for the provision of potable water and wastewater service to property owned by Original Property Owner; and

WHEREAS, the property affected by this Termination with same, or is a portion thereof, of the property described in the Agreement, and is more fully described in Exhibit "A", attached hereto, made a part hereof, and is hereinafter referred to as "Parenty"; and

WHEREAS, Original Property Owner paid County as total amount of \$1,641.17 as required pursuant to the Agreement; and

WHEREAS, said Agreement was recorded in the Official Records of Palm Beach County, Florida, at Book 14889, Page 819; and

WHEREAS, in accordance with Paragraph 5 thereof, the term of the Agreement is five (5) years, which can be extended in accordance with the provisions of the Uniform Policies and Procedures (UPAP) of the County's Water Utilities Department; and

WHEREAS, Original Property Owner or any subsequent property owner, hereinafter collectively referred to as the "Current Property Owner," has not paid the MAP required to extend the Agreement in accordance with the UPAP; and

WHEREAS, the rights, duties, or obligations as set forth in Paragraphs 3, 4, 8, 9, 10, 13, and 14 of the Agreement shall survive the termination of the Agreement, and Current Property Owner and County shall not be released from said specified rights, duties, and obligations; and

WHEREAS, County desires to terminate the Agreement except for the rights, duties, and obligations as set forth in Paragraphs 3, 4, 8, 9, 10, 13, and 14 thereof.

NOW THEREFORE, the following shall become effective as of the date this document is recorded in the Official Records of Palm Beach County, Florida:

- 1. Except for the provisions as set forth in Paragraphs 3, 4, 8, 9, 10, 13, and 14 thereof, the Agreement executed by and between Palm Beach County and Original Property Owner dated January 30, 2003, and only for the property identified in **Exhibit "A"** is hereby terminated.
- 2. County and Current Property Owner shall continue to be bound by all remaining rights, duties, or obligations existing in the above-referenced Paragraphs of the Agreement and only for the property identified in **Exhibit "A"** and the parties are not released from any such rights, duties, or obligations as set forth therein.
- 3. County shall duly record this Unilateral Termination and Partial Release of Standard Potable Water and Wastewater Development Agreement due to Non-Renewal for the Property.

IN WITNESS WHEREOF, the County, by and through its fully authorized agent, and Property Owner have hereunto set their hands and seals on the date first above written.

WITNESSES:

Signature

NANCY M. MAY

Typed or Printed Name

Signature

Typed or Printed Name

Typed or Printed Name

PALM BEACH COUNTY

County Administrator or Designee

WATER UTILITIES DEPARTMENT APPROVAL

By: Director of Finance and Administration PBC Water Utilities Department

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

County Attorney

EXHIBIT "A" LEGAL DESCRIPTION

THAT PART OF SECTION 11, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE SOUTH 03°26'54" EAST, ALONG THE EAST LINE OF SAID SECTION 11,665.68 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER (N.E. ¼) OF THE NORTHEAST QUARTER (N.E. ¼) OF SECTION 11; THENCE SOUTH 89°52'06" WEST, ALONG SAID SOUTH LINE, 40.07 FEET TO A LINE 40.00 FEET WEST OF AND PARALLEL WITH THE SAID EAST LINE OF SECTION 11 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°52'06" WEST, ALONG SOUTH LINE, 4-7.14 FEET TO THE EAST LINE OF SUMMIT PINES UNIT THREE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 54, PAGES 152, 153, AND 154 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°07'54" EAST, ALONG SAID EAST LINE, 270.00 FEET; THENCE NORTH 89°52'06" EAST, 462.79 FEET TO THE SAID LINE 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SECTION 11; THENCE NORTH 03°26'54" WEST, ALONG SAID PARALLEL LINE, 270.46 FEET TO THE SAID POINT OF BEGINNING.