PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

September 9, 2008

Consent [X]

Public Hearing []

Regular []

Submitted By:

Water Utilities Department

Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a First Amendment to Reclaimed Water Agreement (03-90005-000) with West Atlantic Property Associates, LLC (R2007-0789).

Summary: Reclaimed water agreements are required for those property owners seeking to obtain reclaimed water service from the County in order to comply with the requirements of the Florida Department of Environmental Protection and the Water Utilities Department. While the Department normally utilizes standard Agreements that are executed at the Department level, non-standard Agreements are sometimes required to handle special circumstances such as this where reclaimed water is not presently available. West Atlantic Property Associates, LLC has agreed to install a reclaimed water pipeline along its entire south property line at its sole cost, and this line will remain dry until reclaimed water mains are later extended to the property. West Atlantic Property Associates, LLC has also agreed to pay the County \$7,475 as a contribution toward construction of the future off-site reclaimed water main. Within 60 days of notification that reclaimed water is available, West Atlantic Property Associates, LLC will use the reclaimed water for landscape irrigation. Until that time, West Atlantic Property Associates, LLC will obtain necessary approvals to use non-reclaimed water for irrigation. District 5 (MJ)

Background and Justification: The Water Utilities Department is committed to promoting economically and technically feasible technologies for water conservation. One component of this effort is landscape irrigation utilizing reclaimed water from the Department's Southern Region Water Reclamation Facility (SRWRF). Reclaimed water systems offer significant advantages to consumers and to the environment by reducing the demand on potable water resources and facilities, and offering consumers an alternative to reducing irrigation frequency during time of drought. The SRWRF is capable of producing up to 22 million gallons per day (MGD) of reclaimed water. The Department is currently delivering an average of 12 million gallons per day (MGD) of reclaimed water.

Attachments:

1. Location Map

2. Two (2) Original Amendments

Recommended By:

Department Director

Date

Approved By:

Assistant County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012	
Capital Expenditures External Revenues Program Income (County) In-Kind Match County	<u>0</u> (\$7,47<u></u>≤00) <u>0</u> <u>0</u>	000	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	
NET FISCAL IMPACT	<u>(\$7,475.00)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u> ·	
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Budget Account No.: Fu	nd <u>4001</u> Dept	. <u>720</u>	Unit <u>4200</u>	Rev Sou	rce 6999	
Is Item Included in Current Budget? Yes No _X_ Reporting Category N/A						
B. Recommended Sources of Funds/Summary of Fiscal Impact:						
The County will receive \$7,475 under the terms of this agreement prior to						

water/wastewater service initiation or prior to the sale of the property or any portion

Operations of Maintenance Fund

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

OFMB 50 CN 9/2/8

B. Legal Sufficiency:

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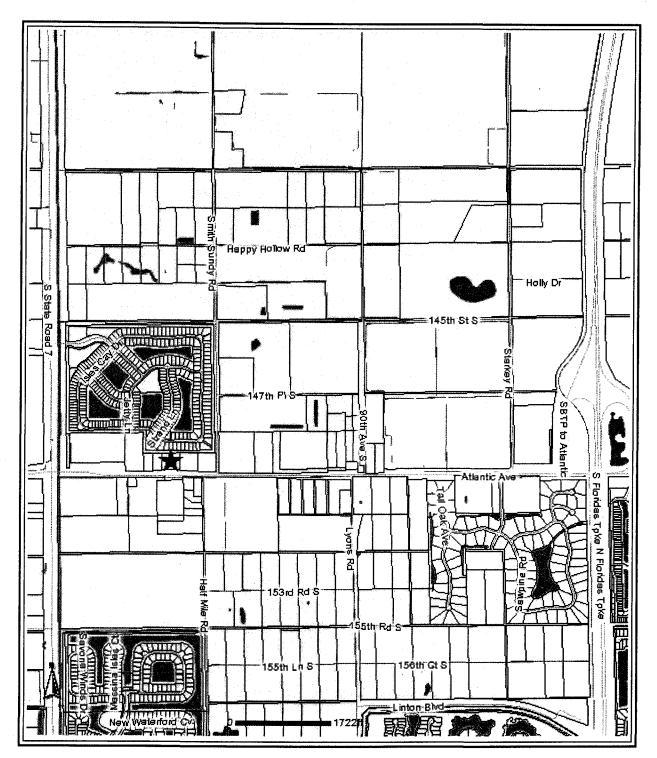
Assistant County Attorney

C. Other Department Review:

Department Director

This amendment complies with our review requirements.

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



WEST ATEANTIC PROPERTY ASSOCIATES, LLC - Location

Map Scale 1:20660

Map produced on 8/8/2008

FIRST AMENDMENT TO RECLAIMED WATER DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO RECLAIMED WATER DEVELOPMENT AGREEMENT, made and entered into this _____ day of _____, 2008, by and between PALM BEACH COUNTY, a subdivision of the State of Florida, hereinafter referred to as "Utility," and WEST ATLANTIC PROPERTY ASSOCIATES, LLC, a Florida limited liability company, hereinafter referred to as "Property Owner."

WITNESSETH

WHEREAS, Utility and Property Owner entered into a Standard Reclaimed Water Development Agreement ("Agreement") on March 26, 2007 (R07-0789), and recorded in the Official Records of Palm Beach County, Florida, at Official Records Book 21568, Page 1848, in relation to that certain property described in Exhibit "A" to the Agreement ("Property"); and

WHEREAS, in order to receive reclaimed water service Property Owner is required to design and construct, at no cost to Utility, approximately 330 linear feet of 12" reclaimed water main along the Property's frontage along Atlantic Avenue; and

WHEREAS, Utility's nearest reclaimed water main is on Atlantic Avenue, approximately 325 linear feet east of the Property's eastern boundary, and

WHEREAS, prior to water/wastewater service initiation, Property Owner shall be required to pay \$7,475 to Utility as a contribution in lieu of construction towards Utility's future extension of the off-site reclaimed water main along the intervening 325 linear feet.

NOW, THEREFORE, for and in consideration of these premises, the mutual undertakings and agreements herein contained and assumed, Property Owner and Utility hereby covenant and agree as follows:

- 1. The foregoing statements are true and correct and are incorporated herein by specific reference.
- 2. Prior to the initiation of water and wastewater service to the Property, Property Owner shall pay \$7,475 to Utility as a contribution in lieu of construction for Utility's future installation of approximately 325 linear feet of an off-site reclaimed water main.
- 3. Property Owner shall design and construct the Property's irrigation system in accordance with all applicable reclaimed water system rules and regulations. Any modification, removal installation and addition of the irrigation system shall be the sole responsibility of Property Owner.
- 4. Property Owner may utilize, subject to any applicable usage rules and regulations, non-reclaimed water (such as well water, lake water or potable water) for irrigation purposes until a reclaimed water main is available for connection within 50 feet of the Property. Upon notification by Utility that a reclaimed water main is available for connection within 50 feet of the Property, Property Owner shall: (a) obtain all necessary approvals and permits; (b) install, subject to payment of Service Initiation Fees, any reclaimed water facilities required to comply with the Utility's regulations; (c) connect to Utility's reclaimed water system for irrigation purposes within 60 days of receipt of said notification; and, (d) discontinue using the non-reuse water source, as approved by Utility. Any retrofitting or modifications of the irrigation system shall be the

- sole responsibility of Property Owner. Non-compliance may result in termination of potable water/wastewater service.
- 5. Property Owner agrees that the payment of the above fee does not constitute any commitment from Utility regarding the availability or timing of availability, or the minimum or maximum pressure of reclaimed water.
- 6. Utility reserves the right to regulate the frequency and duration of irrigation when using reclaimed water.
- 7. All other provisions of the Agreement, dated March 26, 2007, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

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IN WITNESS WHEREOF, Property Owner and County have executed or have caused this First Amendment to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this First Amendment.

ATTEST:	
SHARON R. BOCK, CLERK AND COMPTROLLER	PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS
By:	By:Addie L. Greene, Chairperson
[SEAL]	
APPROVED AS TO FORM A SUFFICIENCY By: County Attorney	ND LEGAL
APPROVED AS TO TERMS A By: Send Search Department Director	AND CONDITIONS
witnesses:	PROPERTY OWNER: By: Signature
Type or Print Name Bi a Balm Brian A Beckers	Title Robert S. WeinroTh Typed or Printed Name
Brian A. Beckers Type or Print Name	Corporate Seal
STATE OF Florida COUNTY Palm Beach	NOTARY CERTIFICATE
The foregoing instrument w 2008 by Robert Wein FLDL# W563-777-52-209-Ca	Cali Kind
PATRICIA L. FENTON Helsey Public - State of Figurita by Commission Employs Feb 9, 3919 Commission # DD #16233 Sandyd Through Halland Halley Asso.	Signature of Notary Patricia Fenton Typed, Printed, or Stamped Name of Notary Notary Public
	Serial Number