3H-11

Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	October 21, 2008	[X] Consent [] Ordinance	[] Regular [] Public Hearing		
Department:	Facilities Development & Operations				

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Construction, Joint Use and Easement Agreement with developer GL Homes, d/b/a Boynton Beach Associates X, LLP and Boynton Beach Associates XVIII, LLP (GL Homes).

Summary: On May 18, 2004, the County and GL Homes of Florida, d/b/a Boynton Beach Associates X, LLP, entered into an Exchange and Civic Site Dedication Agreement (R2004-936), whereby developer GL Homes set aside 43.69 acres of property in western Boynton Beach for conveyance to the County and which will be used as a public civic site credit towards future GL Homes residential projects. In June 2004, 32.89 acres was conveyed to the County and a 10.8-acre civic site remains to be conveyed to the County. The final 10.8-acre portion is currently a vacant pod within the GL Homes commercial project known as the Canyons Town Center, located at the southeast corner of Boynton Beach Boulevard and Lyons Road. The Canyons TMD conditions of approval require GL Homes to construct a multi-purpose recreational field, a temporary parking area and an amphitheater on the 10.8-acre future civic site. This Construction, Joint Use and Easement Agreement sets forth the requirements and obligations of the parties with respect to the civic site and Canyons Town Center property. GL Homes' obligations under this Construction, Joint Use and Easement Agreement include: i) construction of the amphitheater, temporary parking area and the recreational field; ii) building bathrooms within the amphitheater; iii) allowing the County cross access and uninhibited parking over the Canyons site; iv) building common roads over the civic site at GL Homes' sole cost and expense; v) paying the County a \$44,000 annual maintenance contribution, subject to certain criteria, for a potential maximum of 8 years; and vi) reimbursing the County a proportionate share of the bathroom maintenance costs. The County's obligations include: i) paying 50% of the cost of bathroom construction within the amphitheater or \$40,000, whichever is less; ii) maintaining the bathrooms; iii) providing security, maintenance and programming for the amphitheater, temporary parking area and recreational field; iv) allowing GL Homes cross access and uninhibited parking over the 10.8-acre future County civic site; and v) upon completion of the County's first permanent County improvement on the 10. 8-acre civic site, paying a 28.72% share of the annual maintenance for the rural parkway easement along Lyons Road. (PREM) District 5 (HJF)

Continued on Page 3

Attachments:

Location Map

2.	Construction, Joint Use and Easement Agreeme	nt		
3.	Disclosure of Beneficial Interests	Agenda Item is more than 50 pages; may be viewed in Administration.		
4.	Budget Availability Statement			
Recommen	ded By: Feth Alham Work	9/25/08		
	Department Director	Date '		
Approved 1	By://Paler	10/14/08		
	f County Administrator	Date		

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:										
Fiscal Years	2009	2010	2011	2012	2013					
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County	\$40,000 <u>44,000</u> (\$44,000)	<u>44,000</u> (\$44,000)	<u>44,0</u> 00 (\$44,000)	(\$44,000)	(\$44,000)					
NET FISCAL IMPACT	40,000	. 0	D	0	0					
# ADDITIONAL FTE POSITIONS (Cumulative)		· ·								
Is Item Included in Current Bud	lget: Yes	X N	lo							
Expenditures: Bathroom Construction (\$40,000) Budget Account No: Fund 3600 Dept 581 Unit P581 Object 6502 Program										
Revenue: Maintenance Contrib	ution (\$44.000	n)								
Budget Account No: Fund	0001 Dept	•	Init <u>5221</u>	Revenue Source	<u>6329</u>					
 B. Recommended Sources of Funds/Summary of Fiscal Impact: \$40,000 Capital Expense will be funded from previous civic site cash out funds from the Park Improvement Fund. Future maintenance expenditures will be paid by General Fund operating budget. Revenue received per this agreement will be deposited in Parks' General Fund revenue budget. 										
C. Departmental Fiscal Revi	ew:			·						
	III. <u>REVI</u>	EW COMME	NTS							
A. OFMB Fiscal and/or Con the farks department to OFMB 92 OFMB 92 OFMB 92 OFMB 92 Assistant County Attorney		Contract/Dev	ents: Mainte Sorb the mi - J. Jaw elopment and This item complie County policies.	Control 10/10	are estimated sts in the nt budget.)08					
C. Other Department Review Department Director	v:									

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

Background and Justification: In 2004, developer GL Homes and the County entered into an Exchange and Civic Site Dedication Agreement, whereby GL Homes offered 43.69 acres of property to the County as a civic site credit towards future GL Homes residential PUD projects. Effectively, GL Homes was proactively providing the County with public land in advance of scheduled residential projects with the understanding that the public land conveyance would offset the civic site code requirements of each GL Homes' project until the civic site credit was exhausted. 32.89 acres of the civic site credit was conveyed to the County on June 23, 2004. 10.8 acres within the GL Homes Traditional Marketplace Development commercial development known as the Canyons Town Center remains to be conveyed to the County. The Canyons development was approved in January of 2008 with conditions requiring GL Homes to build an amphitheater, temporary parking area and multi-purpose recreational field on the 10.8-acre future County civic site. GL Homes and the County recognized that it would be in the best interest of both parties to set forth the terms and conditions by which GL Homes would build the amphitheater, temporary parking area and recreation field on the County's future civic site and further set forth the terms and conditions by which the parties would use, maintain, provide security for and provide for the common access between the future civic site and the Canyons Town Center commercial property. The Canyons Town Center is currently under construction. It is anticipated to be completed in the first quarter of 2009.