Agenda Item #: <u>3</u>_/

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	October 21	, 2008	(X) Consent () Workshop	() Regular) Public Hearing
Department			1	`	,
Submitted	By:	Environmen	tal Resources Management		
Submitted For:		Environmen	tal Resources Management		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve Budget Transfer of \$1,388,000 in the Unit 11 Stewardship Fund from Reserves to the Unit 11 Acquisition and Enhancement Fund; and

B) approve Budget Amendment of \$1,388,000 in the Unit 11 Acquisition and Enhancement Fund to recognize the transfer from the Unit 11 Stewardship Fund to fund the acquisition of Unit 11 Properties within the Hungryland Slough Natural Area.

Summary: This action will appropriate a portion of the budget for the payment of parcels in Unit 11 that have been acquired by the county through eminent domain and for which a final value has not been established. The final cost to the County will be determined either via pretrial settlement or by a 12 member jury. Thirty-two out of the remaining unsettled 60 natural area parcels are scheduled to go to trial on December 8, 2008. The other 28 parcels have not been set for trial. The funds in the Unit 11 Stewardship Fund originate from mitigation funds received as a result of permit requirements imposed on various developments by the South Florida Water Management District. These funds have been deposited into the Unit 11 Stewardship Fund expressly for the purpose of acquiring, enhancing, and managing land within the Unit 11 mitigation area. Expenditures in the Unit 11 Stewardship Fund are limited to the earnings on principal. District 1 (JMB)

Background and Justification: The Hungryland Slough Wildlife Corridor and Natural Area (Natural Area) has been identified by the County as a priority acquisition site that will link several existing high-quality conservation and natural areas, including the DuPuis Management Area, J.W. Corbett Wildlife Management Area, Loxahatchee Slough, and West Palm Beach Grassy Waters Preserve. The Natural Area will serve as a wetland preservation area to help maintain the viability and diversity of wildlife species native to the area, and protect habitat for a variety of threatened or endangered species. Acquisition of the Natural Area is complete.

(Continued on Page 3.)

Attachments:

1. Budget Transfer (1221)

2. Budget Amendment (3650)

Recommended by:

Approved by:

Department Director

County Administrator

Date

10/8/

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years Capital Expe Operating C		2009 	2010	2011	2012	2013
External Rev Program Inc In-Kind Mat	ome (County)		-0- -0- -0-	-0- -0- -0-	-0- -0- -0-	-0- -0- -0-
NET FISCA	L	1,388,000		-0-		-0-
	ONAL FTE S (Cumulative)		·			
Is Item Inclu Budget Acco	ded in Curren unt No.:		Yes _ Department		No _X Object	
В.	Recommende	ed Sources of	Funds/Summa	ry of Fiscal In	npact:	
	Unit 11 Stewa	ardship Fund (1221)			
C.	Department	Fiscal Review	: usica Kallo 911	દ્રીષ્ઠ		
		\mathbf{O}	VIEW COMM			
A.	OFMB Fisca	l and /or Con	tract Dev. and	Control Com	nents:	
	When the office of the office	ity 9.25.0	$\frac{8}{3}$ Conti	act Developm	ent and Contr	9126/08
В.	Legal Suffici	ency:				
	Assistant Con	<u>Bulw</u> unty Attorney	@/2/08			
C.	Other Depar	tment Review	:		•	
	Department 2	Director	· ·			

(Background and Justification continued from page 1)

One portion of the Natural Area, the Unit 11 tract, has been identified by the South Florida Water Management District, U. S. Army Corps of Engineers, and Florida Department of Environmental Protection as a regional wetland mitigation area for impacts to wetlands resulting from development activities within the Acreage and other portions of Palm Beach County. On September 5, 1995, the Board conceptually approved the Indian Trail Water Resources Task Force recommendations for wetland development in the Acreage, calling for the purchase of a minimum of 200 acres of undeveloped properties located in three zones (Zones 1-3) within the northeastern corner of Unit 11. On January 13, 1998, the Board approved the establishment of five additional zones (Zones 4-8), plus an overlapping Zone 9, for the purchase of additional parcels in Unit 11 as mitigation funds became available.

On January 11, 2000, the Board unanimously approved Resolution R2000-108 which declared that it was the Board's intent, subject to available funding, to ultimately acquire all 1,770± acres within the Unit 11 tract through a variety of means, including completion of the County's willing seller program and eminent domain proceedings. Resolution R2000-108 also authorized the commencement of eminent domain proceedings to acquire the remaining properties in Zone 1 of Unit 11. Subsequent Resolutions approved by the Board on June 5, 2001 (R2001-0876), July 10, 2001 (R2001-1084), May 6, 2003 (R2003-0630, ERM and R2003-0578, Roadways), and March 16, 2004 (R2004-0498) approved the use of eminent domain to acquire the remaining parcels in Zones 2 through 8 and the overlapping Zone 9.

The acquisition of all parcels in Unit 11 is complete. The parcels acquired in eminent domain were taken via a "quick take" process. This process allows for the rapid acquisition of the parcels without having to wait for a valuation trial. This allowed the county to restore the property in a timely manner. Under this process, however, the ultimate cost of the acquisition is not known until such time as the parcels are either settled or the value of the parcels is determined by a 12 member jury.

The primary purposes of the Unit 11 Acquisition Project are to help protect the quality and quantity of surface and ground water resources within and adjacent to the Unit 11 tract, including the C-18 Canal, a Class I water body which provides drinking water for the Town of Jupiter; avert potential flood-related health and safety problems, private property losses, and non-budgeted emergency expenditures of public funds which would most likely occur should development of the lots in Unit 11 proceed; provide a wildlife corridor which, when completed, will link several existing high-quality, publicly-owned conservation and natural areas; provide opportunities for passive recreation, environmental education and scientific research; serve as a wetland preservation area to help maintain the viability and diversity of wildlife species native to the area; and protect, restore and enhance nesting and foraging habitats for a variety of threatened or endangered species. It is the intent of the County to change the future land use designation for Unit 11 to "Conservation." A major restoration and enhancement project has been completed in the natural area portion of Unit 11. The County will provide long-term management of the area so the natural biological values associated with this designated wildlife corridor are preserved and protected in perpetuity.

2009- 00//

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA

BUDGET TRANSFER

Fund 1221 Unit 11 Stewardship Fund

ACCOUNT NAME AND NUMBER		ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	ENC/EXP 7/29/2008	REMAINING BALANCE
Appropriations 220 9\00 -FDEP Unit 11 Management Reserves	9188 TR TO UNIT 11 ACQUISITIO FD:3650	0	0	24,406		24,406		24,406
820-M205-FDEP Unit 11 Management Reserves 840-9100 - SFWMD Unit 11 Management Reserves 820-M206 SFWMD Unit 11 Management Reserves	9906 - Res-Restricted Projets 9906 - TR TO UNIT 11 ACQUISITIO FD 3650 9906 - Res-Restricted Projets	29,-370 0 576,577	29.870 0 5 76,577	410,445	24,406 410,445	5.464 410,445 166,1 32		546 9 410,445 16613 2
820-M211 Unit 11 Eminent Domain Mgmt Reserves 820-M211 Unit 11 Eminent Domain Mgmt Reserves	4/89 TR TO UNIT 11 ACQUISITIO FD 3/50 9906 - Res-Restricted Projets	0 1,341, 92 2	0 1,341,922	953,149	953,149	953,149 388,773		953,149 ברה 886
	·			1,388,000	1,388,000			

Environmental Resources

Management

INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Signatures & Dates

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

October 21, 2008

Deputy Clerk to the

Board of County Commissioners

100/00/pd



BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA

BUDGET AMENDMENT

Fund 3650 Unit 11 Acquisition / Enhancement

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	ENCUMBERED / Expended 7/29/2008	REMAINING BALANCE
REVENUES							
381-M209 Unit 11 Eminent Domain Acqui 8028-TR FR Unit II Stewardship Fa 1221	0	0	1,388,000	0	1,388,000		
TOTAL RECEIPTS & BALANCES	48,617,734	53,703,043	1,388,000	0 .	55,091,043		
EXPENDITURES							
381-M209 Unit 11 Eminent Domain Acqui 6101-Land *Sobj	7 1 3	773	1,388,000	0	1,388,773	0	1,388,773
TOTAL APPROPRIATIONS & EXPENDITURES	48,617,734	53,703,043	1,388,000	0	55,091,043		
Environmental Resources Management Signatures & Dates					BY BOARD OF COUNTY COMMISSIONERS AT MEETING OF		
INITIATING DEPARTMENT/DIVISION Administration/Budget Department Approval OFMB Department - Posted	February 9/16/08 atwillhite 9.25/08			/16/08 =	October 21, 2008 Deputy Clerk to the Board of County Commissioners		