

34-8

Agenda Item #:

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

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<b>Meeting Date:</b>	<b>December 16, 2008</b>	<input checked="" type="checkbox"/> <b>Consent</b>	<input type="checkbox"/> <b>Regular</b>
		<input type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Public Hearing</b>

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**Department:** **Facilities Development & Operations**

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to accept: a Statutory Warranty Deed from Delray Estuary, L. C. for a 1.29 acre parcel of mangrove wetlands on the Intracoastal Waterway in Ocean Ridge.

**Summary:** Delray Estuary, L. C. developed a townhome community, Estuary, on the Intracoastal Waterway in Delray Beach. The Environmental Resource Permit required Delray Estuary L. C. to convey to the County 1.29 acres of mangrove wetlands in the Lake Worth Lagoon. Additionally, Delray Estuary, L. C. was required to perform environmental enhancements and five-year (minimum) monitoring and maintenance of the 1.29 acre site. The 1.29 acre parcel is adjacent to County property on the Intracoastal Waterway and is located north of East Ocean Avenue and west of North Ocean Boulevard in the Town of Ocean Ridge. On June 8, 1999 (R99-1043D), the Board agreed that the County would accept ownership of the 1.29 acres following the successful completion of the environmental enhancement, maintenance, and monitoring work by Delray Estuary, L. C. (PREM)  
**District 4 (JMB)**

**Background and Justification:** The work has been completed and this conveyance completes this transaction. The conveyance of the property to the County is subject to a Deed of Conservation Easement dedicated to the South Florida Water Management District which requires that the property remain in its natural, vegetative, hydrologic, scenic and open condition.

**Attachments:**

1. Location Map
2. Statutory Warranty Deed

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**Recommended By:**

   
Department Director

11/21/08  
Date

**Approved By:**

  
County Administrator

12/8/07  
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)	_____	_____	_____	_____	_____
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:

Jim Durl 12/4/08  
OFMB  
(100) 12/4/08  
CN 12/04/08

Joe J. Jones 12/5/08  
Contract Development and Control  
E. Jones 12/5/08

### B. Legal Sufficiency:

James Butler 12/8/08  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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

Prepared By and Return To:  
David Kuzmenko, Real Estate Specialist  
Palm Beach County  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, Florida 33411-5605

Property Control Number: 46-43-45-22-00-005-0030  
Closing Date: \_\_\_\_\_  
Purchase Price: Donation

**STATUTORY WARRANTY DEED**  
(Florida Statutes 689.02)

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_,  
between **DELRAY ESTUARY, L. C.**, a Florida limited liability company, whose post  
office address is 333 NE 2<sup>nd</sup> Street, Delray Beach, Florida 33483-4522 ("Grantor") and  
**PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose post  
office address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791  
("Grantee").

**WITNESSETH:**

THAT Grantor, for and in consideration of the sum of Ten and 00/100's (\$10.00)  
Dollars to it in hand paid by Grantee, and other good and valuable consideration, the  
receipt and sufficiency of which are hereby acknowledged, has granted, bargained, and  
sold to Grantee, its successors and assigns forever, all that certain land situate in Palm  
Beach County, State of Florida, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

subject to the rights granted and terms and conditions imposed in the Deed of  
Conservation Easement dated June 2, 1999, and recorded August 24, 1999, in  
Official Record Book 11313, page 297, of the public records of Palm Beach  
County, Florida,

TOGETHER, with all the tenements, hereditaments and appurtenances thereto  
belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor does hereby fully warrant the title to said land, and will defend the  
same against the lawful claims of all persons whomsoever.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day  
and year first above written.

Signed, sealed and delivered in the presence of:

Grantor:

**DELRAY ESTUARY, L. C.**, a  
a Florida limited liability company

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Name Printed

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Name Printed

By: \_\_\_\_\_  
Scott Porten, its Managing Member

\_\_\_\_\_  
Date of Execution

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_ 200\_\_, by Scott Porten, the Managing Member of Delray Estuary,  
L.C., a Florida limited liability company, ( ) who is personally known to me OR  
( ) who has produced \_\_\_\_\_ as identification and  
who ( ) did ( ) did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida

(Stamp/Seal)

\_\_\_\_\_  
Print Notary Name

\_\_\_\_\_  
Commission Number

My Commission Expires: \_\_\_\_\_

Approved by the Palm Beach County  
Board of County Commissioners  
on \_\_\_\_\_  
Resolution Number \_\_\_\_\_

\_\_\_\_\_  
County Attorney or Designee

G:\DEVELOPMENT\OPEN PROJECTS\ERM-HUDDLE PROPERTY-DK\STATUTORY WARRANTY DEED.001 FINAL JMB.DOCX

**Exhibit "A"**

The North 300 feet of the South 920.17 feet of Government Lot 5 being west of Spanish River in Section 22, Township 45 South, Range 43 East, Palm Beach County, Florida.