

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: February 24, 2009 (X) Consent ( ) Regular  
( ) Workshop ( ) Public Hearing

**Department**

Submitted By: Environmental Resources Management  
Submitted For: Environmental Resources Management

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to approve:**

- A) Budget Transfer of \$4,773,804 in the Unit 11 Stewardship Fund from Reserves to the Unit 11 Acquisition/Enhancement Fund; and
- B) Budget Amendment of \$4,773,804 in the Unit 11 Acquisition/Enhancement Fund to recognize the transfer from the Unit 11 Stewardship Fund.

**Summary:** These actions will appropriate a portion of the budget for the payment of remaining settlements on parcels in Unit 11 that have been acquired by the County through eminent domain. The Unit 11 Acquisition/Enhancement Fund and Unit 11 Stewardship Fund originated from mitigation requirements imposed on various developments by the South Florida Water Management District, Florida Department of Environmental Protection and the U.S. Army Corps of Engineers. The \$4,773,804 Transfer provides for the release of Reserves for Principle to be allocated to the Unit 11 Acquisition/Enhancement Fund. Included in the Amendment is a transfer of \$260,000 from Reserves and the consolidation of various cost centers within the Fund into a single account. The expiration of two contracts (R2000-0095 dated January 11, 2000 and R2005-0125 dated January 11, 2005) with the South Florida Water Management District allows for unspent mitigation fees available after the completion of eminent domain actions to be used for the enhancement and ongoing management of lands within Unit 11. Any residual balances in the Unit 11 Stewardship Fund at the close of FY2009 will be transferred to the Unit 11 Acquisition/Enhancement Fund allowing for the closure of the Stewardship Fund.

The cost of acquiring Unit 11 parcels through the eminent domain process has exceeded expectations. It was originally thought that monies collected and placed in the acquisition and enhancement funds would be sufficient to cover all acquisition and enhancement/restoration costs. However, rapidly rising land values between 2000 and 2005 greatly increased the cost of the eminent domain acquisitions. As a result, principal within the Unit 11 Stewardship Fund, an account originally earmarked by the Board to generate interest to help pay for the long-term management of the site, is now needed to help pay for the acquisition of the land. Approval of this Board agenda item will transfer principal from the Unit 11 Stewardship Fund to an account where it may be used to pay the remaining acquisition costs. District 1 (JMB)

**(Continued on Page 3.)**

**Attachments:**

- 1. Budget Amendment (3650)
- 2. Budget Transfer (1221)

Recommended by: Richard E. Wabnitz 1/29/09  
Department Director Date

Approved by: [Signature] 2/6/09  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Capital Expenditures</b>	_____	_____	_____	_____	_____
<b>Operating Costs</b>	_____	_____	_____	_____	_____
<b>External Revenues</b>	_____	-0-	-0-	-0-	-0-
<b>Program Income (County)</b>	-0-	-0-	-0-	-0-	-0-
<b>In-Kind Match (County)</b>	-0-	-0-	-0-	-0-	-0-
<b>NET FISCAL</b>	* <u>See below</u>	-0-	-0-	-0-	-0-
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
<b>Is Item Included in Current Budget?</b>		Yes _____		No <u>X</u> _____	
<b>Budget Account No.:</b>	<b>Fund</b> _____	<b>Department</b> _____	<b>Unit</b> _____	<b>Object</b> _____	
	<b>Program</b>				

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\* Mitigation Fees and Interest Earnings are provided for eminent domain proceedings, and enhancement and ongoing management of the Unit 11 Regional Offsite Mitigation Area – Reserves are being allocated for final acquisition costs and future enhancements. Actions also initiate the closing of Fund 1221 and the consolidation of all funding sources to Fund 3650.

**C. Department Fiscal Review:**

*JP*

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and /or Contract Dev. and Control Comments:**

*Jan Burt* 2-11-09  
 OFMB 2/11/09 CW 2/11/09

*Jan J. Javet* 2/12/09  
 Contract Development and Control

**B. Legal Sufficiency:**

*Jan Burt* 2/13/09  
 Assistant County Attorney

**C. Other Department Review:**

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

(Continued from page 1)

**Background and Justification:** 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. However, the final costs (including land cost, statutory interest, attorney's fees, expert witness fees and miscellaneous costs) to acquire 57 parcels through a "quick take" eminent domain process have not yet been determined. Although 32 of the final 57 parcels have gone through a jury valuation trial, the verdict has been appealed by the former landowner's attorney. The judge is expected to hear arguments on the requested appeal on February 4, 2009. Final costs associated with this trial will depend upon the judge's ruling and on a future related cost trial. Another 14 parcels are tentatively set for jury valuation trial in March or April 2009, whereas the remaining 11 parcels have not yet been set for a jury valuation trial.

2009 - 0513

BGEX - 380 - 010709\*845

BGRV - 380 - 012309\*275

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 ENCUMBERED		REMAINING BALANCE
					BUDGET	/ Expended	
<b>REVENUES</b>							
381-M209 Unit 11 Eminent Domain	8028-Transfer from Fund 1221	0	1,388,000	4,773,804	0	6,161,804	
<b>TOTAL RECEIPTS &amp; BALANCES</b>		755,135	2,091,186	4,773,804	0	6,864,990	
<b>EXPENDITURES</b>							
381-9900 Reserves	9907 Reserve for Future Construction	388,826	388,826	0	260,000	128,826	0
381-M203 Unit 11 SFWMD	6101 Land	91,433	39,484	0	7,980	31,504	31,504
381-M204 Unit 11 SFWMD	3401 Other Contractual Services	2,811	2,811	0	2,811	0	0
381-M210 Unit 11 Enhancement	3401 Other Contractual Services	250,510	250,510	0	250,510	0	0
381-M210 Unit 11 Enhancement	4901 Other Current Charges	20,781	20,781	0	20,781	0	0
381-M210 Unit 11 Enhancement	4909 Licenses and Permits	1	1	0	1	0	0
381-M209 Unit 11	3401 - Other Contractual Services	0	0	4,073,459	0	4,073,459	0
381-M209 Unit 11	6101 Land	773	1,388,773	1,242,428	0	2,631,201	150,385
<b>TOTAL APPROPRIATIONS &amp; EXPENDITURES</b>		755,135	2,091,186	5,315,887	542,083	6,864,990	

ATTACHMENT #1

Environmental Resources

Management

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

Signatures & Dates

*Richard E. Wabuly* 1/29/09  
*Jan [Signature]* 2-11-09

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

February 24, 2009

Deputy Clerk to the

Board of County Commissioners

A  
2/11/09

2009 -

0514

BGEX - 380- 010709\*846

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 12/31/2008	REMAINING BALANCE
<u>Appropriations</u>							
820-M205 FDEP Unit 11	9903 Principle Reserve	66,960	66,960	0	66,960	0	0
820-M205 FDEP Unit 11	9906 Reserves Restricted Project	29,870	5,464		5,464	0	0
820-M206 SFWMD Unit 11	9903 Principle Reserve	1,248,098	1,248,098	0	1,248,098	0	0
820-M206 SFWMD Unit 11	9906 Reserves Restricted Project	576,577	166,132		166,132	0	0
820-M211 Unit 11 Eminent Domain	9903 Principle Reserve	2,898,377	2,898,377	0	2,898,377	0	0
820-M211 Unit 11 Eminent Domain	9906 Reserves Restricted Project	1,341,922	388,773		388,773	0	0
820-9100 Transfers	9188 Transfer to Fund 3650	0	<del>1,388,000</del> 4,773,804	0	6,161,804	0	6,161,804
			4,773,804	4,773,804			

ATTACHMENT #2

Environmental Resources  
Management

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

Signatures & Dates

*Richard E. Wainwright* 1/29/09  
*Jim [unclear]* 2-11-09

2/11/09

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

February 24, 2009

Deputy Clerk to the

Board of County Commissioners

5