

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 5, 2009 [X] Consent [] Regular
[] Ordinance [] Public Hearing
Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) Amendment Number One to Lease Number 3887 with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) (R91-176D) to allow a Palm Tran bus service facility at the West County Jail expansion property in Belle Glade; and
- B) a Declaration of Easement for maintenance of a littoral planting area covering approximately .37 acres at the West County Jail expansion property in Belle Glade.

Summary: The County leases approximately 76 acres from TIITF for the West County Jail, Drug Farm and other correctional facilities. The property is located near the intersection of State Road 80 and State Road 15 in Belle Glade. This Amendment Number One modifies the Lease to allow for a Palm Tran bus facility. The co-location of this facility will offset the operational costs associated with fuel rotation or treatment for the 65,000 to 80,000 gallons of stored diesel fuel necessary to operate the emergency generators at the Jail. When completed, Palm Tran's bus service for Belle Glade, Pahokee, and South Bay will originate from this facility. The facility will also be used for bus storage and light maintenance. The co-location of this use with the Jail will also provide opportunities for expanding jail vocational programs into fleet training. The annual rent will continue to be \$1/year. All other terms and conditions of the Lease remain unchanged. As part of the development of the Jail expansion, the County is required to relocate and enlarge the stormwater management system. This Declaration of Easement identifies a .37 acre littoral planting area located within the relocated stormwater management tract on the eastern section of the property and is required as a condition of permitting the Jail development. (PREM) District 6 (HJF)

Background and Justification: In 1991, the Board approved a fifty (50) year Lease Agreement with TIITF to lease approximately 113 acres for the Sheriff's Drug Farm and other correctional facilities. In 1994, the Board approved a partial release of this Lease (R94-811D) which reduced the leased premises to the current 76.24 acres. The County's Land Management Plan, as approved by TIITF, includes: (i) relocating the existing PBSO substation; (ii) building a Palm Tran Dispatch and Maintenance Facility; (iii) building a Florida Power & Light substation to service the Jail expansion; and (iv) building a new Eagle Academy (Drug Farm) facility. Construction of the Jail expansion has begun and is anticipated to be completed in August 2010. Under Article 4, Chapter D of the County's Unified Land Development Code, Environmental Resource Management Division requires a Restrictive Covenant Agreement to identify the littoral planting area within the stormwater tract. However, as TIITF does not place restrictive covenants over State land, this Declaration of Easement accomplishes the same purpose by documenting the County's obligation to establish and maintain the littoral planting area which the County will maintain for the duration of the Lease term. This Declaration of Easement will be recorded in the public records to provide public notice of the littoral planting area.

In October 2008, TIITF granted Florida Power and Light an easement to construct and maintain the utility substation, together with an easement for overhead and underground electric transmission and distribution lines. The easement area is located within the property leased by the County and is for a term of fifty (50) years.

Attachments:

- 1. Location Map
- 2. Amendment Number One to Lease Number 3887
- 3. Declaration of Easement

Recommended By: [Signature] Anthony Wolf 4/19/09
 Department Director Date

Approved By: [Signature] [Signature] 4/27/09
 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)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u> 0 </u>	_____	_____	_____	_____
# 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 D... 4-24-09
 OFMB 08
 4/23/09 (WD) 4/22/09 CN 4/22/09

Ami J. Jaworski 4/24/09
 Contract Development and Control

B. Legal Sufficiency:

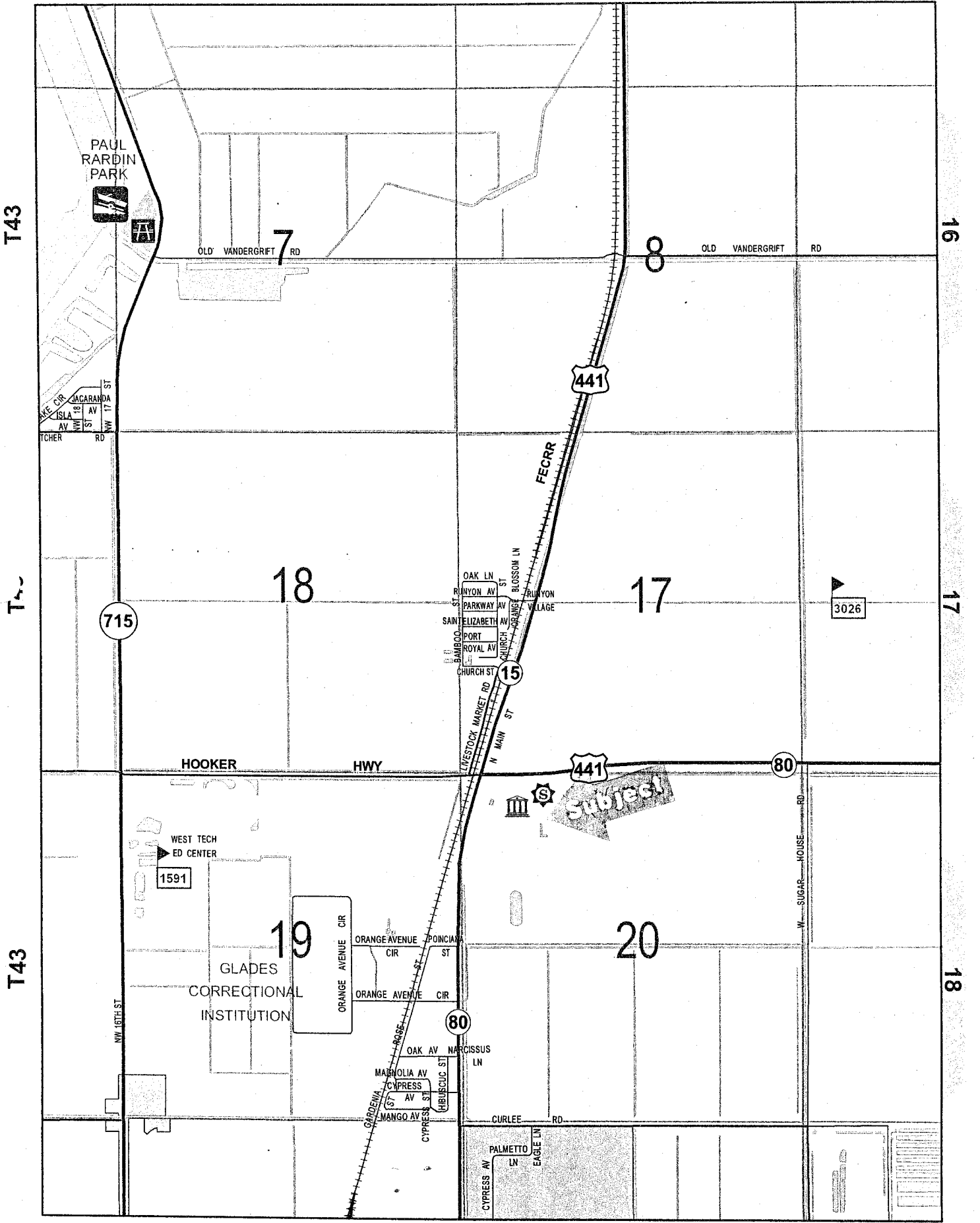
Al Jal 4/27/09
 Assistant County Attorney

This amendment complies with our review requirements.

C. Other Department Review:

 Department Director

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



LOCATION MAP

ATTACHMENT # 1



ATL1

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND OF THE STATE OF FLORIDA

AMENDMENT NUMBER ONE TO LEASE NUMBER 3887

THIS LEASE AMENDMENT is entered into this _____ day of _____, 2009, by and between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, hereinafter referred to as "LESSOR" and PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "LESSEE";

W I T N E S S E T H

WHEREAS, LESSOR, by virtue of Section 253.03, Florida Statutes, holds title to certain lands and property for the use and benefit of the State of Florida; and

WHEREAS, on March 11, 1991, LESSOR and LESSEE entered into Lease Number 3887; and

WHEREAS, on July 28, 1994, a Partial Release of Lease Number 3887 was Entered releasing 36.76 acres from the description of the premises and returned to the LESSOR; and

WHEREAS, LESSOR and LESSEE desire to amend Lease Number 3887 to add language to paragraph 5.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The "PURPOSE" paragraph of Lease Number 3887 set forth in paragraph 5 is hereby amended to include the use of a planned Palm Tran bus service facility.
2. It is understood and agreed by LESSOR and LESSEE that in each and every respect the terms of Lease Number 3887, except as amended hereby, shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by LESSOR and LESSEE as of the date of this amendment.
3. It is understood and agreed by LESSOR and LESSEE that this Amendment Number One to Lease Number 3887 is hereby binding upon the parties hereto and their successors and assigns.

ATTACHMENT #2

IN WITNESS WHEREOF, the parties have caused this lease amendment to be executed on the day and year first above written.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

Witness

Print/Type Witness Name

Witness

Print/Type Witness Name

STATE OF FLORIDA
COUNTY OF PALM BEACH

By: _____ (SEAL)
GLORIA C. BARBER, OPERATIONS
AND MANAGEMENT CONSULTANT
MANAGER, BUREAU OF PUBLIC LAND
ADMINISTRATION, DIVISION OF
STATE LANDS, STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

"LESSOR"

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by Gloria C. Barber, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me.

Notary Public, State of Florida

Print/Type Notary Name

Commission Number:

Commission Expires:

Approved as to Form and Legality

By: _____
DEP Attorney

PALM BEACH COUNTY, a political
subdivision of the State of Florida
By its Board of County Commissioners

Witness

By: _____
John F. Koons, Chairman

Print/Type Witness Name

Witness

"LESSEE"

Print/Type Witness Name

Attest: _____
Sharon R. Bock
Clerk & Comptroller (SEAL)

By: _____
Deputy Clerk

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____ as Chairman, of the Board of County Commissioners of Palm Beach County, Florida. He/she is personally known to me or has produced _____ as identification.

Notary Public, State of Florida

Print/Type Notary Name

Commission Number:

Commission Expires:

Approved As To Form
And Legal Sufficiency

Approved As To Terms And Conditions

By: _____
Assistant County Attorney

By: Ralf Anthony Wolf
Department Director

Prepared by & Return to:
Margaret Jackson, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 00-37-43-20-00-000-1000

DECLARATION OF EASEMENT

THIS IS A DECLARATION OF EASEMENT, made _____,
by **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County"),
whose address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791.

WHEREAS, County leases the Belle Glade Jail Expansion Property, as legally
described in Exhibit "A" ("Jail Expansion Property") attached hereto and made a part hereof,
from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida,
(TIITF) pursuant to a lease agreement with TIITF, dated February 12, 1991 (County
Resolution No. R91-176D), and referenced by TIITF as Lease No. 3887 (the "Lease"); and

WHEREAS, County is in the process of developing the Jail Expansion Property
which requires the creation of a Littoral Zone for a planted shelf within a portion of the
stormwater system located within the Jail Expansion Property; and

WHEREAS, County desires to establish and maintain planted littoral shelves within
an easement area located in a portion of the Jail Expansion Property, as legally described in
Exhibit "B" (the "Easement Premises") attached hereto and made a part hereof.

WITNESSETH:

NOW, THEREFORE, County does hereby declare and create a non-exclusive
easement (the "Easement") over, upon, under, and across the Easement Premises, the
duration of which shall be for the term of the Lease and any extensions thereof, subject to the
terms and conditions set forth herein. Upon the termination or expiration of the Lease and
any extensions thereto, County shall execute a Release of Easement if so required. This
easement shall be for the purpose of planting and maintaining planted littoral shelves within

the limits of the Easement Premises at the County's sole cost, expense and obligation, in accordance with the Palm Beach County Unified Land Development Code ("ULDC"), Article 4, Chapter D, Excavation, County, and the Notice of Intent to Construct for Excavation ("NIC") approval, dated October 30, 2007, Excavation approval for West County Jail Expansion: Petition No. PDD 1991-002; Excavation No. E2007-10.

It is a punishable violation of Palm Beach County laws, ordinances, codes, regulations and approvals to alter the approved slopes, contours or cross sections, or to chemically, mechanically or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone as set forth in Exhibit "B", and the NIC approval, except, upon the express, written approval from the Director of Environment Resource Management ("ERM") or the Palm Beach County Zoning Division, as applicable. It is the responsibility of the County to maintain the required survivorship and coverage of the planted littoral zone as set forth in Exhibit "B", and the NIC approval, and to insure ongoing removal of prohibited and invasive non-native plant species from these areas.

IN WITNESS WHEREOF, the County has caused this Declaration of Easement to be executed as of the day and year first above written.

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

COUNTY:
PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Assistant County Attorney

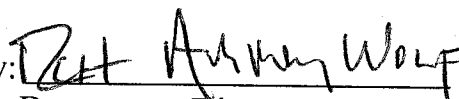
By: 
Department Director

EXHIBIT "A"

JAIL EXPANSION PROPERTY

PARCEL (B-1)

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 38 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, RUN S00°01'02"W ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1669.02 FEET; THENCE N89°52'11"W ALONG THE NORTH LINE OF THE SOUTH 970.00 FEET OF SAID NORTHWEST QUARTER A DISTANCE OF 2653.65 FEET; THENCE N00°07'48"W ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20 A DISTANCE OF 162.51 FEET; THENCE S89°52'11"E A DISTANCE OF 358.95 FEET; THENCE N00°07'11"W A DISTANCE OF 330.00 FEET; THENCE S89°52'11"E ALONG THE NORTH LINE OF THE SOUTH 1465.51 OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 345.90 FEET; THENCE N00°01'02"E A DISTANCE OF 157.63 FEET; THENCE N89°49'26"W A DISTANCE OF 39.49 FEET; THENCE N00°11'56"W A DISTANCE OF 360.01 FEET; THENCE S89°49'26"E A DISTANCE OF 1490.86 FEET; THENCE N00°01'02"E ALONG THE WEST LINE OF THE EAST 500 FEET OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 660.52 FEET, THENCE S89°49'26"E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20 A DISTANCE OF 500.00 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 20 AND POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND.

A PARCEL OF LAND LYING IN SECTION 20 TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING ON THE NORTH LINE OF SAID SECTION 20, AT A POINT 664.60 FEET EAST FROM THE NORTHWEST CORNER OF SAID SECTION 20, RUN THENCE S00°11'56"E A DISTANCE OF 660.53 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, AND POINT OF BEGINNING.

CONTINUE THENCE S00°11'56"E A DISTANCE OF 360.01 FEET; THENCE S89°49'26"E A DISTANCE OF 840.00 FEET; THENCE N00°11'56"W A DISTANCE OF 360.01 FEET; THENCE N89°49'26"W A DISTANCE OF 840.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS OF RECORD AND CONTAINING A NET AREA OF 51.400, More or Less

PARCEL (B-2) 25.44 Acres, More or Less
The West Quarter (W-1/4) of the Northeast Quarter (NE-1/4) of Section 20, Township 43 South, Range 37 East, Palm Beach County, Florida

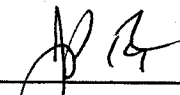
LESS AND NOT INCLUDING:
The South 970 feet thereof.

A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER OF SECTION 20,
TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SAID NORTHWEST
ONE-QUARTER OF SECTION 20;
THENCE ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER
OF SECTION 20, S00°07'49"E FOR 85.00 FEET TO THE SOUTH LINE
OF THE SOUTH FLORIDA CONSERVANCY DISTRICT LATERAL CANAL No.3-2;
THENCE ALONG SAID SOUTH LINE, N89°58'17"W FOR 500.00 FEET TO
THE WEST LINE OF THE EAST 500.00 FEET OF THE SAID NORTHWEST
ONE-QUARTER OF SECTION 20;
THENCE ALONG SAID WEST LINE, S00°07'49"E FOR 241.97 FEET;
THENCE N90°00'00"E FOR 61.43 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE N90°00'00"E FOR 396.43 FEET TO A NON-TANGENT CURVE,
CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 90.00 FEET, WHERE A
RADIAL LINE BEARS S60°56'44"W;
THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A
CENTRAL ANGLE OF 60°56'45" FOR 95.73 FEET TO A POINT OF TANGENCY;
THENCE N89°59'48"W FOR 239.07 FEET TO THE POINT OF CURVATURE
OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF
90.00 FEET;
THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH
A CENTRAL ANGLE OF 60°57'31" FOR 95.75 FEET TO THE POINT OF
BEGINNING.

CONTAINING 16,247 SQUARE FEET, MORE OR LESS

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT
COMPRISE THE COMPLETE LEGAL DESCRIPTION.
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH
ACCOMPANY EACH OTHER.
REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL
RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND
MAPPER NOTED HEREON.



JOHN E. PHILLIPS III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4826
DATE: SEP 13 2007



BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407
(561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION
LITTORAL ZONE

DRAWN: MB	PROJ. No. 06-062
CHECKED: JEP	SCALE: NONE
WEST COUNTY DETENTION	DATE: 9/12/07
	SHEET 1 OF 2

N.E. CORNER OF
THE N.W. 1/4 OF
SECTION 20/43/37 P.O.C.

(bearing basis)

NORTH LINE OF SECTION 20 N89°58'17"W

SOUTH FLORIDA CONSERVANCY DISTRICT LATERAL CANAL 3-2

N89°58'17"W

500.00'

85.00'

S00°07'49"E
241.97'

WEST LINE OF THE EAST 500' OF THE N.W. 1/4 OF SECTION 20

R=90.00'
Δ=60°57'31"
A=95.75'

N89°59'48"W

R=90.00'
Δ=60°56'45"
A=95.73'

239.07'

396.43'

61.43'

P.O.B.

N90°00'00"E

radius =
S60°56'44"W

S00°07'49"E
EAST LINE OF THE NORTHWEST 1/4 OF SECTION 20



ABBREVIATIONS

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R - RADUS
- Δ - CENTRAL ANGLE
- A - ARC LENGTH

LITTORAL ZONE



BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

THIS SKETCH IS NOT A SURVEY

DRAWN: MB	PROJ. No. 06-062
CHECKED: JEP	SCALE: 1" = 100'
WEST COUNTY DETENTION	DATE: 9/12/07
	SHEET 2 OF 2