

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 Partial Release of Conservation Easement on the north half of the County's Haverhill Linear Park property located west of Drexel Road and extending from Belvedere Road to Southern Boulevard, in unincorporated West Palm Beach.

Summary: On May 6, 2008 (6E-1), the Board conceptually approved the donation of land for a portion of the County's Haverhill Linear Park property to the Boys & Girls Clubs of Palm Beach County. The Agreement transferring the land to the Boys and Girls Clubs will be presented to the Board in the next 2-3 months. The Boys and Girls Clubs is moving forward with their development approvals and as a requirement of its DRO Site Plan Approval, it is necessary to process this Partial Release of Conservation Easement at this time. This Partial Release of Conservation Easement will remove the restrictions only on the 13.29 acre portion of the Haverhill Linear Park property lying north of the canal bisecting the Park property. There is no significant vegetation on the north half of the Linear Park property. (PREM) District 6 (HJF)

Background and Justification: On May 21, 2007, the County acquired title to a 24 acre parcel of property, commonly known as Haverhill Linear Park, from the Town of Haverhill. In February 2003, the County was granted a Conservation Easement over the Linear Park property to satisfy a condition of approval for the Johnson P.U.D. being developed by D. R. Horton as the Terracina Subdivision. The Conservation Easement prohibits development and requires the property to be maintained in its natural state. The development of the Boys and Girls Clubs' facility requires release of this Easement. Staff is working with Palm Beach Atlantic University, the owner of the property adjacent to the south half of the County's Linear Park property, to develop a program for preservation of the vegetation on Palm Beach Atlantic's and the County's property.

Attachments:

- 1. Location Map
- 2. Partial Release of Conservation Easement

Recommended By: Ray Army Wolf 4/17/09
Department Director Date

Approved By: [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	0				
Operating Costs	0				
External Revenues	0				
Program Income (County)	0				
In-Kind Match (County)	0				
NET FISCAL IMPACT	<u>0</u>				
# ADDITIONAL FTE POSITIONS (Cumulative)	0				

Is Item Included in Current Budget: Yes _____ No x _____

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:

Jan Orl 4-22-09
 OFMB
 (NO) CN 4/22/09

Ann J. Jacoby 4/23/09
 Contract Development and Control

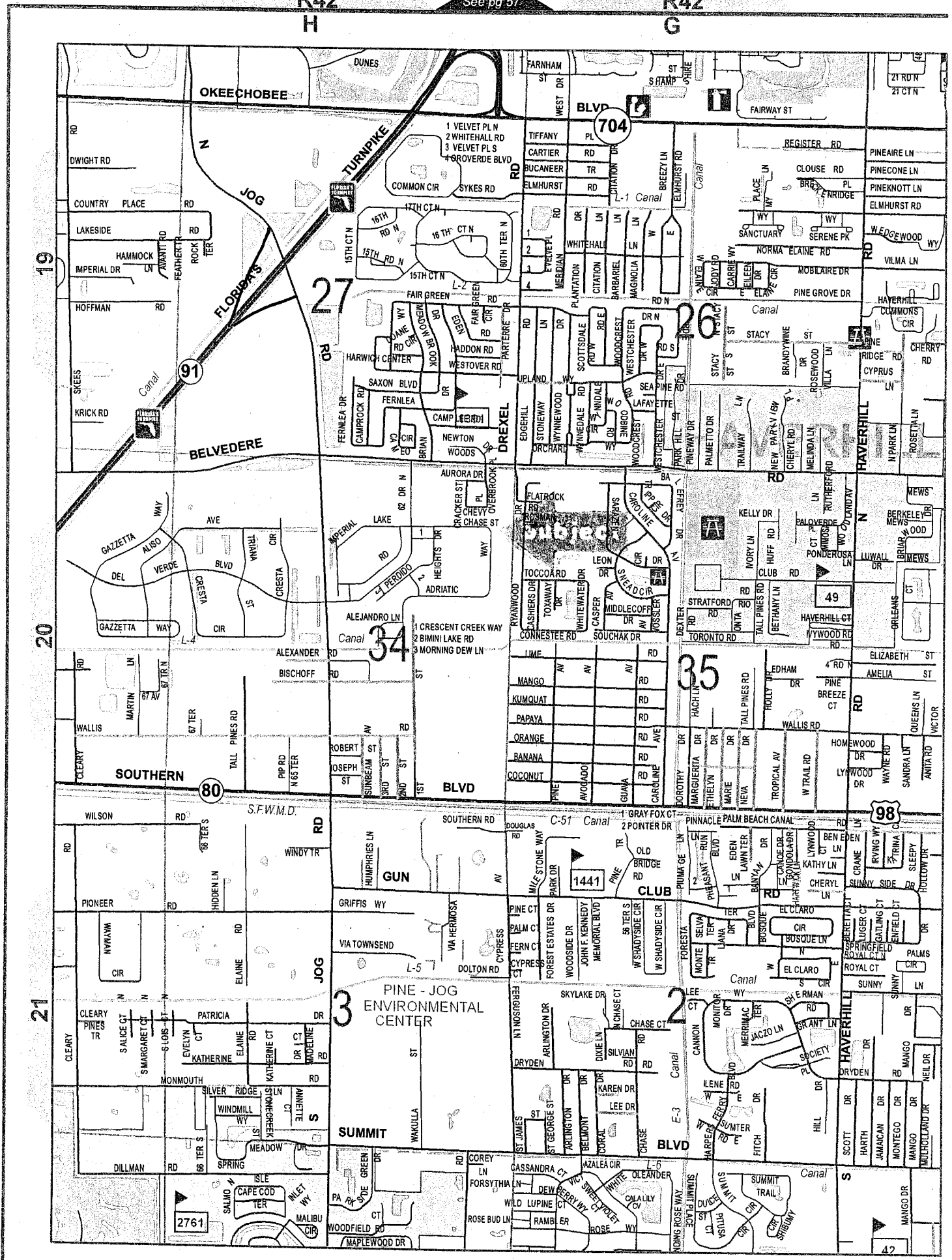
B. Legal Sufficiency:

H. J. [Signature] 4/27/09
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



LOCATION MAP

ATTACHMENT # 1

II

PREPARED BY AND RETURN TO:
Katrina L. Gilbert, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

Property Control Number: 00-42-43-34-00-000-1010 a portion of

PARTIAL RELEASE OF CONSERVATION EASEMENT

THIS PARTIAL RELEASE OF CONSERVATION EASEMENT (the "Release")
made _____, by Palm Beach County, a political subdivision of the State
of Florida, whose mailing address is 301 North Olive Avenue, West Palm Beach, FL 33401
("County").

WITNESSETH

Whereas, County is the owner and holder of a Conservation Easement dated
February 10, 2003, and recorded in ORB 14828, Page 1210 of the Public Records of Palm
Beach County, Florida, (the "Easement") which Easement encumbers the Property as legally
described therein; and

Whereas, County took title to the Property on May 1, 2007; and

Whereas, County, as the beneficiary of the Easement and the sole owner of the
Property, desires to release a portion of the Property from the Easement.

Now, therefore, County, for and in consideration of Ten Dollars (\$10.00) and other
good and valuable consideration, the receipt and sufficiency of which are hereby
acknowledged, does hereby release from the Easement the following described property:

**See Legal Description marked Exhibit "A"
Attached Hereto and Made a Part Hereof
(the "Released Property").**

From and after the date hereof, the Easement shall no longer encumber, restrict, burden, or otherwise affect the Released Property and the Released Property shall be freed of the Easement and the rights and privileges granted therein. This Release applies only to the Released Property specifically described herein and in no way affects other lands covered by Easement.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, County has caused this Release to be executed in its name by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

**SHARON R. BOCK
CLERK & COMPTROLLER**

**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: Pat Army Wolf
Department Director

EXHIBIT "A"
RELEASED PROPERTY
LEGAL DESCRIPTION

A PORTION OF THE 210.00 FOOT STRIP OF LAND EAST OF BLOCK 5, "THE PALM BEACH FARMS COMPANY PLAT NUMBER 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE NORTH $88^{\circ}18'15''$ WEST, ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $01^{\circ}28'32''$ WEST, ALONG A LINE 30.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SECTION 34, A DISTANCE OF 100.00 FEET; THENCE SOUTH $07^{\circ}03'01''$ EAST, A DISTANCE OF 202.35 FEET; THENCE SOUTH $01^{\circ}28'32''$ WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 2336.84 FEET; THENCE SOUTH $01^{\circ}28'02''$ WEST, ALONG SAID EAST LINE, A DISTANCE OF 110.00 FEET; THENCE SOUTH $68^{\circ}59'16''$ WEST, A DISTANCE OF 156.92 FEET; THENCE NORTH $88^{\circ}31'58''$ WEST, A DISTANCE OF 65.00 FEET; THENCE NORTH $01^{\circ}28'02''$ EAST, ALONG THE WEST LINE OF THE EAST 210.00 FEET OF SAID SECTION 34, A DISTANCE OF 170.07 FEET; THENCE NORTH $01^{\circ}28'32''$ EAST, ALONG THE WEST LINE OF THE EAST 210.00 FEET OF SAID SECTION 34, A DISTANCE OF 2637.61 FEET; THENCE SOUTH $88^{\circ}18'15''$ EAST, ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 13.296 ACRES, MORE OR LESS.