

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

Meeting Date: May 19, 2009 ☒ Consent ☐ Regular
 ☐ Ordinance ☐ Public Hearing

Department

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

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve County Deed in favor of the Town of Jupiter (Town) conveying the County's undivided interest in and to a 0.0868-acre parcel of submerged land owned by the County, located north of the County's Jupiter Ridge Natural Area, south of Indiantown Road and between the eastern boundary of the Intracoastal Waterway and U. S. Highway 1 (Parcel A);

B) accept Quit-Claim/Deed from the Town conveying its interest in an approximate 0.92-acre parcel of submerged land which was dedicated to the Town by the Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF; formerly known as the Trustees of the Internal Improvement Fund of the State of Florida) in 1965, and which is located west of Fullerton Island, north of Indiantown Road, west of the Intracoastal Waterway and east of Alternate A1A (Parcel B);

C) adopt Resolution authorizing the conveyance of the County's interest in Parcel A to the Town, with a reservation of mineral and petroleum rights, but without rights of entry and exploration, and for public recreational uses. Said conveyance is in consideration for the Town's conveyance of its interest in Parcel B to the County;

D) adopt Resolution requesting the State to re-assign dedication of Parcel B to the County with the Town's approval for conservation and passive recreational purposes; and

E) accept Partial Assignment and Assumption of Dedication No. 24155 from the Town to the County, with the TITF consenting.

Summary: The Town has been working to implement a 2.5-mile recreational corridor along the eastern shoreline of the Intracoastal Waterway known as the Jupiter Riverwalk (Riverwalk). Parcel A is located within the area needed to construct a connecting section of the existing Riverwalk and the Town is requesting the title to this land. In consideration for Parcel A, the Town will convey its interest in Parcel B to the County. Both properties are primarily mangrove and mangrove habitat.

(Continued on Page 3)

Attachments:

1. Location Map
2. Jupiter Riverwalk Map
3. County Deed for Parcel A
4. Quit-Claim Deed for Parcel B
5. Resolution Authorizing Conveyance of Parcel A to the Town
6. Resolution Requesting State Re-assignment of Parcel B to the County
7. Partial Assignment and Assumption of Dedication No. 24155
8. Summary of Appraisals

Recommended by:

Department Director

5/5/09
Date

Approved by:

County Administrator

7/10/09
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>X</u> _____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: _____ Fund _____ Department _____ Unit _____ Object _____

Program _____

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

- ☒ There is no fiscal impact associated with this item. Although Parcel B has maintenance requirements associated with the state dedication, the mangrove island currently requires little to no maintenance from the Town. As a result the cost of maintaining Parcel B is expected to be equal or less than the County's cost of maintaining Parcel A.

C. Department Fiscal Review:

JH

III. REVIEW COMMENTS

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

John Dowl 5-9-09
OFMB *5/10/09 SN 5/8/09 CN 5/8/09*

Dr. J. Jacoby 5/11/09
Contract Development and Control

B. Legal Sufficiency:

James Brubaker 5/13/09
Assistant County Attorney

At the time of CDC's review, the town of Superior Resolution Assignment and Quit Claim Deed were not executed.

C. Other Department Review:

R. C. H.
Department Director *Heem*

(Continued from page 1):

This transfer is mutually beneficial since the County will gain the right to use and maintain 0.92 acres of mangrove habitat for conservation and passive recreational purposes and the Town will receive a parcel of land that is essential for the completion of the Riverwalk. District 1 (JMB)

Background and Justification: Parcel A was acquired by the County as part of an approximate 0.15-acre vacant parcel that was donated to the County in 1989. At the time the County accepted the land donation, it was unaware that the adjacent land owner had encroached into the donated parcel during the construction of the hotel pool and deck in 1986-87. The existence of the encroachment was not known until several years later. In 2007, the County agreed to sell an approximate 0.065-acre portion of the original 0.15-acre parcel to the adjacent property owner as a means of eliminating the long term pool/deck encroachment into the County property. The property was sold for \$170,000, or \$60 per square foot. The remaining portions of the donated parcel are the subject of this board item. Parcel A is primarily comprised of submerged lands (lands located below the mean high water line) and contains a few mangroves. The only remaining upland portion within Parcel A has an easement for another portion of Jupiter's Riverwalk over it. This easement was approved by the Board on September 12, 2006 (R 2006-1918).

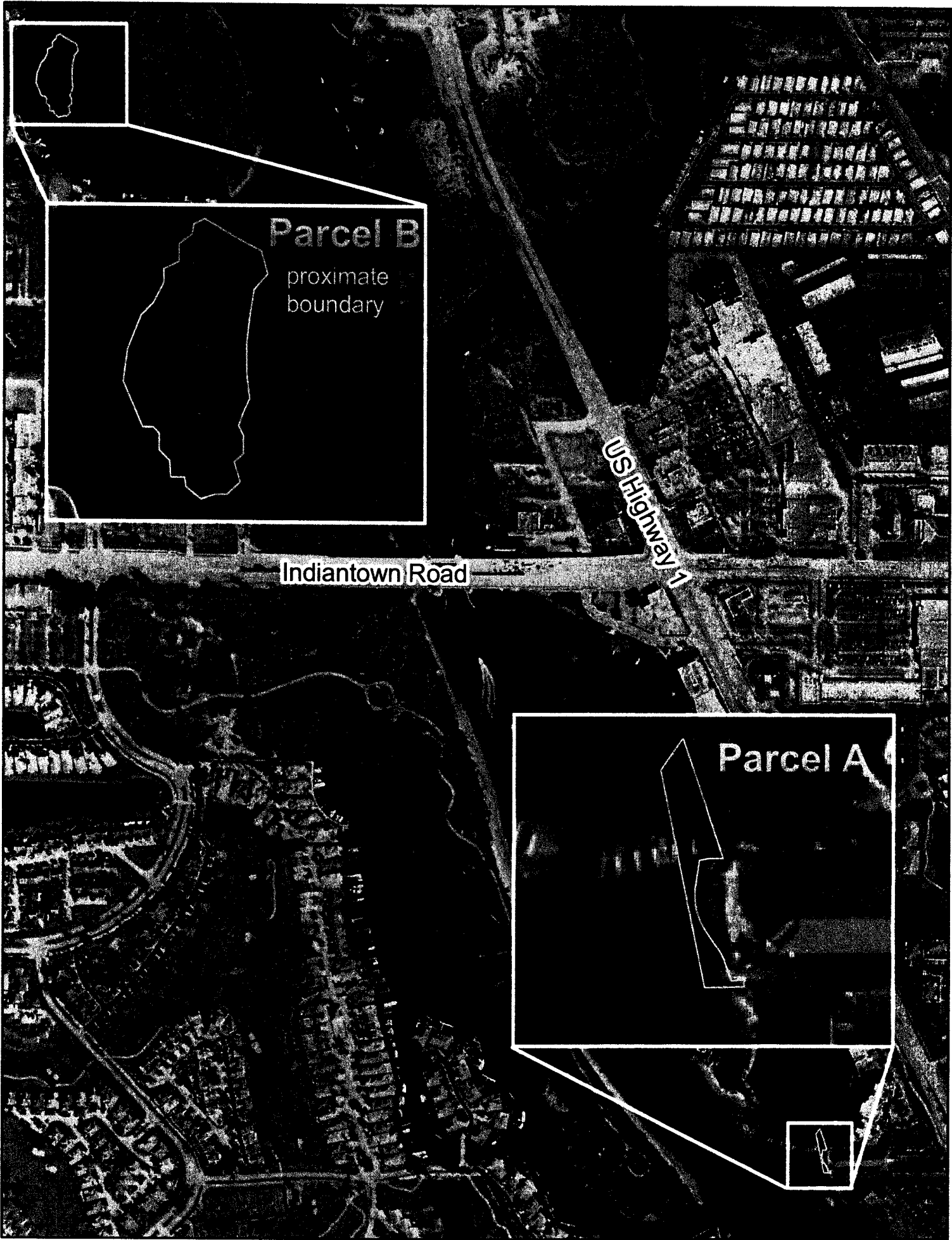
The Town currently has a transportation enhancement grant to construct a missing link section of the Riverwalk which will connect the recently constructed lagoon bridge to an existing section of the Riverwalk at Mangrove Bay. Based on discussions with the South Florida Water Management District (District) concerning the necessary permits for wetland impacts, it appears that the only location the District will allow this missing link to be built is through Parcel A. All other alternative placements would adversely affect seagrasses and are not acceptable to the District. Because nearly all of Parcel A would be used for the Riverwalk construction, staff recommends conveyance of the entire 0.0868-acre parcel to the Town.

The Town acquired an interest in Parcel B from the Trustees of the Internal Improvement Fund of the State of Florida in December 1965. This interest was in the form of a dedication to the Town, and was conditional upon the Town utilizing and maintaining the mangrove island for public park and recreational purposes. Since its dedication to the Town, the island has been managed as native mangrove habitat. This habitat provides important nursery, shelter and food functions for several recreationally-fished estuarine fish and invertebrate species. Due to the proximity of the mangrove island to the public boat ramp at Burt Reynolds Park, the island serves as a destination for recreational fishermen, canoeists and kayakers, bird watchers and possibly snorkelers. ERM would continue to manage this area as mangrove habitat and would continue to allow its utilization for passive recreational purposes. Although Parcel B is part of a perpetual maintenance spoil area designated as MSA-605 which was granted to the United States of America on March 19, 1936, staff feels that it is highly unlikely that this easement would ever be used due to today's regulatory climate and the sensitive nature of the mangroves present on the island. In fact, several old spoil islands in the vicinity of Parcel B have been or are in the process of being scraped down to intertidal elevations and replanted with mangroves or other native intertidal estuarine vegetation.

Both Parcel A and Parcel B are comprised primarily of submerged lands with little or no road access. The proposed assignment of the Town's dedication over Parcel B to the County and the subsequent approval of the transfer of interest by the State would result in an approximate 0.92-acre net increase in the amount of natural areas land managed by the County. County staff is supportive of this proposed transaction.

Appraisals for Parcel A and B are summarized in Attachment 8. The value for Parcel A is estimated to be \$5,000. The value for Parcel B is estimated to be \$10,000. Both of these values are based on a highest and best use as a mitigation site for a non-governmental entity.

County staff has been in close contact with the Department of Environmental Protection and all indications are that the state will approve the requested re-assignment of Parcel B in a timely manner. However, in the event that there is a delay in the state's approval of the Partial Assignment and Assumption of Dedication No. 24155, staff recommends that the County proceed with the recording of the County Deed and Town Quit Claim Deed to avoid any delays that could result in the Town losing its a transportation enhancement grant.



Parcels for Land Exchange between
Palm Beach County and the Town of Jupiter

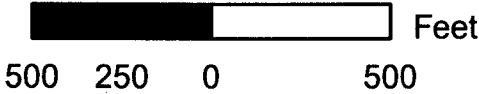


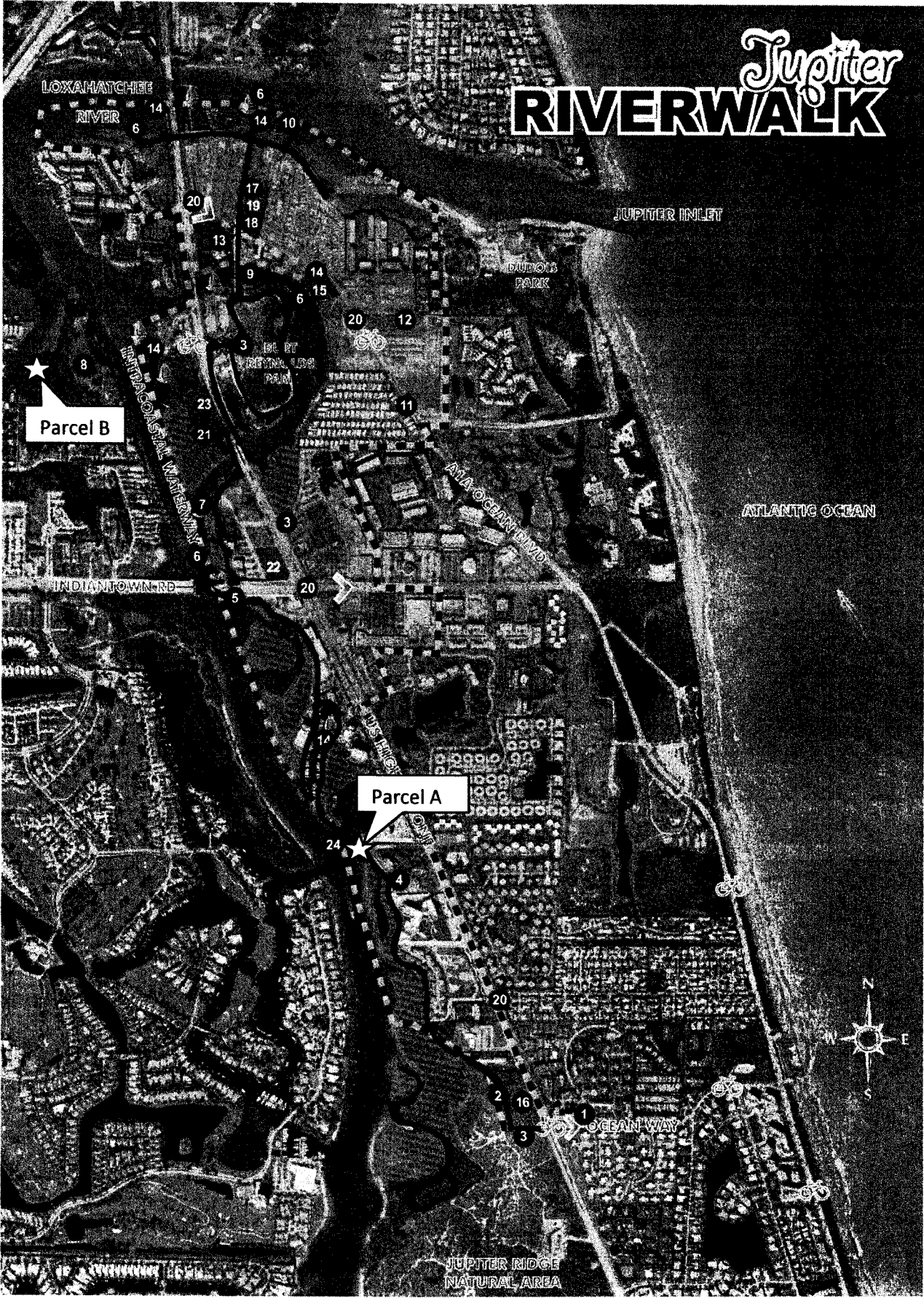
Palm Beach County
Department of Environmental
Resources Management



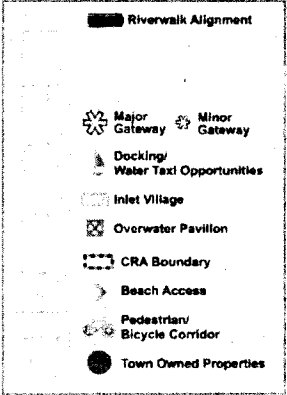
April 2009: lab

Parcels for Land Exchange





- | | |
|---|---|
| <ul style="list-style-type: none">1 Ocean Way US1 Crossing2 Riverwalk - Jupiter Ridge Connection at Elks Club3 Major Gateway Feature4 Riverwalk - River Plaza5 Event Plaza6 Riverwalk - Water Taxi7 Riverwalk - Entertainment District8 Riverwalk - Mitigation9 Burt Reynold's Oxbow Bridge10 Riverwalk - Inlet Village11 A1A Conceptual Design & Roadway Enhancement12 Roadway Network Plan | <ul style="list-style-type: none">13 Riverwalk A1A Pedestrian Crossing14 Public Boat Docking Facility15 Inlet Village Marina16 US1 Scenic Corridor17 Lighthouse Promenade18 Public Garage19 Inlet Village - Love Street Temporary Surface Lot20 Riverwalk and Inlet Village Sign Program21 U.S. 1 Oxbow Bridge22 First Union Bank Property23 Piatt Place24 Lagoon Bridge |
|---|---|



Attachment 3

PREPARED BY:

James Brako, Assistant County Attorney
Palm Beach County Attorney's Office
301 North Olive Avenue, 6th Floor
West Palm Beach, Florida 33401-4791

RETURN TO:

Brenda Arnold, Riverwalk Project Manager
Town of Jupiter
210 Military Trail
Jupiter, Florida 33458-5784

PCN: 30-43-41-06-00-000-5010

Closing Date: _____

Purchase Price: Donation

COUNTY DEED

This COUNTY DEED, made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791, "County", and the **TOWN OF JUPITER**, a municipal corporation of the State of Florida, whose legal mailing address is 210 Military Trail, Jupiter, Florida 33458-5784, "Town".

WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to it in hand paid by Town, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Town, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

See **Exhibit "A"** attached hereto and made a part hereof (the "Property").

This County Deed is given subject to the Property being used for public recreational purposes only.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths ($\frac{3}{4}$) interest in, and title in and to an undivided three-fourths ($\frac{3}{4}$) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half ($\frac{1}{2}$) interest in all petroleum that is or may be in, on, or under said land. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include, and County hereby expressly releases, any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.

6

IN WITNESS WHEREOF, County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

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**

(OFFICIAL SEAL)

By: _____
Assistant County Attorney

Exhibit "A"

LEGAL DESCRIPTION


A parcel of land in Section 6, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

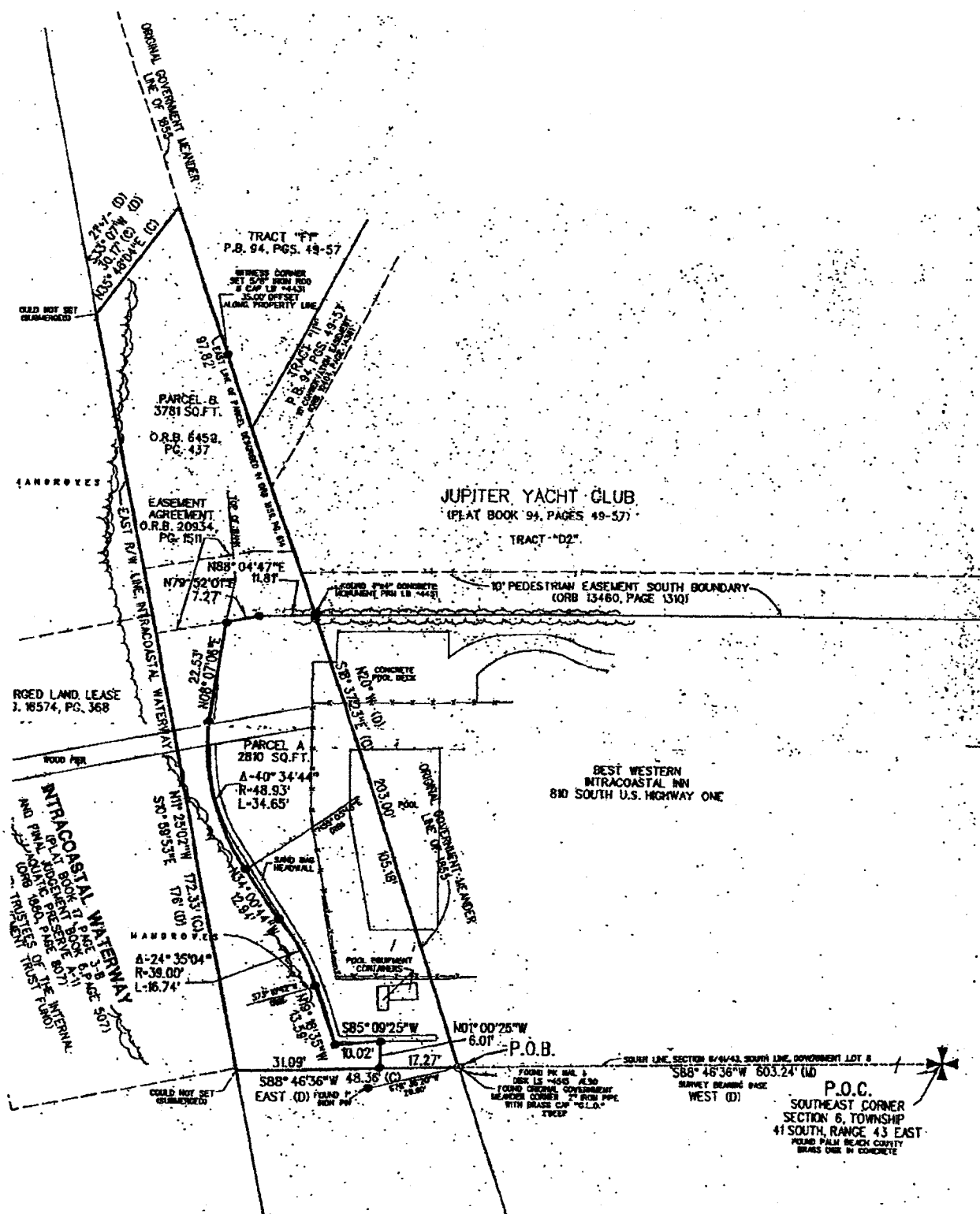
Commencing at the southeast corner of said Section 6, thence South $88^{\circ} 46' 36''$ West along the south line of said Section 6, a distance of 603.24 feet to a point on the Original Government Meander Line of 1855 and the Point of Beginning; thence continue South $88^{\circ} 46' 36''$ West along said south line, a distance of 48.36 feet to a point on the east right-of-way line of the Intracoastal Waterway as shown on Plat Book 17, Page 3B, public records of Palm Beach County, Florida; thence North $11^{\circ} 25' 02''$ West along said east right-of-way line, a distance of 172.33 feet; thence departing said east right-of-way line, North $35^{\circ} 46' 04''$ East, a distance of 30.17 feet to a point on said Original Government Meander Line of 1855; thence South $18^{\circ} 37' 23''$ East along said Original Government Meander Line of 1855, a distance of 203.00 feet to the Point of Beginning.

LESS THE FOLLOWING DESCRIBED PARCEL:

A parcel of land in Section 6, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the southeast corner of said Section 6, thence South $88^{\circ} 46' 36''$ West along the south line of said Section 6, a distance of 603.24 feet to a point on the Original Government Meander Line of 1855 and the Point of Beginning; thence continue South $88^{\circ} 46' 36''$ West along said south line, a distance of 17.27 feet; thence North $01^{\circ} 00' 25''$ West, a distance of 6.01 feet; thence South $85^{\circ} 09' 25''$ West, a distance of 10.02 feet; thence North $19^{\circ} 18' 35''$ West, a distance of 13.59 feet to a point on a non-tangent curve concave southwesterly, having a radius of 39.00 feet, a radial bearing South $73^{\circ} 10' 42''$ West and a central angle of $24^{\circ} 35' 04''$; thence northwesterly along the arc of said curve, a distance of 16.74 feet to a non-tangent line; thence North $34^{\circ} 00' 44''$ West, a distance of 12.94 feet to a point on a non-tangent curve, concave easterly, having a radius of 48.93 feet, a radial bearing of North $55^{\circ} 05' 48''$ East and a central angle of $40^{\circ} 34' 44''$; thence northerly along the arc of said curve, a distance of 34.65 feet to a non-tangent line; thence North $08^{\circ} 07' 06''$ East, a distance of 22.53 feet to a point on the south line of an easement agreement recorded in Official Record Book 20934, Page 1511, public records of Palm Beach County, Florida; thence North $79^{\circ} 52' 01''$ East along said south line, a distance of 7.27 feet; thence North $88^{\circ} 04' 47''$ East, a distance of 11.81 feet to a point on said Original Government Meander Line of 1855; thence departing said south easement agreement line South $18^{\circ} 37' 23''$ East along said Original Government Meander Line of 1855, a distance of 105.18 feet to the Point of Beginning.





Attachment 4

PREPARED BY AND RETURN TO:
THOMAS J. BAIRD, TOWN ATTORNEY
TOWN OF JUPITER
210 MILITARY TRAIL
JUPITER, FLORIDA 33458-5784

No PCN: Section 6, Township 41 South, Range 43 East
CLOSING DATE: _____
PURCHASE PRICE: Donation

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED executed as of the _____ day of _____, 2009 by the **TOWN OF JUPITER**, a municipal corporation of the State of Florida, ("Grantor") whose mailing address is 210 Military Trail, Jupiter, Florida 33458-5784, to **PALM BEACH COUNTY**, a political subdivision of the State of Florida, ("Grantee") whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791.

WITNESSETH:

That said Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars, in hand paid by said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to those certain lands situate, lying and being in Palm Beach County, State of Florida, described as follows:

**See Exhibit "A" attached hereto and made a part hereof
(the "Property")**

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

**APPROVED BY THE PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
ON _____
RESOLUTION NUMBER _____**

County Attorney or Designee

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

Signed, sealed, and delivered in the presence of:

Grantor:

TOWN OF JUPITER, a municipal corporation
of the State of Florida

By: _____
Karen J. Golonka, Mayor

(Witness Signature)

(Witness Name Printed)

(Witness Signature)

(Town Seal)

(Witness Name Printed)

ATTEST:

Sally M. Boylan, CMC
Town Clerk

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by Karen J. Golonka, Mayor of the Town of Jupiter, a municipal corporation of the State of Florida, () who is personally known to me OR () who has produced _____ as identification and who () did () did not take an oath.

(Official Notarial Seal)

Notary Public, State of Florida

(Type, print or stamp name)

Commission Number _____

My Commission Expires: _____

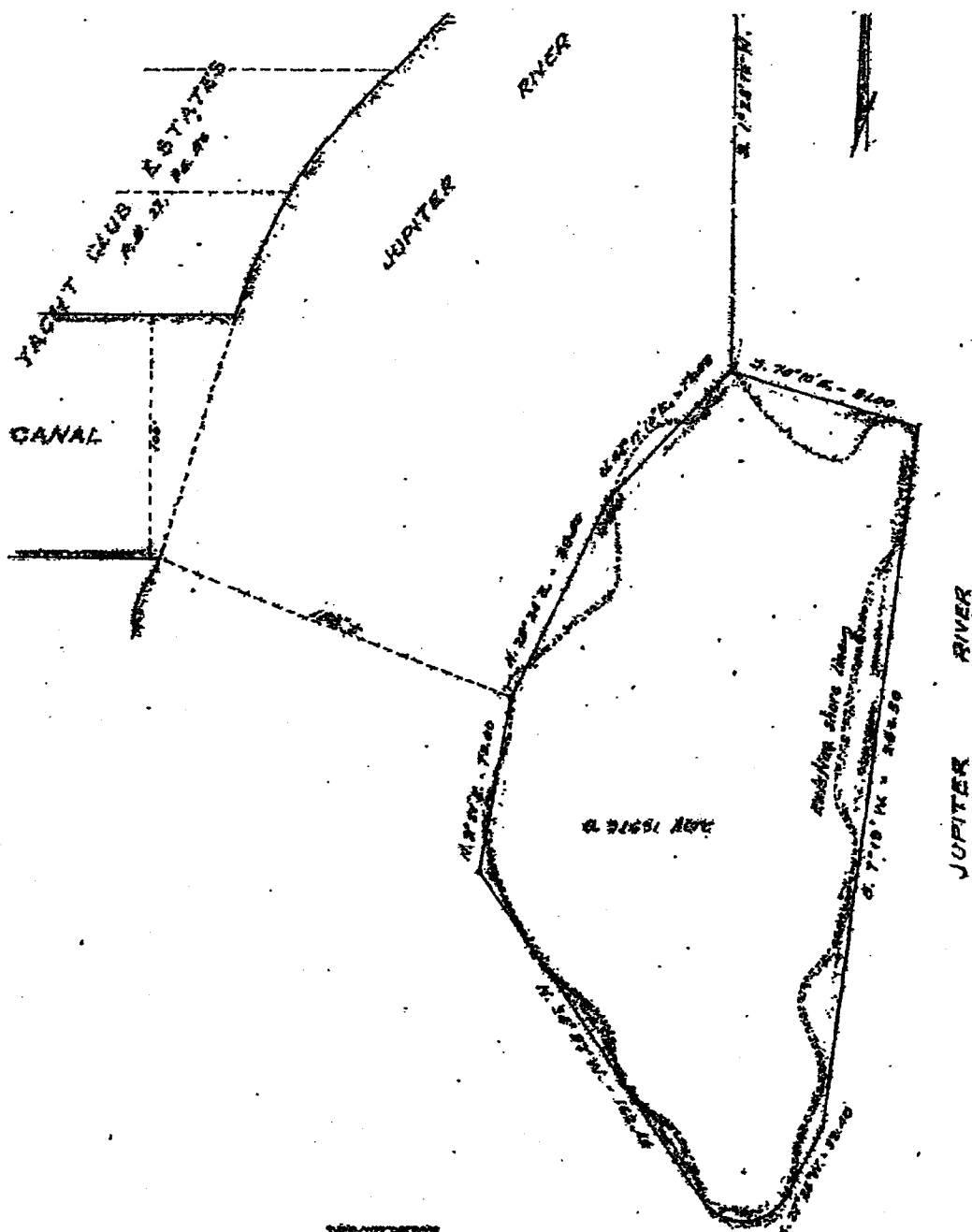
Exhibit "A"

the Property

A sovereignty island in the Jupiter River in Section 6, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

From the northwest corner of said Section 6, run South $89^{\circ} 38' 50''$ East, along the north boundary of the said Section 6, and continue South $89^{\circ} 50'$ East, along the extended section line and the north line of Government Lot 2, Section 6, Township 41 South, Range 43 East, a distance of 1,365.17 feet; thence run South $1^{\circ} 28' 10''$ West, 429.55 feet to the Point of Beginning; thence South $70^{\circ} 10'$ East, 81.00 feet; thence South $7^{\circ} 19'$ West, 286.50 feet; thence South $27^{\circ} 25'$ West, 32.40 feet to the P. C. of a curve concave to the north; thence along the arc of a 20 foot radius curve, the central angle of which is $117^{\circ} 43'$, a distance of 41.09 feet to the P. T. of the said curve; thence North $34^{\circ} 52'$ West, 162.40 feet; thence North $9^{\circ} 27'$ East, 73.00 feet; thence North $25^{\circ} 24'$ East, 89.00 feet; thence North $44^{\circ} 17' 10''$ East, 72.08 feet to the Point of Beginning; containing 0.92 acre, more or less.

The above described island in the Jupiter River is part of a perpetual maintenance spoil area designated as MSA-605 heretofore granted to the United States of America by the Trustees of the Internal Improvement Fund on March 19, 1936.



DESCRIPTION

From the Northwest corner of Section 6, Township 41 South, Range 43 East, run S. 89° 38' 50" E., along the North boundary of the said Section 6, and continue S. 89° 38' 50" E., along the extended section line and the North line of Government Lot 2, Section 6, Township 41 South, Range 43 East, a distance of 1365.17 feet; thence run S. 1° 23' 10" W., 429.55 feet to the Point of Beginning; thence S. 79° 10' E., 81.00 feet; thence S. 7° 19' W., 286.50 feet; thence S. 27° 25' E., 52.40 feet to the P. & C. of a curve concave to the North; thence along the arc of a 20 foot radius curve, the central angle of which is 117° 45', a distance of 41.09 feet to the E. T. of the said curve; thence N. 34° 52' E., 162.40 feet; thence N. 9° 27' E., 75.00 feet; thence N. 25° 24' E., 89.60 feet; thence N. 44° 15' E., 72.08 feet to the Point of Beginning, containing 6.21651 acrs.

$R = 20.00$
 $\Delta = 117.45$
 $T = 52.40$
 $AC = 41.09$

RESOLUTION NO. 200 ____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE TOWN OF JUPITER, PURSUANT TO FLORIDA STATUTE SECTION 125.38, AS CONSIDERATION FOR THE TOWN OF JUPITER'S CONVEYANCE OF ITS INTEREST IN A 0.92-ACRE MANGROVE ISLAND TO THE COUNTY, AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Jupiter, a municipal corporation of the State of Florida (the "Town"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County (the "County") convey 0.0868 acres of surplus real property to the Town for public recreational purposes.

WHEREAS, in consideration for conveyance of the 0.0868-acre County parcel to the Town, the Town has offered to convey its interest in a 0.92-acre mangrove island located west of Fullerton Island and within the Jupiter River to the County.

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the aforementioned use of the County parcel by the Town constitutes a use for the community interest and welfare, such real property is required for such use and such real property is not needed for County purposes.

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that acquisition of the Town's interest in the 0.92-acre mangrove island would help further the County's commitment to protect and conserve environmentally sensitive lands and native ecosystems within the County (Policy 2.1-f, of the County's Comprehensive Plan).

WHEREAS, pursuant to Florida Statute Section 270.11, the Town has requested that such property be conveyed without reservation of and to release the rights of entry and exploration relating to mineral and petroleum rights; and,

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees to convey such property reserving phosphate, mineral, metals and petroleum rights but releasing any and all rights of entry and exploration relating to such rights.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Recitals

The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Authorization to Convey Real Property

The Board of County Commissioners of Palm Beach County shall convey to the Town and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such Deed, for public recreational purposes.

Section 3. Conflict with Federal or State Law or County Charter

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

Section 4. Effective Date

The provisions of this Resolution shall be effective immediately upon adoption hereof.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

The foregoing resolution was offered by Commissioner _____ who
moved its adoption. The Motion was seconded by Commissioner _____,
and upon being put to a vote, the vote was as follows:

COMMISSIONER JOHN F. KOONS, CHAIRMAN
COMMISSIONER BURT AARONSON, VICE CHAIRMAN
COMMISSIONER KAREN T. MARCUS
COMMISSIONER SHELLEY VANA
COMMISSIONER STEVEN L. ABRAMS
COMMISSIONER JESS R. SANTAMARIA
COMMISSIONER

The Chairman thereupon declared the resolution duly passed and adopted this
_____ day of _____, 200_____.

PALM BEACH COUNTY, a political
subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Assistant County Attorney

By: Richard E. Welby
Department Director

RESOLUTION NO. 200_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REQUESTING THAT THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA RE-ASSIGN DEDICATION OF A CERTAIN 0.92-ACRE MANGROVE ISLAND LOCATED WEST OF FULLERTON ISLAND AND WITHIN THE JUPITER RIVER FROM THE TOWN OF JUPITER TO PALM BEACH COUNTY FOR CONSERVATION AND PASSIVE RECREATIONAL PURPOSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in January 1966, the Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF, Formerly Known As the Trustees of the Internal Improvement Fund of the State of Florida) dedicated a certain 0.92-acre mangrove property owned by TIITF to the Town of Jupiter, a municipal corporation of the State of Florida (the "Town), for public park and recreational purposes pursuant to TIITF Dedication No. 24155, herein provided as Exhibit "A";

WHEREAS, the Town has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County (the "County") convey 0.0868 acres of surplus real property to the Town for public recreational purposes;

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that the aforementioned use of the County parcel by the Town constitutes a use for the community interest and welfare, such real property is required for such use and such real property is not needed for County purposes;

WHEREAS, the Town has offered to convey its interest in the 0.92-acre mangrove island in the Jupiter River to the County as consideration for conveyance of the aforementioned 0.0868-acre County-owned parcel to the Town; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby finds that County acquisition of the Town's interest in the 0.92-acre mangrove island would help further the County's commitment to protect and conserve environmentally sensitive lands and native ecosystems within the County (Policy 2.1-f, of the County's Comprehensive Plan).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Recitals

The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Request to TIITF to Re-assign Dedication of a 0.92-acres mangrove parcel to Palm Beach County

The Board of County Commissioners of Palm Beach County hereby requests that TIITF re-assign the dedication of the 0.92-acre mangrove property described in Exhibit "B" from the Town of Jupiter to Palm Beach County for conservation and passive recreational purposes.

Section 3. Conflict with Federal or State Law or County Charter

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

Section 4. Effective Date

The provisions of this Resolution shall be effective immediately upon adoption hereof.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

The foregoing resolution was offered by Commissioner _____ who
moved its adoption. The Motion was seconded by Commissioner _____,
and upon being put to a vote, the vote was as follows:

COMMISSIONER JOHN F. KOONS, CHAIRMAN
COMMISSIONER BURT AARONSON, VICE CHAIRMAN
COMMISSIONER KAREN T. MARCUS
COMMISSIONER SHELLEY VANA
COMMISSIONER STEVEN L. ABRAMS
COMMISSIONER JESS R. SANTAMARIA
COMMISSIONER

The Chairman thereupon declared the resolution duly passed and adopted this
_____ day of _____, 200 _____.

PALM BEACH COUNTY, a political
subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Assistant County Attorney

By: Richard E. Malin
Department Director

Exhibit A

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND
OF THE STATE OF FLORIDA

DEDICATION

NO. 24155

KNOW ALL MEN BY THESE PRESENTS: That the Trustees of the Internal Improvement Fund of the State of Florida, in pursuance of application made by the TOWN OF JUPITER, a municipal corporation of the State of Florida, by Resolution No. 26-65, dated November 16, 1965, for dedication of the lands hereinafter described for public park and recreational purposes, approved by said Trustees on December 21, 1965, have dedicated, and do by these presents hereby dedicate the following described lands in PALM BEACH COUNTY, Florida, to-wit:

A sovereignty island in the Loxahatchee River in Section 36, Township 40 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

From the Southeast Corner of said Section 36, run North 89° 24' 10" West, along the South boundary of Section 36, a distance of 1019.0 feet; thence run North along the center line of Marlin Drive as platted in the Subdivision of Rio Vista, recorded in Plat Book 27, Page 121, Public Records of Palm Beach County, Florida, and continue North along the extended center line of Marlin Drive, a distance of 2251.0 feet to the Point of Beginning. Thence South 78° 17' 40" West, 86.80 feet; thence South 57° 40' West, 71.00 feet to the P.C. of a curve concave to the North; thence along the arc of a 25.0 foot radius curve, the central angle of which is 113° 00', an arc distance of 49.30 feet to the P. T. of the said curve; thence North 9° 20' West, 48.00 feet; thence North 31° 32' West, 47.00 feet; thence North 11° 11' East, 74.00 feet; thence North 36° 27' East, 63.50 feet; thence North 84° 45' East, 52.50 feet; thence South 65° 15' 30" East, 98.0 feet; thence South 57° 12' 30" East, 70.50 feet; thence South 25° 55' 30" East, 61.96 feet to the P. C. of a curve concave to the Northwest; thence along the arc of a 25.0 foot radius curve, the central angle of which is 107° 25', an arc distance of 46.87 feet to the P. T. of the said curve; thence South 81° 29' 30" West, 46.04 feet to the Point of Beginning; containing 0.98 acre, more or less;

ALSO

A sovereignty island in the Jupiter River in Section 6, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

From the Northwest Corner of said Section 6, run South 89° 38' 50" East, along the North boundary of the said Section 6, and continue South 89° 50' East, along the extended section line and the North line of Government Lot 2, Section 6, Township 41 South, Range 43 East, a

distance of 1365.17 feet; thence run South 1° 28' 10" West, 429.55 feet to the Point of Beginning; thence South 70° 10' East, 81.00 feet; thence South 7° 19' West, 286.50 feet; thence South 27° 25' West, 32.40 feet to the P. C. of a curve concave to the North; thence along the arc of a 20 foot radius curve, the central angle of which is 117° 43', a distance of 41.09 feet to the P. T. of the said curve; thence North 34° 52' West, 162.40 feet; thence North 9° 27' East, 73.00 feet; thence North 25° 24' East, 89.00 feet; thence North 44° 17' 10" East, 72.08 feet to the Point of Beginning; containing 0.92 acre, more or less.

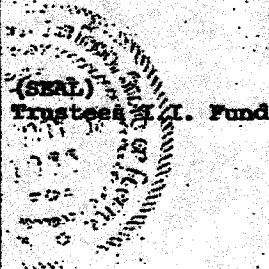
The above described island in the Jupiter River is part of a perpetual maintenance spoil area designated as MSA-605 heretofore granted to the United States of America by the Trustees of the Internal Improvement Fund on March 19, 1936.

The above described lands shall be used for public park and recreational purposes only, under the supervision and management of the TOWN OF JUPITER, subject to the following provisions:

In the event the said Town of Jupiter shall, (1) for a period of three consecutive years fail and neglect to maintain and use said land for said purposes, or (2) use said land for purposes other than public park and recreational purposes, the dedication hereby made shall, at the option of said Trustees, be subject to termination upon sixty days notice in writing by the Trustees to said Town.

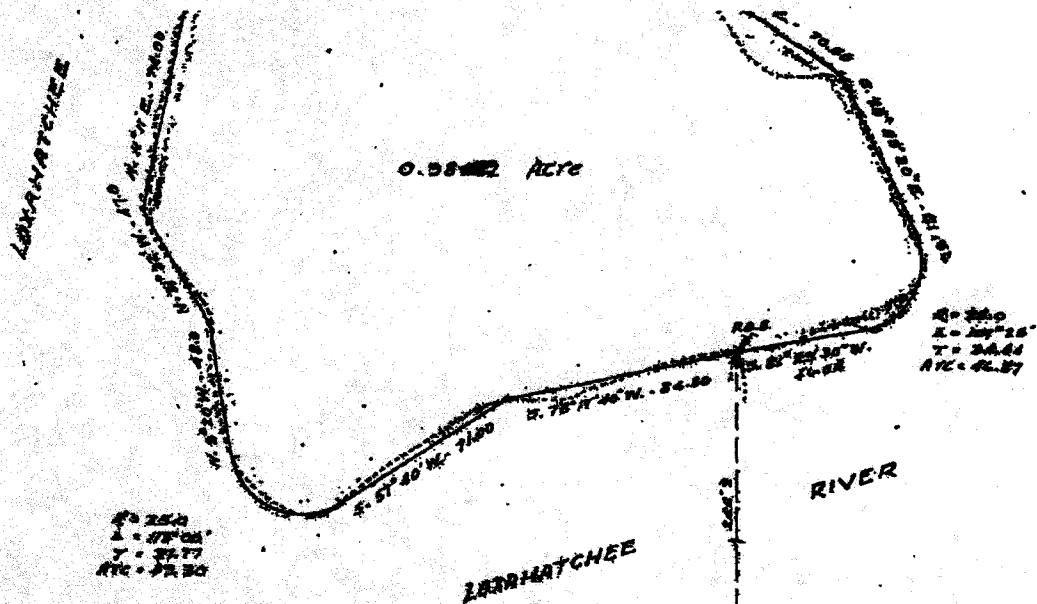
IN TESTIMONY WHEREOF, the said Trustees of the Internal Improvement Fund of the State of Florida have hereunto subscribed their names and have caused the official seal of said Trustees to be hereunto affixed, in the City of Tallahassee, Florida, on this

the 4th day of January, A. D. 1966.



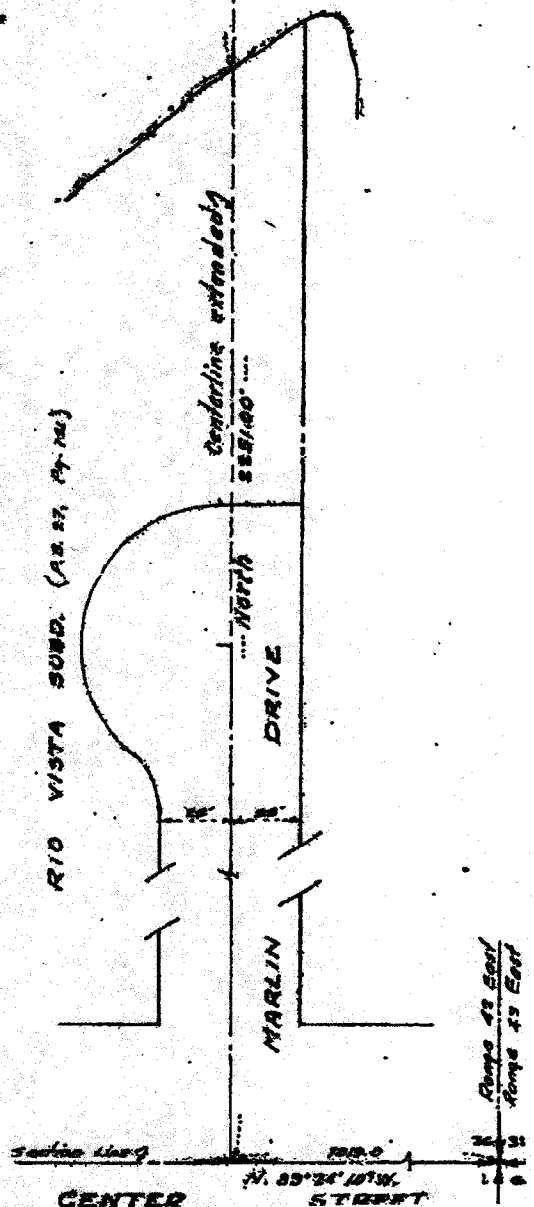
[Signature]
Governor
[Signature]
Comptroller
[Signature]
Treasurer
[Signature]
Attorney General
[Signature]
Commissioner of Agriculture

As and Constituting the Trustees of the Internal Improvement Fund of the State of Florida.



A sovereignty island in the Loxahatchee River in Section 36-40-42, Palm Beach County, Fla. being more particularly described as follows:

From the Southeast corner of Section 35, Township 40 South, Range 42 East, sec. 1, 85° 24' 10" W., along the South boundary of Section 35, a distance of 1019.0 feet; thence run North along the centerline of Marlin Drive as platted in the subdivision of Rio Vista, recorded in Plat Book 27, Page 121, Public Records of Palm Beach County, Florida, and continue North along the extended centerline of Marlin Drive, a distance of 2351.0 feet to the point of beginning. Thence S. 75° 17' 40" W., 86.50 feet; thence S. 57° 40' W., 71.00 feet to the P. C. of a curve concave to the North; thence along the arc of a 25.0 foot radius curve, the central angle of which is 117° 00', an arc distance of 49.34 feet to the P. T. of the said curve; thence N. 3° 20' W., 48.00 feet; thence N. 31° 32' W., 47.00 feet; thence N. 13° 11' E., 74.00 feet; thence N. 35° 17' E., 61.50 feet; thence N. 34° 45' E., 52.50 feet; thence S. 65° 15' 30" E., 98.00 feet; thence S. 72° 12' 30" E., 70.50 feet; thence S. 25° 59' 30" E., 51.55 feet to the P. C. of a curve concave to the Northwest; thence along the arc of a 25.0 foot radius curve, the central angle of which is 107° 25', an arc distance of 46.57 feet to the P. T. of the said curve; thence S. 81° 29' 30" W., 46.00 feet to the point of beginning, containing 0.58462 acre, more or less.



ATTACHMENT 7

AS ATTACHED IS A PLACEHOLDER –

THREE ORIGINALS ARE SCHEDULED TO BE SIGNED BY THE TOWN OF JUPITER ON
MAY 19, 2009 AND WILL BE PROVIDED TO THE COUNTY FOR SIGNATURE
FOLLOWING TOWN EXECUTION

TOWN COUNCIL OF TOWN OF JUPITER, FLORIDA
PARTIAL ASSIGNMENT AND ASSUMPTION OF
DEDICATION NO. 24155

Dedication No. 24155

The Town of Jupiter, Florida, a municipal corporation of the State of Florida ("Assignor"), for value received does, subject to written consent of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board of Trustees"), as dedicator, hereby assign, transfer and convey all of its rights, title, and interest in and to the lands described in the attached Exhibit "A", which are a portion of the lands described in the above referenced Dedication No. 24155 made and entered into by and between the Board of Trustees as the dedicator and Assignor, as the dedicatee, to Palm Beach County, Florida, a political subdivision of the State of Florida ("Assignee"), subject to the performance by Assignee of all the covenants, conditions, and provisions required to be performed by the dedicatee under the terms of Dedication No. 24155, as amended, as they pertain to the lands hereby assigned to Assignee, and subject to the conditions and provisions therein set forth. Assignor, as dedicatee, shall continue to be responsible to perform all of the covenants, conditions, and provisions contained in Dedication No. 24155 for the lands described in Dedication No. 24155, as amended, except for the lands that are being assigned to Assignee by this Partial Assignment.

TOWN OF JUPITER, FLORIDA
By its Town Council

Witness

Print/Type Witness Name

Witness

Print/Type Witness Name

By: _____ (SEAL)

Print/Type Name

Title: _____

(OFFICIAL SEAL)

Attest: _____

Print/Type Name

Title: _____

"Assignor"

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ and _____, as _____ and _____, respectively, on behalf of the Town of Jupiter, Florida. They are personally known to me.

(SEAL)

Notary Public, State of Florida

Print/Type Notary Name

Commission Number:

Commission Expires:

25

ACCEPTANCE OF PARTIAL ASSIGNMENT AND ASSUMPTION OF
DEDICATION NO. 24155

Palm Beach County, a political subdivision of the State of Florida ("Assignee"), in consideration of the foregoing Partial Assignment and Assumption of Dedication No. 24155, subject to written consent of the Board of Trustees, as dedicator, does hereby accept assignment of the lands described in Exhibit "A" which are a portion of the lands described in Dedication No. 24155, and assumes and agrees for the benefit of the Board of Trustees, as dedicator, to perform all covenants, agreements, conditions and provisions of Dedication No. 24155 as they pertain to the lands hereby assigned by the Town of Jupiter, Florida, a municipal corporation of the State of Florida ("Assignor"). Further, with regard to the lands being assigned to the Assignee by this Assignment, Assignee agrees that it, its successors and assigns shall be bound for the due performance herein in the same manner as was the Assignor, as the original dedicatee in Dedication No. 24155.

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

Witness

Print/Type Witness Name

Witness

Print/Type Witness Name

By: _____ (SEAL)

Title: _____

ATTEST: _____

Print/Type Name

Title: _____

(OFFICIAL SEAL)

"Assignee"

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this
_____ day of _____, 20____, by _____
and _____, as _____ and
_____, respectively, on behalf of Palm Beach
County, a political subdivision of the State of Florida. They are
personally known to me.

Notary Public, State of Florida

Print/Type Notary Name

Commission Number:

Commission Expires:

CONSENT TO PARTIAL ASSIGNMENT AND ASSUMPTION OF
DEDICATION NO. 24155

The BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE
STATE OF FLORIDA, the dedicator of the property described in Exhibit
"A" attached hereto, consents to the foregoing Partial Assignment and
Assumption of Dedication No. 24155 this ____ day of _____,
20____.

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 LEON

BY: _____ (SEAL)
_____, OPERATIONS
AND MANAGEMENT CONSULTANT
MANAGER, BUREAU OF PUBLIC
LAND ADMINISTRATION, DIVISION
OF STATE LANDS, STATE OF
FLORIDA DEPARTMENT OF
ENVIORNMENTAL PROTECTION

The foregoing instrument was acknowledged before me this ____ day
of _____, 20____, by _____, 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. He/she is
personally known to me.

(SEAL)

Notary Public, State of Florida

Print/Type Notary Name

Commission Number:

Commission Expires:

Approved as to Form
and Legality

By: _____
DEP Attorney

EXHIBIT "A"

A sovereignty island in the Jupiter River in Section 6, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

From the Northwest Corner of said Section 6, run South $89^{\circ} 38' 50''$ East, along the North boundary of the said Section 6, and continue South $89^{\circ} 50'$ East, along the extended section line and the North line of Government Lot 2, Section 6, Township 41 South, Range 43 East, a distance of 1365.17 feet; thence run South $1^{\circ} 28' 10''$ West, 429.55 feet to the Point of Beginning; thence South $70^{\circ} 10'$ East, 81.00 feet; thence South $7^{\circ} 19'$ West, 286.50 feet; thence South $27^{\circ} 25'$ West, 32.40 feet to the P. C. of a curve concave to the North; thence along the arc of a 20 foot radius curve, the central angle of which is $117^{\circ} 43'$, a distance of 41.09 feet to the P. T. of the said curve; thence North $34^{\circ} 52'$ West, 162.40 feet; thence North $9^{\circ} 27'$ East, 73.00 feet; thence North $25^{\circ} 24'$ East, 89.00 feet; thence North $44^{\circ} 17' 10''$ East, 72.08 feet to the Point of Beginning.

The above described island in the Jupiter River is part of a perpetual maintenance spoil area designated as MSA-605 heretofore granted to the United States of America by the Trustees of the Internal Improvement Fund on March 19, 1936.

Attachment 8

Two Wetland Parcels in the Town of Jupiter, Florida

1

EXECUTIVE SUMMARY

Properties	<p>Two properties located within the Town of Jupiter, Florida. One is a mangrove covered spoil island within the waters of the Jupiter River owned by the State of Florida with use and maintenance dedicated in 1965 to the Town of Jupiter for public park and recreational purposes (referred to as the "Town of Jupiter" Parcel).</p> <p>The other property is a narrow strip of Intracoastal Waterway wetlands owned by Palm Beach County impacted by shoreline mangroves and traversed by an easement developed with part of the Town of Jupiter's elevated Riverwalk pedestrian system (referred to as the "Palm Beach County" Parcel).</p>	
Dates	Date of Inspection	April 20, 2009
	Date of Value	April 20, 2009
	Date of Report	May 1, 2009
Interest Appraised	Fee simple	
Property Sizes	Town of Jupiter Parcel	0.92 acres
	Palm Beach County Parcel	0.09 acres
Hypothetical Condition	As both properties are government-owned, in order to provide an estimate of value based on an economic use we have assumed both properties were owned by a non-government entity (see page 6).	
Extraordinary Assumptions	Refer to Page 6 regarding the respective property's legal identification, size and dimensions.	
Highest and Best Use Of the Two Properties	As mitigation sites.	
Value Conclusion	Town of Jupiter Parcel (0.92 acres)	\$10,000
	Palm Beach County Parcel (0.09 acres)	\$5,000
Appraisers	Philip M. Holden, MAI State-Certified General Real Estate Appraiser RZ1666	
	Donald G. Blauvelt State-Certified General Real Estate Appraiser RZ511	

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CERTIFICATION

We certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions, limiting conditions, and legal instructions, and are our personal, impartial, and unbiased professional analyses, opinions and conclusions.
- We have no present or prospective interest in, and no bias with respect to, the property that is the subject of this report, and have no personal interest or bias with respect to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- We have made a personal inspection of the property that is the subject of this report, and the property owner, and his/her designated representative, was given the opportunity to accompany the appraiser on the property inspection.
- No one provided significant real property appraisal assistance to the persons signing this certification.
- The use of this report is subject to the requirements of the State of Florida relating to review by the Florida Real Estate Appraisal Board.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP), Appraisal Standards Board of the Appraisal Foundation.

CERTIFICATION (Continued)

- That we have not revealed the results of such appraisal to anyone other than our client and will not do so until authorized by same, or until required by due process-of-law, or until release from this obligation by having publicly testified as to such results.
- As of the date of this report, Philip M. Holden, MAI and Donald G. Blauvelt have completed the continuing education program of the Appraisal Institute.
- As of the date of this report, Philip M. Holden, MAI, and Donald G. Blauvelt have completed the State of Florida continuing education program.



Philip M. Holden, MAI
State-Certified General Real Estate Appraiser RZ 1666
May 1, 2009



Donald G. Blauvelt
State-Certified General Real Estate Appraiser RZ 511
May 1, 2009