

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

<b>Meeting Date:</b> June 8, 2010	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
<b>Department:</b> Facilities Development & Operations		

**I. EXECUTIVE BRIEF**

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

- A) adopt** a Resolution authorizing the conveyance of a 5-acre parcel of land adjacent to Boca Rio Road to the City of Boca Raton for construction and operation of an animal shelter and pet cemetery;
- B) approve** a County Deed conveying the 5-acre parcel to the City of Boca Raton, with reservation of mineral and petroleum rights, but without rights of entry and exploration;
- C) adopt** a Resolution authorizing the conveyance of 13.76 acres adjacent to Boca Rio Road to The Haven, Inc., (Haven) for construction and operation of facilities for a staffed residential behavioral health and educational program for at risk children;
- D) approve** a County Deed conveying the 13.76-acre parcel to The Haven, Inc. with reservation of mineral and petroleum rights, but without rights of entry and exploration; and
- E) approve** a Termination of Lease with the Tri-County Humane Society (R-2005-1083).

**Summary:** The County currently owns approximately 19 acres on the west side of Boca Rio Road between Glades and Palmetto Roads. The City of Boca Raton owns an adjacent 9.34 acres. Since the early 1980s, the County has leased 4.91 acres of the property to the Haven for vocational training and a therapeutic residence for children (R-81-1313). The County leased the other 13.85 acres to the Tri-County Humane Society for a passive park and bird sanctuary (R-82-20; R-2005-1083). Rent under both leases is \$1/yr. The City also leases its 9.34 acres to the Humane Society for operation of the Lullis M. Ritter Animal Shelter. There is 70 years remaining on the Humane Society Lease and 21 years on the Haven Lease. The Haven needs a portion of the land currently leased to the Humane Society for expansion of the Haven's facility. The Humane Society needs to expand the uses allowed under the Lease to allow expansion of the animal shelter. The Haven and the Humane Society have agreed upon a division of the land in a manner which will accomplish both of their objectives. Staff recommends that the County convey 5 acres to the City who will in turn lease it to the Humane Society. Staff also recommends that the County convey to the Haven the existing 4.91 acres under lease plus an additional 8.85 acres, for a total of 13.76 acres. Conveying the land, rather than remaining under lease, will overcome numerous Unified Land Development Code limitations upon further development of the property across parcel lines with separate ownership. The Deeds restrict the use of the property to the specified purposes and contain reverts. Termination of the Humane Society lease will allow for the conveyances. The property is assessed at \$150,000/acre. Using the assessed value, the value of land being conveyed to the City and the Haven is \$750,000 and \$2,064,000 respectively, for a total of \$2,814,000. The assessed value does not account for the fact that this property is subject to long-term leases and also does not reflect the physical condition of the property. A substantial portion of the property is heavily vegetated and low, being previously mined for shell rock. **A supermajority vote is required for approval of this item. (PREM) District 5 (HJF)**

(continued on Page 3)

**Attachments:**

- 1. Location Map
- 2. Sketch of parcels being conveyed (3)
- 3. Resolutions (2)
- 4. County Deeds (2)
- 5. Termination of Lease

**Recommended By:**

   
Department Director

5/25/10  
Date

**Approved By:**

  
County Administrator

6/3/10  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><i>* See below</i></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</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:

*\* NO FISCAL IMPACT HOWEVER CURRENT ASSESSED VALUE OF THE LAND IS \$2,814,000.*

*N. Diaz* *5/28/10*  
OFMB *5/28/10*  
*2/10/10*

*Dr. J. J. J. J. J.*  
Contract Development and Control *6/11/10*

### B. Legal Sufficiency:

*[Signature]* *6/2/10*  
Assistant County Attorney  
*Termination of Lease not signed  
at time of CAO review.*

### C. Other Department Review:

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

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

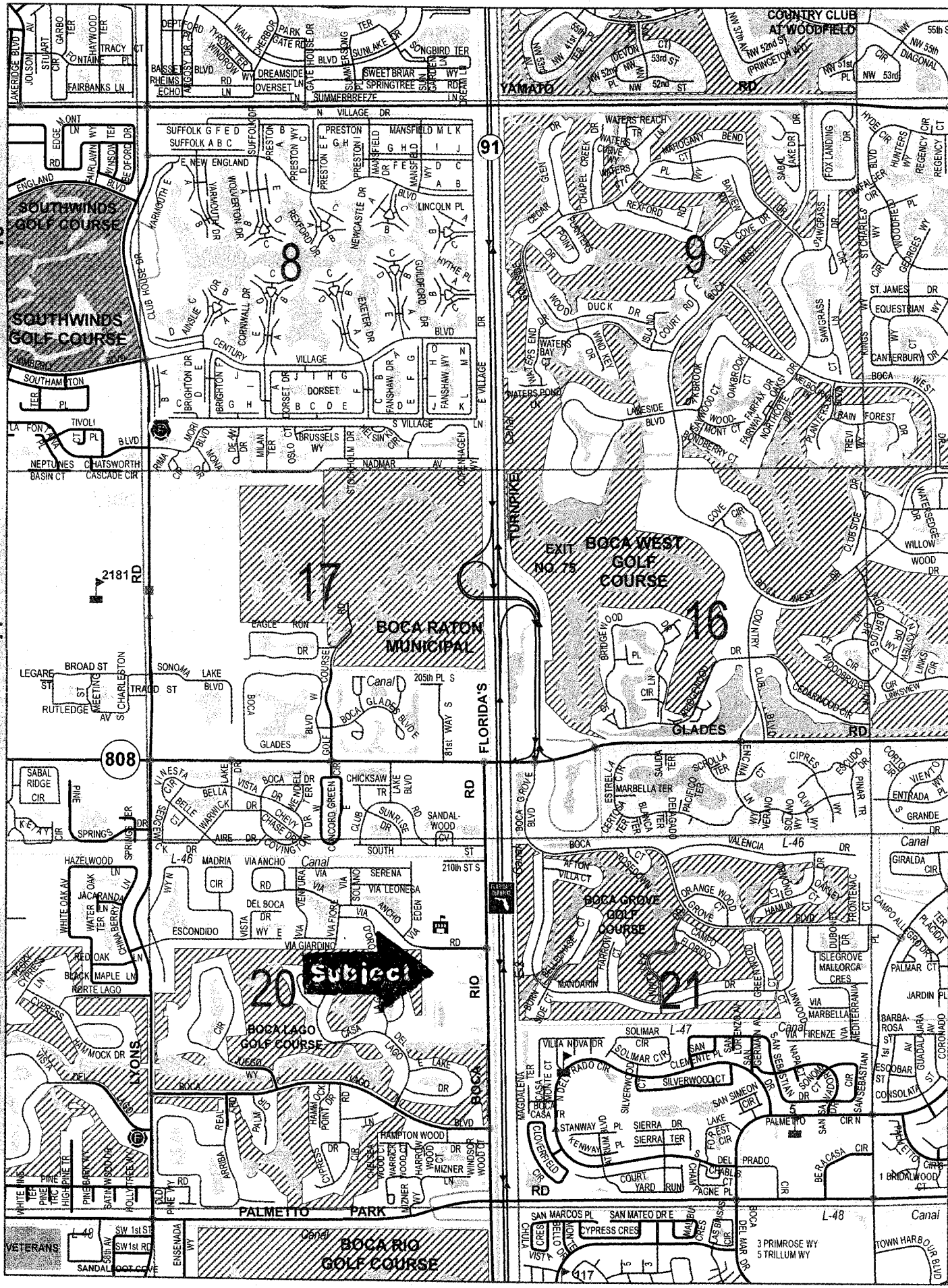
**Background and Policy Issues:** The County acquired title to the majority of the property involved in this transaction by tax foreclosure in 1948. There were exchanges between the County and the City dating back to 1958, which resulted in the ownership structure existing today. The County conveyed the 10 acres upon which the Humane Society building is located to the City in 1963. The City conveyed the 10 acres to the Boca Raton Humane Society in 1974, and the Humane Society re-conveyed the property to the City in 1974. The City property is subject to restrictions limiting its use to an animal shelter and is subject to a reverter.

In 1982, the County leased 13.9 acres adjacent to the Humane Society's animal shelter to the Boca Raton Humane Society for a bird sanctuary and passive park (R-82-20). This Lease was assigned to the City of Boca Raton in 1987 and subsequently assigned to the Tri-County Humane Society in 2005 (R-2005-1083). The term of the Lease extends until 2080.

In 1981, the County leased 5 acres of the property to the Haven (R-81-1313) for operation of a vocational training and therapeutic residence for children. In 1998, the County and Haven entered into a new lease of the 5 acres allowing construction of facilities to accommodate additional children. The Lease extends until 2021. The Haven desires to further expand its facilities to accommodate additional children. They propose to utilize 8.85 acres of the County property currently leased to the Humane Society. This will essentially split the larger block of properties into two equal halves, one controlled by the City/Humane Society and the other by the Haven, with a joint access easement down the middle providing access to the rear of the properties.

The Humane Society and the Haven have spent more than a year working through the details as to how this proposed division of the property would affect their respective development plans, and only recently reached agreement. Staff had originally proposed that rather than conveying the property, the Leases be amended to reconfigure the property, the allowed uses be modified and the term of the Haven Lease be extended. However, because of the split ownership by the City and County, and the development proposed by the Humane Society would span two ownerships, the lease structure would be difficult to meet ULDC subdivision regulations. A conveyance to the City, and a lease by the City to the Humane Society, will overcome the biggest ULDC obstacles. Staff does not believe there is any material difference between a long-term lease and a conveyance subject to use restrictions and a reverter. The Termination of the Lease between the County and the Humane Society is required to release the Humane Society's interest in the property and allow for the conveyance of clear title to the City and the Haven.

Staff is in the process of obtaining an appraisal of the properties and will provide the results to the Board by separate memorandum. The changes to the PREM Ordinance require review of non-exempt transactions by the Property Review Committee where the proposed sale price is BOTH greater than \$250,000 AND where the price is less than 90% of the appraised value. The conveyance to another governmental entity such as the City is exempt from review. With respect to the conveyance to the Haven, which is not exempt, technically, the sale price is less than \$250,000 and therefore this transaction is not subject to review by the Property Review Committee. However, it should be pointed out that the sales price (\$0/donation) will most likely be substantially less than the appraised values. Staff did not intend to subject transactions such as this review by the Property Review Committee, as donations are primarily a question of policy as opposed to valuation. Staff is contemplating proposing an amendment to the Ordinance in the future to address donations of County property to not-for-profit organizations. In addition, the Property Review Committee has not been established yet due to difficulties in finding people willing to serve on the Committee.

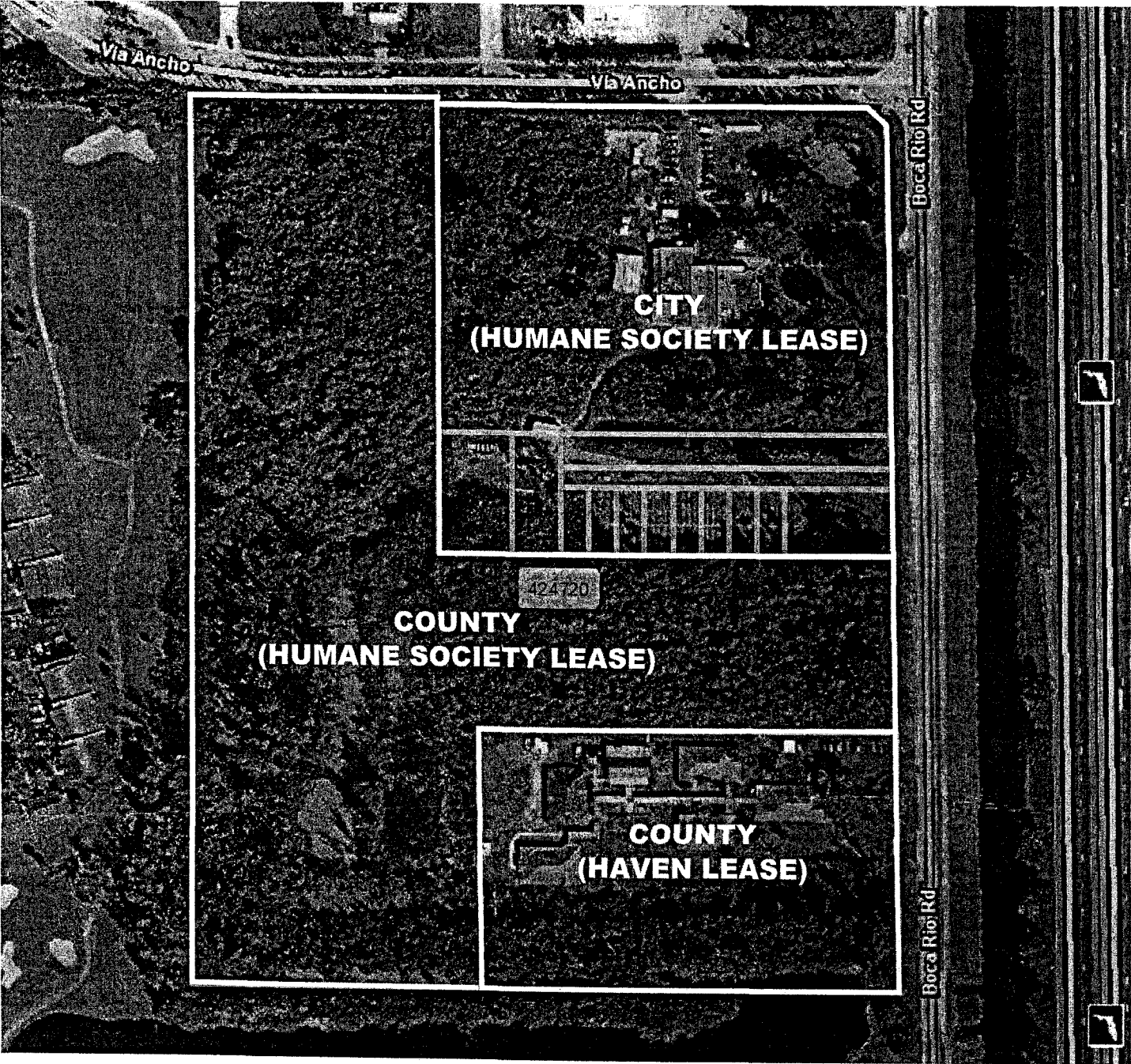


LOCATION MAP

Attachment 1

Handwritten signature or initials.

**EXISTING OWNERSHIP**

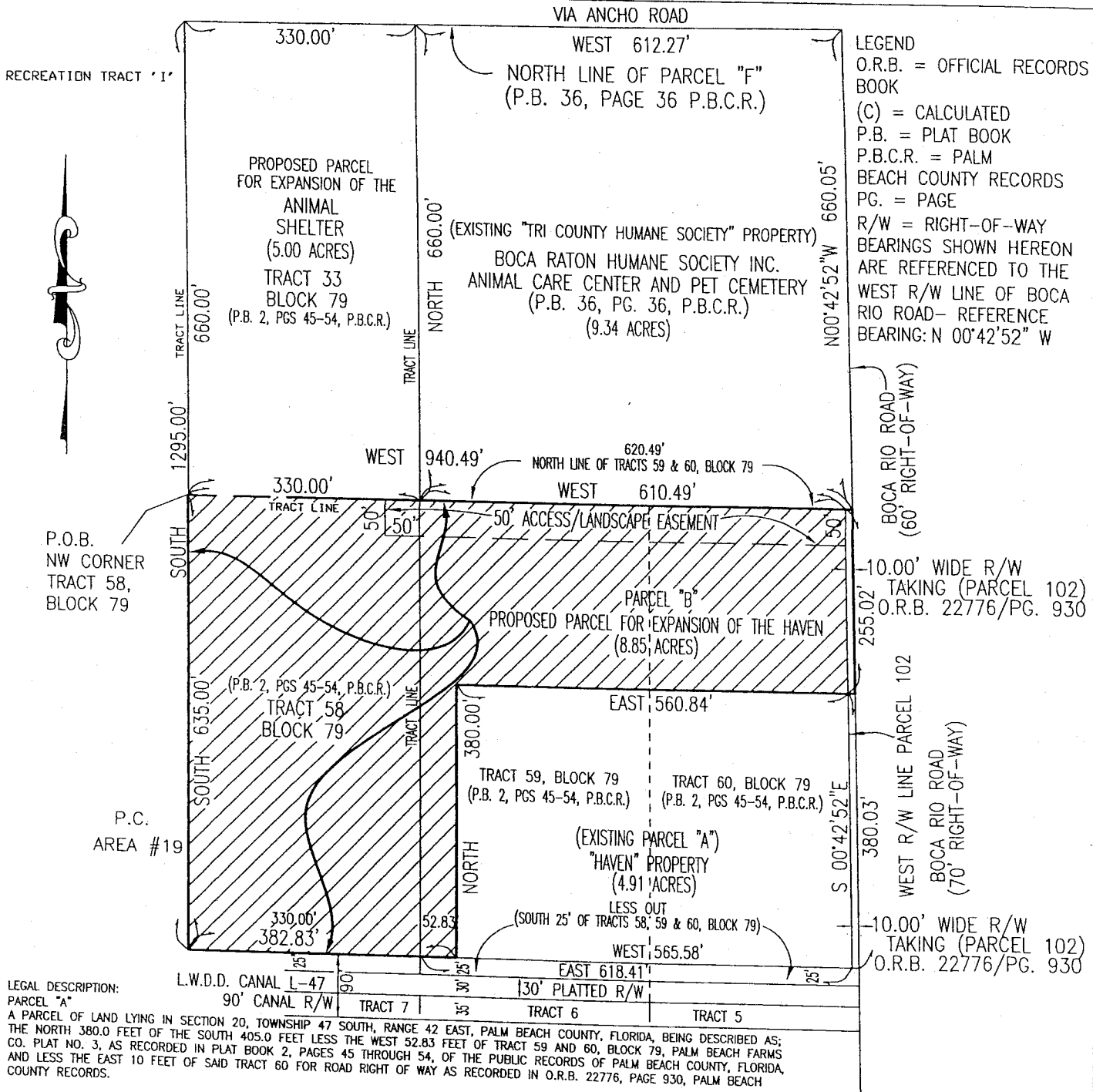


G:\PREM\Tech\Research\Humane Society Lease\Existing Boundaries.svg

Sketch of Parcels Being Conveyed







SKETCH AND DESCRIPTION OF

THIS IS NOT A BOUNDARY SURVEY

CERTIFICATION

THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

ERNEST W. DUNCAN, P.S.M., State of Florida  
Professional Surveyor & Mapper No. 5182

THIS DRAWING, SKETCH, PLAT, OR MAP IS FOR INFORMATION PURPOSES ONLY AND IS NOT VALID, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SCALE: 1" = 200'

DRAWN BY: D.J.M.

CHECKED BY: E.W.D.

REV (7/09/09)

REV (10/09/09)

REV (5/21/10)

HAVEN-DESC1

FOUNDED 1993  
BASELINE ENGINEERING

AND  
LAND SURVEYING, INC.  
1400 N.W. 1st COURT  
BOCA RATON, FLORIDA 33432  
EB 6510 (561) 417-0700 LB 6439

JOB NO.:

SHEET NO. 1 of 1

Conveyance to The Haven

**RESOLUTION NO. 2010-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF BOCA RATON, PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Boca Raton, a municipal corporation of the State of Florida ("the City"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County donate and convey 5 acres of surplus real property to the City for lease to the Tri-County Humane Society for expansion of its existing animal shelter.

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby finds that the aforementioned use 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**, pursuant to Florida Statute Section 270.11, the City 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 City of Boca Raton without charge and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such Deed, together with the easement rights referenced therein, and subject to a restrictive covenant with a reverter clause limiting the use of such property to construction and operation of an Animal Shelter, Pet Cemetery, and ancillary uses.



**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 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 BURT AARONSON, CHAIR  
COMMISSIONER KAREN T. MARCUS, VICE CHAIR  
COMMISSIONER JOHN F. KOONS  
COMMISSIONER SHELLEY VANA  
COMMISSIONER STEVEN L. ABRAMS  
COMMISSIONER JESS R. SANTAMARIA  
COMMISSIONER PRISCILLA A. TAYLOR

The Chair thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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 Anthony Woy  
Department Director

G:\PREM\RESOLUTIONS\2010\RESOLUTION. BOCA RATON.DOC

PREPARED BY AND RETURN TO:  
Ross C. Hering, Director  
Palm Beach County  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

PCN: 00-42-43-27-05-079-0330 (portion of)  
Purchase Price: \$0

## 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 City of Boca Raton, Florida, a municipal corporation, whose legal mailing address is 201 West Palmetto Park Road, Boca Raton, Florida 33432-3720, "Donee".

### WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to it in hand paid by Donee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Donee, 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.

Together with a non-exclusive easement for access, ingress, egress and landscape buffer plantings over the property legally described in **Exhibit "B"** attached hereto and made a part hereof.

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.

Donee covenants and agrees, on behalf of Donee, its successors and assigns, that the property conveyed hereby shall be used solely and exclusively for the construction and operation of an Animal Shelter, Pet Cemetery and ancillary uses. In the event that the property is used for any other purpose, title to the property shall automatically revert to County.

**IN WITNESS WHEREOF**, County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair 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

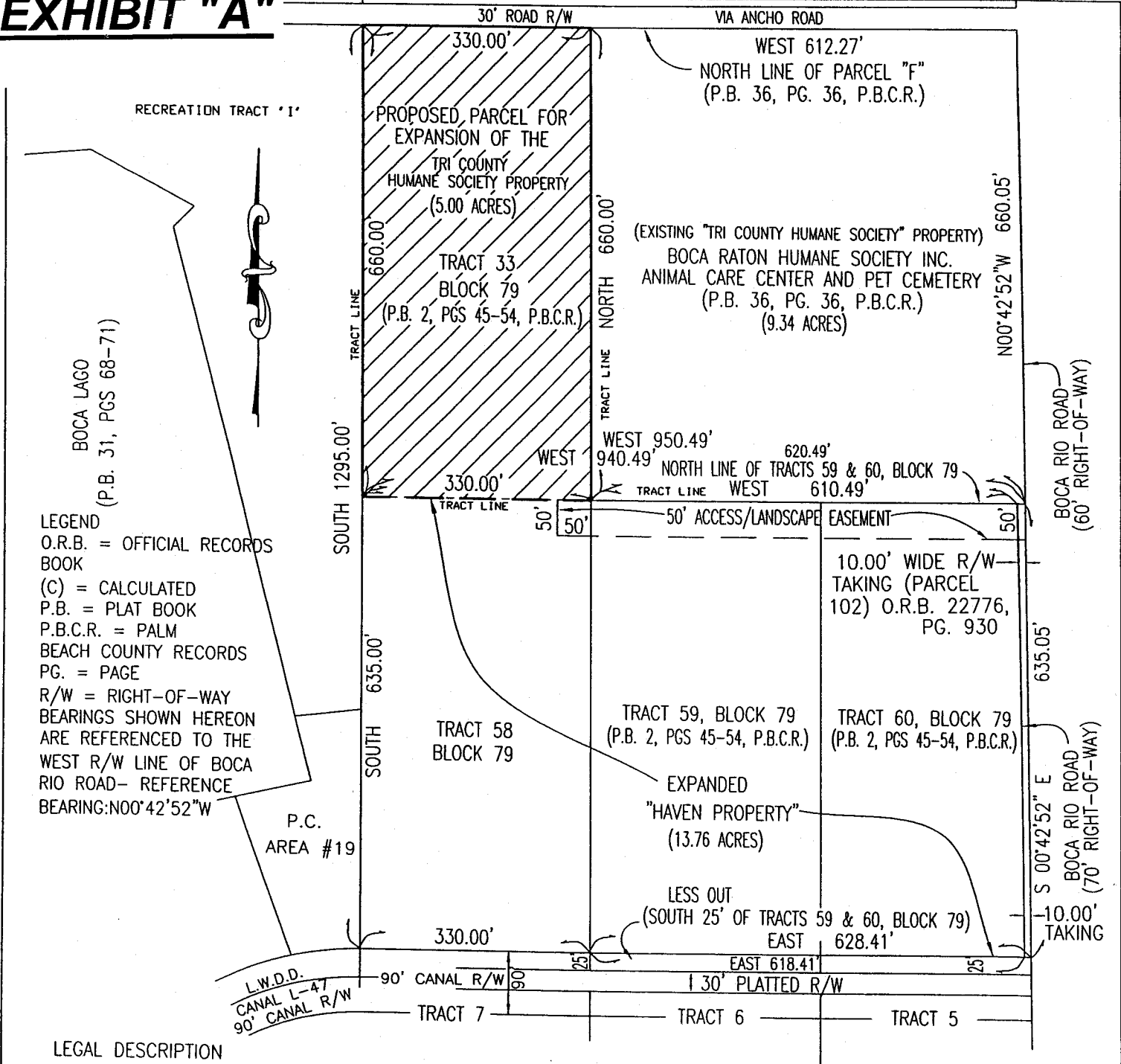
By: \_\_\_\_\_  
Burt Aaronson, Chair

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney

EXHIBIT "A"



LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT 33, BLOCK 79, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 5.00 ACRES MORE OR LESS.

SKETCH AND DESCRIPTION OF

THIS IS NOT A BOUNDARY SURVEY

CERTIFICATION:

THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

ERNEST W. DUIVCAN, P.S.M. State of Florida  
Professional Surveyor & Mapper No. 5182  
Date 7-09-09

THIS DRAWING, SKETCH, PLAT, OR MAP IS FOR INFORMATION PURPOSES ONLY AND IS NOT VALID, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SCALE: 1" = 200'  
DRAWN BY: D.J.M.  
CHECKED BY: E.W.D.  
REV (7/09/09)

HAVEN-DESC2.DWG

FOUNDED 1993  
BASELINE & ENGINEERING  
AND  
LAND SURVEYING, INC.  
1400 N.W. 1st COURT  
BOCA RATON, FLORIDA 33432  
EB 6510 (561) 417-0700 LB 6439  
JOB NO.: SHEET NO. 1 of 1

# EXHIBIT "B"

RECREATION TRACT 'I'

VIA ANCHO ROAD

LEGEND

O.R.B. = OFFICIAL RECORDS BOOK  
(C) = CALCULATED  
P.B. = PLAT BOOK  
P.B.C.R. = PALM BEACH COUNTY RECORDS  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
PG. = PAGE  
R/W = RIGHT-OF-WAY  
BEARINGS SHOWN HEREON ARE REFERENCED TO THE WEST R/W LINE OF BOCA RIO ROAD- REFERENCE BEARING: N 00°42'52" W

BOCA RIO ROAD  
(60' RIGHT-OF-WAY)

10.00' WIDE R/W  
TAKING (PARCEL 102)  
O.R.B. 22776/PG. 930

WEST R/W LINE PARCEL 102  
BOCA RIO ROAD  
(70' RIGHT-OF-WAY)

10.00' WIDE R/W  
TAKING (PARCEL 102)  
O.R.B. 22776/PG. 930

P.O.C.  
NW CORNER  
TRACT 58,  
BLOCK 79

P.C.  
AREA #19

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACTS 58, 59 AND 60, BLOCK 79, OF THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 58, BLOCK 79; THENCE RUN EAST ALONG THE NORTH LINE OF SAID TRACT 58, A DISTANCE OF 280.00 TO THE POINT OF BEGINNING; THENCE CONTINUE EAST ALONG THE NORTH LINE OF SAID TRACTS 58, 59 & 60 A DISTANCE OF 660.49 FEET TO THE WEST RIGHT OF WAY LINE OF PARCEL 102 AS RECORDED IN O.R.B. 22776, PAGE 930 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE RUN SOUTH 00°42'52" EAST ALONG SAID WEST RIGHT OF WAY LINE OF PARCEL 102 A DISTANCE OF 50.00 FEET; THENCE RUN WEST A DISTANCE OF 661.11' FEET; THENCE RUN NORTH FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 0.76 ACRES MORE OR LESS.

## SKETCH AND DESCRIPTION OF

THIS IS NOT A BOUNDARY SURVEY

### CERTIFICATION:

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ERNEST W. DUNCAN . PSM, State of Florida Date  
Professional Surveyor & Mapper No. 5182

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SCALE: 1" = 200'

DRAWN BY: D.J.M.

CHECKED BY: E.W.D.

REV (3/09/10)

HAVEN-DESCI

FOUNDED 1993  
BASELINE & ENGINEERING  
AND  
LAND SURVEYING, INC.  
1400 N.W. 1st COURT  
BOCA RATON, FLORIDA 33432  
EB 6510 (561) 417-0700 LB 6439

JOB NO.:

SHEET NO. 1 of 1

**RESOLUTION NO. 2010-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE HAVEN, INC., PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The Haven, Inc., a Florida not-for-profit corporation ("The Haven"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County donate and convey 13.76 acres of surplus real property to The Haven, an organization dedicated to providing a safe, loving, and stable environment for children placed in protective care, for construction of facilities to accommodate additional children.

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby finds that The Haven, a not-for-profit organization, is organized for the purpose of promoting community interest and welfare, the aforementioned use 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**, pursuant to Florida Statute Section 270.11, The Haven 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 Haven without charge and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such Deed, subject to the easement rights referenced therein and a restrictive covenant with a reverter clause limiting the use of such real property to construction and operation of facilities for a staffed residential

behavioral health and educational program for at-risk children, including independent living transitional services for older children and young adults.

**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 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 BURT AARONSON, CHAIR  
COMMISSIONER KAREN T. MARCUS, VICE CHAIR  
COMMISSIONER JOHN F. KOONS  
COMMISSIONER SHELLEY VANA  
COMMISSIONER STEVEN L. ABRAMS  
COMMISSIONER JESS R. SANTAMARIA  
COMMISSIONER PRISCILLA A. TAYLOR

The Chair thereupon declared the resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

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: Beth Ann May Wolf  
Department Director



PREPARED BY AND RETURN TO:  
Ross C. Hering, Director  
Palm Beach County  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

PCN: 00-42-43-27-05-079-0330 (a portion of)  
Purchase Price: \_\_\_\_\_ \$0

## 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 Haven, Inc., a Florida not-for-profit corporation, whose legal mailing address is 21441 Boca Rio Road, Boca Raton, FL 33433, "Donee".

### WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to it in hand paid by Donee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Donee, 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.

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.

Further reserving unto the owner of the northern contiguous property, its successors and assigns, a non-exclusive easement for access, ingress, egress and landscape buffer plantings over the property legally described in Exhibit "B" attached hereto and made a part hereof.

Donee covenants and agrees, on behalf of Donee, its successors and assigns, that the property conveyed hereby shall be used solely and exclusively for the construction and operation of facilities for a staffed residential behavioral health and educational program for at risk children, including independent living transition services for older children and young adults. In the event that the property is used for any other purpose, title to the property shall automatically revert to County.

IN WITNESS WHEREOF, County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair 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**

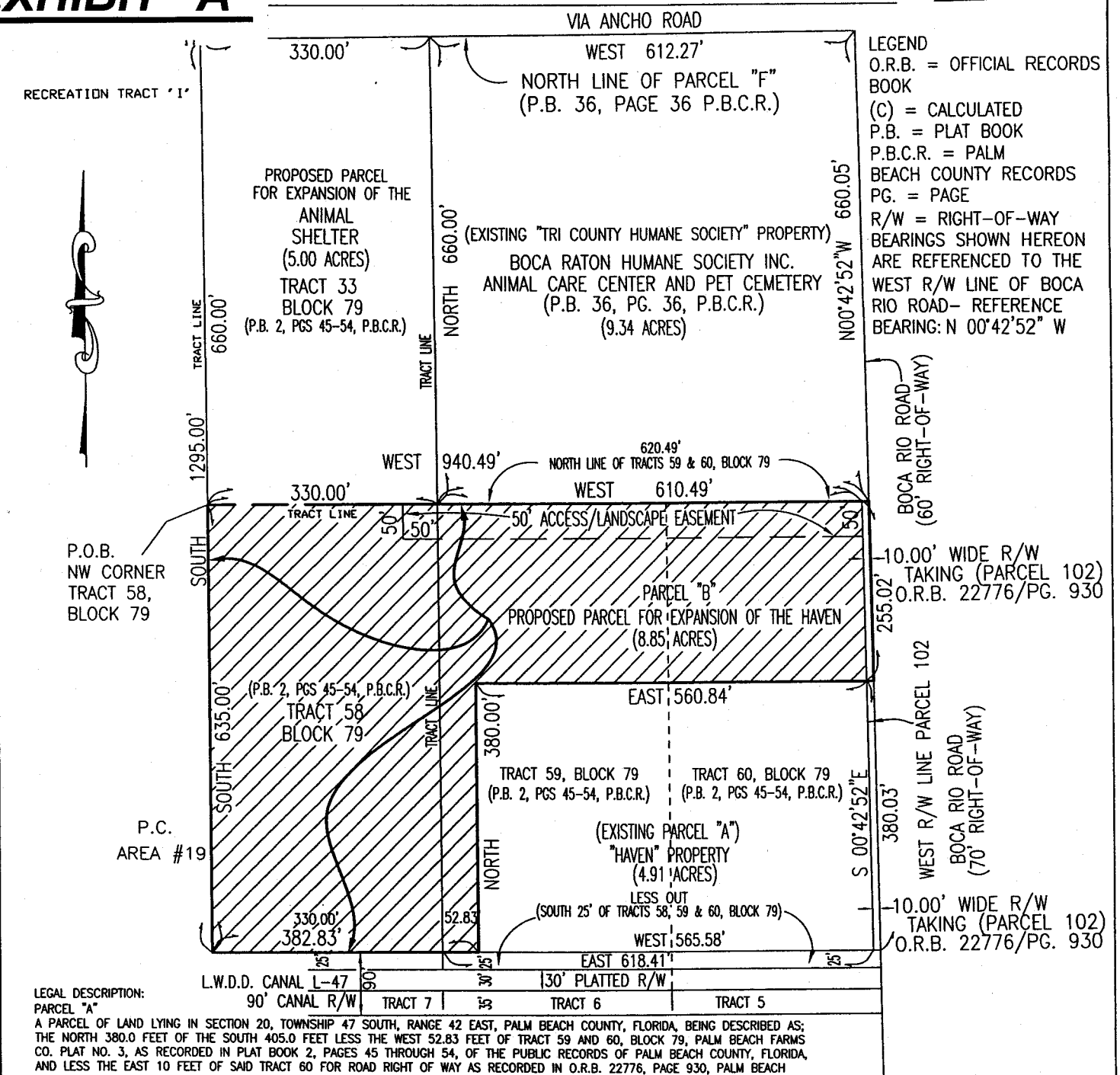
By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Burt Aaronson, Chair

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney



<p><b>CERTIFICATION:</b></p> <p>THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.</p> <p><i>Ernest W. Duncan</i> 5-21-2010  <b>ERNEST W. DUNCAN</b> . PSM. State of Florida Date          Professional Surveyor &amp; Mapper No. 5182</p> <p>THIS DRAWING, SKETCH, PLAT, OR MAP IS FOR INFORMATION PURPOSES ONLY AND IS NOT VALID, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p>			<p><b>SCALE: 1" = 200'</b></p> <p><b>DRAWN BY: D.J.M.</b></p> <p><b>CHECKED BY: E.W.D.</b></p> <p>REV (7/09/09)</p> <p>REV (10/09/09)</p> <p>REV (5/21/10)</p> <p>HAVEN-DESCI</p>		<p>THIS IS NOT A BOUNDARY SURVEY</p> <p>FOUNDED 1993</p> <p><b>BASELINE &amp; ENGINEERING</b></p> <p>AND</p> <p>LAND SURVEYING, INC.</p> <p>1400 N.W. 1st COURT</p> <p>BOCA RATON, FLORIDA 33432</p> <p>EB 6510 (561) 417-0700 LB 6439</p> <p>JOB NO.: SHEET NO. 1 of 1</p>	
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RECREATION TRACT 'I'

VIA ANCHO ROAD

LEGEND

O.R.B. = OFFICIAL RECORDS BOOK

(C) = CALCULATED

P.B. = PLAT BOOK

P.B.C.R. = PALM

BEACH COUNTY RECORDS

P.O.B. = POINT OF BEGINNING

P.O.C. = POINT OF COMMENCEMENT

PG. = PAGE

R/W = RIGHT-OF-WAY

BEARINGS SHOWN HEREON

ARE REFERENCED TO THE

WEST R/W LINE OF BOCA

RIO ROAD- REFERENCE

BEARING: N 00°42'52" W

BOCA RIO ROAD  
(60' RIGHT-OF-WAY)

10.00' WIDE R/W  
TAKING (PARCEL 102)  
O.R.B. 22776/PG. 930

WEST R/W LINE PARCEL 102  
BOCA RIO ROAD  
(70' RIGHT-OF-WAY)

10.00' WIDE R/W  
TAKING (PARCEL 102)  
O.R.B. 22776/PG. 930

PROPOSED PARCEL  
FOR EXPANSION OF THE  
ANIMAL  
SHELTER  
(5.00 ACRES)  
TRACT 33  
BLOCK 79  
(P.B. 2, PGS 45-54, P.B.C.R.)

(EXISTING "TRI COUNTY HUMANE SOCIETY" PROPERTY)  
BOCA RATON HUMANE SOCIETY INC.  
ANIMAL CARE CENTER AND PET CEMETERY  
(P.B. 36, PG. 36, P.B.C.R.)  
(9.34 ACRES)

P.O.C.  
NW CORNER  
TRACT 58,  
BLOCK 79

P.C.  
AREA #19

L.W.D.D. CANAL L-47  
90' CANAL R/W

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACTS 58, 59 AND 60, BLOCK 79, OF THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 58, BLOCK 79; THENCE RUN EAST ALONG THE NORTH LINE OF SAID TRACT 58, A DISTANCE OF 280.00 TO THE POINT OF BEGINNING; THENCE CONTINUE EAST ALONG THE NORTH LINE OF SAID TRACTS 58, 59 & 60 A DISTANCE OF 660.49 FEET TO THE WEST RIGHT OF WAY LINE OF PARCEL 102 AS RECORDED IN O.R.B. 22776, PAGE 930 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE RUN SOUTH 00°42'52" EAST ALONG SAID WEST RIGHT OF WAY LINE OF PARCEL 102 A DISTANCE OF 50.00 FEET; THENCE RUN WEST A DISTANCE OF 661.11' FEET; THENCE RUN NORTH FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 0.76 ACRES MORE OR LESS.

SKETCH AND DESCRIPTION OF

THIS IS NOT A BOUNDARY SURVEY

CERTIFICATION:

THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

ERNEST W. DUNCAN, PSM, State of Florida  
Professional Surveyor & Mapper No. 5182

THIS DRAWING, SKETCH, PLAT, OR MAP IS FOR INFORMATION PURPOSES ONLY AND IS NOT VALID, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SCALE: 1" = 200'

DRAWN BY: D.J.M.

CHECKED BY: E.W.D.

REV (3/09/10)

HAVEN-DESC1

FOUNDED 1993  
BASELINE & ENGINEERING

AND  
LAND SURVEYING, INC.  
1400 N.W. 1st COURT  
BOCA RATON, FLORIDA 33432  
EB 6510 (561) 417-0700 LB 6439

JOB NO.:

SHEET NO. 1 of 1

## **TERMINATION OF LEASE**

**THIS TERMINATION OF LEASE** made and entered into on \_\_\_\_\_, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "County" and **THE TRI-COUNTY HUMANE SOCIETY, INC.**, a Florida not-for-profit corporation, hereinafter referred to as "Tenant".

### **WITNESSETH:**

**WHEREAS**, on January 5, 1982, the County entered into a ninety-nine (99) year Lease Agreement with the Boca Raton Humane Society (R-82-20) for purposes of a passive park and bird sanctuary (the "Lease");

**WHEREAS**, the Boca Raton Humane Society assigned the Lease to the City of Boca Raton in 1987, and the City of Boca Raton re-assigned the Lease to the Tenant in 2005;

**WHEREAS**, at the request of the City of Boca Raton and Tenant, the County will convey a portion of the property subject to the Lease to the City of Boca Raton and the remaining portion of the property to The Haven, Inc.; and

**WHEREAS**, in order to convey clear title to the property subject to the Lease, the parties have agreed to terminate the Lease.

**NOW, THEREFORE**, in consideration of TEN AND NO/100'S DOLLARS, in lawful money in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. County and Tenant agree that the Lease shall be terminated, canceled, and extinguished effective upon the conveyance of the property subject

to the Lease to the City of Boca Raton and the Haven, whereupon the parties shall be released from all further obligations under the Lease.

**IN WITNESS WHEREOF**, Tenant has executed this instrument on the date set forth below and County upon the date first above written.

**WITNESS:**

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

\_\_\_\_\_  
Print Witness Name

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

\_\_\_\_\_  
Print Witness Name

**ATTEST:**

**SHARON R. BOCK  
CLERK & COMPTROLLER**

By: \_\_\_\_\_  
Deputy Clerk

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
Assistant County Attorney

**TENANT:**

**TRI-COUNTY HUMANE SOCIETY,  
INC.** a Florida not-for profit corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

(SEAL)

Date: \_\_\_\_\_

**COUNTY:**

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

By: \_\_\_\_\_  
Burt Aaronson, Chair

**APPROVED AS TO TERMS  
AND CONDITIONS**

\_\_\_\_\_  
Audrey Wolf, Director  
Facilities Development & Operations