

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> *</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:

No fiscal impact associated with this item.

C. Department Fiscal Review:

JP

III. REVIEW COMMENTS

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

* *Fiscal impact indeterminate at this point*

<p><i>[Signature]</i> _____ OFMB <i>12/23/10</i></p>	<p><i>[Signature]</i> _____ Contract Development and Control <i>12/24/10</i></p>
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B. Legal Sufficiency:

[Signature]

 Assistant County Attorney

C. Other Department Review:

 Department Director



City of West Palm Beach

**PERMIT AND LICENSE
FOR SOUTH COVE RAMP**

25240-10

LICENSEE: **PALM BEACH COUNTY** a political subdivision of the State of Florida (hereinafter "County") Department of Environmental Resources Management, 2300 North Jog Road – Fourth Floor, West Palm Beach, FL 33411(hereinafter "PBC").

PERMISSION IS HEREBY GRANTED to: PBC and its successors, employees and agents, to use the Licensed Property described below for the described Purpose, subject to the conditions specified below:

LOCATION OF USE: Approximately 475 sq. feet of City-owned seawall and sidewalk located between the Lake Worth Lagoon and Flagler Drive, across from Trinity Park, as more fully depicted in **Exhibit 1** attached hereto (the "Licensed Property").

PURPOSE: Palm Beach County has designated the South Cove Natural Area as a high-priority restoration project in the Lake Worth Lagoon Management Plan. The project will create a shallow water habitat important to local fisheries, wading and shorebirds, manatees and sea turtles and improve water quality through filtration capabilities and stabilization of sediments. As part of the South Cove Natural Area Project, PBC will construct a 556-ft. elevated boardwalk and observation deck for public use.

The Licensed Property may be utilized to construct, install, maintain, repair and replace a Ramp and Step System connecting the South Cove Natural Area boardwalk to the City seawall and sidewalk at the location indicated in this License.

DESIGN: The design of the Ramp and Step System shall conform to the Ramp & Step Plan, Sheets B8, B9 and B10 of the South Cove Restoration drawings prepared by the Palm Beach County Department of Environmental Resources Management, dated April 27, 2010, and attached hereto as **Exhibit 2** ("Ramp and Step System").

CONDITIONS:

1. **As-Built.** Upon completion of installation and construction, PBC shall provide to the City's Engineering Services Director as-built survey or drawings detailing the ramp and step system.

2. **Maintenance; Repairs.** PBC shall be responsible for the maintenance, repair and replacement of the Ramp and Step System. PBC shall also make any repairs and/or replacements necessary to the City's seawall, railings and public sidewalk damaged as a result of construction and installation of the Ramp and Step System or the South Cove Natural Area boardwalk. The City of West Palm Beach shall have no responsibility to maintain the Ramp and Step System.

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3. Access: The City shall have access to the Licensed Property at all times.
4. The parties agree and acknowledge that this Permit and License herein granted in no way constitutes an abandonment of City-owned property. PBC agrees that it will not record a statutory maintenance map over the Licensed Property.
5. To the extent provided by law, PBC shall indemnify and hold the City harmless from and against any and all loss, suits, actions, legal or administrative proceeding, claim, demand, damage, liability, interest, attorney fees, costs and/or expense of whatsoever kind or nature due to personal injury, property damage and/or environmental damage arising in any manner directly or indirectly related to PBC's use of the Licensed Property under this License. The provisions of this paragraph shall survive any termination of this License.
6. PBC acknowledges and agrees that its use of the Licensed Property is non-exclusive and that the Ramp and Step system will be open to the public.
7. Nothing contained in this Agreement shall be construed to create the relationship of principal and agent, landlord and tenant, partnership, joint venture or any other relationship between the City and PBC other than that of Licensor and Licensee and nothing herein shall be deemed to grant to PBC any additional rights with respect to the Licensed Property.
8. Notices: All notices hereunder shall be in writing and shall be addressed to the following representatives of the parties:

As to the City:

City Administrator
City of West Palm Beach
400 Clematis Street
(P.O. Box 3366 / 33402)
West Palm Beach, FL 33401

As to PBC:

Director of Environmental Resources Management
Palm Beach County
2300 North Jog Road – Fourth Floor
West Palm Beach, FL 33411

9. This Permit and License constitutes the entire agreement between the parties hereto and supersedes all prior understandings, if any. There are no other oral or written promises, conditions, representations, understanding or terms of any kind as conditions of inducement to the execution hereof and none have been relied upon by either party. Any subsequent conditions,

representations, or agreements shall not be valid and binding upon the parties unless they are in writing and signed by both parties and executed in the same manner as this instrument.

ATTEST:

City Clerk


CITY OF WEST PALM BEACH

By: 
Lois J. Frankel, Mayor

Dated: _____, 2010

CITY ATTORNEY'S OFFICE

Approved as to form and legal sufficiency

By: 
Date: 6-16-10

ATTEST:

By: _____
Deputy Clerk

ACCEPTED:
PALM BEACH COUNTY,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Burt Aaronson, Chair

(SEAL)

APPROVED AS TO FORM AND TO
LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: 
Director of Environmental Resources Mgmt.

EXHIBIT
1

EXHIBIT "A"
SOUTH COVE NATURAL AREA - LICENSE AGREEMENT

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE SOUTH 84°56'53" EAST ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 1345.40 FEET; THENCE NORTH 05°03'07" EAST AT RIGHT ANGLES TO SAID SOUTH LINE, A DISTANCE OF 828.43 FEET TO THE EAST LINE OF THE SUBMERGED LAND AREA DEDICATED TO THE CITY OF WEST PALM BEACH BY THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA PER DEED NO. 24314 (1841-50) AND THE POINT OF BEGINNING, THENCE SOUTH 30°46'50" WEST, A DISTANCE OF 10.18 FEET; THENCE NORTH 59°13'10" WEST, A DISTANCE OF 51.17 FEET; THENCE NORTH 30°46'50" EAST, A DISTANCE OF 9.18 FEET TO SAID EAST LINE OF THE SUBMERGED LAND AREA DEDICATED TO THE CITY OF WEST PALM BEACH BY THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA PER DEED NO. 24314 (1841-50), BEING A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 554.10 FEET (A RADIAL LINE FROM SAID POINT BEARS NORTH 32°17'59" EAST); THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°17'37", AN ARC DISTANCE OF 51.20 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

SAID EASEMENT CONTAINS 475 SQUARE FEET OR 0.0109 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD 83/90) BEARING OF SOUTH 84°56'53" EAST ALONG THE SOUTH LINE OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

THIS IS NOT A SURVEY.

COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990, AS READJUSTED BY PALM BEACH COUNTY IN 1998
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.000052478
ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.


THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS 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.


GLENN W. MARK, P.L.S.
FLORIDA CERTIFICATE #5304

6/15/10
DATE

PROJECT NO. 2010013-14	SHEET 1	OF 2	PROJECT: SOUTH COVE NATURAL AREA LICENSE AGREEMENT	SCALE: 1" = 40' APPROVED: G.W.M. DRAWN: E.A.O. CHECKED: N.J.H. DATE: 6/09/10	REVISION BY DATE	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
	DESIGN FILE NAME: S-10-3117.DGN		DRAWING NO.: S-1-10-3117			

IN

PROPOSED
16' x 16' PLATFORM
WITH KIOSK

PROPOSED
10.0' x 556'
BOARDWALK

EAST LINE OF THE
SUBMERGED LAND
AREA DEDICATED
TO THE CITY OF
WEST PALM BEACH
BY THE T.I.F.F.
PER DEED NO.
24314(1841-50)

SECTION 22
TOWNSHIP 43 SOUTH
RANGE 43 EAST

SCALE: 1" = 40'

THIS IS NOT
A SURVEY

EXISTING
FACE OF
SEAWALL

RADIAL N32°17'59"E

R = 554.10'
Δ = 05°17'37"
L = 51.20'

EAST LINE OF THE
SUBMERGED LAND
AREA DEDICATED
TO THE CITY OF
WEST PALM BEACH
BY THE T.I.F.F.
PER DEED NO.
24314(1841-50)

N30°46'50"E
9.18'

S30°46'50"W
10.18'

EXISTING
PAVER BRICK
SIDEWALK

N59°13'10"W
51.17'

POB

LEGEND

- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING
- C = CALCULATED
- ⊕ = CENTERLINE
- T.I.I.F. = TRUSTEES OF THE INTERNAL IMPROVEMENT FUND

828.43' (C)

FLAGLER DRIVE

POC
SOUTHWEST CORNER OF
SECTION 22, TOWNSHIP
43 SOUTH, RANGE 43 EAST

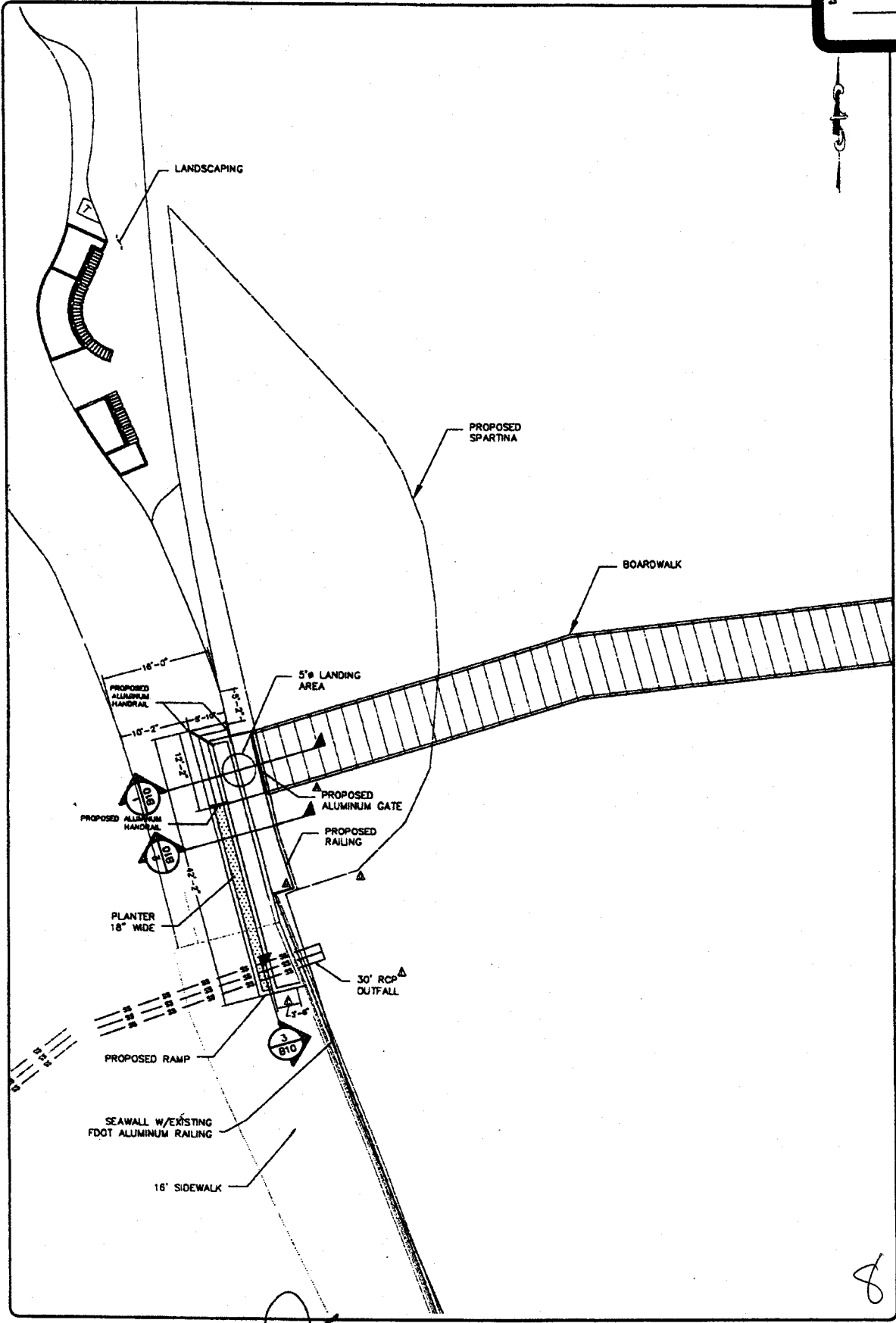
SOUTH LINE OF
SECTION 22,
TOWNSHIP 43 SOUTH,
RANGE 43 EAST

SOUTHEAST CORNER OF
SECTION 22, TOWNSHIP
43 SOUTH, RANGE 43 EAST

N 863260.595
E 965095.386

3935.97' (C)
5281.37' (C)

N 862795.527
E 970356.236



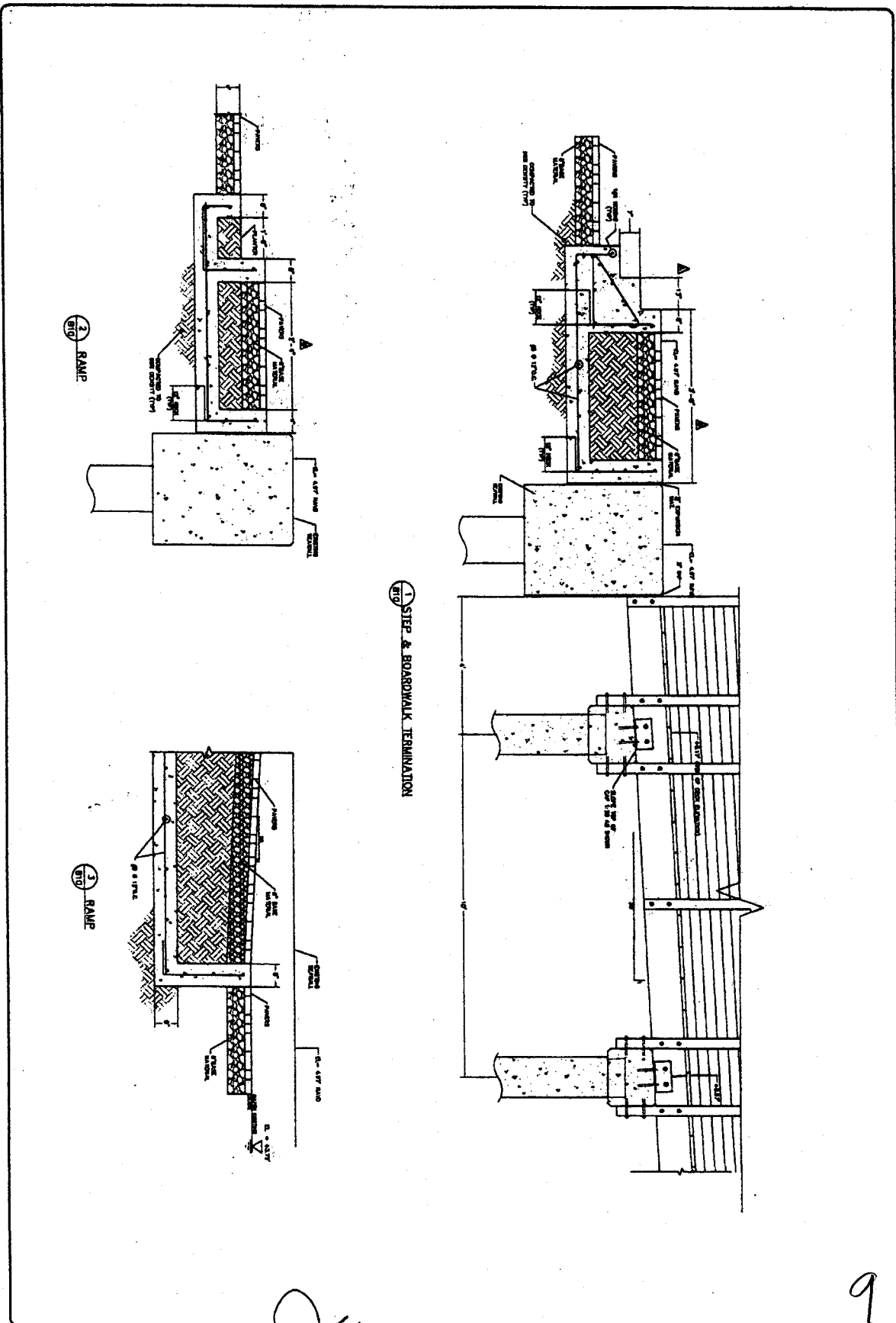
Sheet
B8
Of 12

Project:
SOUTH COVE RESTORATION
RAMP & STEP PLAN

DATE: 11/11/11
BY: [Signature]
CHECKED BY: [Signature]

NO.	REVISION	DATE	BY	CHKD.
1	ISSUE			
2	ALUMINUM GATE			
3	SEED, PROPOSED PLANTING			
4	RAMP WITH			
5	REMOVE PLANTER			
6	ADD OUTFALL			

PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2300 NORTH JOG ROAD, 4th FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 233-2600



9

Sheet
B10
12

Project
SOUTH COVE RESTORATION
RAMP & STEPS DETAILS

SCALE
AS SHOWN
DATE
BY
CHECKED
APPROVED
DATE

NO.	REVISION	DATE	BY	CHK.
1	REVISED			

PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2300 NORTH JOG ROAD, 4TH FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 233-2400