

Agenda Item #: **3D-3**

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

Meeting Date: September 14, 2010

☒ Consent      ☐ Regular  
☐ Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For:

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: an addendum to the stipulated settlement agreement with the Town of Highland Beach which was approved by the Board of County Commissioners on May 18, 2010.

**Summary:** On May 18, 2010, the Board of County Commissioners approved a stipulated settlement agreement with the Town of Highland Beach resolving pending litigation between the parties regarding the Town's approval with conditions of the County's special exception use application for the Cam D. Milani Park. The settlement agreement contained scrivener's errors which both parties wish to be clarified through the execution of the Addendum, including a corrected effective date, contact information for the Town of Highland Beach, an updated clarification regarding the County's dispute with Boca Highlands Condominium Association, and a specific reference to the version of the Town Code to be used in implementing the settlement agreement provisions. District 4 (ATP)

(Continued on Page 3)

**Attachments:**

1. Addendum to Stipulated Settlement Agreement
2. Certification by Beverly Brown, Town Clerk, regarding Code of Ordinances
3. Code of Ordinances of the Town of Highland Beach

Recommended by: \_\_\_\_\_

County Attorney

8/23/10

Date

Approved by: \_\_\_\_\_

N/A

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	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

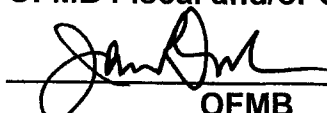
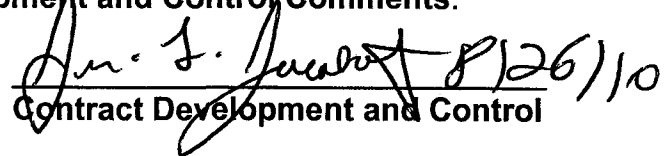
Reporting Category \_\_\_\_\_

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

### C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development and Control Comments:

 OFMB  Contract Development and Control  
8/25/10 8/26/10

### B. Legal Sufficiency:

  
Assistant County Attorney

### C. Other Department Review:

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

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

**Background and Justification:** On May 18, 2010, the Board of County Commissioners approved a stipulated settlement agreement with the Town of Highland Beach resolving pending litigation between the parties regarding the Town's approval with conditions of the County's special exception use application for the Cam D. Milani Park. The settlement agreement contained scrivener's errors which both parties wish to be clarified through the execution of the Addendum, including a corrected effective date, contact information for the Town of Highland Beach, an updated clarification regarding the County's dispute with Boca Highlands Condominium Association, and a specific reference to the version of the Town Code to be used in implementing the settlement agreement provisions. The Addendum will correct the scrivener's errors and will clarify the status of the property line dispute between the County and the Boca Highlands Condominium Association. All substantive provisions in the Settlement Agreement will remain unchanged. Once the County executes the Addendum, it will be forwarded to the Town of Highland Beach for their consideration and execution.