

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

**Meeting Date:** June 21, 2011 (X) Consent ( ) Regular  
( ) Workshop ( ) Public Hearing

**Department**  
**Submitted By:** Environmental Resources Management  
**Submitted For:** Environmental Resources Management

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: Amendment I to the Declaration of Restrictive Covenants (R-2007-0168) for grant No.05-028-FF5 from the Florida Communities Trust (FCT).

**Summary:** In 2005, the County’s Indian Lakes Natural Area project (located within the Pine Glades Natural Area) was selected to receive grant funding from FCT. One of the items included in the grant contract (R-2005-2253) was the construction of a connecting sidewalk between the northeastern corner of the project area and an existing asphalt sidewalk along the edge of an adjacent residential community (Special Condition #18). Amendment I to the Declaration of Restrictive Covenants would delete the requirement for the County to construct the sidewalk.  
District 1 (SF)

**Background and Justification:** The County anticipated that the adjacent road (Indiantown Road) would be widened within a few years of the FCT grant application and that the connecting sidewalk would be constructed concurrent with the road improvements. This did not happen, and there are no plans to widen this portion of Indiantown Road within the next five years. After careful examination of alternate routes, it was determined the sidewalk cannot be constructed in a technically reasonable and financially responsible manner unless it is included as part of a roadway project. Therefore, the County requested the sidewalk be deleted from the list of grant requirements contained in the FCT grant contract and that the Declaration of Restrictive Covenants be amended. Although five (5) points were given for the proposed sidewalk during the scoring phase of the FCT grant cycle, the Indian Lakes project would still have been funded without those points. FCT has approved the County’s request, pending completion of Amendment I to the Declaration of Restrictive Covenants.

**Attachments:**

1. Amendment I Declaration of Restrictive Covenants
2. Indian Lakes Natural Area Project Location Map

**Recommended by:** Richard E. Wolubny 5/25/11  
Department Director Date

**Approved by:** Ch. [Signature] 6/8/11  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

<b>Fiscal Years</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Capital Expenditures</b>	_____	_____	_____	_____	_____
<b>Operating Costs</b>	_____	_____	_____	_____	_____
<b>External Revenues</b>	_____	_____	_____	_____	_____
<b>Program Income (County)</b>	_____	_____	_____	_____	_____
<b>In-Kind Match (County)</b>	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>*</u> _____	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

**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 as any savings associated with the sidewalk will be insignificant within the scope and total cost of the project.

**C. Department Fiscal Review:** *JP*

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and /or Contract Administrator Comments:**

*[Signature]*  
 \_\_\_\_\_  
 OFMB  
*5/13/11*  
*5/27/11*

*[Signature]*  
 \_\_\_\_\_  
 Contract Administrator  
*6/1/11*

**B. Legal Sufficiency:** *[Signature]*  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**  
 \_\_\_\_\_  
 Department Director

Attachment 1

This instrument prepared by:  
Kristen L. Coons, Esq.  
Florida Communities Trust  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

FLORIDA COMMUNITIES TRUST  
FF5 AWARD #05-028-FF5  
FCT Contract #  
INDIAN LAKES NATURAL AREA

AMENDMENT I  
DECLARATION OF RESTRICTIVE COVENANTS

THIS AMENDMENT I to the DECLARATION OF RESTRICTIVE COVENANTS is entered into this \_\_\_ day of \_\_\_\_\_, 2011, by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and PALM BEACH COUNTY, a political subdivision of the State of Florida ("Recipient"), in order to impose terms, conditions, and restrictions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds and as described in Exhibit "A.I" attached hereto and made a part hereof ("Project Site"), as shall be necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Chapters 259.105, 259.1051, and 380, Part III, Florida Statutes.

WHEREAS, FCT and Recipient entered into a Declaration of Restrictive Covenants recorded in Official Records Book 21258, pages 1935-1950, Public Records of Palm Beach County, Florida, at the time of the acquisition of the Project Site, as described in Exhibit "A" to the Declaration of Restrictive Covenants;

WHEREAS, Paragraph II of the Declaration of Restrictive Covenants states that either party may request modification of the provisions of this Agreement at any time. Changes which are mutually agreed upon shall be valid only when reduced to writing and duly signed by each of the parties hereto. Such amendments shall be incorporated into this Agreement.

WHEREAS, the purpose of this Amendment is to delete the requirement contained in Section VII. #18.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and Recipient do hereby contract and agree as follows:

The requirement to have the project site connected by an adjacent sidewalk as set forth in Section VII. #18 is hereby deleted.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

ATTEST:

COUNTY:

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Sharon R. Bock  
Clerk & Comptroller

By: \_\_\_\_\_  
Karen T. Marcus, Chair

Date of Execution \_\_\_\_\_

Approved as to form  
and legal sufficiency for Recipient:

Approved as to terms and conditions:

By: \_\_\_\_\_  
Shannon Fox  
Assistant County Attorney

By: Richard E. Walesky  
Richard E. Walesky, Director  
Environmental Resources Management

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_. This person is personally known to me, or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Witnesses:

FLORIDA COMMUNITIES TRUST

Print Name: \_\_\_\_\_

Ken Reecy, Division Director  
Housing and Community Development

Print Name: \_\_\_\_\_

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

Accepted as to Legal Form and  
Sufficiency:

Kristen L. Coons, Trust Counsel

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

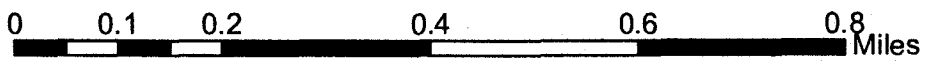
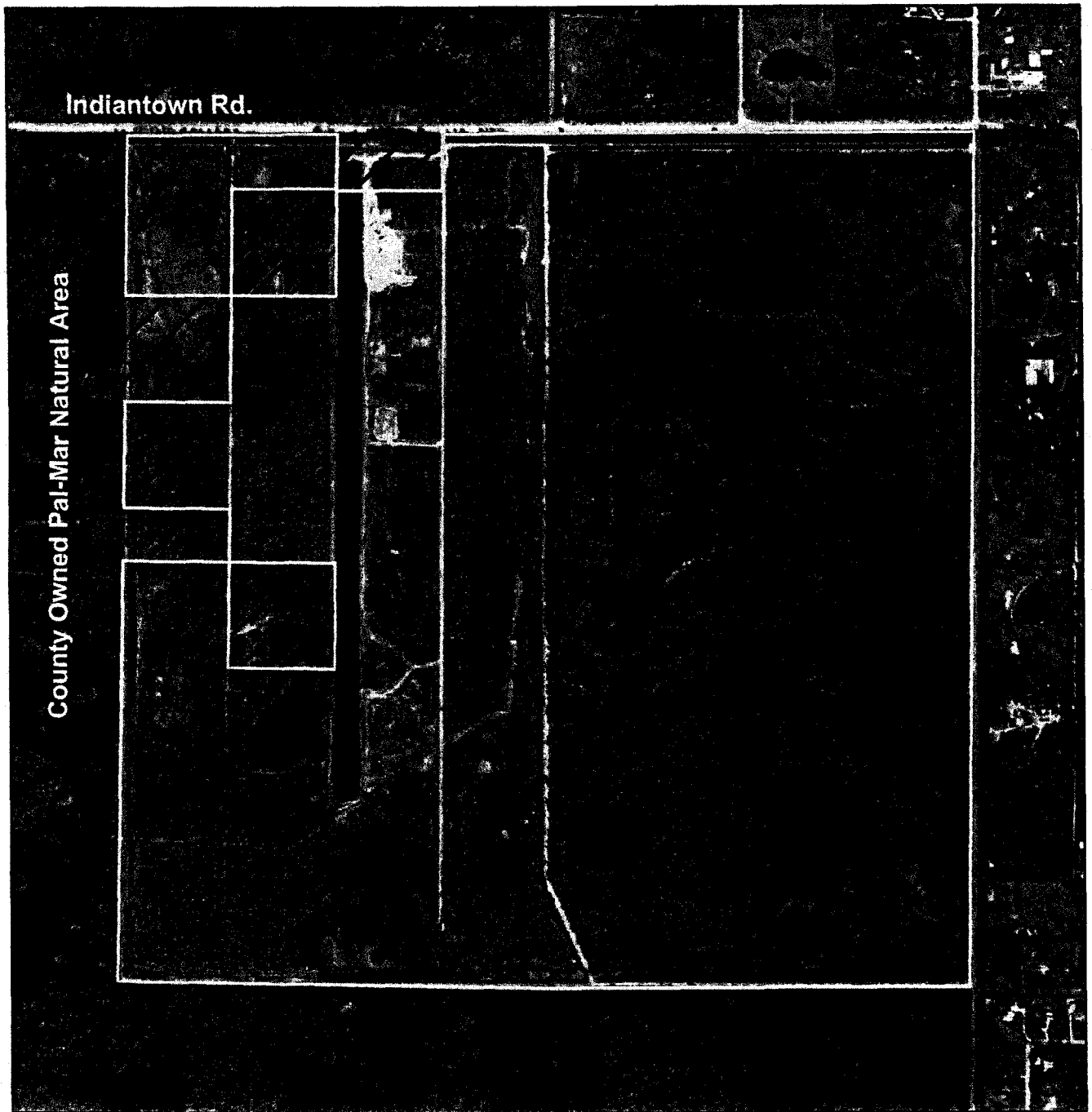
STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011 by Ken Reecy, Division Director of Housing and Community Development. He is personally known to me.



\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_


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### Map Indian Lakes Natural Area



#### Legend

-  Project Boundary
-  Parcels not part of project site

  
Palm Beach County  
Department of Environment  
Resources Mangement  
April 2005, JM