

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 14, 2012 (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:

A) adopt a Resolution authorizing the County Administrator or his designee to execute a standard form Assignment of Conservation Easement to the Town of Loxahatchee Groves.

B) adopt a Resolution authorizing the County Administrator or his designee to execute a standard form Assignment of Declaration of Restrictive Covenants to the Town of Loxahatchee Groves.

Summary: The attached resolutions establish a standard form Assignment of Conservation Easement and a standard form Assignment of Declaration of Restrictive Covenants to the Town of Loxahatchee Groves (the Town). Conservation Easements and Declarations of Restrictive Covenants as required by the Unified Land Development Code (ULDC), Article 14.C, Vegetation Preservation, involving real property that has been incorporated into the Town will be transferred to the Town for future enforcement, as necessary since this section of the ULDC is not applicable to municipalities. District 6 (SF)

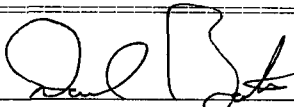
Background and Justification: On November 1, 2006, the Town of Loxahatchee Groves incorporated as a Municipality within the County. When the Town incorporated, certain unincorporated portions of the County were incorporated into the Town.

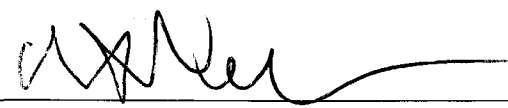
Prior to the date the Town incorporated, the County acquired a number of Conservation Easements and Restrictive Covenants over real property pursuant to what is now Article 14.C of the Unified Land Development Code, Vegetation Preservation and Protection. The County no longer has regulatory jurisdiction over the land development involving the real property that was incorporated into the Town.

The County still holds a number of Conservation Easements and Declarations of Restrictive Covenants over real property that is now within the jurisdiction of the Town. Therefore, staff recommends adopting a standard form Assignment of Conservation Easement and standard form Assignment of Declaration of Restrictive Covenant to assign such Conservation Easements and Declarations of Restrictive Covenants to the Town. The Town wishes to accept the Conservation Easements and Declarations of Restrictive Covenants to enforce them.

Attachments:

1. Resolution adopting assignment of Conservation Easements
2. Resolution adopting assignment of Declaration of Restrictive Covenants

Recommended by:  8-1-12
Department Director Date

Approved by:  8/3/12
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2014	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u> 0 </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.

C. Department Fiscal Review: *JP*

III. REVIEW COMMENTS

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

<i>[Signature]</i> OFMB	<i>[Signature]</i> Contract Development and Control
7/17	7/19/12
7/17	7-19-12 <i>[Signature]</i>

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

C. Other Department Review:

 Department Director

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING A STANDARD FORM ASSIGNMENT OF CONSERVATION EASEMENT TO THE TOWN OF LOXAHATCHEE GROVES; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE THE STANDARD FORM ASSIGNMENT OF CONSERVATION EASEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County holds a number of conservation easements over real property that has been incorporated into the Town of Loxahatchee Groves; and

WHEREAS, the Town of Loxahatchee Groves has regulatory jurisdiction over land development involving such real property; and

WHEREAS, the Palm Beach County Department of Environmental Resources Management has transferred its files involving enforcement of the Palm Beach County Unified Land Development Code ("ULDC") to the Town of Loxahatchee Groves for enforcement; and

WHEREAS, the conservations easements were granted to Palm Beach County pursuant to development requirements in the ULDC; and

WHEREAS, the Town of Loxahatchee Groves wishes to accept assignment of such conservation easements; and

WHEREAS, the Board of County Commissioners desires to establish a standard form assignment of conservation easement to the Town of Loxahatchee Groves and to authorize the County administrator or his designee to execute such assignment.

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

1. Recitals. The foregoing recitals are true and correct and are expressly incorporated herein by reference and made a part hereof.
2. Standard Form Assignment of Conservation Easement. The Board of County Commissioners hereby approves the standard form Assignment of Conservation Easement to the Town of Loxahatchee Groves attached hereto as Exhibit "A".
3. Delegation of Signature Authority. The Board of County Commissioners hereby authorizes the County Administrator or his designee to execute the Assignment of Conservation Easement on behalf of the County in substantially the form attached hereto subject to the limitations set forth herein. The County administrator or his designee may approve non-material changes to the form of the Assignment of Conservation Easement. Non-material changes means inclusion of specific information or details from each conservation easement being transferred, modifications to the recitals and changes that do not modify the substantive obligations of the parties. The County Administrator's designee under this Resolution includes the Director of the Department of Environmental Resources Management.

4. Severability. Should any section, paragraph, sentence, clause or word of this Resolution be held unconstitutional, inoperative or void, such holding shall not affect the validity of the remainder of this Resolution.

5. Effective Date. The provisions of this Resolution shall be effective immediately upon adoption.

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 Shelley Vana, Chair	_____
Commissioner Steven L. Abrams, Vice Chair	_____
Commissioner Karen T. Marcus	_____
Commissioner Paulette Burdick	_____
Commissioner Burt Aaronson	_____
Commissioner Jess R. Santamaria	_____
Commissioner Priscilla A. Taylor	_____

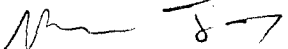
The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20__.

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

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By:  _____
County Attorney

After execution return to:

Michael D. Cirullo, Jr.
Goren, Cherof, Doody & Ezrol
3099 East Commercial Blvd., Suite 200
Fort Lauderdale, FL 33308

(above space reserved for recording information)

ASSIGNMENT OF CONSERVATION EASEMENT

THIS ASSIGNMENT is made this _____ day of _____ 2012 by Palm Beach County, a political subdivision of the State of Florida ("Assignor") to the Town of Loxahatchee Groves, a municipal corporation in the State of Florida ("Assignee").

WHEREAS, the real property owner ("Grantor") granted to Assignor a Conservation Easement over approximately _____ acres of real property in Palm Beach County, Florida as legally described in Exhibit "A" to the Conservation Easement recorded in the Official Records of Palm Beach County, Florida at Book _____ and Page _____; and

WHEREAS, at the time said Conservation Easement was executed, the real property was within the unincorporated area of Palm Beach County; and

WHEREAS, subsequently, said real property was annexed into the Town of Loxahatchee Groves; and

WHEREAS, the Town of Loxahatchee Groves now has regulatory authority over real property, which includes the Conservation Easement at issue; and

WHEREAS, Assignor wishes to assign its rights and obligations pursuant to the Conservation Easement to Assignee and Assignee wishes to accept the assignment thereof.

NOW, THEREFORE, in consideration of the sum of \$10.00 paid to Assignor by Assignee and for other good and valuable consideration, the receipt of which is hereby acknowledged by execution of this Assignment:

1. The foregoing recitals are true and correct and incorporated herein.
2. Assignor assigns, transfers and sets over to Assignee and to Assignee's successors and assigns all of Assignor's rights, title and interest in the above-mentioned Conservation Easement.

The remainder of this page is intentionally left blank.

IN WITNESS WHEREOF, Palm Beach County has executed this Assignment of Conservation Easement on the date set forth herein.

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

WITNESSES:

By: _____
[County Administrator or Designee]

(Signature)

(Print Name)

(Signature)

(Print Name)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Assistant County Attorney

By: _____
Robert Robbins, Director
Dept. of Env. Resources Management

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2012 by _____, the _____ of the County of Palm Beach, Florida. The above-named individual is personally known to me or produced _____ as identification.

Notary Public State of Florida
Commission No:
Commission expires: