

PALM BEACH COUNTY
 BOARD OF COUNTY COMMISSIONERS
 AGENDA ITEM SUMMARY

Meeting Date: May 7, 2013

Consent
 Ordinance

Regular
 Public Hearing

Department: Parks and Recreation
 Submitted By: Parks and Recreation Department
 Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: **A) ratify** the signature of the Mayor on a Waterways Assistance Program (WAP) grant application submitted to the Florida Inland Navigation District (FIND) on March 27, 2013, requesting \$250,000 to fund 25% of the acquisition cost for the purchase of a one acre privately held outparcel within Bert Winters Park; **B) adopt** Resolution for Assistance under the FIND WAP for grant funding for acquisition of a one acre waterfront parcel located in Bert Winters Park in the amount of \$250,000; **C) authorize** the County Administrator or his designee to execute the Grant Project Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and **D) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with FIND for this project.

Summary: On April 16, 2013 (5.B.2.), the Board approved the purchase of the Marine Institute property from AMikids, Inc., for \$1,000,000, and the property is scheduled to close on or before May 31, 2013. This grant application requests up to \$250,000 (25%) of the acquisition costs to acquire the one acre waterfront outparcel of land located within Bert Winters Park. The WAP grant provides for pre-agreement expenses with reimbursement allowed up to 12 months after the closing date. Funding for the initial purchase of this property will come from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. FIND will only contribute 25% towards the cost of land acquisitions. Due to grant-related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator or designee to approve grant documents and the Parks and Recreation Director to act as the Liaison Agent for this project. If awarded, the grant agreement requires the property to be used for a boating access facility within 7 years of closing, and dedicated to public use for a minimum period of 25 years after completion of construction. If the County fails to adhere to these provisions, the District may require the applicant to refund the program funding. District 1 (AH)

Background and Justification: FIND offers grants to local governments through its WAP for public recreation projects directly related to its waterways. The County is requesting WAP funding to cover 25% of the acquisition costs associated with the purchase of a one acre privately held outparcel, located within Bert Winters Park. The subject property was originally part of Bert Winters Park, and was purchased from FIND in 1975. In 1986, the Board approved an exchange agreement trading this one acre parcel of land for 3.3 acres of uplands and 32.43 acres of submerged lands on Peanut Island with the Palm Beach Marine Institute, R-86-1875. The subject property is deed restricted by FIND and "shall be used only for public purposes, recreational areas, educational institutions and governmental services..." This one acre parcel will be added back into the park and used for recreational purposes.


FIND's time frame for submittal of this application did not allow for prior approval by the Board. In order to meet the grant application deadline, Mayor Abrams signed the application on behalf of the Board as authorized by PPM CW-F-003 Policy B.4. This PPM requires the grant application be presented to the Board for approval at its next available meeting after signature by the Mayor.

Attachments:

1. Grant Application
2. Resolution
3. Resolution R-86-1875

Recommended by: 
 Department Director

4/10/2013
 Date

Approved by: 
 Assistant County Administrator

4/23/13
 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	1,000,000	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	(250,000)	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	750,000 *	-0-	-0-	-0-	-0-

ADDITIONAL FTE POSITIONS (Cumulative) 0

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 at this time. Should the grant be awarded, a budget amendment will be presented to the Board for approval. The additional funding sources for this project are identified as follows:

FIND WAP grant	3600-581-P777	\$250,000
50M GO 05, Waterfront Access bond	3038-581-P777	\$750,000
	Total	\$1,000,000

C. Departmental Fiscal Review: *Wen N*

III. REVIEW COMMENTS

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

AK
 OFMB
4/18/2013
4/17
4-17

Dr. J. Javelent
 Contract Development and Control
4-22-13
B. Wheeler

B. Legal Sufficiency:

Anne Delgent
 Assistant County Attorney
4-23-13

C. Other Department Review:

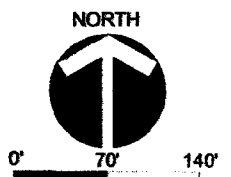
 Department Director

REVISED 10/95
 ADM FORM 01

2013 Waterways Assistance Program Grant
Bert Winters Park - Acquisition



BERT WINTERS PARK
13425 Ellison Wilson Road
Juno Beach, FL 33408





**Parks and Recreation
Department**

2700 6th Avenue South
Lake Worth, FL 33461
(561) 966-6600
Fax: (561) 966-6734
www.pbcparcs.com

**Palm Beach County
Board of County
Commissioners**

Steven L. Abrams, Chairman

Willa A. Taylor, Vice Chair

Hal R. Valeche

Paulette Burdick

Shelley Vana


Mary Lou Berger

Jess R. Santamaria

County Administrator

Robert Weisman

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Affirmative Action Employer"

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March 26, 2013

Mr. Mark Crosley
Executive Director
Florida Inland Navigation District
1314 Marcinski Road
Jupiter, FL 33477

**RE: 2013 Waterways Assistance Program Grant Application for the Bert
Winter Park – Acquisition**

Dear Mr. Crosley:

Attached is one hard copy and one electronic copy of the FY 2013 Waterways Assistance Program grant application requesting \$250,000 for the Bert Winters Park – Acquisition. The total cost of this acquisition is \$1,000,000, with the balance of the acquisition costs being funded from the 2004, \$50 Million Waterfront Access and Preservation G.O. bond issue.

Palm Beach County is requesting funding for 25% of the cost associated with the acquisition of this one acre waterfront property.

This application has been signed by Commissioner Steven L. Abrams, Mayor, Palm Beach County Board of County Commissioners, in accordance with County policies and procedures for the submission of grants that are awaiting Board approval. The FIND Resolution approving submittal of the grant application for funding will be placed on the May 7, 2013, Board of County Commissioners agenda for Board consideration. A fully executed Resolution will be provided to FIND by May 22, 2013.

Please contact me at 561-966-6613 or call Jean Matthews, Senior Planner 561-966-6652 if you have any questions about this grant application or if you need any additional information.

Sincerely,


Eric Call, Director
Parks and Recreation Department


Attachments: WAP Grant Application

ATTACHMENT E-1

WATERWAYS ASSISTANCE PROGRAM FY 2013
PROJECT APPLICATION
APPLICANT INFORMATION – PROJECT SUMMARY

Applicant: Palm Beach County Board of County Commissioners
Department: Palm Beach County Parks and Recreation Department
Project Title: Bert Winters Park Acquisition
Project Director: Eric Call Title Director, PBC Parks & Recreation Department
Project Liaison Agent (if different from above): Jean Matthews
Liaison Agent Title: Senior Planner
Address: 2700 6th Avenue South
Lake Worth, FL Zip Code: 33461
Telephone: 561-966-6652 Fax: 561-963-6747
Email: jmatthew@pbcgov.org

***** I hereby certify that the information provided in this application is true and accurate.*****

SIGNATURE:  DATE: March 27, 2013
Commissioner Steven L. Abrams, Mayor

PROJECT SUMMARY NARRATIVE (Please summarize the project in 2 paragraphs or less.)

The Palm Beach County Parks and Recreation Department is requesting \$250,000 from the Waterway Assistance Program to fund 25% of the purchase price to acquire a one acre outparcel located within Bert Winters Park. The County has a verbal agreement to purchase this one acre waterfront parcel for one million dollars from AMIkids FKA Palm Beach Marine Institute. The Palm Beach Marine Institute operated a nonprofit alternative school for children ages 14 -18 on this site until they lost funding in 2012 and had to close. The property features 211.62 front feet on the Intracoastal Waterway and includes 6,575 square feet of class room space, a large covered patio, and day use docks. The school was built in 1987, and since closing the building has not been adequately maintained.

Bert Winters Park is a 15.84 acre waterfront park located on the east side of the Intracoastal Waterway in northern Palm Beach County. FIND conveyed this property to Palm Beach County in 1975 and the County opened Bert Winters Park in 1982. This park features two concrete boat ramps, 24 car/trailer parking spaces, three finger docks, restroom, picnic shelters, ball fields and tennis courts.

Form No. 90-22
New 12/17/90, Rev.07-30-02, 08-28-06

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


COUNTY ATTORNEY

Agenda P1

ATTACHMENT E-2.

APPLICATION CHECKLIST 2013


(To be completed by the Applicant)

This checklist and the other items listed below in items 1 through 14 constitute your application. The required information shall be submitted in the order listed.

Any additional information submitted by the applicant is subject to being removed from the package by District staff prior to presentation to the District Board because of reproduction and space considerations.

Two (2) copies of your application are required. One original and one electronic copy.

All information (except maps) is required to be on 8 1/2" x 11" paper. Maps and drawings may be on 8 1/2" x 14" paper and folded to 8 1/2" x 11" so that they may be included to hole punch and bound by staff.

	<u>YES</u>	<u>NO</u>
PROJECT NAME: <u>Bert Winters Acquisition</u>		
1. District Commissioner Review (prior to March 01) (NOTE: For District Commissioner initials ONLY!) (District Commissioner must initial the yes line on this checklist for the application to be deemed complete)		_____
2. Applicant Info/Project Summary – E-1 (Form No. 90-22, 1 page) (Form must be completed and signed)	<u>X</u>	_____
3. Application Checklist – E-2 (Form No. 90-26, 2 pages) (Form must be signed and dated)	<u>X</u>	_____
4. Project Information – E-3 (Form No. 90-22a, 1 page)	<u>X</u>	_____
5. Project Evaluation and Rating – E-4(+) (Form No. 91-25) (Form must be completed, proper attachment included) (No signatures required)	<u>X</u>	_____
6. Project Cost Estimate – E-5 (Form No. 90-25, 1 page) (Must be on District form)	<u>X</u>	_____
7. Official Resolution Form – E-6 (Form No. 90-21, 2 pages) (Resolution must be in District format and include items 1-6)	<u>X</u>	_____
8. Attorney’s Certification (Land Ownership) – E-7 (Must be on or follow format of Form No. 94-26, (Legal descriptions NOT accepted in lieu of form)	<u>X</u>	_____

ATTACHMENT E-2 (Continued)

APPLICATION CHECKLIST
(To be completed by the Applicant)

- | | | | |
|-----|---|--------------|-----|
| 9. | Project Timeline – E-8 (Form No. 96-10, 1 page) | <u> X </u> | ___ |
| 10. | County Location Map | <u> X </u> | ___ |
| 11. | City Location Map (if applicable) | <u> X </u> | ___ |
| 12. | Project Boundary Map | <u> X </u> | ___ |
| 13. | Clear & Detailed Site Development Map | <u> X </u> | ___ |
| 14. | Copies of all Required Permits
(Required of development projects only) | <u> X </u> | ___ |

The undersigned, as applicant, acknowledges that Items 1 through 13 above constitutes a complete application and that this information is due in the District office no later than 4:30 PM, April 01, 2013. By May 31, 2013 my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 14 is due to the District no later than the final TRIM Hearing in September 2013. If the information in Item 14 is not submitted to the District office by the District's final TRIM hearing in September 2013, I am aware that my application will be removed from any further funding consideration by the District.

APPLICANT: Commissioner Steven Abrams APP.TITLE: Mayor, Board of County Commissioners



March 27, 2013
DATE

** SIGNATURE - APPLICANT'S LIAISON **

FIND OFFICE USE ONLY	
Date Received:	_____
Local FIND Commissioner Review:	_____
All Required Supporting Documents:	_____
Applicant Eligibility:	_____
Project Eligibility:	_____ Available Score: _____
Compliance with Rule 66B-2 F.A.C.:	_____
Eligibility of Project Cost:	_____

Form No. 90-26 - New 9/2/92, Revised 07-30-02.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

2


COUNTY ATTORNEY

ATTACHMENT E-3 - PROJECT INFORMATION 2013

APPLICANT: Palm Beach County APPLICATION TITLE: Bert Winters Park - Acquisition

Total Project Cost: \$ 1,000,000 FIND Funding Requested: \$ 250,000 % of total cost: 25%

Amount and Source of Applicants Matching Funds: 2004, \$50 Million Waterfront Access and Preservation General Obligation Bond Issue.

Other (non-FIND) Assistance applied for (name of program and amount) None

Ownership of Project Site (check one): Own: Leased: Other: Grant funding will be used to acquire property

If leased or other, please describe lease or terms and conditions: County has a verbal agreement to purchase a one acre waterfront parcel, centrally located in Bert Winters Park.

Once completed, will this project be insured against damage? Yes Explain: Existing building will be insured.

Has the District previously provided assistance funding to this project or site? : Yes

If yes, please list: PB-11-152 Bert Winters Boat Ramp – Phase I \$90,000
PB-89-5 Bert Winters Boat Ramp \$71,500

What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable): The park has two concrete boat ramps, three loading docks, 24 car/trailer parking spaces, 103 car parking spaces, restrooms, and picnic facilities.

How many additional ramps, slips, parking spaces or other public access features will be added by the completion of this project? (as applicable): This project will add one acre of land to Bert Winters Park and will add day use docks for public use.

If there are fees charged for the use of this project, please denote. How do these fees compare with fees from similar public & private facilities in the area? Please provide documentation The County charges \$37.28 for an annual car/trailer parking permit, which is good from January 1 to December 31, and \$10.65 for a daily parking permit. Lake Park Marina charges a \$10 launch fee and \$25 to keep a boat trailer on site overnight. North Palm Beach's Anchorage Park is available to Village residents only at a cost of \$63.90 annually. The City of Boynton Beach charges \$50 for an annual sticker, which is good from Oct. 1 – Sept 30, and \$10 a day on weekends and holidays to park a car/trailer at Boat Club Park. The City of Lake Worth charges a daily fee of \$10, using a kiosk system.

Please list all Environmental Resource Permits required for this project:

<u>Agency</u>	<u>Yes/ No N/A</u>	<u>Date Applied For</u>	<u>Date Received</u>
WMD	<u>No</u>	<u>_____</u>	<u>_____</u>
DEP	<u>No</u>	<u>_____</u>	<u>_____</u>
ACOE	<u>No</u>	<u>_____</u>	<u>_____</u>
COUNTY/CITY	<u>No</u>	<u>_____</u>	<u>_____</u>

ATTACHMENT E-4

WATERWAYS ASSISTANCE PROGRAM

APPLICATION EVALUATION AND RATING WORKSHEET 2013

The applicant is to complete this worksheet by entering the project title, applicant name and answers to the applicable questions. ****Do not answer with more than three sentences.****

All applicants must answer a total of ten questions. All applicants will complete Attachment E-4 of the worksheet, which includes questions 1 through 6.

Each applicant will then complete **one and only one sub-Attachment** (E-4 A, B, C, D or E, questions 7-10) according to the applicant's project type in reference to Attachment C. The applicant should determine their project type (if the project incorporates more than one project type) by determining which project type is dominant in terms of project cost.

All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.

APPLICATION TITLE: Bert Winters Park - Acquisition

APPLICANT: Palm Beach County Board of County Commissioners

CATEGORY & RATING POINTS AVAILABLE	RATING POINTS	EVALUATION CRITERIA
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1) PRIORITY LIST:

- a) **List the priority list category of this project from Attachment C in the application.** (The application may only be of one type based upon the predominant cost of the project elements.)

#8 Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;

- b) **Explain how the project fits this priority category.**

Palm Beach County is requesting \$250,000 in WAP funds cover 25% of the purchase price for a one acre parcel of land with 211.62 front feet on the Intracoastal Waterway for incorporation into Bert Winters Park.

(For reviewer only)
 Max. Available Score _____
 Range of Score (0 to _____ points)

2) WATERWAY RELATIONSHIP:

- a) **Explain how the project directly relates to the ICW and the mission of the Navigation District.**

The County has a currently has a verbal agreement and is performing/conducting due diligence to acquire one acre of land from AMiKids Inc. formerly known as the Palm Beach Marine Institute for \$1 million for incorporation into Bert Winters Park. Once acquired this property will be used for day use dockage and other waterfront and water resource based activities.

- b) **How does the project benefit public navigation or access to the ICW or adjoining waterways?**

Acquisition of this property will provide the public greater access to the Intracoastal Waterway. The Palm Beach County Manatee Protect Plan – Boating Facility Sitting Plan shows Bert Winters Park as located in a yellow-conditional use zone. The conditional zone allows six car/trailer parking spaces per 100 linear front feet of waterfront. Acquisition of this property with over 200 front feet on the Intracoastal Waterway will allow the County to expand car/trailer parking at Bert Winters Park.

(For reviewer only)
(0-6 points)

3) PUBLIC USAGE & BENEFITS:

- a) **How is the public usage of this project clearly identified and quantified?**

Bert Winters Park is a heavily used public boat launching facility located in northern Palm Beach County. The park features 24 car/trailer parking spaces, two concrete boat ramps, three loading docks, restrooms and picnic facilities. The parking lot is full on most nice weekends and holidays with overflow car/trailers parked along the Park's entrance drive and along Ellison Wilson Road. The County is in the process of designing additional car/trailer parking and boat ramp lanes with assistance from a 2011 FIND – WAP planning grant.

- b) **Discuss the regional and local public benefits and access that will be provided by the project.**

Acquisition of this one acre parcel with 211.62 front feet on the water will increasing the size of the park to a total of 16.84 acres, and will allow Palm Beach County to expand public access boating opportunities at this waterfront park.

- c) **Estimate the amount of total public use.**

On nice weekends and holidays the car/trailer parking lot is completely full and it is not unusual for between 60 and 75 car/trailers to be parked along the park entrance drive and along Ellison Wilson Road. On a typical weekend the car/trailer parking may turn over three times with between 80 – 100 car/trailers parked at any one time. The County estimates between 240 – 300 boats launch at Bert Winters Park on a nice weekend.

- d) **Can residents from other counties of the District reasonably use the project? Explain.**

Bert Winters Park is located in northern Palm Beach County and it is reasonable for boaters from Martin County to use this boat ramp.

(For reviewer only)
(0-8 points)

4) TIMELINESS

- a) Describe current status of the project and present a reasonable and effective timeline for the completion of the project consistent with Attachment E-8.**

The County has a verbal agreement to purchase this one acre out parcel for \$1 million, with the County covering the closing costs. The County is in the process of performing due diligence prior to closing. If the seller provides a clean title and the inspections are satisfactory, the property could close as early as June 2013.

- b) Briefly explain any unique aspects of this project that could influence the project timeline.**

Unforeseen title or inspection issues could delay closing of this property.

(For reviewer only)
(0-3 points)

5) COSTS & EFFICIENCY:

- a) List any additional funding sources and the status and amount of the corresponding funding that will be utilized to complete this project.**

The balance of the funding will come from Palm Beach County's 2004, \$50 Million Waterfront Access and Preservation General Obligation Bond.

- b) Identify and describe any project costs that may be increased because of the materials utilized or specific site conditions.**

This is an acquisition project with the County paying the closing costs, no unforeseen project cost increases are expected.

- c) Describe any methods to be utilized to increase the cost efficiency of this project.**

Not Applicable – this is an acquisition project

- d) If there are any fees associated with the use of this facility, please detail. In addition, please provide a listing of the fees charged by similar facilities, public and private, in the project area.**

The County charges \$37.10 for an annual car/trailer boat ramp parking permit, which runs from January 1 to December 31, and \$10.60 for a daily parking permit. There are currently no charges for day use docking in County parks. Lake Park Marina has a \$10 launch fee and \$25 to keep a boat trailer on site overnight. North Palm Beach's Anchorage Park is available to Village residents only at a cost of \$63.90 annually. Boynton Beach charges \$50 for an annual sticker, which runs from Oct. 1 – Sept 30, and \$10 a day on weekends and holidays to park a car/trailer at Boat Club Park with no residency requirement. The City of Lake Worth charges a daily fee of \$10 using a kiosk system.

(For reviewer only)
(0-6 points)

6) PROJECT VIABILITY:

- a) **Does the project fill a specific need in the community or is it consistent with an existing maritime management plan?**

The Palm Beach County 2002 Public Boating Needs Assessment Study clearly identifies the need to acquire and construct additional boat launching facilities and to expand existing salt water access facilities in order to meet current and future needs of the boating public.

- b) **Clearly demonstrate how the project will continue to be maintained after District funding is completed.**

Bert Winters Park will continue to be maintained by the Palm Beach County Parks and Recreation Department. The Parks Maintenance Division has 282 full time employees and an annual operating budget over \$30 million.

- c) **Will the program result in significant and lasting benefits? Please describe any environmental benefits associated with this project.**

Acquisition of this one waterfront outparcel for incorporation into Bert Winters Park will preserve it for boating access for future generations. In 1986, the County, FIND and the Palm Beach Marine Institute entered into an exchange agreement. The Palm Beach Marine Institute agreed to trade 3.3 acres of uplands and 32.43 acres of submerged lands on Peanut Island to the County in exchange for one acre of land in Bert Winters Park. All of the Bert Winters Park property was originally owned by FIND, and FIND consented to the exchange, subject to deed restrictions.

The project site is deed restricted by FIND and "shall be used only for public purposes, recreational areas, educational institutions and governmental services..." The County will use the site for recreational purposes.

(For reviewer only)
(0-7 points)

SUB-TOTAL _____

FIND FORM NO. 91-25
(Effective Date: 3-21-01, Revised 4-24-06)

ATTACHMENT E-5

FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM 2013

PROJECT COST ESTIMATE

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

PROJECT TITLE: Bert Winter Park - Acquisition

APPLICANT: Palm Beach County Board of County Commissioners

Project Elements <i>(Please list the MAJOR project elements and provide a general cost break out for each one. For Phase I Projects, please list the major elements and products expected)</i>	Quantity or Total Estimated Cost <i>(Number and/or Footage etc.)</i>	Applicant's Cost	FIND Cost
Acquisition of a one acre waterfront parcel for inclusion into Bert Winters Park	\$1,000,000	\$750,000	\$250,000

* TOTALS = \$ 1,000,000 \$ 750,000 \$ 250,000

**ATTACHMENT E-6
RESOLUTION FOR ASSISTANCE 2013
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE Palm Beach County Board of County Commissioners is interested in carrying out the following described project for the enjoyment of the citizenry of Palm Beach County and the State of Florida:

Project Title Bert Winters Park – Acquisition

Total Estimated Cost \$ 1,000,000

Brief Description of Project: This grant application, pending its approval, will be used to pay for 25% of the acquisitions cost of a one acre waterfront parcel of property centrally located in Bert Winters Park. The grant will be matched using money from the 2004, \$50 million Waterfront Access and Preservation General Obligation Bond Issue.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Palm Beach County Board of County Commissioners that the project described above be authorized,

AND, be it further resolved that said Palm Beach County Board of County Commissioners make application to the Florida Inland Navigation District in the amount of \$250,000 or 25% of the actual cost of the project in behalf of said Palm Beach County Board of County Commissioners

AND, be it further resolved by the Palm Beach County Board of County Commissioners that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.

2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Palm Beach County Board of County Commissioners for public use.

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

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 STEVEN L. ABRAMS, MAYOR
- COMMISSIONER PRISCILLA A. TAYLOR, VICE MAYOR
- COMMISSIONER HAL R. VALECHE
- COMMISSIONER PAULETTE BURDICK
- COMMISSIONER SHELLEY VANA
- COMMISSIONER MARY LOU BERGER
- COMMISSIONER JESS R. SANTAMARIA

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

PALM BEACH COUNTY, a political subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

Attest:

Sharon R. Bock, Clerk & Comptroller
Palm Beach County

Palm Beach County, Florida, By
Its Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Commissioner Steven L. Abrams, Mayor

Approved as to Form and Legal Sufficiency

Approved as to Terms & Conditions

By: _____
Anne Helfant, Assistant County Attorney

By: _____
Eric Call, Director
Parks & Recreation Department



ATTORNEYS CERTIFICATION OF TITLE

March 13, 2013

Facilities Development & Operations Department

Property & Real Estate Management Division

2633 Vista Parkway

West Palm Beach, FL 33411-5605

(561) 233-0217

FAX: (561) 233-0210

www.pbcgov.com/fdo

Office of Property and Real Estate Management
Palm Beach County
2633 Vista Parkway
West Palm Beach, FL 33411-5605

TO WHOM IT MAY CONCERN:

I, Ross Hering, an attorney, am the Director of Property and Real Estate Management for Palm Beach County, Florida. I hereby state that I have examined a copy of the Southeast Guaranty & Title, Inc. Title Commitment, File Number 201303003, dated February 22, 2013, establishing Palm Beach County's fee simple ownership of the property, attached as Exhibit "A". The legal description in Schedule A, Section 5, of the Title Commitment, attached as Exhibit "B", legally describes the property known as Bert Winters Park.

Furthermore, I have examined documents wherein this property is listed on the Palm Beach County tax rolls as belonging to the County, as well as, such documents and records necessary for this Certification.

I hereby certify that, as of the date hereof, Palm Beach County owns record fee simple title to Bert Winters Park property, as legally described in Exhibit "B".

Sincerely,

[Handwritten signature of Ross Hering]

Ross Hering
Director

Palm Beach County Board of County Commissioners

Steven L. Abrams, Mayor

Priscilla A. Taylor, Vice Mayor

Hal R. Valeche

Paulette Burdick

Shelley Vana

Mary Lou Berger

Jess R. Santamaria

County Administrator

Robert Weisman

"An Equal Opportunity Affirmative Action Employer"

G:\PREM\Dev\Open Projects\PR-Bert Winters\Title Certification\Certification.03-2013.docx

EXHIBIT "A"

Southeast Guaranty & Title, Inc. Title Commitment, File Number 201303003, dated February 22, 2013.



CHICAGO TITLE
INSURANCE COMPANY

201303003

COMMITMENT FOR TITLE INSURANCE
Issued by
Chicago Title Insurance Company

Chicago Title Insurance Company, a Nebraska corporation (the "Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the Land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by an authorized officer of the Company or an agent of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the Effective Date shown in Schedule A.

FL3215 201303003
Southeast Guaranty & Title, Inc.
824 US Highway 1, Suite 345
North Palm Beach, FL 33408
Tel: (561) 775-9401
Fax: (561) 775-9299

CHICAGO TITLE INSURANCE COMPANY



Agnes M. P. L.
A 52
Secretary

Countersigned: *Kenneth L. Townsend*
Authorized Signatory
KENNETH L. TOWNSEND



CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company whether or not based on negligence arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued will contain the following arbitration clause: Unless prohibited by applicable law, arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association may be demanded if agreed to by both the Company and the Insured at the time of the controversy or claim. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, and service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the Insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.





CHICAGO TITLE
INSURANCE COMPANY

SCHEDULE A

Name and Address of Title Insurance Company: Southeast Guaranty & Title, Inc.
824 U.S. HIGHWAY 1
SUITE 345
NORTH PALM BEACH, Florida 33408

File No.: 201303003 BERT WINTERS PARK

1. Effective Date: February 22, 2013 at 8:00 AM
 2. Policy or Policies to be issued: Proposed Amount of Insurance
 - a. ALTA Owner's Policy (6/17/06) with Florida Modifications \$ TBD
Proposed Insured: PALM BEACH COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA
 - b. ALTA Loan Policy (6/17/06) with Florida Modifications \$
- Proposed Insured: Premium: \$\$

3. The estate or interest in the land described or referred to in this Commitment is: Fee Simple.
4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
5. The land referred to in this Commitment is described as follows:
SEE ATTACHED

Countersigned:


Authorized Countersignature

THE TELEPHONE NUMBER TO PRESENT INQUIRIES OR OBTAIN INFORMATION ABOUT
COVERAGE AND TO PROVIDE ASSISTANCE IS 1-800-669-7450





CHICAGO TITLE
INSURANCE COMPANY

The following lands lying West of the West Right of Way line of Ellison Wilson Road;

All that portion of the E 1/2 of the SE 1/4 of Section 29, Township 41 South, Range 43 East, Palm Beach County, Florida, lying North of a line parallel to and 800 feet distant South from, when measured at right angles to the North line of said E 1/2 of the SE 1/4 of Section 29, Township 41 South, Range 43 East, and lying East of the Easterly boundary of the 500 foot right-of-way of the Intracoastal Waterway from Jacksonville to Miami, Florida, as that right-of-way is shown on a map recorded in the Public Records of said Palm Beach County, in Plat Book 17, Page 7. The above-described tract contains 17.50 acres, more or less, said tract having been previously described in Deed recorded in Deed Book 640, Page 363, public records of Palm Beach County, Florida.

LESS AND EXCEPT those lands conveyed in Official Record Book 5227, Page 577.





CHICAGO TITLE
INSURANCE COMPANY

**SCHEDULE B - SECTION I
REQUIREMENTS**

The following are requirements to be complied with:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
2. Instrument(s) creating the estate or interest to be insured must be properly executed, delivered and filed for record.

END OF SCHEDULE B - SECTION I





**SCHEDULE B – SECTION II
EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Taxes and assessments for the year 2013, which are not yet due and payable and subsequent years, which are not yet due and payable.
2012 real property taxes were exempt for PCN 00-43-41-29-00-000-5820.
3. Standard Exceptions:
 - A. Easements, claims of easements, boundary line disputes, overlaps, encroachments or other matters not shown by the public records which would be disclosed by an accurate survey of the land.
 - B. Rights or claims of parties in possession not shown by the public records.
 - C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - D. Taxes or assessments which are not shown as existing liens in the public records.

NOTE: The Company reserves the right to make further requirements and/or exceptions upon its review of the proposed documents creating the estate or interest to be insured or otherwise ascertaining details of the transaction.



CHICAGO TITLE
INSURANCE COMPANY

NOTES ON STANDARD EXCEPTIONS:

Item 3A will be deleted from the policy upon receipt of an accurate survey of the land acceptable to the Company. Items 3B, 3C, and 3D will be deleted from the policy upon receipt of an affidavit-indemnity acceptable to the Company, stating (i) who is in possession of the land, (ii) whether improvements to the land have been made or are contemplated to commence prior to the date of closing, which improvements will not have been paid for in full prior to the closing, and (iii) that there are no taxes or assessments which are not shown as existing liens in the public records.

4. Reservations contained in Warranty Deed recorded in Official Record Book 2422, Page 483.
5. Easements contained in County Deed recorded in Official Record Book 5227, Page 577.
6. Notice of Lien Rights for Loxahatchee Environmental Control District recorded in Official Record Book 7048, Page 655.
7. Water Service Agreement with Town of Jupiter recorded in Official Record Book 9906, Page 1869.

NOTE: All recording references contained herein are in the Public Records of Palm Beach County, Florida.

END OF SCHEDULE B - SECTION II



EXHIBIT "B"

**Legal Description
Bert Winters Park**

The following lands lying West of the West Right of Way line of Ellison Wilson Road;

All that portion of the E 1/2 of the SE 1/4 of Section 29, Township 41 South, Range 43 East, Palm Beach County, Florida, lying North of a line parallel to and 800 feet distant South from, when measured at right angles to the North line of said E 1/2 of the SE 1/4 of Section 29, Township 41 South, Range 43 East, and lying East of the Easterly boundary of the 500 foot right-of-way of the Intracoastal Waterway from Jacksonville to Miami, Florida, as that right-of-way is shown on a map recorded in the Public Records of said Palm Beach County, in Plat Book 17, Page 7. The above-described tract contains 17.50 acres, more or less, said tract having been previously described in Deed recorded in Deed Book 640, Page 363, public records of Palm Beach County, Florida.

LESS AND EXCEPT those lands conveyed in Official Record Book 5227, Page 577.

48080

WARRANTY DEED

THIS INDENTURE, Made this 29th day of February A.D., 1975, BETWEEN FLORIDA INLAND NAVIGATION DISTRICT, a special taxing district organized and existing under the laws of the State of Florida, of the County of Palm Beach, State of Florida, party of the first part, and the BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, of the County of Palm Beach, State of Florida, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said party of the second part, its heirs and assigns forever, the following-described land, situate, lying, and being in the County of Palm Beach, State of Florida, to-wit:

MSA 617D

All that portion of the E 1/2 of the SE 1/4 of Section 29, Township 41 South, Range 43 East, Palm Beach County, Florida, lying North of a line parallel to and 800 feet distant South from, when measured at right angles to the North line of said E 1/2 of the SE 1/4 of Section 29, Township 41 South, Range 43 East, and lying East of the Easterly boundary of the 500 foot right-of-way of the Intracoastal Waterway from Jacksonville to Miami, Florida, as that right-of-way is shown on a map recorded in the Public Records of said Palm Beach County, in Plat Book 17, at Page 7. The above-described tract contains 17.50 acres, more or less, said tract having been previously described in Deed recorded in Deed Book 640, Page 363, public records of Palm Beach County, Florida.

This deed is being given subject to the said land described above being utilized in perpetuity for use of the public as a recreational and park area, and it is hereby understood and stipulated that, whenever the said land is not used or maintained by the Board of County Commissioners of Palm Beach County, Florida, for perpetual use by the public as a recreational and park area, that the said tract of land above-described shall hereby automatically revert to the Board of Commissioners of the Florida Inland Navigation District.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed in its name by its Chairman and caused its Corporate Seal to be affixed by its Secretary to be hereto affixed the day and year above written.

Signed and sealed in our presence:

FLORIDA INLAND NAVIGATION DISTRICT

Astor Summerlin
Charles L. Trad

By *Astor Summerlin*
Astor Summerlin, Chairman
Attest *Charles L. Trad*
Charles L. Trad, Secretary

STATE OF FLORIDA
COUNTY OF

Before me personally appeared Astor Summerlin and Charles L. Trad, respectively the Chairman and Secretary of the Board of Commissioners of the FLORIDA INLAND NAVIGATION DISTRICT, a special taxing district organized and existing under the laws of the state of Florida, to me well known to be the individuals and officers described in and who executed the foregoing instrument and severally acknowledged the execution thereof to be their own free act and deed as such officers thereunto duly authorized; and that the official seal of said district is duly affixed thereto, and the said conveyance is the act and deed of said district.

WITNESS my hand and official seal this 29th day of February, 1975.

OFFICIAL RECORD 2422 PAGE 483

D. Byron King
Notary Public
Notary Public, State of Florida
My Commission Expires June 12, 1978
Bonded by Transamerica Insurance Co.

75 MAY 29 AM 10:14

D. Byron King, Esq.
137 E. Forsyth St.
Jacksonville, FL 32202

ACCEPTED BY
BOARD OF COUNTY COMMISSIONERS
DATE 5-6-75

460
285
55

Vesting Deed

Note The Certification Does Not Include The Land Described East of the West Line of the Ellison Wilson Road Right of Way

COUNTY DEED

81 094465
81 094465
81 094465

THIS DEED, made this 30th day of March, 1987

by PALM BEACH COUNTY, FLORIDA, party of the first part, and FLORIDA INLAND NAVIGATION DISTRICT, a special taxing district organized and existing under the laws of the State of Florida party of the second part, 818 U.S. Highway one, Suite 7 South Palm Beach, FLA 33408

WITNESSETH: That the said party of the first part, for and in consideration of the sum of \$ 10.00 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his/her heirs 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 perpetual non-exclusive easement for ingress, egress and utility purposes over, under and across those parcels of property described in Exhibit "B" attached hereto:

150,000.00
17.60
750.00

Documentary Tax
750.00
County, Palm Beach, Florida
24.85

Certified Copy

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chairman or Vice-Chairman of said Board, the day and year aforesaid.

ATTEST:
John E. Dunlap, Clerk
Deputy Clerk

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

By Carl R. Stynes
CHAIRMAN (or VICE-CHAIRMAN)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
By John E. Dunlap
COUNTY ATTORNEY

85227 P0577

Less-Out Parcel
CAB 5227
Page 577
- AMI kids Parcel

EXHIBIT A

This is

DESCRIPTION

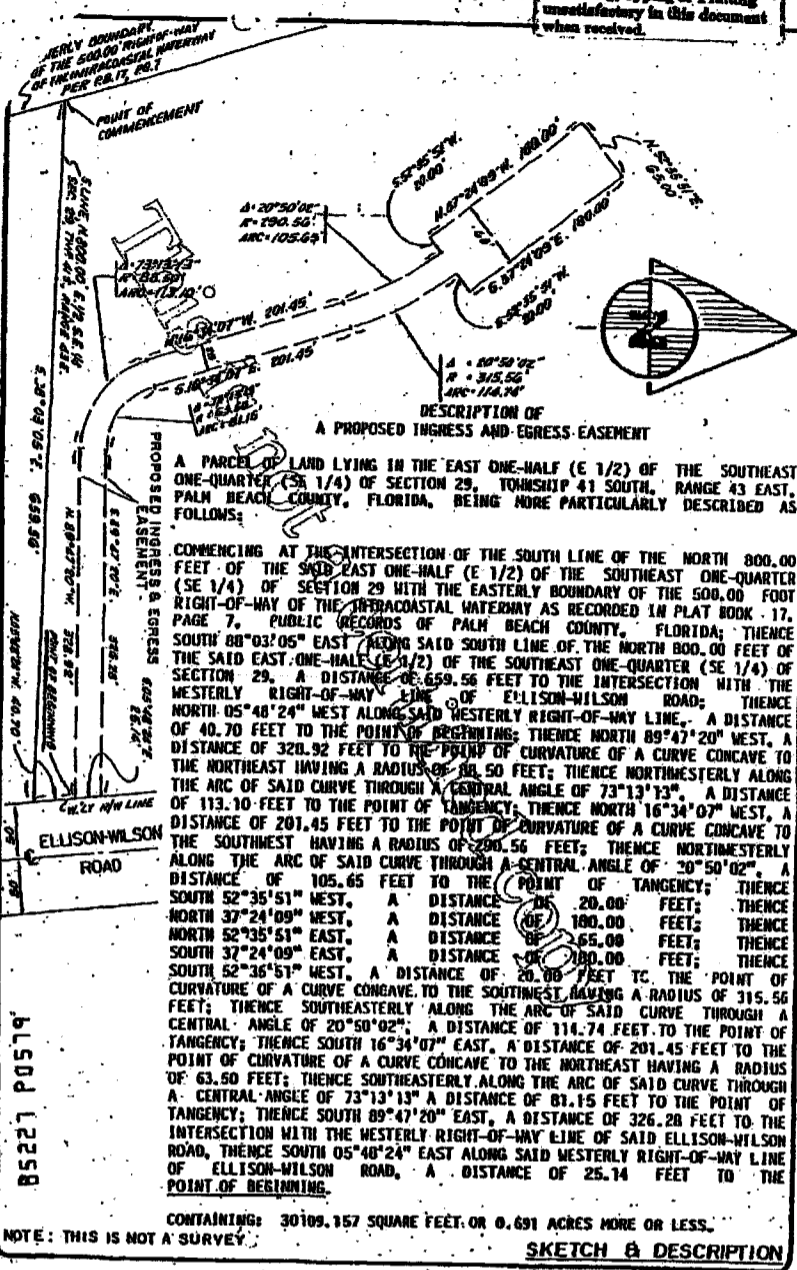
A PARCEL OF LAND LYING IN THE EAST ONE-HALF (E. 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 800.00 FEET OF THE SAID EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29 WITH THE EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY AS RECORDED IN PLAT BOOK 17, PAGE 7 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 16°14'11" WEST ALONG THE SAID EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, A DISTANCE OF 221.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 16°14'11" WEST ALONG THE SAID EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, A DISTANCE OF 211.62 FEET; THENCE NORTH 77°12'45" EAST, A DISTANCE OF 171.89 FEET; THENCE SOUTH 33°51'15" EAST, A DISTANCE OF 226.37 FEET; THENCE SOUTH 77°12'45" WEST, A DISTANCE OF 240.53 FEET TO THE POINT OF BEGINNING.

CONTAINING: 43,560 SQUARE FEET OR 1.000 ACRES MORE OR LESS.

85227 P0578

RECORDING MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.



DESCRIPTION OF A PROPOSED INGRESS AND EGRESS EASEMENT

A PARCEL OF LAND LYING IN THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 800.00 FEET OF THE SAID EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29 WITH THE EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY AS RECORDED IN PLAT BOOK 17, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°03'05" EAST ALONG SAID SOUTH LINE OF THE NORTH 800.00 FEET OF THE SAID EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29, A DISTANCE OF 659.56 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF ELLISON-WILSON ROAD; THENCE NORTH 05°48'24" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 40.70 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°47'20" WEST, A DISTANCE OF 320.92 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 315.56 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°13'13", A DISTANCE OF 113.10 FEET TO THE POINT OF TANGENCY; THENCE NORTH 16°34'07" WEST, A DISTANCE OF 201.45 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 200.56 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°50'02", A DISTANCE OF 105.65 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 52°35'51" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 37°24'09" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 52°35'51" EAST, A DISTANCE OF 65.00 FEET; THENCE SOUTH 37°24'09" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 52°35'51" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 315.56 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°50'02", A DISTANCE OF 114.74 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 16°34'07" EAST, A DISTANCE OF 201.45 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 63.50 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°13'13" A DISTANCE OF 81.15 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°47'20" EAST, A DISTANCE OF 326.28 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID ELLISON-WILSON ROAD, THENCE SOUTH 05°48'24" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF ELLISON-WILSON ROAD, A DISTANCE OF 25.14 FEET TO THE POINT OF BEGINNING.

CONTAINING: 30109.157 SQUARE FEET OR 0.691 ACRES MORE OR LESS.

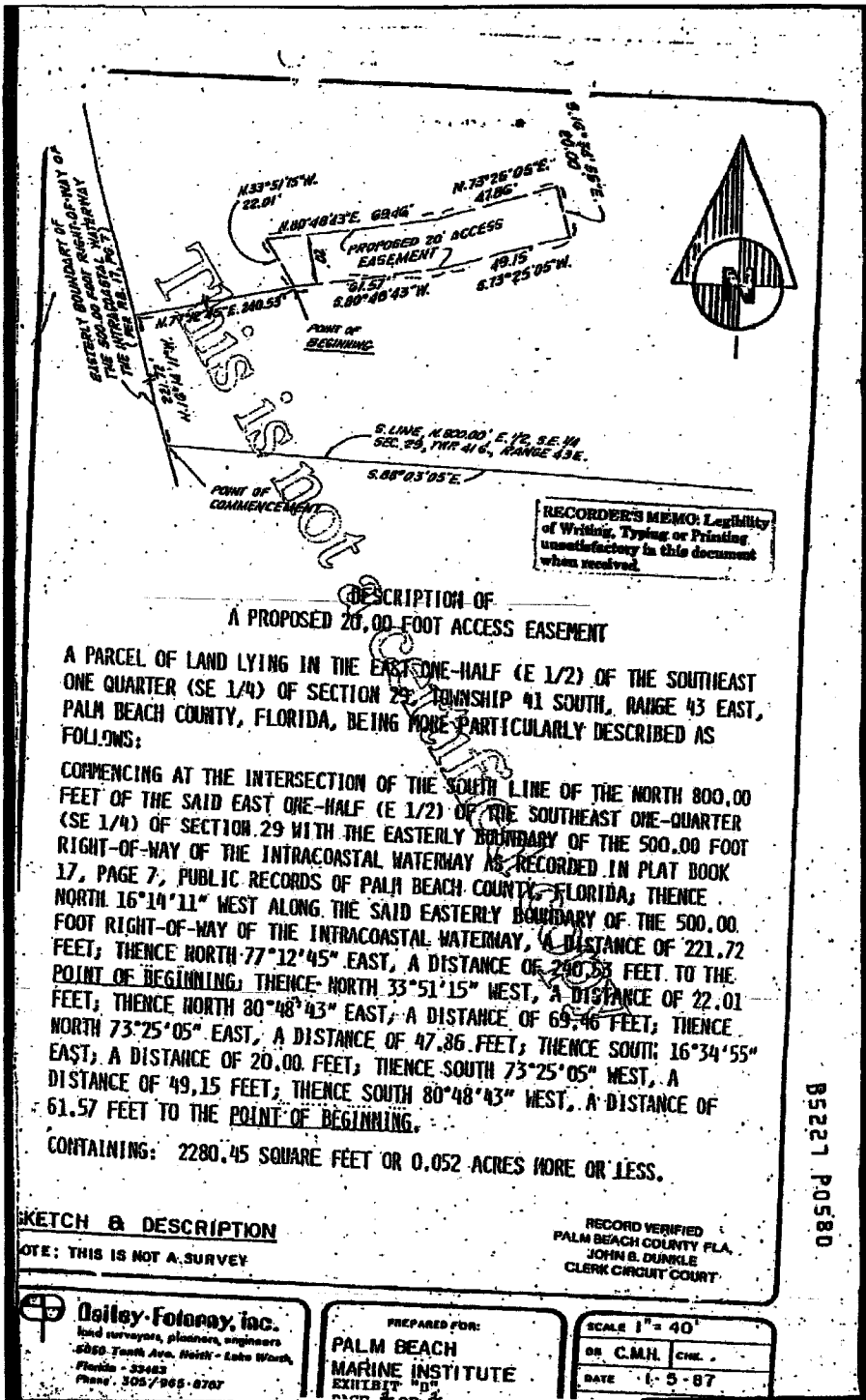
NOTE: THIS IS NOT A SURVEY.

SKETCH & DESCRIPTION

Dalley-Folopay, Inc.
 Land surveyors, planners, engineers
 6026 Yonah Ave., North Lake Worth,
 Florida - 33463
 Phone 305/966-8787

PREPARED FOR:
PALM BEACH MARINE INSTITUTE
 EXHIBIT "B"
 PAGE 1 OF 2

SCALE 100'
 OR C.M.T. CIVIL
 DATE 1-5-87
 JOB NO. S-86-0097 P.L.



RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.

DESCRIPTION OF A PROPOSED 20,00 FOOT ACCESS EASEMENT

A PARCEL OF LAND LYING IN THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 800.00 FEET OF THE SAID EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29 WITH THE EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY AS RECORDED IN PLAT BOOK 17, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 16° 14' 11" WEST ALONG THE SAID EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, A DISTANCE OF 221.72 FEET; THENCE NORTH 77° 12' 45" EAST, A DISTANCE OF 240.53 FEET TO THE POINT OF BEGINNING; THENCE NORTH 33° 51' 15" WEST, A DISTANCE OF 22.01 FEET; THENCE NORTH 80° 48' 43" EAST, A DISTANCE OF 69.46 FEET; THENCE NORTH 73° 25' 05" EAST, A DISTANCE OF 47.86 FEET; THENCE SOUTH 16° 34' 55" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 73° 25' 05" WEST, A DISTANCE OF 49.15 FEET; THENCE SOUTH 80° 48' 43" WEST, A DISTANCE OF 61.57 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2280.45 SQUARE FEET OR 0.052 ACRES MORE OR LESS.

SKETCH & DESCRIPTION

NOTE: THIS IS NOT A SURVEY

RECORD VERIFIED
PALM BEACH COUNTY FLA.
JOHN B. DUNKLE
CLERK CIRCUIT COURT

Dailey-Fotony, Inc.
Land surveyors, planners, engineers
5050 South Ave. North - Lake Worth
Florida - 33463
Phone - 305/965-8707

PREPARED FOR:
**PALM BEACH
MARINE INSTITUTE**
EXHIBIT "D"

SCALE 1" = 40'
BY C.M.H. C.H.L.
DATE 1-5-87

B5221 P0580



00-43-41-29-00-000-5820

produced by: papagis





Gary R. Nikolits, CFA
Property Appraiser
 Palm Beach County

Property Appraiser's Public Access **PAPA**



Location Address 13425 ELLISON WILSON RD
 Municipality UNINCORPORATED
 Parcel Control Number 00-43-41-29-00-000-5820
 Subdivision
 Official Records Book 2422 Page 483
 Sale Date FEB-1975
 Legal Description 29-41-43, N 800 FT OF SE 1/4 LYG BET ELLISON WILSON RD & ICW (LESS SLY 226.37 FT OF NLY 620.47 FT OF WLY 240.53 FT) A/K/

Owners PALM BEACH COUNTY	Mailing address PREM DIV C/O 2633 VISTA PKWY WEST PALM BEACH FL 33411 5613
------------------------------------	---

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-1975	\$10	2422 / 0483	WARRANTY DEED	PALM BEACH COUNTY

Exemption Applicant/Owner	Year	Detail
PALM BEACH COUNTY	2013	FULL: COUNTY GOVERNMENT

Number of Units 0 *Total Square Feet 750 Acres 12.5346
 Use Code 8600 - CITY INC NONMUNI Zoning PO - Public Ownership (00-UNINCORPORATED)

Tax Year	2012	2011	2010
Improvement Value	\$61,832	\$63,531	\$0
Land Value	\$1,352,609	\$1,352,609	\$0
Total Market Value	\$1,414,441	\$1,416,140	\$0

All values are as of January 1st each year

Tax Year	2012	2011	2010
Assessed Value	\$1,414,441	\$1,416,140	\$0
Exemption Amount	\$1,414,441	\$1,416,140	\$0
Taxable Value	\$0	\$0	\$0

Tax Year	2012	2011	2010
Ad Valorem	\$0	\$0	\$0
Non Ad Valorem	\$0	\$0	\$0
Total tax	\$0	\$0	\$0

ATTACHMENT E-8

WATERWAYS ASSISTANCE PROGRAM 2013

PROJECT TIMELINE

Project Title: Bert Winters Park – Acquisition

Applicant: Palm Beach County Board of County Commissioners

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction.

NOTE: All funded activities must begin AFTER October 1st
(or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses)

Acquisition (exact date to be determined)	June 2013 – October 2013
FIND Grant Approval	July 2013
Project Awarded	September 2013
Project Agreement Execution	October 2013
Project completion	October 2013

**ATTACHMENT E-6
RESOLUTION FOR ASSISTANCE 2013
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE Palm Beach County Board of County Commissioners is interested in carrying out the following described project for the enjoyment of the citizenry of Palm Beach County and the State of Florida:

Project Title Bert Winters Park – Acquisition

Total Estimated Cost \$ 1,000,000

Brief Description of Project: This grant application, pending its approval, will be used to pay for 25% of the acquisitions cost of a one acre waterfront parcel of property centrally located in Bert Winters Park. The grant will be matched using money from the 2004, \$50 million Waterfront Access and Preservation General Obligation Bond Issue.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Palm Beach County Board of County Commissioners that the project described above be authorized,

AND, be it further resolved that said Palm Beach County Board of County Commissioners make application to the Florida Inland Navigation District in the amount of \$250,000 or 25% of the actual cost of the project in behalf of said Palm Beach County Board of County Commissioners

AND, be it further resolved by the Palm Beach County Board of County Commissioners that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.

2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Palm Beach County Board of County Commissioners for public use.

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

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 STEVEN L. ABRAMS, MAYOR
COMMISSIONER PRISCILLA A. TAYLOR, VICE MAYOR
COMMISSIONER HAL R. VALECHE
COMMISSIONER PAULETTE BURDICK
COMMISSIONER SHELLEY VANA
COMMISSIONER MARY LOU BERGER
COMMISSIONER JESS R. SANTAMARIA

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

PALM BEACH COUNTY, a political subdivision of the
State of Florida
BOARD OF COUNTY COMMISSIONERS

Attest:

Sharon R. Bock, Clerk & Comptroller
Palm Beach County

Palm Beach County, Florida, By
Its Board of County Commissioners

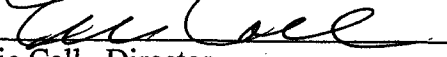
By: _____
Deputy Clerk

By: _____
Commissioner Steven L. Abrams, Mayor

Approved as to Form and Legal Sufficiency

Approved as to Terms & Conditions

By: _____
Anne Helfant, Assistant County Attorney

By: 
Eric Call, Director
Parks & Recreation Department

EXCHANGE AGREEMENT

THIS AGREEMENT dated this 9 day of December, 1986
among FLORIDA INLAND NAVIGATIONAL DISTRICT ("FIND"), PALM BEACH
COUNTY ("County") and PALM BEACH MARINE INSTITUTE, INC., ("PBMI")

W I T N E S S E T H

THAT WHEREAS, PBMI is the owner of certain lands in Palm
Beach County, Florida containing approximately 3.3 acres of
uplands on Peanut Island and approximately 32.43 acres of
submerged lands adjacent thereto as more particularly described in
Exhibit A hereto ("the Peanut Island property"), and

WHEREAS, County is the owner of certain lands in Palm Beach
County located in Bert Winters Park containing approximately one
acre as more particularly described in Exhibit B hereto ("the Park
property"), which property is subject to a right of reverter in
FIND if ever used for other than public purposes as a recreational
and park area, and

WHEREAS, the County is desirous of obtaining the Peanut
Island property for public purposes as a recreation and park area,
and PBMI is desirous of obtaining the Park property if it can
build and use the same as a marine institute for the public
purposes as described in Section 501(c)(iii) of the Internal
Revenue Code under which PBMI was incorporated, and

WHEREAS, FIND is willing to exchange the Park property for
the Peanut Island property if the same appears to have equal or
greater value, and

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WHEREAS, it appears to the satisfaction of FIND and the
County from the appraisals of Anderson & Carr, Inc. dated December
20, 1983 on the Peanut Island property and Appraisal and
Acquisition Consultants, Inc., dated September 16, 1986 on the
Park property that the Peanut Island property is at least as
valuable as the Park property,

NOW THEREFORE, the parties hereto agree as follows:

1. In order to accomplish the purposes hereinabove set

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forth and conditioned on the happening of the contingencies and grant of the easements and authorizations set forth in Paragraph 4 hereof, County will convey to FIND its interest in the Park property, FIND will convey said property to PBMI in exchange for the Peanut Island property which PBMI will convey to it, and FIND will thereafter convey the Peanut Island property to County subject to a reverter clause identical to that contained in that certain deed dated February 28, 1975 and recorded at Official Record Book 2422, Page 483, Palm Beach County, Florida Public Records whereunder the Park property and other property was conveyed to County by FIND. The deed of the Park property from County to FIND shall be a general warranty deed; the deed of such property from FIND to PBMI shall be a general warranty deed containing a restrictive covenant in the form attached as Exhibit C hereto.

2. The consideration for FIND's giving up its rights in the Park property will be its acquisition of identical rights in the Peanut Island property. The consideration for PBMI's exchanging its fee simple title in the Peanut Island property for a fee simple title in the Park property will be the acquisition of the Park property and the easements and permits to be received by it from the County and other agencies as set forth in Paragraph 4 hereof. The consideration for the County conveying its interest in the Park property and granting the easements and rights set forth in Paragraph 4 hereof will be the conveyance to the County of the Peanut Island property. BOOK 602 PAGE 102

3. The exchanges contemplated herein will be closed at the offices of Alley, Maass, Rogers, Lindsay and Chauncey on the later of (i) January 15, 1987 or (ii) two (2) business days after the date that all the contingencies and authorizations specified in Paragraph 4 hereof have been accomplished, except that if all such contingencies and authorizations have not been accomplished by May 1, 1987, this agreement shall become null and void. The parties will endeavor to close earlier if all conditions and contingencies have been satisfied.

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4. The exchanges herein contemplated are conditioned upon the following:

(i) Establishment of Park property zoning as permitting the construction and operation of PBMI youth training facility;

(ii) Authorization to PBMI to construct docks in the Intracoastal Waterway of up to one thousand square feet (Department of Environmental Regulation, Army Corps of Engineers, FIND and any other concerned agency);

(iii) Grant to PBMI of easements to the Intracoastal Waterway across the property between the Park property and the waterway (FIND, Army Corps of Engineers);

(iv) HRS and County approval of PBMI hookup to existing Bert Winters Park septic tank, well and chlorination system for as long as needed or until the County Health Department otherwise requires. Agreement on the part of the County to expand its water and sewer facilities in the event that an increase in visitors to the park creates an overload;

(v) A County grant to PBMI and FIND approval of appropriate electric, telephone, sewer, water, gas and other applicable utility easements, grant of access easement, and grant of permanent license to use park recreational facilities and to use park parking facilities Monday to Friday except holidays;

(vi) Department of Natural Resources approval of the exchange;

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(vii) Grant of such other permits and authorizations as are reasonably necessary for PBMI to construct and use its educational facility on the Park property in accordance with its existing practices.

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5. Within thirty (30) days of the date hereof, PBMI will deliver to County a title insurance commitment with respect to the Peanut Island property and County will deliver to PBMI a title commitment with respect to the Park property, both commitments to be in accordance with Standard A of January 1985 Revision of the Florida Bar - Florida Association of Realtors, Inc., Contract for

Sale and Purchase (the Bar form). On closing PBMI shall pay the title insurance premium on the policy insuring the Peanut Island property and the County shall pay the title insurance premium on the policy insuring the Park property, both insured at the appraised value of the Park property. Rights to object to title shall be in accordance with said Standard A.

6. County and PBMI will share equally in all documentary stamps and recording charges involved in the transaction.

7. County and PBMI hereby incorporate Standards C, E, G, I, J, L, M, R and U of the Bar form, as appropriate to the parcels being exchanged.

8. Rights under this Agreement may not be assigned.

9. County and PBMI represent to each other that no brokers are involved in this transaction and each will hold the other harmless against the claims of any broker claiming to have dealt therewith.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 9 day of December, 1986.

JOHN B. DUNKLE, CLERK
Board of County Commissioners
By Linda C. Hickman
DEPUTY CLERK



PALM BEACH COUNTY
By: [Signature]

FLORIDA INLAND NAVIGATIONAL DISTRICT
By: [Signature]
Astor Summerlin, Chairman

PALM BEACH MARINE INSTITUTE, INC.
By: [Signature]

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Fully executed document filed
in meeting of Jan 27, 1987

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
[Signature]
COUNTY ATTORNEY

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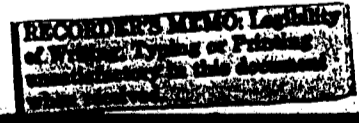


EXHIBIT A

Parcel No. 1

Commencing at the Quarter corner on the North boundary of Section 33, Township 42 South, Range 43 East, as marked by a concrete monument; run South $1^{\circ} 19' 30''$ West 2676.54 feet to the center of Section 33 as marked by a lightwood post; thence run South $88^{\circ} 50'$ East, 1225.62 feet along the quarter section line to an iron bolt on the Dixie Highway; thence run South $0^{\circ} 0' 40''$ West, 1088.02 feet along the Dixie Highway to an iron bolt at the intersection of Dixie Highway with the base line of Lake Worth Inlet Channel; thence run North $69^{\circ} 51'$ East 2423.82 feet along the channel base line to an iron pipe; thence South $20^{\circ} 9'$ East 125.0 feet; thence North $69^{\circ} 51'$ East, 1650.0 feet to the Southeast corner of Tract conveyed to the Lake Worth Inlet District by Deed No. 17793; thence North 1913.14 feet along the East boundary of said tract to the point of beginning which is the Northeast corner of tract conveyed to the Lake Worth Inlet District by Deed No. 17793.

From the point of beginning run North 2174.13 feet; thence South $69^{\circ} 51'$ West 825.96 feet; thence South $00^{\circ} 29'$ East 2167.50 feet along the East boundary to the Southeast corner of Tract conveyed to the Brown Co. by Deed No. 17792; thence North $69^{\circ} 51'$ East 806.47 feet along the North boundary of Tract conveyed to the Lake Worth Inlet District by Deed No. 17793 to the point of beginning as above described.

and

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Parcel #2

From the point of beginning, said point being the Northeast corner of tract described in Deed Book 410, page 506, run along the north boundary of said tract, South $71^{\circ} 5' 52''$ West, true bearing conforming to the U. S. Coast & Geodetic Survey, a distance of 676.77 feet to an intersection with the East boundary of a 500 feet Right-of-way of the Intracoastal Waterway, as in Grant of Easements and recorded in Deed Book 653, page 408; thence North $1^{\circ} 50' 33''$ East, along said Right-of-way, 443.47 feet to an intersection with the South boundary of a 100 foot Right-of-way of so-called Singers Island Bridge, said Right-of-way being measured 50 feet on both sides and at right angles to the center line of bridge; thence South $88^{\circ} 04' 15''$ East along said Right-of-way boundary, 630.80 feet to a point, said point being an intersection with the East boundary extended of tract as described in Deed Book 410, page 506; thence South $1^{\circ} 14' 52''$ West along said boundary extended, a distance of 202.81 feet to the point of Beginning.

AND EXCEPTING THEREFROM that part conveyed by Peanut Island Equities, Inc., a Delaware corporation, to the State of Florida for the use and benefit of the State of Florida Department of Transportation by deed dated February 13, 1974, filed February 19, 1974 in Official Record Book 2271, at Page 65.

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EXHIBIT B

DESCRIPTION

A PARCEL OF LAND LYING IN THE EAST ONE-HALF (E. 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 800.00 FEET OF THE SAID EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29 WITH THE EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY AS RECORDED IN PLAT BOOK 17, PAGE 7 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 16°14'11" WEST ALONG THE SAID EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, A DISTANCE OF 221.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 16°14'11" WEST ALONG THE SAID EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, A DISTANCE OF 211.62 FEET; THENCE NORTH 77°12'45" EAST, A DISTANCE OF 171.89 FEET; THENCE SOUTH 33°51'15" EAST, A DISTANCE OF 226.37 FEET; THENCE SOUTH 77°12'45" WEST, A DISTANCE OF 240.53 FEET TO THE POINT OF BEGINNING.

CONTAINING: 43,560 SQUARE FEET OR 1.000 ACRES MORE OR LESS.

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EXHIBIT C

By acceptance of this deed, grantee agrees that the property hereby conveyed shall be used only for public purposes, specifically limited to publicly owned and operated park and recreational areas, educational institutions and governmental services, provided that any construction for governmental services shall be limited to a building, or buildings, with a total usable square footage not to exceed 15,000 sq. ft. Enforcement of this restrictive covenant shall be exclusively by the grantor or its successors.

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RESOLUTION NO. R-86-1875

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AN EXCHANGE AGREEMENT AMONG PALM BEACH COUNTY, THE FLORIDA INLAND NAVIGATIONAL DISTRICT, AND PALM BEACH MARINE INSTITUTE, INC.

WHEREAS, the Palm Beach Marine Institute, Inc. (PBMI) owns approximately 3.3 acres of uplands on Peanut Island and approximately 32.43 acres of submerged lands adjacent thereto; and

WHEREAS, Palm Beach County is the owner of Bert Winters Park, which property is subject to a right of reverter in the Florida Inland Navigational District (FIND) if ever used for other than public purposes as a recreational and park area; and

WHEREAS, the County desires to obtain the Peanut Island property for public purposes as a recreation and park area, and PBMI desires to obtain 1 acre of the Park property for use as a marine institute; and

WHEREAS, the Florida Inland Navigational District has agreed to give up its rights in the Bert Winters Park property in return for identical rights in the Peanut Island property; and

WHEREAS, appraisals performed on the two properties show that the Peanut Island property is at least as valuable as the Park property; and

WHEREAS, a benefit to Palm Beach County would accrue by virtue of this exchange because of the establishment of Peanut Island as a part of the Palm Beach County Parks System as well as the benefit of assisting PBMI in its rehabilitation work with delinquent boys and girls.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the attached Exchange Agreement is hereby approved and the Chair and the Clerk are hereby authorized to execute same on behalf of the Board of County Commissioners.

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The foregoing resolution was offered by Commissioner Wilken who moved its adoption. The motion was seconded by Commissioner Owens and upon being put to a vote, the vote was as follows:

KAREN T. MARCUS - AYE
JERRY L. OWENS - AYE
CAROL A. ROBERTS - AYE
DOROTHY H. WILKEN - AYE
KEN ADAMS - AYE

The Chair thereupon declared the resolution duly passed and adopted this 9 day of December, 1986.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

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

John B. Dunkle, Clerk

By [Signature]
County Attorney

By [Signature]
Deputy Clerk



FILED THIS DAY OF
DEC. 09. 1986, 19
AND RECORDED IN
BOOK NO. AT
[Signature]

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