

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: January 14, 2014 Consent [X] Regular []
Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: executed Agreements received during the month of October 2013.

- A) Amendment to Standard Potable Water, Wastewater Development Agreement due to increase in capacity equal to or less than ten percent (10%) of the original Capacity Reservation or 10 ERCs/ERICs, whichever is greater. SDA #05-01067-001 (District 5)

Summary: In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item. The attached document has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file. District 5 (MJ) **Original documents can be viewed in Minutes.**

Background and Justification: Water Utilities Department's Uniform Policies and Procedures require Standard Development Agreements to obtain concurrency for water and/or wastewater service. The terms and conditions for Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements, and related documents including Standard Indemnity Agreements to the Department Director including potable water and wastewater agreements (R93-1619); reclaimed water agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water agreements (R2003-0539).

The Agreements attached have been executed on behalf of the Board by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with the authority delegated by the Board, and are now being submitted to the Board to receive and file.

Attachments:

- A. Two (2) Original Amendment to Standard Potable Water (SDA #05-01067-001)

Recommended By: *Brenda Beaubien* 12/16/13
Department Director Date

Approved By: *[Signature]* 12/21/13
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>(\$3,788.73)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>(\$3,788.73)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund _____ Dept. _____ Unit _____ Object _____

Is Item Included in Current Budget? Yes _____ No X

Reporting Category N/A

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

MAP has been paid in full and service installation fees will be collected at the time of connection.

C. Department Fiscal Review: Selma M. West

III. REVIEW COMMENTS

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

[Signature]
OFMB
12/19/13

[Signature] 12/26/13
Contract Development and Control
12-26-13 [Signature]

B. Legal Sufficiency:

[Signature] 12/30/13
Assistant County Attorney

C. Other Department Review:

Department Director



CFN 20130472139
 OR BK 26416 PG 0968
 RECORDED 10/30/2013 09:24:00
 Palm Beach County, Florida
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 0968 - 971; (4pgs)

CHARGE #1023 RETURN VIA WILL CALL #133
 ATTN: CRAIG WILLIAMS, CONTRACT MANAGEMENT,
 PBC WATER UTILITIES DEPT,
 8100 FOREST HILL BLVD, WPB, FL 33413

AMENDMENT TO STANDARD POTABLE WATER, WASTEWATER DEVELOPMENT AGREEMENT DUE TO INCREASE IN CAPACITY EQUAL TO OR LESS THAN TEN PERCENT (10%) OF THE ORIGINAL CAPACITY RESERVATION OR TEN (10) ERCs/ERICs, WHICHEVER IS GREATER.

THIS AMENDMENT TO STANDARD POTABLE WATER, WASTEWATER DEVELOPMENT AGREEMENT DUE TO INCREASE IN CAPACITY EQUAL TO OR LESS THAN TEN PERCENT (10%) OF THE ORIGINAL CAPACITY RESERVATION OR TEN (10) ERCs/ERICs, WHICHEVER IS GREATER, is made and entered into this 28th day of October, 2013, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County" and **BOYNTON BEACH ASSOCIATES XXI, LLLP**, hereinafter referred to as "Property Owner."

WITNESSETH

WHEREAS, on July 31, 2006, County, through its lawful designee, entered into a Standard Potable Water, Wastewater Development Agreement, hereinafter referred to as "SDA", for the provision of potable water, wastewater or reclaimed water service to certain property owned by Property Owner; and

WHEREAS, the SDA was recorded in the Official Records at Book 20690 and Page 0153; and

WHEREAS, in accordance with Paragraph 5 therein, Property Owner desires to amend the SDA to increase the allocation of equivalent residential connections ("ERCs") and/or equivalent residential irrigation connections ("ERICs") of said service for the subject property to 538.90 ERCs/ERICs, which is less than or equal to ten percent (10%) of the original reservation, or ten (10) ERCs/ERICs, whichever is greater; and

WHEREAS, the County warrants that the additional capacity of ERCs/ERICs is available for Property Owner; and

WHEREAS, the parties desire to amend the SDA to provide for the increase of capacity reservation.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the parties hereby agree as follows:

1. The SDA is hereby amended by increasing the allocated ERCs/ERICs for the subject property to 538.90 ERCs/ERICs which is equal to or less than ten percent (10%) of the original reservation of capacity, or ten (10) ERCs/ERICs, whichever is greater, provided Property Owner pays to County a total amount of \$3,788.73 for said additional ERCs/ERICs in accordance with the then current rates and fees as set forth in the UPAP.
2. Each and every other term of the SDA shall remain in full force and effect and the SDA is hereby reaffirmed as modified herein.
3. The County shall duly record this Amendment to the SDA.
4. Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421-2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the Property Owner(s), its officers, agents, employees,

and lobbyists in order to ensure compliance with contract requirements and detect corruption and fraud.

- 5. No provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a third party to this Agreement, including, but not limited to, any citizen or employees of Palm Beach County and/or Boynton Beach Associates XXI, LLLP.

IN WITNESS WHEREOF, the parties, by and through their fully authorized agents, have hereunto set their hands and seals on the date first above written.

WITNESSES:

Anna M Daniels

Designee
Anna M Daniels

PALM BEACH COUNTY

By: [Signature]
County Administrator or

BOYNTON BEACH ASSOCIATES XXI, LLLP
BY: BOYNTON BEACH XXI CORPORATION, GENERAL
PARTNER
(NAME)

WITNESSES:

[Signature]
[Signature]

By: KEVIN RATTERREE
Type or Print Name
VICE PRESIDENT
Title
Kevin Ratterree, V.P.
Signature

WATER UTILITIES DEPARTMENT APPROVAL

[Signature]
By: [Signature]
Director, Finance and Administration

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: [Signature]
County Attorney

NOTARY CERTIFICATE

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 14 day of OCT. 2013 by KEVIN RATTERREE who is personally known to me or who has produced _____ as identification.

My Commission Expires: _____

[Signature]
Signature of Notary

TERRY LILLIAN
Typed, Printed or Stamped Name of Notary



POTABLE WATER AND WASTEWATER

**EXHIBIT "A"
LEGAL DESCRIPTION**

PARCEL 1 (RANCH ROAD GREENHOUSES):

TRACT 74, LESS THE EAST 52 FEET THEREOF; TRACTS 75 AND 76, AND TRACTS 85 THROUGH 88, BLOCK 55, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM THE FOLLOWING 2 PARCELS:

THE NORTH 47.52 FEET OF TRACTS 74 THROUGH 76, FOR THE RIGHT-OF-WAY OF THE L-25 CANAL OF LAKE WORTH DRAINAGE DISTRICT, PURSUANT TO THE CHANCERY 407 CASE, AS EVIDENCED IN OFFICIAL RECORDS BOOK 6495, PAGE 761, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE EAST 25 FEET OF TRACT 88, FOR THE RIGHT-OF-WAY OF HAGEN RANCH ROAD, PURSUANT TO DEED BOOK 1135, PAGE 92, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTH 15.00 FEET OF THAT ROAD, DYKE AND DITCH RESERVATION, LYING SOUTH OF AND ADJACENT TO SAID TRACTS 85 THROUGH 88, BLOCK 55, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, SAID PUBLIC RECORDS.

LESS AND EXCEPT THE EASTERLY 25.00 FEET THEREOF.

PARCEL 2 (WHITWORTH):

TRACT 73, LESS THE EAST 25 FEET THEREOF, AND THE EAST 52 FEET OF TRACT 74, BLOCK 55, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THE RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-25 CANAL.

PARCEL 3 (MAZZONI):

TRACT 105, LESS THE EAST 25 FEET; TRACTS 106 THROUGH 119 INCLUSIVE; AND TRACT 120, LESS THE EAST 25 FEET, BLOCK 55 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH THE SOUTH 1/2 OF THAT 30 FOOT WIDE STRIP OF LAND LYING NORTH OF AND ADJACENT TO THE AFOREDESCRIBED PROPERTY, BOUNDED ON THE EAST AND ON THE WEST BY THE NORTHERLY EXTENSION, RESPECTIVELY OF THE EAST AND WEST LINES OF THE AFOREDESCRIBED PROPERTY;

LESS RIGHT-OF-WAY OF HAGEN RANCH ROAD, DESCRIBED AS PARCEL 122 IN AGREED ORDER OF TAKING ON PALM BEACH COUNTY'S PETITION, RECORDED JULY 20, 2001, IN OFFICIAL RECORDS BOOK 12744, PAGE 1840 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL 122 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 120, BLOCK 55, THE PALM BEACH FARMS COMPANY PLAT NO.3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 120;

THENCE ALONG THE SOUTH LINE OF SAID TRACT 120, SOUTH 89 DEGREES 36 MINUTES 54 SECONDS WEST FOR 25.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN DEED BOOK 1129, PAGE 412 OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING;

POTABLE WATER AND WASTEWATER

THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 36 MINUTES 54 SECONDS WEST FOR 6.92 FEET;

THENCE NORTH 00 DEGREES 30 MINUTES 03 SECONDS WEST FOR 33.82 FEET;

THENCE NORTH 02 DEGREES 05 MINUTES 02 SECONDS EAST FOR 162.21 FEET TO SAID WEST RIGHT-OF- WAY LINE;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 00 DEGREES 23 MINUTES 06 SECONDS EAST FOR 195.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 118.493 ACRES, MORE OR LESS.

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OK
10/16/13 (A)