

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

Meeting Date: June 21, 2016 (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 adopt: a Resolution declaring the County's intent to acquire for permanent conservation, mitigation, and passive recreation purposes, an approximate 46.03-acre strip of surplus land from The Board of Trustees of the Internal Improvement Trust Fund (TIITF) and to incorporate that land into the Loxahatchee Slough Natural Area (Natural Area).

Summary: This Resolution declares the County's intent to acquire and accept by dedication, purchase or other appropriate means, approximately 46.03 acres of surplus land from TIITF upon successful completion of due diligence requirements as may be necessary. Acquisition and acceptance of this land by the County will: 1) eliminate an in-holding within the 12,869-acre Natural Area; 2) help ensure the environmental and hydrological integrity of the Natural Area; 3) allow the County to create hiking trails across the subject lands; and 4) provide additional mitigation within the County. Acquisition of the land may be subject to a conservation easement as provided for in Section 704.26, Florida Statutes. District 1 (PM)


Background and Justification: Currently, the County has the right of first refusal for lands that have been declared surplus by the state (Chapter 253, Florida Statutes). The language in Chapter 253 will change as of July 1, 2016, and the County will not have any right of first refusal to acquire and accept this land. It is the intent of the Resolution to preserve the County's right of first refusal to acquire and accept this land to the maximum extent of the law and consistent with the current version of Chapter 253, Florida Statutes. The loss of the right of first refusal to acquire this property would constitute a significant loss to the County and its residents in terms of the benefits that this property would provide.

The County is interested in acquiring this property for permanent conservation, mitigation, and passive recreation purposes. Upon ultimate acceptance and acquisition of this property by the County, these intended uses would remain and not be disturbed with the exception of restoration, management and maintenance activities related to these intended uses and consistent with Section 704.26, Florida Statutes.

The subject lands are currently encumbered by a perpetual road right of way easement held by the Florida Department of Transportation (FDOT). FDOT will quit claim and release the right of way easement back to TIITF prior to the County's acquisition and acceptance of this land.

Attachments:

- 1. Location map
- 2. Resolution

Recommended by:  6-6-16
Department Director Date

Approved by:  6/14/16
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$0	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	\$0	_____	_____	_____	_____
# 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 are no costs associated with this Resolution. Any costs related to the County's acceptance of the deed (title work/insurance, closing costs, etc.) will be identified in the future Board Agenda Item that formally accepts title for the subject lands.

C. Department Fiscal Review:

J. Nelson

III. REVIEW COMMENTS

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

[Signature]
 OFMB 6/10/16
 6/10/16

[Signature]
 Contract Development and Control
 6/10/16

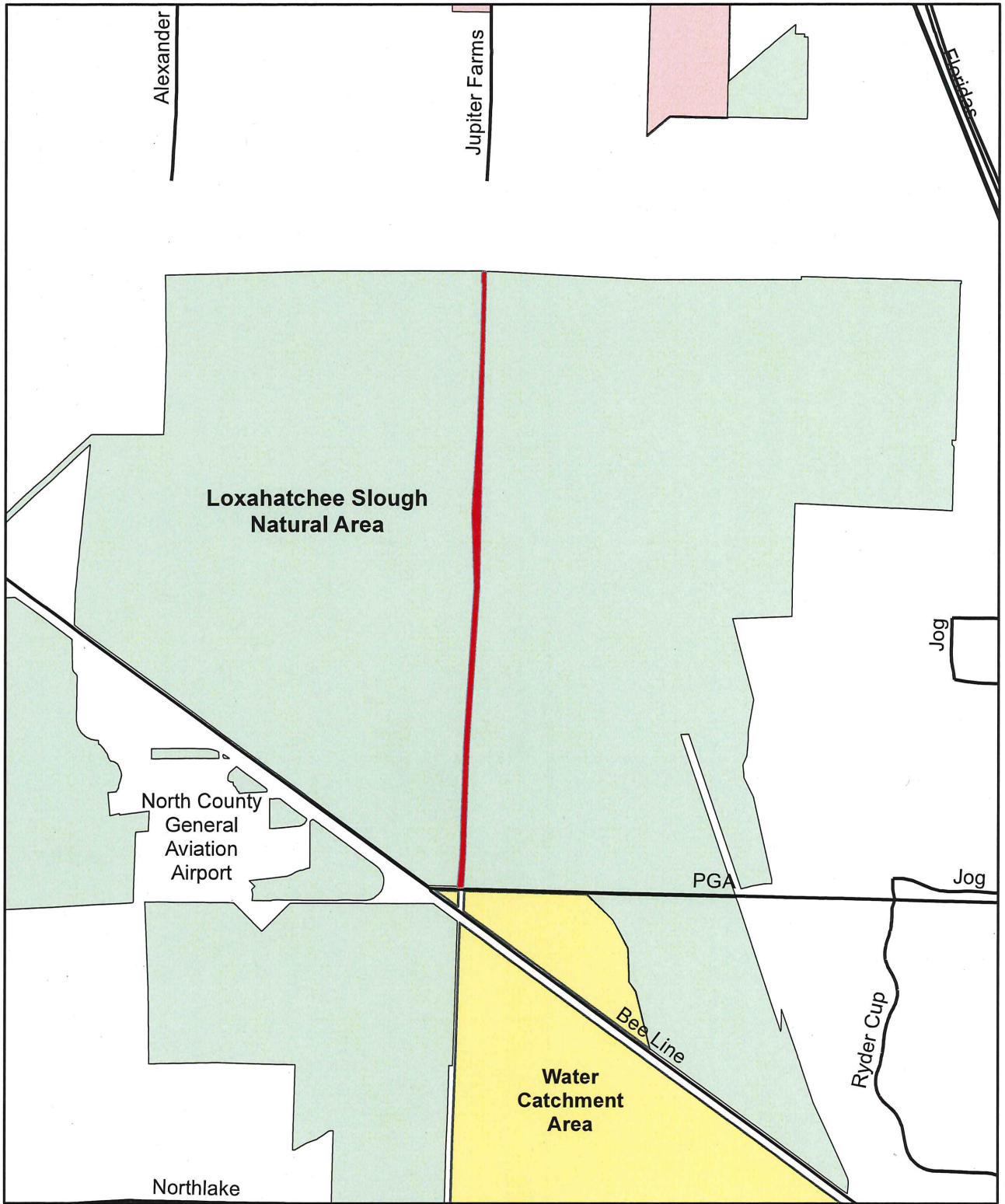
B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

Property & Real Estate Management

 Department Director



Legend

- Major Road
- County-Owned Natural Area
- Other Publicly-Owned Natural Area
- Subject Land

Attachment 1 Location Map


 Palm Beach County
 Department of Environmental
 Resources Management



June 1, 2016;slm

ATTACHMENT 2

RESOLUTION NO. 2016 - _____

A RESOLUTION DECLARING PALM BEACH COUNTY'S INTENT TO ACQUIRE AND ACCEPT FOR PERMANENT CONSERVATION, MITIGATION, AND PASSIVE RECREATION PURPOSES AN APPROXIMATELY 46.03-ACRE STRIP OF SURPLUS LAND FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND AND TO INCORPORATE THIS LAND INTO THE LOXAHATCHEE SLOUGH NATURAL AREA.

WHEREAS, the Constitution, applicable laws of the State of Florida and the Charter of Palm Beach County, Florida, authorize and empower the Board of County Commissioners (the "Board") of Palm Beach County, Florida (the "County") to adopt this Resolution; and

WHEREAS, the Board is aware that the County currently has a right of first refusal to acquire and accept an approximately 46.03-acre strip of surplus land from the Trustees of the Internal Improvement Trust Fund (TIITF) pursuant to Chapter 253, Florida Statutes, and that this right of first refusal will expire on July 1, 2016; and

WHEREAS, the Board recognizes that the loss of this right of first refusal would constitute a significant loss to the County and its residents; and

WHEREAS, the Board has determined that acquisition and acceptance of this land, which is located in Palm Beach County, will provide multiple benefits to the County and its residents, to wit: a) eliminate an in-holding within the 12,869-acre Loxahatchee Slough Natural Area (Natural Area); b) help ensure the environmental and hydrological integrity of the Natural Area; c) allow the County to create hiking trails across the subject lands; and d) provide additional mitigation within the County; and

WHEREAS, for the benefit of the County and its residents, the Board presently intends to acquire and accept this land for permanent conservation, mitigation and passive recreation purposes; and

WHEREAS, upon ultimate acceptance and acquisition of the land by the County, the County may encumber the land with a permanent conservation easement which

would, with the exception of restoration, management and maintenance of the land, limit or prohibit certain uses consistent with Section 704.26, Florida Statutes.

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

Section 1. The Board hereby finds and determines that the recitals set forth herein are true and correct, and adopts the same as its findings and declarations.

Section 2. The Board hereby declares its intent to acquire and accept by dedication, purchase, or other appropriate means, the 46.03 acres of land located within Palm Beach County as set forth on Exhibit "A" attached hereto.

Section 3. The Board also declares that consistent with the intended uses of this land, it may also encumber the land with a conservation easement that limits or prohibits certain uses as set forth on Exhibit "B" hereto.

Section 4. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

Section 5. This Resolution shall take effect immediately upon its 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 MARY LOU BERGER, MAYOR _____
- COMMISSIONER HAL R. VALECHE, VICE MAYOR _____
- COMMISSIONER PAULETTE BURDICK _____
- COMMISSIONER SHELLEY VANA _____
- COMMISSIONER STEVEN L. ABRAMS _____
- COMMISSIONER MELISSA MCKINLAY _____
- COMMISSIONER PRISCILLA A. TAYLOR _____

The Mayor thereupon declared the Resolution duly passed and adopted this
day of _____, 2016.

PALM BEACH COUNTY,
BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock,
Clerk & Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

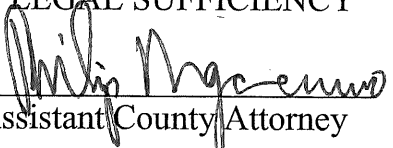
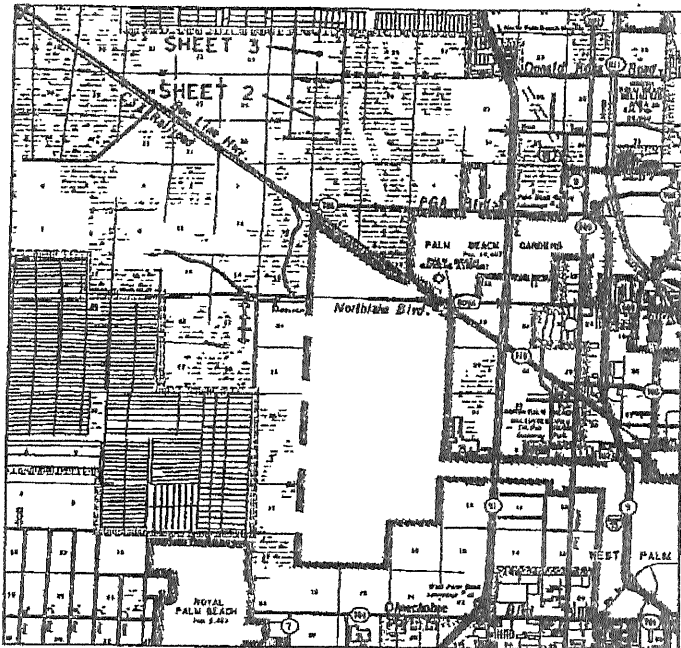
By: 
Assistant County Attorney

EXHIBIT "A"



SECS. 19, 30, & 31, TWP. 41 S, RGE. 42 E

LOCATION MAP
NOT TO SCALE

SURVEYOR'S NOTES

- 1) Bearing basis for Exhibit "A" is the south line of the S.W. 1/4 of Section 31, Township 41 South, Range 42 East, as shown on the F.D.O.T. Right of Way Map Section No. 94270-2101. Said line bears North 87°40'35" East.
- 2) Information shown hereon for State Road 7 is based on the F.D.O.T. Right of Way Map Section No. 93270-2101.
- 3) Purpose for Exhibit "A" is to depict TIITF Easement parcel.
- 4) All dimensions are calculated unless otherwise specified.
- 5) This sketch exists solely for the purpose of illustrating a legal description to which it is attached.

LEGEND:

- S - AND
- L - ARC LENGTH OF CURVE
- BLVD. - BOULEVARD
- C.B. - CHORD BEARING
- COR. - CORNER
- D.B. - DEED BOOK
- EXIST. - EXISTING
- FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION
- HWY. - HIGHWAY
- ID - IDENTIFICATION
- N.T.S. - NOT TO SCALE
- NO. - NUMBER
- PG. - PAGE
- P.O.B. - POINT OF BEGINNING
- RGE. - RANGE
- R/W - RIGHT-OF-WAY
- SEC.# - SECTION
- S.R. - STATE ROAD
- TIITF - TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
- TWP. - TOWNSHIP
- [Hatched Box] - TIITF EASEMENT

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
DISTRICT FOUR
SURVEYING AND MAPPING
3400 WEST COMMERCIAL BLVD.
FORT LAUDERDALE, FLORIDA 33309
(954)777-4550

FLORIDA DEPARTMENT OF TRANSPORTATION
PARCEL SKETCH - NOT A SURVEY

STATE ROAD NO. 7

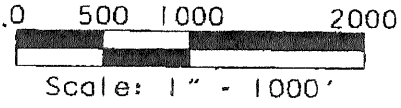
PALM BEACH COUNTY

BY		DATE		PREPARED BY:		DATA SOURCE:	
DRAWN		RITZEL		05/06/14		STANTEC (FORMERLY GREENHORNE & O'MARA)	
CHECKED		TRUONG		05/28/14		F.P. ID. NONE	
SECTION		93270-2504		SHEET		1 OF 5	

T:\MS\RW\MAPPING\TIITF EASEMENT PSI.dgn

FOR CONTINUATION, SEE SHEET 3 OF 5

SECS. 30 & 31, TWP. 41 S., RGE. 42 E



PARCEL GEOMETRY DATA

⑤	S 01°52'26" E	2,535.45'
⑥	S 01°52'26" E	2.20'
⑦	S 03°40'13" W	2,612.85'
⑧	S 03°40'13" W	2,615.05'
⑨	S 87°40'35" W	125.65'

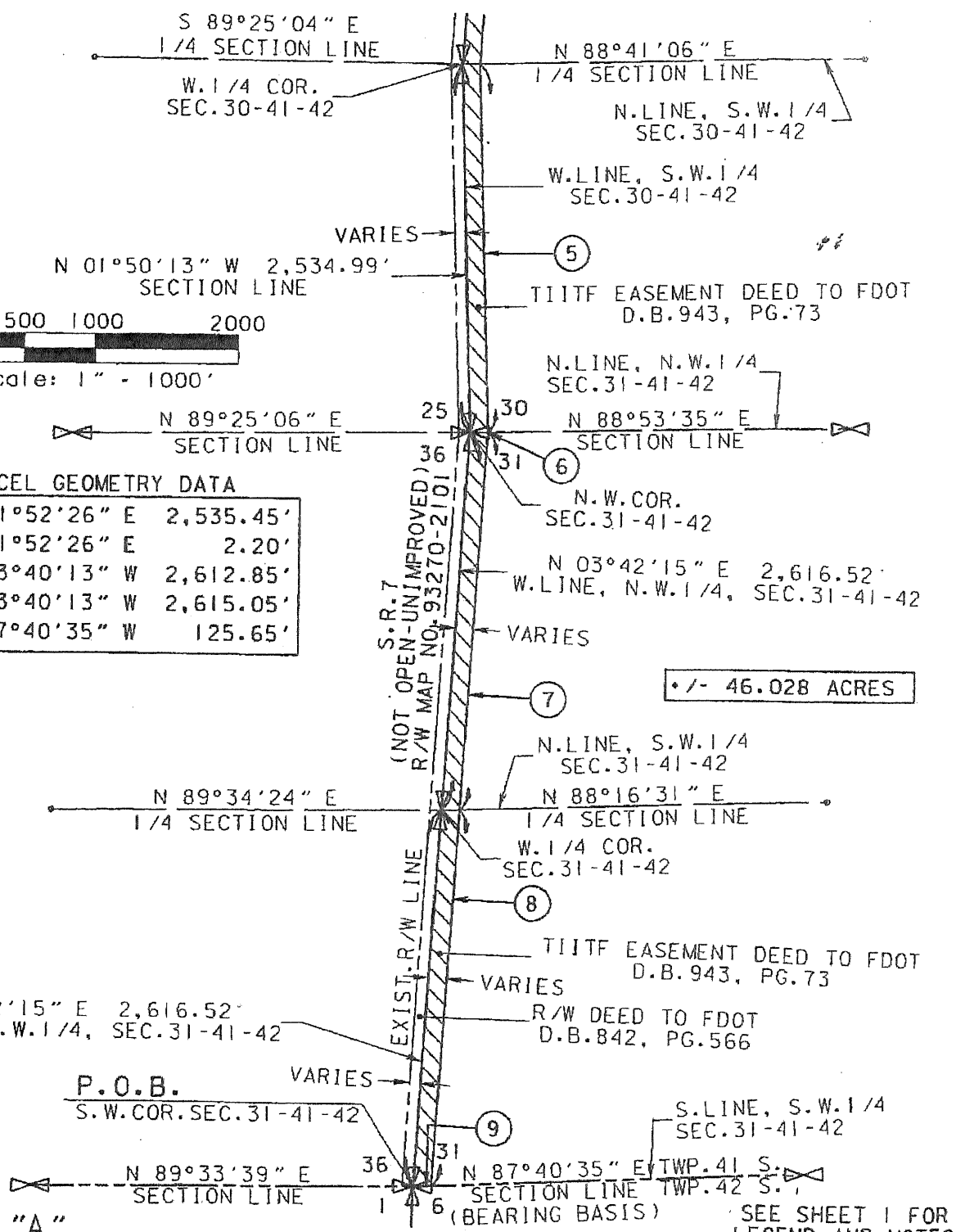


EXHIBIT "A"

SEE SHEET 1 FOR LEGEND AND NOTES

FLORIDA DEPARTMENT OF TRANSPORTATION										
PARCEL SKETCH - NOT A SURVEY										
STATE ROAD NO. 7					PALM BEACH COUNTY					
DRAWN		BY		DATE		PREPARED BY:			DATA SOURCE:	
RITZEL		TRUONG		05/08/14		STANTEC (FORMERLY GREENHORNE & O'MARA)				
CHECKED		DATE		F.P. ID.		SECTION			SHEET	
TRUONG		05/28/14		NONE		93270-2504			2 OF 5	

PARCEL GEOMETRY DATA

①	S 86°59'49" E	149.45'
②	S 01°32'54" W	2,142.43'
③	S 01°03'14" W	2,165.31'
④	S 03°31'52" W	2,783.41'

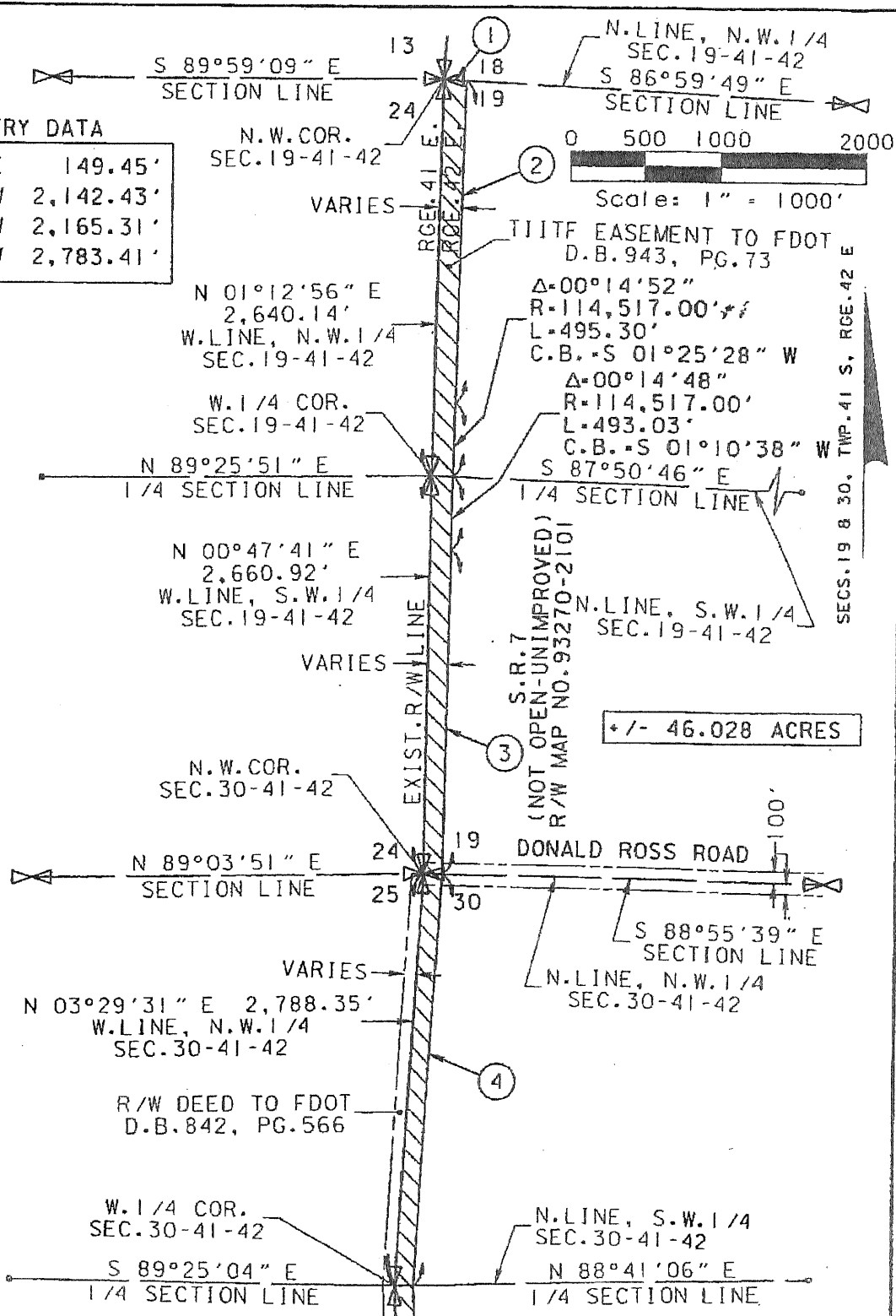


EXHIBIT "A"
SEE SHEET 1 FOR
LEGEND AND NOTES

FOR CONTINUATION, SEE SHEET 2 OF 5

FLORIDA DEPARTMENT OF TRANSPORTATION									
PARCEL SKETCH - NOT A SURVEY									
STATE ROAD NO. 7					PALM BEACH COUNTY				
DRAWN		BY		DATE		PREPARED BY:		DATA SOURCE:	
RITZEL		TRUONG		05/06/14		STANTEC (FORMERLY GREENHORNE & D'MARA)			
REVISION		BY		DATE		F.P. ID. NONE		SECTION 93270-2504	
								SHEET 3 OF 5	

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF LAND LYING IN THE WEST 1/2 OF SECTIONS 19, 30, AND 31, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE NORTH 03°42'15" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 2,616.52 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 31; THENCE CONTINUE NORTH 03°42'15" EAST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 2,616.52 FEET TO THE NORTHWEST CORNER OF SAID SECTION 31; THENCE NORTH 01°50'13" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 30, A DISTANCE OF 2,534.99 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 30; THENCE NORTH 03°29'31" EAST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 30, A DISTANCE OF 2,788.35 FEET TO THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 00°47'41" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 19, A DISTANCE OF 2,660.92 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 19; THENCE NORTH 01°12'56" EAST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 19, A DISTANCE OF 2,640.14 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19; THENCE SOUTH 86°59'49" EAST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 19, A DISTANCE OF 149.45 FEET TO A POINT; THENCE SOUTH 01°32'54" WEST, A DISTANCE OF 2,142.43 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 114,517.00 FEET AND THE CHORD BEARING OF SOUTH 01°25'28" WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°14'52" AND AN ARC DISTANCE OF 495.30 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 19; THENCE CONTINUE SOUTHERLY ALONG SAID CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 114,517.00 FEET AND A CHORD BEARING OF SOUTH 01°10'38" WEST, THROUGH A CENTRAL ANGLE OF 00°14'48" AND AN ARC DISTANCE OF 493.03 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01°03'14" WEST, A DISTANCE OF 2,165.31 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 30; THENCE SOUTH 03°31'52" WEST, A DISTANCE OF 2,783.41 FEET TO A POINT ON THE NORTH LINE OF SOUTHWEST 1/4 OF SAID SECTION 30; THENCE SOUTH 01°52'26" EAST, A DISTANCE OF 2,535.45 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 31; THENCE CONTINUE SOUTH 01°52'26" EAST, A DISTANCE OF 2.20 FEET TO A POINT; THENCE SOUTH 03°40'13" WEST, A DISTANCE OF 2,612.85 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE CONTINUE SOUTH 03°40'13" WEST, A DISTANCE OF 2,615.05 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE SOUTH 87°40'35" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 125.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 46.028 ACRES, MORE OR LESS.

			FLORIDA DEPARTMENT OF TRANSPORTATION					
			PARCEL SKETCH- NOT A SURVEY					
			STATE ROAD NO. 7		PALM BEACH COUNTY			
			BY	DATE	PREPARED BY:	DATA SOURCE:		
			DRAWN	RITZEL	05/06/14	STANTEC (FORMERLY GREENHORNE & O'MARA)		
REVISION	BY	DATE	CHECKED	TRUONG	05/28/14	F.P. ID. NONE	SECTION 93270-2504	SHEET 4 OF 5

EXHIBIT "A"

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SKETCH AND LEGAL DESCRIPTION, AS SHOWN HERE ON THE TITF EASEMENT PARCEL SKETCH FOR STATE ROAD 7, SECTION NO.93270-2504, IS TRUE, ACCURATE AND WAS PREPARED UNDER MY DIRECTION.

I FURTHER CERTIFY THAT SAID SKETCH AND LEGAL DESCRIPTION IS IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND .052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Thuy A. Truong
 THUY A. TRUONG, P.S.M.

06-12-14
 DATE

FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO.5868
 STANTEC CONSULTING SERVICES, INC. (GREENHORNE & O'MARA, INC.)
 3223 COMMERCE PLACE, SUITE 100
 WEST PALM BEACH, FLORIDA 33407
 (561) 686-7707 LB 7866

				FLORIDA DEPARTMENT OF TRANSPORTATION	
				PARCEL SKETCH- NOT A SURVEY	
				STATE ROAD NO. 7	PALM BEACH COUNTY
		BY	DATE	PREPARED BY:	DATA SOURCE:
		DRAWN	RITZEL	05/06/14	STANTEC (FORMERLY GREENHORNE & O'MARA)
REVISION	BY	DATE	CHECKED	TRUONG	05/28/14
				F.P. ID. NONE	SECTION 93270-2504
				SHEET 5 OF 5	

EXHIBIT "B"

The following activities may be prohibited or limited in or on the land described in Exhibit "A":

- (a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.
- (b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.
- (c) Removal or destruction of trees, shrubs, or other vegetation.
- (d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.
- (e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.
- (f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- (g) Acts or uses detrimental to such retention of land or water areas.
- (h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.