

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 6, 2018 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Conservation Easement encumbering 1.64 acres of County property located at the northwest corner of Congress Avenue and Gun Club Road in West Palm Beach.

Summary: The County is developing a Forensic Sciences and Technology facility for the Palm Beach County Sheriff’s Office (PBSO) on approximately 15.83 acres of vacant County owned land located at the northwest corner of Congress Avenue and Gun Club Road in West Palm Beach. The County’s Unified Land Development Code (ULDC) requires a 1.64 acre upland preservation area to be set aside and that this Declaration of Conservation Easement be executed by the Board and recorded in the public records. (PREM) District 2 (HJF)

Background and Justification: The new Forensic Sciences and Technology Facility will be located across the street from the PBC Criminal Justice Complex. As a condition of the development approval process, 1.64 acres is being designated as an upland preservation area to meet the 25% upland preservation set aside requirement. The Declaration of Conservation Easement requires that the 1.64 acres remain in its natural state. It is anticipated that construction of the facility will commence towards the end of 2018.

Attachments:

1. Location Map
2. Declaration of Conservation Easement

Recommended By:
Department Director **Date**

Approved By:
County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>*0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Does this item include the use of Federal Funds Yes _____ No <u>X</u>					
Is Item Included in Current Budget: Yes _____ No <u>X</u>					
Budget Account No: Fund _____ Dept _____ Unit _____ Object _____					
Program _____					

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

* No fiscal impact.

Fixed Asset Numbers: N/A

C. Departmental Fiscal Review: Kon Lyke 1/9/18

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 1/16/18
 OFMB
 1/12/18 1/16/18 [Signature] 1/16/18

[Signature] 1/19/18
 Contract Development and Control
 1/19/18 [Signature]

B. Legal Sufficiency:

[Signature] 1/22/18
 Assistant County Attorney

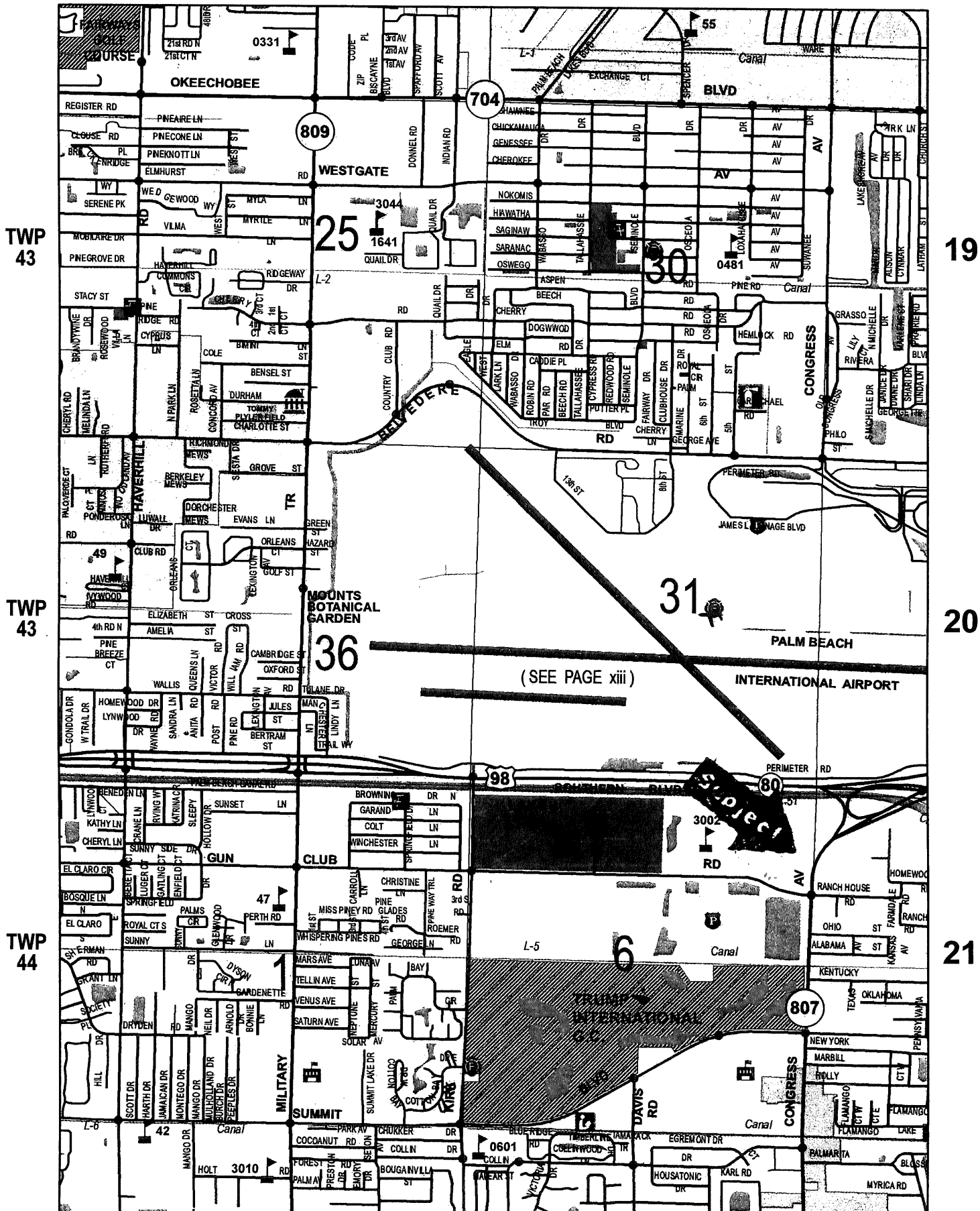
C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

F

E



RNG 42

RNG 43

LOCATION MAP

Attachment #1
 Page 1 of 1



Attachment #2
Declaration of Conservation Easement
6 Pages

Prepared by & Return to:
Marcel Pessoa, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 00-43-44-06-00-000-1060

DECLARATION OF CONSERVATION EASEMENT

THIS DECLARATION OF CONSERVATION EASEMENT ("Conservation Easement") made _____, 2018 by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners ("County"), whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791

WITNESSETH:

WHEREAS, the County is the owner of certain lands situated in Palm Beach County, Florida, and more specifically described in **Exhibit "A"** attached hereto and incorporated herein ("Property"); and

WHEREAS, the County desires to create a conservation easement in accordance with Section 704.06, Florida Statutes, over, upon and under such Property as set forth hereinafter; and

WHEREAS, County desires that such conservation easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon subsequent conveyance of the Property by County.

NOW, THEREFORE, County does hereby declare, grant, and create a perpetual in gross conservation easement upon the Property for the benefit of County. As used herein, the term Grantor shall mean the fee simple owner of the Property, its successors and assigns. It is the purpose and intent of this Conservation Easement to assure the Property will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, which shall mean that the following activities are prohibited on the Property:

1. Construction or placement of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground, except as provided hereinafter;

2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation as may be required or permitted by law, ordinance, or other government approval;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface or sub-surface;
5. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
7. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas; and
8. Acts or uses which are detrimental to the preservation of and features or aspects of the property having historical, archaeological, or cultural significance.

The County on behalf of itself and its successors or assigns, hereby agrees to bear all costs and liability relating to the maintenance of the Property in the natural vegetative and hydrologic conditions as existing at the time of execution of this Conservation Easement. The Conservation Easement is hereby granted and the obligation to retain and maintain the Property forever predominantly in the vegetative and hydrologic condition as herein specified shall run with the land and shall be binding upon the County its successors and assigns.

The Conservation Easement created hereby shall not be extinguished by operation of law including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, County has executed this Conservation Easement, or has caused the same to be executed as of the day and year first above written.

Attest:

Sharon R. Bock, Clerk & Comptroller
Palm Beach County

By: _____
Deputy Clerk

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

Palm Beach County, a political
subdivision of the State of Florida, by
and through its Board of County
Commissioners

By: _____
Melissa McKinlay, Mayor

Approved as to Terms and Conditions

By:  _____
Department Director

Approved as to Form and Legal
Sufficiency

By:  _____
Chief Assistant County Attorney

EXHIBIT "A"

Sketch and Legal Description – Conservation Easement No. 1

EXHIBIT "A"

UPLAND PRESERVE AREA
CONSERVATION EASEMENT


SECTION 06, TOWNSHIP 44 SOUTH, RANGE 43 EAST

CONSERVATION EASEMENT NO.1

A PARCEL OF LAND FOR CONSERVATION EASEMENT PURPOSES BEING A PORTION OF TRACT 1, BLOCK 1 OF THE PLAT OF PALM BEACH PLANTATION AS RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SITUATED IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 6; THENCE NORTH 88°47'25" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6, A DISTANCE OF 673.64 FEET; THENCE SOUTH 01°12'35" WEST AT RIGHT ANGLES TO SAID SECTION LINE, A DISTANCE OF 268.73 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 79°11'02" EAST ALONG A LINE LYING 10.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-51 CANAL AS RECORDED IN OFFICIAL RECORD BOOK 10803, PAGE 1835 OF SAID PUBLIC RECORDS, A DISTANCE OF 325.16 FEET; THENCE SOUTH 00°48'30" WEST, A DISTANCE OF 12.19 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 30.00 FEET (A RADIAL LINE FROM SAID POINT BEARS SOUTH 10°48'58" WEST); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 100°48'58", AN ARC DISTANCE OF 52.79 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°00'00" EAST ALONG A TANGENT LINE, A DISTANCE OF 117.32 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 30.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 135°26'03", AN ARC DISTANCE OF 70.91 FEET TO THE POINT OF TANGENCY; THENCE NORTH 44°33'57" WEST ALONG A TANGENT LINE, A DISTANCE OF 37.08 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 30.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 43°56'56", AN ARC DISTANCE OF 23.01 FEET TO THE POINT OF TANGENCY; THENCE NORTH 88°30'53" WEST ALONG A TANGENT LINE, A DISTANCE OF 23.52 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 91°31'30", AN ARC DISTANCE OF 47.92 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°02'23" EAST ALONG A TANGENT LINE, A DISTANCE OF 88.73 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 15.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 115°08'09", AN ARC DISTANCE OF 30.14 FEET TO THE POINT OF TANGENCY; THENCE NORTH 64°54'14" WEST ALONG A TANGENT LINE, A DISTANCE OF 78.47 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 30.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 112°42'22", AN ARC DISTANCE OF 59.01 FEET TO THE END OF SAID CURVE BEING A NON TANGENT LINE; THENCE NORTH 86°58'42" WEST ALONG SAID NON-TANGENT LINE, A DISTANCE OF 10.04 FEET TO A LINE LYING 5.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 1, BLOCK 1 OF SAID PLAT OF PALM BEACH PLANTATION; THENCE NORTH 02°23'24" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 329.84 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 71,281 SQUARE FEET OR 1.6364 ACRES MORE OR LESS.

PROJECT NO. 2017018-01	PROJECT:	DATE DRAWN: 1/07/16	NO.	REVISION	BY	DATE	
	PBSO EVIDENCE COMPOUND UPLAND PRESERVE AREA CONSERVATION EASEMENT						SCALE: 1" = 80' APPROVED: GWM DRAWN: GMM CHECKED: RWD
SHEET: 1 OF: 3	DESIGN FILE NAME S-1-16-3824.DGN	DRAWING NO. S-1-16-3824	FIELD BOOK NO. N/A	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ROADWAY PRODUCTION 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411			

SURVEYOR'S REPORT

N 88°47'25" W (ASSUMED)

N 88°47'38" W (GRID NAD 83/90)
PBC GRID INVERSE VALUE

= 00°00'13" COUNTERCLOCKWISE TO
GET PBC GRID NAD83/90

NORTH LINE OF THE NORTHEAST
QUARTER OF SECTION 6, TOWNSHIP
44 SOUTH, RANGE 43 EAST

P.B. = PLAT BOOK
PG. = PAGE
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.B.C. = PALM BEACH COUNTY
R/W = RIGHT OF WAY

△ = CENTRAL ANGLE
D.B. = DEED BOOK
ORB = OFFICIAL RECORD BOOK
R = RADIUS
L = ARC LENGTH
RNG = RANGE

BEARINGS ARE BASED ON AN ASSUMED BEARING OF NORTH 88°47'25" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

I HAVE REVIEWED THE CHICAGO TITLE INSURANCE COMPANY, TITLE COMMITMENT - COMMITMENT NO: 2912015, FILE NO: 2912015, WITH AN EFFECTIVE DATE OF 8/16/2016 @ 08:00 AM, ISSUED BY SOUTHEAST GUARANTY & TITLE, INC. AND ALL SURVEY RELATED ENCUMBRANCES IDENTIFIED IN THE POLICIES SCHEDULE B - SECTION II THAT AFFECT THIS PARCEL ARE SHOWN ON THIS DRAWING.

SEE THE SUPPORTING BOUNDARY SURVEY FOR PBSO EVIDENCE/IMPOUND FACILITY ON FILE IN THE OFFICE OF THE COUNTY ENGINEER UNDER PROJECT NO. 2015018-01 AND DRAWING NO. S-3-15-3628 FOR ADDITIONAL INFORMATION

THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

TOPOGRAPHIC INFORMATION BASED ON A FIELD SURVEY PERFORMED ON 06/23/2016. INFORMATION LOCATED IN FIELD BOOK 1162M, PAGE 10

NO UNDERGROUND UTILITIES LOCATED BY THIS OFFICE

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.


COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.000041102
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

THIS IS NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17.050 - .052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.



GLENN W. MARK, P.L.S.
FLORIDA CERTIFICATE #5304

12/1/16
DATE

NORTH QUARTER CORNER SECTION 6,
TOWNSHIP 44 SOUTH, RANGE 43 EAST
PALM BEACH COUNTY POSITION

POC
NORTHEAST CORNER SECTION 6,
TOWNSHIP 44 SOUTH, RANGE 43 EAST,
PALM BEACH COUNTY POSITION

N 88° 47' 25" W (ASSUMED) 673.64'
2693.30' (INVERSE)

852774.2210
951465.6890

852717.5220
954158.5060

C - 51 CANAL

NORTH LINE OF THE NORTHEAST
QUARTER OF SECTION 6, TOWNSHIP
44 SOUTH, RANGE 43 EAST
& THE TRACT LINE

ADDITIONAL C-51 CANAL
RIGHT OF WAY FOR
PARCEL NO. 150.1
O.R.B. 10803, PG. 1835

SOUTH R/W LINE OF
THE C-51 CANAL

PBSO FACILITY
BOUNDARY LINE

UPLAND PRESERVE AREA
CONSERVATION EASEMENT NO. 1
1.636 ACRES

PBSO EVIDENCE/IMPOUND
FACILITY
SEE PBC. DRAWING NO. S-3-15-3628
FOR BOUNDARY INFORMATION

TRACT 1, BLOCK 1
SECTION 6
PALM BEACH PLANTATION
P.B. 10, PG. 20

TRACT 2, BLOCK 1
SECTION 6
PALM BEACH PLANTATION
P.B. 10, PG. 20

PBSO FACILITY
BOUNDARY LINE

EAST LINE OF
TRACT 2

WEST LINE OF
TRACT 1



SCALE: 1" = 80'