

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

Meeting Date:	July 10, 2018	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) a Declaration of Restrictive Covenant over a portion of Bert Winters Park to satisfy dedication and grant requirements imposed by Florida Inland Navigation District (FIND); and

B) a Site Dedication over a portion of Bert Winters Park to satisfy grant program guidelines of the Florida Fish and Wildlife Commission (FWC).

Summary: In December 2015, the County Parks Department received approval from the Board (R2015-1806) for a budget amendment within the Park Improvement Fund to establish budget for a FIND \$1,000,000 grant to be used at Bert Winters Park in Juno Beach. In October 2017, the Parks Department received approval from the Board (R2017-1493) for a budget amendment within the Park Improvement Fund to establish a budget for a FWC \$200,000 grant. Both grants were secured to help fund the redevelopment costs to update and create new boat launching facilities at Bert Winters Park. The FIND Project Agreement requires the County to dedicate the project site for public use as a boat launching facility for a minimum period of 25 years from the date of project completion. The FWC grant agreement requires the County to dedicate the project site as a boating access facility for a minimum period of 20 years from the date of project completion. A Declaration of Restrictive Covenant for the FIND grant and a Site Dedication for the FWC grant will be recorded to satisfy the grant requirements. The Bert Winters boat launching redevelopment project is expected to be complete in July 2018. Staff will insert the completion date on each document prior to recording in the County public records. **(PREM) District 1 (HJF)**

Background and Justification: The County Parks Department has secured grant funding under FIND's Waterways Assistance Program (WAP) and FWC's Florida Boating Improvement Program (FBIP) to assist with the cost of redeveloping Bert Winters Park boat launching facilities along the Intracoastal Waterway in Juno Beach. The Park is being updated with a second park entrance from Ellison Wilson Road, new floating docks, additional boat trailer parking spaces, a new restroom and renovation of the existing boat ramps. Grant funding under FIND's Waterways Assistance Program requires the project site be used by the public as a boat launching facility for a minimum period of 25 years from the date of project completion. Grant funding under FWC's Florida Boating Improvement program requires the project site be dedicated as a boating access facility for use by the general public for a minimum period of 20 years from the date of project completion. To fulfill these requirements, the County will record in the public records of Palm Beach County a Declaration of Restrictive Covenant for the FIND grant and a Site Dedication for the FWC Grant.

Attachments:

1. Location Map
2. Declaration of Restrictive Covenant
3. Site Dedication – Bert Winters Park

Recommended By:		6/18/18
	Department Director	Date
Approved By:		7/6/18
	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	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

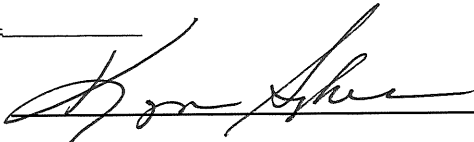
Does this item include the use of federal funds? Yes _____ No _____

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

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

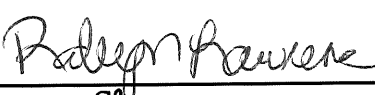
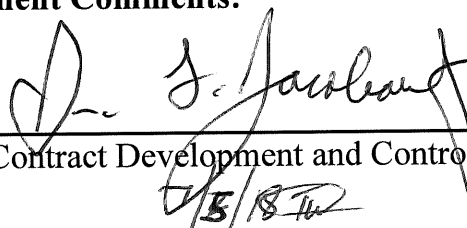
No fiscal impact.

Fixed Asset Number _____ NA _____

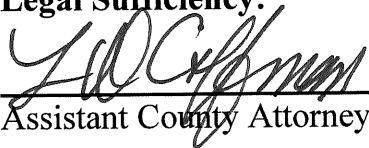
C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 6/22/18
OFMB ^{CB} 6/21
 7/5/18
Contract Development and Control

B. Legal Sufficiency:

 7/6/18
Assistant County Attorney

C. Other Department Review:

Department Director

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

TWP 41

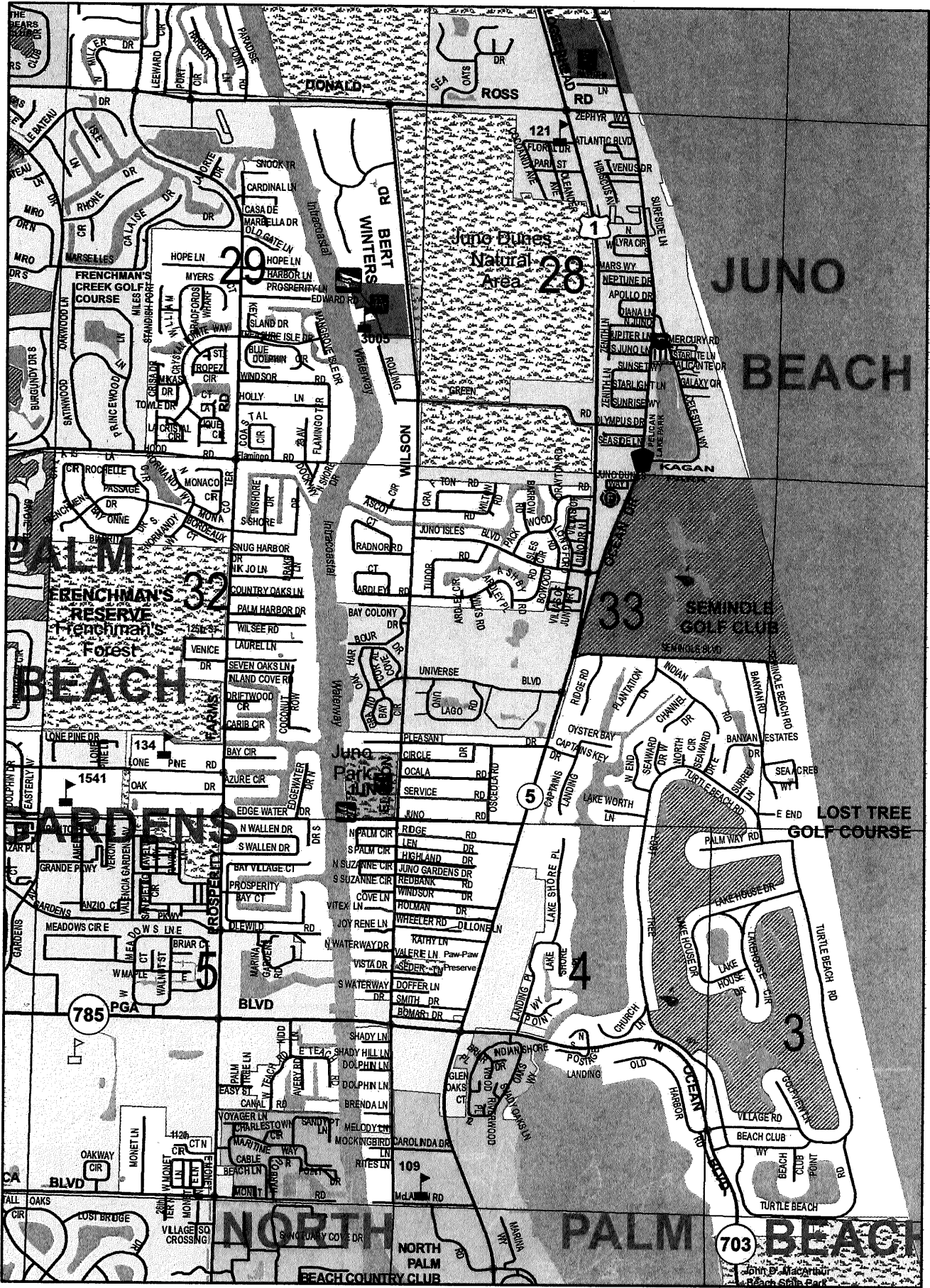
TWP 41

TWP 42

7

8

9



RNG 43

See pg 35

RNG 43

LOCATION MAP

ATTACHMENT 1
(1 PAGE)

Attachment 2
Declaration of Restrictive Covenant
(5 pages)

Return to:
Peter Banting, Real Estate Specialist
Palm Beach County
Property and Real Estate Management
2633 Vista Parkway
West Palm Beach, FL 33411

PCN: 00-43-41-29-36-001-0000 (a portion of)
00-43-41-29-33-003-0010
Property Owner: Palm Beach County
District Project No. PB-15-188

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant (the “Restrictive Covenant”) is made as of this _____ day of _____, 2018, by Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter the “Project Sponsor”) to satisfy a grant condition imposed by Florida Inland Navigation District, a special state taxing district (hereinafter the “District”) and

Recitals

WHEREAS, the Project Sponsor has received Florida Inland Navigation District – Waterway Assistance Program (“Program”) grant funding to cover a portion of the construction costs associated with the north side redevelopment of Bert Winters Park, located at 13419 Ellison Wilson Road, Juno Beach, Florida, as more particularly described in Exhibit “A” attached hereto (the “Property”); and

WHEREAS, the redevelopment of Bert Winters Park associated with the Program is for the northern portion of said Park as depicted on Exhibit “B” attached hereto (the “Redevelopment Area”); and

WHEREAS, Waterway Assistance Program Funding Agreement requires the Redevelopment Area located within the Property to be dedicated for public use as a boat launching facility for a period of twenty-five (25) years from the date of completion. The Project Sponsor is required to record the Restrictive Covenant in the public records of Palm Beach County; and

NOW THEREFORE, in consideration of the premises herein and other good and valuable consideration, the receipt and sufficiency is hereby acknowledged, the undersigned Project Sponsor does hereby establish and agree to be bound by this Restrictive Covenant, which shall run with the land and be binding on Project Sponsor as follows:

Section 1. The recitals and findings set forth in the preamble of this Restrictive Covenant are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

Section 2. The Redevelopment Area located within the Property shall be for public use for public boating access.

Section 3. The redevelopment of Bert Winters Park boating facilities was completed on _____ (“Project Completion”). The term of this Restrictive Covenant commenced upon the Project Completion date and shall extend for a period of 25 years (“Retention Period”). This Restrictive Covenant shall be effective upon recordation in the Palm Beach County public records and remain in full force and effect and shall be binding upon Project Sponsor during the Retention Period.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, PROJECT SPONSOR has caused these present to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

PROJECT SPONSOR:

PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Melissa McKinlay, Mayor

Signed, Sealed, and delivered
In the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:  _____
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By:  _____
Department Director

EXHIBIT "A"
THE PROPERTY

PARCEL 1

Tract A, BERT WINTERS PARK, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 120, Page 104.

AND

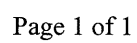
PARCEL 2

Tract P-1, PARCEL 32, P.U.D., according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 114, Pages 80 through 97.

All of the above lands being more particularly described as follows:

BEGINNING at the Southwest corner of Tract A, BERT WINTERS PARK, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 120, Page 104; thence North 16°15'56" West along the West line of said Tract A, a distance of 842.14 feet to the Northwest corner of said Tract A, also being the Southwest corner of Tract P-1, PARCEL 32, P.U.D., according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 114, Pages 80 through 97; thence continue North 16°15'56" West along the West line of said Tract P-1, a distance of 1.27 feet; thence North 63°38'13" East, a distance of 27.73 feet; thence North 56°54'41" East, a distance of 29.86 feet; thence North 02°29'53" East, a distance of 26.22 feet; thence North 10°28'34" West, a distance of 30.27 feet to the Northwest corner of said Tract P-1; thence South 88°04'34" East along the North line of said Tract P-1, a distance of 759.24 feet to the Northeast corner of said Tract P-1; thence South 05°48'20" East along the East line of said Tract P-1, a distance of 88.26 feet to the Southeast corner of said Tract P-1, also being the Northeast corner of Tract A, of said BERT WINTERS PARK; thence continue South 05°48'20" East along the East line of said Tract A, a distance of 807.36 feet to the Southeast corner of said Tract A; thence North 88°03'47" West along the South line of said Tract A, a distance of 659.05 feet to the POINT OF BEGINNING.

(Portion of Bert Winters Park as legally described in Exhibit "A")



Attachment 3
Site Dedication Bert Winters Park
(3 pages)

Return to:
Peter Banting, Real Estate Specialist
Palm Beach County
Property and Real Estate Management
2633 Vista Parkway
West Palm Beach, FL 33411

PCN: 00-43-41-29-36-001-0000 (a portion of)
00-43-41-29-33-003-0010
Property Owner: Palm Beach County
FWC Contract No. 16061

**SITE DEDICATION
BERT WINTERS PARK**

This Site Dedication gives notice that the portion of the real property legally described in **Exhibit “A”** attached hereto (the “Property”), said portion being depicted on **Exhibit “B”** attached hereto (the “Redevelopment Area”), has been redeveloped (“Project”) with financial assistance provided by the Florida Fish and Wildlife Conservation Commission (FWC) under the grant program called the Florida Boating Improvement Program (FBIP). Construction of the Project was completed on _____ (the “Project Completion Date”). In accordance with Chapter 68-1.003, F.A.C. and the Program Guidelines of FBIP, the Redevelopment Area is hereby dedicated for a period of 20 years from the Project Completion Date for the use and benefit of the general public as a boating access facility. This Site Dedication is not intended to convey title to the public. Title to the Redevelopment Area shall remain vested in Palm Beach County.

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

Signed, Sealed, and delivered
in the presence of:

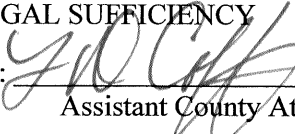
Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:  _____
Assistant County Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

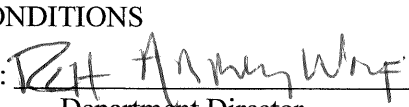
DEDICATOR:

PALM BEACH COUNTY, a political
subdivision of the State of Florida, by and
through its Board of County Commissioners

By: _____
Melissa McKinlay, Mayor

Date: _____
Date of Site Dedication

APPROVED AS TO TERMS AND
CONDITIONS

By:  _____
Department Director

The foregoing instrument was acknowledged before me this _____ by _____
_____, () who is personally known to me or () who produced _____
_____ as identification.

Stamp:

Notary Public, State of Florida

G:\PREM\Dev\Open Projects\PR-Bert Winters\Notice of Limitation\Notice of Limitation of Use_Site Dedication. hf app 3-26-2018.docx

EXHIBIT "A"
PROPERTY

PARCEL 1

Tract A, BERT WINTERS PARK, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 120, Page 104,

AND

PARCEL 2

Tract P-1, PARCEL 32, P.U.D., according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 114, Pages 80 through 97.

All of the above lands being more particularly described as follows:

BEGINNING at the Southwest corner of Tract A, BERT WINTERS PARK, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 120, Page 104; thence North 16°15'56" West along the West line of said Tract A, a distance of 842.14 feet to the Northwest corner of said Tract A, also being the Southwest corner of Tract P-1, PARCEL 32, P.U.D., according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 114, Pages 80 through 97; thence continue North 16°15'56" West along the West line of said Tract P-1, a distance of 1.27 feet; thence North 63°38'13" East, a distance of 27.73 feet; thence North 56°54'41" East, a distance of 29.86 feet; thence North 02°29'53" East, a distance of 26.22 feet; thence North 10°28'34" West, a distance of 30.27 feet to the Northwest corner of said Tract P-1; thence South 88°04'34" East along the North line of said Tract P-1, a distance of 759.24 feet to the Northeast corner of said Tract P-1; thence South 05°48'20" East along the East line of said Tract P-1, a distance of 88.26 feet to the Southeast corner of said Tract P-1, also being the Northeast corner of Tract A, of said BERT WINTERS PARK; thence continue South 05°48'20" East along the East line of said Tract A, a distance of 807.36 feet to the Southeast corner of said Tract A; thence North 88°03'47" West along the South line of said Tract A, a distance of 659.05 feet to the POINT OF BEGINNING.

(Portion of Bert Winters Park as legally described in Exhibit "A")

