Agenda Item: 3L2

PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	September 18, 2018	(X) Consent () Workshop	()Regular ()Public Hearing
Department: Submitted By: Submitted For:	Environmental Resource Environmental Resource Environmental Resource	ces Management	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve an Extension of a Memorandum of Agreement (MOA) between the South Florida Water Management District (SFWMD), Martin County and Palm Beach County for vehicular passage through the Cypress Creek Natural Area (CYCNA); and

B) authorize the County Administrator, or designee, to sign all future time extensions associated with the MOA.

Summary: The MOA was approved by the Board of County Commissioners (BCC) on August 13, 2013 (R2013-1036). This extension agreement exercises the first of four 5year extension options in the MOA. Exercising this option to extend the MOA for another five years will keep all other terms of the MOA intact and extend the term of the MOA through September 30, 2023, with three 5-year extension options remaining. Authorizing the County Administrator or designee to sign all future time extensions associated with the MOA. District 1 (AH)

Background and Justification: The MOA was approved. August 13, 2013, by the BCC, and has been working well to provide access for SFWMD and Martin County employees and contractors to their mutually held lands immediately north of the CYCNA and the Martin County line. The MOA also established a method for controlling the public vehicular access to the SFWMD-Martin County lands to 10 vehicles per day through the CYCNA. Furthermore, the MOA provided for the issuance of permits for the CYCNA public access using the SFWMD's on-line permitting process. This method has worked smoothly for all parties concerned and all parties to the MOA are in favor of exercising the first of four 5-year extension periods.

Attachment: 1. Extension of MOA

Recommended by:

Department Director

9418

Approved by:

Assistant 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	0	0	0	0	0-
# ADDITIONAL FTE POSITIONS (Cumulative)				
Is Item Included in Curre Budget Account No.: Fu Dues Mis Item In Cha		 rtment 0 F fed e	Init Objec	No <u>X</u> tProgran Yes	nX

- B. Recommended Sources of Funds/Summary of Fiscal Impact: This item will have no Fiscal Impact for the County.
- C. Department Fiscal Review:

S. Neary

III. REVIEW COMMENTS

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

J. IIP 812710 Contract Development and Cor ÓFMB 8127 ()) Legal Sufficiency: 8/23 Β.

9/4/18 Assistant County Attorney

C. Other Department Review:

Department Director

EXTENSION OF MEMORANDUM OF AGREEMENT BETWEEN SOUTHFLORIDA WATER MANAGEMENT DISTRICT AND PALM BEACH COUNTY AND MARTIN COUNTY

THIS EXTENSION OF MEMORANDUM OF AGREEMENT ("Extension") is to become effective the 1st day of October 2018, by SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a governmental entity created pursuant to Chapter 373, Florida Statutes, its successors and assigns ("District"), PALM BEACH COUNTY, a political subdivision of the State of Florida, its successors and assigns ("PBC") and MARTIN COUNTY, a political subdivision of the State of Florida, its successors and assigns ("Martin"). The District, PBC and Martin may be collectively referred to herein as the "Parties"

RECITALS

WHEREAS, the Parties executed that certain Memorandum of Agreement having an effective date of October 1, 2013 concerning an access easement over property running from Indiantown Road in Palm Beach County to that portion of the Cypress Creek Project Area located in Martin County (the "MOA").

WHEREAS, the MOA contemplated the grant of an Access Easement and Release of Easement Agreement that has been executed by the Parties and recorded in Official Records Book 26392, page 927, Palm Beach County, Florida, public records and in Official Records Book 2686, page 1243, Martin County, Florida, public records (the "Easement").

WHEREAS, paragraph 7 of the MOA provides that the "MOA shall commence upon the Effective Date and shall continue for a period of five (5) years, with four (4) five (5) year options to extend the MOA, by mutual agreement".

WHEREAS, the Parties desire to exercise their first renewal option under the MOA by extending the term of the MOA to September 30, 2023.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, the Parties agree as follows:

<u>terms</u>

1. <u>Recitals and Defined Terms.</u> The foregoing Recitals are true and correct and are incorporated herein by this reference. All capitalized terms used but not otherwise defined herein shall have the meanings set forth for them in the MOA.

2. <u>Extension of MOA</u>. The MOA is hereby extended to September 30, 2023, with three (3) five (5) year options to extend the MOA remaining.

3. <u>Reaffirmation of MOA and Easement.</u> Except for the extension of the MOA to September 30, 2023, all terms and provisions of the MOA and Easement are reaffirmed and ratified; including, without limitation, the District's authority to issue Special Use Licenses to provide the public vehicular access to the Cypress Creek Project Area from Indiantown Road. In

the event of any conflict between the terms of the MOA and the terms of this Extension, the terms of this Extension shall govern and control.

4. <u>Counterparts</u>. This Extension may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. A PDF copy containing scanned signatures shall be effective for purposes of this Extension.

IN WITNESS WHEREOF, the Parties have duly executed this Extension to become effective on the 1st day of October 2018.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By:	
Name:	
Title:	

LEGAL FORM APPROVED: Office of Counsel

Name:

District Counsel

ATTEST:

SHARON R. BOCK, CLERK & CONTROLLER

Deputy Clerk

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

Bv.

By:

- Uy		
Name:	Melissa McKinlay	
Title:	Mayor	

Date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

APPROVED AS TO TERMS AND CONDITIONS:

By:

Ву: __

Name: Anne Helfant Asst. County Attorney

By: Deborah Drum Title: Director, Department of Environmental Resources

ATTEST:

BOARD OF COUNTY COMMISSONERS MARTIN COUNTY, FLORIDA

Carolyn Timmann, Clerk of the Circuit Court and Comptroller

By: _ Name: _____ Title:

APPROVED AS TO FORM AND CORRECTNESS:

Ву: ____ _____. · Name: _____ Title: _____