PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:

October 20, 2020

Consent [X]
Public Hearing []

Regular []

Department:

Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Partial Release of Standard Potable Water and Wastewater Development Agreement (Partial Release) in favor of Lake Worth Road Villas, LLC (Property Owner).

Summary: On January 30, 2003, the County entered into a Standard Potable Water and Wastewater Development Agreement (Prior SDA) with Ronald Mastroianni and David Moscarelli (Original Property Owners), for the provision of potable water and wastewater service to certain property owned by the Original Property Owners, as recorded in Official Records Book 14738 Page 626, of the Public Records of Palm Beach County, Florida. On February 8, 2009, the Board of County Commissioners (BCC) approved the Unilateral Termination and Partial Release of the Standard Potable Water and Wastewater Development Agreement (Termination Agreement) and recorded in Official Records Book 22434 Page 914, of the Public Records of Palm Beach County, Florida, with certain rights, duties and obligations surviving the Termination Agreement. The Property Owner is the successor/owner of a portion of the property that was subject to the terms of the Prior SDA and the continuing obligations under the Termination Agreement. The Property Owner, as the current owner has entered into a new Standard Potable Water And Wastewater Development Agreement with the County dated June 19, 2020 and recorded in Official Records Book 31546 Page 0143, of the Public Records of Palm Beach County, Florida (New SDA), which governs potable water and wastewater service to the Released Property, and has requested that the County partially release the Prior SDA and the continuing obligations under the Termination Agreement as it relates to the Released Property. The Partial Release exempts the Released Property from the Prior SDA, and terminates any and all continuing obligations under the Termination Agreement, solely as it relates to the Released Property. District 6 (MJ)

Background and Justification: While the BCC has delegated authority to the County Administrator or designee to enter into standard development agreements and other agreements pursuant to the Palm Beach County Water Utilities Department's Uniform Policies and Procedures Manual (UPAP), the UPAP does not contain a document similar to the Partial Release. Staff recommends approval of the Partial Release as any continuing obligations imposed upon the Released Property by the Prior SDA and Termination Agreement are contained within the New SDA.

Attachments:

- 1. Location Map
- 2. Two (2) Original Partial Release of Standard Potable Water and Wastewater Development Agreement.

Recommended By:	Jim Stiles	9-22-2020			
•	(Department Director	Date			
Approved By:	HULLIN	9 30 row			
	Assistant County Administrator	\ Date			

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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Fiscal Years	2021	2022	2023	2024	2025			
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match County	<u>0</u> <u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u> <u>0</u>	0 0 0 0	<u>0</u> <u>0</u> <u>0</u> <u>0</u>			
NET FISCAL IMPACT	<u>0</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	De	pt. Uı	nit C	Object				
Is Item Included in Current Budget? Yes No								
Does this item include the use of federal funds? Yes No								
Reporting Category <u>N/A</u>								
B. Recommended Sources of Funds/Summary of Fiscal Impact:								
No Fiscal Impact.								
C. Department Fiscal Review:								
III. REVIEW COMMENTS								
A. OFMB Fiscal and/or Contract Development and Control Comments:								
OFMB BRADA Control 9/24/2007								

B. Legal Sufficiency:

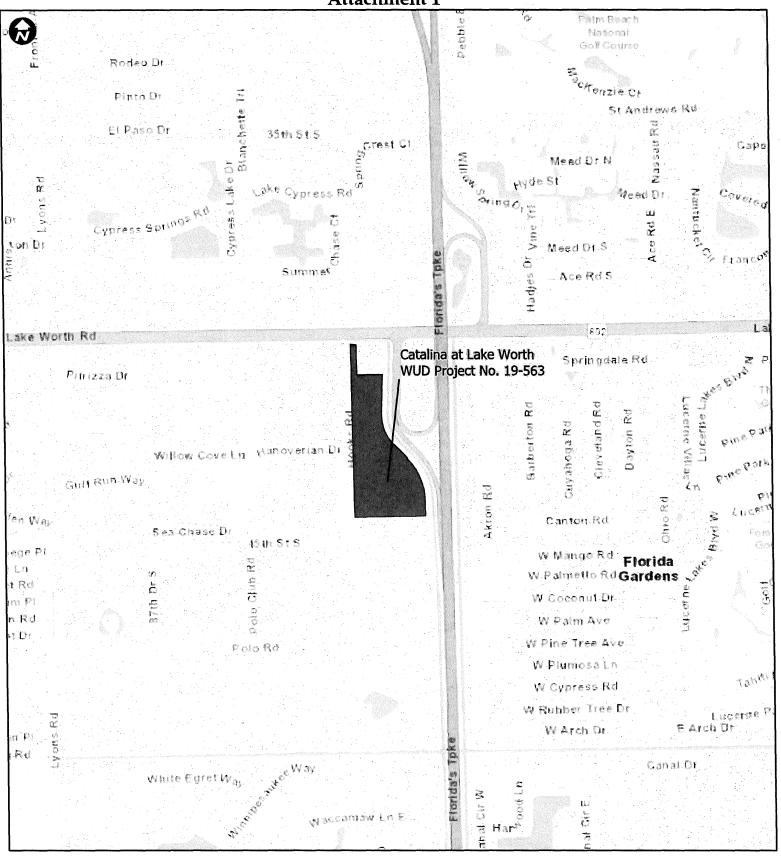
Assistant County Attorney

C. Other Department Review:

Department Director

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

Attachment 1





Palm Beach County Water Utilities Department

8100 Forest Hill Blvd. West Palm Beach, FL 33416 (561) 740-4600

Project Location Map Catalina at Lake Worth WUD No. 19-563

Legend

Project_Location

Created by: Bill Kramer P.B.C.W.U.D. GIS Section - Date: 07/10/2020 - File: W\GIS\Projects\. Other\Sandra Smith\19-563 Location Map.mx

RETURN TO: RETURN VIA WILL CALL #215 ATTN: KENNY RAMPERSAD CONTRACT MANAGEMENT PBC WATER UTILITIES DEPT, 8100 FOREST HILL BLVD, WPB, FL 33413

PARTIAL RELEASE OF STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENT

	THIS	PARTIAL	RELEASE	OF	STANDARD	POTABLE	WATER	AND	WASTEWATER
DEVE	COPME	ENT AGRE	EMENT ("P	artia	al Release") is	made this		_ day of	f,
2020, b	y Palm	Beach Cou	nty, a politic	al su	bdivision of th	e State of Flo	orida ("Co	unty").	

WHEREAS, on January 30, 2003, the County, and Ronald Mastroianni and David Moscarelli (hereinafter, collectively, the "Original Property Owner") entered into a Standard Potable Water and Wastewater Development Agreement (the "Prior SDA Agreement"), for the provision of potable water and wastewater service to certain property owned by the Original Property Owner, as recorded in Official Records Book 14738 Page 626, of the Public Records of Palm Beach County, Florida; and

WHEREAS, the Prior SDA Agreement was terminated and partially released by the County in that certain Unilateral Termination and Partial Release Of Standard Potable Water And Wastewater Development Agreement dated February 8, 2009 and recorded in Official Records Book 22434 Page 914, of the Public Records of Palm Beach County, Florida (the "Termination Agreement"), with certain rights, duties and obligations surviving the Termination Agreement; and

WHEREAS, Lake Worth Road Villas, LLC, a Florida limited liability company ("LWRV") is the successor owner of a portion of the property that was subject to the terms of the Prior SDA Agreement and the continuing obligations under the Termination Agreement, said property is more fully described in Exhibit A, attached hereto and made a part hereof (hereinafter, the "Released Property"); and

WHEREAS, LWRV, as the current owner of the Released Property, is entering into a new Standard Potable Water And Wastewater Development Agreement with the County (the "New SDA Agreement") governing potable water and wastewater service to the Released Property, and has requested that the County partially release the Prior SDA Agreement and the continuing obligations under the Termination Agreement as it relates to the Released Property; and

WHEREAS, the County has agreed to partially release the Prior SDA Agreement, and further agreed to terminate any and all continuing obligations under the Termination Agreement, solely as it relates to the Released Property.

NOW, THEREFORE, in consideration of the foregoing premises, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the County hereby acknowledges and agrees as follows:

1. The foregoing recitals are true and correct and fully incorporated herein by reference.

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- 2. Solely as it relates to the Released Property, the Prior SDA Agreement, and any continuing obligations under the Termination Agreement, are hereby forever released, terminated and deemed null and void, releasing all rights, duties and obligations as it relates to the Released Property and creating no new rights or obligations.
- 3. LWRV shall duly record this Partial Release in the Public Records of Palm Beach County, Florida following execution by the County.

IN WITNESS WHEREOF, the County has hereunto set its hand and seal effective on the date first written above.

(COUNTY SEAL)

ATTEST:

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

SHARON R. BOCK, CLERK

AND COMPTROLLER	
By: DEPUTY CLERK	By:DAVE KERNER, MAYOR
APPROVED AS TO FORM AND LEGAL	SUFFICIENCY
By: ASSISTANT COUNTY ATTORNEY	

WATER UTILITIES

v: Um Dillo

APPROVED AS TO TERMS AND CONDITIONS

{8827367:2}

EXHIBIT A

Legal Description of Released Property

All of the Plat of Catalina at Lake Worth P.U.D., according to the Plat thereof recorded in Plat Book 130, Page 147, of the Public Records of Palm Beach County, Florida.

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ত্ৰপন্ম হ'ব বিশ্ব বিশ্ব কৰা প্ৰতিৰূপে প্ৰথম বিশ্ব কৰিব কৰিব কৰিব কৰিব কৰা কৰিব কৰিব কৰিব কৰিব কৰিব কৰিব কৰিব কৰ	निष्णं कृतिश्वासाम् । प्रत्याक्ष्मं स्वत्याकृत्यम् वात्राकृत्यम् वात्राकृत्यम् स्वत्याकृत्यम् स्वत्याकृत्यम् व	स्थानिक स्थापन कर्मा विकास के स्थापन करने के स्थापन के स्थापन करने के स्थापन करने के स्थापन करने के स्थापन कर स्थापन के स्थापन करने के स्थापन करने के स्थापन करन	an die jedie de Tallen ein der die Verlag des der der Anderspeelde verste stag des station in die verbaut des d	<i>সংক্রমানুশ্</i> রতে ১৮৪৪