Agenda Item: 3L-10

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

#### **AGENDA ITEM SUMMARY**

Meeting Date:	August 17, 2021	(X) Consent ( ) Workshop	()Regular ()Public Hearing
Department:	Environmental Resources Management		

#### I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to authorize** the County Administrator, or designee, to sign future Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) and State Board of Education (DOE) Oil and Mineral Affidavits, which are materially the same as the affidavits provided herein, and submit applications to TIITF and DOE to release existing "rights of entry and exploration" for phosphate, minerals, metals and petroleum (oil and mineral) on lands purchased by, or donated to, the County for conservation and/or mitigation purposes.

Certain conservation/mitigation lands managed by the Department of Environmental Resources Management (ERM) are encumbered by TIITF or DOE oil and mineral reservations that were placed on the lands prior to their acquisition by the County. Since the mining and extraction of oil and minerals from conservation/mitigation lands would be contrary to the purpose for which the lands were acquired, it is in the County's best interest to have these "rights of entry and exploration" released for all existing TIITF and DOE oil and mineral reservations. To do this, the County must submit a release application and affidavit for each tract of land encumbered by a TIITF or DOE oil and mineral reservation. Each affidavit must: 1) justify the reason for the requested release (the intended land use); and 2) affirm that use of the land will not involve phosphate, mineral, metal or petroleum extraction as required in Paragraph 18-2.018(3)(e)2, Florida Administrative Code. If the "rights of entry and exploration" are released, TIITF or DOE would be required to obtain the County's permission before engaging in any mining or exploration activities on the affected conservation/mitigation land(s). The cost to submit an Oil and Mineral "right of entry and exploration" release application is \$300 per contiguous area of land; the total cost to release TIITF- and DOE-held "rights of entry and exploration" for affected county-owned conservation/mitigation lands is expected to be less than \$3,000. The application fees shall be paid using the County's non-ad valorem Natural Areas Fund (Fund 1226). Countywide (SS)

Background and Justification: Florida Statute (F.S.) 270.11 gives TIITF and DOE the right to reserve oil and mineral rights on lands they sell to another entity. F.S. 270.11 also gives TIITF and DOE the right to sell or release any such interest, or portion thereof, to the current owner of the encumbered land. Although TIITF and DOE are amenable to releasing their "rights of entry and exploration," they do not release their interest in any oil or mineral resources present on the property. Approval of this agenda item will facilitate the release of "rights of entry and exploration" on all affected county-owned conservation/mitigation lands. ERM will work with the County Administrator, PREM and the County Attorney's Office to prepare and submit the necessary oil and mineral "right of entry and exploration" release applications and affidavits.

#### Attachments:

1.	Oil and	Mineral	Affidavit for	use with	TIITF-held	reservations
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2. Oil and Mineral Affidavit for use with DOE-held reservations

Recommended by:	Saborah Dung	7-13-2021	SAS 7/8/21
Approved by:	Department Director	Date	
	- Fel	8/3/21	· ·
	Assistant County Administrator	Date	

# II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

A. The real C	Julilliary Or i	iscai iiipaci	<b></b>		
Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	\$300	\$2,700	\$0	_\$0	\$0
Operating Costs			-		
External Revenues					
Program Income (Coun	ty)				
In-Kind Match (County)					
NET FISCAL IMPACT	\$300	\$2,700	\$0	\$0	\$0
# ADDITIONAL FTE POSITIONS (Cumulative	e)		***************************************	-	
ls Item Included in Curr	ent Budget?		Yes X	_ No	and the second s
Does this item include	the use of fe	deral funds?	Yes	No X	
Budget Account No.:					
Fund <u>1226</u> Departme	nt <u>380</u> Ur	nit <u>3162</u> <b>O</b> b	ject <u>6101</u>	_ Program	
B. Recomme	nded Source	s of Funds/S	ummary of F	iscal Impac	t
An estimated \$3,000 will be used from the Natural Areas Fund (1226) to pay the \$300 application fee per each contiguous tract of land.					
C. Department Fiscal Review: Thumpsu					
	III. REV	VIEW COMME	<u>ENTS</u>		
A. OFMB Fiscal and /or Contract Administrator Comments:					
OFMB)A 72121 Contract Administrator Contract Administrator					
B. Legal Sufficiency:    For Seth Stone 8/3/2/   Assistant County Attorney					
C. Other Dep	eartment Rev	iew:			
Departme	nt Director/D	ivision Direc	tor		

### **ATTACHMENT 1**

### OIL & MINERAL

### AFFIDAVIT

AFFIDAVII
STATE OF FLORIDA)
: ss.: COUNTY OF PALM BEACH)
BEFORE ME, the undersigned authority, personally appeared ("Affiant"), who having first duly sworn according to law, deposes
and says as follows:
1. This Affidavit is given to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board of Trustees") in connection with the Application for Release of Right of Entry for Exploration set forth in that certain Deed No recorded in Deed Book Page of the Public Records of Palm Beach County, Florida.
2. Affiant is the [job title] of Palm Beach County's (the "County") [County Department name], and in such capacity has personal knowledge of the matters set forth herein. Affiant has been authorized by the County's Board of County Commissioners to make this Affidavit on the County's behalf.
3. The County is the owner of that certain real property located in Palm Beach County, Florida (the "Property") as more particularly described as:
See Exhibit "A" attached hereto and made a part hereof.
4. The County will preserve and manage the Property as a conservation area, in perpetuity. Development of the Property, if any, shall be limited to passive recreational uses that do not adversely affect preservation and management of the Property for conservation purposes.
5. The County affirms the land use of the Property will not involve phosphate, mineral, metal or petroleum extraction, as set forth in and required by Paragraph 18-2.018(3)(e)2, Florida Administration Code.

FURTHER AFFIANT SAYETH NAUGHT.

representations.

THIS AFFIDAVIT is made pursuant to Paragraph 18-2.018(3)(e)2, Florida Administration Code,

for the purpose of inducing Board of Trustees to release the Board of Trustees' right of entry for purposes of exploration for phosphate, minerals, metals, and petroleum reserved by Board of Trustees in the Property. The County intends for Board of Trustees to rely upon these

# "AFFIANT"

		[Signature]
		[Printed Name] , solely in
		their capacity as[job title]
		of Palm Beach County's [County
		Department]
of ph	nysical presence or onlin 02, by [name of signor], the	n to (or affirmed) and subscribed before me by mean ne notarization, this day of job title] of Palm Beach County's [name of Count
	personally known to me, or	
	has produced	as identification.
		Signature of Notary Public
(Seal)		
(3041)		Printed Name of Notary Public State of
		My Commission No.:
		My Commission Expires:

# EXHIBIT "A"

### THE PROPERTY

The following real property situated in the County of Palm Beach, State of Florida, more particularly described as follows:

# **ATTACHMENT 2**

# OIL & MINERAL

#### **AFFIDAVIT**

STATE OF FLORIDA)				
: ss.: COUNTY OF PALM BEACH)				
BEFORE ME, the undersigned authority, personally appeared ("Affiant"), who having first duly sworn according to law, deposes and says as follows:				
1. This Affidavit is given to the Florida Department of Education ("DOE") in connection with the Application for Release of Right of Entry for Exploration set forth in that certain Deed No recorded in Deed Book Page of the Public Records of Palm Beach County, Florida.				
2. Affiant is the [job title] of Palm Beach County's (the "County") [County Department name], and in such capacity has personal knowledge of the matters set forth herein. Affiant has been authorized by the County's Board of County Commissioners to make this Affidavit on the County's behalf.				
3. The County is the owner of that certain real property located in Palm Beach County, Florida (the "Property") as more particularly described as:				
See Exhibit "A" attached hereto and made a part hereof.				
4. The County will preserve and manage the Property as a conservation area, in perpetuity. Development of the Property, if any, shall be limited to passive recreational uses that do not adversely affect preservation and management of the Property for conservation purposes.				
5. The County affirms the land use of the Property will not involve phosphate, mineral, metal or petroleum extraction, as set forth in and required by Paragraph 18-2.018(3)(e)2, Florida Administration Code.				
THIS AFFIDAVIT is made pursuant to Paragraph 18-2.018(3)(e)2, Florida Administration Code, for the purpose of inducing DOE to release its right of entry for purposes of exploration for phosphate, minerals, metals, and petroleum reserved by DOE in the Property. The County intends				

FURTHER AFFIANT SAYETH NAUGHT.

for DOE to rely upon these representations.

# "AFFIANT"

			[Signature] [Printed Name], solely in their capacity as [job title] of Palm Beach County's [County Department]
[mont	phys h], 202	sical presence or online notar	affirmed) and subscribed before me by means rization, this day of e] of Palm Beach County's [name of County
		personally known to me, or	
		has produced	as identification.
			Signature of Notary Public
(Seal)	1		Printed Name of Notary Public State of
			My Commission No.:
			My Commission Expires:

# EXHIBIT "A"

### THE PROPERTY

The following real property situated in the County of Palm Beach, State of Florida, more particularly described as follows: