

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	-0-	_____	_____	_____	_____
# 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	Department	Unit	Object	Program	

B. Recommended Sources of Funds/Summary of Fiscal Impact:
No fiscal impacts.

C. Department Fiscal Review:

III. REVIEW COMMENTS

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

<p><i>[Signature]</i> 8/18/21 OFMB 8-18-21</p>	<p><i>[Signature]</i> 8/25/21 Contract Development & Control</p>
--	--

B. Legal Sufficiency:

[Signature] 8/25/21
Assistant County Attorney
[Signature]

C. Other Department Review:

Department Director



CFN 20210309425

OR BK 32649 PG 0545
RECORDED 07/02/2021 11:19:47
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs 0545 - 546; (2pgs)

After execution return to:

Jamie Titcomb, Town Manager
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

(above space reserved for recording information)

ASSIGNMENT OF DECLARATION OF RESTRICTIVE COVENANTS

THIS ASSIGNMENT is made this 30 day of June, 2021 by Palm Beach County, a political subdivision of the State of Florida ("Assignor") to the Town of Loxahatchee Groves, a municipal corporation in the State of Florida ("Assignee").

WHEREAS, the real property owner ("Owner") executed a Declaration of Restrictive Covenants on the 23 day of November, 2005 over approximately 3.1 acres of real property in Palm Beach County, Florida as legally described in Exhibit "A" to the Declaration of Restrictive Covenants recorded in the Official Records of Palm Beach County, Florida at Book 19585 and Page 0697; and

WHEREAS, the Declaration of Restrictive Covenants provides that the restrictions contained in the Declaration touch and concern the property, run with the land and title to the real property, apply to and are binding upon and inure to the benefit of the Owner, Palm Beach County and to Palm Beach County's successors and assigns; and

WHEREAS, at the time the Declaration of Restrictive Covenants was executed, the real property was within the unincorporated area of Palm Beach County; and

WHEREAS, subsequently, said real property was annexed into the Town of Loxahatchee Groves; and

WHEREAS, the Town of Loxahatchee Groves now has regulatory authority over real property, which includes the Declaration of Restrictive Covenants at issue; and

WHEREAS, Assignor wishes to assign its rights and obligations pursuant to the Declaration of Restrictive Covenants to Assignee and Assignee wishes to accept the assignment thereof.

NOW, THEREFORE, in consideration of the sum of \$10.00 paid to Assignor by Assignee and for other good and valuable consideration, the receipt of which is hereby acknowledged by execution of this Assignment:

1. The foregoing recitals are true and correct and incorporated herein.
2. Assignor assigns, transfers and sets over to Assignee and to Assignee's successors and assigns all of Assignor's rights, title and interest in the above-mentioned Declaration of Restrictive Covenants.

IN WITNESS WHEREOF, Palm Beach County has executed this Assignment of Declaration of Restrictive Covenants on the date set forth herein.

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

WITNESSES:

By: Deborah Drum
[County Administrator or Designee]

Karen L. Foster
(Signature)
Karen L. Foster
(Print Name)
Kei Smith
(Signature)
Kei Smith
(Print Name)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By: 1st Scott A. Stone
Assistant County Attorney

By: Deborah Drum
Deborah Drum, Director
Dept. of Environmental Resources Management

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 1st day of July, 2021 (year), by Deborah Drum (name of person acknowledging), as Director (type of authority...e.g. officer, trustee, attorney in fact), for Palm Beach County (name of party on behalf of whom instrument was executed), who is personally known to me or has produced a valid driver's license as identification and (did/did not) take an oath.

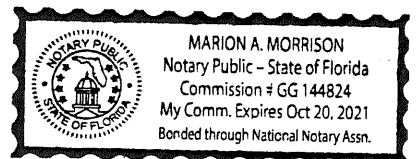
(Seal)

Notary Public

State of Florida

10-20-21 Marion A. Morrison
My Commission Expires:

Date: 7-1-21



STATE OF FLORIDA - PALM BEACH COUNTY
I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.
THIS 2 DAY OF July 2021
JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT & COMPTROLLER
By: Teram McLeamed
Deputy Clerk

1 2005 11 28 15:54:25

ATTACHMENT 2

RETURN TO:



LEWIS, LONGMAN & WALKER, P.A.
ATTORNEYS AT LAW
1700 Palm Beach Lakes Boulevard
Suite 1000
West Palm Beach, Florida 33401

CFN 20050727368
OR BK 19585 PG 0697
RECORDED 11/28/2005 15:54:25
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0697 - 700; (4pgs)

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANTS (hereinafter "Declaration") is made this 23 day of November, 2005, by Sundar Heeraman, with an address of P.O. Box 1408 Loxahatchee, FL 33407-1408 ("Owner") and Palm Beach County, a political subdivision of the State of Florida, through its Department of Environmental Resources Management, whose address is 3323 Belvedere Road, Building 502, West Palm Beach, FL 33406 ("County").

RECITALS

WHEREAS, Owner is the sole fee simple owner of that certain real property situated in the County of Palm Beach, State of Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Owner and the Palm Beach County Department of Environmental Resources Management (ERM) have entered into that certain Settlement Agreement dated November 22, 2005 relating to the above-referenced property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the undersigned parties, Owner agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Owner hereby imposes the following use restrictions:

The sole use of the parcel more particularly described in Exhibit "A" shall be limited

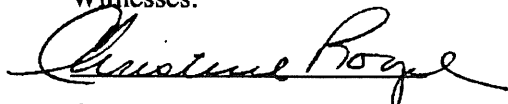
to bona fide agricultural purposes as determined by the Property Appraiser pursuant to § 193.461, Florida Statutes, unless and until Owner agrees to make the cash payment for the value of 3.1 acre(s) to the Palm Beach County Natural Areas Stewardship Endowment Fund, or to set aside 3.1 acres of contiguous area as approved by ERM containing quality native vegetation prior to the conversion of the parcel to a nonagricultural land use required by the Vegetation Preservation and Protection Ordinance described in Unified Land Development Code Article 14.C.11.C.2.b.1 as written and in effect on the date this document is executed by the parties.

3. It is the intention of Owner that the restriction contained in this Declaration shall touch and concern the Property, run with the land and with the title to the Property, and shall apply to and be binding upon and inure to the benefit of the Owner, and to Palm Beach County, its successors and assigns, and to any and all parties hereafter having any right, title or interest in the Property

or any part thereof. These restrictions may be enforced in a court of competent jurisdiction by County or its designated agency.

4. The Declaration of Restrictive Covenant must be recorded in the public records of Palm Beach County by Owner.
5. Owner shall provide a copy of the recorded Declaration of Restricted Covenants to ERM.
6. This agreement is binding until a release of covenant is executed by the Palm Beach County Board of County Commissioners (BCC) and is recorded in the public records of Palm Beach County, Florida, which release shall be granted by the BCC. This Declaration may be modified in writing only. Any subsequent amendment must be executed by both Owner and ERM or their respective successors and assigns and be recorded by the owner as an amendment hereto.
7. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions thereof. All such other provisions shall continue unimpaired in full force and effect.

Witnesses:



Christine Royce
(printed name of witness)




MARILYN Ayala
(printed name of witness)

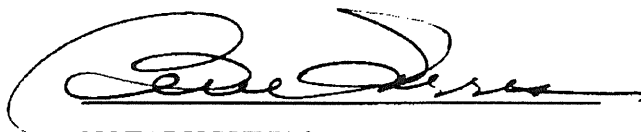

SUNDAR HEERAMAN

STATE OF FLORIDA)
) SS
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, duly authorized to take oaths, appeared
SUNDAR HEERAMAN , who is personally known to me or who has produced FL
DRIVERS LICENSE as identification and has signed the foregoing instrument.

SWORN TO AND SUBSCRIBED BEFORE ME this 23 day of NOVEMBER
2005.

 Bernice Torres
My Commission DD337811
Expires September 01 2008



NOTARY PUBLIC
STATE OF FLORIDA AT LARGE

My commission expires: 9/1/2008

EXHIBIT "A"

LOT 5, BLOCK "I", LOXAHATCHEE GROVES, LYING NORTH OF STATE ROAD 80, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PLAM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29; SAID LANDS LYING, SITUATE, AND BEING IN PALM BEACH COUNTY, FLORIDA

LESS AND EXCEPT THAT PROTION FOR STATE ROAD 80, AS DESCRIBED IN THE ORDER OF TAKING IN OFFICIAL RECORD BOOK 5463, PAGE 1126, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

6

RESOLUTION NO. R-2012- 1120

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING A STANDARD FORM ASSIGNMENT OF DECLARATION OF RESTRICTIVE COVENANTS TO THE TOWN OF LOXAHATCHEE GROVES; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE THE STANDARD FORM ASSIGNMENT OF DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County holds a number of Declaration of Restrictive Covenants over real property that has been incorporated into the Town of Loxahatchee Groves; and

WHEREAS, the Town of Loxahatchee Groves has regulatory jurisdiction over land development involving such real property; and

WHEREAS, the Palm Beach County Department of Environmental Resources Management has transferred its files involving enforcement of the Palm Beach County Unified Land Development Code ("ULDC") to the Town of Loxahatchee Groves for enforcement; and

WHEREAS, the Declaration of Restrictive Covenants were granted to Palm Beach County pursuant to development requirements in the ULDC; and

WHEREAS, the Town of Loxahatchee Groves wishes to accept assignment of such Declaration of Restrictive Covenants; and

WHEREAS, the Board of County Commissioners desires to establish a standard form Assignment of Declaration of Restrictive Covenants to the Town of Loxahatchee Groves and to authorize the County administrator or his designee to execute such assignment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. Recitals. The foregoing recitals are true and correct and are expressly incorporated herein by reference and made a part hereof.
2. Standard Form Assignment of Declaration of Restrictive Covenants. The Board of County Commissioners hereby approves the standard form Assignment of Declaration of Restrictive Covenants to the Town of Loxahatchee Groves attached hereto as Exhibit "A".
3. Delegation of Signature Authority. The Board of County Commissioners hereby authorizes the County Administrator or his designee to execute the Assignment of Declaration of Restrictive Covenants on behalf of the County in substantially the form attached hereto subject to the limitations set forth herein. The County administrator or his designee may approve non-material changes to the form of the Assignment of Declaration of Restrictive Covenants. Non-material changes means inclusion of specific

information or details from each Declaration of Restrictive Covenants being transferred, modifications to the recitals and changes that do not modify the substantive obligations of the parties. The County Administrator's designee under this Resolution includes the Director of the Department of Environmental Resources Management.

4. Severability. Should any section, paragraph, sentence, clause or word of this Resolution be held unconstitutional, inoperative or void, such holding shall not affect the validity of the remainder of this Resolution.

5. Effective Date. The provisions of this Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Abrams, and upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair	<u>Aye</u>
Commissioner Steven L. Abrams, Vice Chair	<u>Aye</u>
Commissioner Karen T. Marcus	<u>Aye</u>
Commissioner Paulette Burdick	<u>Aye</u>
Commissioner Burt Aaronson	<u>Aye</u>
Commissioner Jess R. Santamaria	<u>Aye</u>
Commissioner Priscilla A. Taylor	<u>Aye</u>

The Chair thereupon declared the Resolution duly passed and adopted this 14th day of August, 2012.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
SHARON R. BOCK, CLERK & COMPTROLLER

By: [Signature]
Deputy Clerk

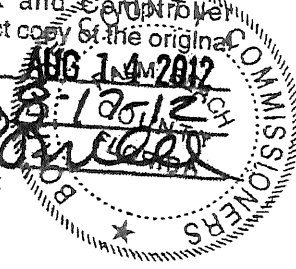


APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]
County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on AUG 14 2012
dated at West Palm Beach, Fl on 8:12 AM

By: [Signature]
Deputy Clerk



ATTACHMENT 4

**TORCIVIA, DONLON,
GODDEAU & RUBIN, P.A.**

701 Northpoint Parkway, Suite 209
West Palm Beach, Florida 33407-1950
561-686-8700 Telephone / 561-686-8764 Facsimile
www.torcivialaw.com

Glen J. Torcivia
Lara Donlon
Christy L. Goddeau*
Leonard G. Rubin*

Jennifer H.R. Hunecke
Susan M. Garrett
Elizabeth V. Lenihan*

*FLORIDA BAR BOARD CERTIFIED
CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

June 25, 2021

Mr. John Reiser
Department of Environmental Resource Management
Palm Beach County
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411
Via e-mail to: jreiser@pbcgov.org

RE: Groves Town Center Recorded Covenant

Dear Mr. Reiser:

Our firm acts as the Town attorney for the Town of Loxahatchee Groves ("Town"). Since its incorporation, the Town and Palm Beach County ("County") have agreed for the County to assign several Conservation Easements and Declarations of Recorded Covenants to the Town, as those agreements cover land now in the jurisdiction of the Town. It has come to our attention that the Declaration of Restrictive Covenant related to the property known as the Groves Town Center, recorded in the Official Records of Palm Beach County, Florida at Book 19585 and Page 697, has not been assigned.

Please regard this letter as a request by the Town to initiate the process agreed to by the Town and the County in 2012 for the County to assign this Declaration of Restrictive Covenant to the Town. Once conveyed, the Town Council will engage in discussion to determine the best manner to implement the conveyed Covenant.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Elizabeth Lenihan

ATTACHMENT 5




**INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management**

AUG 31 2012

DATE: August 29, 2012

TO: Robert Weisman
County Administrator

FROM:  Robert Robbins, Director
Environmental Resources Management

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY TO:
Execute a standard form Assignment of Conservation Easement to
the Town of Loxahatchee Groves and execute a standard form
Assignment of Declaration of Restrictive Covenants to the Town of
Loxahatchee Groves.

On August 14, 2012 agenda item 3L3 (R2012-1125 and 1120), the County Commission approved the County Administrator or his designee to execute a standard form Assignment of Conservation Easement to the Town of Loxahatchee Groves and execute a standard form Assignment of Declaration of Restrictive Covenants to the Town of Loxahatchee Groves.

This memorandum is my formal request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign for the above mentioned documents. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED: 

Robert Weisman, County Administrator

DATE: 9/3/12

RR:mc
Attachment



ATTACHMENT 2

AUG 8 2018

INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management

DATE: August 2, 2018

TO: Verdenia C. Baker
County Administrator

THROUGH: Patrick Rutter *PRR*
Assistant County Administrator

FROM: Deborah Drum, Director *DD 8/7/18*
Environmental Resources Management

SUBJECT: CLARIFICATION OF THE INTENT OF PREVIOUS DELEGATION
OF APPROVAL AUTHORITY MEMOS

The intent of previously delegated authority memos was to delegate the signatory authority to the current Director and Deputy Director of Environmental Resources Management (ERM).

This memorandum clarifies that Deputy Director Michael Stahl and I have signatory authority to sign all future time extensions, task assignments, certifications, and other documents associated with previously approved and delegated Board items. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED: *VC Baker* DATE: 8/9/18
Verdenia C. Baker, County Administrator

DD:kf