

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: December 21, 2021 [ X ] Consent [ ] Regular  
[ ] Workshop [ ] Public Hearing  
Submitted By: Department of Airports

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A. **Approve** an internal Memorandum of Understanding for Property Exchange (MOU) between the Department of Airports (DOA) and Parks and Recreation Department (Parks), providing for the exchange by Parks of a 105,000 square foot (2.4105 ac.) parcel, being a portion of the Parks maintenance compound at John Prince Memorial Park, along the west side of the Palm Beach County Park Airport (Lantana Airport) (Parks Property), together with an access easement on approximately 19,747 square feet (0.4533 ac.) to provide access to the Parks Property from South Congress Avenue (Easement Parcel), for the DOA Property containing a total of approximately 3.206 acres, consisting of a 136,731 square foot (3.1389 ac.) upland parcel (Boat Ramp Parcel) together with 2,925 square feet (0.0671 ac.) of adjacent submerged land at the Stub Canal/Pine Lake, east of the Palm Beach International Airport (PBI).
- B. **Adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida; determining that the DOA Property is not necessary for airport purposes and that the disposition of the property shall not impair the operating efficiency of the airport system or reduce the revenue producing capability of the County's Airport System (Resolution).
- C. **Authorize** the County Administrator or designee to execute any necessary documentation for the release of the DOA Property from Airport Improvement Program (AIP) Grant Assurances with the Federal Aviation Administration (Release Documents).
- D. **Approve** a Termination and Declaration of Access Easement (Easement) on the Easement Parcel.
- E. **Approve** a Declaration of Easement and Restrictive Covenants (Declaration) on the DOA Property.

**Summary:** The MOU provides for exchange of property by DOA and Parks at equal value. The DOA Property is currently leased to Parks (R90-2112D) (Lease) for a boat ramp, providing recreational public access to the Stub Canal/Pine Lake. Parks has requested the exchange to allow Parks to further develop the boat ramp facilities and to pursue grant funding opportunities which cannot be done under a leasehold interest. The Lease will terminate upon completion of the exchange. The exchange of the Parks Property will add approximately 2.4105 acres to DOA's existing 19.11 acre non-aviation parcel on South Congress Avenue at the west side of the Lantana Airport. The Easement terminates and replaces an existing Declaration of Access Easement (R2010-0999, recorded in official record book 23949, page 793, of the public records) with a single, larger parcel description, adding approximately 4,803 square feet (0.11 ac.) of area for ingress and egress from South Congress Avenue to both DOA's existing property and the Parks Property DOA is receiving under the exchange, and will be recorded in the public records. The Parks property is a portion of Parks' maintenance compound at John Prince Memorial Park. The MOU is contingent on approval by the Federal Aviation Administration (FAA). Upon approval of the exchange, the FAA will require the County to execute the Release Documents acknowledging the release of the DOA Property from grant assurance requirements. DOA is requesting a delegation of authority to the County Administrator or designee to sign the Release Documents on behalf of the County. For purposes of this delegation, the Airport Director will be considered a designee. The FAA will require the Declaration to be recorded to memorialize restrictions consistent with operation of PBI. The Resolution is required to document that the DOA Property has been released from the Airport System Revenue Bond Resolution (R84-427, as amended) requirements.

Countywide (HJF)

**Background and Justification:** The MOU is intended to formalize the agreement between Parks and DOA regarding the exchange of the Parks and DOA Properties. The Park Property and Boat Ramp Parcel were appraised by Andrew H. Magenheimer, MAI, of Slack, Johnston & Magenheimer, Inc. in April, 2021 and the appraised values are equal. No value was allocated to either the submerged land parcel or the Easement Parcel, as both are considered appurtenant to the respective parcels. The Parks Property will be considered part of the County's Airports System upon completion of the exchange.

**Attachments:**

- 1. MOU (3)
- 2. Resolution (2)
- 3. Easement (1)
- 4. Declaration (1)

Recommended By: Zw Louisa Beebe 11-23-21  
Department Director Date  
Approved By: UCBaker 12/10/21  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	=====	=====	=====	=====	=====
<b># ADDITIONAL FTE</b>	_____	_____	_____	_____	_____
<b>POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No X  
 Does this item include the use of federal funds? Yes \_\_\_ No X

Budget Account No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

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

No fiscal impact.

C. Departmental Fiscal Review: Webb Anderson

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

Shirley M. ... 11/29/21  
 OFMB  
 11-29-21

J. J. Jacobson 12/8/21  
 Contract Dev. and Control  
 12-8-21

**B. Legal Sufficiency:**

[Signature] 12/10/21  
 Assistant County Attorney

**C. Other Department Review:**

[Signature]  
 Department Director

REVISED 11/17

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)