

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>-0-</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?		Yes _____		No <u>x</u>	
Does this item include the use of federal funds?		Yes _____		No <u>x</u>	

Budget Account No.:

Fund _____ Department _____ Unit _____ Object _____ Program _____

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

There is no cost associated with this item.

C. Department Fiscal Review:

L. Henry

III. REVIEW COMMENTS

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

Lisa Martin 11/28/2022 Arif J. Jawahar 11/29/22
OFMB **Contract Development & Control**

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review: Facilities Development & Operations

[Signature] 11/29/22
Department Director

(Summary, continued from Page 1)

Area adjacent to public right-of-way. The requested easement will not affect the continued survival of any species listed as endangered, threatened, rare, or of special concern by the U.S. Fish and Wildlife Service, the Florida Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture.

In exchange for the requested easement, FPL will donate and transfer 14.13 acres of high-quality environmentally sensitive lands into the County's Conservation Lands Program. The proposed land donation meets the relevant criteria for acquisition as specified in the CLPO and is sufficient in terms of acreage, location, and quality to ensure that the proposed donation will result in an "Exceptional Benefit to the Conservation Lands Program." The 14.13 acres of land to be donated to the County are of comparable ecological value and are contiguous to and surrounded by the Natural area on two sides, with less exposure to roadways than the land to be placed under easement. The net value of the donated lands exceeds the current value of the requested easement. The donated lands will be incorporated into the adjacent Natural Area and managed by the County's Department of Environmental Resources Management (ERM).

Adoption of this Resolution will conceptually authorize the County's conveyance of the requested easement to FPL, subject to FPL's donation of approximately 14.13 acres of environmentally sensitive lands to the County and transfer of those lands into the Conservation Lands Program. The actual transfer of the requested Interest in Conservation Lands and acceptance of the compensatory land donation require a separate submittal for consideration by the Board, at one of its regular meetings, of an easement or other instrument capable of conveying the requested easement interest from the County to FPL and a warranty deed, purchase and sale agreement, or other instrument capable of conveying the donation lands to the County in fee simple title. ERM, the Natural Areas Management Advisory Committee (NAMAC), and City of Palm Beach Gardens agree that FPL's Application for Interest in Conservation Lands satisfies the requirements of the CLPO, and recommend approval of the application. There is no cost associated with this item. **This resolution must be adopted by a supermajority vote (5 Commissioners). District 1 (SF)**

Background and Policy Issues: On October 21, 2003, the Board adopted the CLPO to establish a process by which an entity may apply for and obtain Board approval for conveyance of an Interest in Conservation Lands, provided such conveyance results in an "Exceptional Benefit to the Conservation Lands Program." The term "Exceptional Benefit to the Conservation Lands Program" means that the proposed conveyance of an Interest in Conservation Lands will be offset by the acquisition, preservation, and transfer into the Conservation Lands Program of higher quality lands of greater acreage. Highest quality lands are to be conveyed at a ratio of up to five acres transferred into the Conservation Lands Program to one acre conveyed out of the program. Lands used to offset the conveyance of an Interest in Conservation Lands must meet the same criteria that were used to acquire the lands that will be conveyed out of the Conservation Lands Program.

The proposed compensatory land donation will meet the five to one ratio required under the CLPO for the highest quality conservation lands. Although FPL's use of the requested easement will convert 2.8 acres of forested wetlands and uplands to herbaceous wetlands and uplands, the underlying lands will not be transferred out of the Conservation Lands Program. As a result, the proposed easement conveyance and associated land donation will result in a net gain of 14.13 acres of high-quality environmentally sensitive lands into the Conservation Lands Program.

Since the donation lands (14.13 acres) and requested easement lands (2.8 acres) are similarly situated, the County's Property and Real Estate Management Division (PREM) and ERM have determined that they would have similar current per acre valuations. As a result, the net valuation of the donation lands is approximately five times that of the easement lands. This is especially true since the County will be granting less than fee title to the easement lands, but it will receive the donation lands in fee simple title.

The Conservation Lands Acquisition Selection Committee (CLASC) sunsetted in 2007; therefore, the CLPO requirement for CLASC approval is obsolete.

(Summary, continued from Page 1)

Area adjacent to public right-of-way. The requested easement will not affect the continued survival of any species listed as endangered, threatened, rare, or of special concern by the U.S. Fish and Wildlife Service, the Florida Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture.

In exchange for the requested easement, FPL will donate and transfer 14.13 acres of high-quality environmentally sensitive lands into the County's Conservation Lands Program. The proposed land donation meets the relevant criteria for acquisition as specified in the CLPO and is sufficient in terms of acreage, location, and quality to ensure that the proposed donation will result in an "Exceptional Benefit to the Conservation Lands Program." The 14.13 acres of land to be donated to the County are of comparable ecological value and are contiguous to and surrounded by the Natural area on two sides, with less exposure to roadways than the land to be placed under easement. The net value of the donated lands exceeds the current value of the requested easement. The donated lands will be incorporated into the adjacent Natural Area and managed by the County's Department of Environmental Resources Management (ERM).

Adoption of this Resolution will conceptually authorize the County's conveyance of the requested easement to FPL, subject to FPL's donation of approximately 14.13 acres of environmentally sensitive lands to the County and transfer of those lands into the Conservation Lands Program. The actual transfer of the requested Interest in Conservation Lands and acceptance of the compensatory land donation require a separate submittal for consideration by the Board, at one of its regular meetings, of an easement or other instrument capable of conveying the requested easement interest from the County to FPL and a warranty deed, purchase and sale agreement, or other instrument capable of conveying the donation lands to the County in fee simple title. ERM, the Natural Areas Management Advisory Committee (NAMAC), and City of Palm Beach Gardens agree that FPL's Application for Interest in Conservation Lands satisfies the requirements of the CLPO, and recommend approval of the application. There is no cost associated with this item. **This resolution must be adopted by a supermajority vote (5 Commissioners). District 1 (SF)**

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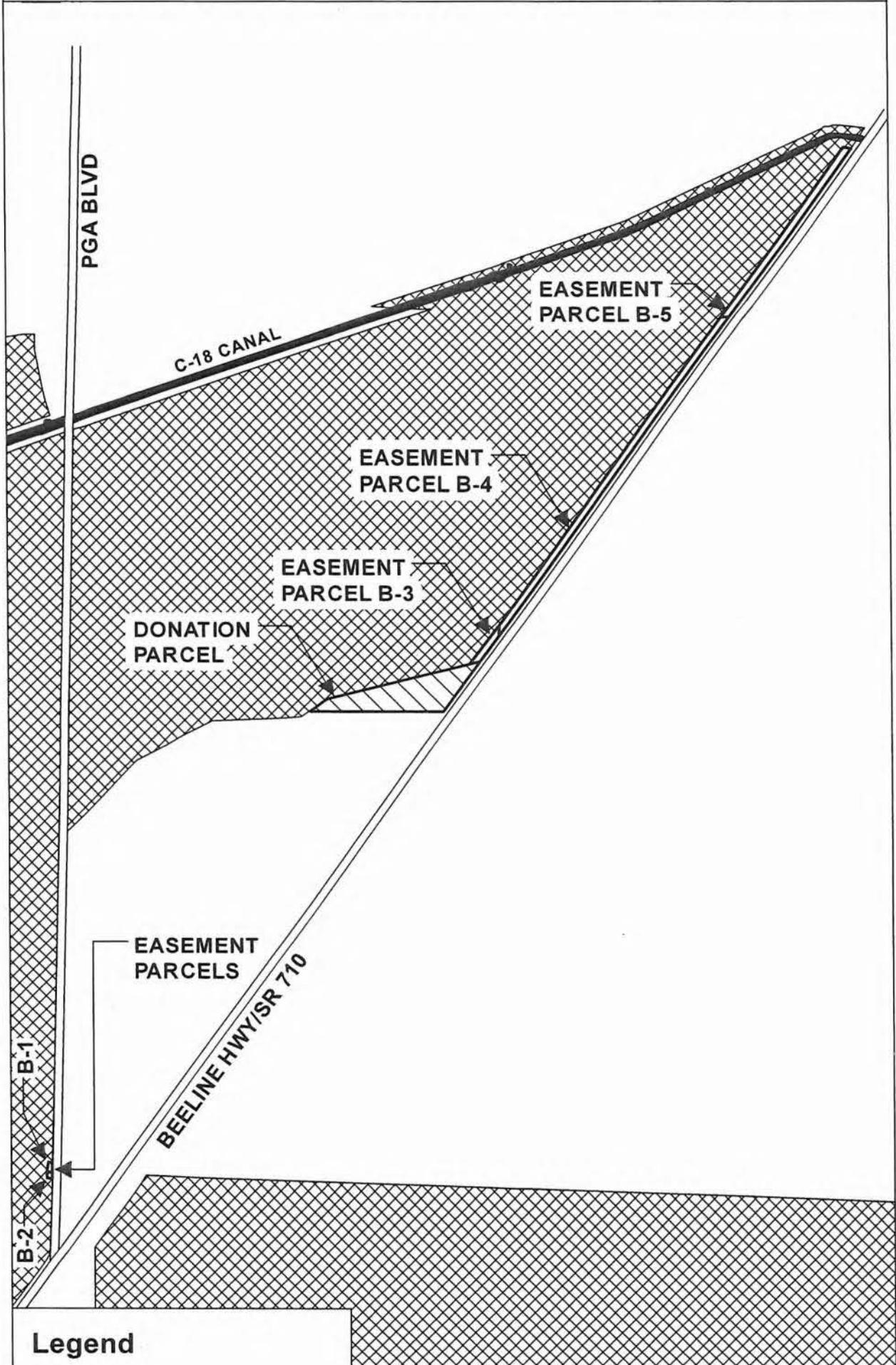
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Since the donation lands (14.13 acres) and requested easement lands (2.8 acres) are similarly situated, the County's Property and Real Estate Management Division (PREM) and ERM have determined that they would have similar current per acre valuations. As a result, the net valuation of the donation lands is approximately five times that of the easement lands. This is especially true since the County will be granting less than fee title to the easement lands, but it will receive the donation lands in fee simple title.

The Conservation Lands Acquisition Selection Committee (CLASC) sunsetted in 2007; therefore, the CLPO requirement for CLASC approval is obsolete.

ATTACHMENT 1

LOCATION MAP OF PROPOSED EASEMENTS AND DONATION PARCEL FOR FPL REQUESTED 230 KV TRANSMISSION LINE PROJECT



Legend

- Roads
- ▬ C-18 Canal
- ▨ Loxahatchee Slough NA



NOT TO SCALE

PALM BEACH COUNTY
DEPT OF ENVIRONMENTAL
RESOURCES MGMT
11/02/2022: SP



RESOLUTION NO. R2022 - _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CONCEPTUALLY APPROVING THE CONVEYANCE OF A PERMANENT, NON-EXCLUSIVE EASEMENT OVER APPROXIMATELY 2.8 ACRES OF ENVIRONMENTALLY SENSITIVE LAND WITHIN LOXAHATCHEE SLOUGH NATURAL AREA TO FLORIDA POWER & LIGHT TO ALLOW FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A NEW 230 kV TRANSMISSION LINE; AND CONCEPTUALLY ACCEPTING FLORIDA POWER & LIGHT'S DONATION AND TRANSFER OF APPROXIMATELY 14.13 ACRES OF HIGH-QUALITY, ENVIRONMENTALLY SENSITIVE LAND INTO THE COUNTY'S CONSERVATION LANDS PROGRAM AND THE PERMANENT PRESERVATION OF THAT LAND AS PART OF LOXAHATCHEE SLOUGH NATURAL AREA, PURSUANT TO THE CONSERVATION LANDS PROTECTION ORDINANCE (ORDINANCE 2003-052).

WHEREAS, on October 21, 2003, Palm Beach County's Board of County Commissioners (the "Board") adopted Ordinance No. 2003-052 (the "Conservation Lands Protection Ordinance"), as codified in Palm Beach County's (the "County's") Code of Ordinances in Chapter 11, Article XV, to establish a process by which an entity may apply for and obtain the Board's approval for the conveyance of an interest in County-owned conservation lands, provided such conveyance results in an "Exceptional Benefit to the County's Conservation Lands Program"; and

WHEREAS, pursuant to the Conservation Lands Protection Ordinance, Florida Power & Light (hereinafter "FPL") has submitted an Application for Interest in Conservation Lands (Exhibit "A") asking that the County grant FPL a permanent, non-exclusive easement over five (5) 15-foot-wide strips of land (Exhibit "B") within the County's Loxahatchee Slough Natural Area (the "Natural Area"); and

WHEREAS, the land upon which FPL seeks to place a permanent, non-exclusive easement over contains a total of 2.8 acres of environmentally sensitive lands located immediately adjacent to Florida Department of Transportation rights-of-way for PGA Boulevard and Beeline Highway/State Road 710; and

WHEREAS, the requested easement is necessary for the construction, maintenance, and operation of a new 230 kV transmission line from the Ryder Substation, north of PGA Boulevard and east of the C-18 Canal, to the Cayman Substation, east of Military Trail and north of 45th Street (hereinafter the "Ryder-Cayman Transmission Line"); and

WHEREAS, FPL is required to construct, maintain, and operate the proposed Ryder-Cayman Transmission Line in order to comply with North American Electric Reliability Corporation planning standards; and

WHEREAS, the proposed transmission line will fulfill a substantial public need by helping FPL maintain regional reliability, avoid system overload, and meet future load growth in Palm Beach County; and

WHEREAS, the Board has received and reviewed FPL's Application for Interest in Conservation Lands, as well as recommendations in support of the application from the County's Department of Environmental Resources Management (Exhibit "C"), Natural Areas Management Advisory Committee, (Exhibit "D") and the City of Palm Beach Gardens (Exhibit "E"); and

WHEREAS, the Board has determined that there is a substantial public need for the requested conveyance of an Interest in Conservation Lands and there is no acceptable alternative to meet the need other than the use of conservation lands; and

WHEREAS, the Board has determined that the requested conveyance of an Interest in Conservation Lands is the minimum acreage necessary, impacts the lowest quality habitat, and avoids habitat fragmentation, noise, and light pollution to the adjacent unaffected conservation lands; and

WHEREAS, the Board has determined that the proposed easement conveyance will not affect the continued survival of any species listed as endangered, threatened, rare, or of special concern by the U.S. Fish and Wildlife Service, the Florida Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture; and

WHEREAS, the Board has received a written commitment from FPL (Exhibit "F") that it will convey 14.13 acres of high-quality environmentally sensitive lands, in fee simple title, to the County for permanent preservation and transfer into the Conservation Lands Program, as compensation for obtaining a permanent, non-exclusive easement over a 2.8-acre portion of the Natural Area; and

WHEREAS, although the proposed easement will restrict the types of uses that may occur within a 2.8-acre portion of the Natural Area, the underlying lands will be allowed to revegetate naturally and will not be transferred out of the Conservation Lands Program; and

WHEREAS, the proposed easement conveyance and associated land donation will result in a net gain of 14.13 acres of high-quality environmentally sensitive lands to the Natural Area and the County's Conservation Lands Program; and

WHEREAS, the Board has determined that the compensation proposed by FPL pursuant to the Conservation Lands Protection Ordinance meets the relevant criteria for

acquisition and is sufficient in terms of acreage, location, and quality to ensure that the proposed conveyance will result in an “Exceptional Benefit to the Conservation Lands Program”; and

WHEREAS, the land to be conveyed to the County has ecological values comparable to or better than the land upon which an easement is sought, is contiguous to and surrounded by the Natural Area on two sides, has less exposure to roadways than the land to be restricted by easement, and provides a 5:1 ratio of acres land being conveyed to the County versus acres of lands being restricted by an easement; and

WHEREAS, the net value of the land that will be donated to the County exceeds the current value of the Interest in Conservation Lands that will be conveyed to FPL as a non-exclusive easement; and

WHEREAS, the Board’s approval of this Resolution by a supermajority vote (5 Commissioners) will conceptually authorize the County to: 1) grant FPL a permanent, non-exclusive easement that will allow for the construction, maintenance, and operation of a new transmission line within a 2.8-acre portion of the Natural Area; and 2) accept FPL’s compensatory donation and transfer of 14.13 acres of high-quality environmentally sensitive lands into the County’s Conservation Lands Program; and

WHEREAS, the actual transfer of the requested Interest in Conservation Lands will require a separate submittal for consideration by the Board, at one (1) of its regular meetings, of an easement or other instrument capable of conveying the requested interest from the County to FPL; and

WHEREAS, the County’s final acceptance of FPL’s proposed compensatory land donation also will require a separate submittal for consideration by the Board, at one (1) of its regular meetings, of a warranty deed, purchase and sale agreement, or other instrument capable of conveying fee simple title of 14.13 acres from FPL, or its designee, to the County; and

WHEREAS, FPL must convey the proposed compensatory lands in fee simple title to the County before, or concurrent with, the County’s conveyance of the requested Interest in Conservation Lands to FPL; and

WHEREAS, FPL shall be responsible for obtaining any other approval(s) or permit(s) needed or desired in connection with this request, and approval of this Resolution does not guarantee the issuance of any such approval(s) or permit(s); and

WHEREAS, this matter was brought before the Board at a duly advertised public hearing to allow for public input.

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

Section 1: The above whereas clauses are hereby incorporated as findings of fact upon which this Resolution is based. The Board finds that that FPL's Application for Conveyance of Interest in Conservation Lands meets the requirements of the Conservation Lands Protection Ordinance as specified in Section 3.05 A.-E. of Ordinance No. 2003-052, and Section 11-383(e)(1)-(5) of Chapter 11, Article XV, Code of Ordinances.

Section 2: The Board hereby conceptually approves the conveyance of a permanent, non-exclusive easement over five (5) 15-foot-wide strips of land totaling 2.8 acres (Exhibit "B") within the County's Loxahatchee Slough Natural Area to FPL, in exchange for FPL's donation and transfer of approximately 14.13 acres of high-quality environmentally sensitive lands into the County's Conservation Lands Program, which will be incorporated into the County's Loxahatchee Slough Natural Area.

Section 3: This Resolution shall become effective immediately upon adoption. This Resolution does not authorize the actual transfer by deed, easement, or other applicable instrument of an Interest in Conservation Lands.

(The Remainder of this Page Intentionally Left Blank)

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

District 1: Maria G. Marino	_____
District 2: Gregg K. Weiss	_____
District 3: Dave Kerner	_____
District 4: Marci Woodward	_____
District 5: Maria Sachs	_____
District 6: Sara Baxter	_____
District 7: Mack Bernard	_____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day
of _____, 2022.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

JOSEPH ABRUZZO
Clerk of the Circuit Court & Comptroller

By: _____
Shannon Fox Date
Assistant County Attorney

By: _____
Deputy Clerk

Exhibit "A"

Application for Interest in Conservation Lands

Applicant: Florida Power & Light Company
Contact: Franck Leblanc, Director, FPL, Environmental Services

Statement of Public Purpose (Section 3.02a)

The proposed Ryder-Cayman 230 kV transmission line is required by FPL to connect the existing Ryder substation, located on the north side of PGA Blvd. just east of the SFWMD C-18 Canal to the proposed Cayman substation, which will be located east of Military Trail north of 45th St. This transmission line is needed to comply with NERC (North American Electric Reliability Corporation) planning standards. Transmission assessment studies conducted by FPL have determined that the construction of this transmission line is needed to maintain regional reliability, avoid system overload conditions and meet future load growth in Palm Beach County.

Alternatives Considered (Section 3.02b)

Starting at the Ryder substation, three alignments to route a transmission line to the proposed Cayman substation were considered:

1. South along the SFWMD C-18 Canal to the SR 710/Beeline Highway then continuing southeasterly, then following a number of rights-of-way south and east to the proposed Cayman substation;
2. West along PGA Blvd. to the SR 710/Beeline Highway, then continuing southeasterly, then following several rights-of-way south and east to the proposed Cayman substation; and,
3. East along PGA Blvd. to Military Trail, then continuing south to the proposed Cayman substation.

The route alignment proposed by FPL along the C-18 Canal was rejected by SFWMD as contradictory to their criteria in their Works of the District Permit Information Manual. This manual prohibits the longitudinal use of District Works for transmission lines. After an initial review, further analysis of a route alignment traveling east from the Ryder substation was discontinued, as areas to the east of Ryder are primarily fully developed, with dense commercial and residential land uses, which increase cost and siting complexity as compared to the other routing alternatives.

FPL's preferred route leaves the Ryder substation and travels west to the SR 710/Beeline Highway. FPL is currently seeking easements from the SFWMD along the north side of PGA Blvd. Once reaching SR 710/Beeline Highway, there are two routing possibilities along the roadway. An alignment on the south side of the highway is not viable given the existing parallel linear uses of the gas pipelines and the railroad. Therefore, FPL selected its preferred alignment to follow the north side of the highway, paralleling an existing FPL overhead distribution line. This distribution line will be incorporated into the design of the transmission line in a joint use pole line. This alignment along SR 710/Beeline Highway will be designed to occupy 15-ft. strip easements which border the FDOT north right-of-way line.

FDOT is currently initiating work to expand SR 710/Beeline Highway from a 4-lane cross section to a 6-lane cross section from the Turnpike entrance at Jog Rd to a point just beyond Northlake Blvd. A review of the FDOT cross-section plans shows that FDOT intends to utilize the entire width of their right-of-way on the north side of the highway. FPL has determined that it needs to locate the transmission and relocated distribution line within a private 15' easement adjacent to FDOT right of way. Therefore, based on our prior

experience and this information, FPL's proposed transmission line could not be constructed inside FDOT right-of-way in this location. As increasing traffic volumes warrant, it is reasonable to believe that FDOT will employ the use of the same right-of-way cross section when the road is widened from Northlake Blvd. to PGA Blvd., underscoring FPL's rationale to place its pole line inside a 15' wide easement along the border of private and government owned property in this area to avoid future conflicts with FDOT projects. The same road widening concerns, as well as safety and maintenance clearance requirements apply to the north side of PGA Blvd., which necessitates a 15-ft. wide easement adjacent to the road right of way. FPL is coordinating with FDOT to maintain access via SR 710/Beeline Hwy. and road right of way between Northlake Blvd. and PGA Blvd. in order to access the proposed easement areas for the transmission line and vegetation maintenance activities.

Demonstration of Minimal Impact (Section 3.02c)

The requested conveyance of an Interest in Conservation Lands is comprised of approximately 2.8 acres, which includes a 15-ft. wide by approximately 1.5-mile-long area (~2.73 acres) spanning three Palm Beach County parcels along SR 710/Beeline Hwy. and a 15-ft. wide by 200-ft. long area (~0.06 acre) spanning two Palm Beach County parcels along PGA Boulevard. The proposed area is only 15-ft. wide, which is the minimum width required to accommodate the new structures and conductor clearance for the 230kV transmission line on private property. Once construction is complete, the vegetation will be able to naturally revegetate and will be maintained as necessary.

Additionally, the proposed 15-ft. wide easement is directly adjacent to FDOT rights-of-way. As such, the proposed easement area is already experiencing noise and light disturbances, as well as any trash/debris that may be cast off from the adjacent roadways and maintenance activities. Further, the proposed 15-ft. easement will not fragment the adjacent remaining conservation lands since it is located on the southern boundary of the parcels. FPL does not anticipate that the new transmission line will cause significant impact to the remaining conservation lands, wetland functions, or wildlife.

Impacts to the Continued Survival of Listed Species (Section 3.02e)

The project and proposed Interest in Conservation Lands will cause no adverse effects to listed species on the 15-ft. wide proposed easement on Palm Beach County lands. FPL's environmental consultant conducted environmental due diligence including documentation of wildlife, tree surveys, and wetlands delineations along the entire project route including within the proposed 15- ft. wide easement area on Palm Beach County Conservation Lands. During these assessments, potential foraging habitat for Florida bonneted bat (FBB), wood stork, and snail kite were identified.

As a best practice to determine the presence or absence of any FBB roost prior to vegetation removal, construction crews will visually inspect vegetation to confirm presence/absence of FBBs. In the unlikely event that an FBB or FBB roost is confirmed to exist within the proposed 15-ft. wide easement during pre-removal inspection, FPL will promptly notify Florida Department of Environmental Protection (FDEP) and the U.S. Fish and Wildlife Service (USFWS) to initiate consultation.

For the wood stork, the USFWS Wood Stork Effect Determination Key results in an outcome of no effect or not likely to adversely affect the species.

FPL has reviewed the historic snail kite nesting locations provided by ERM. Five (5) historic snail kite nest locations were previously documented within 1 kilometer (0.6 miles) of the project area with two of the five nests being documented within 225 meters of the project area.. A visual survey of the project area was conducted on July 21, 2022 and on July 31, 2022, during snail kite nesting season. No snail kite activity

was noted within the project area. Suitable habitat including emergent vegetation types, nesting and perching substrate, and water depth were noted within the project area. Appropriate nesting vegetation, such as willow and pond cypress along open water and emergent marsh edges, were noted and surveyed. Snail kites were not observed during the habitat assessment. Suitable nesting and foraging habitat within the proposed project area is limited to a small area (15- ft. wide strip) along PGA Blvd. and a few small, fragmented areas along the SR 710/Beeline Hwy. The majority of the 15-ft. wide strip is characterized by dense shrub or canopy vegetation; therefore, optimal snail kite habitat is not present. Additionally, water levels were not sufficient to support apple snail populations. The minimal areas identified as suitable habitat are at the edge of greater open water/herbaceous marshes with water levels suitable to support apple snails. Impacts to these areas from the project are anticipated to be temporary in nature; therefore, the continued survival of the snail kite is not anticipated to be affected by the project. In addition, the project proposes to convert some forested wetland habitat to herbaceous or shrub marsh, potentially increasing habitat suitable for apple snails and creating additional foraging habitat for snail kites.

FPL has also conducted surveys for listed epiphytic plants. A visual assessment of potential epiphytic plant substrate (trees and other woody vegetation) within the proposed 15-ft. utility easement area was completed on August 15, 2022 to document the occurrence of epiphytes listed as endangered (E), threatened (T) or commercially-exploited (CE). A total of 349 plants representing four (4) species were documented during the survey. In general, epiphytic plants were exclusively on cypress (*Taxodium* sp.). The most abundant species, *Tillandsia paucifolia* (not a listed species), was regularly observed throughout the survey area. Of the four species documented, two (*Tillandsia balbisiana* and *T. fasciculata*) are listed by the State. Approximately 14 epiphytic plants listed as Threatened or Endangered were documented within the survey area. FPL proposes to relocate the 14 listed epiphytic plants outside of the project footprint to avoid impacts to these species.

Based on the environmental due diligence conducted within the 15-ft. wide proposed easement, it is reasonably expected that the continued survival of listed species will not be affected. FPL will implement best management practices to minimize disturbance, as practicable.

Demonstration of Substantial Public Need and Compensation which Provides an Exceptional Benefit to the Conservation Lands Program (Section 3.02d, f)

As a public utility under Chapter 366, Florida Statutes, FPL is charged with the duty to provide reasonably sufficient, adequate, and efficient electrical service to its customers. In operating its transmission system, FPL is obligated to comply with the NERC planning standards. Construction of the transmission line will maintain regional reliability and avoid system overload conditions. Being located along a major highway and following other existing linear infrastructure allows FPL to follow good land planning practice by collocating its electric facilities along property lines, balanced with minimal overall environmental impacts. The route selected by FPL in this area is the most practicable alternative of a limited number of routes available.

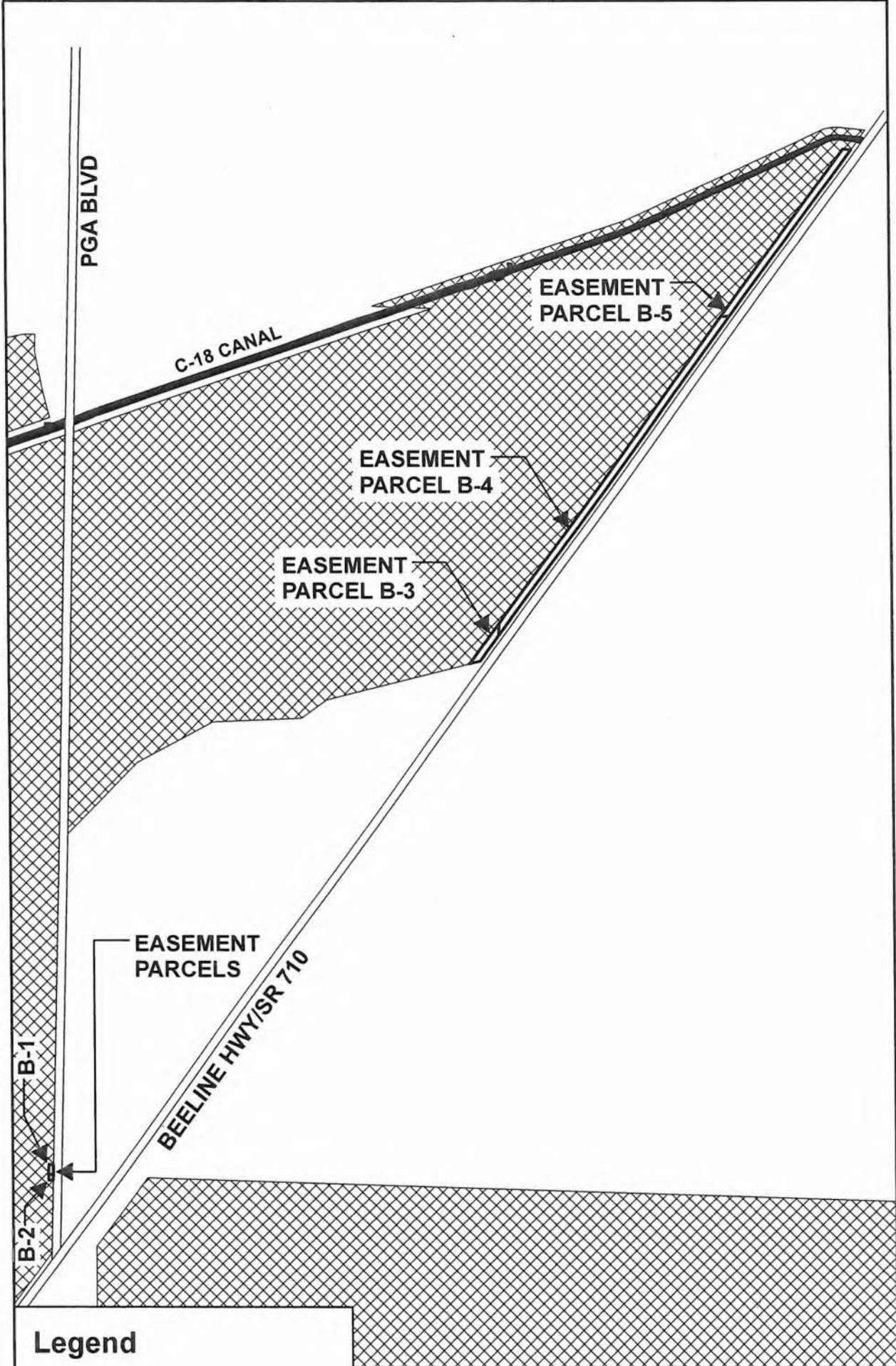
When siting new transmission lines along road rights-of-way, FPL acquires a strip easement (typically 15-ft. wide) along the edge of adjoining private property bordering the road right-of-way. The strip easement also allows FPL to properly maintain the area around its line, primarily for vegetation management purposes, but to also ensure that other electrical clearances required by the National Electrical Safety Code (NESC) can be met and maintained.

FPL will provide an exceptional benefit to the Conservation Lands Program by offsetting the proposed interest in County conservation lands, as required by the CLPO. FPL has initiated conversations with property owners identified by ERM in order to meet the exceptional benefit requirement. FPL is pursuing

land acquisition to reach the required 14 acres of very high quality environmentally sensitive lands. FPL will meet the requirements of 3.02F of the CLPO, and is currently pursuing land acquisition with property owners identified by ERM to meet the land exchange benefit requirement. FPL is using the County's purchase and Sale Agreement Form to facilitate a transaction from the land owner directly to the County, at FPL's cost, per County's Property and Real Estate Management Division's (PREM) recommendation.

EXHIBIT "B"

LOCATION MAP OF PROPOSED EASEMENTS (2.8 ACRES TOTAL)
FOR FPL REQUESTED 230 KV TRANSMISSION LINE PROJECT



Legend

- Roads
- ▨ Loxahatchee Slough NA
- C-18 Canal



NOT TO SCALE

PALM BEACH COUNTY
DEPT OF ENVIRONMENTAL
RESOURCES MGMT
11/02/2022: SP



EXHIBIT C

Application for Interest in Conservation Lands

PBC ERM STAFF REPORT

Date: October 4, 2022
Subject: Utility Easement Request
Site: Loxahatchee Slough Natural Area
Applicant: Florida Power & Light Company

Acres Requested 2.8
Proposed Compensation: 14.0 acres; new fencing; listed plant species relocation (as needed)

Project Description

Construction and operation of a new 230 kilovolt transmission line within a 15-ft wide strip along the edge of select parcels within Loxahatchee Slough Natural Area (LOS) adjacent to PGA Blvd and the Beeline Hwy. The Project will require the County to provide an easement to FPL over 2.80 acres of the natural area, and FPL is compensating for this by conveying 14.0 acres of lands in fee simple to the County directly adjacent to LOS (Attachment 1). Additionally, FP&L will remove any existing fencing within the easement area and replace it with new fencing per ERM specifications, and relocate select listed plant species (as needed). Complete CLPO application attached for reference.

Conservation Lands Protection Ordinance (CLPO) Conformance

In accordance with Sec 11-383(c) of the Palm Beach County Code of Ordinances, prior to any action by the Board of County Commissioners regarding the conveyance of an interest in conservation lands, NAMAC shall review the proposed compensation to determine if it 1) meets the criteria for acquisition under Resolution 99-1073 (Attachment 2), 2) meets the purposes for which the affected conservation lands were initially acquired, and 3) provides an exceptional benefit to the conservation lands program.

Section 5 of Resolution 99-1073 contains the following criteria for acquisition of conservation lands:

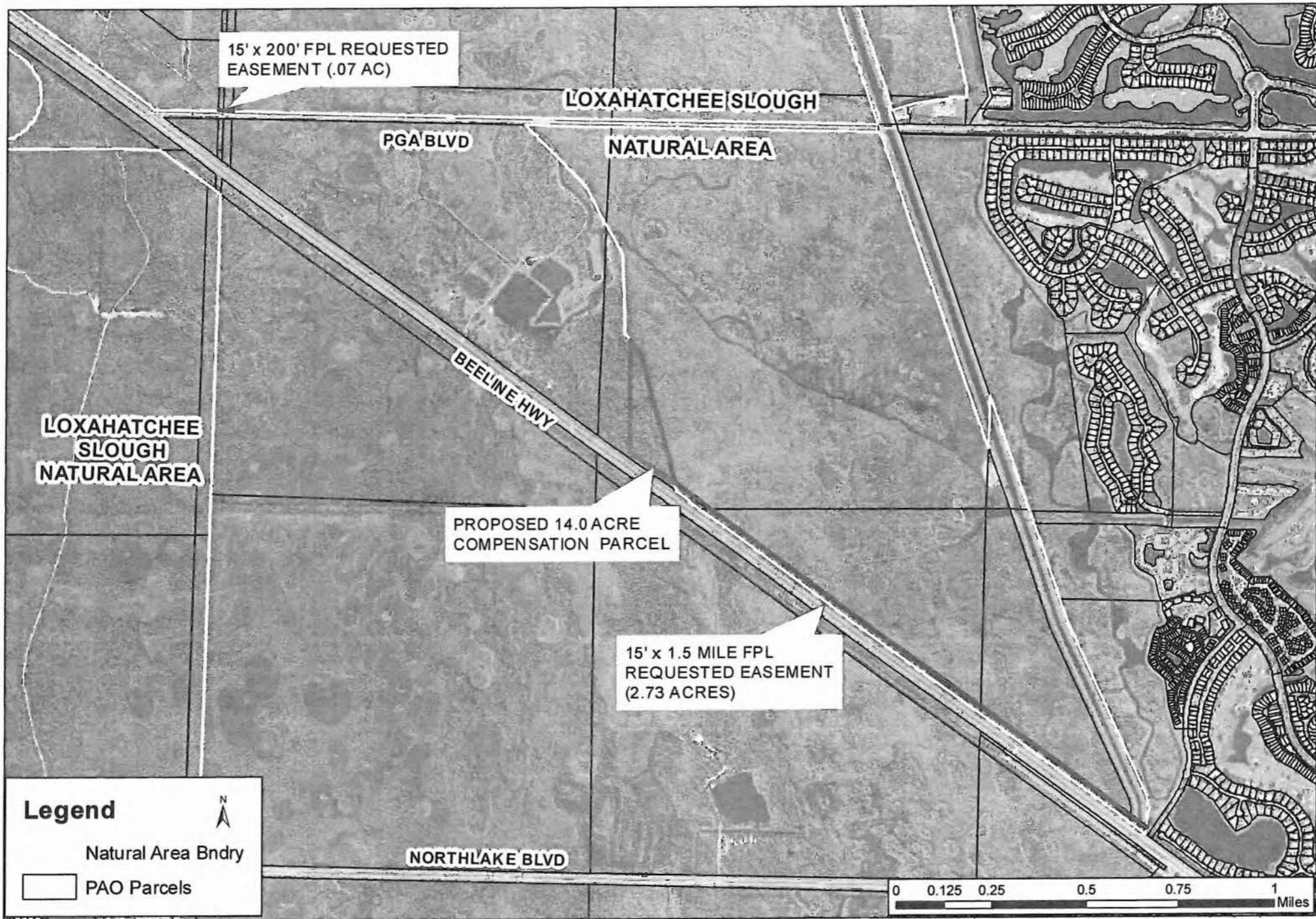
- 1) The real property is on the list attached as Exhibit A of the Resolution; or
- 2) The property has ecological values comparable to the property on the list attached as Exhibit of the Resolution, as determined by application of certain ecological criteria enumerated in the Resolution

The proffered compensation lands are one contiguous tract located within close proximity to the affected lands, are directly adjacent to LOS with substantially less edge exposure to roadways than the affected lands, and represents a 5:1 offset ratio. These lands were listed as a Loxahatchee Slough Outparcel on Exhibit A, the Palm Beach County Environmentally Sensitive Lands Acquisition List, in Resolution 99-1073, so they meet the criteria for acquisition as described above.

Given the proximity of the proffered offsetting lands to the affected lands, the offsetting lands meets the purposes for which the affected conservation lands were originally acquired. The 5:1 offsetting ratio, combined with new fencing, provides an exceptional benefit to the conservation lands program.

Staff Recommendation

ERM staff has reviewed the applicant's submittal (Attachment 3) and has determined that the above three evaluation criteria have been adequately addressed, and therefore recommends NAMAC approval of the application. Following the October 28, 2022 NAMAC public meeting, the item will be presented to the BCC as early as December 2022 to consider conceptual approval of FPL's application for an interest in conservation lands.



ATTACHMENT 1. LOCATION MAP OF PROPOSED EASEMENTS AND COMPENSATION PARCEL FOR FP&L REQUESTED 230KV TRANSMISSION LINE PROJECT

RESOLUTION NO. 99- 1073

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING A CONSERVATION LAND ACQUISITION SELECTION COMMITTEE; PROVIDING APPLICABILITY; PROVIDING CONCEPTUAL AUTHORIZATION FOR CONSERVATION LAND PURCHASE NEGOTIATIONS BY A NONPROFIT ORGANIZATION; PROVIDING FOR ACQUISITION CRITERIA AND PROCEDURES; AND PROVIDING FOR SEVERABILITY AND REPEAL.

WHEREAS, on February 2, 1999, the Palm Beach County Board of County Commissioners (Board) adopted Resolution No. 99-176 establishing the Conservation Land Acquisition Committee (CLAC) and directed the committee to develop procedures, priorities, and criteria for the acquisition of conservation lands with the proceeds of the March 9, 1999 Land Acquisition for Conservation Purposes Bond Referendum; and

WHEREAS, the Board of County Commissioners has shown a desire to maintain continuity in the County's land acquisition programs by utilizing the members of the Environmentally Sensitive Lands Acquisition Selection Committee (ESLASC) as members of CLAC; and

WHEREAS, CLAC recommends that continuity in the Conservation Land Acquisition Program be maintained; and

WHEREAS, Resolution No. 99-176 establishing CLAC also provides a limited term until June 1, 1999 for CLAC; and

WHEREAS, in order to fulfill the Board directive of February 2, 1999, and to maintain continuity in the Conservation Land Acquisition Program as it moves forward, CLAC finds it necessary to establish a new committee with the appropriate responsibilities; and

WHEREAS, this resolution provides for the establishment of the new committee; and

WHEREAS, it is necessary to ensure that proceeds from any conservation lands bond referendum approved by the voters are applied toward only the purchase price, including, but not limited to, associated appraisal, survey, title insurance, and due diligence investigation costs, and capital improvement costs of such real property that meets the conceptual and ecological criteria established herein.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**
2 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

3
4 There is hereby established the Conservation Land Acquisition Selection Committee (CLASC)
5 to re-evaluate, as necessary, real property proposed for conservation purposes pursuant to the
6 conceptual and ecological criteria set forth herein, evaluate the results of purchase negotiations,
7 and make recommendations to the Board regarding the proposed acquisition of such real
8 property in connection with the Land Acquisition for Conservation Purposes Bond Referendum.
9

10 CLASC shall be established and operate according to the following procedures:

11
12 Section 1. Title and Applicability

13 1.01 The selection committee shall be known as the Conservation Land Acquisition
14 Selection Committee (CLASC).

15
16 1.02 The recitations set forth in the "WHEREAS" paragraphs above are incorporated
17 by reference herein as findings of fact upon which this resolution is based.
18

19 Section 2. Purpose

20 The purpose of this resolution is to establish a selection committee (i.e., CLASC) and
21 to establish procedures for the acquisition of lands for conservation purposes that satisfy the
22 conceptual and ecological criteria set forth herein.
23

24 Section 3. Conservation Land Acquisition Selection Committee

25 3.01 CLASC shall serve as an advisory committee to the Board on issues involving
26 acquisition of environmentally sensitive lands, greenways, lands for water resources,
27 agricultural lands, and open space.
28

29 3.02 CLASC shall initially be made up of the twelve (12) persons who were sitting as
30 members of the Conservation Land Acquisition Committee as of May 31, 1999. Accordingly,
31 CLASC shall be made up of :

- 32 A. Two (2) representatives of business and economic interests in Palm Beach
33 County;
34 B. One (1) representative of educational interests in Palm Beach County;
35 C. Three (3) representatives of environmental interests in Palm Beach County;
36 D. One (1) representative of federal, state or local government, except for
37 County employees, whose day-to-day responsibilities relate directly to land planning or real
38 estate management, environmental resources, agricultural interests, or water resources in Palm
39 Beach County;
40 E. Three (3) representatives of agricultural interests; and

1 F. Two (2) citizen representatives who are residents of Palm Beach County.

2
3 The terms of the nine (9) CLASC members who also serve as members of the Environmentally
4 Sensitive Lands Acquisition Selection Committee (ESLASC) shall be the same as those
5 established for ESLASC. Accordingly, the terms of CLASC members shall expire as follows:

- 6 A) Representatives of business and economic interests - May 14, 2001;
7 B) Representatives of educational interests - May 14, 2001;
8 C) Representatives of environmental interests - May 14, 2000;
9 D) Government representative - May 1, 2000;
10 E) Representatives of the citizens of Palm Beach County - May 14, 2002; and
11 F) The terms of the three members appointed to CLAC on April 6, 1999 to
12 represent agricultural interests - April 6, 2002.

13
14 Successors to the initial CLASC members shall be appointed by the Board for terms of three
15 (3) years. When an initial CLASC member's term expires, the Board shall appoint a successor
16 from the same category that the initial member represented on ESLASC or CLAC.

17
18 3.03 With the exception of members representing citizens of Palm Beach County,
19 members of CLASC shall have expertise in ecology, conservation of natural resources, real
20 estate or land acquisition, land management, agricultural interests or environmental education.
21 A nominee shall submit to the Palm Beach County Department of Environmental Resources
22 Management (ERM) written evidence of his or her expertise in any of the above areas.

23
24 3.04 No member may be reappointed without approval by the Board at one of its regular
25 meetings. Vacancies shall be filled by the Board at one of its regular meetings.

26
27 3.05 CLASC shall have the following responsibilities:

28 A. Select a chairperson to run the meetings and a vice-chairperson to fulfill this
29 role in the absence of the chairperson.

30 B. Review and approve the meeting agenda and the minutes of meetings, and
31 consider and take formal action on all appropriate matters relating to land acquisition for
32 conservation purposes that rightfully come before the committee for review.

33 C. Authorize negotiations for the purchase of environmental lands and real
34 property proposed for conservation purposes, using as a foundation the list attached as Exhibit
35 A. based on the conceptual and ecological criteria set forth in Section 5 below. CLASC may
36 revise the list based upon the results of purchase negotiations, due diligence investigations, and
37 additional new information concerning real property not originally on the list.

38 D. Based on the results of purchase negotiations, and the due diligence
39 conducted by ERM and other County departments, make recommendations to the Board in
40 connection with each specific property purchase to be made with funds from proceeds of any

1 conservation land bond referendum, or from any other potential sources of matching local, state
2 or federal programs. The recommendations shall accompany the Board agenda item prepared
3 by County staff for each potential acquisition.

4 E. CLASC shall be supported by staff from ERM, acting as the lead department
5 to coordinate the efforts of other County departments supporting the Conservation Land
6 Acquisition Program. ERM staff will be responsible for maintaining minutes of CLASC
7 proceedings, providing communication and coordination with other County departments
8 pursuant to directives from CLASC, preparing correspondence for the committee, providing
9 public notice of meetings, and preparing appropriate meeting agendas.

10
11 Section 4. Purchase Negotiations

12 4.01 Purchase negotiations for real property identified for acquisition by CLASC may
13 be conducted by a nonprofit organization(s) as defined in section 501(c)(3) of the Internal
14 Revenue Code, operating in Palm Beach County, which has, as its primary mission, the
15 preservation of lands for conservation purposes, and which has a local office in Palm Beach
16 County. The nonprofit organization(s) shall negotiate with the owners of those individual
17 properties identified for acquisition by CLASC to determine specific terms upon which a
18 property owner would be willing to sell his or her property. The nonprofit organization(s) shall
19 limit negotiations to those properties nominated by CLASC after application of the ecological
20 and conceptual criteria stated in Section 5.

21
22 4.02 The nonprofit organization(s) shall designate a negotiating team for each property
23 or group of properties authorized by CLASC. The nonprofit organization(s) shall ensure that
24 each member of the negotiating team signs a binding statement disclaiming any interest in the
25 property to which the member's negotiating team has been assigned for two (2) years prior to
26 and after the period of active negotiations on the property. The nonprofit organization(s) may
27 obtain an option to purchase and offer the results of its negotiations to Palm Beach County. The
28 nonprofit organization(s) shall assign the option to purchase to Palm Beach County, at no cost
29 to Palm Beach County, after recommendation for purchase of the property by CLASC in
30 accordance with Section 5 and upon the approval of the purchase by the Board.

31
32 4.03 Although it is strongly preferred that land acquisition negotiations be conducted
33 by the nonprofit organization(s) on behalf of the County, this authorization to negotiate is
34 nonexclusive and shall not preclude a property owner from negotiating directly with Palm
35 Beach County.

36
37 4.04 In no event shall this Resolution, the authorization herein, or the nonprofit
38 organization's negotiations create an agency relationship, express or implied, between the
39 nonprofit organization and Palm Beach County. Palm Beach County shall not be bound to any
40 person or entity to approve or consummate any purchase, or exercise any option to purchase,

1 as a result of the nonprofit organization's negotiations, or any other act or omission of the
2 nonprofit organization involving property, unless and until approved by formal action of the
3 Board. Any transaction shall be subject to implementation upon Palm Beach County or State
4 form documents and according to Palm Beach County policies.

5
6 Section 5. Acquisition Criteria and Procedures

7 5.01 Environmentally Sensitive Lands: CLASC shall make recommendations to the
8 Board for acquiring the property through the expenditure of the funds described in Section 3.05
9 D. above when the property meets the following criteria:

10 A. The real property is on the list attached hereto as Exhibit A; or

11 B. The property has ecological values comparable to the property on the list
12 attached hereto as Exhibit A., as determined by application of the following ecological criteria:

13 1. Rarity in Palm Beach County of the native ecosystems present on the
14 proposed real property acquisition site;

15 2. Diversity of the native ecosystems present on the proposed real
16 property acquisition site;

17 3. Presence of species listed as endangered, threatened, rare, or of
18 special concern by the U.S. Fish and Wildlife Service, the Florida Game and Fresh Water Fish
19 Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the
20 Florida Department of Agriculture; or

21 4. The real property provides habitat or environmental conditions such
22 that, with restoration efforts, it could act as a recipient site for listed species (e.g., gopher
23 tortoises) displaced from other sites in the county.

24
25 5.02 Greenways and Corridors: CLASC shall make a recommendation to the Board
26 for acquiring a property for a greenway and/or wildlife corridor when the real property exhibits
27 one or more of the following geographical characteristics:

28 1. Supports, at a minimum, remnant native ecosystems and is
29 immediately adjacent to an existing county-managed natural area or an existing preserve or
30 conservation area; or

31 2. Provides a connection between two or more publicly-owned natural
32 areas, parks, and/or open spaces, has a minimum width of 200 feet, and has the potential for
33 restoration to native habitat; or

34 3. Forms all or part of a greenway or wildlife corridor as identified by
35 Palm Beach County.

36
37 5.03 Lands for Acquisition in the Agricultural Reserve: CLASC shall give priority to,
38 and make recommendations to the Board for acquisition of, properties in the Agricultural
39 Reserve west of U. S. Highway 441. Active agricultural lands shall be assigned the highest
40 priority. Additional lands recommended for acquisition shall be consistent with Phase II of the

1 Agricultural Reserve Master Plan (Master Plan).

2 A. Agricultural Land: For the purposes of this resolution, agricultural land is
3 a land area predominately used for the cultivation of crops and livestock
4 including: cropland, pasture lands, orchards, vineyards, nurseries, ornamental
5 horticulture areas, groves, confined feeding operations, specialty farms, and
6 silviculture areas. CLASC shall give priority to, and make recommendations to
7 the Board for, acquisition of agricultural land when:

- 8 1. The real property is 20 acres or greater in size;
- 9 2. The real property is currently agricultural land or has previously been
10 active agricultural land as defined above.

11 B. Lands For Water Resources: CLASC shall give priority to, and make
12 recommendations to the Board for, acquisition of property for water resources
13 when:

- 14 1. The real property exceeds 100 acres in size or can be combined with
15 other parcels to provide a minimum of 100 acres;
- 16 2. The property has the potential to efficiently store water within
17 wetlands;
- 18 3. The property has the potential to provide significant recharge to the
19 local aquifer;
- 20 4. The property has potential to enhance water availability for public
21 for water supply wells or constructed wetlands; or
- 22 5. The property has the capability of being incorporated into a
23 functional water resource system.

24 C. Lands for Open Space: For the purposes of this resolution, open space
25 means unbuilt land reserved for, but not limited to, one or more of the following
26 uses: conservation, passive recreation, protection, ornamentation (i.e., scenic
27 corridor), linkage and buffer/development barrier use and water retention.
28 CLASC shall give priority to, and make recommendations to the Board for,
29 acquisition of property for open space when:

- 30 1. The property is 20 acres or greater in size;
- 31 2. The property is contiguous with other publicly-owned lands (e.g.,
32 natural areas, wetlands for water resources, or agricultural lands); or
- 33 3. The property provides potential for recreational opportunities; or
- 34 4. The property provides locations consistent with the linked open space
35 provisions of the Palm Beach County Comprehensive Plan.

36
37 D. When the Master Plan is completed and appropriate land development
38 regulations have been adopted, CLASC shall review and adjust the above acquisition priorities
39 to compliment the anticipated land development patterns provided for in the Master Plan.

1 5.04 Notwithstanding the criteria set forth in subsections 5.01 through 5.03, CLASC
2 shall give priority to acquisition of lands with the highest potential for obtaining matching
3 federal, state, or local acquisition dollars and where the property owner offers to sell with
4 discounts from the appraised value.

5
6 5.05 CLASC's deliberations and recommendations shall employ the criteria set forth in
7 subsections 5.01 through 5.05 and other similar criteria as developed by CLASC in the future
8 and adopted by the Board as amendments to this Resolution.

9
10 5.06 The acquisition procedures shall be as follows:

11 A. Prior to negotiations, County staff and the nonprofit organization(s) shall
12 present to CLASC a negotiation strategy and work plan for the program.

13 B. Upon receipt of the acceptable negotiation strategy and work plan, CLASC
14 shall approve said strategy and work plan and direct staff and the non-profits to proceed with
15 pre-acquisition due diligence, appraisals and with negotiations in accordance with said
16 negotiation strategy and work plan.

17 C. County staff and the non-profits shall continue to update CLASC with the
18 results of negotiations on specific properties and progress on the work plan generally. Based
19 upon the progress of the program, CLASC may recommend that staff and the non-profits re-
20 evaluate the negotiating strategy and work plan from time to time as it deems appropriate.

21 D. Based upon the selection criteria and the results of purchase negotiations and
22 preliminary due diligence conducted by staff, CLASC shall recommend the purchase of a given
23 conservation land property in accordance with the relative priority established by CLASC in the
24 work plan. County staff shall then be responsible for preparing the agenda item (stipulating the
25 purchase is subject to the completion and County staff approval of pre-acquisition due
26 diligence) for the proposed purchase and processing it in accordance with the County's
27 procedures. CLASC shall submit a written recommendation for purchase of the subject
28 conservation land property to accompany the Board agenda item prepared by County staff.
29 CLASC's recommendation shall specifically identify the conservation land site, the cost(s) of
30 acquisition, the features of the conservation land site which meet the ecological, water
31 resources, agricultural, or open space criteria or the geographical characteristics set forth in this
32 Section. The recommendation shall also include a statement that the property meets the criteria
33 for acquisition as set forth in this resolution.

34 E. Prior to submittal to the Board of any proposal for the purchase of a
35 conservation land property, staff shall review the proposed purchase pursuant to the terms of
36 Palm Beach County Ordinance No. 89-32, the terms and conditions of which are incorporated
37 herein by reference and made a part hereof as if fully set forth. Staff shall conduct a due
38 diligence investigation and review which shall include, without limitation, independently
39 conducted appraisals, title insurance, environmental audits, survey and any other items deemed
40 necessary in connection with the proposed acquisition. Staff shall provide to CLASC, without

1 request, the data obtained from staff's preliminary investigation and review prior to submittal
2 of the Board agenda item, to assist CLASC in preparing its recommendations.

3
4 5.07 No proposal or recommendation for purchase shall be submitted to the Board in
5 which the purchase price of the entire conservation land and site would exceed its highest appraised
6 value.

7
8 Section 6. Severability

9 If any section paragraph, sentence, clause, phrase or word of this Resolution is for any
10 reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect
11 the remainder of this Resolution.

12
13 Section 7. Repeal

14 In the event that no funds are available from proceeds of any conservation land bond
15 issue, or from any other potential sources of matching local, state or federal programs, this
16 Resolution shall automatically sunset, effective upon receipt by ERM of official notice from the
17 Palm Beach County Financial Management & Budget Department evidencing the lack of funds.

18
19 Section 8. Effective Date

20 This resolution shall become effective immediately upon adoption.

21
22 (The remainder of this page intentionally left blank)

1 The foregoing resolution was offered by Commissioner Marcus, who moved its
2 adoption. The motion was seconded by Commissioner McCarty, and upon being
3 put to a vote, the vote was as follows:

4		
5		
6	COMM. MAUDE FORD LEE, Chair	<u>Aye</u>
7	COMM. WARREN H. NEWELL, Vice Chair	<u>Aye</u>
8	COMM. KAREN T. MARCUS	<u>Aye</u>
9	COMM. CAROL A. ROBERTS	<u>Aye</u>
10	COMM. MARY McCARTY	<u>Aye</u>
11	COMM. BURT AARONSON	<u>Aye</u>
12	COMM. TONY MASILOTTI	<u>Aye</u>
13		

14
15 The Chair thereupon declared the resolution duly passed and adopted this 8
16 day of June, 1999.

17
18 APPROVED AS TO FORM AND
19 LEGAL SUFFICIENCY

20 PALM BEACH COUNTY, FLORIDA
21 BY ITS BOARD OF COUNTY
22 COMMISSIONERS
23 Dorothy H. Wilken, Clerk

24 By [Signature]
Assistant County Attorney

By [Signature]
Deputy Clerk



Palm Beach County ESL and Greenways Property Acquisition List
 -- December 1998 --
 Prepared for Proposed 1999 ESL and Greenways Bond Referendum

ORIGINAL ESL LIST	SITE NAME	Township	Range	Section	ACRES	ASSESSED VALUE
PROPOSED ESL SITES						
YES	West Atlantic Avenue Wetlands	46	41	24	81	869,454
YES	East Conservation Area	45	41	14, 24	118	1,048,580
YES	IBM/Blue Lake Tract	47	42	12	225	15,581,250
YES	Broken Sound Buffer	47	42	1	53	5,849,280
YES	Knob Hill	47	43	7	80	4,921,000
YES	Boca Teeca Scrub	47	43	5	14	309,000
	North Ocean Ridge Mangroves	45	43	27	38	625,608
	South Ocean Ridge Mangroves	45	43	22	34	270,530
YES	Quantum Scrub	45	43	16, 17	226	12,319,241
	Overlook Scrub	45	43	10	100	3,793,794
	Heritage Farms Flatwoods	45/44	41/41	1, 2, 12/37	720	7,232,445
	Big Blue Swamp	44	41	15	93	27,726
	Old Slough Tract	44	41	12	130	1,303,180
	Flying Flatwoods	43	41	31, 32	180	1,475,533
YES	Royal Palm Beach Pines South	43	41	22	320	3,200,000
	Jassy Tract	43	42	29	50	913,520
	Lion Country Safari Woods	43	40	23	260	1,170,000
	Solid Waste Authority Buffer	43/42	42	2/35	753	11,656,440
YES	Lake Park Scrub	42	43	19	66	4,778,400
YES	Palmwood Scrub	41	43	20	62	1,488,000
YES	Delaware Scrub	42	41	2	16	3,331,603
	Frenchman's Forest West	41	43	31	260	11,700,000
YES	Indian Creek Flatwoods-North	41	42	36,35,26 & 25	837	\$16,652,441
YES	Indian Creek Flatwoods-South	41/42	42	35/2	566	11,320,000

Palm Beach County ESL and Greenways Property Acquisition List
-- December 1998 --
Prepared for Proposed 1999 ESL and Greenways Bond Referendum

ORIGINAL ESL LIST	SITE NAME	Township	Range	Section	ACRES	ASSESSED VALUE
YES	Jupiter Woods	41	42	12, 13	215	10,636,803
	West Acreage Pines	43	40	5, 8	179	642,367
	Northlake Triangle	42	42	22	331	4,967,850
	North Jupiter Flatwoods	40	42	33, 34	190	3,439,238
YES	C-18 Triangle	41	42	8	140	630,000
YES	Cypress Creek Tract	40	41	35, 36	1252	6,862,710
YES	Section 1 (N. of Fox Property)	43	41	1	596	2,980,000
YES	Loxahatchee Slough Outparcels	42/42	41/42	1, 13, 19, 20, 21, 23, 24, 28, 32, 5, 6, 7, 8	1420	2,958,688
YES	Royal Palm Colony Tract	41	41	19/20	483	1,385,500
YES	Northlake Wetlands	42	41	8, 9, 15, 16, 17	1122	5,122,846
PROPOSED GREENWAYS						
YES	Vavrus Ranch /Beeline Corridor	42/41	41	10/28, 33	592	2,664,000
	Conners Highway Ridge	41/40	37	2, 10, 11, 14, 22, 23, 35	111	440,088
	Lake Okeechobee Connector	40	37	35, 36	571	1,115,000
	Corbett/Lox. Refuge Connector	42, 43	40	31/5, 6, 7, 8	300	1,200,000
TOTAL ACQUISITION ACRES & ESTIMATED VALUE					12,784	\$166,882,115



EXHIBIT D

October 28, 2022

Mr. Robert S. Weinroth, Mayor
and Members of the Board of County Commissioners
Palm Beach County
301 N. Olive Avenue
West Palm Beach, FL 33401

Dear Commissioners:

SUBJECT: Recommendation for Approval of Application for Interest in Conservation Lands

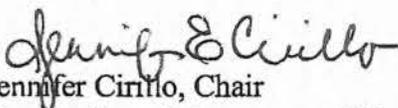
On October 28, 2022, the Natural Areas Management Advisory Committee (NAMAC) approved the following motion:

To recommend that the Board of County Commissioners approve the Application for Interest in Conservation Lands for the requested Florida Power and Light (FPL) easement.

FPL's application requests a 2.80-acre, permanent, non-exclusive utility easement over two 15'-wide strips of land within Loxahatchee Slough Natural Area (LOS). The easement areas are immediately adjacent to the rights of way for PGA Boulevard and Beeline Highway/SR 710. FPL will compensate the County for impacts to LOS through the donation of 14 acres of environmentally sensitive lands in fee simple. The compensatory lands are directly adjacent to, and will be incorporated into, LOS.

NAMAC has determined that FPL's application for an Interest in Conservation Lands meets the requirements as set forth in the Conservation Lands Protection Ordinance (2003-052). NAMAC has also determined that the compensatory lands offered by FPL will provide an Exceptional Benefit to the County's Conservation Lands Program.

Sincerely,


Jennifer Cirillo, Chair
Natural Areas Management Advisory Committee

cc: Verdenia C. Baker, County Administrator
Scott Stone, Esq., Assistant County Attorney
Deborah Drum, Director, Environmental Resources Management

Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411-2743
(561) 233-2400
FAX: (561) 233-2414
www.pbcgov.com/erm

Palm Beach County Board of County Commissioners

- Robert S. Weinroth, Mayor
- Gregg K. Weiss, Vice Mayor
- Maria G. Marino
- Dave Kerner
- Maria Sachs
- Melissa McKinlay
- Mack Bernard

County Administrator
Verdenia C. Baker

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EXHIBIT E



CITY OF PALM BEACH GARDENS

10500 N. MILITARY TRAIL PALM BEACH GARDENS, FLORIDA 33410-4698

November 8, 2022

Palm Beach County
Deborah Drum, Director
Department of Environmental Resource Management
2300 Jog Road
West Palm Beach, FL 33411

RE: FPL's Application Interest in Palm Beach County Conservation Lands for its Proposed new Transmission Line Project ("Riviera 230kV Injection")

Dear Ms. Drum,

The City of Palm Beach Gardens (City) is familiar with Florida Power & Light Company (FPL's) proposed 230kV transmission line and has reviewed Section 3.03 of Palm Beach County's (PBC) Conservation Lands Protection Ordinance (CLPO) 2003-052 requiring municipal comments on the subject FPL application for interest in PBC conservation lands.

The City has reviewed the PBC's 10/4/22 Staff Report and the 10/28/22 Natural Areas Management Advisory Committee (NAMAC) approval letter. The City has no objection to this application proceeding to the PBC Board of County Commission Hearing for approval.

Please feel free to contact me if you have any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Ferris".

Ron F. Ferris
City Manager
561-799-4110
rferris@pbgfl.com



EXHIBIT F

November 8, 2022

Deborah Drum, Director
Palm Beach County
Department of Environmental Resources Management
2300 North Jog Rd, 4th Floor
West Palm Beach, FL 33411

RE: Florida Power & Light Company's (FPL) Written Commitment to Provide Compensation for a Requested Easement within Loxahatchee Slough Natural Area Pursuant to the Requirements of Palm Beach County's (County) Conservation Lands Protection Ordinance

Dear Ms. Drum:

This letter serves to confirm that FPL remains committed to meeting the following obligations as stipulated in the Application for Interest in Conservation Lands for the proposed Ryder-Cayman 230 kV transmission line:

1. Pursuant to the requirements of the County's Conservation Lands Protection Ordinance (Ordinance No. 2003-052), FPL shall donate 14.13 acres of high quality environmentally sensitive lands, located adjacent to Loxahatchee Slough Natural Area (LOS), to the County in fee simple title. These lands will serve as compensation for a 2.8-acre utility easement within LOS that has been requested by FPL. The lands will be transferred into the County's Conservation Lands Program, and incorporated into and managed as part of LOS.
2. In exchange for the above referenced land donation, the County shall convey, and FPL shall receive, a utility easement over 2.8 acres of environmentally sensitive lands within LOS. This easement is required for the construction, maintenance and operation of a new 230 kV transmission line from FPL's Ryder substation to its Cayman substation.

The above obligations are contingent upon approval of the requested utility easement conveyance and acceptance of the proposed land donation by the County's Board of County Commissioners.

FPL appreciates the County's willingness to continue working with us to amend affected conservation easements. If you have any additional questions, please do not hesitate to contact Nick Zweber at (561) 348-4387 or Nick.Zweber@fpl.com.

Best Regards,

Franck Leblanc

Digitally signed by Franck Leblanc
DN: cn=Franck Leblanc, o=Florida Power &
Light, ou=Environmental Services,
email=franck.leblanc@fpl.com, c=US
Date: 2022.11.08 12:51:02 -05'00'

Franck Leblanc
Director, FPL, Environmental Services
15430 Endeavor Drive, MS #D01-JW
Jupiter, FL 33478
Franck.L.Leblanc@fpl.com

Florida Power & Light Company

15430 Endeavor Drive DO1/JW, Jupiter, FL 33478

ATTACHMENT 3

ORDINANCE NO. 2003 - 052

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR A SHORT TITLE, PURPOSE, APPLICABILITY, AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROTECTION OF THE CONSERVATION LANDS; PROVIDING FOR COMPENSATION FOR INTERESTS IN CONSERVATION LANDS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PALM BEACH COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the citizens of Palm Beach County voted on March 12, 1991, to tax themselves to provide \$100,000,000 for the acquisition, permanent protection and preservation of Environmentally Sensitive Lands; and

WHEREAS, the citizens of Palm Beach County voted on March 9, 1999, to tax themselves to provide \$150,000,000 for the acquisition, permanent protection, and preservation of Conservation Lands; and

WHEREAS, the Board of County Commissioners has acquired nearly 30,000 acres of lands for long-term conservation using these funds; and

WHEREAS, the Board of County Commissioners has determined that the public interest is best served by these lands being preserved and managed as preserves or for conservation forever and that the best means of ensuring permanent preservation is to provide multiple layers of protection for conservation lands through third party conservation easements, deed restrictions, shared title, and a Charter Amendment; and

WHEREAS, the Board of County Commissioners has determined that the public interest may be served in certain circumstances by allowing for the conveyance of an interest in these lands when such conveyance results in an exceptional benefit to the Conservation Lands Program; and

WHEREAS, the Board of County Commissioners has determined that an exceptional benefit to the Conservation Lands Program can only be ensured by requiring that any proposed conveyance of an interest in conservation lands be offset by the acquisition, transfer into the Conservation Lands Program, and permanent preservation of higher quality environmentally sensitive lands, greenways or open space, or water resource lands of greater acreage or more suitable location than the interest in conservation lands conveyed; and

1 **WHEREAS**, the Board of County Commissioners has determined that the
2 public interest will be served by establishing a public process and procedure for
3 approving the conveyance of an interest in Conservation Lands when such
4 conveyance results in an exceptional benefit to the Conservation Lands
5 Program.

6 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
7 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

8 **Section 1. SHORT TITLE, PURPOSE, APPLICABILITY, AUTHORITY:**

9 1.01 This Ordinance shall be known as the "Conservation Lands
10 Protection Ordinance."

11 1.02 It is the intent of this Ordinance to recognize that the public interest
12 is best served when the Conservation Lands as defined in
13 subsection 2.01 are allowed to remain as conservation lands in
14 perpetuity but to also recognize that the public interest may be
15 served in certain circumstances in which the conveyance of an
16 interest in Conservation Lands results in an exceptional benefit to
17 the Conservation Lands Program as defined in subsection 2.03.

18 1.03 It is the intent of this Ordinance to recognize that the conveyance
19 of interest in Conservation Lands that fail to result in an exceptional
20 benefit to the Conservation Lands Program as defined in
21 subsection 2.03 are not in the public interest and shall be
22 prohibited.

23 1.04 It is the intent of this Ordinance to provide a process and guidelines
24 whereby the Board of County Commissioners can evaluate and
25 determine in a public forum whether a potential conveyance of
26 an interest in Conservation Lands provides an exceptional benefit
27 to the Conservation Lands Program prior to any disposition of the
28 Conservation Lands.

29 1.05 The provisions of this Ordinance apply to the Conservation Lands as
30 defined in subsection 2.01.

31 1.06 It is the intent of the Board of County Commissioners that this
32 Ordinance be liberally construed to ensure the long term
33 protection and preservation of Conservation Lands.

34 1.07 This Ordinance is adopted under the authority of Chapter 125,
35 Florida Statutes (F.S.), and the Charter of Palm Beach County. The
36 Palm Beach County Department of Environmental Resources

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Management (ERM) shall, through the authority of the County Administrator, administer the requirements of this Ordinance.

Section 2. DEFINITIONS:

2.01 **Conservation Lands** are those lands acquired in whole or in part from funds obtained from the bond issues authorized by the Environmentally Sensitive Lands Referendum (March 12, 1991) or the Land Acquisition for Conservation Purposes Referendum (March 9, 1999), as well as lands donated for conservation purposes.

2.02 **Interest in Conservation Lands** means a fee simple interest, easement, right-of-way, or an authorization of a use not initially intended for the property acquired as conservation lands. Uses not initially intended include, but are not limited to, utility and roadway activities.

2.03 **Exceptional Benefit to the Conservation Lands Program** means that the proposed conveyance of an Interest in Conservation Lands is offset by the acquisition, transfer into the Conservation Lands Program, and preservation of higher quality land of greater acreage. Highest quality land shall be conveyed at a ratio of up to 5 acres transferred into the Conservation Lands program to one acre conveyed out of the program. The land to be acquired to offset the Interest in Conservation Lands must meet the criteria for acquisition under Resolution 99-1073 and must satisfy the purposes for which the affected Conservation Lands were originally acquired. If the affected Conservation Lands are environmentally sensitive, the unique location of the Conservation Lands being considered for conveyance must be analyzed in comparison to the lands offered as compensation pursuant to Section 4 to determine that the land offered as compensation is of equal or greater value for conservation purposes than the land being considered for conveyance. Quality of habitat for land offered as compensation for Environmentally Sensitive Lands as defined in subsection 5.01 of Resolution 99-1073 shall be determined by the rarity and diversity of native ecosystems, function of the habitat in terms of its ability to support wildlife, adjacency to or connectivity between existing Conservation Lands, and the presence of species

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listed as endangered, threatened, rare, or of special concern by the U.S. Fish and Wildlife Service, the Florida Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals or the Florida Department of Agriculture. If the affected Conservation Lands are not Environmentally Sensitive Lands, as defined in subsection 5.01 of Resolution 99-1073, the land offered for compensation pursuant to Section 4 shall satisfy or exceed the purposes served by the affected Conservation Lands according to the acquisition criteria in subsections 5.02 and 5.03 B and C of Resolution 99-1073.

Section 3. PROTECTION OF THE CONSERVATION LANDS:

3.01 An individual, organization, or governmental entity including County departments may request an Interest in Conservation Lands by making a written request to the Board of County Commissioners through ERM.

3.02 The request shall:

A. Provide the public purpose for which the Interest in Conservation Lands is needed.

B. Provide a history and discussion of the alternatives to requesting the specific Interest in Conservation Lands and demonstrate with supporting documentation why other alternatives are not acceptable.

C. Demonstrate with supporting documentation that the requested conveyance of an Interest in Conservation Lands is the minimum acreage necessary, impacts the lowest quality habitat, and avoids habitat fragmentation, noise, and light pollution to the adjacent unaffected Conservation Lands.

D. Demonstrate with supporting documentation, the substantial public need for the particular Interest in Conservation Lands requested, why the competing public use must occur at that location, and how the proposed Interest in Conservation Lands will be offset to ensure an Exceptional Benefit to the Conservation Lands Program.

E. Demonstrate that the Interest in Conservation Lands will not affect the continued survival of any species listed as endangered, threatened, rare, or of special concern by the U.S. Fish and Wildlife

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Service, the Florida Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals or the Florida Department of Agriculture.

F. Demonstrate that the proposed compensation pursuant to Section 4 provides an Exceptional Benefit to the Conservation Lands Program.

3.03 Prior to any action by the Board of County Commissioners regarding the conveyance of an Interest in Conservation Lands, and for as long as these committees or their successors are constituted, the Conservation Lands Acquisition Selection Committee (CLASC) and the Natural Areas Management Advisory Committee (NAMAC) shall review the proposed compensation pursuant to Section 4 to determine whether it meets the criteria for acquisition under Resolution 99-1073 and meets the purposes for which the affected Conservation Lands were initially acquired, and whether the proposed compensation pursuant to Section 4 provides an Exceptional Benefit to the Conservation Lands Program. These comments and recommendations shall be provided to ERM no later than 90 days after receipt by each Committee through its respective chair of the written request under consideration. In addition, if the affected Conservation Lands are within municipal boundaries, the request for conveyance of an Interest in Conservation Lands shall be submitted for review by that municipality. The municipality shall have 90 days from receipt of the request by its mayor or manager to provide comments and recommendations to ERM. ERM shall provide copies of the comments and recommendations received from CLASC, NAMAC, and the applicable municipality to the Board of County Commissioners at the public hearing where the request for an Interest in Conservation Lands is being considered.

3.04 An affirmative vote of five (5) members of the Board of County Commissioners shall be required to conceptually approve the conveyance of an Interest in Conservation Lands, which conceptual approval shall be by resolution following:

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- A. Receipt and consideration of comments and recommendations by ERM, CLASC, NAMAC, and the municipality, as applicable; and
- B. A public hearing, duly advertised, to provide for public input; and
- C. Receipt of a written commitment providing for compensation pursuant to Section 4, and incorporation of the written commitment into the resolution.

3.05 In approving the resolution, the Commission must determine that:

- A. There is a substantial public need for the conveyance of an Interest in Conservation Lands and that there is no acceptable alternative to meet the need other than the use of Conservation Lands; and
- B. That the requested conveyance of an Interest in Conservation Lands is the minimum acreage necessary, impacts the lowest quality habitat, and avoids habitat fragmentation, noise, and light pollution to the adjacent unaffected Conservation Lands; and
- C. That the proposed compensation pursuant to Section 4 meets the relevant criteria for acquisition and is sufficient in terms of acreage, location and quality to ensure that the proposed conveyance will result in an Exceptional Benefit to the Conservation Lands Program; and
- D. That the proposed conveyance of an Interest in Conservation Lands that are Environmentally Sensitive does not affect the continued survival of any species listed as endangered, threatened, rare, or of special concern by the U.S. Fish and Wildlife Service, the Florida Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals or the Florida Department of Agriculture.
- E. The findings in subsections 3.05 A through D shall be expressly set forth along with the written commitment providing for the compensation pursuant to Section 4 in the resolution conceptually authorizing the conveyance of an Interest in Conservation Lands for the public need stated therein.

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3.06 An approval under this Ordinance shall not authorize the actual transfer by deed, easement or other applicable instrument, of an interest in Conservation Lands. The actual transfer shall require a separate submittal for consideration by the Board of County Commissioners, at one of its regular meetings, of a purchase and sale agreement or other instrument capable of conveying the requested interest. The individual, organization, or governmental entity requesting an interest in Conservation Lands shall be responsible for obtaining any other approval or permit needed or desired in connection with the request, and an approval under this Ordinance does not guarantee the issuance of any such approval or permit. The provisions of this subsection 3.06 shall be expressly set forth in any resolution adopted by the Board of County Commissioners pursuant to subsections 3.04 and 3.05.

Section 4. COMPENSATION FOR INTERESTS IN CONSERVATION LANDS:

4.01 In order to ensure that the conveyance of an interest in Conservation Lands results in an exceptional benefit to the Conservation Lands Program, the proposed conveyance must be offset by the acquisition, transfer into the Conservation Lands Program, and preservation of land that satisfies the criteria of subsection 2.03 of this Ordinance.

4.02 The net value of the land acquired to compensate for the requested interest in Conservation Lands shall exceed the current value of the interest in Conservation Lands requested. The current value of the interest in Conservation Lands shall be calculated by determining the cost per acre of the affected Conservation Lands at the time of acquisition, and factoring in any increases in land value since acquisition, including general inflation of land values. If the net value of the land to be acquired to compensate for the requested interest in Conservation Lands does not exceed the current value of the affected Conservation Lands, the difference shall be made up monetarily, and those funds shall be returned to the Conservation Lands Program.

4.03 Compensation pursuant to this Section for an interest in Conservation Lands shall be provided before, or simultaneously with the conveyance of an interest in Conservation Lands.

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Section 5. EXEMPTIONS:

- 5.01 Conveyance of an Interest in Conservation Lands where the affected Conservation Lands were initially acquired for agricultural purposes as defined in Resolution 99-1073, subsection 5.03 A is exempt from this Ordinance.
- 5.02 Conveyance of an Interest in Conservation Lands at the time of, and as part of, the acquisition process is exempt from this Ordinance.
- 5.03 Conveyance of an Interest in Conservation Lands where the property that is the subject of the Interest was declared as surplus at the time the Lands were initially acquired is exempt from this Ordinance.
- 5.04 Conveyance of a conservation easement to a government or a non-profit conservation organization for the purpose of permanent preservation is exempt from this Ordinance.

Section 6. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provision of this Ordinance are hereby repealed to the extent of any such conflict, except for local laws and ordinances that implement the bond issues authorized by the Environmentally Sensitive Lands Referendum (March 12, 1991) or the Land Acquisition for Conservation Purposes Referendum (March 9, 1999).

Section 7. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 8. INCLUSION IN THE PALM BEACH COUNTY CODE:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 9. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

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APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 21 day of October, 2003.

ATTEST:
DOROTHY H. WILKEN, CLERK

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

By: *Dorothy H. Wilken*
Deputy Clerk



By: *Karen T. Marcus*
Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *Heidi Hill*
Assistant County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 28 day of October, 2003.



STATE OF FLORIDA, COUNTY OF PALM BEACH I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on October 21, 2003.
DATED at West Palm Beach, FL on 11/6/03.
DOROTHY H. WILKEN, Clerk
By: *Barbara J. Balkrish* D.C.