

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 3, 2023

Consent

Regular

Ordinance

Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** First Amendment to Infrastructure Surtax Funding Agreement R2023-0225 ("Funding Agreement") with Indian Trail Improvement District ("ITID") for the Acreage Community Park South Expansion Project ("Project") in the amount of \$3,000,000 from the Infrastructure Surtax (IST) Fund to change the location of the installation of artificial turf from Multi-Purpose Field B to Multi-Purpose Field A.

**Summary:** Acreage Community Park is located at 140th Avenue North in unincorporated Palm Beach County and is managed and maintained by ITID. This 45-acre park features athletic fields, multipurpose fields, a track, amphitheater, playground, picnic facilities, walking paths and restrooms. The park is adjacent to the County's 124-acre Acreage Pines Natural Area. ITID currently leases approximately 28-acres of Acreage Community Park (Acreage Community Park South) from the County. On April 4, 2017, the County adopted a project plan to implement the Surtax funded projects and included an allocation of \$3,000,000 towards the construction of a recreation center at Acreage Community Park. On April 27, 2022, the ITID Board approved Resolution No. 2022-010 requesting that the funding assigned for the recreation center be reallocated to additional outdoor recreation amenities such as Multipurpose Field B, skate park, and associated infrastructure. On July 25, 2023 the ITID Board approved Resolution No. 2023-012 requesting the reallocation of funding set aside for the installation of artificial turf from the new Multi-Purpose Field B to the existing Multi-Purpose Field A. ITID has determined that this reallocation will improve park operations, maintenance, safety, accessibility and enjoyment by users. The Amendment replaces the Conceptual Site Plan depicted in Exhibit "A" of the Funding Agreement with this proposed modification in Exhibit "A-1". The proposed change will involve no change in the estimated cost of construction or affect the allocation to the ITID of the not to exceed amount of \$3,000,000 approved in the Funding Agreement. This project is funded through the infrastructure sales tax. District 6 (AH)

**Background and Justification:** On November 8, 2016, the voters of Palm Beach County approved a one-penny infrastructure surtax for collections beginning January 1, 2017, and continuing for the sooner of 10 years or \$2.7 billion in proceeds before September 1 of any year. Also included was the creation of an IST Independent Citizen Oversight Committee to audit spending for compliance with approved projects

The proposed first amendment will have no net effect on the total IST funding allocated to the Department.

Attachment: First Amendment to Funding Agreement

Recommended by:   
Department Director

9/15/23  
Date

Approved by:   
Assistant County Administrator

9/26/2023  
Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><u>*-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
<b>Is Item Included in Current Budget:</b>		Yes	_____	No	<u><u>X</u></u>
<b>Does this item include use of federal funds?</b>		Yes	_____	No	<u><u>X</u></u>

Budget Account No.:      Fund 3950 Department 581 Unit T203  
    Object \_\_\_\_\_ Program \_\_\_\_\_

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


\*There is no fiscal impact associated with this item.

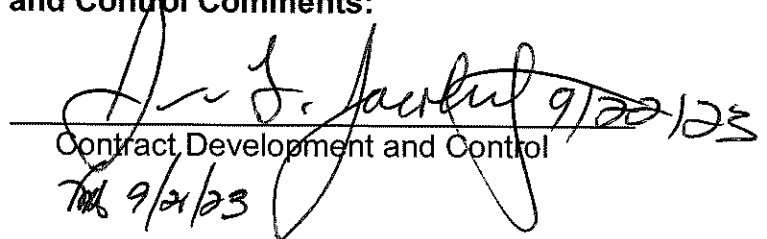
**C. Departmental Fiscal Review:**



**III. REVIEW COMMENTS**

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

 9/18/2023  
 OFMB ~~9/18~~ 9/18      RB 9/18

 9/20/23  
 Contract Development and Control  
 TB 9/21/23

**B. Legal Sufficiency:**

 9/25/23  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**FIRST AMEDMENT TO INFRASTRUCTURE SURTAX FUNDING  
AGREEMENT BETWEEN PALM BEACH COUNTY AND THE INDIAN TRAIL  
IMPROVEMENT DISTRICT FOR THE ACREAGE COMMUNITY PARK SOUTH  
EXPANSION PROJECT**

**THIS FIRST AMENDMENT** to Infrastructure Surtax Funding Agreement, dated February 7, 2023 is made and entered into on ~~February 7, 2023~~ October 3, 2023 by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as "County", and **INDIAN TRAIL IMPROVEMENT DISTRICT**, an independent special district of the State of Florida, organized and existing under and by virtue of Chapters 57-646 and 2002-330, Laws of Florida, as amended, hereinafter referred to as "ITID". ITID and the County are hereinafter sometimes referred to individually as a "Party" or collectively as the "Parties".

**WITNESSETH:**

**WHEREAS**, the Board of County Commissioners approved Resolution R2023-0225 adopting an Infrastructure Surtax Funding Agreement with ITID ("Funding Agreement"). The Funding Agreement authorized expenditure of an amount not to exceed \$3,000,000 from the Local Government Infrastructure Surtax to construct certain outdoor recreation facilities and amenities in Acreage Community Park South. These amenities include are but not limited to construction of new Multi Purpose Field B surfaced with artificial turf, the approximate location of which was identified on the Conceptual Site Plan attached to the Funding Agreement as Exhibit "A"; and

**WHEREAS**, ITID has determined that in order to improve the efficient operation and maintenance of facilities and increase the safety, accessibility and enjoyment of users, Infrastructure Surtax Funds can be better used if the Conceptual Site Plan is revised to reallocate funds set aside for the installation of artificial turf on new Multi-Purpose Field B to existing Multi-Purpose Field A; and

**WHEREAS**, On July 25, 2023, the ITID Board adopted a Resolution No. 2023-012, requesting the reallocation of funding for the installation of artificial turf from new Multi-Purpose Field B to existing Multi-Purpose Field A; and

**WHEREAS**, the proposed change in the Conceptual Site Plan for expenditure of Infrastructure Surtax Funds will involve no change in the estimated cost of construction of facilities in Acreage Community Park South or affect the allocation to the not to exceed amount of \$3,000,000 approved by the Funding Agreement. No other changes to the Conceptual Site Plan are requested; and

**WHEREAS**, the proposed changes are consistent with the terms and understandings between the ITID and the County regarding use of Infrastructure Surtax funds.

**NOW, THEREFORE**, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

1. Exhibit "A" attached to the Funding Agreement is hereby deleted in its entirety and replaced with a new Exhibit "A-1" attached hereto and incorporated herein. Exhibit "A-1" illustrates the Revised Conceptual Site Plan in which the funds set aside for the installation of artificial turf on Multi-Purpose Field B will instead be used on the existing Multi-Purpose Field A.
2. Except as provided herein, each and every other term of the Funding Agreement shall remain in full forces and effect and the Funding Agreement is reaffirmed as modified herein.

**REMAINDER OF PAGE LEFT INTENTIONALLY BLANK**

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first above written.

ATTEST:

JOSEPH ABRUZZO  
CLERK OF THE CIRCUIT  
COURT & COMPTROLLER

PALM BEACH COUNTY BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Gregg K. Weiss, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

APPROVED AS TO TERMS AND  
CONDITIONS:

By: Anne Helgert  
Senior Assistant County Attorney

By: James G. Smith  
Director - Parks and Recreation

ATTEST:

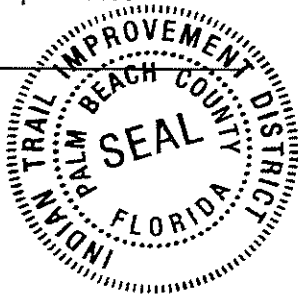
INDIAN TRAILS IMPROVEMENT DISTRICT

By: Patricia Farrell  
Secretary, Board of Supervisors

By: Michael Johnson  
President, Board of Supervisors

Print: Patricia Farrell

Print: Michael Johnson



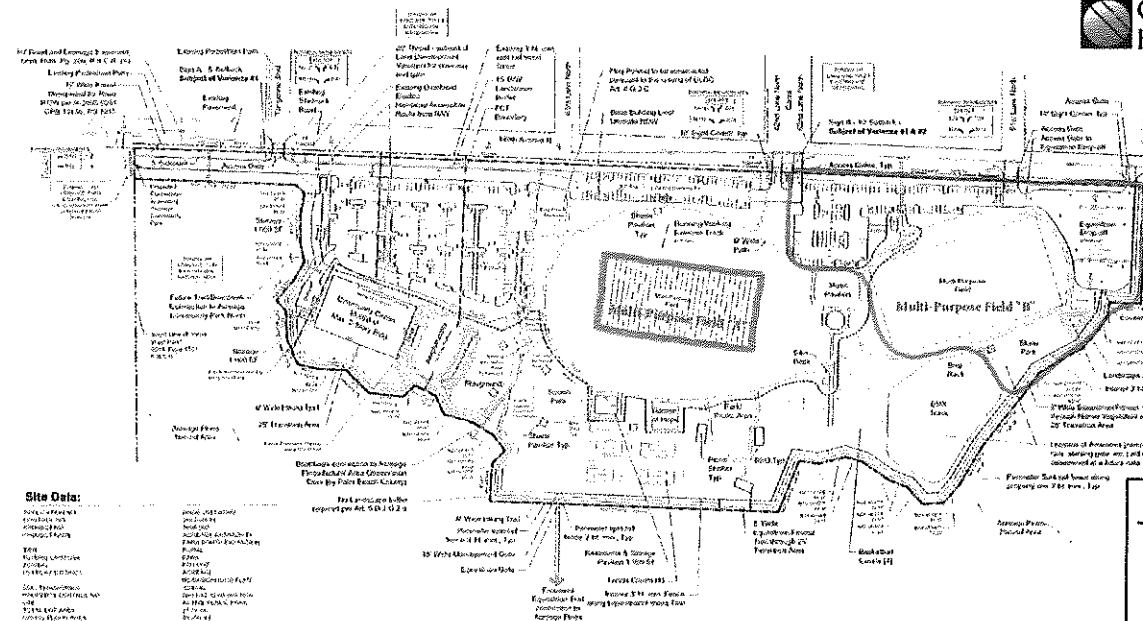
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Urban design kilday studios

Urban Planning & Design Landscape Architecture Communication Graphics

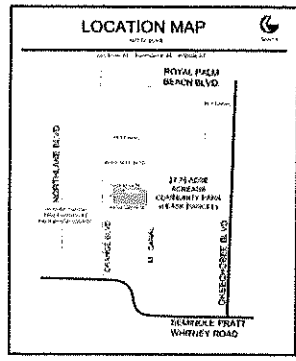


Site Data table with columns for Item, Description, and Quantity. Lists various site features and their counts.

Notes section containing several numbered notes regarding site conditions, zoning, and development requirements.

- Development Team list including Project Manager, Architect, Engineer, and other roles with names and contact information.

Variance Chart: Approved Bluff Rise # ZR-2011-101. Table with columns: Variance, Code Section, Required, Proposed, Variance.



Zoning Amendments and Zoning Stamps information, including project number, date approved, and project manager name.

Agreage Community Park South Expansion Final Site Plan. Partnership between Palm Beach County, Florida and the City of Agreage.

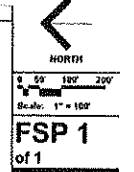


EXHIBIT "A-1"