

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 5, 2023 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Restrictive Covenant dedicating a portion of Ocean Inlet Park Marina for public use to satisfy grant requirements imposed by the Florida Inland Navigation District (FIND).

Summary: On May 5, 2020, the County applied for and was awarded a \$1.5 million FIND grant for the redevelopment of Ocean Inlet Park Marina in Ocean Ridge. The grant was secured to help fund a portion of the costs for the replacement of over 500 linear feet of seawall, construction of four fixed public safety docks with high speed lifts and three floating ADA compliant day use docks (FIND Project No. PB-20-210). The term of the grant agreement (R2020-1904) was from October 13, 2020 until September 30, 2022. The County applied for and was awarded a one (1) year project completion extension; said amendment to the grant agreement was approved by the Board of County Commissioners (Board) in October 2022 (R2022-1129). FIND Project No. PB-20-210 was substantially completed in September 2023. The grant agreement requires the County to dedicate the project site for public use for a period of twenty-five (25) years from the date of project completion. A Declaration of Restrictive Covenant is being recorded to satisfy those grant requirements. There is no fiscal impact associated with the approval of this item. (Property and Real Estate Management) District 4 (HJF)

Background and Justification: On May 5, 2020 the Board authorized and approved the FIND’s Waterways Assistance Program (WAP) grant application (R2020-0483) to fund a portion of the construction associated with the redevelopment of the Ocean Inlet Park Marina. The Park was constructed over 40 years ago and was renovated as a result of its age and deteriorating infrastructure. Grant funding under the FIND Project No. PB-20-210 requires the project site to be used by the public for a minimum of twenty-five (25) years from the date of project completion. To fulfill FIND’s grant requirements the County will record a Declaration of Restrictive Covenant in the public records of Palm Beach County.

- Attachments:**
1. Location Map
 2. Declaration of Restrictive Covenant

Recommended By: [Signature] Department Director Date: 10/27/23
Approved By: [Signature] County Administrator Date: 11/8/23

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)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u> 0 </u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	<u> 0 </u>	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X

Does this item include the use of federal funds? Yes _____ No X

Does this item include the use of state funds? Yes _____ No X

Budget Account No: Fund 3600 Dept 582 Unit T173 Object various
Program _____

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

No Fiscal Impact

Fixed Asset Number _____

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 11/1/23
OFMB JK 10/31 11-1-23

[Signature] 11/6/23
Contract Development and Control 11/6/23

B. Legal Sufficiency:

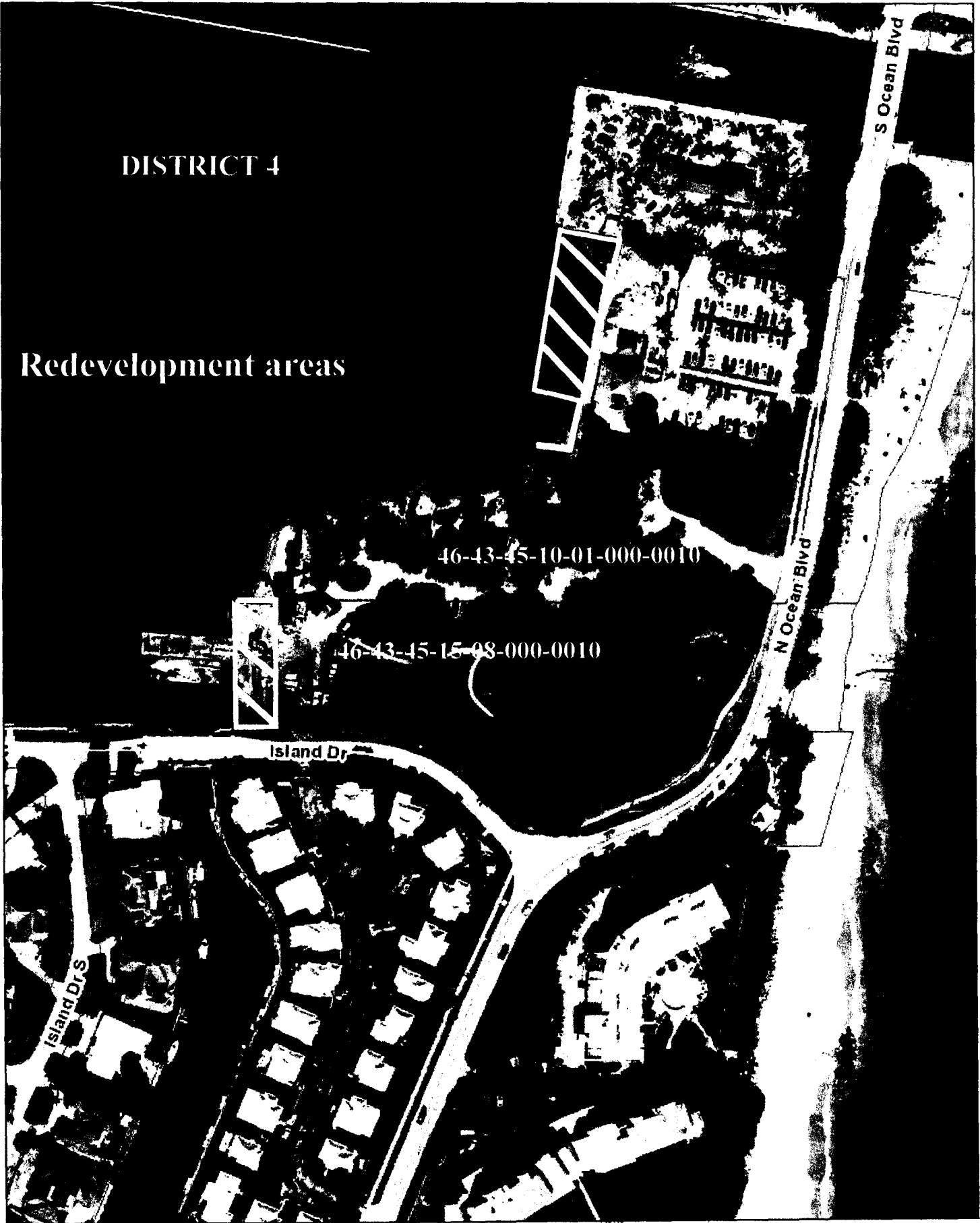
[Signature] 11/7/23
Assistant County Attorney

C. Other Department Review:

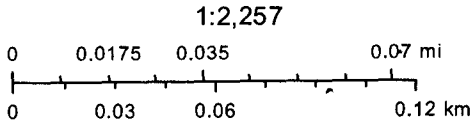
Jennifer Cirilli
Printed by Jennifer Cirilli
City of Chicago, Office of Contract Development and Control
11/16/23 11:06 AM
Page 2 of 2
Department Director

This summary is not to be used as a basis for payment.

OCEAN INLET PARK MARINA



October 19, 2023



LOCATION MAP

Attachment #2
Declaration of Restrictive Covenant
(1 @ 4 pages)

Return to:
Katrina Bellinger, Real Estate Specialist
Palm Beach County
Property and Real Estate Management
2633 Vista Parkway
West Palm Beach, FL 33411

A portion of
PCN: 46-43-45-10-01-000-0010 &
PCN: 46-43-45-15-08-000-0010
FIND Project No. PB-20-210

**DECLARATION
OF
RESTRICTIVE COVENANT**

This Declaration of Restrictive Covenant (the “Restrictive Covenant”) is made as of this _____ day of _____, 2023, by **Palm Beach County**, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter the “Project Sponsor”) to satisfy a grant condition imposed by **Florida Inland Navigation District**, a special state taxing district (hereinafter the “FIND”).

Recitals

WHEREAS, the Project Sponsor has received FIND Waterway Assistance Program (“Program”) grant funding to cover a portion of the construction costs associated with the redevelopment of a portion of Ocean Inlet Park, located at 6970 N. Ocean Blvd, Ocean Ridge, Florida, as depicted in Exhibit “A” attached hereto (the “Property”); and

WHEREAS, the redevelopment of Ocean Inlet Park associated with the Program included the replacement of over 500 linear feet of seawall, construction of four fixed public safety docks with high speed lifts and three floating ADA compliant day use docks (“Phase IIA Redevelopment Project”) on the Property, which was substantially completed in September 2023; and

WHEREAS, the FIND Project Agreement requires the Redevelopment Area located within the Property to be dedicated for public use for a period of twenty-five (25) years from the date of completion. The Project Sponsor is required to record the Restrictive Covenant in the public records of Palm Beach County.

NOW THEREFORE, in consideration of the premises herein and other good and valuable consideration, the receipt and sufficiency is hereby acknowledged, the undersigned Project Sponsor does hereby establish and agree to be bound by this Restrictive Covenant, which shall run with the land and be binding on Project Sponsor as follows:

Section 1. The recitals and findings set forth in the preamble of this Restrictive Covenant are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

Section 1. The recitals and findings set forth in the preamble of this Restrictive Covenant are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

Section 2. The Redevelopment Area located within the Property shall be for public use.

Section 3. The redevelopment of the Ocean Inlet Park Marina Phase IIA Redevelopment Project was substantially completed in September 2023 (“Project Completion”). The term of this Restrictive Covenant commenced upon the Project Completion date and shall extend for a period of 25 years (“Retention Period”). This Restrictive Covenant shall be effective upon recordation in the Palm Beach County public records and remain in full force and effect and shall be binding upon Project Sponsor during the Retention Period.

IN WITNESS WHEREOF, COUNTY has caused these present to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

PROJECT SPONSOR:

JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
Mayor

Signed, Sealed, and delivered
In the presence of:

Witness Signature

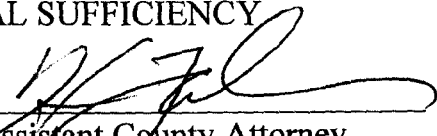
Print Witness Name

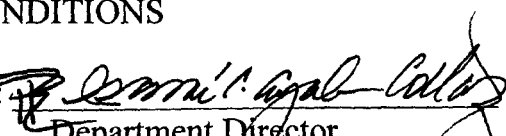
Witness Signature

Print Witness Name

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: 
Assistant County Attorney

By: 
Department Director

**EXHIBIT "A"
THE PROPERTY**

ONLY IMPACTS PALM BEACH COUNTY OWNED PROPERTY

PORTIONS OF P.C.N. (S):

46-43-45-10-01-000-0010

46-43-45-15-08-000-0010

OCEAN INLET PARK MARINA

