Agenda Item #: 3H-7

of

### PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY**

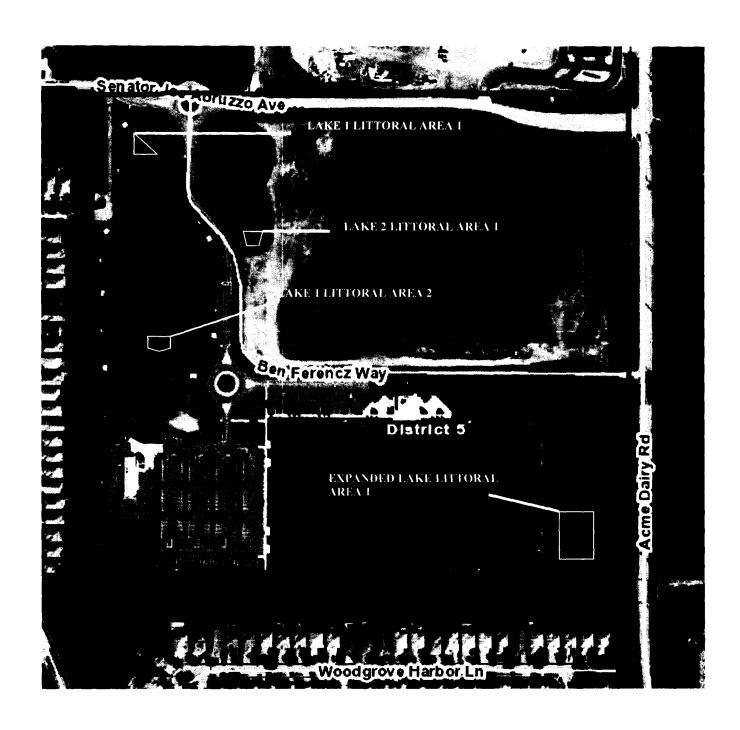
| Meeting Date:   | December 5 2022   | IVI Company  | [ ] Dogwlou  |  |
|---|---|--|--|--|
| Meeting Date.   | December 5, 2023  | [X] Consent [ ] Ordinance  | [ ] Regular<br>[ ] Public Hearing  |  |
| Department:   | Facilities Developmen   | t & Operations   |  |  |
| <del>*************************************</del>  |   |  |  |  |
|   | I. <u>E</u> 2   | XECUTIVE BRIEF   |  |  |
| Motion and Title littoral planting ar located in Western  | eas covering approximation  | otion to approve: a l<br>tely 27,946 square fe   | Restrictive Covenant for maint et at the County's Canyon Dis   | enance of<br>trict Park                              |
| just south of Boyn<br>Department of Environment of Env | ton Beach Boulevard in vironmental Resources M. E2001-09 (Permit). Pursons of the water management runoff. The Restrictive water management tractant will be recorded in the vironment of the context of | western Boynton Bear<br>anagement (ERM) appropriate to the Permit, the<br>nent tracts. The County<br>Covenant identifies the<br>and provides for the<br>te public records upon<br>maintenance of the v | on the West side of Acme Dairy on the West side of Acme Dairy on the Condition of Intent to Condition of Intent to Condition of County was required to plant by created water management trace 27,946 square feet of planted by perpetual maintenance thereof Board approval. Parks & Recreated water management tracts and provided in the County of the County | unty's astruct ittoral acts to ittoral f. The eation |
| land from G.L. Himprovements wisoccer/multipurpos fitness trail and as underway and const   | Iomes as part of a civid<br>ill be constructed in<br>se fields, a restroom/conc<br>sociated infrastructure ar   | c site assemblage for<br>two phases. Phase<br>ession facility, two ret<br>and was completed in S<br>get availability. The  | ty acquired approximately 52 active development of the Park.  1 improvements included tention/recreational lakes, a 12-september of 2022. Phase 2 des County, as property owner, is recommended.   | Park<br>three<br>station<br>sign is                  |
| Attachments:  |   |  |  |  |
|   | ntion Map<br>rictive Covenant   |  |  |  |
| Recommended B   | y: Departn  | !  | 11/02/23<br>Date   |  |
| Approved By: _  | il Bo   | Administrator  | 11/8/23<br>Date  |  |

# II. FISCAL IMPACT ANALYSIS

| <b>A.</b>         | Five Year Summary of F   | iscal Impact:    |             |               |                        |             |
|-------------------|--|------------------|-------------|---------------|------------------------|-------------|
| Fisc              | cal Years  | 2024             | 2025        | 2026          | 2027                   | 2028        |
| Ope<br>Ext<br>Pro | pital Expenditures<br>erating Costs<br>ernal Revenues<br>egram Income (County)<br>Kind Match (County |                  |             |               |                        |             |
| NE'               | T FISCAL IMPACT  | 0                |             |               |                        |             |
|                   | DDITIONAL FTE<br>SITIONS (Cumulative)  |                  |             |               |                        |             |
| Is I              | tem Included in Current B  | udget: Yes       |             | No            | -                      |             |
| Doc               | es this item include the use   | of federal fun   | nds? Yes    | No <u>×</u>   | <del>-</del>           |             |
| Doe               | es this item include the use   | of state funds   | s? Yes      | No _ <u>x</u> |                        |             |
| Bud               | lget Account No: Fund  | De               |             | Unit          | Object                 | <del></del> |
| В.                | Recommended Sources  | of Funds/Sum     | mary of Fis | cal Impact:   |                        |             |
|                   | No Fiscal Impact.  |                  |             |               |                        |             |
| C.                | Fixed Asset Number Departmental Fiscal Rev   |                  | -/<br>~/}   | /<br>L        |                        |             |
|                   |  | III. <u>REVI</u> | EW COMM     | <u>IENTS</u>  |                        |             |
| <b>A.</b> (       | OFMB Fiscal and/or Col   |                  |             | ments:        | Jacolier<br>na Control | MP12.       |
| В.                | Legal Sufficiency:  Assistant County Attorney  | 11/9/23          |             |               |                        | J           |
| C.                | Jennifer Ciril   | ew:<br>          |             |               |                        |             |

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

## LOCATION MAP



00-42-45-29-08-003-0000

Attachment #2
Restrictive Covenant
Canyon District Park (1 @ 15 pages)

Prepared by and Return to: Lory Melendez-Delgado, Real Estate Specialist Property & Real Estate Management Division 2633 Vista Parkway West Palm Beach, FL 33411-5605

#### RESTRICTIVE COVENANT

| THIS RESTRICTIVE COVENANT, made and executed thisday of,                                  |
|---|
| 20, by Palm Beach County, a political subdivision of the State of Florida, by and through |
| its Board of County Commissioners ("Owner").  |

#### WITNESSETH:

WHEREAS, the Owner is the owner of that water management tract with designated planted littoral shelf areas as legally described in Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, there is a required <u>27,946</u> square foot coverage to be planted in accordance with an associated littoral planting plan and maintained at a minimum of 80% as approved by the Palm Beach County Department of Environmental Resources Management ("ERM") in the approved Notice of Intent to Construct for Excavation (NIC), Excavation No. <u>E2004-09</u>, which can be found at ERM.

NOW, THEREFORE, in accordance with the Palm Beach Owner Unified Land Development Code ("ULDC"), Article 4, Chapter D, Excavation, Owner, its successors, heirs and assigns, must provide for and perpetually maintain the planted littoral shelves as more specifically provided for in Exhibit "A", as attached hereto, and the NIC approval. Furthermore, it is a punishable violation of Palm Beach County laws, ordinances, codes, regulations and approvals to alter the approved slopes, contours or cross sections or to chemically, mechanically or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone as set forth in Exhibit "A", as attached hereto, and the NIC approval, except, upon the express, written approval from the Director of ERM or the Palm Beach County Zoning Division, as applicable. It is the responsibility

of the Owner, its successors, and assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas as set forth in Exhibit "A", as attached hereto, and NIC approval and to insure ongoing removal of prohibited and invasive non-native plant species from these areas. The littoral areas shall be constructed and perpetually maintained in compliance with the planting plan requirements of the ULDC, Article 4, Chapter D, Excavation, and planting plans as approved by ERM and set forth in Exhibit "A", as attached hereto, and the NIC approval.

These restrictions shall be deemed covenants running with the land.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, Owner hereunder executes this Restrictive Covenant the day and year first written above.

| JOSEPH ABRUZZO, CLERK<br>OF THE CIRCUIT COURT<br>& COMPTROLLER | PALM BEACH COUNTY, a political subdivision of the State of Florida |
|--|--|
| By:  | By:<br>Mayor   |
|  | Date:  |
|  | (SEAL)   |

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

Assistant County Attorney

Director

Facilities Development and Operations

\\pbcgov.org\FDO\Common\PREM\Dev\Open Projects\PR-Canyon District Park\Restrictive Covenant\Restrictive Covenant. draft 10.31.23spb.doc

#### 'EXHIBIT A"

DESCRIPTION: LITTORAL EASEMENT LAKE 1

BEING A PORTION OF TRACT "C", PLAT OF BOYNTON-LYONS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 110, PAGES 5 THROUGH 9, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT "C"(POINT OF COMMENCEMENT NO. 1);

THENCE SOUTH 00'08'58" EAST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 227.82 FEET;

THENCE NORTH 89"51'02" EAST, ALONG A LINE 131.94 FEET TO POINT OF BEGINNING NO. 1;

THENCE N 14'43'15" W, 37.00 FEET;
THENCE N 09'32'56" E, 35.12 FEET;
THENCE N 03'21'42" W, 18.33 FEET TO A PDINT ON A NON-TANGENT CURVE;

THENCE ALONG SAID CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S 78'46'15" E, HAVING A RADIUS OF 22.03 FEET, A CENTRAL ANGLE OF 119'07'39", AND AN ARC LENGTH OF 45.80 FEET TO A POINT OF TANGENCY:

**THENCE** S 43'34'09" E, 23.82 FEET;

THENCE S 33'02'12" E, 37.02 FEET;

THENCE S 29'32'01" E, 38.31 FEET; THENCE S 75'46'07" W, 79.65 FEET TO THE POINT OF BEGINNING NO. 1.

CONTAINING 6137.08 SQ. FT., 0.141 ACRES, MORE OR LESS.

DESCRIPTION: LAKE #1 - LITTORAL EASEMENT #2

BEING A PORTION OF TRACT "C", PLAT OF BOYNTON-LYONS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 110, PAGES 5 THROUGH 9, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT "C"(POINT OF COMMENCEMENT NO.1):

THENCE S 00'08'58" E, ALONG THE WEST LINE THEREOF, A DISTANCE OF 681.84 FEET;

THENCE N 89'51'02" E, ALONG A LINE 132.29 FEET TO POINT OF BEGINNING NO. 2;

THENCE N 90'00'00" E, 126.70 FEET;

THENCE S 51'50'39" W, 80.58 FEET;

THENCE N 51'49'48" W, 80.56 FEET TO TO THE POINT OF BEGINNING NO. 2.

CONTAINING 3153.69 SQ. FT., 0.072 ACRES, MORE OR LESS.

(DESCRIPTION CONTINUED ON SHEET 2)

7837 LITTORAL ESMT- PER PBC - SEPT, 2023.dwg

CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING LANDSCAPE ARCHITECTURE - SURVEYING 7900 GLADES ROAD - SUITE 100

BOCA RATON, FLORIDA 33434 PHONE (561)-392-1991 / FAX (561)-750-1452

"EXHIBIT A" LITTORAL EASEMENT SKETCH OF LEGAL DESCRIPTION SHEET 1 OF 12

4/14/2023 DATE DRAWN BY <u>IFL</u> F.B./ PG. N/A SCALE N/A JOB NO. 7837–1

#### "EXHIBIT A"

#### (DESCRIPTION CONTINUED FROM SHEET 1)

#### DESCRIPTION: LAKE #2 - LITTORAL EASEMENT #1

BEING A PORTION OF TRACT "C", PLAT OF BOYNTON-LYONS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 110, PAGES 5 THROUGH 9, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT "C"(POINT OF COMMENCEMENT NO. 1);

**THENCE** N 89°26'01" E, A DISTANCE OF 367.23 FEET;

THENCE S 00°20'38" E, A DISTANCE OF 2.19 FEET;

THENCE N 89°25'49" E, A DISTANCE OF 85.34 FEET;
THENCE S 00°33'57" E, A DISTANCE OF 380.05 FEET TO THE POINT OF BEGINNING NO. 3;

AND A POINT ON A NON-TANGENT CURVE WHOSE RADIUS POINT BEARS N 18°33'34" E; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 49.95 FEET, A CENTRAL ANGLE OF 76°04'44", AND AN ARC LENGTH OF 66.33 FEET TO A POINT ON A NON-TANGENT CURVE WHOSE RADIUS POINT BEARS S 8811'43" W;

THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 90.00 FEET, A CENTRAL

ANGLE OF 13'18'29", AND AN ARC LENGTH OF 20.90 FEET TO A POINT OF TANGENCY;

THENCE S 11'30'12" W, A DISTANCE OF 43.78 FEET TO A POINT OF CURVATURE;

THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17.50 FEET, A CENTRAL ANGLE OF 151'31'54", AND AN ARC LENGTH OF 46.28 FEET TO A POINT OF TANGENCY;

THENCE N 16'57'54" W, A DISTANCE OF 46.80 FEET TO THE POINT OF BEGINNING NO. 3.

CONTAINING 2457.43 SQ. FT., 0.056 ACRES, MORE OR LESS.

### DESCRIPTION: EXPANDED LAKE - LITTORAL EASEMENT #1

BEING A PORTION OF TRACT "C", PLAT OF BOYNTON-LYONS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 110, PAGES 5 THROUGH 9, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 50.00 FEET EAST OF THE SOUTHEAST CORNER OF

THENCE S 89°36'24" W, A DISTANCE OF 50.00 FEET;

THENCE N 00'23'24" W, ALONG THE EAST LINE THEREOF, A DISTANCE OF 188.15 FEET;

THENCE S 89°36'36" W A DISTANCE OF 103.26 FEET TO THE POINT OF BEGINNING NO. 4 AND A POINT ON A NON-TANGENT CURVE;

THENCE ALONG SAID CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS \$38.26.25.E, HAVING A RADIUS OF 42.58 FEET, A CENTRAL ANGLE OF  $47^{\circ}27^{\prime}40^{\prime\prime}$ , AND AN ARC LENGTH OF 35.27 FEET TO A NON-TANGENT LINE;

THENCE S 0000'04" E, A DISTANCE OF 92.65 FEET;

THENCE S 89'59'52" W, A DISTANCE OF 100.72 FEET;

THENCE N 00'00'02" W, A DISTANCE OF 122.96 FEET;

THENCE N 89'59'57" E, A DISTANCE OF 116.72 FEET TO THE POINT OF BEGINNING NO. 4:

CONTAINING 12544.24 SQ. FT. 0.288 ACRES, MORE OR LESS.

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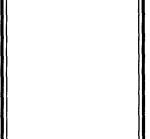
SHEET 2 OF 12



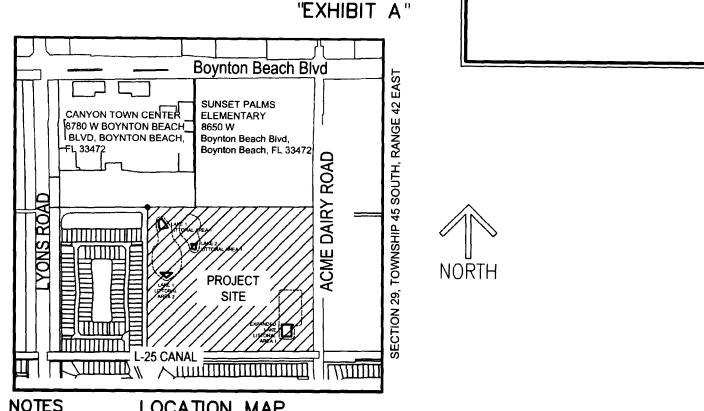
#### CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING LANDSCAPE ARCHITECTURE - SURVEYING 7900 GLADES ROAD — SUITE 100 BOCA RATON, FLORIDA 33434 PHONE (561)—392—1991 / FAX (561)—750—1452

"EXHIBIT A"
LITTORAL EASEMENT SKETCH OF LEGAL DESCRIPTION



| DATE 4/   | 14/2023 |
|-----------|---------|
| DRAWN BY  | TFL     |
| F.B./ PG. | N/A     |
| SCALE     | N/A     |
| JOB NO.   | 7837–1  |



LOCATION MAP NOTES NOT TO SCALE

- THIS SKETCH OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE 1.
- AND THE ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, 2. OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
- BEARINGS SHOWN HERON ARE REFERENCED TO THE WEST RIGHT-OF-WAY OF ACME 3. DAIRY ROAD AS NOW ESTABLISHED GRID BEARING SOUTH 00°23'24" EAST (NAD 83 1990 ADJUSTMENT)
- THE "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
- ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

#### **CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON SEPTEMBER 30, 2022. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

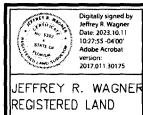
7837 LITTORAL ESMT- PER PBC - SEPT. 2023.dwg

CAULFIELD & WHEELER, INC.

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PHONE (561)-392-1991 / FAX (561)-750-1452

"EXHIBIT A"
LITTORAL EASEMENT
SKETCH OF LEGAL DESCRIPTION



SURVEYOR NO. 5302 STATE OF FLORIDA .B. 3591

| SHEET 3   | OF 12   |
|-----------|---------|
| DATE 4/   | 14/2023 |
| DRAWN BY  | TFL     |
| F.B./ PG. | N/A     |
| SCALE     | N/A     |
| JOB NO.   | 7837-1  |

"EXHIBIT A"

## LEGEND/ABBREVIATIONS

E - EASTING (AS USED WITH COORDINATES)
LB - LICENSED BUSINESS
N - NORTHING (AS USED WITH COORDINATES)
ORB. - OFFICIAL RECORD BOOK
PB. - PLAT BOOK
PB. - PLAT BOOK PBCUE - PALM BEACH COUNTY UTILITY EASEMENT PG. - PAGE POB - POINT OF BEGINNING POC - POINT OF COMMENCEMENT R/W - RIGHT-OF-WAY UE - UTILITY EASEMENT

### NOTES COORDINATES, BEARINGS AND DISTANCES

COORDINATES SHOWN ARE GRID
DATUM = NAD 83 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNIT = US SURVEY FEET
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED

SCALE FACTOR = 1.000022586

GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
BEARINGS AS SHOWN HEREON ARE GRID DATUM,
NAD 83 1990 ADJUSTMENT, FLORIDA EAST ZONE.

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SHEET 4 OF 12

TFL

N/A

N/A

<u> 78</u>37-

CAULFIELD

& WHEELER, INC. CIVIL ENGINEERING LANDSCAPE ARCHITECTURE - SURVEYING 7900 GLADES ROAD - SUITE 100 BOCA RATON, FLORIDA 33434 PHONE (561)-392-1991 / FAX (561)-750-1452

"EXHIBIT A"
LITTORAL EASEMENT
SKETCH OF LEGAL DESCRIPTION

DATE 4/14/2023 DRAWN BY F.B./ PG. **SCALE** JOB NO.

