Agenda Item: 3L-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	June 11, 2024	(X) Consent () Workshop	()Regular ()Public Hearing		
Department:	Environmental Resources Management				

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) accept a Release of Reservation for Phosphate, Minerals, Metals and Petroleum, including related mining and development privileges, from the Town of Lake Park (Town) for a portion of Lake Park Scrub Natural Area (Natural Area); and
- **B) approve** a Release of Reservation for Phosphate, Minerals, Metals and Petroleum, including related mining and development privileges, in favor of the Town for certain lands located north of the Natural Area.

Summary: On July 11, 2000, the County and Town entered into an Interlocal Agreement (R2000-0998) in which the County agreed to convey approximately 2.674 acres of land north of the Natural Area to the Town for the proposed westward extension of Park Avenue. In exchange, the Town agreed to convey approximately 2.794 acres of environmentally sensitive land to the County for incorporation into the Natural Area. When the County conveyed the 2.674 acres to the Town (OR Book 11995, Page 858), it reserved "...an undivided three fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same" (Reservations). When the Town conveyed the 2.794 acres to the County (OR Book 11995, Page 853), it conveyed the land subject to identical Reservations. Staff recommends the reciprocal release of Reservations held by the Town and County for the following reasons: 1) mining or development of either of the subject lands for phosphate, minerals, metals or petroleum would be contrary to the lands' intended use; 2) there is no reason to believe that either tract contains any phosphate, etc. of significant marketable value; and 3) release of the Town's Reservations from the County-owned tract would allow the County to apply for a grant to help pay for the construction of public use facilities on the Natural Area. On May 1, 2024, the Town's Commission voted to release the Town-held Reservations that encumber the County-owned tract in exchange for the County's release of Reservations over the Town-owned tract. The reciprocal release of Reservations by the Town and County is not expected to have any fiscal impact. District 7 (SS)

Background and Justification: The Lake Park Scrub Ecosite was one of the 39 environmentally sensitive sites that were to be targeted for acquisition using proceeds from the March 9, 1999 Land Acquisition for Conservation Purposes Bond Referendum. The

(Background and Justification Continued on Page 3)

Attachments:

- 1. Location Map
- 2. Town's Resolution with Release of Reservations
- 3. County's Release of Reservations

Recommended by:	Jahon Dun	1) 4-29-2024 ss	AS 4/29/24
•	Department Director	Date	
Approved by:	Pa	5/10/24	
•	Deputy County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years		2024	2025	2026	2027	2028			
Capital Expenditures									
Operating Costs		<u>\$0</u>							
External Revenues		<u>\$0</u>				•			
Program Income (County)									
In-Kind Matc	ch (County)								
NET FISCA	L IMPACT	<u>\$0</u>							
# ADDITIONAL FTE POSITIONS (Cumulative)									
Is Item Included in Current Budget? Yes No _X									
Does this ite	em include the	Yes	No _X_						
Does this item include the use of state funds?			funds?	Yes	NoX				
Budget Acco	ount No.:								
Fund	Department	Unit	_Object	_ Program					
B. Recommended Sources of Funds/Summary of Fiscal Impact: Acceptance of the Town's Release of Reservations from the County-owned tract, and approval of the County's Release of Reservations from the Townowned tract are not expected to have any fiscal impact.									
C.	C. Department Fiscal Review:								
		III. REV	IEW COMME	NTS.					
A.	OFMB Fisca	al and /or Con	tract Dev. an	Control Con	nments:				
OFMB A 77 Contract Development and Control									
В.	Legal Suffic	ciency:	/764 :	5/10/24					
	Assistant County Attorney								
C.	Other Department	Ala - Configuration (a) and a single by less the configuration (a) and a single by the configuration (a) and	W: Facilities D Tr Apple Collection Day Qui-Fibracy Out-Fibracy on to Collection Out-Fibracy on 12 10	evelopment &	Operation				

(Background and Justification, continued from Page 1)

Natural Area's scrub, scrubby flatwoods, mesic flatwoods, wet flatwoods and maritime hammock native plant communities provide habitat for at least ten listed animal species and twelve listed plants species. The 2.794-acre County-owned tract that is the subject of the Town's release of Reservations contains scrubby flatwoods habitat, which is considered by the Florida Natural Areas Inventory as imperiled both globally and in Florida because of its rarity or vulnerability to extinction. The County's acceptance of the Town's release of Reservations would help protect this environmentally sensitive tract, and its associated native plants and animals.

Acceptance of the Town's release of Reservations also will make the County eligible to apply for a Recreational Trails Program (RTP) grant that could help fund the construction of required public use facilities on the Natural Area. In 2003, the County received a grant from Florida Communities Trust (FCT) to help pay for the acquisition of certain lands within the Natural Area. Pursuant to the FCT Grant Award Agreement (R2003-1086), the County is required to construct the following public use facilities within the Natural Area: nature trail, wildlife observation area, parking lot, bicycle rack and interpretative signage. The Department of Environmental Resources Management (ERM) recently determined that the best location for the wildlife observation area is within the County-owned tract that is the subject of the Townheld Reservations. If the Townheld Reservations are not released, the County will not be eligible to apply for a RTP grant that could provide up to \$200,000 in matching funds for the public use facilities project. Therefore, ERM believes it is in the best interest of the County to accept the Townheld tract.