

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: August 22, 2023 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to deny approval: of the Revival of the Declaration of Protective Covenants, Restrictions, Reservations, Servitudes and Easements affecting the County-owned real property at 13515 Caloosa Boulevard in unincorporated Palm Beach Gardens.

Summary: The County has owned the vacant property at 13515 Caloosa Boulevard in unincorporated Palm Beach Gardens, which is part of the Caloosa community, since 1983 when the assets of several Fire Control Taxing Districts were transferred to the County. The Caloosa community is governed by the Board of Directors of the Caloosa Property Owners Association, Inc. (Association). The Association is in the process of reviewing its Declaration of Protective Covenants, Restrictions, Reservations, Servitudes and Easements (Governing Documents) so that the same may be amended to bring them up to modern standards. Prior to amending said documents, the Association must undergo a process called covenant revitalization to ensure that the existing Governing Documents will be valid and binding for the next thirty (30) years. As part of the covenant revitalization process, each property owner may cast its vote to approve or disapprove the revival of the Governing Documents. Typically, the County tries to obtain releases from property or homeowners associations, when possible, in situations where County-owned property may be subject to association governing documents. In this instance, the subject County-owned property was already subject to the Governing Documents when the property was transferred to the County in 1983. Staff recommends disapproval of the revival of the Governing Documents. Staff intends to reach out to the Association to obtain a release. There is no fiscal impact associated with approval of this item. **(Property & Real Estate Management) District 1 (HJF)**

Background and Policy Issues: Pursuant to Palm Beach County Ordinance 83-23, adopted by the Board of County Commissioners (Board) on December 20, 1983 with an effective date of December 28, 1983, the assets of several Fire Control Taxing Districts, including the Old Dixie Fire Control District No. 2, were transferred to Palm Beach County. The Old Dixie Fire Control District No. 2 owned the property located at 13515 Caloosa Boulevard. The property is part of the Caloosa community which is located on the Beeline Highway, north of PGA Boulevard and south of Indiantown Road. The community consists of 350 five-acre parcels.

Attachments:

1. Location Map
2. Agreement to Approve Declaration of Protective Covenants, Restrictions, Reservations, Servitudes and Easements
3. Memorandum from Caloosa Property Owners Association, Inc.

Recommended By: *[Signature]* 8/7/23
Department Director Date

Approved By: *[Signature]* 8/10/23
County Administrator Date

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	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:		Yes _____		No _____	
Does this item include the use of federal funds?		Yes _____		No _____	
Budget Account No:	Fund _____		Dept _____	Unit _____	Object _____
			Program _____		

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

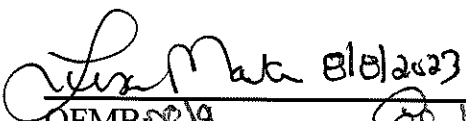


There is no fiscal impact.

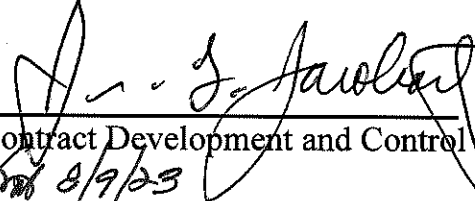
Fixed Assets Number _____

C. Departmental Fiscal Review: 


III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 8/8/2023
 OFMB 
 8-8-2023

 8/10/23
 Contract Development and Control
 TMM 8/9/23

B. Legal Sufficiency:

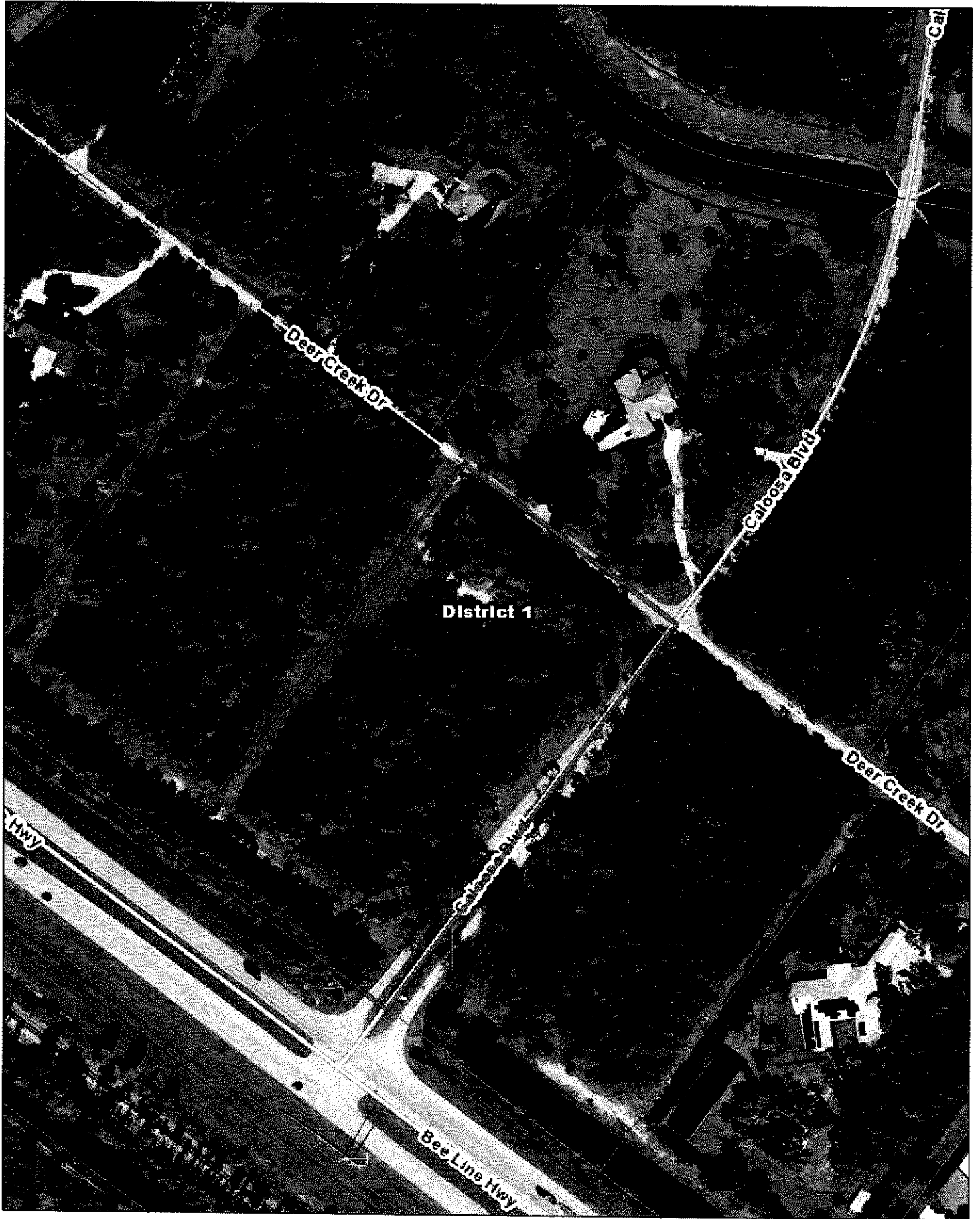
 8/10/23
 Assistant County Attorney

C. Other Department Review:

 Department Director

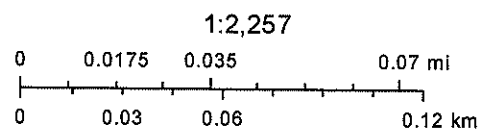
This summary is not to be used as a basis for payment.

13515 Caloosa Boulevard



July 17, 2023

ATTACHMENT No. 1



Attachment No. 2
Agreement to Approve Declaration of Protective Covenants,
Restrictions, Reservations, Servitudes and Easements

(1 @ 1 page)

CALOOSA PROPERTY OWNERS ASSOCIATION, INC.

**AGREEMENT IN WRITING TO APPROVE OR DISAPPROVE REVIVAL OF THE
DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS, RESERVATIONS,
SERVITUDES AND EASEMENTS,
AFFECTING THE REAL PROPERTY OF FOX TRAIL, INC.**

KNOWN ALL MEN BY THESE PRESENTS:

The undersigned owner(s), of Section 2 Lot 19 within the community of Caloosa,
whose street address is 13515 Caloosa Blvd hereby
vote to:

(Please check only one space)

APPROVE the revival of the Declaration of Protective Covenants, Restrictions, Reservations, Servitudes and Easements, Affecting the Real Property of Fox Trail, Inc., as amended, including the existing Articles of Incorporation and existing By-Laws for Caloosa Property Owners Association, Inc.

DISAPPROVE the revival of the Declaration of Protective Covenants, Restrictions, Reservations, Servitudes and Easements, Affecting the Real Property of Fox Trail, Inc., as amended, including the existing Articles of Incorporation and existing By-Laws for Caloosa Property Owners Association, Inc.

OWNER(S) PLEASE SIGN BELOW:

Owner Signature

Owner Signature

Owner Print Name

Owner Print Name

Organizing Committee:

David Rebholz
14250 Caloosa Boulevard
Palm Beach Gardens, FL 33418
412-225-9912

Earl Hildebrand, Jr.
14217 Caloosa Boulevard
Palm Beach Gardens, FL 33418
561-379-6416

Bradley Neider
14680 Broken Wing Lane
Palm Beach Gardens, FL 33418
561-203-9177

**APPROVED AS TO LEGAL
SUFFICIENCY:**

By: [Signature]
Chief Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS:

By: [Signature]
Department Director

Attachment No. 3
Memorandum from Organizing Committee, Caloosa Property Owners
Association, Inc.
(1 @ 2 pages)

MEMORANDUM

TO: All Owners
FROM: Organizing Committee, Caloosa Property Owners Association, Inc.
DATE: June 6, 2023

Revitalization of Our Governing Documents

As you are likely aware, the Board of Directors (the "Board") of Caloosa Property Owners Association, Inc. (the "Association"), in conjunction with the Association's legal counsel, has been the process of reviewing the Association's governing documents so they may be amended to bring them up to modern standards. In an abundance of caution, prior to amending the governing documents, the Board must undergo a process called "covenant revitalization" for the existing governing documents of the Association to ensure that the Association's governing documents will be valid and binding for the next thirty (30) years.

Pursuant to Chapter 720, Part III of the Florida Statutes, setting forth the covenant revitalization process, Board was required to create an "Organizing Committee" (the "Committee"), which was accomplished during the May 18, 2023 Board meeting.

To "revitalize" the Association's governing documents, please cast your vote by checking the **APPROVE** line, and signing and returning the **AGREEMENT IN WRITING TO APPROVE OR DISAPPROVE REVIVAL OF THE DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS, RESERVATIONS, SERVITUDES AND EASEMENTS, AFFECTING THE REAL PROPERTY OF FOX TRAIL, INC.** enclosed with this Memorandum.

Pursuant to Florida law, the Committee must provide to you a complete copy of the Association's governing documents and a graphic depiction of the property to be governed by the revived declaration, not less than fourteen (14) days before the time your consent is requested by the Committee. The Committee assures you that **no** changes whatsoever have been made to any of our governing documents in this covenant revitalization process.

In accordance with the forgoing, enclosed is a USB drive containing a copy of (i) the Declaration of Protective Covenants, Restrictions, Reservations, Servitudes and Easements, Affecting the Real Property of Fox Trail, Inc. and the amendments thereto; (ii) the plat of Caloosa and the plat of Caloosa 1st Addition which provide a graphic depiction of the property that comprises the community and which is subject to the revitalized governing documents; (iii) the list of owners and a legal description of the property they own within the community which are subject to the revitalized governing documents; (iv) the Association's existing Articles of Incorporation; and (v) the

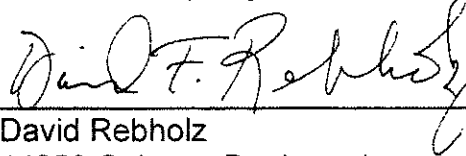
Association's existing By-Laws and the amendments thereto. A copy of the foregoing documents may also be obtained from the Association's website: www.caloosa.life, Resident Area or in hardcopy from the Association upon written request.

Please return your **AGREEMENT IN WRITING TO APPROVE OR DISAPPROVE REVIVAL OF THE DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS, RESERVATIONS, SERVITUDES AND EASEMENTS, AFFECTING THE REAL PROPERTY OF FOX TRAIL, INC.** no sooner than June 20, 2023, and preferably no later than September 1, 2023.

If you have any questions, please feel free to contact any member of the Committee.

Very Truly Yours,

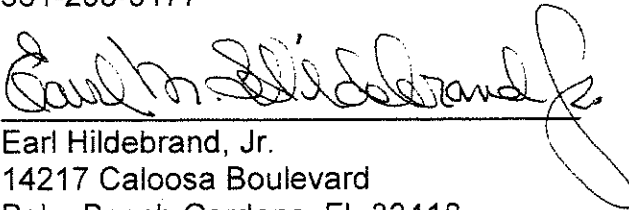
**Organizing Committee,
Caloosa Property Owners Association, Inc.**



David Rebholz
14250 Caloosa Boulevard
Palm Beach Gardens, FL 33418
412-225-9912



Bradley Neider
14680 Broken Wing Lane
Palm Beach Gardens, FL 33418
561-203-9177



Earl Hildebrand, Jr.
14217 Caloosa Boulevard
Palm Beach Gardens, FL 33418
561-379-6416