Agenda Item #: 6B-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	December 10, 2024	[] Consent [] Ordinance	[X] Regular [] Public Hearing	

Department: Facilities Development & Operations

I. <u>EXECUTIVE BRIEF</u>

Motion and Title: Staff recommends motion to approve: an Assignment and Assumption of Offsite Drainage Easement from Atlantic Commons Associates, LLLP (Developer) for the positive storm water outfall for the County's proposed civic site parcel located within the Atlantic Commons PUD.

Summary: On April 2, 2013, the Board of County Commissioners (BCC) approved a Civic Site Dedication Agreement (R2013-0396) (Agreement) with various residential development entities owned by GL Homes, under which GL Homes is obligated, among other things, to convey to the County an approximately 6 acre civic site within the Atlantic Commons PUD located at the NE corner of Atlantic Avenue and the Turnpike (Civic Site Parcel) and to provide a positive storm water outfall easement for drainage from the Civic Site Parcel into the storm water management system located immediately north of the Civic Site Parcel. On August 20, 2024, the BCC approved a First Amendment (R2024-1009) modifying access and utility easement requirements. Developer dedicated an offsite drainage easement (Easement) for drainage purposes pursuant to the Atlantic Commons - Plat Three for the benefit of the Civic Site Parcel. This Assignment and Assumption irrevocably assigns, conveys and transfers to County all of Developer's right, title and interest in and to the Easement. There is no fiscal impact associated with the approval of this agenda item. (Property & Real Estate Management) <u>District 5</u> (HJF)

Background and Policy Issues: On April 2, 2013, the BCC approved the Agreement with several separate entities of residential developer GL Homes. The First Amendment modified access and utility easement requirements, increasing the civic site conveyance requirement from 6.276 acres to approximately 6.536 acres. Developer is expected to convey the approximately 6.536 acres upon its compliance with all of the Conditions of Approval. This Assignment and Assumption of Offsite Drainage Easement will be recorded to provide public notice of its existence.

Attachments:

- 1. Location Map
- 2. Assignment and Assumption of Offsite Drainage Easement (w Ex A and Ex B)

Recommended By:	s some c. anal lallos 11/01/24			
	Department Director	Date	-	
Approved By:	10 Baker) 11/7/24		
	County Administrator	Date		

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fi	scal Impact:				
Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County					
NET FISCAL IMPACT	0	an a	<u> </u>	چن تر <u>میں چ</u>ین	<u> </u>
# ADDITIONAL FTE POSITIONS (Cumulative)		****************	·	: : :	
Is Item Included in Current Bu	dget: Yes		No <u>x</u>		
Does this item include the use o	f federal fund	ls? Yes_	No	- .	
Does this item include the use of	f state funds:	? Yes_	No <u></u>	-	
Budget Account No: Fund	Dep Program	ot	Unit	Object _	

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

No fiscal impact.

Fixed Assets Number <u>H1007</u> PCN:00-42-46-17-10-001-0000

Asset number reserved in the event it is required to be established and pending approval. a Deliano, Myr., Dobb o Ford . utilizy

5 11/4/24

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB

h A Contract Development and Control

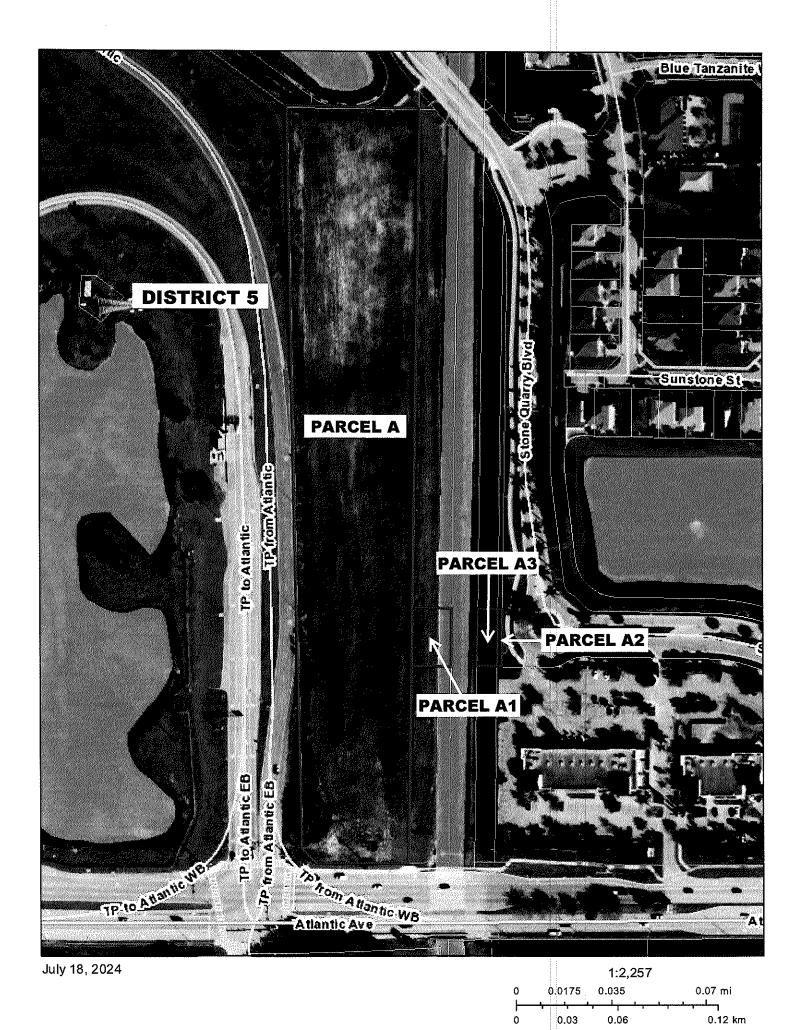
B. Legal Sufficiency: Assistant County Attorney

C. Other Department Review:

Department Director

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

LOCATION MAP



Attachment 1

ATTACHMENT 2 ASSIGNMENT AND ASSUMPTION OF OFFSITE DRAINAGE EASEMENT 5 Pages

g

.

PREPARED BY AND RETURN TO: Ben Williamson, Real Estate Manager PALM BEACH COUNTY PROPERTY & REAL ESTATE MANAGEMENT DIVISION 2633 VISTA PARKWAY WEST PALM BEACH, FLORIDA 33411-5605 PCN: portion of 00-42-46-17-10-001-0000

ASSIGNMENT AND ASSUMPTION OF OFFSITE DRAINAGE EASEMENT

This ASSIGNMENT AND ASSUMPTION OF OFFSITE DRAINAGE EASEMENT (the "Assignment") is made this <u>3</u>^{rel} day of <u>December</u>, 2024, between **Palm Beach County**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4705, hereinafter referred to as "County", and Atlantic Commons Associates, LLLP, a Florida limited liability limited partnership, whose mailing address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323, hereinafter referred to as "Developer".

WITNESSETH:

WHEREAS, County and Developer entered into that certain Civic Site Dedication Agreement on April 2, 2013 (R2013-0396), (as amended, the "Agreement")

WHEREAS, pursuant to the Agreement, Developer is required to provide a positive storm water outfall easement required for drainage from any future development of the Atlantic Commons civic site parcels as legally described in Exhibit "A", attached hereto and made a part hereof (Civic Site Parcels), into the storm water management system located immediately north of the Civic Site Parcels; and

WHEREAS, Developer dedicated in dedication 16 an offsite drainage easement for drainage purposes pursuant to the Atlantic Commons - Plat Three recorded in Official Plat Book 117, Pages 143 through 146, Public Records of Palm Beach County (the "Easement"); and

WHEREAS, Developer, its successors and assigns, has the perpetual maintenance obligation of all drainage facilities located within the Easement; and

WHEREAS, County and Developer desire that the Easement be assigned by Developer to the County.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.

Page 1 of 4

2. Developer hereby irrevocably assigns, conveys and transfers to County all of Developer's right, title and interest in and to the Easement, together with all maintenance responsibilities of drainage facilities located within the Easement pursuant to Atlantic Commons - Plat Three, as depicted in Exhibit "B", attached hereto and made a part hereof ("Easement Area"),

3. County hereby accepts such assignment from Developer and assumes all right, title and interest of Developer in and to the Easement. Further, PBC covenants and agrees to assume the performance of all maintenance responsibilities of drainage facilities within the Easement Area pursuant to Atlantic Commons - Plat Three.

4. Nothing herein contained shall be deemed to be a gift or dedication to or for the general public and this Assignment shall be strictly limited to and for the purposes expressed herein.

5. This assignment is expressly contingent upon the approval of the Palm Beach County Board of Commissioners, and shall become effective only when executed by both parties, approved by the Palm Beach County Board of County Commissioners, and recorded (the recording date being the "Effective Date").

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Page 2 of 4

IN WITNESS WHEREOF, County and Developer have caused these presents to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT & COMPTROLLER

By: _____ Deputy Clerk

APPROVED AS TO LEGAL SUFFICIENCY By: Assistant County Attorney

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

By: _____ Mayor

APPROVED AS TO TERMS AND CONDITIONS -By Department Director

ATLANTIC COMMONS ASSOCIATES, LLLP, a Florida limited liability limited partnership

By: Atlantic Commons Corporation, a Florida corporation, its general partner

By: ∠ Name: N Title:

itness Signature Kuy ron Ratiff Print Name 1640 Surgrad Corp Plan, She YOD, Surviv, FL 32123 Witness Address Witness Signatur Print Name SUNASE FE33523 BARRA 120H Witness Address

Page 3 of 4

STATE OF FLORIDA) COUNTY OF BROWARD)

KANDIDA RINKER JOLLAY

Commission # HH 373143 Expires July 13, 2027

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of [X] physical presence or [] online notarization this 32 day of 0 to be 2024, by N. Maria Menendez, as Vice President of Atlantic Commons Corporation, a Florida corporation, general partner of Atlantic Commons Associates, LLLP, a Florida limited liability partnership, on behalf of such corporation and partnership [X] who is personally known to me or [] who has produced _______ as identification and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this $\underline{30}$ day of $\underline{0}$, 2024.

Notary Public KADDIDA

Typed, Printed or Stamped name of Notary Public

G:\PREM\Dev\Open Projects\PUD - Atlantic Commons\Civic Site Closing\Assignment of Easement. 10-22-24 rev mj rev 10-25-24 mj clean.docx

Page 4 of 4

EXHIBIT A

Civic Site Parcels

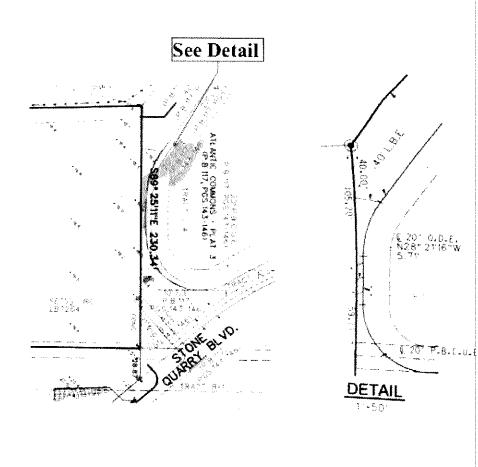
Tract A of ATLANTIC COMMONS - PLAT FOUR, according to the plat thereof recorded in Plat Book 118, Page 58, and Tract A-1 of ATLANTIC COMMONS - PLAT SIX, according to the plat thereof recorded in Plat Book 129, Page 74, both of the public records of Palm Beach County, Florida.

Page 1 of 1

EXHIBIT "B" Easement Area

As dedicated under Dedication #16 on page 143 and depicted on page 145 of the Atlantic Commons – Plat Three, as recorded in Plat Book 112, Pages 143 through 146, public records of Palm Beach County, Florida.

portion of Page 145 of Atlantic Commons - Plat Three



Page 1 of 1

NONGOVERNMENTAL ENTITY HUMAN <u>TRAFFICKING AFFIDAVIT (§ 787.06(13), *Fla. Stat.*)</u> THIS AFFIDAVIT MUST BE SIGNED AND NOTARIZED

I, the undersigned, am an officer or representative of <u>Atlantic Commons Associates, LLLP, a</u> <u>Florida limited liability limited partnership</u> (CONTRACTOR) and attest that CONTRACTOR does not use coercion for labor or services as defined in section 787.06, Florida Statutes.

Under penalty of perjury, I hereby declare and affirm that the above stated facts are true and correct.

(signature of officer or representative

N. Maria Menendez, Vice President of GP (printed name of officer or representative)

State of Florida, County of Palm Beach

Sworn to and subscribed before me by means of \square physical presence or \square online notarization this, <u>30</u> day of <u>October 2024</u>, by N. Maria Menendez.

Personally known \bowtie OR produced identification \square .

Type of identification produced

in NOTARY PUBLIC My Commission Expires: 7.13.2027 State of Florida at large

(Notary Seal)

