

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, Director
Operations, Maintenance and Construction Division

DATE: December 13, 2012

SUBJECT: Approve amending an existing conservation easement in favor of Palm Beach County encumbering land interests of 249.56 acres, more or less, for the sole purpose of changing the designated project, with respect to 135.096 acres, more or less, under the County's land development code

Background:

Pursuant to an Agreement for Exchange of Real Property Interests between the South Florida Water Management District ("District") and Boca Raton Associates VI, LLLP, G.L. Homes of Florida II Corporation, and Palm Beach Acquisitions, LLC, approved at the November 2004 Governing Board meeting pursuant to Resolution No. 2004-1121, as subsequently modified and amended, the District granted a conservation easement (the "Conservation Easement") to Palm Beach County (the "County") that encumbered 249.56 acres, more or less, of real property owned by the District (the "Encumbered Property"), as shown on the location map attached hereto and made a part hereof as Exhibit "A". Under the Conservation Easement, the Encumbered Property was designated as "Preservation Area" pursuant to the County's land development code in connection with the development by Boynton Beach Associates XXII, LLLP ("BBA XXII") of a project known as the Amestoy AGR PUD. Boynton Beach Associates XVII, LLLP ("BBA XVII"), which is developing the project known as Canyon Springs PUD, and the County now desire that 135.096 acres, more or less, of the Encumbered Property (the "Reassigned Property") be designated as "Preservation Area" pursuant to the County's land development code in connection with the development of the project known as the Canyon Springs PUD. BBA XXII and BBA XVII are both affiliated entities of G.L. Homes of Florida Corporation. To memorialize the change in the designation of the Reassigned Property from the Amestoy AGR PUD to the Canyon Springs PUD, BBA XVII and the County desire that the District and the County enter into an Amendment to the Conservation Easement (the "Amendment") that reflects the change.

How this helps meet the District's 10-year Strategic Plan:

This item has no effect on the District's 10-year Strategic Plan as it is solely for the purpose of modifying an existing Conservation Easement in favor of Palm Beach County and represents no change in the real estate interest that already encumbers the subject lands.

Funding Source:

There are no District costs associated with this item.

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This Board item impacts what areas of the District, both resource areas and geography:

The item causes no impacts to any areas of the District.

What concerns could this Board item raise?

There are no concerns regarding this Board item.

Why should the Governing Board approve this item?

The item has no financial or other impact to District finances or land interests, and represents only a clerical modification to an existing conservation easement in favor Palm Beach County.

Persons and Entities for conflict check:

Palm Beach County;

Boynton Beach Associates XVII, LLLP, a Florida limited liability limited partnership;

Boynton Beach XVII Corporation, a Florida corporation