



Meeting Name: Town Council Meeting

Meeting Date: April 23, 2025

Prepared By: L. Rubin, Town Attorney

Item Title: Approval of Release in favor of Northern Palm Beach County Improvement District (Preserve at Juno Beach)

DISCUSSION:

In 2013, the Town entered into an Agreement with the Northern Palm Beach County Improvement District (“Northern”), the Preserve at Juno Beach Homeowner’s Association (“Association”), and Toll FL VI LP, the developer of the Preserve at Juno Beach, relating to the installation of an exfiltration system to provide stormwater drainage. Pursuant to the requirements of the South Florida Water Management District’s permit, the Town agreed to accept ownership of portions exfiltration system in name only, with the Association being solely responsible to pay all costs and expenses arising out of the operation of the exfiltration system without financial recourse to the Town. In accordance with the terms of the Agreement, the Association would pay Northern to operate and maintain the exfiltration system.

Due to the dispute between the Association and Northern, Northern notified the Association and the Town of its intent to terminate the Agreement (copy of Notice and Agreement attached). Pursuant to Section 14 of the Agreement, in the event of termination, Northern is required to deliver to the Town: “(i) the balance of any unexpended and unencumbered Annual Maintenance Fees previously received by Northern for the subject fiscal year, if any and (ii) any funds and accrued interest in the Reserve Account.” Northern and the Association have agreed that the total amount of these funds is \$18,099.72. Pursuant to the Declaration of Covenants, Restrictions and Easement for the Preserve at Juno Beach (“Declaration”), these funds must be held in escrow for the Town’s use, as the Town shall reasonably determine, if the Association fails to carry out its obligations and responsibilities for the cost of repairs or replacement of the exfiltration system. In exchange for payment of the funds to the Town, Northern is requesting execution of a Release (copy attached). As also required by the Declaration, the Association has notified the Town that it has contracted with another provider to maintain the exfiltration system.

RECOMMENDATION:

Town Staff requests that the Town Council approve the Release in favor of the Northern Palm Beach County Improvement District and authorize the Town Manager to execute the Release on behalf of the Town.