

3H-14

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 17, 2006 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Easement for a potable water system on .85 acres at Veteran's Park West Boca in unincorporated Boca Raton.

Summary: Veteran's Park West Boca is located at 9400 West Palmetto Park Road, west of Boca Raton. The Water Utilities Department has requested a Declaration of Easement to memorialize the existence and location of the potable water system at Veteran's Park West Boca. The easement area is 20' wide and runs through the Park property approximately 1,852.48' from the southeast corner to the northwestern corner for a total area of 37,049.60 square feet (.85 acre). The easement location is based on as-built surveys, and was approved by both the Parks and Recreation and Water Utilities Departments. The Declaration of Easement will be recorded to provide notice of the existence and location of the water system improvements on County property. (PREM) District 5 (HJF)

Background and Justification: On September 13, 2005, the Board approved an Amendment to Temporary Construction Easement in favor of Centex Homes (R2005-1720), enabling Centex to connect its water system at the Royal Woods PUD to the existing water main at Veteran's Park West Boca. Centex Homes paid the County \$55,430.14 for the Temporary Construction Easement and construction of the potable water system was completed in March, 2006. The improvements constructed by Centex Homes has been conveyed to the County by a Bill of Sale. There is currently no recorded document memorializing the existence and location of the water system at Veteran's Park West Boca.

Attachments:

1. Location Map
2. Declaration of Easement

Recommended By: Rett Ammy Wolf
Department Director

9/23/06
Date

Approved By: [Signature]
County Administrator

10/3/06
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>0</u>	<u></u>	<u></u>	<u></u>	<u></u>
Operating Costs	<u>0</u>	<u></u>	<u></u>	<u></u>	<u></u>
External Revenues	<u>0</u>	<u></u>	<u></u>	<u></u>	<u></u>
Program Income (County)	<u>0</u>	<u></u>	<u></u>	<u></u>	<u></u>
In-Kind Match (County)	<u>0</u>	<u></u>	<u></u>	<u></u>	<u></u>
NET FISCAL IMPACT	<u>0</u>	<u></u>	<u></u>	<u></u>	<u></u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)	<u>0</u>	<u></u>	<u></u>	<u></u>	<u></u>

Is Item Included in Current Budget: Yes_____ No_____

Budget Account No: **Fund** _____ **Dept** _____ **Unit** _____ **Object** _____
Program _____



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

None

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:





pm
9-28-06

John J. Jacobs 9/29/06
Contract Development and Control
9/29/06
This item complies with current

**This item complies with current
County policies.**

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

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

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NO CONTINUING MAP

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LOCATION MAP

ATTACHMENT # 1

Prepared By and Return to:
Katrina Laverne Boyd
Real Estate Specialist
Palm Beach County
Property and Real Estate Management Division
3200 Belvedere Road, Building 1169
West Palm Beach, Florida 33406-1544

Property Control Number: 00-42-43-27-05-081-0051, 0060, 0080

DECLARATION OF EASEMENT

THIS IS A DECLARATION OF EASEMENT, made _____,
by **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County"),
whose address is c/o Palm Beach County Property and Real Estate Management Division,
3200 Belvedere Road, Building 1169, West Palm Beach, Florida 33406-1544.

WHEREAS, County is the owner of that certain real property located within Palm
Beach County, Florida as set forth on **Exhibit "A"** attached hereto and made a part hereof
(the "Property"); and

WHEREAS, County desires to create an easement over, upon and under such
property for the purposes set forth hereinafter; and

WHEREAS, County desires that such easement not be extinguished by the doctrines
of merger or unity of title and remain valid and in effect upon a subsequent conveyance of
the Property by County.

WITNESSETH:

NOW THEREFORE, County does hereby declare, grant and create a perpetual in
gross utility easement for the benefit of County upon the real property legally described in
Exhibit "B", attached hereto (the "Easement Premises"). This easement shall be for the
purpose of water and sewer utilities and shall include the right at any time to install, operate,
maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand,
tie into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant
facilities and equipment in, on, over, under and across the Easement Premises. This easement
or portion thereof can be utilized for a wastewater pump station and said pump station may
be fenced in for access control purposes.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

IN WITNESS WHEREOF, the County has caused this Declaration of Easement to be executed as of the day and year first above written.

ATTEST:

COUNTY:

SHARON R. BOCK
CLERK & COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Tony Masilotti, Chairman

(Official Seal)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Assistant County Attorney

By: Audrey Wolf
Audrey Wolf, Director
Facilities Development & Operations

G:\Katrina\Proj. by Depts\Parks & Rec\Veteran's Park-Centex Royal Woods PUD\Declaration of Esm HJF apprd 8.22.06.doc

EXHIBIT "A"

THE PROPERTY

Tract 5, less the north 26 feet, Tracts 6 and 7 of Block 81, Palm Beach Farms Company Plat No. 3, in Section 30, Township 47 South, Range 42 East according to the Plat thereof on file in the office of the Clerk of the Circuit in and for Palm Beach County, Florida recorded in Plat Book 2, pages 45 to 54.



951 Broken Sound Parkway, Suite 320
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

EXHIBIT "B"

Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

20' UTILITY EASEMENT ROYAL WOODS P.U.D. - OFFSITE

LEGAL DESCRIPTION:

A 20.00 FOOT WIDE STRIP OF LAND LYING IN TRACTS 5, 6, 7 AND 8, BLOCK 81 AND THE ADJACENT 30.00 FOOT WIDE PLATTED RIGHT-OF-WAY OF "PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE CENTERLINE OF SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

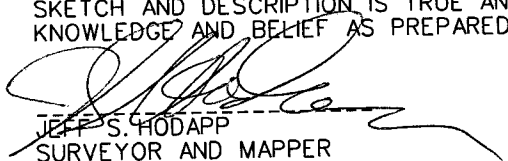
COMMENCING AT THE SOUTHWEST CORNER OF "ROYAL WOODS P.U.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 104 AT PAGES 30 AND 31 OF SAID PUBLIC RECORDS; THENCE NORTH $00^{\circ}20'04''$ WEST, ALONG THE WEST LINE OF SAID "ROYAL WOODS P.U.D.", A DISTANCE OF 178.44 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE NORTH $44^{\circ}19'30''$ WEST, A DISTANCE OF 2.76 FEET; THENCE NORTH $89^{\circ}19'26''$ WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH $44^{\circ}18'45''$ WEST, A DISTANCE OF 2.83 FEET; THENCE NORTH $89^{\circ}19'24''$ WEST, A DISTANCE OF 184.90 FEET; THENCE SOUTH $68^{\circ}10'36''$ WEST, A DISTANCE OF 79.90 FEET; THENCE SOUTH $45^{\circ}40'33''$ WEST, A DISTANCE OF 47.73 FEET; THENCE SOUTH $00^{\circ}30'51''$ EAST, A DISTANCE OF 57.72 FEET TO A POINT TO BE KNOWN HEREINAFTER AS REFERENCE POINT A; THENCE NORTH $86^{\circ}54'06''$ WEST, A DISTANCE OF 197.86 FEET; THENCE NORTH $89^{\circ}41'20''$ WEST, A DISTANCE OF 119.45 FEET; THENCE NORTH $85^{\circ}27'40''$ WEST, A DISTANCE OF 51.37 FEET; THENCE NORTH $52^{\circ}29'08''$ WEST, A DISTANCE OF 150.90 FEET; THENCE NORTH $55^{\circ}03'43''$ WEST, A DISTANCE OF 90.20 FEET; THENCE NORTH $46^{\circ}48'54''$ WEST, A DISTANCE OF 60.28 FEET; THENCE NORTH $33^{\circ}40'39''$ WEST, A DISTANCE OF 132.51 FEET; THENCE NORTH $74^{\circ}03'57''$ WEST, A DISTANCE OF 34.12 FEET; THENCE NORTH $49^{\circ}58'26''$ WEST, A DISTANCE OF 67.36 FEET; THENCE NORTH $07^{\circ}18'34''$

NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SAID ROYAL WOODS P.U.D. HAVING A BEARING OF NORTH $00^{\circ}20'04''$ WEST, ACCORDING TO SAID PLAT.

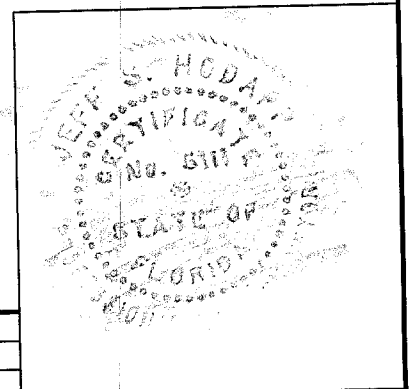
CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.


JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

LAST DATE OF FIELD WORK : NOT A SURVEY

Project Name:	ROYAL WOODS P.U.D.	UTILITY EASEMENT	DATE:	4/25/2006
JOB NO.	03117	DWG BY:	JSH	REV. 7/28/2006
		CK'D By:	JS	SHEET 1 OF 4



SKETCH AND LEGAL DESCRIPTION
(NOT A SURVEY)

WEST, A DISTANCE OF 61.03 FEET; THENCE NORTH 58° 16' 24" WEST, A DISTANCE OF 19.85 FEET; THENCE SOUTH 83° 47' 07" WEST, A DISTANCE OF 64.97 FEET; THENCE SOUTH 89° 30' 42" WEST, A DISTANCE OF 96.73 FEET; THENCE NORTH 45° 14' 42" WEST, A DISTANCE OF 70.51 FEET; THENCE NORTH 00° 20' 04" WEST, A DISTANCE OF 110.50 FEET TO A POINT ON SOUTH LINE OF A 50.00 FOOT WIDE PLATTED RIGHT-OF-WAY, AS SHOWN ON SAID PLAT OF "PALM BEACH FARMS COMPANY PLAT NO. 3" AND THE POINT OF TERMINATION.

TOGETHER WITH:

BEGINNING AT THE AFOREMENTIONED REFERENCE POINT A; THENCE SOUTH 86° 54' 06" EAST, A DISTANCE OF 119.00 FEET TO THE POINT OF TERMINATION.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 36852 SQUARE FEET, MORE OR LESS. SIDE LINES OF SAID STRIP OF LAND TO BE EXTENDED OR SHORTENED TO TERMINATE AT SAID WEST LINE OF "ROYAL WOODS P.U.D." AND SAID SOUTH LINE OF THE 50.00 FOOT WIDE PLATTED RIGHT-OF-WAY AND TO FORM A CONTINUOUS STRIP.

ABBREVIATIONS

L.B. = LICENSED BUSINESS
L.S. = LICENSED SURVEYOR
MON. = MONUMENT
O.R.B. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE
P.B.C.R. = PALM BEACH COUNTY RECORDS
P.S.M. = PROFESSIONAL SURVEYOR
8 MAPPER

JOB NO.	03117	Project Name:	UTILITY EASEMENT	DWG BY:	JSH	SCALE:	1"=100'	REV.	7/28/2006
				CK'D By:	JS	DATE:	4/25/2006		SHEET 2 OF 4