### PALM BEACH COUNTY

### **BOARD OF COUNTY COMMISSIONERS**

#### AGENDA ITEM SUMMARY

Meeting Date: November 21, 2006

[X] Consent [] Workshop [] Public Hearing

[] Regular

**Department:** 

Submitted By: Department of Airports

Submitted For:

#### 1 **EXECUTIVE BRIEF**

Motion and Title: Staff recommends motion to approve:

- (A) A Letter of Release from the Federal Aviation Administration (FAA) dated September 26, 2006 for the release of 0.73 acres (Parcel 153) located at Palm Beach County Park Airport (Lantana); and
- (B) A revised County Deed for the conveyance of approximately .073 acres to the Florida Department of Transportation (FDOT) for road right-of-way purposes.

Summary: On August 15, 2006 (R2006-1401.1) the BCC approved a Property Exchange Agreement with the FDOT for two properties at Palm Beach County Park Airport (Lantana). Closing on the exchange agreement was contingent upon the FAA's release of the County property (Parcel 153) from grant assurance requirements. The FAA, by its Letter of Release dated September 26, 2006 has concluded that Parcel 153 is no longer needed for aeronautical purposes and has agreed to release the Airport Owner from the obligations, terms, and conditions of grant agreements. The Letter of Release requires a minor modification to the deed that was attached to the original property exchange agreement approved by the BCC on August 15, 2006 (R2006-1401.1). Countywide (LMB)

Background and Justification: The Department of Airports requested a Letter of Release from the FAA authorizing the release of 0.73 acres (Parcel 153) to FDOT for road right-of-way purposes. In return, FDOT will exchange and convey title to 1.26 and 1.875 acres (Parcel 800) in the middle of Palm Beach County Park Airport (Lantana) which is needed for airport purposes. The FAA has concluded that Parcel 153 is no longer needed for aeronautical purposes including serving as noise buffer land or runway protection zone land and that the release and use of such land for road right-of-way purposes by the FDOT will not interfere with the operation, maintenance or future development of Palm Beach County Park Airport (Lantana).

### Attachments:

- 1. FAA Letter of Release (2 originals)
- 2. County Deed

Recommended by	A Xyem Pel	1/16/0	6
Σ Δ	Department	it Director Date	
Approved by:	CHARLE	10/27/0	6
	County Ac	Iministrator Date	

Agenda Item: 3FZ

### II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	20 <u>07</u>	20 <u>08</u>	20 <u>09</u>	20 <u>10</u>	20 <u>11</u>
Capital Expenditures Operating Costs	·				
External Revenues Program Income (County) In-Kind Match (County)					
NET FISCAL IMPACT		and the second second			<del></del>
# ADDITIONAL FTE POSITIONS (Cumulative)					
	Budget? Ye d Depar porting Catego	rtment	10 Unit	_ Object	

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

There is no Fiscal Impact associated with this item.

C. Departmental Fiscal Review:

### **III. REVIEW COMMENTS**

A. OFMB Fiscal and/or Contract Development and Control Comments:

B. Legal Sufficiency

Contract Dev. and Control

Assistant County Attorney

C. Other Department Review:

**Department Director** 

REVISED 9/03 ADM FORM 01 (THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)



U.S. Department of Transportation Federal Aviation Administration Orlando Airports District Office 5950 Hazeltine National Dr., Suite 400 Orlando, FL 32822-5003

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Phone: (407) 812-6331 Fax: (407) 812-6978

September 26, 2006

Mr. Bruce V. Pelly Director of Airports Palm Beach County Department of Airports 846 Palm Beach International Airport West Palm Beach, Florida 33406-1470

## RE: Palm Beach County Park Airport; Lantana, Florida Letter of Release (Donated Land) Release from AIP Grant Assurances

Dear Mr. Pelly:

This is in response to your letter dated June 22, 2006, requesting that 0.73 acres (Parcel 153) be released from the terms, conditions, and obligations of currently active Grant Agreements between the Federal Aviation Administration (FAA) and the Palm Beach County Department of Airports. For purposes of Federal participation, this parcel was originally included in the Exhibit "A" Property Map.

The requested purpose of the release is to permit the Airport Owner to exchange and convey title to Parcel 153 to the Florida Department of Transportation for road right-of-way purpose. In return the Florida Department of Transportation will exchange and convey title to 1.26 and 1.875 acres in the middle of the airport (Parcel 800) for airport purposes.

We have concluded that this property, as described below, is no longer needed for an aeronautical purpose including serving as noise buffer land or runway protection zone land and that the release and use of such land for the stated purpose will not interfere with the operation, maintenance or future development of the Palm Beach County Park Airport (Lantana).

Parcel Number 153:

A parcel of land lying in the Southeast one-quarter of Section 31, Township 44 South, Range 43 East, Palm Beach County, Florida being more particularly described as follows:

Commence at the Southeast corner of said Section 31, proceed North 88°27'17" West along the South line of said section 31, a distance of 1161.82 feet; thence North

01°32'43" East. Departing said South line, a distance of 107.26 feet to a point on the North right of way line of Lantana Road according to the State of Florida Project No. 9353-2501 and the point of beginning of the herein described parcel; said point being on a non-tangent curve concave to the North having a radius of 44, 770.19 feet, from which a radial line bears North 01°29'13" East;

Thence Westerly along the Arc of said non-tangent curve and along said North right of way line, through a central angle of 00°00'36", an Arc distance of 7.85 feet to appoint on the easterly right of way line of Congress Avenue according to the State of Florida Project No. 93006-1510:

Thence along said easterly right of way line of said Congress Avenue through the following three (3) courses.

Thence North 43°43'24" West, departing said North right of way line of said Lantana Road a distance of 71.02 feet;

Thence North 01°02'01" East, a distance of 883.26 feet to the point of curvature of a curve concave to the East having a radius of 2794.95 feet;

Thence Northerly along the Arc of said curve, through a central angle of 14°02'04", an Arc distance of 684.62 feet to a point on a non-tangent line;

Thence South 74°55'29" East, departing said Easterly right of way line, a distance of 20.00 feet to the point of curvature of a non-tangent curve concave to the East having a radius of 2774.95 feet from which a radial line bears South 74°55'54" East;

Thence Southerly along the Arc of said curve through a central angle of 14°02'04", an Arc distance of 679.72 feet to the point of tangency; said course being 20.00 feet East of and parallel with as measured perpendicular to said Easterly right of way of said Congress Avenue;

Thence South 01°92'01" West, a distance of 895.57 feet;

Thence South 43°43'53" East, a distance of 53.77 feet to said North right of way line of said Lantana Road and the point of beginning.

Containing 0.730 acres more or less.

Parcel Number 800:

A parcel of land lying in Section 32, Township 44 South, Range 43 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the Southwest corner of said Section 32, Township 44 South, Range 44 South, Range 43 East, run (on an assumed bearing) South 88°01'31" East, along

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the South line of said Section 32, a distance of 1706.57 feet; Thence North 1°58'29" East a distance of 350.00 feet to the point of beginning of the here in described parcel; Thence continue North 1°58'29" East, a distance of 30.00 feet; Thence South 88°01'31" East, a distance of 815.46 feet to the intersection thereof with the East boundary line of the plat of County Park Airport Subdivision No.1, same as shown and recorded in Plat Book 21, at Page 5, of the Public Records of Palm Beach County, Florida; Thence continue South 88°01'31" East, a distance of 112.54 feet; Thence North 1°58'29" East, a distance of 20.00 feet; Thence South 88°01'31" East, a distance of 405.00 feet; Thence South 1°58'29" West, a distance of 20.00 feet; Thence South 88°01'31" East, a distance of 100.00 feet; Thence South 1°58'29" West, a distance of 30.00 feet; Thence North 88°01'31" West, a distance of 100.00 feet; Thence South 1°58'29" West, a distance of 10.00 feet; Thence North 88°01'31" West, a distance of 405.00 feet; Thence North 1°58'29" East, a distance of 10.00 feet; Thence North 88°01'31" West, a distance of 95.22 feet to the intersection with the aforementioned East boundary line of said plat of County Park Airport Subdivision No. 1; Continue North 88°01'31" West; a distance of 832.78 feet to the point of beginning. ....

Containing 1.26 acres, more or less.

And

A parcel of land lying in Section 32, Township 44 South, Range 43 East, Palm Beach County, Florida, said parcel being more particularly described as follow:

Commencing at the Southwest corner of said Section 32, Township 44 South, Range 43 East, run (on an assumed bearing) South 88°01'31" East, along the South line of said Section 32, a distance of 642.57 feet; Thence North 1°58'29" East, a distance of 160.00 feet to the point of beginning of the herein described parcel; Thence continue North 1°58'29" East, a distance of 176.00 feet; Thence South 88°01'31" East, a distance of 124.89 feet to the intersection thereof with the West boundary line of the plat of County Park Airport Subdivision No. 1, as same as shown and recorded in Plat Book 21, at Page 5, of the Public Records of Palm Beach County. Florida; Thence continue South 88°01'31" East, a distance of 288.68 feet; Thence North 46°58'29" East, a distance of 62.23 feet; Thence South 88°01'31" East, a distance of 503.43 feet; Thence South 1°58'31" West, a distance of 30.00 feet; Thence North 88°01'31" West, a distance of 491.00 feet; Thence South 46°58'29" West, a distance of 268.70 feet; Thence North88°01'31" West, a distance of 20.00 feet; Thence South 1°58'29" West, a distance of 40.00 feet to the intersection thereof with the Northerly right of way line of Lantana Road (State Road No. 812), as proposed; Thence North 88°01'31" West, continuing along the Northerly right of way line of Lantana Road (as proposed) a distance of 15.68 feet to the beginning of a 46,938.37 foot radius curve, concave Southerly; Thence Westerly, along the Arc of the just described curve; Subtending a central angle of 0°00'19", a distance of 4.32 feet; Thence North 1°58'29" East, a distance of 40.00 feet; Thence North 88°01'31" West, a distance of 216.72 feet to the intersection with the aforementioned West boundary line of said plat of County Park

Airport Subdivision No. 1; Thence continue North 88°01'31" West, a distance of 23.28 feet to the point of beginning.

Containing 1.875 acres, more or less.

By accepting this Letter of Release, the airport owner agrees to:

1. Ensure that they and their successors and assigns retain, for the use and benefit of the public, the right of flight for the passage of aircraft in the airspace above the surface of the subject property, the right for existing and future aircraft to generate noise in that airspace, and the right to use the airspace to land on or take off from the airport.

2. Ensure that they and their successors and assigns restrict the height of structures, objects of natural growth, and other obstructions on the subject property to such a height so as to comply with Federal Aviation Regulations, Part 77.

3. Ensure that they and their successors and assigns prevent any use of the subject property that would interfere with landing or taking off of aircraft at the Palm Beach County Park Airport (Lantana) or otherwise constitute an airport hazard.

4. Retain or reserve necessary interests or rights to ensure that the subject property will only be used for purposes that are compatible with the noise levels generated by aircraft using the airport.

5. Obtain clear and free title from the Florida Department of Transportation for the exchanged property (Parcel 800).

6. Update the Airport Layout Plan and Exhibit "A" Property Map upon acceptance of the exchange to reflect the new airport boundaries.

7. Insure that they and their successors and assigns shall not permit/afford access from the subject property onto the Palm Beach County Park Airport (Lantana). Property for aeronautical purposes.

In consideration of these premises, the FAA agrees to release the Airport Owner from the obligations, terms, and conditions of grant agreements as they may relate to the subject property. This release is effective on the date this agreement is signed by a representative of the Airport Owner.

Please indicate your acceptance of these conditions by signing and completing the bottom portion of this letter and the enclosed duplicate and returning one copy to our office.

Sincerely,

W. Dean Stringer Manager

1 Enclosure

cc: Rebecca Mainardi; FDOT/4

Accepted for Palm Beach County Board of County Commissioners

By:	
Title:	
Date:	

## APPROVED AS TO TERMS AND CONDITIONS:

Director of Airports

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#### **PREPARED BY:**

Laura Beebe, Assistant County Attorney County Attorney's Office P.O. Box 1989 West Palm Beach, FL 33402-1989

**RETURN TO:** Jo-Marie McBean Right of Way Property Management Department Florida Department of Transportation, District IV 3400 West Commercial Boulevard Fort Lauderdale, Florida 33309

#### COUNTY DEED

THIS DEED, made this \_\_day of \_\_\_\_\_, 20\_, by PALM BEACH COUNTY FLORIDA, a political subdivision of the State of Florida, 301 North Olive Avenue, West Palm Beach, Florida 33401, party of the first part, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, party of the second part.

#### WITNESSETH:

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That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in Palm Beach County, Florida (hereinafter referred to as the "Property"):

### See Attached Exhibit "A"

subject to zoning and other governmental restrictions, plat restrictions and qualifications, public utility easements, restrictive covenants and all other easements, restrictions, conditions, limitations and other matters of record.

The party of the first part hereby reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the Property, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, and for the use of said airspace for landing on, taking off from or operating on Palm Beach County Park Airport.

The party of the second part expressly agrees for itself, its successors and assigns to restrict the height of structures, objects of natural growth and other obstructions on the Property to such height so as to comply with 14 CFR Part 77, as may be amended from time to time.

The party of the second part expressly agrees for itself, its successors and assigns to prevent any use of the Property which would interfere with the landing or taking off of aircraft at the Palm Beach County Park Airport; interfere with air navigation and/or communication facilities serving Palm Beach County Park Airport; or otherwise would constitute an airport hazard.

The party of the second part expressly agrees for itself, its successors and assigns that the Property shall only be used for purposes that are compatible with the noise levels generated by aircraft using the Palm Beach County Park Airport. The party of the first part acknowledges that the party of the second part intends to use the Property for road right-of-way purposes, which is compatible with the noise levels generated by aircraft using the Palm Beach County Park Airport. IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year aforesaid.

ATTEST: Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

By:

Deputy Clerk

Addie L. Green, Chairperson

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:\_

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By:

County Attorney

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EXHIBIT "A" COUNTY PROPERTY

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# EXHIBIT "A"

### DESCRIPTION

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	DESCRIPTION							
/50	A PARCEL OF LAND LYING IN THE SOUTHEAST ONE-QUARTER OF SECTION 31, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
- Date:	IHE SOUTH LINE OF SAID SECTION 31, A DISTANCE OF 1161.82 FEET; THENCE NORTH 01° 32'43" EAST,         DEPARTING SAID SOUTH LINE, A DISTANCE OF 107.26 FEET TO A POINT ON THE NORTH RIGHT OF WAY         LINE OF LANTANA ROAD ACCORDING TO THE STATE OF FLORIDA PROJECT NO. 9353-2501 AND THE POINT         OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; SAID POINT BEING ON A NON-TANGENT CURVE							
L Marc								
	THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF SAID CONGRESS AVENUE THROUGH THE FOLLOWING THREE (3) COURSES:							
	THENCE NORTH 43°43'24" WEST, DEPARTING SAID NORTH RIGHT OF WAY LINE OF SAID LANTANA ROAD,							
<b>4</b>								
<b>•</b>	The DISTANCE OF 064.02 FEET TO A POINT ON A NON-TANGENT LINE							
THENCE SOUTH 74°55'29" EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2774.95 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 74°55'54" EAST;								
THENCE SOUTH 74°55'29" EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00         FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A         RADIUS OF 2774.95 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 74°55'54" EAST;         THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°02'04", AN         ARC DISTANCE OF 679.72 FEET TO THE POINT OF TANGENCY; SAID COURSE BEING 20.00 FEET EAST OF         AND PARALLEL WITH AS MEASURED PERPENDICULAR TO SAID EASTERLY RIGHT OF WAY LINE OF SAID         CONGRESS AVENUE;         THENCE SOUTH 01°02'01" WEST, A DISTANCE OF 895.57 FEET;         THENCE SOUTH 43°43'53" EAST, A DISTANCE OF 53.77 FEET TO SAID NORTH RIGHT OF WAY LINE OF SAID         LANTANA ROAD AND THE POINT OF BEGINNING.         CONTAINING 0.730 ACRES MORE OR LESS. <u>NOTES</u>								
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HT Ske	THENCE SOUTH 43°43'53" EAST, A DISTANCE OF 53.77 FEET TO SAID NORTH RIGHT OF WAY LINE OF SAID LANTANA ROAD AND THE POINT OF BEGINNING.							
0185\Si DO	ONTAINING 0.730 ACRES MORE OR LE							
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TO AND CONTIGUOUS WITH THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE								
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A FLORIDA UCENS	AND MAPPER'S SIGNATURE ARS THE SIGNATURE AND ORIGINAL RAISE SED SURVEYOR AND MAPPER, THIS MAP/		PROJECT NAME COUNTY	: PROPERTY - PAI	DCET 153			
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE			СО	ONGRESS AVENU	正 正			
OFFICE.				(EXCHANGE)	•			
RICHARD H. SMITH, STATE OF FLORIDA	PROFESSICNAL SURVEYOR & MAPPER NO. 5239	1	PREPARED	FOR PALM BEAC	H COUNTY			
	CONSULTING CIVIL ENGINEERS, SURVEYORS & MAPPERS	Scale: N/A	REVISIONS:					
	SURVEYORS & MAPPERS "Partners For Results, INC. Value By Design"	Sheet 1 OF 3	Field Book: N/A	Page: N/A	Field: N/A			
3550 S.W. Corpora (772) 286-	ate Parkway, Palm City Florida 34990	Computed: DC	Date	FILE NO.				
BPR & FBPE Lic	-3883 Fax: (772) 286-3925 cense No: 959 www.lbfh.com	Checked: RS	04-04-06	legal.dwg	Project No. 02-0185			



