

Agenda Item #: **3-C-3**

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: April 10, 2007

Consent

Regular

Workshop

Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 93901

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Approve: A Subordination of Utility Interests from Seacoast Utility Authority (Seacoast) releasing their interests to Palm Beach County (County) in a parcel of land located on the west side of Military Trail, south of Hood Road.

Summary: This action approves a Subordination of Utility Interests which releases the interests of Seacoast in a parcel of land required for a right turn lane on Military Trail. This Subordination of Utility Interests requires the County to pay for any future relocation costs of the utility facilities when and if requested by the County.

District: 1 (PK)

Background and Justification: Seacoast has a twelve (12) inch water main within an easement over a certain parcel of land which is required as right-of-way for a right turn lane on Military Trail at the Victoria Falls Boulevard entrance to Paloma, which is a Planned Unit Development. The City of Palm Beach Gardens has, on the County's behalf, required the developer to convey the parcel of land to the County. County policy is that land conveyed to the County must be free and clear of all encumbrances. It is, therefore, required that Seacoast subordinate their interest in the existing utility easement. Seacoast has agreed to relocate any facilities they may have from said parcel of land when and if the County should so request. The County is agreeable to paying for reasonable costs for this relocation as necessary.

Attachments:

1. Location Map
2. Subordination of Utility Interests with Exhibit "A"

Recommended by:

Ornelis G. Fernandez
Division Director

2/27/07
Date

Approved by:

By T. Webb
County Engineer

3/14/07
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-	-0-	-0-	-0-	-0-

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No ____
Budget Acct No.: Fund ___ Dept. ___ Unit ___ Object ___
Program _____

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

This item has no additional fiscal impact.

Approval of the subordination of utility interests may require the expenditure of funds for future relocation of utility facilities. This potential impact is not possible to quantify or state with any certainty that it will occur at the present time.

C. Departmental Fiscal Review: R. D. Ward 2/23/07

III. REVIEW COMMENTS

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

John D. ... 3-15-07
OFMB
John 3-15-07
CN 03/14/07
... 3/05/07
Contract Dev. and Control 3/15/07

B. Approved as to Form and Legal Sufficiency:

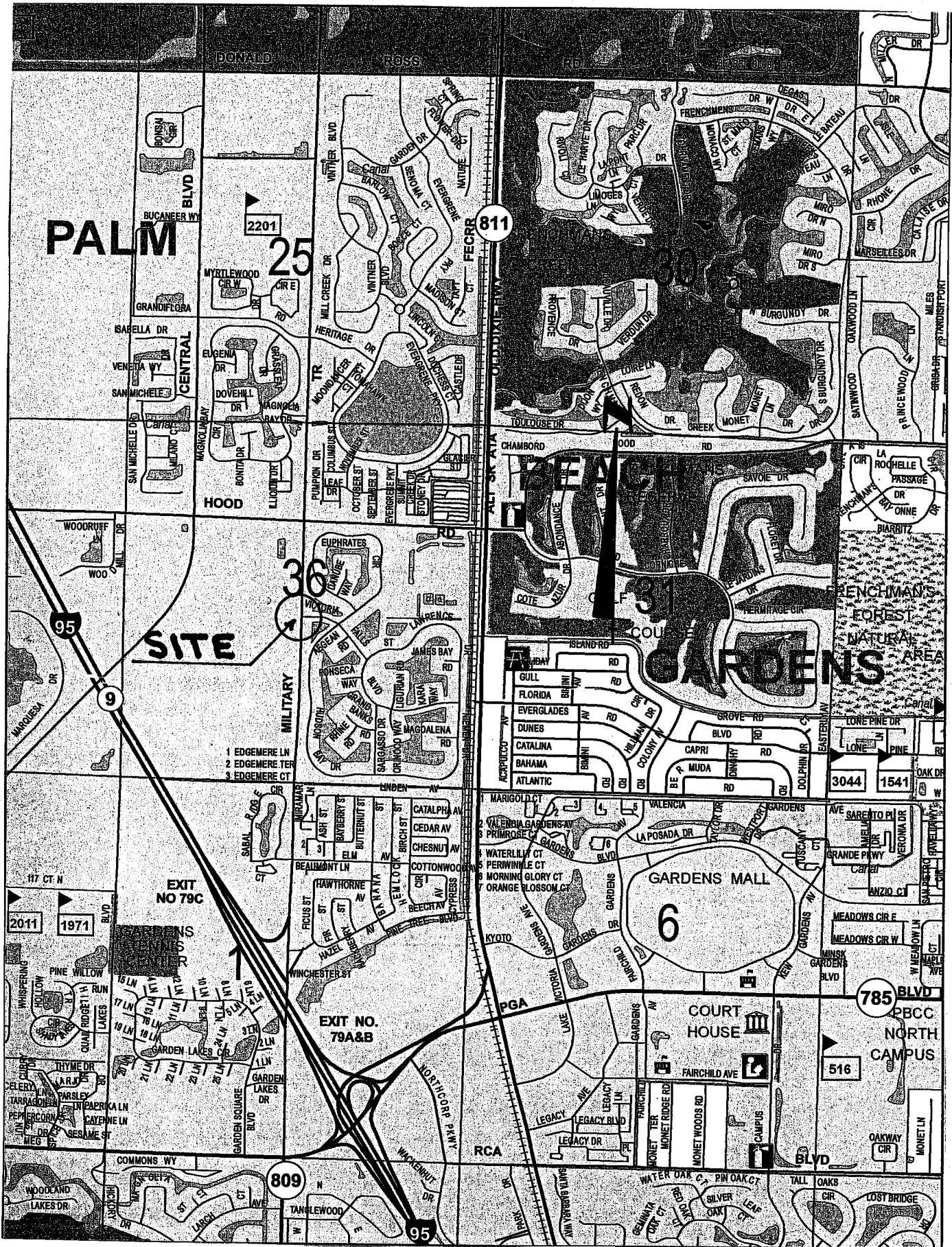
Paul F. ... 3/16/07
Assistant County Attorney

C. Other Department Review:

Department Director

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

LOCATION MAP



Return To:
Palm Beach County R/W ACQ Section
P O Box 21229
West Palm Beach, FL 33416
Attn: Ed Handy
A/C 1010
WILL CALL 1066

P.C.N. 52-42-41-36-00-000-3060

PROJECT NO: 93901
PROJECT: MIL. TRAIL
PARCEL NO: 1
PALOMA UTILITY SUB.

**SUBORDINATION OF UTILITY INTERESTS
TO COUNTY OF PALM BEACH, FLORIDA**

THIS AGREEMENT, entered into this _____ day of _____, 2007, by and between the **COUNTY OF PALM BEACH**, (hereinafter the "County"), and **SEACOAST UTILITY AUTHORITY**, whose mailing address is 4200 Hood Road, Palm Beach Gardens, Florida 33410, (hereinafter the "Utility").

WITNESSETH:

WHEREAS, the Utility presently has easements in certain property that has been determined necessary for public purposes; and,

WHEREAS, the proposed use of this property will require subordination to the County of the interest claimed in said property by the Utility and at the request of the County, the Utility has agreed, subject to the following conditions, to relocate its facilities from the Utility's easement onto public right-of-way, or has agreed to leave its facilities on the subordinated property (hereinafter the "Property"), described in Exhibit "A" attached hereto and made a part hereof; and,

WHEREAS, the County is willing to pay to have the Utility's facilities relocated as necessary to prevent conflict between the facilities so that the benefits of each may be retained;

NOW THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, the Utility and the County agree as follows:

1. The Utility hereby subordinates any and all of its interests in that portion of the following easements lying within the Property, to the interest of the County, its successors or assigns, through, under, upon, or across the Property; Utility Easement Recorded at Official Record Book 2605 Page 326, Public Records of Palm Beach County, Florida

2. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove and relocate facilities on, within, and upon all the Property in accordance with the County's current minimum standards for such facilities as of the date of such construction. Any new construction or relocation of facilities within the Property will be subject to prior approval by the County. Should the County fail to approve any new construction or relocation of facilities by the Utility or hereafter require the Utility to alter, adjust, or relocate its facilities from within the Property, the County hereby agrees to pay the Utility's reasonable cost of any required alteration, adjustment, or relocation, caused by the County's actions, including the cost of acquiring necessary easements.

3. The Utility shall have a reasonable right to enter upon the Property for the purposes outlined in paragraph 2 above, including the right to trim such trees, brush, and growth which might endanger or interfere with the operation and safety of the Utility's facilities.

4. These terms and conditions shall be attached as an addendum to the permit, if any, required by the County for location of facilities of the Property.

5. This agreement is not assignable except to the State of Florida for the purposes described herein.

[Signature Pages to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

ATTEST:

PALM BEACH COUNTY, FLORIDA BY
ITS BOARD BY COUNTY COMMISSIONERS

SHARON R. BOCK, Clerk & Comptroller

By: _____
Clerk (or Deputy Clerk)

By: _____
Addie Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY APPROVED AS TO TERMS AND CONDITIONS

By: _____
County Attorney

By:  _____
Department Director

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by Addie Greene, Chairperson, Board of County Commissioners who is personally known to me and who did not take an oath.

Deputy Clerk

Print Name

WITNESSES:

SEACOAST UTILITY AUTHORITY

Signed, sealed and delivered
in our presence as witnesses:

Kathryn Siddons
Witness Signature

By: Ron Ferris
Ron Ferris, Chair

Kathryn Siddons
Print Name

ATTEST: Mary Ann Stiles
Mary Ann Stiles, Clerk

Kelly Haas
Witness Signature

Kelly Haas
Print Name

(SEAL)

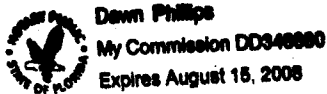
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 24 day of January, 2007,
by Ron Ferris and Mary Ann Stiles, Chair and Clerk respectively of Seacoast Utility Authority, who are both personally
known to me and who did not take an oath.

Dawn Phillips
Notary Signature

Dawn Phillips
Print Name

Notary Public-State of Florida
Commission No:
My Commission Expires:



SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY) PALOMA - ROAD RIGHT-OF-WAY

LEGAL DESCRIPTION

TRACTS Z-1 AND Z-3, "PALOMA P.U.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 108, AT PAGES 144 THROUGH 159 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF PALM BEACH GARDENS, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 10,285 SQUARE FEET, MORE OR LESS.

ABBREVIATIONS

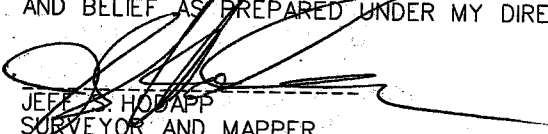
L	·	ARCLength
CONC.	·	CONCRETE
COR.	·	CORNER
D	·	DELTA (CENTRAL ANGLE)
D.E.	·	DRAINAGE EASEMENT
I.R.	·	IRON ROD
I.R.C.	·	IRON ROD AND CAP
L.B.	·	LICENSED BUSINESS
L.S.	·	LICENSED SURVEYOR
MON.	·	MONUMENT
L.W.D.D.	·	LAKE WORTH DRAINAGE DISTRICT
O.R.B.	·	OFFICIAL RECORDS BOOK
P.O.B.	·	POINT OF BEGINNING
P.O.C.	·	POINT OF COMMENCEMENT
P.B.	·	PLAT BOOK
P.B.C.R.	·	PALM BEACH COUNTY RECORDS
PG.	·	PAGE
P.S.M.	·	PROFESSIONAL SURVEYOR & MAPPER
R/W	·	RIGHT-OF-WAY
U.E.	·	UTILITY EASEMENT

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 EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 36-41-42, HAVING A BEARING OF NORTH 01°13'52"EAST, ACCORDING TO THE STATE PLANE COORDINATE SYSTEM, STATE OF FLORIDA, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT.
4. EASEMENTS AND TRACTS SHOWN ARE PER RECORD PLAT, UNLESS SHOWN OTHERWISE.

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.

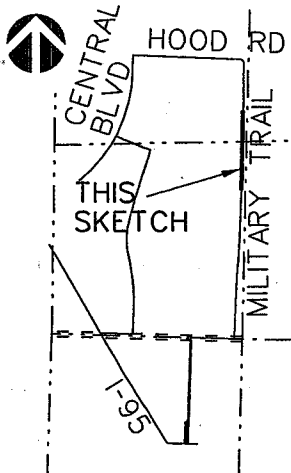

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

LAST DATE OF FIELD WORK : NOT A SURVEY

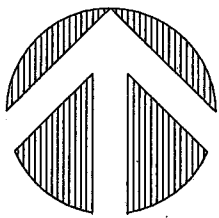
Project Name:	PALOMA	RIGHT-OF-WAY	DATE:	4/24/2006
JOB NO.	03112	DWG BY:	JSH	
		CK'D BY:	JSH	SHEET 1 OF 3

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

Exhibit "A"
Page 2 of 2

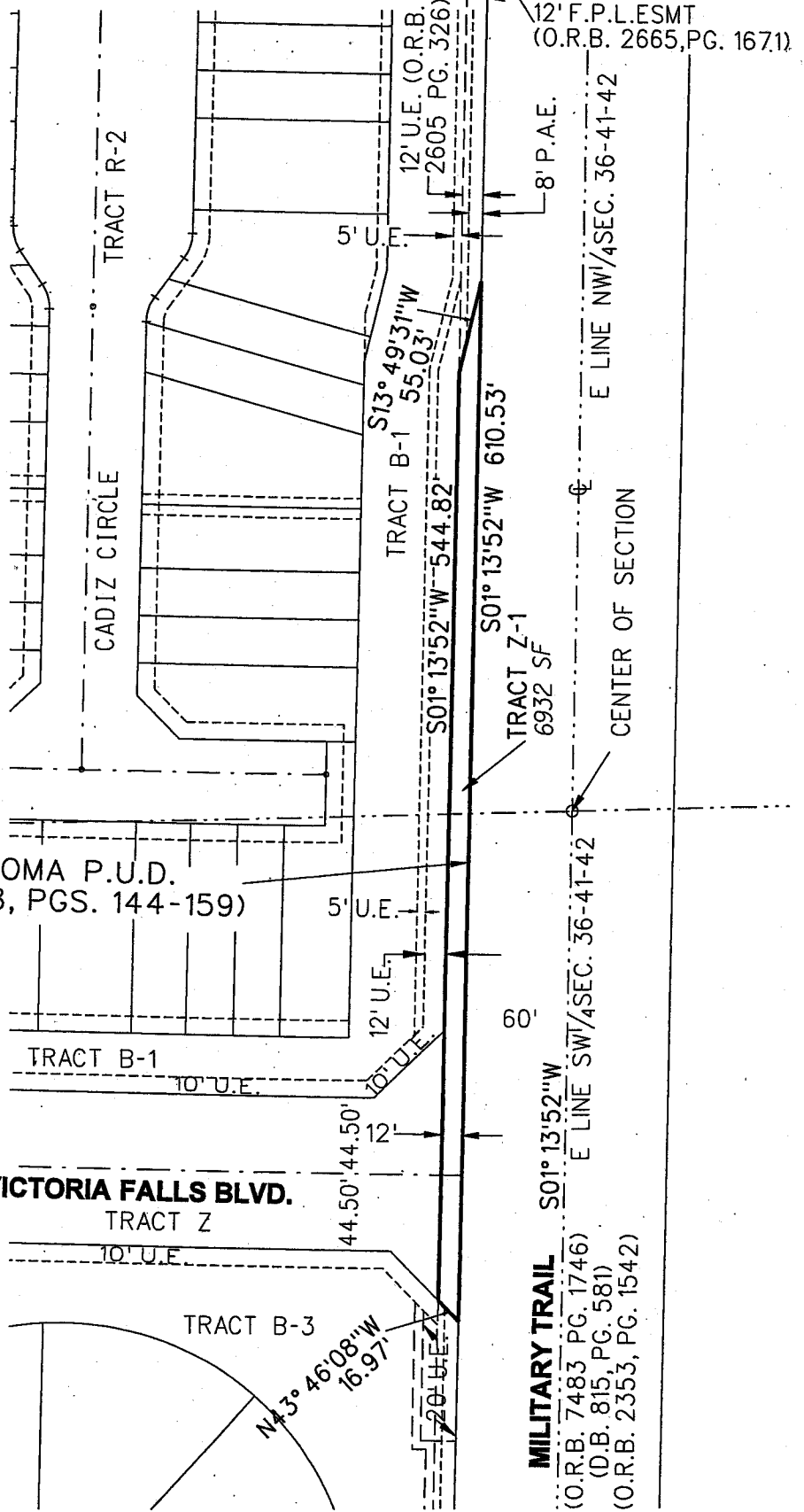


LOCATION MAP
NOT TO SCALE



PALOMA P.U.D.
(P.B. 108, PGS. 144-159)

VICTORIA FALLS BLVD.
TRACT Z



JOB NO.	03112	Project Name:	PALOMA	DWG BY:	JSH	SCALE:	1"=100'
			RIGHT-OF-WAY	CK'D By:	JSH	DATE:	4/24/2006
							SHEET 3 OF 3