

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: April 10, 2007 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: an Easement in favor of the Lake Worth Drainage District (LWDD) over a portion of South County Regional Park in Boca Raton.

Summary: The LWDD will release a 130 foot canal reservation which borders the west portion of the South County Regional Park located northwest of Glades Road. In exchange for its release, the County will grant LWDD a 15 foot easement for the continued maintenance and management of the L-40 canal. The Easement is perpetual and exclusive and is located along the western 15 feet of the Park and east of the eastern boundary of the Southern Florida Flood Control District Levee L-40. The easement area is 15' x 5,818', and contains 87,700 square feet (approximately 2 acres). The Easement is being granted to the LWDD at no charge, as the County will now have access to the remaining 115 feet of the previous canal reservation. **(PREM) District 5 (JMB)**

Background and Justification: On March 17, 1972, Central and Southern Florida Flood Control District granted to the LWDD rights in reservations on a 130 foot wide piece of property along the western 130 feet of South County Regional Park Parcel "A" and east of the eastern boundary of the Southern Florida Flood Control District Levee L-40. The LWDD has agreed to release the 130 foot canal reservation in exchange for a 15 foot easement located within the western portion of the 130 foot canal reservation.

Attachments:

- 1. Location Map
- 2. Easement Agreement

Recommended By: Keith Anthony Wolf 3/18/07
Department Director Date

Approved By: [Signature] 3/28/07
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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

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:

No fiscal impact

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 3/22/07
 OFMB 3/22/07

[Signature] 3/23/07
 Contract Development and Control 3/23/07

B. Legal Sufficiency:

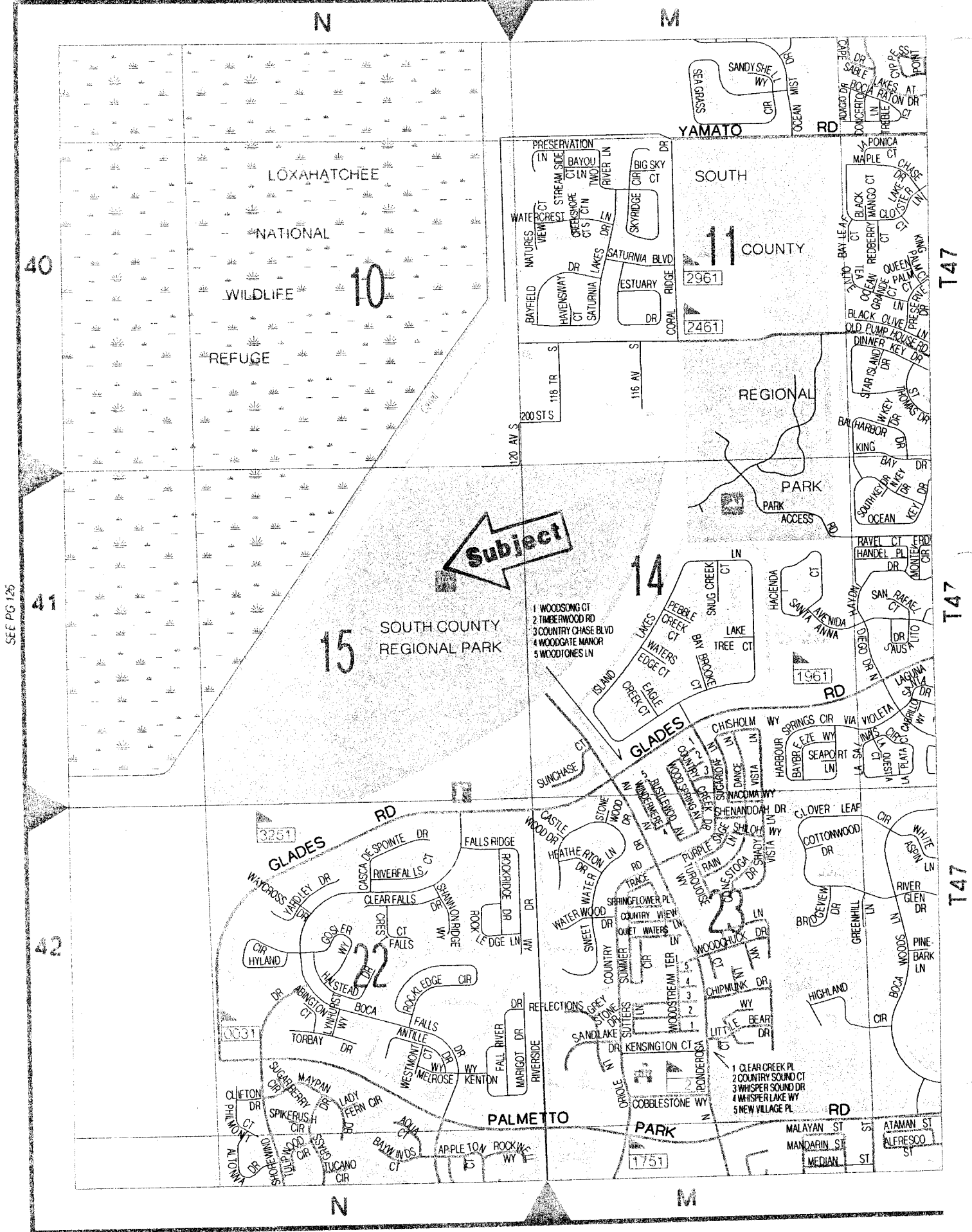
This item complies with current County policies.

[Signature] 3/27/07
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



SEE PG 125

40

41

42

ATTACHMENT #1

LOCATION MAP



RETURN TO:
LAKE WORTH DRAINAGE DISTRICT
13081 Military Trail
Delray Beach, FL 33484

PREPARED BY:
MARK A. PERRY, ESQ.
Perry & Kern, P.A.
50 SE Fourth Avenue
Delray Beach, FL 33483

PCN: 00-41-47-15-01-016-0010
00-41-47-14-01-026-0010

Canal No. E-1W

EASEMENT

THIS EASEMENT, granted this _____ day of _____, 2007 by and between **PALM BEACH COUNTY, a political subdivision of the State of Florida**, whose address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, herein referred to as "COUNTY" and **LAKE WORTH DRAINAGE DISTRICT, a Special Taxing District of the State of Florida**, whose address is 13081 Military Trail, Delray Beach, Florida 33484-1199, herein referred to as "DISTRICT".

WITNESSETH:

That the COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good valuable considerations, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto the DISTRICT, its successors and assigns, upon the conditions hereinafter set forth, a perpetual exclusive easement for purposes of construction, operation and maintenance of a canal, drainage ditch, sluice ways, spoil deposit, water control structures, and berm and other related purposes, including without limitation excavation, removal of vegetation and deposit of spoil; on, over, upon, under, and across the following described real property (the "EASEMENT PREMISES") situate, lying and being in the County of Palm Beach, State of Florida to wit:

**See legal description marked EXHIBIT "A"
Attached Hereto and Made a Part Hereof**

THE CONDITIONS OF THIS EASEMENT ARE SUCH THAT:

1. The DISTRICT shall cause the facilities and their appurtenances to be constructed within the confines of the EASEMENT PREMISES.
2. The DISTRICT hereby expressly agrees that in the event that the DISTRICT abandons its use of the EASEMENT PREMISES for the purpose herein expressed, the Easement

granted hereby shall become null and void, and all the right, title and interest in and to the EASEMENT PREMISES shall automatically revert to the COUNTY.

3. The DISTRICT further expressly agrees to maintain, at its sole cost and expense, the canal, drainage ditch, sluice ways, water control structures, berm, and all appurtenances thereto within the EASEMENT PREMISES at all times during the term hereof in accordance with the DISTRICT'S usual and customary standards of maintenance of its facilities and canals.

4. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, COUNTY shall indemnify, defend and hold harmless DISTRICT against any actions, claims, or damages arising out of COUNTY'S negligence in connection with this agreement, and DISTRICT shall indemnify, defend and hold harmless COUNTY against any actions, claims, or damages arising out of DISTRICT'S negligence in connection with this agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond or alter the limits set forth in Florida Statutes Section 768.28, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's, or any third party's negligent, willful or intentional acts or omissions.

TO HAVE AND TO HOLD the premises, rights, and easement granted herein unto DISTRICT, its successors and assigns, for the purposes aforesaid forever.

IN WITNESS WHEREOF, the COUNTY has caused these present to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Assistant County Attorney

By: *Paul A. May Wolf*
Department Director

A PORTION OF THE BOUNDARY PLAT OF ORIOLE COUNTRY PLAT BOOK 32, PAGES 175 THROUGH 180, AND A PORTION OF TRACT 16, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, AND A PORTION OF THE 30 FOOT ROAD RIGHT OF WAYS FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2 OF SECTION 15, TOWNSHIP 47 SOUTH, RANGE 41 EAST, OF PLAT BOOK 1 PAGE 102, PALM BEACH COUNTY FLORIDA.

LEGAL DESCRIPTION:

THE WESTERLY 15.00 FEET AS MEASURED AT RIGHT ANGLES TO THE WESTERLY LINE OF BOUNDARY PLAT OF ORIOLE COUNTRY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32 AT PAGES 175 THROUGH 180 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING ADJACENT TO THE EASTERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 AND INCLUDING THAT PORTION OF TRACT 16, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2 OF SECTION 15, TOWNSHIP 47 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING EASTERLY AND 15.00 FEET AS MEASURED AT RIGHT ANGLES TO THE EASTERLY RIGHT OF WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 15.00 FEET AS MEASURED AT RIGHT ANGLES TO THE WESTERLY LINE OF TRACT Z-5 OF THE BOUNDARY PLAT OF ORIOLE COUNTRY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32 AT PAGES 175 THROUGH 180 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING ADJACENT TO THE EASTERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 AND INCLUDING THE WESTERLY 15.00 FEET OF THE ADJACENT 30.00 FOOT ROAD RIGHT OF WAY FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2 OF SECTION 15, TOWNSHIP 47 SOUTH, RANGE 41 EAST, OF PLAT BOOK 1 PAGE 102

AND

THE WESTERLY 15.00 FEET AS MEASURED AT RIGHT ANGLES TO THE WESTERLY LINE OF TRACT Z-4 OF THE BOUNDARY PLAT OF ORIOLE COUNTRY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32 AT PAGES 175 THROUGH 180 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING ADJACENT TO THE EASTERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 AND INCLUDING THE WESTERLY 15.00 FEET OF THE ADJACENT 30.00 FOOT ROAD RIGHT OF WAYS FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2 OF SECTION 15, TOWNSHIP 47 SOUTH, RANGE 41 EAST, OF PLAT BOOK 1 PAGE 102

AND

THE WESTERLY 15.00 FEET AS MEASURED AT RIGHT ANGLES TO THE WESTERLY LINE OF TRACT Z-2 OF THE BOUNDARY PLAT OF ORIOLE COUNTRY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32 AT PAGES 175 THROUGH 180 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING ADJACENT TO THE EASTERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 AND INCLUDING THE WESTERLY 15.00 FEET OF THE ADJACENT 30.00 FOOT ROAD RIGHT OF WAY FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2 OF SECTION 15, TOWNSHIP 47 SOUTH, RANGE 41 EAST, OF PLAT BOOK 1 PAGE 102

AND

THE WESTERLY 15.00 FEET AS MEASURED AT RIGHT ANGLES TO THE EASTERLY RIGHT OF WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 OF THAT PORTION OF TRACT 16, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2 OF SECTION 15, TOWNSHIP 47 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF THE SAID LEVEE L-40.

SAID LANDS SITUATE WITHIN PALM BEACH COUNTY, FLORIDA.
CONTAINING 87,700 SQUARE FEET OR 2.0 ACRES MORE OR LESS

HELLER-WEAVER AND SHEREMETA, INC.
FLORIDA STATE LB. NO. 3449

DANIEL C. LAAK
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA STATE REG. NO. 5118

DATED: 8-11-04 REVISED 12-16-04 PER LAKE WORTH DRAINAGE DISTRICT'S COMMENTS.

NOTES:

- 1) THIS IS NOT A SURVEY
- 2) NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA REGISTERED SURVEYOR.
- 3) BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF TRACT Z-2 BOUNDARY PLAT OF ORIOLE COUNTRY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32 AT PAGES 175 THROUGH 180 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; HAVING AN ASSUMED BEARING OF N89°47'32"E.
- 4) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS, OR OTHER MATTERS OTHER THAN SHOWN HEREON.

SHEET 1 OF 2 SHEETS

FILE NO. 04-96102.013-SS1

Heller-Weaver and Sheremeta, Inc.
Engineers ... Surveyors ... Planners

Palm Beach County

310 Southeast First Street, Suite Four
Delray Beach, Florida 33483

(561) 243-8700

(561) 243-8777 Fax

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

15' CANAL EASEMENT

