

Agenda Item # : **3-C-15**

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: May 1, 2007

Consent Regular
 Workshop Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A Resolution authorizing the County Engineer, the Deputy County Engineer, or designee, to execute the Release of Easement Rights instruments for self-extinguished Temporary Construction Easements that are associated with completed and accepted roadway construction projects.

Summary: This action will authorize the County Engineer, the Deputy County Engineer, or designee, to execute the Release of Easement Rights instruments for the Temporary Construction Easements that have self-extinguished upon completion and acceptance of roadway construction projects.

District: Countywide (PK)

Background and Justification: Palm Beach County is frequently granted Temporary Construction Easements for roadway construction and improvement projects. These easements are only necessary during construction, and are intended to self-extinguish upon completion and acceptance of the construction project. Temporary Construction Easements are recorded in Public Record at the time of acquisition, which creates an easement encumbrance on the parcel. Currently the County does not record any release of these easements in Public Record when the construction is completed and accepted. Property owners have often requested that the County record such a document. To remove this encumbrance, a Release of Easement Rights instrument must be prepared and recorded in Public Record.

It is recommended that the Board approve the Resolution that authorizes the County Engineer, the Deputy County Engineer, or designee, to execute the Release of Easement Rights instruments on behalf of the Board of County Commissioners. This procedure will save the Board's time, and simplify the recording process to remove the easement encumbrances from private property more expeditiously.

Attachments:

- 1. Location Map
- 2. Resolution with Exhibit "A"

Recommended by: *[Signature]* 3/28/07
Division Director Date

Approved by: *[Signature]* 4/9/07
County Engineer Date

jmb *[Signature]*

[Handwritten mark]

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	<u>N/A</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>N/A</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
ADDITIONAL FTE	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
POSITIONS (Cumulative)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Is Item Included In Current Budget?	Yes	<u>N/A</u>	No		
Budget Account No.:	Fund _____	Agency _____	Org. _____	Object _____	
	Reporting Category				

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

C. Departmental Fiscal Review: *[Signature]*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

[Signature] 4/10/07
 OFMB
ohw 4-10-07 *ON 4/19/07*

[Signature] 4/11/07
 Contract Dev. and Control
Cheney 4/11/07

B. Legal Sufficiency: *[Signature]* 4/11/07
 Assistant County Attorney: _____

C. Other Department Review:

 Department Director

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

RESOLUTION NO. R-2007

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE COUNTY ENGINEER, DEPUTY COUNTY ENGINEER OR DESIGNEE, TO HAVE THE AUTHORITY TO EXECUTE THE RELEASE OF EASEMENT RIGHTS INSTRUMENTS FOR TEMPORARY CONSTRUCTION EASEMENTS ACQUIRED FOR ROADWAY CONSTRUCTION AND IMPROVEMENT PROJECTS ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS.

WHEREAS, the County Engineer has recommended the acquisition of Temporary Construction Easement parcels to the Board of County Commissioners of Palm Beach County, for the purpose of roadway construction and improvement projects, in Palm Beach County, Florida; and,

WHEREAS, the Temporary Construction Easement parcels are required only during construction in order to give construction forces legal access to areas outside of the road right-of-way; and,

WHEREAS, the Temporary Construction Easement parcels are temporary and self-extinguish upon completion and acceptance of the road construction project; and

WHEREAS, an easement encumbrance against the parcel is created at the time of acquisition by recording the Temporary Construction Easement instrument in the Public Record of Palm Beach County, Florida; and

WHEREAS, the legal instrument entitled Release of Easement Rights, is necessary for recordation in Public Record of Palm Beach County, Florida, to remove the easement encumbrance from the parcel when the roadway construction is completed and accepted; and,

WHEREAS, a Release of Easement Rights instrument, as identified In Exhibit "A", will be prepared upon the completion and acceptance of roadway projects; the document will contain the project identification information, the completion and final

acceptance date of the project and the Temporary Construction Easement recordation information that will be released in Public Record of Palm Beach County, Florida, by the recording of this document.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Palm Beach County, Florida, that the County Engineer, Deputy County Engineer or designee, are hereby given the authorization to execute the Release of Easement Rights instruments for self-extinguished Temporary Construction Easements that are associated with completed and accepted roadway construction projects. This execution authority will be given on behalf of the Board of County Commissioners of Palm Beach County for the following public purpose: To release the Temporary Construction Easement encumbrance on property owners land parcels in Public Record of Palm Beach County, Florida.

The foregoing Resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

ADDIE L. GREENE, CHAIRPERSON	_____
JOHN F. KOONS, VICE CHAIR	_____
KAREN T. MARCUS	_____
WARREN H. NEWELL	_____
MARY McCARTY	_____
BURT AARONSON	_____
JESS R. SANTAMARIA	_____

The Chairperson thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2007.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, Clerk & Comptroller

BY: _____
County Attorney

BY: _____
Deputy Clerk

RETURN TO:
NAME: PALM BEACH COUNTY
R/W ACQUISITION SECTION
POST OFFICE BOX 21229
ADDRESS: WEST PALM BEACH, FLORIDA 33416
ATTN:
ACCT. NO.: 1010 W/C BOX 1066

RELEASE OF EASEMENT RIGHTS

Whereas, the following Temporary Construction Easements were recorded in Public Records of Palm Beach County, Florida:

Date Recorded Official Record Book / Page Parcel No. & Grantor

Whereas, Palm Beach County was granted said easements for the roadway construction project on (project name & limits) _____; and

Whereas, the roadway construction project has been completed and accepted and the easements are no longer needed; the final acceptance date for the project was _____, 2007.

Whereas, the Grantors of the Temporary Construction Easements associated with the roadway construction project, request that said easements related to their property be terminated, released, extinguished and forever discharged from public record.

NOW, THEREFORE, Palm Beach County does hereby release the Easements Rights that are listed above and as described in Exhibit "A", all in Public Records of Palm Beach County, Florida; and

IN WITNESS WHEREOF, the County has caused this Release of Easement Rights to be executed on this _____ day of _____, 200__.

PALM BEACH COUNTY, FLORIDA ,
ON BEHALF OF
ITS BOARD OF COUNTY COMMISSIONERS

BY: _____
County Engineer, Deputy County Engineer or Designee

Attachments