



**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)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><u>-0-</u></u>	<u><u>          </u></u>	<u><u>          </u></u>	<u><u>          </u></u>	<u><u>          </u></u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

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:**

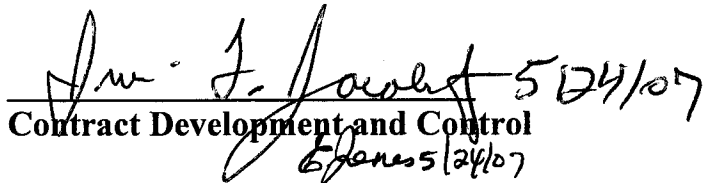
No fiscal impact.

**C. Departmental Fiscal Review: \_\_\_\_\_**


**III. REVIEW COMMENTS**

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

 5/23/07  
 OFMB CN 5/24/07

 5/24/07  
 Contract Development and Control Expenses 5/24/07

**B. Legal Sufficiency:**

 5/24/07  
 Assistant County Attorney

**C. Other Department Review:**

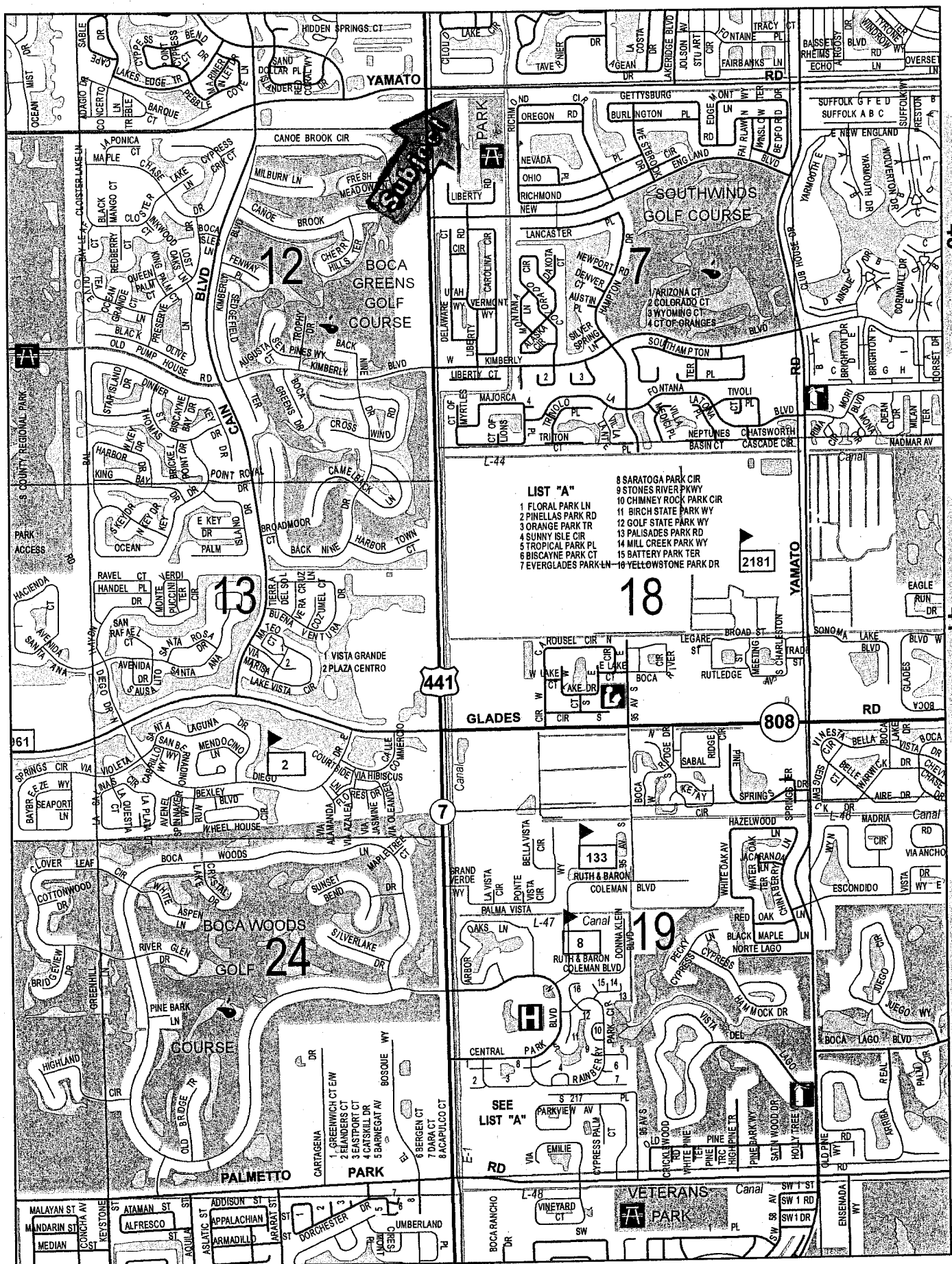
\_\_\_\_\_  
 Department Director

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

T47

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ATTACHMENT #1

LOCATION MAP

Handwritten signature or initials.

RESOLUTION NO. 2007-\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO LAKE WORTH DRAINAGE DISTRICT, PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITHOUT MINERAL AND PETROLEUM RIGHTS RESERVATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Lake Worth Drainage District, a Special Taxing District existing under the laws of the State of Florida ("District"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County disclaim its interest in certain real property for use by the District for public purposes.

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby finds that the aforementioned use constitutes a use for the community interest and welfare, such real property is required for such use and such real property is not needed for County purposes.

**WHEREAS**, pursuant to Florida Statute Section 270.11, the District has requested that such property be conveyed without reservation of mineral and petroleum rights; and,

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby agrees to convey such property without reserving phosphate, mineral, metals and petroleum rights.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Section 1. Recitals**

The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Authorization to Convey Real Property**

The Board of County Commissioners of Palm Beach County shall convey to Lake

Worth Drainage District, a Special Taxing District existing under the laws of the State of Florida, without charge and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such Deed.

**Section 3. Conflict with Federal or State Law or County Charter**

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

**Section 4. Effective Date**

The provisions of this Resolution shall be effective immediately upon adoption hereof.

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:

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

The Chair thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

PALM BEACH COUNTY, a political subdivision of the State of Florida  
BOARD OF COUNTY COMMISSIONERS

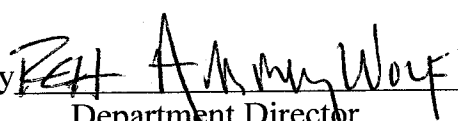
SHARON R. BOCK  
CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS  
AND CONDITIONS

By \_\_\_\_\_  
Assistant County Attorney

By  \_\_\_\_\_  
Department Director

PREPARED BY AND RETURN TO:  
DAVID KUZMENKO, REAL ESTATE SPECIALIST  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
3200 BELVEDERE ROAD, BUILDING 1169  
WEST PALM BEACH, FLORIDA 33406-1544

PCN: a portion of LWDD L-42 Canal Right-of-Way in Section 7, Township 47 South, Range 42 East

## COUNTY DEED

This COUNTY DEED, made \_\_\_\_\_, by PALM BEACH COUNTY, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791, party of the first part, and LAKE WORTH DRAINAGE DISTRICT, a Special Taxing District, existing under the Laws of the State of Florida, whose legal mailing address is 13081 South Military Trail, Delray Beach, Florida 33484-1105, party of the second part.

### WITNESSETH:

That the said party of the first part, for and in consideration of the sum of \$10.00 to it in hand paid by the party of the second part, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

See Exhibit "A" attached hereto and made a part hereof.

This County Deed is given to specifically release any interest the County has in the lands described in Exhibit "A" as a result of the Warranty Deed from Boca Hamptons Management, Inc. to Palm Beach County, a political subdivision of the State of Florida, dated October 31, 1979 and recorded December 5, 1980 in Official Records Book 3420, page 1526 of the public records of Palm Beach County, Florida, in which the legal description lessed out "the Right of Way for L.W.D.D. Lateral No. 42" without specifically defining the location of said Right of Way.

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 Chairperson 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: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney

G:\Dave K\WATER UTILITIES\Yamato Court\Yamato Road 441\LWDD L-42 Canal\County Deed Release Rights of Entry-corp redline (1-07).doc  
5/15/2007 9:08 AM

**Exhibit "A"**  
**(The "Premises")**



**YAMATO COURT M.U.P.D.  
A PORTION OF THE L.W.D.D. L-42 CANAL RIGHT-OF-WAY**

A STRIP OF LAND 100.00 FEET IN WIDTH BEING A PORTION OF TRACT 15, TRACT 16 AND A PORTION OF THE PLATTED 25 FOOT ROAD RIGHTS-OF-WAY LYING NORTH AND WEST OF, AND CONTIGUOUS TO, SAID TRACTS 15 AND 16, BLOCK 74, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. SAID STRIP OF LAND ALSO BEING A PORTION OF THE PLATTED 25 FOOT ROAD RIGHT-OF-WAY IN AND ALONG THE SOUTH LINE OF BLOCK 73 OF SAID PLAT; SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF WEITZER SUBDIVISION PUD PLAT NO. ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 48, PAGE 103, SAID PUBLIC RECORDS; THENCE, NORTH 89°36'59" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF YAMATO ROAD AS SHOWN ON SAID PLAT OF WEITZER SUBDIVISION PUD PLAT NO. ONE AND ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 25 FOOT PLATTED ROAD RIGHT-OF-WAY IN AND ALONG THE SOUTH LINE OF SAID BLOCK 73, A DISTANCE OF 33.33 FEET FOR A **POINT OF BEGINNING**;

THENCE, CONTINUE NORTH 89°36'59" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 753.42 FEET; THENCE, SOUTH 00°23'01" EAST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL L-42, AS RECORDED IN OFFICIAL RECORDS BOOK 2089, PAGE 1105, SAID PUBLIC RECORDS; THENCE, SOUTH 89°36'59" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ITS WESTERLY PROLONGATION, A DISTANCE OF 752.61 FEET TO THE INTERSECTION THEREOF WITH THE WEST LINE OF SAID BLOCK 74; THENCE, NORTH 00°50'56" WEST, ALONG SAID WEST LINE, A DISTANCE OF 100.01 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 75302 SQUARE FEET (1.729 ACRES)

SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION SHOWN HEREON AND THE DESCRIPTION SKETCH ATTACHED HERETO ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY:

  
WM. R. VAN CAMPEN, P.S.M. 424

DATE: 04-18-2006

SEE SHEET 2 AND 3 FOR SKETCH

DESCRIPTION OF:

A PORTION OF THE LWDD L-42 CANAL RIGHT-OF-WAY  
AT YAMATO COURT MUPD



**ASSOCIATED LAND SURVEYORS, INC.**

4152 W. BLUE HERON BOULEVARD—SUITE 121  
RIVIERA BEACH FLORIDA 33404

PHONE: (561) 848-2102 FAX: (561) 844-9659 EMAIL: ALSSURVEY@AOL.COM

FILE: P295LWDDL42CANAL

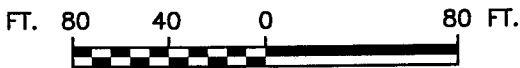
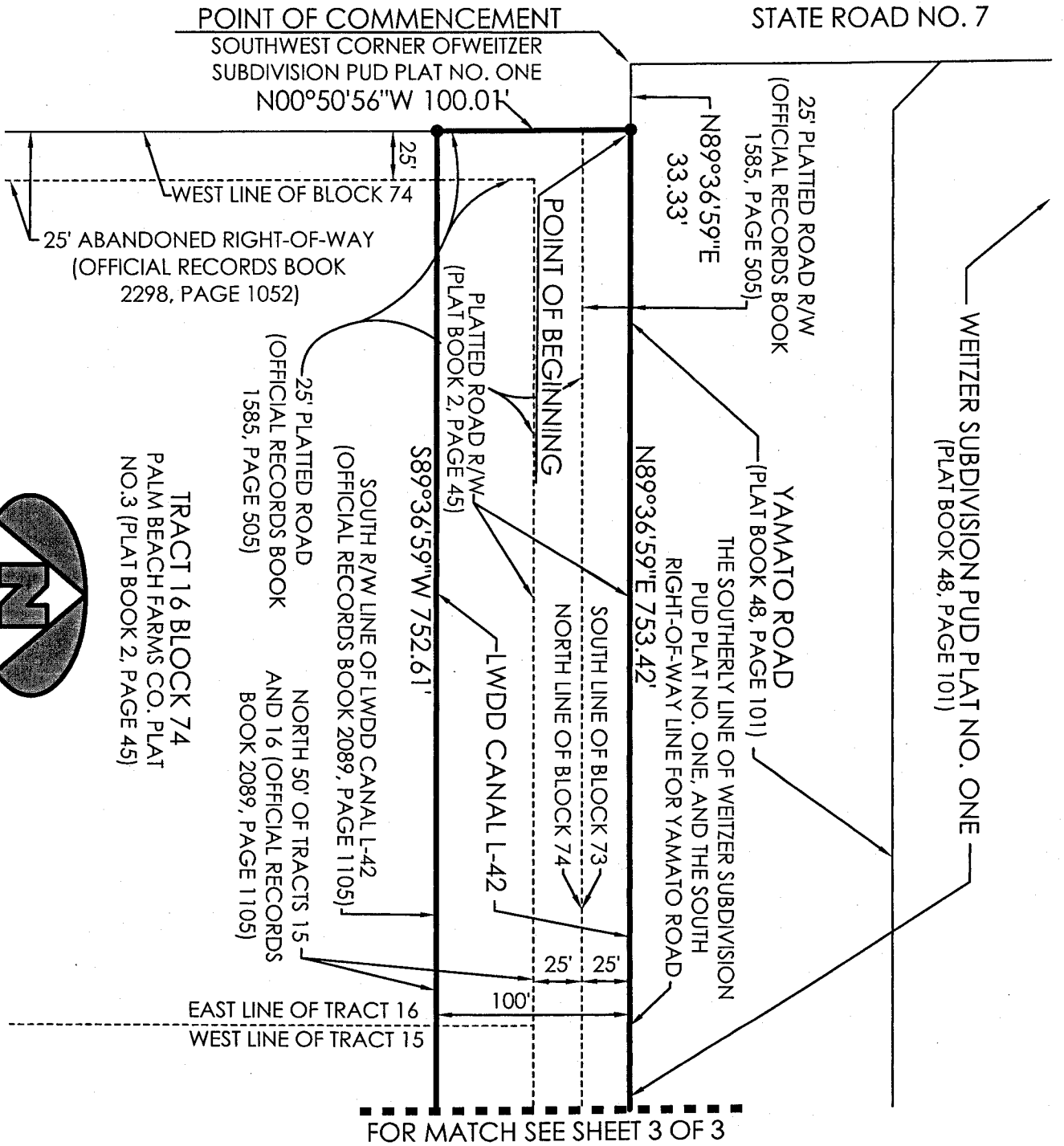
DATE: 3-28-2006

BY: KVC

CKD:

W.O.NO.: P295

SHEET 1 OF 3



NOTE: THIS IS NOT A SURVEY (GRAPHIC SCALE) SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION

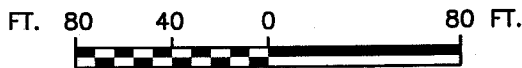
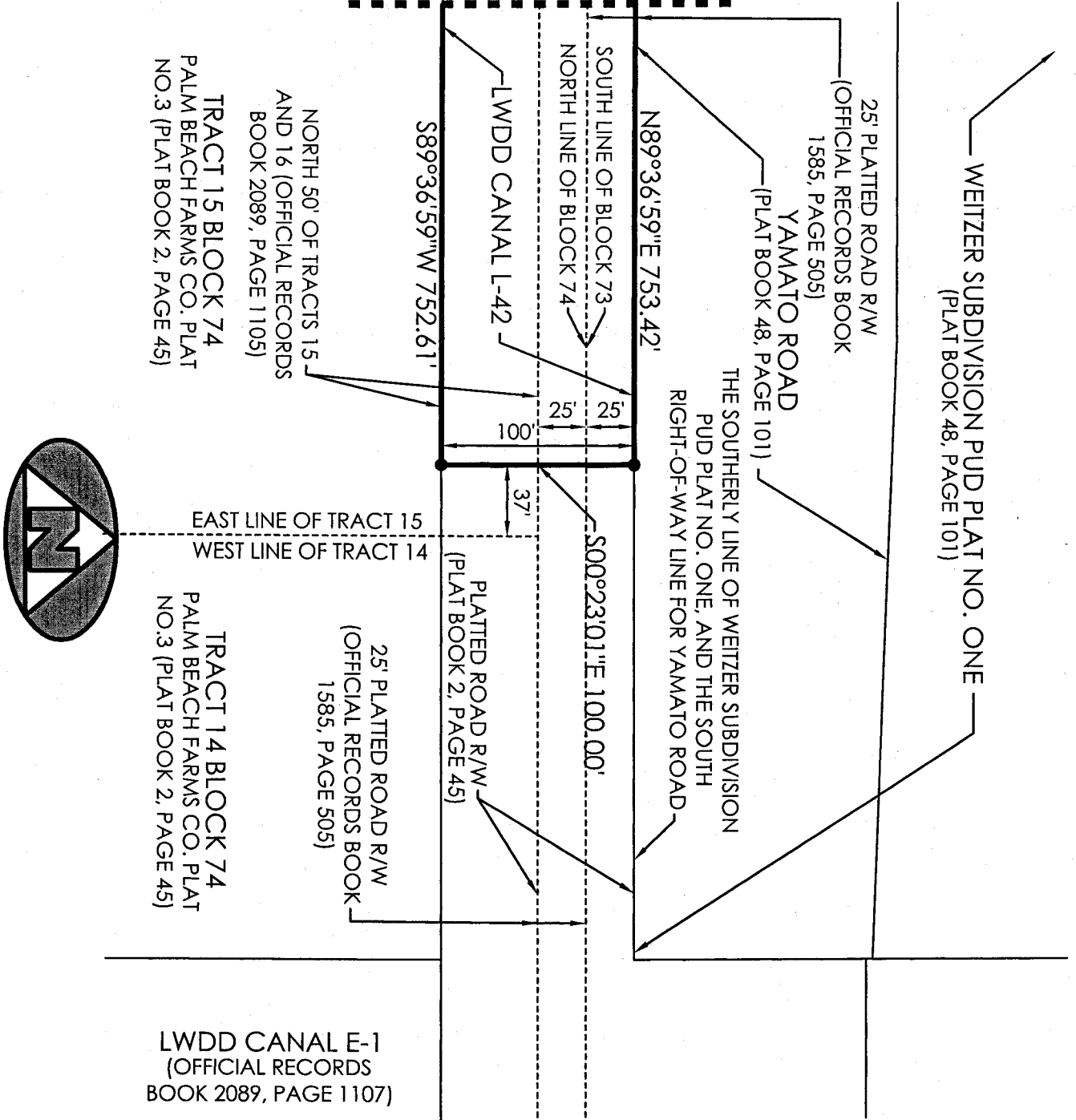
DESCRIPTION SKETCH OF: A PORTION OF THE LWDD L-42 CANAL RIGHT-OF-WAY AT YAMATO COURT MUPD



**ASSOCIATED LAND SURVEYORS, INC.**

4152 W. BLUE HERON BOULEVARD—SUITE 121  
 RIVIERA BEACH FLORIDA 33404  
 PHONE: (561) 848-2102 FAX: (561) 844-9659 EMAIL: ALSSURVEY@AOL.COM

FOR MATCH SEE SHEET 2 OF 3



NOTE: THIS IS NOT A SURVEY (GRAPHIC SCALE) SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION

DESCRIPTION SKETCH OF: A PORTION OF THE LWDD L-42 CANAL RIGHT-OF-WAY AT YAMATO COURT MUPD



**ASSOCIATED LAND SURVEYORS, INC.**

4152 W. BLUE HERON BOULEVARD—SUITE 121  
RIVIERA BEACH FLORIDA 33404

PHONE: (561) 848-2102 FAX: (561) 844-9659 EMAIL: ALSSURVEY@AOL.COM



LAKE WORTH DRAINAGE DISTRICT

13081 MILITARY TRAIL  
DELRAY BEACH, FLORIDA 33484 -1105

RECEIVED

APR 20 2007

Board of Supervisors  
C. Stanley Weaver  
John I. Whitworth III  
Murray R. Kalish  
C. David Goodlett  
James M. Alderman  
Secretary/Manager  
William G. Winters  
Assistant Manager  
Ronald L. Crone  
Attorney  
Perry & Kern, P.A.

April 18, 2007

Mr. Ross Hering, Director  
Palm Beach County  
Property & Real Estate Management  
3200 Belvedere Road, Bldg. 1169  
West Palm Beach, FL 33406-1544

**Re: Special Warranty Deed from Boca Hamptons Management, Inc.  
To Palm Beach County (ORB 3420, Page 1526)  
LWDD L-42 Canal  
Clearing of Title  
LWDD Project No. 05-7838P.01**

Dear Ross:

I am writing pursuant to our telephone conference regarding the subject matter.

Lake Worth Drainage District is currently selling a portion of its L-42 Canal right-of-way to Yamato Court LLC. The chain of title reflects the subject Special Warranty Deed (Copy Enclosed), which lesses out the right-of-way for Lake Worth Drainage District's L-42 Canal; however, the document does not clearly define the District's L-42 Canal right-of-way. Therefore, to assist Lake Worth Drainage District, I would ask that you have a Quit Claim Deed executed from Palm Beach County to Lake Worth Drainage District conveying that portion of the District's L-42 Canal right-of-way adjacent to the Yamato Court LLC project. Enclosed is the proposed Quit Claim Deed for your review and signature by Palm Beach County.

I wait to hear from you.

Sincerely,

  
MARK A. PERRY  
GENERAL COUNSEL

MAP:fac  
Enclosure

C: Ronald L. Crone, Manager LWDD  
Pamela Kane, Esq., Sachs & Sax

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Delray Beach & Boca Raton (561) 498-5363 • Boynton Beach & West Palm Beach (561) 737-3835 • Fax (561) 495-9694  
Website: www.LWDD.net

ATTACHMENT # 4