

3H-21

Agenda Item #:

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: July 10, 2007 [X] Consent [ ] Regular  
[ ] Ordinance [ ] Public Hearing  
Department: Facilities Development & Operations

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to:**

**A) accept** a Utility License from W. P. R. F., Inc., a Delaware corporation (WPRF), for a groundwater monitoring well for the County's Central Region Reclaimed Water Facility in unincorporated West Palm Beach; and

**B) approve** a Memorandum of Utility License.

**Summary:** The Central Region Reclaimed Water Facility is located at 2969 Northampton Street in the Century Village development west of West Palm Beach. As a condition of its permit, the Florida Department of Environmental Protection (FDEP) required the installation of a monitoring well to provide water level and quality data beginning 6-months prior to startup of the Central Region Reclaimed Water Facility. The well installation was completed February 6, 2007 and is currently in operation. The well is located in a 5 foot by 5 foot parcel (25 square feet) adjacent to the east shore of Lake Century at the Century Village Recreation Center at 100 Century Boulevard. This Recreation Center is managed by and under the leasehold control of WPRF. This Utility License is being provided at no charge. The Utility License will remain in effect until the well and its equipment are removed, or June 30, 2021, whichever is sooner. A Memorandum of Utility License will be recorded to provide public notice of the Utility License. **(PREM)**

**District 2 (HJF)**

**Background and Justification:** The Central Region Reclaimed Water Facility will provide 3.0 million gallons per day of reclaimed supplemental irrigation water to several customers, including Century Village and Vista Center. On September 5, 2006, the FDEP issued a permit allowing the County to construct and operate the Central Region Reclaimed Water Facility. The monitoring well location was selected with input from FDEP and is in a central location that will minimize impacting individual residents. The Benenson Capital Company owns land on which the main clubhouse at Century Village is located, which is leased to WPRF, who manages the clubhouse facility. The Lease is scheduled to expire June 30, 2021, at which time the license will need to be extended or the well relocated. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interests be obtained when a property held in a representative capacity is conveyed or leased to the County. However, the Attorney General's office issued AGO 75-238 opining that this type of transaction is not included within the purview of Florida Statutes Section 286.23.

**Attachments:**

- 1. Location Map
- 2. Utility License
- 3. Memorandum of Utility License

Recommended By: Anthony Wolf 4/20/07  
Department Director Date  
Approved By: [Signature] 6/19/07  
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)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><u>-0-</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:**

*[Signature]* 6-22-07  
 OFMB  
*[Signature]* 06/21/07

*[Signature]* 6/26/07  
 Contract Development and Control  
*[Signature]* 6/26/07

**B. Legal Sufficiency:**

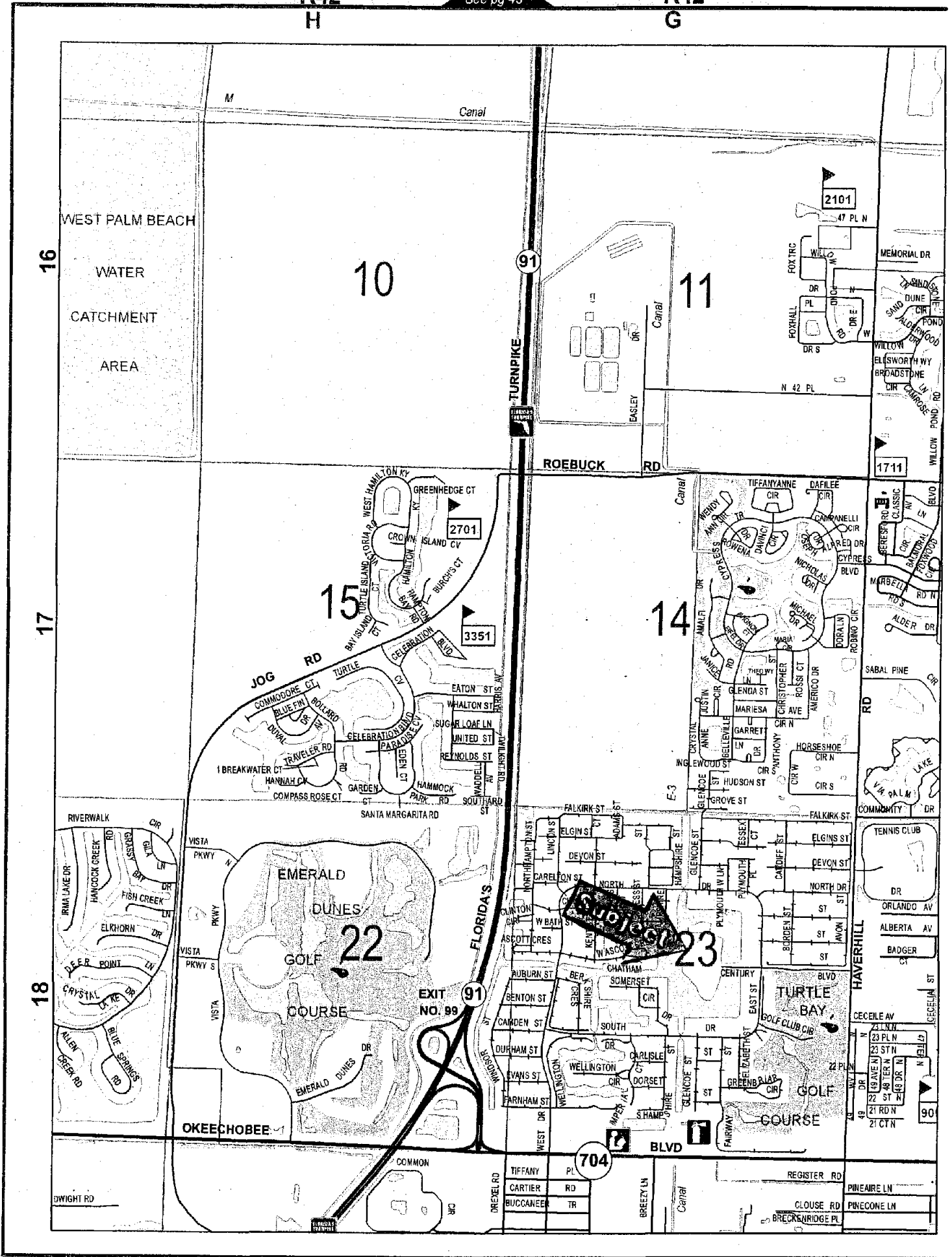
*[Signature]* 6/27/07  
 Assistant County Attorney

This item complies with current County policies.

**C. Other Department Review:**

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

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



LOCATION MAP  
ATTACHMENT #1

11

## UTILITY LICENSE

**THIS LICENSE** is made, granted and entered into this 7th day of June, 2007, by **W. P. R. F., INC.** a Delaware corporation (hereinafter referred to as "Licensor"), whose address is 1601 Forum Place, Suite 500, West Palm Beach, Florida 33401-8109, to **PALM BEACH COUNTY**, a political subdivision of the State of Florida (hereinafter referred to as "Licensee"), c/o Water Utilities Department, whose office is located at 8100 Forest Hill Boulevard, West Palm Beach, Florida 33413-3336 and whose mailing address is Post Office Box 16097, West Palm Beach, Florida 33416-6097.

### WITNESSETH

That Licensor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Licensee and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to the Licensee, its successors and assigns, a license which shall permit Licensee authority to enter upon the property of the Licensor described herein to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, and inspect a groundwater monitoring well and appurtenant facilities and equipment in, on, over, under and across the property described as follows.

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF (THE "PREMISES").**

Together with the right of reasonable ingress and egress to said Premises at all times.

Licensee agrees that any activities performed by it will not unreasonably disturb the operations of Licensor. Licensee shall be responsible for any damage it causes to the property of the Licensor.

This License shall be in effect from the above date until the groundwater monitoring well and appurtenant facilities and equipment are removed from the Premises or until June 30, 2021, whichever is sooner.

Licensor hereby covenants with Licensee that it is lawfully seized and in possession of the Premises and that it has good and lawful right to grant this License.

Licensor and Licensee each agree that they shall not record or cause to be recorded in any public records this Utility License; however, nothing shall prohibit the recording of a Memorandum of Utility License in the Public Records of Palm Beach County, Florida, memorializing the existence of this Utility License.

IN WITNESS WHEREOF, the Licensor has hereunto set its hand and affixed its seal as of the date first above written.

**WITNESSES:**

Signed, sealed and delivered in the presence of:

*Susan Stifter*  
Witness Signature

SUSAN STIFTER  
Print Witness Name

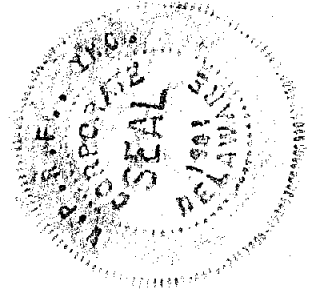
*Elaine Hauff*  
Witness Signature

ELAINE HAUFF  
Print Witness Name

**LICENSOR: W. P. R. F., Inc.,**  
a Delaware Corporation

*Mark F. Levy*  
Mark F. Levy, President

(Corporate Seal)



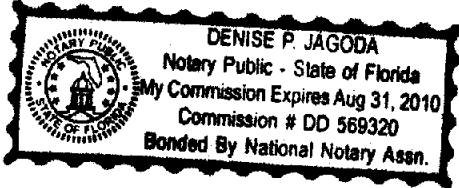
**NOTARY CERTIFICATE**

**STATE OF FLORIDA**  
**COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this 7 day of June, 2007 by Mark F. Levy as President of W. P. R. F., Inc. a Delaware corporation, who is personally know to me.

My Commission Expires: August 31, 2010 *Denise Jagoda*  
Notary Signature

Typed, Printed or Stamped Name of Notary: DENISE JAGODA



**Exhibit "A"**

Legal Description  
The "Premises"

**GROUNDWATER MONITORING WELL PARCEL  
CENTURY VILLAGE**

**A PORTION OF TRACT "B", CENTURY VILLAGE  
PLAT NO. EIGHT, PLAT BOOK 29, PAGE 57  
LYING IN SECTION 23,  
TOWNSHIP 43 SOUTH, RANGE 42 EAST,  
PALM BEACH COUNTY, FLORIDA.**

**PROPERTY CONTROL #  
00-42-43-23-13-000-0021**

**LEGAL DESCRIPTION:**

A 5' SQUARE PARCEL OF LAND BEING A PORTION OF TRACT "B", CENTURY VILLAGE PLAT NO. EIGHT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 29, AT PAGE 57, OF THE PUBLIC RECORDS, OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF CENTURY BOULEVARD AND THE EAST LINE OF TRACT "B" CENTURY VILLAGE PLAT NO. EIGHT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 29, AT PAGE 57 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE N00°00'00"E ALONG THE EAST LINE OF SAID TRACT "B" AS SHOWN ON SAID PLAT OF CENTURY VILLAGE, PLAT NO. EIGHT, FOR A DISTANCE OF 259.33 FEET; THENCE DEPARTING FROM EAST LINE OF SAID TRACT "B" N90°00'00"W FOR 896.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N90°00'00"W FOR 5.00 FEET; THENCE N00°00'00"W FOR 5.00 FEET; THENCE S90°00'00"E FOR 5.00 FEET; THENCE S00°00'00"E FOR 5.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

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

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

DATED: 12-19-2006  
WORK ORDER NO. 15457.012

REVISIONS	 E.B. NO. 0003449	<b>Heller - Weaver and Sheremeta, inc.</b> Engineers ... Surveyors and Mappers 310 S.E. 1st Street, Suite 4, Delray Beach, Florida 33483 (561) 243-8700 - Phone (561) 243-8777 - Fax	DATE:	12/20/06
1-16-07-REVISED PLAT NAMES			SCALE:	NTS
6-8-07 REVISED PER			DRAWN BY:	S. ISAAC
P.B.C.P.R.E.M. COMMENTS			CHECKED BY:	D. LAAK
			SHEET:	1 OF 2
			FILE NO.	06-15457.012-SS1

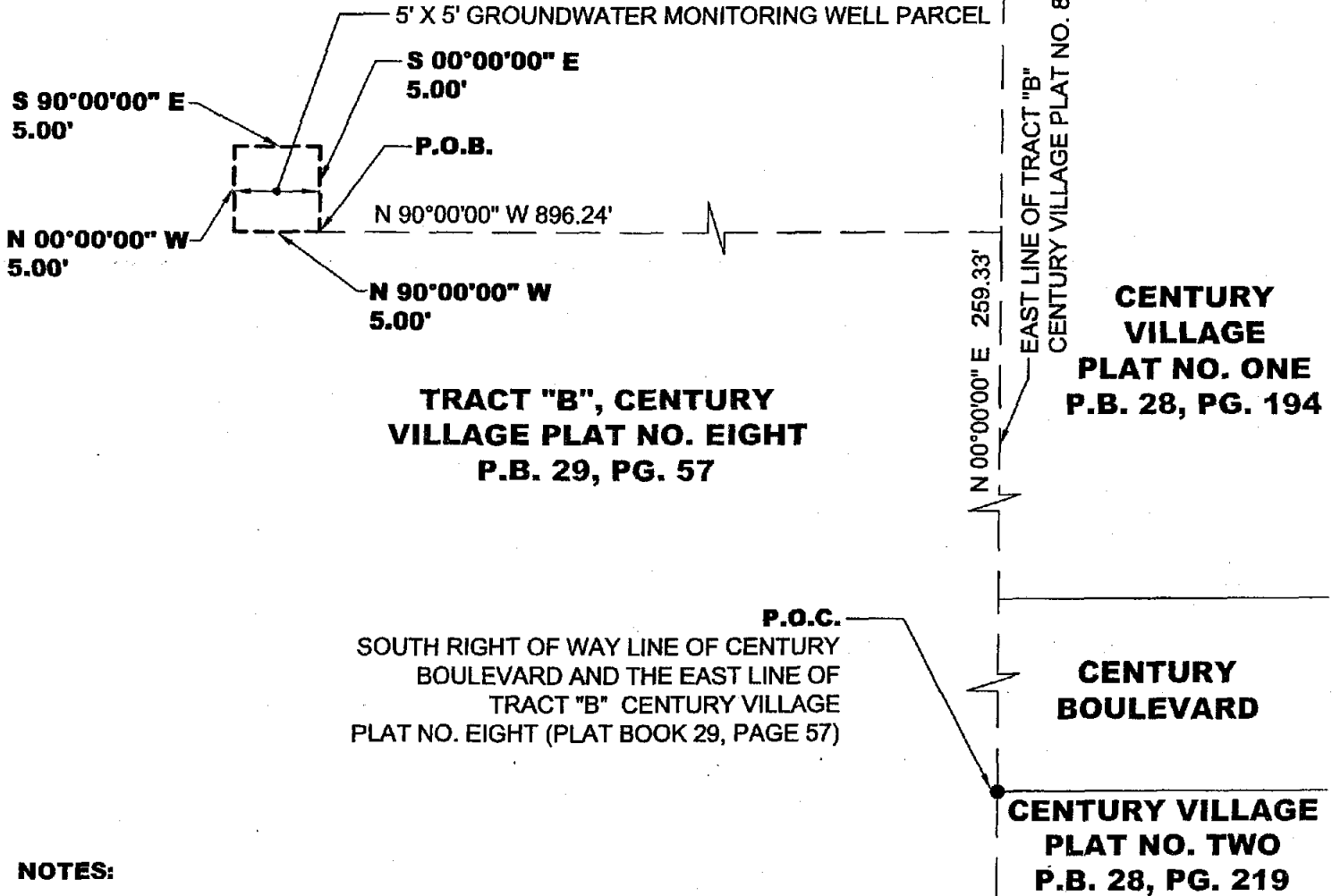
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**N**  
SCALE: 1" = 10'



**NOTES:**

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").
- 2) NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA REGISTERED LAND SURVEYOR.
- 3) BEARINGS SHOWN HEREON ARE REFERENCED TO SOUTH RIGHT OF WAY LINE OF CENTURY BOULEVARD, HAVING A BEARING OF N90°00'00"E PER CENTURY VILLAGE PLAT NO. EIGHT ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 29 PAGE 57 OF THE PALM BEACH COUNTY RECORDS PALM BEACH COUNTY, FLORIDA.

**LEGEND:**

- P.O.C.** POINT OF COMMENCEMENT
- P.O.B.** POINT OF BEGINNING
- P.B.** PLAT BOOK
- PG.** PAGE

REVISIONS
1-16-07-REVISED PLAT NAMES
8-8-07 REVISED PER
P.B.C.P.R.E.M. COMMENTS



**Heller - Weaver and Sheremeta, inc.**  
Engineers ... Surveyors and Mappers  
310 S.E. 1st Street, Suite 4, Delray Beach, Florida 33483  
(561) 243-8700 - Phone (561) 243-8777 - Fax

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SCALE:	1" = 10'
DRAWN BY:	S. ISAAC
CHECKED BY:	D. LAAK
SHEET:	2 OF 2
FILE NO.	06-15457.012-SS2



Prepared by & Return to:  
David Kuzmenko, Real Estate Specialist  
Palm Beach County  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, Florida 33411-5605

PCN: 00-42-43-23-13-000-0021 (Portion of)

### MEMORANDUM OF UTILITY LICENSE

This is a Memorandum of an unrecorded Utility License dated \_\_\_\_\_, by and between **W. P. R. F., INC.**, a Delaware corporation, ("WPRF" or "Licensor") whose address is 1601 Forum Place, Suite 500, West Palm Beach, Florida 33401-8109 and **PALM BEACH COUNTY**, a political subdivision of the State of Florida, ("County" or "Licensee"), whose office is located at c/o Water Utilities Department, 8100 Forest Hill Boulevard, West Palm Beach, Florida 33413-3336 and whose mailing address is Post Office Box 16097, West Palm Beach, Florida 33416-6097.

#### WITNESSETH:

**WHEREAS**, on June 7, 2007, W.P.R.F., Inc., a Delaware corporation, ("WPRF") granted to Palm Beach County, a political subdivision of the State of Florida, ("County") a Utility License (the "License") which said License provides for a groundwater monitoring well and appurtenant facilities and equipment to be placed by County on land in Palm Beach County, Florida, described on **Exhibit "A"** attached hereto (the "Premises"), which said Premises are currently under lease to WPRF; and

**WHEREAS**, the parties have executed this Memorandum for the purpose of giving public notice of the existence of the License and certain provisions thereof.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby acknowledge, and give notice of, the existence of the License and of the County's interest in the Premises under such License. The parties also hereby give public notice of the following provisions of the License:

1. **PURPOSE:** License provides for County's placement of a groundwater monitoring well and appurtenant facilities and equipment on the Premises.
2. **TERM:** The term of the License is from the above date until the groundwater monitoring well and appurtenant facilities and equipment are removed from the Premises or until June 30, 2021, whichever is sooner.

This Memorandum is not a complete summary of the License. Provisions in this Memorandum shall not be used to interpret the provisions of the License, and, in the event of conflict between this Memorandum and the License, the License shall control.

IN WITNESS WHEREOF, the parties have caused this Memorandum to be executed as of the date first-above written.

Licensors:

W. P. R. F., INC.  
a Delaware corporation

By: [Signature]  
Mark F. Levy, President

Signed, sealed and delivered in the presence of:

[Signature]  
(Witness Signature)

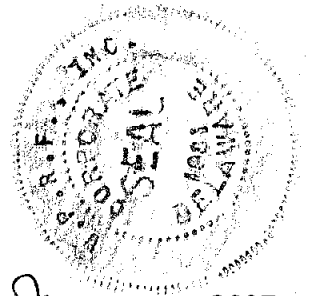
Susan Stifter  
(Witness Name Printed)

[Signature]  
(Witness Signature)

ELAINE HAUF  
(Witness Name Printed)

Date: JUNE 7, 2007  
Date of Execution

(Corporate Seal)



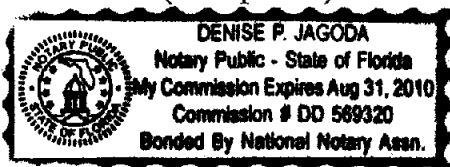
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 7 day of June, 2007, by Mark F. Levy, President of W. P. R. F., INC., a Delaware corporation, () who is personally known to me OR () who has produced \_\_\_\_\_ as identification and who () did () did not take an oath.

[Signature]  
Notary Public, State of Florida  
**DENISE JAGODA**  
Print Notary Name

Commission Number \_\_\_\_\_  
My Commission Expires: August 31, 2010

(Stamp/Seal)



Licensee:

**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

(SEAL)

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

**APPROVED AS TO TERMS**  
**AND CONDITIONS**

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

By: Richard Anthony Wolf  
Department Director

**Exhibit "A"**

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HELLER-WEAVER AND SHEREMETA, INC.  
FLORIDA STATE L.B. NO. 3448

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

DATED: 12-19-2006  
WORK ORDER NO. 15457.012

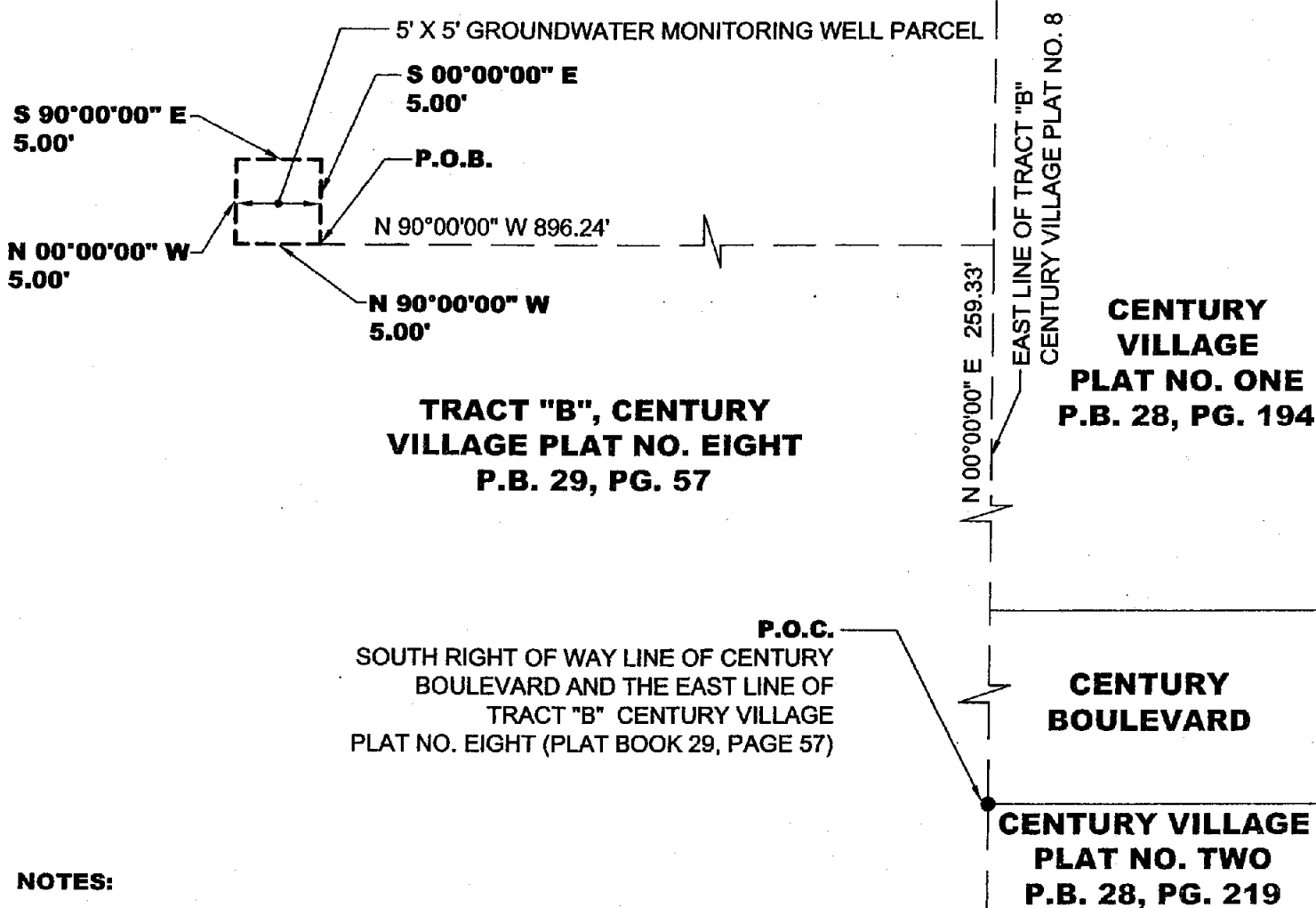
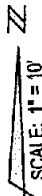
REVISIONS		 E.B. NO. 0003449	<b>Heller - Weaver and Sheremeta, inc.</b> Engineers ... Surveyors and Mappers 310 S.E. 1st Street, Suite 4, Delray Beach, Florida 33483 (561) 243-8700 - Phone (561) 243-8777 - Fax		DATE:	12/20/06
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