3H-15

Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

October 16, 2007

[X] Consent[] Ordinance

[] Regular[] Public Hearing

Department:

Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of 0.38 acres to Lake Worth Drainage District (LWDD) without reservation of mineral and petroleum rights in exchange for 0.38 acres from Lake Worth Drainage District;

B) approve a County Deed conveying 0.38 acres to Lake Worth Drainage District; and

C) accept a Quit Claim Deed from Lake Worth Drainage District conveying 0.38 acres.

Summary: Water Treatment Plant No. 8 (WTP8) is located at 1500 North Jog Road, between Belvedere Road and Florida's Turnpike, west of West Palm Beach. During the development of WTP8, buffer landscaping was installed by the Water Utilities Department within the Lake Worth Drainage District's L-2 Canal right-of-way. To correct this, the LWDD will convey to the County a 25' strip along the north side of the canal, and in exchange the County will convey to the LWDD a 25' strip along the south side of the canal. Both strips of property are 25' wide by 650' long and contain .38 acres. Both properties are being conveyed without reservation of mineral rights. Preapproval of this exchange by the Board was not obtained as this is an exchange between two government agencies. The exchange will be without cost to either LWDD or the County. (PREM) District 2 (HJF)

Background and Justification: The land to be transferred to LWDD was acquired by Engineering through a Stipulated Final Judgment on October 15, 1991, by Resolution R90-1109, as a part of the North Jog Road acquisition for drainage retention. Engineering has determined that this 0.38 acre parcel to be conveyed to LWDD is part of the upland area and not needed for drainage retention. LWDD approved this exchange on October 11, 2006. Acquisition of the 25' buffer strip is a condition of the Development Order for WTP8 and must be completed by April 1, 2008. This proposed exchange was advertised in the Palm Beach Post on September 16 and 23, 2007.

Attachments:

- 1. Location Map
- 2. Resolution
- 3. Quit Claim Deed
- 4. County Deed

Recommended By:	Ref Ammy WOLF	9/21/07	
	Department Director	Date	
Approved By:	inner	4(10)	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	<u> </u>				<u></u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)	- <u></u>				
Is Item Included in Current B	udget: Yes_	No			
Budget Account No: Fun	ldDe	pt l	Unit (Dbject	
Pro	gram			•	
B. Recommended Sources	of Funds/Su	mmary of Fi	scal Impact:		

No fiscal impact.

C. Departmental Fiscal Review:

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

Ĭ21/1 OFMB

Contract Development and Control

B. Legal Sufficiency:

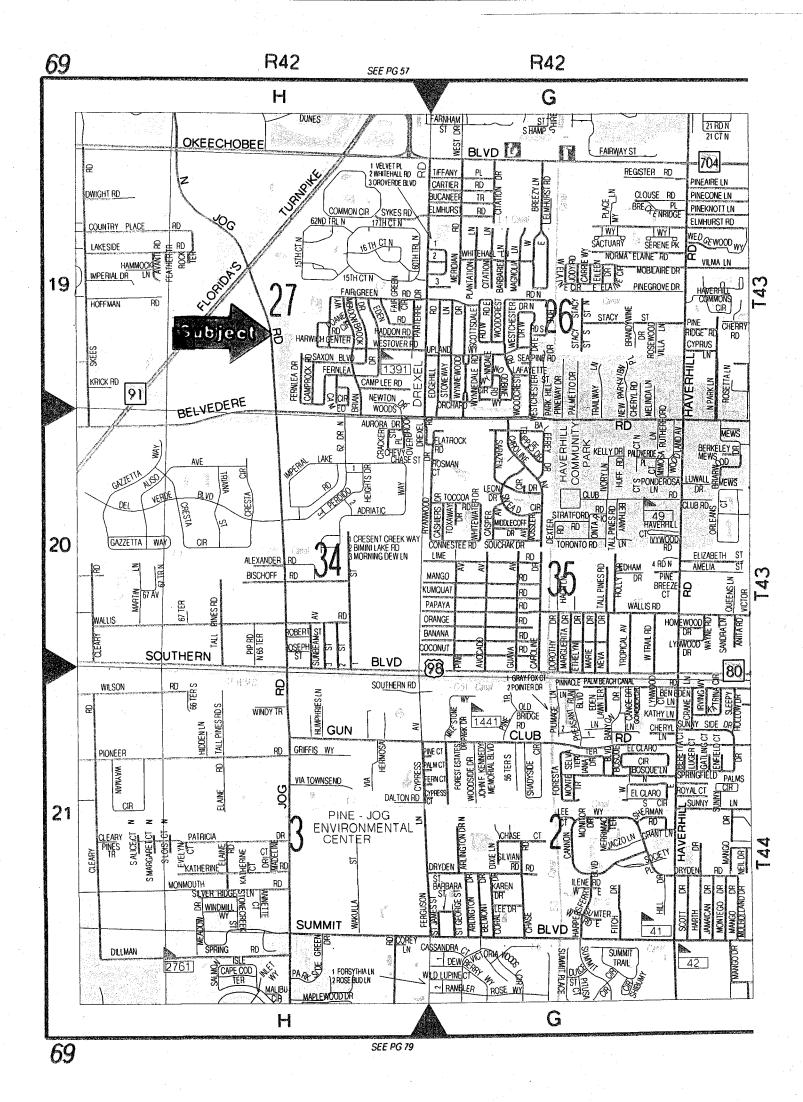
Assistant & **County** A

C. Other Department Review:

Department Director

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

G:\PREM\AGENDA\2007\10-16\WTP 8 - LWDD L2 exchange - dk.wpd



LOCATION MAP ATTACHMENT #/

RESOLUTION NO. 2007 - ____

COUNTY BOARD OF **RESOLUTION OF** THE **COMMISSIONERS OF** PALM BEACH COUNTY. FLORIDA, AUTHORIZING THE CONVEYANCE OF **CERTAIN REAL PROPERTY** BY OWNED PALM **COUNTY** TO LAKE WORTH BEACH THE SPECIAL TAXING DRAINAGE DISTRICT. A DISTRICT EXISTING UNDER THE LAWS OF THE STATE OF FLORIDA. WITHOUT RESERVATION OF **PETROLEUM RIGHTS:** IN MINERAL AND PROPERTY EXCHANGE FOR CERTAIN REAL WORTH DRAINAGE OWNED BY THE LAKE **STATUTE** DISTRICT PURSUANT TO **FLORIDA** PROVIDING FOR SECTION 125.37; AND **EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners desires to acquire for County purposes certain real property owned by the Lake Worth Drainage District; and

WHEREAS, the Lake Worth Drainage District desires to acquire certain real property from County; and

WHEREAS, the Board of County Commissioners has determined that the property to be conveyed by Palm Beach County is not needed for County purposes and may, to the best interest of Palm Beach County, be exchanged for the real property owned by the Lake Worth Drainage District pursuant to Florida Statute Section 125.37; and

WHEREAS, the Lake Worth Drainage District has petitioned Palm Beach County, pursuant to Florida Statute Section 270.11, to convey the County-owned real property without reservation of mineral or petroleum rights; and

WHEREAS, the Board of County Commissioners hereby finds that conveyance to the Lake Worth Drainage District without reserving such mineral or petroleum rights is appropriate and justified in light of the impact reservation of such mineral or petroleum rights would have upon the marketability, value, and developability of such real property.

Page 1 of 3

ATTACHMENT #2

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

Section 1. <u>Recitals</u>

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

Section 2. <u>Authorization to Convey Real Property</u>

The Palm Beach County Board of County Commissioners shall convey to the Lake Worth Drainage District the real property owned by Palm Beach County as legally described in, and pursuant to the terms of, the County Deed attached hereto as <u>Exhibit</u> <u>"A"</u> and incorporated herein by reference, without reservation of mineral and petroleum rights, in exchange for the real property owned by the Lake Worth Drainage District, and legally described in the Quit Claim Deed attached hereto as <u>Exhibit</u> "B".

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. <u>Effective Date</u>

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

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

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 Motion passed as follows:

COMMISSIONER ADDIE L. GREENE, CHAIRPERSON COMMISSIONER JOHN F. KOONS, VICE CHAIR COMMISSIONER KAREN T. MARCUS COMMISSIONER ROBERT J. KANJIAN COMMISSIONER MARY MCCARTY COMMISSIONER BURT AARONSON COMMISSIONER JESS R. SANTAMARIA

The Chairperson 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

> H HM My WOLF Department Director

By:

Assistant County Attorney

G:\Dave K\WATER UTILITIES\Water Treatment Plant No 8\Resolution 125.37 Exchange_hjf appvd 082707.doc

EXHIBIT "A"

COUNTY DEED

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

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

Sec. 27/Twp 43/Range42

Doc. No	5961	
Canal N	o. L-2	

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this ______ day of _______, 2007 by LAKE WORTH DRAINAGE DISTRICT, a Special Taxing District, existing under the Laws of the State of Florida, and having its principal place of business at 13081 Military Trail, Delray Beach, Florida 33484, First Party, to: PALM BEACH COUNTY, a Political Subdivision of the State of Florida, whose post office address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, Second Party:

(Whenever used herein the term "First Party" and "Second Party" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, whenever the context so admits or requires.)

WITNESSETH, That the said First Party, for and in consideration of the sum of Ten (\$10.00) Dollars in hand paid by the said Second Party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Second Party all the right, title, interest, and demand which the said First Party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

EXHIBIT "A" ATTACHED HERETO AND MADE PART HEREOF

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said First Party, either in law or equity, to the only proper use, benefit and behoof of the said Second Party forever.

05-5722P.02

ATTACHMENT # 3

IN WITNESS WHEREOF the said First Party has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized, the day and year first above written.

B

ATTEST:

LAKE WORTH DRAINAGE DISTRICT A Special Taxing District

Ronald L. Crone, Secretary

Q I AD

James M. Alderman, President

13081 Military Trail Delray Beach, FL 33484

JOANN M. AYLOR Notary Public - State of Florida ly Commission Expires Aug 2, 2009 Commission # DD 439369 Bonded by National Notary Assn.

[SEAL]

STATE OF FLORIDA COUNTY OF PALM BEACH

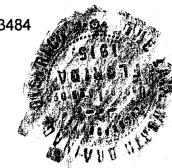
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JAMES M. ALDERMAN and RONALD L. CRONE, the President and Secretary, respectively of the LAKE WORTH DRAINAGE DISTRICT, both of whom acknowledged executing the foregoing instrument and both of whom are known to me, and did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this the 6 day of <u>August</u>, 2007.

PURI

Notary Stamp or Seal

05-5722P.02



WATER TREATMENT PLANT NO. 8 **25' AREA** TO BE DEEDED FROM LAKE WORTH DRAINAGE DISTRICT **TO PALM BEACH COUNTY**

LEGAL DESCRIPTION:

1.5**22**-7-5-

A PORTION OF THE 30 FOOT AND 25 FOOT ROAD RIGHT-OF-WAY AND HIATUS AREA LYING EAST OF THE 25 FOOT RIGHT-OF-WAY OF BLOCK 4, PALM BEACH FARMS CO, PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

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BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF JOG ROAD AS SHOWN ON THAT CERTAIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FPID NO. 406112-1, SHEET 4 OF 9 AND THE SOUTH LINE OF TRACT 6, BLOCK 4, PALM BEACH FARMS CO. PLAT NO.3, AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE N 89°14'36" E ALONG THE SOUTH LINE OF SAID TRACT 6 AND THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT 6 TO THE INTERSECTION OF THE NORTHERLY LINE OF LWDD NO. L-2 CANAL AS RECORDED IN OFFICIAL RECORDS BOOK 1732, AT PAGE 612, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR A DISTANCE OF 699.29 FEET; THENCE S 64°32'28" W ALONG THE NORTHERLY LINE OF SAID L.W.D.D NO. L-2 CANAL FOR A DISTANCE OF 59.82 FEET; THENCE S 89°14'36" W ALONG A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID TRACT 6 FOR A DISTANCE OF 637.76 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID JOG ROAD; THENCE N 16°46'37" W ALONG THE EAST RIGHT-OF-WAY LINE OF SAID JOG ROAD FOR A DISTANCE OF 26.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 16710 SQUARE FEET OR 0.38 ACRES MORE OR LESS.

NOTES:

1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").

2) SYMBOLS SHOWN HEREON ARE NOT TO SCALE.

3) THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA **REGISTERED LAND SURVEYOR.**

4) THE LEGAL DESCRIPTION SHOWN HEREON WAS CREATED BY THE UNDERSIGNED FIRM AS DIRECTED BY PALM BEACH COUNTY WATER UTILITIES DEPARTMENT.

5) BEARINGS SHOWN HEREON ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM 1983 (ADJUSTMENT OF 1990) NORTH SOUTH QUARTER SECTION LINE OF SECTION 27 HAVING A BEARING OF S01°47'04"W.

LEGEND:

		LWOD - DAB - APP. 7/27/07
R/W	RIGHT OF WAY	
P.O.B.	POINT OF BEGINNING	REVISED: MAY 18, 2007
P.B.C.	PALM BEACH COUNTY	REVISED: OCT. 10, 2006
L.W.D.D.	LAKE WORTH DRAINAGE DISTRICT	DATED: FEB 22, 2006
0.R.B.	OFFICIAL RECORD BOOK	D
RGE.	RANGE	MAPPER FLORIDA REG. N
TWP.	TOWNSHIP	PROFESSIONAL SURVEY
SEC.	SECTION	BY: JAMESA SCHROEDE
HWS	HELLER WEAVER AND SHEREMETA INC.	N/L/
FPID	FEDERAL PROJECT IDENTIFICATION NUME	BER FLORIDA STATE L.B. NO.
FDOT	FLORIDA DEPARTMENT OF TRANSPORTAT	

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

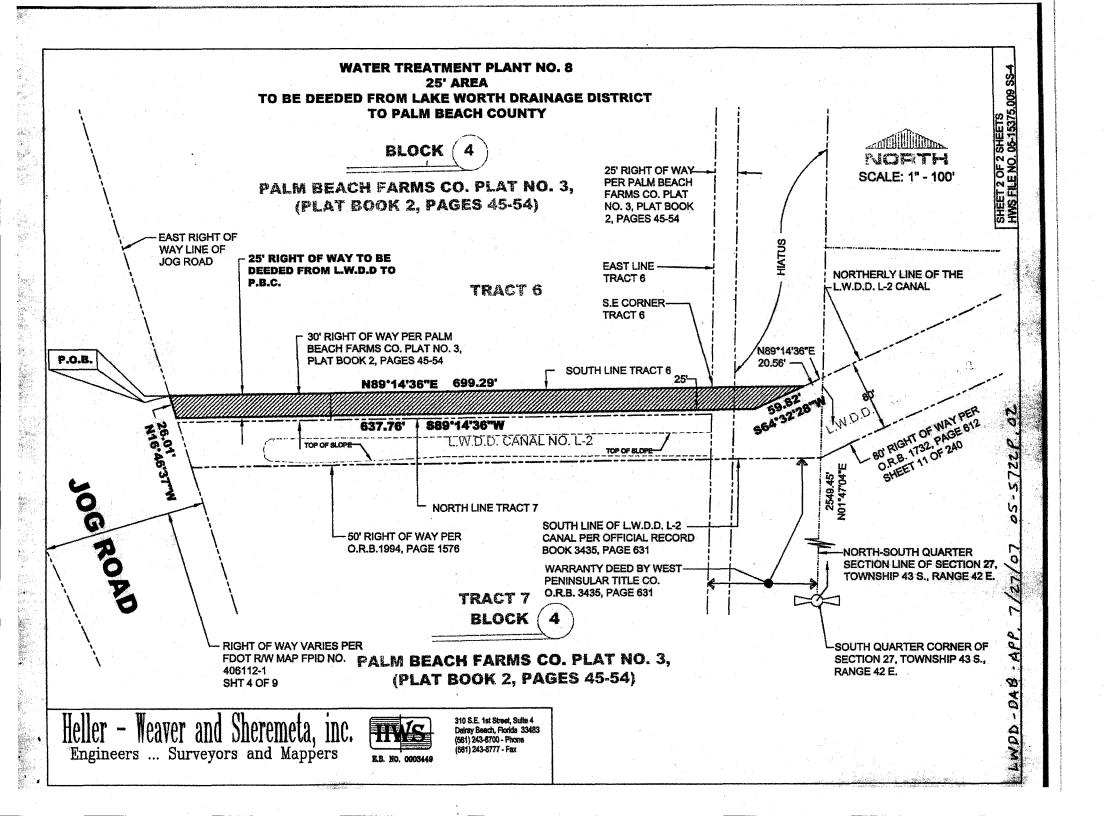
HELLER-WEAVER AND SHEREMETA INC FLORIDA STATE L.B. NO. 3449 BY MESSIONAL SURVEYOR AND

MAPPER FLORIDA REG. NO. 5143 4411

SHEET 1 OF 2 SHEETS HWS FILE NO. 06-15375.009 SS-3 05-5722P.02

> 310 S.E. 1st Street, Suite 4 Delray Beach, Florida 33483 (561) 243-8700 - Phone (561) 243-8777 - Fax

K.R. NO. 0003449 10



PREPARED BY AND 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: A PORTION OF 00-42-43-27-05-004-0072

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.

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:

By:____

Deputy Clerk

Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By:_

Assistant County Attorney

G:\Dave K\WATER UTILITIES\Water Treatment Plant No 8\County Deed appvd hjf 071907.doc

ATTACHMENT #4

Exhibit "A"

WATER TREATMENT PLANT NO. 8 **25' ADDITIONAL RIGHT OF WAY** TO BE DEEDED TO LAKE WORTH DRAINAGE DISTRICT FROM PALM BEACH COUNTY

LEGAL DESCRIPTION:

A PORTION OF TRACT 7, BLOCK 4 AND A PORTION OF THE 25 FOOT ROAD RIGHT-OF-WAY AND HIATUS AREA LYING EAST OF THE 25 FOOT RIGHT-OF-WAY OF BLOCK 4, PALM BEACH FARMS CO, PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE OF THE EAST RIGHT-OF-WAY LINE OF JOG ROAD AS SHOWN ON THAT CERTAIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FPID NO. 406112-1, SHEET 4 OF 9 AND THE SOUTH LINE OF TRACT 6, BLOCK 4, PALM BEACH FARMS CO. PLAT NO.3, AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 16°46'37" E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID JOG ROAD, FOR A DISTANCE OF 83.23 FEET TO THE POINT OF BEGINNING. THENCE N 89°14'36" E ALONG A LINE PARALLEL WITH AND 50.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID TRACT 7, BLOCK 4, SAID LINE BEING COINCIDENT WITH THE SOUTH LINE OF THE LWDD NO. L-2 CANAL AS RECORDED IN OFFICIAL RECORDS BOOK 1994, AT PAGE 1576 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR A DISTANCE OF 693.33 FEET TO THE NORTH SOUTH QUARTER SECTION LINE OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE S 64°59'47" W ALONG THE SOUTHWESTERLY EXTENSION OF THE SOUTH LINE OF SAID LWDD NO. L-2 CANAL FOR A DISTANCE OF 60.88 FEET; THENCE S 89°14'36" W ALONG A LINE 75.00 FEET SOUTH AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID TRACT 7 BLOCK 4, FOR A DISTANCE OF 630.65 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID JOG ROAD; THENCE N 16°46'37" W ALONG THE EAST RIGHT-OF-WAY LINE OF SAID JOG ROAD FOR A DISTANCE OF 26.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 16550 SQUARE FEET OR 0.38 ACRES MORE OR LESS.

NOTES:

1) THIS SKETCH REPRESENTS A 25' RIGHT OF WAY TO BE DEEDED TO L.W.D.D. FROM P.B.C.

2) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").

3) SYMBOLS SHOWN HEREON ARE NOT TO SCALE.

4) THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA REGISTERED LAND SURVEYOR.

5) THE LEGAL DESCRIPTION SHOWN HEREON WAS CREATED BY THE UNDERSIGNED FIRM AS DIRECTED BY PALM BEACH COUNTY WATER UTILITIES DEPARTMENT.

6) BEARINGS SHOWN HEREON ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM 1983 (ADJUSTMENT OF 1990) NORTH SOUTH QUARTER SECTION LINE OF SECTION 27 HAVING A BEARING OF S 01°47'04" W.

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LEGEND:				
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION	\$		
FPID	FEDERAL PROJECT IDENTIFICATION NUMBER		HELLER, WEAVER AND SHEREME	TAINE
HWS	HELLER WEAVER AND SHEREMETA INC.		FLORIDA STATE L.B. NO. 3449	TALINO.
SEC.	SECTION	./ 「	FLURIDASIAIL L.D. NO. STIC	
TWP.	TOWNSHIP	1.		
RGE.	RANGE		BY: JAMES A SCHROEDER	
O.R.B.	OFFICIAL RECORD BOOK		PROFESSIONAL SURVEYOR AND	
L.W.D.D.	LAKE WORTH DRAINAGE DISTRICT		MAPPER FLORIDA REG. NO. 5143	
P.B.C.	PALM BEACH COUNTY	r	DATED: FEB. 5242006	
P.O.B.	POINT OF BEGINNING		REVISED: OCT 10, 2006	
R/W	RIGHT OF WAY	-	ನಿ‴ಾಸ್ಕ್, ಗಳಿಸಿಂಗ ಕಂತ್ರಮತ್ತಿ ಕಂ	SHEET 1 OF 2 SHEETS
P.O.C.	POINT OF COMMENCEMENT			HWS FILE NO. 06-15375.009 SS-1
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Heller - Weaver and Sheremeta, inc.

Engineers ... Surveyors and Mappers E.B. NO. 0003449

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310 S.E. 1st Street, Suite 4 Delray Beach, Florida 33483 (561) 243-8700 - Phone (561) 243-8777 - Fax

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