

Agenda Item #: 3-C-10

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 6, 2007

☒ Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No. 1993901

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A. Accept a Warranty Deed for right-of-way for a right turn lane on the south side of Northlake Boulevard.
- B. Approve a Subordination of Utility Interests to Palm Beach County, Florida by Seacoast Utility Authority.

Summary: This action will provide for the acceptance of a Warranty Deed from SC Lake Park Associates, LLLP (SCLP) and approval of a Subordination of Utility Interests required for the issuance of a Right-of-Way Permit from Palm Beach County to allow Chick-Fil-A, a lessee, to construct an eastbound right turn lane from Northlake Boulevard to a driveway access for its business.

District: 1 (PK)

Background and Justification: Chick-Fil-A applied to the Palm Beach County Engineering Department for a right turn lane permit from Northlake Boulevard to access its business on the south side of the road. As a condition of the issuance of that permit the Roadway Production Division has required that additional right-of-way, free and clear of all encumbrances, be dedicated to the County. The additional right-of-way is being dedicated by SCLP which is the underlying fee owner. Staff recommends acceptance of the attached Warranty Deed from SCLP and approval of the subordination of Utility Interests from Seacoast Utility Authority.

Attachments:

1. Location Map
2. Warranty Deed
3. Subordination of Utility Interests

Recommended by:

Donna A. Fernandez
Division Director

10/3/07
Date

Approved by:

S. T. Webb
County Engineer

10/9/07
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-	-0-	-0-	-0-	-0-

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No _____
Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
Program

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

This item has no additional fiscal impact.

The Subordination of Utility Easement may have a fiscal impact at some point in time but this not determinable at the moment.

C. Departmental Fiscal Review: R.D. Ward 10/13/07

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 10/17/07
OFMB
SP 10/14/07 JO 10/17/07

[Signature] 10/18/07
Contract Dev. and Control
E.D. 10/18/07

B. Approved as to Form and Legal Sufficiency:

Paul F. L. 10/19/07
Assistant County Attorney

C. Other Department Review:

Department Director

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

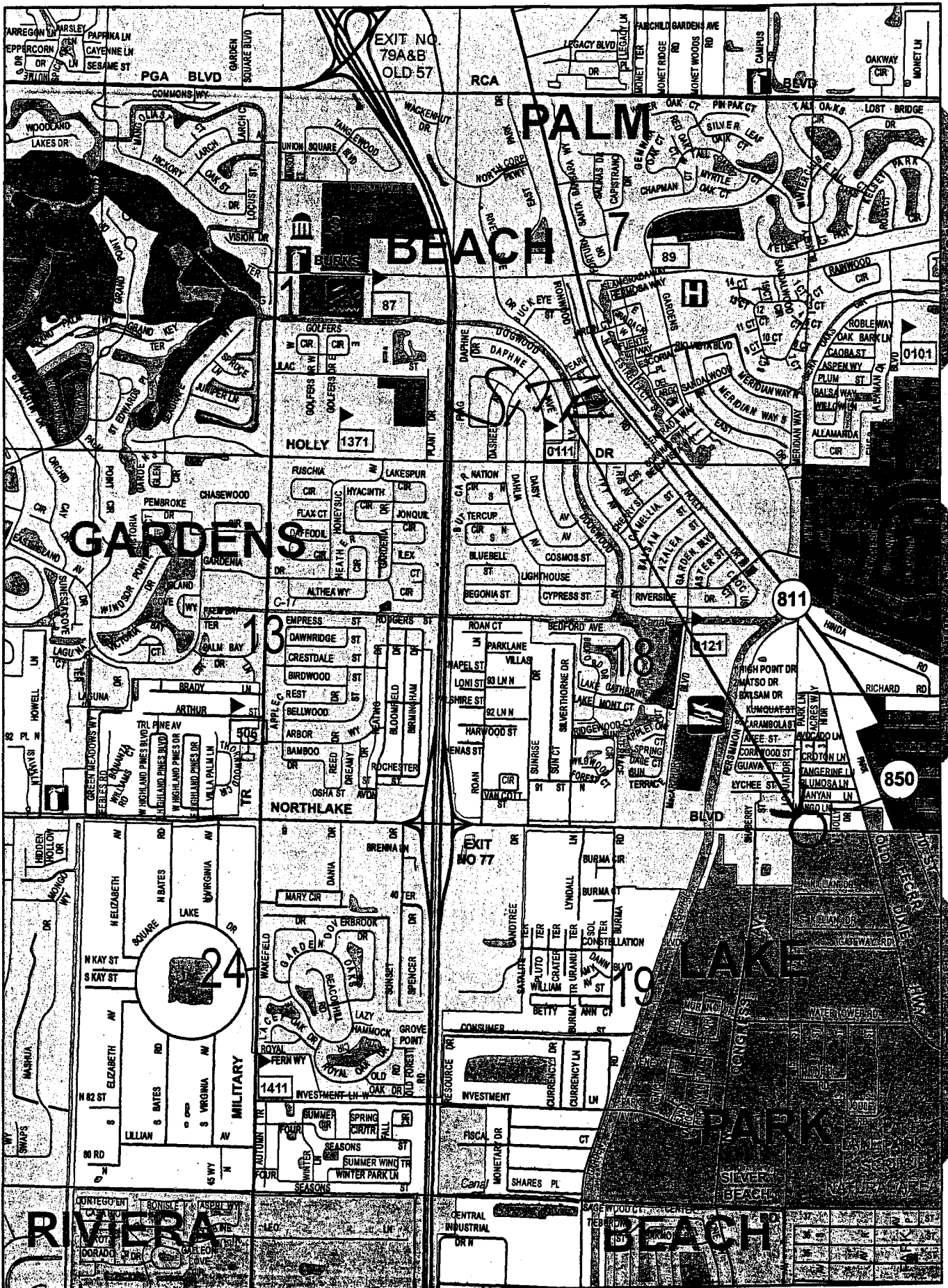
F

E

T42

T42

T42



Return to: Palm Beach County
Name: R/W Acquisition Section
Post Office Box 21229
Address: West Palm Beach, Florida 33416
Attn:
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:
Name: Paul F. King
Assistant County Attorney
Post Office Box 21229
Address: West Palm Beach, Florida 33416

NOT TO BE RECORDED
WITHOUT BOARD OF COUNTY
COMMISSIONERS ACCEPTANCE DATE

PCN: 36-43-42-20-00-000-3030
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.

ROAD NAME: Northlake Boulevard

PARCEL NO.

WARRANTY DEED

THIS WARRANTY DEED, made this 31 day of August, 2007, by SC LAKE PARK ASSOCIATES, LLLP, whose post office address is ONE NORTH CLEMATIS STREET, SUITE 305, WEST PALM BEACH, FL 33401, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter called grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN (\$10.00) dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Palm Beach County, Florida, viz:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof. TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that said grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes subsequent to December 31, 2006.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:
(Signature of two witnesses required by Florida law)

WITNESS Signature (Required)

Craig Mueller

TYPED OR PRINTED NAME OF WITNESS

WITNESS SIGNATURE (Required)

Michael McCarthy

TYPED OR PRINTED NAME OF WITNESS

SIGNATURE OF GRANTOR

SC LAKE PARK ASSOCIATES, LLLP

BY: SC LAKE PARK GP, INC., its general partner

BY:

Gregory S. Moross, its VP

MAILING ADDRESS

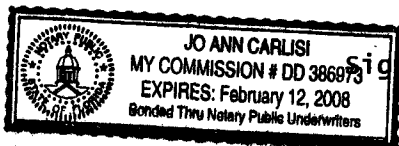
ONE NORTH CLEMATIS STREET, SUITE 305
WEST PALM BEACH, FL 33401

STATE OF

COUNTY OF

BEFORE ME, the undersigned authority, personally appeared, Gregory S. Moross
VP of SC Lake Park GP Inc, general partner of SC Lake Park Assoc who is / are
personally known to me or who has produced identification and who did/did not take an oath, executed the foregoing instrument as such
Officer(s) on behalf of the said Company for the uses and purposes therein expressed.

WITNESS my hand and official seal this 31 day of August, 2007.



Signed:

Jo Ann Carlisi

Notary Public in and for
the county and State aforementioned

JOINDER

The undersigned being the holder of that certain leasehold interest arising by virtue of that certain Ground Lease with an Effective Date of November 15, 2005, as amended by First Amendment to Ground Lease with an effective date of July 20, 2006, as amended by Second Amendment to Ground Lease with an effective date of April 10, 2007 (collectively, the "Lease"), as reflected in that certain Short Form of Lease recorded in Official Records Book 21613, page 0087, Public Records of Palm Beach County, Florida, does hereby remise, release and quit-claim unto grantee, its successors and assigns forever, all of its right, title and interest, claim and demand in and to the property described in the Warranty Deed to which this Joinder is attached.

IN WITNESS WHEREOF, we have caused this Joinder to be executed and sealed the day, month and year first above written.

Witnesses:

Alison L. Kelley
Print Name: Alison L. Kelley

Mike Severer
Print Name: Mike Severer

CHICK-FIL-A, INC., a
Georgia corporation

By: James B McCabe
Print Name: James B McCabe
Title: Sr VP Finance

STATE OF GEORGIA
COUNTY OF FULTON

The foregoing instrument was acknowledged before me this 6 day of September, 2007, by James B McCabe, as Sr VP Finance, of Chick-fil-A, Inc., a Georgia corporation, on behalf of the corporation, who is personally known to me, or produced as identification.

Beverly Y. Laramore
Notary Public
(Notary Seal)



Exh. 6, T A To
WARRANTY Descd
PAGE 1 of 7

EXHIBIT "A"

LEGAL DESCRIPTION: Right of Way Dedication

A portion of the Northwest 1/4 of Section 20, Township 42 South, Range 43 East, Palm Beach County, Florida, and being more particularly described as follows:

Commence at the Northwest corner of said Northwest 1/4; thence South 01°19'35" West along the West line of said Northwest 1/4 for 60.00 feet; thence South 88°29'40" East along the South right of way line of Lake Park Road West as described in Official Records Book 2290, Page 1011 of said Public Records of Palm Beach County, Florida, said right of way line being 60.00 feet South of as measured at right angles to and parallel with the North line of said Section 20 for 172.30 feet to the Point of Beginning of the hereinafter described Right of Way Dedication; thence continue South 88°29'40" East along said South right of way line of Lake Park Road West, also being along the North line of the Chick-Fil-A (1220 Northlake Boulevard) Parcel, as shown on the survey by Fortin, Leavy, Skiles, Inc. prepared under Job No. 051913 dated 10/11/2005 and shown on Drawing No. 2005-208 and last updated on 1/1/2007 under Job No. 062404 for 369.92 feet; thence South 01°30'20" West for 9.00 feet; thence North 88°29'40" West along a line 9.00 South of and parallel with said South right of way line of Lake Park Road West and said North line of the Chick-Fil-A (1220 Northlake Boulevard) Parcel for 16.10 feet; thence South 01°30'20" West for 5.18 feet; thence North 50°30'01" West for 8.41 feet; thence North 88°29'40" West along said line 9.00 South of and parallel with the South right of way line of Lake Park Road West and the North line of the Chick-Fil-A (1220 Northlake Boulevard) Parcel for 306.49 feet; thence North 76°01'30" West for 41.68 feet to the Point of Beginning.

SURVEYOR'S NOTES:

- This site lies in Section 20, Township 42 South, Range 43 East, Town of Lake Park, Palm Beach County, Florida.
- Bearings hereon are referred to an assumed value of S 88°29'40" E for the South right of way line of Northlake Boulevard.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Land Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2005-208.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on August 1, 2007, and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By:

Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

RIGHT OF WAY DEDICATION

Drawn By	MAP
Cad. No.	070568
Ref. Dwg.	2005-208
	REV.1 070965
Plotted:	8/1/07 1:21p

LEGAL DESCRIPTION, NOTES & CERTIFICATION

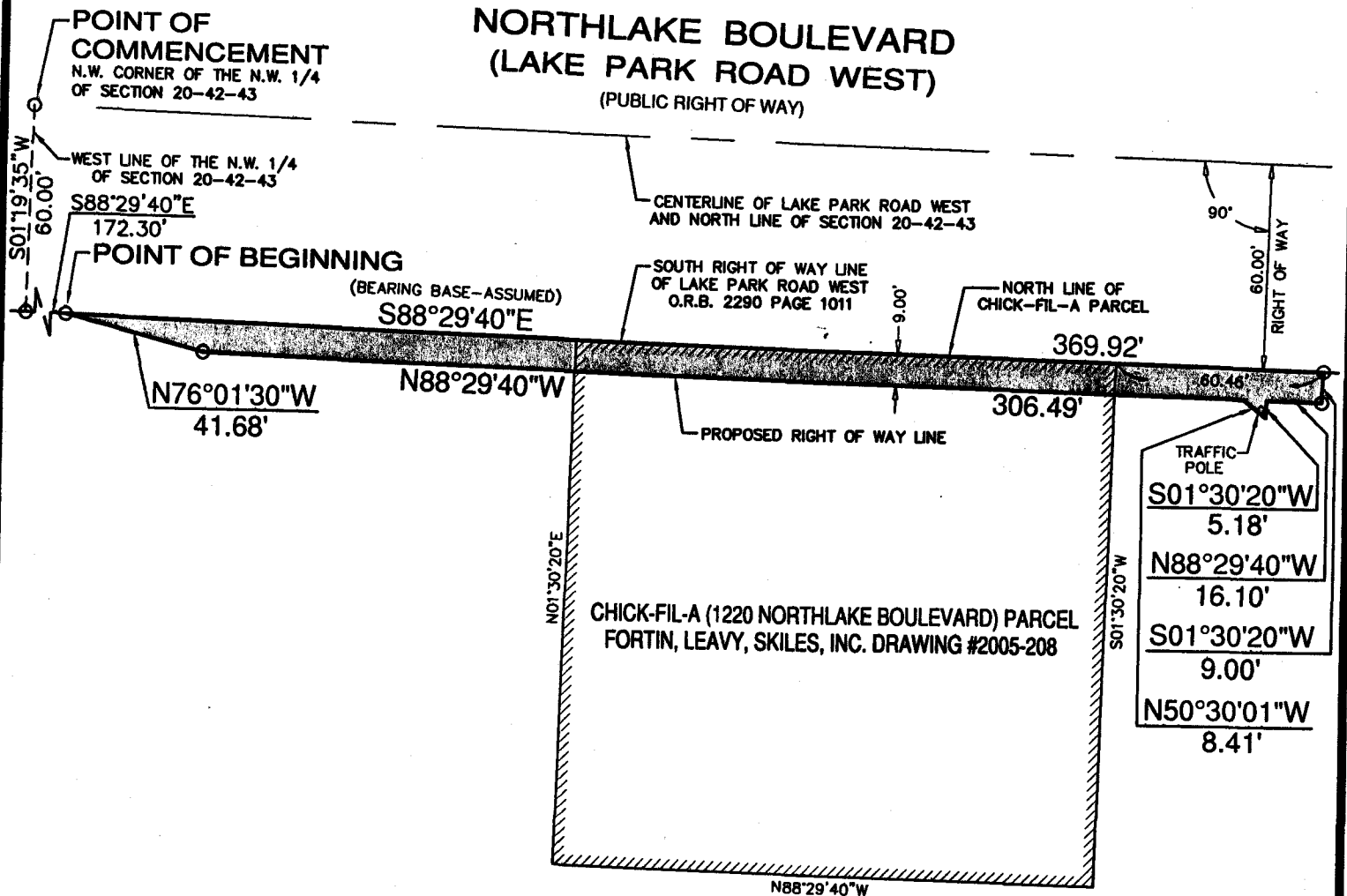
FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	8/1/07
Scale	NOT TO SCALE
Job. No.	070571
Dwg. No.	1007-048-2
Sheet	1 of 3

Exhibit "A" To
WARRANTY DEED
PAGE 2 of 7

EXHIBIT "A"

NORTHLAKE BOULEVARD (LAKE PARK ROAD WEST) (PUBLIC RIGHT OF WAY)



SKETCH OF DESCRIPTION

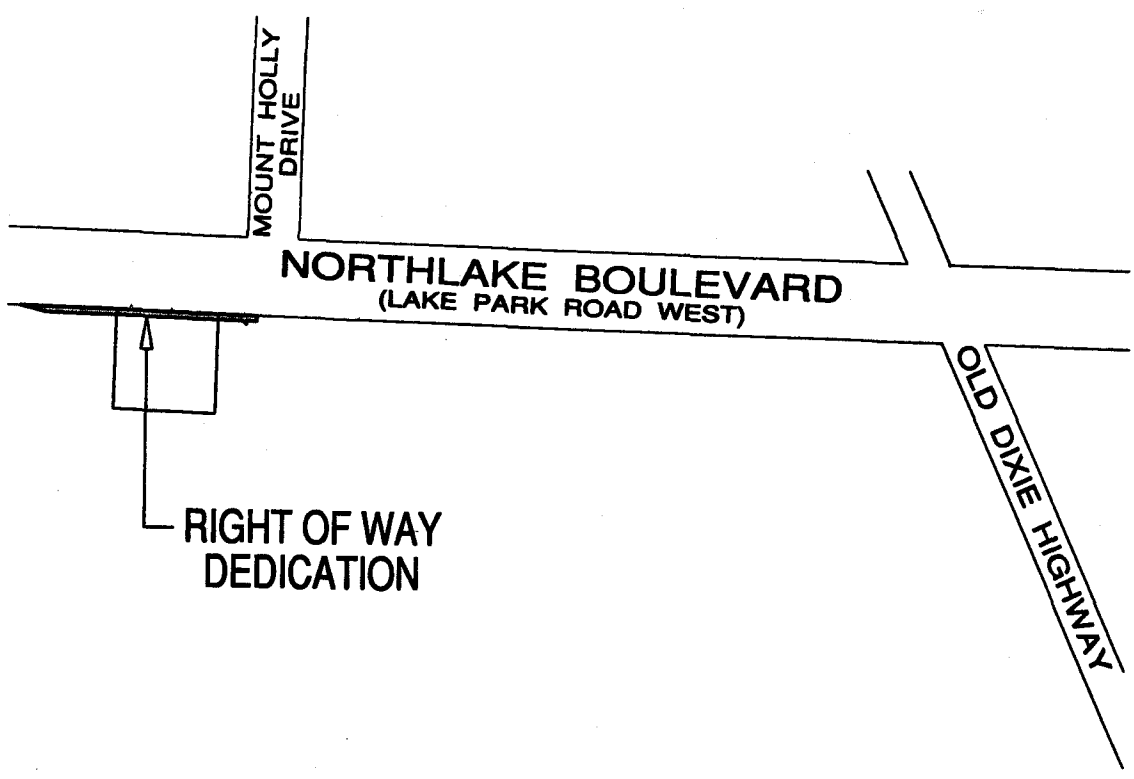
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Drawn By MAP
Cad. No. 070568
Ref. Dwg. 2005-208
REV.1 070965
Plotted: 8/1/07 1:21p

Date 8/1/07
Scale 1"=50'
Job. No. 070571
Dwg. No. 1007-048-2
Sheet 2 of 3

EXHIBIT "A" TO
WARDENY DEED
PAGE 3 of 7

EXHIBIT "A"



RIGHT OF WAY DEDICATION

A large, stylized handwritten signature, likely of the surveyor, is written over the bottom right portion of the sketch area.

Drawn By	MAP
Cad. No.	070568
Ref. Dwg.	2005-208
	REV.1 070965
Plotted:	8/1/07 1:21p

LOCATION SKETCH
FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
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Sheet	3 of 3

A F F I D A V I T

Exhibit "A" To
WARRANTY DEED
Page 4 of 7

TO BE EXECUTED BY AN ATTORNEY OR TITLE COMPANY

On this 19th day of September, 2007, I hereby certify that the following property, owned by SC Lake Park Associates LLLP, a Florida limited liability partnership, is free and clear of all liens, mortgages and/or encumbrances.

Further affiant sayeth not.

PROPERTY DESCRIPTION: SEE ATTACHED EXHIBIT "A"

Robert Lee Shapiro, P.A.

By: Robert Lee Shapiro, President

Address of affiant
2401 PGA Boulevard
Suite 272
Palm Beach Gardens, FL 33410

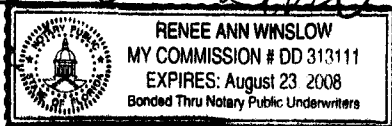
STATE OF FLORIDA

COUNTY OF PALM BEACH

On this 19th day of September, 2007, before me personally appeared Robert Lee Shapiro, who is personally known to me or who has produced as identification and who did/did not take an oath, and who executed this affidavit.

Renee Ann Winslow
Notary Public

NOTARIAL SEAL



273-LGL
Rev. 05/16/02

EXHIBIT "A" TO
WARRANTY DEED
PAGE 5 OF 7

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SURVEYOR'S NOTES:

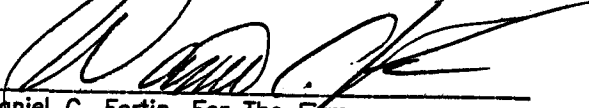
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FORTIN, LEAVY, SKILES, INC., LB3653

By: 
Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

RIGHT OF WAY DEDICATION



Drawn By	MAP
Cad. No.	070568
Ref. Dwg.	2005-208
	REV.1 070965
Plotted:	8/1/07 1:21p

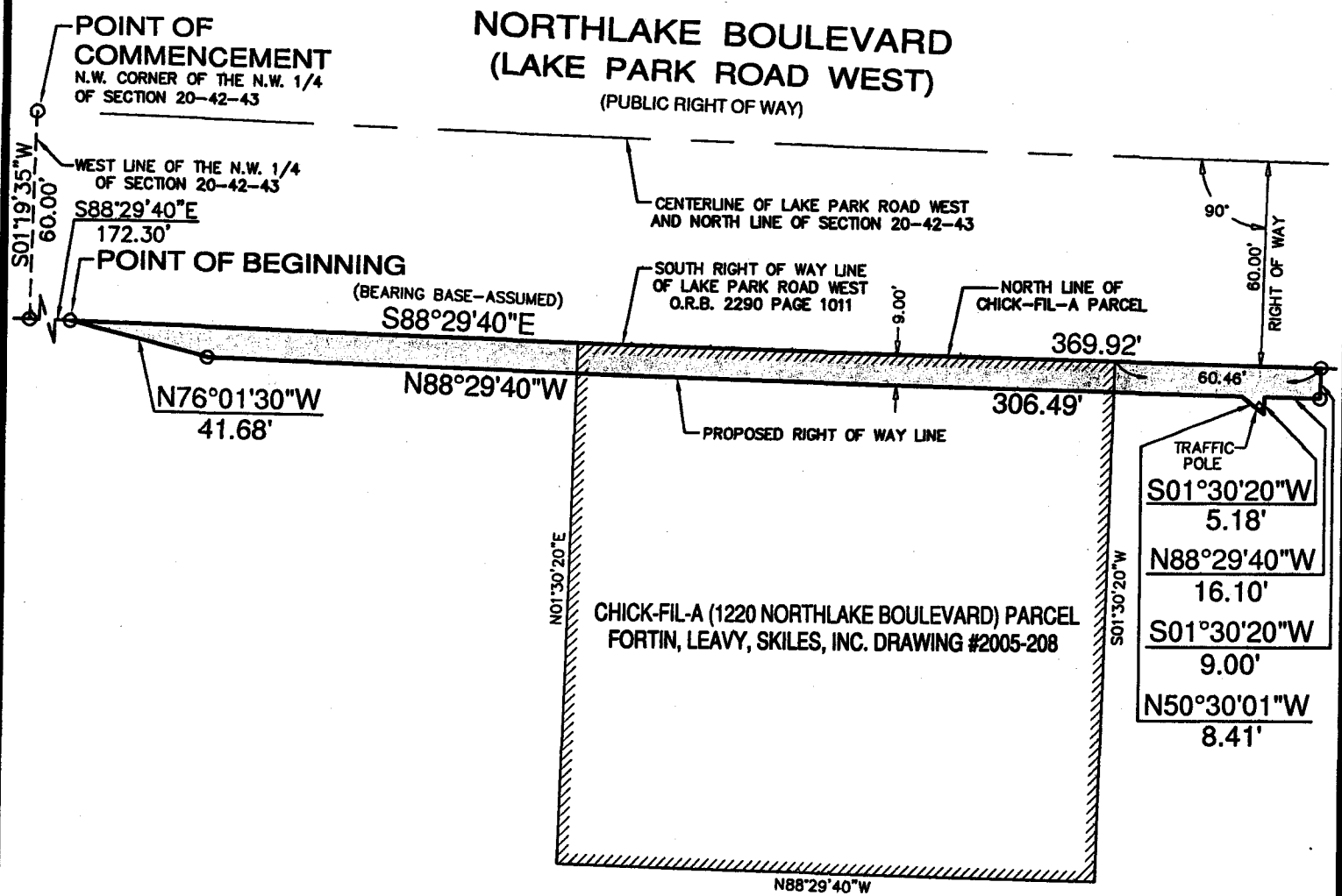
LEGAL DESCRIPTION, NOTES & CERTIFICATION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	8/1/07
Scale	NOT TO SCALE
Job. No.	070571
Dwg. No.	1007-048-2
Sheet	1 of 3

EXHIBIT A TO
WARRANT DEED
PAGE 6 of 7

EXHIBIT "A"



GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.



RIGHT OF WAY DEDICATION

SKETCH OF DESCRIPTION

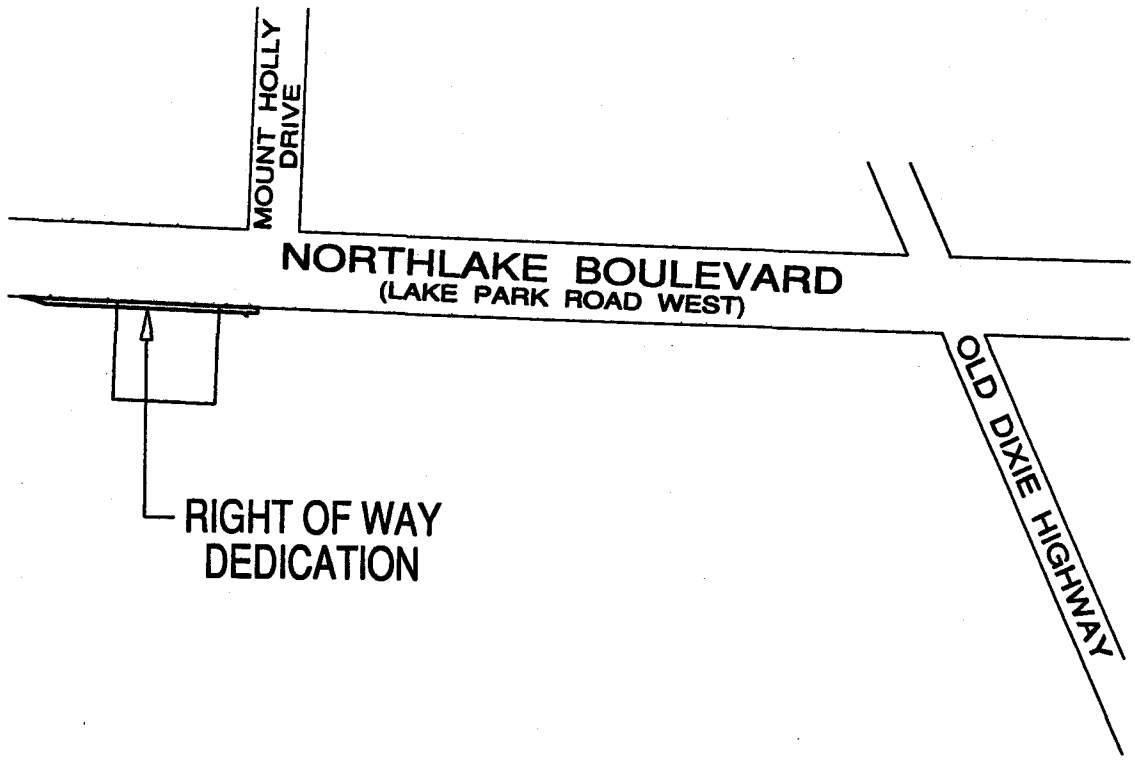
FORTIN, LEAVY, SKILES, INC.
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FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003633
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Drawn By MAP
Cad. No. 070568
Ref. Dwg. 2005-208
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EXHIBIT "A" TO
WARRANTY DEED
PAGE 7 of 7

EXHIBIT "A"



RIGHT OF WAY DEDICATION

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Drawn By	MAP
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LOCATION SKETCH
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Sheet	3 of 3

Return To:
Palm Beach County R/W ACQ Section
P O Box 21229
West Palm Beach, FL 33416
Attn:
A/C 1010
WILL CALL 1066

P.C.N.

PROJECT NO:
PROJECT:
LIMITS:
PARCEL NO:

**SUBORDINATION OF UTILITY INTERESTS
TO COUNTY OF PALM BEACH, FLORIDA**

THIS AGREEMENT, entered into this 22 day of August, 2007, by and between the **COUNTY OF PALM BEACH**, (hereinafter the "County"), and **SEACOAST UTILITY AUTHORITY**, whose mailing address is 4200 Hood Road, Palm Beach Gardens, Florida 33410, (hereinafter the "Utility").

WITNESSETH:

WHEREAS, the Utility presently has easements in certain property that has been determined necessary for public purposes; and,

WHEREAS, the proposed use of this property will require subordination to the County of the interest claimed in said property by the Utility and at the request of the County, the Utility has agreed, subject to the following conditions, to relocate its facilities from the Utility's easement onto public right-of-way, or has agreed to leave its facilities on the subordinated property (hereinafter the "Property"), described in Exhibit "A" attached hereto and made a part hereof; and,

WHEREAS, the County is willing to pay to have the Utility's facilities relocated as necessary to prevent conflict between the facilities so that the benefits of each may be retained;

NOW THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, the Utility and the County agree as follows:

1. The Utility hereby subordinates any and all of its interests in that portion of the following easements lying within the Property, to the interest of the County, its successors or assigns, through, under, upon, or across the Property; Utility Easement Recorded at Official Record Book 13498 Page 775, Public Records of Palm Beach County, Florida.

2. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove and relocate facilities on, within, and upon all the Property in accordance with the County's current minimum standards for such facilities as of the date of such construction. Any new construction or relocation of facilities within the Property will be subject to prior approval by the County. Should the County fail to approve any new construction or relocation of facilities by the Utility or hereafter require the Utility to alter, adjust, or relocate its facilities from within the Property, the County hereby agrees to pay the Utility's reasonable cost of any required alteration, adjustment, or relocation, caused by the County's actions, including the cost of acquiring necessary easements.

3. The Utility shall have a reasonable right to enter upon the Property for the purposes outlined in paragraph 2 above, including the right to trim such trees, brush, and growth which might endanger or interfere with the operation and safety of the Utility's facilities.

4. These terms and conditions shall be attached as an addendum to the permit, if any, required by the County for location of facilities of the Property.

5. This agreement is not assignable except to the State of Florida for the purposes described herein.

[Signature Pages to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

ATTEST:

SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA a
Political Subdivision of the State of Florida
BOARD BY COUNTY COMMISSIONERS

By: _____
Clerk (or Deputy Clerk)

By: _____
Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by Addie Greene, Chairperson Board of County Commissioners who is personally known to me and who did not take an oath.

Deputy Clerk

Print Name

WITNESSES:

SEACOAST UTILITY AUTHORITY

Signed, sealed and delivered
in our presence as witnesses:

Daniel Pegrón
Witness Signature

Daniel Pegrón
Print Name

Christine Guison
Witness Signature

Christine Guison
Print Name

By: Ron Ferris
Ron Ferris, Chair

ATTEST: Mary Ann Stiles
Mary Ann Stiles, Clerk

(SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 22 day of August, 2007,
by Ron Ferris and Mary Ann Stiles, Chair and Clerk respectively of Seacoast Utility Authority, who are both personally
known to me and who did not take an oath.

Dawn Phillips
Notary Signature

Dawn Phillips
Print Name

Notary Public-State of Florida
Commission No:
My Commission Expires:



Dawn Phillips
My Commission DD346860
Expires August 15, 2008

Exhibit "A" To
SUBORDINATION
PAGE 1 of 3

EXHIBIT "A"

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- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2005-208.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on August 1, 2007, and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By:

Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

RIGHT OF WAY DEDICATION



Drawn By	MAP
Cad. No.	070568
Ref. Dwg.	2005-208
REV.1	070965
Plotted:	8/1/07 1:21p

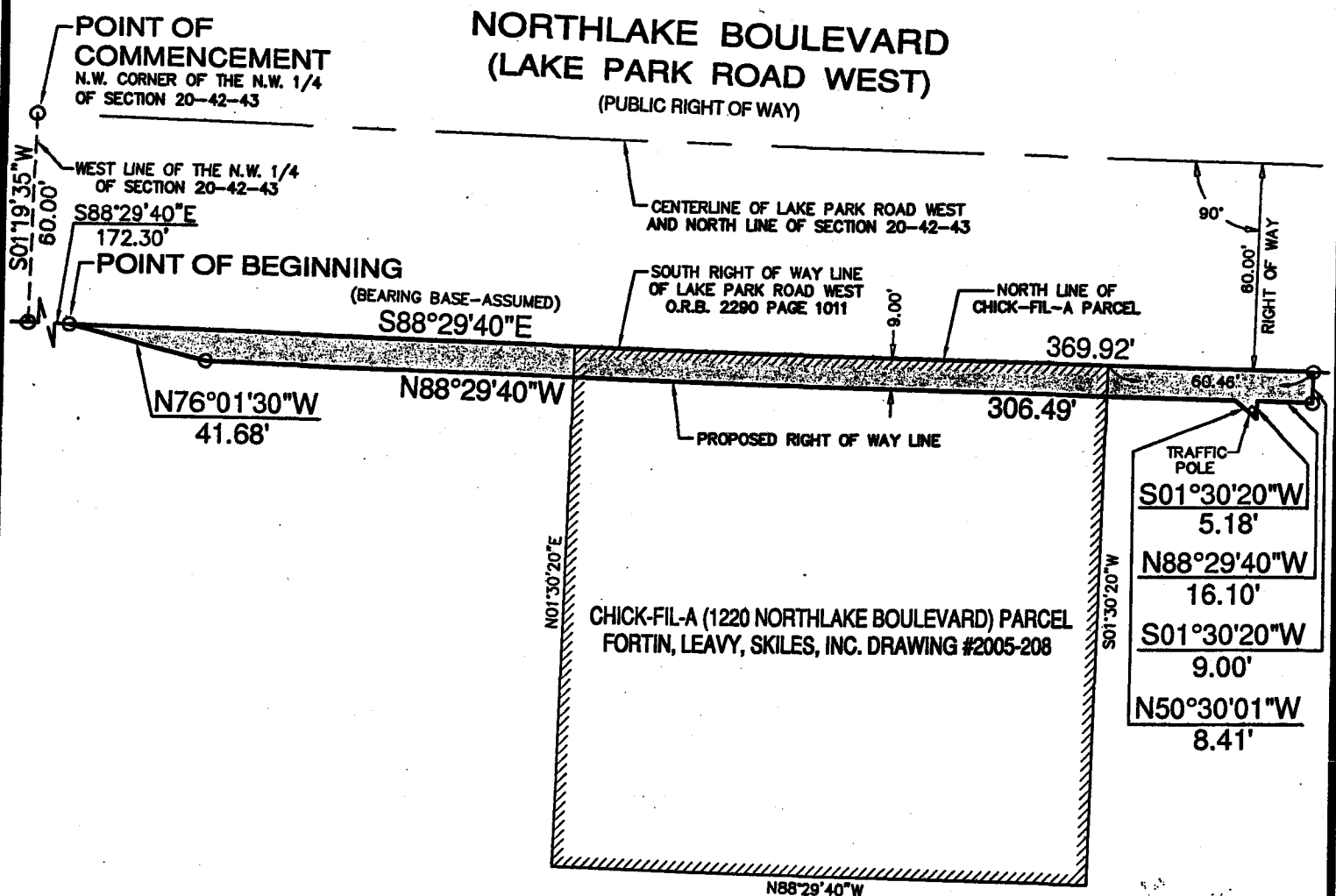
LEGAL DESCRIPTION, NOTES & CERTIFICATION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

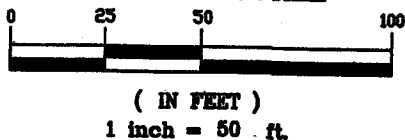
Date	8/1/07
Scale	NOT TO SCALE
Job. No.	070571
Dwg. No.	1007-048-2
Sheet	1 of 3

EXHIBIT "A" TO
SUBORDINATION
PAGE 2 of 3

EXHIBIT "A"



GRAPHIC SCALE



RIGHT OF WAY DEDICATION

SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
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Date 8/1/07
Scale 1"=50'
Job. No. 070571
Dwg. No. 1007-048-2
Sheet 2 of 3

Drawn By MAP
Cad. No. 070568
Ref. Dwg. 2005-208
REV.1 070965
Plotted: 8/1/07 1:21p

