

Agenda Item #:

3-C-6

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** December 18, 2007

☒ **Consent**

☐ **Regular**

☐ **Workshop**

☐ **Public Hearing**

**Department:**

**Submitted By:** Engineering and Public Works

**Submitted For:** Right-of-Way Acquisition Section

**Project No.:** 2001505B

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: A Subordination of Utility Interests from Comcast Cable Communications (Comcast) releasing their interests to Palm Beach County (County) in a parcel of land located on the east side of Jog Road approximately one half mile north of Yamato Road.

**Summary:** This action will approve a Subordination of Utility Interests which releases the interests of Comcast in a parcel of land required for a right turn lane on Jog Road approximately one half mile north of Yamato Road. This Subordination of Utility Interests requires the County to pay for any future relocation costs of the utility facilities when and if requested by the County.

**District:** 4 (PK)

**Background and Justification:** Comcast has certain utility interests within a ten foot platted utility easement along the western boundary of Parcel "N" of Arvida Country Club Plat Five of University Park, P. U. D., recorded in Plat Book 66, Page 179, Public Records of Palm Beach County, Florida. A portion of said easement is required as right-of-way for a right turn lane on Jog Road at N.W. 64<sup>th</sup> Boulevard. The property owner, Country Club Maintenance Association, Inc., is in the process of conveying the right turn lane right-of-way to the County. County policy is that land conveyed to the County must be free and clear of all encumbrances. It is therefore required that Comcast subordinate their interest in the existing utility easement. Comcast has agreed to relocate any facilities they may have from said parcel of land when and if requested by the County. The County is agreeable to paying reasonable costs for this relocation as necessary. The construction of this right turn lane is a part of the widening of the Jog Road project from Yamato Road to Clint Moore Road, which is on the current Five Year Road Program.

**Attachments:**

1. Location Map
2. Subordination of Utility Interests with Exhibit "A"

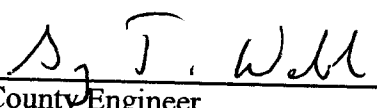
**Recommended by:**

  
Division Director

  
Date

11/6/07

**Approved by:**

  
County Engineer

  
Date

11/26/07

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Cost	-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

# ADDITIONAL FTE  
POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes ☐ No ☐  
Budget Account No.: Fund \_\_\_\_\_ Dept. \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

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

This item has no additional fiscal impact.

Approval of the Subordination of Utility Interests may require the expenditure of funds for future relocation of utility facilities. This potential impact is not possible to quantify or state with any certainty that it will occur at the present time.

C. Departmental Fiscal Review: R.D. Ward 11/6/07

## III. REVIEW COMMENTS

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

[Signature] 11-29-07  
OFMB  
11/29/07 SP 11/29/07 CN 11/29/07

[Signature] 11/29/07  
Contract Dev. and Control  
6/29/07 11/29/07

### B. Approved as to Form and Legal Sufficiency:

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

### C. Other Department Review:

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

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

## LOCATION MAP



Return To: Right-of-way Acquisition Section  
Name: Palm Beach County Engineering  
Address: Post Office Box 21229  
West Palm Beach Florida 33416  
Attn: Ed Handy  
Account No.: 1010 W/C BOX 1066

This Instrument Prepared By:  
Name: Paul F. King, Esq.  
Assistant County Attorney  
Post Office Box 21229  
West Palm Beach, Florida 33416  
P.I.N.: 06-42-47-02-25-014-0010

Project No.: 2001505B Not to be recorded without Board of County Commissioners Acceptance Date  
Project Name: Jog Rd. Right Turn Lane / Yamato - Clint Moore  
Parcel No.: 103

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

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by and between the COUNTY OF PALM BEACH (hereinafter the "County"), and Comcast Cable Communications whose mailing address is 1401 Northpoint Parkway, West Palm Beach, FL 33407, hereinafter the "Utility").

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 interests 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 "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 interest 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;  
10 Foot Utility Easement as shown on Parcel "N" of The Arvida Country Club Plat Five of University Park, P.U.D., Plat Book 66, Pg. 179, 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 the 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 the 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, bushes, and growth which might endanger or interfere with the operation and safety of the Utility's facilities.
4. The Utility agrees to repair any damage to the County's facilities and to indemnify and hold harmless the County against any loss or damage resulting from the Utility exercising its rights outlined in paragraph 2 and 3 above.
5. These terms and conditions shall be attached as an addendum to the permit, if any, required by the County for location of facilities on the Property.

6. This agreement is not assignable except to the State of Florida for the purposes described herein.  
IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written.

ATTEST:

Sharon R. Bock, Clerk & Comptroller

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

By: \_\_\_\_\_  
Clerk (or Deputy Clerk)

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

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 \_\_\_\_\_,  
Chairperson, Board of County Commissioners, who is personally known to me and who did not  
take an oath.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

COMCAST CABLE COMMUNICATIONS

NAME OF UTILITY

By: \_\_\_\_\_  
Signature

WADE A. HAGERTY

Print Name

REGIONAL PERMIT COORDINATOR

title

\_\_\_\_\_  
Witness Signature

ARON NEELY  
Print Name of Witness

\_\_\_\_\_  
Witness Signature

LEONNINE MCARDLE  
Print Name of witness

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of  
October, 2007, by Wade A. Hagerty, who is personally  
known to me, or who supplied \_\_\_\_\_ as identification, and  
who did/did not take an oath.

SEAL



Tina L. Lattin  
Commission #DD308093  
Expires: May 16, 2008  
Bonded Thru  
Atlantic Bonding Co., Inc.

\_\_\_\_\_  
NOTARY PUBLIC

266-LGL REV. 11/19/02

PARCEL 103

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 3,  
TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA,  
LYING IN PARCEL "N" OF ARVIDA COUNTRY CLUB PLAT FIVE OF  
UNIVERSITY PARK P.U.D., RECORDED IN PLAT BOOK 66, PAGE 179  
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID PARCEL "N";  
THENCE ALONG THE WEST LINE OF SAID PARCEL "N",  
N00°21'35"E FOR 245.89 FEET TO THE NORTH LINE OF SAID PARCEL "N";  
THENCE ALONG SAID NORTH LINE, S89°38'25"E FOR 14.00 FEET;  
THENCE S00°21'35"W FOR 160.36 FEET;  
THENCE S13°51'19"W FOR 51.42 FEET;  
THENCE S00°21'35"W FOR 35.54 FEET TO THE SOUTH LINE OF SAID PARCEL "N";  
THENCE ALONG SAID SOUTH LINE, N89°22'42"W FOR 2.00 FEET TO THE  
POINT OF BEGINNING.

CONTAINING 2,716 SQUARE FEET, MORE OR LESS.

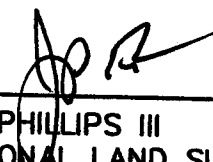
BEARING BASIS: N00°21'35"E ALONG THE WEST BOUNDARY OF P.B. 66 PAGE 179.

NOTE: STATIONS AND OFFSETS NOTED REFER TO ROADWAY PLANS FOR JOG ROAD  
(GLADES ROAD TO CLINT MOORE ROAD) PREPARED BY K-F GROUP, INC.,  
PALM BEACH COUNTY PROJECT NUMBER 2001505.

ABBREVIATIONS

P.O.B.- POINT OF BEGINNING  
P.O.C.- POINT OF COMMENCEMENT  
R/W - RIGHT-OF-WAY  
P.B.- PLAT BOOK  
O.R.B.- OFFICIAL RECORD BOOK  
Rt. - RIGHT OF BASELINE  
Lt. - LEFT OF BASELINE  
LWDD - LAKE WORTH DRAINAGE DISTRICT

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT  
COMPRISE THE COMPLETE LEGAL DESCRIPTION.  
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH  
ACCOMPANY EACH OTHER.  
REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID  
WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND  
MAPPER NOTED BELOW.

  
JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: JUL 12 2007



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

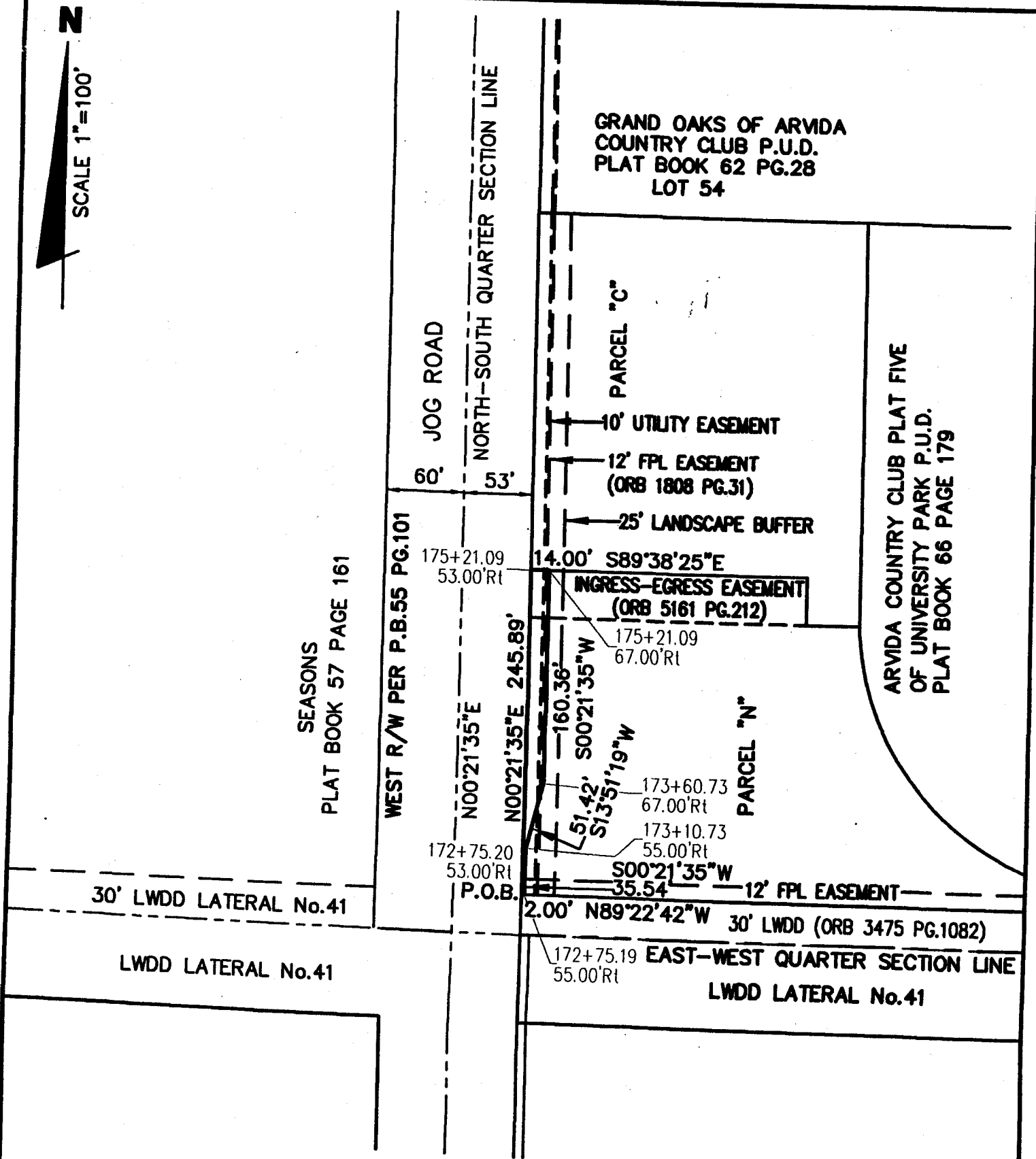
901 NORTHPOINT PARKWAY, SUITE 305, W. PALM BEACH, FL 33407  
(561) 615-3988, (561) 615-3986 FAX

REVISION: REVISED PER COUNTY COMMENTS. 7/9/07

LEGAL DESCRIPTION

DRAWN: MDB	PROJ. No. 01-048
CHECKED: JEP	SCALE: NONE
JOG ROAD	DATE: 3/14/07
Project No. 2001505	SHEET 1 OF 2

2.42



PARCEL 103



# BROWN & PHILLIPS, INC.

**PROFESSIONAL SURVEYING SERVICES**  
**CERTIFICATE OF AUTHORIZATION**

CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PARKWAY SUITE 500

901 NORTHPOINT PARKWAY, SUITE 305, W. PALM BEACH, FL 33407  
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
THIS SKETCH IS NOT A SURVEY

**DRAWN: MDB**

**MDB**

**PROJ. No. 01-048**

**CHECKED:**

JEP

**SCALE:** 1"=100'

**JOG ROAD**

DATE: 3/14/07

Project No. 2001505

**SHEET 2 OF 2**