

Agenda Item #: **3-C-7**

**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.: 96506B

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A Subordination of Utility Interests from Comcast-Boca Raton (Comcast) releasing their interests to Palm Beach County (County) in a parcel of land located on the east side of Hagen Ranch Road at Cascades Isles Boulevard.

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 Hagen Ranch 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: 5 (PK)

Background and Justification: Comcast has certain utility interests within a ten foot platted utility easement along the western boundary of Tract G-1, Golf Course, as shown on the Plat of Jones, P.U.D., recorded in Plat Book 78, Pages 71-78, Public records of Palm Beach County, Florida. A portion of said easement is required as right-of-way for a right turn lane on Hagen Ranch Road at Cascades Isles Boulevard. The property owner, Westchester Golf and Country Club Associates, has conveyed 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 the County should so request. The County is agreeable to paying reasonable costs for this relocation as necessary.

Attachments:

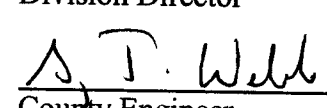
1. Location Map
2. Subordination of Utility Interests with Exhibit "A"

Recommended by:


Division Director

11/6/07
Date

Approved by:


County Engineer

11/22/07
Date

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.

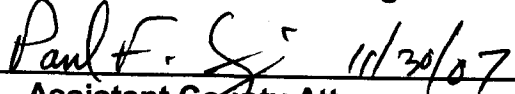
C. Departmental Fiscal Review: R.D. Ward 11/6/07

III. REVIEW COMMENTS

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

 _____ OFMB 503 11/29/07 (10) 11/29/07 CN 11/29/07	 _____ Contract Dev and Control 6. Jacob 11/29/07
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B. Approved as to Form and Legal Sufficiency:



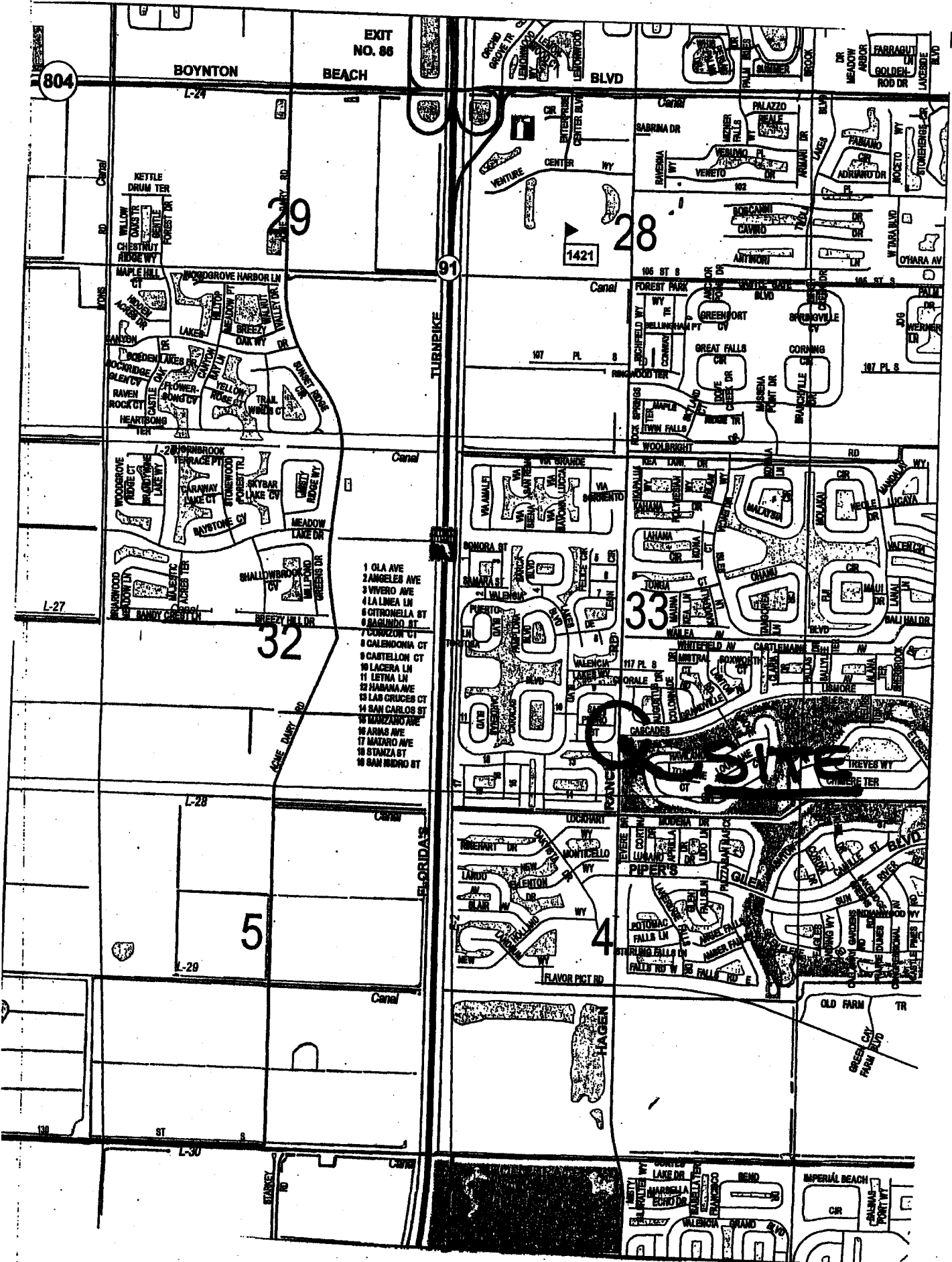
 Assistant County Attorney

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.: 00-42-45-33-02-007-0000

Project No.: 96506B
Project Name: Right Turn Lane-Hagen Ranch Rd. @ Cascades Isles Blvd.
Parcel No.: 100

**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-Boca Raton, 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 along the western boundary of Tract G-1, Golf Course, as shown on the Plat of Jones, P.U.D., Plat Book 78, Pgs.71-78, 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: _____
(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 _____, Chairman, 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

[Signature]
Witness Signature

By: _____
Signature

ARON NEELY
Print Name of witness

WADE A. HAGERTY

Print Name

[Signature]
Witness Signature

REGIONAL PERMIT COORDINATOR

Title

JENNIFER M. EDWARDS
Print Name of witness

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 24th 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



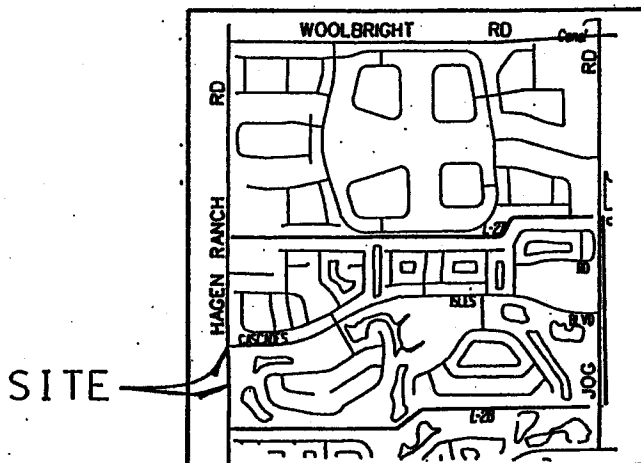
Tina L. Lattin
Commission #DD308093
Expires: May 16, 2008
Bonded Thru
Allegiant Bonding Co., Inc.

[Signature]
NOTARY PUBLIC

EXHIBIT "A"

1.93

EXHIBIT "A"



LOCATION MAP
N.T.S.

A PARCEL FOR RIGHT-OF-WAY PURPOSES BEING A PORTION OF TRACT "G-1", JONES P.U.D. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 78, PAGES 71-78. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 45 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID TRACT "G-1"; THENCE NORTH 44°17'04" EAST, ALONG THE NORTHWEST LINE OF SAID TRACT "G-1", A DISTANCE OF 8.55 FEET; THENCE SOUTH 00°16'17" EAST ALONG A LINE 6.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT "G-1", A DISTANCE OF 257.58 FEET; THENCE SOUTH 06°34'17" WEST, A DISTANCE OF 50.36 FEET TO THE WEST LINE OF SAID TRACT "G-1"; THENCE NORTH 00°16'17" WEST ALONG THE WEST LINE OF SAID TRACT "G-1"; A DISTANCE OF 301.49 FEET TO THE POINT OF BEGINNING

PARCEL CONTAIN 1,677 SQUARE FEET MORE OR LESS.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA, 33411.

Norman J. Howard

NORMAN J. HOWARD, P.S.M.
FLORIDA CERTIFICATE NO. 5776

4-18-07

DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

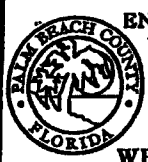
PROJECT: PARCEL 100 HAGEN RANCH ROAD- L-30 TO BOYNTON BEACH BLVD.	DESIGN FILE NAME S-1-07-2670.DGN	DRAWING NO. S-1-07-2670	SCALE: VARIES APPROVED: N.J.H. DRAWN: D.J.C. CHECKED: M.J.H. DATE: 04/18/07 FIELD BOOK NO.: N/A	REVISION	BY DATE	PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS  ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
	PROJECT NO. 19965068		SHEET: 1 OF 3			

EXHIBIT "A"
2093

LEGEND

- ℄ = CENTERLINE
- L.A.E. = LIMITED ACCESS EASEMENT
- N.T.S. = NOT TO SCALE
- NW'LY = NORTHWESTERLY
- P.B. = PLAT BOOK
- P.C.E. = PERMANENT CONSTRUCTION EASEMENT
- PG(S) = PAGE(S)
- P.O.B. = POINT OF BEGINNING
- P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
- U.E. = UTILITY EASEMENT



N.T.S.

SHEET 3
PANEL A

SHEET 3
PANEL B

KEY MAP

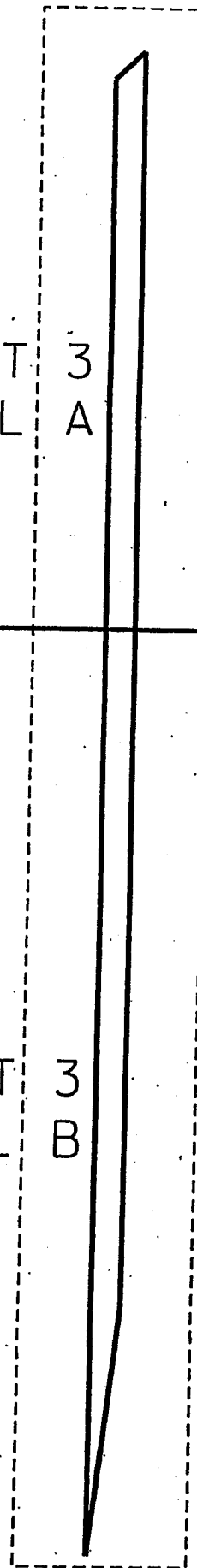


EXHIBIT "A"
3 of 3

