

**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. 1993901

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: The release of three Removal Agreements, which allowed the placement of signs and a fence within future right-of-way on premises designated as 1181 U.S. Highway No. 1, as recorded in Official Record Book 2346 Page 1490, Official Record Book 3673, Page 0895 and Official Record Book 3949, Page 0884, Public Records of Palm Beach County(County), Florida.

Summary: This action will authorize the release of three Removal Agreements which allowed the placement of signs and a fence on the owner's property within future right-of-way along U.S. Highway No. 1. The signs and fence, which were permitted by the Removal Agreements, have been removed.

District: 1 (PK)

Background and Justification: As a condition of receiving building permits, the property owner entered into three Removal Agreements with the County. The Agreements allowed the owner to place signs and a fence on their property within an area identified as future right-of-way for U.S. Highway No. 1, under the condition that the property owner would remove all improvements when requested by the County, at no cost to the County. In order to remove these encumbrances on this title, the property owner has requested that the County release the three Removal Agreements which were recorded in Official Record Book 2346 Page 1490, Official Record Book 3673, Page 0895 and Official Record Book 3949, Page 0884, Public Records of Palm Beach County, Florida. The signs and fence, which were permitted by the Removal Agreements, have been removed. The Village of Tequesta and the Florida Department of Transportation have no objection to the release. Therefore, the Removal Agreements can now be released by the County.

Attachments:

1. Location Map
2. Removal Agreements
3. Request Letter
4. Affidavit of Removal
5. Release of Removal Agreements

Recommended by:

Division Director

Date

Approved by:

County Engineer

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.

C. Departmental Fiscal Review: E.D. Ward 11/14/07

III. REVIEW COMMENTS

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

[Signature] 11-29-07
OFMB
WD 11/29/07 SW 11/29/07 Cnt 11/29/07

[Signature] 11/29/07
Contract Dev. and Control
E.D. Ward 11/29/07

B. Approved as to Form and Legal Sufficiency:

Paul F. [Signature] 11/30/07
Assistant County Attorney

C. Other Department Review:

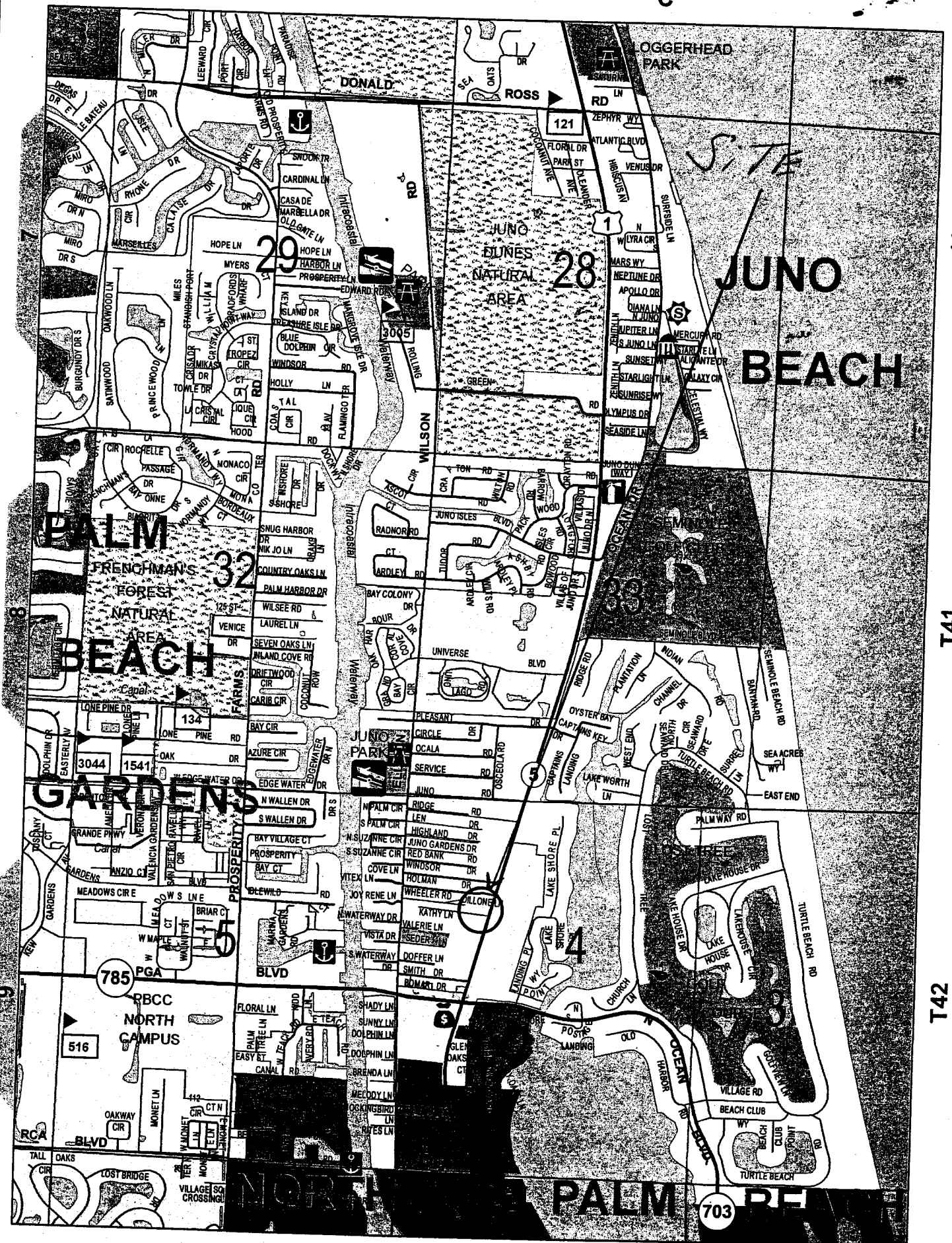
Department Director

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

R43
D

See pg 16

R43
C



T41

T41

T42

D

See pg 35

C

Attachment 2
PA 9 1 of 5

92179

PALM BEACH COUNTY
REMOVAL AGREEMENT
FOR FUTURE RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, SERGE T. GRIFFITH hereinafter referred to as owner(s) are desirous of obtaining a building permit from PALM BEACH COUNTY, FLORIDA and

WHEREAS, the owner(s) do covenant that they are the fee simple owner(s) of the below described property and that there are no (or the following) mortgages, liens or encumbrances against said property.

NONE

NOW, THEREFORE, in consideration of the issuance of a building permit by the Planning, Zoning and Building Department of Palm Beach County to Sign Craft, Inc. for the construction of a sign

on the following described property:

Commencing at the point of intersection of the center line of St. Rd. # 5 (US #1) as laid out & now in use, with the S. line of the NW 1/4 of sec. 4, township 42 S., Range 43 E. Palm Beach Co. Fl. thence N. 16° 51' 25" E. along the center line of said St. Rd. # 5 a distance of 1450.0 ft. to a point; thence N. 85° 12' 05" W. a distance of 61.35 ft. to a pt. of beginning, said pt. being in the westerly right-of-way of said St. Rd. # 5, thence continue N. 85° 12' 05" W. a distance of 229.27 ft. (next pt. said property being known as "building site"; the owner(s) hereby agree with the Planning, Zoning and Building Department of Palm Beach County to remove at no expense to Palm Beach County, the above described construction from the above mentioned building site; also known as a possible future county right-of-way, within thirty (30) days of written notice addressed to them or their successors in interest, at 11771 U.S. ONE N.P.R. notifying them that said right-of-way is to be put to use. It is agreed by the parties hereto that this Agreement may be recorded in the official records of Palm Beach County, Florida, and that this Agreement shall run with the land and be binding upon the heirs, personal representatives, grantees, successors and assigns of the owner(s).

SIGNED, SEALED, EXECUTED AND ACKNOWLEDGED on this 24th day of August, 1974, at West Palm Beach, Florida.

WITNESSES

[Signature] (SEAL)
[Signature] (SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this 24th day of August, 1974, before me personally appeared [Signature] and [Signature] to me known to be the persons described herein and who executed the foregoing instrument and they acknowledged to me the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

I WITNESS my signature and official seal at 11771 U.S. ONE N.P.R. in the County and State aforesaid, the day and year last aforesaid.



NOTARY PUBLIC, State of Florida at Large

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES AUGUST 31, 1977
BONNIE T. HARRIS, NOTARY PUBLIC

2346 1490

Attachment 2
PAGE 2 of 5

Legal Description:

to a point; thence N. 47° 55' E. a distance of 97.79 ft. to a point; thence S. 85° 12' 05" E. a distance of 250.22 ft. to a point in the westerly right-of-way of said St. Rd. # 5; thence S. 16° 51' 25" W. along the said westerly right-of-way a distance of 100.0 ft. to the point of beginning.

11-1-00 2 02-00

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PR-2736

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Attachment 2
PAGE 4 of 5

PALM BEACH COUNTY
REMOVAL AGREEMENT
FOR FUTURE RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, NORTH PALM PLAZA ASSOCIATES by Jean Moore hereinafter referred to as owner(s) are desirous of obtaining a building permit from PALM BEACH COUNTY, FLORIDA and

WHEREAS, the owner(s) do covenant that they are the fee simple owner(s) of the below described property and that there are no (or the following) mortgages, liens or encumbrances against said property, save and except a first mortgage to State Farm Life Insurance Company.

NOW, THEREFORE, in consideration of the issuance of a building permit by the Planning, Zoning and Building Department of Palm Beach County to Pan American Banks, N. A. for the construction of a sign on the following described property:
See Exhibit A attached.

said property being known as "building site", the owner(s) hereby agree with the Planning, Zoning and Building Department of Palm Beach County to remove at no expense to Palm Beach County, the above described construction from the above mentioned building site, also known as a possible future county right-of-way, within thirty (30) days of written notice addressed to them or their successors in interest, at 11811 U.S.1 notifying them that said right-of-way is to be put to use. It is agreed by the parties hereto that this Agreement may be recorded in the official records of Palm Beach County, Florida, and that this Agreement shall run with the land and be binding upon the heirs, personal representatives, grantees, successors and assigns of the owner(s).

SIGNED, SEALED, EXECUTED AND ACKNOWLEDGED on this 27 day of April, 1983, at West Palm Beach, Florida.

WITNESSES:

Jean Moore (SEAL)
Lynda Ricker (SEAL)

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this 27 day of April, 1983, before me personally appeared Jean Moore and Lynda Ricker to be known to be the persons described herein and who executed the foregoing instrument and they acknowledged to me the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at North Palm Beach in the County and State aforesaid, the day and year last aforesaid.

Lynda Ricker
NOTARY PUBLIC, State of Florida at West Palm Beach
My Commission expires: the 27th day of April 1984

PREPARED BY:
LYNDA RICKER
11811 U.S.1
NO. PALM BEACH, FLA.

MAY 17 883011818

EXHIBIT B

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE HIGHWAY NO. 1 WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 87° 13' 50" EAST, A DISTANCE OF 1550 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87° 13' 50" EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 75° 10' 10" WEST, A DISTANCE OF 78.74 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 26° 10' 10" AND A RADIUS OF 175 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 80.30 FEET TO THE POINT OF REVERSED CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 14° 15' 00" AND A RADIUS OF 185.04 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 120.63 FEET TO THE POINT OF TANGENCY; THENCE DUE SOUTH, A DISTANCE OF 27.91 FEET; THENCE SOUTH 87° 13' 50" EAST, PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR ROAD PURPOSES OVER THAT PART OF THE ABOVE DESCRIBED PARCEL OF LAND LYING WITHIN 15 FEET SOUTHEASTLY OF, PARALLEL, CONTIGUOUS AND MEASURED AT RIGHT ANGLES TO THE FOLLOWING SPECIFICALLY DESCRIBED LINE: FROM THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. 1 WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, PROCEED NORTH 87° 13' 50" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1650 FEET TO THE POINT OF BEGINNING; THENCE NORTH 75° 10' 10" WEST, A DISTANCE OF 78.74 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 26° 10' 10" AND A RADIUS OF 175 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 80.30 FEET TO THE POINT OF REVERSED CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 14° 15' 00" AND A RADIUS OF 185.04 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 120.63 FEET TO THE POINT OF TANGENCY AND THE END OF SPECIFICALLY DESCRIBED LINE.

SURVEYOR'S NOTE: DESCRIPTION AS FURNISHED DOES NOT MATCH EXISTING ROAD EASEMENT. DIFFERENCES ARE AS SHOWN.

PARCEL B

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE ROAD NO. 1 WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 87° 13' 50" EAST ALONG THE CENTERLINE OF SAID STATE ROAD NO. 1, A DISTANCE OF 1550 FEET TO A POINT; THENCE NORTH 87° 13' 50" WEST A DISTANCE OF 61.35 FEET TO THE POINT OF BEGINNING, SAID POINT BEING IN THE WESTERLY RIGHT-OF-WAY OF SAID STATE ROAD NO. 1; THENCE CONTINUE IN THE WESTERLY RIGHT-OF-WAY OF SAID STATE ROAD NO. 1, A DISTANCE OF 229.27 FEET TO A POINT; THENCE NORTH 87° 13' 50" WEST A DISTANCE OF 27.79 FEET TO A POINT; THENCE SOUTH 87° 13' 50" EAST A DISTANCE OF 250.00 FEET TO A POINT; THENCE IN THE WESTERLY RIGHT-OF-WAY OF SAID STATE ROAD NO. 1, THENCE SOUTH 87° 13' 50" WEST ALONG THE SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

RECORDED MEMO: Legality of Writing, Typing or Printing unsatisfactory in this document when received.

PARCEL C

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE ROAD NO. 1 WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTHEAST ALONG THE CENTERLINE OF SAID HIGHWAY, 1550 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE CENTERLINE OF SAID HIGHWAY 100 FEET; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION 4, 301.14 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 4 TO THE INTERSECTION OF A LINE FROM THE POINT OF BEGINNING AND PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION 4; THENCE EAST ALONG SAID LINE PARALLEL TO THE SOUTH OF SAID QUARTER SECTION 4 TO THE POINT OF BEGINNING, SUBJECT HOWEVER TO EASEMENT AND RIGHT OF WAY OF STATE HIGHWAY NO. 1, AND THE FLORIDA POWER & LIGHT COMPANY ADJACENT TO AND ALONG THE WEST SIDE OF STATE HIGHWAY NO. 1 FROM THE INTERSECTION LINES.

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

KOCHMAN & ZISKA PLC

RECEIVED OCT 17 2007
Attachment 3
page 1 of 1

Ronald S. Kochman*
Maura A. Ziska
Jessica Koch*

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 950
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

October 16, 2007

VIA OVERNIGHT MAIL

Mr. Richard A. Graddock
Right of Way Acquisition
Palm Beach County
2300 North Jog Road
West Palm Beach, FL 33411

**Re: 11811 US Highway One
Release of Removal Agreement**

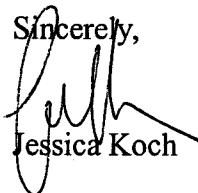
Dear Mr. Graddock:

Pursuant to our conversation on the 15th, please accept this letter as confirmation of our request to release the attached Removal Agreements, on behalf of Ann C. Palica, Trustee of 11811 Highway One Realty Trust, a Massachusetts Realty Trust under Agreement dated March 21, 2005 ("the Trust") for the property located at 11811 US Highway One, North Palm Beach, Florida (the "Property").

The fence and the signs, which are the subjects of the Removal Agreements recorded in Official Record Book 2346, Page 1490, Official Record Book 3673, Page 0895 and Official Record Book 3949, Page 0884, Public Records of Palm Beach County, Florida, are no longer present. Therefore, these Removal Agreements should be released by the County. It is my understanding that this matter will be heard by the Board of County Commissioners no later than December 18, 2007.

Thank you for your cooperation. Please call if you have any questions and please call to confirm receipt of the documents and the date to be heard by the Board..

Sincerely,



Jessica Koch

jlk
Encs.

ATTACHMENT 7
PAGE 1 of 1

AFFIDAVIT

STATE OF MASSACHUSETTS
COUNTY OF SUFFOLK

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared this day, **Ann C. Palica, Trustee of 11811 Highway One Realty Trust, a Massachusetts Realty Trust under Agreement dated March 21, 2005** who, after being duly sworn, deposes and says as follows:

That Affiant(s) is/are the **Owner** of the following legally described property:

See Legal Description attached hereto, otherwise known as 11811 US Highway One, North Palm Beach, Florida ("the Property")

1. Currently on Public Record with Palm Beach County, Florida, there are three separate Removal Agreements recorded in Official Record Book 2346, Page 1490, Official Record Book 3673, Page 0895 and Official Record Book 3949, Page 0884, (collectively referred to as "Removal Agreements").
2. The fence and the signs which are the subjects of these Removal Agreements are no longer present and nothing exists in these locations.
3. Affiant requests that these Removal Agreements be released by Palm Beach County.

FURTHER AFFIANT SAYETH NAUGHT.

11811 Highway One Realty Trust

By: [Signature]
Ann C. Palica, Trustee

STATE OF
COUNTY OF

Sworn to and subscribed before me this 31st day of October, 2007 by **Ann C. Palica, Trustee on behalf of said Massachusetts trust**

she is personally known to me or she has produced her _____ as identification.

Heather D. Vataha
Printed Name: Heather D. Vataha
Notary Public
My Commission Expires: 2/2013

Return To:
Palm Beach County
Name: R/W Acquisition Section
Post Office Box 21229
Address: West Palm Beach, FL. 33416
Attn: Richard A. Graddock

RELEASE OF REMOVAL AGREEMENTS

Whereas, on or about August 24, 1974, a Removal Agreement was recorded in Official Record Book 2346, Page 1490, Public Records of Palm Beach County, Florida; and,

Whereas, on or about February 12, 1982, a Removal Agreement was recorded in Official Record Book 3673, Page 0895, Public Records of Palm Beach County, Florida; and,

Whereas, on or about May 23, 1983, a Removal Agreement was recorded in Official Record Book 3949, Page 0884, Public Records of Palm Beach County, Florida; and,

Whereas, the property owner has made a request for the release of the Removal Agreements; and,

Whereas, the fence and the signs, which are the subjects of the Removal Agreements are no longer present; and,

Whereas, Staff has reviewed the request and finds it appropriate to release the Removal Agreements,

Now, Therefore, Palm Beach County does hereby release the Removal Agreements in Official Record Book 2346, Page 1490, Official Record Book 3673, Page 0895 and Official Record Book 3949, Page 0884, Public Records of Palm Beach County, Florida; and

In Witness Whereof, The County has caused this Release of Removal Agreement to be executed on this _____ day of _____, 2007.

ATTEST:
SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, BY
ITS BD OF COUNTY COMMISSIONERS

BY: _____
Clerk (or Deputy Clerk)

BY: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

BY: _____
County Attorney

BY: Omelio A. Fernandez
Omelio A. Fernandez, P.E.
Engineering/Public Works
Operations Director