

Agenda Item #:

34-9

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 18, 2007 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County Water Utilities Department for a force main connection and water main distribution system serving the new Mid-County Senior Center.

Summary: The County constructed the Mid-County Senior Center on a portion of a 12 acre parcel located at 3680 Lake Worth Road, between South Congress Avenue and South Military Trail. As part of the development of this site, the County installed a force main connection along the south side of Lake Worth Road and a water main distribution system which runs easterly through the center of the property. The force main connection easement is 10' x 10' and contains 100 square feet. The water main easement is 944.10' long and 20' wide and contains 18,468 square feet. The Declaration will be recorded to provide notice of the existence and location of the easements. (PREM) District 3 (JMB)

Background and Justification: Construction of the Mid-County Senior Center was completed in November of this year.

Attachments:

1. Location Map
2. Declaration of Easement

Recommended By:

Department Director

Date

Approved By:

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	 =====	 =====	 =====	 =====	 =====
 # ADDITIONAL FTE POSITIONS (Cumulative)	 _____	 _____	 _____	 _____	 _____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____

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

No fiscal impact.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Jan Doherty 11-29-07
OFMB CN 11/29/07

John J. Javoy 11/30/07
Contract Development and Control
11/29/07

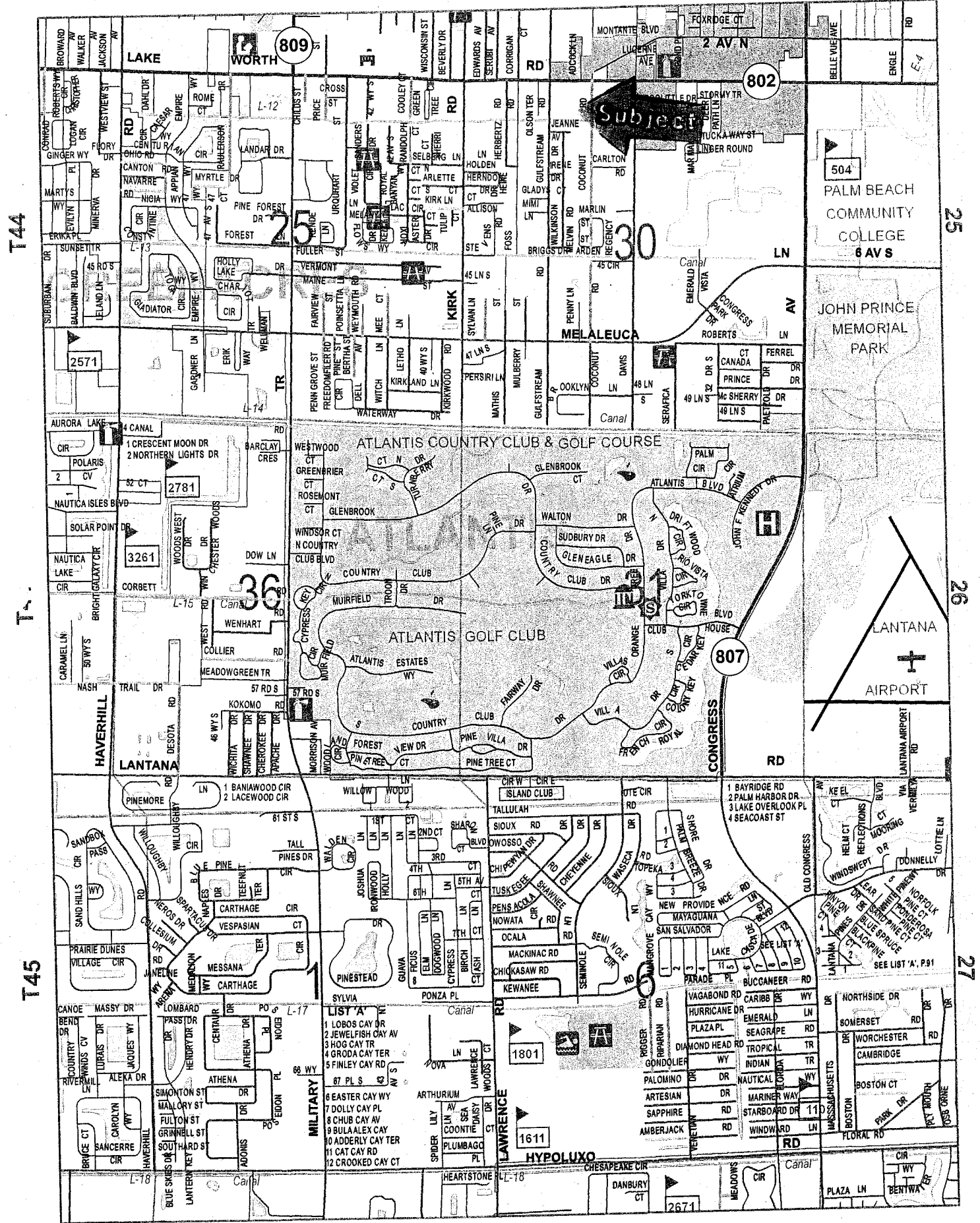
B. Legal Sufficiency:

James Butler 11/30/07
Assistant County Attorney

C. Other Department Review:

Department Director

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



LOCATION MAP
ATTACHMENT #1

Prepared by & 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 00-43-44-30-01-011-0010

DECLARATION OF EASEMENT

THIS IS A DECLARATION OF EASEMENT, made _____,
by **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County"),
whose address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791.

WHEREAS, County is the owner of that certain real property located within Palm
Beach County, Florida as set forth on **Exhibit "A"** attached hereto and made a part hereof
(the "Property"); and

WHEREAS, County desires to create an easement over, upon and under such
property for the purposes set forth hereinafter; and

WHEREAS, County desires that such easement not be extinguished by the doctrines
of merger or unity of title and remain valid and in effect upon a subsequent conveyance of
the Property by County.

WITNESSETH:

NOW THEREFORE, County does hereby declare, grant and create a perpetual in
gross utility easement for the benefit of County upon the real property legally described in
Exhibit "B", consisting of two (2) parcels, attached hereto (collectively the "Easement
Premises"). This easement shall be for the purpose of water and sewer utilities and shall
include the right at any time to install, operate, maintain, service, construct, reconstruct,
remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water,
reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on,
over, under and across the Easement Premises. This easement or portion thereof can be
utilized for a wastewater pump station and said pump station may be fenced in for access
control purposes.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

IN WITNESS WHEREOF, the County has caused this Declaration of Easement to be executed as of the day and year first above written.

ATTEST:

COUNTY:

**SHARON R. BOCK
CLERK & COMPTROLLER**

**PALM BEACH COUNTY, a political
subdivision of the State of Florida**

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS
AND CONDITIONS**

By: _____
Assistant County Attorney

By: *Reet Amy Wolf*
Department Director

EXHIBIT "A"

THE PROPERTY

Lot A, less the North 35 feet thereof, Lots B, C, D, and E, less the South 70 feet of said Lot E, Tract 11;

Lot A, less the North 35 feet thereof, Lots B, C, D, and E, less the South 70 feet thereof, Block 12; and

Lots A, B, C, D, and E in Tract 22;

according to the PALM BEACH FARMS CO. PLAT NO. 7 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, recorded in Plat Book 5, Page 72, public records of Palm Beach County, Florida.

EXHIBIT "B"

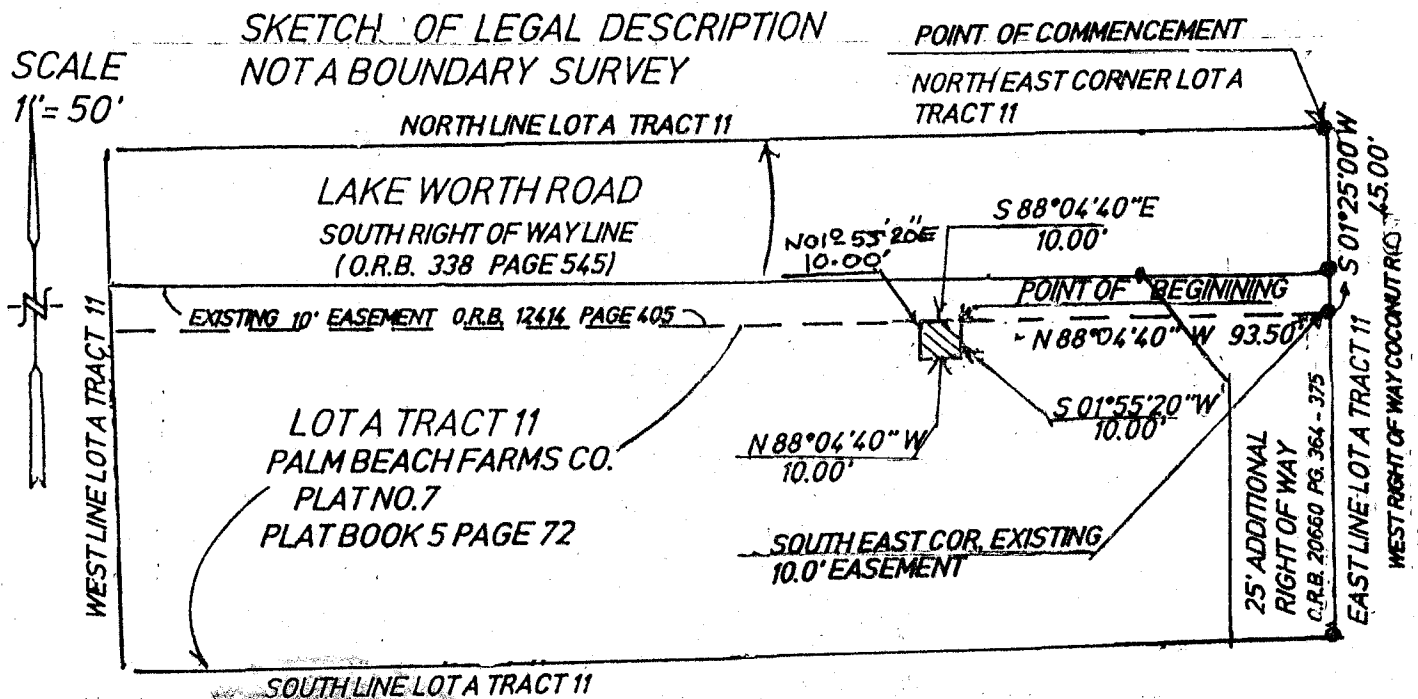
THE EASEMENT PREMISES

LEGAL DESCRIPTION

A ten foot (10.00') square strip of land for utility distribution purposes lying within a portion of Lot 'A', Tract 11, Palm Beach Farms Co. Plat No. 7, as recorded in Plat Book 5, Page 72 of the Public Records of Palm Beach County, Florida. Being a subdivision in Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida. The boundary of said 10.00 foot square strip of land being more particularly described as follows:

(Bearings shown hereon are based on the North line of said Section 30 bearing South 88°04'40" East as shown in the Palm Beach County breakdown of Section 30, Township 44 South, Range 43 East.)

Commencing at the Northeast corner of said Lot 'A' Tract 11, thence South 01°25'00" West 45.00 feet along the East line of said Lot 'A', Tract 11 to a point on the Southeast corner of a 10.00 foot wide utility easement as recorded in Official Record Book 12414, Page 405, Public Records of Palm Beach County, Florida. The North line of said 10.00 foot wide easement being the South right-of-way line of Lake Worth Road as recorded in O.R.B. 338, Page 545. Thence North 88°04'40" West 93.50 feet along the south line of said 10.00 foot wide easement to the **Point of Beginning**; Thence South 01°55'20" West 10.00 feet; Thence North 88°04'40" West 10.00 feet; Thence North 01°55'20" East 10.00 feet; Thence South 88°04'40" East 10.00 feet to the **Point of Beginning**.



Christopher J. Huth

September 24, 2007
REV 10-15-07

CHRISTOPHER J. HUTH Florida Surveyor & Mapper #4299
214 NE 3rd Street, Boynton Beach, FL 33435 561-738-0987

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Legal Description

A 20.00 foot wide strip of land for utility distribution purposes lying within a portion of Lot 'C' and Lot 'D' of Tract 12 and Lot 'B', Lot 'C', Lot 'D' and Lot 'E' of Tract 11, Palm Beach Farms Co. Plat No. 7, as recorded in Plat Book 5, Page 72 of the public records of Palm Beach County, Florida, being a subdivision in Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida. The centerline of said 20.00 foot wide strip of land being more particularly described as follows:

(Bearings shown hereon are based on the North line of said Section 30 bearing South 88°04'40" East as shown in the Palm Beach County sectional breakdown of Section 30, Township 44 South, Range 43 East.)

Commencing at the point of intersection of the North line of the South 70.00 feet of said Lot 'E', Tract 12 with the West line of said Lot 'E', Tract 12; Thence South 88°01'24" East along the North line of the South 70.00 feet of said Lot 'E' 15.00 feet to a point on the East right-of-way line of Gulfstream Road as recorded in O.R.B. 20660, Pages 364 through 375;

Thence North 01°28'02" East, along the East line of said right-of-way line 171.49 feet to the **Point of Beginning**;

Thence South 88°24'58" East 107.83 feet to a point labeled Point 'A' for legal description purposes;

Thence South 88°24'58" East 144.67 feet to a point labeled Point 'B' for legal description purposes;

Thence South 88°24'58" East 189.55 feet to a point labeled Point 'C' for legal description purposes;

Thence South 88°24'58" East 58.99 feet;

Thence South 46°05'38" East 26.66 feet;

Thence South 01°58'31" West 79.70 feet;

Thence South 39°03'44" East 25.60 feet;

Thence South 87°28'06" East 58.40 feet more or less, to a point on the West right-of-way line of Coconut Road as recorded in O.R.B. 20660 Pages 364 through 375 and a **Point of Terminus**.

Thence South 01°25'00" West 4.89 feet along said West right-of-way line;

Thence South 17°18'20" East 31.15 feet along said West right-of-way line;

Thence South 01°25'00" West 23.24 feet along said West right-of-way line to a point on the North line of the South 70.00 feet of said Lot 'E', Tract 11;

Thence North 88°01'24" West 620.10 feet to the **Point of Commencement** for a Point of Closure.

The sidelines of said 20.00 foot wide easement to be shortened or prolonged to be coincident with the West right-of-way of said Coconut Road.

Beginning at before labeled Point 'A' thence South 01°35'02" West 25.00 feet to a Point of Terminus.

Beginning at before labeled Point 'B' thence North 01°35'02" East 30.00 feet to a Point of Terminus.

Beginning at before labeled Point 'C' thence North 01°35'02" East 167.70 feet; Thence North 88°24'58" West 30.00 feet to a Point of Terminus.

Being 18,468.0 square feet, more or less.

Christopher J. Huth

revised October 30, 2007

Christopher J. Huth

Florida Surveyor & Mapper #4299

214 NE 3rd Street

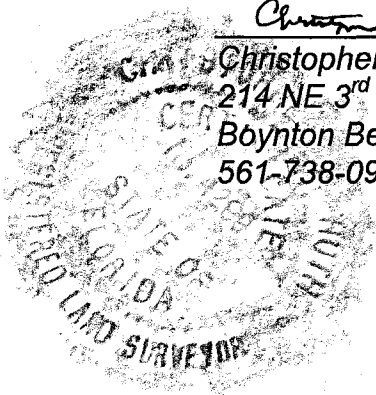
LAST REV 11-07-07

Boynton Beach, Florida 33435

561-738-0987

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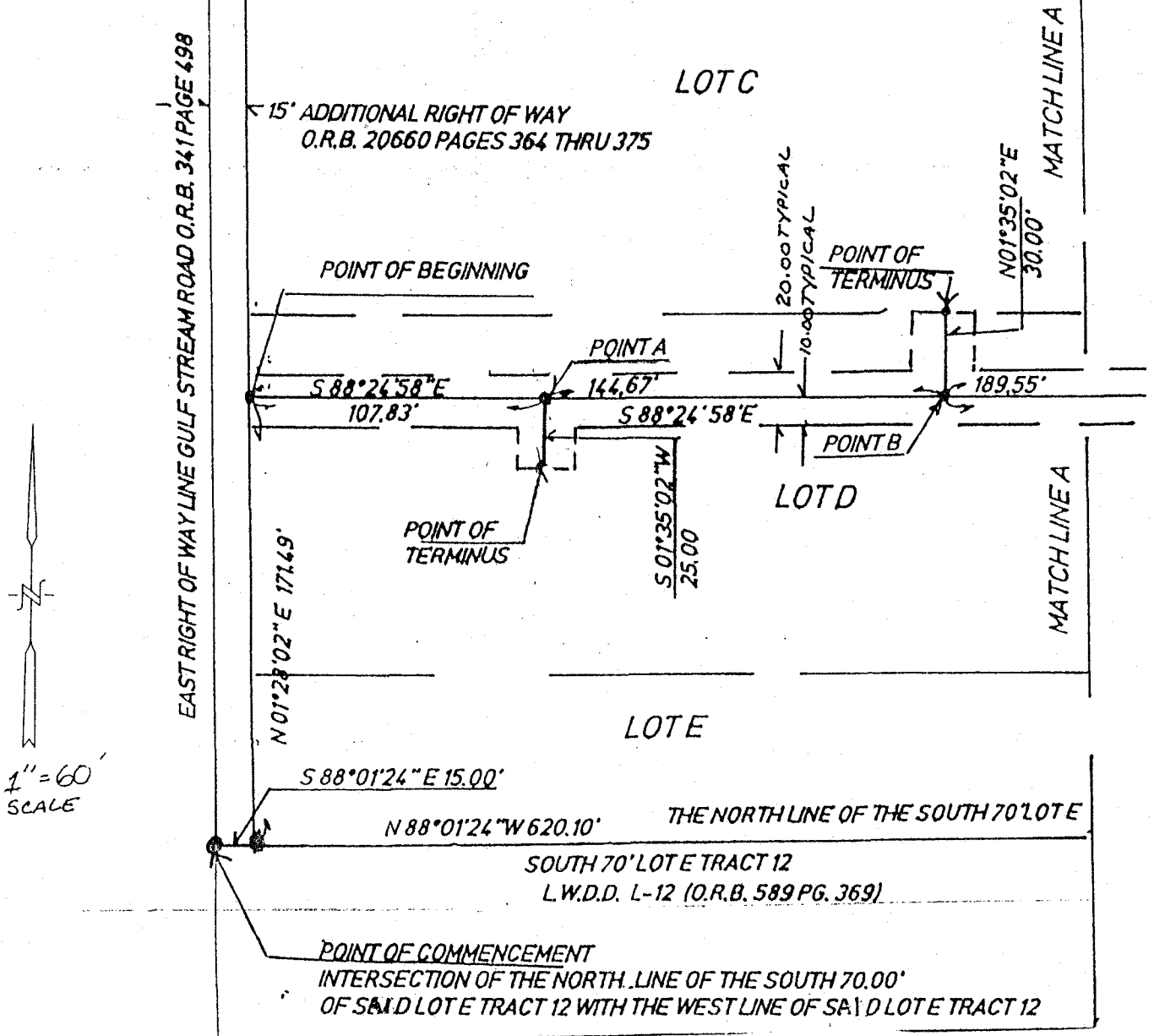
Not valid without Pages 1, 3 & 4



SKETCH OF LEGAL DESCRIPTION
NOT A BOUNDARY SURVEY

TRACT 12
PALM BEACH FARMS CO. PLAT NO 7
PLAT BOOK 5 PAGE 72

LOT B



SKETCH OF LEGAL DESCRIPTION
NOT A BOUNDARY SURVEY

TRACT 11
PALM BEACH FARMS CO. PLAT NO 7
PLAT BOOK 5 PAGE 72

