Agenda Item #3K-5

PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	January 15, 2008	Consent [X]	Regular []			
		Public Hearing	[]			
Submitted By:	Water Utilities Department					

Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Correction to a Release of a Portion of Utility Easement due to scrivener's error on a Partial Release of utility easement on land owned by Woolbright Pinewood LLC.

Summary: On August 21, 2007, (R2007-1339), the Board of County Commissioners approved a Partial Release of Utility Easement (recorded in Office Records Book 22093, Page 1674) (the "Partial Release") on land owned by Woolbright Lantana Square, LLC. This Correction to the Release of a Portion of Utility Easement is required in order to correct the name of the second party in the Partial Release. The previously approved Partial Release erroneously referred to the second party as "Woolbright Lantana Square, LLC" but intended to refer to the second party as "Woolbright Pinewood LLC". WUD 07-073 District 5 (JMB)

Background and justification: On August 21, 2007, (R2007-1339), the Board of County Commissioners approved the Partial Release (recorded in Office Records Book 22093, Page 1674) on land owned by Woolbright Lantana Square, LLC. This Correction to Release of a Portion of Utility Easement is required in order to correct the name of the second party in the Partial Release. The previously approved Partial Release erroneously referred to the second party as "Woolbright Lantana Square, LLC" but intended to refer to the second party as "Woolbright Pinewood LLC". This Corrective to the Partial Release does not effect and shall not release or otherwise impact the interest of the first party arising pursuant to the Utility Easement or Partial Release or in the real property described therein.

Attachments:

- 1. Location Map
- 2. Two (2) Original Correction to a Release of Easement
- 3. Agenda Item Summary from August 21, 2007 (R2007-1339)

Recommended By: ____

Department Director

 $\frac{|2||8|07}{Date}$ $\frac{|2|28|2007}{Date}$

Approved By:

Assistant County Administrator

II. FISCAL IMPACT ANALYSIS

Α. **Five Year Summary of Fiscal Impact:**

Fiscal Years	2008	2009	2010	2010	2011
Capital Expenditures External Revenues Program Income (County) In-Kind Match County	<u>0</u> <u>0</u> <u>0</u> <u>0</u>				
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Budget Account No.: Fu	nd	Dept	Unit	Obje	ect

Yes____

Is Item Included in Current Budget?

No ____

Reporting Category N/A

Β. **Recommended Sources of Funds/Summary of Fiscal Impact:**

N/A Sunta

Department Fiscal Review: C.

III. REVIEW COMMENTS

Α. **OFMB Fiscal and/or Contract Development and Control Comments:**

-19-07 Po C/2/18/1 OF

Β. Legal Sufficiency:

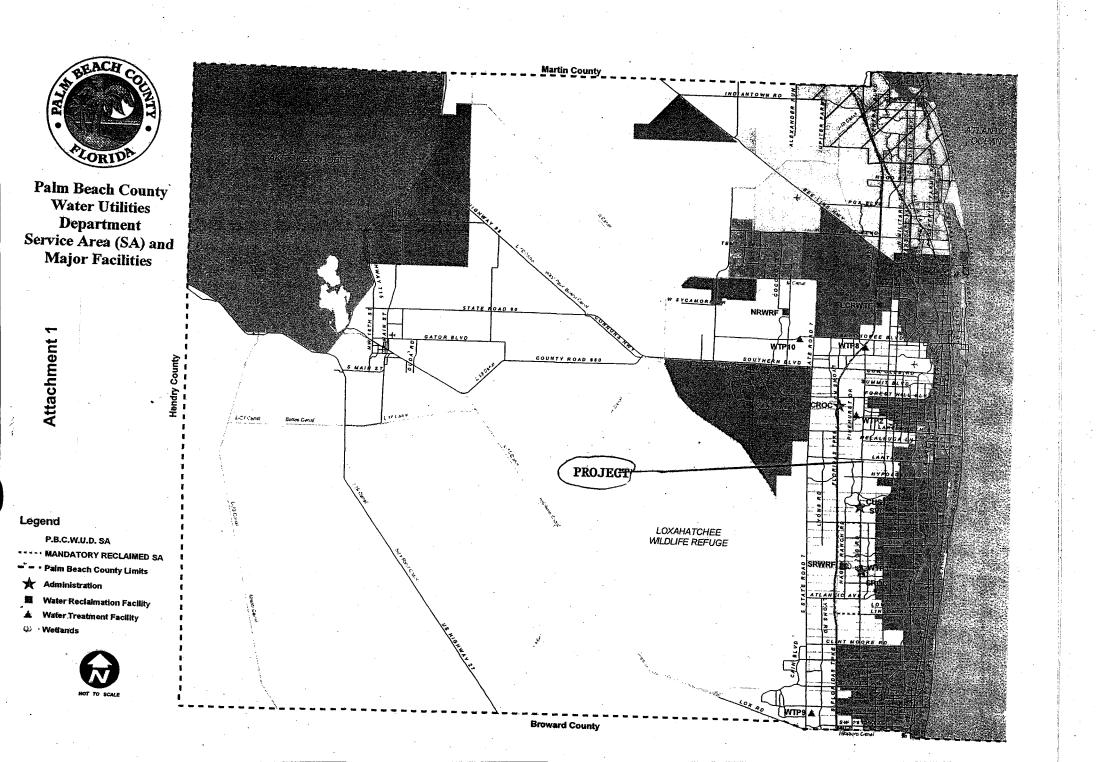
-12/21/07 istant County

C. **Other Department Review:**

Department Director

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

Contract Development and Control



CHARGE #1023 RETURN VIA WILL CALL #133 ATTN: ADAM GALICKI, TECHNICAL SERVICES PBC WATER UTILITIES DEPT. 8100 FOREST HILL BLVD, WPB, FL 33413

CORRECTION TO RELEASE OF A PORTION OF UTILITY EASEMENT

THIS CORRECTIVE TO RELEASE OF A PORTION OF UTILITY EASEMENT, executed this _____ day of September, 2007, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Boulevard, West Palm Beach, Florida 33413-3336, to <u>Woolbright Pinewood LLC</u>, its successors and assigns whose address is <u>3200 North Military Trail, 4th Floor, Boca Raton, FL 33431</u>, second party,:

WITNESSETH:

WHEREAS, the first party was conveyed a utility easement by an instrument recorded in Official Records Book 05720, Page 1872 of the Public Records of Palm Beach County, Florida (the "Utility Easement"); and

WHEREAS, the first party subsequently executed a Release of a Portion of Utility Easement by an instrument recorded in Official Records Book 22093, Page 1674 of the Public Records of Palm Beach County, Florida (the "Initial Release"); and

WHEREAS, the first party, wishes to correct a scrivener's error contained in the Initial Release.

NOW THEREFORE, in consideration of the Initial Release, the first party amends and corrects the Initial Release as follows:

This Corrective To Release of a Portion of Utility Easement is being executed and recorded in order to correct the name of the second party as identified in that certain Initial Release, dated August 21, 2007, and recorded in Official Records Book <u>22093</u>, Page <u>1674</u>, Public Records of Palm Beach County, Florida. The Initial Release erroneously referred to the second party as "Woolbright Lantana Square, LLC", but intended to refer to the second party as "Woolbright Pinewood LLC." This Corrective to the Initial Release changes the name of the second party from "Woolbright Lantana Square, LLC" to "Woolbright Pinewood LLC." and is not intended to effect and shall not release or otherwise impact the interest of the first party arising pursuant to the Utility Easement or Initial Release or in the real property described therein.

IN WITNESS WHEREOF the first party has caused this CORRECTIVE TO RELEASE OF A PORTION OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

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

Sharon R. Bock, Clerk

By:_

Clerk (or Deputy Clerk)

By:

Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:

County Attorney

Attachment 3

Agenda Item <u>#3K-7</u>

M/K 6-0 R 2007- 1339 PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	August 21, 2007	Consent [X] Public Hearing [======================================
Submitted By: Submitted For:	Water Utilities Department Water Utilities Department		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Partial Release of Utility Easement on land owned by Woolbright Lantana Square, LLC.

Summary: This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County in Book 05720, Pages 1872 through 1904. During the redevelopment of the Pinewood Square Plaza, on the southeast corner of Jog Road and Lantana Road, it was determined that new development plans place buildings over portions of the existing easement. The property owner now requests release of the portion of the original easement which would inhibit the new construction. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. There is no cost to the property owner for this partial release of easement.

WUD 07-073 District 5 (JMB)

Background and justification: On September 30, 1987, the then property owner, Radnor/Hieler Partnership #3, granted an exclusive utility easement to the County to accommodate a lift station, water lines, and wastewater lines. On March 16, 2006, Woolbright Lantana Square, LLC purchased the commercial property.

During the redevelopment of the Pinewood Square Plaza, on the southeast corner of Jog Road and Lantana Road, it was determined that portions of the existing utility easements would conflict with new development plans. The property owner is now requesting the release of the portion of the easement that the County has determined that it no longer needs.

Attachments:

- 1. Two (2) original Partial Release of Utility Easement
- 2. Location Map
- 3. One (1) copy of the September 30, 1987 Utility Easement

Recommended By:

Department Director

Approved By:

Assistant County Administrator

Date