

**Agenda Item #:**

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:**      **March 11, 2008**                      ☒ **Consent**                      ☐ **Regular**  
    ☐ **Ordinance**                      ☐ **Public Hearing**

**Department:**                      **Facilities Development & Operations**

## **I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to approve:** a Corrective Utility Easement in favor of the Town of Jupiter (Town) to maintain water mains at Fire Rescue Station No. 18 located at Burt Reynolds Park, Jupiter.

**Summary:** On June 4, 2002 (R-2002-0890), the County granted a Utility Easement to the Town to provide for the right to maintain the water mains located within the easement areas that serve the Fire Rescue Station located at Burt Reynolds Park, Jupiter. This Corrective Utility Easement corrects a scrivener's error contained in the legal description. The utility easement area is 12'x172.53', for a total of 2,070.36 square feet (0.048 acres). This Corrective Utility Easement is a perpetual non-exclusive easement and is being granted to the Town at no charge, as it will provide maintenance services to a County facility.  
(PREM) District 1 (HJF)

**Background and Justification:** The Town installed a water distribution system as part of the development of Fire Rescue Station No. 18 located at Burt Reynolds Park, Jupiter. The easement provides the Town the right to maintain the water mains. Although the legal description was incorrect, the water lines were installed in the correct location and will not be affected by this change. The error in the legal description was due to the original surveyor using the wrong point of commencement and was recently discovered by Engineering's survey section.

**Attachments:**

1. Location Map
2. Corrective Utility Easement

Recommended By: Rest Anthony Woyf 2/20/08  
Department Director Date

Approved By: [Signature] 2/20/08  
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	<u>0</u>	_____	_____	_____	_____
# 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:

Jim Dault 2-26-08  
OFMB  
2/25/08

Jim J. Jacoby 2/27/08  
Contract Development and Control  
2/27/08

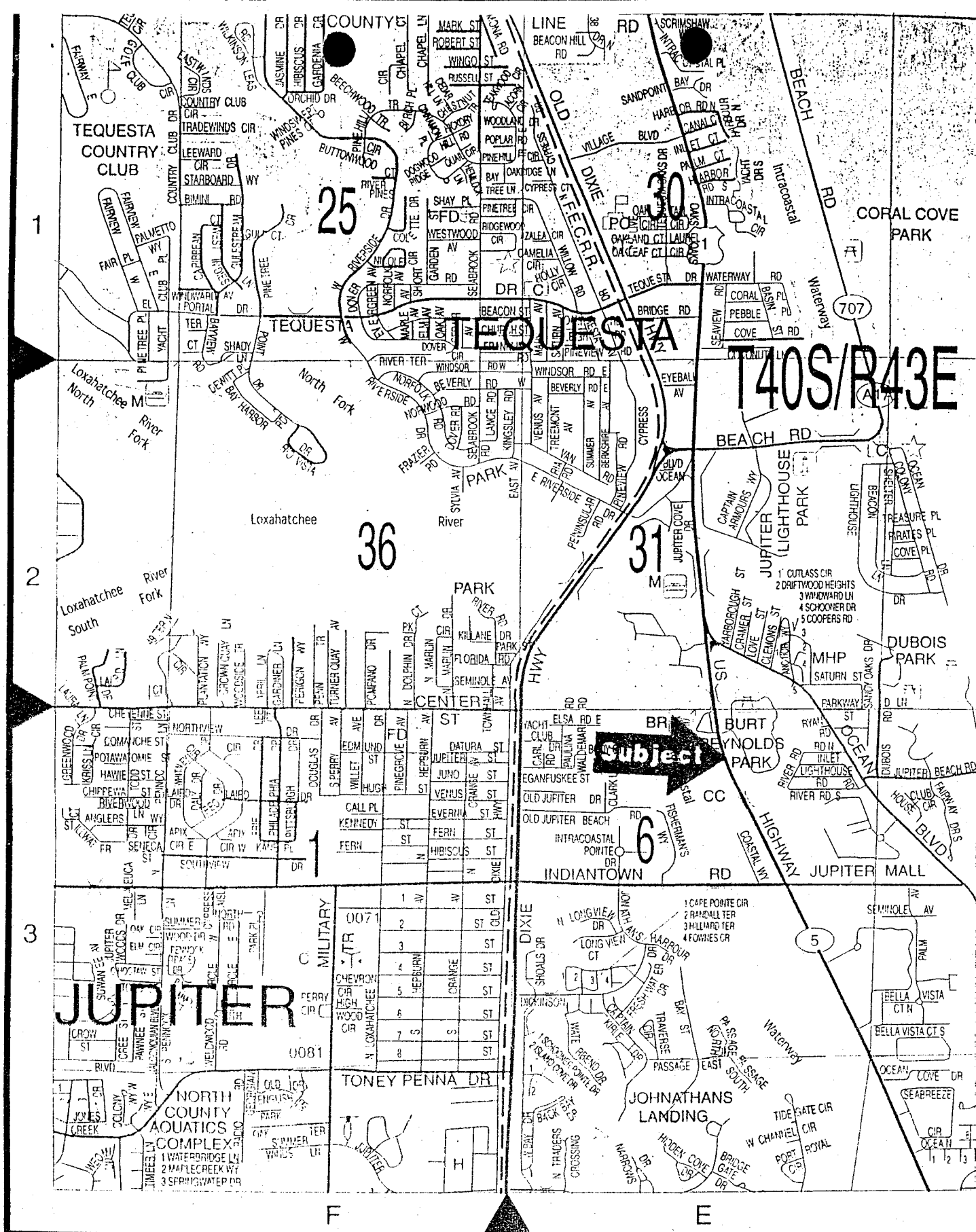
### B. Legal Sufficiency:

H. J. 2/28/08  
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 and Return to:  
Margaret Jackson, Real Estate Specialist  
Palm Beach County  
Property & Real Estate Management Division  
2633 Vista Parkway West Palm Beach, Florida 33411-5605  
Property Control Number: 30-43-40-31-00-006-0010 (a portion of)

**THIS CORRECTIVE UTILITY EASEMENT IS BEING RECORDED FOR THE PURPOSE OF CORRECTING A SCRIVENORS ERROR CONTAINED IN THE LEGAL DESCRIPTION OF THE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 13848, PAGE 0081 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

## **CORRECTIVE UTILITY EASEMENT**

**THIS CORRECTIVE UTILITY EASEMENT**, made \_\_\_\_\_, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4705, ("COUNTY"), in favor of the **TOWN OF JUPITER**, a municipal corporation of the State of Florida, whose address is 210 Military Trail, Jupiter, Florida 33458-5784, ("TOWN").

### **WITNESSETH:**

That the COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto the TOWN, its successors and assigns, upon the conditions hereinafter set forth, a perpetual non-exclusive easement for the construction, operation and maintenance of underground water mains, and appurtenances thereto, to be installed from time to time, or to be altered, improved, or removed therefrom and for the right to cut and keep clear trees, brush or undergrowth therefrom and all other obstructions that might endanger or interfere therewith, together with the right of ingress and egress thereto, over, across, through and upon, under or within that parcel of land located in Palm Beach County, Florida, described on "**Exhibit A**" attached hereto and made a part hereof as if recited at length. (The "Easement Premises").

**See Legal Description Marked Exhibit "A"  
Attached Hereto and Made a Part Hereof**

**THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:**

1. The TOWN shall cause the water mains and their appurtenances to be constructed within the confines of the Easement Premises.
2. The TOWN hereby expressly agrees that in the event that the TOWN, its successors and assigns, ceases to use the Easement Premises for the purposes herein expressed, the easement granted hereby shall become null and void, and all the right, title and interest in and to the Easement Premises shall revert to the COUNTY.
3. The TOWN further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its water mains and appurtenances within the Easement Premises at all times during the term hereof.

**IN WITNESS WHEREOF**, the COUNTY has caused these presents to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

**ATTEST:**

SHARON R. BOCK  
CLERK & COMPTROLLER

**COUNTY:**

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

By: \_\_\_\_\_  
Deputy Clerk

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

(OFFICIAL SEAL)

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
Assistant County Attorney

APPROVED AS TO TERMS AND  
CONDITIONS

By:   
Audrey Wolf, Director  
Facilities Development & Operations

ACCEPTANCE

The TOWN hereby accepts this Corrective Utility Easement and releases, relinquishes and quit claims unto County all right, title and interest in and to the Easement Premises granted by the easement recorded in Official Record Book 13848, Page 0081 of the Public Records of Palm Beach County, Florida.

ATTEST:

TOWN:

SALLY M. BOYLAN, TOWN CLERK, TOWN OF JUPITER, a municipal corporation of the State of Florida

By:

Clerk



Andy Lukasik, Town Manager

Signature of Witness

(OFFICIAL SEAL)

Print Name of Witness

Signature of Witness

Print Name of Witness

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

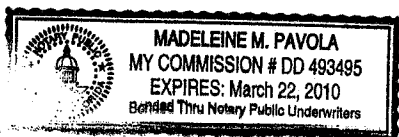
By:

~~Legal Counsel~~

Town Attorney

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of December, 2007 by Andy Lukasik, the Town Manager of the Town of Jupiter, who is personally known to me ~~or has~~ produced as identification and did (did not) take an oath.



Notary (Signature)

Name (Type, Print or Stamp)

Commission No.

My commission expires:

EXHIBIT "A"

FIRE STATION NO. 18  
12' UTILITY EASEMENT NO. 1  
PALM BEACH COUNTY PROJECT NO. 97224


A STRIP OF LAND 12 FEET IN WIDTH FOR UTILITY EASEMENT PURPOSES, LYING IN SECTION 6, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, THE CENTERLINE OF SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6, THENCE SOUTH 89°30'06" EAST ALONG THE NORTH LINE OF SAID SECTION (THE NORTH LINE OF SECTION 6 IS ASSUMED TO BEAR SOUTH 89°30'06" EAST, AND ALL OTHER BEARINGS ARE RELATIVE THERETO), A DISTANCE OF 295.50 FEET TO THE CENTERLINE OF U.S. HIGHWAY NO. 1; THENCE SOUTH 07°24'20" EAST ALONG SAID CENTERLINE, A DISTANCE OF 225.46 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2864.93 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°45'09" AND AN ARC DISTANCE OF 187.64 FEET; THENCE DEPARTING SAID CENTERLINE NORTH 70°23'12" EAST, A DISTANCE OF 60.67 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 AND THE NORTHWEST CORNER OF FIRE STATION NO 18; THENCE CONTINUE NORTH 70°23'12" EAST ALONG THE NORTH BOUNDARY LINE OF SAID FIRE STATION NO. 18, A DISTANCE OF 154.81 FEET; THENCE SOUTH 19°36'48" EAST AT RIGHT ANGLES TO THE LAST COURSE, A DISTANCE OF 22.74 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°40'51" WEST, A DISTANCE OF 61.03 FEET TO REFERENCE POINT "A"; THENCE CONTINUE SOUTH 01°40'51" WEST, A DISTANCE OF 74.11 FEET; THENCE SOUTH 19°07'08" WEST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 17°02'01" EAST, A DISTANCE OF 12.39 FEET TO THE POINT OF TERMINUS OF SAID CENTERLINE.

TOGETHER WITH

A STRIP OF LAND 12 FEET IN WIDTH FOR UTILITY EASEMENT PURPOSES, LYING IN SECTION 6, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, THE CENTERLINE OF SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ABOVE MENTIONED REFERENCE POINT "A"; THENCE SOUTH 86°58'08" WEST, A DISTANCE OF 25.36 FEET TO THE POINT OF TERMINUS OF SAID CENTERLINE.

PROJECT NO. 97224	SHEET 1 OF 3	PROJECT: FIRE STATION NO. 18 12' UTILITY EASEMENT NO. 1		SCALE: 1" = 60' APPROVED: G.W.M. DRAWN: E.A.O. CHECKED: DATE: 5/01/02 FIELD BOOK NO.	NO. 1 2	REVISION CORRECT DESCRIP. PREM COMMENTS	BY G.M. G.M.	DATE 8/18/06 2/14/07		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
		DESIGN FILE NAME S-1-02-1715-1716	DRAWING NO. S-1-02-1715							

THE SIDELINES OF SAID EASEMENT ARE TO BE LENGTHENED OR SHORTENED TO CREATE A CONTINUOUS PARCEL OF LAND 12 FEET IN WIDTH.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF SOUTH 89°30'06" EAST ALONG THE NORTH LINE OF SECTION 6, TOWNSHIP 41 SOUTH, RANGE 43 EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

THIS IS NOT A SURVEY.

THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER, PALM BEACH COUNTY, FLORIDA.

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

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
GLENN W. MARK, P.L.S.  
FLORIDA CERTIFICATE #5304

2/14/07  
DATE



