

Agenda Item #:

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

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Meeting Date:	March 11, 2008	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Facilities Development & Operations

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: a Declaration of Easement on .41 acres of County-owned land on Jog Road between Okeechobee Boulevard and Belvedere Road, in connection with Water Treatment Plant No. 8, 1500 North Jog Road.

**Summary:** The Water Utilities Department (WUD) has requested that a Declaration of Easement be recorded to memorialize the existence and location of a potable water main, adjacent to the right of way of Jog Road, and the Florida Turnpike Jog Road Interchange. The easement areas are located north of the Turnpike/Jog Road Interchange; two on the west side of Jog Road and one on the east side of Jog Road. The easement areas are: i) 20' x 392.14', containing 7,767 square feet (.18 acres); ii) 25' x 269.38', containing 5,062 square feet (.12 acres); and iii) 24.27' x 211.61', containing 4,704 square feet (.11 acres). The improvements have no impact on the property's use as a water retention site controlled by the County's Right-of Way division, which has reviewed and approved the location of the easement areas. (PREM) **District 6 (JMB)**

**Background and Justification:** WUD installed water system improvements in this area in the 1980's. In 2004, the improvements were upgraded and relocated to the current location as part of a Potable Water and Wastewater Development Agreement with the Florida Department of Transportation Turnpike District (R-2004-1897). WUD is responsible for the operation and maintenance of all improvements.

**Attachments:**

1. Location Map
2. Declaration of Easement

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Recommended By:	<u>Reh Annmy Wolf</u>	<u>2/20/08</u>
	Department Director	Date
Approved By:	<u>[Signature]</u>	<u>3/3/08</u>
	County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	0				
Operating Costs	0				
External Revenues	0				
Program Income (County)	0				
In-Kind Match (County)	0				
<b>NET FISCAL IMPACT</b>	<b>0</b>				
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>					

**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:**

None

**C. Departmental Fiscal Review:** \_\_\_\_\_

### III. REVIEW COMMENTS

**A. OFMB Fiscal and/or Contract Development Comments:**

*Jim Paul* 2-26-08  
OFMB CN 2/25/08

*[Signature]*  
Contract Development and Control  
*2/28/08*

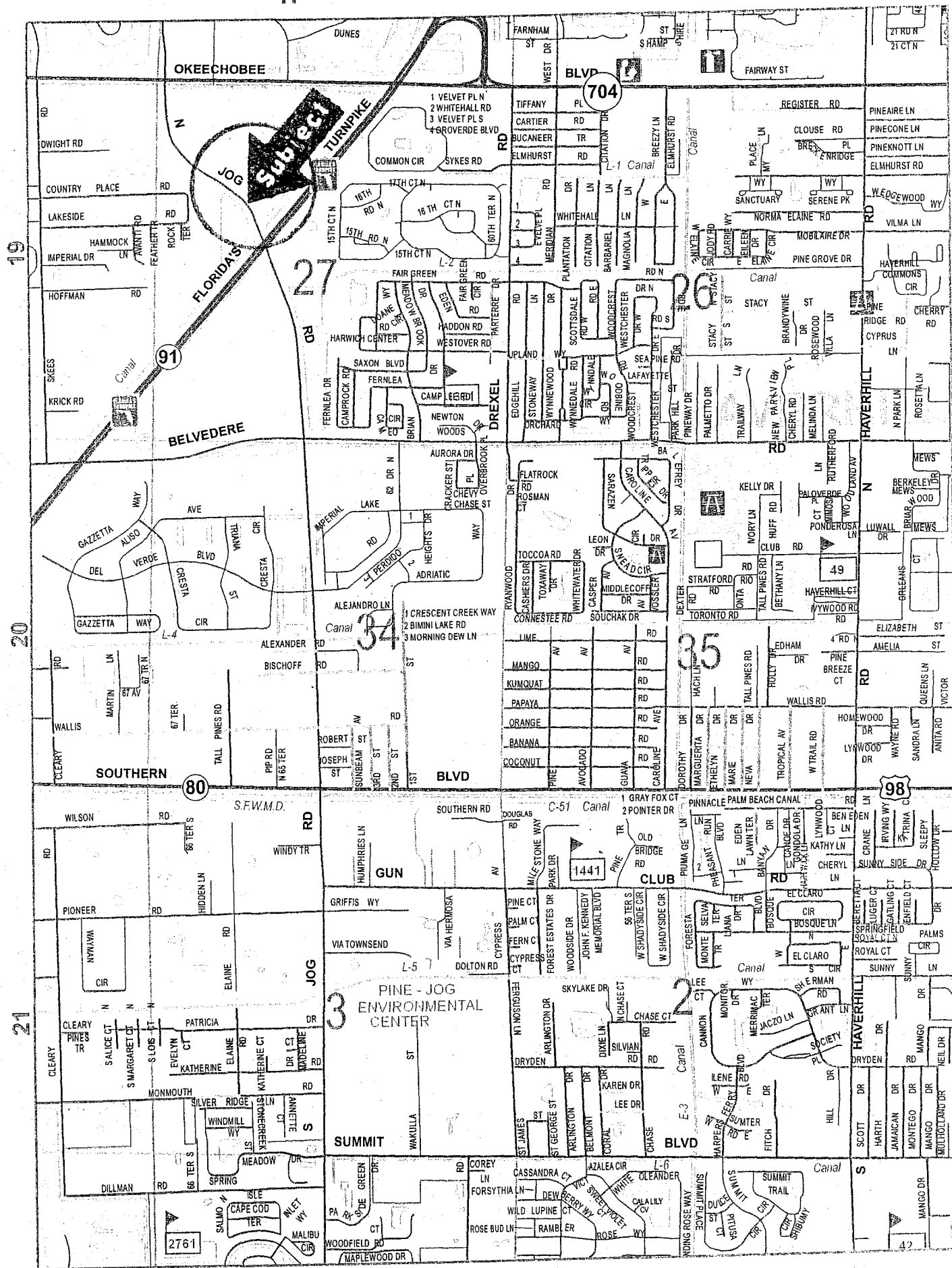
### B. Legal Sufficiency:

James Brubaker 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 & Return to:  
Katrina Boyd  
Palm Beach County  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, Florida 33411-5605

A portion of PCN: 00-42-43-27-05-004-0051

## 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"**, attached hereto (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: Rett Anthony Wolf  
Department Director

**EXHIBIT "A"**

**THE PROPERTY**

**Tract 5, Block 4, of Palm Beach Farms Company Plat #3, according to the Plat thereof as recorded in Plat Book 2, pages 45 through 54, inclusive, in and for the public records of Palm Beach County, Florida.**

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**EXHIBIT "B"**

**THE EASEMENT PREMISES**

UTILITY EASEMENT

A PORTION OF TRACT 5, BLOCK 4, PALM BEACH FARMS CO. PLAT NO. 3  
(PLAT BOOK 2, PAGES 45-54)

FOR PROPERTY CONTROL #  
00-42-43-27-05-004-0051

PARCEL 2 DESCRIPTION CONTINUED:

THENCE NORTHEASTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT AND CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 265.58 FEET AND A CENTRAL ANGLE OF 00°57'16" FOR AN ARC DISTANCE OF 4.42 FEET TO A POINT OF NON-TANGENCY; THENCE N89°02'38"E FOR 96.25 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID JOG ROAD, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, SAID POINT BEARING N34°09'35"E FROM THE RADIUS POINT OF THE FOLLOWING DESCRIBED CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT AND CONCAVE TO THE SOUTHWEST, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID JOG ROAD, HAVING A RADIUS OF 818.55 FEET AND A CENTRAL ANGLE OF 12°07'07" FOR AN ARC DISTANCE OF 173.13 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING WITHIN PALM BEACH COUNTY, FLORIDA

CONTAINING 5,062 SQUARE FEET OR 0.12 ACRE, MORE OR LESS.

AND

PARCEL 3

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE (S.R. 91), AS SHOWN ON THAT CERTAIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD 91, FEDERAL PROJECT IDENTIFICATION NUMBER 406112-1, SHEET 4 OF 9 SHEETS, DATED DECEMBER 17, 2003, WITH THE EASTERLY RIGHT OF WAY LINE OF JOG ROAD AS SHOWN ON THE SAID FLORIDA DEPARTMENT OF TRANSPORTATION'S RIGHT OF WAY MAP MENTIONED ABOVE, AND PER RESOLUTION R91-628 (OFFICIAL RECORD BOOK 1017, PAGE 11) AND RESOLUTION R91-1439 (OFFICIAL RECORD BOOK 1085, PAGE 222) PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N21°32'31"W ALONG SAID EASTERLY RIGHT OF WAY LINE OF JOG ROAD FOR A DISTANCE OF 57.52 FEET TO A POINT ON A TANGENT CURVE; THENCE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT AND CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 903.68 FEET AND A CENTRAL ANGLE ON 10°10'31" FOR AN ARC DISTANCE OF 160.49 FEET TO A POINT OF NON -TANGENCY; THENCE N61°18'04"E FOR 24.27 FEET; THENCE S32°07'24"E FOR 59.08 FEET; THENCE S20°35'44"E FOR 152.53 FEET TO A POINT ON THE AFORMENTIONED NORTHERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE; THENCE S40°38'55"W ALONG SAID RIGHT OF WAY LINE FOR 20.58' TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING WITHIN PALM BEACH COUNTY, FLORIDA

CONTAINING 4,704 SQUARE FEET OF 0.11 ACRES, MORE OR LESS.

NOTES:

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").
- 2) NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA REGISTERED SURVEYOR.
- 3) BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF JOG ROAD HAVING AN ASSUMED BEARING OF N20 35'28"W AS TAKEN FROM THOSE CERTAIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS FOR STATE ROAD 91, FEDERAL PROJECT IDENTIFICATION NUMBER 406112-1, SHEET 4 OF 9 SHEETS, DATED DECEMBER 17, 2003.

HELLER-WEAVER AND SHEREMETA, INC.  
FLORIDA STATE L.B. NO. 8449  
BY: JAMES A. SCHROEDER  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA STATE REG. NO. 5143

REVISIONS	 E.B. NO. 0003449 L.B. NO. 0003449	<b>Heller - Weaver and Sheremeta, inc.</b> Engineers ... Surveyors and Mappers 310 S.E. 1st Street, Suite 4 Delray Beach, Florida 33483 (561) 243-8700 - Phone (561) 243-8777 - Fax	DATE:	7/23/07
			SCALE:	1" = 100'
			DRAWN BY:	W. ROLLE
			CHECKED BY:	J SCHROEDER
			SHEET:	2 OF 4
			JOB NO.	07-15324.001-SS2

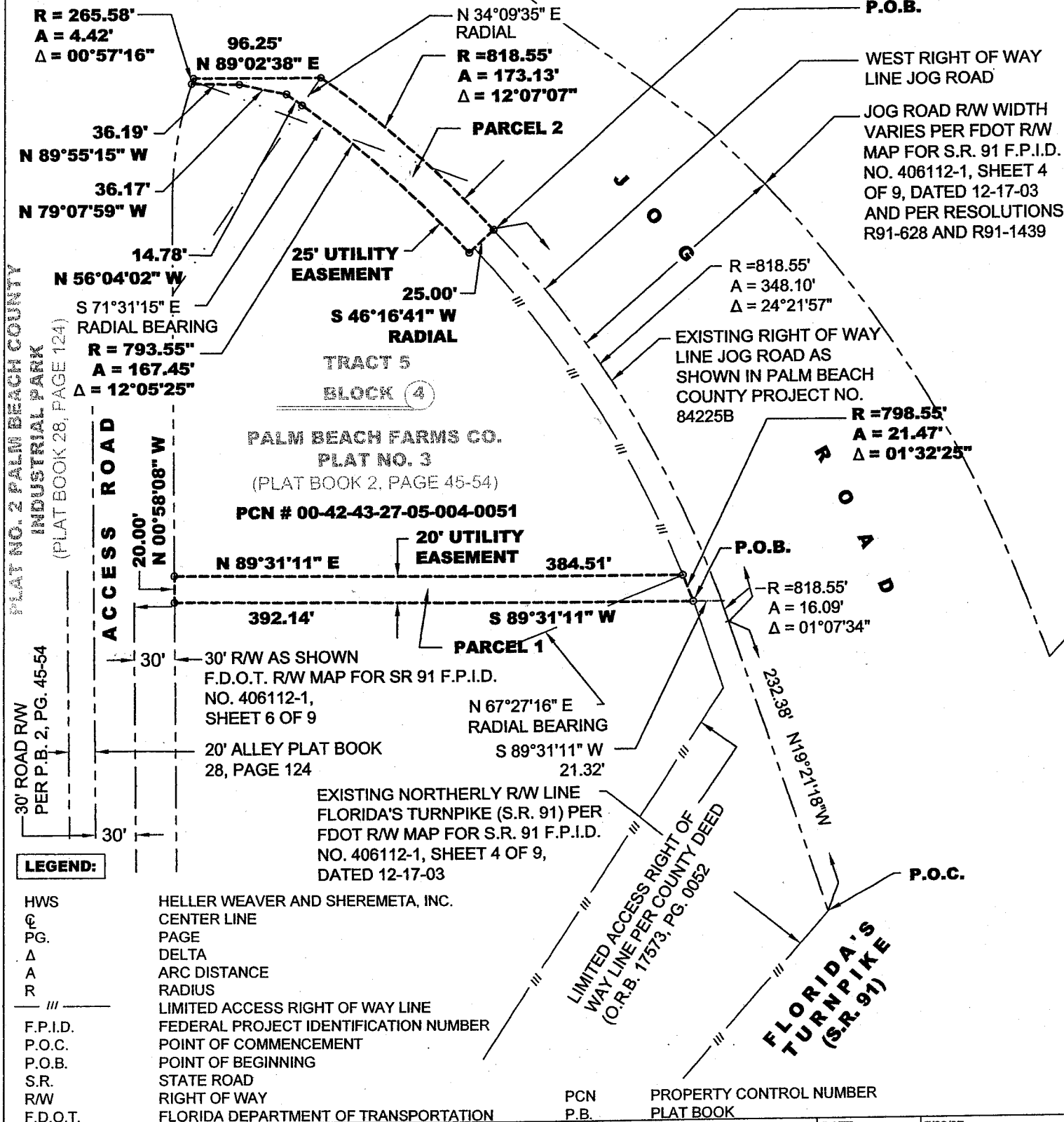


UTILITY EASEMENT

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FOR PROPERTY CONTROL #  
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**NORTH**  
SCALE: 1" = 100'



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				CHECKED BY:	J SCHROEDER
				SHEET:	3 OF 4
				JOB NO.	07-15324.001-SS3

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00-42-43-27-05-004-0051



TRACT 5

BLOCK 4

PALM BEACH FARMS CO.  
PLAT NO. 3  
(PLAT BOOK 2, PAGE 45-54)

JOG ROAD R/W WIDTH  
VARIES PER FDOT R/W  
MAP FOR S.R. 91 F.P.I.D.  
NO. 406112-1, SHEET 4  
OF 9, DATED 12-17-03  
AND PER RESOLUTIONS  
R91-628 AND R91-1439

EAST RIGHT OF WAY  
LINE JOG ROAD

24.27'  
N61°18'04"E  
59.08'  
S32°07'24"E

PARCEL 3

R = 903.68'  
A = 160.49'  
Δ = 10°10'31"

57.52'  
N21°32'31"W

20.58'  
S40°38'55"W  
P.O.B.

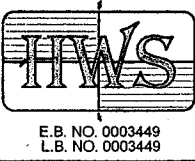
EXISTING NORTHERLY R/W  
LINE FLORIDA'S TURNPIKE  
(S.R. 91) PER F.D.O.T. R/W MAP  
406112-1, SHEET 4 OF 9  
DATED: 12-17-03

ROAD  
FLORIDA'S TURNPIKE  
(S.R. 91)

LEGEND:

- |          |                                       |
|----------|---------------------------------------|
| HWS      | HELLER WEAVER AND SHEREMETA, INC.     |
| C        | CENTER LINE                           |
| PG.      | PAGE                                  |
| Δ        | DELTA                                 |
| A        | ARC DISTANCE                          |
| R        | RADIUS                                |
| ///      | LIMITED ACCESS RIGHT OF WAY LINE      |
| F.P.I.D. | FEDERAL PROJECT IDENTIFICATION NUMBER |
| P.O.C.   | POINT OF COMMENCEMENT                 |
| P.O.B.   | POINT OF BEGINNING                    |
| S.R.     | STATE ROAD                            |
| R/W      | RIGHT OF WAY                          |
| F.D.O.T. | FLORIDA DEPARTMENT OF TRANSPORTATION  |
| PCN      | PROPERTY CONTROL NUMBER               |
| P.B.     | PLAT BOOK                             |

REVISIONS



Heller - Weaver and Sheremeta, inc.  
Engineers ... Surveyors and Mappers  
310 S.E. 1st Street, Suite 4 Delray Beach, Florida 33483  
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