

3H-19

Agenda Item #:

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

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**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County Water Utilities Department to provide water service to the County's new Hagen Ranch Road Library located in western Delray Beach.

Summary: The County is constructing the Hagen Ranch Road Library located on the east side of Hagen Ranch Road, approximately one (1) mile north of Atlantic Avenue in western Delray Beach. As part of the development of this site, the County installed water main pipes along the southern portion of the property meandering in a northerly direction, then looping in a westerly direction onto the County's Fire Rescue Station No. 42 property to make a connection to existing pipes. The water main easement is 20' x 1,596.97' and contains 31,939.40 sq. feet (0.733 acres). The Declaration will be recorded to provide notice of the existence and location of the water main pipes. **(PREM) District 5 (JMB)**

Background and Justification: Construction of the County's new Hagen Ranch Road Library is scheduled to be completed in March 2008. The Declaration of Easement provides public notice of the existence of the water main pipes.

Attachments:

1. Location Map
2. Declaration of Easement

Recommended By:

Keith Anthony Wolf
Department Director

2/20/08
Date

Approved By:

for Baker
County Administrator

3/4/08
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 Smith 2-27-08
OFMB
MD 2/28/08 CN 2/25/09

Steven L. Jacobowitz / EJ 2/28/08
Contract Development and Control

This item complies with current
County policies.

B. Legal Sufficiency:

James Butler 2/29/08
Assistant County Attorney

C. Other Department Review:

Department Director

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



Prepared by & Return to:
Margaret Jackson, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCNs: 00-42-46-16-00-000-1090 and 00-42-46-16-00-000-1030

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: *Robert Anthony Wolf*
Department Director

EXHIBIT "A"

THE PROPERTY

A parcel of land in Section 16, Township 46 South, Range 42 East, Palm Beach County, Florida, being the North One-Half of the Southwest Quarter of the Northeast Quarter of said Section 16, Less the West 60.00 feet thereof for right-of-way of Hagen Ranch Road.

EXHIBIT "B"

THE EASEMENT PREMISES

LEGEND

R/W RIGHT OF WAY
O.R.B. OFFICIAL RECORDS BOOK
P.B. PLAT BOOK
PG PAGE
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
P.O.T. POINT OF TERMINUS
C/L CENTER LINE
P.B.C.U.E. PALM BEACH COUNTY
UTILITY EASEMENT

SKETCH & LEGAL DESCRIPTION
THIS IS NOT A SURVEY

DESCRIPTION; A PARCEL OF LAND LYING IN THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 20 FEET IN WIDTH, LYING 10 FEET AS MEASURED AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED CENTERLINE, THE SIDES OF SAID STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED TO MAINTAIN A STRIP OF LAND 20 FEET IN WIDTH AND TO INTERSECT AT ANGLE POINTS; COMMENCING AT THE NORTHWEST CORNER OF HUNTINGTON LAKES, SECTION FOUR, PLAT BOOK 53, PAGE 162, PALM BEACH COUNTY RECORDS; THENCE N.00°14'48"E. ALONG THE EAST RIGHT OF WAY LINE OF HAGEN RANCH ROAD A DISTANCE OF 53.47 FEET TO THE POINT OF BEGINNING; THENCE N.89°36'40"E. A DISTANCE OF 231.84 FEET; THENCE N.43°37'36"E. A DISTANCE OF 11.80 FEET; THENCE N.89°02'02"E. A DISTANCE OF 317.99 FEET; THENCE N.00°08'27"W. A DISTANCE OF 6.00 FEET TO REFERENCE POINT A; THENCE N.00°08'27"W. A DISTANCE OF 22.13; THENCE N.21°43'46"E. A DISTANCE OF 201.88 FEET; THENCE N.67°01'06"E. A DISTANCE OF 171.06 FEET; THENCE N.89°33'20"E. A DISTANCE OF 28.11 FEET TO REFERENCE POINT B; THENCE N.00°25'50"W. A DISTANCE OF 217.87 FEET; THENCE S.88°38'21"W. A DISTANCE OF 51.27 FEET; THENCE S.40°54'03"W. A DISTANCE OF 19.09 FEET; THENCE S.84°57'15"W. A DISTANCE OF 36.52 FEET; THENCE S.40°01'34"W. A DISTANCE OF 30.03 FEET; THENCE S.85°55'55"W. A DISTANCE 47.63 FEET TO A POINT OF TERMINUS; TOGETHER WITH; BEGINNING AT REFERENCE POINT A; THENCE N.90°00'00"E. A DISTANCE OF 15.00 FEET TO A POINT OF TERMINUS; TOGETHER WITH; BEGINNING AT REFERENCE POINT B; THENCE S.02°07'12"W. A DISTANCE OF 5.67 FEET; THENCE S.47°05'19"E. A DISTANCE OF 165.08 FEET; THENCE S.42°42'56"W. A DISTANCE OF 18.00 FEET TO A POINT OF TERMINUS.

BRUCE CARTER & ASSOCIATES, INC.

SURVEYORS - PLANNERS

405 S.E. 6TH AVE.

(SOUTH FEDERAL HIGHWAY)

DELRAY BEACH, FLORIDA 33483

PHONE (561)-265-1910 / FAX (561)-265-1919

HAGEN RANCH LIBRARY

P.B.C. UTILITY EASEMENT

THIS SKETCH IS NOT VALID
UNLESS IT BEARS AN
ORIGINAL SIGNATURE AND
AN EMBOSSED SURVEYORS
SEAL.

BRUCE N. CARTER
REGISTERED LAND SURVEYOR
#2963
STATE OF FLORIDA

DATE 11-28-07

DRAWN BY BC

F.B. / PG. NA

SCALE NTS

PAGE 2 OF 2