

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) a Declaration of Easement in favor of Palm Beach County Water Utilities (WUD); and
B) a Utility Easement Agreement with Florida Power & Light Company (FPL) for utility service at Greenacres Freedom Park.

Summary: Greenacres Freedom Park is located at 2400 Pinehurst Drive, south of Forest Hill Boulevard in the City of Greenacres (City). The Park is owned by the County and managed by the City per an Interlocal Agreement (R99-1678D). The City constructed a restroom/concession building and installed soccer field lighting. Easements are needed for a water line and water meter and for an underground power line to a surface pad-mounted transformer to serve the new City-built facilities. Each utility will connect to the existing water and power lines along Pinehurst Drive. The water utility easement is 10' x 10' containing 100 square feet. The FPL easement is approximately 430' long and 10' wide and contains a total of 4,237 square feet (0.097 acres). The FPL easement is non-exclusive and is being granted to FPL at no charge as it provides service to the County-owned Park. **(PREM) District 2 (JMB)**

Background and Justification: The 51.93 acre Park, along with other lands, was acquired in 1996 from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida with the restriction that it be used solely for parks and recreation purposes. Through an Interlocal Agreement in 1999 (R99-1678D), the County entered into an operational management plan on the joint use of the park with the City. Construction of the restroom/concession building and soccer field lighting has been completed.

Attachments:

1. Location Map
2. Declaration of Easement
3. Utility Easement Agreement

Recommended By: K. L. + Amy Wolf
Department Director

2/20/08
Date

Approved By: W. Baker
for 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	0				
Operating Costs	0				
External Revenues	0				
Program Income (County)	0				
In-Kind Match (County)	0				
NET FISCAL IMPACT	0				
# 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:

James D. [Signature] 2-27-08
OFMB
NO 2/28/08 CN 2/25/08

Irwin L. Jacobowitz / E.J. 2/28/08
Contract Development and Control

**This item complies with current
County policies.**

B. Legal Sufficiency:

James Brubio 2/29/08
Assistant County Attorney

C. Other Department Review:

Department Director

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



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: 18-42-44-16-00-000-1010

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 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 lines and appurtenant facilities and equipment in, on, over, under
and across the Easement Premises.

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: Patt Annen Wolf
Department Director

EXHIBIT "A"
THE PROPERTY

EXHIBIT "A"

PINEHURST PARK
(CITY PARK)


LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF SECTION 16, TOWNSHIP 44 SOUTH,
RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16, RUN THENCE
SOUTH 02°47'30" WEST ALONG THE EAST LINE OF SAID SECTION 16, A
DISTANCE OF 1321.39 FEET TO THE POINT OF BEGINNING; THENCE SOUTH
02°47'30" WEST CONTINUING ALONG THE SAID EAST LINE OF SECTION 16, A
DISTANCE OF 2034.86 FEET; THENCE SOUTH 89°02'09" WEST, A DISTANCE OF
450.64 FEET; THENCE NORTH 02°47'30" EAST, A DISTANCE OF 250.00 FEET;
THENCE SOUTH 89°02'09" WEST, A DISTANCE OF 765.80 FEET TO A POINT ON
THE EAST RIGHT-OF-WAY LINE OF PINEHURST DRIVE AS LAID OUT AND IN USE,
SAID EAST RIGHT-OF-WAY LINE ALSO BEING A CURVE CONCAVE TO THE EAST
HAVING A RADIUS OF 11418.84 FEET FROM WHICH A RADIAL LINE BEARS SOUTH
85°51'39" EAST; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE AND
ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°23'48", A
DISTANCE OF 278.33 FEET TO THE POINT OF TANGENCY; THENCE NORTH
05°32'09" EAST, A DISTANCE OF 511.79 FEET TO THE POINT OF CURVATURE OF
A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 11498.84 FEET; THENCE
NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF
5°18'38", A DISTANCE OF 1065.80 FEET; THENCE SOUTH 87°41'01" EAST
(DEPARTING FROM SAID EAST RIGHT-OF-WAY LINE OF PINEHURST DRIVE), A
DISTANCE OF 1177.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 51.93 ACRES, MORE OR LESS.

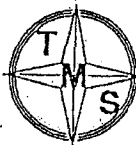
NOT VALID WITHOUT THE SIGNATURE AND
RAISED SEAL OF FLORIDA PROFESSIONAL
SURVEYOR AND MAPPER SHOWN HEREON.


TIMOTHY M. SMITH
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4676

NOT A SURVEY

TIMOTHY M. SMITH
LAND SURVEYING, INC.

103 SUNFLOWER STREET
ROYAL PALM BEACH, FL 33411
(561) 792-9157
LB #6865

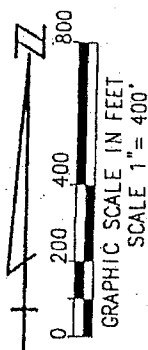


SKETCH AND LEGAL
PINEHURST PARK PHASE II
PALM BEACH COUNTY
PREPARED FOR
CITY OF GREENACRES

SCALE: N/A
DATE: MAY 1999
DIRECTORY: GREENPINE
FIELD BOOK: N/A
DWG NO.: PINESK03

EXHIBIT "A"

PINEHURST PARK
(CITY PARK)



POINT OF
COMMENCEMENT
NE CORNER
SECTION 16,
TOWNSHIP 44 S
RANGE 42 E

9 10
16 15
S02°47'30"W
1321.39'

POINT OF
BEGINNING

S87°41'01"E 1177.82'

PINEHURST DRIVE
(AS LAID OUT AND IN USE)
80' WIDE

E RIGHT OF WAY LINE
PINEHURST DRIVE
AS LAID OUT AND IN USE

R=11498.84'
Δ=05°18'38"
L=1065.80'

N05°32'09"E
511.79'

R=11418.84'
Δ=01°23'48"
L=278.33'

S89°02'09"W 765.80'

S85°51'39"E
RADIAL LINE

N02°47'30"E
250.00'

S89°02'09"W
450.64'

S02°47'30"W 2034.86'

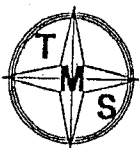
E LINE OF SECTION 16
TOWNSHIP 44 S
RANGE 42 E
(BASIS OF BEARINGS)
S02°47'30"W

NOT A SURVEY

SHEET 2 OF 2

TIMOTHY M. SMITH
LAND SURVEYING, INC.

103 SUNFLOWER STREET
ROYAL PALM BEACH, FL 33411
(561) 792-9157
LB #6865



SKETCH AND LEGAL
PINEHURST PARK PHASE II
PALM BEACH COUNTY
PREPARED FOR
CITY OF GREENACRES

SCALE: 1"=400'
DATE: MAY 1999
DIRECTORY: GRENPINE
FIELD BOOK: N/A
DWG NO.: PINESK03

EXHIBIT "B"

THE EASEMENT PREMISES

Sketch and Legal Description
This is not a survey.

RECEIVED BY
CITY OF GREENACRES
PLANNING DEPARTMENT

FEB 19 2008

Water Utility Easement Legal Description:

A parcel of land in Greenacres Freedom Park, in Palm Beach County, Florida, in Section 16, Township 44 South, Range 42 East;

more particularly described as follows:

Commencing at the Northeast Corner of Section 16, Township 44 South, Range 42 East; thence South $2^{\circ}47'30''$ West, along the East line of said Section 16, a distance of 3356.25 feet; thence South $89^{\circ}02'09''$ West, a distance of 450.54 feet; thence North $02^{\circ}47'30''$ East, a distance of 250.00 feet; thence South $89^{\circ}02'09''$ West, a distance of 765.80 feet to the East line of Pinehurst Drive, an 80 foot right of way, said right of way line also being a curve concave to the East and having a radius of 11418.84 feet from which a radial line bears South $85^{\circ}51'39''$ East; thence Northerly along said right of way line and along the arc of said curve through a central angle of $1^{\circ}23'45''$ a distance of 278.33 feet to the point of tangency; thence North $5^{\circ}32'08''$ East a distance of 177.37 feet to the Point of Beginning;

thence continue North $5^{\circ}32'08''$ East, a distance of 10.00 feet;

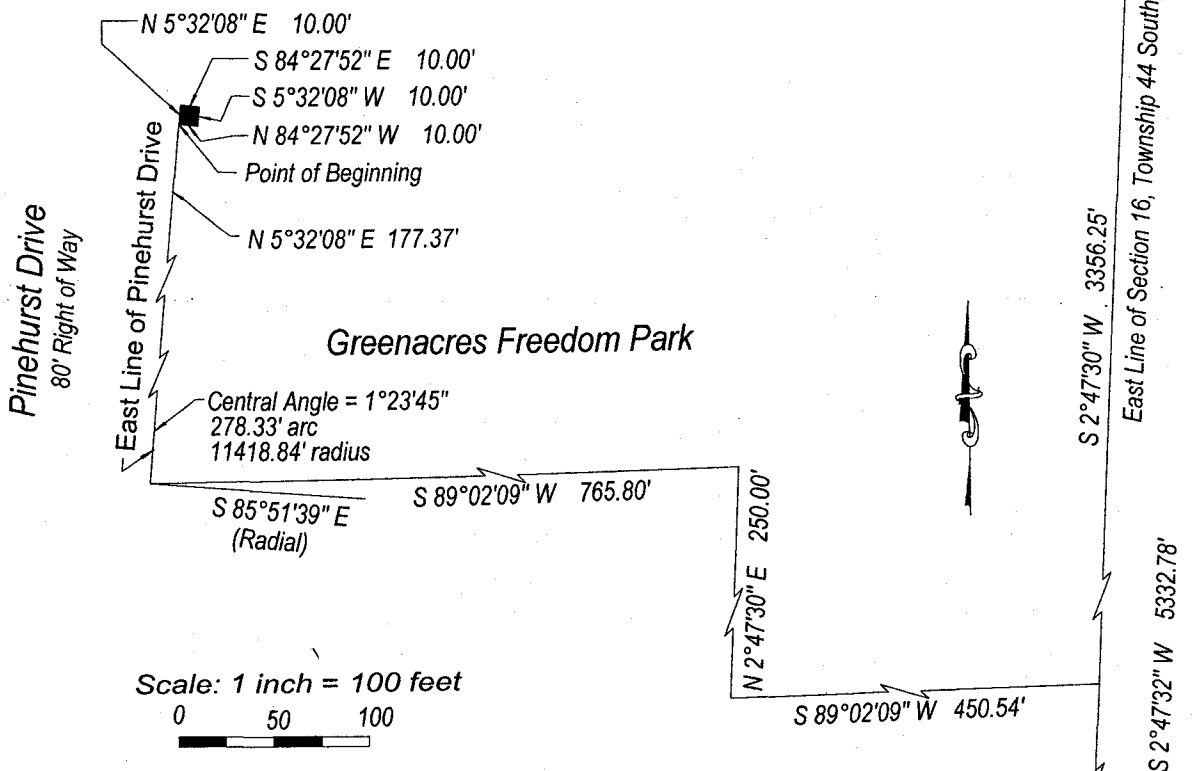
thence South $84^{\circ}27'52''$ East, a distance of 10.00 feet;

thence South $5^{\circ}32'08''$ West, a distance of 10.00 feet;

thence North $84^{\circ}27'52''$ West, a distance of 10.00 feet

to the Point of Beginning.

Containing 100 square feet or 0.0023 acre.



Scale: 1 inch = 100 feet

0 50 100

2-07-08

Date



Mark D. Laing, psm# 5119
PM Surveying
4546 Cambridge Street
West Palm Beach, FL 33415
(561) 478-7764 Fax 478-1094

This firm's Certificate of Authorization Number is LB 6788

Southeast Corner
Section 16
Township 44 South
Range 42 East

Prepared by & Return to:
David Kuzmenko, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2300 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 18-42-44-16-00-000-1010

UTILITY EASEMENT AGREEMENT

This EASEMENT is granted _____, between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, ("Grantor"), and **FLORIDA POWER & LIGHT COMPANY**, a Florida corporation, whose legal mailing address is Post Office Box 14000, Juno Beach, Florida 33408-0420, ("Grantee").

W I T N E S S E T H:

That said Grantor, in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations paid, the receipt and sufficiency of which are hereby acknowledged, hereby grants unto Grantee, its successors and assigns, a perpetual non-exclusive easement (the "Easement") for the construction, operation and maintenance of underground electric utility facilities, including wires, cables, conduits, appurtenant equipment and a pad-mounted transformer (the "Facilities") to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as the size of and remove such Facilities or any of them within an easement upon, under and across the following described real

property (the "Easement Premises") situate, lying and being in the County of Palm Beach, State of Florida to wit:

**See legal description/site sketch marked Exhibit "A"
attached hereto and made a part hereof**

Together with the right to permit any other person, firm or corporation to lay cable and conduit within the Easement Premises and to operate the same for communications purposes. Together with the right of reasonable ingress and egress to said Easement Premises at all times, the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Premises; and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Premises which might interfere with or fall upon the Facilities installed within the Easement Premises.

THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:

1. Grantee shall cause the Facilities and their appurtenances to be constructed within the confines of the Easement Premises.
2. Grantee hereby expressly agrees that in the event Grantee abandons use of the Easement Premises for the purpose herein expressed, the Easement granted hereby shall become null and void, and all the rights in and to the Easement Premises shall revert to Grantor.

3. Grantee further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its underground cables and equipment within the Easement Premises at all times during the term hereof.

4. The grant of this Easement shall in no way restrict the right and interest of Grantor in the use, maintenance and quiet enjoyment of the Easement Premises to the extent that such does not interfere with the rights granted herein.

IN WITNESS WHEREOF, Grantor 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

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: Reed Anthony Wolf
Department Director

Exhibit "A"

Legal Description/Site Sketch

Sketch and Legal Description
This is not a survey.

Florida Power and Light Easement Legal Description:

A parcel of land in Greenacres Freedom Park, in Palm Beach County, Florida, in Section 16, Township 44 South, Range 42 East;

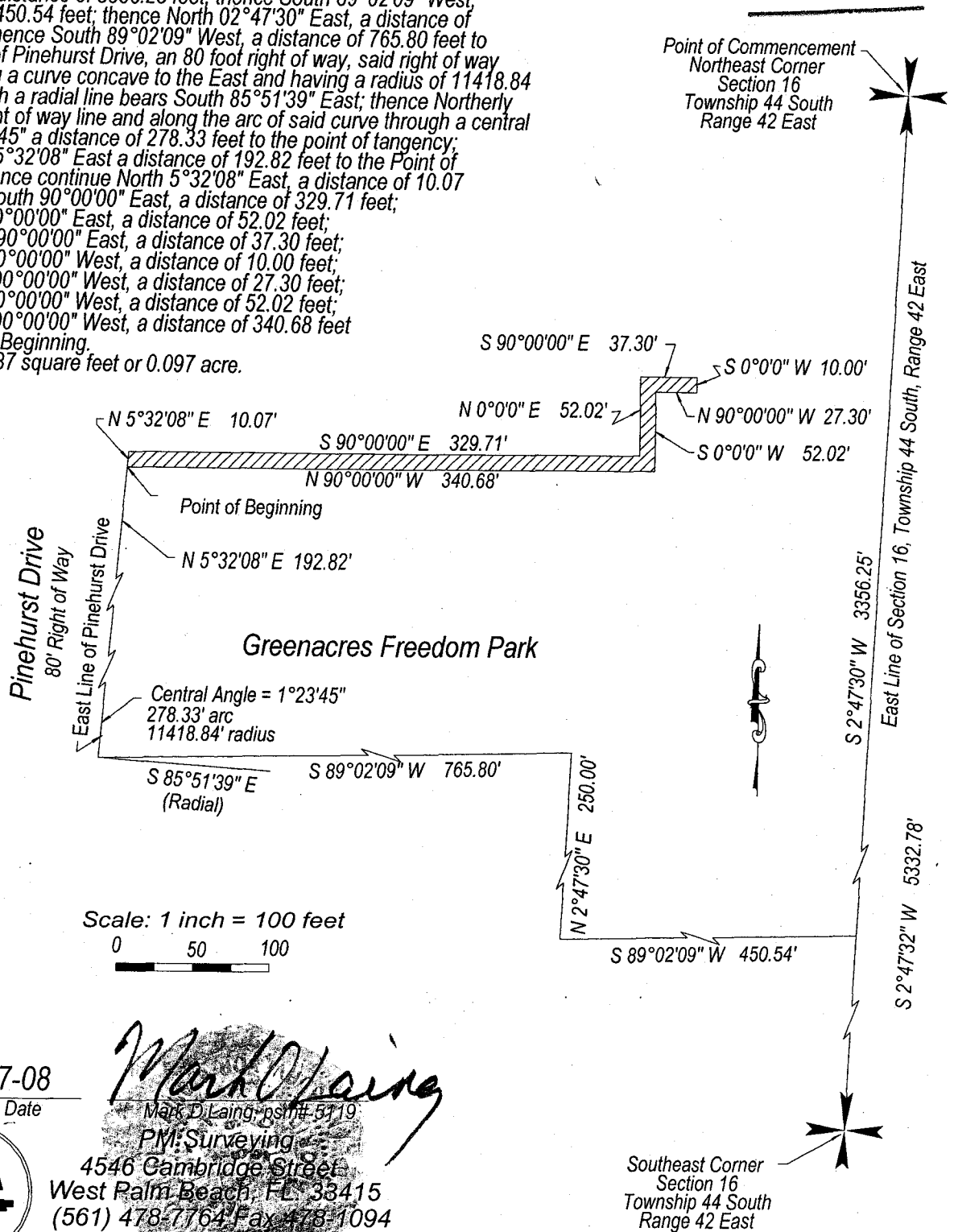
more particularly described as follows:

Commencing at the Northeast Corner of Section 16, Township 44 South, Range 42 East; thence South 2°47'30" West, along the East line of said Section 16, a distance of 3356.25 feet; thence South 89°02'09" West, a distance of 450.54 feet; thence North 02°47'30" East, a distance of 250.00 feet; thence South 89°02'09" West, a distance of 765.80 feet to the East line of Pinehurst Drive, an 80 foot right of way, said right of way line also being a curve concave to the East and having a radius of 11418.84 feet from which a radial line bears South 85°51'39" East; thence Northerly along said right of way line and along the arc of said curve through a central angle of 1°23'45" a distance of 278.33 feet to the point of tangency; thence North 5°32'08" East a distance of 192.82 feet to the Point of Beginning; thence continue North 5°32'08" East, a distance of 10.07 feet; thence South 90°00'00" East, a distance of 329.71 feet; thence North 0°00'00" East, a distance of 52.02 feet; thence South 90°00'00" East, a distance of 37.30 feet; thence South 0°00'00" West, a distance of 10.00 feet; thence North 90°00'00" West, a distance of 27.30 feet; thence South 0°00'00" West, a distance of 52.02 feet; thence North 90°00'00" West, a distance of 340.68 feet to the Point of Beginning.

Containing 4237 square feet or 0.097 acre.

RECEIVED by
CITY OF GREENACRES
PLANNING DEPARTMENT

FEB 19 2008



2-07-08

Date



Mark D. Laing, psmt # 5119
PM: Surveying
4546 Cambridge Street
West Palm Beach, FL 33415
(561) 478-7764 Fax 478-1094

This firm's Certificate of Authorization Number is LB 6788

Southeast Corner
Section 16
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Range 42 East