

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: April 1, 2008

☒ **Consent** ☐ **Regular**

☐ **Public Hearing**

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No. 93901

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A Release of two Removal Agreements on the north side of State Road 80 between Sunshine Road and Fairgrounds Road.

Summary: This action approves a Release of two Removal Agreements granted in 1974 and 1986 for the placement of signs on State Road 80 between Sunshine Road and Fairgrounds Road.


District: 6 (PK)

Background and Justification: In 1974 and 1986, respectively, the owner of the property located on the north side of State Road 80 between Sunshine Road and Fairgrounds Road entered into a Removal Agreement with Palm Beach County (County) in order to obtain a building permit. This Agreement obligated the property owner to remove, at no expense to the County, certain off site signage from the proposed right-of-way of State Road 80. This signage was removed when the Florida Department of Transportation (FDOT) widened and improved State Road 80. The current owner is in the process of selling the property, but the recorded Removal Agreements have created a cloud on the title of the property. The FDOT has reviewed the request and have stated they have no objections to the property owner's request to have the Removal Agreements released. County staff has also reviewed this request and has no objections.

Attachments:

1. Location Map
 2. Property Owner's Letter of Request with Removal Agreements
 3. Notice of No Objection from Florida Department of Transportation
 4. Release of Removal Agreements w/Exhibit "A"
-
-

Recommended by:


Division Director

 3/4/08
Date

Approved by:


County Engineer

3/11/08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-	-0-	-0-	-0-	-0-

ADDITIONAL FTE

POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____

No _____

Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no additional fiscal impact.

C. Departmental Fiscal Review: P. D. Ward 3/3/08

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Atwellhite 3.17.08
OFMB
3/17/08 SN 3/13/08 CN 3/18/08

Jim J. Jacoby 3/18/08
Contract Dev. and Control
3/18/08

B. Approved as to Form and Legal Sufficiency:

Paul F. L. 3/19/08
Assistant County Attorney

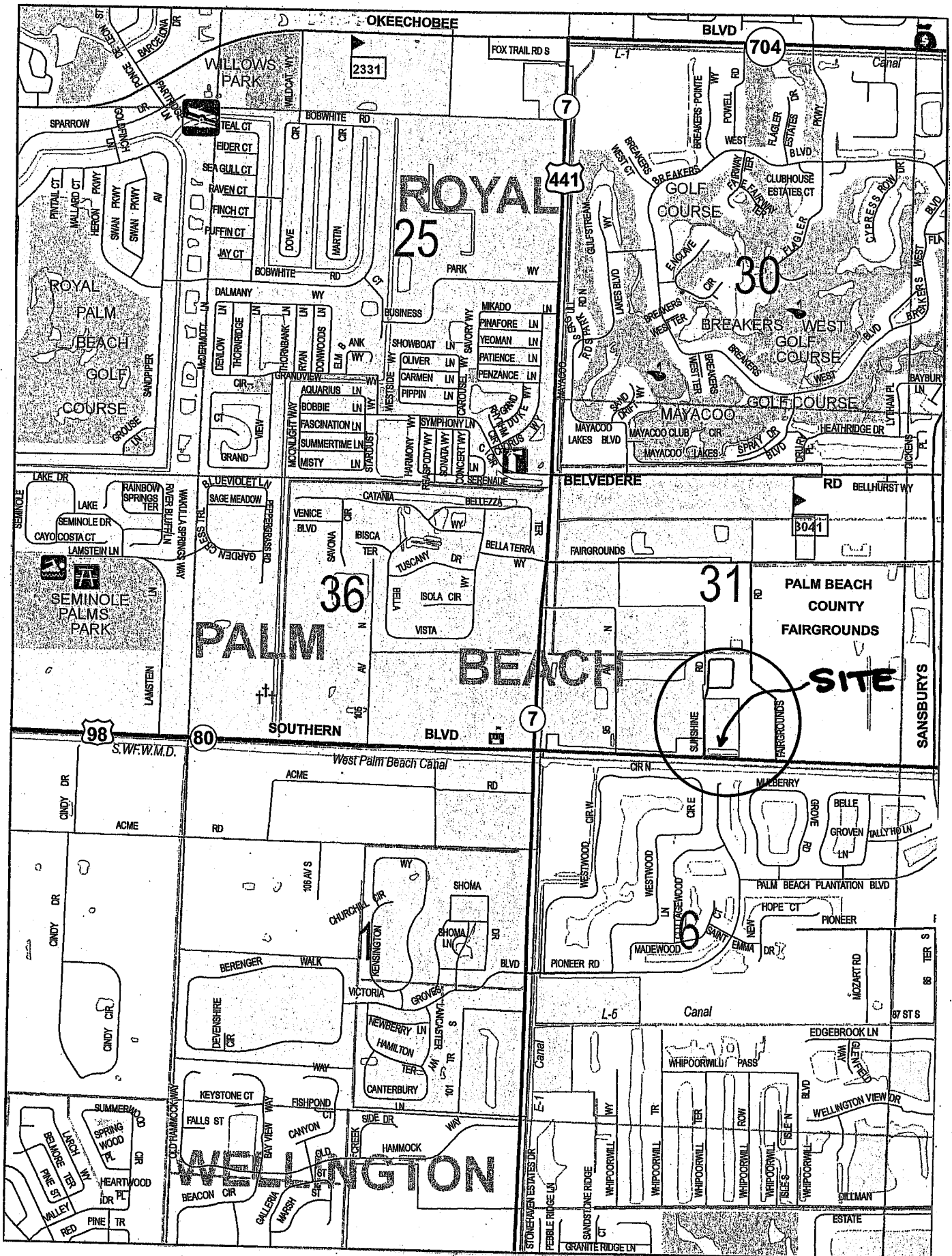
C. Other Department Review:

Department Director

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

I:\WP\Agenda\Page2\Agnpgtwo2008\No Impact

LOCATION MAP



ATTACHMENT NO. 2
PROPERTY OWNER'S LETTER OF REQUEST
WITH REMOVAL AGREEMENTS
1 of 5

RECEIVED FEB 11 2008

Law Offices
VANCE, DONEY & MacGIBBON, P.A.
1665 PALM BEACH LAKES BOULEVARD, SUITE 610
THE FORUM
WEST PALM BEACH, FLORIDA 33401

William P. Doney
B. Douglas MacGibbon

Telephone (561) 684-5544
Facsimile (561) 684-0833
Email: vancedoneypa@yahoo.com

James W. Vance
1931 - 2007

February 7, 2008

Morton Rose
Palm Beach County
Roadway Production Division
2300 North Jog Road
West Palm Beach, FL 33411

Re: Removal Agreements

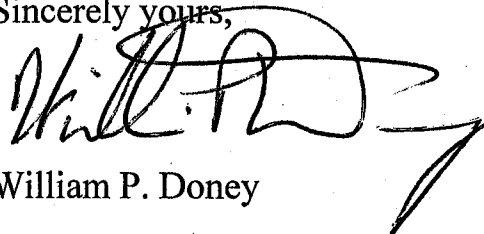
Dear Mr. Rose:

As a follow up to our recent telephone conversation, enclosed are copies of two Removal Agreements in favor of Palm Beach County. As I indicated to you, I am representing the owner of the property in a pending sale. The prospective purchaser of the property has objected to the title exceptions which set forth the two Removal Agreements.

Please proceed to take whatever steps as are necessary to release and/or terminate the Removal Agreements. I would like to obtain a document in recordable form which will accomplish the above.

Thank you for your consideration in this matter.

Sincerely yours,



William P. Doney

WPD/ks
Enclosures
cc: Mr. Jeff Feldman

#6

100076

PALM BEACH COUNTY

REMOVAL AGREEMENT
FOR FUTURE RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, JACOB FRIEDMAN hereinafter referred to as owner(s) are desirous of obtaining a building permit from PALM BEACH COUNTY, FLORIDA and

WHEREAS, the owner(s) do covenant that they are the fee simple owner(s) of the below described property and that there are no (or the following) mortgages, liens or encumbrances against said property,

NOW, THEREFORE, in consideration of the issuance of a building permit by the Planning, Zoning and Building Department of Palm Beach County to _____, for the construction of a _____ on the following described property.

9005 SOUTHERN BLVD.

said property being known as "building site", the owner(s) hereby agree with the Planning, Zoning and Building Department of Palm Beach County to remove at no expense to Palm Beach County, the above described construction from the above mentioned building site, also known as a possible future county right-of-way, within thirty (30) days of written notice addressed to them or their successors in interest, at _____ notifying them that said right-of-way is to be put to use. It is agreed by the parties hereto that this Agreement may be recorded in the official records of Palm Beach County, Florida, and that this Agreement shall run with the land and be binding upon the heirs, personal representatives, grantees, successors and assigns of the owner(s).

SIGNED, SEALED, EXECUTED AND ACKNOWLEDGED on this July day of July, 1974, at West Palm Beach, Florida.

WITNESSES

Charles J. Morris (SEAL)
George C. Farrow (SEAL)

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this 8th day of July, 1974, before me personally appeared Jacob W. Friedman and _____ to be known to be the persons described herein and who executed the foregoing instrument and they acknowledged to me the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at West Palm Beach in the County and State aforesaid, the day and year last aforesaid.

Henry J. Cooper
NOTARY PUBLIC, State of Florida at Large.

My Commission expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES
JUNE 26, 1978

Zoning
233-5200

Lil
Walesky
355-2225

14 SEP 27 PM 4:02

2085

48700
87824

8/11/2354 PAGE 355

RECORDER'S MEMO: Legibility
of writing, Typing or Printing
unsatisfactory in this document
when received.

Received by R. R. Smith Jr.
Presented to R. R. Smith Jr.
John G. Smith
Mark Smith (son)

SURVEY OF THE WEST 500 FT. OF TRACT 18 & THE WEST 500 FT. OF TRACT 19, ALL LYING NORTH OF THE NORTH RIGHT WAY LINE OF STATE ROAD, BLOCK 8, PALM BEACH FARMS COMPANY PLAT NO. 3, PALM BEACH COUNTY, FLORIDA.			
DATE MAY 1971	SCALE 1" = 60'	PLAT BOOK NO. 2	PAGE NO. 48
REVISED 9/22/71 JAMES D. CARLTON, INC. 3/7/74 REGISTERED ENGINEERS & LAND SURVEYORS			
I HEREBY CERTIFY that the plat shown hereon is a true and correct representation of a survey made under my direction, and that said survey is accurate to the best of my knowledge and belief, and there are no encroachments, except as shown.			
BOOK M 12 PAGE 9		FOR: AMERICAN STEEL, INC. No. 71-377	

3045

REMOVAL AGREEMENT
FOR FUTURE RIGHT OF WAY

986 NOV -3 PM 4: 14 986 292754

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91-743-ADK 986

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85060 P0643

described herein and who executed the foregoing instrument and they acknowledged to me the execution thereof to the their free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at West Palm Beach in the County and State aforesaid, the day and year last aforesaid.

Maria Phillips
NOTARY PUBLIC, State of Florida at
Large

My Commission expires:

Name and Address of
person (s) preparing this
instrument:

NOTARY PUBLIC, STATE OF FLORIDA,
MY COMMISSION EXPIRES JUNE 30, 1960,
BONDED THRU NOTARY PUBLIC UNDERWRITERS

LAW OFFICES OF ROOSE, CASEY, CIRLIN, LUBITZ, MARTENS, M. BANE, & O'CONNELL ✓
NORTHBRIDGE TOWER 1, 19 FLOOR, 515 N. FLAGLER DR., PO DRAWER 024626
WEST PALM BEACH, FLORIDA 33402-4626

RECORD VERIFIED
PALM BEACH COUNTY, FLA.
JOHN B. DUNKLE
CLERK CIRCUIT COURT

ATTACHMENT NO. 3

NOTICE OF NO OBJECTION FROM
FLORIDA DEPARTMENT OF TRANSPORTATION

02/22/2008 13:01 561-6840833
Yahoo! Mail - vancedoneypa@yahoo.com

VANCE DONEY

PAGE 02
Page 1 of 1



Print - Close Window

From: "Mallow, Tracy" <Tracy.Glansen@dot.state.fl.us>
To: "vancedoneypa@yahoo.com" <vancedoneypa@yahoo.com>
Date: Fri, 22 Feb 2008 12:01:11 -0500
Subject: Release of Removal Agreements

Bill,

Jeff Smith brought me up to speed on your request for Department approval to release removal agreements for property along SR 80/Southern Blvd. Please be advised that the Department has no real estate interest in this property; therefore, we cannot assist with the removals. If these properties are within SR 80 right of way, that would be different, but this appears to be County property outside of the right of way limits for this roadway.

I hope this e-mail is sufficient to pass along to the County. I have worked with Ed Handy before, so feel free to have him call me if he has any questions. Thank you.

Tracy J. Mallow
District Property Management Administrator
Florida Department of Transportation
3400 W. Commercial Boulevard
Ft. Lauderdale, FL 33309
Phone: 954.777.4233
Fax: 954.777.4233
tracy.glansen@dot.state.fl.us

WILL CALL 1066

Prepared by: Paul King, Esq., Assistant County Attorney

Return to: Right-of-Way Acquisition Section
Post Office Box 21229, West Palm Beach, FL 33416
Attention: Ed Handy
Account No.: 1010
PCN: 72-42-43-27-05-008-0181

RELEASE OF REMOVAL AGREEMENTS

Whereas, in 1974 and 1986 the owner of property located on the north side of State Road 80 between Sunshine Road and Fairgrounds Road entered into removal agreements with Palm Beach County in order to obtain a building permit; and,

Whereas, the subject Removal Agreements encumbers property more particularly described in Exhibit "A" attached hereto and made a part hereof, and,

Whereas, these agreements were recorded in Official Record Book 2354, Page 354 and Official record Book 5060, Page 643 of the Public Records of palm Beach County, Florida; and,

Whereas, these agreements obligated the property owner to remove at no expense to Palm Beach County certain off site signage from the proposed right-of-way of State Road 80, and;

Whereas, the signage was removed when State Road 80 was widened and improved by the Florida Department of Transportation, and;

Whereas, the current owner is in the process of selling the property and the recorded removal agreements have created a cloud on the title of the property, and;

Whereas, the Florida Department of Transportation has stated no objections to this release and it would be in the best interest of Palm Beach County that these agreements be released creating clear title for the property owner.

NOW, THEREFORE, it is hereby acknowledged, the County does hereby release its interest in the two removal agreements as recorded in the previously referenced Official Record Books that encumber the property as described in Exhibit "A", attached hereto and made a part hereof.

IN WITNESS WHEREOF, the County has caused this Release of Removal Agreements to be executed on this _____ day of _____, 2008.

ATTEST:

**PALM BEACH COUNTY, a political subdivision of
the State of Florida**

**SHARON R. BOCK,
Clerk & Comptroller**

BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

By: _____
County Attorney

EXHIBIT 'A'

The West 500 feet of Tract 18 and the West 500 feet of Tract 19, all lying North of the North Right-of-Way line of State Road 80 (Southern Blvd.), Block 8, Palm Beach Farms Company, Plat No. 3, Palm Beach County, Florida.