

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

Meeting Date: April 15, 2008

Consent

Regular

Workshop

Public Hearing

Hearing Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

PBC# 1993901

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A Consent and Subordination, in favor of the Lake Worth Drainage District (LWDD), of a Palm Beach County (County) owned Permanent Embankment Easement (Easement) lying parallel to the L-39 canal and perpendicular to Lyons Road.

Summary: This item will approve a Consent and Subordination, as requested by LWDD, of an Easement purchased by the County for the Lyons Road from Clint Moore Road to Linton Boulevard project.

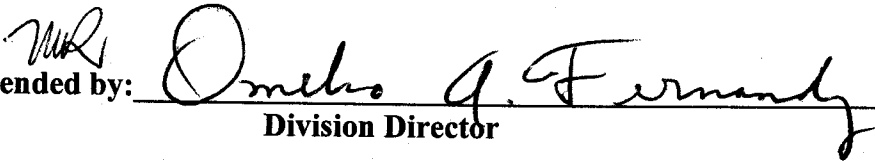
District: 5 (PK)


Background and Justification: The County acquired an Easement in conjunction with the Lyons Road from Clint Moore Road to Linton Boulevard project along Lyons Road adjacent to the LWDD L-39 canal. The underlying fee owner has given an Easement to LWDD in that location. LWDD has requested that the County subordinate its interest in the Easement, and the subordination document stipulates that the embankment fill will remain in perpetuity.

Staff has reviewed the request and recommends approval.

Attachments:

1. Location Map
2. Consent and Subordination of Permanent Embankment Easement with Exhibit "A"

Recommended by:  3/13/09
 Division Director Date

Approved by:  3/25/09
 County Engineer Date

KAT

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: R.D. Ward 3/12/08

III. REVIEW COMMENTS

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

Jim Owl 3-28-08 OFMB
 (initials) 3/24/08 (initials) 3/27/08
Jim J. Jacoby 3/31/08 Contract Dev. and Control
 (initials) 3/31/08

B. Approved as to Form and Legal Sufficiency:

Paul F. J. 4/1/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

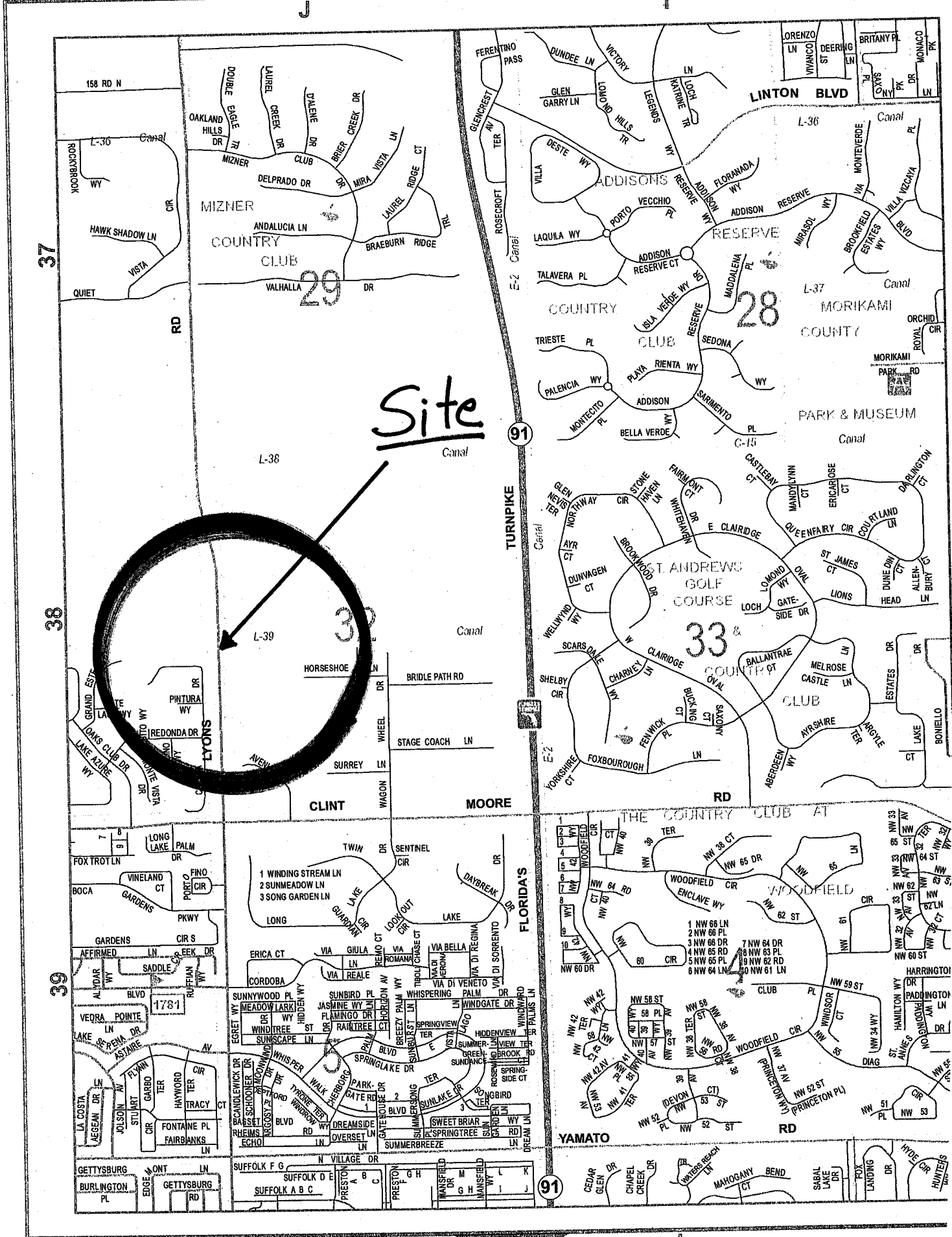
Location Map

115

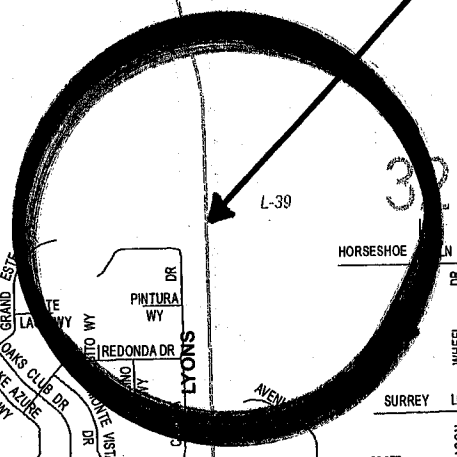
R42

See pg 108

R42



Site



115

See pg 121

**CONSENT AND SUBORDINATION OF
PERMANENT EMBANKMENT EASEMENT**

WHEREAS, PALM BEACH COUNTY, Pursuant to that Stipulation for Order of Taking dated October 15, 1999, recorded in Official Record Book 11413, Pages 1734 through 1749, obtained a 20-foot permanent embankment easement, which encumbers the real property described on Exhibit "A" attached hereto; and,

WHEREAS, PALM BEACH COUNTY consents and subordinates the subject permanent embankment easement to that easement from ALVIN I. MALNIK to LAKE WORTH DRAINAGE DISTRICT and the subject permanent embankment easement to those lands shown on Exhibit "A", as recorded in Official Record Book 1585, Pages 505 through 511, and Official Record Book 6495, Page 761, to which this Consent and Subordination is attached; and,

WHEREAS, LAKE WORTH DRAINAGE DISTRICT agrees that the integrity of the embankment fill existing within said embankment easement shall remain in place in perpetuity.

NOW, THEREFORE

PALM BEACH COUNTY has executed this Consent and Subordination this _____ day of _____, 2008; and

LAKE WORTH DRAINAGE DISTRICT has executed this Consent and Subordination this _____ day of _____, 2008.

LAKE WORTH DRAINAGE DISTRICT

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: _____
James M. Alderman, President

BY: _____
Addie L. Greene, Chair

ATTEST:

ATTEST: SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
Ronald L. Crone, Secretary

By: _____
Deputy Clerk


APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Mark A. Perry, General Counsel

By: _____
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: 
kat Omelio A. Fernandez, P.E., Director
Engineering and Public Works

DESCRIPTION: L.W.D.D. EASEMENT

THE SOUTH 39.36 FEET OF THE NORTH 75.00 FEET OF TRACTS 74 AND 75, BLOCK 71, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 25.00 FEET OF TRACT 75. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 35.64 FEET SOUTH OF THE NORTHEAST CORNER OF SAID TRACT 74 AS MEASURED ALONG THE EAST LINE OF SAID TRACT 74; THENCE S00°07'00"W ALONG THE EAST LINE OF SAID TRACT 74, A DISTANCE OF 39.36 FEET; THENCE N89°53'00"W ALONG A LINE 75.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 74 AND 75, A DISTANCE OF 615.95 FEET TO THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD; THENCE N00°07'00"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 39.36 FEET; THENCE S89°53'00"E ALONG A LINE 35.64 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 74 AND 75, A DISTANCE OF 615.95 FEET TO THE POINT OF BEGINNING

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED BEARING OF S.89°53'00"E. ALONG THE SOUTH RIGHT-OF-WAY LINE LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-39
4. THE "LAND DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
6. O.R.B. - DENOTES OFFICIAL RECORD BOOK
7. L.W.D.D.-DENOTES LAKE WORTH DRAINAGE DISTRICT

CERTIFICATE:

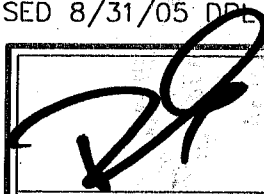
I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JULY 29, 2005. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

REVISED 8/31/05 DPL

SHEET 1 OF 2

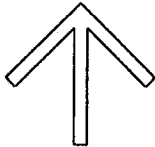


CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING
7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452

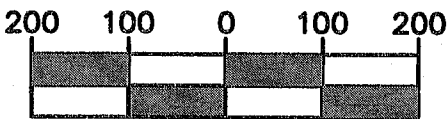

DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE	4/14/05
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	4217LWDD

**GRANDE VISTA LAKES
L.W.D.D. EASEMENT
SKETCH OF DESCRIPTION**



NORTH



GRAPHIC SCALE
(IN FEET)

L.W.D.D. CANAL L-39

(O.R.B. 6495, PAGE 761)

POINT OF BEGINNING

NORTH 35.64' OF TRACTS 74 & 75
(O.R.B. 6495, PAGE 761)

S. RIGHT-OF-WAY LINE
L.W.D.D. CANAL L-39
(O.R.B. 6495, PAGE 761)
(BEARING BASIS)

N. LINE OF TRACTS 74-75

N00°07'00"E
39.36'

S89°53'00"E 615.95'

S00°07'00"W
39.36'

N89°53'00"W 615.95'

E. LINE OF TRACT 74, BLOCK 71

55' 55'

75.00'
39.36'

E. R/W LINE OF LYONS ROAD
(O.R.B. 11413, PAGE 1734)

LYONS ROAD

(PLAT BOOK 2, PAGES 45-54)
(O.R.B. 11412, PAGE 1722)

(O.R.B. 11413, PAGE 1734)

TRACT 75

TRACT 74

BLOCK 71

PALM BEACH FARMS COMPANY PLAT NO. 3

(PLAT BOOK 2, PAGES 45-54)

REVISED 8/31/05 DPL

SHEET 2 OF 2



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DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE 7/29/05

DRAWN BY JC

F.B./ PG. N/A

SCALE AS SHOWN

JOB NO. 4217LWDD

**GRANDE VISTA LAKES
L.W.D.D. EASEMENT
SKETCH OF DESCRIPTION**