3H-8

Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	May 6, 2008	[X] Consent [] Ordinance	[] Regular [] Public Hearing	
Department:	Facilities Development & Operations			

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Cross Access Easement for the Royal Palm Beach Library and Mid-Western Community Center.

Summary: Palm Beach County is currently planning to expand the Royal Palm Beach Library, located near the southwest corner of Okeechobee Boulevard and Royal Palm Beach Boulevard in Royal Palm Beach. The existing 7,955 square foot library will be expanded by 12,530 square feet to handle the heavy volume of residents who use this facility. The Village imposed a condition of site plan approval requiring the County to establish a Cross Access Easement between the Library and the County's adjacent Mid-Western Community Center. The Cross Access Easement provides for access between the Community Center and Library at three separate points for smooth ingress/egress. The Declaration of Cross Access Easement will be recorded to provide public notice of the existence of three cross access points between the two County-owned properties. (PREM) District 6 (HJF)

Background and Justification: Palm Beach County staff has been working with the Village of Royal Palm Beach for quite some time to expand the heavily used County Library located at 500 Civic Center Way in Royal Palm Beach. The expansion will add 12,530 square feet to the existing structure and provide 112 total parking spaces to meet code. The Library expansion has been site planned to abut the adjacent County-owned Mid-Western Community Center to facilitate shared parking. Given the close proximity of these two County owned facilities it is assumed that customers of either the Community Center or Library will seek the closest available parking spaces for their particular destination. Should the County ever sell either property, any new owner will be on notice that traffic is allowed to flow across the respective property lines.

Attachments:

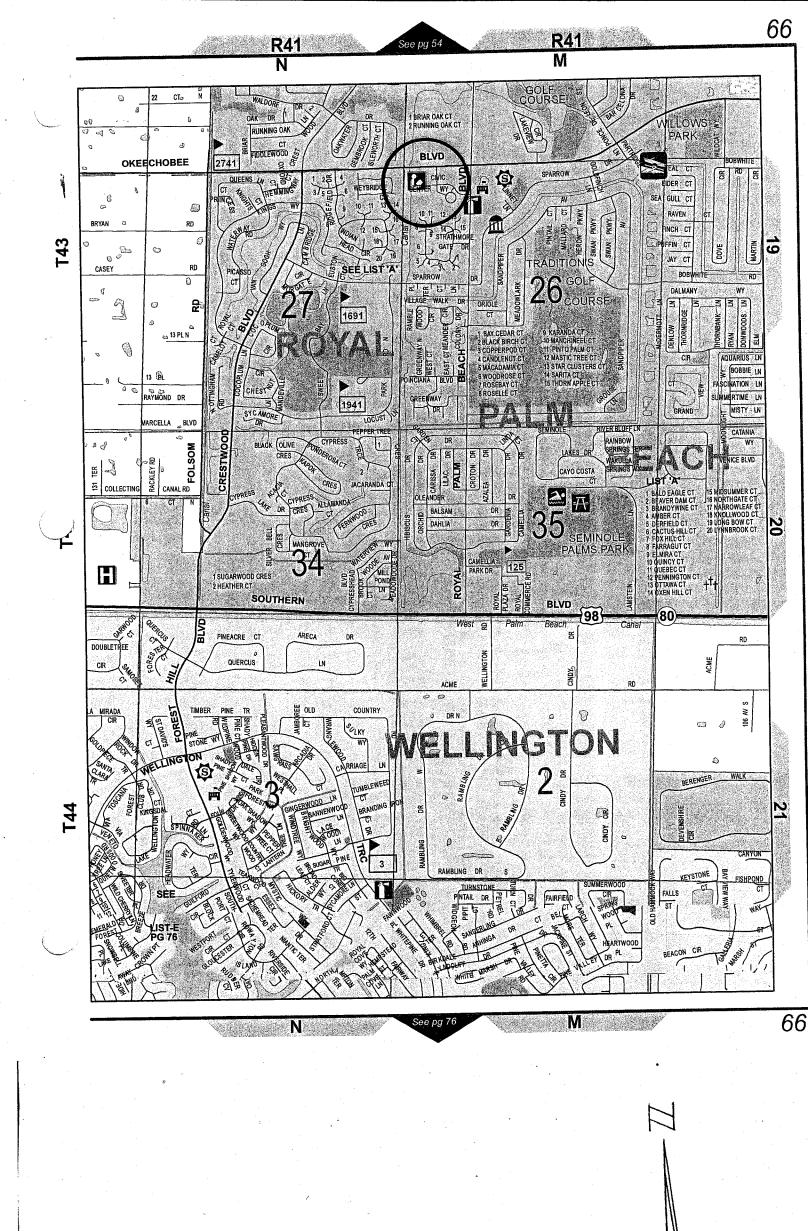
- 1. Location Map
- 2. Declaration of Cross Access Easement

Recommended By:	1 Ammy Work	4/14/08		
	Department Director	Date		
Approved By:	Men	4/23/08		
	County Administrator	Date		

II. FISCAL IMPACT ANALYSIS

A.	Five Year Summary	of Fiscal I	mpact:				
Fiscal	Years	200	8	2009	2010	2011	2012
Opera Exter Progr In-Kin	al Expenditures ating Costs (rent) nal Revenues am Income (County) nd Match (County)		<u> </u>				
	DITIONAL FTE FIONS (Cumulative)						· ·
			Dept _	No Unit		- 	
В.	Recommended Sour	ces of Fun	ds/Sumr	nary of Fisca	l Impact:		
	No Fiscal Impact.						
C.	Departmental Fiscal	Review: _					
		II	I. <u>REVI</u>	EW COMMI	ENTS		
A.	OFMB Fiscal and/or OFMB	Contract	, i	Contract De	. J. A.	ever nd Contr	451/08 ol
В.	Legal Sufficiency: Assistant County A	– <i>4/22/0</i> ttorney	cf (18)				
C.	Other Department I	Review:					
	Department Direct	tor					·

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



LOCATION MAP

ATTACHMENT #/

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

PCN: 72-41-43-26-26-000-0033 72-41-43-26-26-000-0031

DECLARATION OF CROSS ACCESS EASEMENT

THIS IS A DECLARATION OF CROSS ACCESS 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 "Library Property"); and

WHEREAS, County is the owner of that certain real property located within Palm Beach County, Florida, as set forth on **Exhibit "B"** attached hereto and made a part hereof (the "MidWest Property"); and

WHEREAS, County desires to create a cross access easement over, upon, and across a portion of the Library Property and a portion of the MidWest Property as set forth hereinafter; and

WHEREAS, County desires that such cross access easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon a subsequent conveyance of either the Library Property or the MidWest Property by County.

WITNESSETH:

NOW THEREFORE, County does hereby declare, grant and create a perpetual non-exclusive cross access easement over the portion of the Library Property and the portion of the MidWest Property depicted as the cross access easement area on the site plan attached hereto and made a part hereof as **Exhibit "C"** (the "Easement Premises"). This cross access easement shall be for the benefit of the fee simple owner(s) of the Library Property and the MidWest Property and shall be for the purpose of access, ingress and egress, including but not limited to vehicular and pedestrian traffic, over, upon, and across the Easement Premises. The use of the Easement Premises pursuant to this Cross Access Easement shall not unreasonably interfere with any fee simple owner's use of either the Library Property or the

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MidWest Property. Maintenance of the Easement Premises shall be the responsibility of the owner of the underlying fee of each portion of the Easement Premises.

The cross access 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 the fee simple owner of the Library Property and the MidWest Property and shall run with the land and encumber and burden the Library Property and the MidWest Property upon the conveyance of either property 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 Cross Access 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:	By:Addie L. Greene, Chairperson
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS
By:Assistant County Attorney	By: Tat Amphy WOLF Department Director

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EXHIBIT "A"

THE LIBRARY PROPERTY

PARCEL 1:

LOT 1, TRACT ONE-FIFTEEN, ACCORDING TO THE REPLAT THEREOF RECORDED IN PLAT BOOK 71, PAGE 14, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH,

PARCEL 2:

A PARCEL OF LAND BEING A PORTION OF LOT 3 OF THE PLAT OF TRACT ONE-FIFTEEN REPLAT OF LOTS 1 AND 5 AS RECORDED IN PLAT BOOK 71, PAGE 14 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 26, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE P.R.M. MARKING THE SOUTHWEST CORNER OF SAID PLAT OF TRACT ONE-FIFTEEN ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 3: THENCE NORTH 02°01'27" EAST ALONG THE WEST LINE OF SAID PLAT AND SAID LOT 3, A DISTANCE OF 444.34 FEET TO THE NORTHWEST CORNER OF SAID LOT 3: THENCE NORTH 89°18'05" EAST (THE NEXT THREE COURSES ARE COINCIDENT WITH THE NORTH LINE OF SAID LOT 3 OF THE ABOVE REFERENCED PLAT) ALONG SAID NORTH LINE, A DISTANCE OF 274.59 FEET: THENCE NORTH 00°41'55" WEST, A DISTANCE OF 7.79 FEET; THENCE NORTH 89°18'05" EAST, A DISTANCE OF 50.00 FEET: THENCE SOUTH 00°41'55" EAST DEPARTING SAID NORTH LINE, A DISTANCE OF 60.00 FEET: THENCE SOUTH 89°18'05" WEST, A DISTANCE OF 227.70 FEET: THENCE SOUTH 00°41'55" EAST, A DISTANCE OF 397.26 FEET TO THE SOUTH LINE OF SAID PLAT AND SAID LOT 3: THENCE NORTH 87°57'42" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 118.14 FEET TO SAID SOUTHWEST CORNER AND THE POINT OF BEGINNING.

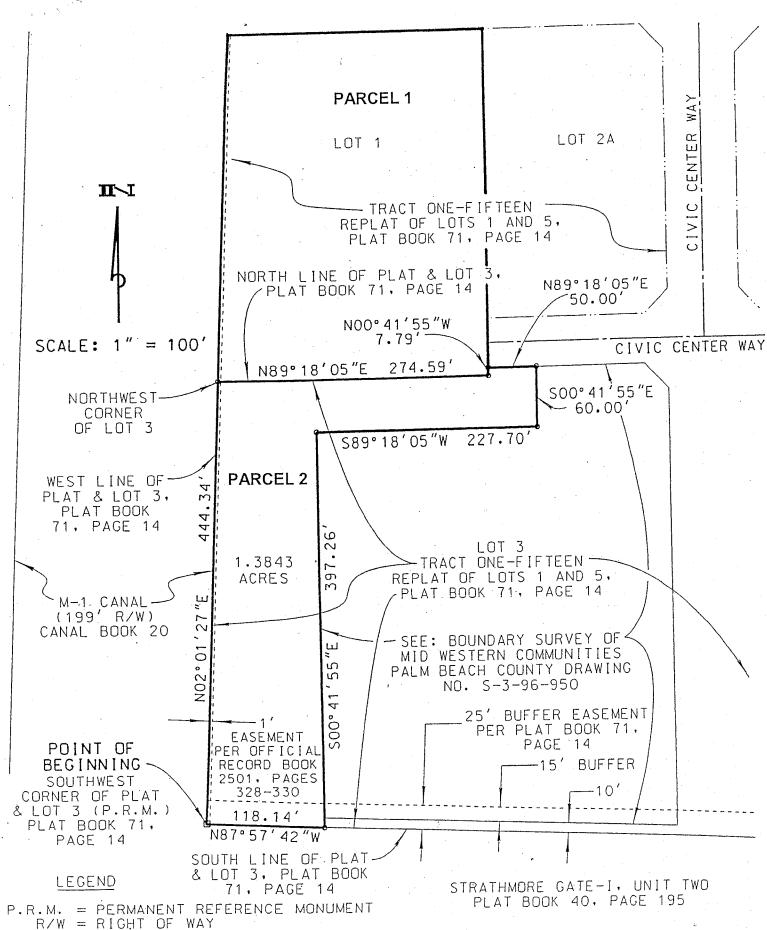
THE PROPERTY (Parcels 1 and 2) CONTAINS 3.53 ACRES OR 153,958 SQUARE FEET MORE OR LESS.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF NORTH 87°57'42" WEST ALONG THE SOUTH LINE OF LOT 3 AS SHOWN ON THE PLAT OF TRACT ONE-FIFTEEN REPLAT OF LOTS 1 AND 5 AS RECORDED IN PLAT BOOK 71, PAGE 15 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

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SECTION 26. TOWNSHIP 43 SOUTH. RANGE 41 EAST



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EXHIBIT "B"

THE MIDWEST PROPERTY

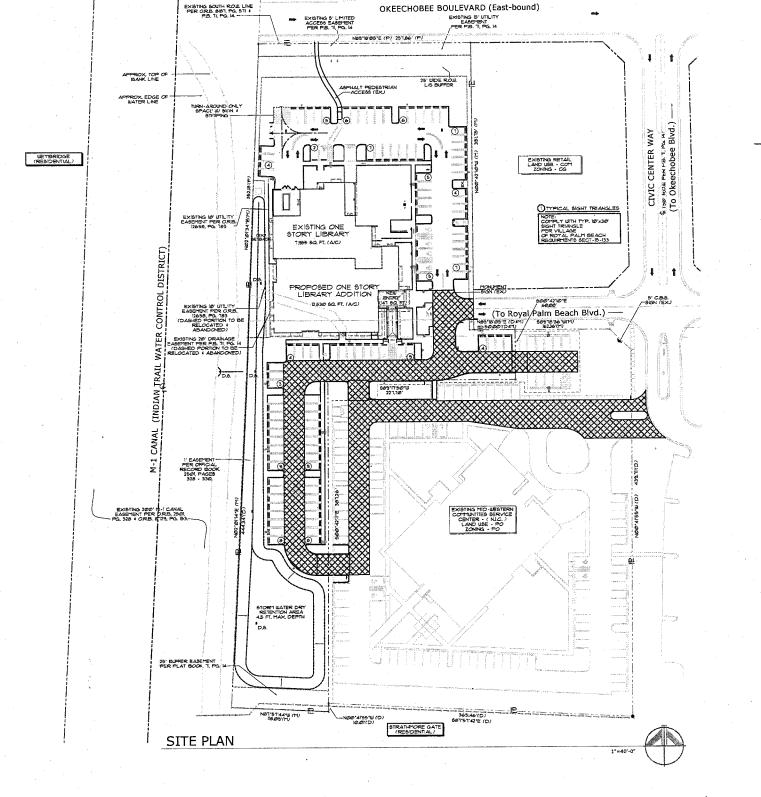
A PARCEL OF LAND BEING A PORTION OF LOT 3 OF THE PLAT OF TRACT ONE-FIFTEEN-REPLAT OF LOTS 1 AND 5 AS RECORDED IN PLAT BOOK 71 AT PAGE 14 AND 15, PALM BEACH COUNTY PUBLIC RECORDS; SAID PLAT ALSO BEING A REPLAT OF LOTS 1 AND 5, TRACT ONE-FIFTEEN AS RECORDED IN PLAT BOOK 68 AT PAGES 43 AND 44, PALM BEACH COUNTY PUBLIC RECORDS, ALL LYING IN SECTION 26, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

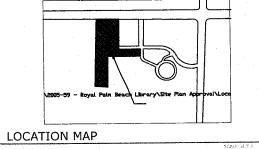
COMMENCE AT THE SOUTHWEST CORNER OF SAID PLAT OF TRACT ONE-FIFTEEN-REPLAT OF LOTS 1 AND 5 SAID SOUTHWEST CORNER BEING ALSO THE SOUTHWEST CORNER OF AFORESAID LOT 3; THENCE S 87° 57' 42" E, ALONG THE SOUTH LINE OF SAID REPLAT AND LOT 3 A DISTANCE OF 118.14 FEET; THENCE N 00° 41' 55" W, TO THE POINT OF BEGINNING 10.01 FEET; THENCE ALONG A LINE 10.0 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 3 TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 2A OF SAID REPLAT A DISTANCE OF 365.46 FEET; THENCE N 0° 41' 55" W, ALONG SAID SOUTHERLY EXTENSION A DISTANCE OF 439.71 FEET; THENCE N 45° 41'55" W, TO THE SOUTH RIGHT OF WAY LINE OF CIVIC CENTER WAY AS RECORDED IN THE PARENT PLAT OF TRACT ONE-FIFTEEN (PLAT BOOK 68, PAGES 43 AND 44) A DISTANCE OF 35.36 FEET; THENCE S 89° 18' 05" W, ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 112.34 FEET; THENCE S 0° 41' 55" E, A DISTANCE OF 60.0 FEET; THENCE S 89° 18' 05" W, A DISTANCE OF 227.70 FEET; THENCE S 0° 41' 55" E, ALONG A LINE 365.04 FEET WEST OF AND PARALLEL WITH THE AFOREMENTIONED SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 2A, TO THE SOUTH LINE OF LOT 3 AND THE POINT OF BEGINNING A DISTANCE OF 387.25 FEET.

PARCEL CONTAINS 3.5004 ACRES

EXHIBIT "C"

THE EASEMENT PREMISES





LEGEND:

C E

CROSS ACCESS EASEMENT AREA

Exhibit "C"

ROYAL PALM BEACH BRANCH LIBRARY/
MID-WESTERN COMMUNITIES SERVICE CENTER
CROSS ACCESS EASEMENT
ROYAL PALM BEACH, FLORIDA



DRAWN
OHEOGED
DAYE
3-17-08
BOLE
JOB NO.
SHEET