

34-11

Agenda Item #:

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

Meeting Date: July 8, 2008 **Consent** **Regular**
 Ordinance **Public Hearing**

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Temporary Construction Easement with SPTMRT Properties Trust, a Maryland Real Estate Investment Trust (SPTMRT).

Summary: On July 2, 2007, the County acquired 1.8 acres of land on SW 18th Street in Boca Raton from SPTMRT Properties Trust for the purpose of constructing Fire Rescue Station No. 56. The land acquired by the County was a portion of the larger Stratford Court II, PUD and required a re-plat to create the parcel for the Fire Station. The replatting required creation of a new 15 foot wide landscape buffer on the SPTMRT property, adjacent to the western line of the County's property. As part of the construction of the Fire Rescue Station, the County will install landscaping within the 15 foot landscape buffer. This Temporary Construction Easement (TCE) is required in order to perform the landscaping work. The TCE will be approximately 240 feet long and 25 feet wide. The TCE will expire upon the earlier of completion of the installation or one (1) year after execution. Once the landscaping is installed, SPTMRT will maintain the 15 foot landscape buffer area. **(PREM) District 4 (HJF)**

Background and Justification: On May 15, 2007, the Board approved the purchase of 1.8 acres (R2007-0774) located along SW 18th Street west of Military Trail and east of Powerline Road in Boca Raton, for the purposes of constructing a Fire Rescue Station. On July 2, 2007, the County closed on the purchase of the 1.8 acres. On February 5, 2008, the County approved a replat of Stratford Court II, PUD that included the 1.8 acres of County owned land and 22.97 acres of SPTMRT owned land. The replat provided for a landscape buffer between the County's parcel and the SPTMRT parcel. As part of the development of Fire Rescue Station No. 56, the County is installing landscaping within a portion of the landscape buffer owned by SPTMRT. This TCE will grant the County the right to install the landscaping as well as grant the County access to the portion of SPTMRT owned land. The County anticipates that the construction of the Fire Rescue Station will be completed in December of 2008.

Attachments:

- 1. Location Map
- 2. Temporary Construction Easement

Recommended By: *RET* *Amy Wolf* 6/19/08
 Department Director Date

Approved By: *[Signature]* 7/3/08
 County Administrator 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	=====	=====	=====	=====	=====
# 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:

<p><i>OFMB</i> 6/30/08</p> <p><i>Adrienne White</i> 6-30-08 CN 6/25/08</p>	<p><i>Don J. Jacoby</i> 6/30/08 Contract Development and Control 6/30/08</p>
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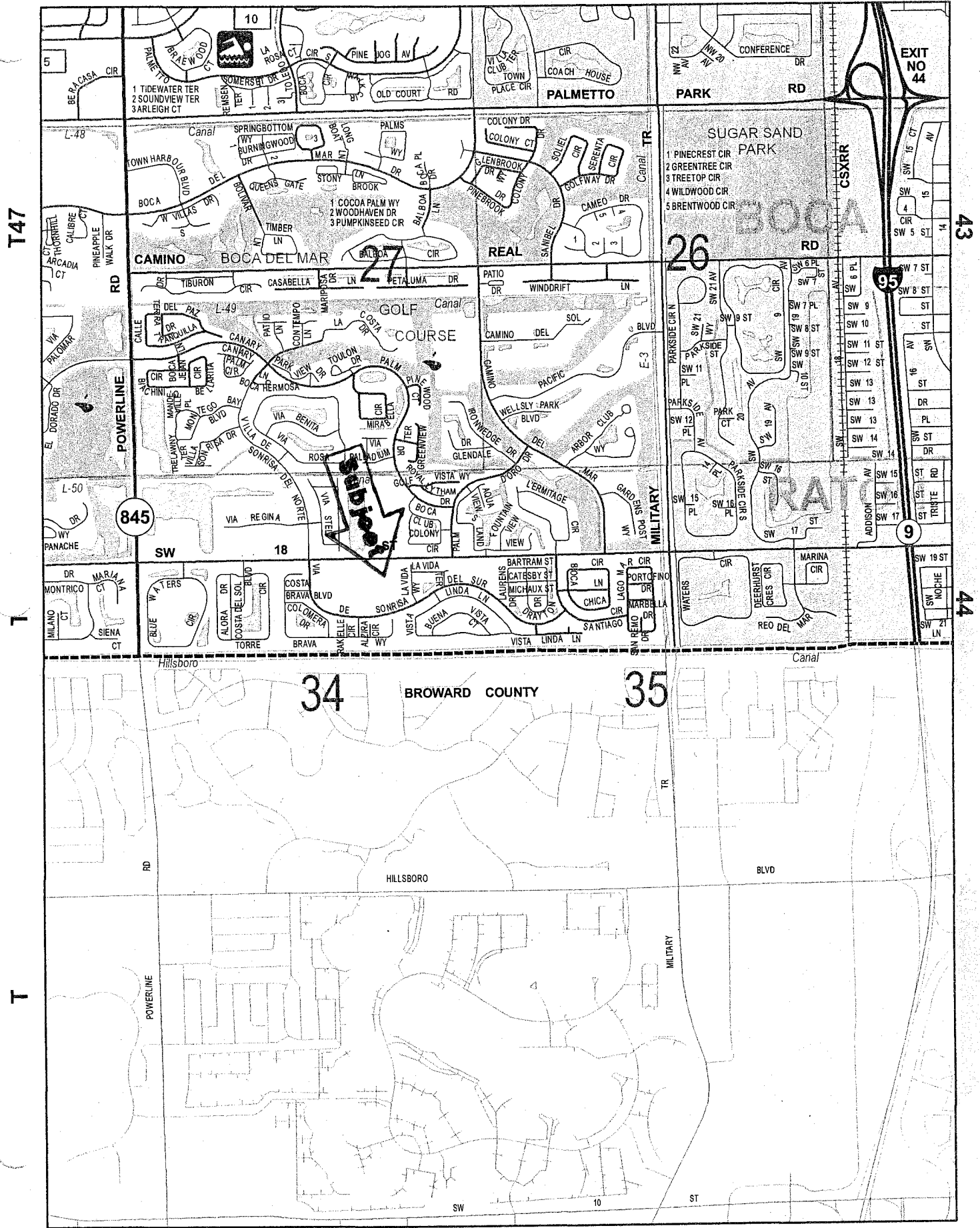
B. Legal Sufficiency:

James Bruhn for 7/3/08
Assistant County Attorney
Howard Falcon

C. Other Department Review:

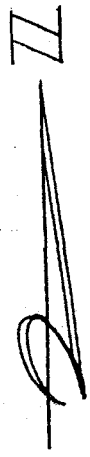
Department Director

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



ATTACHMENT # 1

LOCATION MAP



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

Property Control Numbers: 00-42-47-34-24-003-0000
00-42-47-34-24-001-0000

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made _____, by and between **SPTMRT PROPERTIES TRUST**, a Maryland Real Estate Investment Trust, whose mailing address is 400 Centre Street, Newton, MA 02458 (“Grantor”) and **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4705, (“County”).

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to County, its successors and assigns, a limited temporary non-exclusive construction easement (“Easement”) upon the real property described in **Exhibit “A”** attached hereto and made a part hereof (“the Easement Premises”). The rights granted pursuant to this Easement shall be limited to the right to utilize the Easement Premises solely for the purpose of installing (i) landscaping and (ii) a connection to Grantor’s existing irrigation system (the “Improvements”).

**See Legal Description Marked Exhibit “A”
Attached Hereto and Made a Part Hereof**

THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:

1. County shall cause the Improvements to be installed within the confines of the Easement Premises.
2. It is understood and agreed by the parties hereto that the rights granted herein shall terminate upon completion of the installation of Improvements, but no later than one year after the execution of this Temporary Construction Easement by the County.

3. County acknowledges the waiver of sovereign immunity for liability in tort contained in Florida Statutes Section 768.28 and acknowledges that such statute permits actions at law against the County to recover damages in tort for money damages up to the amounts set forth in such statute for injury or loss of property, personal injury, or death caused by the negligence or wrongful act or omission of an employee of County while acting within the scope of the employee's office or employment under circumstances in which County, if a private person, would be liable under the general laws of this State.

4. Grantor hereby acknowledges that after the installation of Improvements, Grantor, its successors and assigns, shall have the responsibility to maintain the Improvements.

(INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the COUNTY and GRANTOR have caused these presents to be executed in its name, by its proper officers thereunto duly authorized, 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

(SEAL)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: _____
Assistant County Attorney

By: Reh Audrey Wolf
Audrey Wolf, Director
Facilities Development & Operations

Signed, sealed and delivered in
The presence of:

GRANTOR:
SPTMRT PROPERTIES TRUST, a
Maryland Real Estate Investment Trust

Judith A Stapleton
Witness

By: David J. Hegarty
President

Judith A Stapleton
Print Witness Name

BA Tober
Witness

ELIZABETH A. TOBER
Print Witness Name

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

The foregoing instrument was acknowledged before me this 8th day of May, 2008 by David J. Hegarty President of SPTMRT PROPERTIES TRUST, a Maryland Real Estate Investment Trust, () who is personally known to me OR () who produced personally known as identification and who () did () did not take an oath.

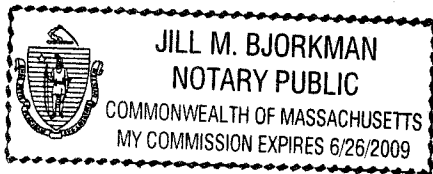
Jill M. Bjorkman
Notary Public, State of MA at Large

Jill M Bjorkman
Print Notary Name

(stamp)

Commission Number: N/A

My Commission expires: 6/26/2009



**CONSENT AND SUBORDINATION TO TEMPORARY
CONSTRUCTION EASEMENT BY LESSEE**

Sunrise Senior Living Services, Inc., as the Lessee of the real property on which the Easement Premises described herein is located, acknowledges and consents to the granting of the Temporary Construction Easement to which this consent is attached and subordinates its leasehold interest in the Easement Premises to the Temporary Construction Easement.

Date of execution by Lessee:

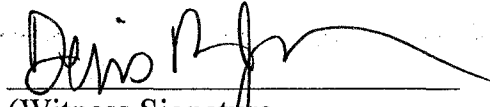
May 14, 2008

**SUNRISE SENIOR LIVING
SERVICES, INC., a Delaware
corporation**



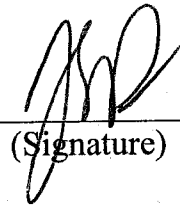
(Witness Signature)

Susan L. Timoner
(Print Witness Name)



(Witness Signature)

Dennis Jansen
(Print Witness Name)

By: 

(Signature)

James S. Pope
(Print Signatory's Name)

Its: Vice President

(SEAL)

EXHIBIT "A"
EASEMENT PREMISES

25' TEMPORARY CONSTRUCTION EASEMENT AREA

A 25 FOOT STRIP LYING WEST OF AND ADJOINING TRACT 2 OF THE STRATFORD COURT II, P.U.D. REPLAT, RECORDED IN PLAT BOOK 111, PAGES 22 THROUGH 23 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE NORTH AND SOUTH LIMITS BEING THE WESTERLY EXTENSION OF THE NORTH AND SOUTH LINES OF SAID TRACT 2.

2008 FOR PROFIT CORPORATION ANNUAL REPORT

**FILED
May 01, 2008
Secretary of State**

DOCUMENT# F93000003593

Entity Name: SUNRISE SENIOR LIVING SERVICES, INC.

Current Principal Place of Business:

7902 WESTPARK DRIVE
MCLEAN, VA 22102 US

New Principal Place of Business:

Current Mailing Address:

7902 WESTPARK DRIVE
MCLEAN, VA 22102 US

New Mailing Address:

7902 WESTPARK DRIVE
ATTN: LEGAL DEPT
MCLEAN, VA 22102 US

FEI Number: 52-1468493

FEI Number Applied For ()

FEI Number Not Applicable ()

Certificate of Status Desired ()

Name and Address of Current Registered Agent:

CT CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324 US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: _____

Electronic Signature of Registered Agent

_____ Date

In accordance with s. 607.193(2)(b), F.S., the corporation did not receive the prior notice.
Election Campaign Financing Trust Fund Contribution ().

OFFICERS AND DIRECTORS:

Title: D/P () Delete
Name: SCHWARTZ, DANIEL
Address: 7902 WESTPARK DRIVE
City-St-Zip: MCLEAN, VA 22102 US

Title: VP () Delete
Name: TIMONER, SUSAN L
Address: 7902 WESTPARK DRIVE
City-St-Zip: MCLEAN, VA 22102 US

Title: VP () Delete
Name: POPE, JAMES S
Address: 7902 WESTPARK DRIVE
City-St-Zip: MCLEAN, VA 22102

Title: S/D () Delete
Name: GAUL, JOHN F
Address: 7902 WESTPARK DRIVE
City-St-Zip: MCLEAN, VA 22102

Title: T/VP () Delete
Name: ADAMS, CARL F
Address: 7902 WESTPARK DRIVE
City-St-Zip: MCLEAN, VA 22102

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: T/VP (X) Change () Addition
Name: MAYR, LISA
Address: 7902 WESTPARK DRIVE
City-St-Zip: MCLEAN, VA 22102

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

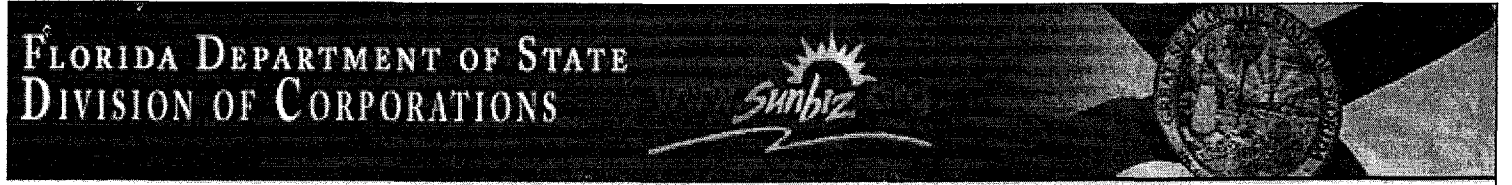
SIGNATURE: JAMES S. POPE

VP

05/01/2008

Electronic Signature of Signing Officer or Director

Date



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Entity Name Search

Detail by Entity Name

Declaration of Trust

SPTMRT PROPERTIES TRUST

Filing Information

Document Number D99000000004
FEI Number NONE
Date Filed 01/27/1999
State MD
Status ACTIVE

Principal Address

400 CENTRE STREET
NEWTON MA 02458

Mailing Address

400 CENTRE STREET

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
 1201 HAYS STREET
 TALLAHASSEE FL 32301-2525 US

Trustee Detail

Name & Address

Title PS
 HEGARTY, DAVID J
 400 CENTRE STREET
 NEWTON MA 02458

Title T
 SAINI, AJAY
 400 CENTRE STREET
 NEWTON MA 02458

Title AS
 CLARK, JENNIFER B
 ONE POST OFFICE SQUARE
 BOSTON MA 02109

Title T
 MARTIN, GERARD M
 400 CENTRE STREET

NEWTON MA 02458

Title T

PORTNOY, BARRY M
400 CENTRE STREET
NEWTON MA 02458

Annual Reports

No Annual Reports Filed

Document Images

01/27/1999 -- Declaration of Trust

Note: This is not official record. See documents if question or conflict.

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No Events No Name History

SPTMRT PROPERTIES TRUST

President's Certificate

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
99 JAN 27 PM 2:04

I, DAVID J. HEGARTY, hereby certify that I am the duly elected, qualified and acting President of SPTMRT Properties Trust, a Maryland real estate investment trust (the "Trust"), and that:

1. The following individuals are the duly elected officers and trustees of the Trust, and the address set forth opposite each such person's name is the true and correct address of that person:

OFFICERS:

<u>Title</u>	<u>Name</u>	<u>Business Address</u>
President, Chief Operating Officer & Secretary	David J. Hegarty	400 Centre Street Newton, MA 02458
Treasurer & Chief Financial Officer	Ajay Saini	400 Centre Street Newton, MA 02458
Assistant Secretary	Jennifer B. Clark	Sullivan & Worcester LLP One Post Office Square Boston, MA 02109

TRUSTEES

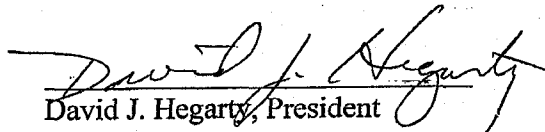
<u>Name</u>	<u>Business Address</u>
Gerard M. Martin	400 Centre Street Newton, MA 02458
Barry M. Portnoy	400 Centre Street Newton, MA 02458

2. The principal address of the Trust is 400 Centre Street, Newton, Massachusetts 02458.

3. The location of the Trust's registered office in Florida is 1201 Hays Street, Suite 105, Tallahassee, Florida 32301 and the name of its resident agent in charge at that address is Corporation Service Company. Attached hereto as Exhibit A is a Consent to Appointment as Registered Agent by Corporation Service Company.

4. Attached hereto as Exhibit B is a true, correct and certified copy of the Declaration of Trust, as filed with, and certified by, the State of Maryland, State Department of Assessments and Taxation. I further certify that the Declaration of Trust has not been amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Trust as of this 19 day of January, 1999.


David J. Hegarty, President

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
99 JAN 27 PM 2:04