

Agenda Item #:

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: July 8, 2008 [X] Consent [ ] Regular  
[ ] Ordinance [ ] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County Water Utilities Department to provide water service to the County's new Hagen Ranch Road Library located in western Delray Beach.

**Summary:** The County has completed the construction of the Hagen Ranch Road Library located on the east side of Hagen Ranch Road, approximately one (1) mile north of Atlantic Avenue in western Delray Beach. As part of the development, the County installed water utility lines to provide potable water, waste water and reclaimed water to both the Library and the adjacent Fire Rescue Station No. 42. The Declaration of Easement consists of two (2) easement areas. The first easement area runs 190' along the eastern portion of the Fire Rescue Station, varying in width from 15' to 37', containing approximately 400 square feet. The second easement is a 10'x10' area on the Library property for the force main valve and cleanout box. The Declaration will be recorded to provide notice of the existence and location of the water main pipes. (PREM) District 5 (JMB)

**Background and Justification:** The new Hagen Ranch Road Library is scheduled to open on July 12, 2008. Easements are required over the sections of mains that the Water Utilities Department will be maintaining. The Declaration of Easement provides public notice of the existence of the water main pipes.

**Attachments:**

- 1. Location Map
- 2. Declaration of Easement

Recommended By: [Signature] Anthony 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)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b><u>0</u></b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
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>Atwill</i> 6-30-08                  OFMB                  88                  6/30/08</p>	<p><i>6/26/08</i>                  5/26/08                  6/30/08</p>	<p><i>6/25/08</i>                  6/30/08</p>	<p><i>James J. Jacobs</i> 7/1/08                  Contract Development and Control                  6/30/08</p>
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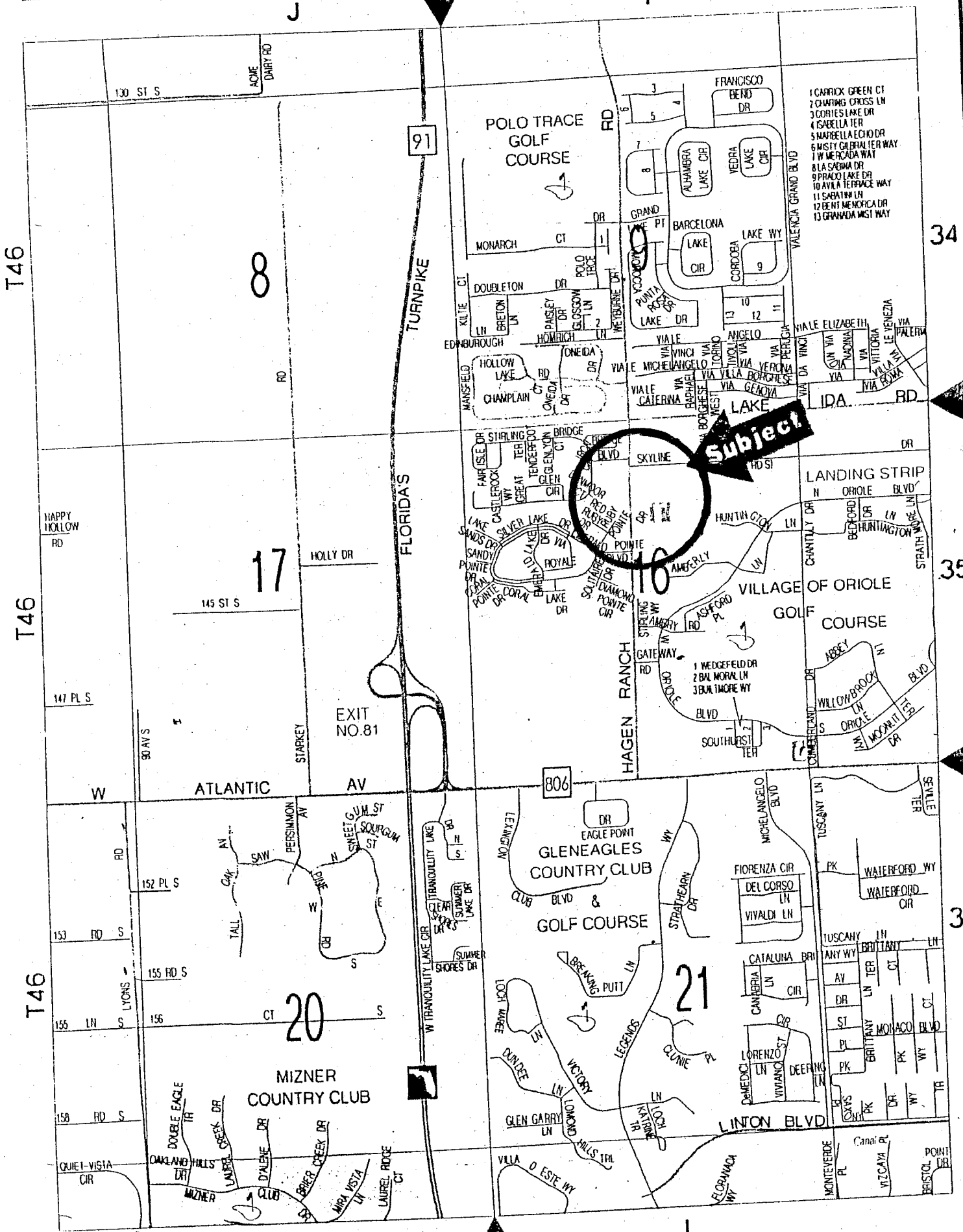
**B. Legal Sufficiency:**

*James Berube* 7/2/08  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

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



ATTACHMENT # 1

LOCATION MAP

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

PCN: 00-42-46-16-00-000-1090 and 00-42-46-16-00-000-1030

## 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 and sewer 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, reclaimed water and/or wastewater lines and appurtenant  
facilities and equipment in, on, over, under and across the Easement Premises. This easement  
or portion thereof can be utilized for a wastewater pump station and said pump station may  
be fenced in for access control purposes.

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:           Rett Anthony Wolf            
Department Director

**EXHIBIT "A"**

**THE PROPERTY**

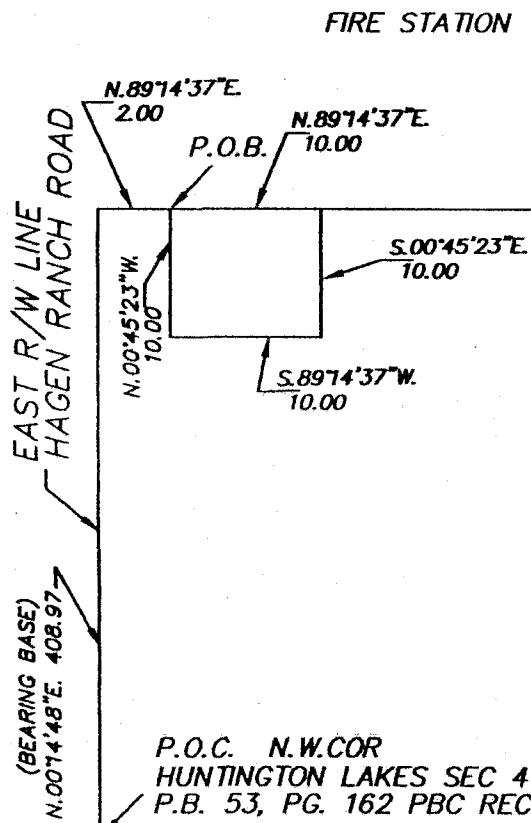
**A parcel of land in Section 16, Township 46 South, Range 42 East, Palm Beach County, Florida, being the North One-Half of the Southwest Quarter of the Northeast Quarter of said Section 16, Less the West 60.00 feet thereof for right-of-way of Hagen Ranch Road.**

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LEGEND

- R/W RIGHT OF WAY
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG. PAGE
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINUS
- C/L CENTER LINE
- P.B.C.U.E. PALM BEACH COUNTY UTILITY EASEMENT

ANTIQUERS AERODROME



HUNTINGTON LAKES REC. AREA  
P.B. 40, PG. 112 PBC REC.


HUNTINGTON LAKES SEC 4  
P.B. 53, PG. 162 PBC REC.

DESCRIPTION; A PARCEL OF LAND LYING IN THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF HUNTINGTON LAKES, SECTION FOUR, PLAT BOOK 53, PAGE 162, PALM BEACH COUNTY RECORDS; THENCE N.00°14'48"E. ALONG THE EAST RIGHT OF WAY LINE OF HAGEN RANCH ROAD A DISTANCE OF 408.97 FEET; THENCE N.89°14'37"E. A DISTANCE OF 2.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°14'37"E. A DISTANCE OF 10.00 FEET; THENCE S.00°45'23"E. A DISTANCE OF 10.00 FEET; THENCE S.89°14'37"W. A DISTANCE OF 10.00 FEET; THENCE N.00°45'23"W. A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

BRUCE CARTER & ASSOCIATES, INC.  
SURVEYORS - PLANNERS  
405 S.E. 6TH AVE.  
(SOUTH FEDERAL HIGHWAY)  
DELRAY BEACH, FLORIDA 33483  
PHONE (561)-265-1910 / FAX (561)-265-1919

THIS SKETCH IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE AND AN EMBOSSED SURVEYORS SEAL



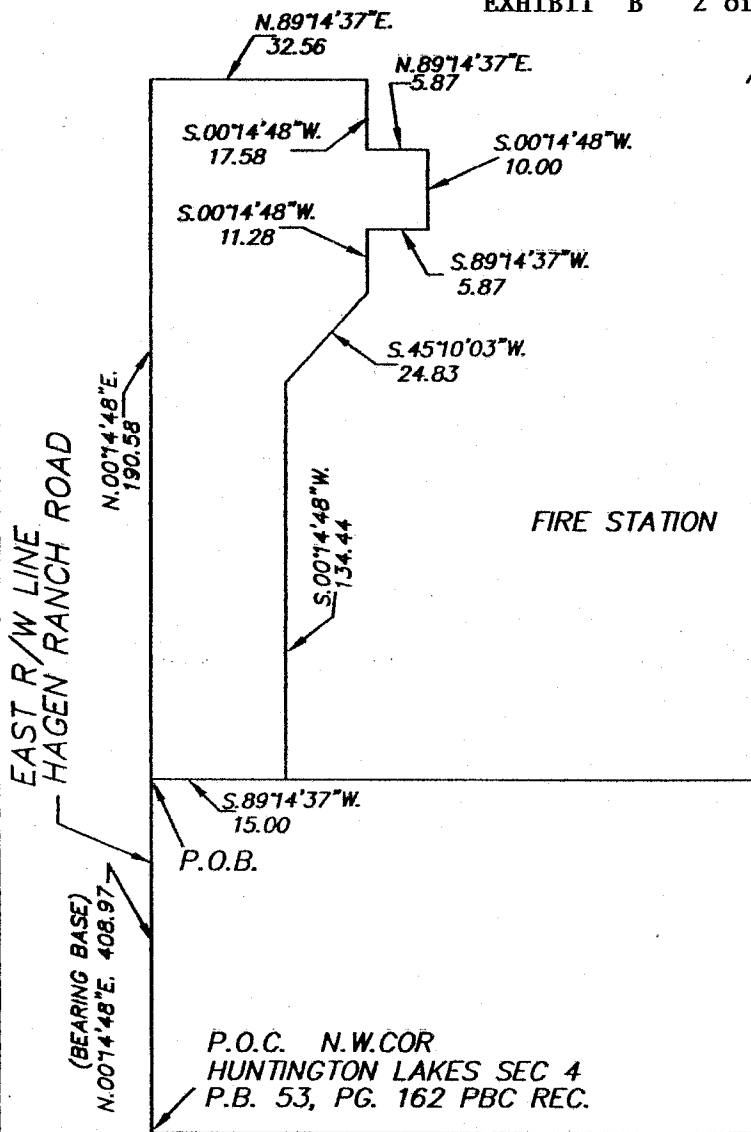
BRUCE N. CARTER  
REGISTERED LAND SURVEYOR  
#2963  
STATE OF FLORIDA

DATE	11-28-07
DRAWN BY	BC
F.B. / PG.	NA
SCALE	NTS
PAGE	1 OF 1

HAGEN RANCH LIBRARY  
P.B.C. UTILITY EASEMENT

OK JA 11/20/08

ANTIQUERS AERODROME



**LEGEND**

- R/W RIGHT OF WAY
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- P.B PLAT BOOK
- PG PAGE
- P.O.C POINT OF COMMENCEMENT
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LIBRARY

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HAGGEN RANCH LIBRARY  
P.B.C. UTILITY EASEMENT (OFFSITE)

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BRUCE N. CARTER  
REGISTERED LAND SURVEYOR  
#2963  
STATE OF FLORIDA

DATE	11-28-07
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F.B./ PG.	NA
SCALE	NTS
PAGE	1 OF 1

O.K. 4/29/08  
JC