

3H-5

Agenda Item #:

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: 9/9/08 [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 for water mains servicing Fire Rescue Station No. 44.

**Summary:** The County is developing Fire Rescue Station No. 44 on 2.12 acres of County owned property located west of Jog Road and south of Flavor Pict Road (the Winsberg property). As part of the development of the Station, the County installed water lines to connect to existing force mains. The Water Utilities Department requires easements for those water lines. The first easement is located approximately 120 feet from the western boundary line, is 20' x 23' and contains approximately 460 sq. feet (0.01 acres). The second easement is located approximately 30 feet from the eastern boundary line, is 20' x 108' and contains approximately 2,160 square feet (0.05 acres). The Declaration will be recorded to provide notice of the existence and location of the water main pipes. (PREM) District 5 (HJF)

**Background and Justification:** Construction of the Station will be completed in August 2008. 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] Amy Wolf 7/25/08  
Department Director Date

Approved By: [Signature] 8/6/08  
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><u>          </u></b>	<b><u>          </u></b>	<b><u>          </u></b>	<b><u>          </u></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:**

atwillhite 8-1-08  
 OFMB  
 (WD) CP  
 7/31/08 7/31/08

Don J. Jaws 8/1/08  
 Contract Development and Control  
 8/1/08

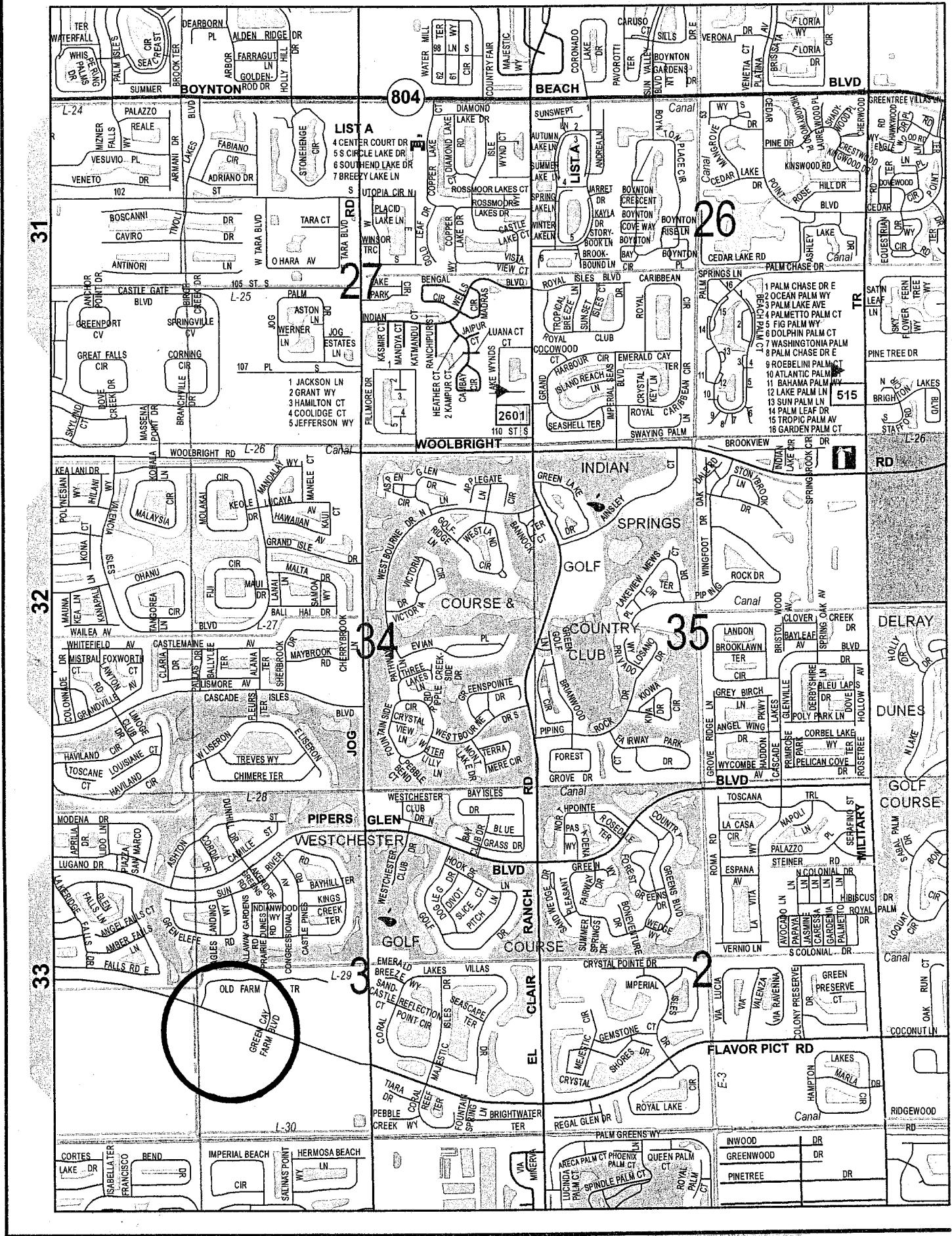
**B. Legal Sufficiency:**

H. J. [Signature] 8/5/08  
 Assistant County Attorney

**C. Other Department Review:**

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

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



LOCATION MAP  
ATTACHMENT #1

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

PCNs: 00-42-46-03-18-003-0000 (a portion of)

## 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: Ret. Anthony Wolf  
Department Director

**EXHIBIT "A"**

**THE PROPERTY**

ALL OF TRACT C AS DESCRIBED IN THE WINSBERG WETLAND RESTORATION PROJECT REPLAT,  
RECORDED IN PLAT BOOK 102, PAGES 93 THROUGH 97, OF THE PUBLIC RECORDS OF PALM BEACH  
COUNTY, FLORIDA.

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**EXHIBIT "B"**

**THE EASEMENT PREMISES**

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THIS IS NOT A SURVEY

LEGAL DESCRIPTION:  
20' UTILITY EASEMENT

A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT C OF THE PLAT OF WINSBERG WETLAND RESTORATION PROJECT AS RECORDED IN PLAT BOOK 102, PAGE 93 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AN EASEMENT OVER A STRIP OF LAND 20.00 FEET WIDE, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRACT E OF THE PLAT OF WINSBERG FARMS P.U.D. AS RECORDED IN PLAT BOOK 102, PAGE 98 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:  
THENCE SOUTH 70° 48' 16" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF FLAVOR PICT ROAD AS RECORDED IN OFFICIAL RECORD BOOK 11789, PAGE 54 OF SAID PUBLIC RECORDS FOR 120.82 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE CENTERLINE OF SAID 20.00 FOOT WIDE UTILITY EASEMENT:  
THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 19° 14' 01" WEST, FOR 23.00 FEET TO THE POINT OF TERMINUS:

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO INTERSECT AT THE ANGLE POINTS THEREIN.

CONTAINING 460 SQ. FT., MORE OR LESS.

LEGEND:

- M.E. - MAINTENANCE EASEMENT
- C/L - CENTERLINE
- SDE - SWALE DRAINAGE EASEMENT
- U.E. - UTILITY EASEMENT
- FND - FOUND
- CONC - CONCRETE
- N&D - NAIL & DISC
- IR&C - IRON ROD & CAP
- R/W - RIGHT OF WAY
- POC - POINT OF COMMENCMENT
- POB - POINT OF BEGINNING
- POT - POINT OF TERMINUS
- LAE - LIMITED ACCESS EASEMENT

REVISE SKETCH 6-13-08

SHEET 1 OF 2

FOR REFERENCE ONLY. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHN F. TRACH  
STATE OF FLORIDA  
P.L.S. NO. 4871



SKETCH AND DESCRIPTION  
20' UTILITY EASEMENT

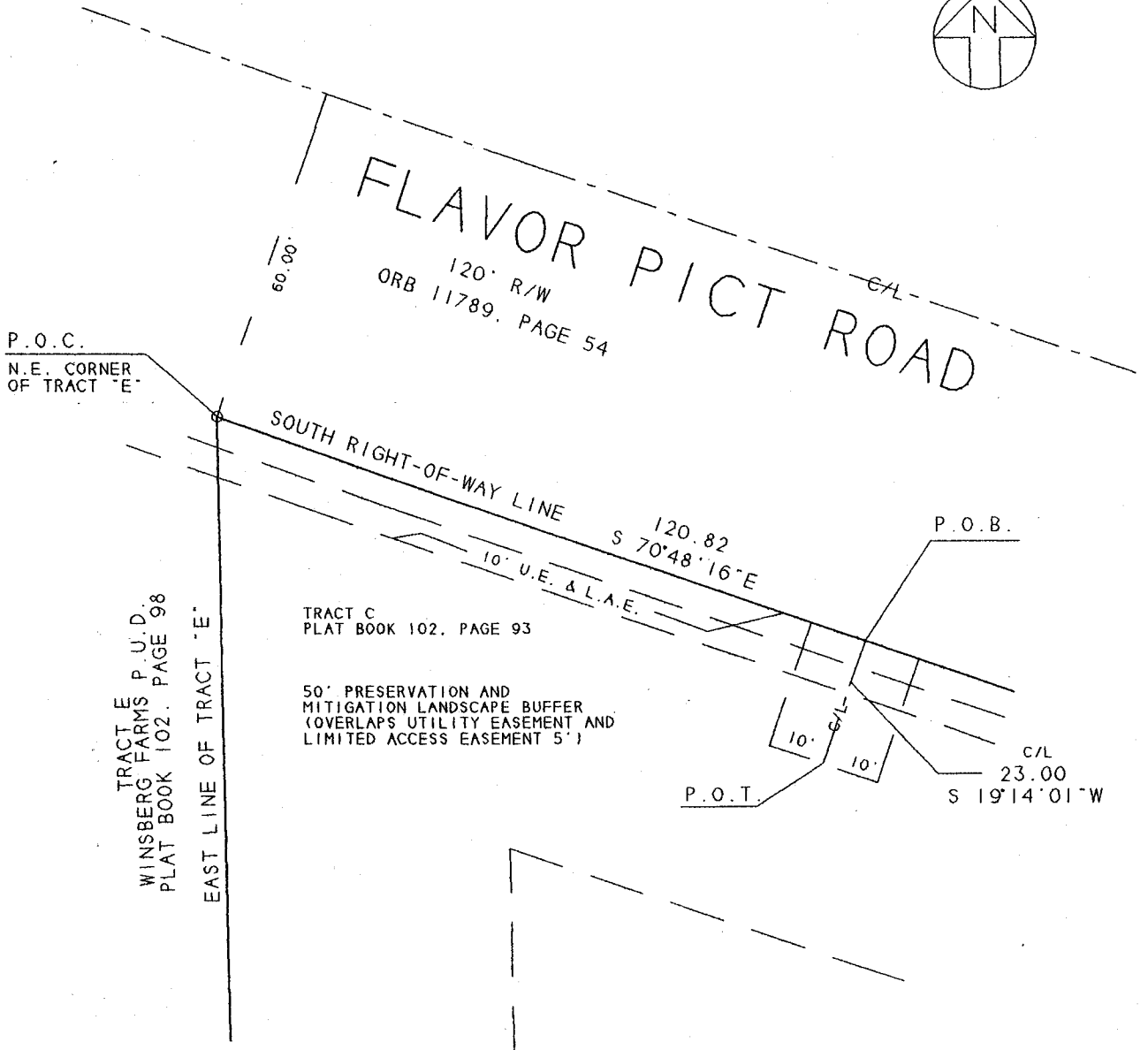
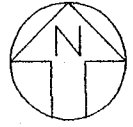
04-25-08 DATED:	1" = 30' SCALE:	F.B. P.
UNIVERSAL SURVEYING SYSTEMS, INC. CERTIFICATE OF AUTHORIZATION NUMBER LB 5984 2623 LAKE DRIVE NORTH BOYNTON BEACH, FLORIDA 33435 OFFICE: 561-736-0432 FAX: 561-736-0908		08-04-002 FIRE44 DRAWING NO.

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THIS IS NOT A SURVEY

EXHIBIT "B" Page 2 of 4



REVISE SKETCH 6-13-08

SHEET 2 OF 2

FOR REFERENCE ONLY. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

*[Signature]*  
 JOHN F. TRACH  
 STATE OF FLORIDA  
 PLS NO. 4871



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THENCE SOUTH 70°48'16" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF FLAVOR PICT ROAD AS RECORDED IN OFFICIAL RECORD BOOK 11789, PAGE 54 OF SAID PUBLIC RECORDS FOR 360.39 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE CENTERLINE OF SAID 20.00 FOOT WIDE UTILITY EASEMENT:

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 18°15'18" WEST, FOR 50.02 FEET; THENCE SOUTH 08°25'07" WEST, A DISTANCE OF 40.23 FEET; THENCE SOUTH 15°01'28" WEST, A DISTANCE OF 18.11 FEET TO THE POINT OF TERMINUS:

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO INTERSECT AT THE ANGLE POINTS THEREIN.

CONTAINING 2,175 SQ. FT., MORE OR LESS.

LEGEND:

- M.E. - MAINTENANCE EASEMENT
- C/L - CENTERLINE
- SDE - SWALE DRAINAGE EASEMENT
- U.E. - UTILITY EASEMENT
- FND - FOUND
- CONC - CONCRETE
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REVISE SKETCH 6-13-08

SHEET 1 OF 2

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JOHN F. TRACH  
STATE OF FLORIDA  
PLS NO. 4871



SKETCH AND DESCRIPTION  
20' UTILITY EASEMENT

05-15-08  
DATED:

1" - 30'  
SCALE:

F.B. P.

UNIVERSAL SURVEYING SYSTEMS, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 5984  
2623 LAKE DRIVE NORTH  
BOYNTON BEACH, FLORIDA 33435  
OFFICE: 561-736-0432 FAX: 561-736-0908

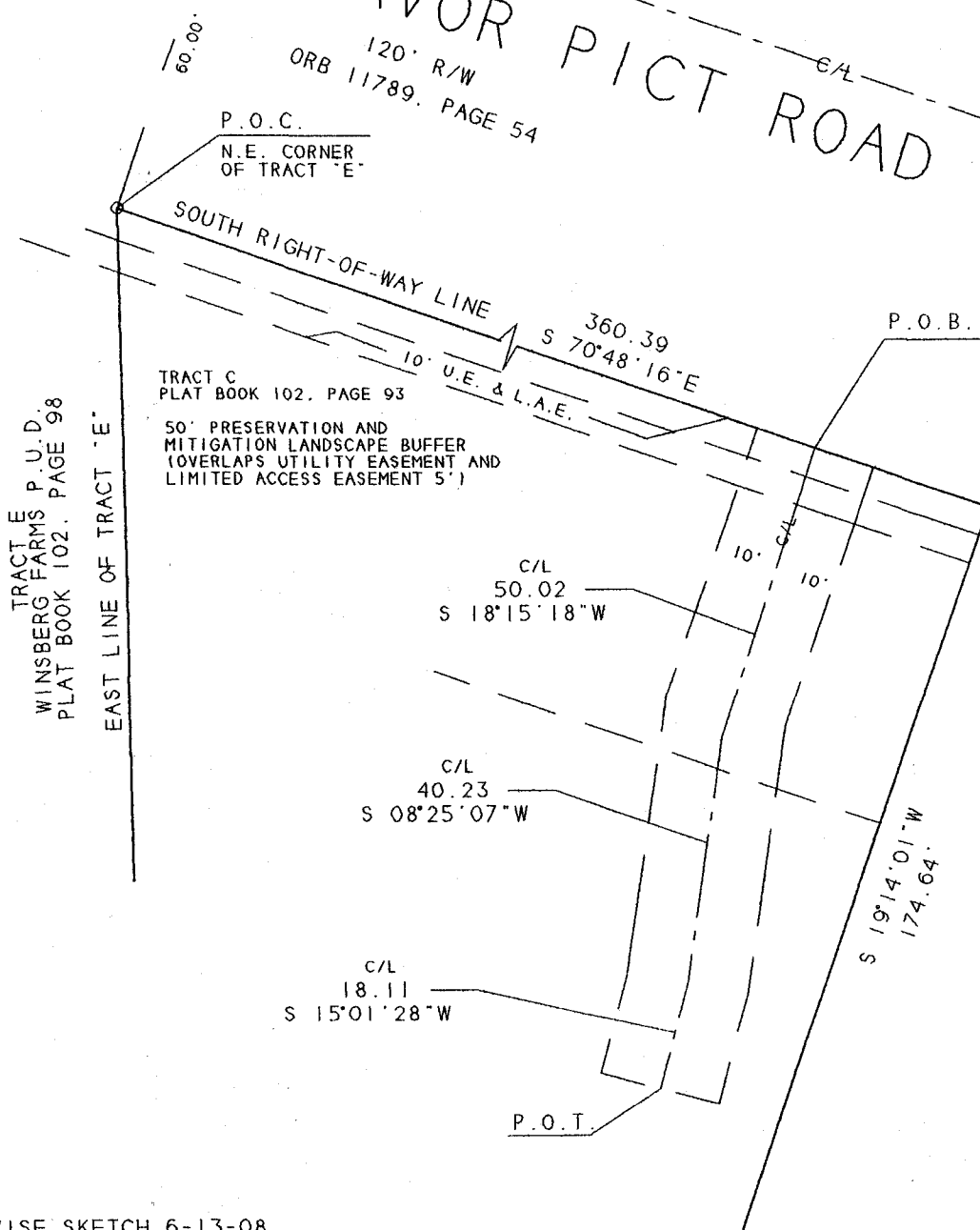
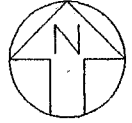
08-05-020  
FIRE44

DRAWING NO.

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THIS IS NOT A SURVEY

FLAVOR PICT ROAD



TRACT E  
WINSBERG FARMS P. U. D.  
PLAT BOOK 102, PAGE 98

EAST LINE OF TRACT "E"

TRACT C  
PLAT BOOK 102, PAGE 93  
50' PRESERVATION AND  
MITIGATION LANDSCAPE BUFFER  
(OVERLAPS UTILITY EASEMENT AND  
LIMITED ACCESS EASEMENT 5')

REVISE SKETCH 6-13-08

SHEET 2 OF 2

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