PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

9/9/08

Consent [X]

Regular []

Public Hearing []

Submitted By: Submitted For:

Water Utilities Department Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Partial Release of Utility Easement on land owned by Golfview Shopping Plaza Associates, LLP.

Summary: This document will release the County's interest in a portion of a utility easement recorded in the official records of Palm Beach County in Book 9859, Page 1888. During redevelopment of the Golfview Shopping Plaza the property owner contacted Water Utilities Department to point out that a portion of a recorded utility easement does not follow alignment of existing utilities. Water Utilities department confirmed that the alignment of the utilities does not agree with the recorded utility easement. The owner now requests release of the portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. District 3 (MJ)

Background and Justification: On October 31, 1985, the owner, Golfview Shopping Plaza Associates, granted an exclusive utility easement to the County to accommodate water and sewer mains. The owner, Golfview Shopping Plaza Associates has granted a new utility easement over the field-confirmed location of the existing utilities that are in alignment with the water and sewer mains. The owner is now requesting the release of the portion of the easement that the County has determined that it no longer needs.

Attachments:

- 1. Two (2) original Partial Release of Utility Easement
- 2. Location Map
- 3. One (1) copy of original utility easement ORB 9859 Pg.1888
- 4. One (1) copy of the replacement utility easement ORB 22732 Pg.1628

Recommended By:

Department Director

hata

Approved By:

Assistant County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Λ.	Tive real Summary o	i Fiscai i	пірасі.				
Fisc	al Years	2008	2009	2010	2011	2012	
Capital Expenditures 0 External Revenues 0 Program Income (County) 0 In-Kind Match County 0		<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>o</u> 0 0		
NET FISCAL IMPACT		<u>0</u>	<u>O</u>	<u>0</u>	<u>0</u>		
# ADDITIONAL FTE POSITIONS (Cumulative) 0		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		
Bud	get Account No.: Fun	Dept	Unit	Obj	ect		
Is Item Included in Current Budget? Yes No							
			Reporting Ca	ategory <u>N//</u>	<u>4</u>		
B. Recommended Sources of Funds/Summary of Fiscal Impact:							
	This item has no fiscal	impact.	^				
C.	Department Fiscal Re	view:	Delira	movest			
III. REVIEW COMMENTS							
A. OFMB Fiscal and/or Contract Development and Control Comments:							
OFMB OFMB							
B.	Legal Sufficiency:						
	Assistant County Attor	<i>8//と/.</i> ney	08/			•	

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

Other Department Review:

Department Director

C.

CHARGE #1023 RETURN VIA WILL CALL #133 ATTN: MARK FALLON, CONTRACT MANAGEMENT, PBC WATER UTILITIES DEPT, 8100 FOREST HILL BLVD, WPB, FL 33413

RELEASE OF A PORTION OF A UTILITY EASEMENT

day of, 2007_, by Palm Beach C Florida, first party, c/o Water Utilities Departm Beach, Florida 33413-3336, to Golfview Shop P. O. Box 20016,, West Palm B	nent, 8100 Forest Hill Boulevard, West Palm ping Plaza Associates, T. Whose address is
WITNES	SETH:
THAT the first party, for and in conside hand paid by the second party, the receipt of terminate, renounce, and release a portion of the Records Book 9859, Page 1888, Public Records Book 9859, Page 9859, Pag	hat UTILITY FASEMENT recorded in Official
THEREBY, the first party hereby releas in that portion of the UTILITY EASEMENT as attached hereto and incorporated herein as E	ses any and all of its rights, title, and interest shown in the sketch and legal description whibit "A."
IN WITNESS WHEREOF the first party OF A UTILITY EASEMENT to be executed as	has caused this RELEASE OF A PORTION of the day and year first written above.
ATTEST:	
Sharon R. Bock, Clerk & Comptroller	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
By:Clerk (or Deputy Clerk)	By:Addie L. Greene, Chairperson
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
By: County Attorney	

Legend



Portion of Easement to be Vacated

Partial Vacation of Utility Easement Section 36, Township 43 South, 42 East Palm Beach County, Florida

Description: (As Written by Surveyor)

Partial Vacation of Easement

A parcel of land lying and being in the Northeast 1/4 of Section 36, Township 43 South, Range 42 East, Palm Beach County, Florida, and being a portion of a 12.00' utility easement as described in O.R. Book 9859, Page 1888 of the Public Records of said County, being more particularly described as follows:

Commence at the Northwest corner of the Northeast ¼ of said Section 36, thence coincident with the West Boundary of the Northeast ¼ of said Section 36, S 00°05'00" W a distance of 958.22 feet; thence departing said West Boundary, S 89°55'00" E a distance of 311.33 feet; thence S 00°05'00" W a distance of 25.00 feet; thence S 89°55'05" E a distance of 41.00 feet; thence N 00°05'00" E a distance of 316.53 feet; thence N 07°55'00" W a distance of 35.35 feet to the POINT OF BEGINNING; thence S 72°26'22" W a distance of 12.19 feet; thence N 07°55'00" W a distance of 28.53 feet; thence N 38°10'00" W a distance of 175.00 feet; distance of 28.53 feet; thence N 38*10'00" W a distance of 175.00 feet; thence N 89*57'24" W a distance of 92.00 feet; thence N 00°05'00" E a distance of 12.00 feet; thence S 89*57'24" E a distance of 97.83 feet; thence S 38*10'00" E a distance of 184.07 feet; thence S 07*55'00" E a distance of 29.73 feet to the POINT OF BEGINNING.

Containing an area of 3645.14 square feet, 0.084 acres more or less.

Surveying Today With TOMORROW'S TECHNOLOGY

Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

The bearing structure for this survey is based on an assumed bearing of S 00°05′00° W for the West Boundary of the NE ¼ of Section 36–43S–42E.

This is not a Boundary Survey.

Stacy L. Brown P.S.M. No. 6516 SurvTech Solutions, Inc. L.B. No. 7340

SKETCH & DESCRIPTION

Drafted By: T. McClintic Date Drafted: 9/13/07 Field Date: N/A Field Book/Page: N/A

Checked By: S. Brown

Project No.: 20070154 Revision Date: 9/27/07

Drawing Name: 20070154_3SK1 Scale: 1" = 60'

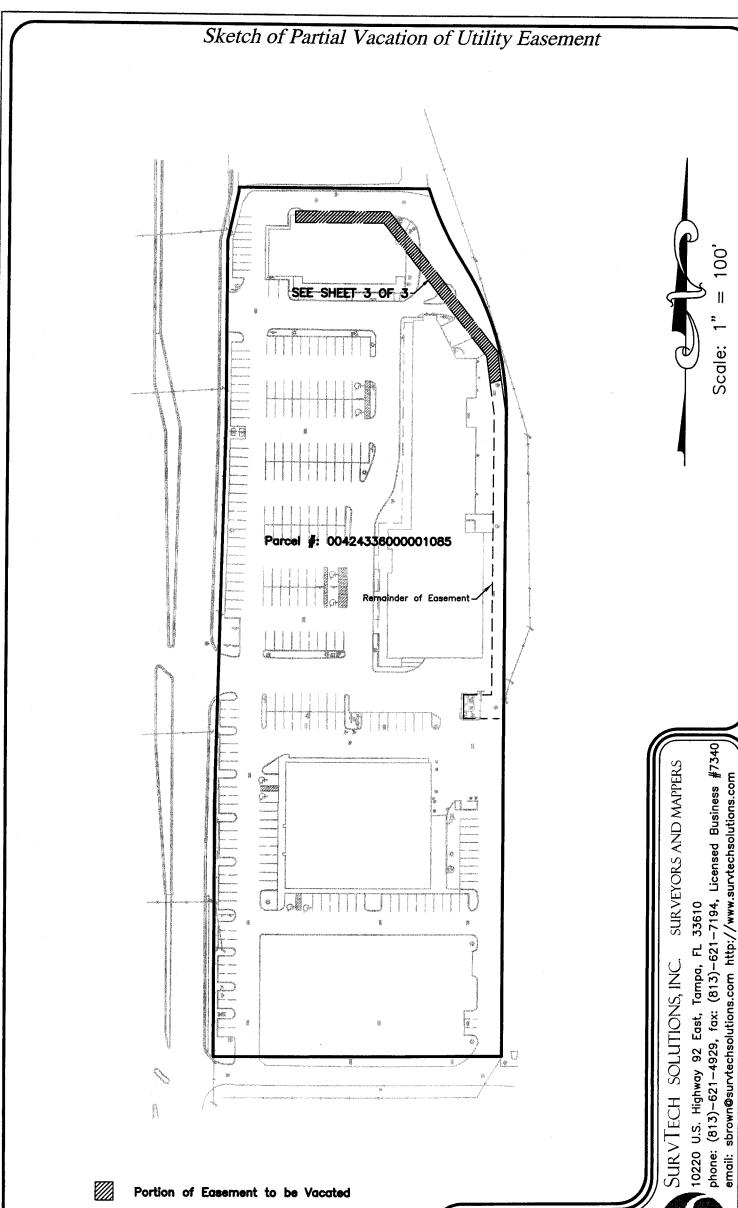


SHEET: 1 OF

SURVEYORS AND MAPPERS

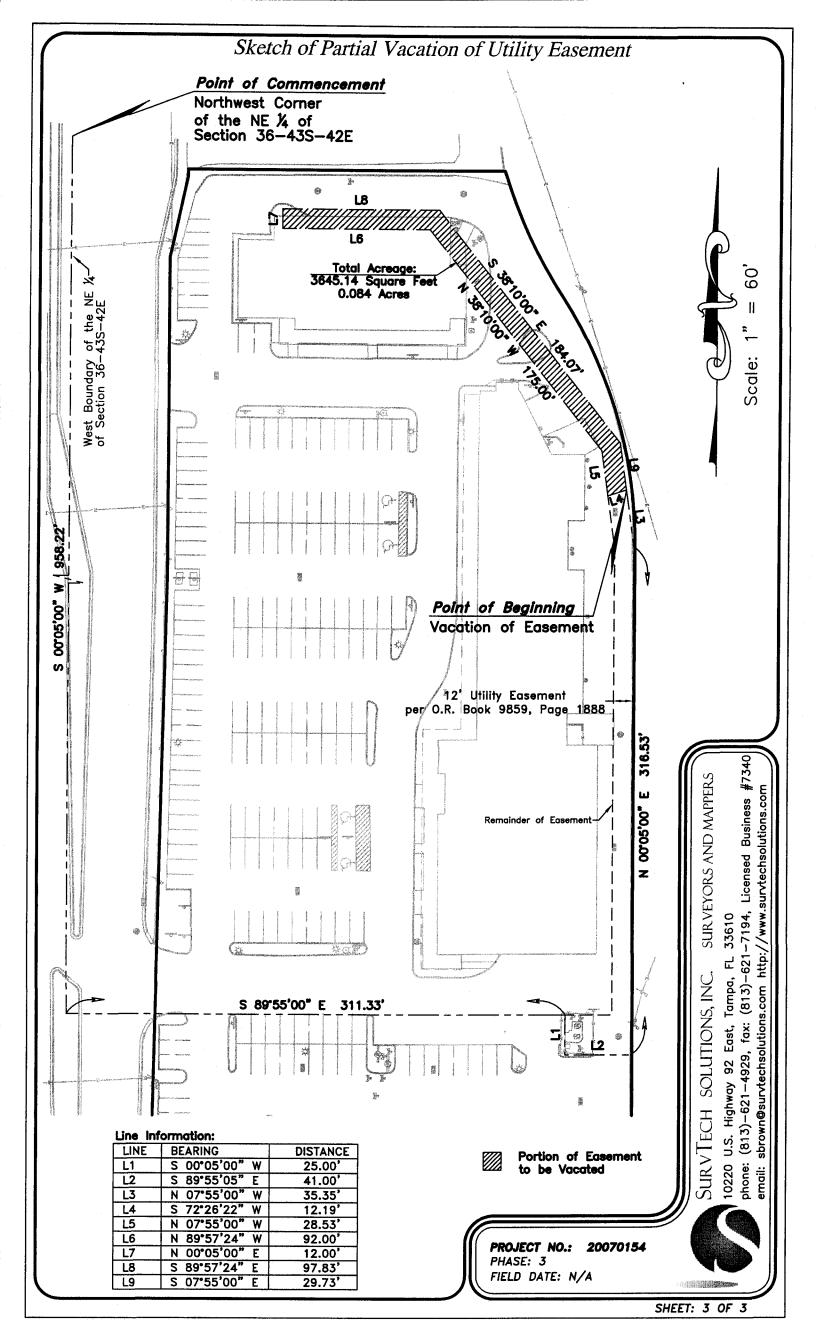
(813)-621-7194, Licensed Business Tampa, FL 33610 fāx: Highway 92 East, (813)-621-4929, U.S. phone:

sbrown@survtechsolutions.com http://www.survtechsolutions.com



PROJECT NO.: 20070154 PHASE: 3

FIELD DATE: N/A



Major Facilities

Legend

P.B.C.W.U.D. SA

---- Mandatory Reclaimed SA

= - • Palm Beach County Limits

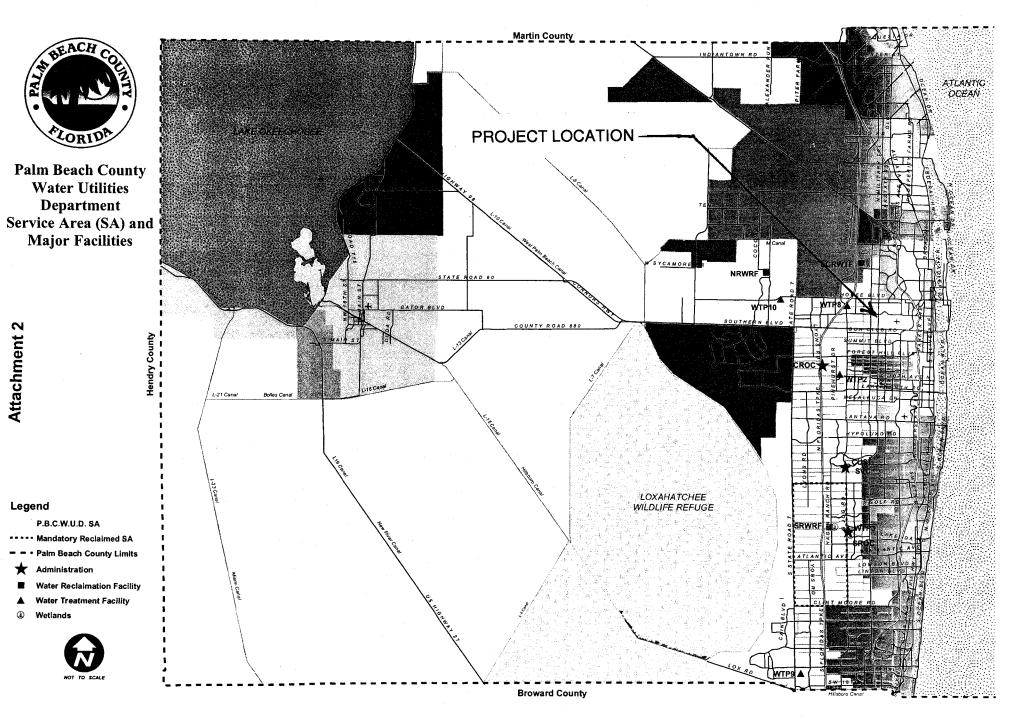
Administration

Water Reclaimation Facility

▲ Water Treatment Facility

Wetlands





WATER UTILITIES ENGINEERING DIVISION RECEIVED JUN-25-1997 2:53pm 97-225561 ORB 9859 Ps 1888 I BRITTON DOC .50

NOV 18 1985

AM PM 7,8,9,10,11,12,1,12,3,4,5,6

GRANT OF EASEMENT

THIS EASEMENT, made this 3/ day of October, 1985 by M.
LYNWOOD BISHOP, JR., GENE R. BARBATO, MOYE L. BISHOP, and
LAWRENCE BY MURPHY, trading and doing business as GOLFVIEW
SHOPPING PLAZA ASSOCIATES, a Florida partnership, party of the
first part, and PALM BEACH COUNTY, a subdivision of the State of
Florida, party of the second part.

WITNESSTEE. That the first party, in consideration of the sum of One Dollar and other valuable considerations paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, and its successors and assigns, a non-exclusive perpetual easement for the purpose of entering upon to construct, reconstruct, ay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect water transmission and distribution facilities and appurtenances thereto, and/or sewage transmission and collection facilities and all appurtenant equipment, with full right to ingress thereto and egress therefrom, the property of the party of the first part, described as follows, to wit:

Both parcels of land in Section 36, Township 43 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the quarter corner of the North Line of said Section 36; Thence S00°05'00"W along the North-South quarter section line a distance of 958.22 feet to a point; thence S89°55'00"E a distance of 311.33 feet to the Point of Beginning; thence S00°05'00"W a distance of 25.00 feet; thence S89°55'00"E a distance of 41.00 feet; thence N00°05'00"E a distance of 316.53 feet; thence N07°55'00"W a distance of 65.08 feet; thence N38°10'00"W a distance of 184.07 feet; thence S89°57'24"W a distance of 97.83 feet; thence S00°05'00"W a distance of 12.00 feet; thence S89°57'24"E a distance of 92.00 feet; thence S89°57'24"E a distance of 175.00 feet; thence S00°05'00"W a distance of 61.00 feet; thence S00°05'00"W a distance of 290.69 feet; thence S00°05'00"W a distance of 290.69 feet; thence S00°05'00"W a distance of 29.00 feet to the Point of Beginning.

PBC. Water Util P.O. Bx 16097 West PALM Beach West PALM 33416

Commencing at the quarter corner of the North line of said Section 36; thence S00°05'00"W along the North-South quarter section line a distance of 958.22 feet to a point; thence S89°55'00"E a distance of 183.00 feet to the Point of Beginning; thence S00°05'00"W a distance of 45.00 feet; thence S89°55'00"E a distance of 12.00 feet; thence N00°05'00"E a distance of 414.00 feet; thence S89°55'00"E a distance of 25.00 feet; thence N00°05'00"E a distance of 12.00 feet; thence

N89°55'00"W a distance of 25.00 feet; thence
N00°05'00"E a distance of 20.00 feet; thence
S89°55'00"E a distance of 73.00 feet; thence
N00°05'00"E a distance of 111.31 feet; thence
S89°57'24"E a distance of 8.13 feet; to a point in a
curve concave to the east, said curve having a central
angle of 2°26'13.3", a radius of 315.37 feet and
tangent of 6.70 feet; thence along the long chord of
said curve on a chord bearing of N26°29'23"W a
distance of 13.413 feet and an arc distance of 13.414
feet to a point; thence N89°57'24"W a distance of
13.13 feet; thence S00°05'00"W a distance of 93.31
feet; thence N89°55'00"W a distance of 12.00 feet;
thence S00°05'00"W a distance of 18.00 feet; thence
S00°05'00"W a distance of 61.00 feet; thence
S00°05'00"W a distance of 5.00 feet; thence
S00°05'00"W a distance of 5.00 feet; thence
S00°05'00"W a distance of 5.00 feet; thence
S00°05'00"W a distance of 34.39 feet to the Point of
Beginning. Beginning,

IN WITNESS WHEREOF the said party of the first part has executed this Grant of Easement the day and year aforesaid.

GOLFVIEW SHOPPING PLAZA ASSOCIATE amal M. LYNWOOD BISHOP, JR. Partner GENE R. BARBATO Partner BISHOP Partner LAWRENCE E MURPHY Partner STATE OF FLORIDA COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this day of October, 1985 by M. LYNWOOD BISHOP, JR., as Partner on behalf of GOLFVIEW SHOPPING PLAZA ASSOCIATES.

11 0. 45 HOTÁR

Maria U. He Notary Public, State of Florida at Large

My commission expires:

Notary Public. State of Florida My Commission Expires Aug. 17, 1938
Bonded Thru Tray Fain Insurance, Inc.

ORB 9859 Pg 1890

DOROTHY H. WILKEN, CLERK PB COUNTY, FL STATE OF FLORIDA COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this day of October, 1985 by GENE R. BARBATO, as Partner on behalfoof GOLFVIEW SHOPPING PLAZA ASSOCIATES.

HOTARY

SHELL BOOK

PUBL C

Marian Notary Public, State of Florida at Large My commission expires:

STATE OF FLORIDA COUNTY OF PALM BEACH

Notary Public. State of Horica My Commission Expires Aug. 17, 1988 Bonded Thru Troy Fain - Incurance, Inc.

The foregoing instrument was acknowledged before me this day of october, 1985 by MOYE L. BISHOP, as Partner on behalf of GOLFVIEW SHOPPING PLAZA ASSOCIATES.

AL STORY TARP

Deboral Fletcher Notary Public, State of Florida at Large

My commission expires:

Notary Public, State of Horida

Ny Commission Expires Dec. 19, 1985

Bonded This Troy fair - Insurence, let.

STATE OF FLORIDA
COUNTY OF PALM BEACH
foregoing The foregoing instrument was acknowledged before me this day of October, 1985 by LAWRENCE E. MURPHY, as Partner on behalf of GOLFVIEW SHOPPING CENTER ASSOCIATES. bena.

Notary Public, State of Florida at Large
My commission expires:

Notary Public, S

Notary Public, S

Commission Exp

Notary Public. State of Florida My Commission Expires Aug. 17, 1988 Bonded Thru Troy fain - Interance, Inc.

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Attachment 4



CHARGE #1023 RETURN VIA WILL CALL #133 ATTN: MARK FALLON, CONTRACT MANAGEMENT, PBC WATER UTIITIES DEPT. 8100 FOREST HILL BLVD., WPB, FLORIDA 33413 - AB 587 CFN 20080247717 OR BK 22732 PG 1628 RECORDED 07/01/2008 11:28:12 Palm Beach County, Florida AMT 10.00

Doc Stamp 0.70
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1628 - 1632; (5pgs)

THIS EASEMENT is made, granted and entered into this 27 day of November, 2007 by Golfview Shopping Plaza Associates, LLP, (hereinafter referred to as "Grantor"), whose address is P. O. Box 20016, West Palm Beach, FL 33416 to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P. O. Box 16097, West Palm Beach, FL 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and/or assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor 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 liens and appurtenant facilities and equipment in, on, over, under and across the easement premises. This utility casement or portion thereof can also be utilized for a wastewater pump station and may be fonered in for access control purposes. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHD HERETO AND MAKE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary, except mortgage to Genworth Life Insurance Company.

IN WITNESS WHEREOF, the Grantor has hereunto set it's hand and affixed its seal as of the date first above written.

WITNESSES: Signed, sealed and delivered In the presence of Witness Signature	GRANTOR: Golfview Shopping Plaza Associates, LLP By: Signature M. Lynwood Bishop, Jr. It's Managing Partner
Print Name	Print Name (and Title if applicable)
Witness Structure POLICE	Signature
Print Name X Steveal L Grata	Print Name (and Title if applicable) (SEAL)
State of Florida County of Palm Resch	ARY CERTIFICATE ged before me this 29 day of \cancel{NoV} , 2007 by
The foregoing instrument was acknowled: M. Lynwood Bishop, Jr He/she is personally kno	ged before me this 29 day of 7700, 2007 by
as identification.	white of has produced
Notary Public Serial Number	Signature of Notary Public
Steven L Craig My Commission DD363253	Typed, Printed, or Stamped Name of Notary
Expires October 17, 2008	/



Easement

Sketch & Description of Utility Easement Section 36, Township 43 South, 42 East Palm Beach County, Florida

Proposed 12.00' Utility Easement Description: (As Written by Surveyor)

A 12.00' utility easement lying and being in the Northeast 1/2 of Section 36, Township 43

South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northeast ¼ of said Section 36, thence coincident with the West Boundary of the Northeast ¼ of said Section 36, S 00°05′00″ W a distance of 958.22 feet; thence departing said West Boundary, S 89°55′00″ E a distance of 311.33 feet to a point on an existing 12.00′ Utility Easement per O.R. Book 9859, Page 1888; thence coincident with the North and Westerly Boundary of said easement the following three (3) courses: 1) S 89°55′00″ E a distance of 29.00 feet; 2.) thence N 00°05′00″ E a distance of 29.069 feet; 3.) thence N 07°55′00″ W a distance of 32.47 feet to the POINT OF BEGINNING; thence departing the Westerly Boundary of said easement, N 27°33′59″ W a distance of 205.24 feet; thence N 89°13′38″ W a distance of 97.51 feet; thence N 00°46′22″ E a distance of 12.00 feet; thence S 89°13′38″ E a distance of 104.67 feet; thence S 27°33′59″ E a distance of 214.52 feet to a point on the Easterly Boundary of the aforementioned existing 12.00′ Utility Easement per O.R. Book 9859, Page 1888; thence departing said Easterly Boundary, S 72°26′22″ W a distance of 12.19 feet to the POINT OF BEGINNING.

Containing an area of 3731.55 square feet, 0.086 acres more or less.

Surveying Today With Tomorrow's Technology

 Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

 The bearing structure for this survey is based on an assumed bearing of S 00"05"00" W for the West Boundary of the NE ¼ of Section 36-43S-42E.

3.) This is not a Boundary Survey.

Stacy L. Brown P.S.M. No. 6516 SurvTech Solutions, Inc. L.B. No. 7340

SKETCH & DESCRIPTION

Drafted By: T. McClintic Date Drafted: 9/13/07 Field Date: N/A Field Book/Page: N/A

Checked By: S. Brown

Project No.: 20070154
Phase: 3

Revision Date: 11/8/07 Drawing Name: 20070154_3SK2

Scale: 1" = 60'



(813)-621-7194, Licensed Business #7340

sbrown@survtechsolutions.com http://www.survtechsolutions.com

fax:

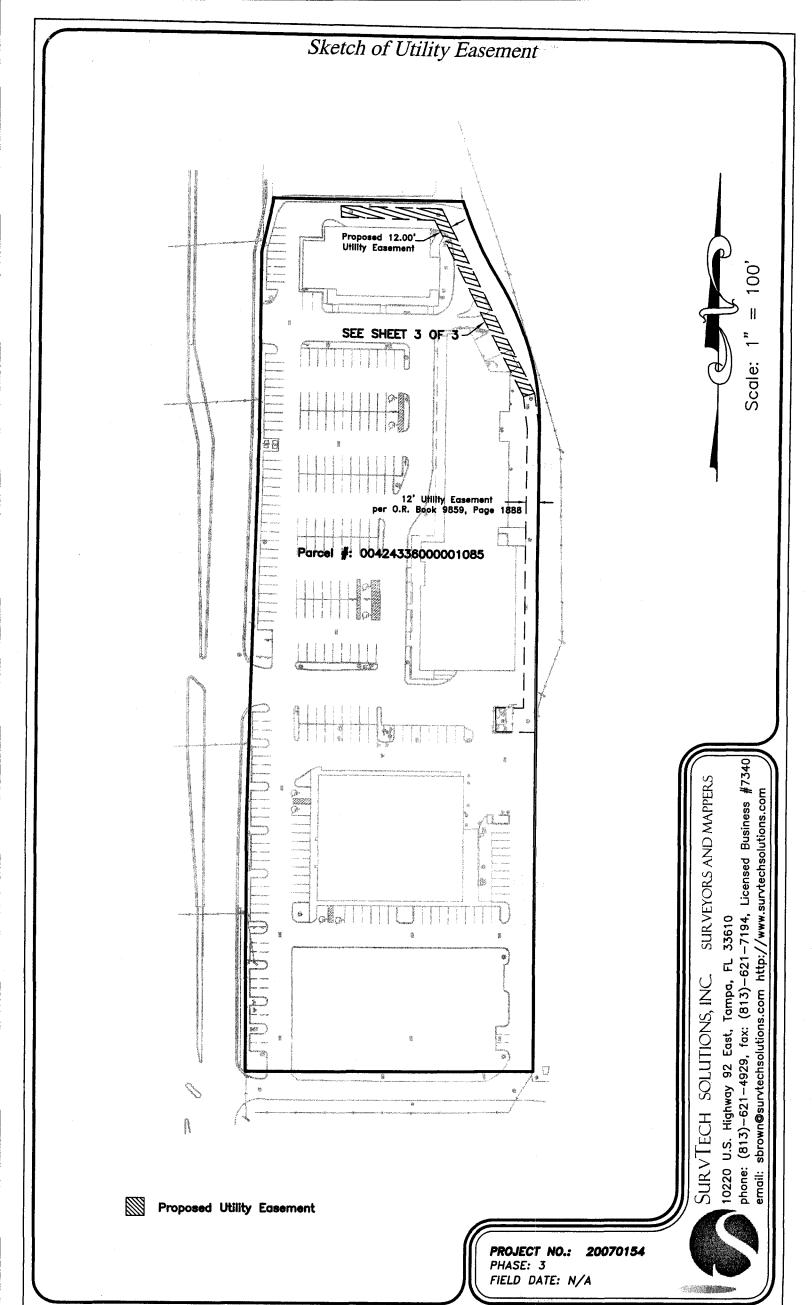
(813)-621-4929,

phone:

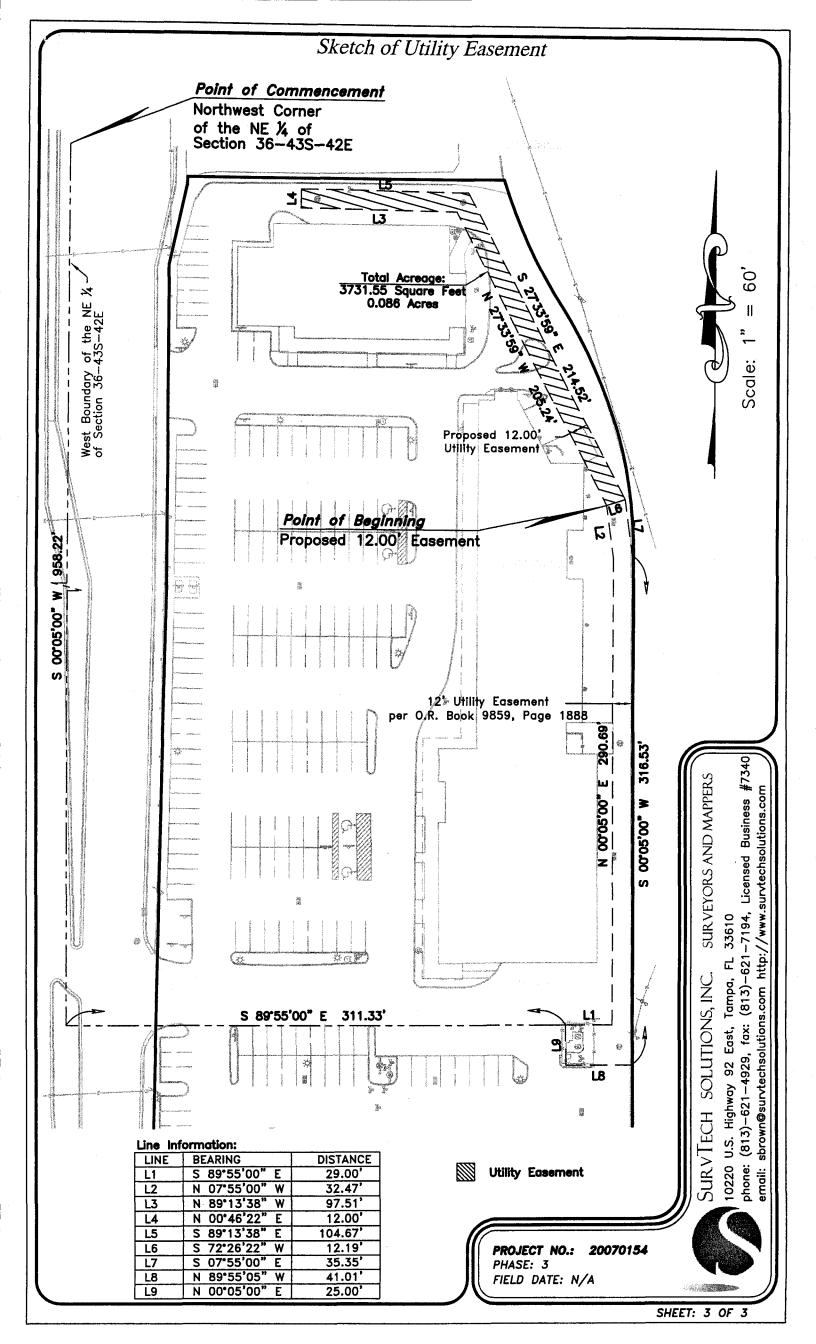
email:

SURVEYORS AND MAPPERS

SHEET: 1 OF 3



SHEET: 2 OF 3



CHARGE #1023 RETURN VIA WILL CALL #133 ATTN: MARK FALLON, CONTRACT MANAGEMENT, PBC WATER UTILITIES DEPT, 8100 FOREST HILL BLVD, WPB, FL 33413

CONSENT AND SUBORDINATION OF MORTGAGEE FOR UTILITY EASEMENT

The undersigned mortgagee does hereby consent to the granting of this Utility Easement, across the lands herein described, and agrees that its mortgage, which is recorded in Official Record Book 22175, Page 0840, of the Public Records of Palm Beach County, Florida, shall be subordinated to this Utility Easement.

IN WITNESS WHEREOF, the Grantor/Mortgagee has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES: Signed, sealed and delivered in the presence of: Witness Signature Tanec Preserve Print Name Makanhall Witness Signature Witness Signature Wargen Ann Longsheet Print Name	GRANTOR/MORTGAGEE: GENWORTH LIFE INSURANCE COMPANY By: Signature Print Name (and Title if applicable) Print Name (and Title if applicable)
	(SEAL)
STATE OF VIRGINIA COUNTY <u>HENRICO</u>	this 13 day of February, 2008 by Cindy J. Heidel as identification. Signature of Notary Rose Mac Donald Typed, Printed, or Stamped Name of Notary
	ROSE MACDONALD Notary Public Commonwealth of Virginia 143149 My Commission Expires Oct 31, 2009