

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

=====

Meeting Date:	September 23, 2008	Consent <input checked="" type="checkbox"/> [X]	Regular <input type="checkbox"/> [ ]
		Public Hearing <input type="checkbox"/> [ ]	

Submitted By: Water Utilities Department  
Submitted For: Water Utilities Department

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I. EXECUTIVE BRIEF

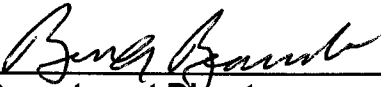

**Motion and Title:** Staff recommends motion to approve: a non-standard Utility Easement and Access Easement from Macaw Holdings V, LLC and Fort Pierce Development Group, LLC.

**Summary:** The Utility Easement and Access Easement are necessary for the construction and maintenance of a new water service line and water meter for the property located at 4246 Okeechobee Blvd. The Water Utilities Department concurs with the Utility Easement and Access Easement Agreements provided by Macaw Holdings V, LLC and Fort Pierce Development Group, LLC. There is no cost to the County for acquisition of these easements. District 2 (MJ)

**Background and Justification:** The owner of the property located at 4246 Okeechobee Blvd. in West Palm Beach is desirous of connecting to the public water supply system. The nearest water main runs south of and parallel to their south property line, which is behind both the building and the main entrance to the property. Water Utilities engineering staff is agreeable to installing the water meter near the existing water main at the rear of the property. The property owner will grant a perpetual easement to the County to accommodate the installation, access, and maintenance of the utility facilities. The utility easement and access easement, as described in the attached sketches and legal documents, are necessary to install and maintain the water meter and service line, and to ensure that the Department has authority to enter upon the property from the main entrance on Okeechobee Blvd. and access the water meter located behind the building.

**Attachments:**

- 1. One (1) Original Utility Easement
- 2. One (1) Original Access Easement
- 3. Location Map

Recommended By:		9/8/08
	Department Director	Date
Approved By:		9/22/08
	Assistant County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Budget Account No.:	Fund _____	Dept _____	Unit _____	Object _____	

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Reporting Category N/A

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

N/A

C. Department Fiscal Review: Debra M. West

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development and Control Comments:

*No fiscal impact.*

Atwillwhite 9.11.08  
OFMB  
*UD 9/10/08 SN 9/10/08 CN 9/10/08*

Ar J. J. J. 9/12/08  
Contract Development and Control  
*E. J. J. 9/12/08*

### B. Legal Sufficiency:

*W. J. J.* 9/22/08  
Assistant County Attorney

### C. Other Department Review:

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

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

Return to:  
Name: Mark Fallon  
Palm Beach County Water Utilities Department  
P.O. Box 16097 Attn: Engineering Div.  
West Palm Beach, Florida 33416-6097

### UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 13<sup>th</sup> day of June, 2008, by Malaw Holdings V, LLC and F.P.D.L. LLC (hereinafter referred to as "Grantor"), whose address is 4246 Kreschabee Blvd, West Palm Beach, FL 33409, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 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 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 lines and appurtenant facilities and equipment in, on, over, under and across the easement premises. Any facilities installed by Grantee within the easement shall be even with ground level. 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", ATTACHED HERETO AND MADE 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.

IN WITNESS WHEREOF, the Grantor 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:

Sherry D. Rademacher  
Witness Signature  
Sherry D. Rademacher  
Print Name  
Laura Hanson  
Witness Signature  
Laura Hanson  
Print Name

#### GRANTOR:

H. Alan Welles  
Signature  
H. Alan Welles, mgr member  
Print Name (and Title if applicable)  
N/A  
Signature  
N/A  
Print Name (and Title if applicable)  
(SEAL)

### NOTARY CERTIFICATE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 13 day of June, 2008  
by Howard Alan Welles and N/A who is/are  
personally known to me or who has produced FL ID as identification.

My Commission Expires:



Laura Hanson  
Notary Signature  
Laura Hanson  
Typed, Printed or Stamped Name of Notary

ACCEPTED BY:

ATTEST:

SHARON R. BOCK, CLERK &  
COMPTROLLER

PALM BEACH COUNTY, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

(SEAL)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS

By: \_\_\_\_\_  
County Attorney

By:   
Department Director

BJS 9/8/88

A SIX FEET WIDE UTILITY EASEMENT BEING THE SOUTH 6 FEET AND THE WEST 6 FEET OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 20689, PAGE 1762, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION OCCUPIED BY AN EXISTING CBS COMMERCIAL BUILDING. SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SAID EASEMENT CONTAINING 1203.72 SQUARE FEET OR 0.028 ACRES MORE OR LESS.

NOTES:

1. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE BEARING BASE OF THIS SKETCH OF LEGAL DESCRIPTION IS S89°22'11"E ALONG THE NORTH LINE OF SECTION 25/43/42.

I HEREBY CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA STATUTES, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Robert Bennett

**BLOOMSTER**  
PROFESSIONAL LAND  
SURVEYORS, INC.  
FLORIDA L.B. # 6018

SHEET 1 OF 2	
SCALE:	1" = 30'
DATE:	06/03/06
F.B.	SKETCH
JOB NO.	10442
REVISIONS	

PREPARED FOR: H. ALAN WELLS REAL ESTATE, LLC

**SITE LOCATED:**

4246 OKEECHOBEE BOULEVARD, PALM BEACH COUNTY, FLORIDA

# SKETCH OF DESCRIPTION

POINT OF COMMENCEMENT

**OKEECHOBEE BOULEVARD**

NORTHWEST CORNER OF THE  
NORTHEAST 1/4 OF THE NORTHEAST 1/4  
OF SECTION 25/43/42

S89°22'11"E 1349.20'

NORTH LINE OF SECTION 25/43/42

NORTH 1/4 CORNER SECTION 25/43/42

SOUTH RIGHT-OF-WAY LINE

45.00'

S89°22'11"E

40.00'

S89°22'11"E

40.00'



WEST LINE OF THE NORTHEAST 1/4 OF THE  
NORTHEAST 1/4 OF SECTION 25/43/42

S89°22'11"E 6.00'

S01°29'34"W 2.4'±

2.40'

N01°29'34"E 84.50'

32.10'

5.50'

20.92'

65.91'

S89°22'11"E

45.00'

1.87'

1.70'

44.80'

EXISTING  
CBS BUILDING

N88°30'26"W 4.1'±

S88°29'14"E 4.2'±

1.80'

76.50'

6.69'

N01°29'34"E 145.00'

S01°29'34"W 102.9'±

S01°29'34"W 6.00'

S01°29'34"W 250.00'

S89°22'11"E 79.00'

N89°22'11"W 85.00'

POINT OF BEGINNING

SHEET 2 OF 2  
NOT VALID WITHOUT SHEET 1 OF 2

**BLOOMSTER**  
PROFESSIONAL LAND  
SURVEYORS, INC.  
FLORIDA L.B. # 8018

791 NORTHEAST DIXIE HIGHWAY  
JENSEN BEACH, FLORIDA 34957  
PHONE 772-334-0868

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

### ACCESS EASEMENT

THIS EASEMENT is made, granted and entered into this 13<sup>th</sup> day of June, 2008, by Malaw Holdings V, LLC and F.P. Delle (hereinafter referred to as "Grantor"), whose address is 4246 Okeechee Blvd, West Palm Beach, FL 33409, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WHEREAS, Grantor owns the property described on Exhibit "A" attached hereto and by this reference made a part hereof (hereinafter the "Property"); and

WHEREAS, in order for the Grantee to provide potable water, wastewater, and/or reclaimed water service (hereinafter "Utility Service") to the Property, Grantee requires that Grantor provide Grantee with an access easement over a particular parcel of the Property (said parcel hereinafter the "Easement Premises"); and

WHEREAS, Grantor wishes to grant the access easement over the Easement Premises to Grantee.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantee and the Grantor hereby agree as follows:

### WITNESSETH

Grantor does hereby grant to the Grantee, its successors and assigns, a perpetual access easement to, on, over, through, upon and across the Easement Premises which shall permit Grantee authority to enter upon the Property of the Grantor at any time to access potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment located outside of the Easement Premises. The Easement Premises hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

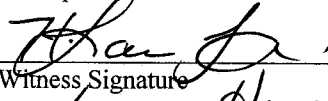
### SEE EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF

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. Grantor further covenants, for itself and its successors and assigns, that access to, on, over, through, upon and across the Easement Premises shall remain unimpeded in perpetuity, and that the failure to provide unimpeded access to, on, over, through, upon and across the Easement Premises shall result in the termination of Utility Service to the Property. Any structures existing as of the date of the granting of this easement, and shown on Exhibit "B", shall not be considered an impediment for purposes of the preceding sentence.


IN WITNESS WHEREOF, the Grantor 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  
Laura Hanson  
Print Name

#### GRANTOR:

  
Signature  
H. Alan Willes, mgr member  
Print Name (and Title if applicable)

Sherry D. Rademacher  
Witness Signature  
Sherry D. Rademacher  
Print Name

n/a  
Signature  
n/a  
Print Name (and Title if applicable)  
(SEAL)

NOTARY CERTIFICATE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 13 day of JUNE, 2008  
by HOWARD ALAN WEILES and n/a who is/are  
personally known to me or who has produced FL Lic as identification.

My Commission Expires:



[Signature]  
Notary Signature

Laura Hanson  
Typed, Printed or Stamped Name of Notary

ACCEPTED BY:

ATTEST:

SHARON R. BOCK, CLERK &  
COMPTROLLER

PALM BEACH COUNTY, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

(SEAL)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS

By: \_\_\_\_\_  
County Attorney

By: [Signature]  
Department Director

BJS 9/8/08



A SIX FEET WIDE ACCESS EASEMENT BEING THE EAST 6 FEET OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 20689, PAGE 1762, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION OCCUPIED BY AN EXISTING CBS COMMERCIAL BUILDING. SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, A DISTANCE OF 45 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE RUN EAST ALONG SAID NORTH LINE OF SECTION 25 A DISTANCE OF 40 FEET; THENCE RUN SOUTH ON A LINE PARALLEL TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 25 A DISTANCE OF 20.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID LINE S.01°29'34"W A DISTANCE OF 229.50 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL OF LAND; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 25, N.89°22'11"W A DISTANCE OF 6.00 FEET; THENCE PROCEED N.01°29'34"E ALONG A LINE 6 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 20689, PAGE 1762, FOR A DISTANCE OF 165.7 FEET MORE OR LESS TO THE EAST FACE OF AN EXISTING CBS BUILDING; THENCE PROCEED N.02°10'36"E ALONG THE FACE OF SAID EXISTING CBS BUILDING A DISTANCE OF 42.0 FEET MORE OR LESS TO THE NORTH FACE OF SAID EXISTING CBS BUILDING; THENCE N.87°45'47"W A DISTANCE OF 0.5 FEET MORE OR LESS; THENCE N.01°29'34"E A DISTANCE OF 21.8 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD; THENCE S.89°22'11"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 6.00 FEET TO THE POINT AND PLACE OF BEGINNING.

SAID EASEMENT CONTAINING 1366.45 SQUARE FEET OR 0.031 ACRES MORE OR LESS.

1. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT REPRESENT A BOUNDARY SURVEY.  
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**BLOOMSTER**  
PROFESSIONAL LAND  
SURVEYORS, INC.  
FLORIDA L.S. # 6018

791 NORTHEAST DIXIE HIGHWAY  
JENSEN BEACH, FLORIDA 34957  
PHONE 772-334-0868

SCALE:	1" = 30'
DATE:	08/03/08
F.B.	SKETCH
JOB NO.	10442
REVISIONS	

ROBERT BLOOMSTER JR. U  
PROFESSIONAL LAND SURVEYOR  
NO. 4134 STATE OF FLORIDA

PREPARED FOR: H. ALAN WELLS REAL ESTATE, LLC

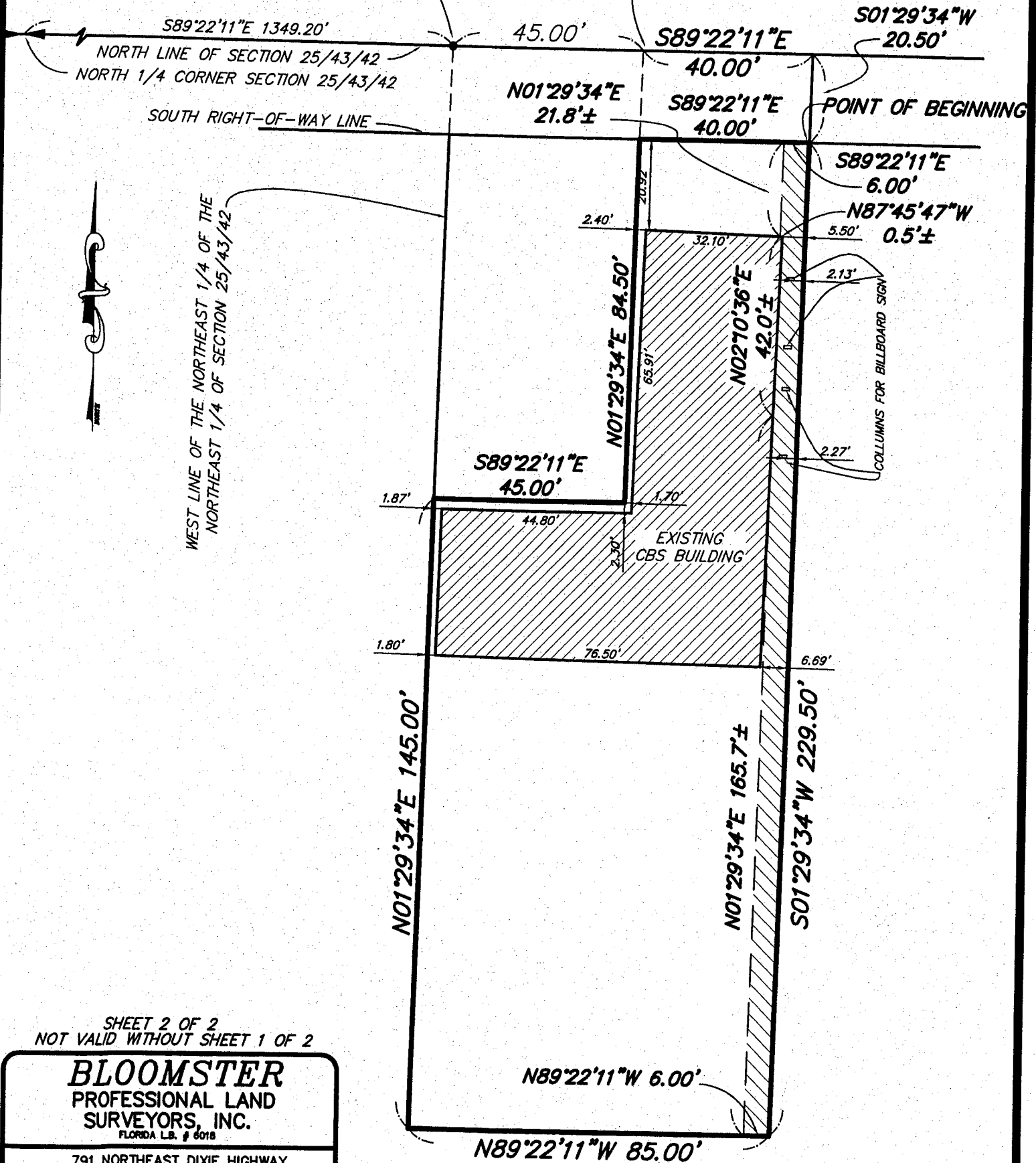
**SITE LOCATED:**  
4246 OKEECHOBEE BOULEVARD, PALM BEACH COUNTY, FLORIDA

# SKETCH OF DESCRIPTION

POINT OF COMMENCEMENT

**OKEECHOBEE BOULEVARD**

NORTHWEST CORNER OF THE  
NORTHEAST 1/4 OF THE NORTHEAST 1/4  
OF SECTION 25/43/42

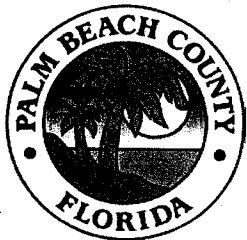


WEST LINE OF THE NORTHEAST 1/4 OF THE  
NORTHEAST 1/4 OF SECTION 25/43/42

SHEET 2 OF 2  
NOT VALID WITHOUT SHEET 1 OF 2

**BLOOMSTER**  
PROFESSIONAL LAND  
SURVEYORS, INC.  
FLORIDA L.B. # 6018

791 NORTHEAST DIXIE HIGHWAY  
JENSEN BEACH, FLORIDA 34957  
PHONE 772-334-0868



Palm Beach County  
Water Utilities  
Department  
Service Area (SA) and  
Major Facilities

Attachment 3

- Legend
- P.B.C.W.U.D. SA
  - ..... MANDATORY RECLAIMED SA
  - - - COUNTY LIMITS
  - ★ Administration
  - Water Reclamation Plant
  - ▲ Water Treatment Plant
  - ☉ Wetlands



NOT TO SCALE

