

3H-15

Agenda Item #:

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

Meeting Date: November 18, 2008 **Consent** **Regular**
 Ordinance **Public Hearing**

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

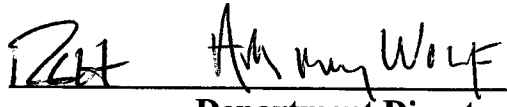

Motion and Title: Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County Water Utilities Department for water lines servicing Samuel Friedland Park in the Acreage.

Summary: The County has completed development of Samuel Friedland Park (f/k/a District Park "F") on 60 acres of County owned property located south of Hamlin Boulevard in the Acreage. As part of the development of the Park, the County installed water lines which meander throughout the Park and connects with an existing water main running within Hamlin Boulevard. The Water Utilities Department requires an easement for these water lines. The easement area is approximately 20' to 40' wide by 4,000' long, containing 81,000 square feet. The Declaration will be recorded to provide notice of the existence and location of the water main pipes. **(PREM) District 6 (JMB)**

Background and Justification: The 60 acre parcel of land was purchased by the County in 1996 for use as a District Park. Construction of the Park was completed in early 2008. The Declaration of Easement will provide public notice of the existence of the water main pipes.

Attachments:

- 1. Location Map
- 2. Declaration of Easement

Recommended By:   10/22/08
 Department Director **Date**

Approved By: _____ 11/3/08
 County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>*see below</u>				
# 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:

atwillhite 10-29-08
 OFMB (UD) 10/29/08 CN 10/28/08 10/29/08 Ann J. Jacono 10/29/08
 Contract Development and Control

B. Legal Sufficiency:

James Brubaker 10/31/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

10

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12

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J.W. CORBETT
WILDLIFE MANAGEMENT
AREA

11

15

14

94		ST		N		94		Canal		ST		N		94		STN															
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ES	MURCOTT			AV			BLVD	AV	MURCOTT				BLVD						MURCOTT	BLVD											
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	90				ST		N		90				ST						90	ST N											
180	HAMLIN			185			BLVD	180	HAMLIN				MANDARIN							HAMLIN	BLVD										
ACREAGE DISTRICT "F"																89				PL		N		89		PL N					
COUNTY PARK																88		Canal		RD		Canal		N		Canal		88		RD N	
SUBJECT →																87		Canal		LN		N		87		LN N					
22																86				ST		N		86		ST N					
																VALENCIA				BLVD				VALENCIA		BLVD					
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T42

LOCATION MAP

ATTACHMENT # 1

Handwritten signature or initials

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

PCN: 00-40-42-22-00-000-1020

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: _____
Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS
AND CONDITIONS**

By: _____
Assistant County Attorney

By: *Rebecca May Wolf*
Department Director

EXHIBIT "A"

THE PROPERTY

60 ACRE PARK

PARCELS OF LAND LYING IN THE NORTH HALF OF THE NORTH HALF OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, LESS THE EAST 425 FEET THEREOF; ALSO LESS THE NORTH 50.0 FEET THEREOF;

TOGETHER WITH:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, LESS THE WEST 195.00 FEET THEREOF; ALSO LESS THE NORTH 50.0 FEET THEREOF.

PARCELS CONTAIN 60.0 ACRES.

EXHIBIT "B"

THE EASEMENT PREMISES

Exhibit "B"

DESCRIPTION TO ACCOMPANY SKETCH

20 FOOT WATERLINE EASEMENT

DESCRIPTION:

A STRIP OF LAND LYING AND BEING WITHIN A PORTION OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, SAID STRIP OF LAND BEING 20.00 FEET IN WIDTH, LYING 10.00 FEET ON EACH SIDE OF, WHEN MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 22; THENCE SOUTH 00°02'12" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 89°53'55" WEST, ALONG A LINE 50.00 FEET SOUTH OF, WHEN MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER (NW 1/4), A DISTANCE OF 215.82 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°06'29" WEST, A DISTANCE OF 563.37 FEET, TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #1; THENCE NORTH 89°54'11" EAST, A DISTANCE OF 17.07 FEET; THENCE SOUTH 00°24'21" EAST, A DISTANCE OF 416.87 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #2; THENCE SOUTH 00°24'21" EAST, A DISTANCE OF 32.12 FEET; THENCE SOUTH 47°01'51" EAST, A DISTANCE OF 47.89 FEET; THENCE SOUTH 89°28'18" EAST, A DISTANCE OF 117.02 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #3; THENCE SOUTH 89°28'18" EAST, A DISTANCE OF 24.97 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #4; THENCE SOUTH 89°28'18" EAST, A DISTANCE OF 15.28 FEET; THENCE NORTH 00°03'21" WEST, A DISTANCE OF 170.94 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #5; THENCE NORTH 00°03'21" WEST, A DISTANCE OF 280.15 FEET; THENCE NORTH 61°28'44" EAST, A DISTANCE OF 5.97 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #6; THENCE NORTH 61°28'44" EAST, A DISTANCE OF 184.98 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #7; THENCE NORTH 61°28'44" EAST, A DISTANCE OF 257.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 61°25'59", FOR AN ARC LENGTH OF 96.50 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°02'45" EAST, A DISTANCE OF 286.05 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #8; THENCE NORTH 00°02'45" EAST TO A POINT ON A LINE 50.00 FEET SOUTH OF, WHEN MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 22, A DISTANCE OF 14.83 FEET; SAID POINT BEING THE POINT OF TERMINUS.

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #1; THENCE SOUTH 89°54'11" WEST, A DISTANCE OF 241.47 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #9; THENCE SOUTH 89°54'11" WEST, A DISTANCE OF 237.21 FEET; THENCE SOUTH 66°57'01" WEST, A DISTANCE OF 145.07 FEET; THENCE SOUTH 12°08'37" WEST, A DISTANCE OF 9.22 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #10; THENCE SOUTH 12°08'37" WEST, A DISTANCE OF 114.39 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #11; THENCE SOUTH 12°08'37" WEST, A DISTANCE OF 212.28 FEET; THENCE SOUTH 01°13'58" WEST, A DISTANCE OF 9.61 FEET TO A POINT, SAID POINT HEREINAFTER TO BE KNOWN AS REFERENCE POINT #12; THENCE SOUTH 01°13'58" WEST, A DISTANCE OF 144.71 FEET; THENCE SOUTH 48°14'41" EAST, A DISTANCE OF 33.86 FEET TO THE POINT OF TERMINUS.

REVIEWED & ACCEPTED

PALM BEACH COUNTY WATER UTILITIES DEPT.

OCT 01 2007

Date

Page 1 of 7

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JOB NO. 04-0168

DESCRIPTION TO ACCOMPANY SKETCH

20 FOOT WATERLINE EASEMENT

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #3; THENCE SOUTH 00°31'42" WEST, A DISTANCE OF 51.90 FEET, TO THE POINT OF TERMINUS.

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #4; THENCE SOUTH 00°31'42" WEST, A DISTANCE OF 24.66 FEET, TO THE POINT OF TERMINUS.

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #5; THENCE NORTH 89°56'39" EAST, A DISTANCE OF 32.24 FEET, TO THE POINT OF TERMINUS.

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #6; THENCE NORTH 28°31'16" WEST, A DISTANCE OF 21.93 FEET TO THE POINT OF TERMINUS.

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #8; THENCE SOUTH 89°57'15" EAST, A DISTANCE OF 37.76 FEET TO THE POINT OF TERMINUS.

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #9; THENCE SOUTH 00°05'49" EAST, A DISTANCE OF 17.97 FEET, TO THE POINT OF TERMINUS.

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #10; THENCE NORTH 77°51'23" WEST, A DISTANCE OF 44.45 FEET TO THE POINT OF TERMINUS.

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #11; THENCE NORTH 77°51'23" WEST, A DISTANCE OF 16.57 FEET TO THE POINT OF TERMINUS.

TOGETHER WITH:

BEGINNING AT SAID REFERENCE POINT #12; THENCE SOUTH 88°46'02" EAST, A DISTANCE OF 15.48 FEET TO THE POINT OF TERMINUS.

TOGETHER WITH:

A STRIP OF LAND LYING AND BEING WITHIN A PORTION OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, SAID STRIP OF LAND BEING 32.00 FEET IN WIDTH, LYING 16.00 FEET ON EACH SIDE OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID REFERENCE POINT #2; THENCE SOUTH 89°35'39" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF TERMINUS.

REVIEWED & ACCEPTED

DESCRIPTION TO ACCOMPANY SKETCH

20 FOOT WATERLINE EASEMENT

TOGETHER WITH:

A STRIP OF LAND LYING AND BEING WITHIN A PORTION OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, SAID STRIP OF LAND BEING 40.00 FEET IN WIDTH, LYING 20.00 FEET ON EACH SIDE OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID REFERENCE POINT #7; THENCE NORTH 28°31'16" WEST, A DISTANCE OF 29.75 FEET TO THE POINT OF TERMINUS.

THE SIDE LINES OF SAID STRIPS TO BE LENGTHENED OR SHORTENED AT THE POINT OF BEGINNING AND POINT OF TERMINUS, AS TO CREATE A CONTINUOUS STRIP. SAID SIDE LINES ARE TO INTERSECT WITH A LINE 50.00 FEET SOUTH OF, WHEN MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) AND THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4), BEARING NORTH 89°53'55" WEST

SAID LANDS SITUATE IN THE PALM BEACH COUNTY, FLORIDA.

NOTES:

THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST; BEARING, NORTH 89°53'55" WEST.

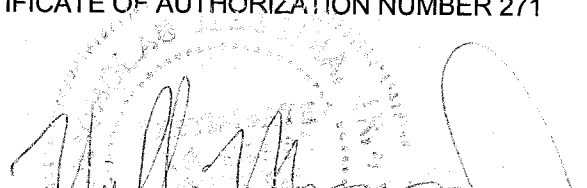
THIS DESCRIPTION IS NOT FULL AND COMPLETE WITHOUT THE ATTACHED SKETCH.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION AND OTHER PERTINENT DATA SHOWN HEREON, OF THE ABOVE DESCRIBED PROPERTY WAS MADE ON THE GROUND, CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN CHAPTER 61G17-6, (FLORIDA ADMINISTRATIVE CODE) AS ADOPTED BY THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

CRAVEN THOMPSON & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER 271

SEP 21 2007



NICHOLAS MESSINA JR.

PROFESSIONAL SURVEYOR AND MAPPER NO. 6559

THIS SKETCH AND DESCRIPTION OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REVIEWED & ACCEPTED

PALM BEACH COUNTY WATER UTILITIES DEPT.

OCT 01 2007

Date



CRAVEN • THOMPSON & ASSOCIATES, INC.

ENGINEERS PLANNERS SURVEYORS

3563 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33309 FAX: (954) 739-6409 TEL.: (954) 739-6400

FLORIDA LICENSED ENGINEERING, SURVEYING & MAPPING BUSINESS No. 271

FLORIDA LICENSED LANDSCAPE ARCHITECTURE BUSINESS No. C000114

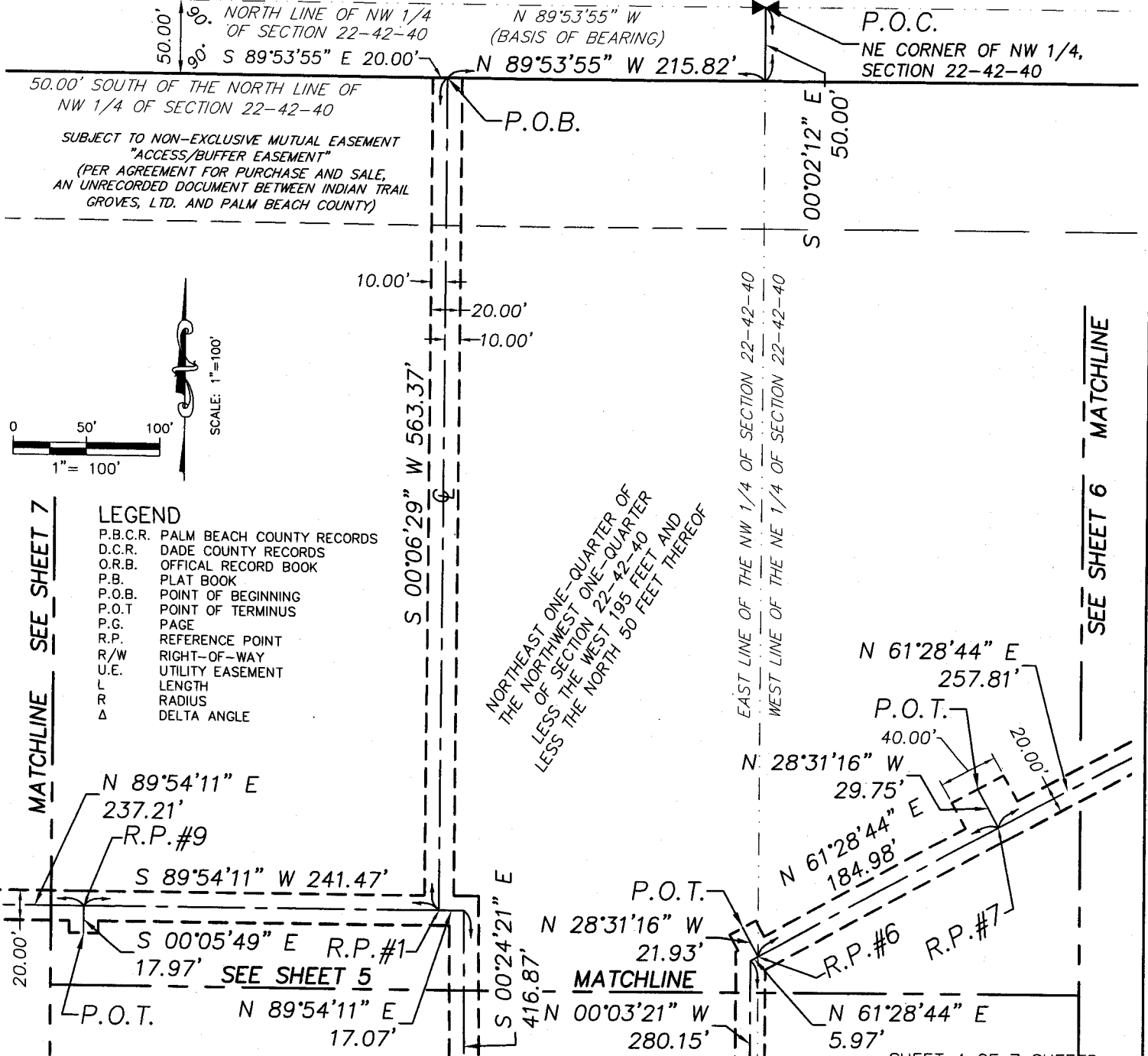
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FOR: **PALM BEACH COUNTY, FLORIDA**

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.

SKETCH TO ACCOMPANY DESCRIPTION 20' WATERLINE EASEMENT

HAMLIN BOULEVARD



SHEET 4 OF 7 SHEETS

UPDATES and/or REVISIONS	DATE	BY	CK'D	NOTE
				NOTE: The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification.
				NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.
				G:\2003\030106\DWG\SD-WATER ESMT.DWG
JOB NO.: 03-0106	DRAWN BY: NM	CHECKED BY: DMD	F.B. N/A	PG. N/A
			DATED: 9-18-07	



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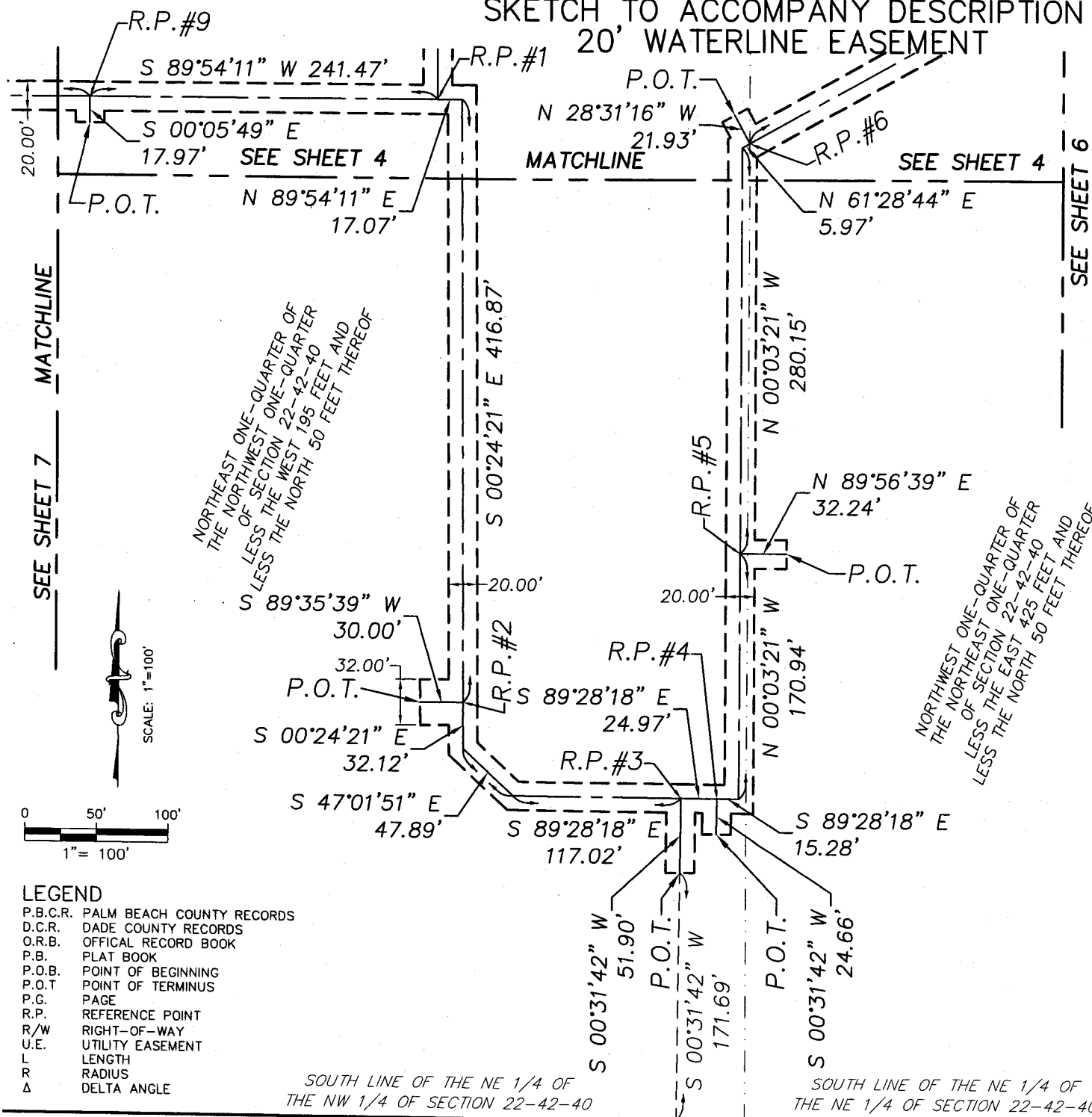
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SHEET 5 OF 7 SHEETS

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JOB NO.: 03-0106

DRAWN BY: NM

CHECKED BY: DMD

F.B. N/A PG. N/A

DATED: 9-18-07



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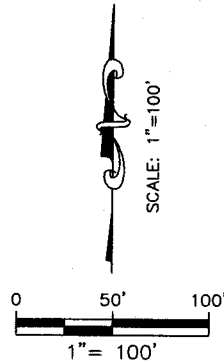
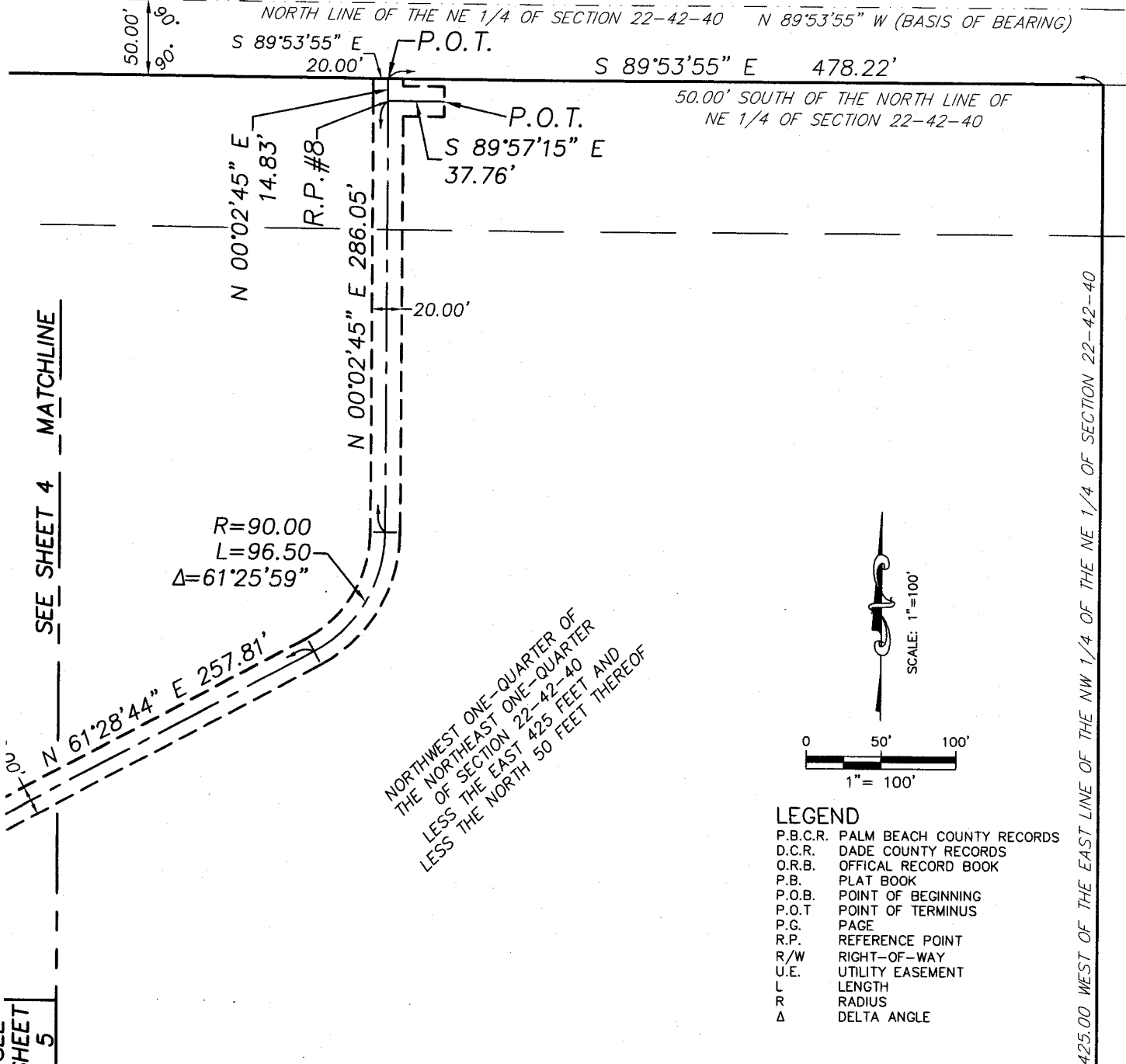
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**SKETCH TO ACCOMPANY DESCRIPTION
 20' WATERLINE EASEMENT**

HAMLIN BOULEVARD



LEGEND

- P.B.C.R. PALM BEACH COUNTY RECORDS
- D.C.R. DADE COUNTY RECORDS
- O.R.B. OFFICAL RECORD BOOK
- P.B. PLAT BOOK
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINUS
- P.G. PAGE
- R.P. REFERENCE POINT
- R/W RIGHT-OF-WAY
- U.E. UTILITY EASEMENT
- L LENGTH
- R RADIUS
- Δ DELTA ANGLE

SHEET 6 OF 7 SHEETS

UPDATES and/or REVISIONS	DATE	BY	CK'D

NOTE: The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification.

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JOB NO.: 03-0106	DRAWN BY: NM	CHECKED BY: DMD	F.B. N/A	PG. N/A	DATED: 9-18-07
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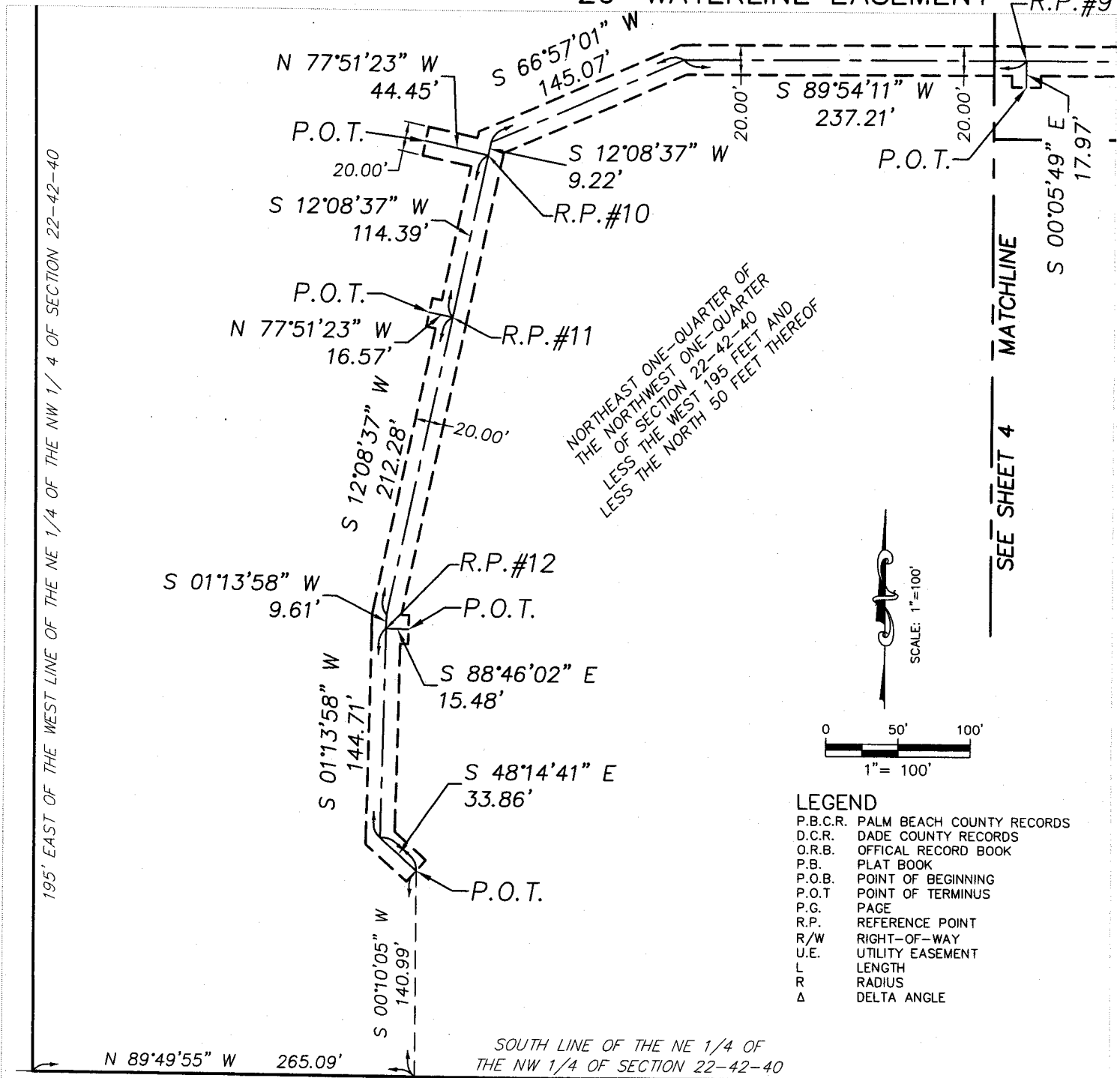
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- P.B.C.R. PALM BEACH COUNTY RECORDS
 - D.C.R. DADE COUNTY RECORDS
 - O.R.B. OFFICAL RECORD BOOK
 - P.B. PLAT BOOK
 - P.O.B. POINT OF BEGINNING
 - P.O.T. POINT OF TERMINUS
 - P.G. PAGE
 - R.P. REFERENCE POINT
 - R/W RIGHT-OF-WAY
 - U.E. UTILITY EASEMENT
 - L LENGTH
 - R RADIUS
 - Δ DELTA ANGLE

SHEET 7 OF 7 SHEETS

UPDATES and/or REVISIONS	DATE	BY	CK'D	NOTE:
				The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification.
				NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.
				G:\2003\030106\DWG\SD-WATER ESMT.DWG

JOB NO.: 03-0106	DRAWN BY: NM	CHECKED BY: DMD	F.B. N/A	PG. N/A	DATED: 9-18-07
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