

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

Meeting Date: January 13, 2009

Consent Regular
 Workshop Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) Approve a County Deed in favor of the Town of Cloud Lake (Town) for a parcel of land, measuring 90 feet wide for the south 660 feet and 60 feet wide for the remaining 115 feet (Parcel). This parcel is located immediately west of the Stub Canal right-of-way within the Town limits, and is subject to a reservation for a drainage and maintenance easement over the east 40 feet of the Parcel; and
- B) Accept a temporary construction easement from the Town, over the west 50 feet of the Parcel for the south 660 feet and over the west 20 feet for the remainder.

SUMMARY: On October 21, 2008, the Board of County Commissioners (County) approved R2008-1834, an Interlocal Agreement (Agreement) with the Town for the Stub Canal right-of-way ownership. The Agreement contemplated the conveyance of the Parcel to the Town, subject to a drainage and maintenance easement reservation, and a temporary construction easement in favor of the County. The reserved maintenance easement will grant the County a perpetual easement on the east 40 feet of the Parcel for the purpose of maintaining and potentially widening the Stub Canal. The temporary construction easement will allow the County to utilize the west 50 feet of the Parcel as a construction staging area. This area measures 50 feet wide over the south 660 feet and 20 feet wide over the remaining north 115 feet. The area will also be used to install a berm in accordance with the Agreement. The Town approved the temporary construction easement on November 20, 2008.

District 3 (PK)

Background and Justification: On August 6, 1987, the County approved the acquisition of the mostly 90 foot wide parcel R87-1141, within the limits of the Town for drainage purposes. In order to install landscaping and establish a noise barrier between the Town and the transportation facilities to the east, the Town requested that the County convey ownership of the Parcel to the Town. The Interlocal Agreement provides for use of the Parcel by both the County and the Town for their specific purposes. It allows the County to reserve the east 40 feet of the Parcel for a drainage and maintenance berm and future Stub Canal widening. The Town agrees that the County can use the remainder of the Parcel, as a construction staging area when necessary, to dredge Cloud Lake for the Town. The County will in turn use the dredged spoil material to establish a berm, so that it can be landscaped to act as a noise barrier.

Attachments:

- 1. Location Map
- 2. County Deed
- 3. Temporary Construction Easement

Recommended by: _____

Division Director

12/29/08

Date

Approved by: _____

County Engineer

1/5/09

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<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>

Is Item Included In Current Budget? Yes ___ No ___

Budget Account No.: Fund _____ Dept. _____ Org. _____ Object _____

Program _____

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

This item has no fiscal impact.

C. Departmental Fiscal Review: Andy

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

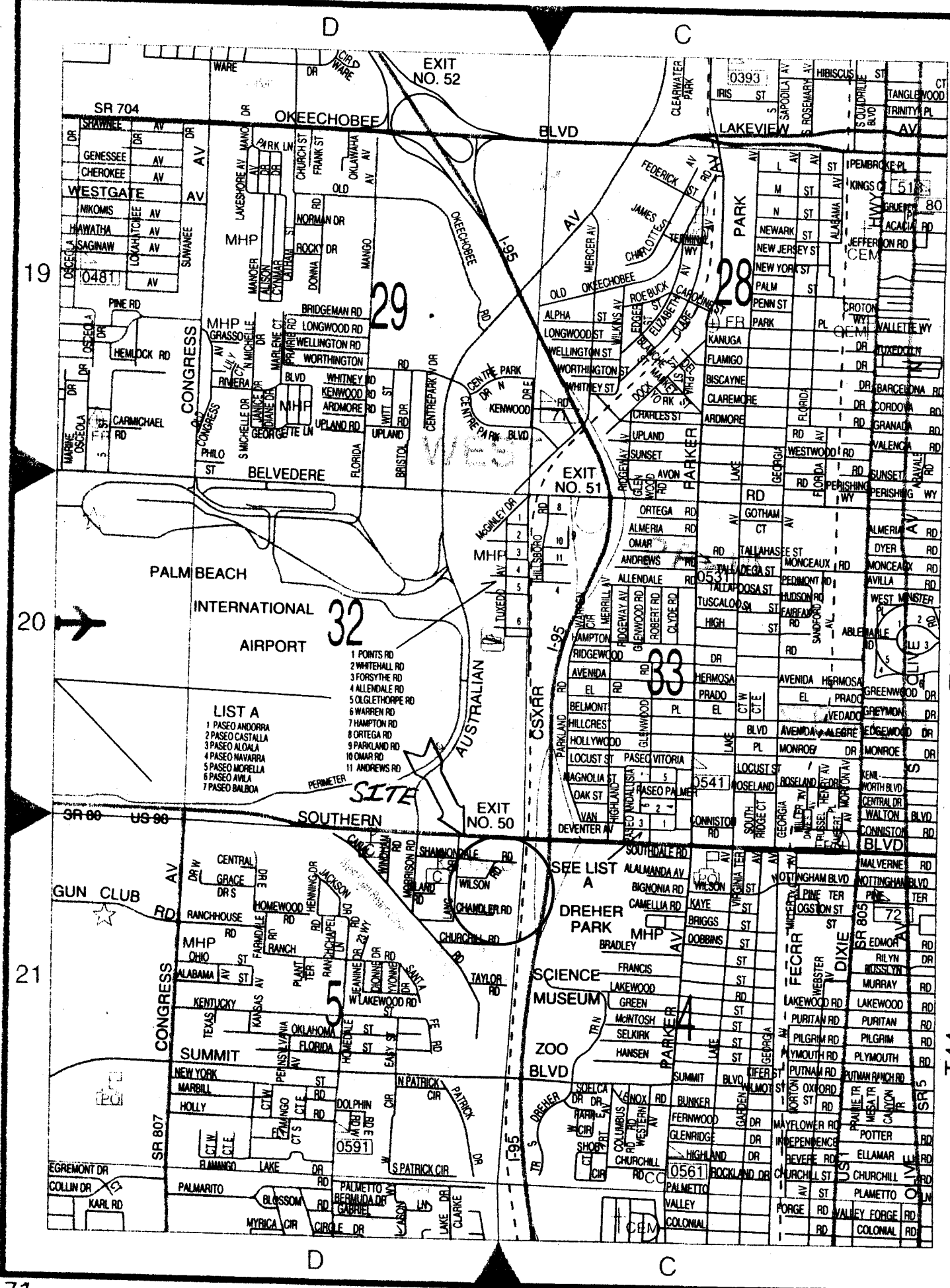
OFMB Jan Doh 1-5-09 Contract Dev. and Control John J. Janczyk 1/6/09

B. Legal Sufficiency: Paul F. [Signature] 1/7/09
Assistant County Attorney

C. Other Department Review:

Department Director

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



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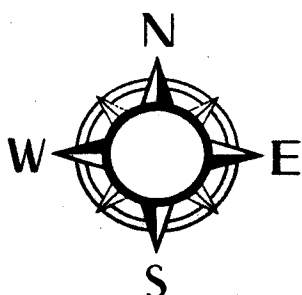
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- LIST A**
- 1 PASEO ANDORRA
 - 2 PASEO CASTALLA
 - 3 PASEO ALOALA
 - 4 PASEO NAVARRA
 - 5 PASEO MORELLA
 - 6 PASEO AVILA
 - 7 PASEO BALBOA

SITE

SEE LIST A

Location Map



T43

T43

T44

Return to: Palm Beach County
Name: R/W Acquisition Section
Post Office Box 21229
Address: West Palm Beach, Florida 33416
Attn: Tripp Cioci, Right-of-Way Specialist
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:
Name: Paul F. King, Assistant County Attorney
Post Office Box 21229
Address: West Palm Beach, Florida 33416

PCN: 10-43-44-05-01-005-0101

COUNTY DEED

THIS DEED, made this ___ day of _____, 2008 by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, party of the first part, and the **TOWN OF CLOUD LAKE**, a municipal corporation of the State of Florida, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the parties of the second part, their heirs and assigns forever, the following described land lying and being in Palm Beach County, Florida:

Property more particularly described In Exhibit "A", attached hereto and made a part hereof.

Reserving, however, unto party of the first part, its successors and assigns a perpetual Drainage and Maintenance Easement (Maintenance Easement) on and over the east forty (40') feet of the Property for the purpose of maintaining and potentially widening the Stub Canal. This Maintenance Easement shall be for canal related purposes including, but not limited to, the use of the Maintenance Easement area for ingress and egress purposes, excavation, removal of vegetation, berm and area maintenance, and deposit of spoil. This Maintenance Easement area shall not be used by the party of the second part, its successors and assigns for landscaping or a noise barrier berm.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

**PALM BEACH COUNTY, BY ITS
BOARD OF COUNTY COMMISSIONERS**

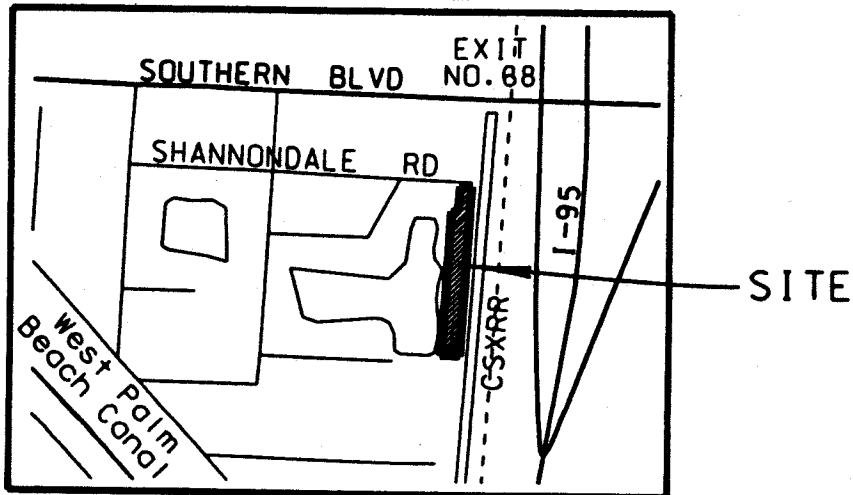
By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

EXHIBIT "A"



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION

PART OF LOTS 10 TO 16 (BOTH INCLUSIVE), BLOCK 5, CLOUD LAKE, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS IN PLAT BOOK 18, PAGE 46. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 04 DEGREES 26 MINUTES 18 SECONDS WEST 1134.46 FEET ALONG THE EAST LINE OF SAID SECTION; THENCE NORTH 87 DEGREES 33 MINUTES 38 SECONDS WEST 100.03 FEET TO A POINT OF BEGINNING; THENCE NORTH 87 DEGREES 33 MINUTES 38 SECONDS WEST 89.98 FEET; THENCE NORTH 04 DEGREES 26 MINUTES 17 SECONDS EAST 660.01 FEET; THENCE SOUTH 87 DEGREES 23 MINUTES 12 SECONDS EAST 30.00 FEET; THENCE NORTH 04 DEGREES 26 MINUTES 18 SECONDS EAST 115.01 FEET; TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SHANNONDALE ROAD; THENCE ALONG SAID RIGHT OF WAY SOUTH 87 DEGREES 23 MINUTES 37 SECONDS EAST 59.98 FEET; THENCE SOUTH 04 DEGREES 26 MINUTES 19 SECONDS WEST 774.76 FEET TO THE POINT OF BEGINNING

CONTAINING 1.520 ACRES MORE OR LESS

THE EAST FORTY (40) FEET SUBJECT TO A DRAINAGE AND CANAL MAINTENANCE EASEMENT.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA, 33411.

N.J. Howard

 NORMAN J. HOWARD, P.S.M.
 FLORIDA CERTIFICATE NO. 5776

9-19-08

 DATE

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

SHEET: 1 OF: 2 PROJECT NO.: 1987078	PROJECT: PORTION OF LOTS 10-16, BLOCK 5, CLOUD LAKE	SCALE: 1"=100' DRAWN: N.J.H. CHECKED: N.J.H. DATE: 08/19/08 FIELD BOOK NO.: N/A	NO. _____ REVISION _____ BY _____ DATE _____
	DESIGN FILE NAME S-1-08-2904.DGN		DRAWING NO. S-1-08-2904

PALM BEACH COUNTY
 ENGINEERING AND PUBLIC WORKS
 ENGINEERING SERVICES
 2300 NORTH JOG ROAD
 WEST PALM BEACH, FL 33411

POINT OF COMMENCEMENT
NORTHEAST CORNER
SECTION 5
TOWNSHIP 44 SOUTH
RANGE 43 EAST

SOUTH
RIGHT-OF-WAY
LINE OF
SHANNONDALE ROAD

S87°23'12"E
30.00'

S87°23'37"E
59.98'

N04°26'18"E
115.01'

100.00'

100.00'

LOT 10
EAST LINE OF SECTION 5
TOWNSHIP 44 SOUTH
RANGE 43 EAST

C
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N04°26'17"E
660.01'

DRAINAGE & CANAL
MAINTENANCE EASEMENT

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LOT 13

LOT 14

LOT 15

LOT 16

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Return to: Palm Beach County
Name: R/W Acquisition Section
Post Office Box 21229
Address: West Palm Beach, Florida 33416
Attn: Tripp Ciolek, Right-of-Way Specialist
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:
Name: Paul F. King, Assistant County Attorney
Post Office Box 21229
Address: West Palm Beach, Florida 33416

**NOT TO BE RECORDED
WITHOUT BOARD OF COUNTY
COMMISSIONERS ACCEPTANCE DATE**

PCN: A version of 10-43-44-05-01-005-0101

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 198778
ROAD NAME: N/A
PARCEL NO. N/A

TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT, made this 20th day of November, 2008, by the TOWN OF CLOUD LAKE, a municipal corporation of the State of Florida, whose post office address is 100 Lang Road, West Palm Beach, FL 33406-3222, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, whose post office address is P.O. Box 21229, West Palm Beach, Florida 33416, hereinafter called grantee.

WITNESSETH: That grantor, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable considerations, receipt whereof is hereby acknowledged, hereby grant(s) unto grantee, its successors and assigns, a TEMPORARY CONSTRUCTION easement, over, upon, under, through and across the following described land, situate in Palm Beach County, Florida, to-wit:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

THIS EASEMENT, as described herein, is to be used for the purpose of creating a staging area for the proposed improvement. This Temporary Construction Easement shall be for a period of time sufficient for the grantee to complete the Cloud Lake improvements project, and includes the right to ingress and egress over and through the described real estate.

TO HAVE AND TO HOLD THE SAME unto the grantee, its successors and assigns.

IN WITNESS WHEREOF, the grantor has hereto set its hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witnesses:

[Signature]
(Witness Signature)

Mary Anne Szymanski
(Witness Name Printed)

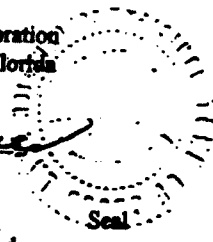
[Signature]
(Witness Signature)

B. Douglas MacGibbon
(Witness Name Printed)

Grantor:
Town of Cloud Lake, a municipal corporation
existing under the laws of the State of Florida

By: Betty J. James
Betty James, Mayor

Attest: Dorothy C. Gravelin
Dorothy C. Gravelin, Town Clerk



Approved as to Form and Legality:
[Signature]
Town Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 20th day of November, 2008, by Betty James, as Mayor and Dorothy C. Gravelin, as Town Clerk of the Town of Cloud Lake, a municipal corporation existing under the laws of the State of Florida, who are personally known to me OR () who has produced 70A District License as identification and who () did () did not take an oath.

Kriste L. Smalley (Stamp/Seal)
Notary Public, State of Florida

Print Notary Name Kriste L. Smalley
Commission # DD544373
Expires May 7, 2010
Commission Number

