

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 24, 2009

Consent [X] Regular []
Public Hearing []

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

I. EXECUTIVE BRIEF

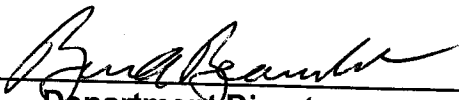
Motion and Title: Staff recommends motion to approve: a partial release of utility easement on land owned by 42 K, LLC.

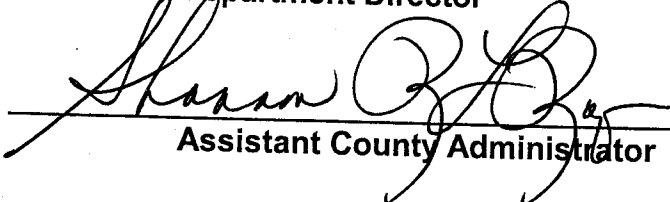
Summary: This document will release the County's interest in a portion of a utility easement recorded in the official records of Palm Beach County in Book 19548, Page 1075. During redevelopment of the Sedona Commons property, located at the southwest corner of Okeechobee Boulevard and Benoist Farms Road, it was determined that one of the three utility easements conveyed by ORB 19548 Page 1075 will no longer be needed. The property owner now requests release of that portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. District 2 (MJ)

Background and Justification: On September 26, 2005, the property owner of Sedona Commons, 42 K, LLC, granted an exclusive utility easement to the County to accommodate water and sewer facilities. In November of 2008, the property owner, 42 K, LLC, submitted plans to redevelop the property (PCN 00-42-43-28-16-002-0000) to accommodate a Regions Bank. During the redevelopment it was determined that one of the three easements recorded in ORB 19548 Page 1075 will no longer be needed. The property 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 the September 26, 2005 Utility Easement

Recommended By:  2/2/09
Department Director Date

Approved By:  2/10/09
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
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><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></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:

This item has no fiscal impact.

C. Department Fiscal Review: Debra m West

III. REVIEW COMMENTS

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

OFMB [Signature] 2/25/09
 [Handwritten notes: 1/23/09, 2/2/09, 2/4/09]

[Signature] 2/10/09
 Contract Development and Control
 6 June 2/6/09

B. Legal Sufficiency:

[Signature] 2/19/09
 Assistant County Attorney

C. Other Department Review:

 Department Director

ATTACHMENT 1

Prepared by and return to:
Palm Beach County Water Utilities Department
Att: Plan Review
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed this 24th day of February, 2009, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd, West Palm Beach, Florida 33413, to 42 K, LLC, whose address is 2920 Mary's Way, Palm Beach Gardens, FL 33410, second party:

WITNESSETH:

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 19548, Page 1075, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT as shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A."

IN WITNESS WHEREOF the first party has caused this PARTIAL RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

Sharon R. Bock, Clerk

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

By: _____
Deputy Clerk

By: _____
John F. Koons, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

County Attorney

LEGAL DESCRIPTION

A STRIP OF LAND, 20 FEET IN WIDTH, LYING IN PARCEL 2, GOLDEN LAKES OFFICE PARK AND GOLDEN LAKES PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK, 34, PAGE 178, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID STRIP OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL 2; THENCE, SOUTH 89°55'10" WEST ALONG THE SOUTH LINE OF SAID PARCEL 2, A DISTANCE OF 463.10 FEET; TO THE INTERSECTION THEREOF WITH THE EAST LINE OF THE WEST 45.00 FEET OF SAID PARCEL 2; THENCE, NORTH 00°00'00" EAST, ALONG SAID EAST LINE, DEPARTING SAID SOUTH LINE, A DISTANCE OF 553.89 FEET; THENCE, NORTH 90°00'00" EAST, A DISTANCE OF 20.00 FEET TO THE INTERSECTION THEREOF WITH THE EAST BOUNDARY OF A 20 FOOT UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 4869, PAGE 82 AND BOOK 5516, PAGE 1695, AND THE **POINT OF BEGINNING**;

THENCE, CONTINUE NORTH 90°00'00" EAST, A DISTANCE OF 98.92 FEET; THENCE, SOUTH 00°00'00" WEST, A DISTANCE OF 20.00 FEET; THENCE, SOUTH 90°00'00" WEST, A DISTANCE OF 98.92 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID EAST BOUNDARY LINE OF A 20 FOOT UTILITY EASEMENT; THENCE, NORTH 00°00'00" EAST, ALONG SAID EAST BOUNDARY LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1978 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

CERTIFICATION:

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION SHOWN HEREON AND THE DESCRIPTION SKETCH ATTACHED HERETO ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Stephen L. Shirley DATE: 6/17/2005
 STEPHEN L. SHIRLEY, P.S.M. 3918

NOTE: THIS IS NOT A SURVEY
 DESCRIPTION SKETCH OF:

SEE SHEET 2 OF 2 FOR SKETCH

**SEDONA COMMONS
 20' UTILITY EASEMENT**



ASSOCIATED LAND SURVEYORS, INC.

4152 W. BLUE HERON BLVD. SUITE 121
 RIVIERA BEACH, FLORIDA 33404

PHONE: (561) 848-2102 FAX: (561) 844-9659 L.B. NO. 7344 EMAIL: alssurvey@aol.com

FILE:	00-0070UELI(B)	DATE:	6/17/2005	BY:	BLS	CKD:		W.O.NO.:	00-0070	SHEET	1 OF 2
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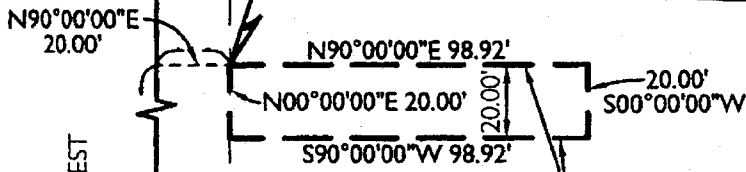
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LEGEND

O.R.B.=OFFICIAL RECORDS BOOK



POINT OF BEGINNING



20' UTILITY EASEMENT

**PARCEL 2
GOLDEN LAKES OFFICE PARK
AND GOLDEN LAKES PLAZA
(PLAT BOOK 34, PAGE 178)**

EAST LINE OF THE WEST
45' OF PARCEL 2

N00°00'00"E 553.89'

20' UTILITY EASEMENT PER O.R.B. 4869,
PAGE 82 AND O.R.B. 5516, PG. 1695

ADDITIONAL RIGHT-OF-WAY FOR
BENOIST FARMS ROAD
PER O.R.B. 14915, PAGE 575

WEST RIGHT-OF-WAY LINE OF
BENOIST FARMS ROAD
(O.R.B. 14915, PAGE 575)

EAST LINE OF PARCEL 2

BENOIST FARMS ROAD

SOUTH LINE OF PARCEL 2
S89°55'10"W 463.10'

POINT OF COMMENCEMENT

SOUTHEAST CORNER OF PARCEL 2

NOTE: THIS IS NOT A SURVEY

SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION

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20' UTILITY EASEMENT**



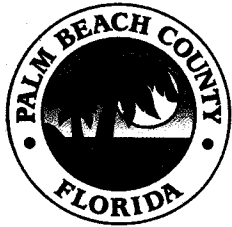
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FILE: 00-0070UELI(B)	DATE:	BY: BLS	CKD:	W.O.NO.: 00-0070	SHEET 2 OF 2
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ATTACHMENT 2



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

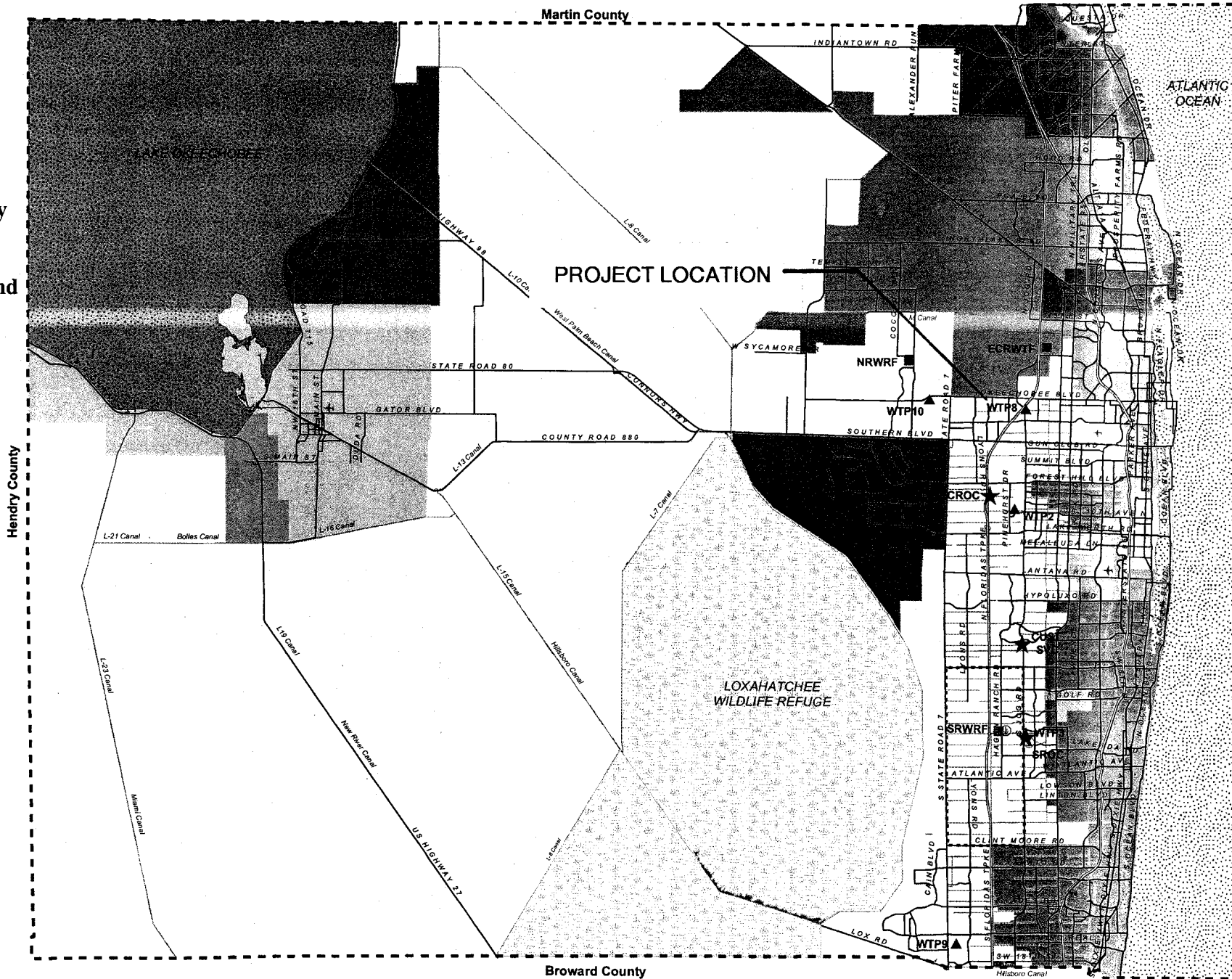
ATTACHMENT 2

Legend

- P.B.C.W.U.D. SA
- Mandatory Reclaimed SA
- - - Palm Beach County Limits
- ★ Administration
- Water Reclamation Facility
- ▲ Water Treatment Facility
- ⊙ Wetlands



NOT TO SCALE





FILE NUM 20050711127 OR BOOK PAGE 19548M 075 DATE: 11/17/2005 16:08:24 Pgs 1075 - 1081 (7pgs)
DOC STAMP 0.70
Sharon R. Beck, CLERK & COMPTROLLER

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 26 day of September, 2005 by 42 K LLC (hereinafter referred to as "Grantor"), whose address is 2920 Mary's Way, Palm Beach Gardens, FL 33410, 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, 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 utility easement or portion thereof can also be utilized for a wastewater pump station and may be fenced 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", 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:

[Signature]
Witness Signature
Richard W. LAST
Print Name

[Signature]
Witness Signature
Jennifer Munster teige
Print Name

GRANTOR:

[Signature]
Signature
Richard C. Elliott
Print Name (and Title if applicable)

Signature

Print Name (and Title if applicable)

NOTARY CERTIFICATE



STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26th day of September, 2005 by Richard C. Elliott and _____ who is/are personally known to me or who has produced _____ as identification.

My Commission Expires:

[Signature]
Notary Signature

NOTARY PUBLIC-STATE OF FLORIDA
Diane K. Wilson
Commission # DD456005
Expires: AUG. 17, 2009
Bonded Thru Atlantic Bonding Co., Inc.

Typed, Printed or Stamped Name of Notary

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THENCE, CONTINUE NORTH 90°00'00" EAST, A DISTANCE OF 98.92 FEET; THENCE, SOUTH 00°00'00" WEST, A DISTANCE OF 20.00 FEET; THENCE, SOUTH 90°00'00" WEST, A DISTANCE OF 98.92 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID EAST BOUNDARY LINE OF A 20 FOOT UTILITY EASEMENT; THENCE, NORTH 00°00'00" EAST, ALONG SAID EAST BOUNDARY LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1978 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

CERTIFICATION:

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION SHOWN HEREON AND THE DESCRIPTION SKETCH ATTACHED HERETO ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Stephen L. Shirley
STEPHEN L. SHIRLEY, P.S.M. 3918

DATE: 6/17/2005

NOTE: THIS IS NOT A SURVEY

SEE SHEET 2 OF 2 FOR SKETCH

DESCRIPTION SKETCH OF:

**SEDONA COMMONS
20' UTILITY EASEMENT**



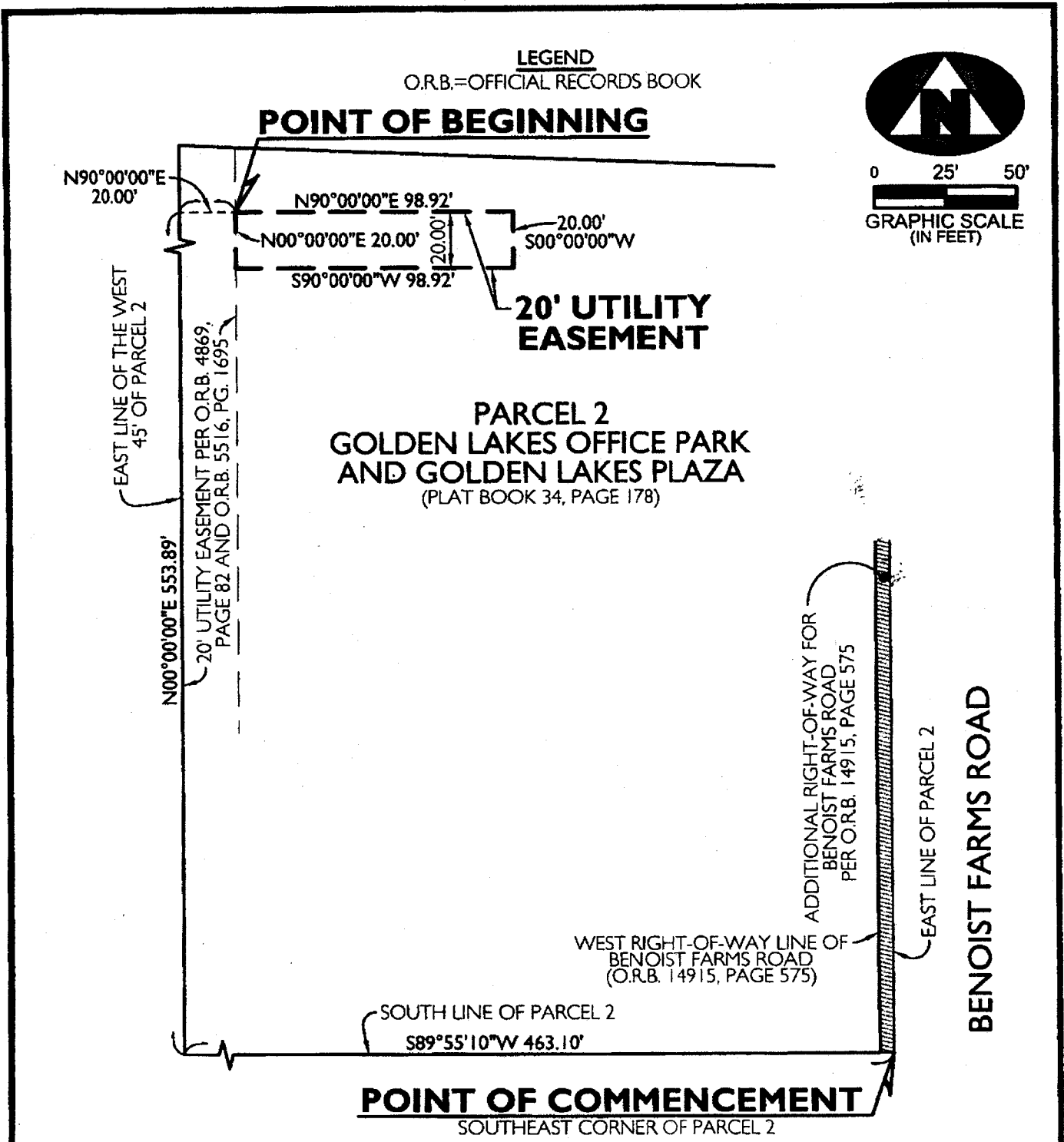
ASSOCIATED LAND SURVEYORS, INC.

4152 W. BLUE HERON BLVD. SUITE 121
RIVIERA BEACH, FLORIDA 33404

PHONE: (561) 848-2102 FAX: (561) 844-9659 L.B. NO. 7344 EMAIL: alssurvey@aol.com

FILE: 00-0070UELI(B) | DATE: 6/17/2005 | BY: BLS | CKD: | W.O.NO.: 00-0070 | SHEET 1 OF 2

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NOTE: THIS IS NOT A SURVEY SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION

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SEDONA COMMONS
20' UTILITY EASEMENT



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THENCE, CONTINUE SOUTH 89°55'10" WEST, A DISTANCE OF 37.68 FEET; THENCE, SOUTH 00°04'50" EAST, A DISTANCE OF 20.00 FEET; THENCE, NORTH 89°55'10" EAST, A DISTANCE OF 17.66 FEET; THENCE, SOUTH 00°00'00" WEST, A DISTANCE OF 99.38 FEET TO THE INTERSECTION THEREOF WITH THE NORTHERLY BOUNDARY OF THE 10 FOOT WIDE INGRESS-EGRESS AND UTILITY EASEMENT AS SHOWN ON SAID PARCEL 2 ON SAID PLAT, SAID NORTHERLY BOUNDARY BEING ON A CURVE CONCAVE SOUTH, HAVING A RADIUS OF 135.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH 20°14'20" EAST; THENCE, EASTERLY, ALONG SAID CURVE AND SAID NORTHERLY BOUNDARY, THROUGH A CENTRAL ANGLE OF 08°49'53", A DISTANCE OF 20.81 FEET; THENCE, NORTH, DEPARTING SAID NORTHERLY BOUNDARY, A DISTANCE OF 113.74 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 2679 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

CERTIFICATION:

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BY:

Stephen L. Shirley
STEPHEN L. SHIRLEY, P.S.M. 3918

DATE: 6/17/2005

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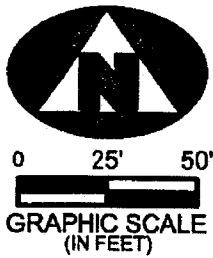
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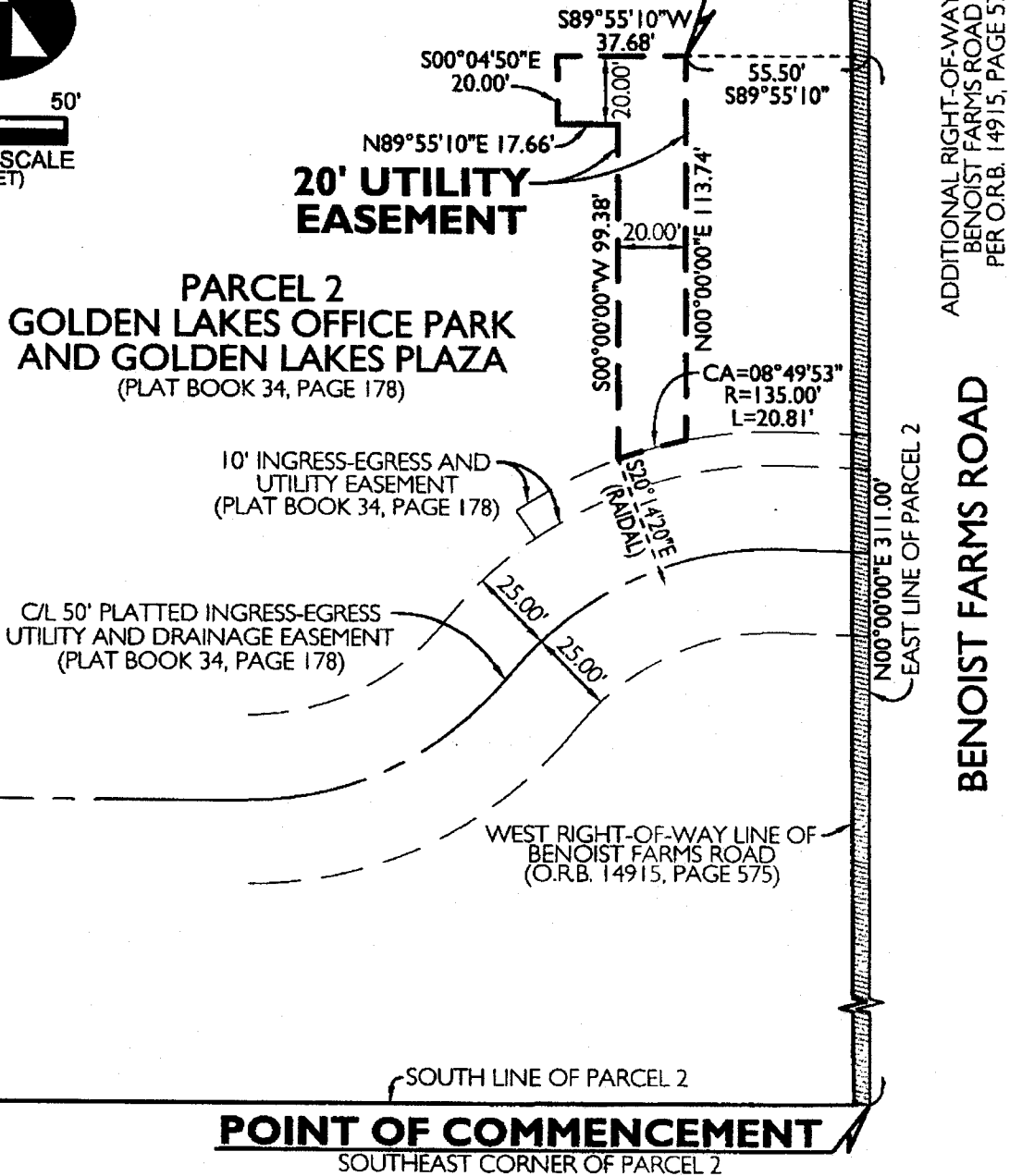
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LEGEND
O.R.B.=OFFICIAL RECORDS BOOK



POINT OF BEGINNING



NOTE: THIS IS NOT A SURVEY

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LEGAL DESCRIPTION

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THENCE, CONTINUE NORTH 89°55'10" EAST, A DISTANCE OF 20.00 FEET; THENCE, NORTH 00°00'00" EAST, DEPARTING SAID NORTHERLY BOUNDARY LINE, A DISTANCE OF 5.00 FEET TO A POINT ON A LINE 5 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH SAID 50 FOOT WIDE INGRESS-EGRESS UTILITY AND DRAINAGE EASEMENT; THENCE, SOUTH 89°55'10" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 20.00 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID EAST BOUNDARY LINE OF A 20 FOOT UTILITY EASEMENT; THENCE, SOUTH 00°00'00" WEST, ALONG SAID EAST BOUNDARY LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

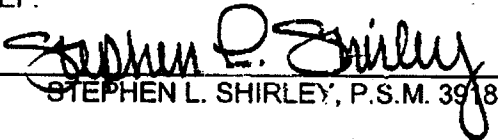
CONTAINING: 100.00 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

CERTIFICATION:

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BY:


STEPHEN L. SHIRLEY, P.S.M. 3918

DATE: 6/17/2005

NOTE: THIS IS NOT A SURVEY

SEE SHEET 2 OF 2 FOR SKETCH

DESCRIPTION SKETCH OF:

**SEDONA COMMONS
5' UTILITY EASEMENT**

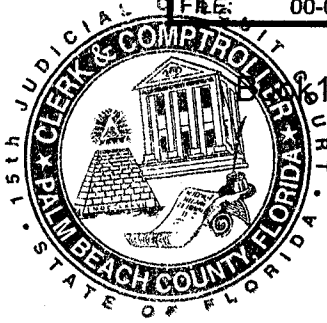
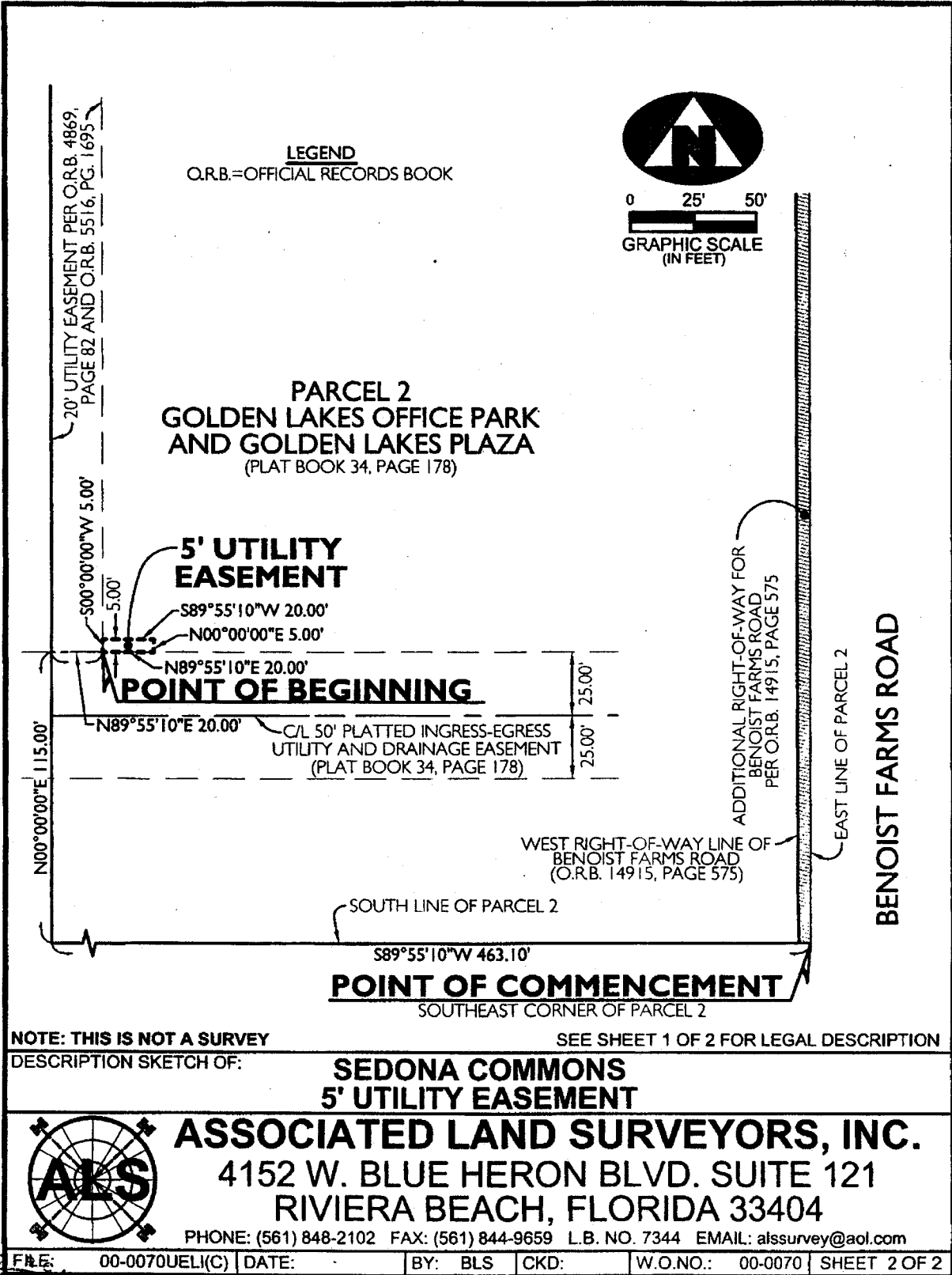


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19548/Page1081

Page 7 of 7

I hereby certify that the foregoing is a true copy of the record in my office this day, Jan 07, 2009.
Sharon R. Bock, Clerk Circuit Court, Palm Beach County, Florida
BY Imaginary Signature Deputy Clerk