PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

March 17, 2009

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 American Heritage School of Boca Delray, Inc. formerly known as G.H.S., Inc.

Summary: This document will release the County's interest in two portions of a utility easement recorded in the Official Records of Palm Beach County in Book 9967 Page 790 on land owned by American Heritage School of Boca Delray, Inc. The Water Utilities Department has determined that these two portions of the easement are no longer needed, and therefore recommends the release. <u>District 5</u> (MJ)

Background and Justification: On August 25, 1997, the property owner G.H.S., Inc. granted an exclusive utility easement to the County to accommodate water and sewer facilities. On September 28, 1999 G.H.S., Inc. merged with and became American Heritage School of Boca Delray, Inc. During subsequent development of the property water and sewer facilities were relocated and two portions of the referenced easement granted by ORB 9967 PG 790 are no longer needed. The property owner is now requesting release of the two portions of the easement that the County will no longer need.

Attachments:

- 1. Two (2) Original Partial Release of Utility Easement
- 2. Location Map
- 3. One (1) copy Utility Easement (ORB 9967 PG 790)

Recommended By:

Department Director

Date

Approved B

Assistant County Administrato

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures External Revenues Program Income (County) In-Kind Match County	<u>0</u> 0 0 0 0	0 0 0 0	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> 00 0
NET FISCAL IMPACT	<1 <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 Curren	t Budget?	Yes	No X		
		Reporting (Category <u>N/A</u>		

B . 1	Recommended Sources	of	Funds/Summary	of	Fiscal	Impact	t:
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C.	Department Fiscal Review:	Delira m West

III. REVIEW COMMENTS

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

2-23-04 292/19/09 OFMB 2017/09 2. Jour 2)24)09
Contracts

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

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

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 thisday of
,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 American Heritage School Of Boca Delray, Inc., whose address is 6200 Linton
Boulevard, Delray Beach, Fl 33484, second party:

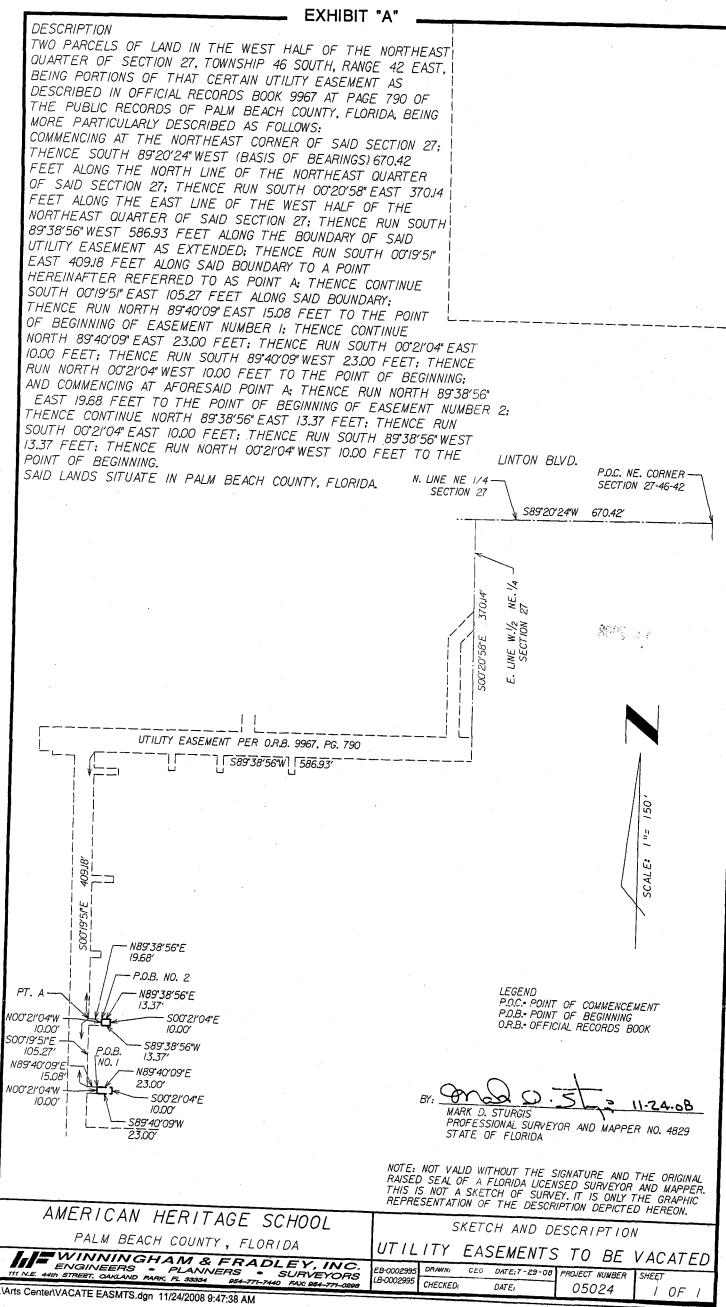
WITNESSETH:

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 two portions of the UTILITY EASEMENT granted in ORB 9967 Pg 790, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in the two portions 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.

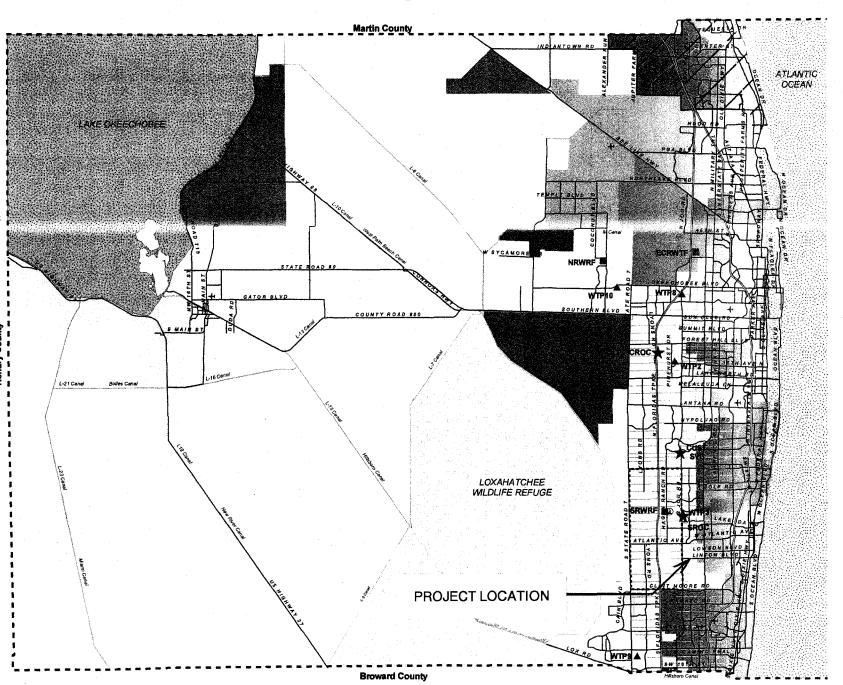
ATTEST:	
Sharon R. Bock, Clerk	PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS
By: Deputy Clerk	By: John 톥 Koons, Chairperson
APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: County Attorney	



ATTACHMENT 2



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



Legend

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

---- Mandatory Reclaimed SA

Paim Beach County Limits

Water Reclaimation Facility

Water Treatment Facility

Wetlands



G.H.S., Inc. in the presence of: Witness Signature Signature DINO Mendicina Pres Robert STONE Print Name Print Name & Title Wilness Signature Signature Stacey <u>- Kobbins</u> Print Name Print Name & Title (SEAL) NOTARY CERTIFICATE Florida State of County of Palm Beach instrumen: was acknowledged before me this .1997 produced Notary Public Some of Properties JUN 18, 1888 My commissi

ATTACHMENT 3 SHEET 2 OF 7

SDA#

...3 9967 B 791

CONSENT AND JOINDER OF MORTGAGEE FOR UTILITY EASEMENT

The undersigned mortgagee does hereby on this 25 th day of August 19 97, join in and 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 9835, Page 1080, 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.

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WITNESSES:	GRANTOR/MORTGAGEE (Authorized Representative)
Signed, sealed and delivered	(V
in the presence of	COUNTY NATIONAL BANK OF SOUTH FLORIDA
Ding Mendicino	By A
Witness Signature	3, 31
Dino Menoicino	English Can Kanna SUP
Print Name	THOMAS EMEKEMA, SUP Print Name & Title
4	
W She	Ву
Witness Signature	
Robert Stone	
Print Name	Print Name & Title
	(SEAL)
NOTARY	CERTIFICATE
State of Florida County of Jalan Beach	
The foregoing instrument was acknowled by Moran Stockerson as who has produced	edged before me this 25 day of Colonial 199. who is personally known to me or as identification
was pas producti	£
Notary Public, State of Florida	Culien S. Notato
My commission expires Commission No.	Notary Signature
	F. LEEN S. NOTARO Print Name VI
	OFFICIAL NOTARY SEAL
	NOTARY PUBLIC STATE OF FLORIDA
	COMMESION NO. CC613297 MY COMMISSION EXP. JAN. 18.2001



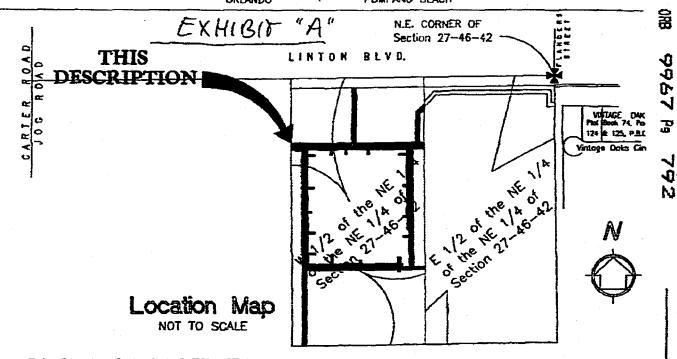
C.C.L. CONSULTANTS INC.

SURVEYORS - PLANNERS

LANDSCAPE ARCHITECTS . ENVIRONMENTAL CONSULTANTS

2200 PARK CENTRAL BLVD, N . SUITE 100 . POMPAND BEACH, FL 33064 . (854) 974-2200 **ORLANDO** POMPANO BEACH





LEGAL DESCRIPTION: UTILITY EASEMENT

A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 52.80 FEET THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE SOUTH 89'20'24" WEST ALONG SAID SECTION LINE FOR A DISTANCE OF 670.42 FEET; THENCE SOUTH 00'20'58" EAST ALONG THE EASTERLY LINE OF SAID WEST HALF FOR A DISTANCE OF 140.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00'20'58" EAST ALONG SAID EASTERLY LINE FOR A DISTANCE OF 28.21 FEET; THENCE SOUTH 44'48'15" WEST FOR A DISTANCE OF 28.21 FEET; THENCE SOUTH 00'20'58" EAST FOR A DISTANCE OF 144.51 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 20.00 FEET TO SAID EASTERLY LINE; THENCE SOUTH 00'20'58" EAST ALONG SAID EASTERLY LINE FOR A DISTANCE OF 37.22 FEET; THENCE SOUTH 89'38'56" WEST FOR A DISTANCE OF 59.05 FEET TO A POINT HEREIN AFTER REFERRED TO AS POINT "A"; THENCE SOUTH 00'21'03" EAST FOR A DISTANCE OF 591.00 FEET; THENCE NORTH 89'39'02" East for a distance of 59.03 feet to said easterly line; THENCE SOUTH 00'20'58" EAST ALONG SAID EASTERLY LINE FOR A DISTANCE OF 20.00 FEET; THENCE SOUTH 89'39'02" WEST FOR A DISTANCE OF 123.72 FEET; THENCE SOUTH 00'2058" EAST FOR A DISTANCE OF 11.50 FEET; THENCE SOUTH 89'39'02" WEST FOR A DISTANCE OF 15.00 FEET; THENCE NORTH 00'20'58" WEST FOR A DISTANCE OF 11.50 FEET; THENCE SOUTH

REVISIONS DATE DATE: 8/22/97 DRAWN BY FIELD BOOK CHECKED

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89"39"02" WEST FOR A DISTANCE OF 458.36 FEET; THENCE SOUTH 00"20"07" EAST FOR A DISTANCE OF 384.01 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89'21'39" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 20.00 FEET; THENCE NORTH 00'20'07" WEST FOR A DISTANCE OF 989.27 FEET; THENCE SOUTH 89'36'56" WEST FOR A DISTANCE OF 33.63 FEET; THENCE NORTH 00'19'51" WEST FOR A DISTANCE OF 5.83 FEET; THENCE SOUTH 89'38'56" WEST FOR A DISTANCE OF 20.00 FEET TO THE WESTERLY LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00'20'27" WEST ALONG SAID WESTERLY LINE FOR A DISTANCE OF 37.22 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 309.56 FEET; THENCE NORTH 00'20'59" WEST FOR A DISTANCE OF 278.18 FEET TO THE SOUTHERLY RIGH-OF-WAY FOR LINTON BOULEVARD, SAID LINE BEING 52.80 FEET SOUTH OF AND PARALLEL TO SAID SECTION LINE: THENCE NORTH 89'20'24" EAST ALONG SAID LINE FOR A DISTANCE OF 20.00 FEET; THENCE SOUTH 00'20'59" EAST FOR A DISTANCE OF 278.29 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 301.00 FEET; THENCE NORTH 00'20'58" EAST FOR A DISTANCE OF 152.83 FEET; THENCE NORTH 44'48'15" EAST FOR A DISTANCE OF 56.42 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

COMMENCE AT POINT "A" AS PREVIOUSLY DESCRIBED; THENCE SOUTH 89'38'56' WEST FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00'21'03' EAST FOR A DISTANCE OF 22.81 FEET; THENCE SOUTH 89'38'57' WEST FOR A DISTANCE OF 38.00 FEET; THENCE SOUTH 00'21'18" EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 89'38'57" EAST FOR A DISTANCE OF 38.00 FEET; THENCE SOUTH 00'21'03" EAST FOR A DISTANCE OF 149.90 FEET; THENCE SOUTH 89'38'56" WEST FOR A DISTANCE OF 16.23 FEET; THENCE SOUTH DO'21'04" EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 16.23 FEET; THENCE SOUTH 00'21'03" EAST FOR A DISTANCE OF 61.08 FEET; THENCE SOUTH 89'38'56" WEST FOR A DISTANCE OF 12.17 FEET; THENCE SOUTH 00'21'04" EAST FOR A OF 10.00 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 12.17 FEET; THENCE SOUTH 00'21'03" E AST FOR A DISTANCE OF 64.79 FEET; THENCE SOUTH 89'38'56" WEST FOR A DISTANCE OF 15.86 FEET; THENCE SOUTH 00'21'04" EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 15.86 FEET; THENCE SOUTH 00'21'03" EAST FOR A DISTANCE OF 61.41 FEET; THENCE NORTH 89'38'57" EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 89'38'57" EAST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 00'21'03' EAST FOR A DISTANCE OF 28.06 FEET; THENCE SOUTH 89'38'56" WEST FOR A DISTANCE OF 26.22 FEET; THENCE SOUTH 00'21'04" EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH
89'38'56" EAST FOR A DISTANCE OF 26.22 FEET; THENCE SOUTH 00'21'03"
EAST FOR A DISTANCE OF 152.94 FEET; THENCE SOUTH 89'39'02" WEST FOR A
DISTANCE OF 34.36 FEET; THENCE NORTH 00'19'49" WEST FOR A DISTANCE OF 15.00 FEET; THENCE SOUTH 89'39'02" WEST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 00'19'49" WEST FOR A DISTANCE OF 32.64 FEET; THENCE SOUTH 89'39'02" WEST FOR A DISTANCE OF 15.00 FEET; THENCE SOUTH 00'19'49" EAST FOR A DISTANCE OF 32.64 FEET; THENCE SOUTH 89'39'02" WEST FOR A DISTANCE OF 182.49 FEET; THENCE NORTH 00'2058' EAST FOR A DISTANCE OF 18.45 FEET: THENCE NORTH 89"39"02" WEST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 00'20'58" WEST FOR A DISTANCE OF 18.57 FEET;

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DATE DRAWN 8/22/97

CHECKED M.D.

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THENCE SOUTH 89'39'02" WEST FOR A DISTANCE OF 132.62 FEET; THENCE NORTH 0018'37 WEST FOR A DISTANCE OF 49.61 FEET; THENCE SOUTH 89'41'23 WEST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 0018'37 EAST FOR A DISTANCE OF 49.62 FEET; THENCE SOUTH 89'39'02" WEST FOR A DISTANCE OF 113.63 FEET; THENCE NORTH 00'19'51" WEST FOR A DISTANCE OF 51.55 FEET; THENCE NORTH 89'40'09" EAST FOR A DISTANCE OF 38.08 FEET; THENCE NORTH 00'21'04" WEST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 89'40'09" WEST FOR A DISTANCE OF 38.08 FEET; THENCE NORTH 00'19'51" WEST FOR A DISTANCE OF 95.27 FEET; THENCE NORTH 89'38'55" EAST FOR A DISTANCE OF 33.05 FEET; THENCE NORTH 00'21'04" WEST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 89'38'56" WEST FOR A DISTANCE OF 33.05 FEET; THENCE; NORTH 00'19'51" WEST FOR A DISTANCE OF 93.15 FEET; THENCE NORTH 89'40'09" EAST FOR A DISTANCE OF 16.09 FEET; THENCE SOUTH OU'19'51" EAST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 89'40'09" WEST FOR A DISTANCE OF 16.09 FEET; THENCE NORTH 00'19'51" WEST FOR A DISTANCE OF 105.52 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 32.95 FEET; THENCE NORTH 00'21'04" WEST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 89'38'56" WEST FOR A DISTANCE OF 32.95 FEET; THENCE NORTH 00'19'51" WEST FOR A DISTANCE OF 155.69 FEET; THENCE NORTH 89'40'09" EAST FOR A DISTANCE OF 37.04 FEET; THENCE NORTH FOR A DISTANCE OF 00'21'04" WEST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 89'40'09" WEST FOR A DISTANCE OF 37.03 FEET; THENCE NORTH 00'19'51" WEST FOR A DISTANCE OF 24.82 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 113.83 FEET; THENCE SOUTH 00'18'37" EAST FOR A DISTANCE OF 25.74 FEET; THENCE SOUTH 00'18'37" EAST FOR A DISTANCE OF 25.71 FEET; THENCE NORTH 89'41'23 EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 00'18'37 WEST FOR A DISTANCE OF 25.71 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 64.50 FEET; THENCE SOUTH 00'20'58" EAST FOR A DISTANCE OF 26.50 FEET; THENCE NORTH 89'38'02" EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 00'20"58" WEST FOR A DISTANCE OF 26.50 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 101.33 FEET; THENCE SOUTH 00'20'58" EAST FOR A DISTANCE OF 26.53 FEET; THENCE NORTH 89'39'02' EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 00'20'58" WEST FOR A DISTANCE OF 26.53 FEET; THENCE NORTH 89'38'56" EAST FOR A DISTANCE OF 188.22 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE AND LYING IN PALM BEACH COUNTY, FLORIDAL

NOTES-

- UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED S. SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHEBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- LANDS SHOWN HEREON WERE NOT ABSTRACTED BY CCL CONSULTANTS, INC. FOR EASEMENTS AND OR RIGHTS-OF-WAY OF RECORD. DATA SHOWN HEREON WAS COMPILED FROM OTHER INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
- CCL CONSULTANTS, INC'S CERTIFICATE OF AUTHORIZATION No. 5610, IS ISSUED BY THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 27-46-42. (Assumed North 89'20'24' Egist):
AS SHOWN ON A SURVEY BY D'BRIEN, SUITER, & O'BRIEN, BNC. AS ORDER NO. 96-68DB, DATED JUNE 14, 1996, AND LAST REVISED SEPTEMBER 30,1996.

THE ATTACHED SKETCH AND LEGAL DESCRIPTION MEETS THE TECHNICAL STANDARDS SET FORTH, BY, THE FLORIDA STATE BOARD OF PROFESSIONAL ISUNEYEVERS, AND MAPPERS IN CHAPTER 61617-6; ELERIDA ADMINISTRATIVE CODE.

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REVISIONS

BY

DATE:

CCL CONSULTANTS, INC.

AUTHORIZATION #LB5610

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POHPANO BEACH, FL 33064 (305) 974-2200 ENGINEERS

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ATTACHMENT 3 SHEET 6 OF 7

