

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 19, 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 Florida Auto Auction of Orlando, Inc.


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 Official Records Book 5967, Page 1. During redevelopment of the West Palm Beach Auto Auction site on the east side of Sansbury's Way it was determined that a portion of the water main in the utility easement was no longer needed. The property owner now requests release of that portion of the easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. There is no cost to the property owner for this partial release of easement. District 6 (MJ)

Background and Justification: On October 11, 1988, the prior property owner, West Palm Beach Auto Auction, Inc. granted an exclusive utility easement to the County to accommodate a water main. On April 03, 2002, Florida Auto Auction of Orlando, Inc. purchased the property from ADT Automotive, Inc. FKA West Palm Beach Auto Auction (PBC Official Records Book 13569, Page 990). During the redevelopment of the property, it was determined that a portion of the water main would no longer be needed. The property owner is now requesting the release of the portion of the easement that the water main no longer occupies and 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 October 11, 1988 Utility Easement

Recommended By:  4/28/09
Department Director Date

Approved By:  5/12/09
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>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:

* This item has no fiscal impact.

C. Department Fiscal Review: Liliana Morrest

III. REVIEW COMMENTS

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

Jim Burt 5-9-09
OFMB 5/5/09 mm 4/29/09
5/1/09

Jim J. Sawatzky 5/11/09
Contract Development and Control

B. Legal Sufficiency:

W. C. W. 5/13/09
Assistant County Attorney

C. Other Department Review:

Department Director

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

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 ___ day 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 Florida Auto Auction of Orlando, Inc., whose address is 6205 Peachtree Dunwoody Road, Atlanta, GA 30328, 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 5967, Page 1, 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

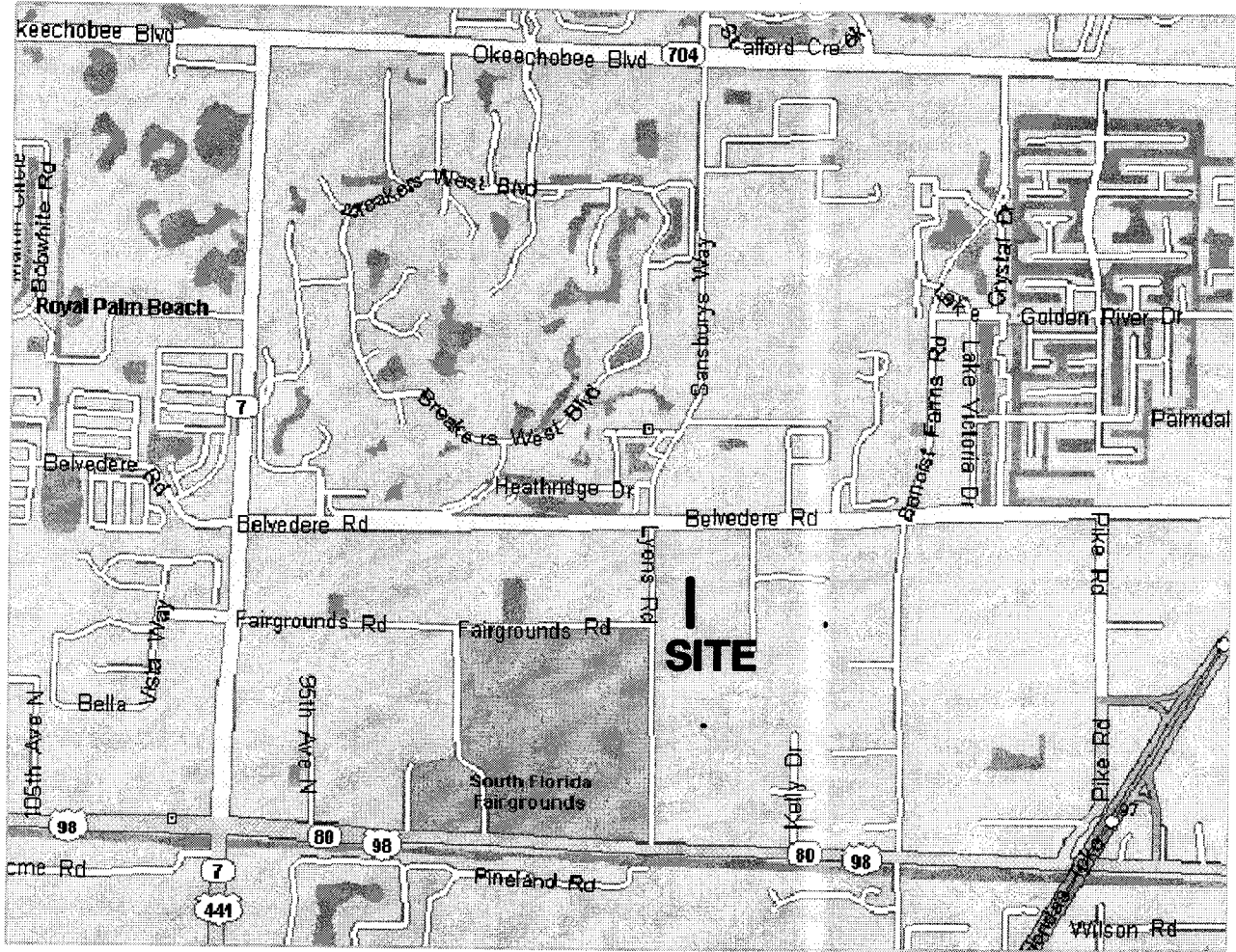
By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

LOCATION MAP



NOT TO SCALE

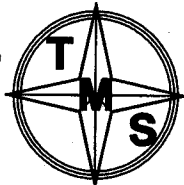
NOT A SURVEY

REVISED 4-3-09: UTILITY DEPARTMENT COMMENTS

SHEET 1 OF 3

**TIMOTHY M. SMITH
LAND SURVEYING, INC.**

4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
(561) 602-8160
LB #6865



SKETCH AND LEGAL
DESCRIPTION OF
PROPOSED PARTIAL
UTILITY EASEMENT
ABANDONEMENT

SCALE:	N/A
DATE:	FEB 2009
DIRECTORY:	MANHCRAN
FIELD BOOK:	N/A
DWG NO.:	CRANSK15

LEGAL DESCRIPTION - PARTIAL EASEMENT ABANDONMENT

BEING A PORTION OF THAT CERTAIN UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 5967, PAGE 1, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN TRACT A, WEST PALM BEACH AUTO AUCTION, M.U.P.D., PLAT BOOK 111 PAGES 80 THROUGH 84, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT A, RUN THENCE SOUTH 00°56'58" EAST ALONG THE WEST LINE OF SAID TRACT A (SAID WEST LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF SANBURY WAY, AS SAME IS SHOWN ON SAID PLAT), A DISTANCE OF 606.58 FEET; THENCE SOUTH 47°16'44" EAST CONTINUING ALONG SAID WEST LINE AND SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 34.56 FEET; THENCE SOUTH 00°56'58" EAST, A DISTANCE OF 3.73 FEET; THENCE NORTH 89°02'17" EAST, A DISTANCE OF 263.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°59'28" WEST, A DISTANCE OF 246.13 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 22935, PAGE 1426, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°03'02" EAST ALONG SAID NORTH LINE, A DISTANCE OF 12.00 FEET; THENCE SOUTH 00°59'28" EAST (DEPARTING FROM SAID NORTH LINE), A DISTANCE OF 246.13 FEET; THENCE SOUTH 89°02'17" WEST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

BEARINGS SHOWN HEREON ARE REFERENCED TO THE EAST RIGHT OF WAY LINE OF SANBURY WAY, HAVING A BEARING OF NORTH 00°56'58" WEST.

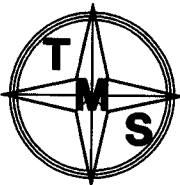
THIS SKETCH OF LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF PROFESSIONAL SURVEYOR AND MAPPER TIMOTHY M. SMITH, FLORIDA CERTIFICATE NUMBER 4676.



TIMOTHY M. SMITH, P.S.M.
FLORIDA CERTIFICATE NO. 4676

NOT A SURVEY SHEET 2 OF 3

TIMOTHY M. SMITH
LAND SURVEYING, INC.
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
(561) 602-8160
LB #6865

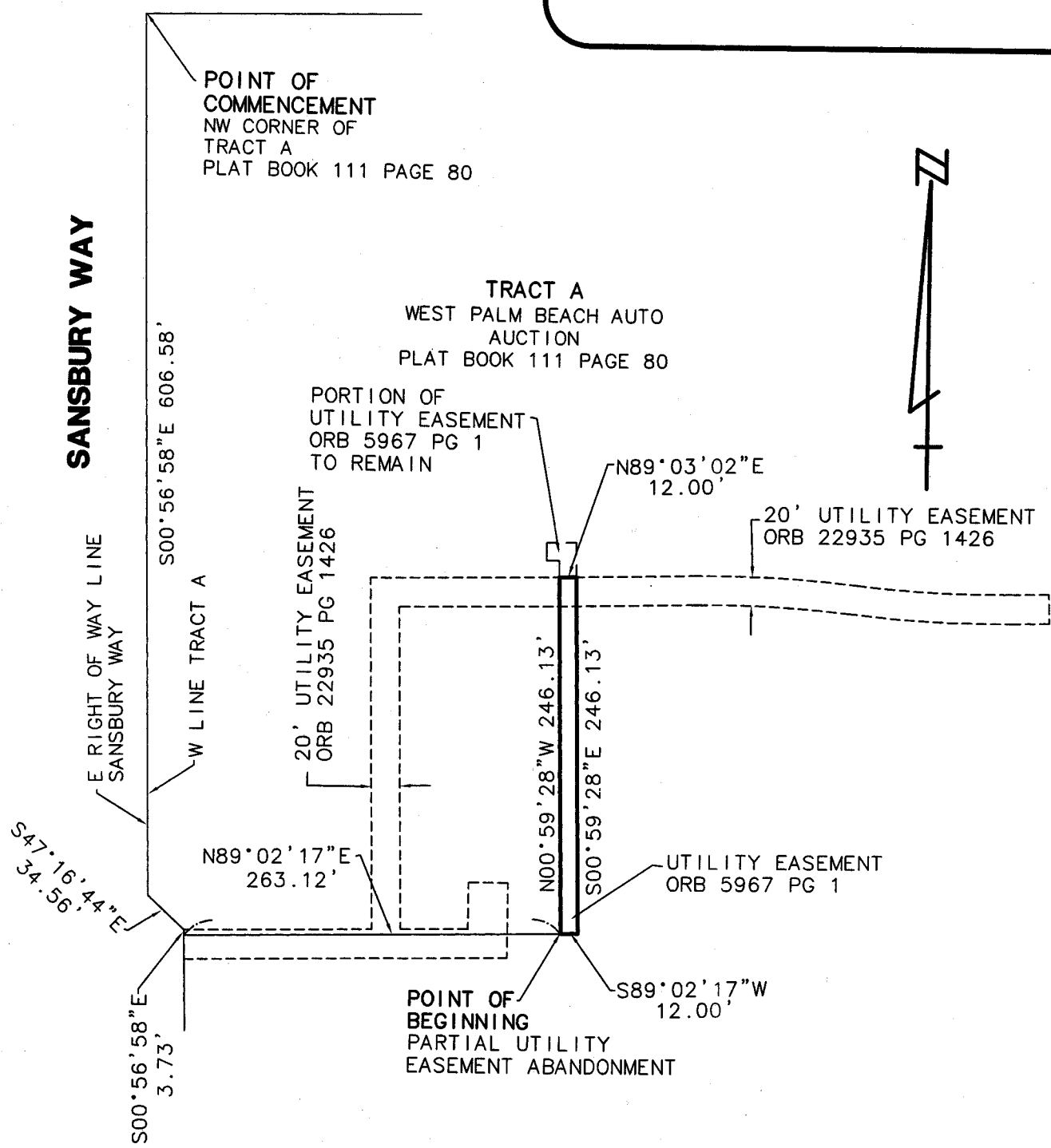


SKETCH AND LEGAL
DESCRIPTION OF
PROPOSED PARTIAL
UTILITY EASEMENT
ABANDONEMENT

SCALE:	N/A
DATE:	FEB 2009
DIRECTORY:	MANHCRAN
FIELD BOOK:	N/A
DWG NO.:	CRANSK15

ORB DENOTES OFFICAL REOCRDS BOOK
PG DENOTES PAGE

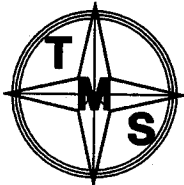
EXHIBIT "A"



NOT A SURVEY

SHEET 3 OF 3

TIMOTHY M. SMITH
LAND SURVEYING, INC.
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
(561) 602-8160
LB #6865



SKETCH AND LEGAL
DESCRIPTION OF
PROPOSED PARTIAL
UTILITY EASEMENT
ABANDONEMENT

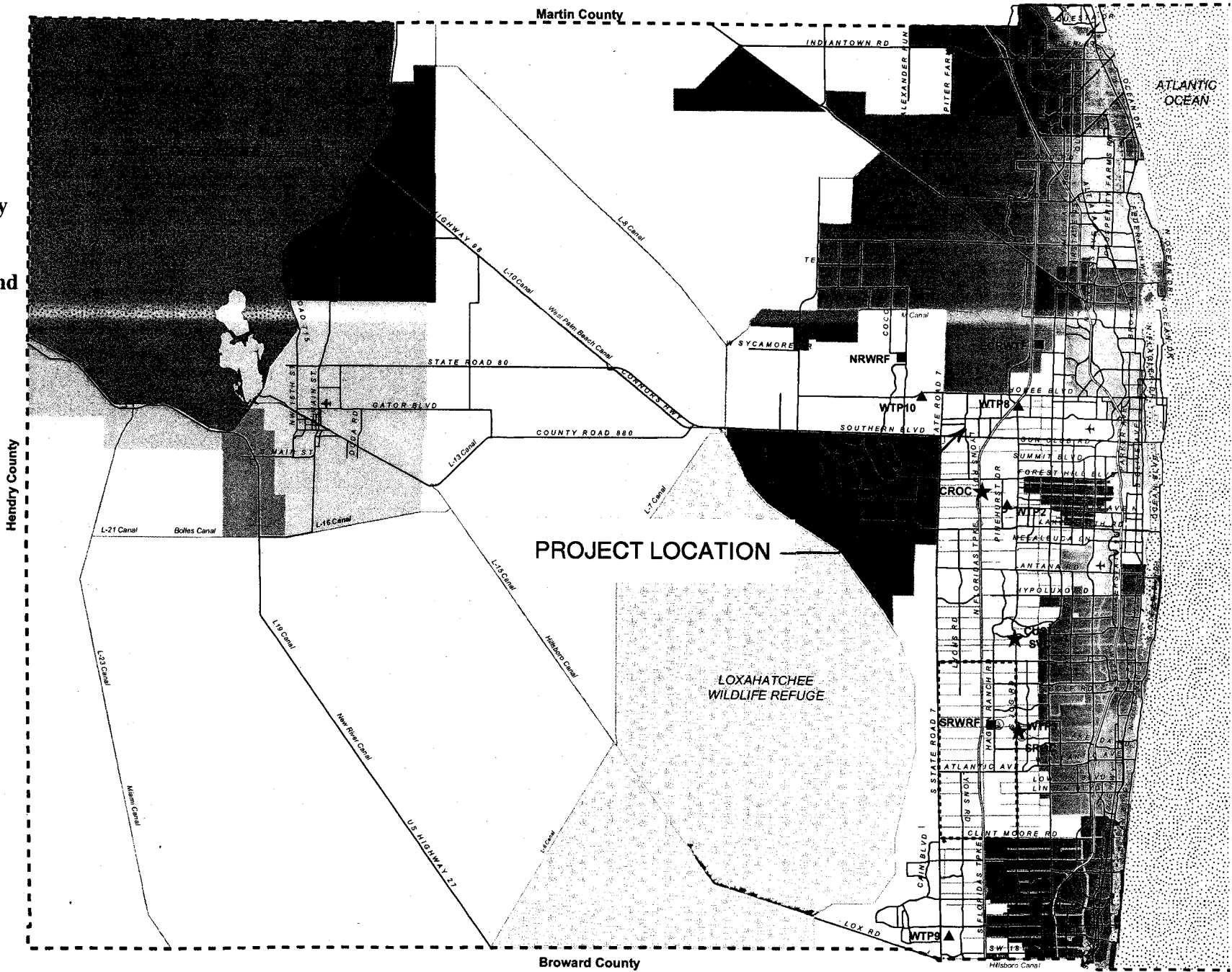
SCALE:	N/A
DATE:	FEB 2009
DIRECTORY:	MANHCAN
FIELD BOOK:	N/A
DWG NO.:	CRANSK15



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
 - ④ Wetlands



GRANT OF EASEMENT

THIS INDENTURE, made this 11th day of October, 19 88, between West Palm Beach Auto Auction Inc., party of the first part, and PALM BEACH COUNTY, a political subdivision of the State of Florida, whose address is 2030 South Congress Avenue, West Palm Beach, FL 33406, party of the second part;

WITNESSETH:

THAT, the party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged by the party of the first part, has granted and does hereby grant, to the party of the second part, its successors and assigns, forever, the right, privilege and easement to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect water transmission and distribution facilities and all appurtenances thereto, and/or sewage transmission and collection facilities and all appurtenant equipment, with full right to ingress thereto and egress therefrom, the property of the party of the first part, described as follows, to wit:

See Exhibit "A"

The party of the first part does hereby fully warrant that it has good title to the above described property and that it has full power and authority to grant this easement.

CLERK OF COUNTY COMMISSIONERS
DATE 10-11-88

MP
Room #203

125-114 (13) (1)

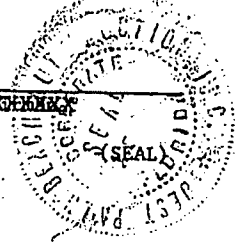
Signed and Sealed in the Presence of:

Nancy L. Loggitt
Michael J. Richardson
CHAIRMAN

WEST PALM BEACH AUTO AUCTIONS, INC.
Corporation

ATTEST:

By: James R. Byrrell
Secretary



TENNESSEE
STATE OF ~~FLORIDA~~)
DAVIDSON) SS.
COUNTY OF ~~DAVIDSON~~)

The foregoing instrument was acknowledged before me this 11th
day of October, 19 92, by Michael J. Richardson,
Chairman, of West Palm Beach Auto Auctions, Inc., a
Florida corporation, on behalf of the corporation.

Nancy L. Loggitt
NOTARY PUBLIC - State of TENNESSEE
at large
My commission expires: 5-30-92

This instrument prepared by: Jeffrey J. Lenar, Vice President and
General Counsel, Anglo American Auto
Auctions Inc.
Address
435 Metroplex Drive
Nashville, Tennessee 37211

LEGAL DESCRIPTION

ORB 5967 Pg 3

OF: 12 FOOT WATERMAIN EASEMENT AT PALM BEACH AUTO AUCTION

SHEET
1 OF 2

DISK NO.: AW44

DATE: 10-27-88

BY: J.M.

CKD:

W.O. NO.: G1947

DESCRIPTION OF 12 FOOT WATERMAIN EASEMENT
AT PALM BEACH AUTO AUCTION

A 12 FOOT WIDE STRIP OF LAND LYING IN TRACT 9, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID STRIP OF LAND LYING WITHIN 6 FEET EACH SIDE OF, AS MEASURED AT RIGHT ANGLES TO, THE FOLLOWING SPECIFICALLY DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 9; THENCE, NORTH 89°32'02" EAST, ALONG THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 356.93 FEET; THENCE, NORTH 00°29'43" WEST, PARALLEL WITH THE WEST LINE OF SAID TRACT 9, A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FAIRGROUNDS ROAD FOR A POINT OF BEGINNING;

THENCE, CONTINUE NORTH 00°29'43" WEST, A DISTANCE OF 263.52 FEET; THENCE, SOUTH 89°30'17" WEST, A DISTANCE OF 14.74 FEET TO THE END OF THE SPECIFICALLY DESCRIBED LINE.

DESCRIPTION APPROVED
BY SURVEY FOR USE IN:Easement1-25-89

DATE

W.C. Shuff

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

James C. Milton Jr.
JAMES C. MILTON, JR.
REGISTERED LAND SURVEYOR NO. 4203

DATE 10/27/88

SUBMITTAL	<u>1st</u>
DATE	<u>1/25/89</u>
REVIEWED BY	<u>SWM</u>
APPROVED	<u>✓</u>
RETURNED	

NOTE: SEE SHEET 2 OF 2 FOR DESCRIPTION SKETCH

- BENCH MARK LAND SURVEYING & MAPPING, INC. -
SUITE 121 • 4152 W. BLUE HERON BLVD.
RIVIERA BEACH, FLORIDA 33404 • (305) 848-2102

DESCRIPTION DELINEATION SKETCH

OF: 12' WATERMAIN EASEMENT AT PALM BEACH AUTO AUCTION

ORB 5967 Pg 4

SHEET 2 OF 2

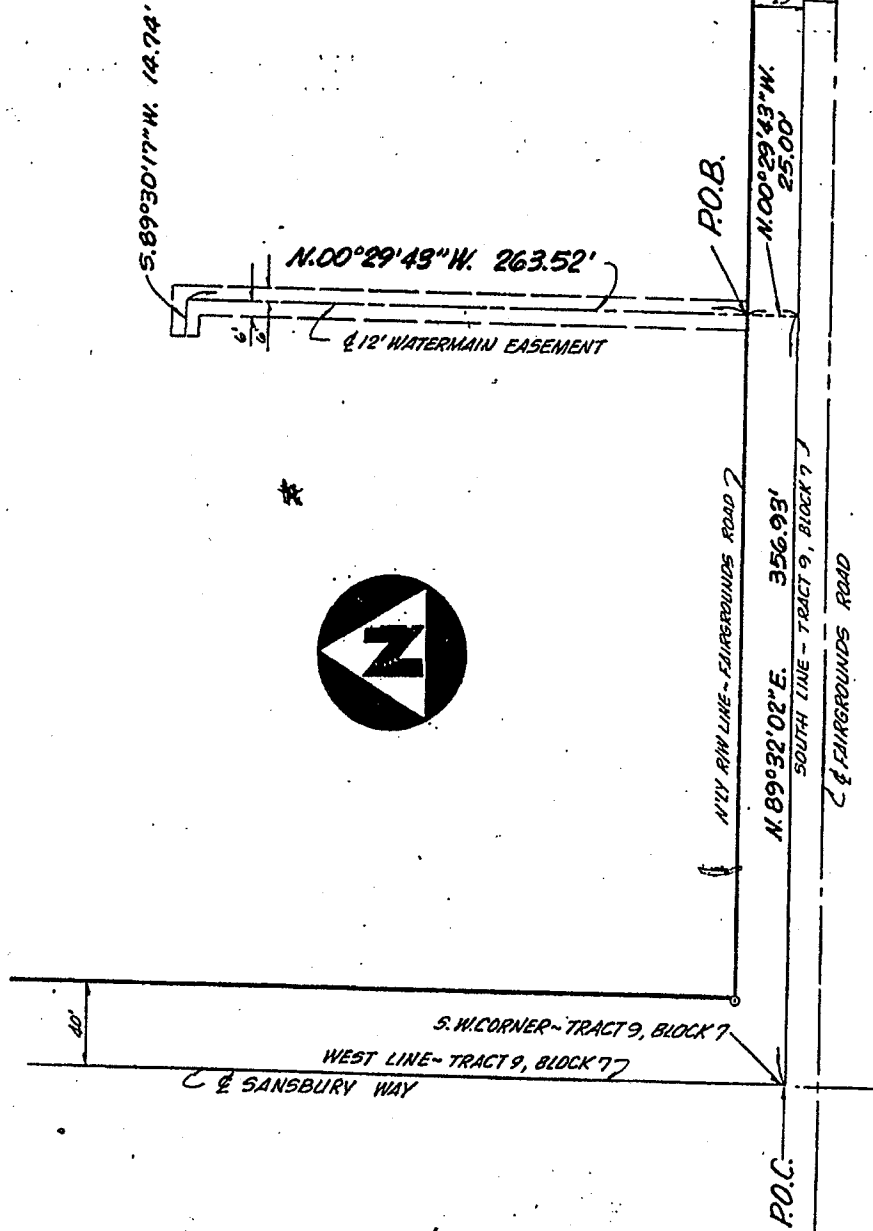
SCALE: 1"=60'

DATE: 10/27/88

BY: J.M.

CKD:

W.O. NO.: 6 1947



NOTE: SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION

- BENCH MARK LAND SURVEYING & MAPPING, INC. -
SUITE 121 • 4152 W. BLUE HERON BLVD.

RIVIERA BEACH, FLORIDA 33404 • (305) 848-2102

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT



I hereby certify that the foregoing is a true copy
of the record in my office this day, Apr 06, 2009.

Sharon R. Bock, Clerk Circuit Court, Palm Beach County, Florida
BY May Wady Deputy Clerk