

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 7, 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 approve:** A Restrictive Covenant over a water management tract owned by Palm Beach County (County), which will protect the designated planted littoral shelves as approved by the County Department of Environmental Resources Management.

**SUMMARY:** Approval of this action will protect the designated planted littoral shelves over a County owned water management tract.

District 6 (PK)

**Background and Justification:** The County owns a parcel of land located on the south side of Velazquez Road, east of Seminole Pratt Whitney Road. This parcel of land is being utilized as a water management tract needed for the Seminole Pratt Whitney, from State Road 80 to south of Okeechobee Boulevard project. In accordance with the Palm Beach County Unified Land Development Code (ULDC), Article 4 Chapter D, Excavation, the County, as owner of the land, must provide for, construct and perpetually maintain planted littoral shelves around the water management tract. These littoral areas as described in the attached Exhibits "A" and "B" have been reviewed by Environmental Resources Management (ERM) and found to be in compliance with the ULDC. The approval of this Restrictive Covenant is deemed in the best interest of the County and will satisfy the requirements of ERM and the ULDC.

**Attachments:**

- 1. Location Map
- 2. Restrictive Covenant with Exhibits "A" and "B"

Recommended by: *Ornela A. Fernandez*      5/26/09 *Wella*  
Division Director      Date

Approved by: *S. J. Webb*      6/15/09  
County Engineer      Date





WILL CALL 1066  
Prepared by: Paul King, Esq., Assistant County Attorney  
Return to: Right-of-Way Acquisition Section  
Post Office Box 21229, West Palm Beach, FL 33416  
Attention: Ed Handy  
Account No.: 1010

PROJECT NO.: 97511A  
PROJECT: Seminole Pratt Whitney Rd.  
LIMITS: S.R. 80 – So. of Okeechobee  
PARCEL NOS.: 3 and 4  
LOCATION: So. side of Velazquez Rd.,  
561 Ft. East of Seminole Pratt Whitney

## **RESTRICTIVE COVENANT**

This Restrictive Covenant, made and executed this \_\_\_ day of \_\_\_\_\_, 2009, by Palm Beach County, a political subdivision of the State of Florida, whose post office address is P.O. Box 21229, West Palm Beach, FL 33416, hereinafter called the Owner.

### **WITNESSETH:**

**Whereas**, Palm Beach County is the owner of a certain parcel of land as described in Official Record Book 21317, Pages 818 thru 826, Public Records of Palm Beach County, Florida; and,

**Whereas**, said parcel of land is utilized as a water management tract with designated planted littoral shelves as described in Exhibit "A", attached hereto and made a part hereof; and,

**Whereas**, the Pond and Lake Plan and Details containing the Littoral Planting Detail are set forth in Exhibit "B", attached hereto and made a part hereof; and,

**Whereas**, said Plan and Details for the Littoral Area are approved by the Palm Beach County Department of Environmental Resources Management (ERM).

**NOW, THEREFORE**, in accordance with the Palm Beach County Unified Land Development Code (ULDC), Article 4 Chapter D, Excavation, the Owner, its successors, heirs and assigns, must provide for and perpetually maintain the planted littoral shelves as more specifically provided for in Exhibits "A" and "B", attached hereto. Furthermore, it is a punishable violation of Palm Beach County laws, ordinances, codes, regulations and approvals to alter the approved slopes, contours or cross sections or to chemically, mechanically or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone as set forth in Exhibits "A" and "B" attached hereto, except, upon the express, written approval from the Director of ERM or the Palm Beach County Zoning Division, as applicable. It is the responsibility of the Owner, its successors, heirs and assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas as set forth in Exhibits "A" and "B" attached hereto and to insure ongoing removal of prohibited and invasive non-native plant species from these areas. The littoral areas shall be constructed and perpetually maintained in compliance with the planting plan requirements of the ULDC, Article 4 Chapter D, Excavation, and planting plans as approved by ERM and set forth in Exhibits "A" and "B". These restrictions shall be deemed covenants running with the land.

**IN WITNESS WHEREOF**, Palm Beach County has caused this Restrictive Covenant to be executed on this \_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

**PALM BEACH COUNTY, a political subdivision of  
the State of Florida**

**SHARON R. BOCK,  
Clerk & Comptroller**

**BY ITS BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

By: \_\_\_\_\_

LEGEND

O.R.B. • OFFICIAL RECORDS BOOK	P.B. • PLAT BOOK
PG. • PAGE	I/E • INGRESS EASEMENT
SEC. • SECTION	U.E. • UTILITY EASEMENT
POC • POINT OF COMMENCEMENT	R/W • RIGHT OF WAY
POB • POINT OF BEGINNING	RT • RIGHT
EA • ENTRADA ACRES	CL • CENTERLINE

LEGAL DESCRIPTION

CENTERLINE OF PROPOSED 20' WIDE LITTORAL ZONE

A PORTION OF TRACTS 14 AND 15, ACCORDING TO THE MAP OF ENTRADA ACRES, AN UNRECORDED SUBDIVISION IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AS SAID TRACT IS SHOWN ON SAID SUBDIVISION RECORDED IN OFFICIAL RECORDS BOOK 2831, PAGES 239 AND 240, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER (N 1/4) CORNER OF SAID SECTION 36; THENCE NORTH 88°50'02" WEST ALONG THE NORTH LINE OF SAID SECTION 36 A DISTANCE OF 1026.60 FEET TO THE EXISTING EAST RIGHT OF WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD AS SHOWN ON ROAD PLAT BOOK 4 AT PAGES 34 THROUGH 40 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°32'25" WEST ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD A DISTANCE OF 2112.50 FEET TO A POINT; THENCE SOUTH 88°27'35" EAST A DISTANCE OF 561.78 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 01°32'25" EAST A DISTANCE OF 243.79 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 78.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 88°27'49", AN ARC DISTANCE OF 120.43 FEET; THENCE SOUTH 89°59'46" EAST A DISTANCE OF 171.01 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 152.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°36'30", AN ARC DISTANCE OF 134.26 FEET; THENCE NORTH 39°23'44" EAST A DISTANCE OF 32.25 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 40.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 52°08'41", AN ARC DISTANCE 36.40 FEET; THENCE SOUTH 88°27'35" EAST A DISTANCE OF 193.89 FEET; THENCE SOUTH 01°32'25" WEST A DISTANCE OF 425.93 FEET; THENCE NORTH 88°27'35" WEST, A DISTANCE OF 608.06 FEET TO THE POINT OF BEGINNING.


SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 39,321 SQUARE FEET, MORE OR LESS.

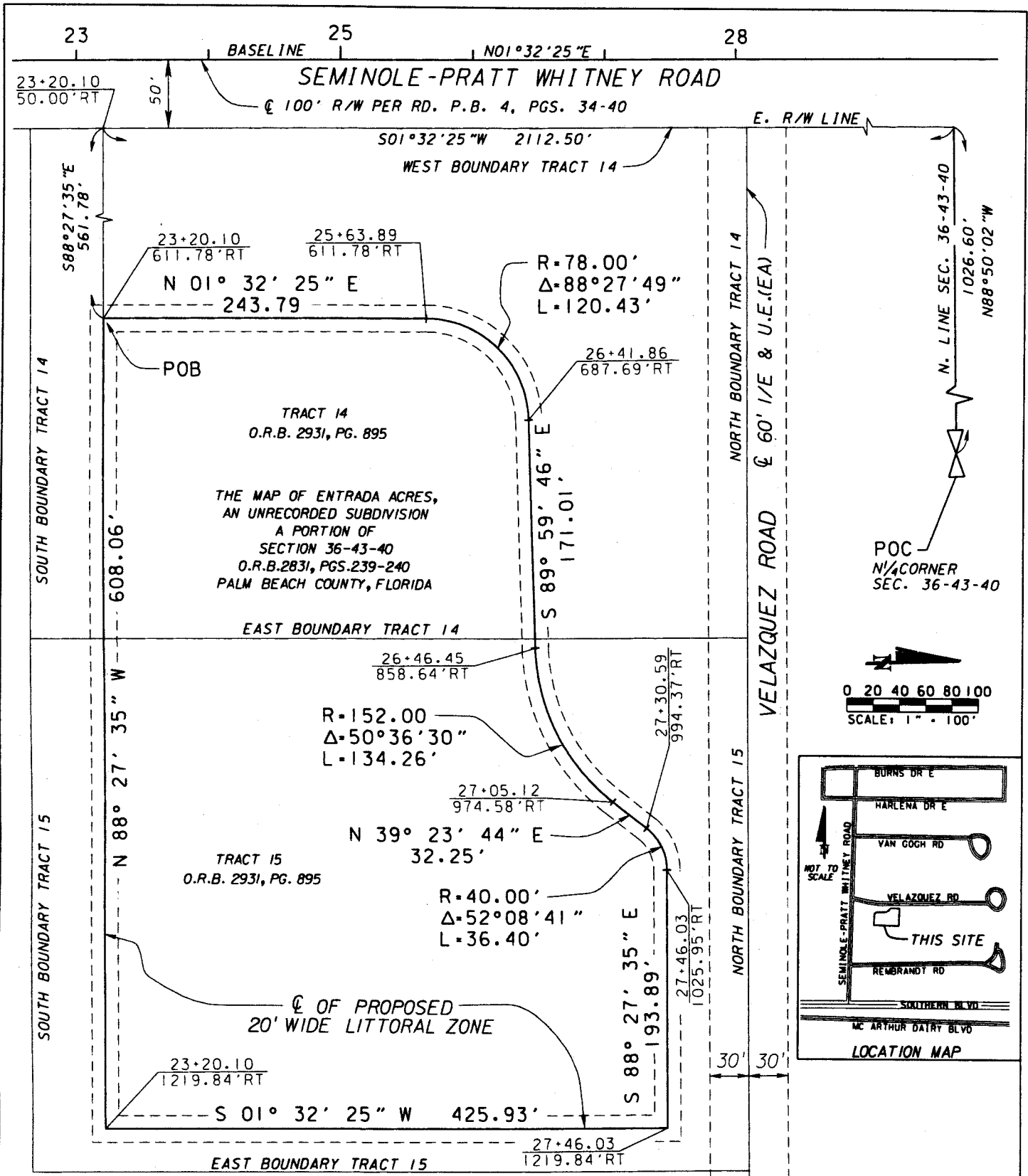
BEARINGS SHOWN HEREON ARE RELATIVE TO THE NATIONAL OCEAN SERVICE, TRANSVERSE MERCATOR COORDINATES, FLORIDA EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983 (1990 ADJUSTMENT) THE GRID BEARING BEING NORTH 01°32'25" EAST ALONG THE CENTERLINE OF SEMINOLE-PRATT WHITNEY ROAD.

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND THE ABOVE LEGAL DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THE ATTACHED SKETCH AND ABOVE LEGAL DESCRIPTION MEET THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND ADOPTED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE.

NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL.

*Michael Ross* 1/12/09  
 MICHAEL ROSS  
 PROFESSIONAL SURVEYOR AND MAPPER  
 NO. 6622 STATE OF FLORIDA  
 LB NO. 7334

SKETCH OF DESCRIPTION PROPOSED LITTORAL ZONE	<b>ERDMAN ANTHONY</b>  <small>1402 ROYAL PALM BEACH BLVD., BLDG 500                  ROYAL PALM BEACH, FLORIDA 33411                  PH 561-753-9723 FAX 561-753-9724 ENR28012 LMB7334                  JAMES F. NORTH P.E. LICENSE #32962</small>	EXHIBIT "A" SHEET 1 OF 2		
		No. 00107	10/3/08	10F 2



THIS IS NOT A SURVEY

STATIONING PER RD. P.B. 4, PGS. 34-40,  
PUBLIC RECORDS OF PALM BEACH COUNTY RECORDS

SKETCH OF DESCRIPTION  
PROPOSED  
LITTORAL ZONE

**ERDMAN**  
**ANTHONY**

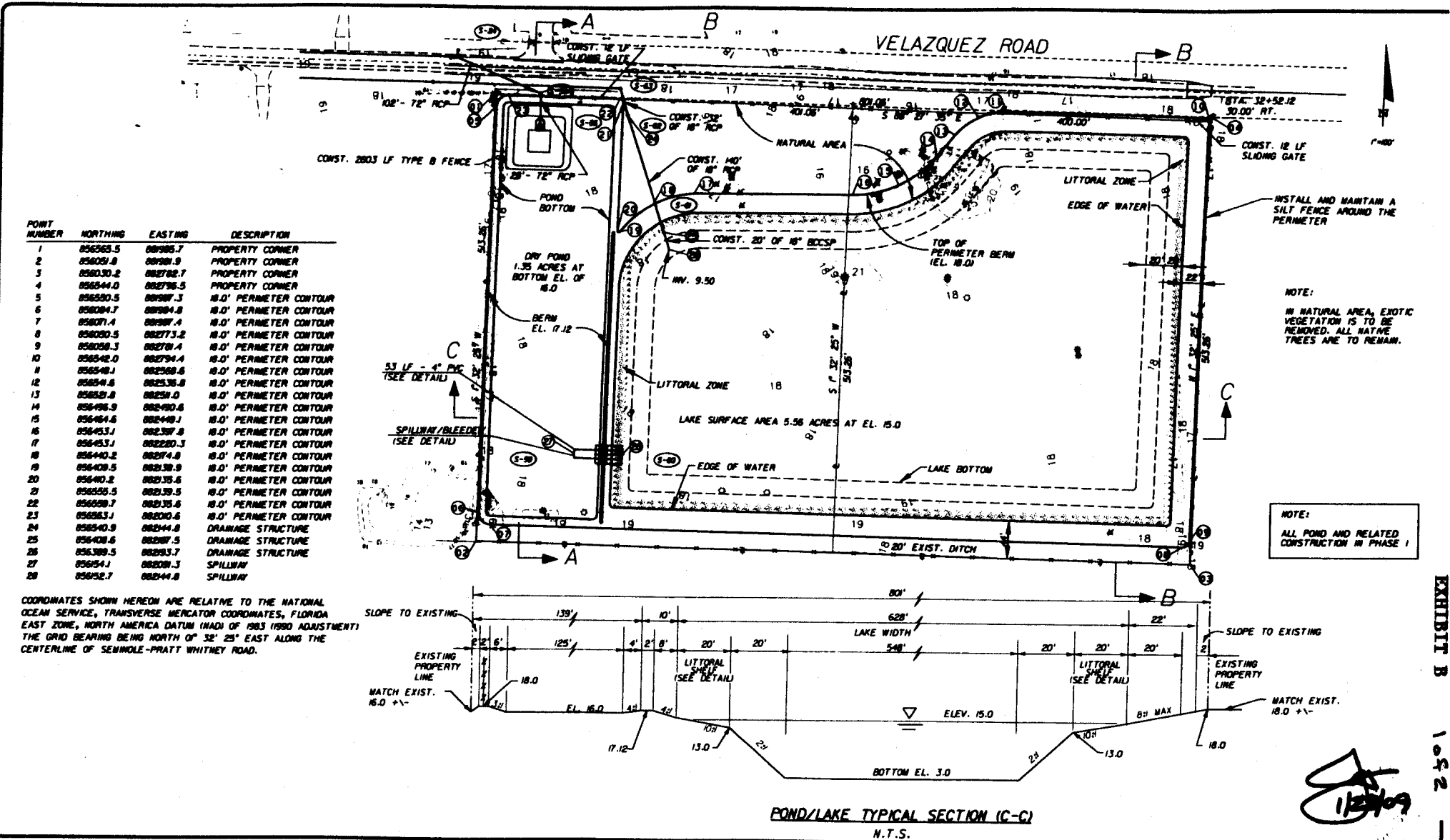
1402 ROYAL PALM BEACH BLVD, BLDG 500  
ROYAL PALM BEACH, FLORIDA 33411  
PH 561-753-8723 FAX 561-753-8724 EDP/25812 LMP/334  
JAMES F. NOTH P.E., LICENSE #32982

EXHIBIT "A"  
SHEET 2 OF 2

No. 00107

10/3/08

2 OF 2



POINT NUMBER	NORTHING	EASTING	DESCRIPTION
1	056262.5	082985.7	PROPERTY CORNER
2	056029.8	082989.9	PROPERTY CORNER
3	056030.2	082782.7	PROPERTY CORNER
4	056044.0	082786.5	PROPERTY CORNER
5	056230.5	082987.3	10.0' PERIMETER CONTOUR
6	056004.7	082984.8	10.0' PERIMETER CONTOUR
7	056071.4	082987.4	10.0' PERIMETER CONTOUR
8	056000.5	082773.2	10.0' PERIMETER CONTOUR
9	056008.3	082781.4	10.0' PERIMETER CONTOUR
10	056482.0	082794.4	10.0' PERIMETER CONTOUR
11	056481.8	082588.6	10.0' PERIMETER CONTOUR
12	056481.6	082536.8	10.0' PERIMETER CONTOUR
13	056481.8	082541.0	10.0' PERIMETER CONTOUR
14	056486.9	082480.6	10.0' PERIMETER CONTOUR
15	056484.4	082448.1	10.0' PERIMETER CONTOUR
16	056453.1	082387.8	10.0' PERIMETER CONTOUR
17	056453.1	082280.3	10.0' PERIMETER CONTOUR
18	056440.2	082174.8	10.0' PERIMETER CONTOUR
19	056408.5	082138.9	10.0' PERIMETER CONTOUR
20	056440.2	082135.6	10.0' PERIMETER CONTOUR
21	056408.5	082139.5	10.0' PERIMETER CONTOUR
22	056688.7	082135.6	10.0' PERIMETER CONTOUR
23	056683.1	082004.6	10.0' PERIMETER CONTOUR
24	056540.9	082044.8	DRAINAGE STRUCTURE
25	056408.6	082087.5	DRAINAGE STRUCTURE
26	056388.5	082083.7	DRAINAGE STRUCTURE
27	056454.1	082081.3	SPILLWAY
28	056452.7	082044.8	SPILLWAY

COORDINATES SHOWN HEREON ARE RELATIVE TO THE NATIONAL OCEAN SERVICE, TRANSVERSE MERCATOR COORDINATES, FLORIDA EAST ZONE, NORTH AMERICA DATUM (NAD) OF 1983 (1980 ADJUSTMENT) THE GRID BEARING BEING NORTH OF 32° 25' EAST ALONG THE CENTERLINE OF SEMINOLE-PRATT WHITNEY ROAD.

NOTE:  
IN NATURAL AREA, EXOTIC VEGETATION IS TO BE REMOVED. ALL NATIVE TREES ARE TO REMAIN.

NOTE:  
ALL POND AND RELATED CONSTRUCTION IN PHASE I

POND/LAKE TYPICAL SECTION (C-C)  
N.T.S.

POND AND LAKE PLAN AND DETAILS

**ERDMAN ANTHONY**  
1482 N.W. PALM BEACH BLVD., SUITE 500  
PALM BEACH, FLORIDA 33411  
TEL: 561-833-7400 FAX: 561-833-7401



PALM BEACH COUNTY  
ENGINEERING AND PUBLIC WORKS  
**ROADWAY PRODUCTION**  
P. O. BOX 3288, WEST PALM BEACH, FLORIDA

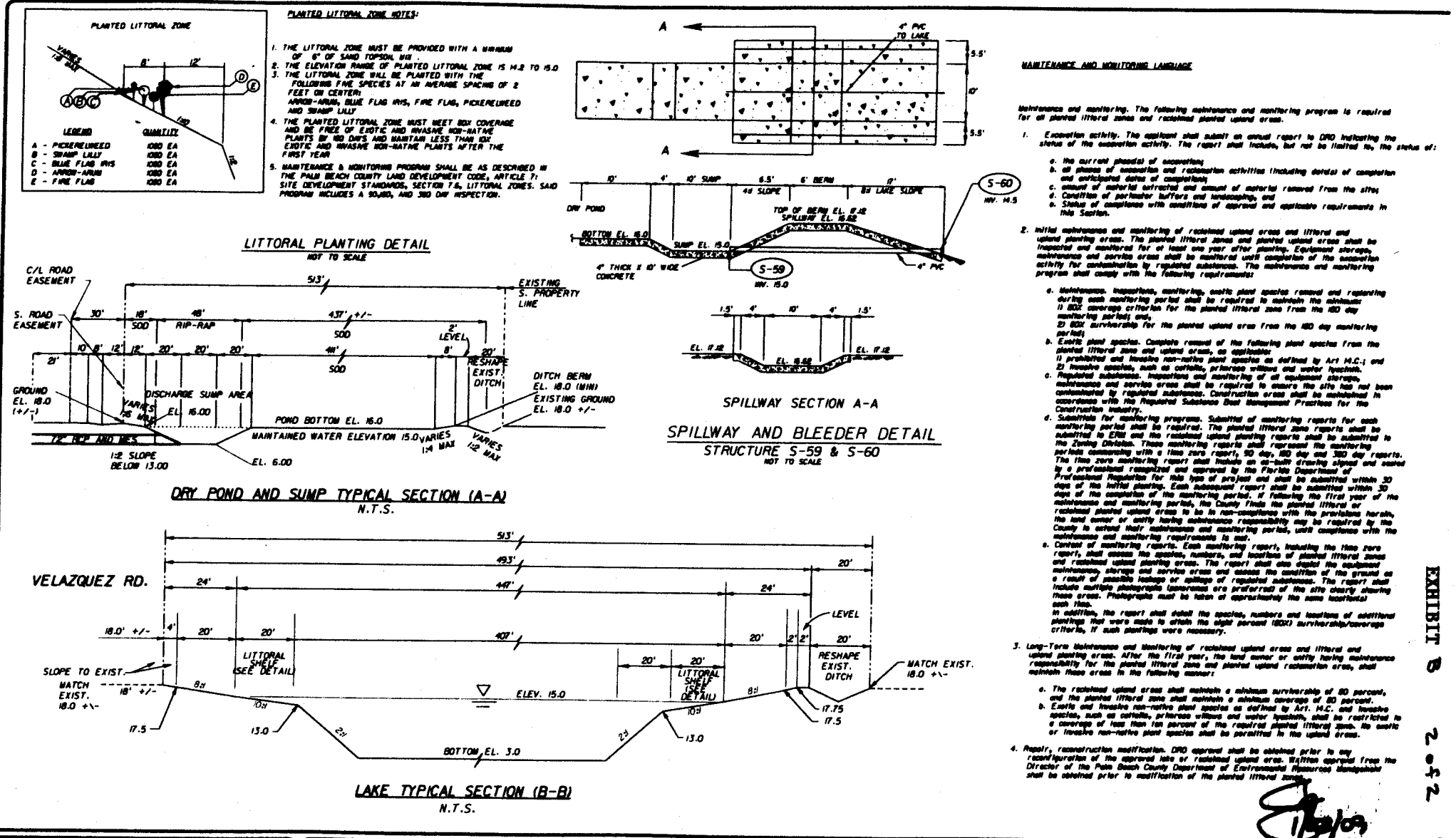
Date	1/11/09
Approved	JFB
Drawn	JK
Checked	JFB
Date	1/19/09
Field Book No.	

Project **SEMINOLE PRATT WHITNEY ROAD**  
FROM SR. 88 TO SOUTH OF OCEANBOSS BLVD.  
PHASE I

Sheet	36
Of	105
Project No.	00107
County Project No.	1997511A

EXHIBIT B 1 of 2

*[Handwritten signature]*  
1/21/09



**POND AND LAKE PLAN AND DETAILS**

**ERDMAN ANTHONY**

1100 N.W. 10th Street, Suite 100  
 West Palm Beach, Florida 33411  
 Tel: 561-833-1100 Fax: 561-833-1101



**PALM BEACH COUNTY**  
**ENGINEERING AND PUBLIC WORKS**  
**ROADWAY PRODUCTION**  
 P. O. BOX 2288, WEST PALM BEACH, FLORIDA

Scale	1/8" = 1'-0"
Author	JTB
Drawn	JTB
Checked	JTB
Date	1/26/00
1 inch Scale	

**SEMINOLE PRATT**  
**WHITNEY ROAD**  
 FROM S.E. 80 TO SOUTH  
 OF COLLETTA DRIVE E.L.V.

**PHASE 1**

Sheet	37
Plan	105
Project No.	00107
County Project No.	1997511A

EXHIBIT B 2 of 2

*[Handwritten Signature]*