

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 Subordination of Encumbrance to Property Rights from the City of West Palm Beach (City) over a parcel of land, designated as Parcel 100, needed for the project 60th Street North, from west of Royal Palm Beach Boulevard to State Road 7 Extension.

SUMMARY: Approval of this action will subordinate the interest of the City in a parcel of land owned by Palm Beach County.

District 6 (PK)

Background and Justification: Palm Beach County (County) is the owner of an 80 foot wide parcel of land designated as Parcel 100. This parcel is located immediately south and adjacent to the M Canal right-of-way and is to be utilized as road right-of-way for the 60th Street North, from west of Royal Palm Beach Boulevard to the State Road 7 Extension project. The City has certain interest over Parcel 100 and the County has requested that the City subordinate their interest in this parcel, which they have done in the Subordination of Encumbrance to Property Rights, (Attachment 2). The approval of this Subordination of Encumbrance to Property Rights is deemed to be in the best interest of the County and the City.

Attachments:

- 1. Location Map
- 2. Subordination of Encumbrance to Property Rights with Exhibit "A"

Recommended by: *MR* *Ornelis A. Fernandez* *6/04/09*
Division Director Date

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

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ 0	-0-	-0-	-0-	-0-

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No _____
Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
Program _____

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

This item has no additional fiscal impact.

C. Departmental Fiscal Review: adwillhite

III. REVIEW COMMENTS

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

 [Signature] 6/24/09
OFMB

 [Signature] 6/24/09
Contract Dev. and Control

LD 6/17/09 CN 6/16/09
SP 6/16/09

B. Approved as to Form and Legal Sufficiency:

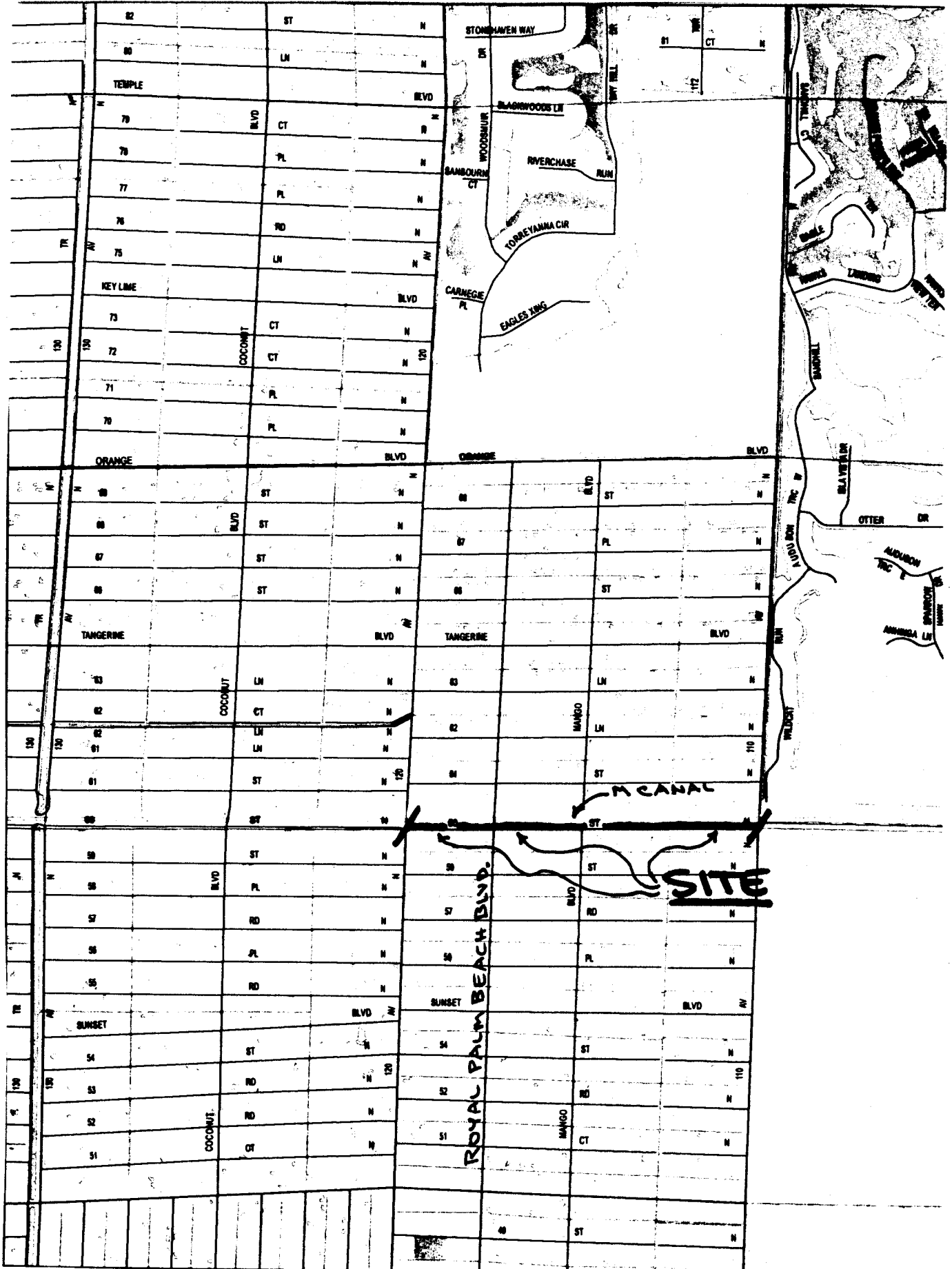
 [Signature] 6/26/09
Assistant County Attorney

C. Other Department Review:

Department Director

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

LOCATION MAP



RCW 120-09

Return:
Right-of-Way Acquisition Section
Name: Palm Beach County Engineering
Post Office Box 21229
Address: West Palm Beach, Florida 33416
Attn: ED HANBY
Acct. No.: 1010 WIC BOX 1066

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

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

PCN NO.

SPACE ABOVE THIS LINE FOR PROCESSING DATA

Project No.: 2004507
**Project Name: 60th Street North from west
of Royal Palm Beach Blvd to STATE ROAD 7
EXTENSION**
Parcel No.: 100

**SUBORDINATION OF ENCUMBRANCE TO PROPERTY
RIGHTS OF COUNTY OF PALM BEACH, FLORIDA**

ENCUMBRANCE IN FAVOR OF: City of West Palm Beach (City)

NATURE OF ENCUMBRANCE: Easement and right of joint user for public water supply, drainage and irrigation purposes over an 80 foot strip of land as defined in attached Exhibit "A", hereinafter referred to as "Parcel 100", lying immediately south and adjacent to M-Canal right-of-way.

DATED: July 26, 1956

RECORDED (BOOK/PAGE): Deed 1156 Pages 58-63

Whereas, it is proposed by the County of Palm Beach (County) to improve a portion of a road in the County, in accordance with survey and construction plans on file in the Office of the County Engineer; and,

Whereas, Parcel 100 is subject to an encumbrance held by the City; and,

Whereas, the County, has requested that the City subordinate said encumbrance to the property rights of the County to locate, construct, maintain and/or improve said project over, through, under and/or across Parcel 100, identified in attached Exhibit "A", being a portion of the encumbered premises in the County; and,

Whereas, the City reserves the right to review construction plans only to verify that adequate access points to the M-Canal are provided; and,

PROVIDED, ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance insofar as same affects the rights and privileges of the County in its use of Parcel 100 for highway purposes only, and that nothing herein contained shall in any way alter, affect, impair, minimize or diminish the effect of said encumbrance or the remedies at law or in equity for recovering thereunder, or against the parties charged thereby, the full amount of all sums secured by and/or under the same. It is further understood and agreed that in the event said above described premises are abandoned by the County and cease to be used for highway and maintenance purposes that in such event the subordination of said encumbrance shall terminate in and to such portion

abandoned and no longer used as aforesaid, and the encumbrance shall become of the same status with reference to such abandoned portion as if the subordination has never been made.

Project No.: 2004507
Project Name: 60th Street North from west
of Royal Palm Beach Blvd to STATE ROAD 7
EXTENSION
Parcel No.: 100

SUBORDINATION OF ENCUMBRANCE

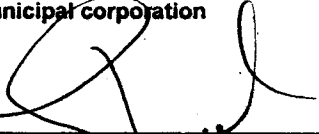
Page 2
(CORPORATION)

IN WITNESS WHEREOF, THE SAID HOLDER OF SAID ENCUMBRANCE HAS DULY EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 200__.

Signed, sealed and delivered in the presence of:
(Signature of "two" witnesses required by Florida law)

CITY OF WEST PALM BEACH
A municipal corporation

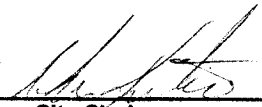
PALM BEACH COUNTY, FLORIDA,
BY ITS
BOARD OF COUNTY COMMISSIONERS

By: 
Lois Frankel, Mayor

By: _____
John F. Koons, Chairman

ATTEST:

ATTEST:

By: 
City Clerk

By: _____
SHARON R. BOCK,
(CLERK & COMPTROLLER)

By: May 4, 2009
(DATE)

By: _____
Deputy Clerk
(DATE)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
City Attorney

By: _____
ASSISTANT COUNTY ATTORNEY

APPROVED AS TO TERMS
AND CONDITIONS

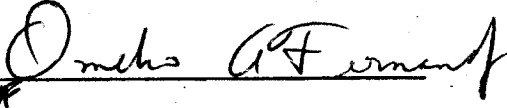
By: 

EXHIBIT "A"

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH EIGHTY (80) FEET OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 41 EAST.

PARCEL CONTAINS 9.6805 ACRES MORE OR LESS.

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, 160 AUSTRALIAN AVENUE, SUITE 405, WEST PALM BEACH, FLORIDA 33406.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

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

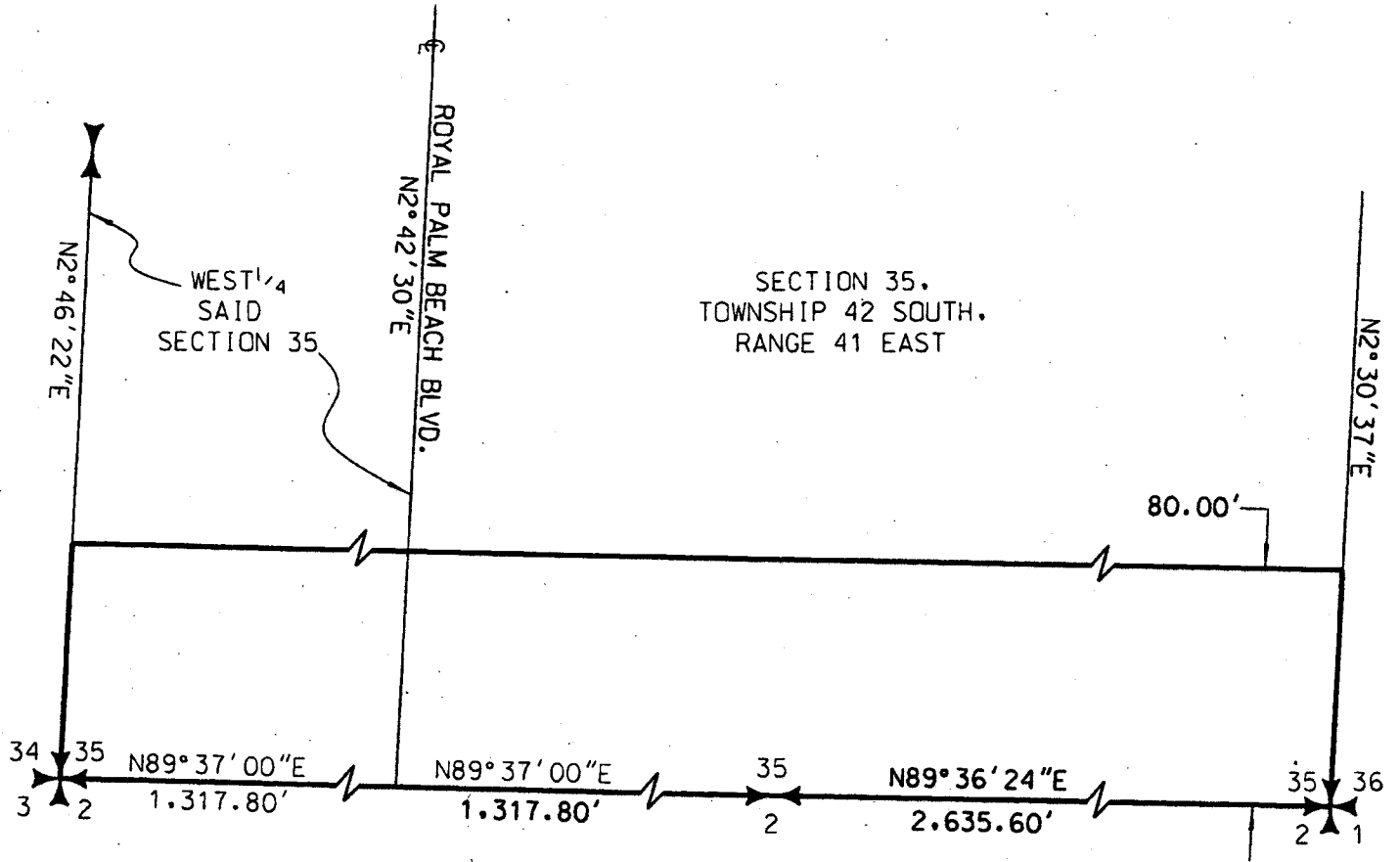
3-23-05
DATE

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

PROJECT NO. 2004507	SHEET 1 OF 2	PROJECT: 60th STREET, ROYAL PALM BEACH BOULEVARD-PERSIMMON EXT PARCEL 100	SCALE: 1"=60' APPROVED: N.J.H. DRAWN: K.A.L. CHECKED: N.J.H. DATE DRAWN: 6/30/04	NO.	REVISION	BY	DATE
		DESIGN FILE NAME PERSIMMON EXT		DRAWING NO. S-1-04-2227	1	REVISE PARCEL	N J H
						PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 160 AUSTRALIAN AVENUE WEST PALM BEACH, FL 33406	



SCALE: 1" = 60'



THIS IS NOT A SURVEY

PARCEL 100