

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: November 3, 2009

{X} 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: Three County Deeds in favor of the City of Greenacres (City) for surplus property on 10th Avenue North lying within the City limits.

SUMMARY: Approval of this item will convey title of surplus Palm Beach County owned property, acquired by a 1972 Chancery case, to the City for their local beautification project, and preserve easement rights to an adjacent property owner for ingress and egress, preserve easement rights to Palm Tran for a future bus stop, and reserve line of sight easements for 10th Avenue North.

District 2 (PK)

Background and Justification: Palm Beach County (County) acquired parcels of land by a Chancery case in 1972. Three of these parcels are adjacent to 10th Avenue North.

10th Avenue North is a County road, part of which is within the City's limits. The City is proposing a beautification project and has asked that the portion of these three parcels not needed for the present or future right-of-way of 10th Avenue North be transferred to them.

The property owner adjacent to Parcel 2 currently enjoys permitted ingress and egress onto 10th Avenue North in two locations. The County Deed for this parcel contains language to preserve that access.

Palm Tran has asked that a portion of Parcel 3 be made available to them for a future bus stop. The County Deed for this parcel contains language, approved by Palm Tran, to reserve their rights on the property.

In addition, each County Deed contains language to reserve a line of sight easement on the south 3.5 feet of each parcel for 10th Avenue North.

Staff has reviewed the request and has no objections, after the addition of property owner protection, Palm Tran protection, and line of sight easement reservations.

Attachments:

1. Location Map
2. County Deeds (3) with Exhibit "A"

Recommended by: _____

Division Director

Date

Approved by: _____

County Engineer

Date

KAT

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Cost	-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 *

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes ___ No ___
Budget Account No.: Fund ___ Dept. ___ Unit ___ RevSrc/Object ___
Program _____

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

* This item has no fiscal impact.

C. Departmental Fiscal Review: Atwillhite

III. REVIEW COMMENTS

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

[Signature] 10/22/09
OFMB
10/14/09
10/19/09

[Signature] 10/23/09
Contract Dev. and Control

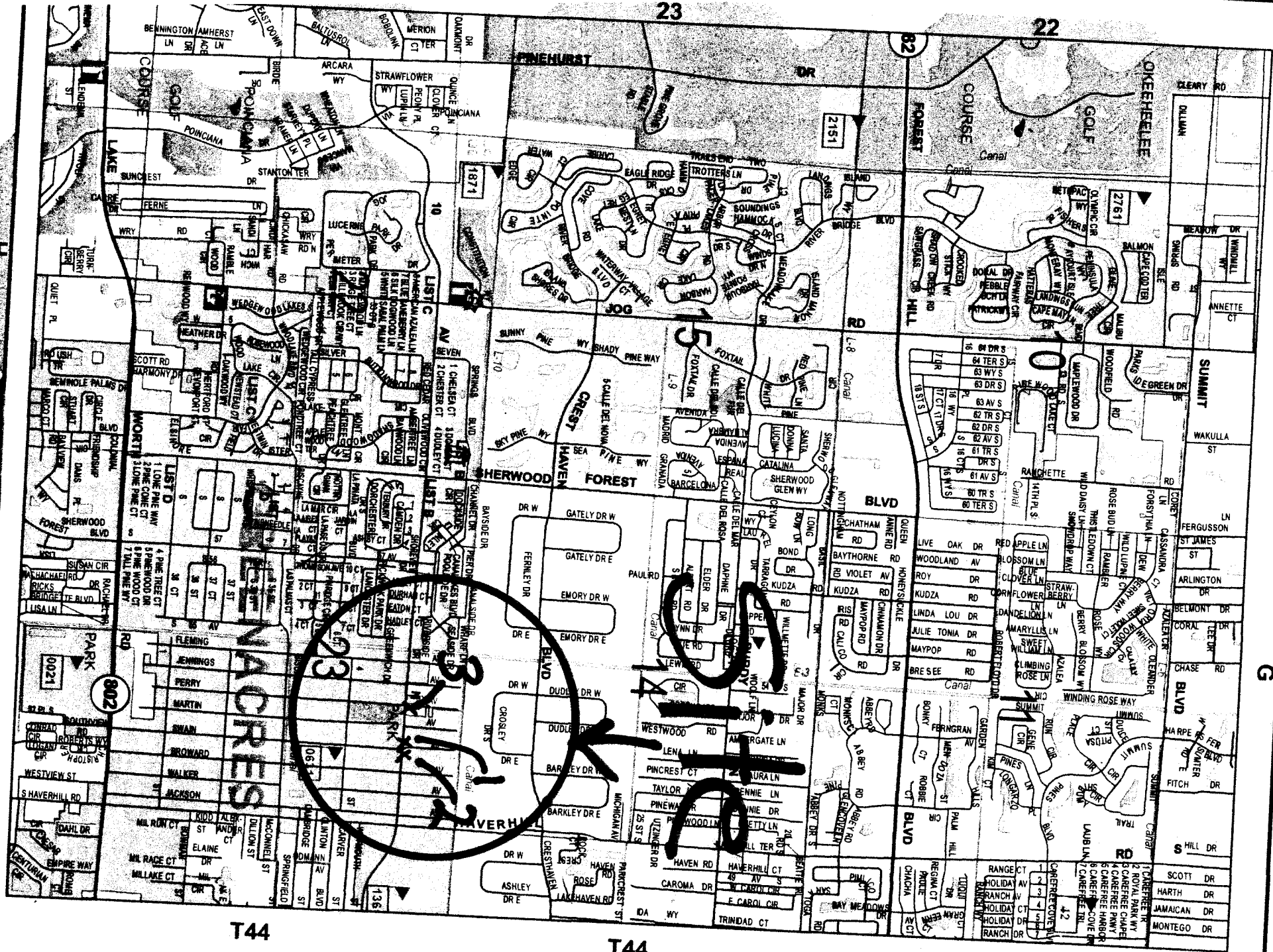
B. Legal Sufficiency:

Paul F. [Signature] 10/26/09
Assistant County Attorney

C. Other Department Review:

Department Director

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



R42

See pg 69

R42

Location Map

RETURN TO:
NAME: PALM BEACH COUNTY
ADDRESS: R/W ACQUISITION SECTION
POST OFFICE BOX 21229
WEST PALM BEACH, FLORIDA 33416
ATTN: KAT CHOPIN
ACCT. NO.: 1010 W/C BOX 1066

C O U N T Y D E E D

THIS DEED, made this _____ by PALM BEACH COUNTY, a political subdivision of the State of Florida, party of the first part, and the CITY OF GREENACRES, whose post office address is 5800 Melaleuca Lane, Greenacres, Florida 33463, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the parties of the second part, their heirs and assigns forever, the following described land lying and being in Palm Beach County, Florida:

Property more particularly described as Parcel 1, and being more fully described in Exhibit "A", attached hereto and made a part hereof.

Parcel 1 as described in Exhibit "A" shall be subject to a line of sight easement to Palm Beach County over the south 3 ½ feet of the parcel prohibiting the installation of any obstruction greater than 2 ½ feet high within said easement.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:
SHARON R. BOCK, Clerk & Comptroller

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

BY: _____
Clerk (or Deputy Clerk)

BY: _____
Chairman (Vice Chairman)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
County Attorney

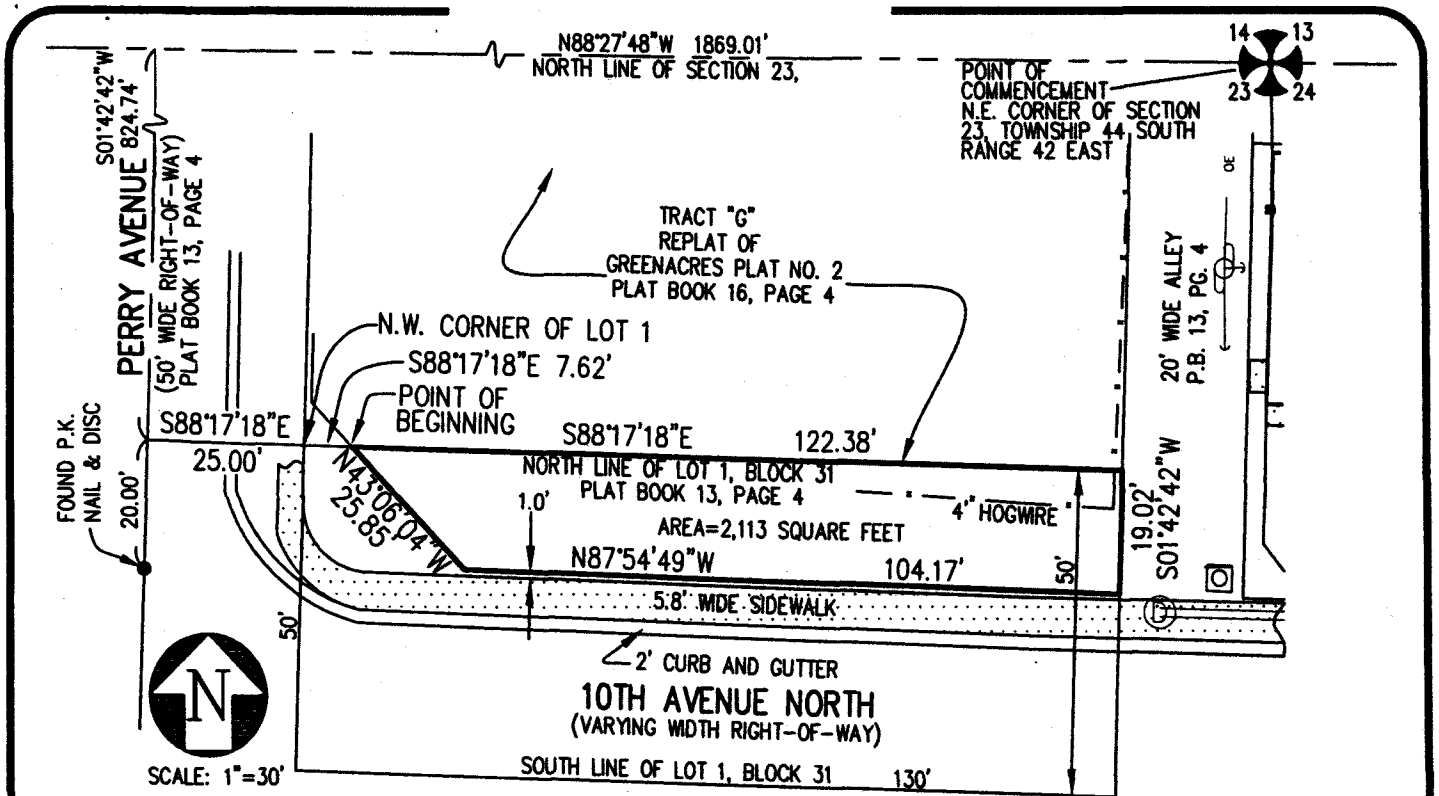
This instrument prepared by:
Paul King, Assistant County Attorney
Palm Beach County
P.O. Box 21229
West Palm Beach, FL 33416

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 200 by _____, Chairman or Vice -Chairman, Board of County Commissioners, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Typed name of Acknowledger
Deputy Clerk

EXHIBIT "A" - PARCEL 1



DESCRIPTION:

A PARCEL OF LAND LYING WITHIN LOT 1, BLOCK 31 OF THE PLAT OF GREENACRES PLAT NO.2 AS RECORDED IN PLAT BOOK 13, PAGE 4 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN SECTION 23, TOWNSHIP 44 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE N88°27'48"W ALONG THE NORTHERLY LINE OF SAID SECTION 23, A DISTANCE OF 1869.01 FEET TO THE POINT OF INTERSECTION OF THE EXTENSION OF THE CENTERLINE OF PERRY AVENUE AS SHOWN ON THE PLAT OF GREENACRES PLAT NO.2 AS RECORDED IN PLAT BOOK 13, PAGE 4 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA WITH SAID NORTHERLY SECTION LINE; THENCE S01°42'42"W ALONG SAID CENTERLINE OF PERRY AVENUE AND ITS EXTENSION, A DISTANCE OF 824.74 FEET; THENCE S88°17'18"E, A DISTANCE OF 25.00 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 31 AS SHOWN ON SAID PLAT OF GREENACRES PLAT NO.2; THENCE CONTINUE S88°17'18"E ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 7.62 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S88°17'18"E ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 122.38 FEET; THENCE S01°42'42"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 19.02 FEET; THENCE N87°54'49"W ALONG A LINE OFFSET 1.0' NORTHERLY OF THE EXISTING SIDEWALK, A DISTANCE OF 104.17 FEET; THENCE N43°06'04"W, A DISTANCE OF 25.85 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2,113 SQUARE FEET MORE OR LESS

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS, AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

LEGEND

- WATER METER
- OVERHEAD ELECTRIC
- UTILITY POLE & GUY WIRE
- STORM MANHOLE
- CONCRETE

SKETCH OF DESCRIPTION

THIS IS NOT A SURVEY

GARY A. RAGER P.S.M. #4828
STATE OF FLORIDA
LB #6603

FOR:

CITY OF GREENACRES- PERRY AVENUE

SCALE: 1"=30'

DRAWN BY: STAFF

CHECKED BY: G. RAGER

DATE: 06.01.2009



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group inc.
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1201 BELVEDERE ROAD, WEST PALM BEACH, FLORIDA 33405
PH (561)655-1151 • FAX (561)832-9390 • WWW.ENGENUITYGROUP.COM

FIELD BOOK NO

SHEET:

REV #1 08.27.09

JOB NO

FLORIDA R.L.S.
PSM4828

G.15

RETURN TO:
NAME: PALM BEACH COUNTY
ADDRESS: R/W ACQUISITION SECTION
POST OFFICE BOX 21229
WEST PALM BEACH, FLORIDA 33416
ATTN: KAT CHOPIN
ACCT. NO.: 1010 W/C BOX 1066

C O U N T Y D E E D

THIS DEED, made this _____ by PALM BEACH COUNTY, a political subdivision of the State of Florida, party of the first part, and the CITY OF GREENACRES, whose post office address is 5800 Melaleuca Lane, Greenacres, Florida 33463, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the parties of the second part, their heirs and assigns forever, the following described land lying and being in Palm Beach County, Florida:

Property more particularly described as Parcel 2, and being more fully described in Exhibit "A", attached hereto and made a part hereof.

Parcel 2 as described in Exhibit "A" contains 2 driveways approved through Palm Beach County Turnout Permit Number 281-1174 issued November 14, 1974 providing access from 10th Avenue North across Parcel 2 to the property to the north of Parcel 2. This transfer is subject to said access, in favor of the owner of the property adjacent to Parcel 2, their heirs and assigns.

Parcel 2 shall also be subject to a line of sight easement to Palm Beach County over the south 3 ½ feet of the parcel prohibiting the installation of any obstruction greater than 2 ½ feet high within said easement.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:
SHARON R. BOCK, Clerk & Comptroller

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

BY: _____
Clerk (or Deputy Clerk)

BY: _____
Chairman (Vice Chairman)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

This instrument prepared by:
Paul King, Assistant County Attorney
Palm Beach County
P.O. Box 21229
West Palm Beach, FL 33416

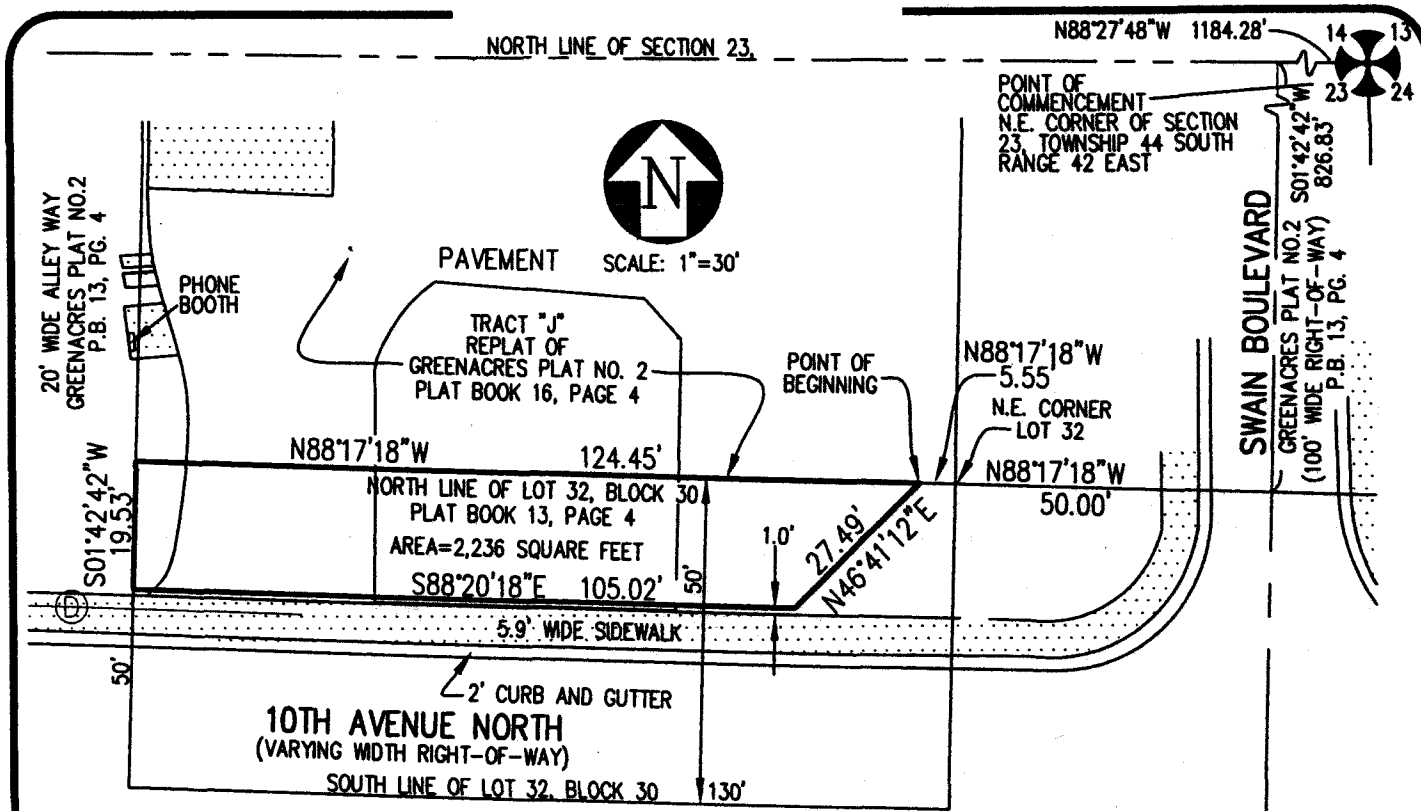
BY: _____
County Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 200 by _____, Chairman or Vice -Chairman, Board of County Commissioners, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Typed name of Acknowledger
Deputy Clerk

EXHIBIT "A" - PARCEL 2



DESCRIPTION:

A PARCEL OF LAND LYING WITHIN LOT 32, BLOCK 30 OF THE PLAT OF GREENACRES PLAT NO.2 AS RECORDED IN PLAT BOOK 13, PAGE 4 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN SECTION 23, TOWNSHIP 44 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE N88°27'48"W ALONG THE NORTHERLY LINE OF SAID SECTION 23, A DISTANCE OF 1184.28 FEET TO THE POINT OF INTERSECTION OF THE EXTENSION OF THE CENTERLINE OF SWAIN BOULEVARD AS SHOWN ON THE PLAT OF GREENACRES PLAT NO.2 AS RECORDED IN PLAT BOOK 13, PAGE 4 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA WITH SAID NORTHERLY SECTION LINE; THENCE S01°42'42"W ALONG SAID CENTERLINE OF SWAIN BOULEVARD AND ITS EXTENSION, A DISTANCE OF 826.83 FEET; THENCE N88°17'18"W, A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER OF LOT 32, BLOCK 30 OF SAID PLAT OF GREENACRES PLAT NO.2; THENCE CONTINUE N88°17'18"W, A DISTANCE OF 5.55 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE N88°17'18"W ALONG THE NORTH LINE OF SAID LOT 32, A DISTANCE OF 124.45 FEET; THENCE S01°42'42"W ALONG THE WEST LINE OF SAID LOT 32, A DISTANCE OF 19.53 FEET; THENCE S88°20'18"E ALONG A LINE OFFSET 1.0' NORTHERLY OF THE EXISTING SIDEWALK, A DISTANCE OF 105.02 FEET; THENCE N46°41'12"E, A DISTANCE OF 27.49 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2,236 SQUARE FEET MORE OR LESS

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS, AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES

LEGEND



CONCRETE

SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

GARY A. RAGER P.S.M. #4828
STATE OF FLORIDA
LB #6603

FOR:

CITY OF GREENACRES- SWAIN BOULEVARD #1

SCALE: 1"=30'

DRAWN BY: STAFF

CHECKED BY: G. RAGER

DATE: 06.01.2009



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FIELD BOOK NO

SHEET:

REV #1 08.27.09

1 / 1

JOB NO

G.15

FLORIDA R.L.S.
PSM#4828

RETURN TO:
NAME: PALM BEACH COUNTY
ADDRESS: R/W ACQUISITION SECTION
POST OFFICE BOX 21229
WEST PALM BEACH, FLORIDA 33416
ATTN: KAT CHOPIN
ACCT. NO.: 1010 W/C BOX 1066

C O U N T Y D E E D

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WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the parties of the second part, their heirs and assigns forever, the following described land lying and being in Palm Beach County, Florida:

Property more particularly described as Parcel 3, and being more fully described in Exhibit "A", attached hereto and made a part hereof.

Parcel 3 as described in Exhibit "A" shall be subject to an easement to Palm Tran over the south 12 feet of the parcel for the installation of mass transit infrastructure including such things as a bus stop, bus shelter, and/or bus pull-off bay. Landscaping, signage, benches, lighting, and similar improvements installed or permitted within the easement by the City of Greenacres (City) shall be modified or relocated by the City at such time that the improvements unreasonably interfere with Palm Tran's use of the easement area. No compensation shall be due to the City or its permittee(s) for modification or relocation, as required by Palm Tran. Modification or relocation shall be completed within 60 days written notice from Palm Tran to the City.

Parcel 3 shall also be subject to a line of sight easement to Palm Beach County over the south 3 ½ feet of the parcel prohibiting the installation of any obstruction greater than 2 ½ feet high within said easement.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:
SHARON R. BOCK, Clerk & Comptroller

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

BY: _____
Clerk (or Deputy Clerk)

BY: _____
Chairman (Vice Chairman)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

This instrument prepared by:
Paul King, Assistant County Attorney
Palm Beach County
P.O. Box 21229
West Palm Beach, FL 33416

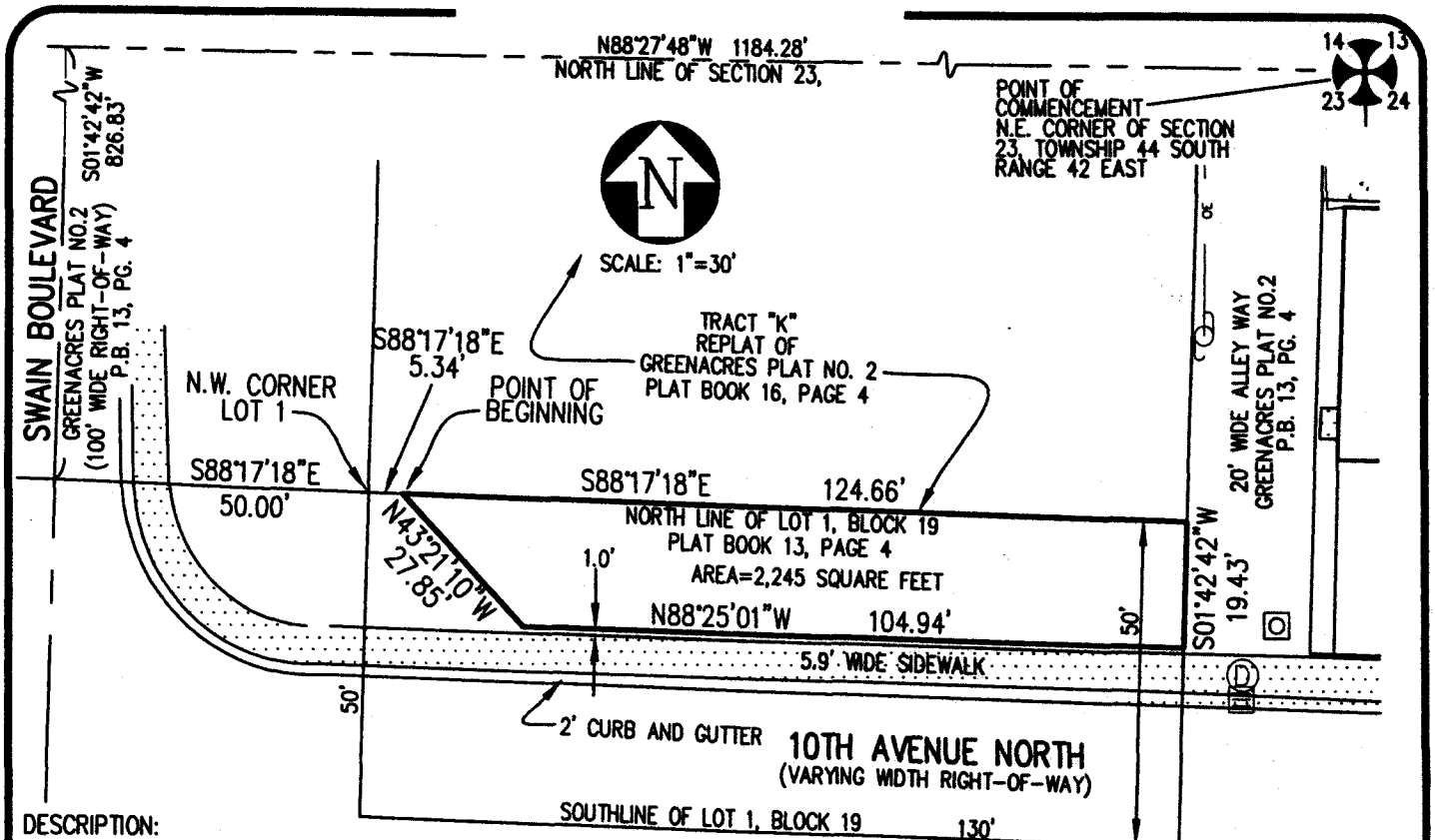
BY: _____
County Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 200 by _____, Chairman or Vice -Chairman, Board of County Commissioners, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Typed name of Acknowledger
Deputy Clerk

EXHIBIT "A" - PARCEL 3



DESCRIPTION:

A PARCEL OF LAND LYING WITHIN LOT 1, BLOCK 19 OF THE PLAT OF GREENACRES PLAT NO.2 AS RECORDED IN PLAT BOOK 13, PAGE 4 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN SECTION 23, TOWNSHIP 44 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE N88°27'48"W ALONG THE NORTHERLY LINE OF SAID SECTION 23, A DISTANCE OF 1184.28 FEET TO THE POINT OF INTERSECTION OF THE EXTENSION OF THE CENTERLINE OF SWAIN BOULEVARD AS SHOWN ON THE PLAT OF GREENACRES PLAT NO.2 AS RECORDED IN PLAT BOOK 13, PAGE 4 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA WITH SAID NORTHERLY SECTION LINE; THENCE S01°42'42"W ALONG SAID CENTERLINE OF SWAIN BOULEVARD AND ITS EXTENSION, A DISTANCE OF 826.83 FEET; THENCE S88°17'18"E, A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 19 OF SAID PLAT OF GREENACRES PLAT NO.2; THENCE CONTINUE S88°17'18"E, A DISTANCE OF 5.34 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S88°17'18"E ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 124.66 FEET; THENCE S01°42'42"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 19.43 FEET; THENCE N88°25'01"W ALONG A LINE OFFSET 1.0' NORTHERLY OF THE EXISTING SIDEWALK, A DISTANCE OF 104.94 FEET; THENCE N43°21'10"W, A DISTANCE OF 27.85 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2,245 SQUARE FEET MORE OR LESS

LEGEND

- OE — OVERHEAD ELECTRIC UTILITY POLE
- WATER METER
- ▨ CATCH BASIN
- ⊙ STORM MANHOLE
- ▤ CONCRETE

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS, AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

GARY A. RAGER P.S.M. #4828
STATE OF FLORIDA
LB #6603

SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

FOR: CITY OF GREENACRES— SWAIN BOULEVARD #2

SCALE: 1"=30'

DRAWN BY: STAFF

CHECKED BY: G. RAGER

DATE: 06.01.2009



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PH (561) 655-1151 • FAX (561) 832-9390 • WWW.ENGENUITYGROUP.COM

FIELD BOOK NO

SHEET:

REV #1 08.27.09

1 / 1

FLORIDA R.L.S.
PSM #4828

JOB NO

G.15