

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 1, 2009 [X] Consent [] Regular
[] Ordinance [] Public Hearing
Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A) an easement in favor of Lake Worth Drainage District (LWDD) for access and maintenance of the PBIA-West Canal, and B) an easement in favor of LWDD for access and maintenance of the L-2 Canal, both canals being in unincorporated West Palm Beach.

Summary: LWDD requested easements to allow for access and maintenance of the existing PBIA-West Canal. The canal is adjacent to the east boundary line of the PBSO Training Facility at 4215 Cherry Road in unincorporated West Palm Beach. The County acquired the 20-acre parcel, which is east of North Military Trail and North of Belvedere Road in 2003 from The King's Academy, Inc. The PBIA-West Canal easement is 660.57 feet long and varies in width from 46.00 feet to 56.00 feet for a total of 35,449.13 square feet (0.81 acres). LWDD also requested a 45 foot by 45 foot corner clip containing 1,012 square feet (0.02 acres) at the southwest corner of the intersection of the PBIA-West Canal and the L-2 Canal. Both of these easements are exclusive and are being given to LWDD at no charge as they will assume maintenance responsibility of the PBIA-West Canal. (PREM) District 2 (HJF)

Background and Justification: The L-2 Canal is adjacent to the north boundary line of the site. LWDD's canal design criteria for the L-2 Canal requires 35 feet to be clear from the top of the canal bank for access and maintenance. The corner clip easement is necessary to allow equipment access to the L-2 Canal. The easement for the PBIA-West Canal allows LWDD access to the canal and a maintenance area.

- Attachments:
- 1. Location Map
 - 2. Easement (PBIA-West Canal)
 - 3. Easement (L-2 Canal)

Recommended By: [Signature] Army Wolf 11/9/09
Department Director Date
Approved By: [Signature] 11/23/09
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:	Yes _____	No _____			
Budget Account No:	Fund _____	Dept _____	Unit _____	Object _____	
	Program _____				

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

No fiscal impact.

C. Departmental Fiscal Review: _____

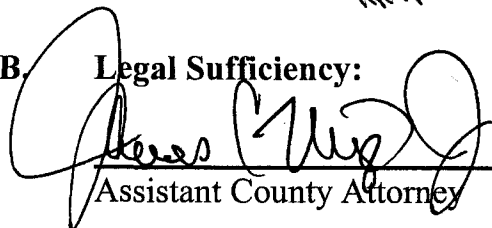
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:


 _____ 11-19-09
 OFMB
 (NO) 11/19/09


 _____ 11/20/09
 Contract Development and Control

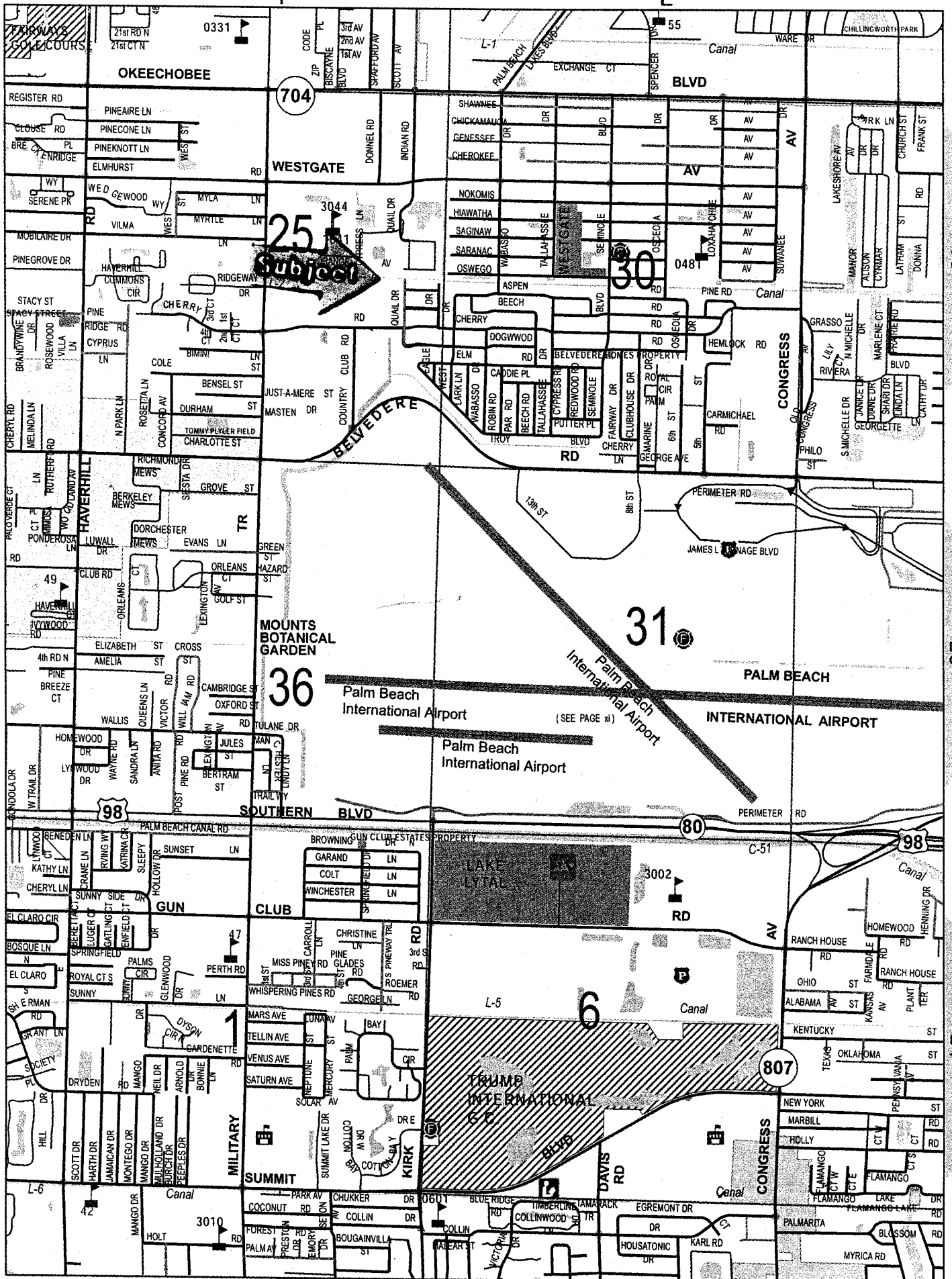
B. Legal Sufficiency:


 _____ 11/23/09
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



LOCATION MAP

11



Prepared by & Return to:
David Kuzmenko, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-42-43-25-00-000-5010
PBIA-West Canal

EASEMENT

THIS IS AN EASEMENT, granted _____ by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose address is 301 North Olive Avenue, West Palm Beach, Florida 33401, herein referred to as "COUNTY" and **LAKE WORTH DRAINAGE DISTRICT**, a Special Taxing District of the State of Florida, whose address is 13081 Military Trail, Delray Beach, Florida 33484, herein referred to as "DISTRICT".

WITNESSETH:

That COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto DISTRICT, its successors and assigns, upon the conditions hereinafter set forth, a perpetual exclusive easement for purposes of construction, operation and maintenance of a canal, drainage ditch, sluice ways, spoil deposit, water control structures, and berm and other related purposes, including without limitation excavation, removal of vegetation and deposit of spoil; on, over, upon, under, and across the following described real property (the "Easement Premises") situate, lying and being in the County of Palm Beach, State of Florida to wit:

**See legal description marked Exhibit "A"
attached hereto and made a part hereof.**

THE CONDITIONS OF THIS EASEMENT ARE SUCH THAT:

1. DISTRICT shall cause the facilities and their appurtenances to be constructed within the confines of the Easement Premises.
2. DISTRICT hereby expressly agrees that in the event that DISTRICT abandons its use of the Easement Premises for the purpose herein expressed, the Easement granted hereby shall become null and void, and all the right, title and interest in and to the Easement Premises shall automatically revert to COUNTY.

3. DISTRICT further expressly agrees to maintain, at its sole cost and expense, the canal, drainage ditch, sluice ways, water control structures, berm, and all appurtenances thereto within the Easement Premises at all times during the term hereof in accordance with DISTRICT'S usual and customary standards of maintenance of its facilities and canals.

4. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, County shall indemnify, defend and hold harmless DISTRICT against any actions, claims, or damages arising out of COUNTY'S negligence in connection with this agreement, and DISTRICT shall indemnify, defend and hold harmless COUNTY against any actions, claims, or damages arising out of DISTRICT'S negligence in connection with this agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond or alter the limits set forth in Florida Statutes Section 768.28, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's, or any third party's negligent, willful or intentional acts or omissions.

TO HAVE AND TO HOLD the premises, rights, and easement granted herein unto DISTRICT, its successors and assigns, for the purposes aforesaid forever.

IN WITNESS WHEREOF, COUNTY has caused these present to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

**SHARON R. BOCK
CLERK & COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____
_____, Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Assistant County Attorney

By: Zeit Army Wolf
Department Director

EXHIBIT A
SHEET 1 OF 2

LAND DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING A PORTION OF AN EXISTING DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 4331, PAGE 1007; LESS AND EXCEPT A STRIP OF LAND 10.00 FEET IN WIDTH, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTHERLY RIGHT OF WAY LINE OF CHERRY ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 770, PAGE 123; SAID STRIP OF LAND BEING A PORTION OF ADDITIONAL RIGHT OF WAY FOR CHERRY ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 6694, PAGE 934, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PLAT NO. 5 OF GOLFVIEW HEIGHTS ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 24, PAGE 8, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; RUN THENCE SOUTH 01° 51' 45" WEST, ALONG THE WEST LINE OF SAID PLAT NO. 5, A DISTANCE OF 660.57 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF CHERRY ROAD AS SAID RIGHT OF WAY IS DESCRIBED IN OFFICIAL RECORD BOOK 6694, PAGE 934, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88° 12' 45" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5.05 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 320.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 9° 09' 43", A DISTANCE OF 51.17 FEET TO A LINE PARALLEL WITH, AND 56.00 FEET WESTERLY FROM, MEASURED AT RIGHT ANGLES TO, THE SAID WEST LINE OF PLAT NO. 5; THENCE NORTH 01° 51' 45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 464.07 FEET; THENCE NORTH 08° 59' 15" EAST, A DISTANCE OF 80.62 FEET; THENCE NORTH 01° 51' 45" EAST, A DISTANCE OF 120.40 FEET TO A POINT IN THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID PLAT NO. 5 OF GOLFVIEW HEIGHTS; THENCE SOUTH 88° 27' 30" EAST ALONG SAID LINE, A DISTANCE OF 46.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.8138 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF PLAT NO. 5 OF GOLFVIEW HEIGHTS, HAVING A BEARING OF SOUTH 88°27'30" EAST (GRID), AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NOTE: **THIS IS A NOT SURVEY**, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREIN, THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

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LAKE WORTH DRAINAGE DISTRICT

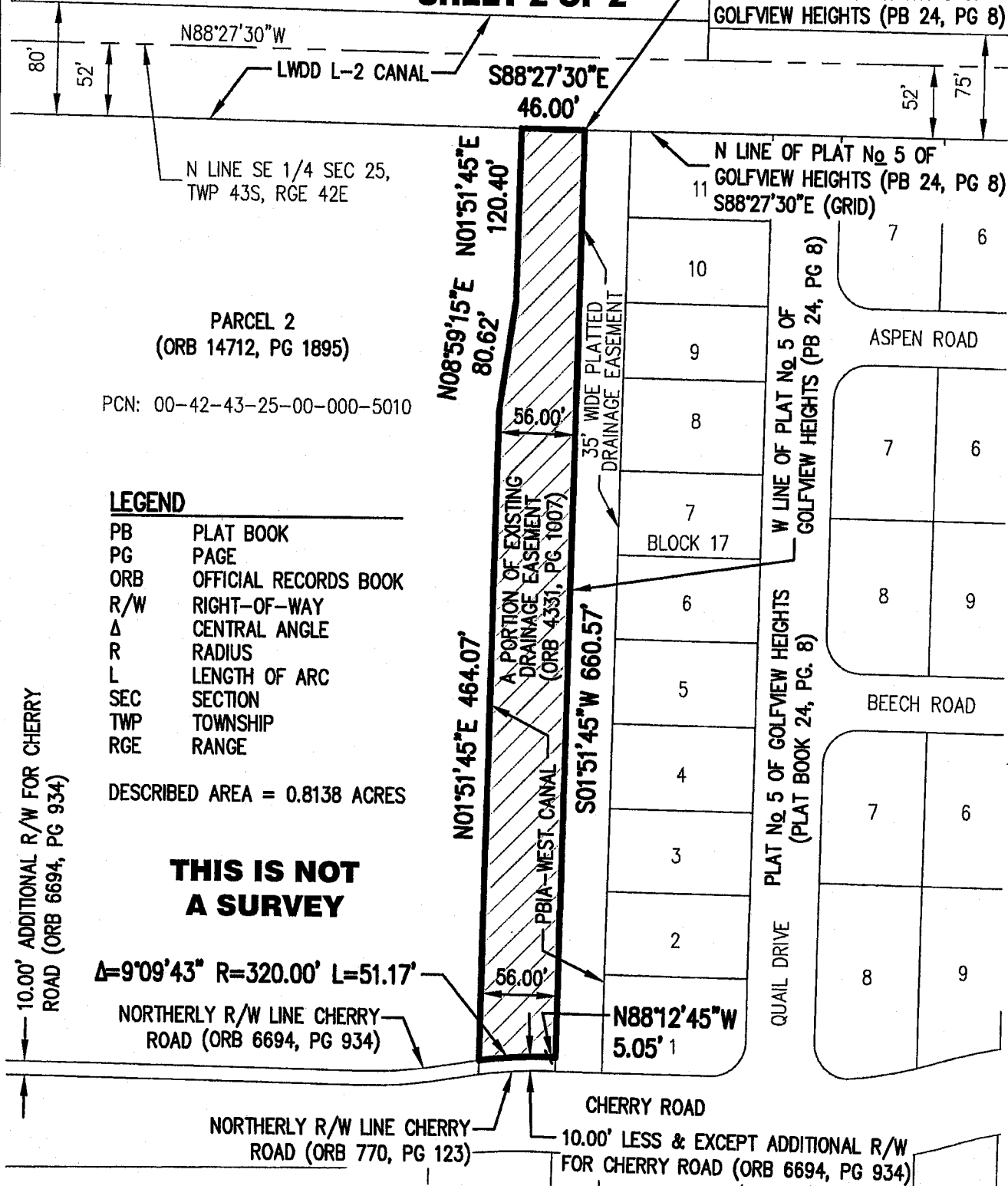
13081 MILITARY TRAIL
DELRAY BEACH, FLORIDA 33484
PHONE (561) 737-3835 FAX (561) 495-9694
WWW.LWDD.NET

SKETCH OF DESCRIPTION
PBIA-WEST CANAL EASEMENT
SHEET 1 OF 2

DRAWN: BW	CHECK: DB	DATE 07/31/09
REV 10/05/09	SCALE	LWDD PROJECT #
REV 10/14/09	N/A	00-1541P.02

**EXHIBIT A
SHEET 2 OF 2**

POINT OF BEGINNING
NW CORNER OF PLAT No. 5 OF
GOLFVIEW HEIGHTS (PB 24, PG 8)



LEGEND

- PB PLAT BOOK
- PG PAGE
- ORB OFFICIAL RECORDS BOOK
- R/W RIGHT-OF-WAY
- Δ CENTRAL ANGLE
- R RADIUS
- L LENGTH OF ARC
- SEC SECTION
- TWP TOWNSHIP
- RGE RANGE

DESCRIBED AREA = 0.8138 ACRES

**THIS IS NOT
A SURVEY**

Δ=9°09'43" R=320.00' L=51.17'

NORTHERLY R/W LINE CHERRY
ROAD (ORB 6694, PG 934)

NORTHERLY R/W LINE CHERRY
ROAD (ORB 770, PG 123)

CHERRY ROAD
10.00' LESS & EXCEPT ADDITIONAL R/W
FOR CHERRY ROAD (ORB 6694, PG 934)

10.00' ADDITIONAL R/W FOR CHERRY
ROAD (ORB 6694, PG 934)



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SE 1/4 SEC 25 TWP 43 RNG 42

LAKE WORTH DRAINAGE DISTRICT
13081 MILITARY TRAIL
DELRAY BEACH, FLORIDA 33484
PHONE (561) 737-3835 FAX (561) 495-9694
WWW.LWDD.NET

**SKETCH OF DESCRIPTION
PBIA-WEST CANAL EASEMENT
SHEET 2 OF 2**

DRAWN: BW	CHECK: DB	DATE 07/31/09
REV 10/05/09	SCALE:	LWDD PROJECT #
REV 10/14/09	1" = 100'	00-1541P.02

Prepared by & Return to:
David Kuzmenko, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 00-42-43-25-00-000-5010
Canal No. L-2 (South Side)

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That COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto DISTRICT, its successors and assigns, upon the conditions hereinafter set forth, a perpetual exclusive easement for purposes of construction, operation and maintenance of a canal, drainage ditch, sluice ways, spoil deposit, water control structures, and berm and other related purposes, including without limitation excavation, removal of vegetation and deposit of spoil; on, over, upon, under, and across the following described real property (the "Easement Premises") situate, lying and being in the County of Palm Beach, State of Florida to wit:

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ATTEST:

**SHARON R. BOCK
CLERK & COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____,
Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Assistant County Attorney

By: Robert Anthony Wolf
Department Director

**EXHIBIT A
SHEET 1 OF 2**

LAND DESCRIPTION

A TRIANGULAR PARCEL IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF PLAT NO. 5 OF GOLFVIEW HEIGHTS ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGE 8, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°27'30" WEST ALONG THE SOUTH LINE OF THE NORTH 52.00 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 46.00 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN DRAINAGE EASEMENT DESCRIBED IN OFFICIAL RECORD BOOK 4331, PAGE 1007, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE NORTH 88°27'30" WEST, A DISTANCE OF 45.00 FEET; THENCE SOUTH 43°17'52" EAST, A DISTANCE OF 63.46 FEET TO THE WEST LINE OF SAID DRAINAGE EASEMENT; THENCE NORTH 01°51'45" EAST ALONG SAID WEST LINE, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,012 SQUARE FEET, MORE OR LESS.

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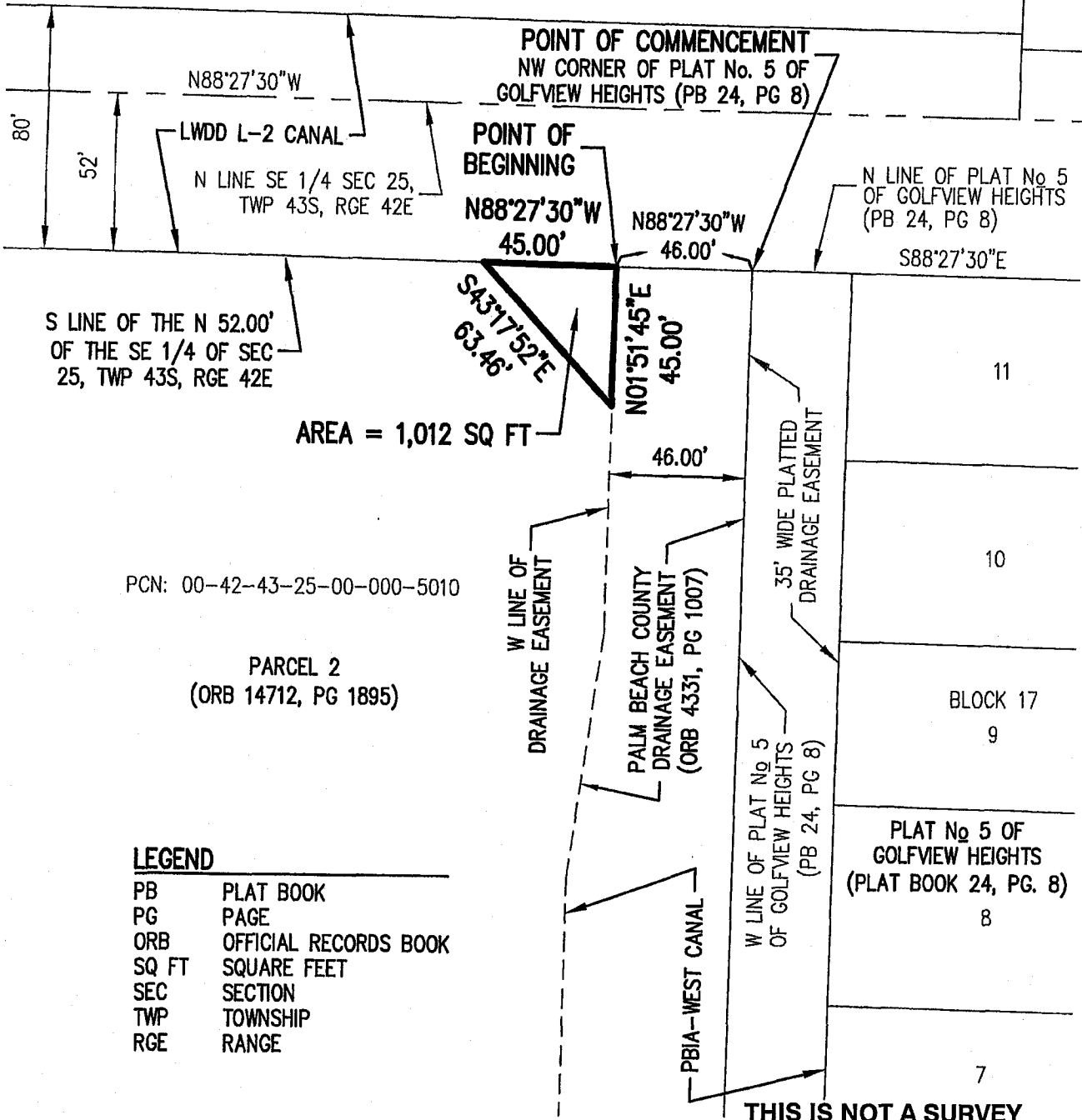
LAKE WORTH DRAINAGE DISTRICT

13081 MILITARY TRAIL
DELRAY BEACH, FLORIDA 33484
PHONE (561) 737-3835 FAX (561) 495-9694
WWW.LWDD.NET

**LWDD L-2 CANAL EASEMENT
SHEET 1 OF 2**

DRAWN: BW		DATE 07/31/09
CHECK: DB	SCALE N/A	LWDD PROJECT # 00-1541P.02

**EXHIBIT A
SHEET 2 OF 2**



LEGEND

PB	PLAT BOOK
PG	PAGE
ORB	OFFICIAL RECORDS BOOK
SQ FT	SQUARE FEET
SEC	SECTION
TWP	TOWNSHIP
RGE	RANGE

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SE 1/4 SEC 25 TWP 43 RING 42

LAKE WORTH DRAINAGE DISTRICT
 13081 MILITARY TRAIL
 DELRAY BEACH, FLORIDA 33484
 PHONE (561) 737-3835 FAX (561) 495-9694
 WWW.LWDD.NET

LWDD L-2 CANAL EASEMENT SHEET 2 OF 2		
DRAWN: BW		DATE 07/31/09
CHECK: DB	SCALE: 1" = 50'	LWDD PROJECT # 00-1541P.02