

Agenda Item #: 3H-6

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 15, 2009 Consent Regular
 Ordinance Public Hearing

Department: Facilities Development & Operations

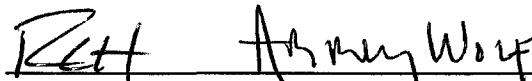
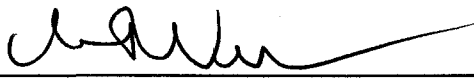
I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Easement in favor of the Palm Beach County Water Utilities Department for a water main servicing Fire Rescue Station No. 21 in Loxahatchee Groves.

Summary: The Palm Beach County Water Utilities Department installed an underground water main and a fire hydrant at Fire Rescue Station No. 21, located at 14200 Okeechobee Boulevard, between Royal Palm Beach Boulevard and Seminole Pratt-Whitney Road in the Town of Loxahatchee Groves. An easement is needed to protect the constructed water main. Except for an above-ground fire hydrant, all improvements associated with this easement are located underground. The easement area is approximately 225.79 feet long and 20 feet wide and contains 4,375 square feet (0.10 acres) and is located in the northeastern portion of the site. The Declaration of Easement will be recorded to provide notice of the existence and location of the water line. **(PREM) District 6 (HJF)**

Background and Justification: The County acquired the 3.32-acre property in 1983 through the dissolution of the Military Park Fire Control District.

- Attachments:**
- 1. Location Map
 - 2. Declaration of Easement

Recommended By:		<u>11/19/09</u>
	Department Director	Date
Approved By:		<u>11/2/09</u>
	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	<u> * </u>	_____	_____	_____	_____
# 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:

<p>_____ OFMB 11-30-09 11/30/09</p>	<p>_____ Contract Development and Control 12/11/09 11-24-09</p>
--	--

B. Legal Sufficiency:

 Assistant County Attorney
 12/3/09

C. Other Department Review:

 Department Director

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

19

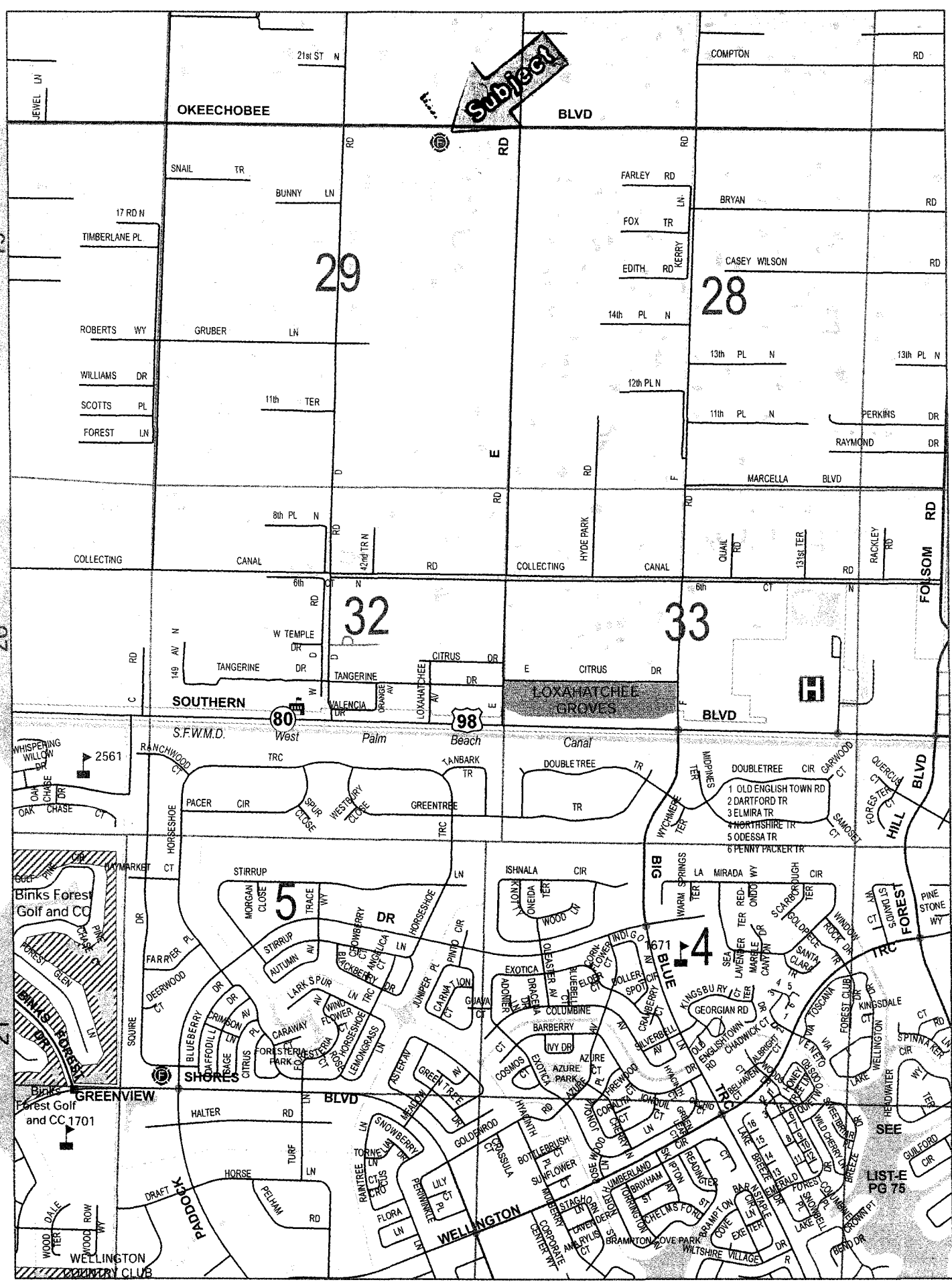
20

21

T43

43

T44



LOCATION MAP

ATTACHMENT # 1



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

PCN: 41-41-43-17-01-410-0020

DECLARATION OF EASEMENT

THIS IS A DECLARATION OF EASEMENT, made _____
_____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida
("County"), whose address is 301 North Olive Avenue, West Palm Beach, Florida,
33401-4791.

WHEREAS, County is the owner of that certain real property located within Palm
Beach County, Florida as set forth on **Exhibit "A"** attached hereto and made a part hereof
(the "Property"); and

WHEREAS, County desires to create an easement over, upon and under such
property for the purposes set forth hereinafter; and

WHEREAS, County desires that such easement not be extinguished by the
doctrines of merger or unity of title and remain valid and in effect upon a subsequent
conveyance of the Property by County.

WITNESSETH:

NOW THEREFORE, County does hereby declare, grant and create a perpetual
in gross utility easement for the benefit of County upon the real property legally
described in **Exhibit "B"**, attached hereto (the "Easement Premises"). This easement
shall be for the purpose of water and sewer utilities and shall include the right at any time
to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair,
replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or
wastewater lines and appurtenant facilities and equipment in, on, over, under and across
the Easement Premises. This easement or portion thereof can be utilized for a wastewater
pump station and said pump station may be fenced in for access control purposes.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

IN WITNESS WHEREOF, the County has caused this Declaration of Easement to be executed as of the day and year first above written.

ATTEST:

COUNTY:

**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: RZH _____
Department Director

EXHIBIT "A"

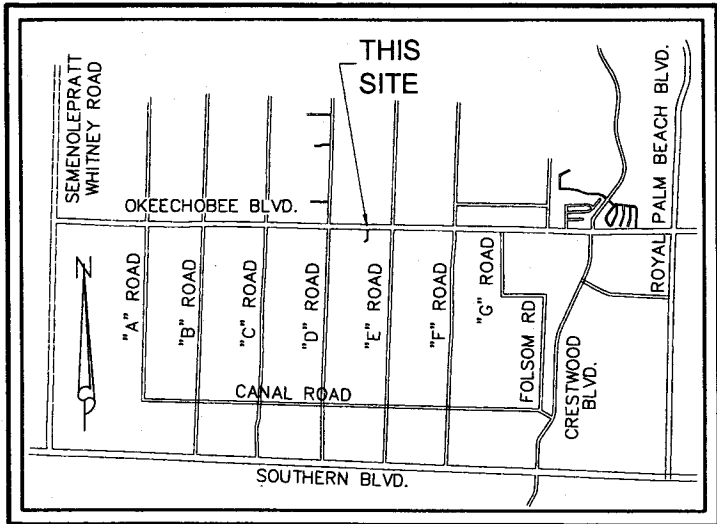
THE PROPERTY

The West 323.0 feet of Tract 10, Block D, LOXAHATCHEE GROVES, as recorded in Plat Book 12, Page 29, Public Records of Palm Beach County, Florida.

EXHIBIT "B"

THE EASEMENT PREMISES

SKETCH & DESCRIPTION



LOCATION MAP
NOT TO SCALE

SURVEY NOTES:

1. BEARINGS DEPICTED HEREON ARE RELATIVE TO THE NORTH LINE OF LOT 10, BLOCK D, PER THE PLAT OF LOXAHATCHEE GROVES AS RECORDED IN PLAT BOOK 12, PAGE 29. SAID LINE HAVING A BEARING OF SOUTH 89°29'14" EAST, BASED UPON THE NORTH AMERICAN DATUM OF 1983 ON THE 1990 ADJUSTMENT FOR THE FLORIDA TRANSVERSE MERCATOR – EAST ZONE.
2. THIS INSTRUMENT NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THE UNDERSIGNED MAKES NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF RECORD.
4. THE LICENSED BUSINESS NUMBER FOR DENNIS J. LEAVY & ASSOCIATES INC. IS LB #6599, AND THE CERTIFYING SURVEYOR'S LICENSE NUMBER IS 5888.
5. THIS IS NOT A SURVEY.

LEGEND:

- O.R.B. = OFFICIAL RECORD BOOK
 (P) = PER THE PLAT OF LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29, PALM BEACH COUNTY RECORDS
 P.B.C. = PALM BEACH COUNTY
 U.E. = UTILITY EASEMENT

Dennis J. Leavy
10/7/09

NO.	DATE	REVISIONS	BY

DENNIS J. LEAVY & ASSOCIATES, INC.
 LAND SURVEYORS * MAPPERS
 460 BUSINESS PARK WAY SUITE B
 ROYAL PALM BEACH, FLORIDA 33411
 PHONE: (561) 753-0650 FAX: (561) 753-0290

SKETCH & DESCRIPTION
 FOR: PALM BEACH COUNTY WATER UTILITIES
 DEPARTMENT

DRAWN: RM	SCALE: N/A	DATE: 10/06/09
CKD.: DAB	JOB# 09-058-SD	SHEET 1 OF 3

DESCRIPTION:

A 20.00 foot wide strip of land lying within Tract 10, Block D, Loxahatchee Groves according to the Plat thereof, as recorded in Plat Book 12, Page 29, of the Public Records of Palm Beach County, Florida. Being more particularly described as follows.

Commencing at the Northwest corner of said Tract 10, thence South 89°29'14" East along the North line of said Tract 10 (as a basis of bearings), a distance of 234.76 feet to the POINT OF BEGINNING; thence continue South 89°29'14" East along said North line, a distance of 26.89 feet; thence South 41°26'38" East, a distance of 15.59 feet; thence South 01°09'15" East, a distance of 140.35 feet; thence South 45°53'45" West, a distance of 69.85 feet; thence North 44°06'15" West, a distance of 20.00 feet; thence North 45°53'45" East, a distance of 61.14 feet; thence North 01°09'15" West, a distance of 124.31 feet; thence North 41°26'38" West, a distance of 26.24 feet to a point being on the North line of said Tract 10 and the POINT OF BEGINNING.

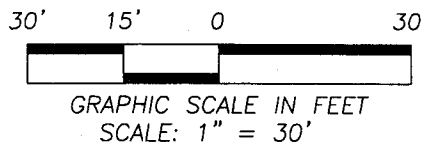
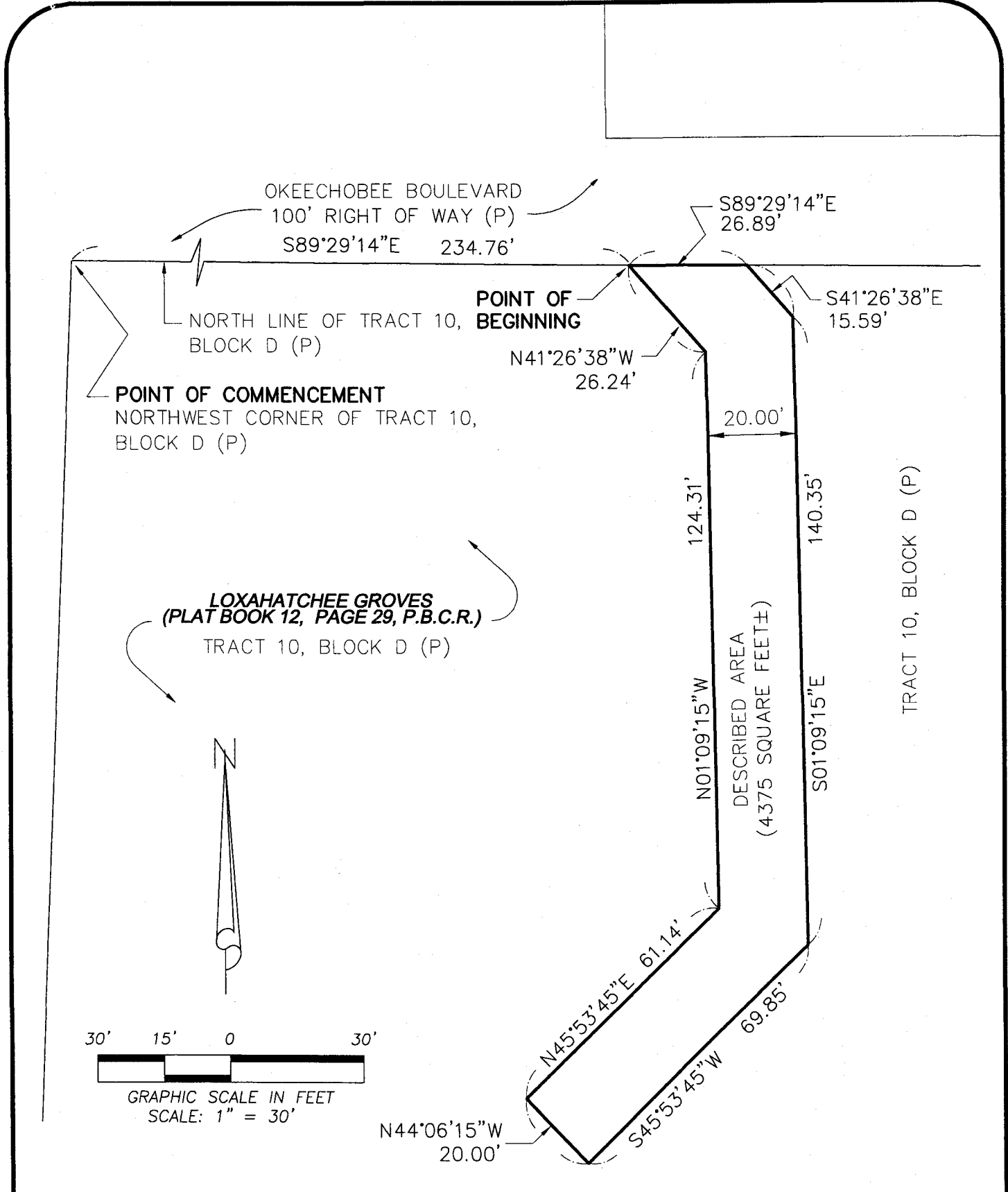
Said lands situate, lying and being in Section 29, Township 43 South, Range 41 East, Palm Beach County, Florida.

Containing 4,375 square feet, more or less.

DENNIS J. LEAVY & ASSOCIATES, INC.
LAND SURVEYORS * MAPPERS
460 BUSINESS PARK WAY SUITE B
ROYAL PALM BEACH, FLORIDA 33411
PHONE: (561) 753-0650 FAX: (561) 753-0290

SKETCH & DESCRIPTION
FOR: PALM BEACH COUNTY WATER UTILITIES
DEPARTMENT

DRAWN: RM	SCALE: N/A	DATE: 10/06/09
CKD.: DAB	JOB# 09-058-SD	SHEET 2 OF 3



DENNIS J. LEAVY & ASSOCIATES, INC.
 LAND SURVEYORS * MAPPERS
 460 BUSINESS PARK WAY SUITE B
 ROYAL PALM BEACH, FLORIDA 33411
 PHONE: (561) 753-0650 FAX: (561) 753-0290

**SKETCH & DESCRIPTION
 FOR: PALM BEACH COUNTY WATER UTILITIES
 DEPARTMENT**

DRAWN: RM	SCALE: 1"=30'	DATE: 10/06/09
CKD.: DAB	JOB# 09-058-SD	SHEET 3 OF 3