

Agenda Item # : **3-C-6**

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

Meeting Date: January 12, 2010

☒ 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 Release of Drainage Easement Rights on parcels adjacent to Amelia Street as requested by the Department of Airports (DOA).

SUMMARY: Approval of this item will release the County's interest in drainage easements within a future DOA development site, lying west of the Palm Beach International Airport, between Military Trail and Haverhill Road.

District 6 (PFK)

Background and Justification: DOA purchased properties lying north of Wallis Road, east of Haverhill Road, west of Military Trail, and south of the L-4 Canal, as depicted in Detail Map 1. In order to develop the site, drainage easement rights, as depicted on Detail Map 2, need to be extinguished. These drainage easements rights were created by an unrecorded plat, and are referenced in six deeds. The appropriate method of clearing these rights is a Release of Drainage Easement Rights by Palm Beach County.

Staff has reviewed the request from DOA for the release and recommends approval.

Attachments:

1. Location Map
2. Detail Maps (2)
3. Release of Drainage Easement Rights

Recommended by: _____

Division Director

Date

Approved by: _____

County Engineer

Date

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 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 fiscal impact.

C. Departmental Fiscal Review: _____ *Andy*

III. REVIEW COMMENTS

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

Jan D. 12-21-09
OFMB

Jan. J. Jacobson 12/23/09
Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

Paul F. F. 12/28/09
Assistant County Attorney

C. Other Department Review:

Department Director

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

Location Map

70

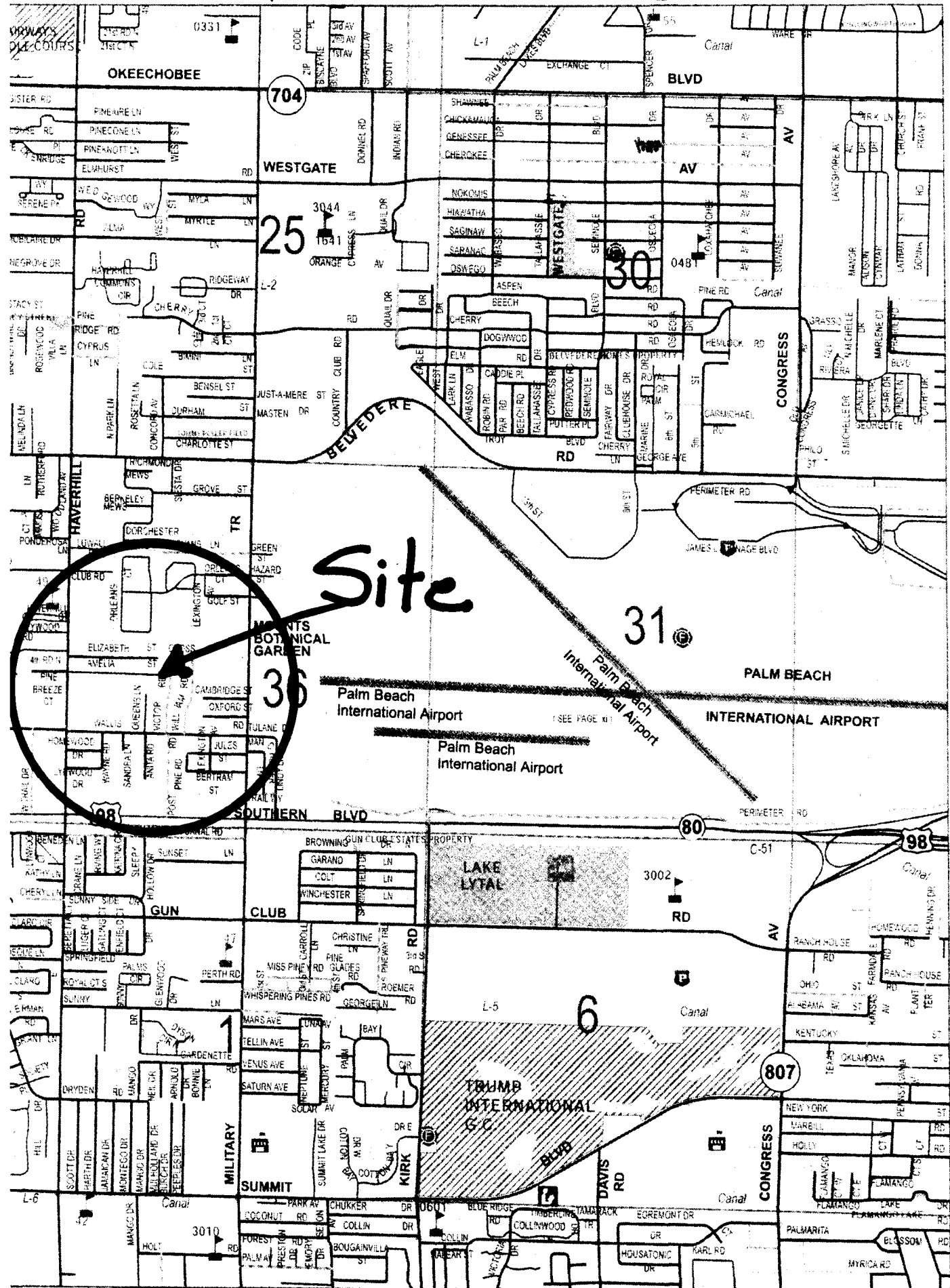
R42

See pg 58

R43

F

E



Site

36

31

19

20

21

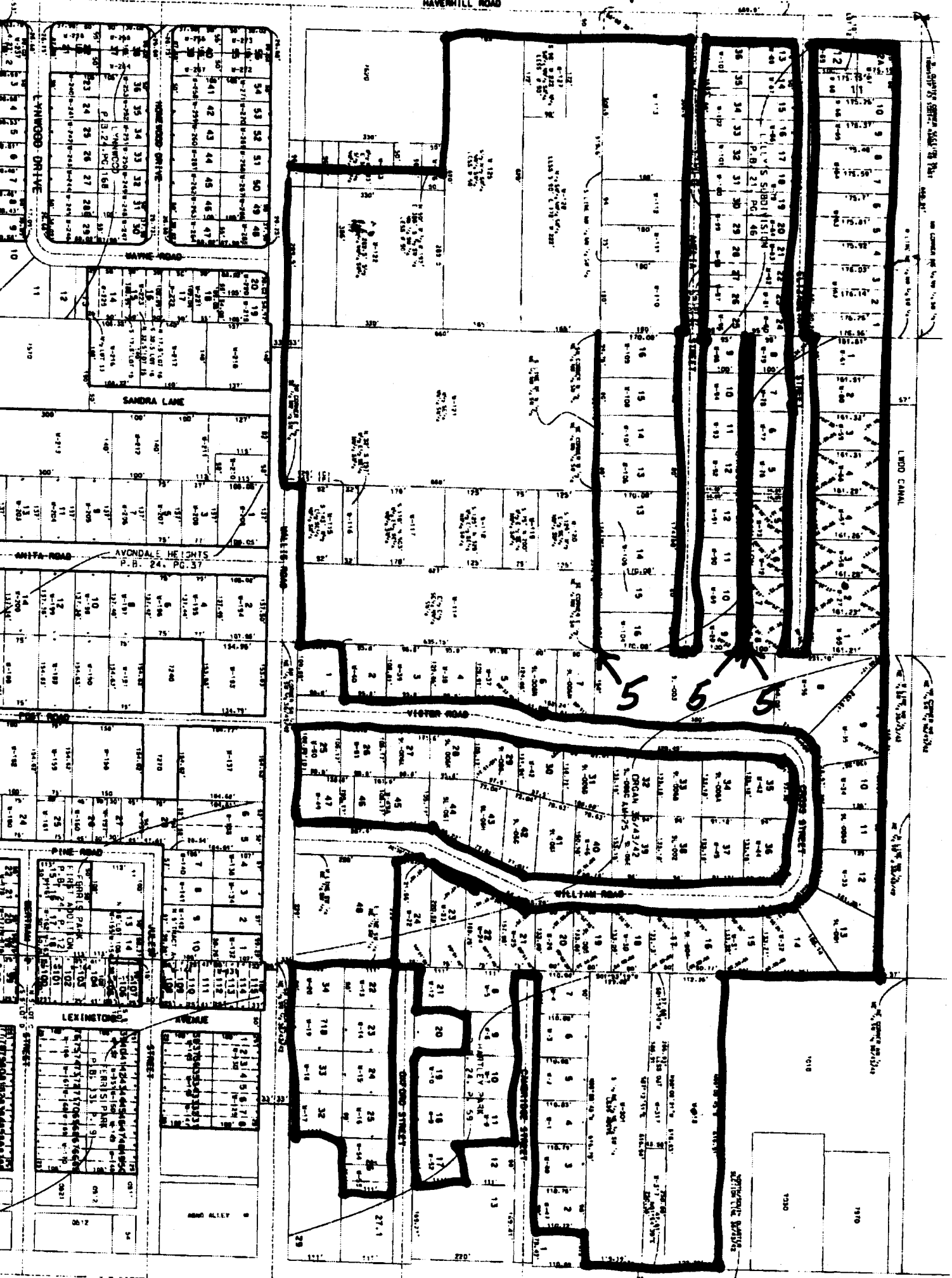
F

See pg 80

E

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Haverhill Road



— DOA
— Drainage Military Trail Easements

PROJECT:
PARCEL "F" (9L EAST/WEST)
PBIA PROPERTY REZONING
LEGAL DESCRIPTION AND SKETCH

NO.	REVISION	BY	DATE
1	ADD PARCELS 317 & 318	S.M.	11/12/08
2	CHANGE PARCELS 122 & 123	S.M.	11/12/08

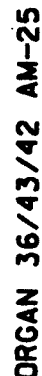
SCALE: 1" = 100'
APPROVED: S.M.
DRAWN: S.M.
CHECKED: S.M.
DATE: 11/12/08



PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES
500 NORTH JOG ROAD



**LILLY'S SUBDIVISION -
PLAT BOOK 21. PAGE 46**



PROJECT 2009013-22 S-1-09-3013

PARCEL "F" (9L) 5' EASEMENTS

Page 3 of 3

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, Florida 33416
Attention: Kat Chopin - Account No.: 1010

RELEASE OF DRAINAGE EASEMENT RIGHTS

Whereas, the Department of Airports (DOA) has acquired properties lying north of Wallis Road, east of Haverhill Road, west of Military Trail, and south of the L-4 canal to develop into an industrial commercial site; and,

Whereas, there are certain drainage easement rights within the subject site that need to be extinguished in order for the development to proceed; and,

Whereas, said drainage easement rights were created by an unrecorded plat and are referenced in the following deeds: Official Record Book 1170, Page 1857, Official Record Book 11827, Page 1091, Official Record Book 11827, Page 1183, Official Record Book 11422, Page 316, Official Record Book 11847, Page 1106, and Official record Book 11422, Page 379; and,

Whereas, Exhibit "A", attached hereto and made a part hereof, describes drainage easements rights that were created by the unrecorded plat and referenced in the aforementioned deeds, and need to be released.

Whereas, DOA is the owner of all of the property contiguous to the aforementioned drainage easements; and,

Whereas, staff has reviewed the request for release and finds it is appropriate to release the drainage easement rights.

NOW, THEREFORE, the County does hereby release the drainage easement rights as described in Exhibit "A" and referenced in the following deeds: Official Record Book 1170, Page 1857, Official Record Book 11827, Page 1091, Official Record Book 11827, Page 1183, Official Record Book 11422, Page 316, Official Record Book 11847, Page 1106, and Official record Book 11422, Page 379.

IN WITNESS WHEREOF, the County has caused this Release of Drainage Easement Rights to be executed on this ____ day of _____, 2010.

ATTEST:

Sharon B. Bock, Clerk and Comptroller

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

BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Burt Aaronson, Chair

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

By: _____
County Attorney

Exhibit "A"
to Release
1 of 3

EXHIBIT "A"
5' EASEMENTS PER THE
UNRECORDED PLAT OF "RAGIS-TUCKUS SUBDIVISION"

ALL OF THE 5 FOOT EASEMENT BEING THE SOUTH 5.00 FEET OF LOTS 5 - 8 (EAST) AND LOTS 5 - 8 (WEST) AND ALL OF THE 5 FOOT EASEMENT BEING THE NORTH 5.00 FEET OF LOTS 9 - 12 (EAST) AND LOTS 9 - 12 (WEST) ALL AS SHOWN ON THE UNRECORDED PLAT OF "RAGIS-TUCKUS SUBDIVISION" AS FILED IN PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF THE PLAT OF LILLY'S SUBDIVISION AS RECORDED IN PLAT BOOK 21, PAGE 46 OF SAID PUBLIC RECORDS; THENCE SOUTH 00°02'47" WEST ALONG THE EAST LINE OF SAID PLAT OF LILLY'S SUBDIVISION AND THE WEST LINE OF SAID UNRECORDED PLAT OF RAGIS-TUCKUS SUBDIVISION, A DISTANCE OF 296.36 FEET TO THE NORTH LINE OF SAID SOUTH 5.00 FEET OF LOTS 5 - 8 (WEST) AND LOTS 5 - 8 (EAST) AND POINT OF BEGINNING NO. 2; THENCE NORTH 90°00'00" EAST ALONG SAID NORTH LINE, A DISTANCE OF 669.69 FEET TO THE EAST LINE OF SAID UNRECORDED PLAT; THENCE SOUTH 00°04'19" WEST ALONG SAID EAST LINE, A DISTANCE OF 10.00 FEET TO THE SOUTH LINE OF SAID NORTH 5.00 FEET OF LOTS 9 - 12 (EAST) AND LOTS 9 - 12 (WEST); THENCE SOUTH 90°00'00" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 669.69 FEET TO THE WEST LINE OF SAID UNRECORDED PLAT AND THE EAST LINE OF SAID PLAT OF LILLY'S SUBDIVISION; THENCE NORTH 00°02'47" EAST ALONG SAID LINE, A DISTANCE OF 10.00 FEET TO POINT OF BEGINNING NO. 2.

TOGETHER WITH:

ALL OF THE 5 FOOT EASEMENT BEING THE SOUTH 5.00 FEET OF LOTS 13 - 16 (EAST) AND LOTS 13 - 16 (WEST) AS SHOWN ON THE UNRECORDED PLAT OF "RAGIS-TUCKUS SUBDIVISION" AS FILED IN PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF THE PLAT OF LILLY'S SUBDIVISION AS RECORDED IN PLAT BOOK 21, PAGE 46 OF SAID PUBLIC RECORDS; THENCE SOUTH 00°02'47" WEST ALONG THE EAST LINE OF SAID PLAT OF LILLY'S SUBDIVISION AND THE WEST LINE OF SAID UNRECORDED PLAT OF RAGIS-TUCKUS SUBDIVISION, A DISTANCE OF 606.36 FEET TO THE NORTH LINE OF SAID SOUTH 5.00 FEET OF LOTS 13 - 16 (WEST) AND LOTS 13 - 16 (EAST) AND POINT OF BEGINNING NO. 3; THENCE NORTH 90°00'00" EAST ALONG SAID NORTH LINE, A DISTANCE OF 669.76 FEET TO THE EAST LINE OF SAID UNRECORDED PLAT; THENCE SOUTH 00°04'19" WEST ALONG SAID EAST LINE, A DISTANCE OF 5.00 FEET TO THE SOUTH LINE OF SAID UNRECORDED PLAT OF RAGIS-TUCKUS SUBDIVISION; THENCE SOUTH 90°00'00" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 669.76 FEET TO THE WEST LINE OF SAID UNRECORDED PLAT AND THE EAST LINE OF SAID PLAT OF LILLY'S SUBDIVISION; THENCE NORTH 00°02'47" EAST ALONG SAID LINE, A DISTANCE OF 5.00 FEET TO POINT OF BEGINNING NO. 3.


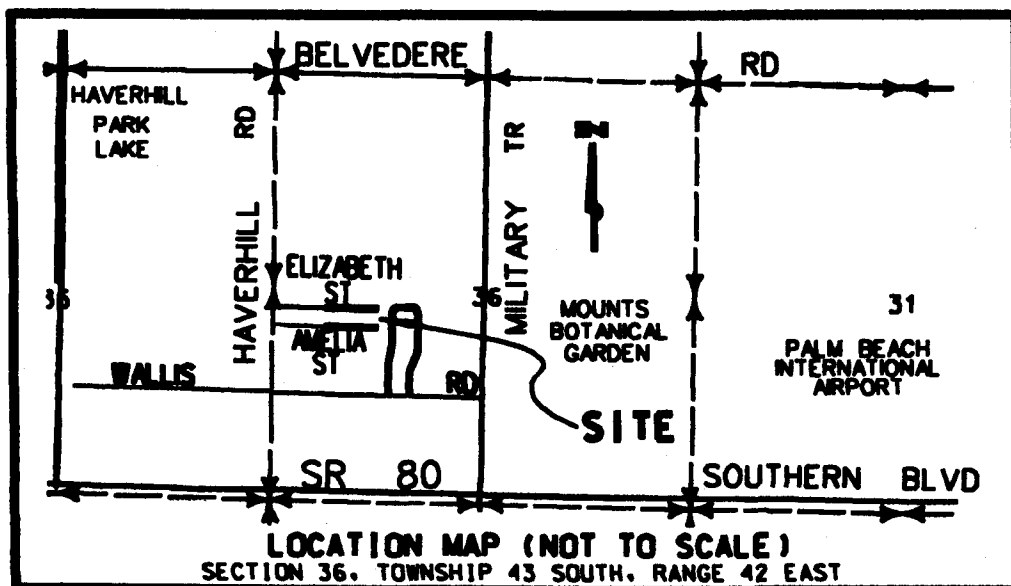
2009013-22	SHEET 1	PROJECT:		SCALE: 1" = 100'	REVISION	DATE	BY
		P.B.I.A. PROPERTIES PARCEL "F" (9L) 5' EASEMENTS					
DESIGN FILE NAME		DRAWING NO.		REVISED PER		L.V.D.D.	
S-1-09-3013.DGN		S-1-09-3013		N/A		6/11	
							
				PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2880 NORTH JOG ROAD WEST PALM BEACH, FL 33411			

Exhibit "A"
to Release
2 of 3



SURVEYOR'S NOTES

SAID RIGHTS-OF-WAY COMBINED BEING ABANDONED CONTAIN 6.475 SQUARE FEET OR 0.1486 ACRES MORE OR LESS.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF SOUTH 00°02'47" WEST ALONG THE EAST LINE OF THE PLAT OF LILLY'S SUBDIVISION, RECORDED IN PLAT BOOK 21, PAGE AND ALSO BEING THE WEST LINE OF SAID UNRECORDED PLAT OF RAGIS-TUCKUS SUBDIVISION AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

THIS IS NOT A SURVEY.

IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

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 CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


GLENN W. MARK, P.L.S.
FLORIDA CERTIFICATE #5304

11/21/09
DATE

P.B.I.A. PROPERTIES

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