

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: June 29, 2010 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) approve a utility easement agreement in favor of BellSouth Telecommunications, Inc. d/b/a A T & T Florida;
- B) approve a utility easement agreement in favor of Florida Power & Light Company;
- C) approve a utility easement in favor of the Loxahatchee River Environmental Control District; and
- D) approve a utility easement in favor of the Town of Jupiter in support of the abandonment of a portion of DuBois Road located within the County's DuBois Park in unincorporated Jupiter.

Summary: DuBois Park is located on the south shore of the Jupiter Inlet in an unincorporated pocket. As a part of the planned expansion of the Park, a portion of DuBois Road within the Park must be abandoned. The County is required to grant an easement to the utility companies that have existing lines and equipment within the road right-of-way. Perpetual non-exclusive easements will be granted to the utility companies at no charge. The easement area is 205.70 feet long and 30 feet wide and contains 6,171 square feet (0.14 acres). (PREM) District 1 (HJF)

Background and Justification: The County acquired 20.26 acres of DuBois Park in the early to mid 1970's and the 1.08-acre expansion area in 2008. DuBois Road runs along the western edge of the Park, ending approximately 300 feet south of a lagoon of the Loxahatchee River. DuBois Road provides access to an adjoining property owner, and as a result, only that portion lying north of the adjacent property owner is being abandoned. Abandonment of this portion of the Road will provide greater flexibility in the design of proposed improvements to the Park.

Attachments:

- 1. Location Map
- 2. Utility Easement Agreement (BellSouth)
- 3. Utility Easement Agreement (FPL)
- 4. Utility Easement (Loxahatchee River Environmental Control District)
- 5. Utility Easement (Town of Jupiter)

Recommended By: Keith Anthony Wolf Department Director Date: 6/11/10

Approved By: [Signature] County Administrator Date: 6/22/10

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> <i>see below</i>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<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:

[Signature] 6/17/10
 OFMB *6/17/10*
5/17/10

[Signature] 6/18/10
 Contract Development and Control

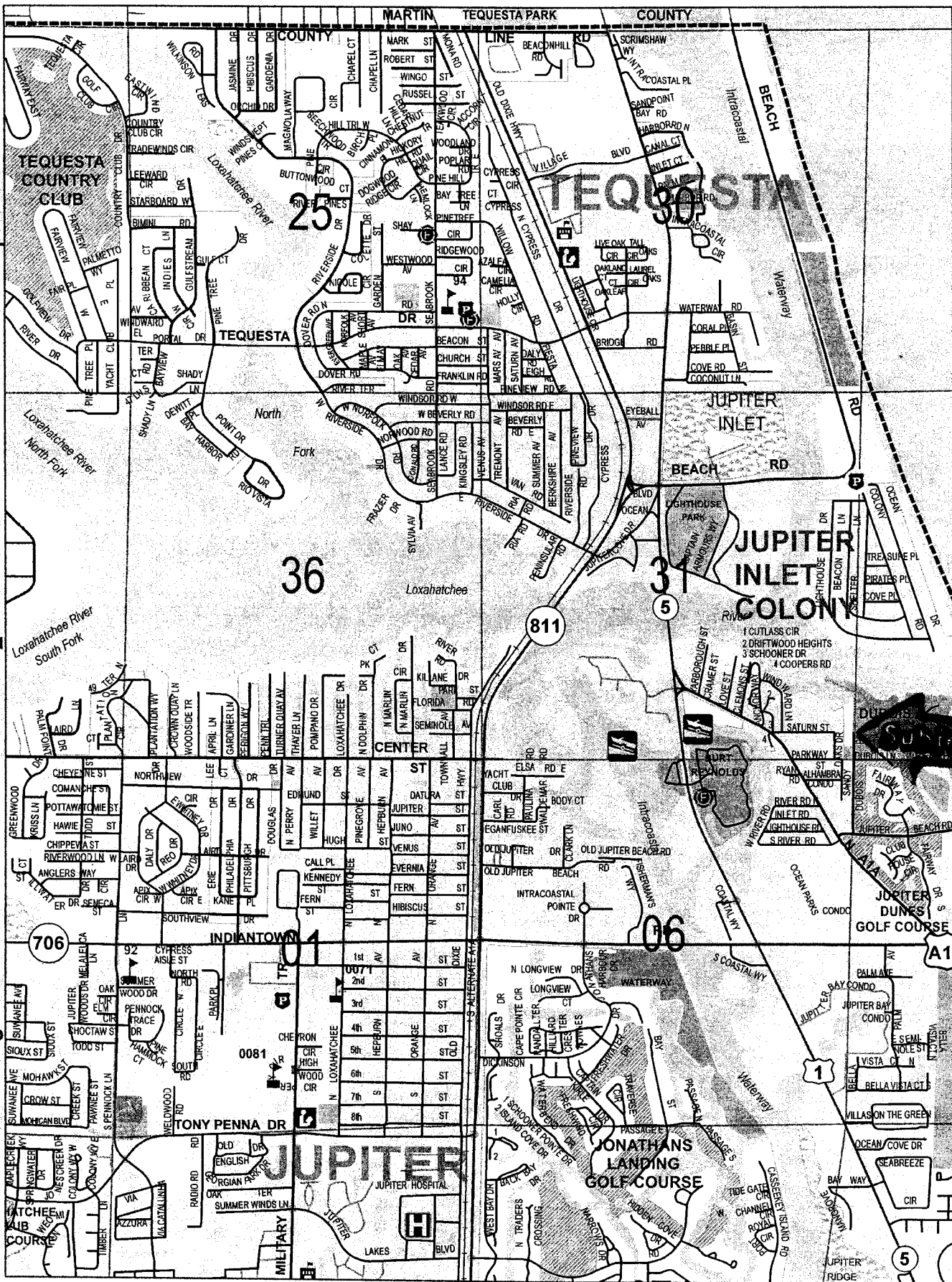
B. Legal Sufficiency:

[Signature] 6/22/10
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



T40

T40

T41

LOCATION MAP

Attachment 1



PREPARED BY AND RETURN TO:
David Kuzmenko, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

Property Control Number: N/A
A portion of DuBois Road in Sections 31 and 32, Township 40 South, Range 43 East

UTILITY EASEMENT AGREEMENT

This EASEMENT, granted _____ between PALM BEACH COUNTY, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, ("Grantor"), and BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T Florida, a Georgia corporation authorized to do business in Florida, whose legal mailing address is c/o Engineering, 2021 S. Military Trail, West Palm Beach, Florida 33415- 6440 ("Grantee").

WITNESSETH:

That Grantor, in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto Grantee, its successors and assigns, a perpetual non-exclusive Easement (the "Easement") for the construction, operation and maintenance of overhead and underground communications facilities to be installed above and below ground as necessary from time to time with the right to reconstruct, improve, add to, enlarge, change the size of and remove such facilities or any of them within an easement upon, over 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/Site Sketch marked Exhibit "A"
Attached Hereto and Made a Part Hereof**

Together with the right of reasonable ingress and egress to said Easement Premises at all times and the right but not the obligation to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Premises.

THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:

1. Grantee shall cause the facilities and their appurtenances to be constructed within the confines of the Easement Premises.

2. Grantee hereby expressly agrees that in the event that Grantee permanently ceases to use the Easement Premises for the purpose herein expressed, at the written request of the Grantor, Grantee shall execute and deliver to the Grantor a release of this Easement within 30 calendar days of receipt of Grantor's written request, which Grantor shall forward to Grantee at the above address with a copy to AT&T Florida Legal Department, Attention: Network Attorney, 150 W. Flagler Street, Suite 1910, Miami, Florida 33130-1534.

3. Grantee further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its facilities within the Easement Premises at all times during the term hereof.

4. The grant of this Easement shall in no way restrict the right and interest of Grantor in the use, maintenance and quiet enjoyment of the Easement Premises to the extent that such does not interfere with the rights granted herein.

5. By exercise of the rights granted to Grantee by this instrument, Grantee acknowledges and agrees that the conditions and restrictions imposed herein shall bind

and be enforceable against Grantee, its successors and assigns to the same extent as if such party had physically executed this instrument.

IN WITNESS WHEREOF Grantor has caused these presents 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**

By: _____
Deputy Clerk

COUNTY

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

By: _____
Burt Aaronson, Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

**APPROVED AS TO TERMS AND
CONDITIONS**

By: Patt Arney Wolf
Department Director

EXHIBIT "A"

A PORTION OF DuBOIS ROAD IN SECTIONS 31 AND 32, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, 30.00 FEET IN WIDTH, AND LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 32;
 THENCE ALONG THE WEST LINE OF SAID SECTION 32, N00°29'52"W FOR 405.00 FEET TO THE NORTH LINE OF A STATUTORY WAY OF NECESSITY RECORDED IN OFFICIAL RECORD BOOK 7573, PAGE 585, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING;
 THENCE CONTINUE ALONG SAID WEST LINE, N00°29'52"W FOR 205.70 FEET TO THE END OF SAID CENTERLINE.

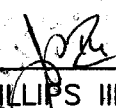
CONTAINING 6,171 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N00°29'52"W ALONG THE WEST LINE OF SECTION 32.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

ABBREVIATIONS

P.O.B.— POINT OF BEGINNING
 P.O.C.— POINT OF COMMENCEMENT
 R/W — RIGHT-OF-WAY
 O.R.B.— OFFICIAL RECORD BOOK
 P.B.— PLAT BOOK
 RPB — ROAD PLAT BOOK
 M.B. — MINUTES BOOK
 DWG — DRAWING
 PBCo — PALM BEACH COUNTY


 JOHN E. PHILLIPS III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA No. 4826
 DATE: 5/13/10

B
BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407
 (561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

DRAWN: MB	PROJ. No. 09-066
CHECKED: JEP	SCALE: NONE
DuBOIS ROAD ABANDONMENT	DATE: 12/15/09
	SHEET 1 OF 2

EAST LINE OF GOVERNMENT LOT 7
& EAST LINE OF SECTION 31

WEST LINE OF SECTION 32

END OF
CENTERLINE

END OF DuBOIS ROAD
MAINTENANCE MAP (RPB 5 PAGE 3)

END OF 30' POST & VIEW R/W
(COMMISSIONERS M.B.13 PG.125, SEPT.1929)

WEST LINE OF THE EAST 150'
OF GOVERNMENT LOT 7

UNPLATTED

STATUTORY WAY OF NECESSITY
(ORB 7573 PAGE 585)

WEST LINE OF THE EAST 75'
OF GOVERNMENT LOT 7 S00°29'52"E

NORTH LINE OF STATUTORY WAY OF NECESSITY
(ORB 7573 PAGE 585)

DuBOIS PARK

15' 205.70'

599.25'(M.B.)

601.64'(RPB)

30' POST & VIEW R/W
(COMMISSIONERS M.B.13 PG.125, SEPT.1929)
PER PBCo DWG No.4-74-247B

15' PBCo R/W (ORB 1987 PG.689)

P.O.B.

19.69'

56'

15'

NORTH LINE OF THE SOUTH
390' OF GOVERNMENT LOT 7

SANDY OAKS P.B.52 PG.143

S00°29'52"E 100'

DuBOIS PARK

S89°58'26"E 150'

DuBOIS PARK

405.00'

DuBOIS ROAD

15' R/W (ORB 15867 PAGE 1542)



SOUTH LINE OF SECTION 31
S89°58'26"E

S89°51'44"E SOUTH LINE OF SECTION 32

S.W. CORNER OF SECTION 32
P.O.C.



BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
THIS SKETCH IS NOT A SURVEY

DRAWN: MB	PROJ. No. 09-066
CHECKED: JEP	SCALE: 1" = 50'
DuBOIS ROAD ABANDONMENT	DATE: 12/15/09
	SHEET 2 OF 2

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: N/A
A portion of DuBois Road in Sections 31 and 32, Township 40 South, Range 43 East

UTILITY EASEMENT AGREEMENT

This EASEMENT is granted _____, by PALM BEACH COUNTY, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, Grantor, to FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose legal mailing address is Post Office Box 14000, Juno Beach, Florida 33408-0420, Grantee.

WITNESSETH:

That the said Grantor, in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations paid, the receipt and sufficiency of which are hereby acknowledged, hereby grants unto Grantee, its successors and assigns, a perpetual non-exclusive easement (the "Easement") for the construction, operation and maintenance of overhead and underground electric utility facilities, wires, poles, guys, cables, conduits and appurtenant equipment, including transformers (the "Facilities") to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as the size of and remove such Facilities or any of them within an easement upon,

over 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/site sketch marked Exhibit "A" attached hereto and made a part hereof.

Together with the right to permit any other person, firm or corporation to attach wires to any Facilities hereunder and lay cable and conduit within the Easement Premises and to operate the same for communications purposes. Together with the right of reasonable ingress and egress to said Easement Premises at all times, the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Premises, and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Premises which might interfere with or fall upon the Facilities installed within the Easement Premises.

THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:

1. Grantee shall cause the Facilities and their appurtenances to be constructed within the confines of the Easement Premises.
2. Grantee hereby expressly agrees that in the event Grantee abandons use of the Easement Premises for the purpose herein expressed, the Easement granted hereby shall become null and void, and all the rights in and to the Easement Premises shall revert to Grantor.

3. Grantee further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its Facilities within the Easement Premises at all times during the term hereof.

4. The grant of this Easement shall in no way restrict the right and interest of Grantor in the use, maintenance and quiet enjoyment of the Easement Premises to the extent that such does not interfere with the rights granted herein.

IN WITNESS WHEREOF, Grantor has caused these presents 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: _____
Burt Aaronson, Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Assistant County Attorney

By: Ray Arney Way
Department Director

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A PORTION OF DuBOIS ROAD IN SECTIONS 31 AND 32, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, 30.00 FEET IN WIDTH, AND LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 32;
 THENCE ALONG THE WEST LINE OF SAID SECTION 32, N00°29'52"W FOR 405.00 FEET TO THE NORTH LINE OF A STATUTORY WAY OF NECESSITY RECORDED IN OFFICIAL RECORD BOOK 7573, PAGE 585, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING;
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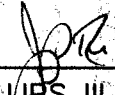
CONTAINING 6,171 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N00°29'52"W ALONG THE WEST LINE OF SECTION 32.


ABBREVIATIONS

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- P.O.C.— POINT OF COMMENCEMENT
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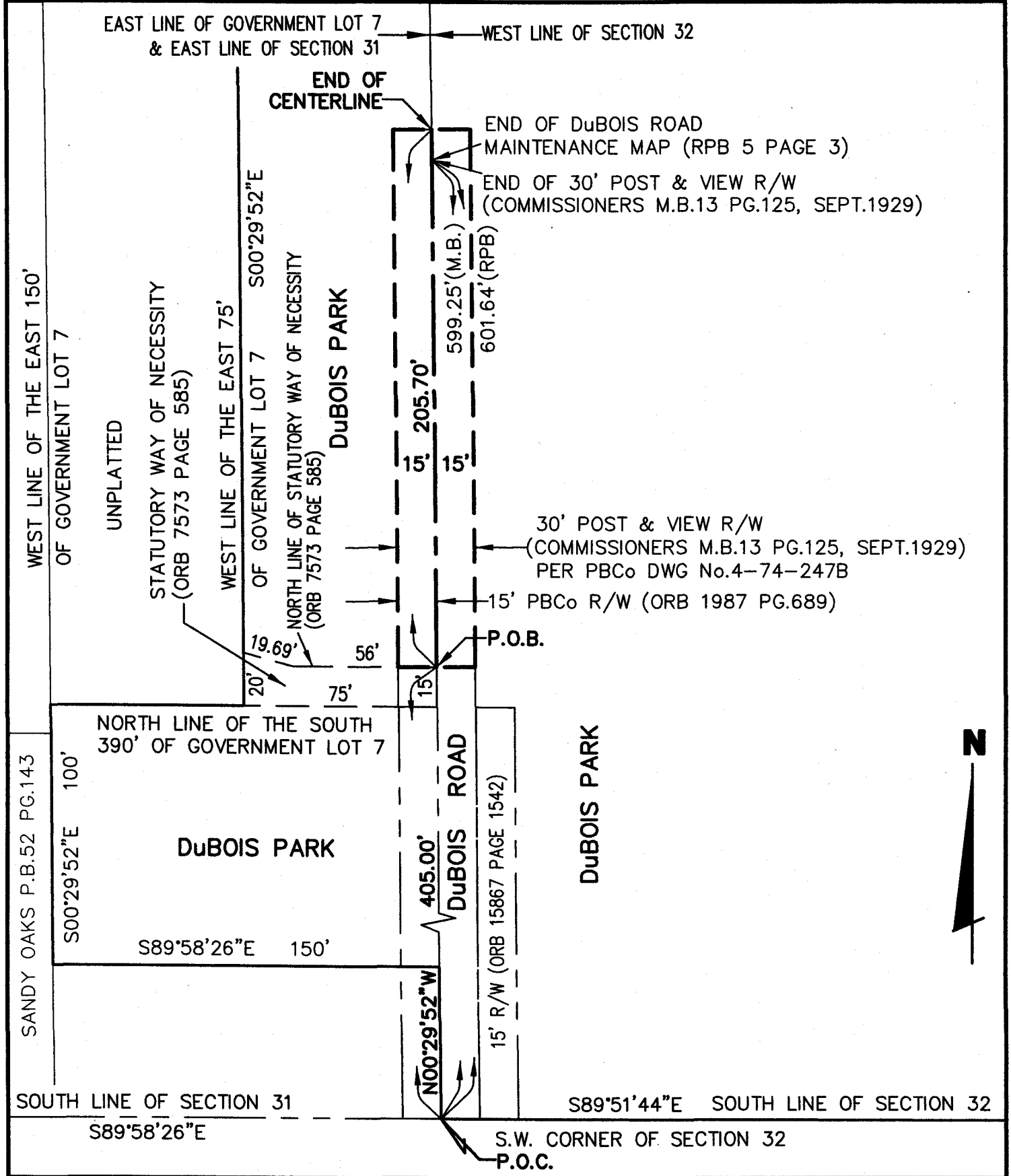


 JOHN E. PHILLIPS III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA No. 4826
 DATE: 5/13/10


BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407
 (561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

DRAWN: MB	PROJ. No. 09-066
CHECKED: JEP	SCALE: NONE
DuBOIS ROAD ABANDONMENT	DATE: 12/15/09
	SHEET 1 OF 2



SANDY OAKS P.B.52 PG.143

WEST LINE OF THE EAST 150'
OF GOVERNMENT LOT 7

UNPLATTED
STATUTORY WAY OF NECESSITY
(ORB 7573 PAGE 585)

WEST LINE OF THE EAST 75'
OF GOVERNMENT LOT 7 S00°29'52"E

NORTH LINE OF STATUTORY WAY OF NECESSITY
(ORB 7573 PAGE 585)

DuBOIS PARK

15' 205.70'

599.25'(M.B.)
601.64'(RPB)

WEST LINE OF SECTION 32

NORTH LINE OF THE SOUTH
390' OF GOVERNMENT LOT 7

DuBOIS PARK

S00°29'52"E 100'

S89°58'26"E 150'

405.00'
DuBOIS ROAD

15' R/W (ORB 15867 PAGE 1542)

DuBOIS PARK

SOUTH LINE OF SECTION 31

S89°58'26"E

S89°51'44"E SOUTH LINE OF SECTION 32

S.W. CORNER OF SECTION 32
P.O.C.



B BROWN & PHILLIPS, INC.
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SKETCH TO ACCOMPANY LEGAL DESCRIPTION THIS SKETCH IS NOT A SURVEY	
DRAWN: MB	PROJ. No. 09-066
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DuBOIS ROAD ABANDONMENT	DATE: 12/15/09
	SHEET 2 OF 2

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: N/A
A portion of DuBois Road in Sections 31 and 32, Township 40 South, Range 43 East

UTILITY EASEMENT

THIS INDENTURE, made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4705, ("COUNTY"), in favor of the **LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**, a special taxing district of the State of Florida, whose address is 2500 Jupiter Park Drive, Jupiter, Florida 33458-8964, ("ENCON").

WITNESSETH:

That COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto ENCON, its successors and assigns, upon the conditions hereinafter set forth, a perpetual non-exclusive easement for the construction, operation and maintenance of its underground wastewater mains and appurtenances thereto, to be installed from time to time, or to be altered, improved, or removed therefrom and for the right to cut and keep clear trees, brush or undergrowth therefrom and all other obstructions that might endanger or interfere therewith, together with the right of ingress and egress thereto, over, across, through and upon, under or within that parcel of land located in Palm Beach County, Florida, described on Exhibit "A" attached hereto and made a part hereof as if recited at length (the "Easement Premises").

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

THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:

1. ENCON shall cause its wastewater mains and their appurtenances to be constructed within the confines of the Easement Premises.

2. ENCON further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its underground wastewater mains and appurtenances within the Easement Premises at all times during the term hereof.

IN WITNESS WHEREOF, COUNTY has caused these presents 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: _____
Burt Aaronson, Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Assistant County Attorney

By: Ray Anthony Way
Department Director

Exhibit "A"

Legal Description

EXHIBIT "A"

A PORTION OF DuBOIS ROAD IN SECTIONS 31 AND 32, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, 30.00 FEET IN WIDTH, AND LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 32;
 THENCE ALONG THE WEST LINE OF SAID SECTION 32, N00°29'52"W FOR 405.00 FEET TO THE NORTH LINE OF A STATUTORY WAY OF NECESSITY RECORDED IN OFFICIAL RECORD BOOK 7573, PAGE 585, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING;
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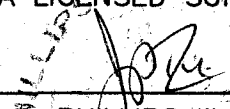
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 JOHN E. PHILLIPS III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA No. 4826
 DATE: 12/13/09

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 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407
 (561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

DRAWN: MB	PROJ. No. 09-066
CHECKED: JEP	SCALE: NONE
DuBOIS ROAD ABANDONMENT	DATE: 12/15/09
	SHEET 1 OF 2

EAST LINE OF GOVERNMENT LOT 7
& EAST LINE OF SECTION 31

WEST LINE OF SECTION 32

END OF
CENTERLINE

END OF DuBOIS ROAD
MAINTENANCE MAP (RPB 5 PAGE 3)

END OF 30' POST & VIEW R/W
(COMMISSIONERS M.B.13 PG.125, SEPT.1929)

WEST LINE OF THE EAST 150'
OF GOVERNMENT LOT 7

UNPLATTED

STATUTORY WAY OF NECESSITY
(ORB 7573 PAGE 585)

WEST LINE OF THE EAST 75'
OF GOVERNMENT LOT 7 S00°29'52"E

NORTH LINE OF STATUTORY WAY OF NECESSITY
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DuBOIS PARK

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601.64'(RPB)

30' POST & VIEW R/W
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PER PBCo DWG No.4-74-247B

15' PBCo R/W (ORB 1987 PG.689)

P.O.B.

19.69' 56'

NORTH LINE OF THE SOUTH
390' OF GOVERNMENT LOT 7

SANDY OAKS P.B.52 PG.143

S00°29'52"E 100'

DuBOIS PARK

S89°58'26"E 150'

405.00'
DuBOIS ROAD

15' R/W (ORB 15867 PAGE 1542)

DuBOIS PARK



SOUTH LINE OF SECTION 31

S89°58'26"E

S89°51'44"E SOUTH LINE OF SECTION 32

S.W. CORNER OF SECTION 32
P.O.C.



BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES

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901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407
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SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

THIS SKETCH IS NOT A SURVEY

DRAWN: MB

PROJ. No. 09-066

CHECKED: JEP

SCALE: 1" = 50'

DuBOIS ROAD
ABANDONMENT

DATE: 12/15/09

SHEET 2 OF 2

Prepared by:
Howard J. Falcon, III
Assistant County Attorney
Palm Beach County, County Attorney's Office
301 North Olive Avenue, Suite 601
West Palm Beach, Florida 33401-4791

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

Property Control Number: N/A
A portion of DuBois Road in Sections 31 and 32, Township 40 South, Range 43 East

UTILITY EASEMENT

THIS INDENTURE, made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4705, ("COUNTY"), in favor of the **TOWN OF JUPITER**, a municipal corporation of the State of Florida, whose address is 210 Military Trail, Jupiter, Florida 33458-5784, ("TOWN").

WITNESSETH:

That the COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the TOWN, its successors and assigns, upon the conditions hereinafter set forth, a perpetual non-exclusive easement for the construction, operation and maintenance of underground water mains, and appurtenances thereto, to be installed from time to time, or to be altered, improved, or removed therefrom and for the right to cut and keep clear trees, brush or undergrowth therefrom and all other obstructions that might endanger or interfere therewith, together with the right of ingress and egress thereto, over, across, through and upon, under or within that parcel of land located in Palm Beach County, Florida, described on **Exhibit "A"** attached hereto and made a part hereof as if recited at length. (The "Easement Premises").

THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:

1. The TOWN shall cause any new water mains and their appurtenances to be constructed within the confines of the Easement Premises.

2. The TOWN hereby expressly agrees that in the event that the TOWN, its successors and assigns, ceases to use the Easement Premises for the purposes 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 revert to the COUNTY.

3. The TOWN further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its water mains and appurtenances within the Easement Premises at all times during the term hereof.

IN WITNESS WHEREOF, the COUNTY has caused these presents 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: _____
Burt Aaronson, Chair

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Assistant County Attorney

By: Burt Aaronson
Department Director

EXHIBIT "A"

A PORTION OF DuBOIS ROAD IN SECTIONS 31 AND 32, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, 30.00 FEET IN WIDTH, AND LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 32;
 THENCE ALONG THE WEST LINE OF SAID SECTION 32, N00°29'52"W FOR 405.00 FEET TO THE NORTH LINE OF A STATUTORY WAY OF NECESSITY RECORDED IN OFFICIAL RECORD BOOK 7573, PAGE 585, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING;
 THENCE CONTINUE ALONG SAID WEST LINE, N00°29'52"W FOR 205.70 FEET TO THE END OF SAID CENTERLINE.

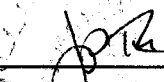
CONTAINING 6,171 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N00°29'52"W ALONG THE WEST LINE OF SECTION 32.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

ABBREVIATIONS

- P.O.B.— POINT OF BEGINNING
- P.O.C.— POINT OF COMMENCEMENT
- R/W — RIGHT-OF-WAY
- O.R.B.— OFFICIAL RECORD BOOK
- P.B.— PLAT BOOK
- RPB — ROAD PLAT BOOK
- M.B. — MINUTES BOOK
- DWG — DRAWING
- PBCo — PALM BEACH COUNTY



 JOHN E. PHILLIPS III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA No. 4826
 DATE: 5/13/10

B
BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407
 (561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

DRAWN: MB	PROJ. No. 09-066
CHECKED: JEP	SCALE: NONE
DuBOIS ROAD ABANDONMENT	DATE: 12/15/09
	SHEET 1 OF 2

EAST LINE OF GOVERNMENT LOT 7
& EAST LINE OF SECTION 31

WEST LINE OF SECTION 32

END OF CENTERLINE

END OF DuBOIS ROAD
MAINTENANCE MAP (RPB 5 PAGE 3)

END OF 30' POST & VIEW R/W
(COMMISSIONERS M.B.13 PG.125, SEPT.1929)

WEST LINE OF THE EAST 150'
OF GOVERNMENT LOT 7

UNPLATTED

STATUTORY WAY OF NECESSITY
(ORB 7573 PAGE 585)

WEST LINE OF THE EAST 75'
OF GOVERNMENT LOT 7 S00°29'52"E

NORTH LINE OF STATUTORY WAY OF NECESSITY
(ORB 7573 PAGE 585)

DuBOIS PARK

15' 205.70'

599.25'(M.B.)

601.64'(RPB)

30' POST & VIEW R/W

(COMMISSIONERS M.B.13 PG.125, SEPT.1929)
PER PBCo DWG No.4-74-247B

15' PBCo R/W (ORB 1987 PG.689)

P.O.B.

19.69'

56'

15'

NORTH LINE OF THE SOUTH
390' OF GOVERNMENT LOT 7

SANDY OAKS P.B.52 PG.143

S00°29'52"E 100'

DuBOIS PARK

S89°58'26"E 150'

DuBOIS PARK

405.00'
DuBOIS ROAD

15' R/W (ORB 15867 PAGE 1542)



SOUTH LINE OF SECTION 31

S89°58'26"E

S89°51'44"E SOUTH LINE OF SECTION 32

S.W. CORNER OF SECTION 32
P.O.C.



BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473
901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
THIS SKETCH IS NOT A SURVEY

DRAWN: MB	PROJ. No. 09-066
CHECKED: JEP	SCALE: 1" = 50'
DuBOIS ROAD ABANDONMENT	DATE: 12/15/09
	SHEET 2 OF 2