

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

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Meeting Date: August 17, 2010 [X] Consent [] Regular
[] Workshop [] Public Hearing
Department:
Submitted By: Engineering and Public Works
Submitted For: Right-of-Way Acquisition Section
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) A Palm Beach County (County) Deed in favor of the Florida Department of Transportation (FDOT) for right-of-way on Boynton Beach Boulevard ; and
B) A Release of Permanent Construction Easement Rights adjacent to Boynton Beach Boulevard.

SUMMARY: Approval of this item will allow a County Deed to FDOT for right-of-way on Boynton Beach Boulevard, lying on the north side of Boynton Beach Boulevard between State Road 7 and Lyons Road, and the release of a Permanent Construction Easement that is no longer required.

District 5 (PK)

Background and Justification: The County acquired 12 feet of additional right-of-way by Official Record Book 23036, page 747, at no cost, for Boynton Beach Boulevard. The property is located on the north side of Boynton Beach Boulevard, between State Road 7 and Lyons Road. Boynton Beach Boulevard is a FDOT roadway. FDOT has requested that the County transfer this right-of-way to them. Staff has reviewed the request and recommends approval.

The County also has a 15-foot Permanent Construction Easement, assigned to the County at no cost in the same location, which is no longer required. It is recommended that this easement be released.

Attachments:

- 1. Location Map
2. County Deed with Exhibit "A"
3. Release of Permanent Construction Easement Rights

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Recommended by: [Signature] Division Director 7/14/10 [Signature] Date

Approved by: [Signature] County Engineer 7/21/10 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
ADDITIONAL FTE					
POSITIONS (Cumulative)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

Is Item Included In Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Dept. _____ Unit _____ Object _____
 Reporting Category _____

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:

OFMB [Signature] 7-26-10
 Contract Dev. and Control [Signature] 7/28/10

B. Legal Sufficiency:

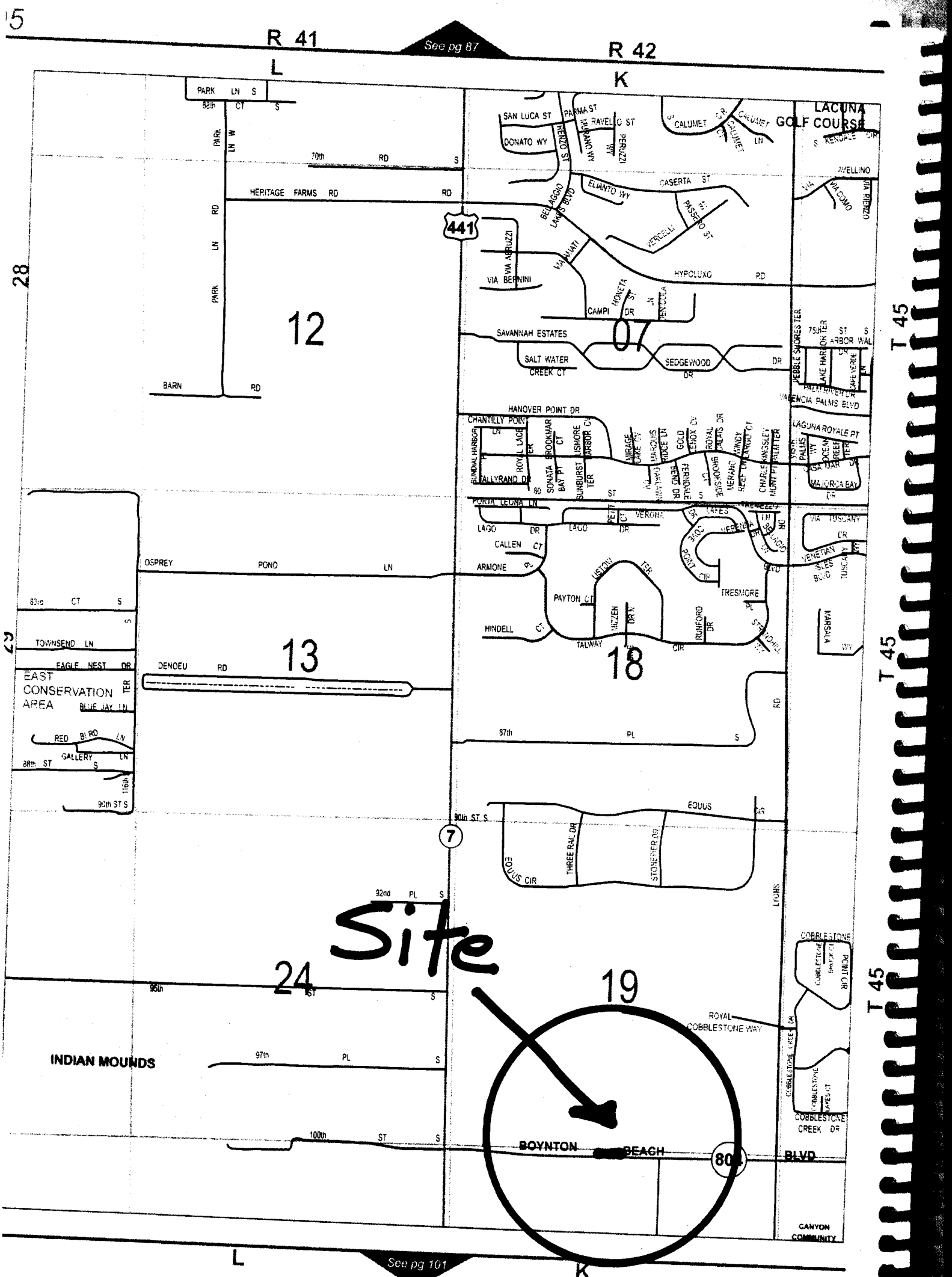
[Signature] 7/29/10
 Assistant County Attorney

C. Other Department Review:

Department Director

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

Attachment #1
Location Map



Site

See pg 101

T 45
T 45
T 45

03-BSD.03-06/93

This instrument prepared
under the direction of:
Laurice C. Mayes, Esq. *LCM 7/10*
Sketch & Legal description
Prepared by:
John A. Grant, Jr., Inc.
Document prepared by:
Grace K. Abel (Rev. 07-06-10)
Department of Transportation
3400 W. Commercial Boulevard
Ft. Lauderdale, Florida 33309

Parcel No. N/A
Item/Segment No. N/A
Section No. 93210-2524
Managing District: 04
S.R. No. 804
County: Palm Beach
(Boynton Beach Boulevard)

COUNTY DEED

THIS DEED, made this _____ day of _____, 201____,
by PALM BEACH COUNTY, a political subdivision of the State of Florida,
whose address is: 301 N. Olive Avenue, West Palm Beach, Florida 33401,
grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, whose
address is: 3400 W. Commercial Boulevard, Ft. Lauderdale, Florida
33309, grantee: (Wherever used herein the terms "grantor" and "grantee"
include all the parties to this instrument and the heirs, legal
representatives and assigns of individuals, and the successors, and
assigns of organizations).

WITNESSETH: That the grantor, for and in consideration of the sum
of \$1.00 and other valuable considerations, receipt and sufficiency
being hereby acknowledged, hereby grants, bargains, sells, aliens,
remises, releases, conveys and confirms unto the grantee, all that
certain land situate in Palm Beach County, Florida, viz:

(Property more particularly described in Exhibit "A",
attached hereto and made a part hereof)

TOGETHER with all tenements, hereditaments and appurtenances
thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to
be executed in its name by its Board of County Commissioners acting by
the Chair or Vice-Chair 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: _____
BURT AARONSON,
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____
day of _____, 201____, by _____,
its Chair/Vice Chair, Board of County Commissioners, who is personally
known to me or who has produced _____
as identification.

Typed name of Acknowledger
Deputy clerk

Exhibit "A"
to County Deed
10f2

JOHN A. GRANT, JR., INC.

3333 NORTH FEDERAL HIGHWAY
PHONE : (561) 395-3333

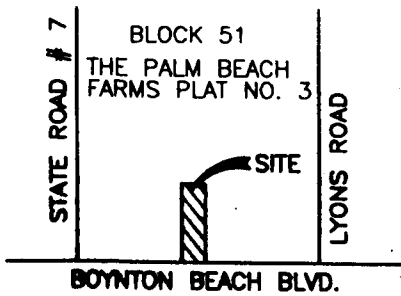
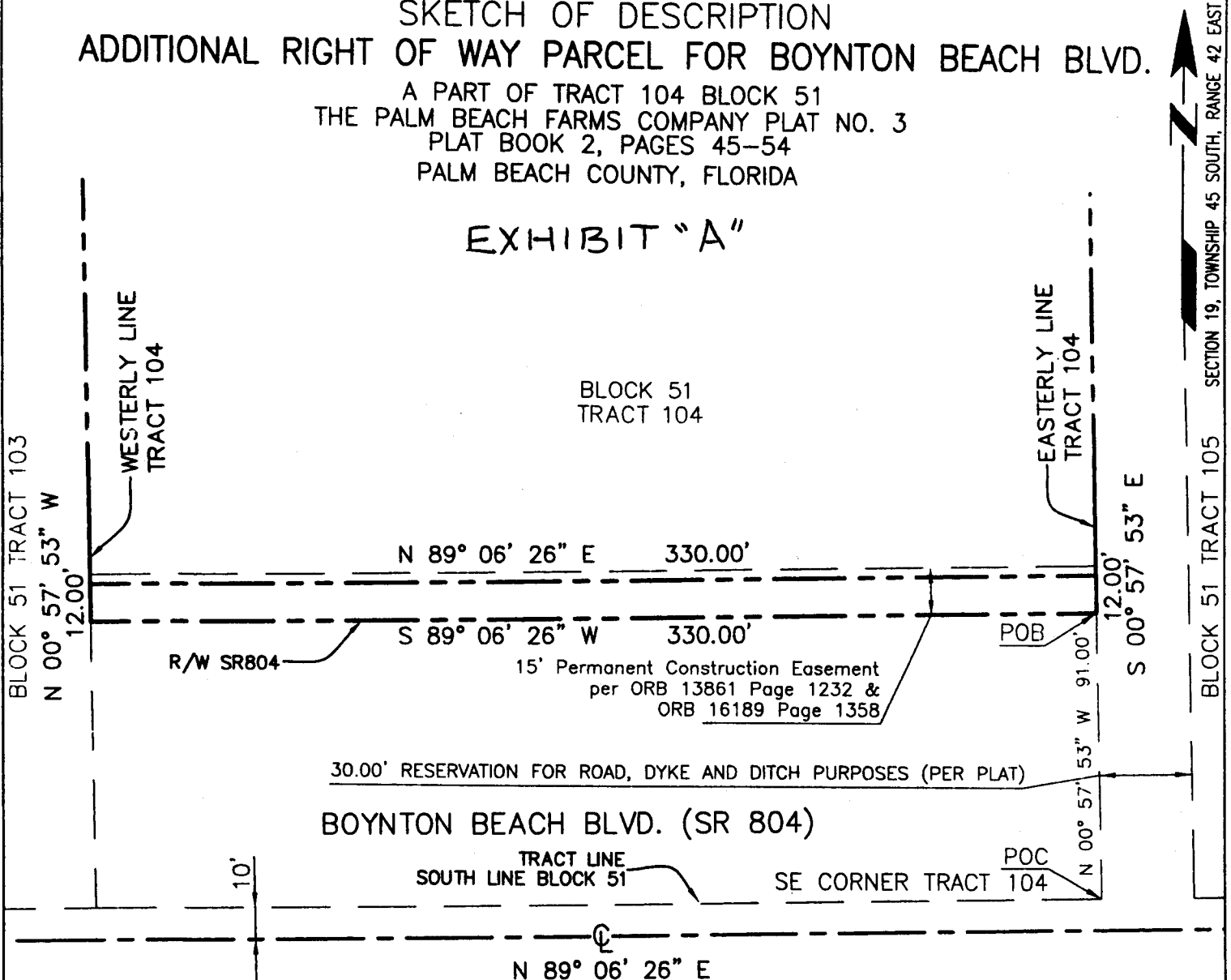
CONSULTING ENGINEERS & LAND SURVEYORS
LICENSED BUSINESS # LB 50

BOCA RATON, FLORIDA 33431
FAX : (561) 395-3315

**SKETCH OF DESCRIPTION
ADDITIONAL RIGHT OF WAY PARCEL FOR BOYNTON BEACH BLVD.**

A PART OF TRACT 104 BLOCK 51
THE PALM BEACH FARMS COMPANY PLAT NO. 3
PLAT BOOK 2, PAGES 45-54
PALM BEACH COUNTY, FLORIDA

EXHIBIT "A"



- LEGEND**
- POC = Point of Commencement
 - POB = Point of Beginning
 - R/W = Right-of-Way
 - SE = South East

NOTES:
 BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N 89°06'26" E. ALONG THE SOUTH LINE OF BLOCK 51 PER FDOT RIGHT-OF-WAY MAP SECTION 93210-2524 , SHEET 26 OF 37.

**THIS IS NOT A SURVEY !
 REVIEWED AND APPROVED**

Walter A. Cornnell
 8-21-08

**WALTER A. CORNNELL
 PROFESSIONAL LAND SURVEYOR NO.1757
 STATE OF FLORIDA**

Drawn By AJHE Date 8/20/08
 Checked By WAC F.B. _____ Pg. _____
 Scale 1" = 50' Job No. JG100-9328
 Sheet 1 of 2

Exhibit "A"
to County Deed
2 of 2

JOHN A. GRANT, JR., INC.

3333 NORTH FEDERAL HIGHWAY
PHONE : (561) 395-3333

CONSULTING ENGINEERS & LAND SURVEYORS
LICENSED BUSINESS # LB 50

BOCA RATON, FLORIDA 33431
FAX : (561) 395-3315

LEGAL DESCRIPTION

ADDITIONAL RIGHT OF WAY PARCEL FOR BOYNTON BEACH BLVD.

A PART OF TRACT 104 BLOCK 51
THE PALM BEACH FARMS COMPANY PLAT NO. 3
PLAT BOOK 2, PAGES 45-54
PALM BEACH COUNTY, FLORIDA

A parcel of land lying in Section 19, Township 45 South, Range 42 East, Palm Beach County, Florida and being a portion of Tract 104, Block 51 of Palm Beach Farms Company Plat No. 3, recorded in the public records of Palm Beach County at Plat Book 2, Pages 45 thru 54, being more fully described as follows:

Commencing at the southeast corner of said Tract 104;

thence run north along the easterly line of Tract 104 with an assumed bearing of N 00° 57' 53" W, 91.00 feet to a point lying on the north right-of-way line of Boynton Beach Blvd (SR 804) as now laid out and in use, said point being the POINT OF BEGINNING;

thence run S 89° 06' 26" W, along the aforementioned north right-of-way line, for a distance of 330.00 feet to a point in the westerly line of Tract 104;

thence run N 00° 57' 53" W, 12.00 feet to a point;

thence run N 89° 06' 26" E, parallel to but 12 feet north of the aforesaid north right-of-way line, 330.00 feet to a point in the aforementioned easterly line of Tract 104;

thence run S 00° 57' 53" E, along said easterly line, 12.00 feet to the POINT OF BEGINNING.

Containing 3960 square feet (0.091 acres)

Drawn By	AJHE	Date	8/20/08
Checked By		F.B.	Pg.
Scale	NO SCALE	Job No.	JG100-9328
Sheet	2	of	2

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 PERMANENT CONSTRUCTION RIGHTS

Whereas, a Permanent Construction Easement was recorded in Official Record Book 13861, Page 1232, Public Records of Palm Beach County, Florida; and,

Whereas, said Permanent Construction Easement was assigned to Palm beach County, as recorded in Official record Book 16189, Page 1358, Public Records, Palm Beach County, Florida; and,

Whereas, said easement was assigned at no cost to Palm Beach County; and,

Whereas, said easement is not needed currently or in the future by Palm Beach County; and,

Whereas, the property owner has made a request for the release of the easement; and,

Whereas, Staff has reviewed the request and finds it is appropriate to release said Permanent Construction Easement rights, as described in Official Record Book 13861, Page 1232, and as assigned in Official Record Book 16189, Page 1358, Official Records, Palm Beach County, Florida.

NOW, THEREFORE, the County does hereby release the Permanent Construction Easement Rights as described in Official Record Book 13861, Page 1232, and as assigned in Official Record Book 16189, Page 1358, Public Records, Palm Beach County, Florida.

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

ATTEST:

Sharon R. 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