

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

<b>Meeting Date:</b>	<b>September 14, 2010</b>	<input checked="" type="checkbox"/> <b>Consent</b>	<input type="checkbox"/> <b>Regular</b>
		<input type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Public Hearing</b>

**Department:**      **Facilities Development & Operations**

## **I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to accept:** a License Agreement from the City of South Bay which is required for the development of the County's new Fire Rescue Station No. 74 site in South Bay.

**Summary:** The County is in the process of developing a site for the replacement of Fire Rescue Station No. 74 in South Bay. The site is located on the northeast side of North US Highway 27 at the entrance to the proposed South Bay Park of Commerce. The County acquired the 3.04-acre site from the City of South Bay in 2007. Development of the site will require the placement of fill, sloping, grading, tying in, harmonizing and reconnecting the existing elevation grade of the adjacent City property with the final site elevation of the Fire Station. The City is granting a License to the County to use its land for these purposes. The area covered by the License, located adjacent to the northeast boundary of the County parcel, is 368.5 feet long, varies in width from 15.00 feet to 25.02 feet, and contains 6,233 square feet (0.14 acres). The License is being granted by the City at no charge. **(PREM) District 6 (HJF)**

**Background and Justification:** The License Agreement will allow the County to use the City's property until the completion of the fire rescue station, but not later than April 30, 2012.

**Attachments:**

1. Location Map
2. License Agreement

Recommended By: Ret Army Wof 8/22/10  
Department Director Date

Approved By:  9/1/10  
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><i>* see below</i></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]*  
OFMB  
*8/21/10 8/30/10*

*[Signature]* *8/31/10*  
Contract Development and Control

### B. Legal Sufficiency:

*[Signature]* *9/1/10*  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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



Prepared by and 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: a portion of 58-36-44-11-00-000-3020/7240/7260

## LICENSE AGREEMENT

This Agreement made on July 22, 2010, by **CITY OF SOUTH BAY**, a municipal corporation created and existing under the laws of the State of Florida ("City"), whose mailing address is 335 SW 2<sup>nd</sup> Avenue, South Bay, Florida 33493-2299, to **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County") whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791.

City hereby grants to County a license to occupy and use, subject to all the terms and conditions hereof, the premises legally described in Exhibit "A" attached hereto (the "Premises"). The Premises may be occupied and used by County solely for the placement of fill, sloping, grading, tying in, harmonizing and reconnecting the existing elevation grade of the City's property with the final site elevation of the fire rescue station to be constructed by County on the County's property adjacent to the Premises, together with incidental purposes related thereto, during the period beginning with the date first above written and continuing until completion of the County's fire rescue station, but not later than the last day of April, 2012.

The making, execution and delivery of this agreement by City has been induced by no representations, statements, warranties, or agreements other than those contained herein. This agreement embodies the entire understanding of the parties and there are no further or other agreements or understanding, written or oral, in effect between the parties relating to the subject matter hereof.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the said City has signed and sealed these presents the day and year first above written.

ATTEST:

City:

CITY OF SOUTH BAY, a municipal corporation created and existing under the laws of the State of Florida

By: Virginia K. Walker  
Virginia K. Walker, City Clerk

By: Shirley Walker-Turner  
Shirley Walker-Turner, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
City Attorney

(City Seal)

Signed and delivered in the presence of:

Sanya Johnson  
Witness Name

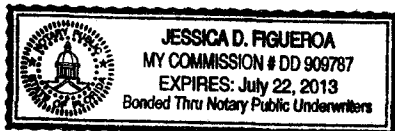
Sanya Johnson  
Print Witness Name

V. Del Bosque  
Witness Name

Vicenta Del Bosque  
Print Witness Name

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this 22 day of July, 2010, before me personally appeared Shirley Walker-Turner, Mayor of the City of South Bay, personally known to me or who produced \_\_\_\_\_ as identification and who did ( ☒ ) did not ( ☐ ) take an oath and who executed the foregoing instrument and acknowledged before me that she executed the same for the purposes therein.



Jessica D. Figueroa  
Notary Public, State of Florida

Jessica D. Figueroa  
Print Name

Commission No. DD909787

My Commission Expires: July 22, 2013

EXHIBIT "A"

LEGAL DESCRIPTION:

A PARCEL OF LAND IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 36 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 23631, PAGE 1816 AND IN OFFICIAL RECORD BOOK 9872, PAGE 1022 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF ROCK ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 8989, PAGE 1005 OF SAID PUBLIC RECORDS, WITH THE NORTHEASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 27 (STATE ROAD 25) PER STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 93100-2113, SHEET 9 OF 10, SAID NORTHEASTERLY RIGHT-OF-WAY BEING A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2945.93 FEET; THENCE SOUTHERLY, ALONG SAID RIGHT-OF-WAY AND CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17°22'15" FOR 893.15 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY, S25°31'30"E FOR 135.18 FEET TO THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 23631, PAGE 1816 OF SAID PUBLIC RECORDS; THENCE ALONG SAID BOUNDARY, N62°06'35"E FOR 208.80 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID BOUNDARY, N25°31'30"W FOR 45.05 FEET; THENCE N62°06'35"E FOR 25.02 FEET; THENCE S25°31'30"E FOR 70.07 FEET; THENCE S62°06'35"W FOR 10.01 FEET; THENCE S25°31'30"E FOR 299.05 FEET; THENCE S64°28'30"W FOR 15.00 FEET TO THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 22615, PAGE 1332 OF SAID PUBLIC RECORDS; THENCE ALONG SAID BOUNDARY, N25°31'30"W FOR 323.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.14 ACRES (6,233 SQUARE FEET), MORE OR LESS.

BEARING BASIS: S25°31'30"E ALONG THE RIGHT-OF-WAY OF U.S. HIGHWAY 27.

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.

*John E. Phillips III*  
JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: 5/7/10

 <b>BROWN &amp; PHILLIPS, INC.</b> PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 901 NORTHPOINT PARKWAY, SUITE 119, W.P.B., FLORIDA 33407 (561) 615-3988, (561) 615-3986 FAX	LEGAL DESCRIPTION LICENSE AGREEMENT SOUTH BAY FIRE STATION #74	
	DRAWN: DKN	PROJ. No. 09-009E
	CHECKED: JEP	SCALE: NONE
	CITY OF SOUTH BAY PROPERTY	DATE: 5/7/10 SHEET 1 OF 2



RESOLUTION 38-2010


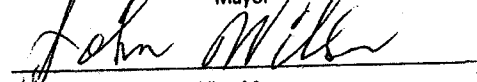
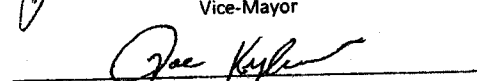

A Resolution of the City Commission of the City of South Bay, Florida authorizing the Mayor to enter into an agreement with Palm Beach County to grant a license to occupy and use municipal property subject to all the terms and conditions hereof, the premises legally described in Exhibit "A"

WHEREAS, the City Commission of the City of South Bay, Florida does hereby grant to the Palm Beach County a license to occupy and use, subject to all terms and conditions hereof, the premises legally described in Exhibit "A" attached hereto (the "Premises").

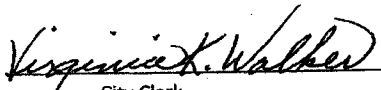
WHEREAS, the premises may be occupied and used by County solely for the placement of fill, sloping, grading, tying in, harmonizing and reconnecting the existing elevation grade of the City's property with the final site elevation of the fire rescue station to be constructed by the County on the County's property adjacent to the Premises, together with incidental purposes related thereto, during the period beginning with the date first written and continuing until completion of the County's fire rescue station, but not later than the last day of April, 2012.

THEREFORE THE CITY COMMISSION does hereby authorize the Mayor to enter into a License Agreement with Palm Beach County for the occupation of the property described in the attached Exhibit "A".

PASSED AND ADOPTED this 20<sup>th</sup> day of July, 2010.

  
Mayor  
  
Vice-Mayor  
  
Commissioner  
  
Commissioner  
  
\_\_\_\_\_  
Commissioner

Attest:

  
City Clerk

**CERTIFICATION OF TRUE COPY**

**STATE OF FLORIDA  
COUNTY OF PALM BEACH**

I, the undersigned, duly appointed City Clerk of the City of South Bay, Florida, **DO HEREBY CERTIFY** that the attached, Resolution 38, 2010 hereto is a true and correct copy of Documents on file in the City Clerk's office at 335 SW 2<sup>nd</sup> Avenue, South Bay, Florida **WITNESS**, my hand and the corporate seal of the City of South Bay, Florida, this 22<sup>nd</sup> day of July, 2010.

(SEAL)


  
Virginia K. Walker  
City Clerk  
CITY OF SOUTH BAY  
FLORIDA



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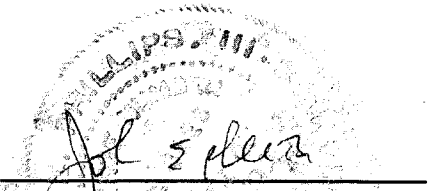
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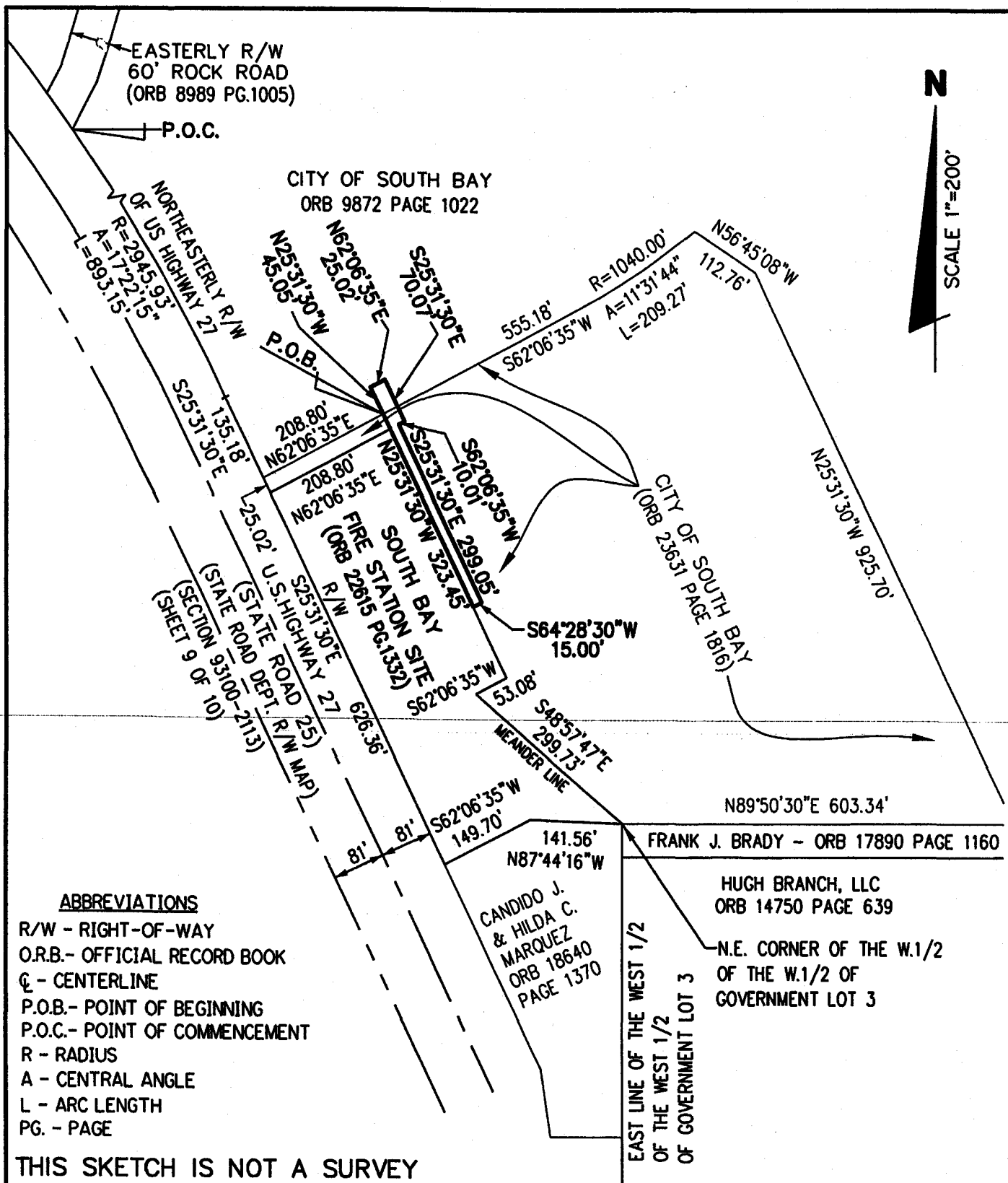
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JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: 5/27/10

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

LEGAL DESCRIPTION LICENSE AGREEMENT SOUTH BAY FIRE STATION #74			
DRAWN:	DKN	PROJ. No.	09-009E
CHECKED:	JEP	SCALE:	NONE
CITY OF SOUTH BAY PROPERTY		DATE:	5/7/10
		SHEET 1 OF 2	



**ABBREVIATIONS**

- R/W - RIGHT-OF-WAY  
O.R.B.- OFFICIAL RECORD BOOK  
CL - CENTERLINE  
P.O.B.- POINT OF BEGINNING  
P.O.C.- POINT OF COMMENCEMENT  
R - RADIUS  
A - CENTRAL ANGLE  
L - ARC LENGTH  
PG. - PAGE

THIS SKETCH IS NOT A SURVEY

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

**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
LICENSE AGREEMENT  
SOUTH BAY FIRE STATION #74**

DRAWN:	DKN	PROJ. No.	09-009E
CHECKED:	JEP	SCALE:	1"=200'
CITY OF SOUTH BAY PROPERTY		DATE:	5/7/10
		SHEET 2 OF 2	