

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date:	November 16, 2010	Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>
		Public Hearing <input type="checkbox"/>	

Submitted By: Water Utilities Department
Submitted For: Water Utilities Department

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: the Partial Release of a Utility Easement over property owned by Hovsite Catalina LLC.

Summary: This document will release the County's interest in a portion of a Utility Easement recorded in the official records of Palm Beach County, Book 20823, Page 1875, over property owned by Hovsite Catalina LLC, located at 3601 Quantum Blvd., Boynton Beach, Florida 33426. The Water Utilities Department has determined that this portion of easement is no longer needed and therefore recommends the release. District 2 (MJ)

Background and Justification: On August 23, 2006, a Utility Easement was granted to the County for public water and sewer facilities associated with the development of the property identified by PCN 74-42-43-13-21-001-0000. A portion of this easement was intended for future water and sewer facilities to be installed in a later phase of development. Upon redevelopment of the site, these proposed utility facilities have been eliminated, and the property owner is requesting release of the portion of the easement that the County no longer needs.

Attachments:

1. Location Map
2. Two (2) Original Partial Release of Utility Easement w/ Exhibit "A"
3. Utility Easement (ORB 20823/PG 1875)

Recommended By:  10/22/10
Department Director Date

Approved By:  11/2/10
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	<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> <i>See below</i>	<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>
Budget Account No.: Fund _____ Dept _____ Unit _____ Object _____					

Is Item Included in Current Budget? Yes _____ No _____

Reporting Category N/A

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No No Fiscal Impact

C. Department Fiscal Review: *Delia M. West*

III. REVIEW COMMENTS

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

[Signature]
OFMB
10/26/10

[Signature] *10/26/10*
Contract Development and Control

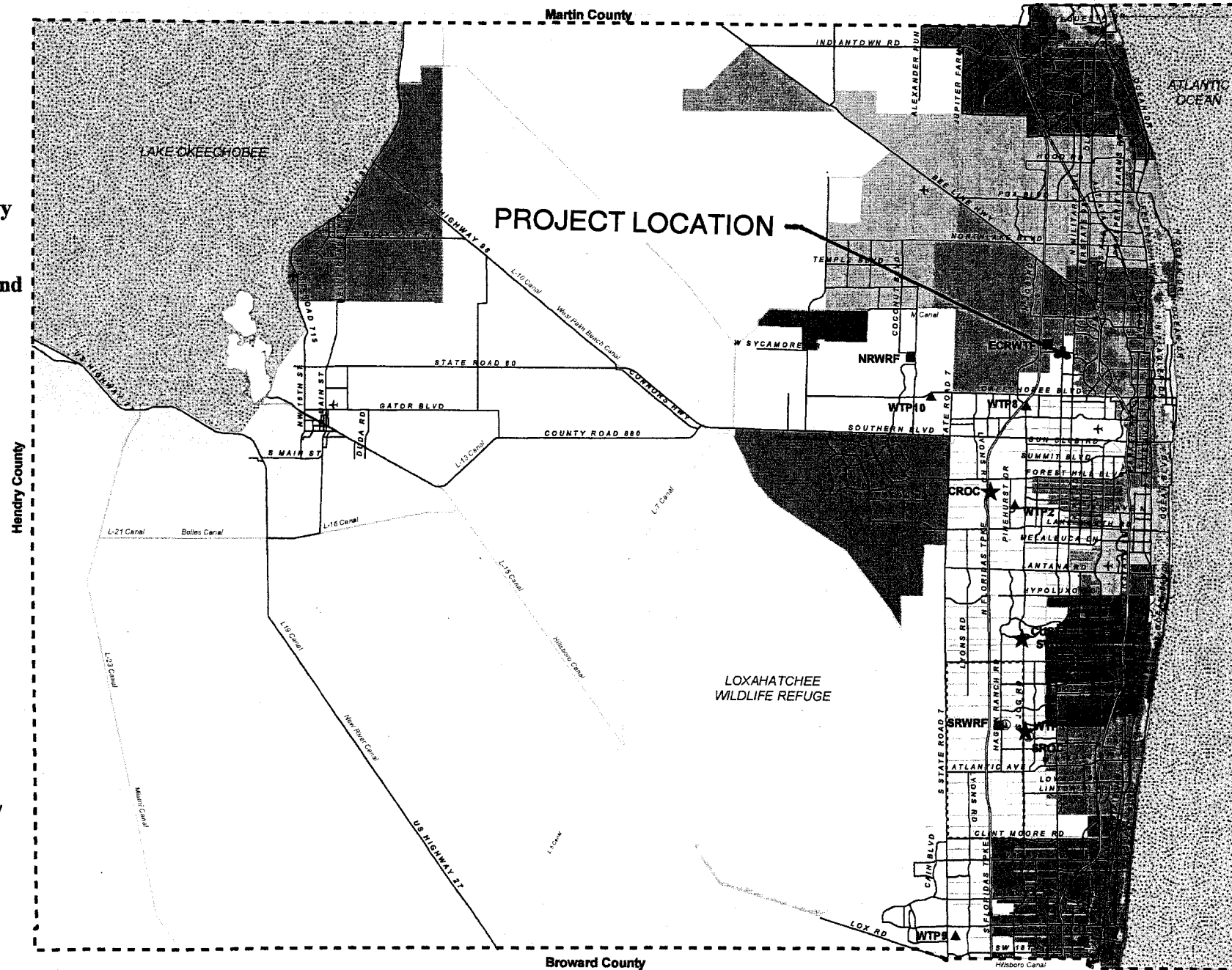
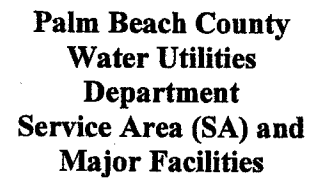
B. Legal Sufficiency:

[Signature] *11/1/10*
Assistant County Attorney

C. Other Department Review:

Department Director

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



ATTACHMENT 2

Prepared by and return to:
Palm Beach County Water Utilities Department
Attn: Plan Review
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed this 16th day of November, 2010, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd., West Palm Beach, Florida 33413, to Hovsite Catalina, LLC, whose address is 3601 Quantum Blvd., Boynton Beach, FL 33426, second party:

WITNESSETH:

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 20823, Page 1875, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT as shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A."

IN WITNESS WHEREOF the first party has caused this PARTIAL RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

Sharon R. Bock, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney



949A Clint Moore Road
Boca Raton, Florida 33487

Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

PBCWUD EASEMENT ABANDONMENT

LEGAL DESCRIPTION

A PORTION OF PARCEL A OF "MARAVILLA AT VILLAGO", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 105 AT PAGES 51 AND 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL A; THENCE SOUTH 88°14'00" EAST, ALONG THE NORTH LINE OF SAID PARCEL A, A DISTANCE OF 159.95 FEET TO THE POINT OF BEGINNING (SAID POINT ALSO BEING THE NORTHWEST CORNER OF A PALM BEACH COUNTY WATER UTILITIES DEPARTMENT EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 20823 AT PAGE 1875 OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 88°14'00" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 251.49 FEET; THENCE SOUTH 01°59'20" WEST, A DISTANCE OF 35.00 FEET; THENCE NORTH 88°14'00" WEST, ALONG THE SOUTH LINE OF SAID EASEMENT, A DISTANCE OF 251.36 FEET; THENCE NORTH 01°46'00" EAST, ALONG THE WEST LINE OF SAID EASEMENT, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA.

NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. EASEMENTS AND RIGHTS-OF-WAY REFLECTED IN TITLE COMMITMENT NUMBER 51000-09, AS PREPARED BY TICOR TITLE INSURANCE COMPANY, EFFECTIVE DATE: DECEMBER 11, 2009 AT 8:00 AM, HAVE BEEN PLOTTED HEREON.
3. BEARINGS ARE BASED ON THE NORTH LINE OF SAID PLAT HAVING A BEARING OF SOUTH 88°14'00" EAST, ACCORDING TO SAID PLAT.

ABBREVIATIONS

B.C.R..	-	BROWARD COUNTY RECORDS
L	-	ARCLength
CONC.	-	CONCRETE
COR.	-	CORNER
D	-	DELTA (CENTRAL ANGLE)
D.E.	-	DRAINAGE EASEMENT
I.R.	-	IRON ROD
I.R.C.	-	IRON ROD AND CAP
L.B.	-	LICENSED BUSINESS
L.S.	-	LICENSED SURVEYOR
MON.	-	MONUMENT
O.R.B.	-	OFFICIAL RECORDS BOOK
P.O.B.	-	POINT OF BEGINNING
P.O.C.	-	POINT OF COMMENCEMENT
P.B.	-	PLAT BOOK
P.B.C.R.	-	PALM BEACH COUNTY RECORDS
PBCWUD	-	PALM BEACH COUNTY WATER UTILITIES DEPARTMENT
PG.	-	PAGE
P.S.M.	-	PROFESSIONAL SURVEYOR & MAPPER
R/W	-	RIGHT-OF-WAY
U.E.	-	UTILITY EASEMENT

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.


JEFF S. HOAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

Project Name:	CATALINA	EASEMENT ABANDONMENT	DATE:	6/25/2010
JOB NO.	09197	DWG BY:	JSH	
		CK'D By:	JSH	SHEET 1 OF 2

SDA #

Prepared by and Return to:
Palm Beach County Water Utilities Department
P.O. Box 16097 Attn: Engineering Div..
West Palm Beach, Florida 33416-6097

CFN 20060517416
OR BK 20823 PG 1875
RECORDED 09/08/2006 08:34:58
Palm Beach County, Florida
AMT 10.00

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 23 day of August, 2006, by Houstone Properties Florida LLC (hereinafter referred to as "Grantor"), whose address is 1275 GAILWAY BLVD, BOYNTON BEACH FL 33426 to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor 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 utility easement or portion thereof can also be utilized for a wastewater pump station and may be fenced in for access control purposes. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

Signed, sealed and delivered
in the presence of:

x Sally Hamerman
Witness Signature
Sally Hamerman
Print Name
x Gemma S. MacNeil
Witness Signature
Gemma S. MacNeil
Print Name

GRANTOR:

x Stephen B. Liller
Signature
STEPHEN B. LILLER VP
Print Name (and Title if applicable)

Signature

Print Name (and Title if applicable)

NOTARY CERTIFICATE

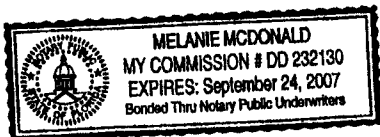
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 23 day of August, 2006, by Stephen B. Liller and Gemma S. MacNeil who is/are personally known to me or who has produced Florida as identification.

My Commission Expires: 9/24/06

Melanie McDonald
Notary Signature

Melanie McDonald
Typed, Printed or Stamped Name of Notary



PBC WATER UTILITIES

AUG 24 2010

ENGINEERING

DESCRIPTION:

A PORTION OF PARCEL A, "MARAVILLA AT VILLAGO" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 105, PAGES 51 THROUGH 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S88°14'00"E ALONG THE NORTH LINE THEREOF, A DISTANCE OF 159.95 FEET TO THE POINT OF BEGINNING NO. 1; THENCE CONTINUING S88°14'00"E SAID NORTH LINE, A DISTANCE OF 303.49 FEET; THENCE S01°59'20"W, A DISTANCE OF 59.10 FEET; THENCE S88°00'39"E, A DISTANCE OF 144.00 FEET; THENCE S01°59'19"W, A DISTANCE OF 44.00 FEET; THENCE N88°00'40"W, A DISTANCE OF 144.00 FEET; THENCE S01°59'20"W, A DISTANCE OF 122.00 FEET; THENCE S88°00'39"E, A DISTANCE OF 142.24 FEET; THENCE S01°59'21"W, A DISTANCE OF 44.00 FEET; THENCE N88°00'40"W, A DISTANCE OF 142.24 FEET; THENCE S01°59'20"W, A DISTANCE OF 41.00 FEET; THENCE S43°00'40"E, A DISTANCE OF 9.90 FEET; THENCE S88°00'40"E, A DISTANCE OF 132.00 FEET; THENCE N46°59'21"E, A DISTANCE OF 21.21 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID PARCEL A; THENCE S01°59'20"W ALONG SAID EAST LINE, A DISTANCE OF 124.87 FEET; THENCE N43°00'39"W, A DISTANCE OF 28.28 FEET; THENCE N88°00'39"W, A DISTANCE OF 121.72 FEET; THENCE S49°10'24"W, A DISTANCE OF 23.55 FEET; THENCE S01°59'22"W, A DISTANCE OF 31.00 FEET; THENCE S88°00'39"E, A DISTANCE OF 147.39 FEET; THENCE S01°59'20"W, A DISTANCE OF 44.00 FEET; THENCE N88°00'39"W, A DISTANCE OF 147.39 FEET; THENCE S01°59'20"W, A DISTANCE OF 55.75 FEET; THENCE S88°00'40"E, A DISTANCE OF 10.00 FEET; THENCE S01°59'20"W, A DISTANCE OF 148.58 FEET; THENCE N88°00'40"W, A DISTANCE OF 10.00 FEET; THENCE S01°59'20"W, A DISTANCE OF 47.00 FEET; THENCE S88°00'41"E, A DISTANCE OF 145.18 FEET; THENCE S01°59'20"W, A DISTANCE OF 44.00 FEET; THENCE N88°00'39"W, A DISTANCE OF 188.68 FEET; THENCE N01°59'22"E, A DISTANCE OF 4.38 FEET; THENCE N88°00'40"W, A DISTANCE OF 354.22 FEET; THENCE S01°51'48"W, A DISTANCE OF 45.00 FEET; THENCE S88°00'39"E, A DISTANCE OF 84.00 FEET; THENCE S01°51'49"W, A DISTANCE OF 25.81 FEET; THENCE N88°34'18"W, A DISTANCE OF 20.00 FEET; THENCE N01°51'49"E, A DISTANCE OF 6.01 FEET; THENCE N88°00'39"W, A DISTANCE OF 84.00 FEET; THENCE N01°51'48"E, A DISTANCE OF 73.36 FEET; THENCE N65°20'00"W, A DISTANCE OF 9.76 FEET; THENCE N01°51'48"E, A DISTANCE OF 128.87 FEET TO POINT "A"; THENCE S88°00'40"E, A DISTANCE OF 375.03 FEET; THENCE N01°59'20"E, A DISTANCE OF 64.18 FEET; THENCE N88°00'40"W, A DISTANCE OF 6.00 FEET; THENCE N01°59'21"E, A DISTANCE OF 160.94 FEET; THENCE N52°17'59"W, A DISTANCE OF 67.40 FEET; THENCE N40°44'16"E, A DISTANCE OF 49.61 FEET; THENCE N43°00'30"W, A DISTANCE OF 10.06 FEET; THENCE N40°44'16"E, A DISTANCE OF 16.33 FEET; THENCE S43°00'30"E, A DISTANCE OF 10.06 FEET; THENCE N40°44'16"E, A DISTANCE OF 1.61 FEET; THENCE N50°41'08"E, A DISTANCE OF 31.22 FEET; THENCE N01°59'20"E, A DISTANCE OF 274.98 FEET; THENCE N88°14'00"W, A DISTANCE OF 251.36 FEET; THENCE N01°46'00"E, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING NO. 1.

TOGETHER WITH

COMMENCING AT AFORESAID POINT "A"; THENCE S30°25'13"E, A DISTANCE OF 58.04 FEET TO POINT OF BEGINNING NO. 2; THENCE S88°00'40"E, A DISTANCE OF 345.42 FEET; THENCE S01°59'20"W, A DISTANCE OF 48.00 FEET; THENCE N88°00'40"W, A DISTANCE OF 345.32 FEET; THENCE N01°51'48"E, A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING NO. 2

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO THE RECORD PLAT BASED ON THE EAST LINE OF PARCEL A, BEARING, S01°59'20"W.
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON FEBRUARY 7, 2006. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 2



CAULFIELD & WHEELER, INC.

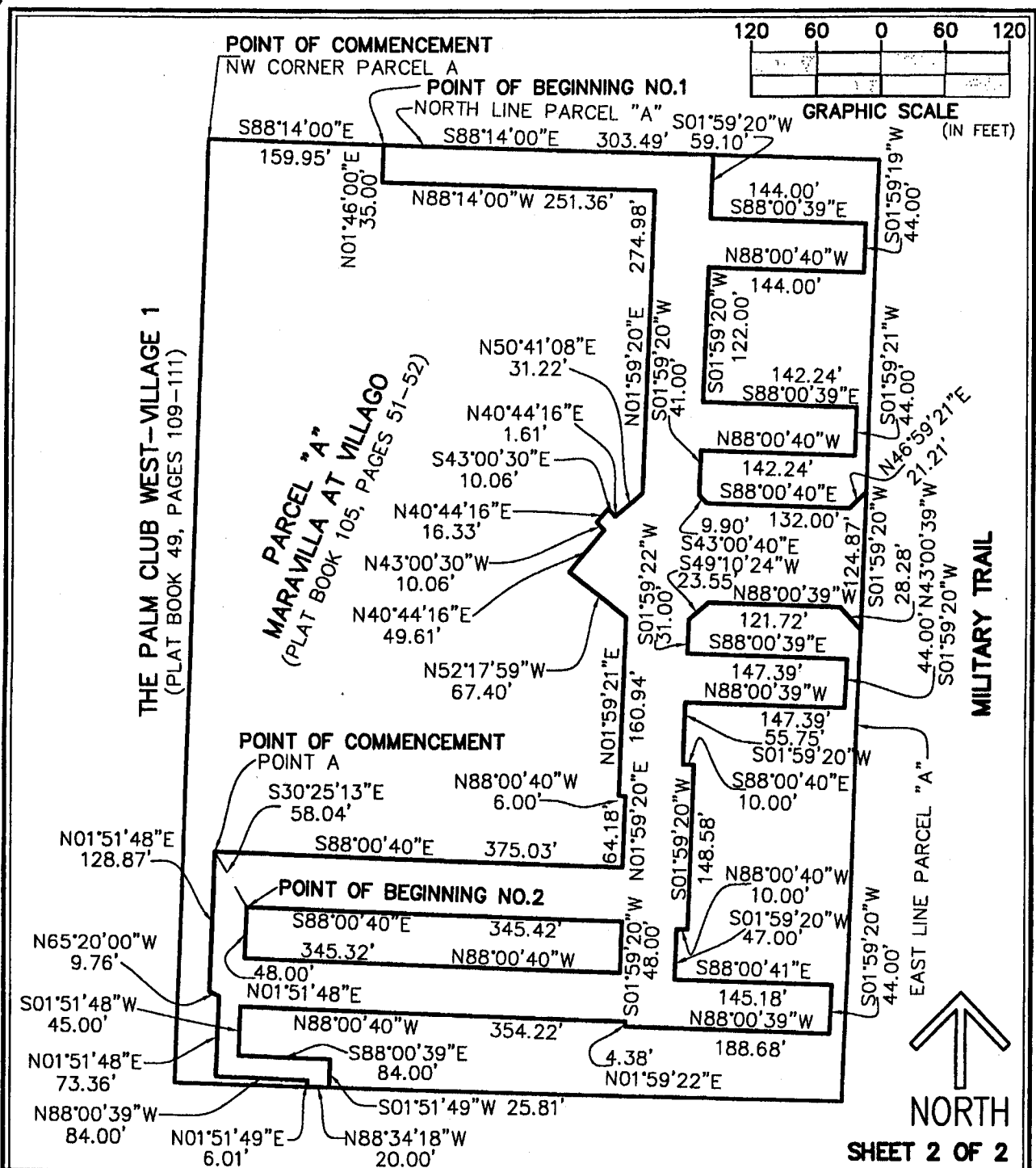
CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING
7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452



DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

MARAVILLA AT VILLAGO
UTILITY EASEMENT
SKETCH OF DESCRIPTION

DATE	2/7/06
DRAWN BY	DPL
F.B. / PG.	N/A
SCALE	N/A
JOB NO.	4700



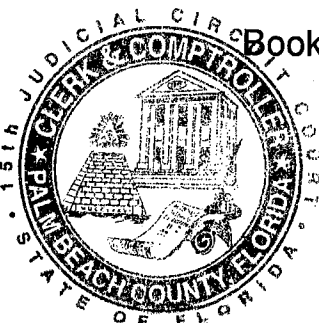
CAULFIELD & WHEELER, INC.
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7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452



DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE	2/8/06
DRAWN BY	DPL
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	4700FPL

MARAVILLA AT VILLAGO
UTILITY EASEMENT
SKETCH OF DESCRIPTION



Book20823/Page1877

Page 3 of 3

I hereby certify that the foregoing is a true copy
of the record in my office this day, Aug 19, 2010.

Sharon R. Bock, Clerk Circuit Court, Palm Beach County, Florida
BY M. J. [Signature] Deputy Clerk