

Agenda Item # : 3-C-8

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 7, 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 Declaration of Easement providing signal easement rights over Palm Beach County owned property for use by the Engineering Department.

SUMMARY: Approval of this Declaration of Easement will permit the Engineering Department to install and maintain a signal pole and related controls over a parcel of land located at the southwest corner of Summit Boulevard and Davis Road.

District ²~~1~~ (PK)

Background and Justification: The School Board of Palm Beach County (School Board) requested that the Traffic Division of the Engineering Department install and maintain signalization at the intersection of Summit Boulevard and Davis Road. Palm Beach County (County) owns the fee interest at the southwest corner upon which the main branch of the County Library system (Library Parcel) is located. The Library Parcel is under the management of the County Property and Real Estate Management Division (PREM) and PREM concurs with this declaration. Two other traffic devices will be installed on the southeast and northeast corners of the intersection. These other two sites are owned by the School Board and the Credit Union of Palm Beach County respectively and signal easements have been donated to the County by them.

Attachments:

- 1. Location Map
- 2. Declaration of Easement with Exhibit "A."

Recommended by:

[Signature]
Division Director

Date

11/9/10 *[Signature]*

Approved by:

[Signature]
County Engineer

Date

11/23/10

[Signature]
RAG

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
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 a no fiscal impact.

C. Departmental Fiscal Review: Amellhite

III. REVIEW COMMENTS

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

 N. Diaz 11/24/2010
OFMB
11/24/10

 Dr. J. Gray 11/24/10
Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

 Paul F. F. 11/29/10
Assistant County Attorney

C. Other Department Review:

 R.C.H.
Department Director
REM

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

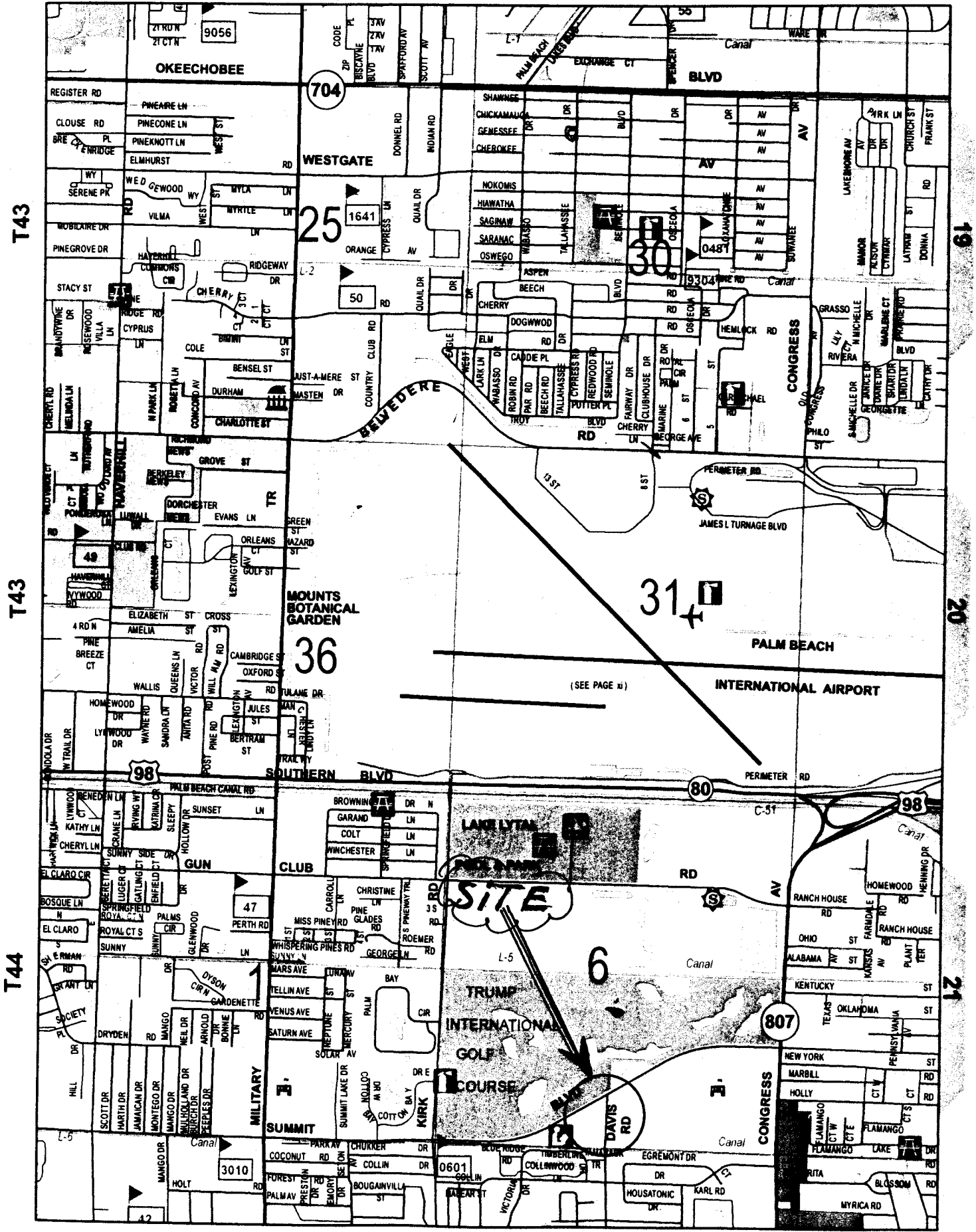
R42

See pg 58

R43

F

E



T43

T43

T44

704

25

36

3010

31

SITE

TRUMP INTERNATIONAL GOLF COURSE

6

F

See pg 80

E

Attachment 1 page 1 of 1 70

Return to:

Right-of-Way Acquisition Section
Palm Beach County Engineering
Post Office Box 21229
West Palm Beach, FL 33416
Attn: Richard A. Graddock
Acct; No 1010 **W/C Box 1066**

This instrument prepared by:

Paul King, Esq.
Assistant County Attorney
Palm Beach County
P.O. Box 21229
West Palm Beach, FL 33416

DECLARATION OF EASEMENT

THIS DECLARATION OF PERPETUAL EASEMENT (Easement) is made this ____ day of _____, 2010, by The Board of County Commissioners of Palm Beach County, Florida, whose mailing address is c/o Palm Beach County Engineering Department, 2300 N. Jog Road, West palm Beach, FL 33411 (hereinafter referred to as "County").

WITNESSETH:

WHEREAS, County is the fee simple owner of the property described in Exhibit "A" attached hereto and made part hereof; and,

WHEREAS, County desires to declare an easement for construction, operation and maintenance of signal works on said property for the benefit of pedestrian and motoring traffic control.

NOW THEREFORE, County hereby declares a non-exclusive perpetual signal easement in, over, across, on, under and through the real property located in Palm Beach County, Florida, described in Exhibit "A" attached hereto and incorporated herein by reference and hereinafter referred to as the "Easement Parcel".

This easement is given for the purpose of permitting the County Engineering Department, its agents, servants and employees to construct, maintain, replace and operate traffic signal equipment, including but not limited to signal foundation, poles and signal controller equipment in, over, on, across, under, above, and within, the Easement Parcel. This easement shall permit County Engineering Department at any time to install, bore, alter, improve, enlarge, add to, change the nature and physical characteristics of, or replace,

remove relocate, maintain and perform any other related activities with reference to such facilities. The County Engineering Department shall have the right, but not the obligation to remove any of the soil and/or subsoil, in accordance with current or future construction plans, within the easement area.

The easement declared herein shall constitute an easement running with the land and shall burden the Easement Parcel.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise incident or appertaining to the use, benefit and behoof of the County Engineering Department forever.

IN WITNESS WHEREOF the said County 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

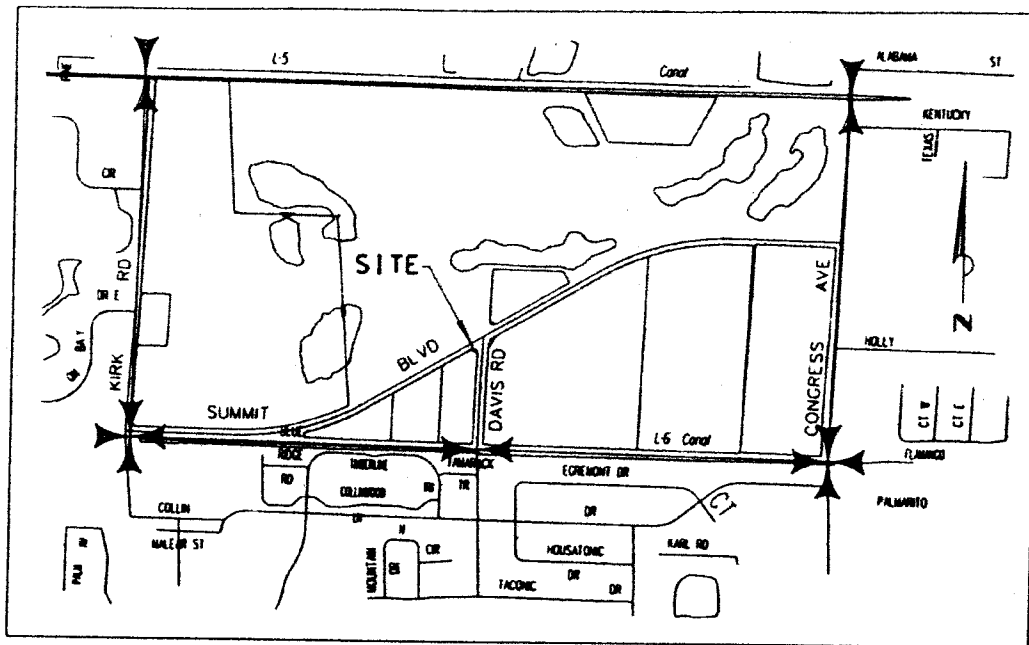
PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY COMMISSIONERS

BY: _____
Clerk (or Deputy Clerk)

BY: _____
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
County Attorney



LOCATION MAP

LEGAL DESCRIPTION NOT TO SCALE

A PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE NORTH $88^{\circ}31'41''$ WEST ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE 40.00 FEET; THENCE NORTH $02^{\circ}00'27''$ EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF DAVIS ROAD ACCORDING TO ROAD PLAT BOOK 3, PAGES 181-182 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 709.14 FEET TO THE POINT OF BEGINNING; THENCE NORTH $02^{\circ}00'27''$ EAST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 8.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF $121^{\circ}19'00''$; THENCE NORTHWESTERLY AND SOUTHWESTERLY ALONG THE ARC OF A CURVE A DISTANCE OF 52.93 FEET TO THE POINT OF TANGENCY OF A CURVE INTERSECTING THE SOUTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD, SAID ROAD PLAT BOOK 3, PAGES 181-182; THENCE SOUTH $60^{\circ}41'27''$ WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 8.90 FEET; THENCE SOUTH $58^{\circ}39'03''$ EAST A DISTANCE OF 52.30 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 766 SQUARE FEET OR 0.0176 ACRES.

THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA, 33411.

Norman J. Howard
NORMAN J. HOWARD, P.S.M.
FLORIDA CERTIFICATE NO. 5776

4-30-10
DATE

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

PROJECT NO. 2010006-02	PROJECT: SUMMIT BOULEVARD & DAVIS ROAD TRAFFIC SIGNAL EASEMENT	NO.	REVISION	BY	DATE
	DESIGN FILE NAME: 2010006.DGN	DRAWING NO. S-1-10-3101	SCALE: 1"=40'	APPROVED BY: N.J.H.	DRAWN BY: D.Z.B.
		DATE: 4-23-10	FIELD BOOK NO.		

PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

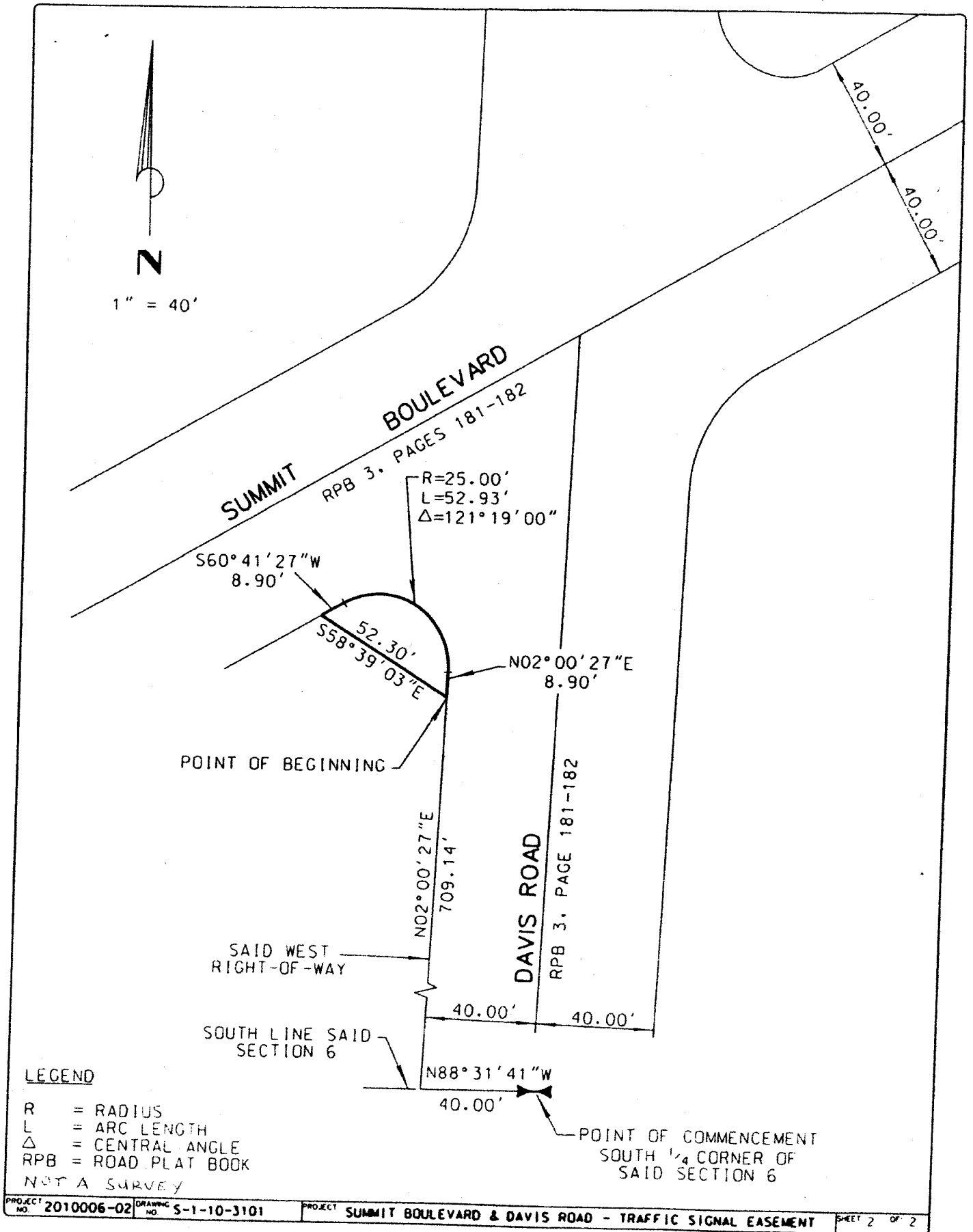


Exhibit "A" of ATTACHMENT 2
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