

Agenda Item # :

3-C-7

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: January 11, 2011

☒ **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 Release of Easement Rights for ingress/egress and utility rights.

SUMMARY: Approval of this Release of Easement Rights for ingress/egress and utility rights along this small (less than 10,000 square feet) east/west strip of property will enable the Palm Beach County Department of Airports to redevelop property along 5th and 6th Street, north of Palm Beach International Airport.

District 2 (PK)

Background and Justification: The Department of Airports (DOA) requested the Engineering Department obtain Board of County Commissioners (Board) approval for the release of all easement rights in an easement for ingress/egress and public utility purposes over property described in Exhibit "A" to Attachment 2. Specifically, this includes a 30 foot wide ingress/egress and public utility easement between 5th and 6th Street, north of Belvedere Road and west of 5th Street, referred to and recorded in ORB 6580, page 738. The United States of America originally created the 30 foot easement when it conveyed the property in 1962, ORB 823, page 405. This release is part of the DOA's effort to redevelop property encumbered by this easement. Letters of no objection to this release by the affected utility entities is detailed in Attachment 3. Approval of this Release of Easement Rights is in the best interest of the residents of Palm Beach County.

Attachments:

1. Location Map
 2. Letter Request from Department of Airports to Engineering Department
 3. Release of Easement Rights with Exhibit "A"
 4. Utility company letters of no objection.
-
-

Recommended by:

Division Director

Date

Approved by:


County Engineer

12/29/10
Date

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 _____

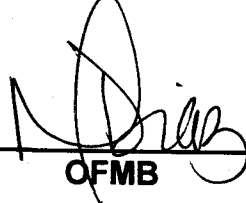
B. Recommended Sources of Funds/Summary of Fiscal Impact:

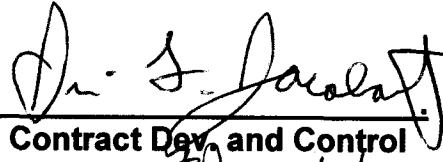
This item has no fiscal impact.

C. Departmental Fiscal Review: Atwillhite

III. REVIEW COMMENTS

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


OFMB
01/03/2011
5/2/2010
12/30/10
2/22/11


Contract Dev. and Control
1/13/11
6 Jan 11/3/11

B. Approved as to Form and Legal Sufficiency:

Paul F. [Signature] *1/4/11*
Assistant County Attorney

C. Other Department Review:

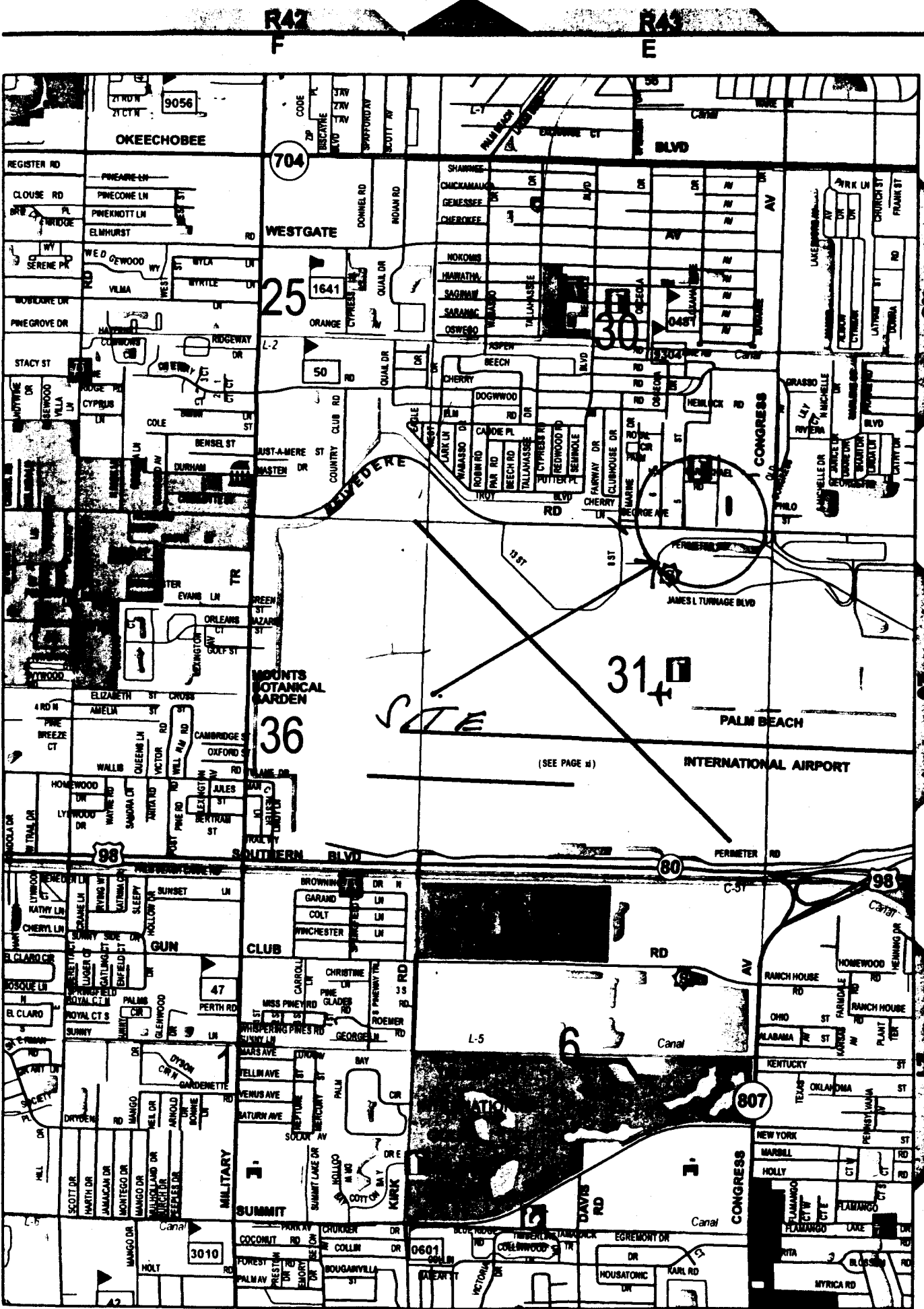
Department Director

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

T43

T43

T44



Revised August 16, 2010

Richard Graddock
Palm Beach County Engineering
Right of Way Section
2300 N. Jog Road
West Palm Beach, FL 33411-2745

urban
design
kilday
STUDIOS

Urban Planning and Design
Landscape Architecture
Communication Graphics

RE: PBIA Request for Release for Easement (ORB 6580/738
and ORB 823/405)
PBIA Parcel C
Our File No. 08-153.000

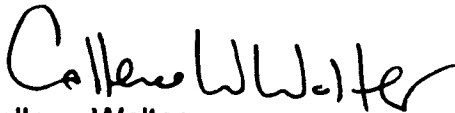
Dear Mr. Graddock,

This letter shall serve as a request on behalf of the Palm Beach County Department of Airports to Palm Beach County Department of Engineering for the release of all interests in an easement described in the attached updated Exhibit "A", prepared by Glenn W. Mark, Palm Beach County Survey and dated November 9, 2009. Specifically, this release would include a 30 foot wide ingress/egress and public utility easement between 5th Street and 6th Street, north of Belvedere Road and west of 5th Street, as recorded in ORB 6580, page 738 and ORB 823, page 405.

As required, attached are letters of no objection from Comcast, FPL, PBC WUD and Florida Public Utilities. AT&T has existing service lines in close proximity to this easement but not within it. They have extinguished all rights to this easement as part of a Utility Easement Agreement between Palm Beach County and Bellsouth Communications, Inc. d/b/a AT&T Florida, to be executed by the Palm Beach Board of County Commission on August 17, 2010. A copy of the agenda item is attached.

Please let me know if you need any additional information to prepare this release to be placed on a forthcoming Board of County Commission agenda. I can be reached at (561)366-1100 or cwalter@udkstudios.com

Sincerely,



Collene Walter
Attachments – Utility Provider Letters of No Objection

cc: Jerry Allen, PBIA
Ray Walter, PBIA
Glenn Mark, PBC Survey

477 S. Rosemary Avenue
Suite 225 - The Lofts at CityPlace
West Palm Beach, FL 33401
561.366.1100 561.366.1111 fax
www.udkstudios.com
LCC000035

RETURN TO:
NAME: PALM BEACH COUNTY
R/W ACQUISITION SECTION
POST OFFICE BOX 21229
ADDRESS: WEST PALM BEACH, FLORIDA 33416
ATTN: Richard A. Graddock
ACCT. NO.: 1010 **W/C BOX 1066**

RELEASE OF EASEMENT RIGHTS

Whereas, the following Easement was recorded in Public Records of Palm Beach County, Florida:

<u>Date Recorded</u>	<u>Official Record Book / Page</u>	<u>Parcel No. & Grantor</u>
April 4, 1990	ORB 6580/Page 738	The School Board of Palm Beach County

Whereas, Palm Beach County granted said easements for Ingress/Egress and public utility purposes over the property described in Exhibit "A" attached hereto and made part hereof; and,

Whereas, there is no longer any need for Ingress/Egress or utility service to the underlying or surrounding parcel(s), and all affected utilities have indicated that they have no objection to the release of the above referenced Ingress/Egress and Public Utility Rights easement which are being released hereby; and,

Whereas release of the easement rights referred to in ORB 6580, Page 738 will aid the Palm Beach County Department of Airports in redevelopment of the property encumbered by said easement.

NOW, THEREFORE, the Board of County Commissioners of Palm Beach County does hereby release the Easements Rights that are described above and which encumber the property described in Exhibit "A" attached, all recorded in the Public Records of Palm Beach County, Florida.

IN WITNESS WHEREOF the said party of the first part 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:
BY SHARON R. BOCK,
Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA,
ITS BOARD OF COUNTY
COMMISSIONERS

BY: _____
Clerk (or Deputy Clerk)

BY: _____
Chair

Karen T. Marcus, Chair

APPROVED AS TO FORM AND :
LEGAL SUFFICIENCY

BY: _____
County Attorney

EXHIBIT "A"
RELEASE OF A PORTION OF
THE 30' INGRESS/EGRESS & PUBLIC
UTILITY EASEMENT PER OFFICIAL RECORD BOOK
6580. PAGE 738 & OFFICIAL RECORD BOOK 823. PAGE 405

ALL THAT PORTION OF THE FOLLOWING DESCRIBED 30 FOOT INGRESS/EGRESS
& PUBLIC UTILITY EASEMENT OF PARCEL 1 RECORDED IN OFFICIAL RECORD
BOOK 6580. PAGE 738 AND OFFICIAL RECORD BOOK 823. PAGE 405. LYING
IN SECTION 30. TOWNSHIP 43 SOUTH. RANGE 43 EAST. ALL OF THE PUBLIC
RECORDS OF PALM BEACH COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED
AS FOLLOW:

THE NORTH 30.00 FEET. LESS THE WEST 30.00 FEET. OF THE FOLLOWING
DESCRIBED PARCEL:

PARCEL 1

A PARCEL OF LAND LYING IN THE SE 1/4 OF SECTION 30. TOWNSHIP 43
SOUTH. RANGE 43 EAST. PALM BEACH COUNTY, FLORIDA: AND MORE
PARTICULARLY DESCRIBED AS FOLLOWS: TO WIT:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION. GO IN A WESTERLY
DIRECTION ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF
1.402.09 FEET TO A POINT; THENCE TURN AN ANGLE OF 90°00'15" MEASURED
FROM EAST TO NORTH AND GO NORTHERLY ALONG A LINE A DISTANCE OF
33.00 FEET TO A POINT. SAID POINT BEING THE POINT OF BEGINNING AND
LYING ON THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD; THENCE
CONTINUE ALONG THE SAME LINE A DISTANCE OF 970.50 FEET TO A POINT;
THENCE TURN AN ANGLE OF 89°59'45" MEASURED FROM NORTH TO WEST. AND
GO WESTERLY ALONG A LINE A DISTANCE OF 345.00 FEET TO A POINT;
THENCE TURN AN ANGLE OF 90°00'15". MEASURED FROM WEST TO SOUTH. AND
GO SOUTHERLY ALONG A LINE A DISTANCE OF 970.50 FEET TO A POINT.
SAID POINT LYING ON THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD;
THENCE TURN AN ANGLE OF 89°59'45" MEASURED FROM SOUTH TO EAST. GO
EASTERLY ALONG A LINE. SAID LINE BEING THE NORTH RIGHT-OF-WAY LINE
OF BELVEDERE ROAD. A DISTANCE OF 345.00 FEET TO THE POINT OF
BEGINNING.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS. AND FOR PUBLIC
UTILITIES OVER THE WEST 30 FEET THEREOF. AND SUBJECT TO AN EASEMENT
OF INGRESS AND EGRESS. AND FOR PUBLIC UTILITIES OVER THE NORTH 30
FEET THEREOF. AND SUBJECT TO AN EASEMENT OVER THE SOUTH 7 FEET
THEREOF FOR FUTURE WIDENING OF BELVEDERE ROAD.

PROJECT: PB1A
SHEET: 1
DATE: 7/22/09
2009013-13

PROJECT: PB1A
PROPERTIES RELEASE
PARCEL "C" (5th STREET)-
30' INGRESS/EGRESS
& PUBLIC UTILITY
REGION FILE NAME: S-1-09-2990.DGN
DRAWING NO.: S-1-09-2990

NO.	REVISION	BY	DATE
1	REVISED LIMITS	CWM	11/09/09
2	REVISED DISTANCE	CWM	04/20/10
3	REVISED TITLE	CWM	09/11/10

SCALE: 1" = 100'
DRAWN: E.A.D.
CHECKED: W.C.E.
DATE: 7/22/09
FIELD BOOK NO.: N/A

PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411
Exhibit A Page 1 of 4

SURVEYOR'S NOTES

SAID EASEMENT BEING ABANDONED CONTAINS 9.450 SQUARE FEET OR 0.2169 ACRES MORE OR LESS.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF "WESTERLY" ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.


THIS IS NOT A SURVEY.

IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

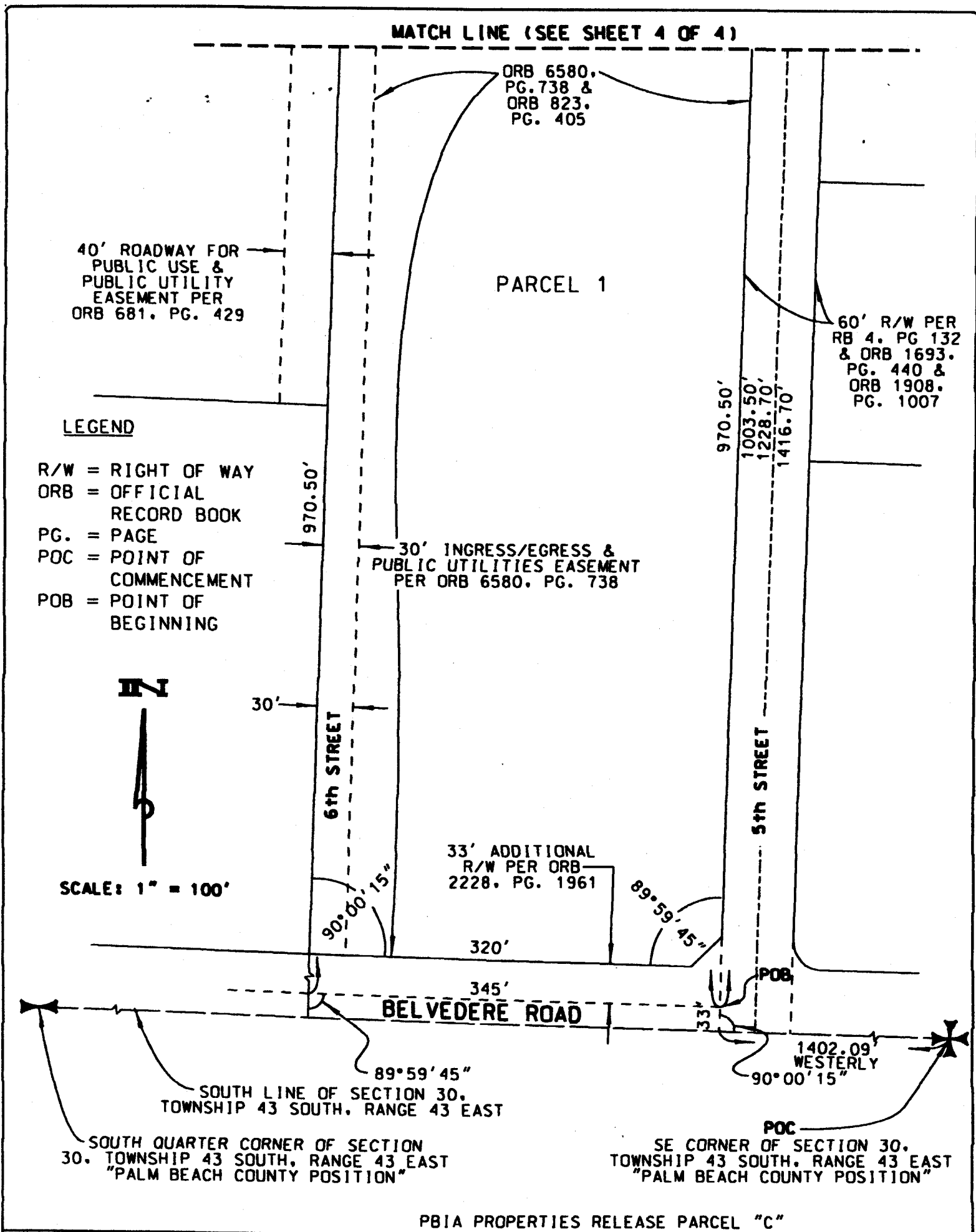
THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

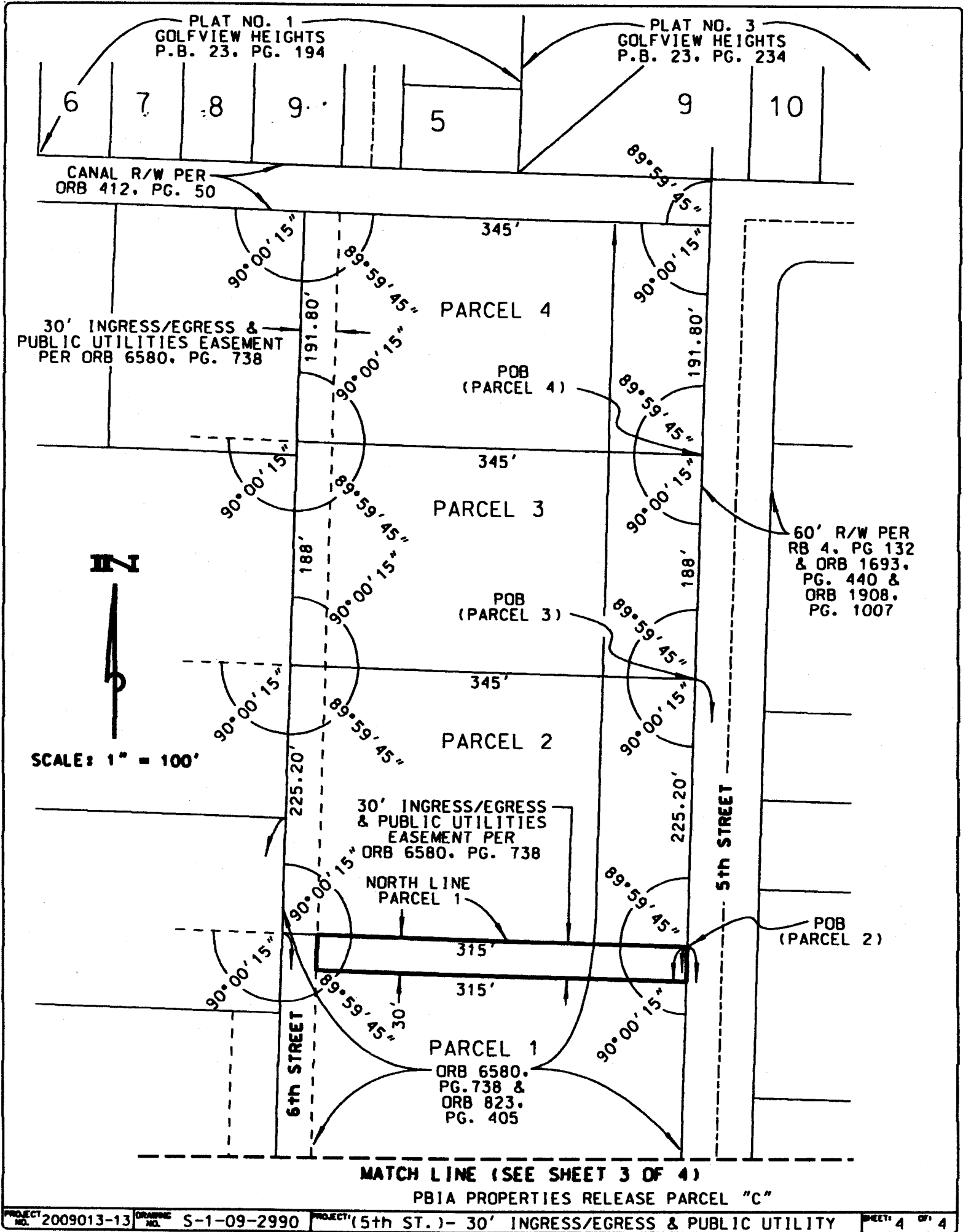
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


GLENN W. MARK, P.L.S.
FLORIDA CERTIFICATE #5304


DATE







Engineering Department
7201 N. Federal Highway
Boca Raton, Fl. 33487

Monday, November 30, 2009

Collene Walter
Urban Design Kilday Studios
477 S. Rosemary Avenue, #225
West Palm Beach, Fl 33401

RE: 30' Ingress/Egress & Public Utilities Easement Release
PBIA Parcel C – Easement Located between Fifth Street and Sixth Street

Dear Ms. Walter,

In reviewing your request on the above referenced petition, Comcast Cable Communications has no objections or conflicts with your proposed plans and it does not otherwise interfere with the provision of service to our customers.

Should you have any other questions, please feel free to call me at 561-454-5866.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald C. Stephens", written over a horizontal line.

Donald Stephens
Sr. Field Coordinator

ATTACHMENT 4 PAGE 1 of 4



Florida Power & Light Company, 810 Charlotte Ave, West Palm Beach, FL 33401
Phone: 561 616-1606, Fax: 561 616-1625

December 16, 2009

Collene W. Walter
Urban Design Kilday Studios
477 S. Rosemary Ave, Ste 225
West Palm Beach, FL 33401
Phone: (561) 366-1100

Subject: 30' Ingress/Egress & Public Utility Easement Release PBIA Parcel C- Easement
Located Between Fifth Street & Sixth Street.

A request has been made to Florida Power and Light to abandon its rights a on 30' Ingress/Egress & Public Utility Easement Release PBIA Parcel C- Easement Located Between Fifth Street & Sixth Street per ORB 6580 pg 738 & ORB 823 pg 405. Please see attached exhibit A and maps. Section colored Yellow

There are no FPL facilities on the utility easement mentioned above; therefore, there are no objections to the abandonment of the utility easement described above.

Sincerely,

Miguel Capellan
Engineer II
Florida Power & Light



**Water Utilities Department
Engineering**

P. O. Box 16097

West Palm Beach, FL 33416-6097

(561) 493-6000

Fax: (561) 493-6113

www.pbcwater.com

**Palm Beach County
Board of County
Commissioners**

Burt Aaronson, Chair

Karen T. Marcus, Vice Chair

Jeff Koons

Shelley Vana

Steven L. Abrams

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman



"An Equal Opportunity
Affirmative Action Employee"

December 07, 2009

Ms. Collene W. Walter
Urban Design Kilday Studios
477 S. Rosemary Ave. Suite 225
West Palm Beach, FL 33401

RE: Letter of "No Objection"
PBIA Parcel 'C' - 30' Ingress/Egress
& Public Utilities Easement ORB
6580 Pg. 738 & ORB 823 Pg. 405

Dear Ms. Walter:

In response to your request of November 24, 2009, please be advised that Palm Beach County Water Utilities has no objection to the abandonment of the 30' Ingress/Egress & Public Utilities Easement shown on ORB 6580 Pg. 738 & ORB 823 Pg. 405 located between 5th street and 6th street.

Respectfully,

A handwritten signature in cursive script that reads "John C. Roberts".

John C. Roberts, T.A.III

Attachment 4 page 3 of 4



FPUC Ref.: #002
11/16/09

Collene W. Walter
Urban Design Kilday Studios
477 S. Rosemary Ave.
Suite 225 – The Lofts at CityPlace
West Palm Beach, FL 33401

RE: 30' Ingress/Egress & Public Utilities Easement Release
PBIA Parcel C – Easement Located between Fifth St. and Sixth St.

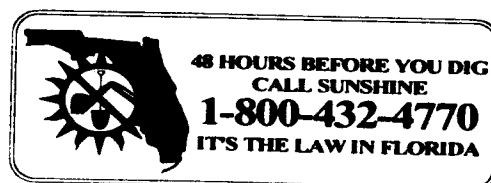
Dear Ms. Walter:

Please be advised that Florida Public Utilities Company has no objection to the release of a recorded easement for ingress/egress and public utilities as described in your letter.

At the present time, we have no underground gas distribution facilities located within the limits of the proposed abandonment. If you have any additional questions or concerns please feel free to call us 561-838-1768.

Sincerely,

Joseph Regallis
Engineering Technician



RECEIVED NOV 18 2009

Attachment 4 page 4 of 4