

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

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Meeting Date: February 1, 2011 [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 partial release of a Permanent Construction Easement 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 partial 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 16189, page 1358, 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 15 feet of Permanent Construction Easement overlapping 12 feet of right-of-way. The 12 feet portion of the Permanent Construction Easement overlapping the right-of-way is no longer required. A partial release of this easement is also recommended.

Attachments:

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

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Recommended by: [Signature] 12/20/10 [Signature]
Division Director Date

Approved by: [Signature] 12/20/10
County Engineer 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>
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>
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: J. White

III. REVIEW COMMENTS

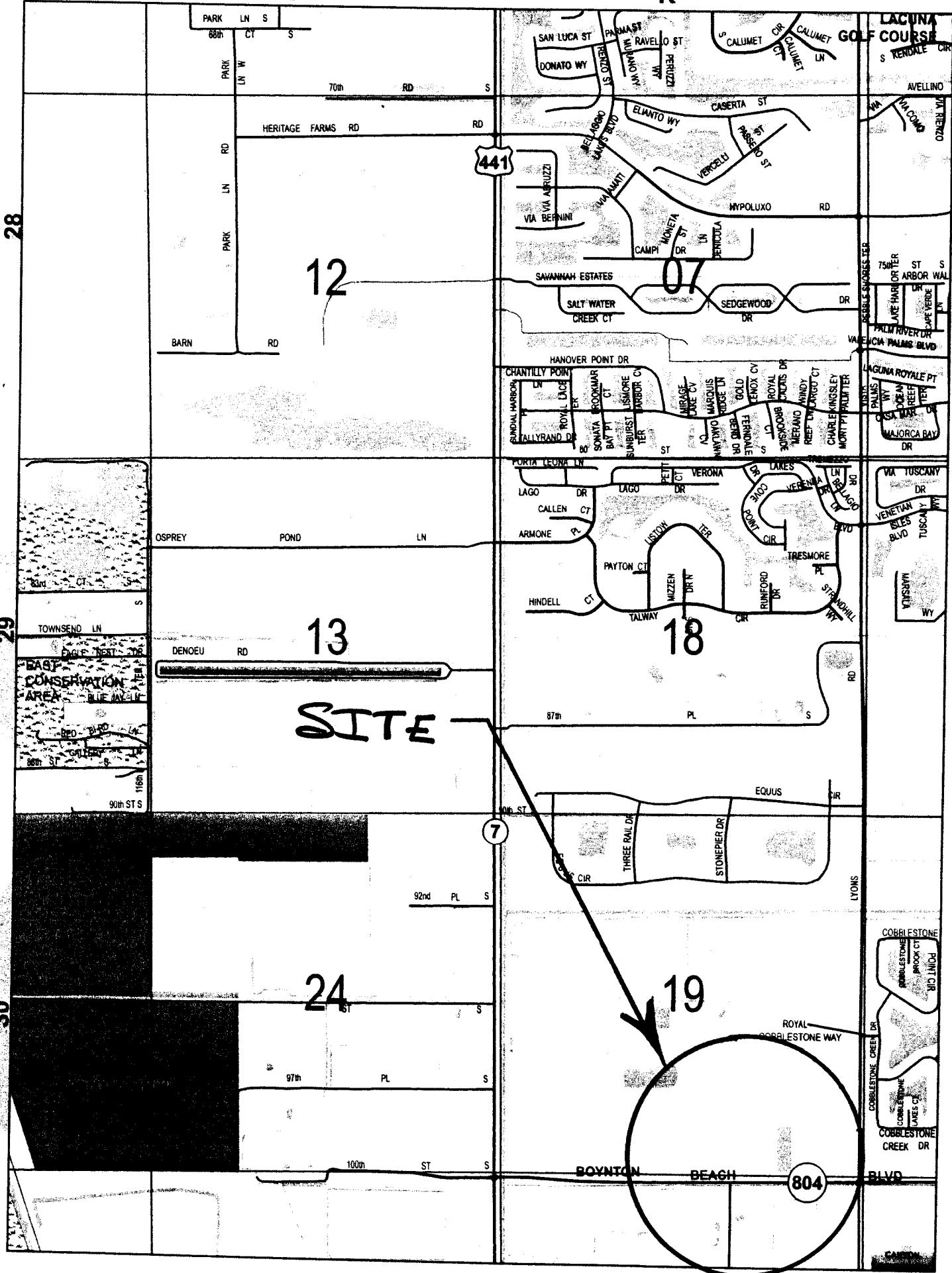
A. OFMB Fiscal and/or Contract Dev. and Control Comments:

N. Diaz 11/7/2011 Dr. J. Jacobson 11/10/11
 OFMB Contract Dev. and Control

B. Legal Sufficiency: ^{SD} 11/11/11
Paul F. S. 11/11/11
 Assistant County Attorney

C. Other Department Review:
 Department Director

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



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ATTACHMENT #1
LOCATION MAP

03-BSD.03-06/93

This instrument prepared under the direction of: Laurice C. Mayes, Esq. *Lamp/17/10*
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)
Prepared by: Associated Land Surveyors, Inc.
Document prepared by: Diana Helmer (10-04-10)
Department of Transportation
3400 W. Commercial Boulevard
Ft. Lauderdale, Florida 33309

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" and Exhibit "B" attached hereto and made a part hereof)
Legal Description and Sketch for
Tract "RW-1" and "RW-2" Bethesda West Hospital MUPD

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: _____
Karen T. Marcus, 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
, Chair or Vice-Chair, Board of County Commissioners, who is
personally known to me or who has produced _____ as
identification.

Typed name of Acknowledger
Deputy Clerk

LEGAL DESCRIPTION

TRACT "RW-1", BETHESDA WEST HOSPITAL MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113, PAGE 73, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 2,772 SQUARE FEET OR 0.06 ACRE, MORE OR LESS.

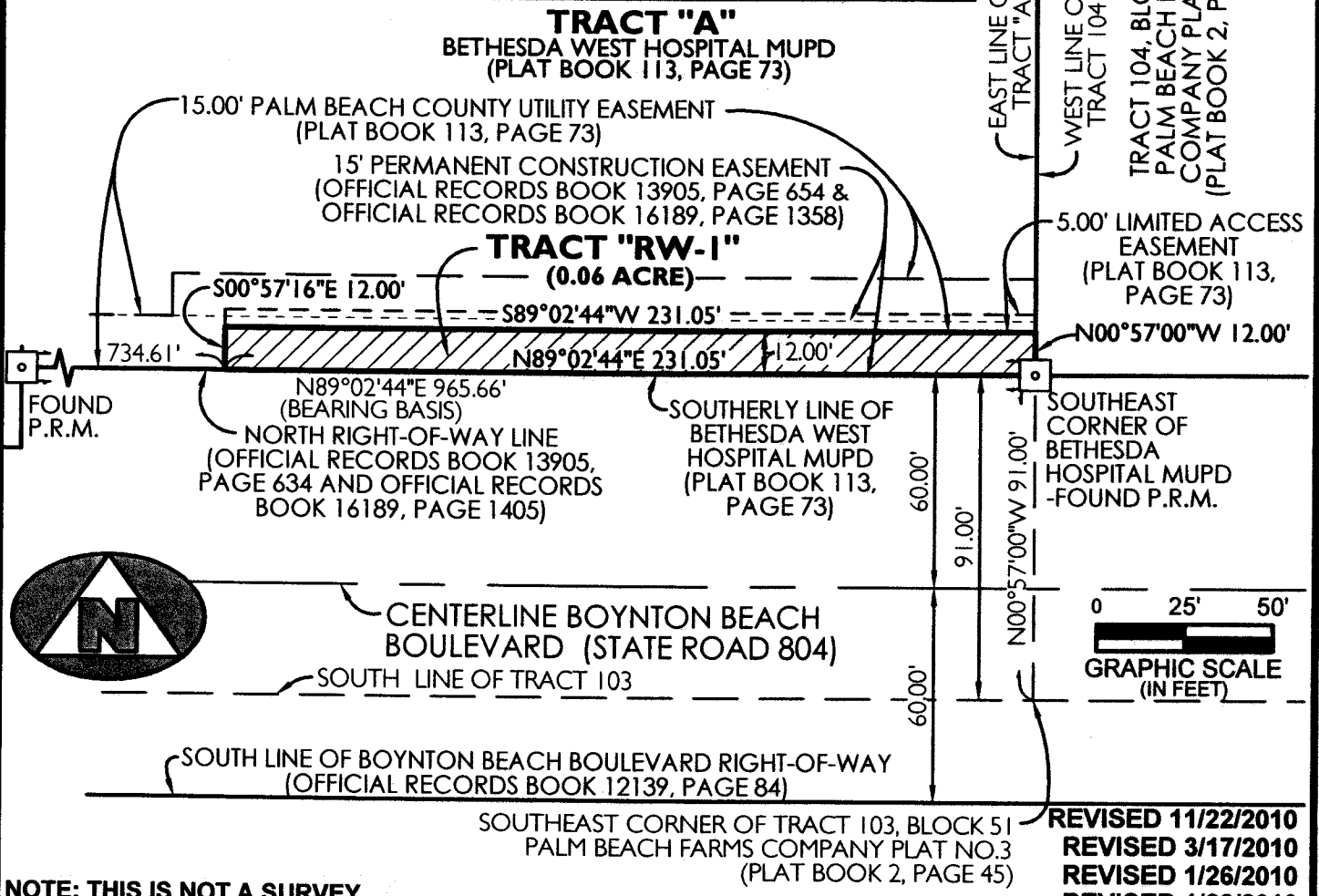
SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD

BY: *Stephen L. Shirley*
STEPHEN L. SHIRLEY, P.S.M. 3918

DATE: 11-22-2010

NOTES

- 1. P.R.M. = FOUND PERMANENT REFERENCE MONUMENT (P.R.M.) 4"x4" CONCRETE MONUMENT WITH DISK STAMPED LB 7344
- 2. THE BEARING BASIS (BASE BEARING) AS SHOWN HEREON, IS BASED ON THE STATE PLANE GRID AZIMUTH BEARING (N.A.D. 83/1990 ADJUSTMENT) OF N89°02'44"E ALONG THE SOUTHERLY LINE OF BETHESDA WEST HOSPITAL MUPD (PLAT BOOK 113, PAGE 73), AND ALL OTHER BEARINGS ARE RELATIVE THERETO.



NOTE: THIS IS NOT A SURVEY

REVISED 11/22/2010
 REVISED 3/17/2010
 REVISED 1/26/2010
 REVISED 1/22/2010

DESCRIPTION SKETCH OF:

TRACT "RW-1"
BETHESDA WEST HOSPITAL MUPD

ASSOCIATED LAND SURVEYORS, INC.
 4152 W. BLUE HERON BLVD. SUITE 121
 RIVIERA BEACH, FLORIDA 33404



PHONE: (561) 848-2102 FAX: (561) 844-9659 LB NO. 7344 EMAIL: als@alssurvey.net

FILE: P314-RW-PARCELS | DATE: 11/22/2010 | BY: BLS | CKD: | W.O.NO.: P314 | SHEET: 1 OF 1

ATTACHMENT #2
 EXHIBIT "A"

LEGAL DESCRIPTION

TRACT "RW-2", BETHESDA WEST HOSPITAL MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113, PAGE 73, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 3,960 SQUARE FEET OR 0.09 ACRE, MORE OR LESS.

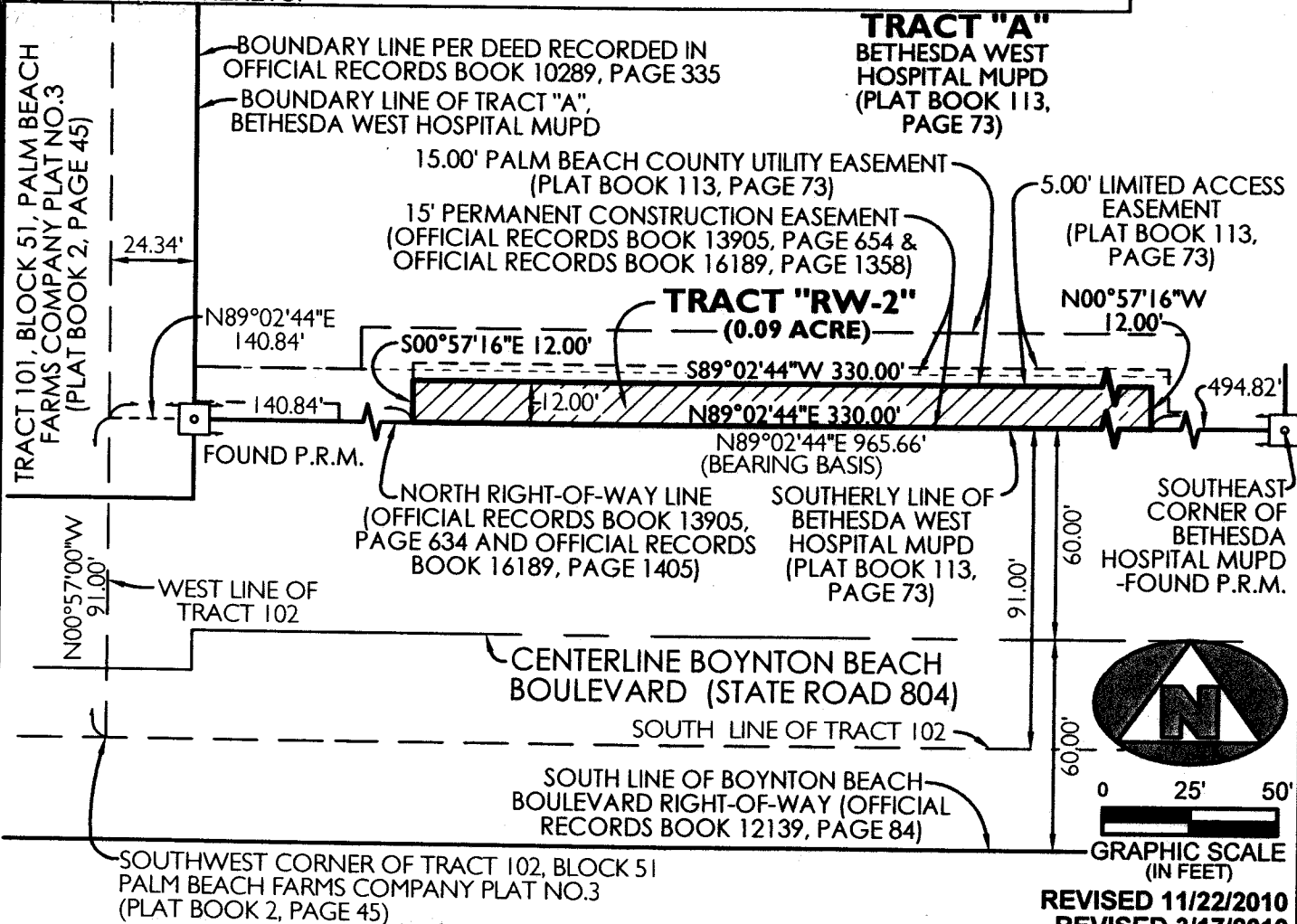
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REVISED 3/17/2010
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ATTACHMENT #2
EXHIBIT "B"

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: Sherry Wildner
Account No.: 1010

RELEASE OF PERMANENT CONSTRUCTION RIGHTS

Whereas, a Permanent Construction Easement, was recorded in Official Record Book 13905, Page 654, 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, a portion of 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 a portion of said Permanent Construction Easement as described in Official Record Book 13905, Page 654 and as assigned in Official Record Book 16189, Page 1358, Public Records, Palm Beach County, Florida that encumbers Tract "RW-1" and "RW-2", Bethesda West Hospital MUPD, according to the plat thereof, as recorded in Plat Book 113, Page 73, Public Records of Palm Beach County, Florida.

NOW, THEREFORE, the County does hereby release those portions of the easements as described in attached Exhibit "A" and Exhibit "B".

IN WITNESS WHEREOF, the County has caused this Release of Permanent Construction Easement Rights to be executed on this _____ day of _____, 2011.

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: _____
Karen T. Marcus, Chair

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

By: _____
County Attorney

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BY: Stephen L. Shirley
STEPHEN L. SHIRLEY, P.S.M. 3918

DATE: 11-22-2010

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TRACT "A"
BETHESDA WEST HOSPITAL MUPD
(PLAT BOOK 113, PAGE 73)

15.00' PALM BEACH COUNTY UTILITY EASEMENT
(PLAT BOOK 113, PAGE 73)

15' PERMANENT CONSTRUCTION EASEMENT
(OFFICIAL RECORDS BOOK 13905, PAGE 654 &
OFFICIAL RECORDS BOOK 16189, PAGE 1358)

TRACT "RW-1"
(0.06 ACRE)

S00°57'16"E 12.00'

S89°02'44"W 231.05'

734.61'

N89°02'44"E 231.05'

12.00'

FOUND
P.R.M.

N89°02'44"E 965.66'

(BEARING BASIS)

NORTH RIGHT-OF-WAY LINE
(OFFICIAL RECORDS BOOK 13905,
PAGE 634 AND OFFICIAL RECORDS
BOOK 16189, PAGE 1405)

SOUTHERLY LINE OF
BETHESDA WEST
HOSPITAL MUPD
(PLAT BOOK 113,
PAGE 73)

SOUTHEAST
CORNER OF
BETHESDA
HOSPITAL MUPD
-FOUND P.R.M.

60.00'

91.00'

N00°57'00"W 91.00'



CENTERLINE BOYNTON BEACH
BOULEVARD (STATE ROAD 804)

SOUTH LINE OF TRACT 103



SOUTH LINE OF BOYNTON BEACH BOULEVARD RIGHT-OF-WAY
(OFFICIAL RECORDS BOOK 12139, PAGE 84)

SOUTHEAST CORNER OF TRACT 103, BLOCK 51
PALM BEACH FARMS COMPANY PLAT NO.3
(PLAT BOOK 2, PAGE 45)

REVISED 11/22/2010
REVISED 3/17/2010
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ATTACHMENT #3
EXHIBIT "A"

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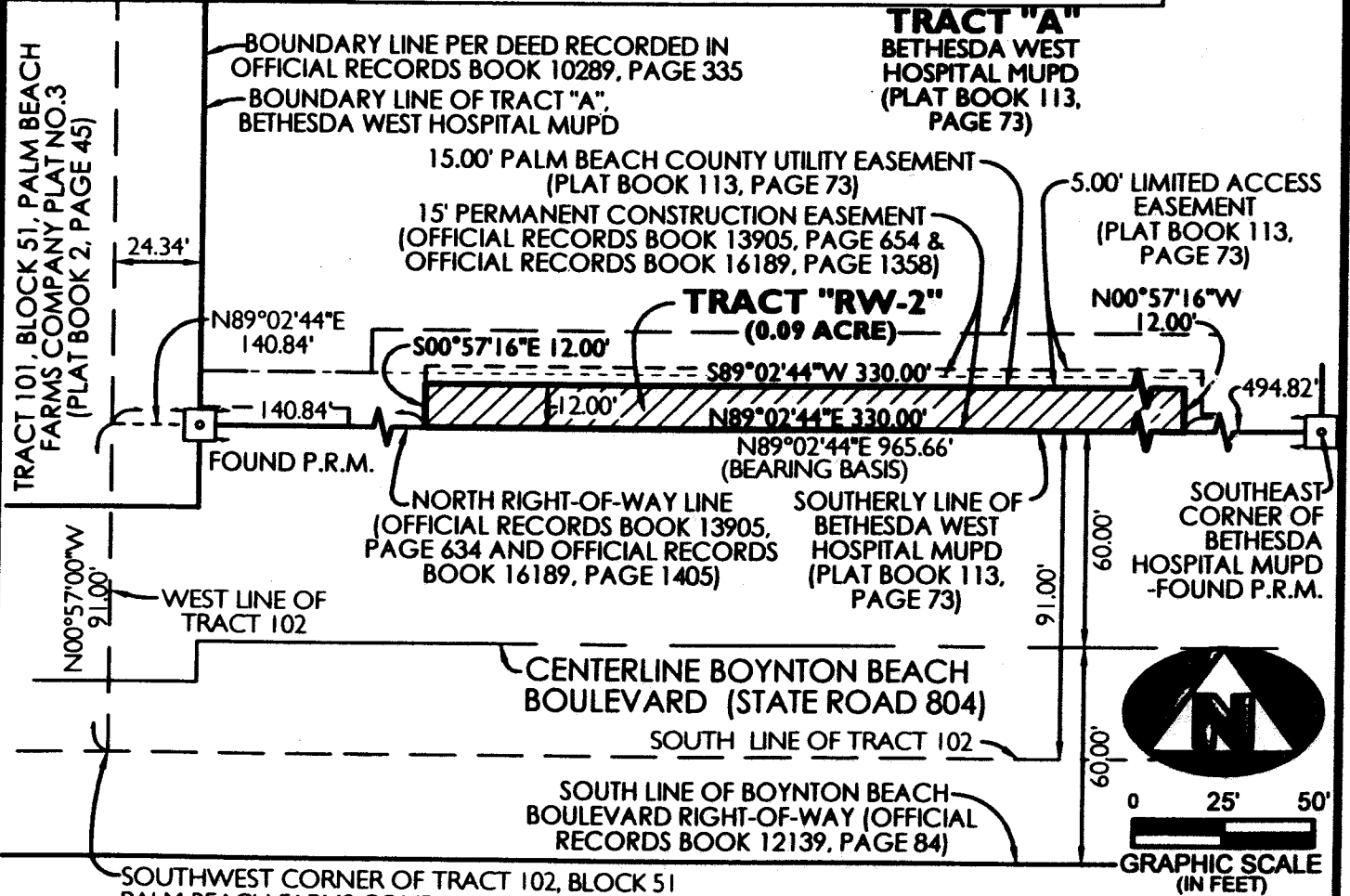
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ATTACHMENT #3
EXHIBIT "B"