## Agenda Item # 3K-3

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

| <b></b>                                 |   |                                   |             |
|---|---|-----------------------------------|-------------|
| Meeting Date:                           | April 5, 2011   | Consent [X]<br>Public Hearing [ ] | Regular [ ] |
| Submitted By:<br>Submitted For:         | Water Utilities Department Water Utilities Department |                                   |             |
| ======================================= |   |                                   |             |

## I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to accept: an Assignment of Easements from the City of West Palm Beach (City) to Palm Beach County (County).

**Summary:** In accordance with the December 7, 2010 (R2010-2045) Interlocal Agreements between County and City (Agreements) pertaining to service area boundaries and sale of utility facilities, City was to transfer to County certain utility assets and assign to County easements related to the transferred facilities, subject to various consideration by County. County has fulfilled its obligations under the Agreements. City has provided County with Bills of Sale for the transferred assets and an executed Assignment of Easements document listing the required recorded easements. The acceptance of the Assignment of Easements by County completes the transfer of the utility facilities to County for ownership, operation and maintenance. (WUD Project 11-025) <u>District 6</u> (MJ)

Background and Justification: While the Board of County Commissioner has delegated to the Department Director the authority to accept standard utility easements granted to the County in accordance with the Water Utilities Department Uniform Policies and Procedures Manual, the non-standard Assignment of Easements from City to County requires the acceptance by the Board of County Commissioners. The acceptance of the Assignment of Easements is required by the County to operate and maintain the transferred utility facilities.

#### Attachments:

1. One (1) Original Assignment of Easements

| Recommended By: | Department Director                   | 3/7/2011          |  |
|-----------------|---------------------------------------|-------------------|--|
|                 | Department Director                   | <sup>/</sup> Date |  |
| Approved By:    | ANW                                   | 3/10/11           |  |
|                 | <b>Assistant County Administrator</b> | Date              |  |

## II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

| Fiscal Years  | 2011                                 | 2012   | 2013   | 2014   | 2015   |
|---|--------------------------------------|--|--|--|--|
| Capital Expenditures External Revenues Program Income (County) In-Kind Match County   | 0<br>0<br>0<br>0<br>0<br>0<br>0<br>0 | <u>O</u><br><u>O</u><br><u>O</u><br><u>O</u> | <u>0</u><br><u>0</u><br><u>0</u><br><u>0</u> | <u>0</u><br><u>0</u><br><u>0</u><br><u>0</u> | <u>0</u><br><u>0</u><br><u>0</u><br><u>0</u> |
| NET FISCAL IMPACT   | 0 & See                              | e below                                      | <u>0</u>                                     | <u>0</u>                                     | <u>0</u>                                     |
| # ADDITIONAL FTE POSITIONS (Cumulative)   | <u>0</u><br>0                        | <u>0</u>                                     | <u>0</u>                                     | <u>0</u>                                     | <u>0</u>                                     |
| Budget Account No.:   | Fund A                               | gency  | Org.   | Object                                       |  |
| Is Item Included in Current E   | Budget?                              |  | lo   |  |  |
|   | Rep                                  | orting Catego                                | ry <u><b>N/A</b></u>                         |  |  |
| B. Recommended Sou  | rces of Funds/S                      | ummary of F                                  | iscal Impac                                  | t:   |  |
| •   |                                      |  |  |  |  |
| C. Department Fiscal Review: <u>Julia M West</u>  |                                      |  |  |  |  |
| III. REVIEW COMMENTS  |                                      |  |  |  |  |
| A. OFMB Fiscal and/or Contract Development and Control Comments:  # fiscal Impact cannot be determined of this time  OFMB 3/10/1/  Contract Development and Control |                                      |  |  |  |  |
| Of MID  | स्था रिस                             | ,<br>,<br>;                                  | raci Bevelor                                 | ment and oor                                 | HIOP   |
| B. Legal Sufficiency:   |                                      |  |  |  |  |
| Assistant County Attorney   |                                      |  |  |  |  |
| C. Other Department R   | e <del>view:</del>                   |  |  |  |  |
|   |                                      |  |  |  |  |

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

Department Director

CHARGE #1023 RETURN VIA WILL CALL #133
ATTN: CRAIG WILLIAMS, CONTRACT MANAGEMENT,
PBC WATER UTILITIES DEPT,
8100 FOREST HILL BLVD, WPB, FL 33413

## ASSIGNMENT OF EASEMENTS

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF WEST PALM BEACH, a Florida municipal corporation, (hereinafter referred to as "Assignor"), for and in consideration of the sum of Ten Dollars (\$10.00) in hand and other good and valuable consideration paid by PALM BEACH COUNTY, a political subdivision of the State of Florida (hereinafter referred to as "Assignee"), the receipt of which is hereby acknowledged, has granted, transferred, assigned and delivered, and by these presents does grant, transfer, assign and deliver to Assignee, its successors and assigns, all of Assignor's right, title, and interest in the utility easements identified in Attachment 1 hereto. Further, Assignor has granted, transferred, assigned and delivered, and by these presents does grant, transfer, assign and deliver unto Assignee, all of Assignor's right, title, and interest in any utility easements not listed in Attachment 1, if any, but lying within the boundaries of that development commonly known as The Preserve at Bayhill, whether said easements are recorded or unrecorded, and whether such easements were created in documents establishing easements, rights of access, ingress and egress, permits, licenses, rights-of-way, or other interests.

Assignor hereby covenants that it has the lawful right to assign the above interests and does hereby assign the same to Assignee.

IN WITNESS WHEREOF, the Assignor has hereunto set its hand and affixed its seal below.

CITY ATTORNEY'S OFFICE
Approved as to form and legal sufficiency
By:
Date: 73/-1/

IN WITNESS WHEREOF, this Assignment of Easements is accepted by the Palm Beach County Board of County Commissioners.

| ATTEST:                                   |  |
|---|--|
| Clerk & Comptroller (or Deputy Clerk)     | PALM BEACH COUNTY, FLORIDA, BY<br>ITS BOARD OF COUNTY<br>COMMISSIONERS |
|   | By: Karen T. Marcus, Chair   |
|   |  |
| APPROVED AS TO FORM AND LEGAL SUFFICIENCY | APPROVED AS TO TERMS AND CONDITIONS                                    |
| By:County Attorney                        | By: Department Director  |

#### **ATTACHMENT 1**

### **ASSIGNED EASEMENTS**

- 1. Utility Easement and Covenant from CRVI Bayhill, LLC, to City of West Palm Beach for 15-foot utility easement between Lot 80 and Lot 81, recorded in Palm Beach County Official Record Book 24326, Page 760, on January 24, 2011.
- 2. Utility Easement & Covenant from Ibis Property Owners Association, Inc., to City of West Palm Beach recorded in Palm Beach County Official Record Book 24326, Page 747, on January 24, 2011.
- 3. Utility Easement & Covenant from Lyec Three, Inc., c/o Thomas Zagami to the City of West Palm Beach for canal crossing, recorded in Palm Beach County Official Record Book 24326, Page 753, on January 24, 2011.
- 4. Utility Easement from F.David Feng and Gretchen L. Feng to CRVI Bayhill, LLC, for water main on Lot 83, recorded in Palm Beach County Official Record Book 23819, Page 486 on April 28, 2010; as assigned to the City of West Palm Beach by Assignment of Easement recorded in Palm Beach County Official Record Book 24302, Page 885, on January 7, 2011.
- 5. Utility Easement from Mitchell and Julie Ross to CRVA Bayhill, LLC, for water main on Lot 102, recorded in Palm Beach County Official Record Book 23819, Page 500, on April 28, 2010, as assigned to the City of West Palm Beach by Assignment of Easement recorded in Palm Beach County Official Record Book 24302, Page 863, on January 7, 2011.
- 6. A. Utility Easement from Gilbert and Geraldine Diaz Granados to CRVA Bayhill, LLC, for water main on Lot 103, recorded in Palm Beach County Official Record Book 23819, Page 492, on April 28, 2010, as assigned to the City of West Palm Beach by Assignment of Easement recorded in Palm Beach County Official Record Book 24302, Page 874, on January 7, 2011.
- 7. 8. Utility Easement from Walter and Norma Martinez to CRVA Bayhill, LLC, for water main on Lot 104, recorded in Palm Beach County Official Record Book 23819, Page 508, on April 28, 2010, as assigned to the City of West Palm Beach by Assignment of Easement recorded in Palm Beach County Official Record Book 24302, Page 852, on January 7, 2011.
- S. Grant of Easement within Bayhill Drive right-of-way for utility purposes from Bayhill Estates Property Owners Association to CRVI Bayhill, LLC, recorded in Palm Beach County Official Records Book 23256, Page 1858 on June 1, 2009, as assigned to the City of West Palm Beach by Assignment of Easement recorded in Palm Beach County Official Record Book 24302, Page 894, on January 7, 2011.