

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

**Meeting Date:**      **July 19, 2011**                      ☒ **Consent**            ☐ **Regular**  
    ☐ **Ordinance**        ☐ **Public Hearing**

**Department: Facilities Development & Operations**

## I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to:**

- A) accept a Quitclaim Deed from the State of Florida Department of Transportation (FDOT); and**  
**B) approve a Perpetual Easement to FDOT for drainage through Waterway Park in unincorporated Jupiter.**

**Summary:** The County conveyed an approximately 30 x 922 foot strip of land within what is now Waterway Park to FDOT by County Deed in 1980. FDOT installed drainage improvements serving Indiantown Road. The deed was not clear as to what interest was being conveyed. FDOT documents indicate that the transfer was intended to grant easement rights and not to convey fee ownership. The County is in the final design process for the improvements to Waterway Park and both parties desire to correct and clarify the record regarding the appropriate ownership and rights of the parties. FDOT will quitclaim its interest transferred by the original County Deed and the County will grant a non-exclusive Perpetual Easement to FDOT for drainage purposes. FDOT is holding the Quitclaim Deed in escrow until the County executes the Perpetual Easement. FDOT will then record both documents. The County will be permitted to construct access road improvements over the easement area so long as drainage is not impeded. If it becomes necessary for FDOT to remove the improvements to maintain or repair the drainage system, FDOT will not be responsible or liable for damage to or replacement of such improvements. This easement is being granted to FDOT at no charge as it is a replacement for FDOT's existing rights. This is a companion agenda item for Waterway Park. **(PREM) District 1 (HJF)**

**Background and Justification:** The County is in the process of obtaining development approvals for the 30-acre Waterway Park property. Runoff from East Indiantown Road (State Road 706) flows into a retention pond located in the northwest portion of the Park and through a drainage easement into the Intracoastal Waterway. The easement is located on the northern portion of the undeveloped 30-acre Waterway Park property. The Park property, which was acquired in two phases in 1974 and 1991, is located on the south side of East Indiantown Road in unincorporated Jupiter, west of and adjacent to the Intracoastal Waterway. The easement runs northeasterly and easterly from a platted drainage easement east of a retention pond and into the Intracoastal Waterway. The easement is approximately 922 feet long, varies in width from 20 feet to 30 feet, and contains 24,567.84 square feet (0.564 acres). The 20 foot section of the easement contains underground drainage improvements and the 30 foot section consists of an open drainage ditch.

**Attachments:**

1. Location Map
2. Quitclaim Deed
3. Perpetual Easement

**Recommended By:**

**Department Director**

Date \_\_\_\_\_

**Approved By:**

**County Administrator**

Date \_\_\_\_\_

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

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

No fiscal impact.

### C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

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

OFMB N. Bras 6/23/11 6/23/11 6/29/11  
6/29/11 6-29-11 6/29/11  
Contract Development and Control  
6-29-11 6/29/11

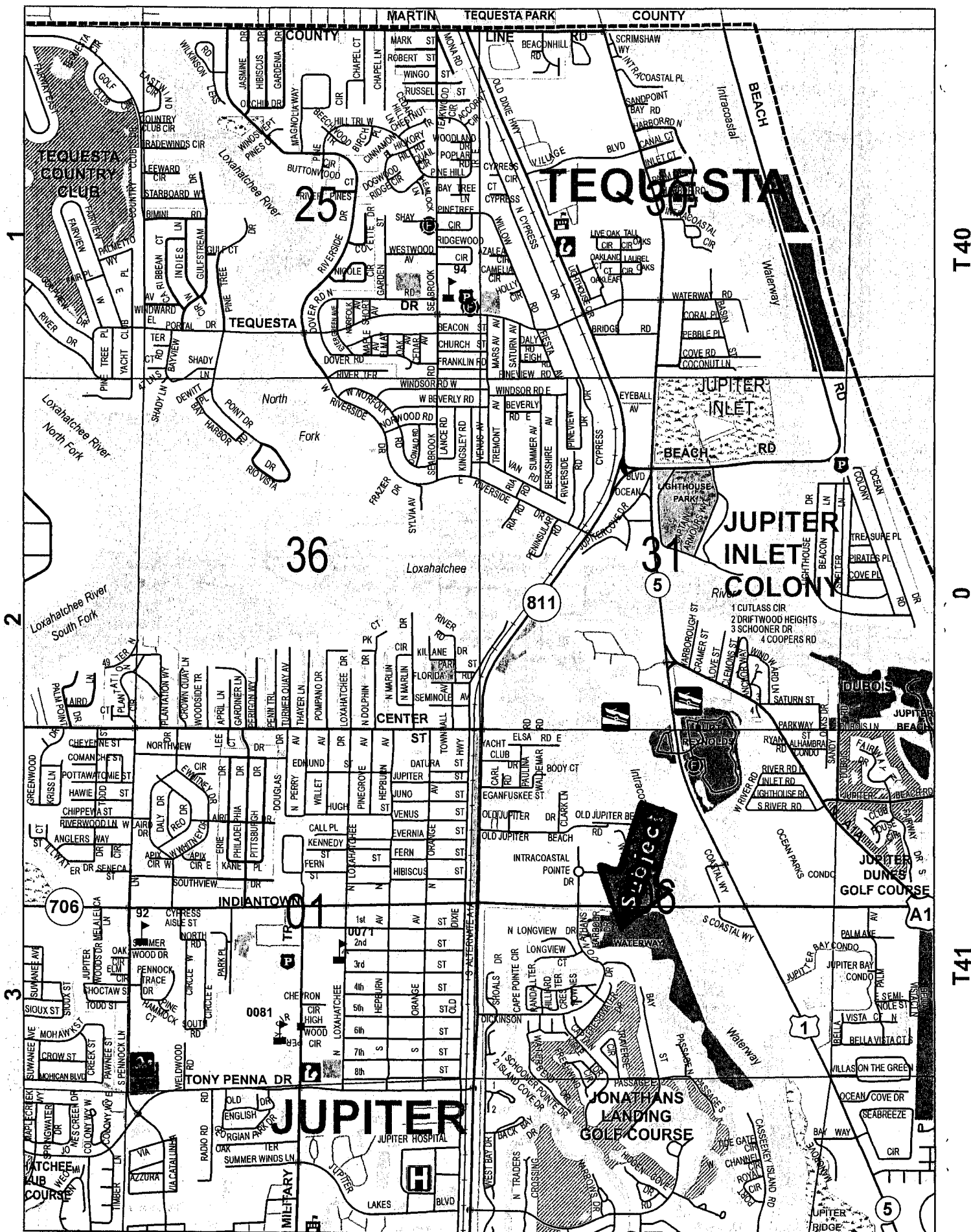
### B. Legal Sufficiency:

7/1/11  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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



04-QCD.18-06/93

This instrument prepared  
under the direction of:  
Laurice C. Mayes, Esq. *LCM/11*  
Department of Transportation  
3400 W. Commercial Boulevard  
Ft. Lauderdale, Florida 33309

Parcel No.: 800  
Item/Segment No.: N/A  
Section No.: 93090-2519  
Managing District: Four  
S.R. No.: Alternate A-1-A  
County: Palm Beach

A portion of PCN: 00-43-41-06-04-001-0010

### QUITCLAIM DEED

THIS INDENTURE, made this 6<sup>th</sup> day of June, 2011, by and between the STATE OF FLORIDA, by and through the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, as Grantor (Department) and **PALM BEACH COUNTY**, a political subdivision of the State of Florida, as Grantee (County), whose address is: 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791.

#### WITNESSETH

Whereas, Palm Beach County conveyed certain property to the Department by County Deed, dated March 18, 1980, and recorded in Official Record Book 3295, Page 198, of public records of Palm Beach County, Florida (1980 Deed); and

Whereas, said deed was not clear as to what interest was being conveyed; and

Whereas, Department documents indicate that said transfer was intended to grant easement rights and not convey fee ownership; and

Whereas, both parties desire to correct and clarify the record regarding the appropriate ownership and rights of the parties and deficiencies in the prior County Deed; and

Whereas, the Department will herein quitclaim that interest transferred by the 1980 Deed and receive simultaneously herewith by separate instrument an easement from the County.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: that the Grantor does hereby remise, release, and quitclaim unto the Grantee, and its successors and assigns, forever, all the right, title, and interest of the State of Florida by and through the State of

Florida Department of Transportation to the property as legally described in Exhibit "A" attached unto and made a part hereof.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District IV and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

Signed, sealed and delivered  
in our presence as witnesses:

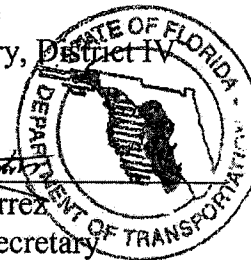
Nancy S. Wyo  
Print Name: Nancy S. Wyo.

Jeanne Zettel  
Print Name: Jeanne Zettel

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

BY: James A. Wolfe  
District Secretary, District IV

ATTEST: Maria Gutierrez  
Executive Secretary

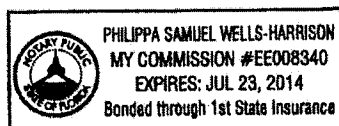


STATE OF FLORIDA  
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared, James A. Wolfe, District Secretary and Maria Gutierrez, Executive Secretary of the State of Florida Department of Transportation, respectively, to me known to be the persons described in and who executed the foregoing instrument, and they severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said State of Florida Department of Transportation, and the said instrument is the act and deed of said Department.

WITNESS my hand and official seal this 6th day of June, 2011

(NOTARIAL SEAL)



Print Name: Philippa S. Wells-Harrison  
Notary Public in and for the  
County and State last aforesaid.

**Exhibit "A"**  
(Official Record Book 3295, Page 198)

Parcel No. 800

That part of the North ½ of the NE ¼ of the SW ¼ in Section 6; Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the West ¼ Section Corner of said Section 6; thence S 89°35'02" E along the North line of the South ½ of said Section 6 a distance of 2,055.06 feet; thence S 00°24'58" W a distance of 50 feet to the Centerline of Construction for S. R. 706 at Station 364 + 13.35; thence continue S 00°24'58" W a distance of 50 feet to the South Right of Way line for S. R. 706; thence S 01°22'40" W a distance of 300 feet to the POINT OF BEGINNING; said point to be hereinafter referred to as Point 'A'; thence continue S 01°22'40" W a distance of 11.75 feet; thence N 59°42'04" E a distance of 285.64 feet; thence S 88°46'13" E a distance of 636.33 feet; thence N 21°24'50" E a distance of 32.51 feet; thence N 88°46'13" W a distance of 613.16 feet; thence S 59°42'04" W a distance of 298.07 feet; thence S 01°22'40" W a distance of 11.75 feet to said Point 'A' and the POINT OF BEGINNING.

Containing 0.564 of an acre, more or less.

All is shown on the Right of Way Map for Section 93090-2519, S. R. Alternate A1A, Palm Beach County, Florida.

07-PE.11-06/93

This instrument prepared  
under the direction of:  
Laurice C. Mayes, Esq. *LM 6/2/11*  
Legal description prepared by:  
Grace K. Abel (02-23-11)  
Department of Transportation  
3400 W. Commercial Boulevard  
Ft. Lauderdale, Florida 33309

Parcel No. 800.1R  
Item/Segment No. N/A  
Section No. 93090-2519  
Managing District: 04  
S.R. No. Alternate A-1-A  
County: Palm Beach

A portion of PCN: 00-43-41-06-04-001-0010

## PERPETUAL EASEMENT

THIS EASEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2011, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, grantor, to the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a non-exclusive perpetual easement for the purpose of clearing, excavating, constructing and maintaining outfall, drainage ditches, underground drainage improvements, drains and other incidences necessary or convenient in connection therewith in, over, under, upon and through the following described land in Palm Beach County, Florida, viz:

Parcel No. 800

Section No. 93090-2519

That part of the North 1/2 of the NE 1/4 of the SW 1/4 in Section 6, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the West 1/4 Section corner of said Section 6; thence S 89°35'02" E along the north line of the South 1/2 of said Section 6, a distance of 2,055.06 feet; thence S 00°24'58" W, a distance of 50 feet to the Centerline of Construction for S.R. 706 at Station 364+13.35; thence continue S

00°24'58" W, a distance of 50 feet to the South Right of Way line for S.R. 706; thence S 01°22'40" W, a distance of 300 feet to the POINT OF BEGINNING; said point to be hereinafter referred to as Point 'A'; thence continue S 01°22'40" W, a distance of 11.75 feet; thence N 59°42'04" E, a distance of 285.64 feet; thence S 88°46'13" E, a distance of 636.33 feet; thence N 21°24'50" W, a distance of 32.51 feet; thence N 88°46'13" W, a distance of 613.16 feet; thence S 59°42'04" W, a distance of 298.07 feet; thence S 01°22'40" W, a distance of 11.75 feet to said Point 'A' and the POINT OF BEGINNING.

Containing 0.564 of an acre, more or less.

Open drainage ditches will only be allowed in the 30-foot wide portion of said described lands.

Palm Beach County shall be permitted to construct access road improvements (Improvements) on the said described land as depicted on Exhibit "A" so long as drainage is not impeded thereby. It is understood, however, that if necessary for the Department to remove said Improvements to maintain or repair the drainage system, the Department shall not be responsible or liable for damage to or replacement of such Improvements.

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

(Remainder of page intentionally left blank)



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  
By: \_\_\_\_\_  
Deputy Clerk

PALM BEACH COUNTY, a political  
subdivision of the State of Florida  
By: \_\_\_\_\_  
Karen T. Marcus, Chair

Signed and Delivered in the presence of:


\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Witness Name

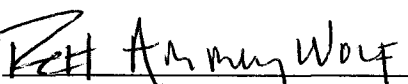
\_\_\_\_\_  
Witness Signature

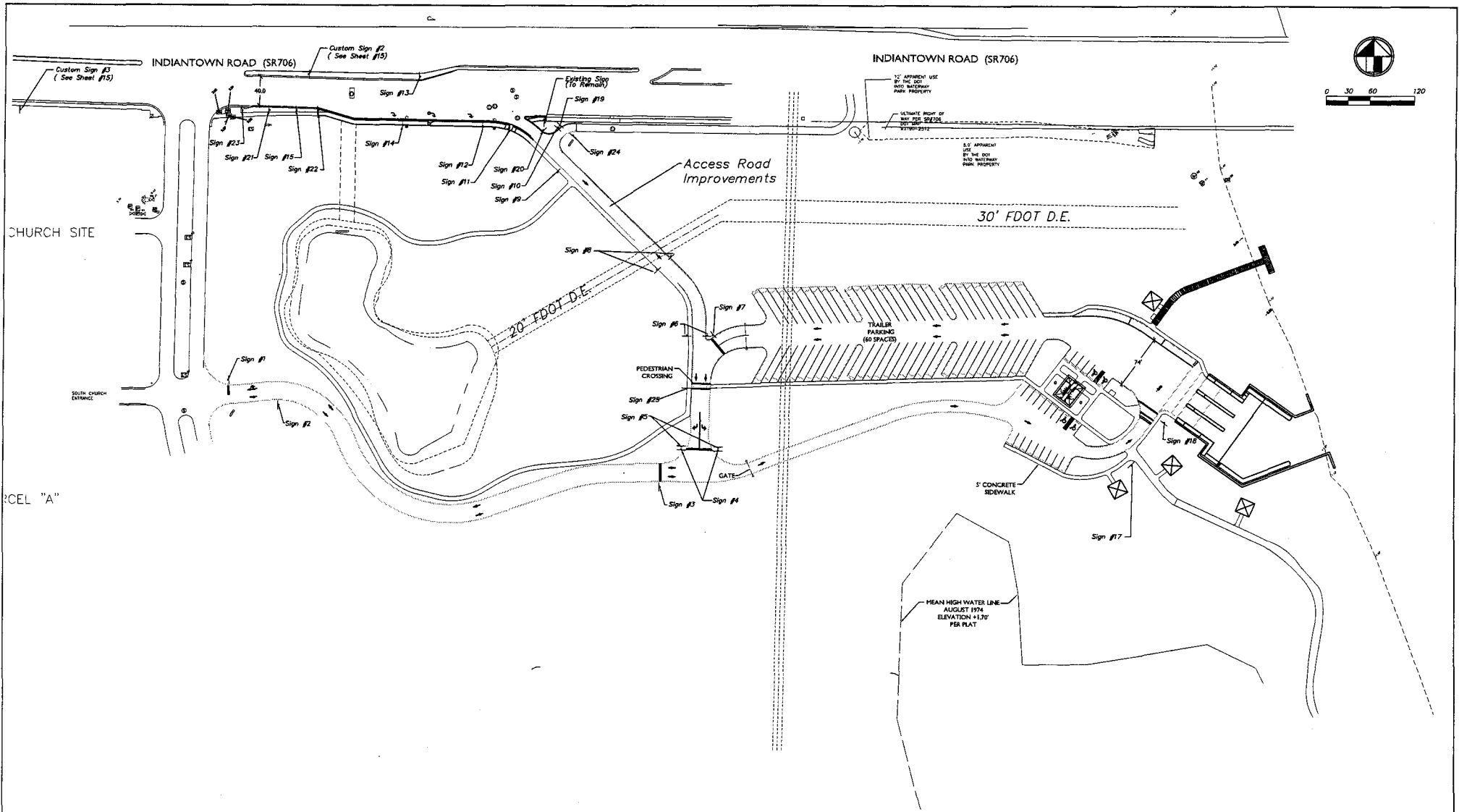
\_\_\_\_\_  
Print Witness Name

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
County Attorney

APPROVED AS TO TERMS AND  
CONDITIONS

By:   
Department Director



REVISIONS		APPROVED BY:	DATE:	CORZO CASTELLA CARRALLO THOMPSON SALMAN, P.A. ENGINEERS ARCHITECTS-PLANNERS 21301 POWERLINE RD, SUITE 311 BOCA RATON, FLORIDA 33433 (561)-487-3379 1-800-448-0227 FL REGISTRATIONS: EB0009022 AAC002142	DATE: DRAWN: M.O.A. DESIGNED: T.N.G. CHECKED: T.N.G. QC: T.N.G. CADD FILE:	PALM BEACH COUNTY FACILITIES DEVELOPMENT & OPERATIONS parks and recreation department WEST PALM BEACH, FL 33411 - (561)233-0200	PERMIT SUBMITTAL	
DESCRIPTION	DATE						SHEET NO.	EXHIBIT
1.								A
2.								
3.								
4.								



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

ANANTH PRASAD  
SECRETARY

### DELEGATION OF AUTHORITY

I, Ananth Prasad, P.E., Secretary of the Florida Department of Transportation, pursuant to Sections 20.23(5), 337.26, and 337.27(1), Florida Statutes, delegate to James Wolfe, as the District Secretary and chief administrative officer of the Department's District Four, all authority pursuant thereto, including, but not limited to, the authority to approve, execute, and sign all necessary Department resolutions in order to initiate eminent domain proceedings, to acquire real property rights, and to execute resolutions for engineer witnesses in Circuit Court to bind the Department of Transportation on those issues regarding design and construction for transportation facilities in District Four.

Ananth Prasad, P.E., Secretary  
Florida Department of Transportation

04/28/2011

Date

Attest:

  
Executive Secretary

State of Florida  
County of Leon

The foregoing instrument was acknowledged before me this 28th day of April, 2011, by Ananth Prasad, P.E. who is personally known to me, as Secretary of the Florida Department of Transportation.

  
NOTARY PUBLIC

My Commission Expires:



NANCY R. JONES  
MY COMMISSION # EE 010488  
EXPIRES: August 10, 2014  
Bonded Thru Budget Notary Services