Agenda Item #: 3-C-5

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	September 13, 2011	[X] Consent	[] Regular [] Public Hearing
Department:		. , .	()
Submitted By:	Engineering and Public Works		
	Right-of-Way Acquisition Section		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A Palm Beach County (County) Deed in favor of the Florida Department of Transportation (FDOT) for right-of-way on Hooker Highway from State Road (SR) 715 east to SR-15.

SUMMARY: Approval of this item will allow a County Deed to FDOT for right-of-way on Hooker Highway from SR-715 east to SR-15.

District 6 (MRE)

Background and Justification: On June 3, 2008, the County entered into the Hooker Highway Roadway Transfer Agreement (Agreement) with FDOT. Pursuant to the Agreement, the County agreed to transfer title for the right-of-way of Hooker Highway from SR-715 east to SR-15 to FDOT, and FDOT agreed to accept all the responsibility for the operation and maintenance of the road right-of-way. FDOT has already assumed the maintenance responsibility for this section of Hooker Highway, but the transfer of title is still outstanding. The approval of this County Deed to FDOT, and subsequent recordation in the public records, will satisfy the transfer provision of the Agreement. Staff has reviewed the request and recommends approval.

Attachments:

- 1. Location Map
- 2. County Deed with Exhibits "A", "B", & "C"
- 3. FDOT Memorandum dated July 15, 2008
- 4. Hooker Highway Roadway Transfer Agreement (R2008-0943)

Recommended by:	7/26/10
Division Director	Date
Approved by: S. T. W. W.	8/8/11
County Engineer	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years Capital Expenditures Operating Costs	2011 \$ -0- -0-	2012 -0- -0-	2013 0- 0-	2014 -0- -0-	2015 <u>-0-</u> <u>-0-</u>
External Revenues	0-	0		<u>-0-</u>	<u>-0-</u>
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		Yes		No <u>.</u>	
Budget Acct No.: Fund Progr		Unit Ob	ject		
B Recommended Source	s of Eunda	16	i Cianal Ima		

iscal	l Impact
i	scal

This item has no fiscal impact.

C.	Departmental Fiscal Review:	. allefordlainer

III. REVIEW COMMENTS

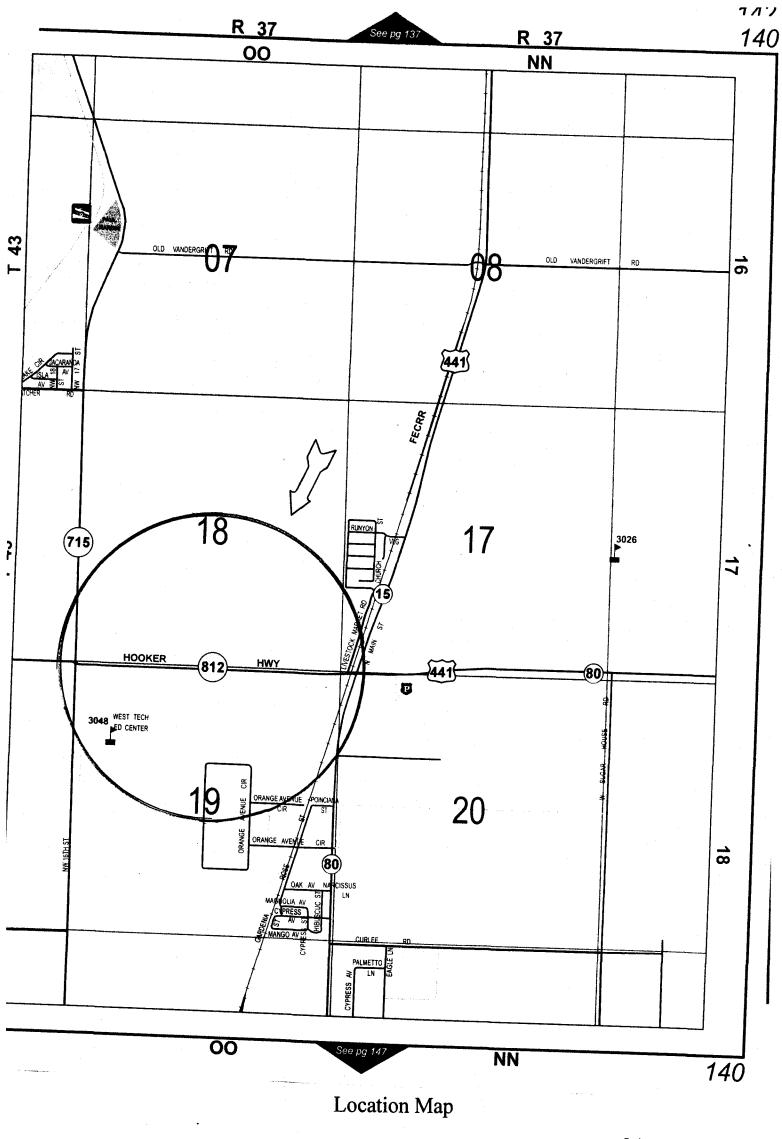
A. OFMB Fiscal and/or Contract Dev. and Control Comments:

De Mala	the I low
OFMB APPLE STATE	Contract Dev. and Con
Approved as to Form	

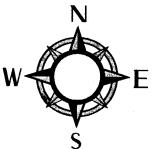
C. Other Department Review:

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Department	Director	

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



Attachment #1



Return to: Palm Beach County R/W Acquisition Section
Post Office Box 21229
West Palm Beach, Florida 33416 Name:

Attn: Tripp Cioci, Right-of-Way Specialist Acct. No.: 1010 W/C BOX 1066

Address:

This Instrument Prepared by:
Name: Paul F. King, Assistant County Attorney
Post Office Box 21229

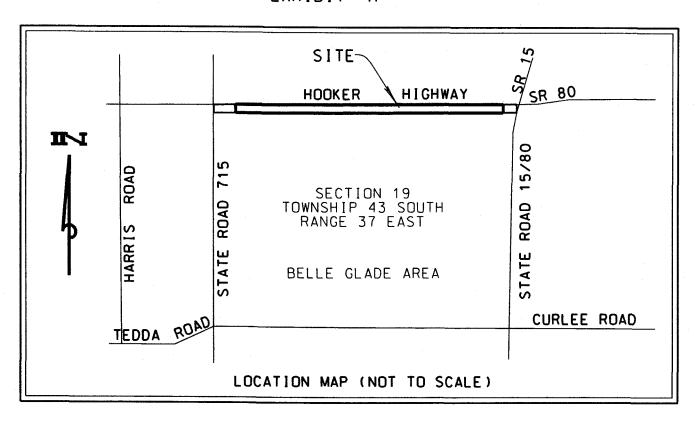
Address: West Palm Beach, Florida 33416

COUNTY DEED

political subdivision of the State of Florida, West Palm Beach, FL 33416, party of the fir	, 2011 by PALM BEACH COUNTY , a whose post office address is P.O. Box 21229, rst part, and the FLORIDA DEPARTMENT e State of Florida, whose post office address is ale, FL 33309, party of the second part.
Ten (\$10.00) Dollars to it in hand paid by the hereby acknowledged, has granted, bargained	rst part, for and in consideration of the sum of ne party of the second part, receipt whereof is d and sold to the party of the second part, their scribed land lying and being in Palm Beach
Properties more particularly described in and made a part hereof, and;	Exhibits "A", "B", & "C", attached hereto
	the first part has caused these presents to be a Commissioners acting by the Chair or Vice aid.
ATTEST:	
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, BY ITS BOARD OF COUNTY COMMISSIONERS
By: Deputy Clerk	By: Karen T. Marcus, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
By:	
Assistant County Attorney	

271-LGL Rev. 01/26/11 N:\R_O_W\TRIPP\Hooker Highway\271.LGL County Deed FDOT 081611.doc





LEGAL DESCRIPTION

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, DEED NO. 20960

A PARCEL OF LAND IN A PORTION OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 100.00 FEET OF SECTION 19. TOWNSHIP 43 SOUTH, RANGE 37 EAST, LESS THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION.

PARCEL CONTAINS 461,362 SQUARE FEET OR 10.5914 ACRES MORE OR LESS.

N3 8 ₹	PROJECTI	85 5 8 8 NO.	REVISION	BY DATE
0.ECT NO	HOOKER HIGHWAY. STATE ROAD 715-	CALE: /		
050	STATE ROAD 15	G. W. J.		I I I
	(T.I.I.F. PARCEL)	# 80 J.H. A.D. W.M.		

S-1-11-3235.DGN S-1-11-3235

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

LEGEND

MISC. = MISCELLANEOUS FEC = FLORIDA EAST COAST RB = ROAD PLAT BOOK

SURVEYOR'S NOTES

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTED) BEARING OF NORTH 89°57'41" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO UNLESS NOTED.

THE NOTED BEARINGS ARE MAPPING GRADE ONLY AND DO NOT REPRESENT THE RESULT OF A CURRENT FIELD LOCATION AND COORDINATION OF THESE LINES. THESE BEARINGS REPRESENT A CALCULATED POSITION OF THE CORNERS BASED ON UTILIZING VARIOUS SURVEY DOCUMENTS, RECORDED OR UNRECORDED.

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.

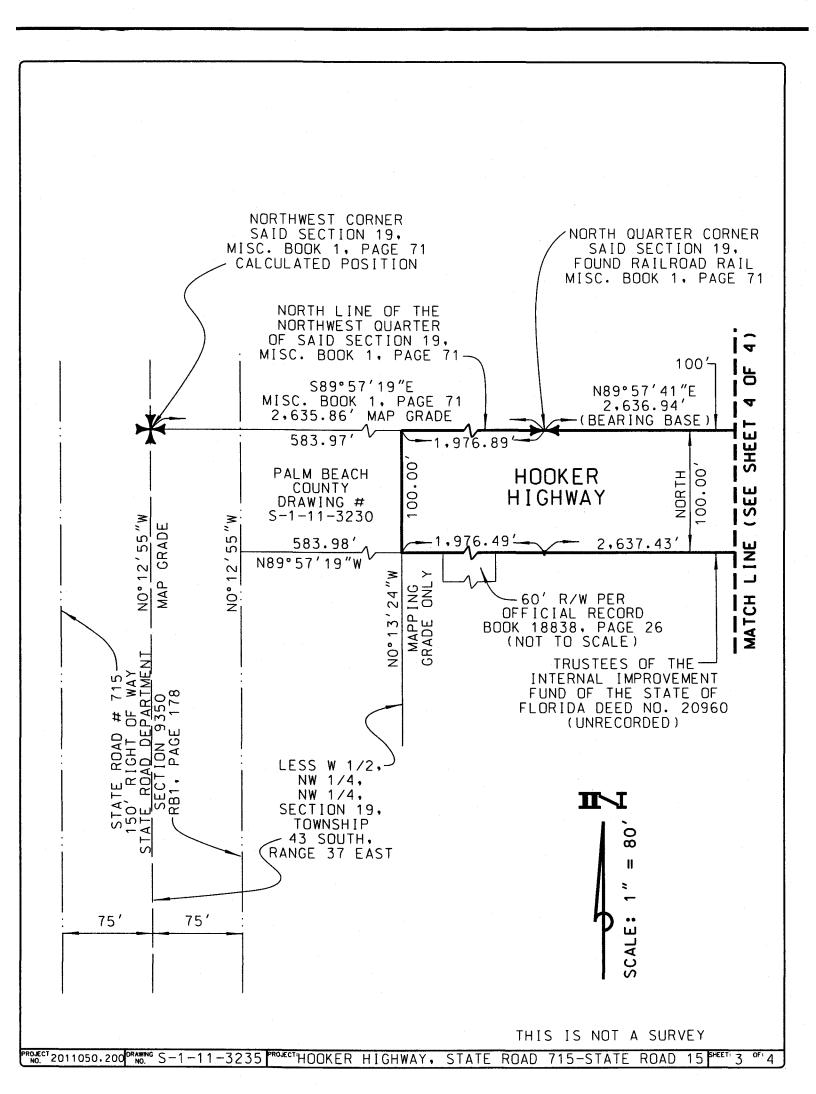
THIS INSTRUMENT PREPARED BY NORMAN J. HOWARD, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

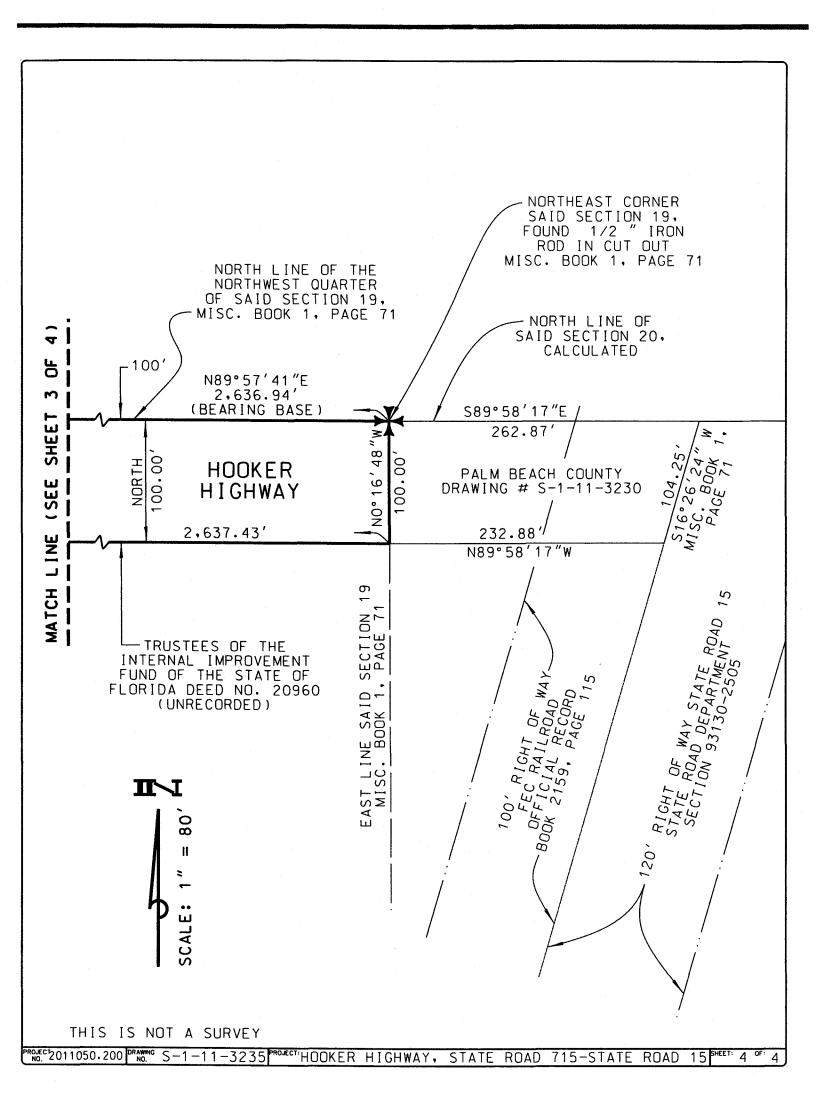
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

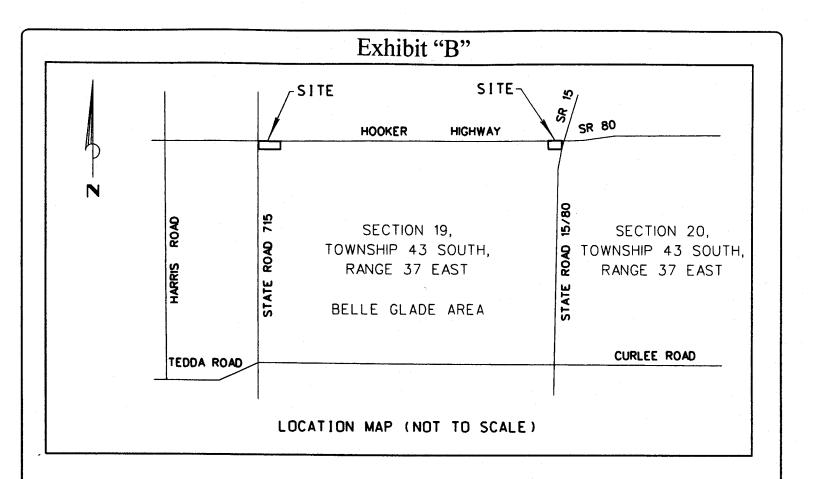
I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

NORMAN J. HOWARD P.S.M. FLORIDA CERTIFICATE #5776

6-24-11 DATE







LEGAL DESCRIPTION

TWO PARCELS OF LAND IN A PORTION OF SECTION 19 AND 20, TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

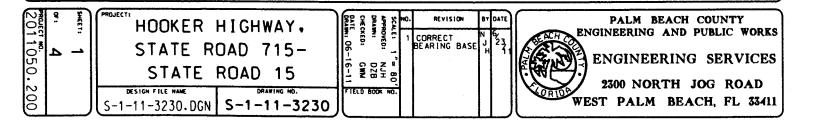
THE NORTH 100.00 FEET OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 19.

LESS THE WEST 75.00 FEET AS SHOWN ON THE STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION NO. 9350 RECORDED IN ROAD PLAT BOOK 1, PAGE 175, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

TOGETHER WITH

THE NORTH 100.00 FEET OF SAID SECTION 20, LYING WEST OF THE WEST RIGHT OF WAY (120') LINE OF STATE ROAD 15 AS SHOWN ON STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION NO. 93130-2505.

PARCELS CONTAIN 58.397 SQUARE FEET AND 24.787 SQUARE FEET RESPECTIVELY FOR A TOTAL OF 83.184 SQUARE FEET MORE OR LESS.



LEGEND

MISC. = MISCELLANEOUS

FEC = FLORIDA EAST COAST

RB = ROAD PLAT BOOK

SURVEYOR'S NOTES

BEARINGS ARE BASED ON AN ASSUMED BEARING OF SOUTH 89°57'19" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

BEARINGS ARE MAPPING GRADE ONLY AND DO NOT REPRESENT THE RESULT OF A CURRENT FIELD LOCATION AND COORDINATION OF THESE LINES, THESE BEARINGS REPRESENT A CALCULATED POSITION OF THE CORNERS BASED ON UTILIZING VARIOUS SURVEY DOCUMENTS, RECORDED OR UNRECORDED.

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.

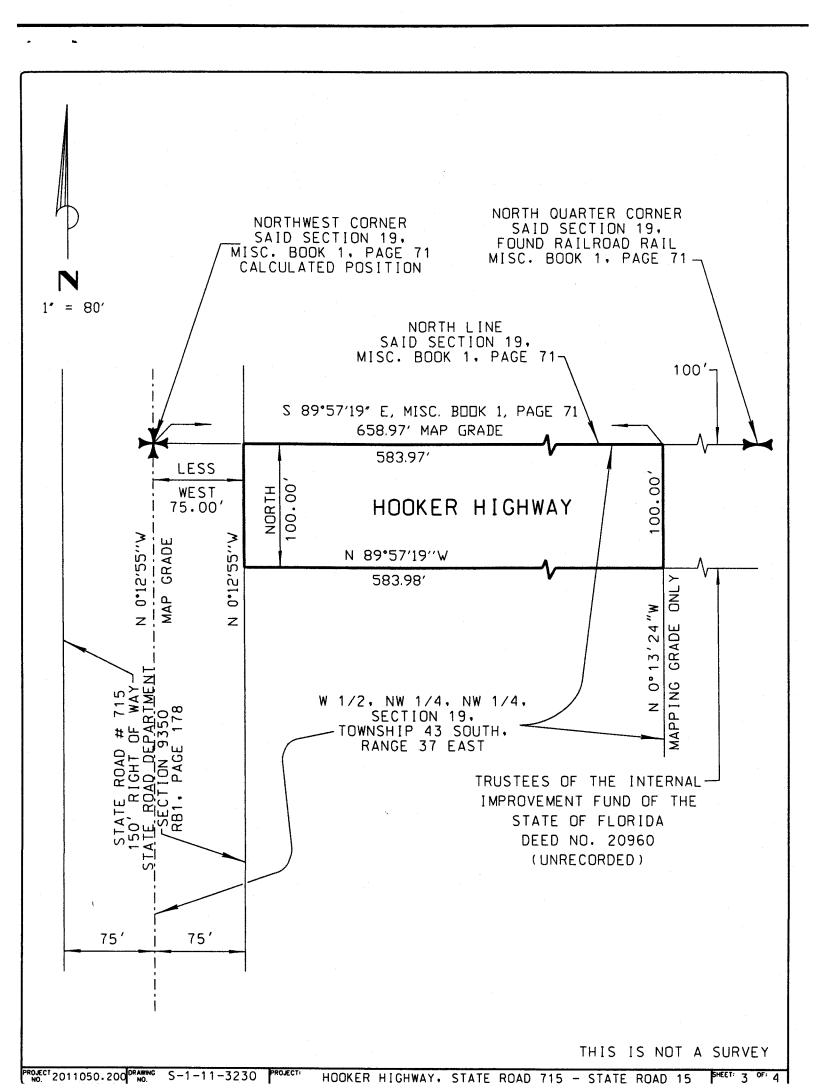
THIS INSTRUMENT PREPARED BY NORMAN J. HOWARD, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

NORMAN J. HOWARD P.S.M. FLORIDA CERTIFICATE #5776 6-23-11 DATE

ORECT 2011050.200 PRAWING S-1-11-3230 PROJECT HOOKER HIGHWAY, STATE ROAD 715-STATE ROAD 15 PHEET: 2 OF: 4



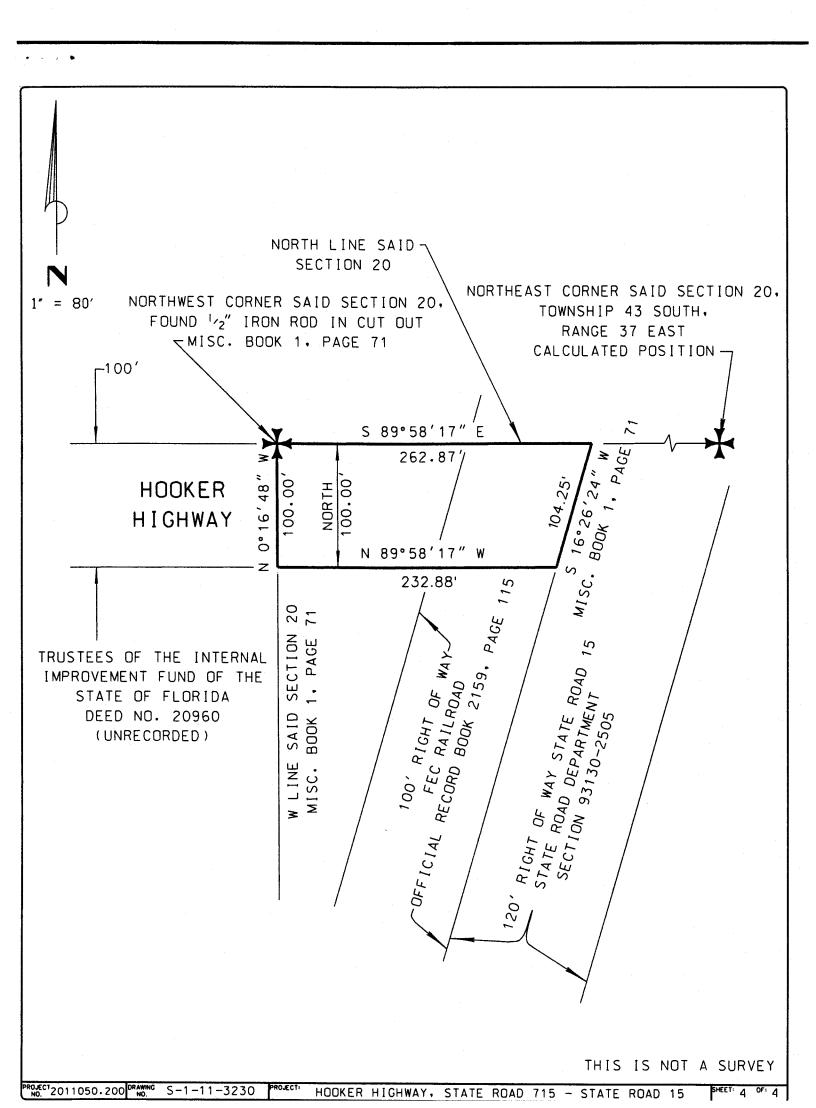


EXHIBIT "C"

The parcel of land described in the Resolution R-2005-1063 of the Board of County Commissioners of Palm Beach County, as recorded in Official Records Book 18838, page 26, public records of Palm Beach County, Florida.



Florida Department of Transportation

CHARLIE CRIST GOVERNOR 605 Suwannee Street Tallahassee, FL 32399-0450 STEPHANIE C. KOPELOUSOS SECRETARY

7/15/08 Data

MEMORANDUM

DATE:

July 15, 2008

TO:

Stephanie C. Kopelousos, Secretary

FROM:

James W. Golden Manager, Transportation Statistics Office

SUBJECT:

Roadway Jurisdictional Transfer from Palm Beach County to FDOT

District Four Secretary Wolfe has requested approval for the transfer of a portion of Hooker Highway in Palm Beach to the State Highway System from the Palm Beach County Road

them a safer and faster route for transport of goods and services to the citizens of Florida.

System. The total length of this segment is 1.054 miles.

Transfer of this roadway segment will be pursuant to Chapter 335.0415, Florida Statutes, and the enclosed Transfer Agreement with Palm Beach County. The transfer will be beneficial to the citizens of Florida, as the state will be establishing a truck bypass route around the City of Belle Glade. A truck bypass route will assist in keeping heavy trucks out of the city and provide

The following information is enclosed in support of this transfer:

- Roadway Jurisdiction Transfer Form
- Memo from District Four Secretary Wolfe
- Transfer Agreement between the Department and Palm Beach County
- Palm Beach County Board of County Commissioners' Consent Agenda Item
- Location map

Your signature on the enclosed form will accomplish this transfer.

I concur with the recommended request.

sistant Secretary for Intermodal Systems Development

JWG:m

Enclosures (5)

cc: District Four Officials: James A. Wolfe, Secretary, Gustavo Schmidt, Planning/EMO Engineer; Gail Anderson - Safety Office; Lynn Holschuh - Outdoor Advertising Office; John Harris - Permits Office; Claud Gardner - Surveying and Mapping Office; Tracy Wilkes - Federal-Aid Office; Ed Hutchinson - Systems Planning Office; Joe Kowalski - OOC General Accounting Office

R2008 0 0 4 3 n 0 3 2008 Hooker Highway Roadway Transfer Agreement From Palm Beach County to FDOT Limits: from SR-715 East to SR-15

THIS AGREEMENT, made and entered into this ______ day of, 2008, by and between the FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter called the DEPARTMENT, and PALM BEACH COUNTY, hereinafter called the COUNTY;

WITNESSETH

WHEREAS, the DEPARTMENT, has requested the transfer of Hooker Highway to the State Highway System, and this transfer is mutually agreed upon, between the COUNTY and the DEPARTMENT and,

NOW, THEREFORE, THIS INDENTURE WITNESSETH: in consideration of the mutual covenants and promises herein contained, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the COUNTY and the DEPARTMENT agree as set forth below:

This Agreement sets forth the terms and conditions under which the COUNTY and the DEPARTMENT will abide. The commencement of jurisdictional and maintenance responsibilities is the date of the approval of the roadway transfer by the Secretary of the Department.

- (a) The DEPARTMENT accepts all responsibility for the road right of way and for operation and maintenance of the roadway, including bridges. In addition to the roadbed, this agreement includes all curbs, culverts, and drainage structures within the right of way at the time of transfer.
- (b) The DEPARTMENT shall be responsible for maintenance of the right of way and of public sidewalks, bike paths, and other ways in the right of way.
- (c) The COUNTY gives up all rights to the roadway, including the right of way, except as may be specified in this agreement.
- (d) It is agreed that all obligations of the COUNTY, under any maintenance, utility, or railroad crossing agreement or other such agreement, relating to Hooker Highway, shall be transferred at the same time and in the same manner as jurisdictional responsibility.
- (e) Existing deeds or maps to transfer title for the right-of-way will be recorded, by the COUNTY, in the Public Records of Palm Beach County.
- (g) The DEPARTMENT acknowledges that improvement permits and approvals associated with the development of a new regional medical campus to serve the Glades area have previously been granted by the COUNTY to the Health Care District of Palm Beach County, a special taxing district of the State of Florida (hereinafter called the DISTRICT), defining improvements to be made by the DISTRICT to Hooker Highway and the associated Right of Way. The improvement permits and approvals the COUNTY has previously granted to the DISTRICT are described in further detail below:

<u>Permit name</u>: "Palm Beach County Land Development Permit- Right of way Construction Permit"

Permit #: RW20930-1007

Date: 10/31/07

Included Plan Sheets: 1-6, 12-15, 38-39, 52-67

Other included Items: Surface Water Management Report, Cost Estimate, Hydraulic Calculations, Geotechnical Report, Letter from 'Office of

3 JUL -3 P 2: 18

Tourism, Trade & Economic Development' requesting expedited permitting.

Permit name: "Palm Beach County - Onsite Drainage Review" (not a

permit)

Review #: DR20929-1007

Date: 10/24/07

Included Plan Sheets: 1-3, 6-17.

Other included Items: South Florida Conservancy District Permit, SFWMD Hooker Highway Permit, Surface Water Management Report, Cost Estimate, Hydraulic Calculations, Geotechnical Report, Letter from 'Office of Tourism, Trade & Economic Development' requesting expedited

permitting.

The improvement permits and approvals granted by the COUNTY to the DISTRICT in effect as of the date of the Department's signing of this Agreement have been reviewed by and are acceptable to the Department. The Department intends to issue a General Use Permit incorporating such improvement permits and approvals upon completion of the transfer of Hooker Highway to the Department. The DEPARTMENT acknowledges that the DISTRICT has been granted an "Expedited Review" status for the development of the new regional medical campus by the Office of the Governor and the COUNTY, and the DEPARTMENT shall endeavor to avoid any impact to the development schedule for the medical campus due to this Agreement and the transfer of Hooker Highway.

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

This Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein, and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

For communication purposes, the parties may be reached at the following addresses and phone numbers.

Florida Department of Transportation Gustavo Schmidt, P.E. Planning and Environmental Engineer 3400 West Commercial Blvd. Fort Lauderdale, Florida 33309-3421 Telephone: (954) 777-4601

Palm Beach County
Tanya N. McConnell, P.E.
Deputy County Engineer
2300 N. Jog Road
West Palm Beach, Florida 334112745
Telephone (561) 684-4010

Each party is an independent contractor and is not an agent of the other party. Nothing contained in this Agreement shall be construed to create any fiduciary relationship between the parties, during or after the performance of this Agreement. Neither party shall have the authority to bind the other party to any obligation whatsoever to any third party without the express specific written consent of the other.

No modification, amendment, or alteration in the terms of conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

Hooker Hwy Transfer Agreement Page 3 of 3

If any part of the Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by any other legally constituted body having the jurisdiction to make such determination, the remainder of this Agreement shall remain in full force and effect provided that the part of this Agreement thus invalidated or declared unenforceable is not material to the intended operation of the Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

R2008 0943 JUN 0 3 2008

PALM BEACH COUNTY, FLORIDA BY IT'S BOARD OF COMMISSIONERS

BY: Addie L. Greene, Chairperson

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

James Wolffe, P.E District 4 Secretary

SEAL

ATTEST:	APPROVED AS TO FORM:
	Lamie Man
Sharon R. Bock, Clerk & Comptroller	Laurice Mayes
Circuit Coursemming	District 4 Legal Counsel
BEAD OF	ATTEST:
BY 2000 TO WELLE S	
	<u> </u>

APPROVED AS TO TERMS AND CONDITIONS:

BY: Van Yersber Engineering Department

SEAL

APPROVED AS TO FORM & LEGAL

SUFFICIENCY:

BY:

Assistant County Attorney

N:\TRAFFIC\BOARD\2008 Board Items\Hooker Hwy Transfer Agreement resubmistal 0603.doc