

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

Meeting Date:	October 18, 2011	[X] Consent	[] Regular
		[] Ordinance	[] Public Hearing

Department: **Facilities Development & Operations**

I. EXECUTIVE BRIEF


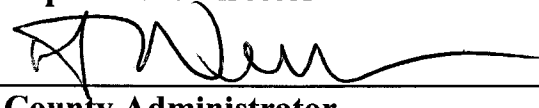
Motion and Title: Staff recommends motion to approve: a Declaration of Flowage Easement in favor of Palm Beach County for two drainage pipes which provide storm water drainage for Seacrest Boulevard and Hypoluxo Road, in Lantana.

Summary: Palm Beach County owns 1.14 acres of property located near the southeast corner of Seacrest Boulevard and Hypoluxo Road in Lantana. Two underground pipes run through the County property which serve as storm water drainage for both Seacrest Boulevard and Hypoluxo Road. The easement areas vary from approximately 67' to 210' in length x 30 feet wide. The combined easement area total is approximately 8,333 sq. ft., or 0.19 acre. This Declaration of Flowage Easement will identify the drainage pipe locations and provide recorded notice of their existence. **(PREM) District 7 (HJF)**

Background and Justification: The subject property was part of the former Bristol Springs Corp. water and sewer system property which was acquired by the County in August 1977. This property serves no County use and is considered to be surplus. PREM is marketing the property for sale. This Declaration of Flowage Easement will identify the drainage pipe locations and provide recorded notice of their existence to future buyer/developers of this surplus parcel.

Attachments:

1. Location Map
2. Declaration of Flowage Easement

Recommended By:	 Department Director	9/28/11 Date
Approved By:	 County Administrator	10/18/11 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>* See below</u>	_____	_____	_____	_____
# 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:

<p>_____</p> <p>OFMB</p> <p><i>10/03/11</i></p> <p><i>10/30/11</i></p>	<p>_____</p> <p>Contract Development and Control</p> <p><i>10-7-11 D. Whiteley</i></p>
--	--

B. Legal Sufficiency:

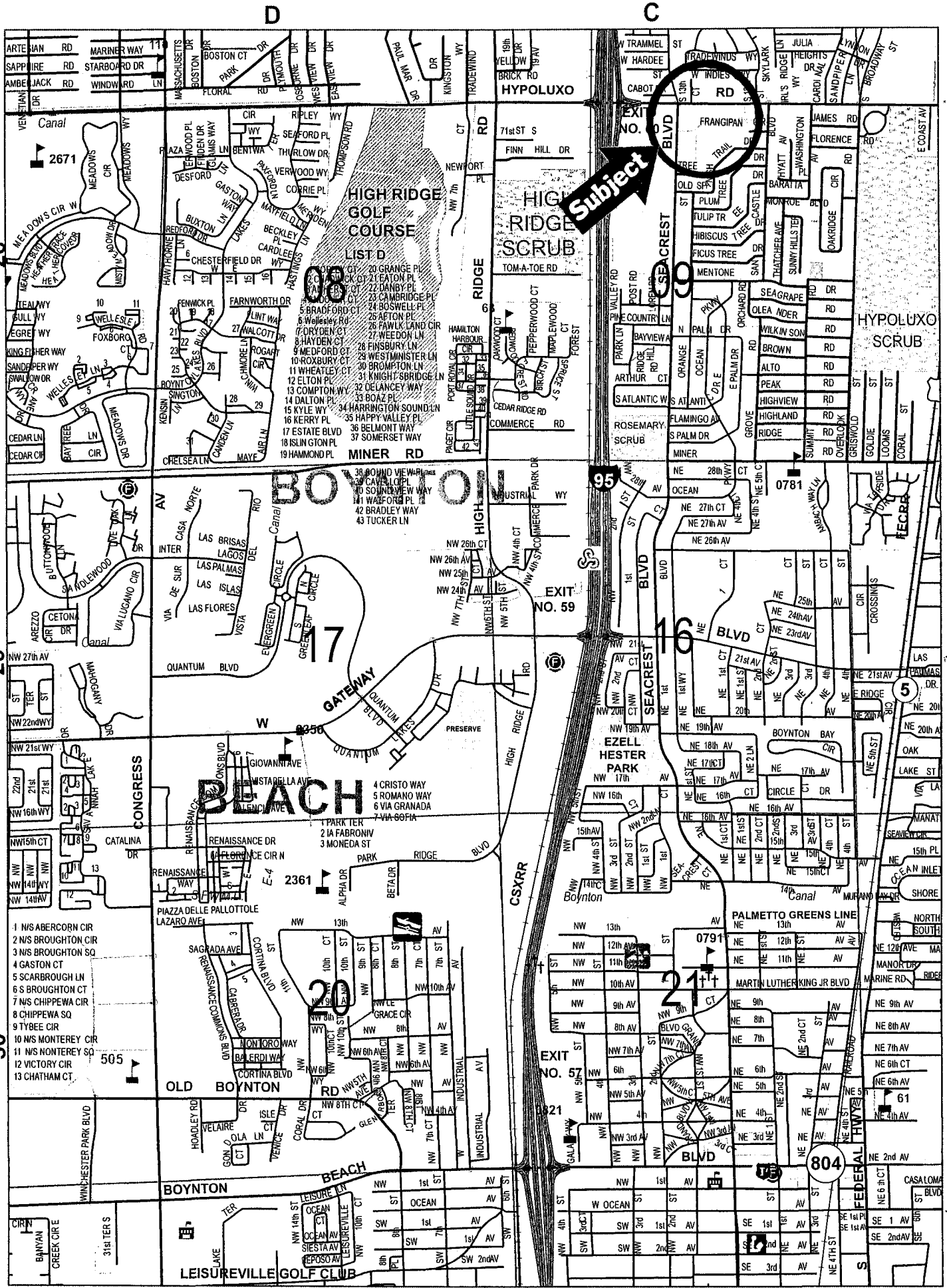
_____ *10/7/11*

Assistant County Attorney

C. Other Department Review:

Department Director

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



LOCATION MAP



T 45

15

T 45

Prepared by & Return to:
Peter Banting
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 40-43-45-09-11-017-0010

DECLARATION OF FLOWAGE EASEMENT

THIS IS A DECLARATION OF FLOWAGE EASEMENT, made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida (“County”), whose address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791.

WHEREAS, County is the owner of that certain real property located within Palm Beach County, Florida as set forth on **Exhibit “A”** attached hereto and made a part hereof (the “Easement Premises”); and

WHEREAS, County desires to create an easement over, upon and under such property for the purposes set forth hereinafter; and

WHEREAS, County desires that such easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon a subsequent conveyance of the Easement Premises by County.

WITNESSETH:

NOW THEREFORE, County does hereby declare, grant and create a perpetual in gross flowage easement for the benefit of County upon the Easement Premises. This easement shall be for the purpose of carrying storm water through drainage lines located therein, and shall include the right at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, and tie into the drainage lines and appurtenant facilities and equipment in, on, over, under and across the Easement Premises, and the right of reasonable access to the County’s adjoining property to exercise the rights granted herein.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Easement Premises upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

IN WITNESS WHEREOF, the County has caused this Declaration of Flowage Easement to be executed as of the day and year first above written.

ATTEST:

COUNTY:

**SHARON R. BOCK
CLERK & COMPTROLLER**

**PALM BEACH COUNTY, a political
subdivision of the State of Florida**

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

Signed and delivered
in the presence of:

Witness Signature

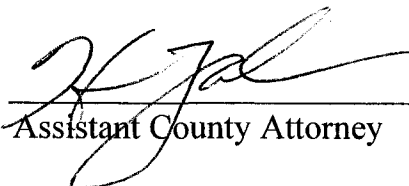
Print Witness Name

Witness Signature

Print Witness Name

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: 
Assistant County Attorney

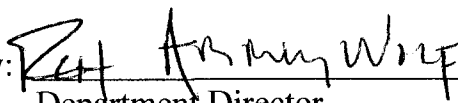
By: 
Department Director

EXHIBIT "A"

THE EASEMENT PREMISES

30' DRAINAGE EASEMENTS
 SAN CASTLE FOURTH ADDITION - TRACT K
 PLAT BOOK 26, PAGE 34

TWO STRIPS OF LAND 30.00 FEET IN WIDTH FOR DRAINAGE EASEMENT PURPOSES LYING IN A PORTION OF THE PLAT OF SAN CASTLE FOURTH ADDITION - TRACT K RECORDED IN PLAT BOOK 26, PAGE 34, SITUATED IN SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID EASEMENTS LYING 15.00 FEET ON EACH SIDE OF THE CENTERLINES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

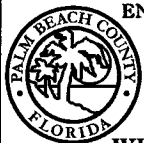
EASEMENT NO. 1

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 9 (PALM BEACH COUNTY POSITION); THENCE SOUTH 89°18'09" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 367.71 FEET; THENCE SOUTH 02°41'51" WEST AT RIGHT ANGLES TO SAID SECTION LINE, A DISTANCE OF 55.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD AS RECORDED IN OFFICIAL RECORD BOOK 10005, PAGE 1899 OF SAID PUBLIC RECORDS AND POINT OF BEGINNING 1; THENCE SOUTH 00°43'41" WEST, A DISTANCE OF 210.62 FEET TO THE SOUTHEAST LINE OF SAID TRACT K AND POINT OF TERMINUS 1 OF SAID CENTERLINE.

TOGETHER WITH:

EASEMENT NO. 2

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 9 (PALM BEACH COUNTY POSITION); THENCE SOUTH 02°04'18" WEST ALONG THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 9, A DISTANCE OF 338.81 FEET; THENCE SOUTH 87°55'42" EAST AT RIGHT ANGLES TO SAID SECTION LINE, A DISTANCE OF 219.45 FEET TO THE EAST BOUNDARY LINE OF THE PROPERTY DESCRIBED IN OFFICIAL RECORD BOOK 17492, PAGE 408 OF SAID PUBLIC RECORDS AND POINT OF BEGINNING 2; THENCE SOUTH 87°47'13" EAST, A DISTANCE OF 67.11 FEET TO THE SOUTHEAST LINE OF SAID TRACT K AND POINT OF TERMINUS 2 OF SAID CENTERLINE.

PROJECT NO. 2004520	SHEET: 1 OF: 3	PROJECT:	30' DRAINAGE EASEMENTS SAN CASTLE FOURTH ADDITION- TRACT K P.B. 26, PG. 34	SCALE: 1" = 60' APPROVED: C. W. M. DRAWN: G. W. M. CHECKED: N. J. H. DATE DRAWN: 02/11/11	NO.	REVISION	BY	DATE	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
		DESIGN FILE NAME	DRAWING NO.						
		S-1-11-3196.DGN	S-1-11-3196	967 C					

SURVEYOR'S NOTES

LEGEND

FD = FOUND
PG = PAGE
PB = PLAT BOOK
CL = CENTERLINE
R/W = RIGHT OF WAY
ORB = OFFICIAL RECORD BOOK
IR & CAP = IRON ROD & CAP
POT = POINT OF TERMINUS
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
MH = MANHOLE
RCP = RIENFORCED CONCRETE PIPE

COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNIT = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE
TRANSVERSE MERCATOR PROJECTION

ALL DISTANCES ARE GROUND
SCALE FACTOR = 1.0000480
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

SAID EASEMENTS COMBINED CONTAIN 8,333 SQUARE FEET OR 0.1913 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF SOUTH 89°18'09" EAST ALONG NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

THE SIDELINES OF SAID EASEMENT ARE TO BE LENGTHENED OR SHORTENED TO INTERSECT THE RIGHT-OF-WAY LINE AND BOUNDARY LINE CITED TO CREATE A CONTINUOUS 30 FOOT DRAINAGE EASEMENT.

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

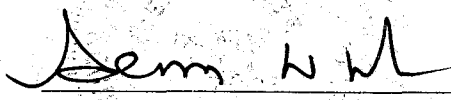
THIS IS NOT A SURVEY.

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.

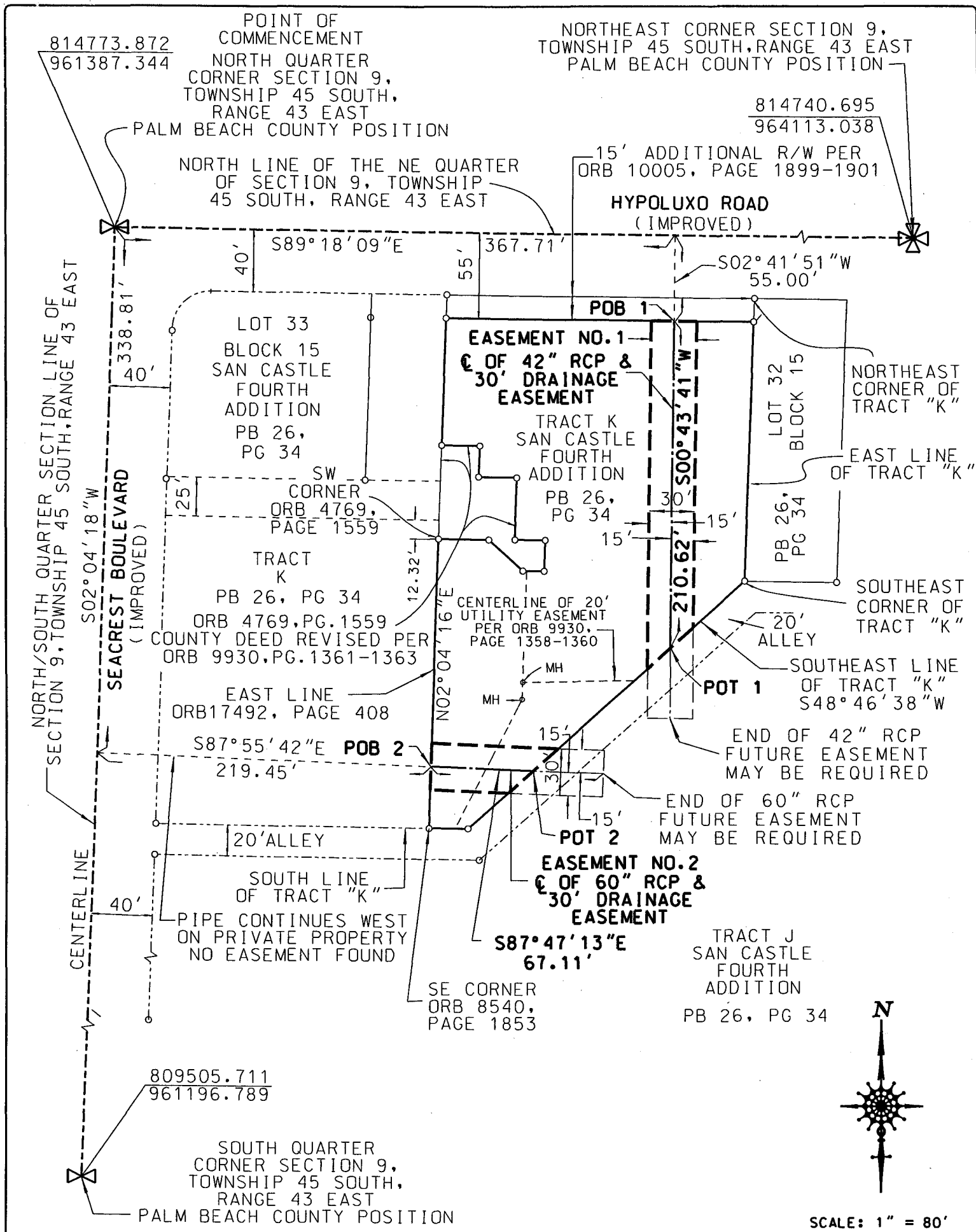
I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



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

2/14/11

DATE



814773.872
961387.344

POINT OF COMMENCEMENT
NORTH QUARTER
CORNER SECTION 9,
TOWNSHIP 45 SOUTH,
RANGE 43 EAST
PALM BEACH COUNTY POSITION

NORTHEAST CORNER SECTION 9,
TOWNSHIP 45 SOUTH, RANGE 43 EAST
PALM BEACH COUNTY POSITION

814740.695
964113.038

NORTH LINE OF THE NE QUARTER
OF SECTION 9, TOWNSHIP
45 SOUTH, RANGE 43 EAST

15' ADDITIONAL R/W PER
ORB 10005, PAGE 1899-1901

HYPOLUXO ROAD
(IMPROVED)

NORTH/SOUTH QUARTER SECTION LINE OF
SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST

SEACREST BOULEVARD
(IMPROVED)

S89°18'09"E 367.71'

S02°41'51"W
55.00'

LOT 33
BLOCK 15
SAN CASTLE
FOURTH
ADDITION
PB 26,
PG 34

EASEMENT NO. 1
OF 42" RCP &
30' DRAINAGE
EASEMENT

TRACT K
SAN CASTLE
FOURTH
ADDITION

LOT 32
BLOCK 15
PB 26,
PG 34

NORTHEAST
CORNER OF
TRACT "K"

EAST LINE
OF TRACT "K"

SW
CORNER
ORB 4769,
PAGE 1559

TRACT
K
PB 26, PG 34
ORB 4769, PG. 1559
COUNTY DEED REVISED PER
ORB 9930, PG. 1361-1363

CENTERLINE OF 20'
UTILITY EASEMENT
PER ORB 9930,
PAGE 1358-1360

EAST LINE
ORB 17492, PAGE 408

POB 1
S00°43'41"W
210.62'

SOUTHEAST
CORNER OF
TRACT "K"

SOUTHEAST LINE
OF TRACT "K"
S48°46'38"W

S87°55'42"E
219.45'

POB 2

END OF 42" RCP
FUTURE EASEMENT
MAY BE REQUIRED

20' ALLEY

END OF 60" RCP
FUTURE EASEMENT
MAY BE REQUIRED

SOUTH LINE
OF TRACT "K"
PIPE CONTINUES WEST
ON PRIVATE PROPERTY
NO EASEMENT FOUND

EASEMENT NO. 2
OF 60" RCP &
30' DRAINAGE
EASEMENT

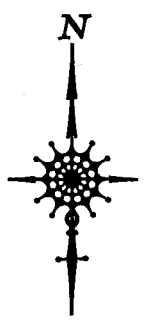
S87°47'13"E
67.11'

TRACT J
SAN CASTLE
FOURTH
ADDITION
PB 26, PG 34

SE CORNER
ORB 8540,
PAGE 1853

809505.711
961196.789

SOUTH QUARTER
CORNER SECTION 9,
TOWNSHIP 45 SOUTH,
RANGE 43 EAST
PALM BEACH COUNTY POSITION



SCALE: 1" = 80'