

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

Meeting Date:	October 18, 2011	Consent [X]	Regular []
		Public Hearing []	
Submitted By:	Water Utilities Department		
Submitted For:	Water Utilities Department		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Partial Release of two (2) Standard Potable Water and Wastewater Development Agreements with Herbert F. Kahlert and Karl A. Kahlert as Co-Trustees of Trust A under the Will of Fritz M Kahlert, and Herbert F. Kahlert as Personal Representative for the Estate of Heinz Kahlert.

Summary: Property Owner has transferred ownership of a portion of the property encumbered by a 1997 Standard Potable Water and Wastewater Development Agreement (R97-780, recorded at ORB 9894, Page 1575); and a 1999 Standard Potable Water and Wastewater Development Agreement (R99-775, recorded at ORB 10915, Page 1282) (collectively, the "Agreements") to Bethesda Healthcare System Inc. (Property Owner has requested that this portion of the legal description contained in the original Agreements be released. District 5 (MJ)

Background and Justification: While the Department Director has been delegated the authority to enter into a Unilateral Termination and Partial Release of Standard Potable Water and Wastewater Development Agreements due to non-renewal, approval is being sought in this case because a partial release is being sought to clear title encumbered by the Agreements on a portion of property that is no longer a part of the original Agreements. On December 10, 2007, a portion of the property shown as Exhibit "A" of the Agreements was sold to Bethesda Healthcare System, Inc. This portion of the property will be released from the underlying Agreements.

Attachments:

1. Location Map
2. Two (2) Original Partial Release of Standard Development Agreement No. 05-00087-000 and 05-00113-000

Recommended By:  9/22/11
Department Director Date

Approved By:  10/12/11
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<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>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

See below

Budget Account No.: Fund _____ Dept. _____ Unit _____ Object _____

Is Item Included in Current Budget? Yes _____ No _____

Reporting Category N/A

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

No Fiscal Impact.

C. Department Fiscal Review: *Debra M. West*

III. REVIEW COMMENTS

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

No fiscal impact, services is not being lost.

[Signature]
 OFMB
 9/23/11
 9/23/11

[Signature]
 Contract Development and Control
 10/3/11

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney
 10/6/11

C. Other Department Review:

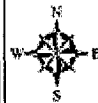
 Department Director



Layer Information	
XY (Long,Lat)	XY: -80.1682121,26.5245671
Parcels	Distance: 0 ft
Parcel Number:	00424528040010000
Area(sqft):	4125.03
Acres:	.09
Owner:	BETHESDA HEALTHCARE SYSTEM INC
Location:	7752 VENTURE CENTER WAY
Mailing:	2815 S SEACREST BLVD
City:	BOYNTON BEACH
State:	FL
Zipcode:	33435
Roads	Distance: 47 ft
Segmentid:	84195
Left Range:	7800 - 7998
Right Range:	7801 - 7999
Street:	Venture Center Way
L/R Zipcode:	33437/33437
L/R Muni:	UNINCORPORATED/UNINCORPORATED
RESP_AUTH:	COUNTY
TFARE_ROW:	NA
Speed Limit:	35
Lanes:	2
CFCC:	NA
Commission Districts	Distance: 0 ft
	District: 5

00424528040010000

produced by: myGeoNav



Charge #1023 Return Via Will Call # 133
Attn: Craig Williams Contract Management,
PBC Water Utilities Dept.
8100 Forest Hill Blvd, WPB, FL 33413

Property Control Number: 00-42-45-28-04-001-0000

PARTIAL RELEASE OF STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENTS

THIS PARTIAL RELEASE OF STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENTS (this "Partial Release"), made and entered into this ___ day of _____, 2011, by **PALM BEACH COUNTY**, a subdivision of the State of Florida, hereinafter referred to as "County."

WITNESSETH

WHEREAS, County and Herbert F. Kahlert and Karl A. Kahlert as Co-Trustees of Trust A under the Will of Fritz M. Kahlert, and Herbert F. Kahlert as Personal Representative for the Estate of Heinz Kahlert ("Property Owner") entered into a Standard Potable Water and Wastewater Development Agreement on June 16, 1997, and recorded on July 17, 1997 in Book 9894, Page 1575 and a Standard Potable Water and Wastewater Development Agreement on January 29, 1999, and recorded on February 5, 1999 in Book 10915, Page 1282, both of the Official Records of Palm Beach County, Florida (collectively, the "Agreement"); and

WHEREAS, Property Owner has transferred ownership of a portion of the Property encumbered by the Agreement, as more fully described in **Exhibit "A"** attached hereto and incorporated herein, to Bethesda Healthcare System, Inc. as evidenced by that certain Quit Claim Deed dated December 10, 2007, and recorded on January 2, 2008 in the Official Records of Palm Beach County, Florida, at Book 22356, Page 1670 (the "Released Parcel"); and

WHEREAS, County wishes to release the Agreement as to the Released Parcel.

NOW, THEREFORE, for and in consideration of these premises, the mutual undertakings and agreements herein contained and assumed, County hereby covenants and agrees as follows:

1. The foregoing statements are true and correct and are incorporated herein by specific reference.
2. The Agreement is hereby released as to the Released Parcel.
3. All other provisions of the Agreement are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

IN WITNESS WHEREOF, County has executed this Partial Release as of the above written date.

SDA No. 05-00087-000 &
05-00113-000

EXHIBIT "A"

All of Grantor's interest in a 4,188, more or less, square foot portion of Parcel A-2, as shown on the plat of Boynton Beach Enterprise Center Plat No. 2, as recorded in Plat Book 79, Page 152, of the Public Records of Palm Beach County, Florida, lying South of the South right of way line of Venture Center Way as shown on the plat of Boynton Beach Enterprise Center Replat No. 3, as recorded in Plat Book 80, Page 160, of the Public Records of Palm Beach County, Florida, and lying North of the North right of way line of Parcel B-2 as shown on the Plat of Boynton Beach Enterprise Center Plat No. 2 as recorded in Plat Book 79, Page 152 of the Public Records of Palm Beach County, Florida.

Property Control Number: 00-42-45-28-04-001-0000

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