

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

Meeting Date: December 6, 2011 Consent Regular
 Workshop Public Hearing

Department:
 Submitted By: Engineering and Public Works
 Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A Consent and Subordination of Permanent Embankment Easement for Lyons Road located within the boundaries of the Lake Worth Drainage District (LWDD) L-37 Canal.

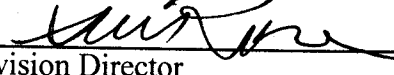
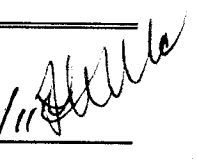
SUMMARY: Approval of this item will allow a Consent and Subordination of Permanent Embankment Easement in favor of LWDD, which will subordinate Palm Beach County's interest in a portion of a ten foot embankment easement located at the LWDD L-37 Canal and Lyons Road.

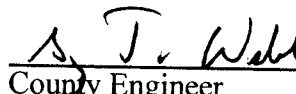
District 5 (MRE)

Background and Justification: Palm Beach County (County) acquired a ten foot permanent embankment easement through an Order of Taking as part of the Lyons Road Project No. 1995611, from Clint Moore Road to West Atlantic Avenue. This Order of Taking is dated October 15, 1999 and is recorded in Official Record Book 11413, pages 1734 through 1749. Within the embankment easement area LWDD has a 70 foot easement over and across the L-37 Canal. LWDD is requesting that the County subordinate its interest in the embankment easement which encumbers a portion of the LWDD easement at the L-37 Canal. Staff has reviewed the Consent and Subordination of Permanent Embankment Easement, and has no objections. LWDD has agreed to maintain the integrity of the embankment fill existing within the embankment easement in perpetuity.

Attachments:

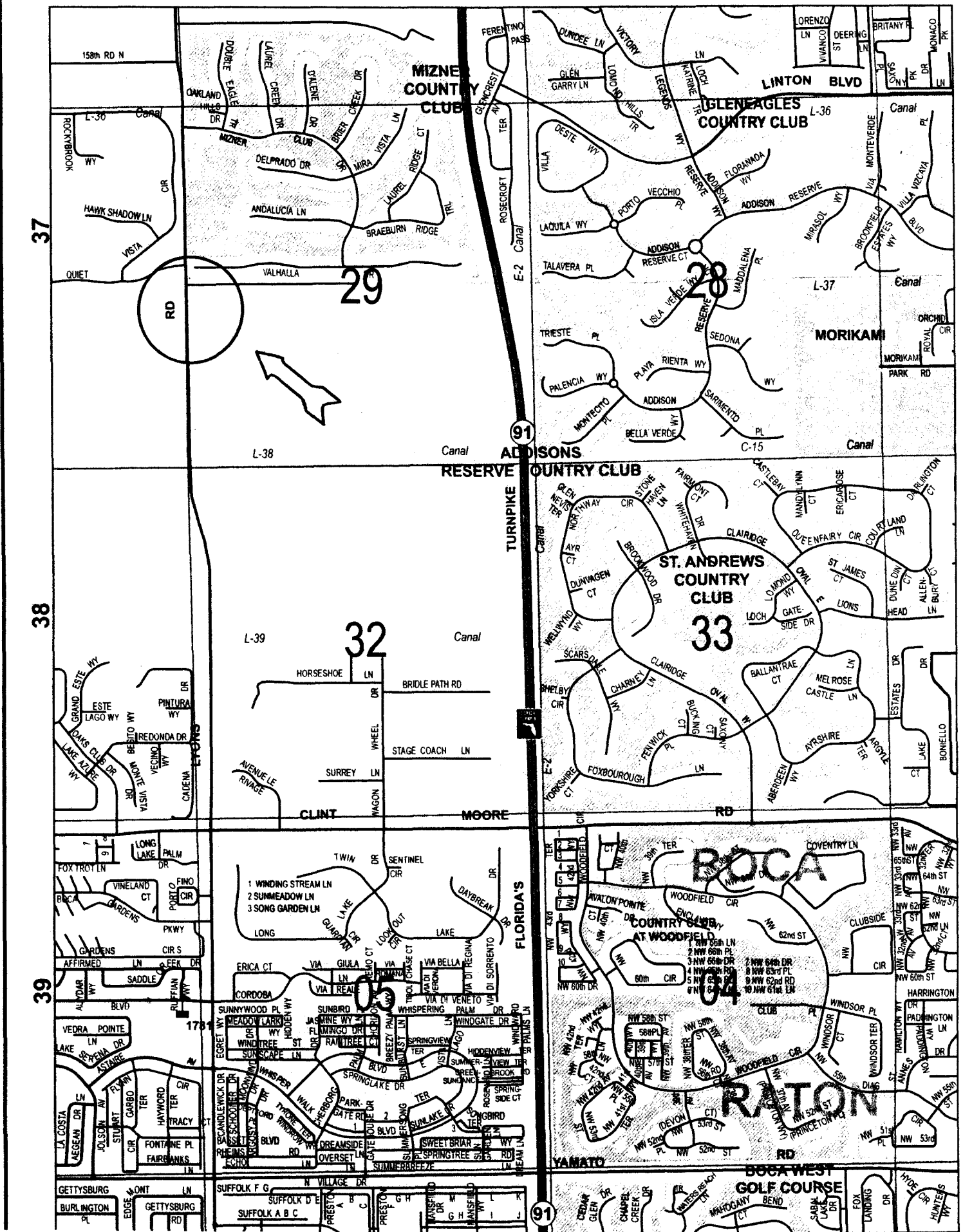
1. Location Map
2. Consent and Subordination of Permanent Embankment Easement with Exhibit "A"

Recommended by:  10/17/11 
 for Division Director Date

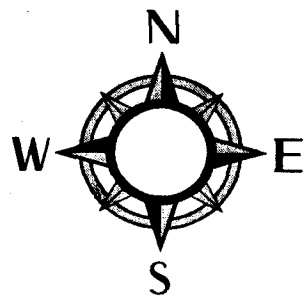
Approved by:  11/1/11
 County Engineer Date

J

I



Location Map



CONSENT AND SUBORDINATION OF PERMANENT EMBANKMENT EASEMENT

WHEREAS, PALM BEACH COUNTY, Pursuant to that Order of Taking dated October 15, 1999, recorded in Official Record Book 11413, Pages 1734 through 1749, obtained a 10-foot permanent embankment easement, which encumbers the real property described on Exhibit "A" attached hereto; and,

WHEREAS, PALM BEACH COUNTY consents and subordinates the subject permanent embankment easement to that easement from THOMAS BROS. FARMS, INC. to LAKE WORTH DRAINAGE DISTRICT and that easement from BOCA RATON ASSOCIATES VI, LLLP to LAKE WORTH DRAINAGE DISTRICT, as recorded in Official Record Book 4317, Pages 309 through 310, and Official Record Book 24583, Pages 765 through 771, to which this Consent and Subordination is attached; and,

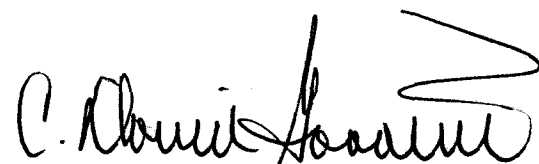
WHEREAS, LAKE WORTH DRAINAGE DISTRICT agrees to maintain the integrity of the embankment fill existing within said embankment easement in perpetuity.

NOW, THEREFORE


PALM BEACH COUNTY has executed this Consent and Subordination this _____ day of _____, 2011; and

LAKE WORTH DRAINAGE DISTRICT has executed this Consent and Subordination this 5 day of October, 2011.

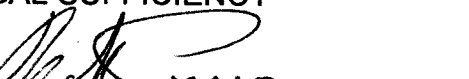
LAKE WORTH DRAINAGE DISTRICT

BY: 
C. David Goodlett, President

ATTEST:

By: 
Ronald L. Crone, Secretary

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
Mark A. Perry, General Counsel



PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: _____
Chair

ATTEST: SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: 
for Omelio A. Fernandez, P.E., Director
Roadway Production Division

Exhibit "A"

SKETCH AND DESCRIPTION

THIS IS NOT A SURVEY!



DESCRIPTION: L.W.D.D. EASEMENT L-37 CANAL

BEING A PORTION OF TRACT 80, SECTION 29, PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA ALSO LYING WITHIN A PORTION OF THOSE LANDS DESCRIBED IN THAT LAKE WORTH DRAINAGE DISTRICT EASEMENT DEEDS RECORDED IN OFFICIAL RECORDS BOOK 24583, PAGE 765 AND OFFICIAL RECORDS BOOK 4317, PAGE 309, ALL OF SAID PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 80; THENCE NORTH 89°27'28" EAST ALONG THE NORTH LINE OF SAID TRACT 80, A DISTANCE OF 55.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LYONS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 11413, PAGE 1734, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE NORTH 89° 27' 28" EAST ALONG THE NORTH LINE OF SAID TRACT 80, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00° 52' 26" EAST ALONG THE EAST LINE OF THAT PERMANENT EMBANKMENT EASEMENT (PARCEL 108 E2) AS RECORDED IN OFFICIAL RECORDS BOOK 11413, PAGE 1734, OF SAID PUBLIC RECORDS, A DISTANCE OF 70.00 FEET, THENCE SOUTH 89° 27' 28" WEST ALONG THE SOUTH LINE OF SAID LAKE WORTH DRAINAGE DISTRICT EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 24583, PAGE 765, OF SAID PUBLIC RECORDS, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°52'26" WEST ALONG SAID EAST RIGHT-OF-WAY LINE OF LYONS ROAD, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.


CONTAINING 700.0 SQUARE FEET MORE OR LESS.

BEARINGS BASED ON THE EAST RIGHT-OF-WAY LINE OF LYONS ROAD HAVING AN ASSUMED BEARING OF NORTH 00°52'26" WEST.

L.W.D.D. PROJECT #99-5250P.02

CERTIFICATION:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER

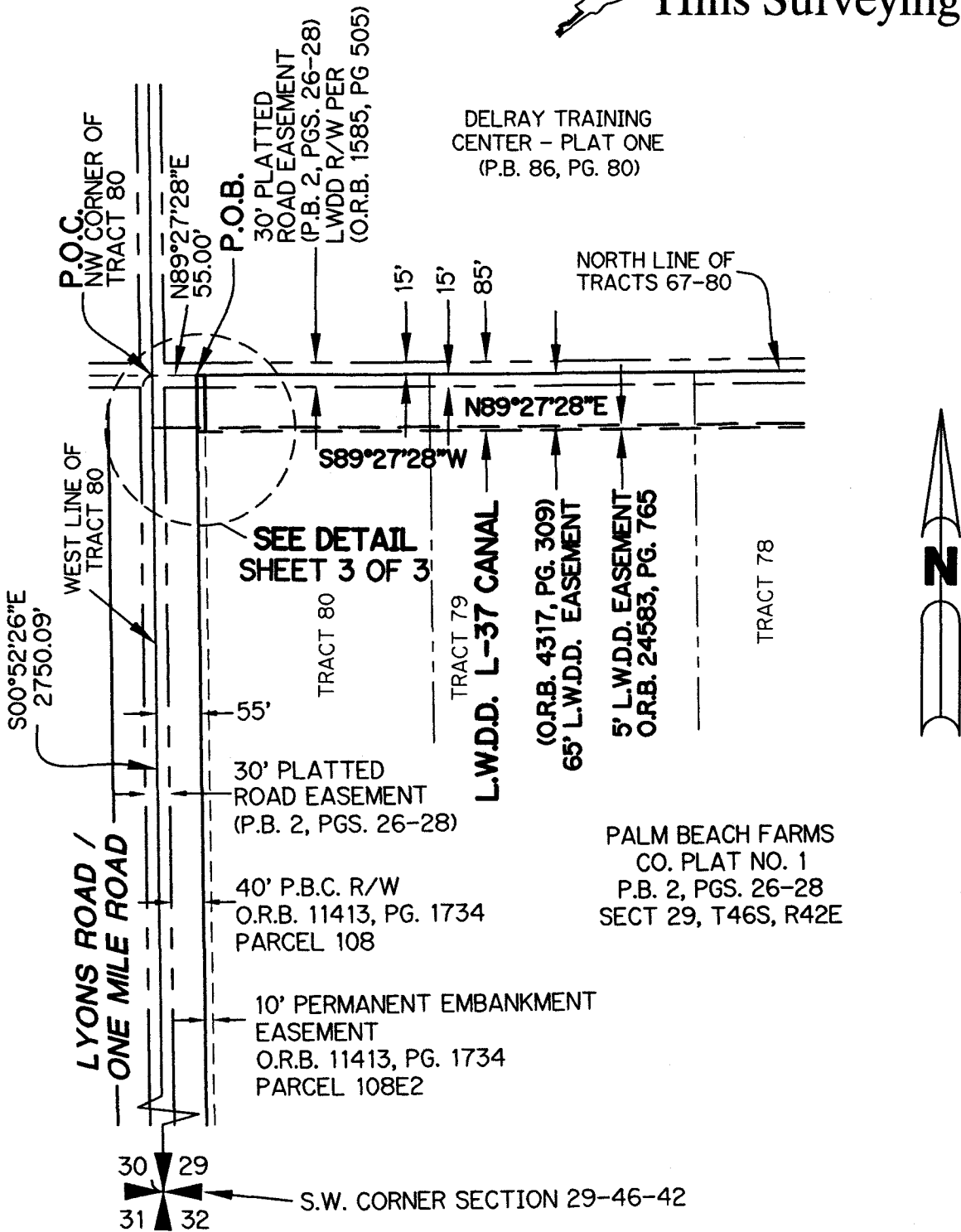

 PERRY C. WHITE
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA REGISTRATION NO. 4213
 DATE: 07/25/11
 REV. 9/19/11

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

SKETCH & DESCRIPTION DUBOIS P.U.D. LAKE WORTH DRAINAGE DISTRICT L-37 CANAL EASEMENT SUBORDINATION AGREEMENT	SCALE: 1" = 200'	SHEET 1 OF 3
	REVIEWED: PW	DRAWN: PW
	DATE: 06/27/11	DRAWING No: D0106LG02

SKETCH AND DESCRIPTION
THIS IS NOT A SURVEY!



LEGEND:

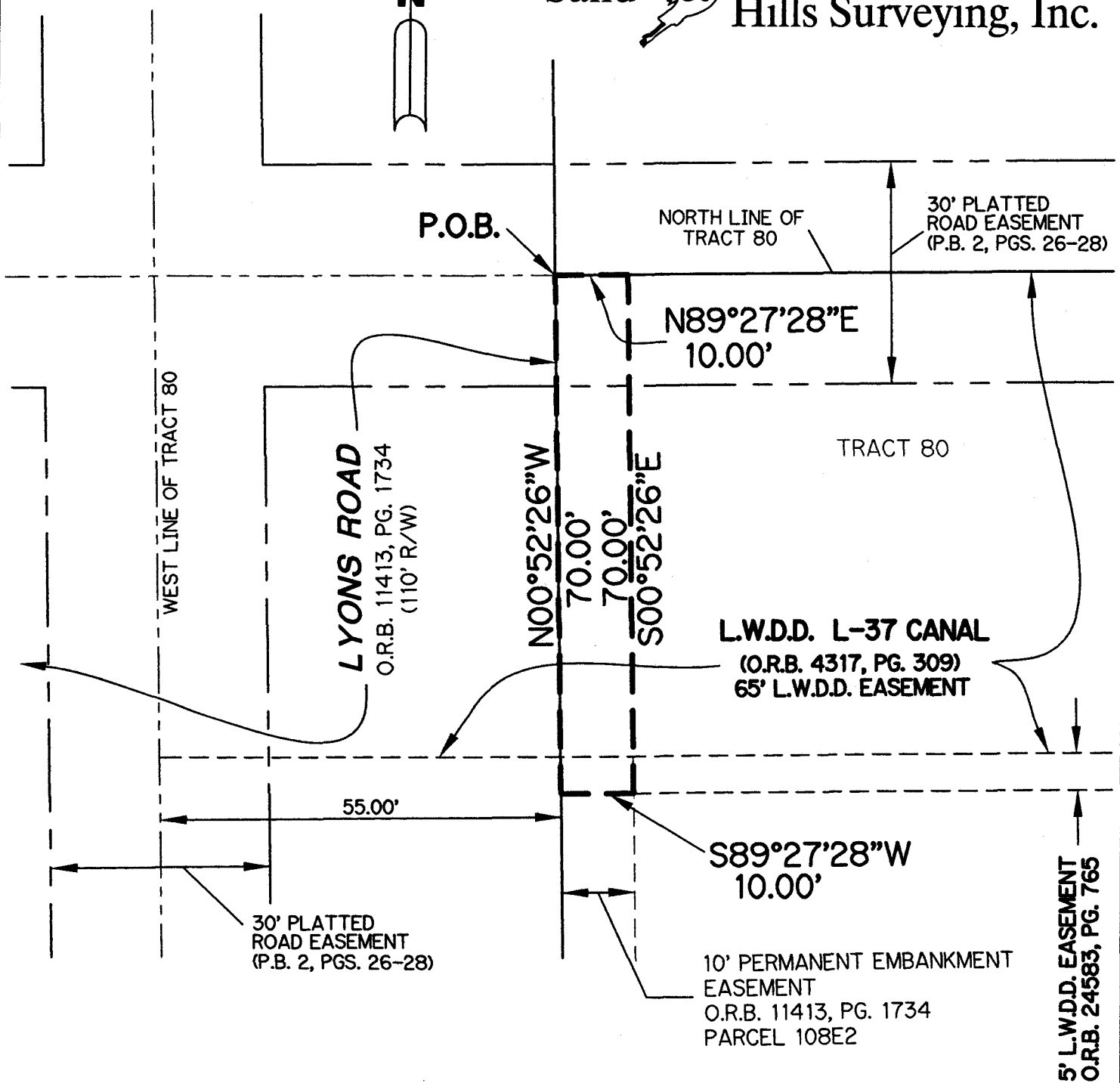
- L.B. - LICENSED BUSINESS
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
- O.R.B. - OFFICIAL RECORDS BOOK
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.B. - PLAT BOOK
- PGS. - PAGES
- R/W - RIGHT-OF-WAY

SKETCH & DESCRIPTION DUBOIS P.U.D. LAKE WORTH DRAINAGE DISTRICT L-37 CANAL EASEMENT SUBORDINATION AGREEMENT	SCALE: 1" = 200'	SHEET 2 OF 3
	REVIEWED: PW	DRAWN: PW
	DATE: 07/25/11	DRAWING No: D0106LG02

SKETCH AND DESCRIPTION
THIS IS NOT A SURVEY!



Sand & Hills Surveying, Inc.



LEGEND:

- L.B. - LICENSED BUSINESS
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
- O.R.B. - OFFICIAL RECORDS BOOK
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.B. - PLAT BOOK
- PGS. - PAGES
- R/W - RIGHT-OF-WAY

SKETCH & DESCRIPTION DUBOIS P.U.D. LAKE WORTH DRAINAGE DISTRICT L-37 CANAL EASEMENT SUBORDINATION AGREEMENT	SCALE: 1" = 20'	SHEET 3 OF 3
	REVIEWED: PW	DRAWN: PW
	DATE: 07/25/11	DRAWING No: D0106LG02