# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

**Meeting Date:** 

**December 6, 2011** 

Consent [X]

Public Hearing [ ]

Regular [ ]

Submitted By:

**Water Utilities Department** 

Submitted For: Water Utilities Department

#### I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** a Declaration of Easement in favor of the Palm Beach County Water Utilities Department (WUD) for a Reclaimed Water Main (RCWM) and appurtenant facilities to provide cooling water to the Florida Power and Light West County Energy Center (Center).

**Summary:** The RCWM and appurtenant facilities were installed on County owned land that runs from the east side of North Jog Road (north side of the Palm Beach County Operations and Support Center on Vista Parkway) to WUD Lift Station No. 5240 (east side of the Florida Turnpike). These facilities will enable the County to supply reclaimed water from the East Central Regional Wastewater Reclamation Facility to the Center. This easement shall be for the purpose of water and sewer utilities and shall include the right at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the Easement Premises. This easement or portion thereof can be utilized for a wastewater pump station. (WUD 08-031) <u>District 2</u> (MJ)

**Background and Justification:** On May 20, 2010, the Board of County Commissioners approved a Reclaimed Water Agreement (2008-0906) with Florida Power and Light to supply reclaimed water to the Center. Construction was completed on January 2011. The Declaration of Easement will be recorded to provide notice of the existence and location of the reclaimed water main.

#### Attachments:

- 1. Location Map
- 2. Two (2) Original Declaration of Easements

Recommended By:

Department Director

Date

Approved By:

Assistant County Administrator

Daté

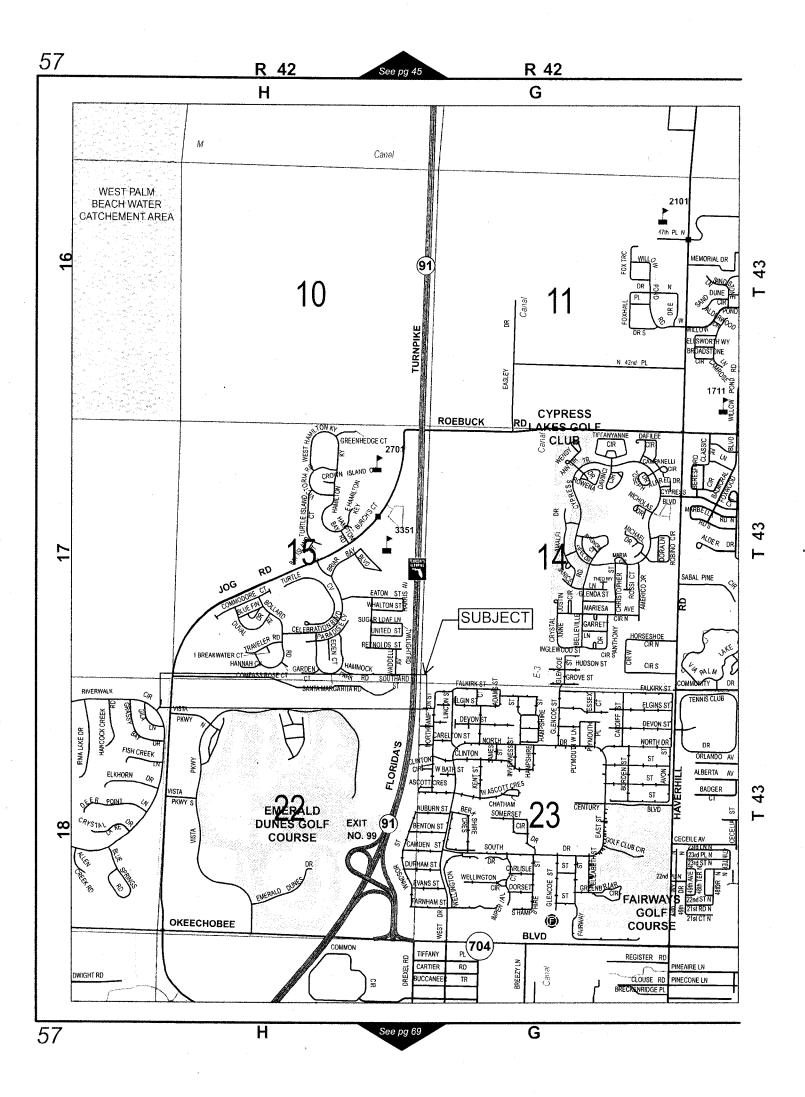
### II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures External Revenues Program Income (County) In-Kind Match County	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> 0 0	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> 0 0	<u>0</u> <u>0</u> <u>0</u>
NET FISCAL IMPACT	0th Sec	below	<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>
Budget Account No.: Fun	d Age	ncy C	)rg	Object _	
Is Item Included in Current Bu	udget?	Yes	No		
	R	eporting Cate	gory <u>N/A</u>		
B. Recommended Source	es of Funds	/Summary of	Fiscal Imp	act:	
№ No fiscal impact.					
C. Department Fiscal Re	eview:	Debran	rwest		
	III. <u>REV</u>	IEW COMME	NTS		
A. OFMB Fiscal and/or (	Contract Dev	elopment and	d Control C	comments:	
OFMB  B. Legal Sufficiency:  Assistant Count	11/9/11 11/18/ y Attorney	- <i>ili</i>	ontracts De	y beoli velopment a bheeler	11116 [II
C. Other Department Re	view:				

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

Department Director



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

PCN:

00-42-43-15-13-001-0000 00-42-43-15-13-002-0000 74-42-43-14-00-000-7010

#### **DECLARATION OF EASEMENT**

THIS IS A DECLARATION OF 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 <u>Exhibit "A"</u> attached hereto and made a part hereof (the "Property"); 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 Property by County.

#### WITNESSETH:

NOW THEREFORE, County does hereby declare, grant and create a perpetual in gross utility easement for the benefit of County upon the real property legally described in **Exhibit "B"**, attached hereto (the "Easement Premises"). This easement shall be for the purpose of water and sewer utilities and shall include the right at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the Easement Premises. This easement or portion thereof can be utilized for a wastewater pump station and said pump station may be fenced in for access control purposes.

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 Property 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 Easement to be executed as of the day and year first above written.

ATTEST:	COUNTY:  PALM BEACH COUNTY, a political subdivision of the State of Florida		
SHARON R. BOCK CLERK & COMPTROLLER			
By:	By:		
Deputy Clerk	, 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: Suggine  Department Director		

\\FDO-FS\common\PREM\Dev\Open Projects\\WUD-Central Regional Reclaimed Water Pipeline-dk\\Easements\\Easement\_Declaration.BB app.090711.docx

#### **EXHIBIT "A"**

#### THE PROPERTY

Parcel 1

PCN: 00-42-43-15-13-001-0000

Tract "A", Field Operations and Support Center, as recorded in Plat Book 105 at Page 105, of the Public Records of Palm Beach County, Florida.

Parcel 2

PCN: 00-42-43-15-13-002-0000

Tract "B", Field Operations and Support Center, as recorded in Plat Book 105 at Page 105, of the Public Records of Palm Beach County, Florida.

Parcel 3

PCN: 74-42-43-14-00-000-7010

The North 100 feet of the South 140 feet of the West 100 feet of the Southwest quarter of Section 14, Township 43 South, Range 42 East, City of West Palm Beach, Palm Beach County, Florida.

FOR PROPERTY CONTROL # 00-42-43-15-13-001-0000

**EXHIBIT "B"** 

#### **LEGAL DESCRIPTION:**

A 20 FOOT WIDE STRIP OF LAND LYING WITHIN TRACT "A", FIELD OPERATIONS AND SUPPORT CENTER, AS RECORDED IN PLAT BOOK 105 AT PAGE 105, ACCORDING TO THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, THE SIDES OF WHICH LIE 10 FEET TO THE RIGHT AND 10 FEET TO THE LEFT OF THE FOLLOWING DESCRIBED CENTER LINE OF EASEMENT (THE SIDES OF SAID EASEMENT SHOULD BE LENGTHENED AND/OR SHORTENED SO AS TO FORM A CONTINUOUS STRIP.

COMMENCE AT THE SOUTHEAST CORNER OF TRACT "A", FIELD OPERATIONS AND SUPPORT CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 105, PAGES 105 THROUGH 110 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°49'01"W ALONG THE SOUTH LINE OF SAID TRACT "A" FOR A DISTANCE OF 477.63 FEET TO THE POINT OF BEGINNING OF THE CENTER LINE OF EASEMENT; THENCE N45°07'21"W FOR 27.30 FEET; THENCE N89°45'11"W FOR 1952.29 FEET TO THE EAST RIGHT OF WAY LINE OF JOG ROAD AS RECORDED IN OFFICIAL RECORD BOOK 4196, PAGES 838 THROUGH 842, AND OFFICIAL RECORD BOOK 4298, PAGE 1428 AND THE POINT OF TERMINATION OF THE CENTER LINE OF EASEMENT.

CONTAINING 39,600 SQUARE FEET OR 0.91 FEET MORE OR LESS.

SAID LANDS SITUATE WITHIN UNINCORPORATED PALM BEACH COUNTY, FLORIDA.

#### NOTES:

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").
- 2) RECORD INFORMATION SHOWN HEREON WAS TAKEN FROM RECORD PLATS OBTAINED FROM THE PUBLIC RECORDS OF PALM BEACH COUNTY.
- BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST, HAVING A GRID BEARING OF NORTH 89°49'01" WEST, ACCORDING TO THE STATE PLANE COORDINATES SYSTEM, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT, AS ESTABLISHED BY THE PALM BEACH COUNTY SURVEY SECTION.
- 4) SYMBOLS SHOWN HEREON ARE NOT TO SCALE.
- 5) THE LEGAL DESCRIPTION SHOWN HEREON WAS WRITTEN BY THE UNDERSIGNED SURVEYOR AS DIRECTED BY THE CLIENT.

#### LEGEND:

FPL FLORIDA POWER AND LIGHT CO.

D.B. DEED BOOK

O.R.B. OFFICIAL RECORD BOOK

PG. PAGE

PCN PROPERTY CONTROL NUMBER

**P.O.B.** POINT OF BEGINNING POINT OF COMMENCEMENT

P.O.T. POINT OF TERMINATION

HELLER MEAVER AND SHEREMETA, INC

FLORIDAYSTATE L.B. NO. 3449

BY: DANYEY OF LAKE PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REG, NO. 5118

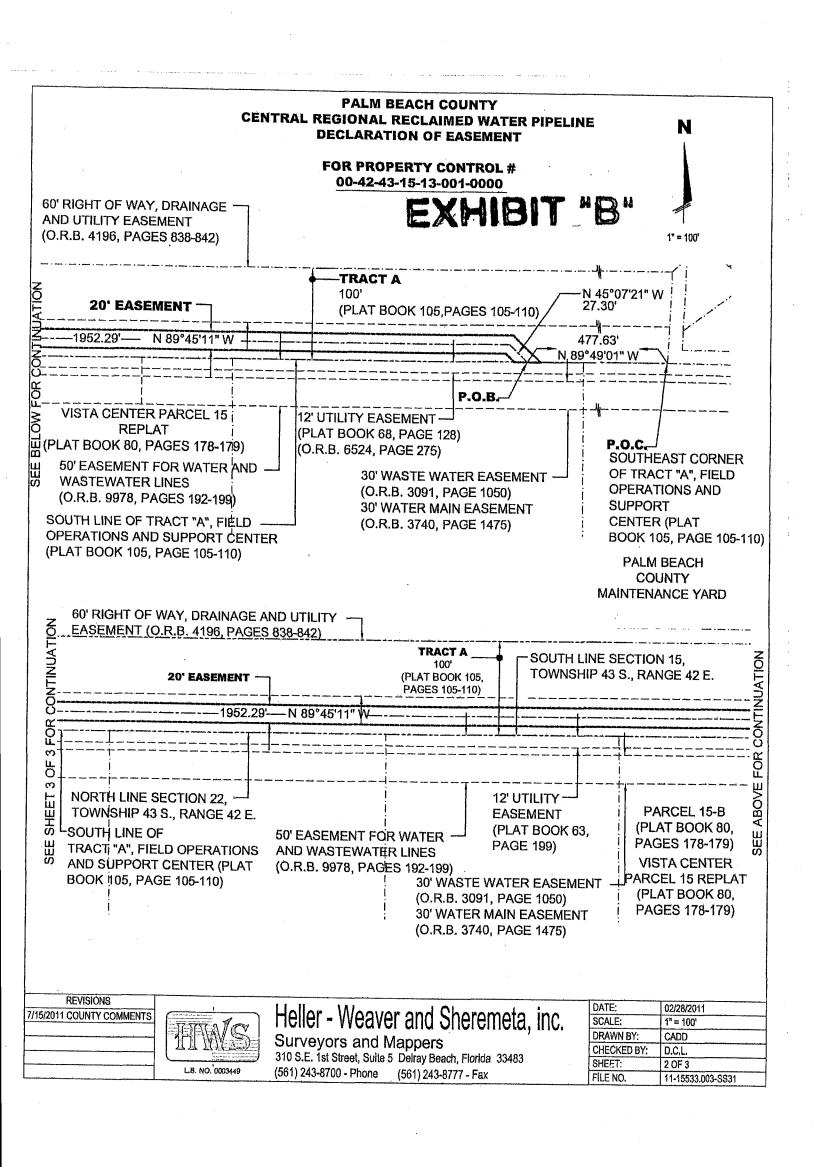
REVISIONS 7/15/2011 COUNTY COMMENTS



Heller - Weaver and Sheremeta, inc.

Engineers ... Surveyors and Mappers 310 S.E. 1st Street, Suite 5 Delray Beach, Florida 33483 (561) 243-8700 - Phone (561) 243-8777 - Fax

DATE:	02/28/2011
SCALE:	N/A
DRAWN BY:	CADD
CHECKED BY:	D.C.L.
SHEET:	1 OF 3
FILE NO.	11-15533.003-\$\$30



FOR PROPERTY CONTROL # 00-42-43-15-13-001-0000



(PLAT BOOK 105, PAGE 105-110)

EAST RIGHT OF WAY 60' RIGHT OF WAY, DRAINAGE LINE JOG ROAD **60' ACCESS EASEMENT** AND UTILITY EASEMENT (O.R.B. 4298, PAGE 1428) (O.R.B. 4196, PAGES 838-842) (O.R.B. 4196, PAGES 838-842) TRACT A P.O.T. SOUTH LINE 100 20' EASEMENT SECTION 15, (PLAT BOOK 105, 16 TOWNSHIP 43 S. PAGES-105-110) 15 22 N 89°49'01" W 12' UTILITY EASEMENT JOG ROAD (PLAT BOOK 63, PAGE 199) ო NORTH LINE NW 1/4 SECTION 22, 2 OF 30' WASTE WATER EASEMENT TOWNSHIP 43 S., 50' EASEMENT FOR WATER (O.R.B. 3091, PAGE 1050) RANGE 42 E. SHEET AND WASTEWATER LINES 30' WATER MAIN EASEMENT (O.R.B. 9978, PAGES 192-199) (O.R.B. 3740, PAGE 1475) SOUTH LINE OF TRACT "A", FIELD OPERATIONS AND SUPPORT CENTER

- A 60' EASEMENT AND RIGHT OF WAY (O.R.B. 4298, PAGE 1428) (O.R.B. 4196, PAGES 838-842)
- B EASEMENT AND RIGHT OF WAY (O.R.B. 4196, PAGES 838-842) (O.R.B. 4298, PAGE 1428) (O.R.B.11771, PAGES 1653-1664)
- © EMBANKMENT EASEMENT (O.R.B. 11771, PAGES 1653-1664)

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FOR PROPERTY CONTROL # 00-42-43-15-13-002-0000

EXHIBIT "B"

#### **DECLARATION OF EASEMENT**

A PARCEL OF LAND LYING WITHIN TRACT "B", FIELD OPERATIONS AND SUPPORT CENTER, AS RECORDED IN PLAT BOOK 105 AT PAGES 105 THROUGH 110, ACCORDING TO THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE-QUARTER CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE S88°58'02"E ALONG THE NORTH LINE OF SAID SECTION 22, BEING COINCIDENT WITH THE NORTH LINE OF TRACT "B", FIELD OPERATIONS AND SUPPORT CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 105, PAGES 105 THROUGH 110 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A DISTANCE OF 2302.25 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE; THENCE ALONG THE SAID WEST RIGHT OF WAY LINE S01°52'21"W FOR 20.00 FEET; THENCE N88°58'02"W ALONG A LINE 20.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID NORTH LINE FOR 375.99 FEET; THENCE N87°59'26"E FOR 376.82 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 3760 SQUARE FEET MORE OR LESS.

SAID LANDS SITUATE WITHIN UNINCORPORATED PALM BEACH COUNTY, FLORIDA.

#### NOTES:

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").
- 2) RECORD INFORMATION SHOWN HEREON WAS TAKEN FROM RECORD PLATS OBTAINED FROM THE PUBLIC RECORDS OF PALM BEACH COUNTY.
- 3) BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST, HAVING A GRID BEARING OF NORTH 88°58'02" WEST, ACCORDING TO THE STATE PLANE COORDINATES SYSTEM, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT, AS ESTABLISHED BY THE PALM BEACH COUNTY SURVEY SECTION.
- 4) SYMBOLS SHOWN HEREON ARE NOT TO SCALE.

5) THE LEGAL DESCRIPTION SHOWN HEREON WAS WRITTEN BY THE UNDERSIGNED SURVEYOR AS DIRECTED BY THE CLIENT.

#### LEGEND:

FPL FLORIDA POWER AND LIGHT CO.

D.B. DEED BOOK

O.R.B. OFFICIAL RECORD BOOK

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PCN PROPERTY CONTROL NUMBER

P.O.C. POINT OF BEGINNING
POINT OF COMMENCEMENT

P.O.T. POINT OF TERMINATION

HELLER WEAVER AND SHEREMETA, INC FLORIDA STATE L.B. NO. 3449

BY: MANIEC C. LAAK

PROFESSIONAL SURVEYOR AND MAPPER

FLORIDA REG. NO. 5118

REVISIONS



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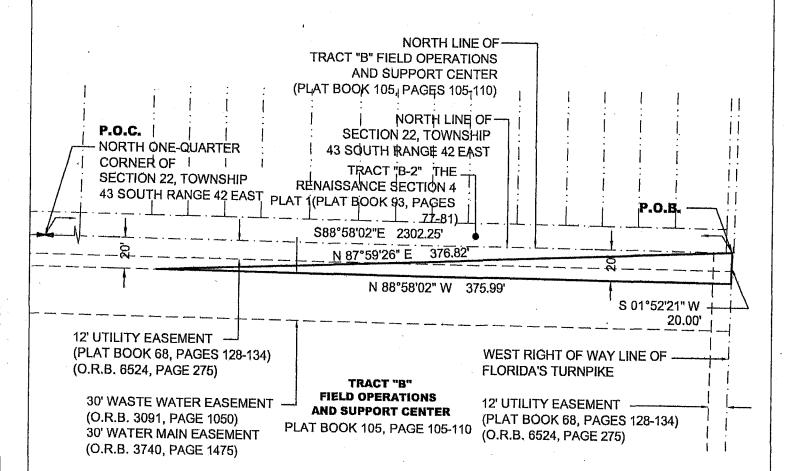
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FOR PROPERTY CONTROL # 00-42-43-15-13-002-0000

EXHIBIT "B"





REVISIONS



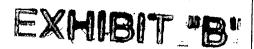
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SHEET:	2 OF 2
FILE NO.	11-15533.003-8834

### FOR PROPERTY CONTROL # 74-42-43-14-00-000-7010



#### LEGAL DESCRIPTION:

A 20 FOOT WIDE STRIP OF LAND LYING WITHIN THE NORTH 100 FEET OF THE SOUTH 140 FEET OF THE WEST 100 FEET OF THE SOUTHWEST ONE-QUARTER (SW 1/2) OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, THE SIDES OF WHICH LIE 10 FEET TO THE RIGHT AND 10 FEET TO THE LEFT OF THE FOLLOWING DESCRIBED CENTER LINE OF EASEMENT (THE SIDES OF SAID EASEMENT SHOULD BE LENGTHENED AND/OR SHORTENED SO AS TO FORM A CONTINUOUS STRIP.

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE N02°01'45"E ALONG THE WEST LINE OF SAID SECTION 14 FOR A DISTANCE OF 40.00 FEET; THENCE S88°24'46"E ALONG A LINE PARALLEL WITH AND 40.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 14 FOR A DISTANCE OF 73:49 FEET TO THE POINT OF BEGINNING OF THE CENTER LINE OF EASEMENT; THENCE N03°15'08"E FOR 31.56 FEET; THENCE N09°29'37"W FOR 32.97 FEET; THENCE N56°44'26"W FOR 56.38 FEET; THENCE N35°41'04"W FOR 8.17 FEET TO THE NORTH LINE OF THE SOUTH 140 FEET OF SAID SECTION 14 AND THE POINT OF TERMINATION OF THE CENTER LINE OF EASEMENT.

CONTAINING 2,580 SQUARE FEET OR 0.06 ACRES MORE OR LESS.

SAID LANDS SITUATE WITHIN THE CITY OF WEST PALM BEACH, FLORIDA.

#### NOTES:

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").
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- 3) BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST, HAVING A GRID BEARING OF NORTH 88°58'02" WEST, ACCORDING TO THE STATE PLANE COORDINATES SYSTEM, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT, AS ESTABLISHED BY THE PALM BEACH COUNTY SURVEY SECTION.
- 4) SYMBOLS SHOWN HEREON ARE NOT TO SCALE.
- 5) THE LEGAL DESCRIPTION SHOWN HEREON WAS WRITTEN BY THE UNDERSIGNED SURVEYOR AS DIRECTED BY THE CLIENT.

#### LEGEND:

FPL FLORIDA POWER AND LIGHT CO.

D.B. DEED BOOK

O.R.B. OFFICIAL RECORD BOOK

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PCN PROPERTY CONTROL NUMBER

P.O.T. POINT OF BEGINNING
P.O.C. POINT OF TERMINATION
P.O.C. POINT OF COMMENCEMENT

HELLER-WEAVER AND SHEREMETA, INC FLORIDA STATE L.B. NO. 3479

PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REGINO: 5118

REVISIONS 7/15/2011 COUNTY COMMENTS

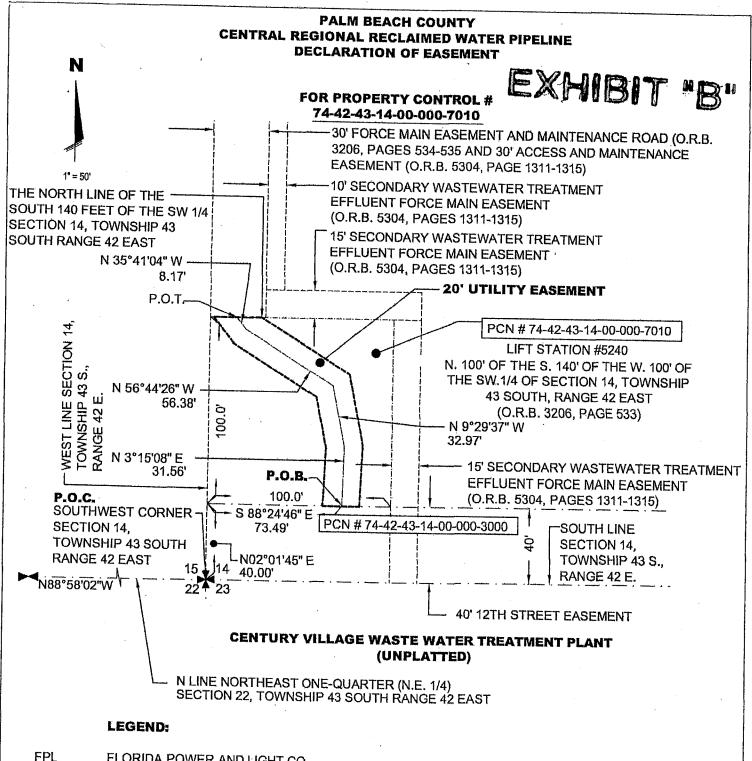


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FLORIDA POWER AND LIGHT CO.

D.B. **DEED BOOK** 

O.R.B. OFFICIAL RECORD BOOK

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P.O.B. POINT OF BEGINNING P.O.T. POINT OF TERMINATION P.O.C. POINT OF COMMENCEMENT

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