

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

**Meeting Date: June 5, 2012**

Consent ☒ Regular ☐  
Public Hearing ☐

**Department:** Water Utilities Department

## I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** Release of two (2) Utility Easements on land owned by Oxbridge Academy Foundation, Inc. (Oxbridge).

**Summary:** This document will release the County's interest in the Palm Beach County Utility Easements (PBCUE) solely granted by Official Record Book 20823, Page 1875 and Official Record Book 20823, Page 1872 on land currently owned by Oxbridge. The Water Utilities Department has determined that these easements are no longer needed, and therefore recommends the release. (WUD# 12-525)

District 7 (MJ)

**Background and justification:** On September 8, 2006, the previous property owner Hovstone Properties Florida, LLC granted utility easements to Palm Beach County (County) on the property designated as “Maravilla”. The new owner Oxbridge now proposes to build athletic fields where a multi-use residential community was previously planned. Oxbridge constructed a replacement 12" water main, provided a Bill of Sale, and granted appropriate easements as required by County. Therefore, the referenced easements which cover the water and wastewater improvements installed for the “Maravilla” multi-family development, are no longer needed.

Oxbridge is requesting release of these recorded easements that the County no longer needs.

**Attachments:**

1. Location Map
2. Two (2) Original Release of Utility Easements

Recommended By:  5/17/12  
Department Director Date

Approved By: Sharon B. By 5-23-12  
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> <i>* See below</i>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

**Budget Account No:** Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

Is Item Included in Current Budget?	Yes	No
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Reporting Category **N/A**


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


**No fiscal impact.**

C. Department Fiscal Review: Julia Mores

### III. REVIEW COMMENTS


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

  
 N. Davis  
 ORMB  
 5/14/12

  
 Dr. J. Jacob  
 Contract Development and Control  
 5-18-12 B. Chubb

**B. Legal Sufficiency:**

**Legal Sufficiency:**

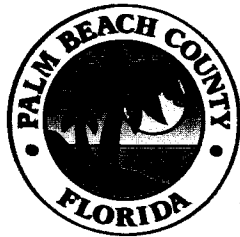
  
\_\_\_\_\_  
Assistant County Attorney

5/22/12

**C. Other Department Review:**

Department Director

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



Palm Beach County  
Water Utilities  
Department  
Service Area (SA) and  
Major Facilities

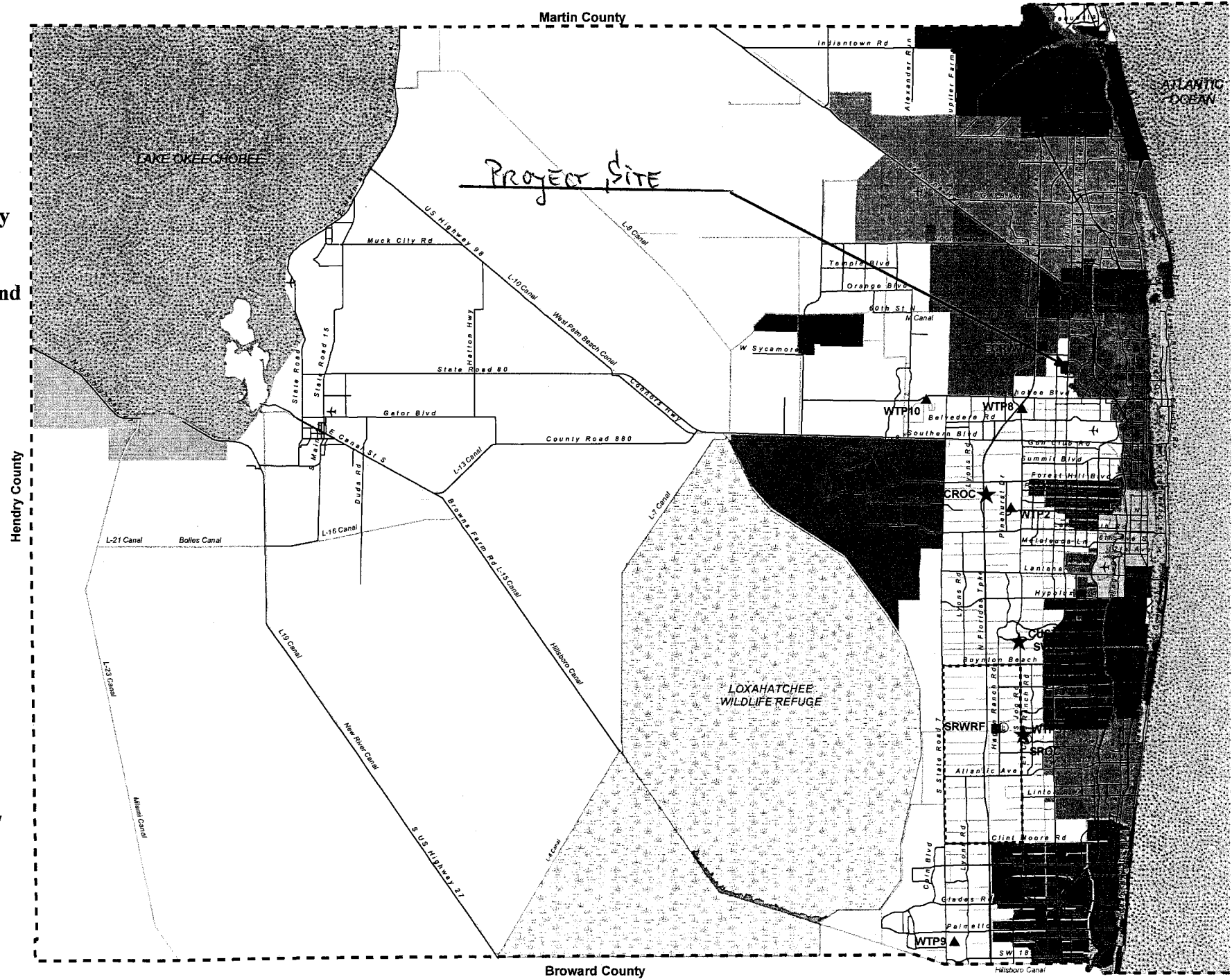
Attachment 1

Legend

- P.B.C.W.U.D. SA
- Mandatory Reclaimed SA
- - - - - Palm Beach County Limits
- ★ Administration
- Water Reclamation Facility
- ▲ Water Treatment Facility
- Ⓢ Wetlands



NOT TO SCALE



Prepared by and return to:  
Palm Beach County Water Utilities Department  
Att: Plan Review  
8100 Forest Hill Blvd  
West Palm Beach, Florida 33413

**RELEASE OF UTILITY EASEMENT**

**THIS RELEASE OF UTILITY EASEMENT**, executed this \_\_\_ day of \_\_\_\_\_, 2012, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd, West Palm Beach, Florida 33413, to Oxbridge Academy Foundation, Inc. whose address is 3151 North Military Trail, West Palm Beach, Florida 33409, second party:

**WITNESSETH:**

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release UTILITY EASEMENTS recorded in Official Records Book 20823, Page 1872, and Official Records Book 20823, Page 1875 Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in the UTILITY EASEMENTS as shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A" and Exhibit "B."

**IN WITNESS WHEREOF** the first party has caused this RELEASE OF UTILITY EASEMENTS to be executed as of the day and year first written above.

ATTEST:

\_\_\_\_\_  
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

*Shelley Vana*



SDA #  
Prepared by and Return to:  
Palm Beach County Water Utilities Department  
P.O. Box 16097 Attn: Engineering Div..  
West Palm Beach, Florida 33416-6097

CFN 20060517415  
OR BK 20823 PG 1872  
RECORDED 09/08/2006 08:34:58  
Palm Beach County, Florida  
AMT 10.00

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 23<sup>rd</sup> day of August, 2006, by Houstone Properties Florida L.L.C. (hereinafter referred to as "Grantor"), whose address is 1210 GATEWAY BLVD BOYNTON BEACH FL 33426 to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor 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 utility easement or portion thereof can also be utilized for a wastewater pump station and may be fenced in for access control purposes. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

Signed, sealed and delivered  
in the presence of:

Sally Hamerman

Witness Signature

Sally Hamerman

Print Name

Jennifer S. Maxwell

Witness Signature

Jennifer S. Maxwell

Print Name

GRANTOR:

Stephen B. Liller

Signature

STEPHEN B. LILLER

Print Name (and Title if applicable)

Signature

Print Name (and Title if applicable)

NOTARY CERTIFICATE

STATE OF FLORIDA  
COUNTY OF PALM BEACH



The foregoing instrument was acknowledged before me this 23 day of Aug, 2006  
by Stephen B. Liller and Jennifer S. Maxwell who is/are  
personally known to me or who has produced Identification as identification.

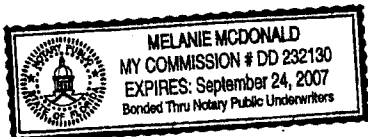
My Commission Expires: 9/24/07

Melanie McDonald

Notary Signature

Melanie McDonald

Typed, Printed or Stamped Name of Notary



### DESCRIPTION: PALM BEACH COUNTY UTILITY EASEMENT

A PORTION OF PARCEL A, "MARAVILLA AT VILLAGO" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 105, PAGES 51 THROUGH 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PLAT; THENCE S44°46'57"W, A DISTANCE OF 14.72 FEET TO THE POINT OF BEGINNING; THENCE S01°59'20"W ALONG A LINE 10.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID PARCEL A, A DISTANCE OF 48.89 FEET; THENCE N88°00'40"W, A DISTANCE OF 35.92 FEET; THENCE N01°59'20"E, A DISTANCE OF 48.89 FEET; THENCE S88°00'40"E, A DISTANCE OF 35.92 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

#### NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO THE RECORD PLAT BASED ON THE EAST LINE OF PARCEL A, BEARING, S01°59'20"W.
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

#### CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON MARCH 13, 2006. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 2



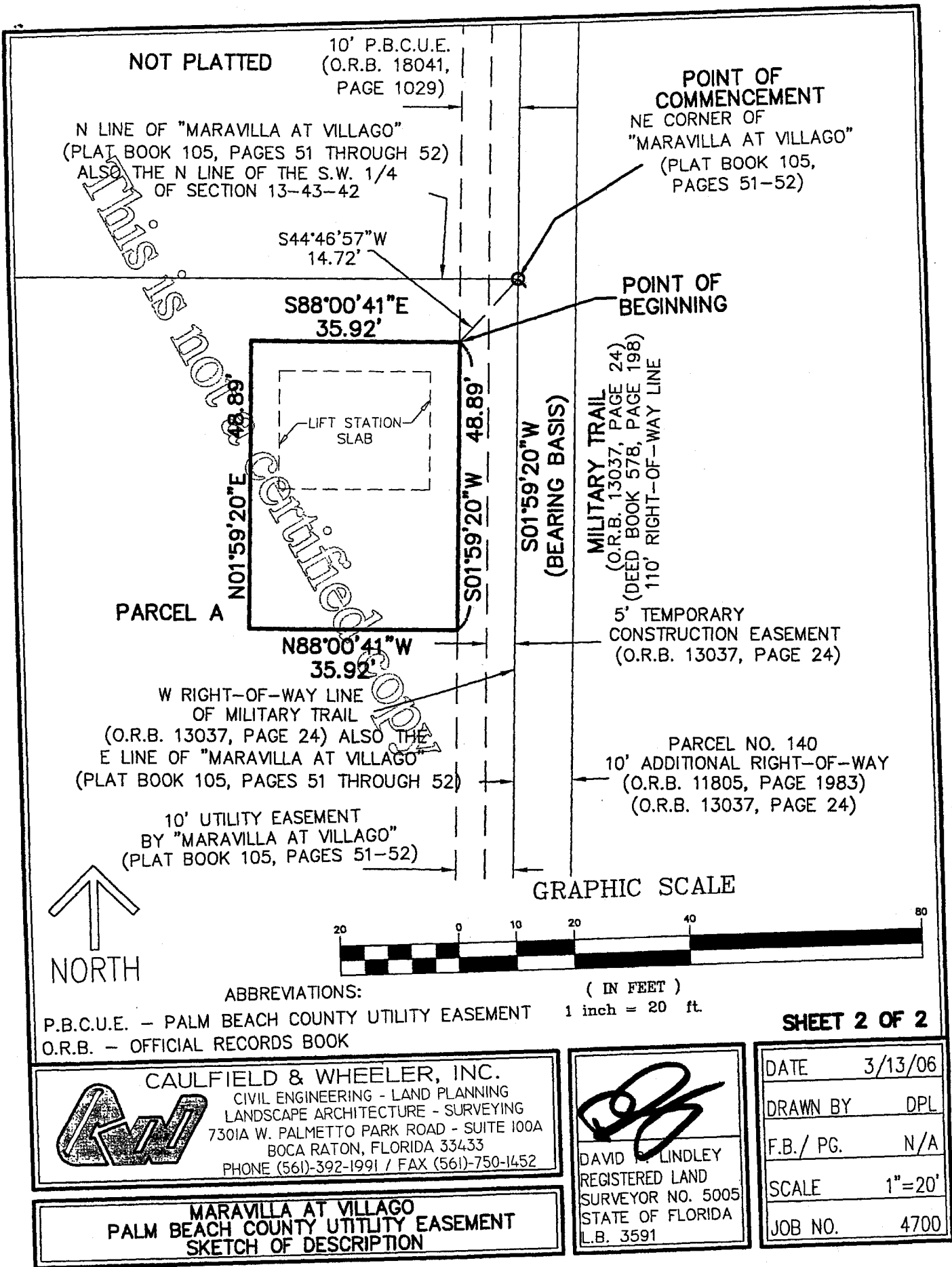
CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING - LAND PLANNING  
LANDSCAPE ARCHITECTURE - SURVEYING  
7301A W. PALMETTO PARK ROAD - SUITE 100A  
BOCA RATON, FLORIDA 33433  
PHONE (561)-392-1991 / FAX (561)-750-1452

MARAVILLA AT VILLAGO  
PALM BEACH COUNTY UTILITY EASEMENT  
SKETCH OF DESCRIPTION

DAVID P. LINDLEY  
REGISTERED LAND  
SURVEYOR NO. 5005  
STATE OF FLORIDA  
L.B. 3591

DATE	3/13/06
DRAWN BY	DPL
F.B./ PG.	N/A
SCALE	N/A
JOB NO.	4700



(EXHIBIT - B)

SDA #  
Prepared by and Return to:  
Palm Beach County Water Utilities Department  
P.O. Box 16097 Attn: Engineering Div..  
West Palm Beach, Florida 33416-6097

CFN 20060517416  
OR BK 20823 PG 1875  
RECORDED 09/08/2006 08:34:58  
Palm Beach County, Florida  
AMT 10.00

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 23 day of Aug, 2006, by Sharon R. Bock, CLERK & COMPTROLLER of Houstone Properties Florida (hereinafter referred to as "Grantor"), whose address is 1215 GATEWAY BLVD, BOYNTON BEACH, FL 33426 to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor 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 utility easement or portion thereof can also be utilized for a wastewater pump station and may be fenced in for access control purposes. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

Signed, sealed and delivered  
in the presence of:

x Sally Hamerman  
Witness Signature  
Sally Hamerman  
Print Name  
x Jennifer S. MacNeil  
Witness Signature  
Jennifer S. MacNeil  
Print Name

GRANTOR:

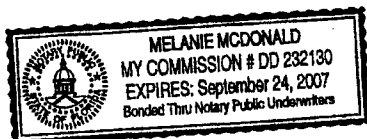
x Stephen B. Liller  
Signature  
STEPHEN B. LILLER VP  
Print Name (and Title if applicable)  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name (and Title if applicable)

NOTARY CERTIFICATE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 23 day of Aug, 2006, by Stephen B. Liller and Jennifer S. MacNeil who is/are personally known to me or who has produced Identities as identification.

My Commission Expires: 9/24/07



Melanie McDonald  
Notary Signature  
Melanie McDonald  
Typed, Printed or Stamped Name of Notary



DESCRIPTION:

A PORTION OF PARCEL A, "MARAVILLA AT VILLAGO" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 105, PAGES 51 THROUGH 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S88°14'00"E ALONG THE NORTH LINE THEREOF, A DISTANCE OF 159.95 FEET TO THE POINT OF BEGINNING NO. 1; THENCE CONTINUING S88°14'00"E SAID NORTH LINE, A DISTANCE OF 303.49 FEET; THENCE S01°59'20"W, A DISTANCE OF 59.10 FEET; THENCE S88°00'39"E, A DISTANCE OF 144.00 FEET; THENCE S01°59'19"W, A DISTANCE OF 44.00 FEET; THENCE N88°00'40"W, A DISTANCE OF 144.00 FEET; THENCE S01°59'20"W, A DISTANCE OF 122.00 FEET; THENCE S88°00'39"E, A DISTANCE OF 142.24 FEET; THENCE S01°59'21"W, A DISTANCE OF 44.00 FEET; THENCE N88°00'40"W, A DISTANCE OF 142.24 FEET; THENCE S01°59'20"W, A DISTANCE OF 41.00 FEET; THENCE S43°00'40"E, A DISTANCE OF 9.90 FEET; THENCE S88°00'40"E, A DISTANCE OF 132.00 FEET; THENCE N43°00'39"W, A DISTANCE OF 21.21 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID PARCEL A; THENCE S01°59'20"W ALONG SAID EAST LINE, A DISTANCE OF 124.87 FEET; THENCE N43°00'39"W, A DISTANCE OF 28.28 FEET; THENCE N88°00'39"W, A DISTANCE OF 121.72 FEET; THENCE S49°10'24"W, A DISTANCE OF 23.55 FEET; THENCE S01°59'22"W, A DISTANCE OF 31.00 FEET; THENCE S88°00'39"E, A DISTANCE OF 147.39 FEET; THENCE S01°59'20"W, A DISTANCE OF 44.00 FEET; THENCE N88°00'39"W, A DISTANCE OF 147.39 FEET; THENCE S01°59'20"W, A DISTANCE OF 55.75 FEET; THENCE S88°00'40"E, A DISTANCE OF 10.00 FEET; THENCE S01°59'20"W, A DISTANCE OF 148.58 FEET; THENCE N88°00'40"W, A DISTANCE OF 10.00 FEET; THENCE S01°59'20"W, A DISTANCE OF 47.00 FEET; THENCE S88°00'41"E, A DISTANCE OF 145.18 FEET; THENCE S01°59'20"W, A DISTANCE OF 44.00 FEET; THENCE N88°00'39"W, A DISTANCE OF 188.68 FEET; THENCE N01°59'22"E, A DISTANCE OF 4.38 FEET; THENCE N88°00'40"W, A DISTANCE OF 354.22 FEET; THENCE S01°51'48"W, A DISTANCE OF 45.00 FEET; THENCE S88°00'39"E, A DISTANCE OF 84.00 FEET; THENCE S01°51'49"W, A DISTANCE OF 25.81 FEET; THENCE N88°34'18"W, A DISTANCE OF 20.00 FEET; THENCE N01°51'49"E, A DISTANCE OF 6.01 FEET; THENCE N88°00'39"W, A DISTANCE OF 84.00 FEET; THENCE N01°51'48"E, A DISTANCE OF 73.36 FEET; THENCE N65°20'00"W, A DISTANCE OF 9.76 FEET; THENCE N01°51'48"E, A DISTANCE OF 128.87 FEET TO POINT "A"; THENCE S88°00'40"E, A DISTANCE OF 375.03 FEET; THENCE N01°59'20"E, A DISTANCE OF 64.18 FEET; THENCE N88°00'40"W, A DISTANCE OF 6.00 FEET; THENCE N01°59'21"E, A DISTANCE OF 160.94 FEET; THENCE N52°17'59"W, A DISTANCE OF 67.40 FEET; THENCE N43°44'16"E, A DISTANCE OF 49.61 FEET; THENCE N43°00'30"W, A DISTANCE OF 10.06 FEET; THENCE N40°44'16"E, A DISTANCE OF 16.33 FEET; THENCE S43°00'30"E, A DISTANCE OF 10.06 FEET; THENCE N40°44'16"E, A DISTANCE OF 1.61 FEET; THENCE N50°41'08"E, A DISTANCE OF 31.22 FEET; THENCE N01°59'20"E, A DISTANCE OF 274.98 FEET; THENCE N88°14'00"W, A DISTANCE OF 251.36 FEET; THENCE N01°46'00"E, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING NO. 2 TOGETHER WITH

COMMENCING AT AFORESAID POINT "A"; THENCE S30°25'13"E, A DISTANCE OF 58.04 FEET TO POINT OF BEGINNING NO. 2; THENCE S88°00'40"E, A DISTANCE OF 345.42 FEET; THENCE S01°59'20"W, A DISTANCE OF 48.00 FEET; THENCE N88°00'40"W, A DISTANCE OF 345.32 FEET; THENCE N01°51'48"E, A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING NO. 2

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.


NOTES:

- 1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
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- 4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
- 5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

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SHEET 1 OF 2



CAULFIELD & WHEELER, INC.

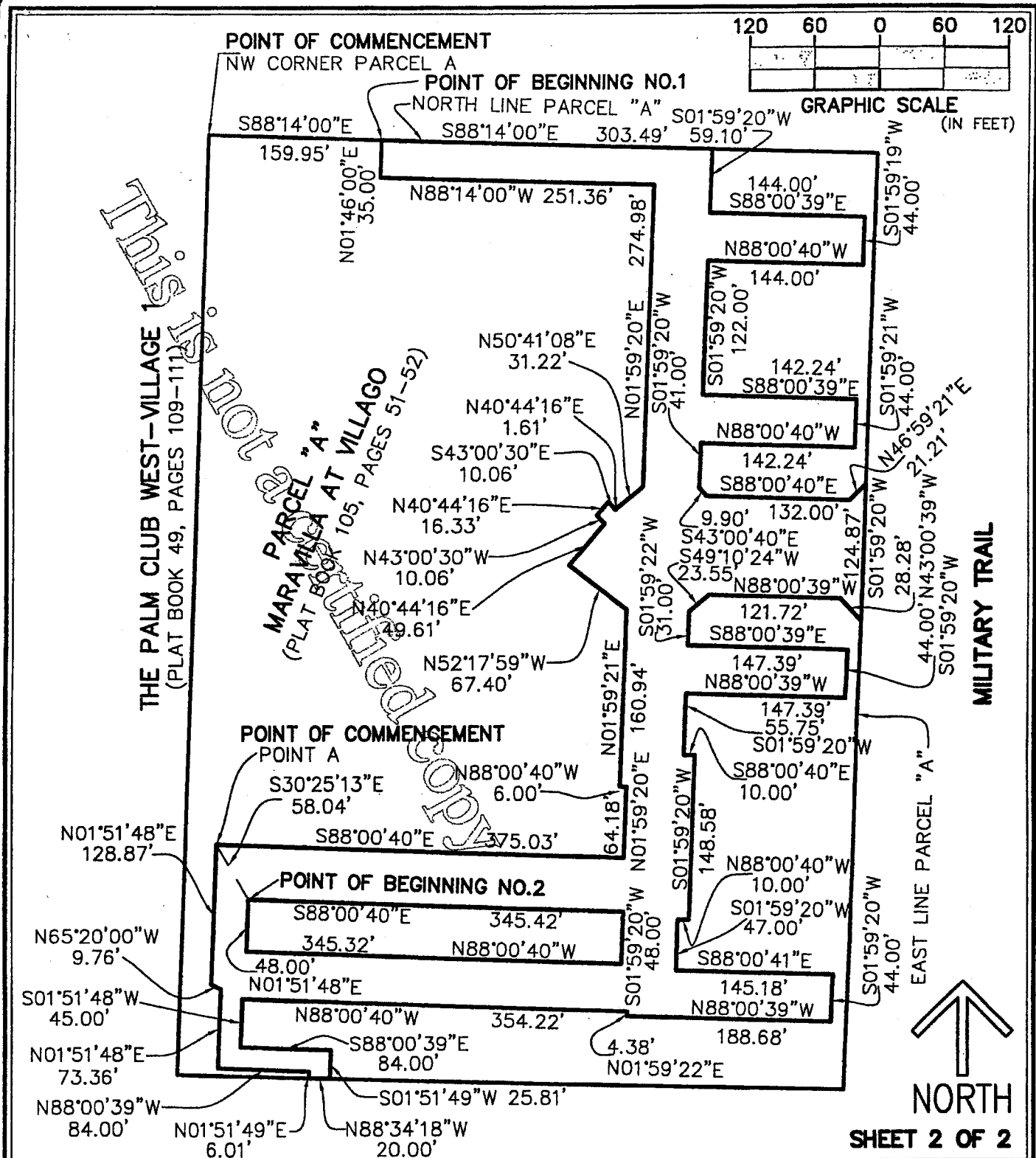
CIVIL ENGINEERING - LAND PLANNING  
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7301A W. PALMETTO PARK ROAD - SUITE 100A  
BOCA RATON, FLORIDA 33433  
PHONE (561)-392-1991 / FAX (561)-750-1452

MARAVILLA AT VILLAGO  
UTILITY EASEMENT  
SKETCH OF DESCRIPTION




DAVID F. LINDLEY  
REGISTERED LAND  
SURVEYOR NO. 5005  
STATE OF FLORIDA  
L.B. 3591

DATE	2/7/06
DRAWN BY	DPL
F.B./ PG.	N/A
SCALE	N/A
JOB NO.	4700



**CAULFIELD & WHEELER, INC.**  
CIVIL ENGINEERING - LAND PLANNING  
LANDSCAPE ARCHITECTURE - SURVEYING  
7301A W. PALMETTO PARK ROAD - SUITE 100A  
BOCA RATON, FLORIDA 33433  
PHONE (561)-392-1991 / FAX (561)-750-1452

**MARAVILLA AT VILLAGO**  
**UTILITY EASEMENT**  
**SKETCH OF DESCRIPTION**

  
**DAVID P. LINDLEY**  
REGISTERED LAND  
SURVEYOR NO. 5005  
STATE OF FLORIDA  
L.B. 3591

DATE	2/8/06
DRAWN BY	DPL
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	4700FPL