

CONTINUED FROM THE MAY 15, 2012 MEETING

Agenda Item #:

4-A

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: June 5, 2012

☐ Consent

☐ Regular

☐ Workshop

☒ Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Land Development Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution abandoning any public interest in that certain portion of the 30 foot right-of-way for Persimmon Avenue as shown on the plat of Delray Lakes Estates, as recorded in Plat Book 41, Pages 200-201, Public Records of Palm Beach County (County), Florida and a portion of the 30 foot right-of-way easement as shown within the westerly 15 feet of Tract 8 and the easterly 15 feet of Tract 9, Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, Pages 26-28, of said County records, reserving one utility easement over the entire area to be abandoned and executing two utility easements over a portion of the area to be abandoned.

SUMMARY: Adoption of this Resolution will allow the County to vacate its interest in that certain portion of Persimmon Avenue to allow the subdivisions to the south, Delray Lakes Estates and Balmoral, to privatize and gate their communities. The petition site is located on the south side of Atlantic Avenue and is 0.8 miles west of Florida's Turnpike.

District 5 (MRE)

Background and Policy Issues: This application is being processed concurrently with the Delray Lakes Estates public rights-of-way abandonment application. The residents of Delray Lakes Estates represented by the petitioner Delray Lakes Estates Homeowners Association, Inc. wish to privatize the roads within their subdivision to gate the community and this abandonment of a portion of Persimmon Avenue is necessary to allow for future construction of a gatehouse.

Utilities service providers have no objection to the vacation because replacement easements have been provided. One easement covering the entire area to be abandoned will be reserved for water utilities and two easements over a portion of the area to be abandoned will be recorded simultaneously.

Privilege Fee Statement: In accordance with the exemption in the Right-of-Way Abandonment and Plat Vacation Ordinance 86-18, as amended by Ordinance No. 2002-034, governmental agencies are exempt from the privilege fee.

Attachments:

1. Location Sketch
2. Resolution with Legal Description and Sketch
3. FPL Utility Easement with Legal Description and Sketch
4. AT&T Utility Easement with Legal Description and Sketch

Recommended by:

William J. Koepnick
Division Director

05/18/2012
Date

Approved by:

D. T. Webb
County Engineer

5/22/12
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	(\$201)	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	(\$201)	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes ☒ No

Budget Acct No.: Fund 1201 Dept. 360 Unit 2230 Object VAR

Recommended Sources of Funds/Summary of Fiscal Impact:

County Transportation Trust Fund
Road Section
Maintenance

C. Departmental Fiscal Review: Alicia Kovalainen

III. REVIEW COMMENTS

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

[Signature]
OFMB
5/24/12
5/24/12
5/24/12
5/24/12
5/24/12

[Signature] 5/25/12
Contract Dev. and Control

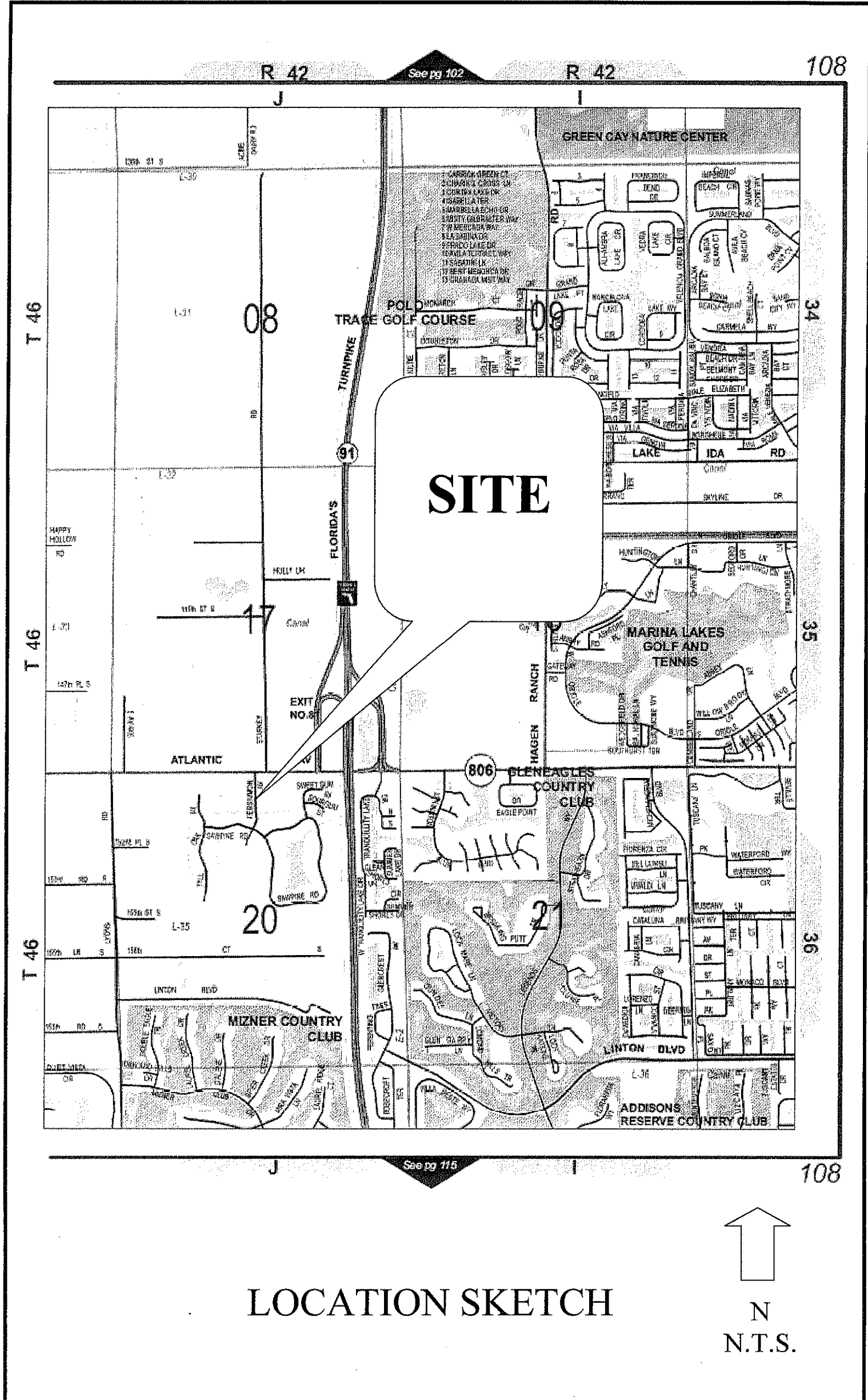
B. Approved as to Form and Legal Sufficiency:

[Signature] 5/30/12
Assistant County Attorney

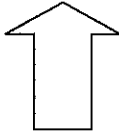
C. Other Department Review:

Department Director

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



LOCATION SKETCH



N
N.T.S.

RESOLUTION NO. R-2012-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING THAT CERTAIN PORTION OF THE 30 FOOT RIGHT-OF-WAY FOR PERSIMMON AVENUE AS SHOWN ON THE PLAT OF DELRAY LAKES ESTATES, AS RECORDED IN PLAT BOOK 41, PAGES 200-201, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE 30 FOOT RIGHT-OF-WAY EASEMENT AS SHOWN WITHIN THE WESTERLY 15 FEET OF TRACT 8 AND THE EASTERLY 15 FEET OF TRACT 9, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26-28, OF SAID COUNTY RECORDS, RESERVING ONE UTILITY EASEMENT OVER THE ENTIRE AREA TO BE ABANDONED AND EXECUTING TWO UTILITY EASEMENTS OVER A PORTION OF THE AREA TO BE ABANDONED.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (Board), pursuant to authority in Section 336.09, Florida Statutes, and as provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034), known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, and the petition of the County Engineer, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on June 5, 2012, to consider and determine whether or not Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the public in and for that portion of Persimmon Avenue, as set for on the sketch and legal description set forth in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, in accordance with and as provided in Palm Beach County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034), notice of the holding of such meeting was duly published in the Palm Beach Post on April 29, 2012; and

WHEREAS, the Board is authorized to reserve and declare a utility easement over the entire area being abandoned for ingress and egress, construction, operation and maintenance of water and wastewater utilities upon, over and under all of the area to be abandoned as shown in Exhibit A; and

RESOLUTION NO. R-2012_____

WHEREAS, the Board has the authority to execute utility easements for FPL and AT&T over a portion of the area being abandoned; and

WHEREAS, this Board held said hearing as advertised and determined that such action will not materially interfere with the County Road System and will not deprive any person of a reasonable means of ingress and egress from at least one County, State or Federal highway.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby reaffirmed and ratified.
2. The Board hereby reserves and declares a non-exclusive perpetual utility easement in, over, across, on, under and through the entire area to be abandoned, as described in Exhibit A, for water and wastewater utilities. This easement is given for the purpose of permitting the Palm Beach County Water Utilities Department to construct, maintain, replace and operate its facilities within the abandoned area. The utility easement created hereby shall constitute an easement running with the land and shall encumber and burden the abandoned area. The utility easement 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 the Palm Beach County Water Utilities Department.
3. The Board is authorized to execute utility easements over a portion of the area to be abandoned for FPL and AT&T.
4. The right-of-way is hereby abandoned and closed as public right-of-way and this Board does hereby renounce and disclaim any right or interest of the public in and to the right-of-way, more fully described in the legal description and sketch attached hereto and made a part hereof.

RESOLUTION NO. R-2012-_____

5. Notice of the adoption of this Resolution shall be published once in the Palm Beach Post within thirty (30) days of the date of adoption of this Resolution in accordance with Section 336.10, Florida Statutes and Palm Beach County Code Chapter 22. Article III.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair

Commissioner Steven L. Abrams, Vice Chairman

Commissioner Karen T. Marcus

Commissioner Paulette Burdick

Commissioner Burt Aaronson

Commissioner Jess R. Santamaria

Commissioner Priscilla A. Taylor

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

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

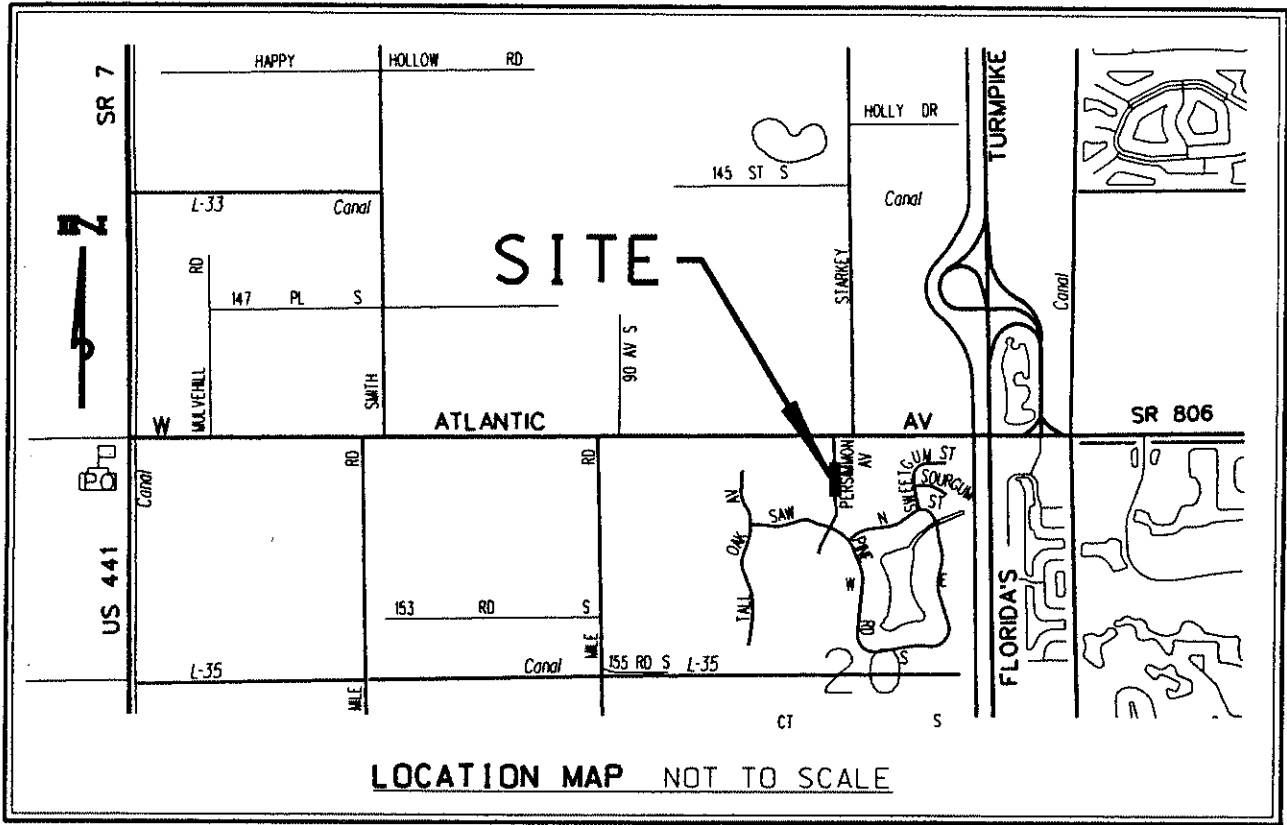
Sharon R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY:  _____
County Attorney


EXHIBIT "A"



LEGAL DESCRIPTION

A PARCEL OF LAND DESCRIBED FOR RIGHT-OF-WAY ABANDONMENT PURPOSES, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE 30 FOOT RIGHT-OF-WAY FOR PERSIMMON AVENUE AS SHOWN ON THE PLAT OF DELRAY LAKES ESTATES, AS RECORDED IN PLAT BOOK 41, PAGES 200-201, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE 30 FOOT RIGHT-OF-WAY EASEMENT AS SHOWN WITHIN THE WESTERLY 15 FEET OF TRACT 8 AND THE EASTERLY 15 FEET OF TRACT 9, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26-28, OF SAID COUNTY RECORDS; SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT D-1, OF SAID PLAT OF DELRAY LAKES ESTATES; THENCE SOUTH 89°47'53" WEST ALONG THE SOUTH LINE OF TRACTS 8 AND 9, OF SAID PALM BEACH FARMS COMPANY PLAT NO. 1, A DISTANCE OF 30.01 FEET TO A PLAT CORNER SHOWN ON SAID DELRAY LAKES ESTATES AND ON THE CENTERLINE OF PERSIMMON AVENUE A 60 FOOT RIGHT-OF-WAY; THENCE CONTINUE SOUTH 89°47'53" WEST, A DISTANCE OF 30.01 FEET TO THE SOUTHEAST CORNER OF TRACT R-1, AS SHOWN ON SAID PLAT OF DELRAY LAKES ESTATES AND TO THE WESTERLY RIGHT-OF-WAY LINE OF PERSIMMON AVENUE; THENCE NORTH 01°28'36" WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF PERSIMMON AVENUE, A DISTANCE OF 314.33 FEET; THENCE NORTH 88°31'24" EAST, A DISTANCE OF 30.00 FEET TO

PROJECT NO. 2012050.202	SHEET 1	S 5	PROJECT:		NO.	REVISION	BY	DATE	P	12	
			PERSIMMON AVENUE ABANDONMENT DELRAY LAKES ESTATES								
DESIGN FILE NAME S-1-11-3267.DGN			DRAWING NO. S-1-11-3267			SCALE: 1" = 100'		APPROVED: C.S.P. DRAWN: E.A.O. CHECKED: C.W.M. DATE: 12/28/11		FIELD BOOK NO. 1224 B	
<div>PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411</div>											

A POINT ON THE CENTERLINE OF PERSIMMON AVENUE AND BEING ON THE EASTERLY LINE OF SAID PLAT OF DELRAY LAKES ESTATES; THENCE NORTH $88^{\circ}31'24''$ EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF PERSIMMON AVENUE BEING ON THE EAST LINE OF THE WESTERLY 15 FEET OF TRACT 8, OF SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 1; THENCE SOUTH $01^{\circ}28'36''$ EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PERSIMMON AVENUE, A DISTANCE OF 315.67 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 0.4339 ACRES (18900 SQUARE FEET) MORE OR LESS.

SURVEYOR'S NOTES

1. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS OFFICE.
2. BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF PERSIMMON AVENUE AS SHOWN ON SAID PLAT OF DELRAY LAKES ESTATES (PLAT BOOK 41, PAGES 200-201) HAVING A PLATTED BEARING WHICH IS ON AN ASSUMED BASIS OF SOUTH $01^{\circ}28'36''$ EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
3. BEARING ROTATION EQUATION PLAT TO GRID: CENTERLINE OF PERSIMMON AVENUE SOUTH $01^{\circ}28'36''$ EAST (PLAT) - SOUTH $01^{\circ}52'33''$ EAST (GRID NAD 83/90) WHICH EQUATES TO A $0^{\circ}23'57''$ COUNTERCLOCKWISE ROTATION PLAT TO GRID.
4. THE BOUNDARY SURVEY SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH PALM BEACH COUNTY ABANDONMENT ORDINANCE NO. 86-18.
5. IT SHOULD BE NOTED THAT THE CALL RECITED ON THE PLAT OF DELRAY LAKES ESTATES (PLAT BOOK 41, PAGES 200-201) SHOWN AS THE SOUTHEAST CORNER OF TRACT 8, OF PALM BEACH FARMS COMPANY PLAT NO. 1 (PLAT BOOK 2, PAGES 26-28) MAY BE INCORRECT AND IT IS MY OPINION THAT THE CORRECT CALL SITED ON SAID PLAT OF DELRAY LAKES ESTATES SHOULD BE 15 FEET EASTERLY OF THAT POSITION. THIS LOCATION WOULD CENTER IT ON THE 30 FOOT PLATTED RIGHT-OF-WAY EASEMENT CONSISTENT WITH THE HISTORICAL EVIDENCE THAT THE TRACT LINES EXTEND TO THE CENTERLINE OF THE 30 FOOT PLATTED RIGHT-OF-WAY EASEMENTS WHERE APPLICABLE IN PALM BEACH FARMS COMPANY PLAT NO. 1.
6. 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.
7. FIELD WORK FOR THIS PROJECT IS LOCATED IN FIELD BOOK 1224 B, PAGE 3 & 4 - DATED 01/04/12. INSTRUMENTS USED WERE THE TOPCON GTS 311 AND TRIMBLE GPS R-8.
8. THE FILE NAMES ARE DELRAYLK.ZAK, AND S-1-11-3267.DGN.

LEGEND

LWDD = LAKE WORTH DRAINAGE DISTRICT
PBF = PALM BEACH FARMS COMPANY
ORB = OFFICIAL RECORD BOOK
U.E. = UTILITY EASEMENT
R/W = RIGHT OF WAY
(D) = DESCRIPTION
(C) = CALCULATED
PB = PLAT BOOK
(M) = MEASURED
(P) = PLAT
PG = PAGE

9. FIELD WORK COMPLETED ON 01/04/12.

10. ALL EXISTING AND ESTABLISHED CONTROL BASED ON THE MEASUREMENTS SHOWN, MEET OR EXCEED THE RELATIVE DISTANCE ACCURACY REQUIREMENT OF 1:10,000 (COMMERCIAL /HIGH RISK) REQUIRED BY THIS SURVEY.

11. UNDERGROUND FOUNDATIONS AND UTILITIES MAY BE PRESENT. NO UNDERGROUND FOUNDATIONS OR UTILITIES WERE LOCATED BY THIS SURVEY.

12. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.00002539
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

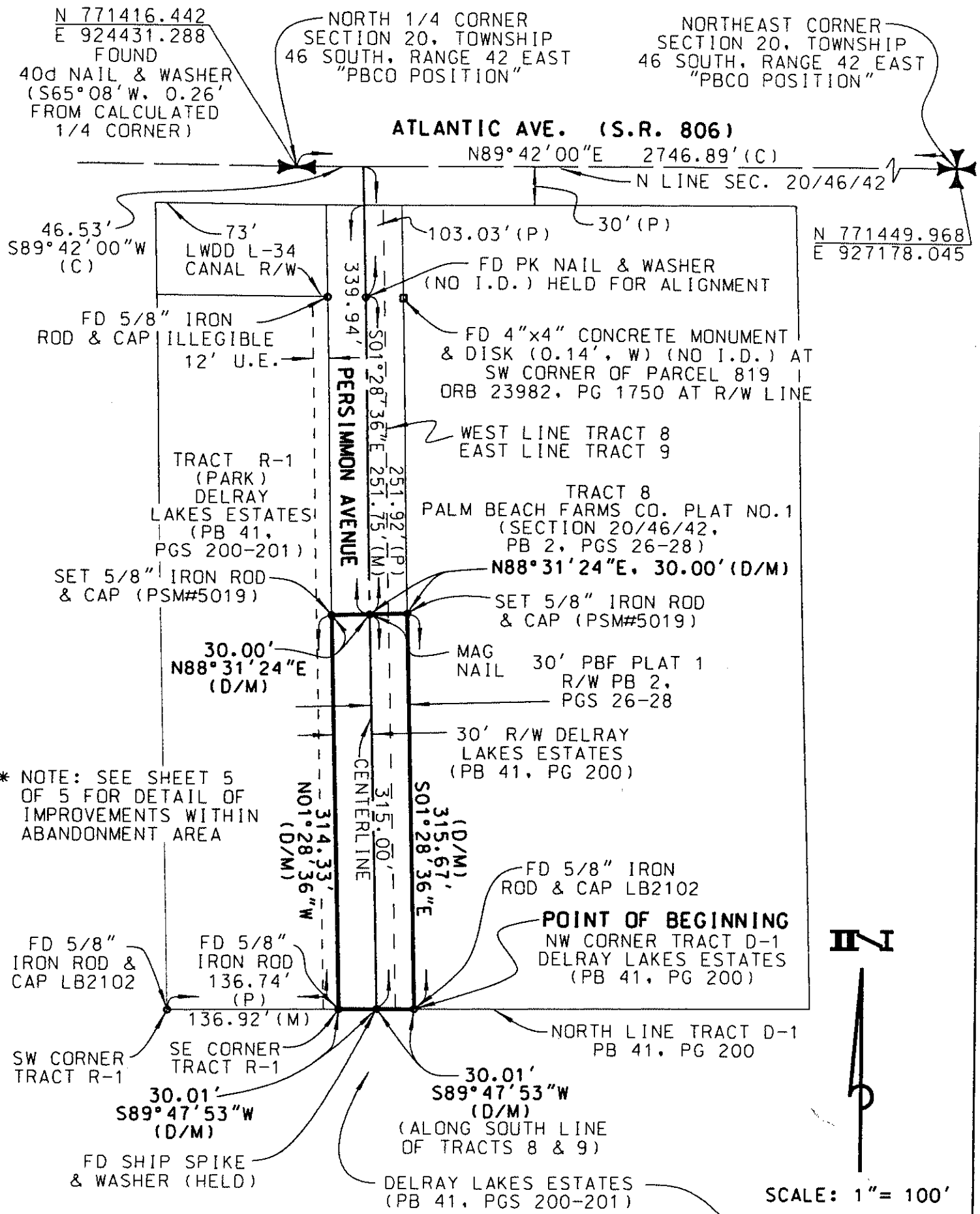
13. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

14. THIS INSTRUMENT PREPARED BY CRAIG S. PUSEY, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

15. I HEREBY CERTIFY THAT THE BOUNDARY SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY 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.


CRAIG S. PUSEY, P.S.M.
FLORIDA CERTIFICATE #5019

4/19/12
DATE



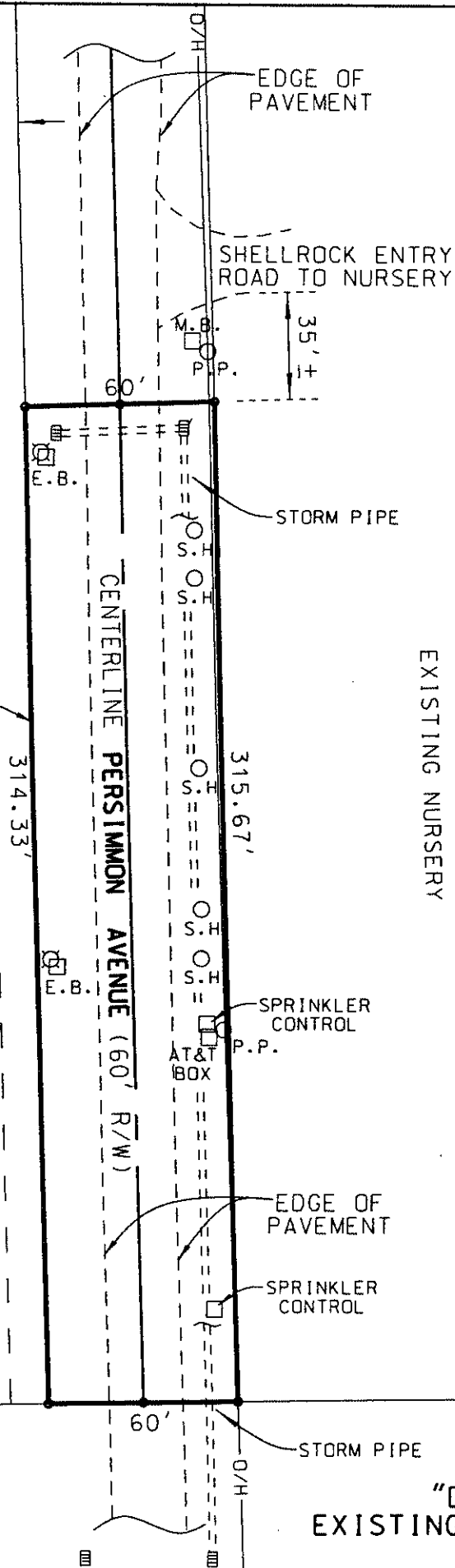
TRACT 8
PALM BEACH FARMS CO. PLAT NO. 1
(SECTION 20/46/42,
PB 2, PGS 26-28)

TRACT R-1 (PARK)
DELRAY LAKES ESTATES
(PB 41, PGS 200-201)

LIMITS OF
RIGHT OF WAY
ABANDONMENT AREA



SCALE: 1" = 50'



SYMBOL
LEGEND

- O/H = OVERHEAD ELECTRIC
- = WOOD POWER POLE
- P.P. = CATCH BASIN 2'x3'
- = SPRINKLER HEAD
- S.H. = SPRINKLER HEAD
- = ELECTRIC BOX
- E.B. = ELECTRIC BOX
- ⊗ = LIGHT POLE
- = MAN HOLE
- M.H. = MAN HOLE
- = MAIL BOX
- M.B. = MAIL BOX

"DETAIL OF
EXISTING IMPROVEMENTS"

Return to:
Palm Beach County Land Development Division
P.O. Box 21229 Attn: Maureen Barber
West Palm Beach, Florida 33416-1229

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this _____ day of _____, 2012, by Palm Beach County Board of County Commissioners (hereinafter referred to as "Grantor"), whose address is 301 South Olive Avenue, West Palm Beach, Florida, to Florida Power & Light Company (hereinafter referred to as "Grantee").

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 licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described in **EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF**. Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described. The 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.

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

ATTEST: PALM BEACH COUNTY, FLORIDA, BY
SHARON R. BOCK, CLERK & COMPTROLLER ITS BOARD OF COUNTY COMMISSIONERS

BY: _____ BY: _____
Clerk & Comptroller (or Deputy Clerk) Shelley Vana, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
Assistant County Attorney

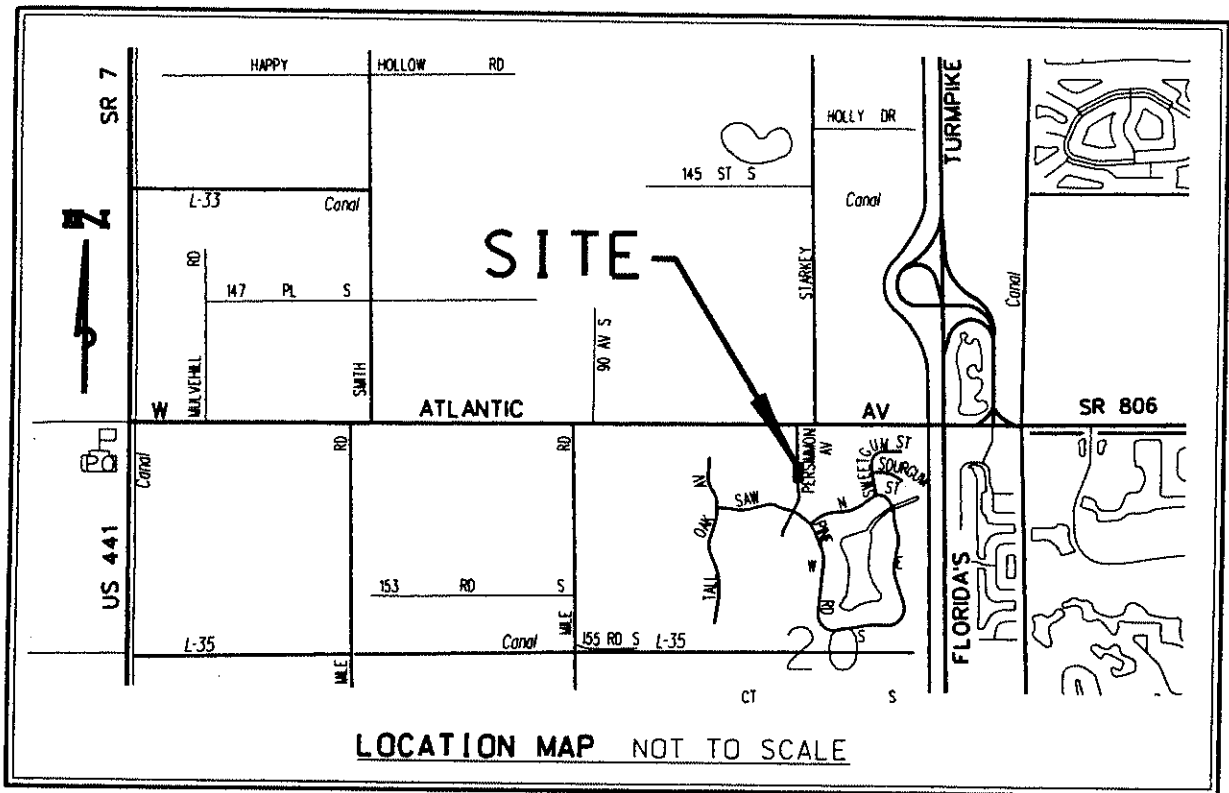
This instrument prepared by:
Marlene R. Everitt, Assistant County Attorney
Palm Beach County
P.O. Box 21229
West Palm Beach, FL 33416

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2012 by _____ Chair, Board of County Commissioners, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Typed name of Acknowledger
Deputy Clerk

EXHIBIT "A"




LEGAL DESCRIPTION

A PARCEL OF LAND DESCRIBED FOR UTILITY EASEMENT PURPOSES, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ALSO LYING WITHIN A PORTION OF THE 30 FOOT RIGHT-OF-WAY EASEMENT FOR PERSIMMON AVENUE AS SHOWN WITHIN THE WESTERLY 15 FEET OF TRACT 8 AND THE EASTERLY 15 FEET OF TRACT 9, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26-28, OF SAID COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT D-1, OF THE PLAT OF DELRAY LAKES ESTATES AS RECORDED IN PLAT BOOK 41, PAGES 200 AND 201, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA ; THENCE SOUTH $89^{\circ}47'53''$ WEST ALONG THE SOUTH LINE OF TRACT 8, OF SAID PALM BEACH FARMS COMPANY PLAT NO. 1 AND THE NORTHERLY LINE OF SAID PLAT OF DELRAY LAKES ESTATES, A DISTANCE OF 10.00 FEET; THENCE NORTH $01^{\circ}28'36''$ WEST ALONG A LINE 5 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8 ALSO BEING 20 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE EAST LINE OF THE 30 FOOT RIGHT-OF-WAY FOR PERSIMMON AVENUE AS SHOWN WITHIN SAID PLAT OF DELRAY LAKES ESTATES, A DISTANCE OF 315.45 FEET; THENCE NORTH $88^{\circ}31'24''$ EAST, A DISTANCE OF 10.00 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF PERSIMMON AVENUE; THENCE SOUTH $01^{\circ}28'36''$ EAST ALONG SAID RIGHT-OF-WAY LINE BEING 15 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 315.67 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 0.0724 ACRES (3154 SQUARE FEET) MORE OR LESS.

PROJECT NO. 2012050.202	SHEET 1	OF 3	PROJECT:		NO.		REVISION		BY		DATE			
			PERSIMMON AVENUE 10' UTILITY EASEMENT DELRAY LAKES ESTATES		1		REVISE DESC & U.E.		S.P.		4/9/12			
DESIGN FILE NAME S-1-12-3289.DGN			DRAWING NO. S-1-12-3289			SCALE 1" = 100'			APPROVED C.S.P. DRAWN E.A.D. CHECKED G.W.M. DATE 03/28/12			FIELD BOOK NO. 1224 b		
												PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS		
												ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411		

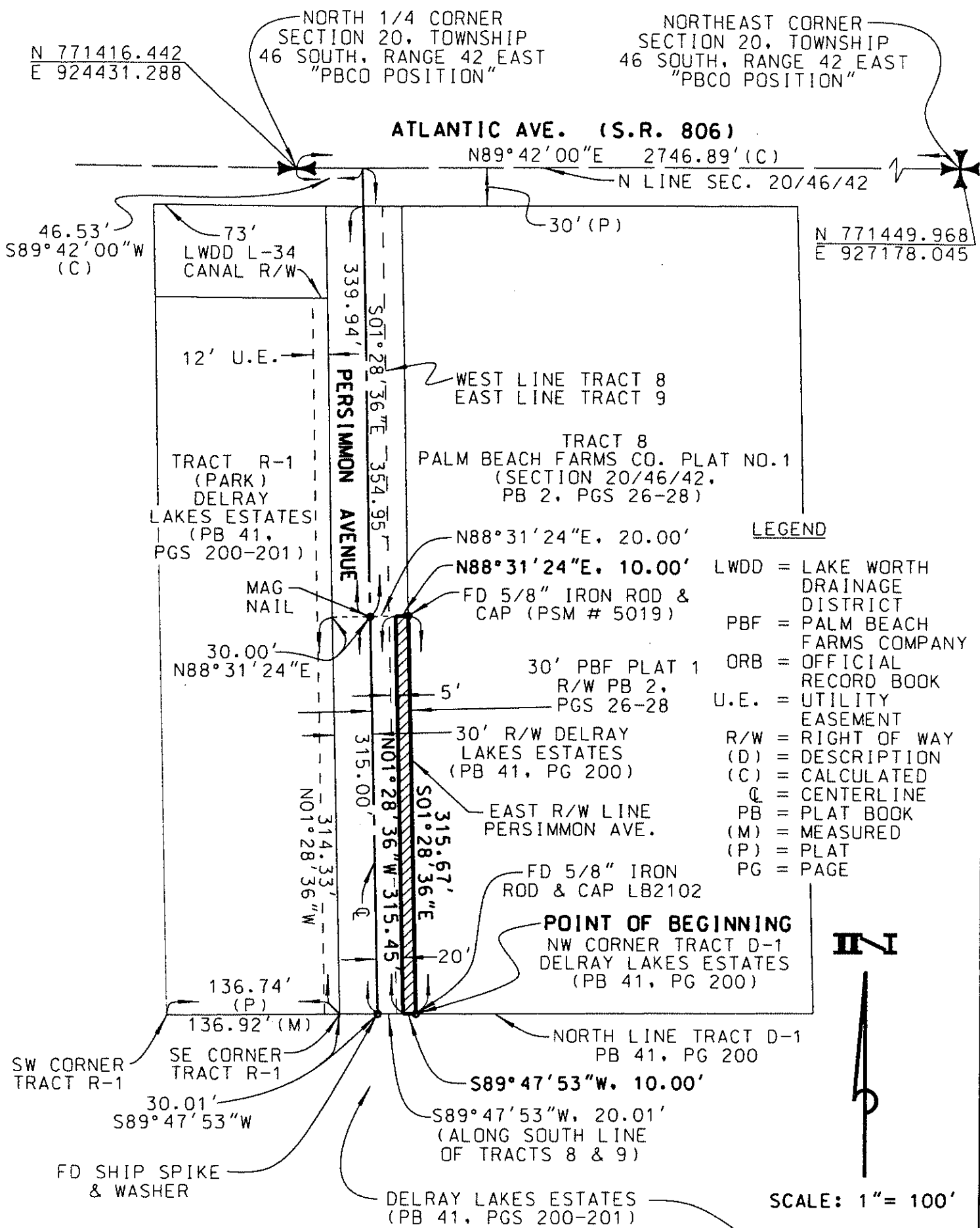
SURVEYOR'S NOTES

1. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS OFFICE.
2. BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF PERSIMMON AVENUE AS SHOWN ON SAID PLAT OF DELRAY LAKES ESTATES (PLAT BOOK 41, PGS. 200-201) HAVING A PLATTED BEARING WHICH IS ON AN ASSUMED BASIS OF SOUTH $01^{\circ}28'36''$ EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
3. BEARING ROTATION EQUATION PLAT TO GRID: CENTERLINE OF PERSIMMON AVENUE SOUTH $01^{\circ}28'36''$ EAST (PLAT) - SOUTH $01^{\circ}52'33''$ EAST (GRID NAD 83/90) WHICH EQUATES TO A $0^{\circ}23'57''$ COUNTERCLOCKWISE ROTATION PLAT TO GRID.
4. IT SHOULD BE NOTED THAT THE CALL RECITED ON THE PLAT OF DELRAY LAKES ESTATES (PLAT BOOK 41, PGS. 200-201) SHOWN AS THE SOUTHEAST CORNER OF TRACT 8, OF PALM BEACH FARMS COMPANY PLAT NO. 1 (PLAT BOOK 2, PGS 26-28) MAY BE INCORRECT AND IT IS MY OPINION THAT THE CORRECT CALL SITED ON SAID PLAT OF DELRAY LAKES ESTATES SHOULD BE 15 FEET EASTERLY OF THAT POSITION. THIS LOCATION WOULD CENTER IT ON THE 30 FOOT PLATTED RIGHT-OF-WAY EASEMENT CONSISTENT WITH THE HISTORICAL EVIDENCE THAT THE TRACT LINES EXTEND TO THE CENTERLINE OF THE 30 FOOT PLATTED RIGHT-OF-WAY EASEMENTS WHERE APPLICABLE IN PALM BEACH FARMS COMPANY PLAT NO. 1.
5. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.00002539
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.
6. THIS IS NOT A BOUNDARY SURVEY.
7. 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.
8. THIS INSTRUMENT WAS PREPARED BY CRAIG S. PUSEY, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.
9. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY 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.


CRAIG S. PUSEY, P.S.M.
FLORIDA CERTIFICATE #5019

4/19/12
DATE



Return to:
Palm Beach County Land Development Division
P.O. Box 21229 Attn: Maureen Barber
West Palm Beach, Florida 33416-1229

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this _____ day of _____, 2012, by Palm Beach County Board of County Commissioners (hereinafter referred to as "Grantor"), whose address is 301 South Olive Avenue, West Palm Beach, Florida, to BellSouth Telecommunications, Inc. d/b/a/ AT&T Florida (hereinafter referred to as "Grantee").

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, an easement to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities, standby generators and associated fuel supply systems as a means of providing uninterrupted service during commercial power outages, and related items as the Grantee may from time to time deem necessary in the conduct of its business upon, over, and under a portion of the land described in **EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF**. The following rights are also granted: the exclusive right to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said easement for communications (including broadcast) or electric power transmission or distribution; ingress to and egress from said easement at all times; the right, but not the obligation, to clear the easement and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the easement which might interfere with or fall upon the lines or systems of communication of power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said lands to conform to any future highway relocation, widening, or improvements; the right to test and maintain generators and associated equipment; and the right to allow any other person, firm, or corporation to provide for fuel/energy distribution to equipment placed on the site. This is a nonexclusive easement and is subject to minimizing disruption of and restoration of road and drainage facilities by Grantee.

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described. The 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.

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

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

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

BY: _____
Clerk & Comptroller (or Deputy Clerk)

BY: _____
Shelley Vana, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

This instrument prepared by:
Marlene R. Everitt, Assistant County Attorney
Palm Beach County
P.O. Box 21229
West Palm Beach, FL 33416

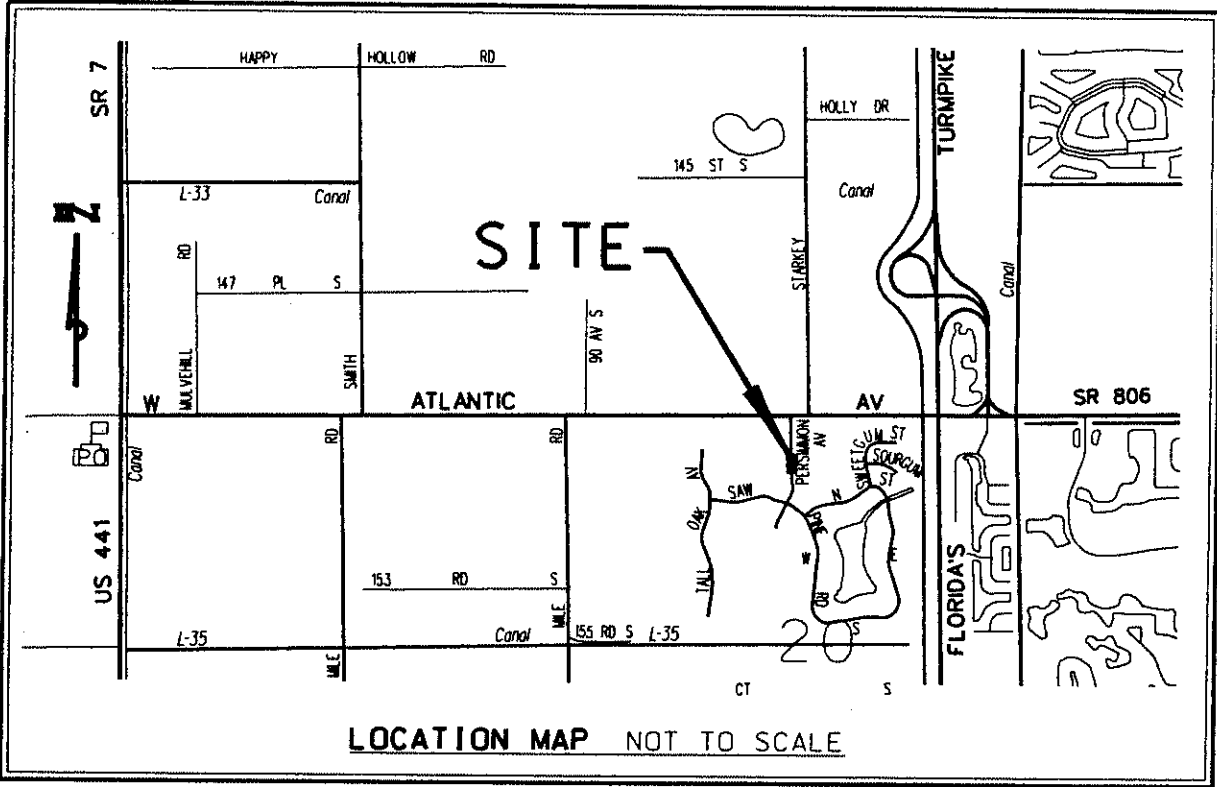
BY: _____
Assistant County Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2012 by _____ Chair, Board of County Commissioners, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Typed name of Acknowledger
Deputy Clerk

EXHIBIT "A"



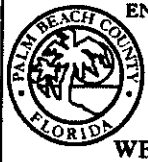
LEGAL DESCRIPTION

A PARCEL OF LAND DESCRIBED FOR UTILITY EASEMENT PURPOSES, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ALSO LYING WITHIN A PORTION OF THE 30 FOOT RIGHT-OF-WAY EASEMENT FOR PERSIMMON AVENUE AS SHOWN WITHIN THE WESTERLY 15 FEET OF TRACT 8 AND THE EASTERLY 15 FEET OF TRACT 9, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26-28, OF SAID COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT D-1, OF THE PLAT OF DELRAY LAKES ESTATES AS RECORDED IN PLAT BOOK 41, PAGES 200 AND 201, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA ; THENCE SOUTH 89°47'53" WEST ALONG THE SOUTH LINE OF TRACT 8, OF SAID PALM BEACH FARMS COMPANY PLAT NO. 1 AND THE NORTHERLY LINE OF SAID PLAT OF DELRAY LAKES ESTATES, A DISTANCE OF 10.00 FEET; THENCE NORTH 01°28'36" WEST ALONG A LINE 5 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8 ALSO BEING 20 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE EAST LINE OF THE 30 FOOT RIGHT-OF-WAY FOR PERSIMMON AVENUE AS SHOWN WITHIN SAID PLAT OF DELRAY LAKES ESTATES, A DISTANCE OF 315.45 FEET; THENCE NORTH 88°31'24" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF PERSIMMON AVENUE; THENCE SOUTH 01°28'36" EAST ALONG SAID RIGHT-OF-WAY LINE BEING 15 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 315.67 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 0.0724 ACRES (3154 SQUARE FEET) MORE OR LESS.

PROJECT: PERSIMMON AVENUE 10' UTILITY EASEMENT DELRAY LAKES ESTATES	DESIGN FILE NAME S-1-12-3289.DGN	DRAWING NO. S-1-12-3289	NO. 1	REVISION REVISE DESC & U.E.	BY S	DATE 4/19/12
	SCALE: 1" = 100'		APPROVED: C.S.P. DRAWN: E.A.D. CHECKED: G.W.M. DATE: 03/28/12	FIELD BOOK NO. 1224 b		



PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

SURVEYOR'S NOTES

1. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS OFFICE.
2. BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF PERSIMMON AVENUE AS SHOWN ON SAID PLAT OF DELRAY LAKES ESTATES (PLAT BOOK 41, PGS. 200-201) HAVING A PLATTED BEARING WHICH IS ON AN ASSUMED BASIS OF SOUTH 01°28'36" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
3. BEARING ROTATION EQUATION PLAT TO GRID: CENTERLINE OF PERSIMMON AVENUE SOUTH 01°28'36" EAST (PLAT) - SOUTH 01°52'33"EAST (GRID NAD 83/90) WHICH EQUATES TO A 0° 23'57" COUNTERCLOCKWISE ROTATION PLAT TO GRID.
4. IT SHOULD BE NOTED THAT THE CALL RECITED ON THE PLAT OF DELRAY LAKES ESTATES (PLAT BOOK 41, PGS. 200-201) SHOWN AS THE SOUTHEAST CORNER OF TRACT 8, OF PALM BEACH FARMS COMPANY PLAT NO. 1 (PLAT BOOK 2, PGS 26-28) MAY BE INCORRECT AND IT IS MY OPINION THAT THE CORRECT CALL SITED ON SAID PLAT OF DELRAY LAKES ESTATES SHOULD BE 15 FEET EASTERLY OF THAT POSITION. THIS LOCATION WOULD CENTER IT ON THE 30 FOOT PLATTED RIGHT-OF-WAY EASEMENT CONSISTENT WITH THE HISTORICAL EVIDENCE THAT THE TRACT LINES EXTEND TO THE CENTERLINE OF THE 30 FOOT PLATTED RIGHT-OF-WAY EASEMENTS WHERE APPLICABLE IN PALM BEACH FARMS COMPANY PLAT NO. 1.
5. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.00002539
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.
6. THIS IS NOT A BOUNDARY SURVEY.
7. 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.
8. THIS INSTRUMENT WAS PREPARED BY CRAIG S. PUSEY, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.
9. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY 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.


CRAIG S. PUSEY, P.S.M.
FLORIDA CERTIFICATE #5019

4/19/12
DATE

