PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:

October 16, 2012

Consent [X]

Regular []

Public Hearing []

Department:

Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Partial Release of Utility Easement on land owned by Southern & Crestwood Properties, LLC.

Summary: This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County in Book 12692, Page 112. During development of the new Renaissance Charter School on the northwest corner of Southern Boulevard and Crestwood Road, it was determined that the existing building encroaches on a portion of the existing utility easement. The property owner now requests release of the portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. There is no cost to the property owner nor County for this partial release of easement. District 6 (MJ)

Background and Justification: On April 12, 2001, the then property owner, Slabbage Group R.P.B., INC., granted a non-exclusive utility easement to the Village of Royal Palm Beach for Potable Water, Reclaimed Water, or Wastewater purposes (PBC Official Records Book 12692 Page 112). On May 20, 2002, Southern & Crestwood Properties, LLC purchased the property (PCN 72-41-43-17-01-901-0060) from Slabbage Group R.P.B., INC., (PBC Official Records Book 13736, Page 1401). On April 27, 2006 the Village's Utility system was conveyed to Palm Beach County as part of the Village of Royal Palm Beach Utility purchase and sale agreement (R2006-0410). During the development of Renaissance Charter School, it was determined that the building encroaches on the utility easement. The property owner is now requesting the release of the portion of the easement that the County has determined that it no longer needs.

Attachments:

- 1. Two (2) Original Partial Release of Utility Easement with Exhibit "A"
- 2. Location Map
- 3. One (1) copy of the April 12, 2001 Utility Easement

Recommended By:

Department Director

II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures External Revenues Program Income (County) In-Kind Match County	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <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>
Budget Account No.: Fu	nd	Dept	Unit	Obje	ect
Is Item Included in Current Budget? Yes No					
		Reporting Ca	ategory <u>N/</u>	<u>4</u>	
B. Recommended Sources of Funds/Summary of Fiscal Impact: No Fiscal Impact.					
C. Department Fiscal F	Review:	Sw	Egyptr	2	

III. REVIEW COMMENTS

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

OFMB Legal Sufficiency:

B.

Assistant County Attorney

C. Other Department Review:

Department Director

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

ATTACHMENT 1

Charge # 1023 Return via WILL CALL #133 Att: Plan Review – JCR Palm Beach County Water Utilities Department 8100 Forest Hill Blvd West Palm Beach, Florida 33413

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed this 16th day of October, 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 Southern and Crestwood Properties LLC whose address is 901 Northpoint Parkway, Suite 200 West Palm Beach, Florida 33407, second party:

WITNESSETH:

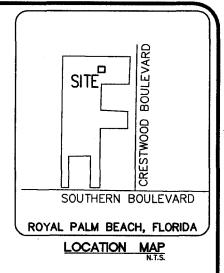
THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 12692, Page 112, Public Records of Palm Beach County, Florida.

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

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

ATTEST:	PALM BEACH COUNTY, FLORIDA
Sharon R. Bock, Clerk & Comptrolle	BY ITS BOARD OF COUNTY COMMISSIONERS
By: Deputy Clerk	By: Shelley Vana, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
By: County Attorney	

ATTACHMENT 1 EXHIBIT "A"



LEGAL DESCRIPTION

A PORTION OF THE UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 12692 AT PAGE 112 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF SOUTHERN BOULEVARD AND THE WEST LINE OF LOT 1, BLOCK K OF THE PLAT OF LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12 AT PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 02'1'13" EAST, ALONG THE SAID WEST LINE OF LOT 1, BLOCK K, A DISTANCE OF 811.82 FEET; THENCE, DEPARTING SAID WEST LINE, SOUTH 87'43'12" EAST, A DISTANCE OF 304.51 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING SOUTH 87'42'49" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 01'51'34" WEST, A DISTANCE OF 17.01 FEET; THENCE NORTH 88'08'26" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 01'51'34" EAST, A DISTANCE OF 17.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 256 SQUARE FEET OR 0.006 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

- 1. INFORMATION SHOWN HEREON DOES NOT CONSTITUTE, NOR DOES IT REPRESENT, A SURVEY OF THE SUBJECT PREMISES.
- 2. NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.
- 3. BEARINGS SHOWN HEREON ARE REFERENCED TO THE WEST LINE OF LOT 1, BLOCK K OF THE PLAT OF LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RESULTING IN A BEARING OF NORTH 21'11'13" EAST ALL OTHER BEARINGS ARE RELATIVE THERETO

SKETCH OF DESRIPTION THIS IS NOT A SURVEY KEVIN M. BECK
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 6168
STATE OF FLORIDA CORPORATION No. LB6603

FOR:
CHARTER SCHOOL — UTILITY EASEMENT RELEASE

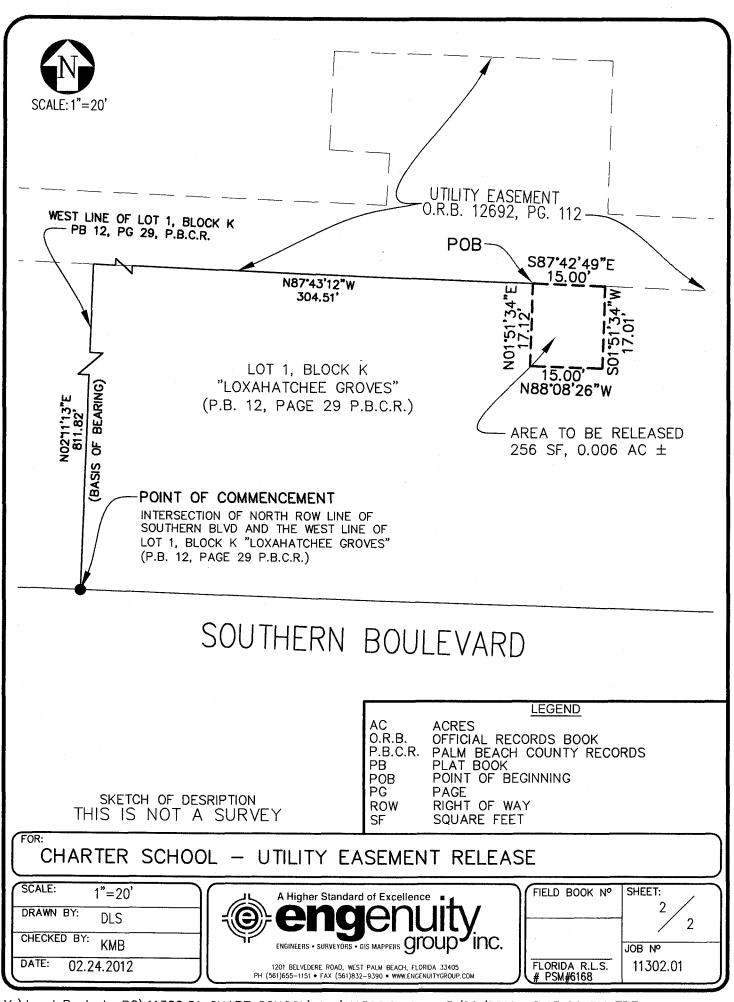
DRAWN BY: DLS

CHECKED BY: KMB

DATE: 02.24.2012



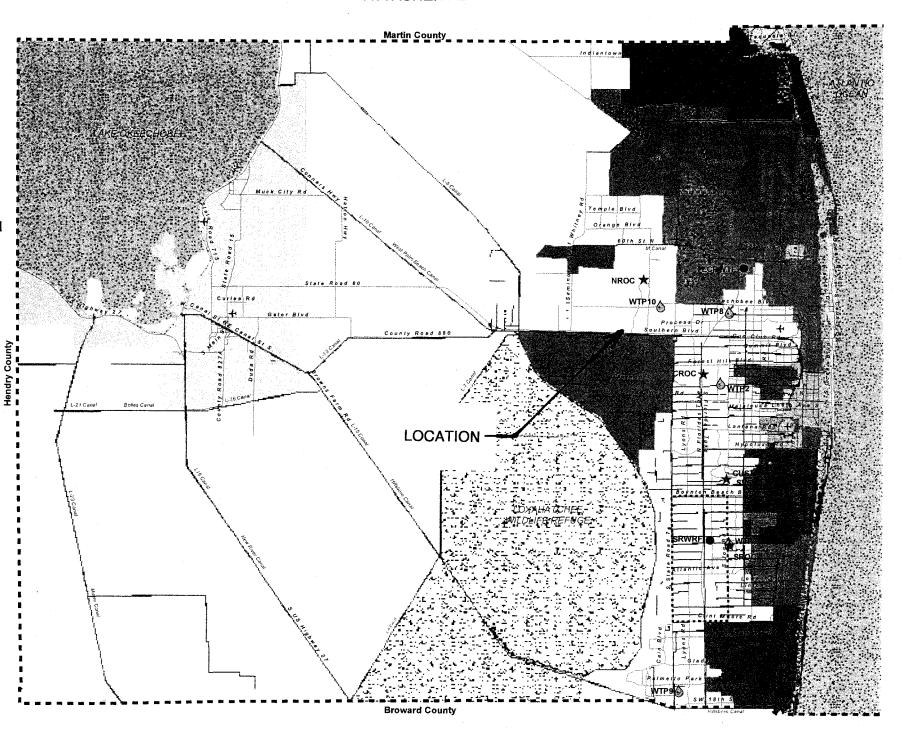
FIELD BOOK N° N/A	SHEET:
	/ 2
	JOB №
FLORIDA R.L.S.	11302.01



ATTACHENT 2



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



Legend

---- MANDATORY RECLAIMED SA

Water Treatment Facility

* Administration

Water Reclaimation Facility

= - COUNTY LIMITS

P.B.C.W.U.D. SA



ATTACHENT 3

Record and Return to Mary Anne Gould Village Clerk Village of Royal Palm Beach 1050 Royal Palm Beach Boulevard Royal Palm Beach, Flonda 33411

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this \(\frac{1}{2} \) day of \(\frac{1}{2} \) day of \(\frac{1}{2} \) SLABBAGE GROUP R.P.B., INC. (hereinafter referred to as "Grantor"), whose address is 3600 Fiscus Place, Grant, Florida 32949, to the Village of Royal Palm Beach (hereinafter referred to as "Grantee"), 1050 Royal Palm Beach Boulevard, Royal Palm Beach, Florida 33411.

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 non-exclusive utility easement which shall permit Grantee authority to enter upon the property of the Grantor described below 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 the Village of Royal Palm Beach, Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", FOR LOCATION SKETCH AND LEGAL DESCRIPTION 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 subject to mortgages and other encumbrances of record

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

WITHESSES:	GRANTOR:
Signed, sealed and delivered	
in the presence of.	SLABBAGE PROUP R.P.B. INC
Shannon Miller	By 1.7-11 11 2
Witness Signature	Signature
Shanon Miller	Roger D. Birt, II, as President
Prin Name	Print Name
Witpess Signature	Signature
CONLIE CARTEL	
Print Name	Print Name
*	(SEAL)
NOTARY CÈ	
STATE OF FLORIDA	Y
COUNTY OF PALM BEACH	
The foregoing instrument was acknowledged befor Roger D. Birt, II. as President of Slabbage Group R P produced as identification.	e me this day of lact 2001 by B. Inc., who is personally known to me or who has
My Commission Expires	Continois Latter
Constance M. Cariton MY COMMISSION & CC852971 EXPRES October 25, 2003 62901 Per that PAR RESPANCE INC	Notary Signature (CLS-71Lx + 1)? (BL-272L) Typed. Printed or Stamped Name of Notary

Record and Return to Mary Anne Gould Village Clerk Village of Royal Palm Beach 1050 Royal Palm Beach Boulevard Royal Palm Beach, Flonda 33411

CONSENT AND JOINDER OF MORTGAGEE FOR UTILITY EASEMENT

The undersigned mortgagee does hereby join in and consent to the granting of this Utility Easement, across the lands herein described, and agrees that its mortgage, which is recorded in Official Record Book 11693, Page 551, of the Public Records of Palm Beach County, Florida, shall be subordinated to this Utility Easement.

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

WITNESSES:	GRANTOR/MORTGAGEE:
Signed, sealed and delivered	
in the presence of:	FIRST UNION NATIONAL BANK
Witness Signature	By FIRST UNION NOTICENT BON
Print Name Witness Signature	Print Name Signature Signature
Print Name	Print Name
	(SEAL)
NOTA	RY CERTIFICATE
STATE OF FLORIDA COUNTY OF PALM BEACH	
	owledged before me this 1 day of <u>Mcc.</u> , 2001, and, who is/are both as identification.
My Commission Expired OFFICIAL NOTARY SHAL LAURAS FURBES NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC721976 MY COMMISSION EXP. MAR. 15,2002	Notary Signature Love 5 Freese S Typed, Printed or Stamped Name of Notary



PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD SUNRISE, FLORIDA 33351

TELEFOLINE 954: 572-1777 FAX 3944 GATELATE OF AUTHORIZATION NO ESETS TO MAIL surveys@pulicelondsurveyors com



LEGAL DESCRIPTION: WATER MAIN EASEMENT

A PORTION OF LOTIN BED HER HE RECORDED SECURED ADDITION OF THE FLAT THEFETE AS RECORDED IN PLAT BOOK IN ATTRACT AND THE PUBLIC RETURNS OF TALM BEACH ON WITH FLORIDA BEING MORE FARTH LARLEST FOR HEFE A FILLING

COMMENCE AT THE INTERIES ON A FINE WEST LINE OF SAID OF THE ARRY WIND THE NATION OF SAID OF THE INTERIES ON A FINE WEST LINE OF SAID OF THE ARRY WIND THE NATION OF SAID OF SA

SAID LANDS SITUATE, LYING, AND BEING IN THE SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND CONTAINING 31,042 SQUARE FEET 10 7126 ACRES, MORE OR LESS

1) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY
2) BEARINGS ARE BASED ON THE WEST LINE OF LOT 1 BEING NOZMINGS

FILE: ALBERTSON'S, INC.

SCALE: N/A

ORDER NO.: 41025B

DATE: MARCH 1, 2001

WATER LINE

EASEMENT

FOR: ALBERTSON'S, INC.

SHEET 1 OF 3 SHEETS

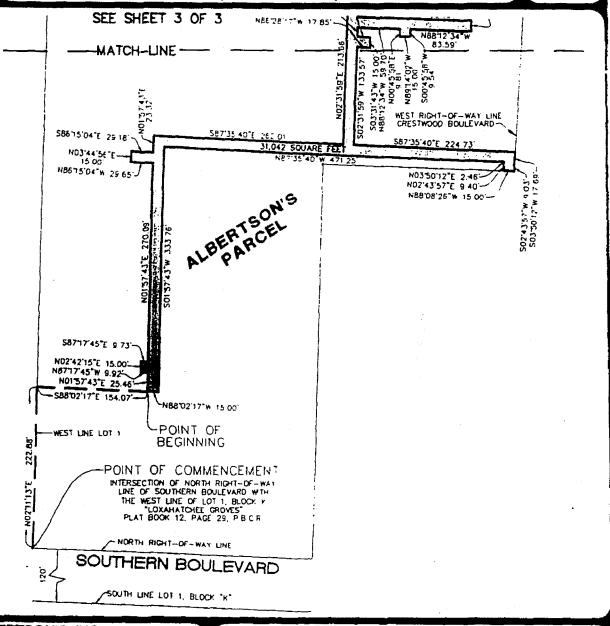
John F. Pulice, Reg. Land Surveyor #2691." State of Florida Beth Ann Shields, Reg. Land Surveyor #5136, State of Florida



PULICE LAND SURVEYORS, INC. 5381 NOB HILL ROAD SUNRISE, FLORIDA 33351

HONE (954) 572-1777 FAX: (954) 572-1778
CERTIFICATE OF AUTHORIZATION NO. LB3870
E-MAIL surveys@pulicelondsurveyors.com TELEPHONE (954) 572-1777





FILE: ALBERTSON'S, INC.

SCALE: 1' - 120'

ORDER NO.: 41025B

DATE: MARCH 1, 2001

WATER LINE

EASEMENT

FOR ALBERTSON'S, INC.

SHEET 2 OF 3 SHEETS

John F. Pulice, Reg. Land Surveyor #2691, State of Florida Beth Ann Shields, Reg. Land Surveyor #6136. State of Florida

John F. Pulice, Reg. Land Surveyor #2691, State of Florida Beth Ann Shields, Reg. Land Surveyor #6136, State of Florida



DATE: MARCH 1, 2001

FOR: ALBERTSON'S, INC.

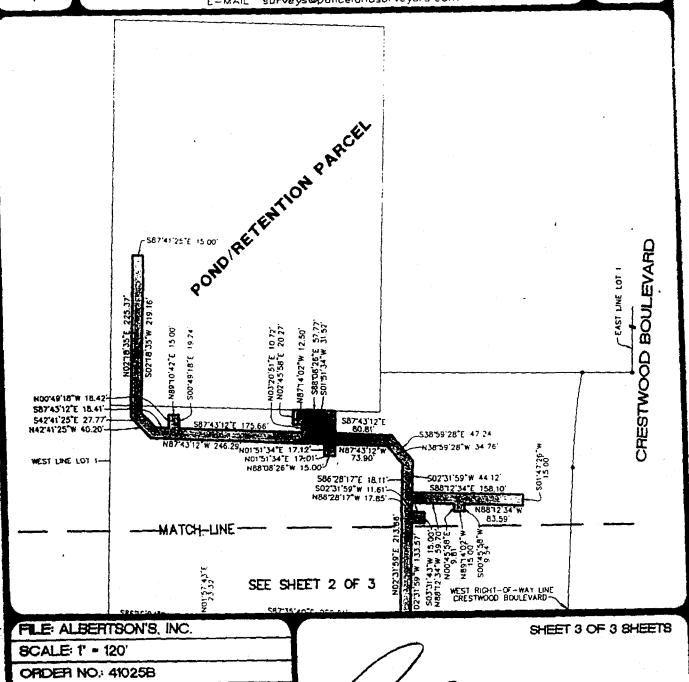
WATER LINE EASEMENT

SKETCH AND LEGAL DESCRIPTION

PULICE LAND SURVEYORS, INC. 5381 NOB HILL ROAD BUNRISE, FLORIDA 33351

TELEPHONE (954) 572-1777 FAX (954) 572-177E CERTIFICATE OF AUTHORIZATION NO LB3870 E-MAIL surveys@pulicelandsurveyors.com







PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD SUNRISE, FLORIDA 33351

HONE 954 572-1777 FAX (954) 572-CERTIFICATE OF ALTHOR ZATION NO LB387C E-MAIL surveys@dutce:ondsurveyors.com TELEPHONE FAX (954) 572-1778



LEGAL DESCRIPTION: SANITARY SEWER EASEMENT

A PORTION OF LCT 1 BUDGE REST FOLLOWER GROVES' ACCORDING TO THE FLAT THEFER AT RECORDED IN PLAT BOOK 10 AT PAGE 29 OF THE FLEE A RECIPEUR OF PALM BEACH COUNTY, FLORIDA, BEING MORE FARTO LARCH DESCRIBED AS FOLLOWS

FLORIDA. BEING MORE FARTILIAR'S LESCRIBED AS FOLLOWS

COMMENCE AT THE INTERSECT IN THE WEST LINE OF SAID LOTE. BLOCK "K" WITH THE INTERSECTION OF WAY LINE OF SOUTHERN BOULEVARD, SAID FORTY BENINGTH COTTUST FEET NORTH OF THE SOUTHLINE OF SAID LOTE. THE INTERSECTION SAID WEST LINE 332 92 FEET TO THE PINT OF BEGINNING, THENCE CONTINUE NORTH COTTUST EAST ON SAID WEST LINE 15 OC FEET, THENCE SOUTH STIFT ENDINGE NORTH AC'48'47" WEST 22 THE FEET THENCE NORTH 42'48'47" WEST 22 THE FEET THENCE NORTH OC'26'28" EAST 345 TO THE INTERSECTION WITH SAID WEST LINE OF LOTE. BOUTH IN THENCE NORTH OC'11'13" WEST CAST ON SAID WEST LINE 684 38 FEET, THENCE SOUTH B8'08'26" EAST 15 OC FEET THENCE SOUTH OC'11'13" WEST FOR 26 FEET, THENCE SOUTH AC'48'47" EAST 22 46 FEET, THENCE SOUTH OC'26'28" WEST 442'48'47" EAST 22 46 FEET, THENCE SOUTH OC'26'28" WEST 332 66 FEET, THENCE SOUTH OC'30'0 WEST 15 OO FEET; THENCE NORTH SE'ST'OO" WEST 671 FEET, THENCE SOUTH OC'26'28" WEST 332 66 FEET, THENCE SOUTH OC'30'0 WEST 15 OO FEET, THENCE SOUTH OC'30'34" WEST 133 43 FEET, THENCE NORTH 38'05'28" EAST 305'84 FEET, THENCE NORTH 02'03'34" WEST 464 FEET, THENCE NORTH BR'55'26" EAST 15 OO FEET, THENCE SOUTH OC'30'34" WEST 464 FEET, THENCE SOUTH 87'56'26" EAST 15 OO FEET, THENCE SOUTH OC'30'34" WEST 464 FEET, THENCE SOUTH 38'05'28" WEST 168'33 FEET, THENCE SOUTH OC'03'34" WEST 460 FEET, THENCE SOUTH OC'03'34" WEST 124 05 FEET THENCE SOUTH OC'03'34" WEST 124 05 FEET THENCE SOUTH 38'05'28" WEST 318.35 FEET, THENCE NORTH 87'57'57" WEST 104.57 FEET, THENCE NORTH 87'57'57" WEST 104.57 FEET, THENCE NORTH 87'57'57" WEST 104.57 FEET, THENCE NORTH 88'08'26" WEST 15 OO FEET THENCE NORTH 02'02'03" EAST 102.57 FEET, THENCE NORTH 87'57'57" WEST 113 14 FEET TO THE POINT OF BEGINNING

SAID LANDS SITUATE, LYING AND BEING IN THE SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND CONTAINING 28 691 SOUARE FEET (0 6586 ACRES) MORE OR LESS

NOTES:

- 1) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY
 2) BEARINGS ARE BASEE ON THE WEST LINE OF LOTIT BEING NOZTITISTE

FILE: ALBERTSON'S, INC.

SCALE: N/A

ORDER NO.: 41025A

DATE: MARCH 1, 2001

SANITARY SEWER

EASEMENT

FOR: ALBERTSON'S, INC.

SHEET 1 OF 3 SHEETS

John F. Pulice, Reg. Land Surveyor #2691, State of Florida Beth Ann Shields, Reg. Land Surveyor #6136, State of Florida

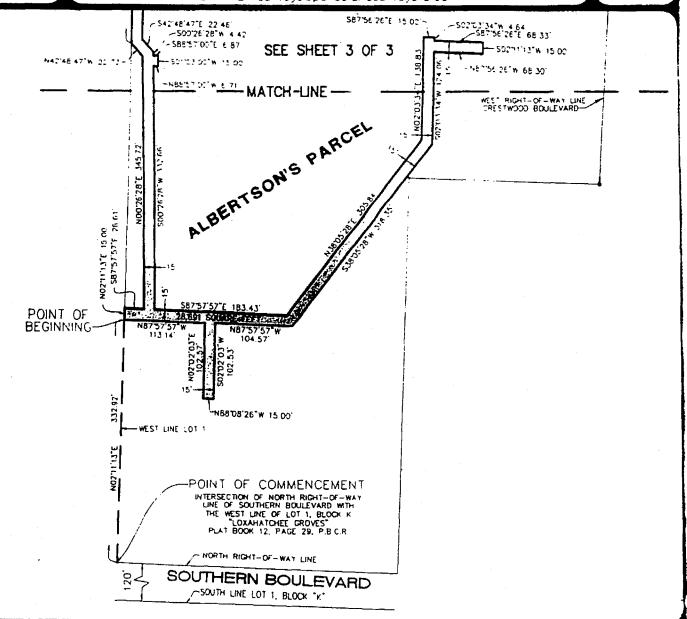


PULICE LAND SURVEYORS, INC. 5381 NOB HILL ROAD

SUNRISE, FLORIDA 33351

TELEPHONE (954) 572-1777 FAX (954 571-1778 CERTIFICATE OF AUTHORIZATION NO LB3870 E-MAIL surveys@pulicelandsurveyors.com





FILE: ALBERTSON'S, INC.

SCALE: 1" - 120"

ORDER NO.: 41025A

DATE: MARCH 1, 2001

SANITARY SEWER

EASEMENT

FOR: ALBERTSON'S, INC.

SHEET 2 OF 3 SHEETS

John F. Pulice, Reg. Land Surveyor #2691, State of Florida Beth Ann Shields, Reg. Land Surveyor #6136, State of Florida

