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

Meeting Date: October 16, 2012

Consent [X] Public Hearing [] Regular []

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 American Heritage School of Boca Delray, Inc. formerly known as G.H.S., Inc.

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 9967 Page 790. During expansion of the American Heritage School of Boca/Delray on the south side of Linton Boulevard west of the E-3 canal, it was determined that a future building will encroach on a portion of the existing 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 5 (MJ)

Background and justification: On August 25, 1997, the property owner G.H.S., Inc. granted an exclusive utility easement to the County to accommodate water and sewer facilities (PBC Official Records Book 9967, Page 790). On September 28, 1999 G.H.S., Inc. merged with and became American Heritage School of Boca Delray, Inc. During subsequent expansion of the school's facilities it was determined that a portion of the existing easement would be encroached upon by a future building. 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 August 25, 1997 Utility Easement

| Recommended By: | Rung Beaute | 9/13/12 | |
|-----------------|--------------------------------|---------|--|
| · <u> </u> | Department Director | Date | |
| Approved By: | hann & By | 9/21/12 | |
| - | Assistant County Administrator | / Øate | |

SISTAIL YOUNTY AGMINISTRATOR

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 | 0 0 0 0 | 0 0 0 0 | 0 0 0 0 | 0 0 0 0 | |
| 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.: N | /A | | | | |

| Is Item Included in Current Budget? | |
|-------------------------------------|--|
|-------------------------------------|--|

Yes___ No

Reporting Category N/A

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

No Fiscal Impact.

C. Department Fiscal Review: <u>Suy Eqgittern</u>

III. REVIEW COMMENTS

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



)2 Contracts

B. Approved as to form and legal sufficiency:

20/12 Assistant County / ttorne

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 <u>16th</u> day of <u>October</u>, 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 <u>American Heritage School Of Boca Delray, Inc.</u>, whose address is <u>6200 Linton</u> <u>Boulevard</u>, <u>Delray Beach</u>, Fl 33484, 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 the UTILITY EASEMENT recorded in Official Records Book 9967 Pg 790, 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 UTILITY 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:

Sharon R. Bock, Clerk

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

By:

Deputy Clerk

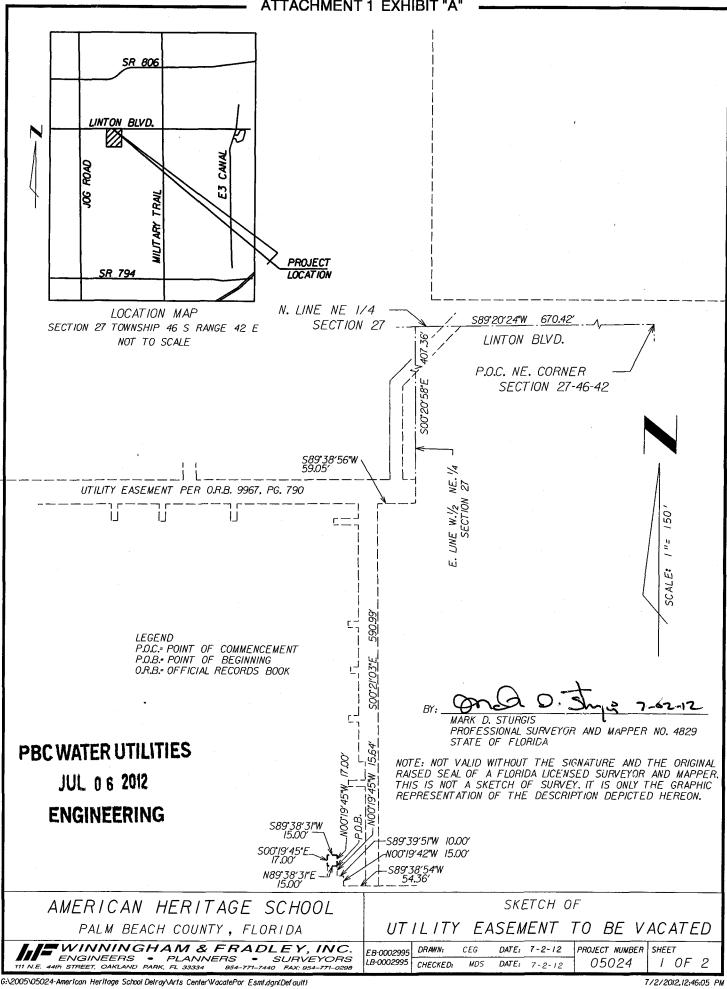
By:

Shelley Vana, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:

County Attorney



DESCRIPTION

A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING A PORTION OF THAT CERTAIN UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 9967 AT PAGE 790 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27: THENCE SOUTH 89°20'24" WEST (BASIS OF BEARINGS) 670.42 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE RUN SOUTH OO"20'58" EAST 407.36 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE RUN SOUTH 89°38'56" WEST 59.05 FEET ALONG THE BOUNDARY OF SAID UTILITY EASEMENT AS EXTENDED; THENCE RUN SOUTH 00°21'03" EAST 590.99 FEET ALONG SAID BOUNDARY; THENCE RUN SOUTH 89°38''54"W 54.36 FEET ALONG SAID BOUNDARY; THENCE RUN NORTH 00'19"42" WEST 15.00 FEET ALONG SAID BOUNDARY; THENCE RUN SOUTH 89°39'51" WEST 10.00 FEET ALONG SAID BOUNDARY; THENCE RUN NORTH OO'19'45" WEST 15.64 FEET ALONG SAID BOUNDARY TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°19'45" WEST 17.00 FEET ALONG SAID BOUNDARY; THENCE RUN SOUTH 89°38'31" WEST 15.00 FEET ALONG SAID BOUNDARY; THENCE RUN SOUTH OO'19'45" EAST 17.00 FEET ALONG SAID BOUNDARY; THENCE RUN NORTH 89'38'31" EAST 15.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

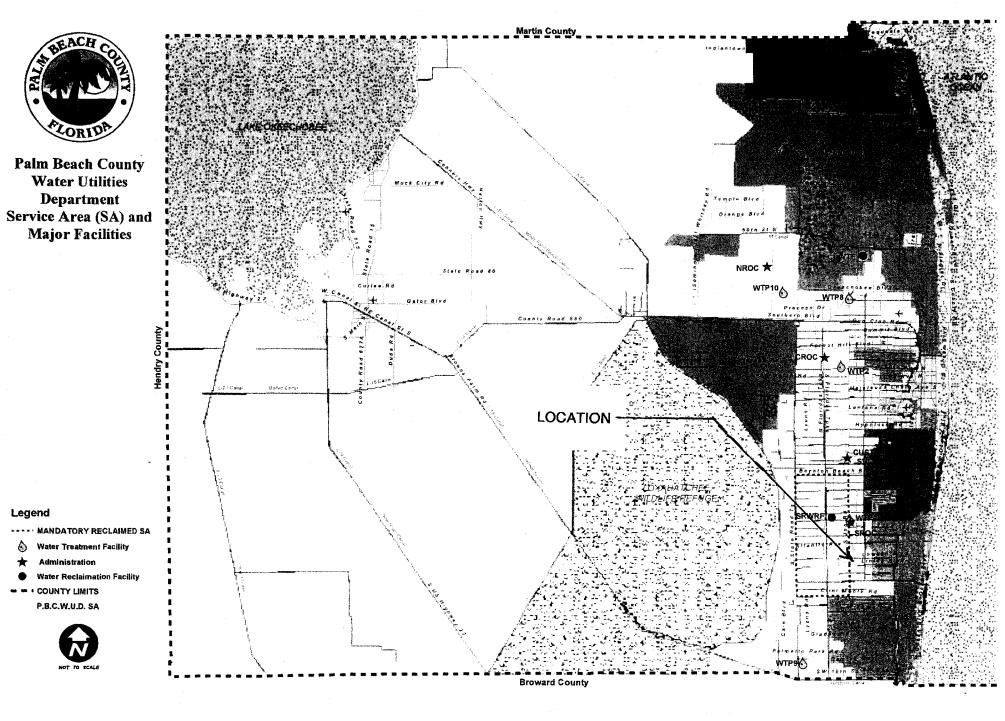
PBC WATER UTILITIES

JUL 0 6 2012

ENGINEERING

| AMERICAN HERITAGE SCHOOL | DESCRIPTION OF |
|---|--|
| PALM BEACH COUNTY, FLORIDA | UTILITY EASEMENT TO VE VACATED |
| INF WINNINGHAM & FRADLEY, INC. ENGINEERS - PLANNERS - SURVEYORS 111 N.E. 44Ih STREET, OAKLAND PARK, FL 33334 954-771-7440 FAX: 954-771-0298 | EB-0002995DRAWN: CEGDATE: 7-2-12PROJECT NUMBERSHEETLB-0002995CHECKED: MDSDATE: 7-2-120502420F2 |
| G:\2005\05024-American Heritage School Deiray\Arts Center\VacatePor Esmt.dgn(Default) | 7/2/2012.12:56:31 |

ATTACHENT 2



| H | | ATTACHENT 3 | | 12-510 |
|----------|---|-------------------------|---------------------------------------|-------------------------|
| | | ATTAUTENTS | CL MG-HUI DH1-3HHI | HD34 F04 |
| Ret | urn to Judy Provence PBC Water Ufili PO Box 16097 | Lipc | | • |
| | V PO Box 16097 | 11-5 | 200 07 4007 - 0400- 0 | |
| | 301 00101 41 3341 | 16 | EP-03-1997 2:29FN 9 0R8 9967 Fa | 7-314237 |
| | PREPARED BY AND RETURN TO PALM BEACH COUNTY WATER UTILITIES | | | |
| | P.D. BOX 16097 WEST PALM BRACH, FL 33416 | | Con 10.00 | Doc .70 |
| | \$ | RANT OF UTILIT | | ••• |
| | | RANT OF UTILIT | I EASEMENT | |
| | THIS EASEMENT is made, grante | d and entered into this | day of | 19 <u>97</u> |
| | by G.H.S., Inc. 6200 LINTON Boudeward, Delay Bear | (hercinafter | referred to as "Grantor"), whose | address is |
| I | c/o Water Utilities Department, 2055 Pra | irie Rd., West Palm Be | ach, FL 33406. | S Ungales), |
| | | WITNESS | SETH | • |
| | That Grantor, for and in considerat | ion of the sum of Ten | Dollars (\$10.00) in hand paid by | the Grantee and other |
| | good and valuable consideration, the re- | ceipt of which is herel | by acknowledged, does hereby gi | ant to the Grantee, its |
| | successors and assigns, a perpetual utility | | | |
| | the Grantor at any time to install, opera | | | |
| | improve, expand, the into, and inspect po and equipment in, on, over, under and ac | | | |
| • | utilized for a wastewater pump station as | | | |
| | covers a strip of land lying, situate and t | | | |
| | follows: | | | |
| | SEE EXHIBIT "A", | ATTACHED HERE | TO AND MADE A PART HERE | COP · · |
| • | Constant barrely assessed a with Ca | | In minut and in manual at a | he mal accords hearing |
| | Grantor hereby covenants with Gr. described and that it has good and lawf | | | |
| • | encumbrances unless specifically stated to | | UICSAUS CASCINCIAL NEC BILL CHEEL | or morrgages and onten. |
| · •. | | | | |
| | IN WITNESS WHEREOF, the G | rantor has hereunto se | t its hand and affixed its seal as | of the date first above |
| | | 6 5.43 | | • |
| | WITNESSES: Signed, sealed and delivered | | NTOR. VER(S) OF PROPERTY) | |
| | in the presence of: | | S., Inc. (| |
| | | 0.11. | | |
| | Nin Mendecuir | By: | MASTRES | |
| | Witness Signature | | Signature | |
| | DINO MENDICINO | ⊃_/ | DERT STONE, PRES. | |
| | Print Name | | Name & Title | - |
| 1 | S. (b) | Fruit : | NHIDE & THE | $\langle \rangle$ |
| | ant Hab | By: | | (TAL) |
| | Wilness Signature | | Signature | Ser |
| | | | | |
| | Stacey L. Robbins. | | | Λ (5') |
| | Print Name | Print | Name & Title | (SEAL) |
| | | NOTARY CER | TIFICATE | N PO M |
| | Sum of Florida | | · • • • · · · · · · · · · · · · · · | A 1 |
| | County of Palm Beach | | 0 | |
| | The foregoing instrumen: was | acknowledged before | me this do day of fille 12 | t .1997 by |
| | KOUGH JIMK | | wad as personality | known is mo or who has |
| | produced | | as identification. | |
| | Notary Public State of FEMALESION & CC 4 | rates | Idetty (Charly | 1 |
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SDA #

URB 9967 Ps 791

CONSENT AND JOINDER OF MORTGAGEE FOR UTILITY EASEMENT

The undersigned mortgagee does hereby on this 25 th day of August _ 19<u>97</u>, 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 9835 ..., Page 1080, 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:

Signed, sealed and delivered in the presence of.

in Mendicus Witness Signature

Dino Mensicino Print Name

1 Witness

Rubert $\boldsymbol{\zeta}$ Print Name

COUNTY NATIONAL BANK OF SOUTH FLORIDA

GRANTORMORTGAGEE: (Authorized Representative)

By__

F. Mc. Kerna, Jul THUMAP Print Name & Title

By.

Print Name & Title

SEAL (SEAL)

NOTARY CERTIFICATE

State of Florida County of Jalmi Becchi

cay of Curput 1992. The foregoing instrument was acknowledged before me this 25 them 2 not by A. 11. erno who has produced as identification Notary Public, State of Florida My commission expires Commission No.

S STARO Print Name

OFFICIAL NOTARY SEAL ELLEENS NOTARO NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC613297 IY COMMISSION EXP. JAN. 182001

