Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	December 4, 2012	[X] Consent	[] Regular
		[] Ordinance	[] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: an Easement in favor of Lake Worth Drainage District (LWDD) for canal maintenance across the County property located south of Forest Hill Boulevard, east of the Turnpike.

Summary: The County owns approximately 768 acres of property on the South side of Forest Hill Boulevard across from Okeeheelee Park. The County has developed Okeeheelee Park South, the Sheriff's K-9 facility, and WUD's Central Regional Operations Center (CROC) on this property. The LWDD's E-2E canal runs along the western boundary of the County's property. The County is in the process of platting the County's overall property, and during extensive review of the survey it was discovered that LWDD did not have easements for portions of the LWDD's E-2E canal. This Easement will complete LWDD's overall easement requirements along the eastern bank of the E-2E canal and the western boundary of the County's property. The combined easement areas cover 2.37 acres. The Easement is being granted now at no cost to LWDD as it will ultimately be required to finalize the plat. (**PREM**) **District 2 (HJF**)

Background and Justification: Staff is preparing a boundary survey/plat of the County owned property which includes Okeeheelee Park South, the Sheriff's K-9 Facility, and WUD's CROC. This boundary survey will allow the County to dissolve the interior lot lines of this large multi-departmental County owned property. During extensive review of the survey it was discovered that LWDD' did not have easements for portions of the LWDD's E-2E canal. This Easement will complete LWDD's overall easement requirements along the eastern bank of the E-2E canal and the western boundary of the County's property. The north easement area runs from Forest Hill Boulevard south along the E-2E canal approximately 1985 ft. in length, varies in width from 9.82 ft. to 65 ft., and contains 44,469 SF (1.02 acres). The south easement area also runs along the E-2E canal, parallel to the WUD's CROC building and the southern limits of the park and is approximately 2,670 ft. long, varies in width from 15.18 ft. to 49.82 ft., and contains 58,889 SF (1.35 acres).

Attachments:

- 1. Location Map
- 2. Easement

Recommended By: 724	Army Work	11/6/12
1	Department Director	Date
Approved By:	in XVer	nladin
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Bud	lget: Yes]	No		
	Dept rogram		Unit	Object	
B. Recommended Sources of	Funds/Sumn	nary of Fisca	al Impact:		
	No fi	scal impact.			
C. Departmental Fiscal Revie	ew:	m	(1-6.)	2	

III. <u>REVIEW COMMENTS</u>

OFMB Fiscal and/or Contract Development Comments: OFMB 11/2/017 . J. Jocoba 11/20/12 OFMB 11/4/4 11/5 Contract Development and Control J. Jocoba 11/20/12 Contract Development and Control J. Jocoba 11/20/12 J. Jocoba 11/20/12

B. Legal Sufficiency:

A.

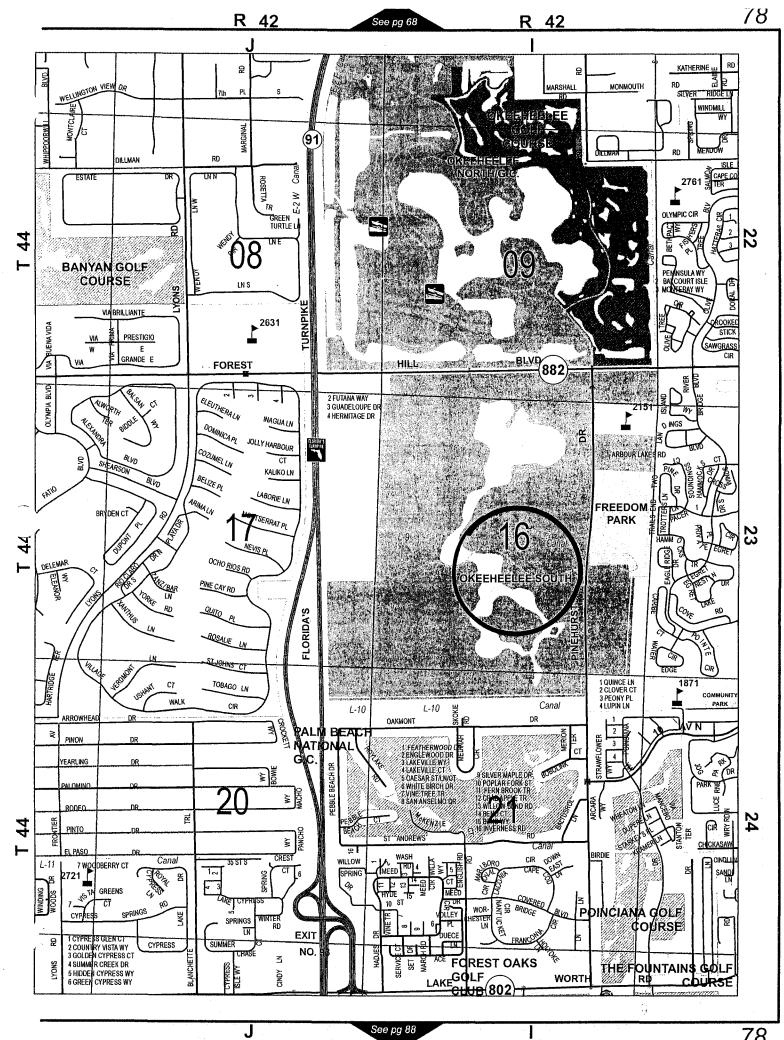
Assistant County Attorney

C. Other Department Review:

Department Director

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

G:\PREM\AGENDA\2012\12-04\LWDD easement pb.docx



LOCATION MAP

78

Prepared by & Return to: Peter Banting Palm Beach County Property & Real Estate Management Division 2633 Vista Parkway West Palm Beach, FL 33411-5605

PCN: 00-42-43-27-05-015-0552 00-42-43-27-05-021-0040 00-42-43-47-05-021-0201 00-42-43-27-05-014-0410 00-42-43-27-05-021-0291

EASEMENT

THIS IS AN EASEMENT, granted _______ by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, whose address is 301 North Olive Avenue, West Palm Beach, Florida 33401, herein referred to as "COUNTY" and LAKE WORTH DRAINAGE DISTRICT, a Special Taxing District of the State of Florida, whose address is 13081 Military Trail, Delray Beach, Florida 33484, herein referred to as "DISTRICT".

WITNESSETH:

That COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto DISTRICT, its successors and assigns, upon the conditions hereinafter set forth, a perpetual exclusive easement for purposes of construction, operation and maintenance of a canal, drainage ditch, sluice ways, spoil deposit, water control structures, and berm and other related purposes, including without limitation excavation, removal of vegetation and deposit of spoil; on, over, upon, under, and across the following described real property (the "Easement Premises") situate, lying and being in the County of Palm Beach, State of Florida to wit:

See legal descriptions marked <u>Exhibit "A" and Exhibit "B"</u> attached hereto and made a part hereof.

THE CONDITIONS OF THIS EASEMENT ARE SUCH THAT:

1. DISTRICT shall cause the facilities and their appurtenances to be constructed within the confines of the Easement Premises.

2. DISTRICT hereby expressly agrees that in the event that DISTRICT abandons its use of the Easement Premises for the purpose herein expressed, the Easement granted hereby shall become null and void, and all the right, title and interest in and to the Easement Premises shall automatically revert to COUNTY.

3. DISTRICT further expressly agrees to maintain, at its sole cost and expense, the canal, drainage ditch, sluice ways, water control structures, berm, and all appurtenances thereto within the Easement Premises at all times during the term hereof in accordance with DISTRICT'S usual and customary standards of maintenance of its facilities and canals.

4. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, County shall indemnify, defend and hold harmless DISTRICT against any actions, claims, or damages arising out of COUNTY'S negligence in connection with this agreement, and DISTRICT shall indemnify, defend and hold harmless COUNTY against any actions, claims, or damages arising out of DISTRICT'S negligence in connection with this agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond or alter the limits set forth in Florida Statutes Section 768.28, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's, or any third party's negligent, willful or intentional acts or omissions.

TO HAVE AND TO HOLD the premises, rights, and easement granted herein unto DISTRICT, its successors and assigns, for the purposes aforesaid forever.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, COUNTY has caused these present to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

SHARON R. BOCK CLERK & COMPTROLLER

PALM BEACH COUNTY, a political subdivision of the State of Florida

By:

Deputy Clerk

By:

, Chair

Signed and delivered in the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

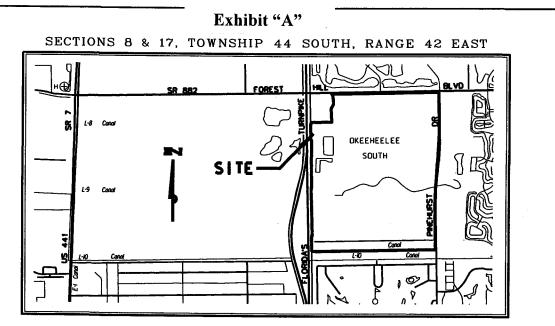
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: ounty Attorney 'nt

APPROVED AS TO TERMS AND CONDITIONS

men Won By: Department Director

\\FDO-FS\common\PREM\Dev\Open Projects\PR-Okeeheelee Park South-dk;pb\LWDD Easements\North South Easement.BB app.101612.docx



LEGAL DESCRIPTION LAKE WORTH DRAINAGE DISTRICT EASEMENT (E-2E CANAL) (BETWEEN SOUTH LINE OF TRACT 4, BLOCK 21 & NORTH LINE OF TRACT 56, BLOCK 15 PLAT BOOK 2, PAGE 45)

A PARCEL OF LAND FOR LAKE WORTH DRAINAGE DISTRICT EASEMENT PURPOSES, BEING A PORTION OF TRACT 4, BLOCK 21, TRACT 57, BLOCK 15, TRACT 56, BLOCK 15 AND THE PLATTED ROAD RESERVATION BETWEEN TRACT 4, BLOCK 21 AND TRACT 57, BLOCK 15 OF THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN A PORTION OF SECTIONS 8 & 17, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 9.82 FEET OF THE WEST 25.00 FEET OF TRACT 4, BLOCK 21, ACCORDING TO SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3.

TOGETHER WITH

THE EAST 40.00 FEET OF THE WEST 65.00 FEET OF THE NORTH 30.00 FEET OF TRACT 4, BLOCK 21, ACCORDING TO SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3.

ALSO TOGETHER WITH

THE WEST 65.00 FEET OF THE 50.00 FOOT ROAD, DIKE & DITCH RESERVATION LYING BETWEEN TRACT 4, BLOCK 21 AND TRACT 57, BLOCK 15, ACCORDING TO SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3.

ALSO TOGETHER WITH

THE EAST 40.00 FEET OF THE WEST 65.00 FEET OF THE SOUTH 41.57 FEET OF TRACT 57, BLOCK 15, ACCORDING TO SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3, LYING SOUTH OF THE SOUTH LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 11515, PAGE 726, OF SAID PUBLIC RECORDS.

ALSO TOGETHER WITH

THE WEST 25.00 FEET OF TRACT 56 AND TRACT 57, BLOCK 15, ACCORDING TO SAID

аг: 3 Рполест мо. 201200	(E-2E CANAL) BETWEEN SOUTH LINE OF TRACT 4	NO. REVISION BY SCALE:NO SCALE:NO SCALE	REVISION BY DA	DATE	PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES
9-06	& NORTH LINE OF TRACT 56 DESIGN FILE NAME S-1-12-3300.DGN S-1-12-3300	FIELD BOOK NO.			2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411

PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3, LESS THE NORTH 45.00 FEET THEREOF.

SAID EASEMENT CONTAINS 44,469 SQUARE FEET OR 1.02 ACRES MORE OR LESS.

SURVEYOR'S NOTES

BEARINGS ARE BASED ON THE WEST LINE OF TRACT 4, BLOCK 21, TRACT 56 AND TRACT 57, BLOCK 15, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGE 45, HAVING A GRID BEARING OF SOUTH OO°55'44" EAST (GRID, NAD 83/90 ADJUSTMENT) AND ALL OTHER BEARINGS ARE RELATIVE THERETO. PAGE

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

THE SIDELINES OF SAID EASEMENT ARE TO BE LENGTHENED OR SHORTENED TO INTERSECT THE TRACT LINES.

THIS IS NOT A SURVEY.

REFER TO THE UNDERLYING BOUNDARY SURVEY FOR OKEEHEELEE SOUTH (PALM BEACH COUNTY DRAWING NO. S-3-10-3166) ON FILE IN THE OFFICE OF THE COUNTY ENGINEER FOR ADDITIONAL INFORMATION.

COORDINATES SHOWN CALCULATED FROM UNDERLYING BOUNDARY SURVEY NOTED ON THE SKETCH.

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 = 1.0000265

GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

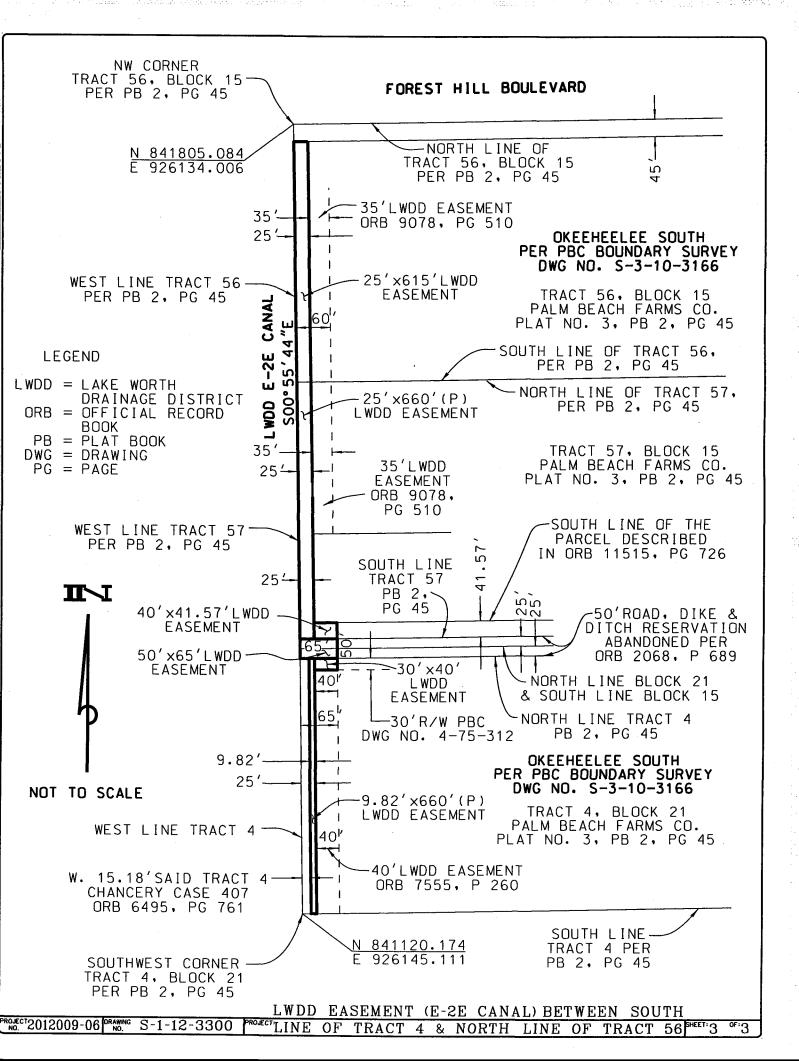
IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

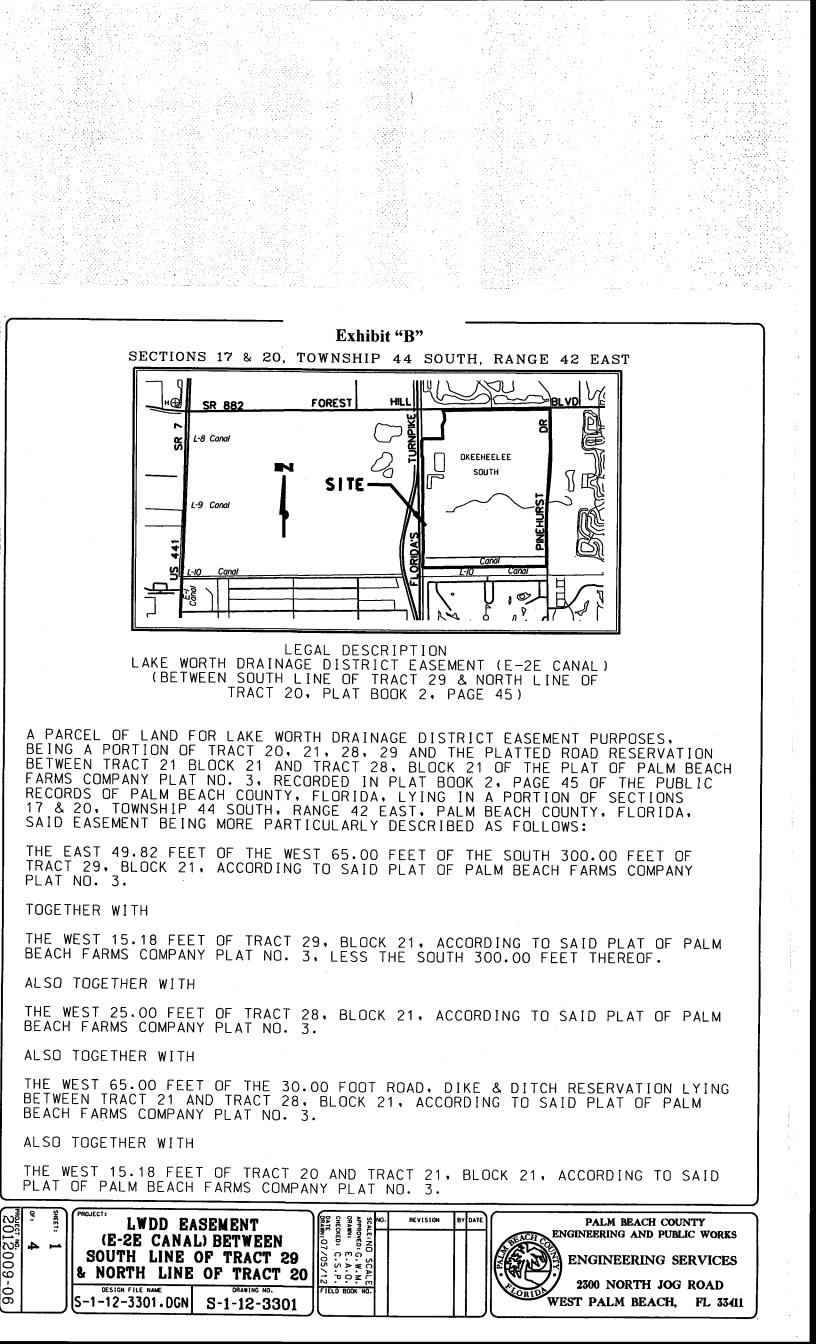
THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. GLENN W MARK, BL.S. FLORIDA CERTIFICATE # 5304

LWDD EASEMENT (E-2E CANAL) BETWEEN SOUTH ROJECT LINE OF TRACT 4 & NORTH LINE OF TRACT 56 SHEET 2 ROJECT 2012009-06 DRAWING S-1-12-3300 of:3





SAID EASEMENT CONTAINS 58,898 SQUARE FEET OR 1.35 ACRES MORE OR LESS.

SURVEYOR'S NOTES

BEARINGS ARE BASED ON THE WEST LINE OF TRACTS 20, 21, 28 & 29, BLOCK 21, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGE 45, HAVING A GRID BEARING OF SOUTH 00°55'44" EAST (GRID, NAD 83/90 ADJUSTMENT) AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

THE SIDELINES OF SAID EASEMENT ARE TO BE LENGTHENED OR SHORTENED TO INTERSECT THE TRACT LINES.

THIS IS NOT A SURVEY.

REFER TO THE UNDERLYING BOUNDARY SURVEY FOR OKEEHEELEE SOUTH (PALM BEACH COUNTY DRAWING NO. S-3-10-3166) ON FILE IN THE OFFICE OF THE COUNTY ENGINEER FOR ADDITIONAL INFORMATION.

COORDINATES SHOWN CALCULATED FROM UNDERLYING BOUNDARY SURVEY NOTED ON THE SKETCH.

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 = 1.0000265

GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

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.

THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE, MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

sermin 1

9 5/12 DATE

GLENN W/ MARK, P.L.S. FLORIDA CERTIFICATE # 5304 LWDD EASEMENT (E-2E CANAL) BETWEEN SOUTH LWDD FASEMENT (E-2E CANAL) BETWEEN SOUTH T2012009-06 PROPERTY S-1-12-3301 PROJECT LINE OF TRACT 29 & NORTH LINE OF TRACT 20 PRET 2 ROJECT 2012009-06 PRAVANICA S-1-12-3301 ^{0F}'4

