

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 7, 2013 Consent 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 Boca Raton Associates VI, LLLP

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 25539, Page 1167. During development of the new clubhouse facilities for Bridges PUD, located west of Lyons Road and north of Clint Moore Road, it was determined that the existing easement extends beyond County owned facilities and it affects development plans for the clubhouse. 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 October 15, 2012, Boca Raton Associates VI, LLLP granted a non-exclusive utility easement to Palm Beach County for Potable Water, Reclaimed Water, or Wastewater purposes, (PBC Official Records Book 25539, Page 1167). During the development of The Bridges PUD clubhouse facilities, it was determined that the granted utility easement exceeds the County's requirements and the affected area may be used by the property owner for other purposes. 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
2. Original Recorded Easement
3. Location Map

Recommended By: Berg Beaulieu 3/26/13
Department Director Date

Approved By: Sharon B. Joy 4/15/13
Assistant County Administrator Date

Charge # 1023 Return via WILL CALL #133
Att: Plan Review
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 ___ day of _____, 2013, 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 Boca Raton Associates VI, LLLP, a Florida limited liability limited partnership, whose address is 1600 Sawgrass Corporate Parkway, Sunrise, Florida 33325, 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 25539, Page 1167, 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 & Comptroller

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

By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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

CFN 20120419126
OR BK 25539 PG 1167
RECORDED 10/19/2012 09:30:27
Palm Beach County, Florida
ANT 10.00

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 15th day of October, 2012 by Boca Raton Associates VI, LLLP, a Florida limited liability limited partnership (hereinafter referred to as "Grantor"), whose address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

Doc Stamp 0.70
Sharon R. Bock, CLERK & COMPTROLLER
Pgs. 1167 - 1172 (6pgs)

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. 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 presence of:

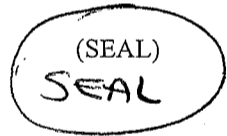
GRANTOR:

BOCA RATON ASSOCIATES VI, LLLP, a Florida
limited liability limited partnership

By: Boca Raton VI Corporation, a Florida
Corporation, its general partner

By: [Signature]
Richard M. Norwalk, Vice President

[Signature]
Witness Signature
Rebecca C. Medley
Print Name
[Signature]
Witness Signature
Clayton Ratliff
Print Name



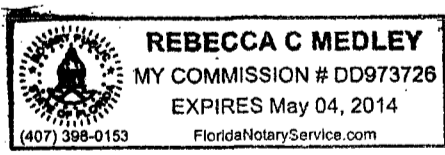
NOTARY CERTIFICATE

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 15th day of October, 2012, by Richard M. Norwalk, as Vice President of Boca Raton VI Corporation, a Florida corporation, the general partner of BOCA RATON ASSOCIATES VI, LLLP, a Florida limited liability limited partnership, on behalf of said corporation and partnership. He is personally known to me.

My commission expires:

[Signature]
Notary Signature



Typed, Printed or Stamped Name of Notary

SDA #

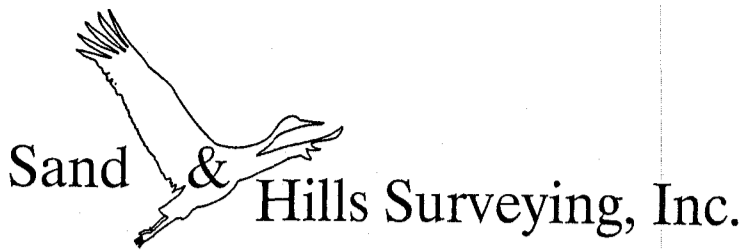
EXHIBIT "A"

Description of the Property

[See attached four (4) pages]

SKETCH AND DESCRIPTION

THIS IS NOT A SURVEY!



DESCRIPTION:

A STRIP OF LAND 20.00 FEET IN WIDTH, BEING A PORTION OF TRACT "R", BRIDGES - PLAT THREE, AS RECORDED IN PLAT BOOK 115, PAGES 8 THROUGH 16 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "R"; SAID POINT BEING THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2,455.00 FEET AND A CENTRAL ANGLE OF 06°48'47"; WHOSE RADIUS POINT BEARS SOUTH 09°01'26" EAST FROM SAID POINT, THENCE EASTERLY, ALONG THE NORTH LINE OF SAID TRACT "R" AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 291.93 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE, AND A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE SOUTH 00°07'34" EAST, A DISTANCE OF 43.24 FEET TO A POINT HEREINAFTER TO BE KNOWN AS POINT "A"; THENCE SOUTH 00°07'34" EAST, A DISTANCE OF 47.69 FEET; THENCE NORTH 89°33'59" WEST, A DISTANCE OF 59.60 FEET TO THE POINT OF TERMINATION.

TOGETHER WITH:

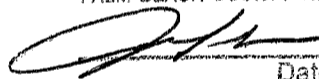
A STRIP OF LAND 20.00 FEET IN WIDTH, BEING A PORTION OF TRACT "R", BRIDGES - PLAT THREE, AS RECORDED IN PLAT BOOK 115, PAGES 8 THROUGH 16 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "R"; SAID POINT BEING THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2,455.00 FEET AND A CENTRAL ANGLE OF 07°05'44"; WHOSE RADIUS POINT BEARS SOUTH 09°01'26" EAST FROM SAID POINT, THENCE EASTERLY, ALONG THE NORTH LINE OF SAID TRACT "R" AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 304.03 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE, AND A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 177.07 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 91.90 FEET TO THE POINT OF TERMINATION.

CONTINUED ON SHEET 2 OF 4


REVIEWED & ACCEPTED

PALM BEACH COUNTY WATER UTILITIES DEPT.

 **OCT 10 2012**
Date

CERTIFICATION:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.

 DATE: 09/04/12
PERRY C. WHITE REV.: 09/25/12
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 4213

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

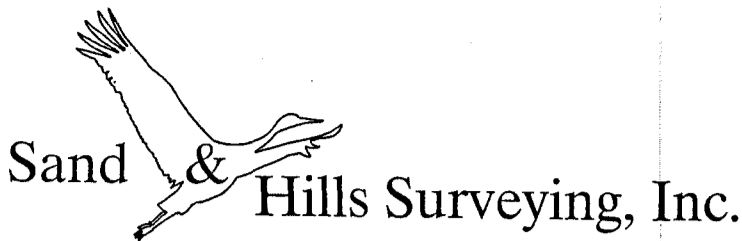
NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

SKETCH & DESCRIPTION 20' P.B.C.U.E. - TRACT "R" BRIDGES - PLAT THREE	SCALE: 1" = 40'	SHEET 1 OF 4
	REVIEWED: PW	DRAWN: PW
	DATE: 09/04/12	DRAWING No: D0106LG13

8461 LAKE WORTH ROAD, SUITE 410 | LAKE WORTH, FL 33467 | Tel: 561-209-6048 | L.B. NUMBER 7741

SKETCH AND DESCRIPTION

THIS IS NOT A SURVEY!



CONTINUED FROM SHEET 1 OF 4

TOGETHER WITH:

A STRIP OF LAND 20.00 FEET IN WIDTH, BEING A PORTION OF TRACT "R", BRIDGES - PLAT THREE, AS RECORDED IN PLAT BOOK 115, PAGES 8 THROUGH 16 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "R"; SAID POINT BEING THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2,455.00 FEET AND A CENTRAL ANGLE OF 10°35'32"; WHOSE RADIUS POINT BEARS SOUTH 09°01'26" EAST FROM SAID POINT, THENCE EASTERLY, ALONG THE NORTH LINE OF SAID TRACT "R" AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 453.85 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE, AND A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE SOUTH 00°22'53" WEST, A DISTANCE OF 164.45 FEET; THENCE SOUTH 89°08'11" EAST, A DISTANCE OF 24.90 FEET TO THE POINT OF TERMINATION.

TOGETHER WITH:

A STRIP OF LAND 20.00 FEET IN WIDTH, BEING A PORTION OF TRACT "R", BRIDGES - PLAT THREE, AS RECORDED IN PLAT BOOK 115, PAGES 8 THROUGH 16 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE AFOREMENTIONED POINT "A"; THENCE NORTH 86°36'41" WEST, A DISTANCE OF 20.32 FEET TO THE POINT OF TERMINATION.

THE SIDES OF THE ABOVE DESCRIBED EASEMENT SHALL BE LENGTHENED OR SHORTENED, AS NECESSARY, IN ORDER TO MAINTAIN A CONTINUOUS STRIP OF LAND 20.00 FEET IN WIDTH AND TO INTERSECT EXISTING EASEMENTS, PROPERTY LINES AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE WEST BOUNDARY LINE OF TRACT "R", BRIDGES - PLAT THREE, PLAT BOOK 115, PAGES 8 THROUGH 16, BEARING NORTH 16°23'53" EAST WITH ALL BEARINGS SHOWN HEREON BEING RELATIVE THERETO.

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SKETCH & DESCRIPTION 20' P.B.C.U.E. - TRACT "R" BRIDGES - PLAT THREE	SCALE: 1" = 40'	SHEET 2 OF 4
	REVIEWED: PW	DRAWN: PW
	DATE: 09/04/12	DRAWING No: D0106LG13

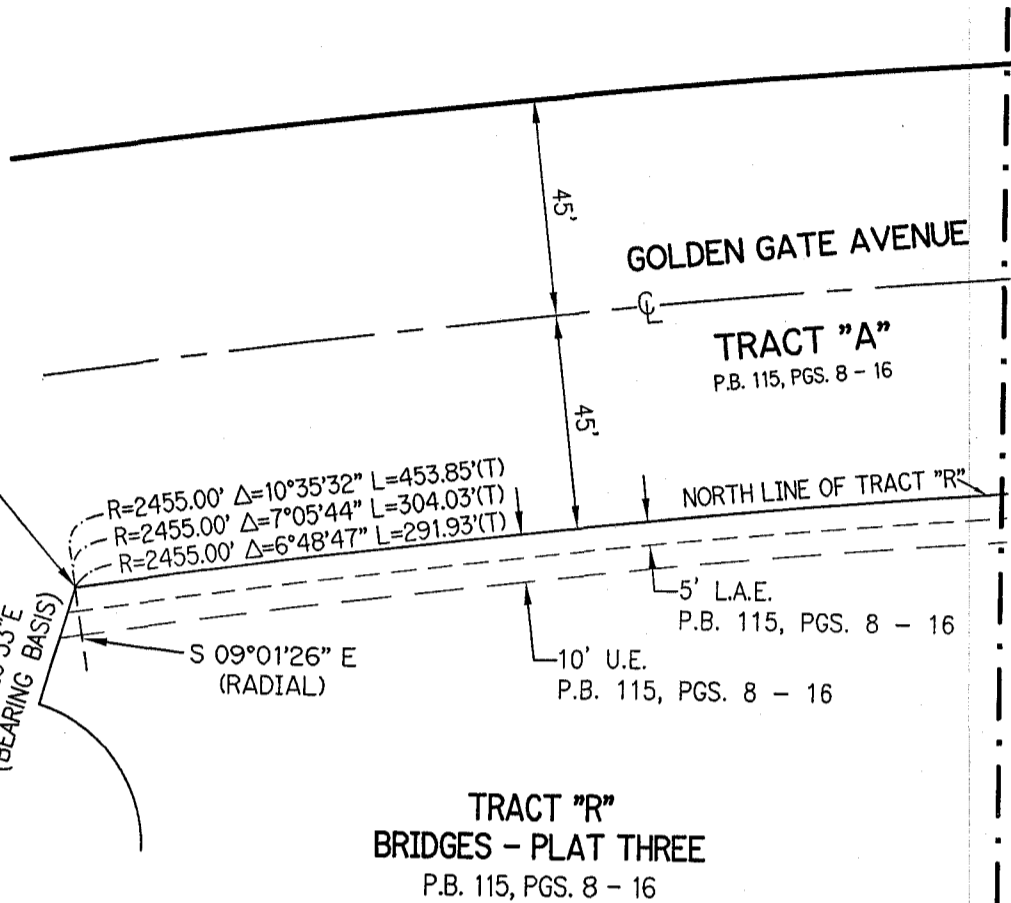
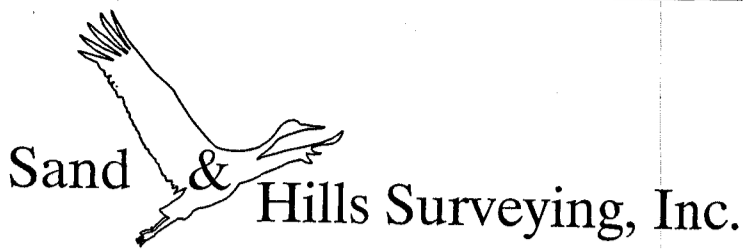
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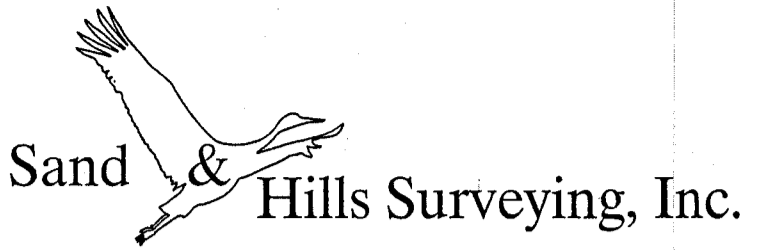
LEGEND:

- L.A.E. - LIMITED ACCESS EASEMENT
- L.B. - LICENSED BUSINESS
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
- O.R.B. - OFFICIAL RECORDS BOOK
- P.B.C.U.E. - PALM BEACH COUNTY UTILITY EASEMENT
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SKETCH AND DESCRIPTION

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GOLDEN GATE AVENUE

TRACT "A"

P.B. 115, PGS. 8 - 16

R=2455.00' Δ=10°35'32" L=453.85'(T)

R=2455.00' Δ=7°05'44" L=304.03'(T)
R=2455.00' Δ=6°48'47" L=291.93'(T)

NORTH LINE OF TRACT "R"

P.O.B.

MATCH LINE SHEET 4 OF 4

S00°07'34"E

43.24'

P.O.T.

N86°36'41"W

20.32'

S00°07'34"E

47.69'

N89°33'59"W

59.60'

P.O.T.

P.O.B.

P.O.B.

POINT "A"

P.O.B.

☉ 20'

P.B.C.U.E.

5' L.A.E.

P.B. 115, PGS. 8 - 16

10' U.E.

P.B. 115, PGS. 8 - 16

☉ 20'

P.B.C.U.E.

S00°22'53"W

164.45'

TRACT "R"
BRIDGES - PLAT THREE

P.B. 115, PGS. 8 - 16

☉ 20'

P.B.C.U.E.

S00°00'00"W

177.07'

N90°00'00"E

91.90'

P.O.T.

S89°08'11"E

24.90'

P.O.T.

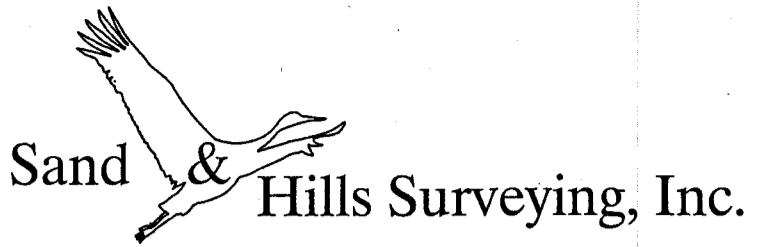
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	REVIEWED: PW	DRAWN: PW
	DATE: 09/04/12	DRAWING No: D0106LG13

SKETCH AND DESCRIPTION

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DESCRIPTION:

BEING A PORTION OF THAT UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 25539, PAGE 1167, ALSO BEING A STRIP OF LAND 20.00 FEET IN WIDTH, BEING A PORTION OF TRACT "R", BRIDGES - PLAT THREE, AS RECORDED IN PLAT BOOK 115, PAGES 8 THROUGH 16, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS;

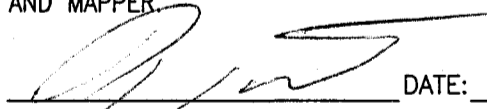
COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "R"; SAID POINT BEING THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2,455.00 FEET AND A CENTRAL ANGLE OF 06°48'47"; WHOSE RADIUS POINT BEARS SOUTH 09°01'26" EAST FROM SAID POINT, THENCE EASTERLY, ALONG THE NORTH LINE OF SAID TRACT "R" AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 291.93 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE SOUTH 00°07'34" EAST, A DISTANCE OF 90.93 FEET; THENCE NORTH 89°33'59" WEST, A DISTANCE OF 16.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°33'59" WEST, A DISTANCE OF 43.54 FEET TO THE POINT OF TERMINATION.

THE SIDES OF THE ABOVE DESCRIBED EASEMENT SHALL BE LENGTHENED OR SHORTENED, AS NECESSARY, IN ORDER TO MAINTAIN A CONTINUOUS STRIP OF LAND 20.00 FEET IN WIDTH AND TO INTERSECT EXISTING EASEMENTS, PROPERTY LINES AND RIGHTS-OF-WAY OF RECORD.

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CERTIFICATION:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER

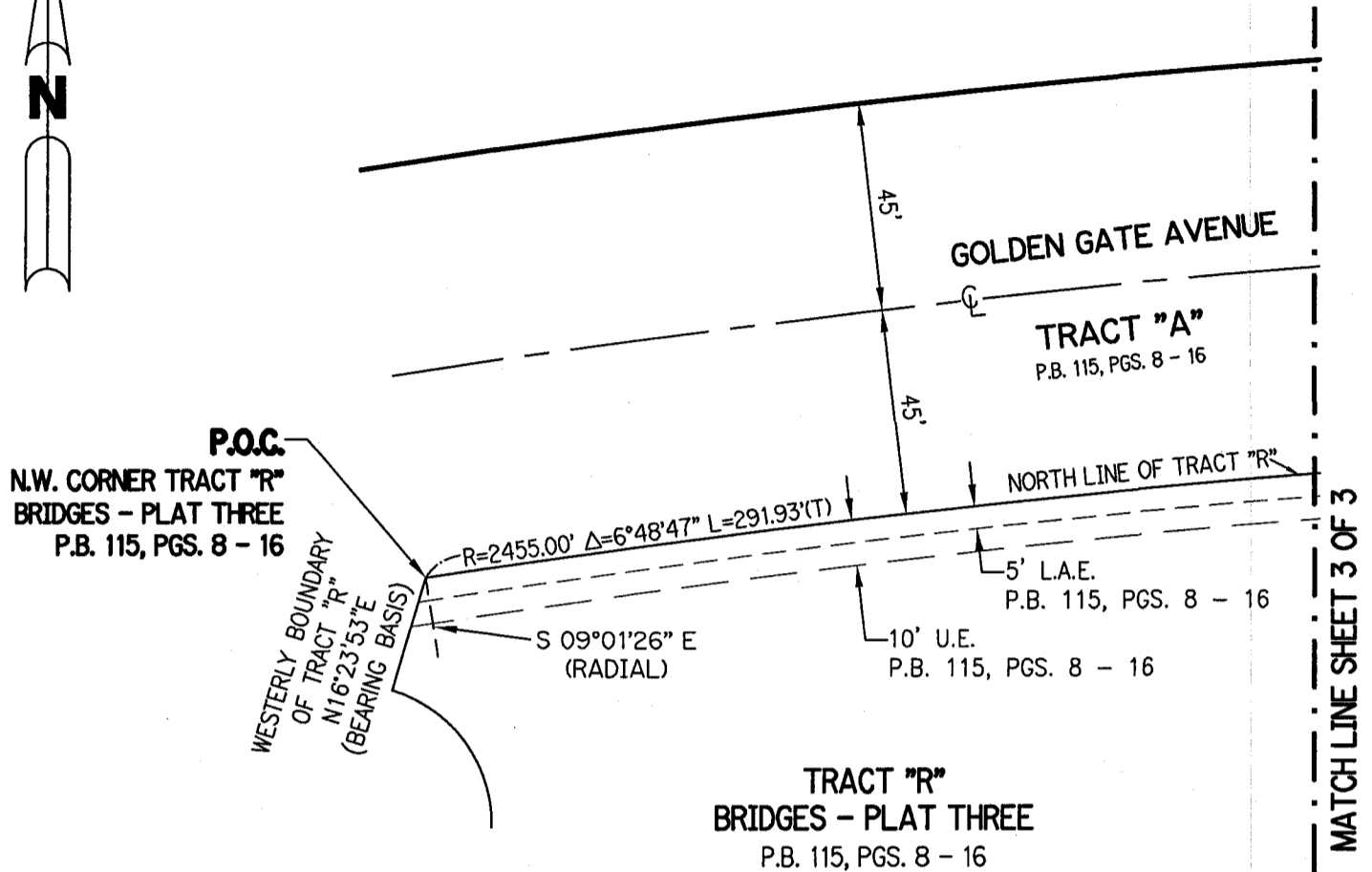

DATE: 02/06/13
PERRY C. WHITE REV: 02/18/13
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 4213

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SKETCH & DESCRIPTION PARTIAL RELEASE OF 20' P.B.C.U.E. - TRACT "R" BRIDGES - PLAT THREE	SCALE: 1" = 40'	SHEET 1 OF 3
	REVIEWED: PW	DRAWN: PW
	DATE: 02/06/13	DRAWING No: D0106LG13A

SKETCH AND DESCRIPTION
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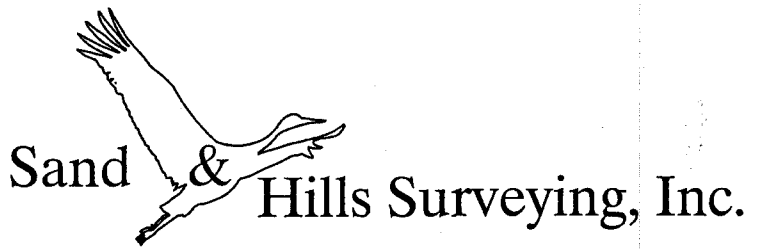
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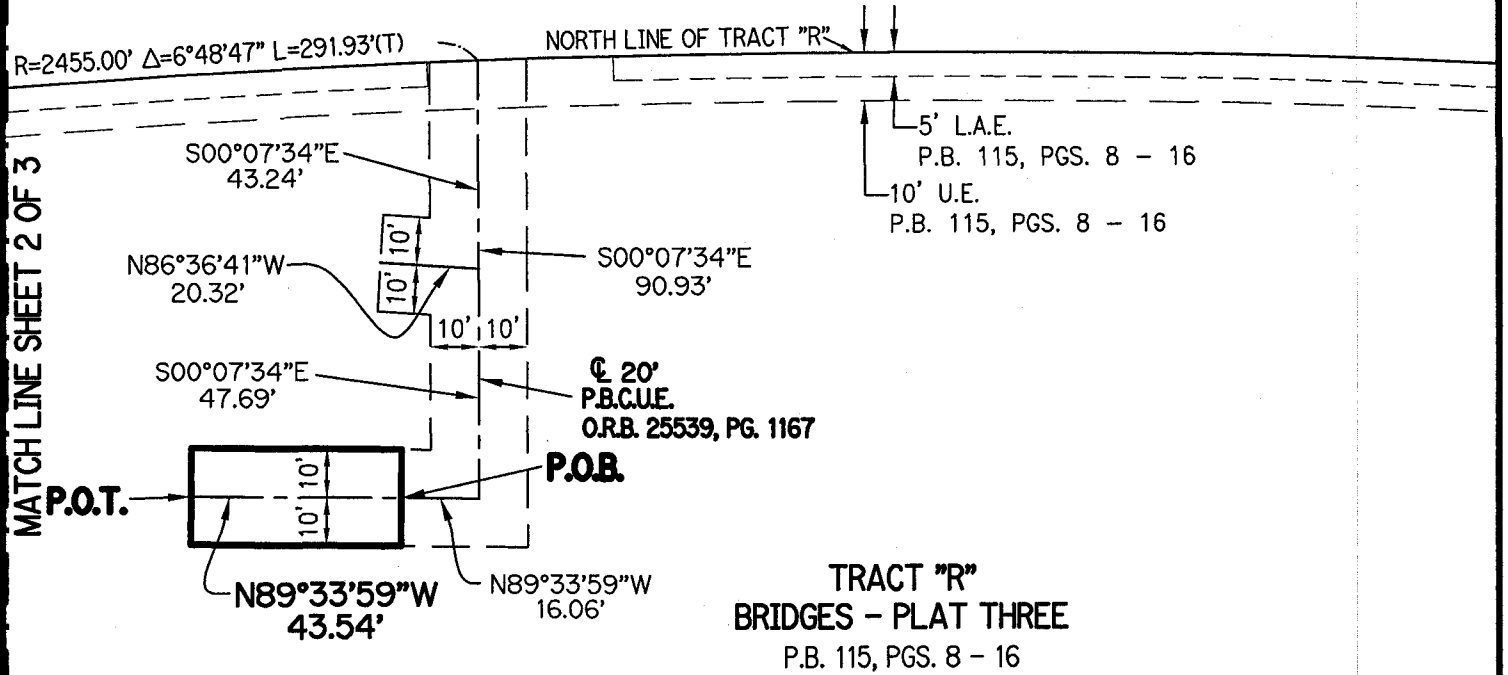
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GOLDEN GATE AVENUE

TRACT "A"

P.B. 115, PGS. 8 - 16



MATCH LINE SHEET 2 OF 3

TRACT "R"
BRIDGES - PLAT THREE
P.B. 115, PGS. 8 - 16

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