

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: November 19, 2013      Consent [X]      Regular [ ]  
Public Hearing [ ]

Department: Water Utilities Department

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: the Release of a Utility Easement over property owned by HCR ManorCare Properties LLC (ManorCare).

**Summary:** On January 14, 1998, a utility easement was granted to the County for public water and sewer facilities associated with the development of the Manor Care at Delray project (ORB 10209, Page 920). A proposed expansion of the Adult Care Living Facility (ACLF) building encroaches into the existing utility easement. ManorCare proposes to relocate the existing utility facilities from the easement area, and to grant a new easement to the County, as required. The Palm Beach County Water Utilities Department has determined that the existing easement is no longer needed and therefore recommends the release. District 5 (MJ)

**Background and Justification:** During the development process of Manor Care at Delray, a utility easement was granted to the County for a Fire Line Service extension to serve the ACLF. A proposed building expansion requires the relocation of the Fire Line Service by ManorCare, and the release of the Utility Easement (ORB 10209, Page 920). ManorCare is requesting from the County to release the easement and the County does not have a need for the easement.

**Attachments:**

- 1. Location Map
- 2. Two (2) Original Release of Utility Easement

Recommended By: Ben Baubke      11/5/13  
Department Director      Date

Approved By: Sharon Boy      11/12/13  
Assistant County Administrator      Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<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.:	Fund _____	Dept _____	Unit _____	Object _____	

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: Suzanne M. Mast

III. REVIEW COMMENTS

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

Suzanne Neary 10/30/13  
OFMB hly  
10/28 AB

Ann J. Jacobson 11/5/13  
Contract Development and Control  
11-5-13 B. Wheeler

B. Legal Sufficiency:

[Signature] 11/6/13  
Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
Department Director

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



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

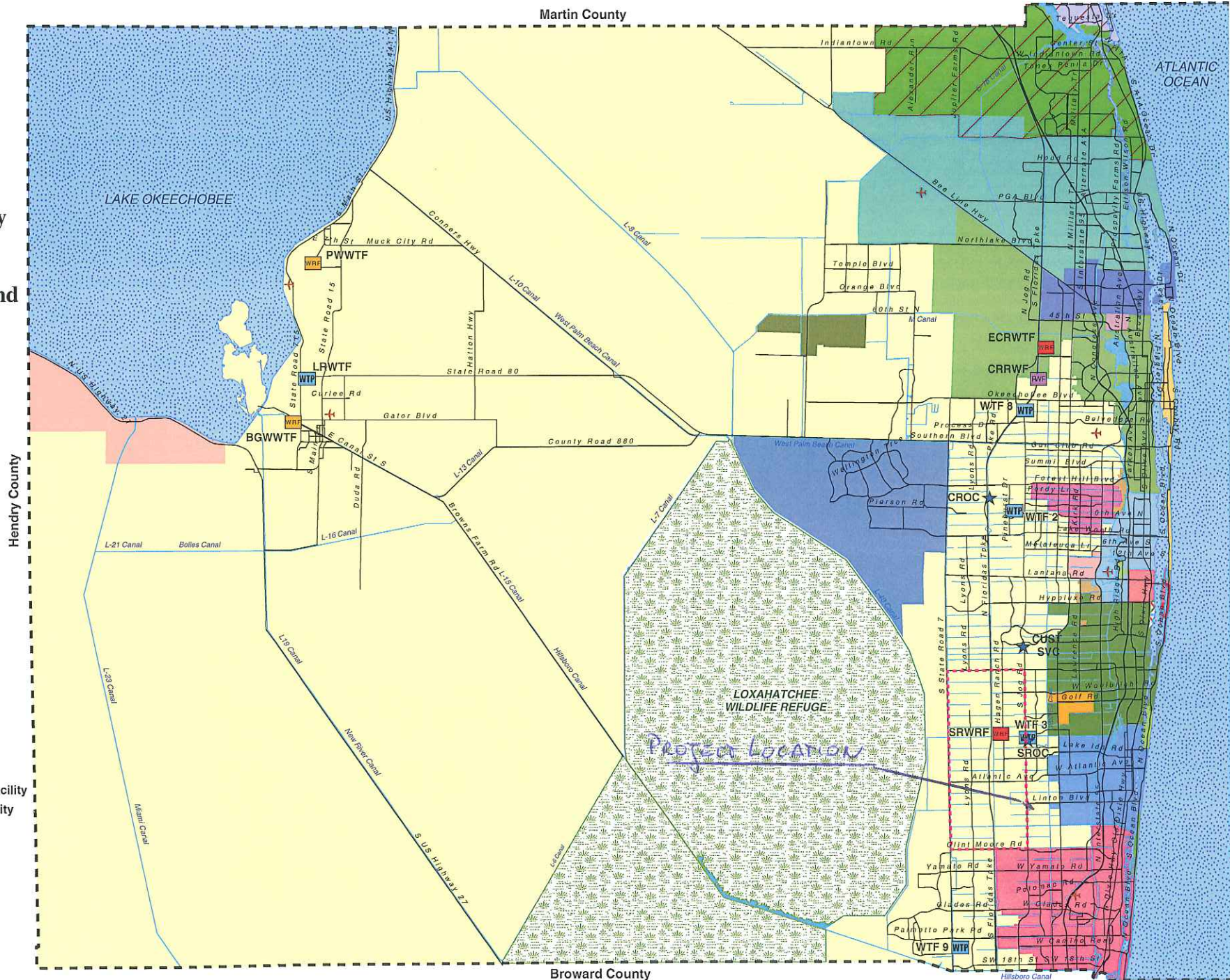
Attachment 1

**Legend**

- ★ Administration
- WTF Water Treatment Facility
- RVF Reclamation Facility
- WRPF Wastewater Reclamation Facility
- WRF Wastewater Treatment Facility
- Mandatory Reclaimed SA
- - - Palm Beach County Limits
- P.B.C.W.U.D. Service Area



NOT TO SCALE



Martin County

ATLANTIC OCEAN

Hendry County

Broward County

PROPOSED LOCATION

Prepared by and return to:  
Palm Beach County Water Utilities Department  
Att: Plan Review  
8100 Forest Hill Blvd  
West Palm Beach, Florida 33416

**RELEASE OF UTILITY EASEMENT**

**THIS 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 HCR ManorCare Properties LLC, 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 the UTILITY EASEMENT recorded in Official Records Book 10209, Page 920, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in 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 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: \_\_\_\_\_  
, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

SDA # 05-9000  
PREPARED BY AND RETURN TO:  
PALM BEACH COUNTY WATER UTILITIES  
P.O. BOX 16097  
WEST PALM BEACH, FL 33416

FEB-03-1998 8:57am 98-036475  
ORB 10209 Pg 920

GRANT OF UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 14th day of January, 19 98,  
by Manor Care of Boynton Beach, Inc. (hereinafter referred to as "Grantor"), whose address is  
1155 Darnes Town Road  
Gaithersburg, MD 20878-3200, to Palm Beach County (hereinafter referred to as "Grantee"),  
c/o Water Utilities Department, 2065 Prairie Rd., West Palm Beach, FL 33406.

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 the 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, wastewater and/or reclaimed water 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 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 the presence of:

Karla V Bell  
Witness Signature

KARLA V BELL  
Print Name

MARJORIE SWICK  
Witness Signature

MARJORIE SWICK  
Print Name

GRANTOR  
(OWNER(S) OF PROPERTY)

By: LARRY GODA  
Signature

LARRY GODA V.P.  
Print Name & Title

By: DONALD E. FELTMAN  
Signature

DONALD E. FELTMAN, VP DEVELOPMENT  
Print Name & Title



NOTARY CERTIFICATE

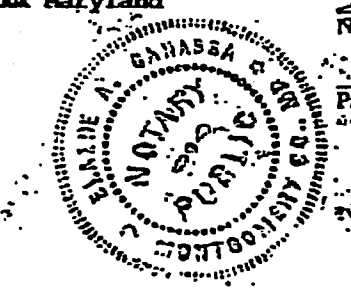
State of Maryland  
County of Montgomery

The foregoing instrument was acknowledged before me this 14th day of JANUARY, 19 98, by  
LARRY GODA AND DONALD E. FELTMAN who is personally known to me or who has  
produced \_\_\_\_\_ as identification.

Notary Public, State of ~~MD~~ Maryland  
My commission expires:  
Commission No.

Elaine A. Gahasa  
Notary Signature

ELAINE A. GAHASA  
Print Name  
NOTARY PUBLIC, STATE OF MARYLAND  
My Commission Expires March 2, 2001



PBC WATER UTILITIES  
OCT 15 2013  
ENGINEERING

EXHIBIT A  
LEGAL DESCRIPTION

ORB 10209 Pg 721

A CERTAIN PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, SAID PARCEL ALSO LYING IN THE PLAT OF MANOR CARE, AS RECORDED IN PLAT BOOK 80, PAGE 102 & 103, BEING FURTHER DESCRIBED AS FOLLOWS:  
 COMMENCING AT A PERMANENT REFERENCE MONUMENT AT THE NORTHEAST CORNER OF TRACT "A", OF THE AFORESAID PLAT OF MANOR CARE, THENCE S 89°21'29" W, ALONG THE NORTH LINE OF THE AFORESAID TRACT "A", A DISTANCE OF 181.46 FEET; THENCE S 00°38'31" E, ALONG THE NORTHERLY PROJECTION OF AN EXISTING LIFT STATION EASEMENT AS PER THE AFORESAID PLAT OF MANOR CARE, A DISTANCE OF 34.99 FEET TO THE SOUTHEAST CORNER OF SAID EXISTING LIFT STATION EASEMENT; THENCE S 89°21'29" W, ALONG THE SOUTH LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 10.54 FEET TO THE POINT OF BEGINNING;  
 THENCE S 00°34'55" E, A DISTANCE OF 69.06 FEET; THENCE S 89°24'56" W, A DISTANCE OF 19.66 FEET; THENCE N 00°35'04" W, A DISTANCE OF 69.04 FEET TO A POINT ON THE SOUTH LINE OF THE AFORESAID LIFT STATION EASEMENT; THENCE N 89°21'30" E, ALONG SAID SOUTH EASEMENT LINE, A DISTANCE OF 19.67 FEET TO THE POINT OF BEGINNING.  
 CONTAINS 1358.4150 FEET, 0.03 ACRES, MORE OR LESS.

SURVEY NOTES:

- 1.) NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THIS OFFICE.
- 2.) NO UNDERGROUND UTILITIES OR UNDERGROUND ENCROACHMENTS WERE LOCATED BY THIS OFFICE.
- 3.) NO RESEARCH OF ADJOINERS WAS PERFORMED BY THIS OFFICE.
- 4.) THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY NOT SHOWN HEREON, WHICH MAY BE REVEALED BY A SEARCH OF THE PUBLIC RECORDS.
- 5.) BEARINGS HEREON ARE BASED ON THE NORTH LINE OF TRACT "A", MANOR CARE, P.B. 80, PGS 102 & 103, PLATTED BEARING ALONG SAID LINE BEING N 89°21'29" E, ALL BEARINGS ARE RELATIVE THERETO.

O.K.  
1/29/98

LEGEND

- P.E.P. PERMANENT CONTROL POINT
- P.R.M. PERMANENT REFERENCE MONUMENT
- LE & C. IRON ROD & CAP
- U.P. IRON ROD (NO NUMBER)
- U.C.A. IRON CONCRETE MONUMENT
- U.P. IRON PIPE (NO NUMBER)
- U.C.A. CONCRETE MONUMENT
- U.P. & U.C. SURVEY NAIL
- U.P. & U.C. IRON & TIN NAIL
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMMENCEMENT
- P.A.C. POINT OF ANGLE CURVATURE
- P.A. POINT OF INTERSECTION
- U.P. CALCULATED
- U.C. MEASURED
- U.P. & U.C. PLAT
- U.P. & U.C. FOUND
- U.P. & U.C. CONCRETE
- U.P. & U.C. IRON PIPE
- U.P. & U.C. PROPERTY LINE
- U.P. & U.C. FINISHED FLOOR
- U.P. & U.C. ELEVATION
- U.P. & U.C. PROPOSED
- U.P. & U.C. UNDER CONSTRUCTION
- U.P. & U.C. UTILITY EASEMENT
- U.P. & U.C. DRAINAGE EASEMENT
- U.P. & U.C. EDGE OF PAVING
- U.P. & U.C. LIMITED ACCESS EASEMENT
- U.P. & U.C. TOP OF BANK
- U.P. & U.C. RADIUS
- U.P. & U.C. ARC LENGTH
- U.P. & U.C. CURVE DELTA
- U.P. & U.C. HATCH
- U.P. & U.C. CATCH BASIN
- U.P. & U.C. FIRE HYDRANT
- U.P. & U.C. PERFORMANCE EASEMENT
- U.P. & U.C. SIGN
- U.P. & U.C. ASPHALT
- U.P. & U.C. POINT OF BEGINNING
- U.P. & U.C. POINT OF COMMENCEMENT
- U.P. & U.C. BOUNDARY LINE
- U.P. & U.C. IRON BOUND LINE
- U.P. & U.C. "X" MARK, B. & P.O.P.
- U.P. & U.C. BRASS NAIL EASEMENT

SURVEYOR'S CERTIFICATE


I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THAT THE LEGAL DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61017, & FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON, NOT VALID UNLESS SIGNED, DATED AND STAMPED WITH EMBOSSED SEAL.

DATE: 01/08/98

Professional Surveyor and Mapper  
 JONATHAN T. GILBERT  
 FLORIDA CERTIFICATE NO. 5604

SKETCH ONLY, NOT A BOUNDARY SURVEY

SHEET 1 OF 2

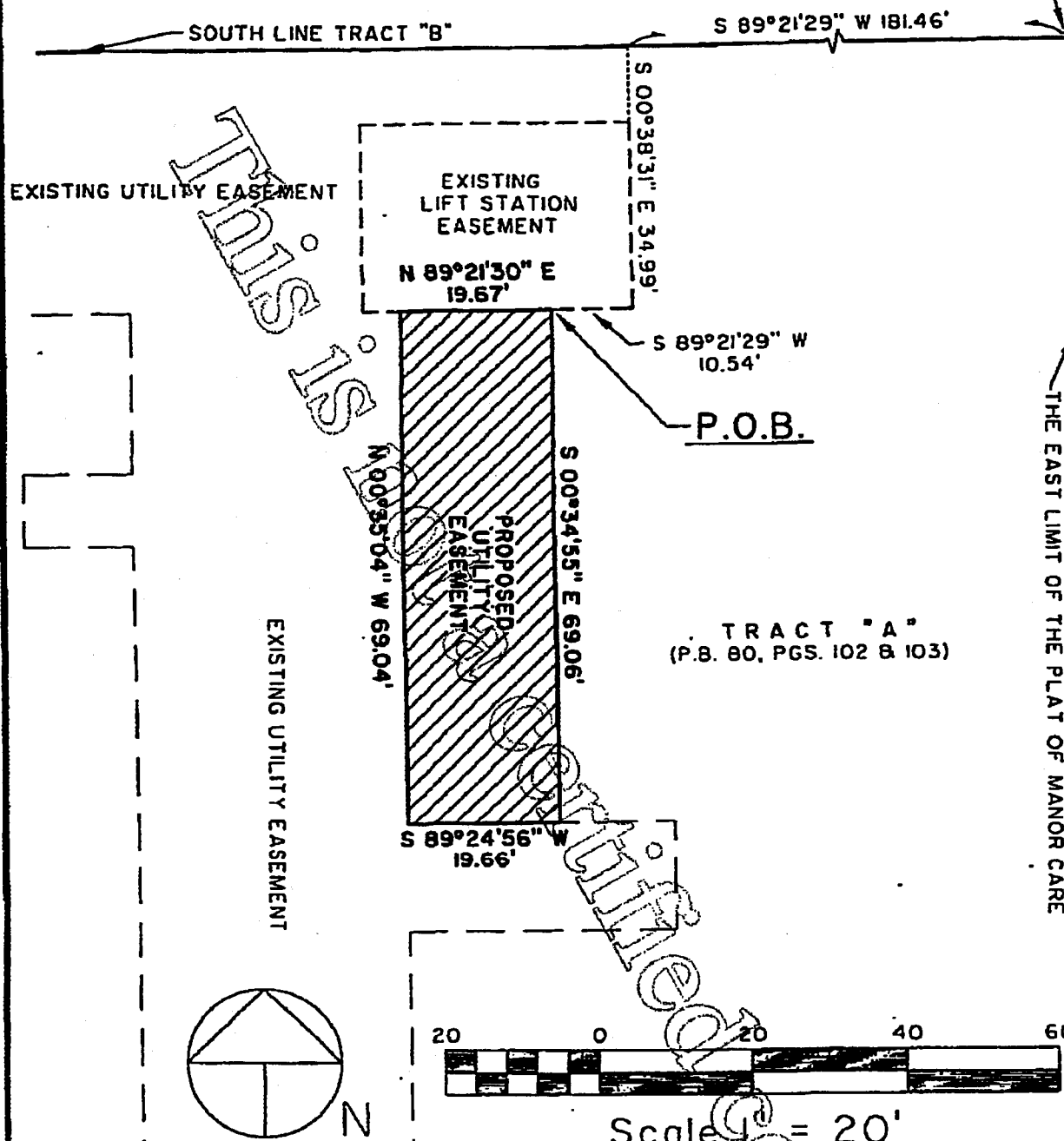
SCALE 1"=20'	REVISIONS	PROJECT MANOR CARE	LANDMARK SURVEYING & MAPPING, INC. L.S. 44388 1850 FOREST HILL BOULEVARD SUITE 88 - WEST PALM BEACH, FLORIDA PHONE (407) 433-5405 FAX (407) 433-3882 CADD FILE: 237EASE.DWG	
DRAWN BY JTG		DESCRIPTION PROPOSED UTILITY EASEMENT		
DATE 1/08/97				
JOB NO. 2376				

ORB 10209 Pg 922  
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

P.U.C.

FD. P.R.M. #5019 AT THE  
N.E. CORNER OF TRACT "A",  
PLAT OF MANOR CARE  
P.B. 80, PAGES 102 & 103)

TRACT "B"  
(P.B. 80, PGS. 102 & 103)



ADJACENT UNPLATTED PARCEL

SKETCH ONLY, NOT A BOUNDARY SURVEY

SHEET 2 OF 2

SCALE 1"=20'
DRAWN BY JTG
DATE 1/08/97
JOB NO. 2376

REVISIONS

PROJECT	MANOR CARE
DESCRIPTION	PROPOSED UTILITY EASEMENT

LANDMARK SURVEYING & MAPPING, INC. L.S. #4396 1850 FOREST HILL BOULEVARD SUITE 100 - WEST PALM BEACH, FLORIDA PHONE (407) 433-5405 FAX (407) 439-3882 CADD FILE: 2376EASE.DWG
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