

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 3, 2013 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF


Motion and Title: Staff recommends motion to approve: a Declaration of Easement (Easement) in favor of Palm Beach County Water Utilities Department (WUD) for water and sewer improvements located at the east side of the County's Mecca Property.


Summary: On October 22, 2013 (R2013-1514), the Board approved the sale of the County's Mecca Property to the South Florida Water Management District (SFWMD). The County's Water Utilities Department has existing water and sewer improvements in an easement running along the eastern boundary of the property. The previously recorded Declaration of Easement does not cover a 50' x 260' area platted as right of way and to be abandoned prior to closing with SFWMD. This Declaration of Easement will cover the gap and provide WUD the legal right to continue to use the 50' x 260' area after closing. (PREM) District 1 (HJF)

Background and Justification: On October 22, 2013, the Board approved the Agreement for the sale of the Mecca Property to the SFWMD. The Agreement with SFWMD requires the BCC approval of a Declaration of Easement and the release of right-of-way encumbrances within the Mecca Property and portions of the Corbett Wildlife Management Area. This Declaration of Easement is required to bridge a gap in the existing Declaration of Easement as recorded in ORB 21666, Page 904. The gap was originally created by the proposed alignment of PGA Boulevard which now will be released prior to the conveyance to SFWMD. This Easement is necessary to preserve WUD's easement rights for the existing water and sewer utilities.

Attachments:

- 1. Location Map
- 2. Declaration of Easement

Recommended By:  Amy Wolf 11/6/13
Department Director Date

Approved By:  County Administrator 11/6/13
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$ 0</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

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

* No fiscal impact.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

_____ 11/12/13
 OFMB *KP* *11/8* *alla*

_____ 11/15/13
 Contract Development and Control

B. Legal Sufficiency:

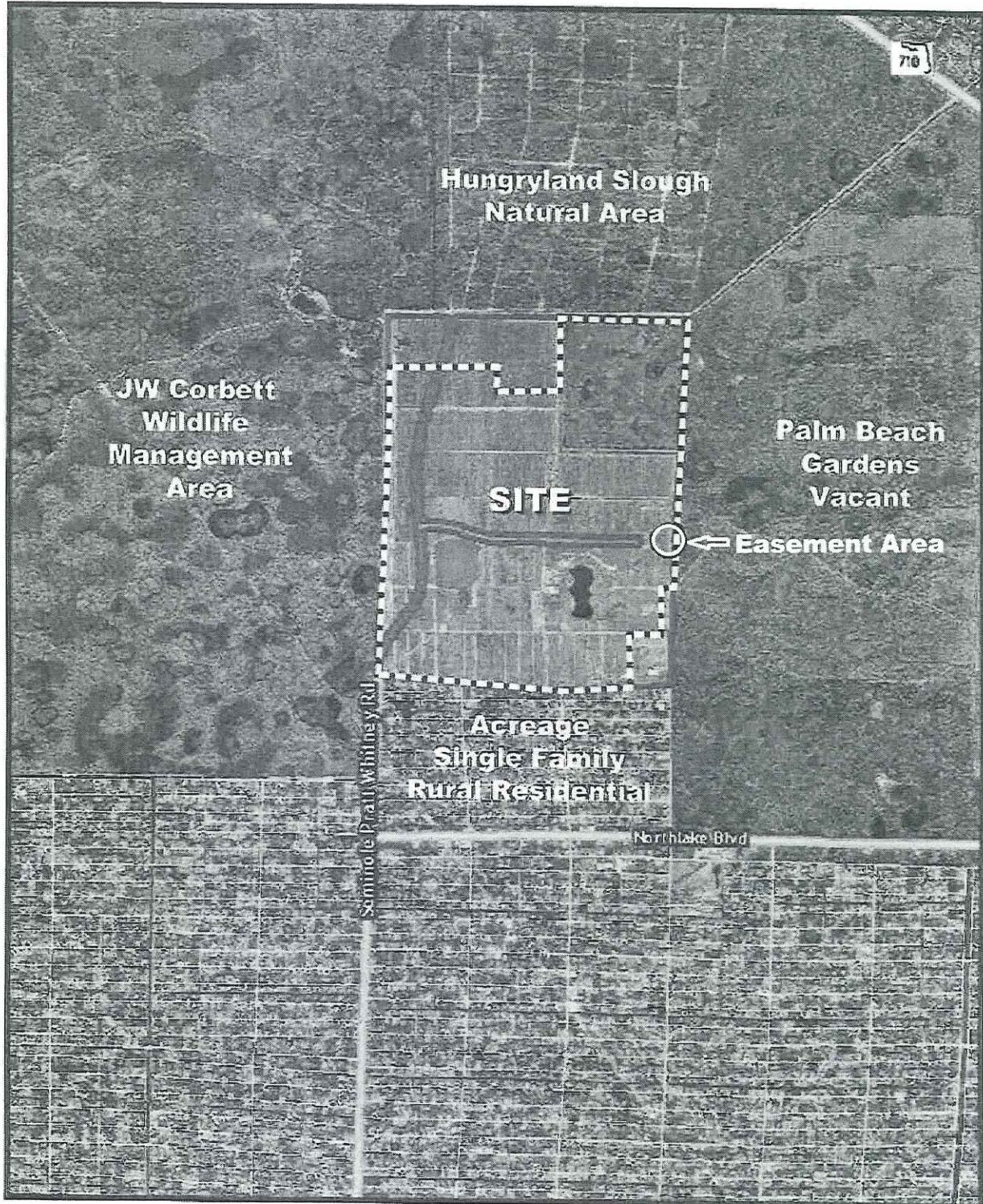
_____ 11/18/13
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

LOCATION MAP



Prepared by & Return to:
Christine S. Steiner, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 00-41-42-05-01-001-0000

DECLARATION OF EASEMENT

THIS IS A DECLARATION OF EASEMENT, made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County"), whose address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791.

WHEREAS, County is the owner of that certain real property located within Palm Beach County, Florida as set forth on **Exhibit "A"** attached hereto and made a part hereof (the "Easement Premises"); and

WHEREAS, County desires to create an easement over, upon and under such property for the purposes set forth hereinafter; and

WHEREAS, County desires that such easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon a subsequent conveyance of the Property by County.

WITNESSETH:

NOW THEREFORE, County does hereby declare, grant and create a perpetual in gross utility easement for the benefit of County upon the real property legally described in **Exhibit "A"**. This easement shall be for the purpose of water and sewer utilities and shall include the right 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 easement or portion thereof can be utilized for a wastewater pump station and said pump station may be fenced in for access control purposes.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

IN WITNESS WHEREOF, the County has caused this Declaration of Easement to be executed as of the day and year first above written.

ATTEST:

COUNTY:

**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**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: 
Assistant County Attorney

By: 
Department Director

EXHIBIT "A"

THE EASEMENT PREMISES


EXHIBIT "A"

LEGAL DESCRIPTION

BEING A PARCEL OF LAND LOCATED IN THE WEST ONE-HALF OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID WEST ONE-HALF OF SECTION 8 BEING A PORTION OF TRACT "A" OF THE PLAT OF PALM BEACH COUNTY BIOTECHNOLOGY RESEARCH PARK AS RECORDED IN PLAT BOOK 103, PAGES 108-110 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 8, TOWNSHIP 42 SOUTH, RANGE 41 EAST, THENCE SOUTH 01°28'53" WEST ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 8 ALSO BEING THE EAST LINE OF SAID TRACT "A" OF SAID PLAT OF PALM BEACH COUNTY BIOTECHNOLOGY RESEARCH PARK, A DISTANCE OF 700.70 FEET; THENCE NORTH 89°30'27" WEST, A DISTANCE OF 50.01 FEET TO A LINE LYING 50.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID EAST LINE OF SECTION 8, ALSO BEING A POINT ON THE SOUTH LINE OF THE NORTHERLY 50.00 FOOT UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 21666, PAGE 904 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE SOUTH 01°28'53" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 260.04 FEET TO THE NORTH LINE OF THE SOUTHERLY 50.00 FOOT UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 21666, PAGE 904 OF SAID PUBLIC RECORDS; THENCE NORTH 89°30'27" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 50.01 FEET TO A LINE LYING 100.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID EAST LINE OF THE WEST ONE-HALF OF SECTION 8; THENCE NORTH 01°28'53" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 260.04 FEET TO THE SOUTH LINE OF THE NORTHERLY 50.00 FOOT UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 21666, PAGE 904 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°30'27" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 13,005 SQUARE FEET OR 0.2985 ACRES MORE OR LESS.

PROJECT NO. 2013009-09	SHEET 1	OF 4	PROJECT 50' EASEMENT	PLAT TRACT "A" = 600 APPROVED G. W. M. M. EXAMINED E. A. O. REGISTERED G. W. M. M. EXPIRES 9/18/13	REVISION BY DATE	PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS  ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
	DESIGN FILE NAME S-1-13-3436.DGN	DRAWING NO. S-1-13-3436				

SURVEYOR'S NOTES

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

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE WEST ONE-HALF OF SAID SECTION 8, HAVING A GRID (NAD 83, 1990) BEARING OF SOUTH 85°34'42" WEST AND ALL OTHER BEARINGS SHOWN ARE RELATIVE THERETO.

ALL SECTION CORNERS SHOWN ARE HOLDING PALM BEACH COUNTY POSITIONS.

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 = 1.0000039
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.


THIS IS NOT A BOUNDARY SURVEY.

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 WAS 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 ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

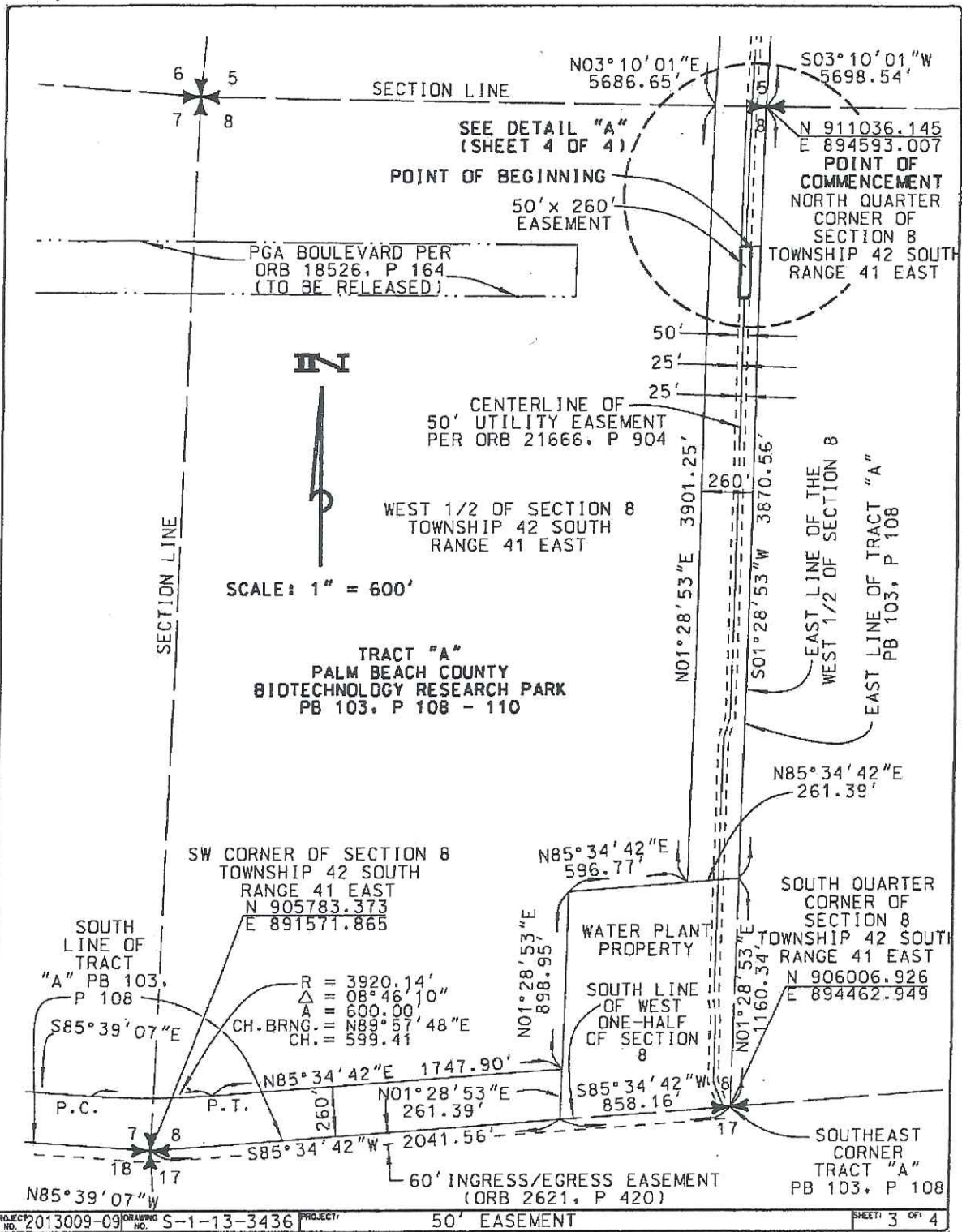
I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

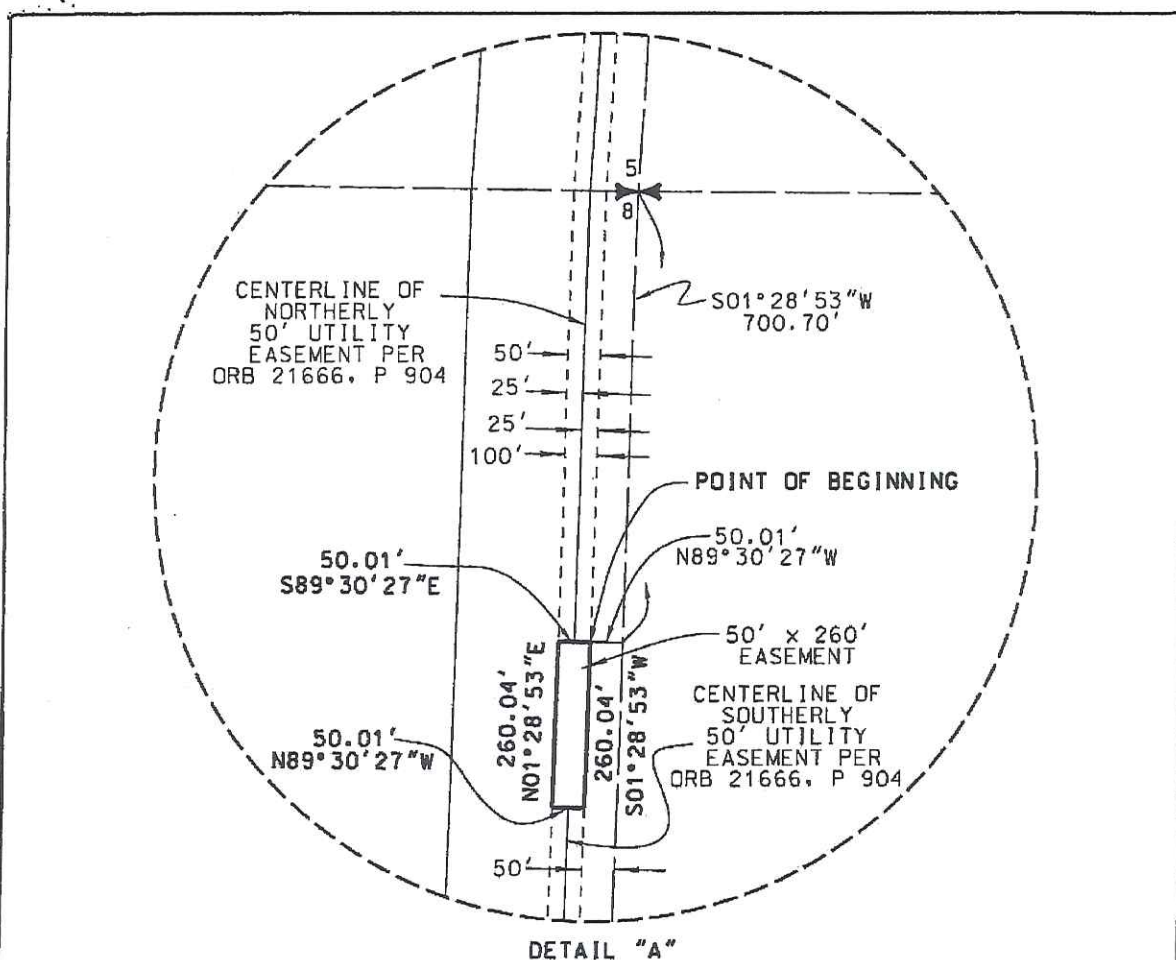

Glenn W. Mark

GLENN W. MARK
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5304

9/20/13

DATE





LEGEND

- NPBCWCD = NORTHERN PALM BEACH COUNTY WATER CONTROL DISTRICT
- SFWMD = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
- ITWCD = INDIAN TRAILS WATER CONTROL DISTRICT
- WUD = WATER UTILITIES DEPARTMENT
- P.I. = POINT OF INTERSECTION
- ORB = OFFICIAL RECORD BOOK
- P.C. = POINT OF CURVATURE
- P.B.CO. = PALM BEACH COUNTY
- P.T. = POINT OF TANGENCY
- RPB = ROAD PLAT BOOK
- CH.BRNG. = CHORD BEARING
- R = RADIUS
- Δ = DELTA ANGLE OF CURVE
- CH = CHORD
- R/W = RIGHT-OF-WAY
- PB = PLAT BOOK
- P = PAGE



NOT TO SCALE