

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 17, 2013 Consent 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 42K, LLC.

Summary: This document will release Palm Beach County's (County) interest in a utility easement recorded in the Official Records of Palm Beach County, Book 24645, Page 0417, over property owned by 42K, LLC. The Water Utilities Department has determined that this portion of easement is no longer needed and therefore recommends the release. District 2 (MJ)

Background and Justification: On July 19, 2011, a utility easement was granted to the County for public water and sewer facilities associated with the development of the properties identified by PCN's 74-42-43-29-30-003-0000, 74-42-43-29-30-004-0000 and 74-42-43-29-30-005-0000. This easement was intended for future water facilities to be installed in a later phase of development. Upon redevelopment of the site, these proposed utility facilities have been eliminated, and the property owner is requesting release of the easement that the County no longer needs.

Attachments:

1. Location Map
2. Two (2) Original Utility Easement (ORB 24645/PG 0417)

Recommended By: Benjamin Beardsley 11/12/13
Department Director Date

Approved By: Shannon R. Byrd 12/2/13
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: Debra Moxest

III. REVIEW COMMENTS

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

 Susan Neary 11/14/13
 OFMB ^{KU} _{11/14} ^{JB} _{11/14}

 Ann J. Jucola 11/25/13
 Contract Development and Control
 11-25-13 *DiStefano*

B. Legal Sufficiency:

 James C. Ulye 11/25/13
 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**

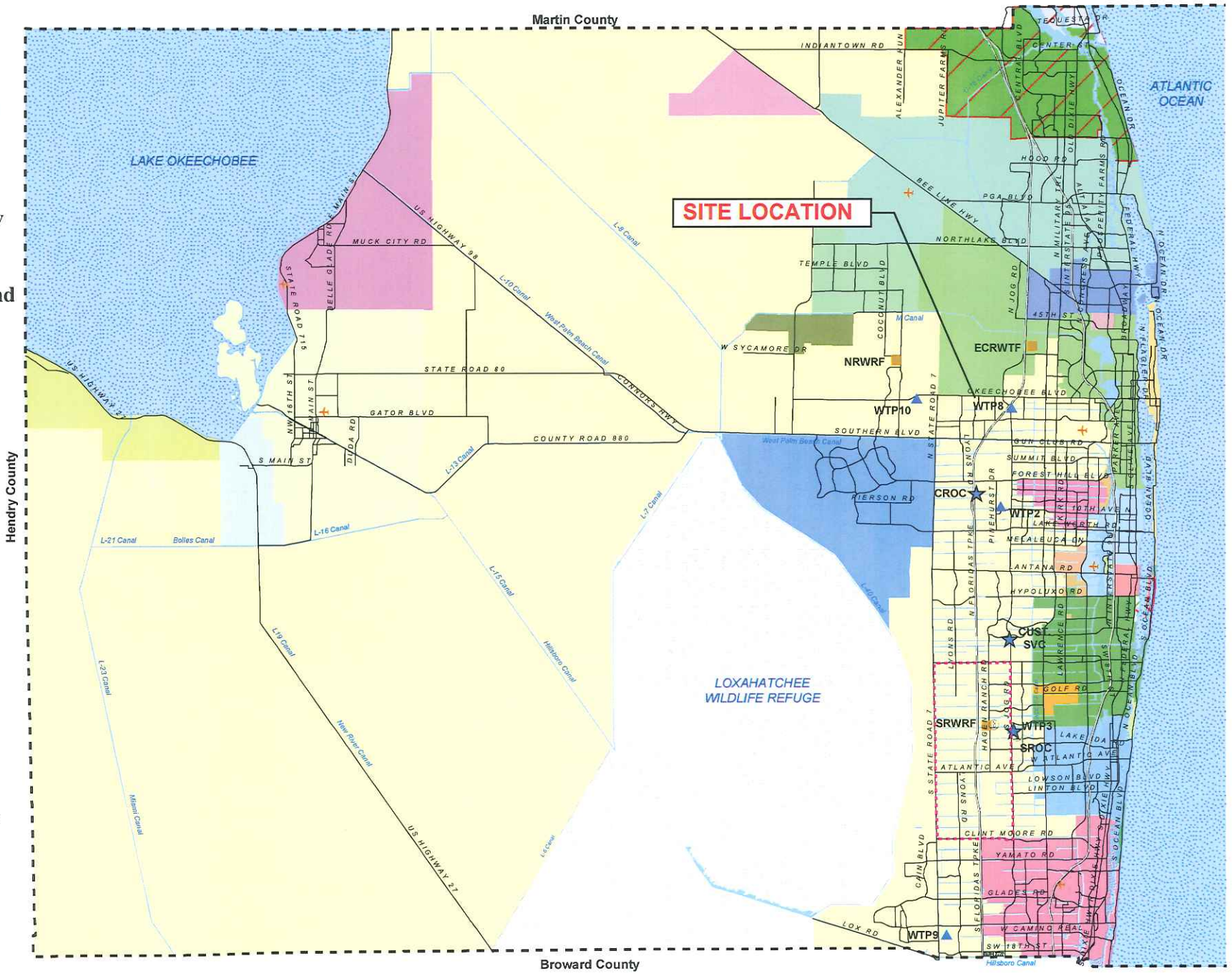
Attachment 1

Legend

- P.B.C.W.U.D. SA
- Mandatory Reclaimed SA
- Palm Beach County Limits
- Administration
- Water Reclamation Facility
- Water Treatment Facility
- Wetlands



NOT TO SCALE



Martin County

ATLANTIC OCEAN

SITE LOCATION

Hendry County

LOXAHATCHEE WILDLIFE REFUGE

Broward County

Prepared by and return to:
Palm Beach County Water Utilities Department
Attn: Plan Review
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

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 42 K, LLC, whose address is 2920 Mary's Way, West Palm Beach, FL 33410, 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 UTILITY EASEMENT recorded in Official Records Book 24645, Page 0417, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that UTILITY EASEMENT as recorded in Official Records Book 24645, Page 0417, attached hereto.

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

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

By: _____
Deputy Clerk

By: _____, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

SDA# 01-01051-001
Prepared by and Return to:
Palm Beach County Water Utilities Department
P.O. Box 16097 Attn: Engineering Div.
West Palm Beach, Florida 33416-6097
WUB 10-553

CFN 20110268493
OR BK 24645 PG 0417
RECORDED 07/19/2011 16:24:27
Palm Beach County, Florida
AMT 10.00

UTILITY EASEMENT

Doc Stamp 0.70

THIS EASEMENT is made, granted and entered into this 15 day of June, 2011 by Richard C. Elliott, President, 42 K, L.L.C. a Florida limited liability company (hereinafter referred to as "Grantor"), whose address is 2920 Mary's Way, West Palm Beach, FL 33410, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

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. 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:

Witness Signature
FRANCESCA MUCCIOLLO

Print Name

Witness Signature
RONALD W. LAST

Print Name

GRANTOR:

Richard C. Elliott
Signature

Richard C. Elliott, President, 42 K, L.L.C. a Florida limited liability company

Print Name (and Title if applicable)

RICHARD C ELLIOTT
Signature

Print Name (and Title if applicable)

NOTARY CERTIFICATE



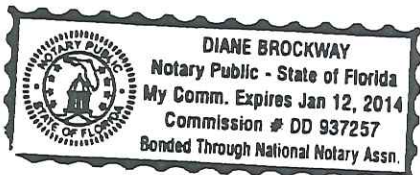
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 15 day of June, 2011 by Richard C. Elliott and _____ who is/are personally known to me or who has produced _____ as identification.

My Commission Expires:

Diane Brockway
Notary Signature

Diane Brockway
Typed, Printed or Stamped Name of Notary



LEGAL DESCRIPTION

A STRIP OF LAND, 20 FEET IN WIDTH, LYING IN TRACT "C", SEDONA COMMONS CPD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 112, PAGE 42; THE CENTERLINE OF SAID STRIP OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID PLAT; THENCE, NORTH 00°00'00" EAST, ALONG THE WEST LINE OF SAID PLAT, A DISTANCE OF 243.27 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE, CONTINUE NORTH 00°00'00" EAST, ALONG SAID WEST LINE, A DISTANCE OF 300.61 FEET; THENCE, SOUTH 90°00'00" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUE SOUTH 90°00'00" EAST, A DISTANCE OF 11.31 FEET TO THE END OF SAID CENTERLINE.

TOGETHER WITH A STRIP OF LAND, 20 FEET IN WIDTH, LYING IN TRACTS "D" AND "E" OF SAID PLAT;

COMMENCE AT THE AFORESAID POINT "A"; THENCE, SOUTH 90°00'00" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUE SOUTH 90°00'00" EAST, A DISTANCE OF 10.00 FEET TO THE THE END OF SAID CENTERLINE.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

BY: Stephen L. Shirley
STEPHEN L. SHIRLEY, P.S.M. 3918

DATE: 7-13-2011

NOTE: THIS IS NOT A SURVEY

SEE SHEET 2 OF 2 FOR SKETCH

LEGAL DESCRIPTION OF:

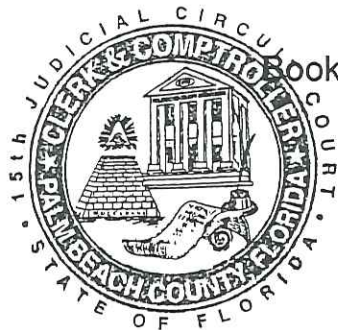
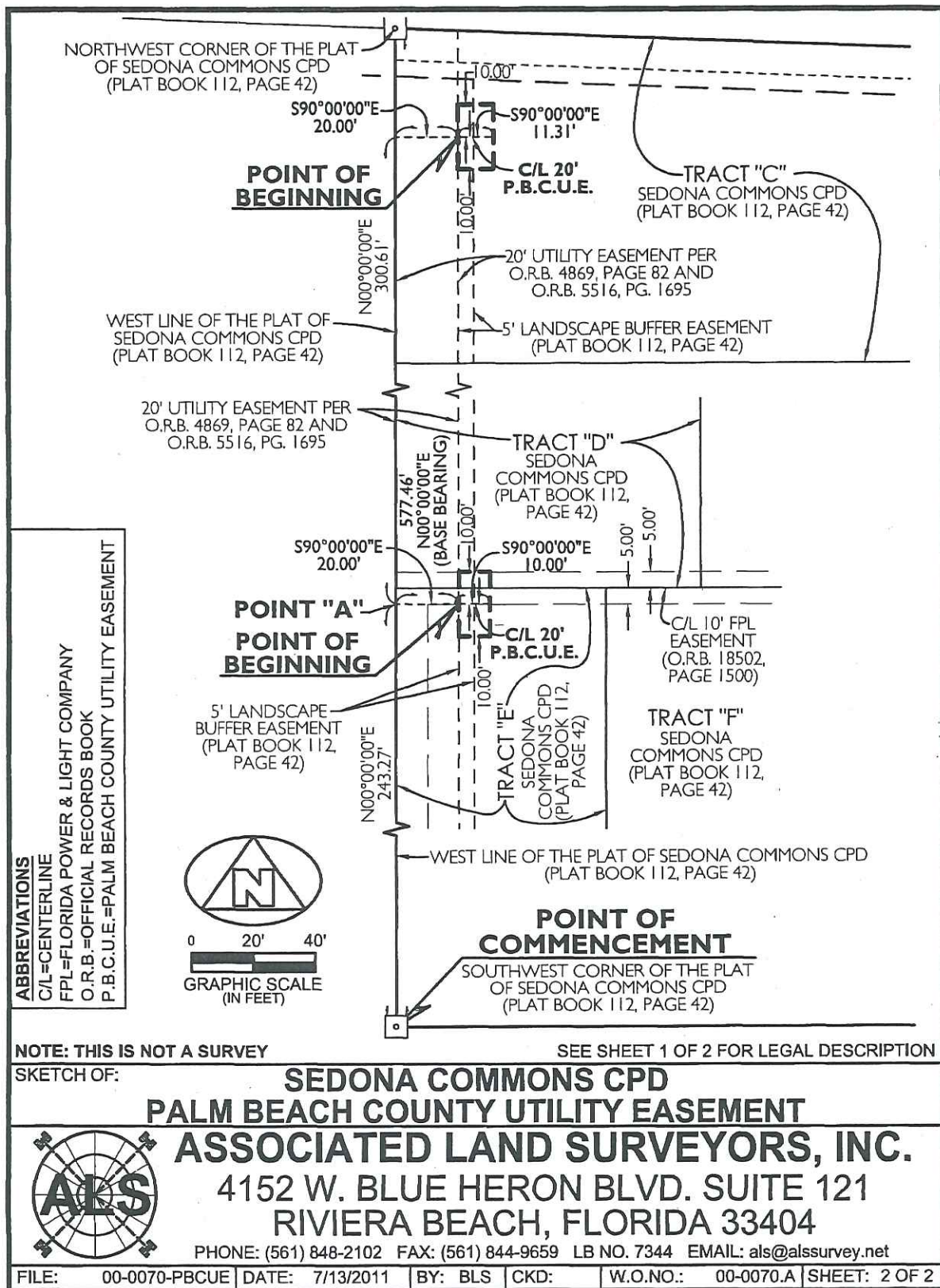
**SEDONA COMMONS CPD
PALM BEACH COUNTY UTILITY EASEMENT**



ASSOCIATED LAND SURVEYORS, INC.
4152 W. BLUE HERON BLVD. SUITE 121
RIVIERA BEACH, FLORIDA 33404

PHONE: (561) 848-2102 FAX: (561) 844-9659 LB NO. 7344 EMAIL: als@alssurvey.net

FILE: 00-0070-PBCUE | DATE: 7/13/2011 | BY: BLS | CKD: | W.O.NO.: 00-0070.A | SHEET: 1 OF 2



Book24645/Page419

Page 3 of 3

I hereby certify that the foregoing is a true copy
 of the record in my office this day, Oct 24, 2013.
 Sharon R. Bock, Clerk Circuit Court, Palm Beach County, Florida
 BY WTA Deputy Clerk