Agenda Item #3K-3

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:

May 6, 2014

Consent [X]

Regular []

Public Hearing []

Department:

Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: the Partial Release of a Utility Easement over property owned by Comcast of Florida/Georgia/Pennsylvania, L.P.

Summary: On May 4, 1995, a 32' x 150' utility easement was granted to the County for public water and wastewater facilities on the property identified by PCN 00-42-43-27-05-077-0931. This document will release the County's interest in a portion of the said utility easement recorded in the Official Records of Palm Beach County, Book 8809, Pages 715-717, over property owned by Comcast of Florida/Georgia/Pennsylvania, L.P. The Palm Beach County Water Utilities Department (WUD) has determined that this portion of easement is no longer needed and therefore recommends the release. <u>District 5</u> (MJ)

Background and Justification: Kimley-Horn & Associates has submitted plans to WUD on behalf of Lois Realty Corp. for the expansion of existing Rooms to Go located at 9185 Glades Road. As a result, Lois Realty Corp. is in the process of purchasing the property identified by PCN 00-42-43-27-05-077-0931 from Comcast of Florida/Georgia/Pennsylvania, L.P. where the County has the existing 32' x 150' utility easement. Moreover, Lois Realty Corp. is requesting a partial release of the north 3' portion and the south 14' portion of the easement as shown in the attached sketch and legal description to be dedicated for landscape buffer as required by land development.

Attachments:

- 1. Two (2) Original Partial Release of Utility Easement Exhibit A
- 2. Location Map
- 3. One (1) Non Certified Copy of Original Utility Easement (ORB 8809/PG 715)
- 4. One (1) Copy of Letter from Comcast of Florida/Georgia/Pennsylvania, L.P. allowing Kimley-Horn & Associates to seek construction permits on behalf of Lois Realty Corp.

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years		2014	2015	2016	2017	2018		
Capital Expenditures External Revenues Program Income (County) In-Kind Match County		<u>0</u> <u>0</u> <u>0</u>	<u>O</u> <u>O</u> <u>O</u>	<u>0</u> 0 0	<u>O</u> O O	<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>o</u>	<u>0</u>	<u>0</u>	<u>0</u>		
Budget Account No.: Fund			Dept	Unit	Obje	ect		
Is Item Included in Current Budget? Yes No								
			Reporting Ca	tegory <u>N/A</u>	7			
В. І	B. Recommended Sources of Funds/Summary of Fiscal Impact:							
ľ	No Fiscal Impact							
C. I	Department Fiscal Review: \(\text{LUMA M Nut} \)							
III. REVIEW COMMENTS								
Α. (A. OFMB Fiscal and/or Contract Development and Control Comments:							
Ō	OFMB 4121014 OFMB 4121014 Contract Development and Control 24 14 310 heeler							
B. I	Legal Sufficiency:							
Ī	Assistant County Attorn	ex	4/28/14					

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

Other Department Review:

Department Director

C.

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

County Attorney

PARTIAL RELEASE OF UTILITY EASEMENT							
THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed this day of,, 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, Comcast of Florida/Georgia/Pennsylvania, L.P., whose address is 1701 John Floriday Blvd, Philadelphia, PA19103-2838, 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 8809 Page 715, 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 UTILTY 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: Priscilla A. Taylor, Mayor						

EXHIBIT A

DESCRIPTION:

BEING THE NORTH 3.00 FEET AND THE SOUTH 14.00 FEET OF THAT CERTAIN 32.00 FOOT WIDE PALM BEACH COUNTY UTILITY EASEMENT, AS DESCRIBED IN OFFICIAL RECORDS BOOK 8809, PAGE 715, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 2,550 SQUARE FEET, MORE OR LESS.

NOTES:

- 1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
- 2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
- 3. BEARINGS SHOWN HEREON ARE RELATIVE TO GRID DATUM NAD83/90 ADJUSTMENT BEARING OF NORTH 00°21'52" WEST ALONG THE WEST LINE OF PARCEL A, ROOMS TO GO, PLAT BOOK 73, PAGES 76 AND 77, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 4. STATE PLANE COORDINATES SHOWN HEREON ARE RELATIVE CORNERS PUBLISHED BY PALM BEACH COUNTY, WHICH ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, IN U.S. SURVEY FEET.
- 5. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
- 6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
- 7. ORB DENOTES OFFICIAL RECORDS BOOK

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON OCTOBER 17, 2013. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 3



CAULFIELD & WHEELER, INC.

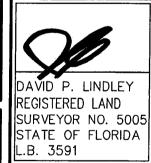
CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING

7900 GLADES ROAD - SUITE 100

BOCA RATON, FLORIDA 33434

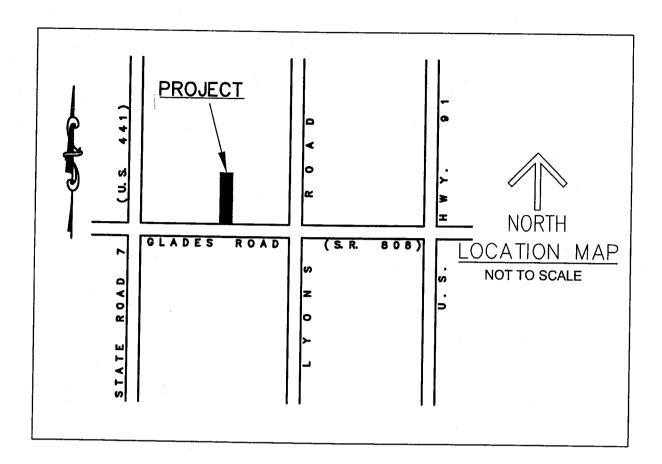
PHONE (561)-392-1991 / FAX (561)-750-1452

ROOMS TO GO EASEMENT RELEASE SKETCH OF DESCRIPTION



DATE	10/17/13
DRAWN BY	TMS
F.B./ PG.	N/A
SCALE	N/A
JOB NO.	6428

EXHIBIT A



SHEET 2 OF 3



CAULFIELD & WHEELER, INC.

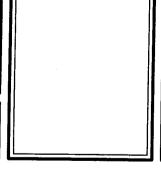
CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING

7900 GLADES ROAD - SUITE 100

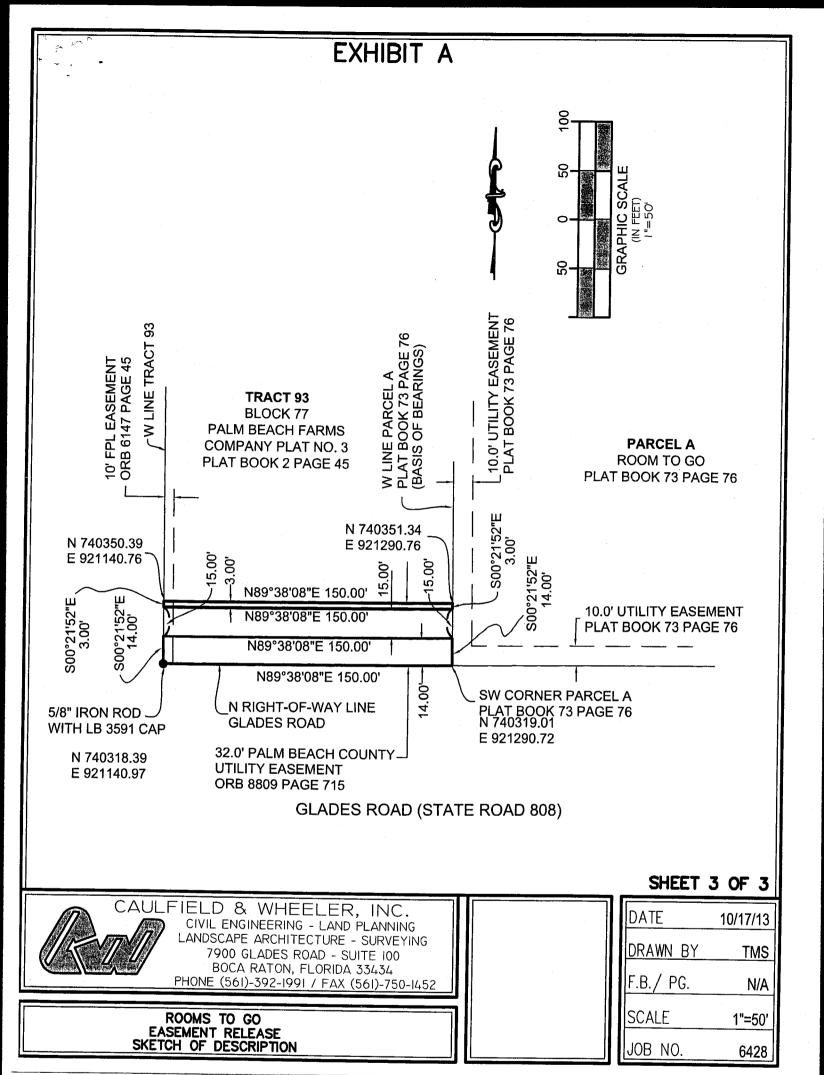
BOCA RATON, FLORIDA 33434

PHONE (561)-392-1991 / FAX (561)-750-1452

ROOMS TO GO EASEMENT RELEASE SKETCH OF DESCRIPTION



DATE	10/17/13
DRAWN BY	TMS
F.B./ PG.	N/A
SCALE	N/A
JOB NO.	6428



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

Attachment 2



★ Administration

Water Treatment Plant

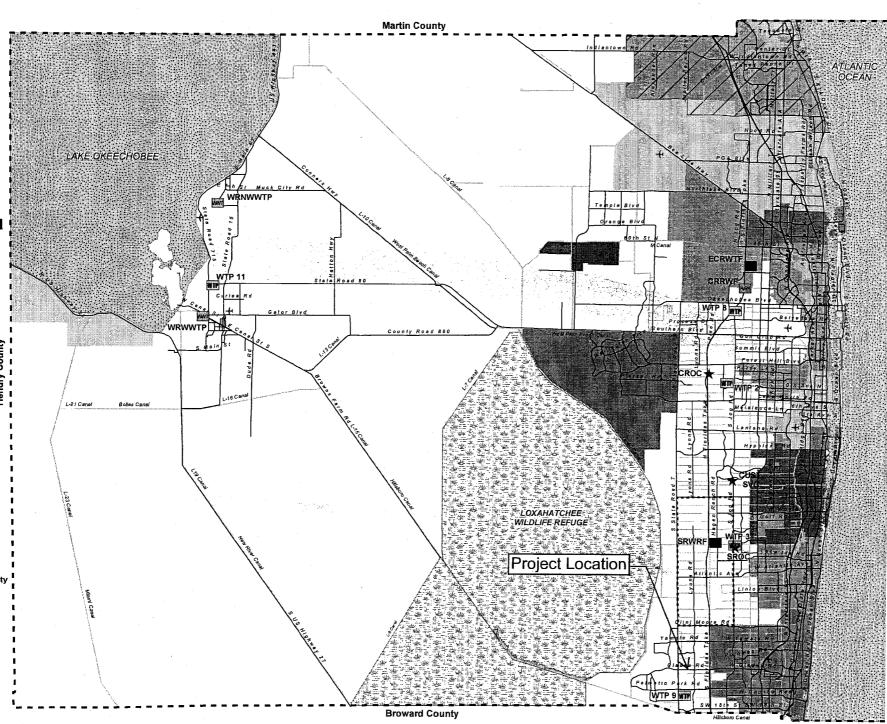
Reclamation Facility

Wastewater Reclamation Facility
Wastewater Treatment Plant

---- Mandatory Reclaimed SA

Palm Beach County Limits
 P.B.C.W.U.D. Service Area





14078457709 P. 04

JUN-27-1995 11:24am 95-203745 ORB 8809 P9 715

PCN 00424718130010000 leturn to. PALM BEACH COUNTY

PREPARED BY AND RETURN TO: PALM BEACH COUNTY WATER UTILITIES 2065 PRAIRIE RO. WEST PALM BEACH, EL 33416

R/W ACQUISITION SECTION P.O.BOX 21229 WEST PALM BEACH FL 33416

Rooms TO GO

let 511-191-WOO referred to

THIS EASEMENT made and entered into this day of 1995, between Alexander Orse Communications (hereinafter "Grantor") whose address is 1997 (on 1975 to Elucit 334/2) and thereinafter referred to as "Grantee"), c/o water utilities Prairie Rd., West Palm Beach, FL 33416. 33464 and Palm Beach County Utilities Department, 2065

. 1.3

WITHESSETE

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee, 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 to enter upon the property herein described at any time to install, operate, maintain and service water and wastewater lines and appurtenant facilities 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: described as follows:

GRANTOR:

Grantor hereby covenants with Grantee that it is lawfully seized and inpossession 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 only
encumbrances.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

Witnesbes :

COMMISSIONERS

9

BOARD

Signed, sealed and delivered

the presence of: HAMEL A. PEW IFRESS SIGNATURE HER THE L. PEGG eather L.

fammone SOMOIA IN FRAMMOND

to me of who has produced by MARK / GAlloway. me this 44 day of who is personally known

Notary Public, State of Florida My Commission Expires: 6 22-95 Commission No. CC262216

TORDAN

GENERAL

OFFICIAL NOTARY SEAL CHRISTINE A JORDAN NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC262216 MY COMMISSION EXP. JUNE 22,1995

MANAgeR

RECORDER'S MEMO: Legibility of document insatisfactory when received.

OK 5-5-95 Dit.

JOHN A. GRANT, JR., INC. Consulting Engineers & Land Surveyors 3333 North Federal Highway Boca Raton, Florida 33431

March 21, 1995 JG 100-7315 Sheet 2 of 2

LEGAL DESCRIPTION
32 FEET UTILITY EASEMENT
TRACT 93, BLOCK 77

THE PALM BEACH FARMS COMPANY PLAT NO. 3 $^{\circ}$

A utility easement, 32 feet wide, lying in Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida, said easement being a portion of Tract 93, Block 77, of THE PALM BEACH FARMS COMPANY PLAT NO. 3 as recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida, the boundary of said easement being more particularly described as follows:

BEGINNING at the Southwest corner of Parcel A of ROOMS TO GO as recorded in Plat Book 73, Pages 76 and 77 of the Public Records of Palm Beach County, Florida.

THENCE with a bearing of N. 90° 00' 00" W., along a line lying 65.00 feet North of and parallel to the South line of said Tract 93, Block 77, and also being the North right-of-way line of Glades Road (State Road No. 808) a distance of 150.00 feet to a point;

THENCE with a bearing of N. 00° 00' 00" E., along the West line of said Tract 93, Block 77, a distance of 32.00 feet to a point;

THENCE with a bearing of N. 70° 00° 00" E., along a line lying 97.00 feet North of and parallel to the South line of said Tract 93, Block 77, a distance of 150.00 feet to a point;

THENCE with a bearing of S. 00° 00° E., along the West line of said Parcel A, of ROOMS TO GO, a distance of 32.00 feet, more or less, to the POINT OF BEGINNING.

CONTAINING 4,800 square feet (0.110 acres), more or less.

1263/2/95

Property Appraisers Parcel Identification (Folio) Number(s):

ORB 8809 Ps 717 DOROTHY H. WILKEN, CLERK PB COUNTY, FL

25. 30

JOHN A. GRANT, JR., INC. CONSULTING ENGINEERS & SURVEYORS 3333 N. FEDERAL HWY BOCA' RATON, FLORIDA SKETCH OF EASEMENT

32 FEET UTILITY EASEMENT
A PORTION OF TRACT 93, BLOCK 77
THE PALM BEACH FARMS COMPANY PLAT NO. 3 NOTES: BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N.90°00'00" W. ALONG THE SOUTH LINE OF TRACT 43, BLOCK 77 OF THE PARM BEACH FARMS COMPANY PLAT NO. 3. THIS IS NOT A SURVEY. THE PAIM BEACH FARMS COMPANY PLAT NO. 3 VICINITY MAP BLOCK TO TRACT 68 TRACT 67 SUBJECT LOCATION 8 60 ₹ 3 BLOCK 77 THE PALM BEACH FARMS COMPANY PLAT SECTION 18, TOWNSHIP 47 SOUTH, RANGE 42 EAST PALM BEACH FARMS COMPANY PLAT FAKINS COMPANY PLAT BLOCK 11 ROOMS TO GO PLAT BOOK 73, PAGES 76 8 77 TRACT 43 PARCEL B SOUTHWEST CORNER OF PARCEL 32.80 32.00 POINT OF BEGINNING 墨 N.00'00'E. 32' UTILITY EASEMENT PARCEL A 23 N.900000 E. TRACT 150.00 RECORDER'S MEMO: Legibility of document W 00 00'0P.H 150.00 unsatisfactory when received. GLADES ROAD (STATE ROAD NO. 808) 12 SOUTH LINE OF TRACT 93, BLOCK 77 3-20-95 195 Checked By Checked By ___ Scale __!">|50" J6100-7315 Sheet | of 2



Comcast Cable One Comcast Center 1701 John F Kennedy Boulevard Philadelphia, PA 19103-2838

February 7, 2014

Michael F. Schwartz, P.E. Kimley-Horn and Associates, Inc. 1690 S. Congress Avenue, Suite 100 Delray Beach, FL 33445

Re: Rooms-to-Go Expansion located at 9185 and 9187 Glades Road, Boca Raton, FL (the "Project")

The undersigned, Comcast of Florida/Georgia/Pennsylvania, L.P. (the "Owner"), is the owner of the property located at 9187 Glades Road, Boca Raton, Florida (the "Property"). Owner has entered into that certain Purchase and Sale Agreement dated as of March 25, 2013, as amended by a First Amendment to Purchase and Sale Agreement dated as of January 10, 2014, pursuant to which Owner has agreed to sell to Lois Realty Corp. ("Buyer"), and Buyer has agreed to purchase from Owner, the Property. As the owner of the Property, the undersigned hereby grants permission to Kimley-Horn and Associates, Inc. (the "Engineer"), to process water use (irrigation), drainage and utility permits and approvals (collectively, the "Permits") on behalf of Buyer from the following authorities, in connection with the referenced Rooms To Go expansion Project:

Florida Department of Transportation
Lake Worth Drainage District
Palm Beach County Fire Department
Palm Beach County Health Department
Palm Beach County Water Utilities Department
South Florida Water Management District

In such capacity, the Engineer's authority is expressly limited to signing, delivering and processing applications for above referenced permits and approvals for the referenced Project on behalf of Buyer. Owner shall not be liable for any claims, damages, losses and expenses, including but not limited to reasonable attorneys' fees, that may be sustained, suffered or incurred directly or indirectly due to, or on account of, or which may grow out of in any way or be related directly or indirectly to the Permits.

Sincerely,

By:

COMCAST OF FLORIDA/GEORGIA/PENNSYLVANIA, L.P.

By: Parnassos Communications, LP, its General Partner

By: Comcast Cable Holdings, LLC, its General Partner

Gerald C. O'Brien, Vice President - Real Estate

PHBF/ 994716.1