

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

[X] Consent

[] Regular

[] Public Hearing

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: An assignment of a Palm Beach County (County) acquired general utility easement to the City of Palm Beach Gardens (City) without charge. This utility easement is located on the east side of Alternate A-1-A also known as SR 811 just south of RCA Boulevard.

SUMMARY: Approval will allow a County assignment to the City of a seven and a half foot wide County acquired general utility easement along the east side of Alternate A-1-A, just south of RCA Boulevard. The easement was acquired by the County from the Catalina Lakes Homeowners Association, Inc. (Catalina) to replace part of a platted utility easement which was abandoned by the City (ORB 26863, P 2). The abandonment was necessary to allow Catalina to convey free and clear right-of-way to the County.

District 1 (MRE)

Background and Justification: Catalina agreed to sell right-of-way to the County required for construction on Alternate A-1-A. However, the right-of-way was encumbered by a platted utility easement. The utility easement was subsequently abandoned by the City, but the City required a replacement easement. The County acquired a general utility easement over a parcel of land owned by Catalina for the sum of \$2,000, as recorded in official record book (ORB) 26476, Page 548 to fulfill this obligation. This enabled Catalina to convey title to the County free and clear of all encumbrances and will allow construction of a north bound right turn lane at the intersection of RCA Boulevard and Alternate A-1-A. The City will accept assignment of the utility easement in place of the easement abandoned. Staff has reviewed the assignment and recommends approval.

Attachments:

1. Location Map
2. Utility Easement to the County with Exhibit “A”
3. Assignment of County Utility Easement to City of Palm Beach Gardens with Exhibit “A”

Recommended by:

Division Director

Date _____

Approved by:

County Engineer

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund__ Dept.__ Unit__ Object
Program

Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no additional fiscal impact.

C. Departmental Fiscal Review: . Alicia Kovalainen

III. REVIEW COMMENTS

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

[Signature]
BU ASD OFMB
10/23 b/24

[Signature] 10/29/14
Contract Dev. and Control
10-28-14 B. Schuler

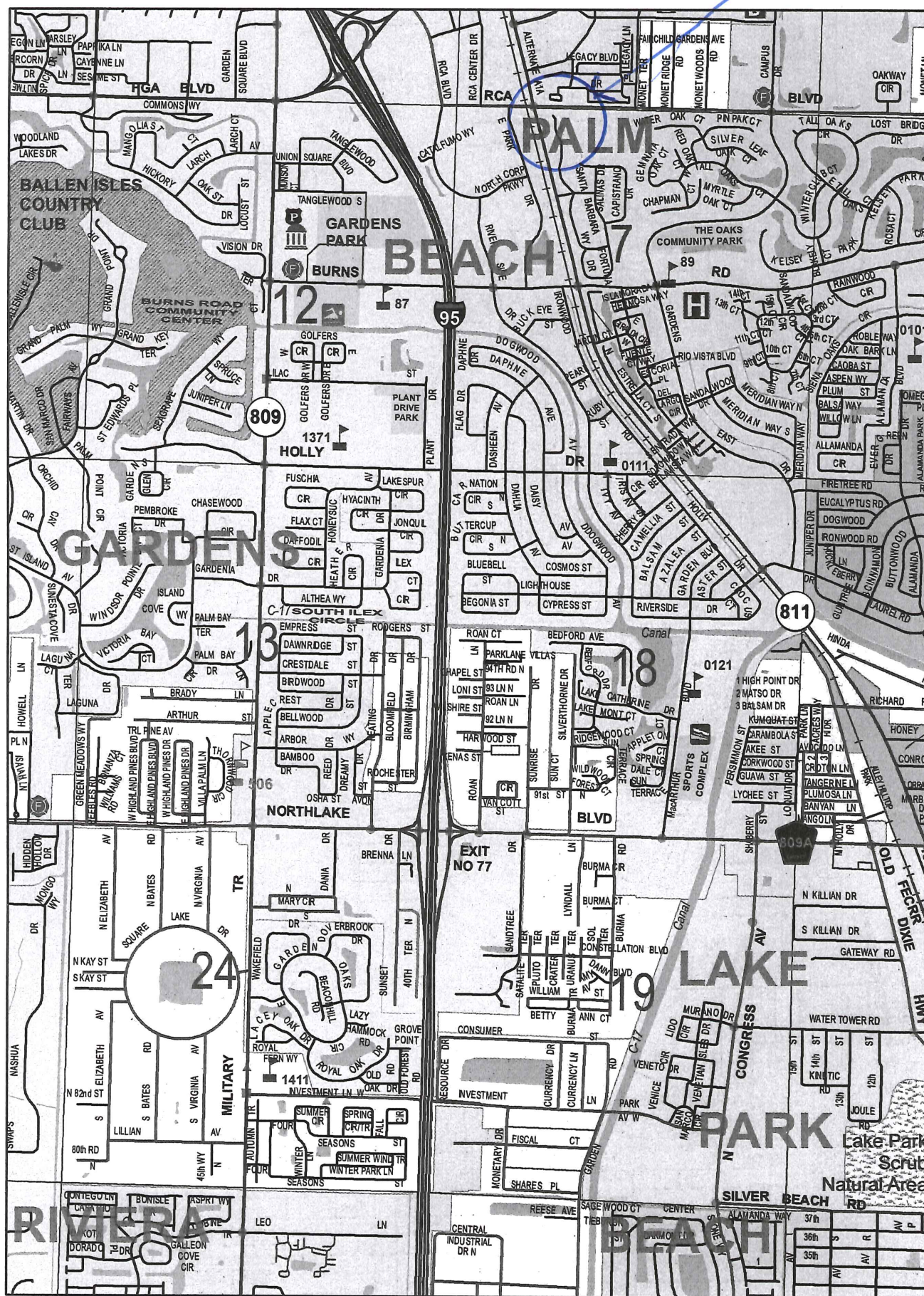
B. Approved as to Form
and Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

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





Return to:
 Name: Right-of-Way Acquisition Section
 Palm Beach County Engineering
 Post Office Box 21229
 Address: West Palm Beach, Florida 33416
 Attn: Sherry Wildner
 Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:

Name: Marlene R. Everitt
 Assistant County Attorney
 Address: Post Office Box 21229
 West Palm Beach, FL 33416

**NOT TO BE RECORDED
 WITHOUT BOARD OF COUNTY
 COMMISSIONERS ACCEPTANCE DATE**

CFN 20130512072
 OR BK 26476 PG 0548
 RECORDED 11/27/2013 14:45:47
 Palm Beach County, Florida
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 0548 - 550; (3pgs)

PCN: 52-43-42-07-39-015-0000

(Corporation)

ACCEPTED BY
BOARD OF COUNTY COMMISSIONERS

DATE: 10/25/13

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: 2009100

ROAD NAME: RCA Blvd. & Alt. A-1-A,

S.E. Corner of Intersection

PARCEL NO.: 201

UTILITY EASEMENT

THIS EASEMENT, made this 17th day of June, 2013, between Catalina Lakes Homeowner's Association, Inc., c/o Capital Realty Advisors, Inc., 600 Sandtree Drive, Ste. 109, Palm Beach Gardens, FL 33403, as party of the first part, and PALM BEACH COUNTY, a political subdivision of the State of Florida, P.O. Box 21229, West Palm Beach, FL 33416, as the party of the second part.

WITNESSETH: That the party of the first part, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants unto the party of the second part, its successors and assigns, for the purpose of a UTILITY EASEMENT over, upon, under, through and across the following described land, situate in Palm Beach County, Florida, to-wit:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD THE SAME unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party has hereto set its hand and seal the day and year first above written.

(CORPORATE SEAL)

Signed, sealed and delivered in the presence of:
 (Signature of two witnesses required by Florida law)

Elizabeth A. Pena
 WITNESS SIGNATURE (Required)

Elizabeth A. Pena
 TYPED OR PRINTED NAME OF WITNESS

Ellen Dempsey
 WITNESS SIGNATURE (Required)

Ellen Dempsey
 TYPED OR PRINTED NAME OF WITNESS

Catalina Lakes Homeowner's Association, Inc.
 CORPORATION NAME - TYPED OR PRINTED

BY: Katherine M. Kilkullen
 SIGNATURE OF PRESIDENT

Katherine M. Kilkullen
 TYPED OR PRINTED NAME OF PRESIDENT

ATTEST: Keith F. Connell
 SIGNATURE OF SECRETARY

Keith F. Connell
 TYPED OR PRINTED NAME OF SECRETARY

600 Sandtree Drive, Ste. 109
Palm Beach Gardens, FL 33403
 MAILING ADDRESS

STATE OF Florida
 COUNTY OF Palm Beach

BEFORE ME, the undersigned authority, personally appeared _____

Keith F. Connell who is personally known to me or who has produced _____

As identification and who did not take an oath, executed the foregoing instrument as such Officer on behalf of the said Corporation for the uses and purposes therein expressed.

WITNESS my hand and official seal this 17th day of June, 2013.

NOTARY SEAL

Signed: Ellen Dempsey
 Notary Public in and for
 the County and State aforementioned



ELLEN DEMPSEY
 MY COMMISSION # EE 196196
 EXPIRES: June 25, 2016
 Bonded Thru Budget Notary Services

LEGAL DESCRIPTION

EXHIBIT A

A UTILITY EASEMENT IN SECTION 7, TOWNSHIP 42 SOUTH; RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN THE PLAT OF CATALINA LAKES, RECORDED IN PLAT BOOK 89, PAGE 164, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID PLAT, LYING ON THE EAST RIGHT-OF-WAY OF ALTERNATE A-1-A;
THENCE ALONG THE WEST BOUNDARY OF SAID PLAT, S14°05'26"E FOR 323.77 FEET;
THENCE N75°54'34"E FOR 10.00 FEET TO THE POINT OF BEGINNING;
THENCE PARALLEL WITH THE SAID WEST PLAT BOUNDARY, N14°05'26"W FOR 321.38;
THENCE N38°39'18"E FOR 9.42 FEET TO A LINE LYING 17.50 FEET EAST OF, AND PARALLEL WITH, THE SAID WEST PLAT BOUNDARY;
THENCE ALONG SAID PARALLEL LINE, S14°05'26"E FOR 299.94 FEET;
THENCE S00°50'29"W FOR 28.09 FEET;
THENCE S75°54'34"W FOR 0.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,333 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N88°34'17"W ALONG THE NORTH LINE OF SECTION 7.

NOTES:


- 1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR SR811/ALTERNATE A1A, PREPARED BY CARNAHAN, PROCTOR, CROSS, INC., FOR PALM BEACH COUNTY, FILE NO.010205-LB, REVISION DATE 11/29/10, PALM BEACH COUNTY PROJECT No.2009100.
- 2) STATE PLANE COORDINATES:
 - A. COORDINATES SHOWN ARE GRID
 - B. DATUM - NAD 83, 1990 ADJUSTMENT
 - C. ZONE - FLORIDA EAST
 - D. LINEAR UNIT - US SURVEY FOOT
 - E. COORDINATE SYSTEM 1983 STATE PLANE
 - F. TRANSVERSE MERCATOR PROJECTION
 - G. ALL DISTANCES ARE GROUND
 - H. SCALE FACTOR - 1.0000415
 - I. GROUND DISTANCE X SCALE FACTOR= GRID DISTANCE
 - J. ROTATION EQUATION: NONE
- 3) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.

ABBREVIATIONS:

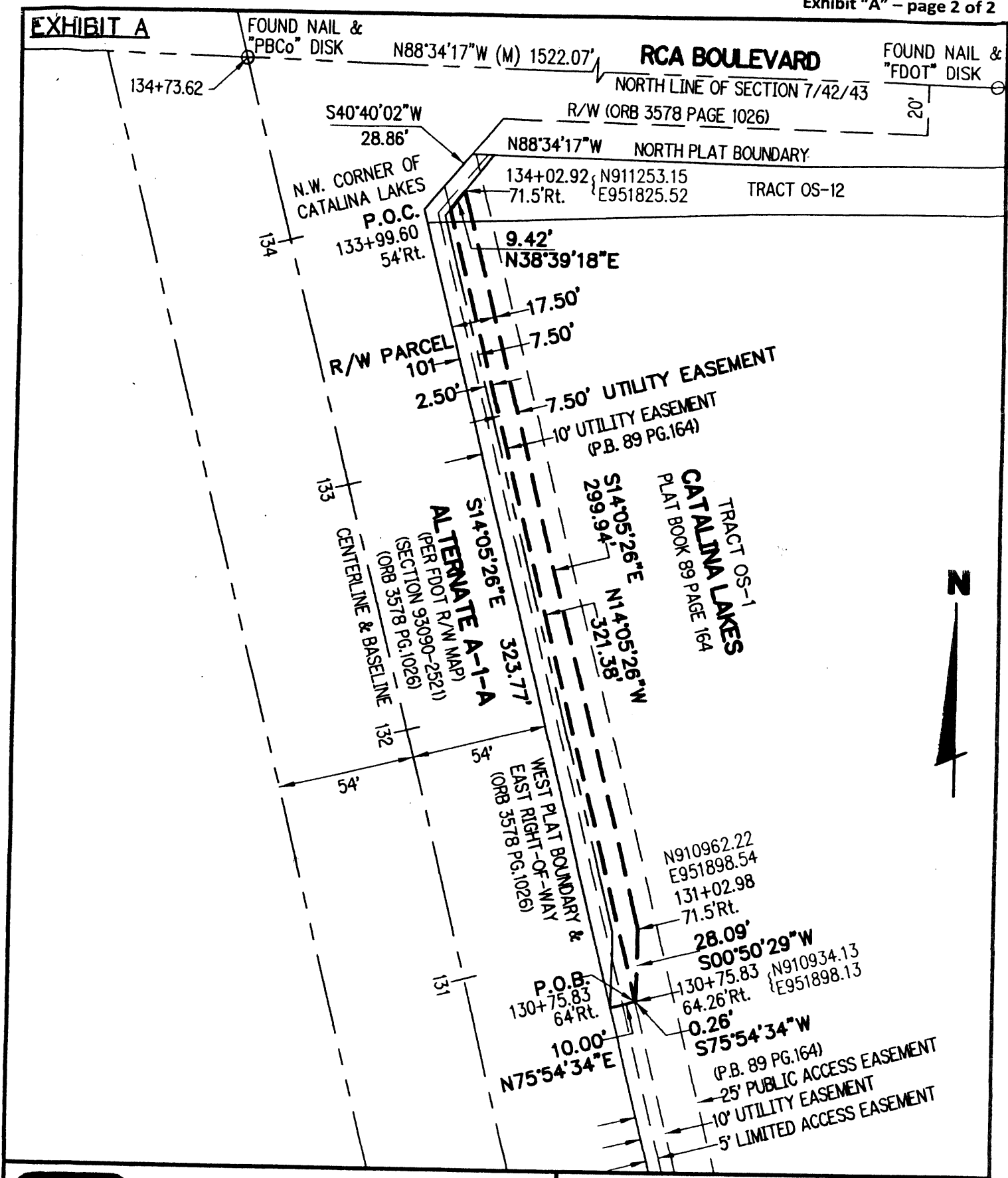
- P.B. - PLAT BOOK
- ORB - OFFICIAL RECORD BOOK
- PG. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- Rt. - DISTANCE RIGHT OF BASELINE
- FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION
- PBCo - PALM BEACH COUNTY
- R/W - RIGHT-OF-WAY

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

JOHN E. PHILLIPS III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4826
DATE: 12/18/12

**BROWN & PHILLIPS, INC.**
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE RD, #509, W.P.B. FLORIDA 33409
(561) 615-3988, (561) 615-3991 FAX

RCA BLVD/ALTERNATE A-1-A EXHIBIT A UTILITY EASEMENT PARCEL 201	
PROJ. No. 11-043	DRAWN: MB
LEGAL DESCRIPTION (THIS IS NOT A SURVEY)	SCALE: 1" = 50'
	DATE: 12/10/2012
SHEET 1 OF 2	



B BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE RD, #509, W.P.B. FLORIDA 33409
(561) 615-3988, (561) 615-3991 FAX

RCA BLVD/ALTERNATE A-1-A EXHIBIT A UTILITY EASEMENT PARCEL 201	
PROJ. No. 11-043	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION (THIS SKETCH IS NOT A SURVEY)	SCALE: 1" = 50' DATE: 12/10/2012 SHEET 2 OF 2

Return to:
Right-of-Way Acquisition Section
Palm Beach County, Engineering & Public Works Department
Post Office Box 21229
West Palm Beach, Florida 33416-1229
Attn.: Richard A. Graddock, Real Estate Technician
Acct. No.: 1010 **W/C BOX 1066**

This Instrument Prepared by:
Marlene R. Everitt, Senior Assistant County Attorney
Palm Beach County, County Attorney's Office
Post Office Box 21229
West Palm Beach, Florida 33416-1229

Property Control Number: 52-43-42-07-39-015-0000

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: 2009100
ROAD NAME: RCA Blvd. & Alt A-1-A; SE Corner
PARCEL NO.: 201

ASSIGNMENT OF UTILITY EASEMENT

THIS ASSIGNMENT OF UTILITY EASEMENT is made this ____ day of _____, 2014, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose post office address is Post Office Box 21229, West Palm Beach, Florida 33416-1229, (hereinafter called "Assignor"), to **THE CITY OF PALM BEACH GARDENS**, a municipal corporation, whose post office address is 10500 N. Military Trail, Palm Beach Gardens, FL 33410 (hereinafter called "Assignee").

WITNESSETH: That Assignor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby assign to the Assignee, its successors and assigns, all of its right, title and interest in a certain Utility Easement recorded in Official Record Book ORB 26476, P 0548 of the Official Records of Palm Beach County, Florida. a non-exclusive utility easement over, upon, under, through and across, that certain real property lying, situate and being in Palm Beach County, Florida, more particularly described on **Exhibit "A"** attached hereto and made a part hereof.

TO HAVE AND TO HOLD THE same unto the Assignee, its successors and assigns forever.

IN WITNESS WHEREOF County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice Mayor of said Board, the day and year aforesaid.

ATTEST:

SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
Deputy Clerk

County:

PALM BEACH COUNTY,
a political subdivision of the State of Florida

By: _____
[Name of Mayor or Vice Mayor], [Title]

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

(Official Seal)

By: _____
Assistant County Attorney



Return to:
Name: Right-of-Way Acquisition Section
Palm Beach County Engineering
Post Office Box 21229
Address: West Palm Beach, Florida 33416
Attn: Sherry Wildner
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:

Name: Marlene R. Everitt
Assistant County Attorney
Address: Post Office Box 21229
West Palm Beach, FL 33416

NOT TO BE RECORDED
WITHOUT BOARD OF COUNTY
COMMISSIONERS ACCEPTANCE DATE

CFN 20130512072
OR BK 26476 PG 0548
RECORDED 11/27/2013 14:45:47
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0548 - 550; (3pgs)

PCN: 52-43-42-07-39-015-0000

SPACE ABOVE THIS LINE FOR PROCESSING DATA

ACCEPTED BY
BOARD OF COUNTY COMMISSIONERS
DATE: 10/25/13

Doc Stamps = 0.00

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S.E. Corner of Intersection
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WITNESSETH: That the party of the first part, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants unto the party of the second part, its successors and assigns, for the purpose of a UTILITY EASEMENT over, upon, under, through and across the following described land, situate in Palm Beach County, Florida, to-wit:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD THE SAME unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party has hereto set its hand and seal the day and year first above written.

(CORPORATE SEAL)

Signed, sealed and delivered in the presence of:
(Signature of two witnesses required by Florida law)

WITNESS SIGNATURE (Required)

Elizabeth A. Pena
TYPED OR PRINTED NAME OF WITNESS

Ellen Dempsey
WITNESS SIGNATURE (Required)

Ellen Dempsey
TYPED OR PRINTED NAME OF WITNESS

Catalina Lakes Homeowner's Association, Inc.
CORPORATION NAME / TYPED OR PRINTED

BY:

SIGNATURE OF PRESIDENT

KATHERINE M KILGILL
TYPED OR PRINTED NAME OF PRESIDENT

ATTEST:

SIGNATURE OF SECRETARY

KEITH F. CONNELL
TYPED OR PRINTED NAME OF SECRETARY
c/o CAPITAL REALTY ADVISORS
600 Sandtree Drive #109
Palm Beach Gardens, FL 33403
MAILING ADDRESS

STATE OF Florida
COUNTY OF Palm Beach

BEFORE ME, the undersigned authority, personally appeared

and Keith F. Connell who is personally known to me or who has produced

As identification and who did not take an oath, executed the foregoing instrument as such officer on behalf of the said Corporation for the uses and purposes therein expressed.

WITNESS my hand and official seal this 17th day of June, 2013

NOTARY SEAL

Signed:

Notary Public in and for
the County and State aforementioned



ELLEN DEMPSEY
MY COMMISSION # EE 196196
EXPIRES: June 25, 2016
Bonded Thru Budget Notary Services

EXHIBIT A

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- 2) STATE PLANE COORDINATES:
- | | |
|---------------------------------------|--|
| A. COORDINATES SHOWN ARE GRID | F. TRANSVERSE MERCATOR PROJECTION |
| B. DATUM - NAD 83, 1990 ADJUSTMENT | G. ALL DISTANCES ARE GROUND |
| C. ZONE - FLORIDA EAST | H. SCALE FACTOR - 1.0000415 |
| D. LINEAR UNIT - US SURVEY FOOT | I. GROUND DISTANCE X SCALE FACTOR= GRID DISTANCE |
| E. COORDINATE SYSTEM 1983 STATE PLANE | J. ROTATION EQUATION: NONE |
- 3) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.

ABBREVIATIONS:

P.B. - PLAT BOOK
ORB - OFFICIAL RECORD BOOK
PG. - PAGE
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JOHN E. PHILLIPS III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4826
DATE: 12/18/12

B
BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE RD, #509, W.P.B. FLORIDA 33409
(561) 615-3988, (561) 615-3991 FAX

RCA BLVD/ALTERNATE A-1-A
EXHIBIT A
UTILITY EASEMENT PARCEL 201

PROJ. No. 11-043

DRAWN: MB

LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)

SCALE: 1" = 50'

DATE: 12/10/2012

SHEET 1 OF 2

