

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: November 18, 2014

Consent Regular
Public Hearing

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to accept: A 20' Fire Line Easement to Palm Beach County Water Utilities Department ("Grantee") by VS Delray Beach East, LLC ("Grantor").

Summary: A utility easement is required for the proposed fire line at the Heritage Park property located at 14555 Sims Road, Delray Beach, FL 33484. To grant such easement, the Grantor has requested some changes to the standard easement form including limiting the type of facilities to be located within the easement and the inclusion of other provisions related to the County's usage of the easement. (WUD Project No.13-571) District 5 (MJ)

Background and justification: The Palm Beach County Water Utilities Department (PBCWUD) has been delegated the authority to accept standard utility easement. In this case, the Grantor has requested changes to the standard utility easement so BCC acceptance is required. PBCWUD has reviewed the easement form and recommends approval of the changes.

Attachments:

1. Location Map
2. Two (2) Originals of Easement

Recommended By: Jim Stele 10-23-14
Department Director Date

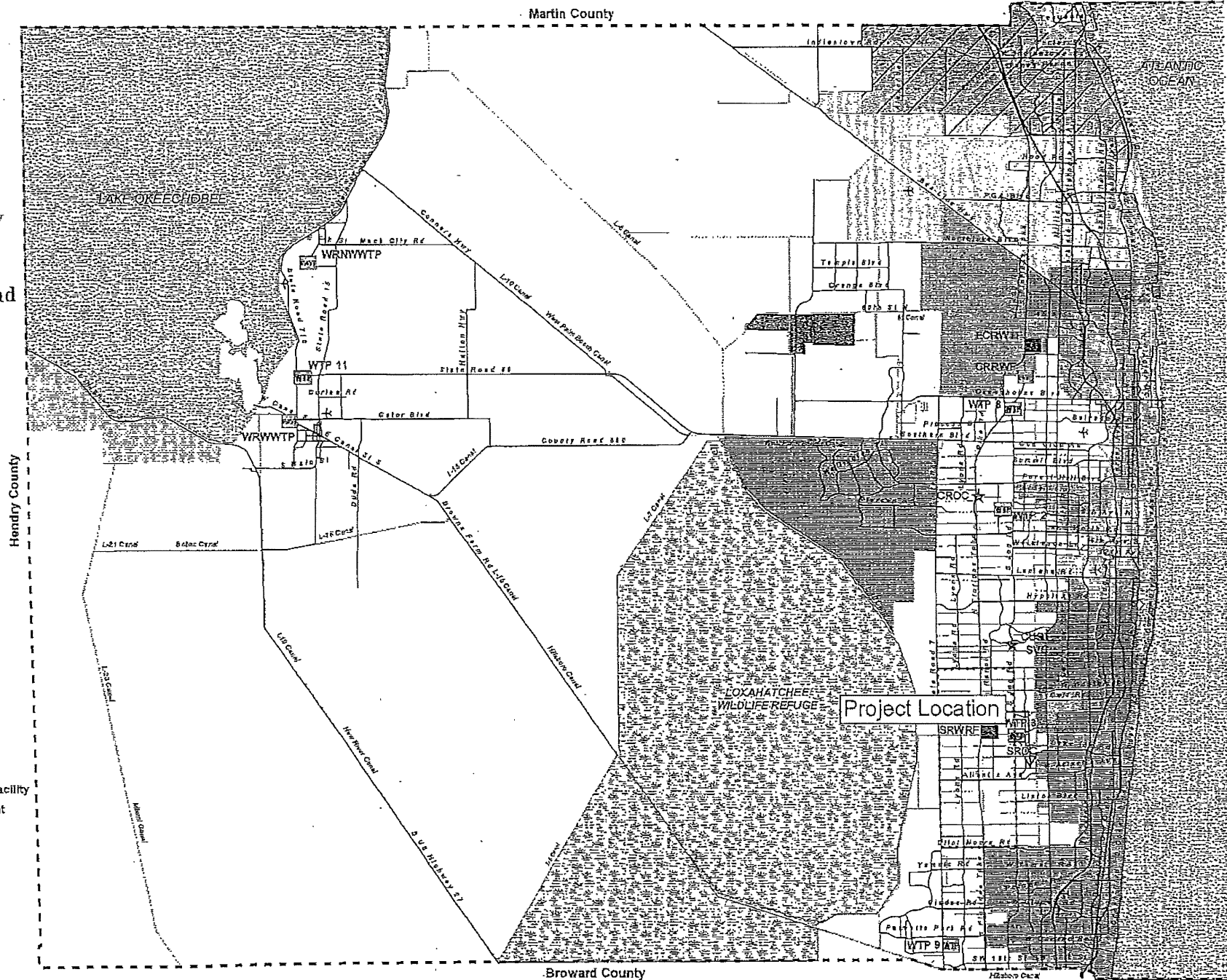
Approved By: Sharon G. By 10-27-14
Assistant County Administrator Date



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

Legend

- ★ 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



Prepared by and Return to:

Richard W. Radke, Esquire
Barnett, Bolt, Kirkwood, Long & McBride, P.A.
601 Bayshore Blvd., Suite 700
Tampa, FL 33606

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 5th day of August, 2014, by VS DELRAY BEACH EAST, LLC, a Delaware limited liability company (hereinafter referred to as "Grantor"), whose address is in care of ValStone Asset Management, LLC, 300 E. Lombard Street, Suite 1111, Baltimore, Maryland 21202, to Palm Beach County (hereinafter referred to as ("Grantee"), in care of 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 non-exclusive 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 underground fire lines and appurtenant facilities and equipment 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:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

Grantor reserves all rights to use the easement area in a manner which does not interfere with Grantee's use of the easement area. Grantor and Grantee agree that Grantor's use of the easement area for parking of automobiles will not interfere with Grantee's use of the easement area. Grantor reserves the right to grant additional easements over the easement area, provided the same do not interfere with Grantee's use of the easement area.

All of the provisions of this Utility Easement shall constitute covenants running with the land, pursuant to Florida law.

Nothing herein contained shall be deemed to be a gift or dedication of any property to the general public or for general public purposes whatsoever, it being the intention that this Utility Easement shall be strictly limited to and for the purposes herein expressed.

This Utility Easement shall be construed and enforced in accordance with the laws of the State of Florida.

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 caused this Utility Easement to be duly executed and delivered, as of the date set forth above.

WITNESSES:

GRANTOR:

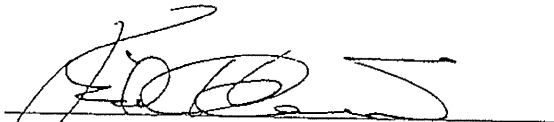
VS DELRAY BEACH EAST, LLC,
a Delaware limited liability company,

By its Manager:

TFM MANAGEMENT, LLC,
a Delaware limited liability company

By its Manager:

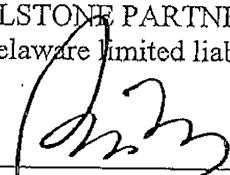
VALSTONE PARTNERS, LLC,
a Delaware limited liability company



Witness Signature

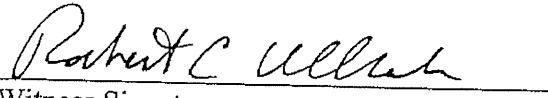
RICHARD HUDDLESTON

Print Witness Name

By: 

Gerald C. Timmis III

Its: Manager



Witness Signature

Robert C. Ulrich

Print Witness Name

(Acknowledgment on next page)

ACKNOWLEDGMENT

STATE OF MICHIGAN

COUNTY OF OAKLAND

On this 5th day of August, 2014, before me, the undersigned notary public, personally appeared Gerald C. Timmis, III, the Manager of ValStone Partners, L.L.C., a Delaware limited liability company, Manager of TFM Management, LLC, a Delaware limited liability company, Manager of VS Delray Beach East, LLC, a Delaware limited liability company, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as stated above.

(Notarial Seal)



Deanne M. Lutz
Notary Signature

Deanne M. Lutz
Print Name

Notary Public, State of Michigan

My Commission Expires: 11-20-19

DEANNE M. LUTZ
Notary Public, State of Michigan
County of Genesee
My Commission Expires Nov. 20, 2019
Acting in the County of Oakland

EXHIBIT A

Legal Description and Sketch of Easement

EXHIBIT "A"

**Description Sketch For:
HERITAGE PARK**

LEGAL DESCRIPTION:

A strip of land, 20 feet in width, lying within the **PLAT OF HERITAGE PARK**, according to the Plat thereof recorded in Plat Book 62, Page 76, Public Records of Palm Beach County, Florida, the centerline being more particularly described as follows:

COMMENCE at the Southeast corner of said Plat;
thence South 88°04'57" West along the South line of said Plat (said South line is assumed to bear South 88°04'57" West and all other bearings are relative thereto), a distance of 535.79 feet to a point; thence North 01°55'03" West a distance of 20.00 feet to the **POINT OF BEGINNING** of the hereinafter described centerline; thence North 01°55'03" West a distance of 79.20 feet to the **POINT OF TERMINUS**.

Said strip bound at the **POINT OF BEGINNING** and **POINT OF TERMINUS** by lines drawn at right angles through each point.

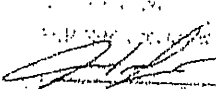
Containing in all 1,485 square feet, more or less.


NOTES:

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation.
4. This is not a survey!

CERTIFICATION:

I HEREBY ATTEST that the description sketch shown hereon meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to section 472.027, Florida Statutes, effective September 1, 1981.


MAY 20 2014


James G. Boden Jr.
Professional Surveyor and Mapper
Florida Certificate No. 6122


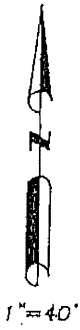
 WALLACE SURVEYING CORP. UNDESERVED BUSINESS # 4049 3853 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 840-4551	DATE: 03/15/14	DWG. NO. 13-1351
	OFFICE: J.P.	SHEET 1 OF 2
	CAD:	REF: 13-1351

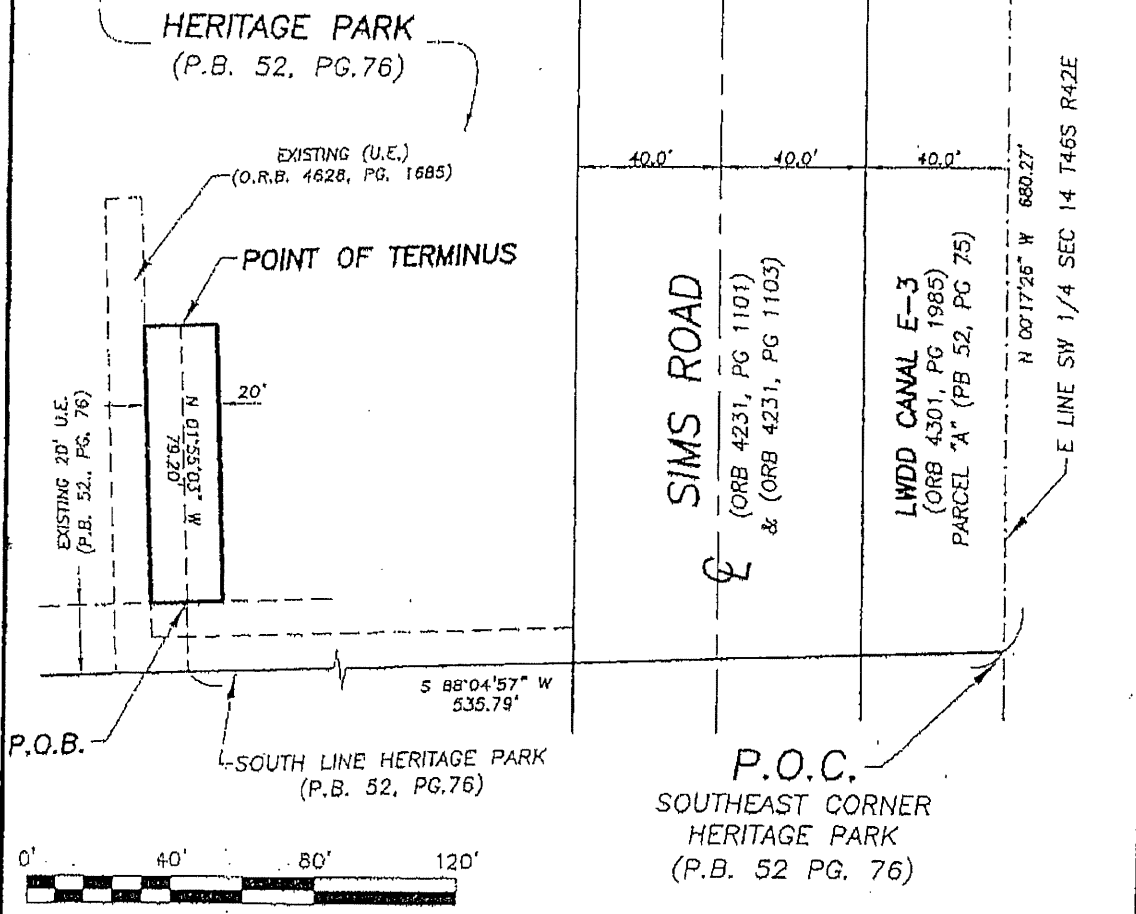
EXHIBIT "A"

NORTHEAST CORNER
SOUTHWEST 1/4
SECTION 14 TWP 46S. RGE 42E.



LEGEND

- C/L * CENTERLINE
- O.R.B. = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.O.T. = POINT OF TERMINUS



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4584
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 • (561) 640-6551

DATE: 03/15/14	DWG. NO. 13-1351
OFFICE: J.P.	SHEET 2 OF 2
C.K'D:	REF: 13-1351

CONSENT AND SUBORDINATION OF MORTGAGEE FOR UTILITY EASEMENT

The undersigned mortgagee does hereby consent to the granting of this Utility Easement, across the lands herein described, and agrees that its mortgage, which is recorded in Official Record Book 26053 Page 0865, of the Public Records of Palm Beach County, Florida, shall be subordinated to this Utility Easement.

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

WITNESSES:

GRANTOR/MORTGAGEE:

Signed, sealed and delivered
in the presence of

PNC BANK, NATIONAL ASSOCIATION,
a national banking association

Michele DeFoe
Witness Signature

By: [Signature]
Name: Jason Schreiber
Its: Senior Vice President

Michele DeFoe
Print Name

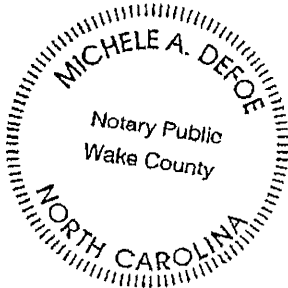
[Signature]
Witness Signature

Jared Allen
Print Name

STATE OF ^{NC}FLORIDA NOTARY CERTIFICATE
COUNTY OF Wake

The foregoing instrument was acknowledged before me this 4 day of September 2014, by Jason Schreiber, as Senior Vice President of PNC Bank, National Association, a national banking association, on behalf of the bank, who is [] personally known to me or who [] has produced a Florida driver's license as identification.

(Notarial Seal)



Michele A. DeFoe
Notary Signature
Michele A. DeFoe
Typed, Printed or Stamped Name of Notary
My Commission Expires: September 11, 2017
My Commission Number: n/a

ACCEPTED BY PALM BEACH COUNTY

(COUNTY SEAL)

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

ATTEST:

SHARON R. BOCK, CLERK
AND COMPTROLLER

By: _____
DEPUTY CLERK

By: _____
_____, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
ASSISTANT COUNTY ATTORNEY

APPROVED AS TO TERMS AND CONDITIONS

By: Jim Stiles
DIRECTOR OF WATER UTILITIES

#768525-v.3