

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: December 16, 2014	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Department:
Submitted By: Engineering and Public Works
Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a resolution to authorize the conveyance of a Palm Beach County (County) owned right-of-way parcel (Tract Z) for a right turn lane to the Florida Department of Transportation (FDOT). This parcel is located on the north side of Atlantic Avenue just east of the Florida Turnpike.


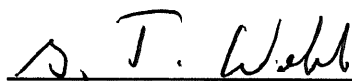
SUMMARY: Adoption of this resolution will authorize a County deed to convey Tract Z on Atlantic Avenue to FDOT, for a right turn lane associated with the entrance to the platted planned unit development known as Atlantic Commons – Plat One, as recorded in plat book 115, page 135 of the public records. FDOT has requested that the conveyance be free and clear of all encumbrances, reservations, mineral rights and rights of entry.

District 5 (MRE)

Background and Justification: In 2012, Tract Z was dedicated to the County as a condition of the Atlantic Commons planned unit development, as recorded in plat book 115, page 135 of the public records. In 2014, Atlantic Commons Associates, LLLP conveyed a warranty deed to the County for Tract Z, as recorded in Official Record Book 26579, page 165. Atlantic Avenue is also known as State Road 806, and is currently maintained by FDOT, and therefore a FDOT permit is required to undertake the right turn lane improvements on Tract Z. FDOT requested that the County transfer the subject parcel to them as a condition of Atlantic Commons permit 2009-A-496-0067 and to incorporate it as part of the Atlantic Avenue right-of-way maintenance responsibility. The County normally reserves its interest in phosphate, minerals, metals and petroleum rights per Florida Statute Section 270.11, however, FDOT has requested the exclusion of this reservation language due to its requirement that the property be free and clear without encumbrances.

Attachments:

1. Location Sketch
2. Resolution with Attachment (County Deed)
3. FDOT email request to donate right-of-way dated October 23, 2014
4. FDOT email request to remove mineral rights language dated October 27, 2014
5. Warranty Deed to Palm Beach County (ORB 26579, page 165)

Recommended by:		<u>11/19/14</u>
for	Division Director	Date
Approved by:		<u>11/24/14</u>
	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 fiscal impact.

C. Departmental Fiscal Review: Alice Kovalainen

III. REVIEW COMMENTS

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

 Susan Neary 11/13/14
RD *sc ADD* *OFMB*
11/18 *11/18*

 Barbara Wheeler 11-20-14
 Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

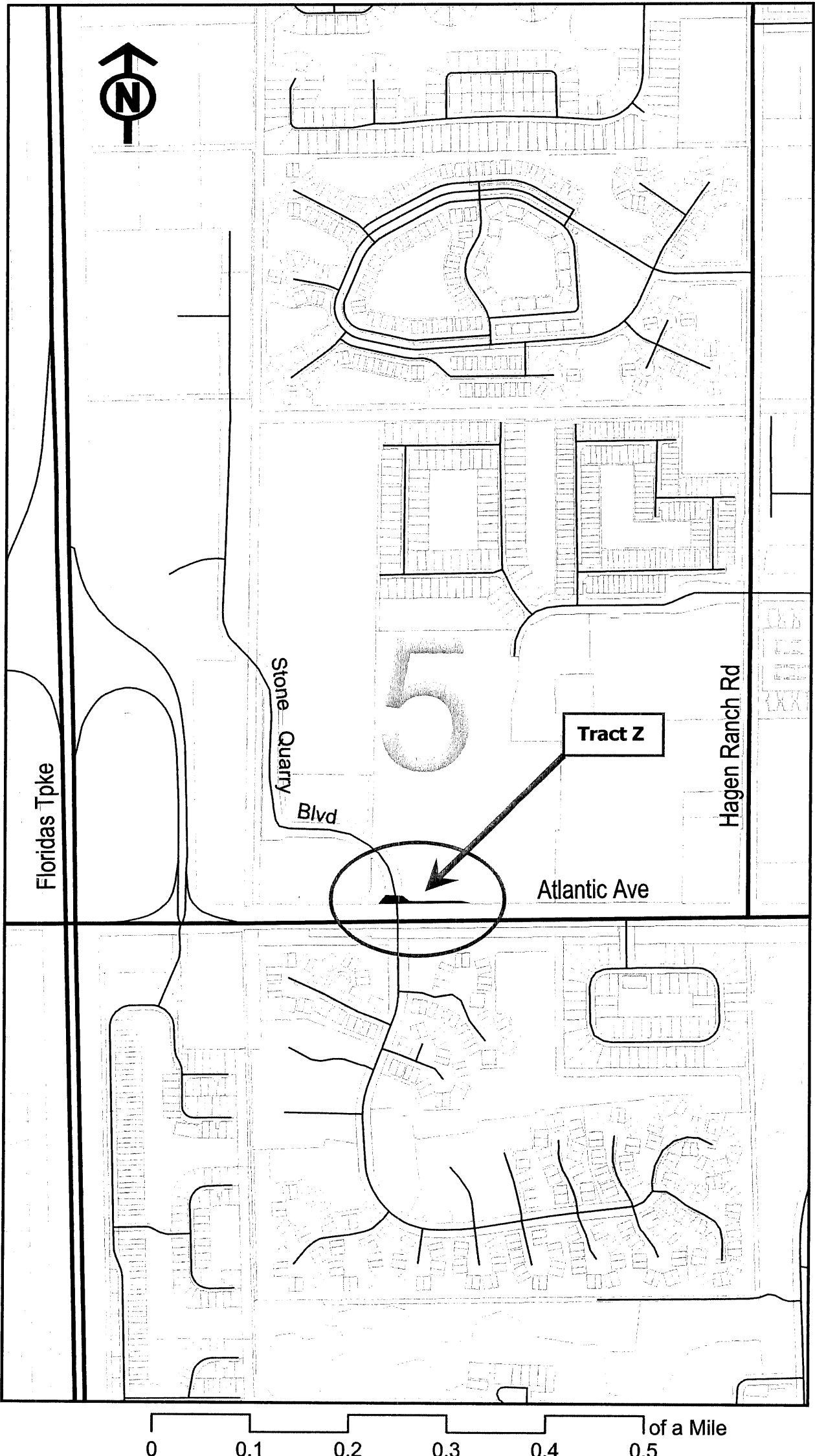
 Mark D. Hill 11/24/14
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Project Location
Tract Z
Right Turn Lane Conveyance to FDOT
Palm Beach County



Location Sketch

RESOLUTION NO. R-2014-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE A COUNTY DEED TO CONVEY A PALM BEACH COUNTY (COUNTY) OWNED RIGHT-OF-WAY, AS DESCRIBED IN ORB 26579, PAGE 165 TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), WITHOUT CHARGE, MINERAL AND PETROLEUM RIGHTS RESERVATION, AND THE RIGHT OF ENTRY AND EXPLORATION.

WHEREAS, Tract Z was dedicated to the COUNTY for public street purposes as a condition of the Atlantic Commons PUD, as recorded in plat book 115, page 135 of the public records; and

WHEREAS, Atlantic Commons Associates, LLLP also conveyed a warranty deed to the COUNTY for Tract Z as right-of-way for a right turn lane off Atlantic Avenue located just east of the Florida Turnpike, as recorded in ORB 26579, page 165; and

WHEREAS, said section of Atlantic Avenue is an FDOT maintained roadway also known as State Road 806; and

WHEREAS, an FDOT permit 2009-A-496-0067 was required to construct right turn lane improvements on Tract Z, and as a condition of the permit, Tract Z is required to be transferred to FDOT; and

WHEREAS, FDOT has agreed to accept conveyance of the COUNTY acquired right-of-way parcel known as Tract Z; and

WHEREAS, pursuant to Florida Statute Section 270.11, FDOT has requested that such property be conveyed without reservation and without the right of entry and exploration relating to phosphate, minerals, metals and petroleum rights because FDOT requires the property to be free and clear, without encumbrances; and

WHEREAS, the Board of COUNTY Commissioners has agreed to convey such property without reserving phosphate, minerals, metals and petroleum rights and releasing any and all right of entry and exploration relating to such rights; and

WHEREAS, the Board of COUNTY Commissioners has determined execution of the COUNTY Deed is to be in the best interest of the citizens and residents of the COUNTY.

NOW THEREFORE be it resolved by the Board of COUNTY Commissioners of Palm Beach COUNTY, Florida, that the Mayor is hereby authorized to execute the COUNTY Deed.

- 1. The recitations set forth herein above are true, accurate and correct and are incorporated herein.
2. This Resolution will take effect upon its adoption.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- District 1: Hal R. Valeche _____
District 2: Paulette Burdick _____
District 3: Shelley Vana _____
District 4: Steven L. Abrams _____
District 5: Mary Lou Berger _____
District 6: Melissa McKinlay _____
District 7: Priscilla A. Taylor _____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____ 2014.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK CLERK AND COMPTROLLER

By: _____ Assistant County Attorney

By: _____ Deputy Clerk

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.: Tripp Cioci, Right-of-Way Specialist
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: N/A

Purchase Price: \$ 0
Closing Date: December 16, 2014

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PERMIT NO.: 2009-A-496-0067
ROAD NAME: Atlantic Avenue
PARCEL NO.: Tract Z

COUNTY DEED

THIS DEED is made this ____ day of _____, 20____, 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 "County") to the **FLORIDA DEPARTMENT OF TRANSPORTATION**, an agency of the State of Florida, whose post office address is 3400 West Commercial Blvd., Fort Lauderdale, FL 33309, (hereinafter called "FDOT").

WITNESSETH: That County, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by FDOT, receipt whereof is hereby acknowledged, has granted, bargained and sold to FDOT, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida, as follows:

Property more particularly described in Palm Beach County Official Records Book 26579, page 165.

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

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

County:

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

By: _____

(Official Seal)

Tripp Cioci

From: Poisson, Chris [Chris.Poisson@dot.state.fl.us]
Sent: Thursday, October 23, 2014 7:59 AM
To: Kissner, Eugene
Cc: mike.fogarty@glhomes.com; Dean, Jerry; Drouin, Brett; Jimmy Richie; Tronel, Claire; Tripp Cioci
Subject: RE: Permit 09-A-496-0067-93030 (Atlantic Commons) 2004-525 R2009-1823 E4b

The property was dedicated to the County, who in turn will be donating it to the Department.

The Department is "good to go" on accepting the donation from the County.

Tripp Cioci with roadway divisions is handling this transaction on behalf of the County.

Christopher J. Poisson

Florida Department of Transportation
Right of Way - Production and Management Services
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309
Direct (954) 777-4270
Fax (954) 777-4261
chris.poisson@dot.state.fl.us


From: Kissner, Eugene
Sent: Wednesday, October 22, 2014 3:54 PM
To: Poisson, Chris
Cc: mike.fogarty@glhomes.com; Dean, Jerry; Drouin, Brett; Jimmy Richie
Subject: FW: Permit 09-A-496-0067-93030 (Atlantic Commons) 2004-525 R2009-1823 E4b

Chris,

Can you tell us if the required ROW dedication to FDOT for this permit has been completed?

Thanks

Gene Kissner
Florida Department of Transportation
Palm Beach Operations
7900 Forest Hill Blvd
WPB, FL 33413
Phone 561-370-1135
Fax 561-370-1236

 Think before you print

Tripp Cioci

From: Poisson, Chris [Chris.Poisson@dot.state.fl.us]
Sent: Monday, October 27, 2014 2:57 PM
To: Tripp Cioci
Subject: Permit 2009-A-496-0067

Tripp,

The reason the Department is requesting removal of the mineral rights language on the County Deed is that the Department requires property free and clear, without encumbrances which could impede the Department's use of the property for roadway purposes.

Thanks for your attention to this matter.

Christopher J. Poisson

Florida Department of Transportation
Right of Way - Production and Management Services
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309
Direct (954) 777-4270
Fax (954) 777-4261
chris.poisson@dot.state.fl.us



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

CFN 20140029777
OR BK 26579 PG 0165
RECORDED 01/27/2014 10:57:16
Palm Beach County, Florida
AMT 10.00
Doc Stamp 0.70
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0165 - 168; (4pgs)

This Instrument Prepared by:
Name: Atlantic Commons Associates, LLLP
1600 Sawgrass Corporate Parkway, Suite 400
Sunrise, Florida 33323
Attn: Steven M. Helfman, Esq.

ACCEPTED BY
BOARD OF COUNTY COMMISSIONERS

DATE: January 27, 2014

NOT TO BE RECORDED
WITHOUT BOARD OF COUNTY
COMMISSIONERS ACCEPTANCE DATE

PCN: NA N/A N/A #0 SPACE ABOVE THIS LINE FOR PROCESSING DATA
(Corporation) PROJECT NO. 2004-525; R2009-1823; E3
ROAD NAME: ATLANTIC AV
PARCEL NO. Right Turn Lane

WARRANTY DEED

THIS WARRANTY DEED, made this 3rd day of September, 2013, by ATLANTIC COMMONS ASSOCIATES, LLLP, a limited liability limited partnership existing under the laws of FLORIDA, and having its principal place of business at 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, whose post office address is P.O. Box 21229, West Palm Beach, Florida 33416, hereinafter called grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN (\$10.00) dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Palm Beach County, Florida, viz:

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

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes subsequent to December 31, 2012.

IN WITNESS WHEREOF the grantor has caused these presents to be executed in its name, and its corporate seal to be affixed, by its proper officers thereunto duly authorized, 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)

Clayton Ratliff
WITNESS SIGNATURE (Required)

ATLANTIC COMMONS ASSOCIATES, LLLP, a Florida limited liability limited partnership

Clayton Ratliff
TYPED OR PRINTED NAME OF WITNESS

By: Atlantic Commons Corporation, a Florida corporation, its general partner

By: N. Maria Menendez
N. Maria Menendez, Vice President

Kathleen M Coffman
WITNESS SIGNATURE (Required)

ATTEST: Paul Corban
Paul Corban, Secretary

Kathleen M Coffman
TYPED OR PRINTED NAME OF WITNESS

1600 Sawgrass Corporate Parkway, Suite 400
Sunrise, Florida 33323
MAILING ADDRESS

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by N. Maria Menendez, as Vice President of Boynton Beach XVI Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVI, LLLP, a Florida limited liability limited partnership, on behalf of the corporation and partnership. She is personally known to me or has produced as identification.

witness my hand and official seal this 3 day of September, 2013.



Signed: Kathleen M Coffman
Notary Public in and for the County and State aforementioned

277-LGL Revised 08/29/08

f:\land_dev\right-of-way deeds\forms\277-warranty-corp.doc



949A Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

**SKETCH AND LEGAL DESCRIPTION - EXHIBIT A
(NOT A SURVEY)**

**ATLANTIC COMMONS
TURN LANE RIGHT-OF-WAY**

LEGAL DESCRIPTION

TRACT 23 OF "ATLANTIC COMMONS - PLAT ONE", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 115, PAGE 135, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 9482 SQUARE FEET, MORE OR LESS.

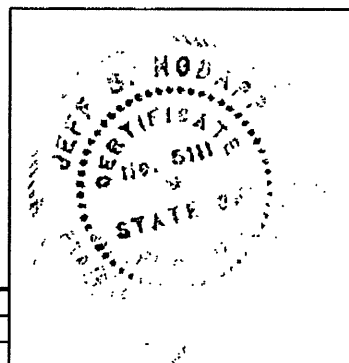
NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. EASEMENTS AND RIGHTS-OF-WAY DESCRIBED IN THE SCHEDULE 1 EXCEPTIONS OF THE AFFIDAVIT PREPARED BY GREENBERG TRAUIG, P.A., HAVING A DATE OF JANUARY 14, 2014 HAVE BEEN SHOWN HEREON.
3. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SECTION 17-46-42 HAVING A BEARING OF NORTH 89°18'03" EAST, AS DETERMINED FROM STATE PLANE COORDINATES AS ESTABLISHED BY THE PALM BEACH COUNTY ENGINEERING DIVISION BASED ON THE FLORIDA COORDINATE SYSTEM, EAST ZONE, GRID NORTH, 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION, 1990 ADJUSTMENT. POSITIONAL ACCURACY MEETS OR EXCEEDS A 1:10,000 MINIMUM RELATIVE DISTANCE ACCURACY. ALL DISTANCES SHOWN ARE GROUND DISTANCES, UNLESS LABELED OTHERWISE. SCALE FACTOR USED FOR THIS SURVEY IS 1.0000253.

CERTIFICATION

HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

[Signature]
JEFF B. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111



Project Name:	ATLANTIC COMMONS	TURN LANE RIGHT-OF-WAY	DATE:	01/24/2014
JOB NO.	08156	DWG BY:	JSH	
		CK'D BY:	JSH	SHEET 1 OF 3

PERIMETER

949A Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

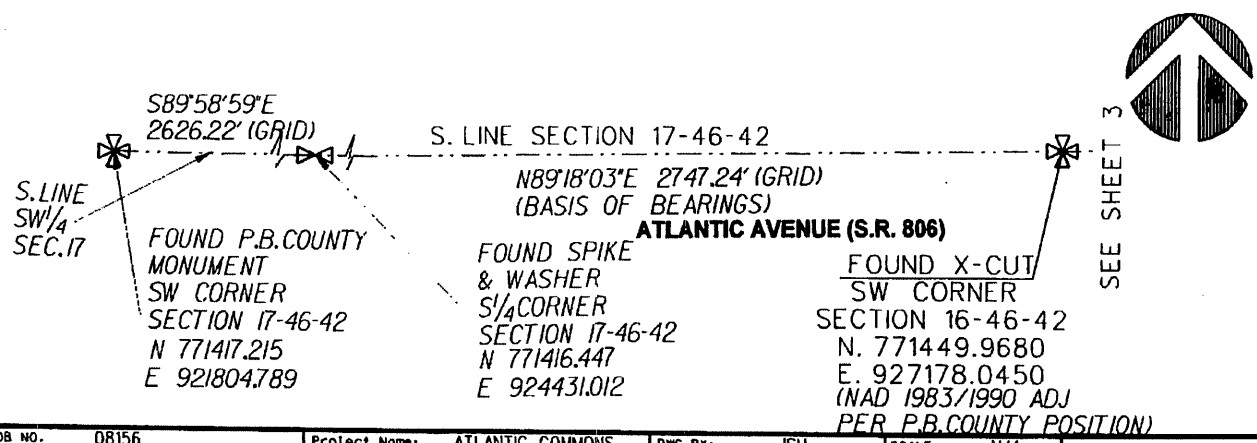
ABBREVIATIONS

D.E.	•	DRAINAGE EASEMENT
L.B.	•	LICENSED BUSINESS
L.S.	•	LICENSED SURVEYOR
L.W.D.D.	•	LAKE WORTH DRAINAGE DISTRICT
O.R.B.	•	OFFICIAL RECORDS BOOK
P.O.B.	•	POINT OF BEGINNING
P.O.C.	•	POINT OF COMMENCEMENT
P.B.	•	PLAT BOOK
P.B.C.R.	•	PALM BEACH COUNTY RECORDS
PG.	•	PAGE
P.S.M.	•	PROFESSIONAL SURVEYOR & MAPPER
R/W	•	RIGHT-OF-WAY
U.E.	•	UTILITY EASEMENT
B.E.	•	BUFFER EASEMENT

TITLE INFORMATION

SCHEDULE I EXCEPTIONS
OF AFFIDAVIT PREPARED BY
GREENBERG TRAUIG, P.A.
JANUARY 14, 2014

EX.	•	BOOK,	PG	DESCRIPTION	AFFECTS PROP	PLOTTED
6	•	P.B. 115,	PG. 35	PLAT	YES	YES
7	•	O.R.B. 18867,	PG. 105	DEV. AGREEMENT	YES	NO
7	•	O.R.B. 21215,	PG. 78	DEV. AGREEMENT	YES	NO
8	•	O.R.B. 18867,	PG. 118	DEV. AGREEMENT	YES	NO
8	•	O.R.B. 21215,	PG. 86	DEV. AGREEMENT	YES	NO
10	•	O.R.B. 21464,	PG. 876	FDOT ACCESS EASEMENT	YES	NO
10	•	O.R.B. 21626,	PG. 1216	FDOT ACCESS EASEMENT	YES	NO
11	•	O.R.B. 23581,	PG. 106	MASTER DEC OF COV(WFH)	YES	NO
12	•	O.R.B. 25378,	PG. 1357	INDEMN AGREEMENT	UNKNOWN	NO



JOB NO. 08156	Project Name: ATLANTIC COMMONS	DWG BY: JSH	SCALE: N/A
	TURN LANE RIGHT-OF-WAY	CK'D BY: JSH	DATE: 01/24/2014 SHEET 2 OF 3

