

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

| | | | |
|---------------|------------------|---|---|
| Meeting Date: | February 3, 2015 | <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 authorizing the conveyance of a Palm Beach County (County) owned parcel of land, located off 10th Avenue North, just east of Congress Avenue, to the Village of Palm Springs (Village).

SUMMARY: Adoption of this Resolution will allow the approval of a County deed in favor of the Village, and will transfer ownership, operation and maintenance of a ten foot wide strip of land, currently being used for drainage of properties north of 10th Avenue North, just east of Congress Avenue, to the Village. The Village has requested that the County donate the subject parcel to allow them to continue the operation and maintenance of the current open swale and other drainage appurtenances. Pursuant to County Ordinance 2009-052, a supermajority vote is required for this proposed conveyance to the Village. The total area of the subject parcel is approximately 0.29 acres.

District 3 (MRE)

Background and Justification: The County acquired the subject parcel in 1953, as referenced in Deed Book 1028, page 201, for drainage associated with 10th Avenue North. Subsequently the drainage for 10th Avenue North was redesigned, and the subject parcel was left to accommodate drainage from the adjacent properties. The entire subject parcel is located within the municipal limits of the Village, and the proposed conveyance will allow the Village to continue the maintenance of the current open swale and other drainage appurtenances.

Attachments:

- 1. Location Map
- 2. Resolution with Attachment "A" (County Deed with Exhibit "A")
- 3. Letter from the Village of Palm Springs

| | | |
|-----------------|-----------------------------|----------------|
| Recommended by: | <u>Ornelio A. Fernandez</u> | <u>1/12/15</u> |
| | Division Director | Date |
| Approved by: | <u>S. J. Webb</u> | <u>1/15/15</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: As well as

III. REVIEW COMMENTS

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

Susan Neary 1/20/15
 RD ASD OFMB
 1/20/2015

In J. Johnson 1/22/15
Contract Dev. and Control
1-21-15 B Wheeler

B. Approved as to Form and Legal Sufficiency:

Moder R. Peltz 1/22/15
Assistant County Attorney

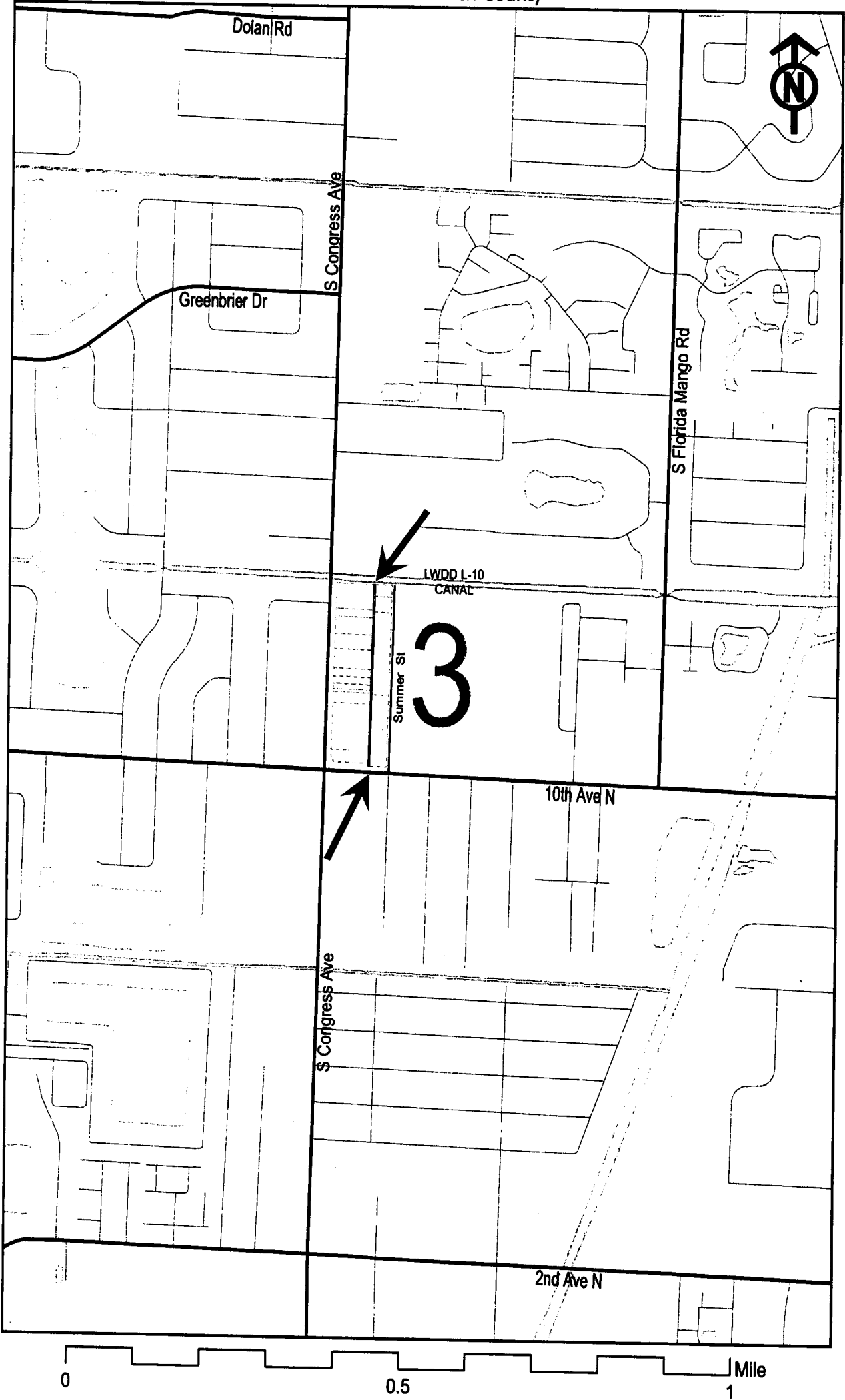
C. Other Department Review:

Department Director

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

Project Location
10' Wide Drainage Parcel
Transfer to Village of Palm Springs
Palm Beach County

Attachment No. 1



Location Sketch

RESOLUTION NO. R-2015-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY (COUNTY), FLORIDA, TO CONVEY A COUNTY OWNED PARCEL, LOCATED OFF 10TH AVENUE NORTH JUST EAST OF CONGRESS AVENUE, TO THE VILLAGE OF PALM SPRINGS.

WHEREAS, the County acquired a parcel for the drainage of 10th Avenue North in 1953, referenced in the right-of-way deed recorded in Deed Book 1028, Page 201 of the Public Records of Palm Beach County, Florida; and,

WHEREAS, County engineering staff has determined that the subject parcel, which consists of a 10 foot wide strip of land running from 10th Avenue North to the L-10 Canal, is not required for drainage of 10th Avenue North; and,

WHEREAS, the Village of Palm Springs (Village) has requested the County to donate the subject parcel to allow them to continue the operation and maintenance of the current open swale and drainage appurtenances; and,

WHEREAS, the subject parcel is located within the municipal boundaries of the Village, and the continued maintenance of said parcel will require the conveyance from the County to the Village.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA THAT:

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The request by the Village of Palm Springs for the conveyance of the subject parcel for Village maintenance purposes, is in the best interest and welfare of the public or community; and, it is appropriate to convey by County deed (referenced in Attachment "A", attached hereto and made a part hereof) to the Village of Palm Springs.
3. Subject to a supermajority vote (County Ordinance 2009-052), this Resolution shall be effective immediately 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:

Commissioner Shelley Vana, Mayor
Commissioner Mary Lou Berger, Vice Mayor
Commissioner Hal R. Valeche
Commissioner Paulette Burdick
Commissioner Steven L. Abrams
Commissioner Melissa McKinlay
Commissioner Priscilla A. Taylor

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2015.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: _____
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: N/A

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: N/A
ROAD NAME: 10th Avenue
PARCEL NO.: 10' Wide Drainage Parcel

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 **VILLAGE OF PALM SPRINGS**, a municipal corporation of the State of Florida, whose post office address is 226 Cypress Lane, Palm Springs, Florida, 33461, (hereinafter called ("Village")).

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

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

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (3/4) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half (1/2) interest in all petroleum that is or may be in, on, or under said land.

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: _____
Mayor

(Official Seal)

EXHIBIT "A"
A PORTION OF DEED BOOK 1028, PAGE 201

Exhibit "A" Page 1 of 2

THE WEST 10 FEET OF TRACTS 14 AND 17, MODEL LAND COMPANY'S PLAT OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 5 AT PAGE 79 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE SOUTH 45.50 FEET THEREOF.

CONTAINING 12,795 SQUARE FEET OR 0.294 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

BEARINGS SHOWN HEREON ARE BASED ON A GRID (NAD 83/90) BEARING OF SOUTH 88°09'38" EAST ALONG THE NORTH LINE OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST. AS DETERMINED BY PALM BEACH COUNTY AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR

COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR
PROJECTION

ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.000042824
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE. THIS IS NOT A BOUNDARY SURVEY.

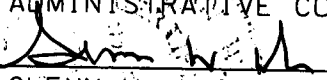
IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

THE BEARINGS SHOWN HEREON ARE IN ACCORDANCE WITH THE BREAKDOWN OF THE SECTION ACCORDING TO PALM BEACH COUNTY AND THE DIMENSIONS ARE IN ACCORDANCE WITH THE RECORDED PLAT OF MODEL LAND COMPANY'S PLAT RECORDED IN PLAT BOOK 5, PAGE 79. ALL ARE BEING SHOWN FOR INFORMATIONAL AND MAPPING PURPOSES AND ARE NOT REQUIRED FOR THIS TYPE OF DESCRIPTION. THE CALLS IN THE DESCRIPTION HOLD, THIS IS NOT A SURVEY.


THIS INSTRUMENT WAS PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


GLENN W. MARK, P.L.S.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5304

9/17/14
DATE

| | | | | | | | | | | | | |
|------------------------|------------|--|-------------------------------------|----------------------------|------------------|-------------------|-----|----------|----|------|---|---|
| PROJECT NO. 1993901 | SHEET 2 | PROJECT 10' WIDE DRAINAGE PARCEL | DESIGN FILE NAME S-1-14-3564.DGN | DRAWING NO. S-1-14-3564 | DATE 09/18/14 | SCALE 1" = 20' | NO. | REVISION | BY | DATE |  | PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ROADWAY PRODUCTION 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411 |
| | | | | | | | | | | | | |

NW. CORNER OF SECTION 20,
TOWNSHIP 44 SOUTH, RANGE 43 EAST
PALM BEACH COUNTY POSITION

N 836560.691
E 953916.129

N. QUARTER CORNER SECTION 20,
TOWNSHIP 44 SOUTH, RANGE 43 EAST
PALM BEACH COUNTY POSITION

N 836475.421
E 956571.176

S88°09'38"E

N. LINE SEC. 20/44/43

LAKE WORTH
DRAINAGE DISTRICT L-10

330.4 (P)

N. LINE TRACT 15

10'

320.4 (C)

N. LINE TRACT 14

10' WIDE DRAINAGE
PARCEL BEING A PORTION
OF DEED BOOK 1028, PAGE 201

WEST 10'
TRACT 14

15'
PLAT

W. LINE TRACT 15 660' (P)

TRACT 15
MODEL LAND COMPANY'S
PLAT OF SECTION 20,
TWP 44S., RGE 43 E.
PLAT BOOK 5, PAGE 79

TRACT 14
MODEL LAND COMPANY'S
PLAT OF SECTION 20,
TWP 44S., RGE 43 E.
PLAT BOOK 5, PAGE 79

E. LINE TRACT 14

W. LINE SEC. 20/44/43
CONGRESS AVE.

S. LINE TRACT 15
N. LINE TRACT 16

LEGEND

PB = PLAT BOOK
PG = PAGE
P = PLAT BOOK 5,
PAGE 79

TRACT 16
MODEL LAND COMPANY'S
PLAT OF SECTION 20,
TWP 44S., RGE 43 E.
PLAT BOOK 5, PAGE 79

S. LINE TRACT 14
N. LINE TRACT 17

WEST 10'
TRACT 17

TRACT 17
MODEL LAND COMPANY'S
PLAT OF SECTION 20,
TWP 44S., RGE 43 E.
PLAT BOOK 5, PAGE 79

E. LINE TRACT 17

N01°36'08"E

N 833875.343
E 953841.010

W. LINE TRACT 16 665' (P)

S. LINE TRACT 16

E. LINE TRACT 16 1279.50' (C)

W. LINE TRACT 17 1279.50' (C)

10'

45.50'

S. LINE TRACT 17

N. QUARTER CORNER SECTION 20,
TOWNSHIP 44 SOUTH, RANGE 43 EAST
PALM BEACH COUNTY POSITION

10TH AVE. NORTH

CENTERLINE
PER FDOT R/W MAP
SECTION NO. 93504-2601

THIS IS NOT A SURVEY

SCALE: 1" = 20'



Village of Palm Springs Attachment #3

Land Development

226 Cypress Lane • Palm Springs, Florida 33461
(561) 965-4016

Fax (561) 439-4132

September 11, 2014

Tripp D. Cioci, Right-of-Way Specialist
Palm Beach County
Board of County Commissioners
Engineering & Public Works Department
Roadway Production Division
2300 North Jog Road, 3rd Floor West
West Palm Beach, Florida 33411

RE: Transfer of Drainage Tract

Dear Mr. Cioci:

As we have discussed, a drainage tract runs north-south between the L-10 Canal and 10th Avenue North. An open drainage ditch is located in the northerly portion of this tract, and the southern portion is piped. The ten foot wide drainage tract was created through a Right-of-Way Deed dedicated to Palm Beach County in 1953 recorded at Deed Book 1028, Page 201.

The surrounding area was annexed into the Village of Palm Springs in 2001 and 2002. The Village has been performing courtesy maintenance on the drainage ditch. It is therefore appropriate for this tract to be formally transferred to the Village so that we have formal authority and responsibility over this area.

Thank you for this consideration.

Respectfully,

Kim Glas-Castro
Land Development Director