

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: March 10, 2015

Consent [X] Regular []
Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and title: Staff recommends motion to approve: a Declaration of Easement made by Palm Beach County in favor of the Palm Beach County Water Utilities Department (WUD) for the water main required to provide water service to Ben Eden Lane and Lynnwood Court.

Summary: The Declaration of Easement will allow WUD to install a water main and appurtenant equipment serving the properties on Ben Eden Lane and Lynnwood Court through a Special Assessment project. The easement area is 10' wide and approximately 148' in length. The combined total area is 1,482 square feet (.034 acres). The Declaration of Easement will be recorded to provide public notice of the existence and location of the water main and improvements. (WUD Project No. 14-046) District 2 (MJ)

Background and Justification: County property (PCN 00424402000001344) is located on Haverhill Road north of Gun Club Road. WUD has requested an easement for the water main that will run from the south property line to the north property line on the west side of the property.

Attachments:

1. Location Map
2. Two (2) Original Declaration of Easement

Recommended By: Jim Stiles 2-6-15
 Department Director Date

Approved By: Sharon R. B. 2/24/15
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<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>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund ____ Dept ____ Unit ____ Object ____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No Fiscal Impact.

C. Department Fiscal Review: Delia Morent

III. REVIEW COMMENTS

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

[Signature] 2/9/15
 KJSC OFMB
 2/9 BA

[Signature] 2/11/15
 Contract Development and Control
 2-11-15 B Wheeler

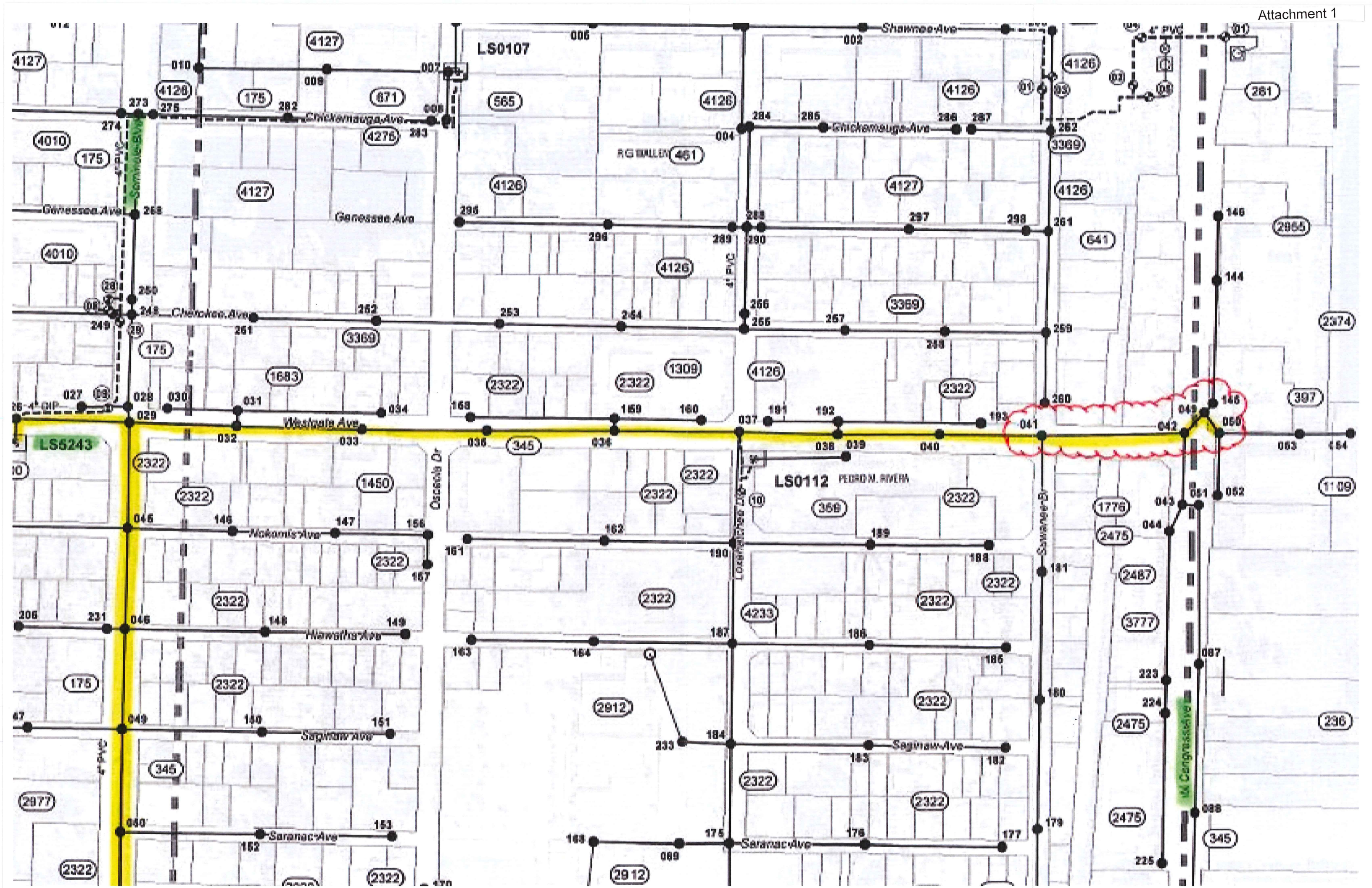
B. Legal Sufficiency:

[Signature] 2/10/15
 Assistant County Attorney

C. Other Department Review

 Department Director

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



Prepared by & Return to:
Ben Williamson, Project Manager
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 00-42-44-02-00-000-1344 (a portion of)

DECLARATION OF EASEMENT

THIS IS A DECLARATION OF EASEMENT, made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County"), whose address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791.

WHEREAS, County is the owner of that certain real property located within Palm Beach County, Florida as set forth on **Exhibit "A"** attached hereto and made a part hereof (the "Property"); and

WHEREAS, County desires to create an easement over, upon and under such property for the purposes set forth hereinafter; and

WHEREAS, County desires that such easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon a subsequent conveyance of the Property by County.

WITNESSETH:

NOW THEREFORE, County does hereby declare, grant and create a perpetual in gross utility easement for the benefit of County upon the real property legally described in **Exhibit "B"**, attached hereto (the "Easement Premises"). This easement shall be for the purpose of water and sewer utilities and shall include the right at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the Easement Premises. This easement or portion thereof can be utilized for a wastewater pump station and said pump station may be fenced in for access control purposes.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

IN WITNESS WHEREOF, the County has caused this Declaration of Easement to be executed as of the day and year first above written.

ATTEST:

COUNTY:

**SHARON R. BOCK
CLERK & COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____
Shelley Vana, Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Assistant County Attorney

By: Jim Steber
Department Director

EXHIBIT "A"

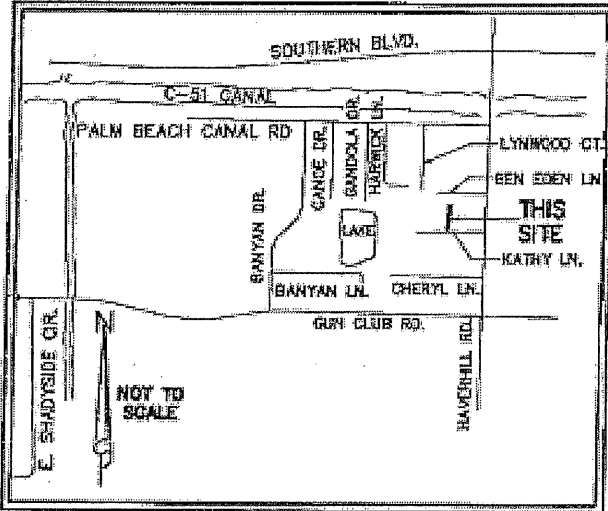
THE PROPERTY

The North 148 feet of the East 250 feet of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4, Section 2, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the East 40 feet thereof for right of way of Haverhill Road.

EXHIBIT "B"

THE EASEMENT PREMISES

SKETCH & DESCRIPTION



LOCATION MAP
NOT TO SCALE

David A. Boker
10/30/14

SURVEYOR'S NOTES:

1. BEARINGS DEPICTED HEREON ARE RELATIVE TO THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID LINE HAVING A GRID BEARING OF NORTH 01°21'04" EAST.
2. THIS INSTRUMENT NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THE UNDERSIGNED MAKES NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF RECORD.
4. THE LICENSED BUSINESS NUMBER FOR DENNIS J. LEAVY & ASSOCIATES INC. IS LB #6599, THE CERTIFYING SURVEYORS (DAVID A. BOKER) LICENSE NUMBER IS LS #5888.
5. THIS IS NOT A SURVEY.

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers
460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
For: PALM BEACH COUNTY WATER
UTILITIES DEPARTMENT

DRAWN: RRM	SCALE: N/A	DATE: 10/30/14
CHK: DAB	JOB# 14-060 001 50-6	SHEET: 1 OF 4

DESCRIPTION:

A 10.00 foot wide strip of land lying within a portion of the parcel of land as described in that certain WARRANTY DEED as recorded in Official Record Book 2558, Page B40 of the Public Records of Palm Beach County, Florida (to be hereinafter referred to as "parcel"). Being more particularly described as follows:

Commencing at the East quarter corner of Section 2, Township 44 South, Range 42 East, Palm Beach County, Florida; thence North 01°21'04" East (as a basis of bearings) along the East line of the Northeast one-quarter (NE 1/4) of said Section 2, a distance of 2005.07 feet to a point being on the North line of the Southeast one-quarter (SE-1/4) of the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of said Section 2; thence North 88°41'52" West along said North line, a distance of 233.75 feet to the POINT OF BEGINNING; thence continue North 88°41'52" West along said North line a distance of 10.00 feet; thence South 02°05'02" West, a distance 104.25 feet; thence South 06°42'45" West, a distance of 43.97 feet to the South line of said parcel; thence South 88°42'04" East along said South line, a distance of 10.05 feet; thence North 06°42'45" East, a distance of 43.44 feet; thence North 02°05'02" East, a distance of 104.78 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Section 2, Township 44 South, Range 42 East, Palm Beach County, Florida.

Containing 1482 square feet more or less.

LEGEND:

- | | |
|--------------------------------------|--------------------------------|
| D.B. = DEED BOOK | PCN = PARCEL CONTROL NUMBER |
| FND. = FOUND | PG = PAGE |
| NTS = NOT TO SCALE | P.K. = PARKER-KALON |
| O.R.B. = OFFICIAL RECORDS BOOK | P.O.B. = POINT OF BEGINNING |
| P.B. = PLAT BOOK | P.O.C. = POINT OF COMMENCEMENT |
| P.B.C.R. = PALM BEACH COUNTY RECORDS | ± = MORE OR LESS |

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers

460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0880 Fax: 561 753-0280

SKETCH & DESCRIPTION
For: PALM BEACH COUNTY WATER
UTILITIES DEPARTMENT

DRAWN: RRM	SCALE: N/A	DATE: 10/30/14
CHK: DAB	JOB# 14-000-001 SD-6	SHEET: 2 of 4

34 35
34 2

35 36
2 1

PARCEL OF LAND AS DESCRIBED
IN THE WARRANTY DEED AS
RECORDED IN O.R.B. 2556, PG
640, P.B.C.R.

POINT OF
BEGINNING

NORTH LINE OF THE SE
1/4 OF THE NE 1/4 OF THE NE
1/4 OF SECTION 2, TOWNSHIP 44S,
RANGE 42E

N81°21'04"E 2005.07'
(BASIS OF BEARINGS)

SECTION 2, TOWNSHIP
44S, RANGE 42E

DESCRIBED AREA
(1482 SQUARE FEET±)

N88°41'52"W
233.75'

EAST QUARTER CORNER
OF SECTION 2, TOWNSHIP
44S, RANGE 42E
POINT OF COMMENCEMENT

EAST LINE OF THE NE 1/4 OF
SECTION 2, TOWNSHIP 44S,
RANGE 42E



3 2
10 11

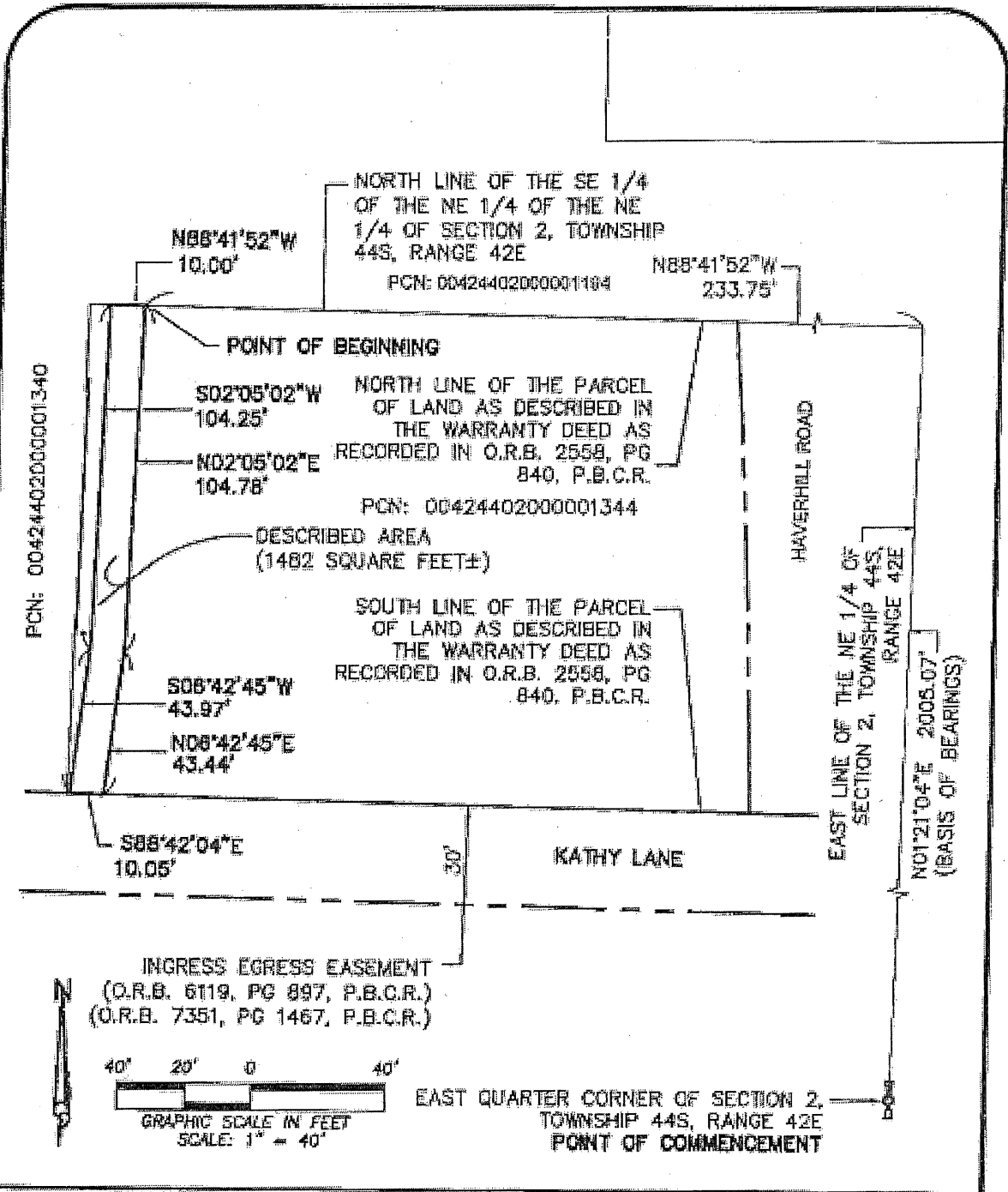
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11 12

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SKETCH & DESCRIPTION
For: PALM BEACH COUNTY WATER
UTILITIES DEPARTMENT

DRAWN: RRM	SCALE: 1"=800'	DATE: 10/30/14
CHK: DAB	JOB# 14-060 301 50-6	SHEET: 3 OF 4

DATE PLOTTED: 11/10/14 10:58 AM



Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers
460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0630 Fax: 561 753-0280

SKETCH & DESCRIPTION		
For: PALM BEACH COUNTY WATER UTILITIES DEPARTMENT		
DRAWN: RRM	SCALE: 1"=40'	DATE: 10/30/14
CHK: DAB	JOB# 14-086 001 3D-6	SHEET: 4 OF 4

MAPPER: DENNIS J. LEAVY, LICENSED SURVEYOR, STATE OF FLORIDA, NO. 12000