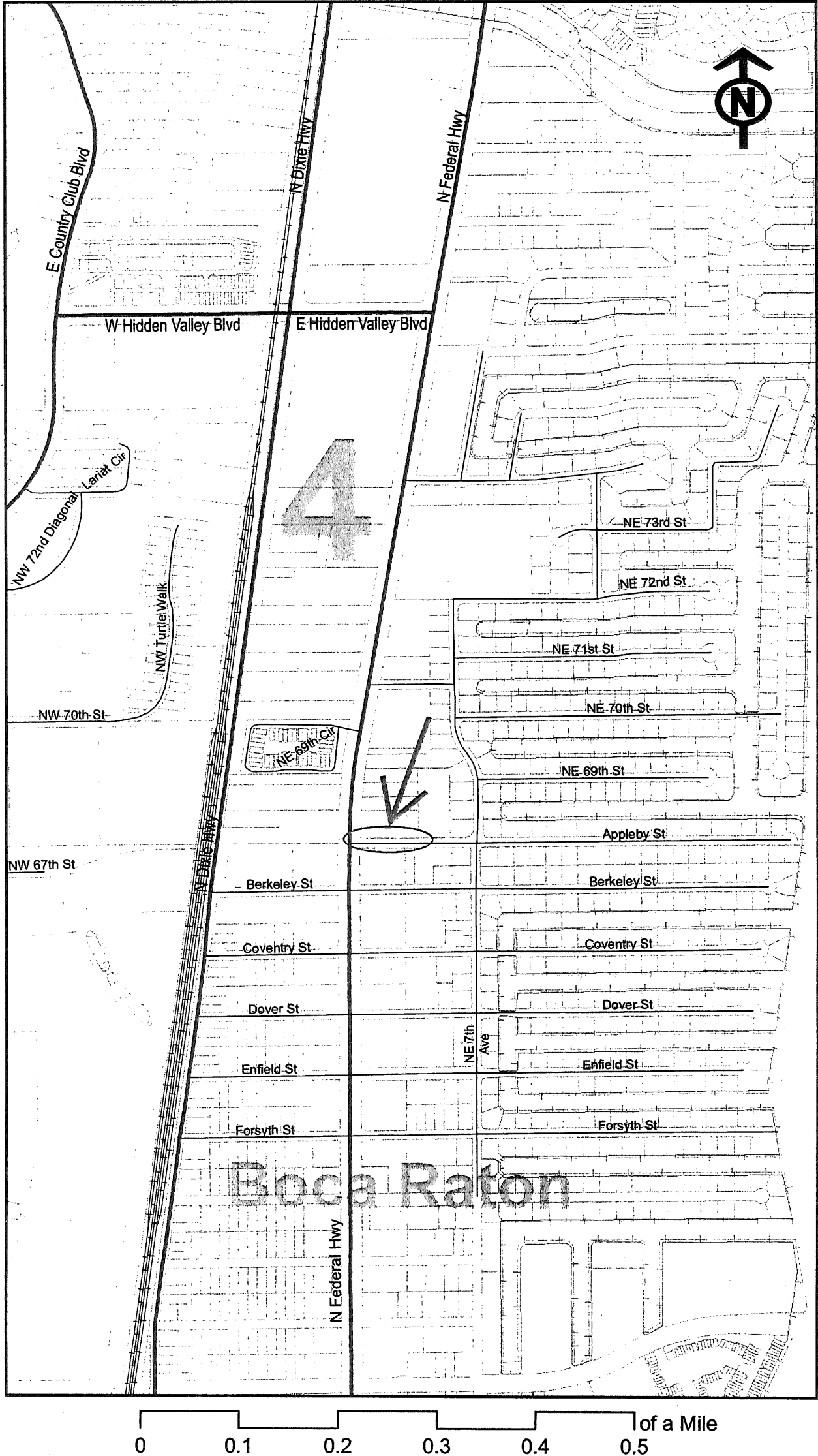


Project Location

Appleby St

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 N. FEDERAL HIGHWAY (US HIGHWAY ONE), JUST WEST OF APPLEBY STREET, TO THE TOWN OF HIGHLAND BEACH (TOWN).

WHEREAS, the County acquired a parcel for a right-of-way and easement for public highway purposes in 1950, referenced in the right-of-way deed recorded in Deed Book 907, Page 326 of the Public Records of Palm Beach County, Florida; and,

WHEREAS, County engineering staff has determined that the subject parcel, which consists of a 25 foot wide strip of land running from N. Federal Highway (US Highway 1) east to Appleby Street has never been used for right-of-way; and,

WHEREAS, pursuant to Florida Statute Section 270.11, the Town 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 the Town requires the property to be free and clear, without encumbrances; and

WHEREAS, the Town has requested the County to convey the subject parcel to them pursuant to the reversionary provisions in the aforementioned deed.

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 conveyance to the Town of the subject parcel is in the best interest and welfare of the public or community; and, it is appropriate to convey by County deed attached hereto and made a part hereof to the Town.
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.: Kaye Weichel, 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: APPLEBY STREET
PARCEL NO.: 25' WIDE STRIP

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 **TOWN OF HIGHLAND BEACH**, a municipal corporation of the State of Florida, whose post office address is 3614 South Ocean Boulevard, Highland Beach, FL 33487, (hereinafter called "Town").

WITNESSETH: That County, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by Town, receipt whereof is hereby acknowledged, has granted, bargained and sold to Town, 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.

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: _____
Shelley Vana, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

(Official Seal)

PINNELL SURVEY, INC.

LICENSED BUSINESS #6857

5300 WEST HILLSBORO BOULEVARD, SUITE 215-A

COCONUT CREEK, FLORIDA 33073

PHONE (954)418-4940 FAX(954)418-4941

EXHIBIT "A"

SKETCH AND LEGAL DESCRIPTION

RIGHT-OF-WAY

EAST LINE OF S.E. 1/4
OF SECTION 32,
TOWNSHIP 46 SOUTH,
RANGE 43 EAST

LEGAL DESCRIPTION:

A PORTION OF THE LAND DESCRIBED IN DEED BOOK 907, PAGE 326 AND ALSO BEING THE SOUTH TWENTY-FIVE FEET (S. 25') OF LOT 15 IN SECTION 32, OF THE MAP SHOWING SUBDIVISIONS OF PORTIONS OF TOWNSHIPS 45 AND 46 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF U. S. HIGHWAY 1 (STATE ROAD NO. 5) PER STATE ROAD R/W MAP SECTION 9301-204 AND ALSO LESS THE EAST 800 FEET THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE SOUTH 89°55'05" WEST ALONG THE SOUTH LINE OF SAID SECTION 32, FOR 800.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SOUTH LINE OF SAID SECTION 32 SOUTH 89°55'05" WEST, FOR 479.78 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE NORTH 00°05'10" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, FOR 9.88 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2831.93 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 00°18'21", FOR AN ARC DISTANCE OF 15.12 FEET; THENCE NORTH 89°55'05" EAST, FOR 479.64 FEET TO A POINT BEING 800 FEET WEST OF THE EAST LINE OF SAID SECTION 32; THENCE SOUTH 00°07'47" EAST PARALLEL WITH THE EAST LINE OF SAID SECTION 32, FOR 25.00 FEET TO THE POINT OF BEGINNING.

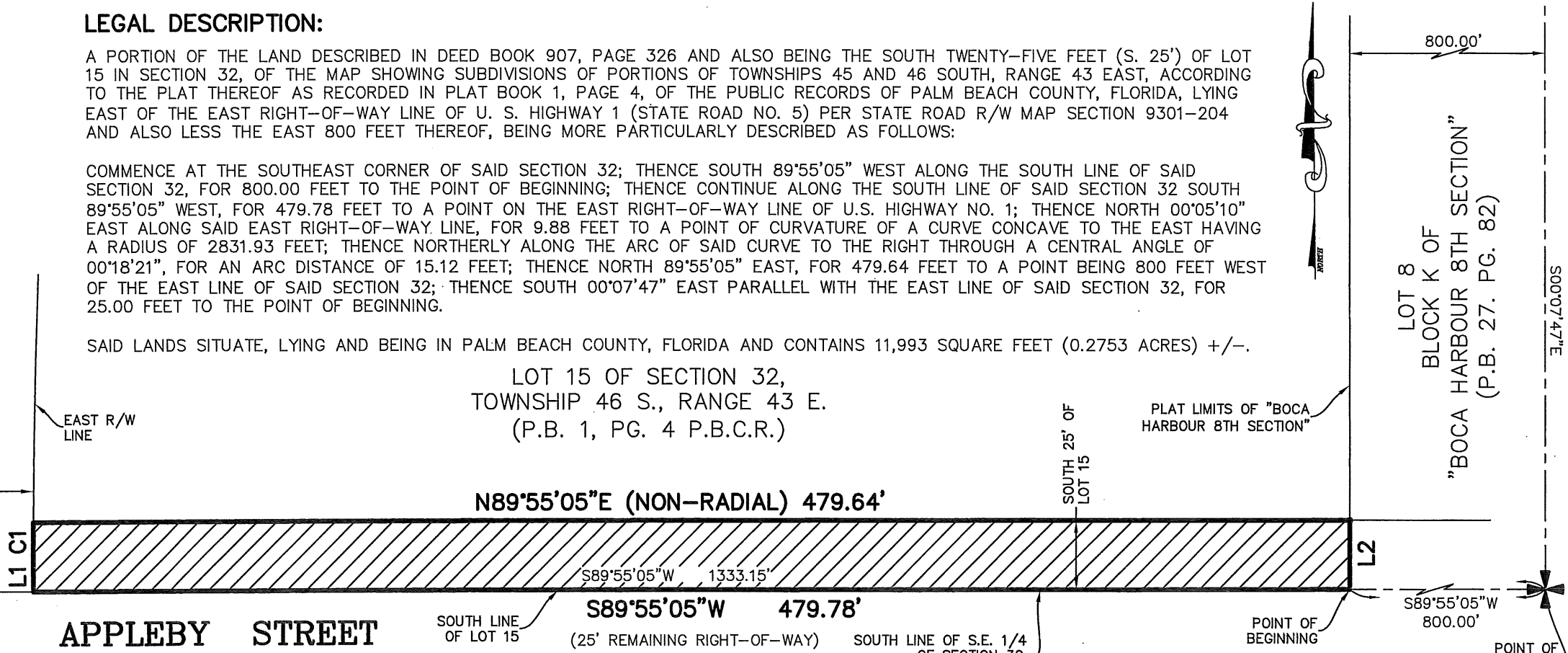
SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINS 11,993 SQUARE FEET (0.2753 ACRES) +/-.

LOT 15 OF SECTION 32,
TOWNSHIP 46 S., RANGE 43 E.
(P.B. 1, PG. 4 P.B.C.R.)

N89°55'05"E (NON-RADIAL) 479.64'

**N. FEDERAL HIGHWAY
U.S. HIGHWAY 1**

(ROAD P.B. 1, PGS. 57 AND 59)
(ROAD P.B. 2, PGS. 65, 73, 74 AND 75)
(STATE ROAD 5 R/W MAP SECTION 9301-204)
(RIGHT-OF-WAY WIDTH VARIES)



APPLEBY STREET

SOUTH LINE
OF LOT 15

S89°55'05"W 479.78'

(25' REMAINING RIGHT-OF-WAY)

SOUTH LINE OF S.E. 1/4
OF SECTION 32,
TOWNSHIP 46 SOUTH,
RANGE 43 EAST

POINT OF
BEGINNING

S89°55'05"W
800.00'

POINT OF
COMMENCEMENT
S.E. CORNER
OF SECTION 32,
TOWNSHIP 46 SOUTH,
RANGE 43 EAST

NOTES:

1. THIS IS NOT A SURVEY.
2. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC.
3. THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 89°55'05" WEST ALONG THE SOUTH LINE OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 43 EAST.

LEGEND:

- P.B.C.R. - PALM BEACH COUNTY RECORDS
- ☉ - CENTERLINE
- P.B. - PLAT BOOK
- R/W - RIGHT OF WAY

CURVE & LINE DATA:

- L1: N00°05'10"E 9.88'
- L2: S00°07'47"E 25.00'
- C1:
RADIUS=2831.93'
DELTA=00°18'21"
ARC=15.12'
CHORD BEARING=N00°15'33"E

[Signature]
6/10/15
JASON H. PINNELL
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA - LICENSE NO. 5734

SCALE: 1" = 50'	SKETCH NO.: 14-1925VAC
DRAWN BY: J.H.P.	SHEET 1 OF 1

RIGHT-OF-WAY DEED

THIS INDENTURE Made this 29th ^{April} day of ~~December~~, A. D. ¹⁹⁵⁰
~~1949~~ Between the TOWN OF HIGHLAND BEACH, IN THE COUNTY OF PALM BEACH AND STATE OF FLORIDA, a municipal corporation, as party of the first part, and the COUNTY OF PALM BEACH, IN THE STATE OF FLORIDA, as party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid, receipt of which is hereby acknowledged, do hereby grant, remise, release, quit-claim and convey unto the party of the second part, its successors and assigns, all right, title, interest, claim and demand which the party of the first part has in and to the following described land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

The South Twenty-five feet (S. 25') of Section 32, Township 46 South, Range 43 East, LYING EAST of the right-of-way of U. S. Highway No. 1, as the same is now laid out and constructed across said Section 32.

This deed is given with the expressed understanding and reservation that the party of the first part reserves unto itself, its successors and assigns, the unconditional primary right to use any part of the herein described lands for water mains, lines, wells and appurtenances thereunto belonging to its water plant and water distribution system.

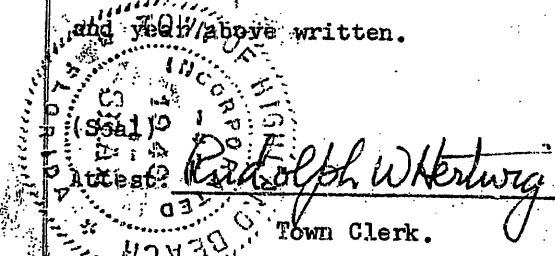
This deed is further made for the purpose of giving and granting to the party of the second part, its successors and assigns, a right-of-way and easement in and to said lands for public highway purposes; and is made, executed and delivered with the express understanding and condition that should the same ever be discontinued or abandoned as a public highway the title to the same shall thereupon revert to and revest in the party of the first part, its successors or assigns.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, and all the estate, right, title, interest and claim



whatsoever of the said party of the first part, in law or in equity to the only proper use, benefit, and behoof of the said party of the second part, its successors and assigns.

IN WITNESS WHEREOF, said party of the first part has caused these presents to be signed in its name by its Mayor, and its corporate seal to be affixed, attested by its Town Clerk, the day and year above written.



TOWN OF HIGHLAND BEACH
By Robert Totterdale
Mayor.

Signed, sealed and delivered in our presence:

[Signature]
W. Harvel }

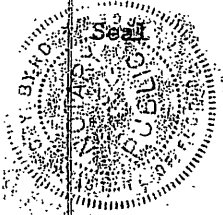
STATE OF FLORIDA }
COUNTY OF PALM BEACH }

I HEREBY CERTIFY, That on this 29th day of April ~~December~~, A. D. ~~1949~~ ¹⁹⁵⁰, before me personally appeared ROBERT TOTTERDALE and RUDOLPH W. HERTWIG, respectively Mayor and Town Clerk of the TOWN OF HIGHLAND BEACH, a municipal corporation, in the County of Palm Beach and State of Florida, to me known to be the persons described in and who executed the foregoing conveyance, and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Delray Beach, in said county and state, the day and year last aforesaid.

[Signature]
Notary Public.

My commission expires:



This instrument was filed for Record at 4:09 P. M. 8 day of May 1950 and recorded in Deed Book 907 Page 326 Record verified. J. Alex Arnette, Clerk Circuit Court Palm Beach County, Florida.



Town of Highland Beach

3614 SOUTH OCEAN BOULEVARD • HIGHLAND BEACH, FLORIDA 33487

Palm Beach County, Florida

561-278-4548
FAX 561-265-3582

JUN 02 2015

BY: Mayor:
Bernard Featherman
Vice Mayor:
William Weitz, Ph.D.
Commissioners:
Louis P. Stern
Carl Feldman
Rhoda Zelniker
Town Manager:
Beverly M. Brown

May 27, 2015

Mayor and Board of County Commissioners
Palm Beach County, Florida
c/o Kaye Weichel
Right-of-way Specialist
Palm Beach County
Board of County Commissioners
Engineering & Public Works Department
Roadway Production Division
2300 N. Jog Road, 3rd Floor West
West Palm Beach, FL 33411

Re: Return of the rights granted in the 1950 R/W Deed in Deed Book 907 at Page 326

Dear Mayor and County Commissioners:

This is in furtherance of the April 20, 2015 correspondence from Mayor Featherman, in regard to the above captioned matter. In 1950, the following described instrument:

RIGHT OF WAY DEED between the **TOWN OF HIGHLAND BEACH IN THE COUNTY OF PALM BEACH AND STATE OF FLORIDA**, a municipal corporation, and the **COUNTY OF PALM BEACH IN THE STATE OF FLORIDA**, dated April 29, 1950, recorded May 8, 1950 in Deed 907 at Page 326 of the Public Records of Palm Beach County, Florida

("R/W Deed")

was executed and recorded in the Public Records of Palm Beach County, Florida. At no time has the subject parcel been utilized for "public highway purposes" as detailed in the R/W Deed. Accordingly, it is respectfully requested by the Town of Highland Beach that Palm Beach County undertake all action necessary to cause the interest conveyed pursuant to the R/W Deed to revert to and revest in the Town of Highland Beach, Florida, as specifically provided for in the R/W Deed upon abandonment or discontinuance of use.

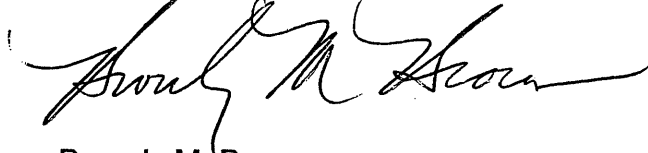
www.ci.highland-beach.fl.us

Mayor and Board of County Commissioners
May 27, 2015
Page 2

Thank you in advance for your courtesy and cooperation in regard to this request. Do not hesitate to contact us should you have any questions or comments concerning any aspect of this matter. We look forward to hearing from you in the very near future.

Best regards.

Very truly yours,

A handwritten signature in black ink, appearing to read "Beverly M. Brown". The signature is fluid and cursive, with a large initial "B" and "M".

Beverly M. Brown
Town Manager



Town of Highland Beach

3614 SOUTH OCEAN BOULEVARD • HIGHLAND BEACH, FLORIDA 33487

Palm Beach County, Florida

561-278-4548
FAX 561-265-3582

Mayor:
Bernard Featherman
Vice Mayor:
William Weitz, Ph.D.
Commissioners:
Louis P. Stern
Carl Feldman
Rhoda Zelniker
Town Manager:
Beverly M. Brown

June 4, 2015

Via E-mail to: KWeichel@pbcgov.org

Mayor and Board of County Commissioners
Palm Beach County, Florida
c/o Kaye Weichel
Right-of-way Specialist
Palm Beach County
Board of County Commissioners
Engineering & Public Works Department
Roadway Production Division
2300 N. Jog Road, 3rd Floor West
West Palm Beach, FL 33411

Re: **Property West of Appleby Street**

Dear Mayor and County Commissioners:

The Town of Highland Beach, a Florida municipal corporation, respectfully requests that with regard to the conveyance to the Town pursuant to the 1950 RAW Deed, the instrument of conveyance delete the reservation of the mineral and petroleum rights. The reason the Town is requesting removal of the mineral rights language on the County Deed is because the Town requires the property be free and clear, without encumbrances which could impede the Town's use of the property.

Thank you in advance for your courtesy and cooperation in regard to this matter. Do not hesitate to contact us should you have any questions or comments concerning any aspect of this matter. We look forward to hearing from you in the very near future.

Best regards.

Very truly yours,

Beverly M. Brown, MMC
Town Manager

www.ci.highland-beach.fl.us