

I. EXECUTIVE BRIEF

N:\R O W\Dave\Lyons Rd (Valencia Cove South)\Agenda Item.docx

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:

* The Department is responsible for the maintenance of County owned Rights of Way. This item has a negligible fiscal impact due to decreased maintenance costs which is indeterminable at this time.

C. Departmental Fiscal Review: . Alicia Kovalainen

III. REVIEW COMMENTS

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

Sherry Bm
SD ASD OFMB
8/1/9 8/1/9sc

Eric J. Probert
Contract Dev. and Control 8/21/15

B. Approved as to Form
and Legal Sufficiency:

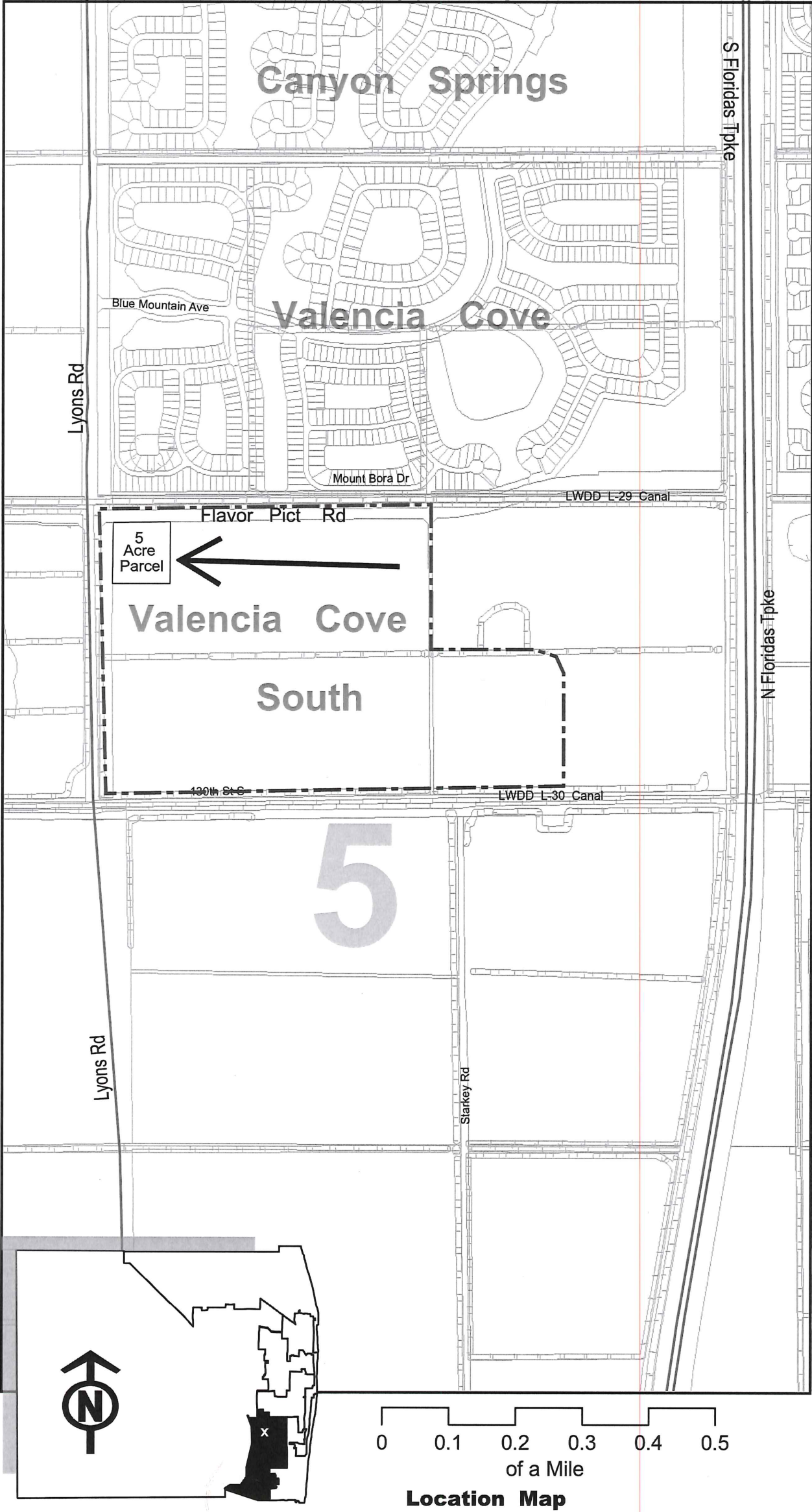
Mark A. Riddle 8/24/15
Assistant County Attorney

C. Other Department Review:

Department Director

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

Palm Beach County



RESOLUTION NO. R2015-

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, APPROVING THE CONVEYANCE
OF A COUNTY DEED TO BOYNTON BEACH ASSOCIATES XXII,
LLP, WITHOUT THE RESERVATION OF THE PHOSPHATE,
MINERAL, METAL, AND PETROLEUM RIGHTS AND WITHOUT THE
RIGHTS OF ENTRY AND EXPLORATION.**

WHEREAS, Boynton Beach Associates XXII, LLP (G.L. Homes) is the developer of Valencia Cove AGR-P.U.D. - South; and,

WHEREAS, an amendment to the conditions of approval of their zoning application in R2015-0011 requires Palm Beach County (County) to convey a parcel of land at the southeast corner of Lyons Road and the proposed extension of Flavor Pict Road (Property) to G.L. Homes; and,

WHEREAS, Pursuant to Florida Statutes Section 270.11(3), G.L. Homes has requested the Property be conveyed without the reservation of the phosphate, mineral, metal, and petroleum rights and without the rights of entry and exploration; and,

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees to convey the Property by County Deed without reserving the phosphate, mineral, metal, and petroleum rights and to release any and all rights of entry and exploration relating to such rights.

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

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. The Board of County Commissioners of Palm Beach County shall convey the Property by County Deed (as attached hereto) to G.L. Homes without reserving the phosphate, mineral, metal, and petroleum rights and to release any and all rights of entry and exploration relating to such rights.

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 passed and adopted this _____ day of _____, 2015.

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER
Florida

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

By: _____
Shelley Vana, Mayor

(Official Seal)

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.: David Kuzmenko, 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: 00-42-46-05-03-001-0050

Purchase Price: \$ 0
Closing Date: _____

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: R2015-0011, Condition E-15
ROAD NAME: Flavor Pict Road
PARCEL NO.:

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 **BOYNTON BEACH ASSOCIATES XXII, LLLP**, a Florida limited liability limited partnership, whose post office address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida, 33323-2890, (hereinafter called "Grantee").

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

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

County:

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

By: _____
Shelley Vana, Mayor

(Official Seal)

EXHIBIT "A"

LAND DESCRIPTION:

A PORTION OF TRACT A-1, CANYON ISLES PRESERVE PLAT TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 104, PAGES 152 THROUGH 156, ALSO BEING A PORTION OF TRACTS 79 AND 80, BLOCK 63, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING, SITUATED AND BEING IN SECTIONS 5 AND 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT A-1; THENCE NORTH 89°36'30" EAST, ALONG THE NORTH LINE OF SAID TRACT THROUGH THE FOLLOWING TWO COURSES, A DISTANCE OF 390.00 FEET; THENCE NORTH 88°41'30" EAST, A DISTANCE OF 60.62 FEET TO A POINT ON A LINE 61.91 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 79; THENCE SOUTH 00°23'29" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 480.97 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACTS 79 AND 80; THENCE SOUTH 89°36'30" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 462.61 FEET TO A POINT ON THE WEST LINE OF SAID TRACT A-1; THENCE NORTH 00°23'30" WEST, ALONG SAID WEST LINE THROUGH THE FOLLOWING THREE COURSES, A DISTANCE OF 98.17 FEET; THENCE NORTH 13°06'15" EAST, A DISTANCE OF 51.42 FEET; THENCE NORTH 00°23'30" WEST, A DISTANCE OF 331.83 FEET TO THE POINT OF BEGINNING.

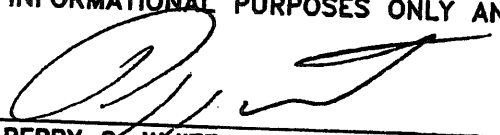
CONTAINING 5.000 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SAID TRACT A-1, SAID LINE BEARING NORTH 00°23'30" WEST AND ALL OTHER BEARINGS BEING RELATIVE THERETO.

CERTIFICATION:

I HEREBY CERTIFY THAT THE DESCRIPTION AND ATTACHED SKETCH OF DESCRIPTION WERE PREPARED IN ACCORDANCE WITH THE SURVEYING STANDARDS, CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS LEGAL DESCRIPTION AND SKETCH IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.


PERRY C. WHITE
PROFESSIONAL LAND SURVEYOR & MAPPER
LICENSE NO. 4213, STATE OF FLORIDA

DATE: 08-03-07 REVISED 10-21-08

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.



2081 Vista Parkway
West Palm Beach, Florida 33411

Tel: (561) 697-7000 Fax: (561) 697-7751
www.arcadis-us.com

PROJECT MANAGER
-P.C.W.

DEPARTMENT MANAGER
P.C.W.

SCALE:
1" = 100'

CHECKED BY
P.C.W.

SHEET TITLE

SKETCH OF DESCRIPTION
OF A PORTION OF TRACT A-1
CANYON ISLES PRESERVE PLAT TWO
SHEET 1 OF 3

DATE:
08-03-07

DRAWN BY
J.A.F.

PROJECT NUMBER

DRAWING NUMBER

WP00A293.2050

A702SD16

EXHIBIT "A"

LEGEND:

L.W.D.D.— LAKE WORTH DRAINAGE
DISTRICT
P.O.B. — POINT OF BEGINNING
P.B. — PLAT BOOK
PGS. — PAGES
R/W — RIGHT-OF-WAY
U.E. — UTILITY EASEMENT
L.A.E. — LIMITED ACCESS EASEMENT

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ARCADIS
ARCADIS U.S., Inc.

2081 Vista Parkway
West Palm Beach, Florida 33411

Tel: (561) 697-7000 Fax: (561) 697-7751
www.arcadis-us.com

LB 7062	PROJECT MANAGER —P.C.W.	DEPARTMENT MANAGER P.C.W.	SCALE: 1" = 100'	CHECKED BY P.C.W.
	SHEET TITLE SKETCH OF DESCRIPTION OF A PORTION OF TRACT A-1 CANYON ISLES PRESERVE PLAT TWO		DATE: 08-03-07	DRAWN BY J.A.F.
	SHEET 2 OF 3		PROJECT NUMBER WP00A293.2050	DRAWING NUMBER A702SD16

EXHIBIT "A"
SKETCH TO ACCOMPANY DESCRIPTION.
THIS IS NOT A SURVEY!

TRACT 49

36.00'

35.64'

4.00'

L.W.D.D. CANAL L-29

40' L.W.D.D. REQUIRED R/W
 FOR LATERAL 29 PER L.W.D.D.
 REQUIRED R/W MAPS, DATED MAY, 1969

FLAVOR PICT ROAD

TRACT C-1

P.B. 104, PG. 152-156

50'

PLATTED R/W

P.O.B.

N89°36'30"E

390.00'

N88°41'30"E
 60.62'

10' U.E. & L.A.E.
 P.B. 104, PGS. 152-156

331.83'

TRACT 80

TRACT 79

TRACT A-1

CANYON ISLES PRESERVE PLAT TWO

P.B. 104, PG. 152-156

BLOCK 63

PALM BEACH FARMS

CO. PLAT NO. 3

P.B. 2, PG. 45 - 54

NOTE:

FOR LEGEND
 SEE SHEET 2 OF 3

LYONS ROAD

TRACT B

P.B. 104, PG. 152-156

TRACT A-4

P.B. 104, PG. 152-156

N00°23'30"W
 98.17'

N00°23'30"W

51.42'

N13°06'15"E

S89°36'30"W

462.61'

TRACT 81

TRACT A-1

P.B. 104, PG. 152-156

TRACT 82

480.97'

S00°23'29"E

TRACT A-1

P.B. 104, PG. 152-156

EAST LINE
 OF TRACT 79

61.91'

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2081 Vista Parkway
 West Palm Beach, Florida 33411

Tel: (561) 697-7000 Fax: (561) 697-7751
 www.arcadis-us.com

LB 7082

PROJECT MANAGER
 P.C.W.

DEPARTMENT MANAGER
 P.C.W.

SCALE:
 1" = 100'

CHECKED BY
 P.C.W.

SHEET TITLE
 SKETCH OF DESCRIPTION
 OF A PORTION OF TRACT A-1
 CANYON ISLES PRESERVE PLAT TWO
 SHEET 3 OF 3

DATE:
 08-03-07

DRAWN BY
 J.A.F.

PROJECT NUMBER

DRAWING NUMBER

WP00A293

A702SD16

David Kuzmenko

From: Ron Last [Rlast@lastdevenport.com]
Sent: Thursday, July 23, 2015 2:58 PM
To: David Kuzmenko
Cc: Tripp Cioci
Subject: FW: Valencia Cove South/Lyons Rd - Drainage/Flowage Easement (MRT 2015-009 DK) County Deed

Good afternoon David,

Please see the response below from GL Homes in reference to the mineral rights.

Ron Last, P.E. LEED AP

Last Devenport, Inc.

1860 Old Okeechobee Road, Suite 504
West Palm Beach, FL 33409
561.615.6567 (o)
561.683.0872 (f)
561.644.7692 (c)
www.lastdevenport.com

From: Clayton Ratliff [mailto:Clayton.Ratliff@glhomes.com]
Sent: Thursday, July 23, 2015 2:52 PM
To: Ron Last
Cc: Perry White (white@sand-hills.com); Rick Elsner; Anthony LoFurno
Subject: RE: Valencia Cove South/Lyons Rd - Drainage/Flowage Easement (MRT 2015-009 DK) County Deed

Thank you, Ron. Since this property will be a part of our development where we will sell residential lots, we will need the County to release their mineral rights. Please let David know so he can start whatever process is needed for the release. You might want to point out to David that the statutory language says that the mineral rights should be reserved "unless the applicable agency chooses not to reserve such interest". Since the County will know that we intend to apply for their release in advance, it might save everyone time if the county just chooses not to reserve the mineral interests in the first place.

From: Ron Last [mailto:Rlast@lastdevenport.com]
Sent: Thursday, July 23, 2015 10:46 AM
To: Clayton Ratliff
Cc: Perry White (white@sand-hills.com); Rick Elsner; Anthony LoFurno
Subject: FW: Valencia Cove South/Lyons Rd - Drainage/Flowage Easement (MRT 2015-009 DK) County Deed
Importance: High

Please see attached deed and note below from PBC regarding mineral rights.

Ron Last, P.E. LEED AP

Last Devenport, Inc.

1860 Old Okeechobee Road, Suite 504
West Palm Beach, FL 33409
561.615.6567 (o)
561.683.0872 (f)
561.644.7692 (c)
www.lastdevenport.com

From: David Kuzmenko [mailto:DKuzmenk@pbcgov.org]
Sent: Thursday, July 23, 2015 10:27 AM

To: Ron Last

Cc: Tripp Cioci

Subject: Valencia Cove South/Lyons Rd - Drainage/Flowage Easement (MRT 2015-009 DK) County Deed

Importance: High

I have attached the County Deed for your review.

The County is required to reserve the mineral rights per Florida Statute 270.11 (1).

Per FS 270.11 (3), the reservations may be released upon petition with a statement of reasons justifying the release. Please let me know as soon as possible if you require these reservations to be released.



David Kuzmenko, Right-of-Way Specialist

Palm Beach County

Board of County Commissioners

Engineering & Public Works Department

Roadway Production Division

Right-of-Way Acquisition Section

2300 North Jog Road, 3rd Floor West

West Palm Beach, Florida 33411-2745

561-684-4184 Office

561-684-4166 Fax

dkuzmenk@pbcgov.org

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.