

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	December 15, 2015	Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>
		Public Hearing <input type="checkbox"/>	

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: the Partial Release of Utility Easement over property owned by LW Jog S.C., LTD.

Summary: This document will release the County's interest in a portion of a utility easement recorded in the official records of Palm Beach County, OR BK 3002, PG 1750 thru 1752, over property owned by LW Jog S.C., LTD. The Water Utilities Department (WUD) has determined that this portion of easement is no longer needed and therefore recommends the release. District 2 (MJ)

Background and Justification: On February 5, 1979, a utility easement was granted to the County for sewer facilities associated with the development of the property identified by PCN 00-42-44-27-00-000-1280. This easement was intended for sewer facilities and maintenance of those facilities as needed as part of that development. Upon redevelopment of the property, a portion of the existing gravity sewer system will be located within the redevelopment area. As a result, the current property owner, LW Jog S.C., LTD, has assumed responsibility for a portion of that existing gravity sewer system as identified in the Affirmation of Responsibility for Sanitary Sewer Facilities as recorded in OR BK 27811, PG 1716 thru 1720. Since that portion of the existing gravity sewer system will no longer be owned and maintained by WUD the property owner is requesting the partial release of that portion of the 12' utility easement that is no longer necessary for the County to undertake maintenance on its existing facilities.

Attachments:

1. Location Map
2. Two (2) Original Partial Release of Utility Easement w/ Exhibit "A"
3. One (1) Original Utility Easement (OR BK 3002/PG 1750 thru 1752)
4. One (1) Original Affirmation of Responsibility for Sanitary Sewer Facilities (OR BK 27811/PG 1716 thru 1720)

Recommended By:		11-16-15
	Department Director	Date

Approved By:		12/2/15
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
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	_____

Is Item Included in Current Budget? Yes _____ No _____

Reporting Category N/A

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

* No Fiscal Impact

C. Department Fiscal Review: Debra M. West

III. REVIEW COMMENTS

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

Sherry Bm
OFMB KP SC PH
11/16 11/16

Joe J. Jank 11/24/15
Contract Development and Control
B. J. Jank 11/24/15

B. Legal Sufficiency:

LOO 11/30/15
Assistant County Attorney

C. Other Department Review:

Department Director

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



Palm Beach County
Water Utilities
Department
Service Area (SA) and
Major Facilities

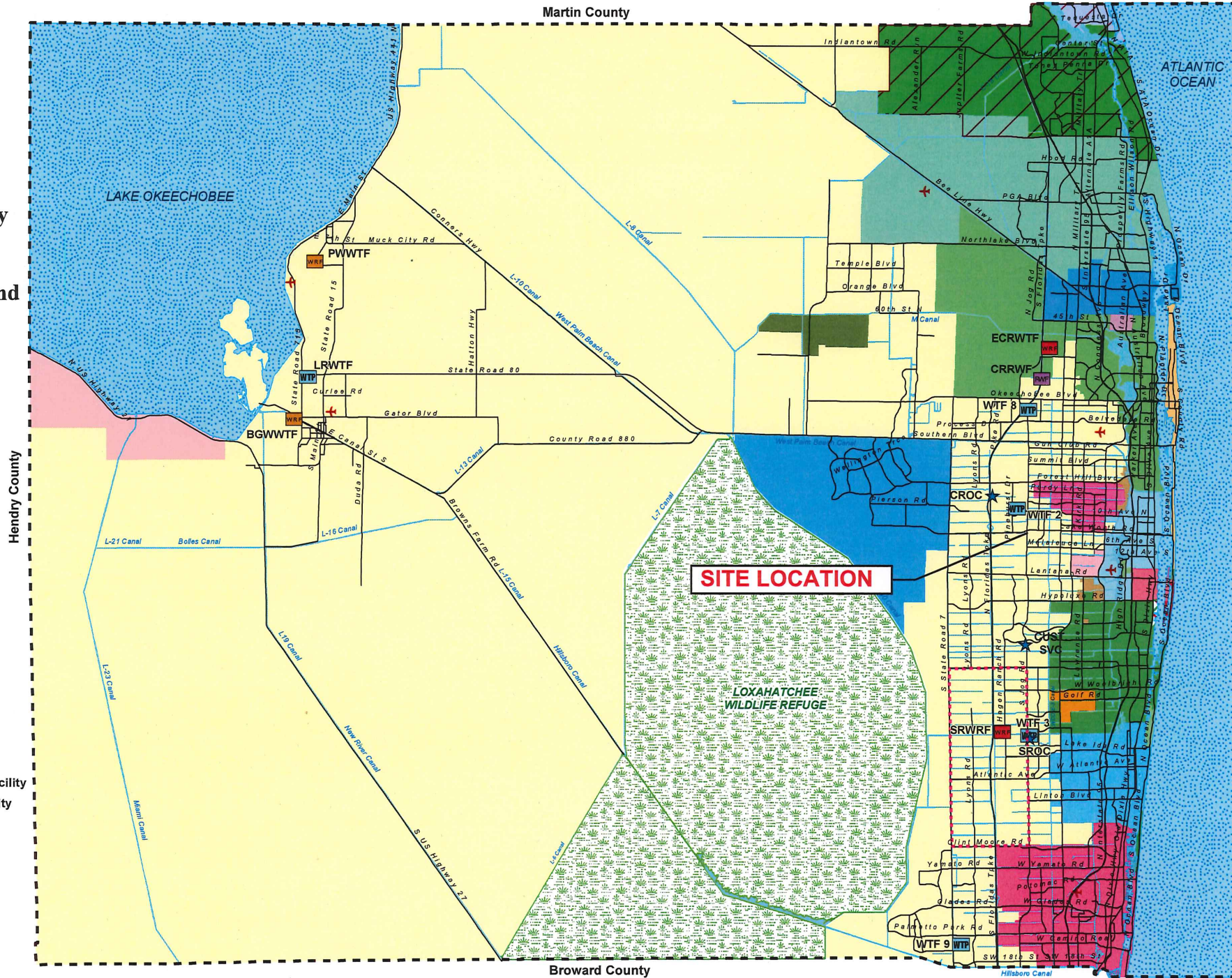
Attachment 1

Legend

- ★ Administration
- WTF Water Treatment Facility
- RWF Reclamation Facility
- WRP Wastewater Reclamation Facility
- WRTF Wastewater Treatment Facility
- Mandatory Reclaimed SA
- Palm Beach County Limits
- P.B.C.W.U.D. Service Area



NOT TO SCALE



Prepared by and return to:
Palm Beach County Water Utilities Department
Attn: Plan Review
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed this ___ day of _____, 2015, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd, West Palm Beach, Florida 33413, to LW JOG S.C., LTD, whose address is 4800 N. FEDERAL HIGHWAY SUITE D307, BOCA RATON, FLORIDA 33431:

WITNESSETH:

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A" to the second party.

IN WITNESS WHEREOF the first party has caused this PARTIAL RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

Sharon R. Bock, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

LEGAL DESCRIPTION FOR ABANDONMENT OF PORTION OF WASTEWATER COLLECTION EASEMENT

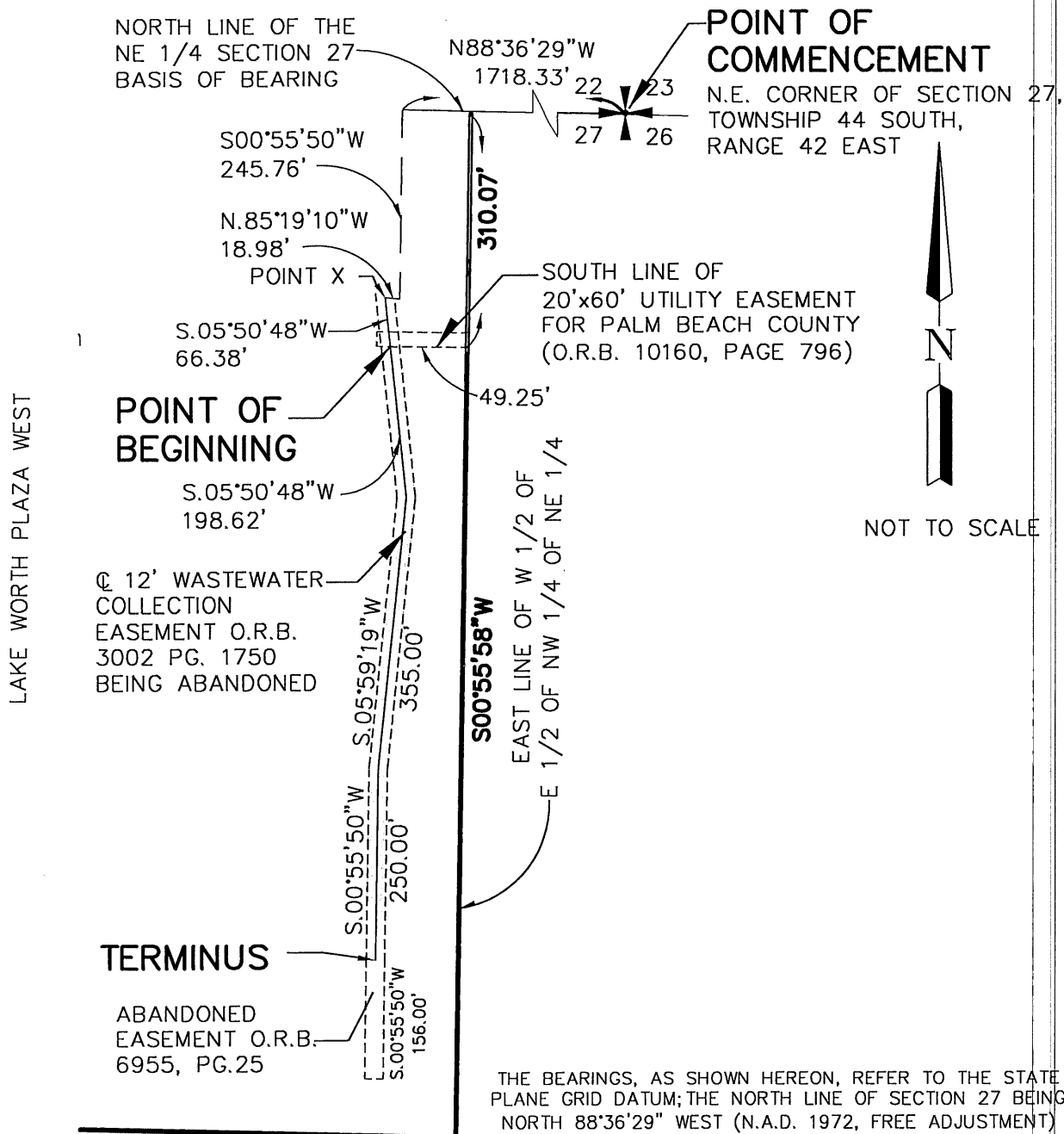
Being a portion of a 12-foot wide Wastewater Collection easement in the northeast quarter (NE 1/4) of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida; said easement described and recorded in Official Record Book 3002, page 1750, public records of Palm Beach County, Florida, the center line of said portion of said 12-foot utility easement being more particularly described as follows:

Commencing at the northeast corner of Section 27; thence North 88°36'29" West (State Plane Grid Bearing Datum) along the north line of the northeast quarter (NE 1/4) of Section 27, a distance of 1718.33 feet; thence South 00°55'50" West, 245.76 feet; thence North 85°19'10" West, 18.98 feet to Point "X"; thence South 05°50'48" West, 66.38 feet to a point on the south line of a 20-foot by 60-foot utility easement as described and recorded in Official Record Book 10160, page 796, public records of Palm Beach County, Florida, said point being the POINT OF BEGINNING of the center line of said portion of said 12-foot utility easement being abandoned; thence continue South 05°50'48" West along the center line of said easement, 198.62 feet; thence South 05°59'19" West along said center line, 355.00 feet; thence South 00°55'50" West, 250.00 feet to a point on the north line of that portion of easement previously abandoned as described and recorded in Official Record Book 6955, Page 25, of said public records, said north line being the southerly terminus of this description.

P:\96053-H LW PLAZA WEST-SAN EASE ABANDONMENT\96053H Legal Desc for Abandonment of Sanitary Easement by PBCWUD.doc

SHEET 1 OF 2
LS 6584 F

EXHIBIT "A" CONTINUED



THIS SKETCH DOES NOT
REPRESENT A BOUNDARY SURVEY.

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND
SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD
OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.029,

REF: FP-1085

SHEET 2 OF 2

FLORIDA STATUTES.
A & B ENGINEERING, INC. L.B. 604

BY:

REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542

A & B ENGINEERING, INC.

formerly known as Adair & Brady, Inc.

CONSULTING ENGINEERS • LAND SURVEYORS

3460 FAIRLANE FARMS ROAD, SUITE 3 OFFICE: (561) 383-7480

WELLINGTON, FLORIDA 33414 FAX: (561) 383-7485

NOT VALID WITHOUT SURVEYORS SEAL AFFIXED.

SKETCH AND LEGAL DESCRIPTION
OF WASTEWATER COLLECTION EASEMENT
TO BE ABANDONED AT
LAKE WORTH PLAZA WEST

DRAWN:WQ

DATE
04/29/15

PROJECT #96053H

FIELD:

F.B.

PAGE:

SCALE
NONE

LS 6584F

Return to ✓
Land Acquisition
Bldg. S-1170, P. B. I. A.

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
FEB-579 00.30
WASTEWATER COLLECTION EASEMENT

79 020443

In consideration of the sum of \$1.00 paid to us by THE BOARD OF COUNTY COMMISSIONERS and for other good and valuable consideration, receipt of which is hereby acknowledged, we, LAKE WORTH PLAZA WEST ASSOCIATES, a Florida partnership, do hereby grant and convey unto the said THE BOARD OF COUNTY COMMISSIONERS, Palm Beach County, Florida, its successors and assigns, a perpetual easement and right to construct, lay, relocate, operate, repair and maintain at this time or at such time or times in the future as the Company desires, wastewater collection and related services as the Grantee may require, upon, over, across and through the following described real property, to-wit:

(See Description Attached)

1979 FEB -5 AM 8:40

Together with the right of ingress and egress to, over and from said premises to the extent necessary to lay, maintain, operate, repair and remove said wastewater collection and related services.

IN WITNESS WHEREOF, we have hereunto set our hand this 21 day of July, 1978.

Signed, sealed and delivered in the presence of:

Maria Jones Haines
321 Ben Lane

LAKE WORTH PLAZA WEST ASSOCIATES

By: David H. Haines
Partner

and

RIVEROAKS TOWNHOUSES, N.V., Partner

Maria Jones Haines
321 Ben Lane

By: David H. Haines
Partner

STATE OF FLORIDA)
COUNTY OF DADE)SS:

232228
FLORIDA
DEPT. OF REVENUE
FEB-579
00.55
DOCUMENTARY SUR TAX

BEFORE ME, a Notary Public, in and for said County personally appeared the above named David H. Haines, Partner and on behalf of LAKE WORTH PLAZA WEST ASSOCIATES and RIVEROAKS TOWNHOUSES, N.V., who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name this 21st day of July, 1978.

10.60
30
55

This Instrument Was Prepared By:
RONALD M. BARRON, ESQ.
BARRON & LEHMAN, P.A.
888 BRICKELL AVENUE
MIAMI, FLORIDA 33131

ACCEPTED BY
BOARD OF COUNTY COMMISSIONERS

DATE 1-30-79 PALM OFF BEACH REC. 3002 PAGE 1750

Notary Public, State of Florida

My commission expires: June 7, 1981
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
BONDED THRU GENERAL INS. UNDERWRITERS

DESCRIPTION

WASTEWATER COLLECTION EASEMENT IN
LAKE WORTH PLAZA WEST SHOPPING CENTER
PALM BEACH COUNTY, FLORIDA

A parcel of land lying in the Northeast Quarter of Section 27,
Township 44 South, Range 42 East, Palm Beach County, Florida, being
more particularly described as follows:

Commencing at the Northeast Corner of said Section 27; thence
North 88° 12' 34" West (for convenience all bearings shown herein
are relative to the North Line of said Section 27 bearing
North 88° 12' 34" West) along the North Line of said Section 27,
a distance of 2055.58 feet; thence South 01° 20' 15" West, a
distance of 245.51 feet to the POINT OF BEGINNING of the centerline
of a 12 foot Wastewater Collection Easement, the East Line being the
Lift Station Easement which bears South 01° 20' 15" West; thence
North 84° 54' 45" West, a distance of 18.98 feet to a point, said
point to be hereinafter referred to as POINT "X"; thence continue
North 84° 54' 45" West, a distance of 230 feet; thence
South 73° 09' 28" West, a distance of 245 feet; thence
South 58° 33' 10" West, a distance of 215 feet; thence
South 01° 20' 15" West, a distance of 345 feet; thence
South 01° 20' 15" West, a distance of 286 feet to the POINT OF
TERMINATION of the centerline of a 12 foot Wastewater Collection
Easement

RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

1 of 2

PALM OFF
BEACH REC 3002 PAGE 1751

2 of 2

SUBJECT to existing Easements, Restrictions and Reservations of Record.

Record Verified
Palm Beach County, Fla.
John E. Dunkle
Clerk Circuit Court



I hereby certify that the foregoing is a true copy
of the record in my office this day, Jul 28, 2015.
Sharon R. Bock, Clerk Circuit Court, Palm Beach County, Florida
BY _____ Deputy Clerk

After Recording Return To:
Mike Shapiro, Esq.
Shapiro, Blasi, Wasserman & Hermann, P.A.
7777 Glades Road, Suite 400
Boca Raton, Florida 33434
Attn: David J. DePiano

AFFIRMATION OF RESPONSIBILITY FOR SANITARY SEWER FACILITIES

THIS AFFIRMATION OF RESPONSIBILITY FOR SANITARY SEWER FACILITIES ("Affirmation of Responsibility") is executed this 2d day of September, 2015, by LW JOG S.C., LTD, a Florida limited partnership.

WHEREAS, LW JOG S.C., LTD owns that certain property identified in **Exhibit A**, which is attached hereto and incorporated herein ("**Property**"), and Palm Beach County ("**PBC**") was responsible for the ownership, operation, repair and maintenance of the sanitary sewer facilities on the Property, which are identified in **Exhibit A**; and

WHEREAS, due to proposed improvements on the Property and at the request of LW JOG S.C., LTD, the County has agreed that it will no longer own, operate, maintain or repair the portion of the sanitary sewer facilities on the Property, reflected on **Exhibit A**, from the "Point of Beginning" (excluding manhole 1) southward until and including manhole 4 ("**Abandoned Portion of Sewer Facilities**"); and

WHEREAS, LW JOG S.C., LTD wishes to be solely responsible for the ownership, operation, repair and maintenance of the Abandoned Portion of Sewer Facilities, and to provide notice of this responsibility to future owners of the Property.

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, LW JOG S.C., LTD hereby covenants and agrees as follows:

1. Beginning on the date of recordation of this Affirmation of Responsibility, LW JOG S.C., LTD shall, at its expense, own and operate the Abandoned Portion of Sewer Facilities, and perform all labor and provide materials for repairs and maintenance of the Abandoned Portion of the Sewer Facilities described above.
2. The obligations set forth in this Affirmation of Responsibility shall run with the land and shall be binding upon future owners of the Property. This

Affirmation of Responsibility shall be recorded in the Public Records of
Palm Beach County.

IN WITNESS WHEREOF, the LW JOG S.C., LTD has caused this
Affirmation of Responsibility to be executed in the manner prescribed by law.

LW JOG S.C., LTD
a Florida Limited Partnership

By: Lake Worth General, Inc.
a Florida Corporation, General Partner

By: [Signature]
Steven Levin, Vice President

[Signature]
Witness Signature

Daniela Hernandez
Witness Name

[Signature]
Witness Signature

Camille A. Carter
Witness Name

STATE OF FLORIDA

COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day before me, a Notary Public in and for the
state of Florida, personally appeared STEVEN LEVIN, a Partner of LW
JOG S.C., LTD, personally known to me or who provided _____ as proof
to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State aforesaid on this 2
day of SEPTEMBER, 2015.



LISDAYSE GOMEZ
MY COMMISSION # FF 212016
EXPIRES: March 19, 2019
Bonded Thru Budget Notary Services

[Signature]
Notary Public in and for the State of Florida

EXHIBIT "A"

**LEGAL DESCRIPTION
OF
SANITARY LINE FOR RELEASE**

Being a sanitary sewer pipe line and the associated structures within said line, located in the northeast quarter (NE 1/4) of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the northeast corner of Section 27; thence North 88°36'29" West (State Plane Grid Bearing Datum) along the north line of the northeast quarter (NE 1/4) of Section 27, a distance of 1687.33 feet to the east line of the west half (W 1/2) of the east half (E 1/2) of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of Section 27; thence South 00°55'58" West along said east line, 299.17 feet to a point on the east line of a 20-foot by 60-foot utility easement as described and recorded in Official Record Book 10160, page 796, public records of Palm Beach County, Florida; thence North 88°36'25" West parallel with the south line of said easement, 49.92 feet to a point in the center of a sanitary manhole, designated herein as Manhole No. 1, being the POINT OF BEGINNING; Thence South 04°02'13" East along the center of an existing sanitary sewer line, 209.69 feet to Manhole No. 2; thence South 03°46'25" West along said line, 355.28 feet to Manhole No. 3; thence South 01°09'05" West along said line, 241.26 feet to Manhole No. 4 being the terminus of said sanitary sewer pipe line, each course being lengthened or shortened or otherwise modified to fit the location of the existing sanitary sewer pipe and manholes; this description includes all of Manhole Nos. 2, 3 and 4, but excludes all of Manhole No. 1.

P:\96053-H LW PLAZA WEST-SAN EASE ABANDONMENT\96053H Legal Desc for Release of San Line by PBCWUD to Owner.doc

EXHIBIT "A" CONTINUED

4 OF 5

NORTH LINE OF THE
NE 1/4 SECTION 27
BASIS OF BEARING

POINT OF
COMMENCEMENT

N.E. CORNER OF
SECTION 27, TOWNSHIP
44 SOUTH, RANGE 42 EAST

22 23
27 26
N88°36'29"W
1687.33'

S00°55'58"W
299.17'

20'x60' UTILITY EASEMENT
FOR PALM BEACH COUNTY
(O.R.B. 10160, PAGE 796)

POINT OF
BEGINNING

MANHOLE NO.1
(NOT
INCLUDED)

N.88°36'25"W
49.92'

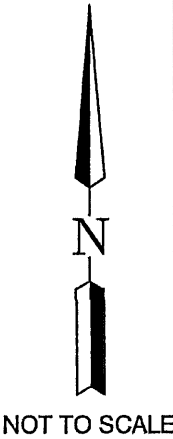
LEGEND
EXISTING SANITARY MANHOLE 
EXISTING SANITARY PIPE — SAN —

LAKE WORTH PLAZA WEST

MANHOLE
NO.2

S.04°02'13"E
209.69'
S.03°46'25"W
355.28'

S. 00° 55' 58" W 1104.31'
EAST LINE OF W 1/2 OF
E 1/2 OF NW 1/4 OF NE 1/4



CONTINUED ON SHEET 3

THIS SKETCH DOES NOT
REPRESENT A BOUNDARY SURVEY.

THE BEARINGS, AS SHOWN HEREON, REFER TO THE STATE
PLANE GRID DATUM; THE NORTH LINE OF SECTION 27 BEING
NORTH 88°36'29" WEST (N.A.D. 1972, FREE ADJUSTMENT)

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND
SKETCH MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD
OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.029,
FLORIDA STATUTES.
A & B ENGINEERING, INC. L.B. 604

REF: FP-1085F

SHEET 2 OF 3

BY:

DENNIS PAINTER

REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 3542

A & B ENGINEERING, INC.

formerly known as Adair & Brady, Inc.

CONSULTING ENGINEERS • LAND SURVEYORS

3460 FAIRLANE FARMS ROAD, SUITE 3 OFFICE: (561) 383-7480

WELLINGTON, FLORIDA 33414 FAX: (561) 383-7485

NOT VALID WITHOUT SURVEYORS SEAL AFFIXED.



SKETCH AND LEGAL DESCRIPTION
OF WASTEWATER LINE FOR RELEASE AT
LAKE WORTH PLAZA WEST

DRAWN:WQ

DATE

PROJECT #96053H

FIELD:

07/01/15

F.B.

SCALE

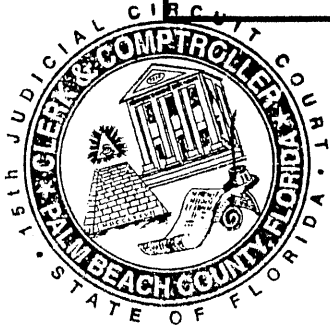
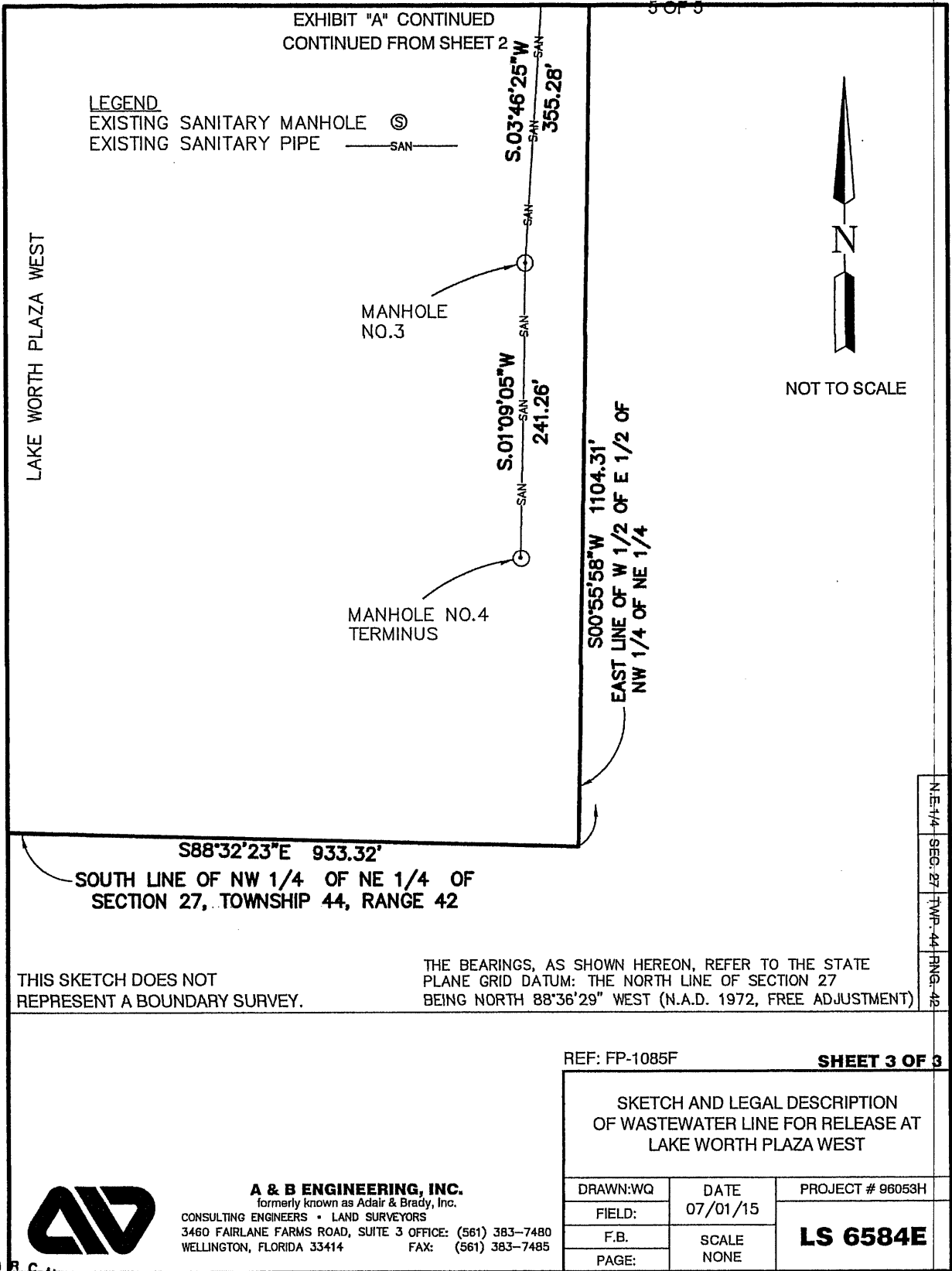
LS 6584E

PAGE:

NONE.

NE 1/4 SEC. 27 TWP. 44

RNG. 42



I hereby certify that the foregoing is a true copy
of the record in my office this day, Sep 23, 2015.
Sharon R. Bock, Clerk Circuit Court, Palm Beach County, Florida
BY Debra Martinez Deputy Clerk