

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: January 26, 2016

☒ **Consent**

☐ **Regular**

☐ **Workshop**

☐ **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 approve: A subordination of utility interests from Seacoast Utility Authority, (Seacoast) an interlocal government authority, releasing their interests to Palm Beach County (County) in a parcel of land located on the east side of Ellison Wilson Road.

SUMMARY: Approval of the subordination of utility interests will release Seacoast's interests in land required for Ellison Wilson Road. This subordination of utility interests will remove the encumbrance of Seacoast's interests, but requires the County to pay for any future relocation costs of Seacoast's facilities when and if requested by the County.

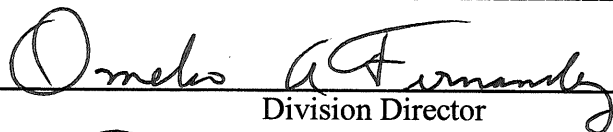
District 1 (MRE)

Background and Justification: Seacoast has certain utility interests within the property being conveyed to the County. It is necessary to have this interest subordinated, since it is the County's policy that all property being conveyed to the County be free and clear of all encumbrances. Staff recommends approval of this subordination of utility interest.

Attachments:

1. Location Map
2. Subordination of Utility Interests with Exhibit "A"

Recommended by:


Division Director

12/17/15
Date

Approved by:


County Engineer

12/28/15
Date


RAG

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
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-
# 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 additional fiscal impact.
Approval of the Subordination of Utility Interests may require the expenditure of funds for future relocation of utility facilities. This potential impact is not possible to quantify or state with any certainty that it will occur at the present time.

C. Departmental Fiscal Review: Alicia Kovalainen

III. REVIEW COMMENTS

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

Sherry Br
ASD OFMB
12/29 12/29

Dr. J. Jacobson 1/4/16
Contract Dev. and Control
D. Wheeler 1-4-16

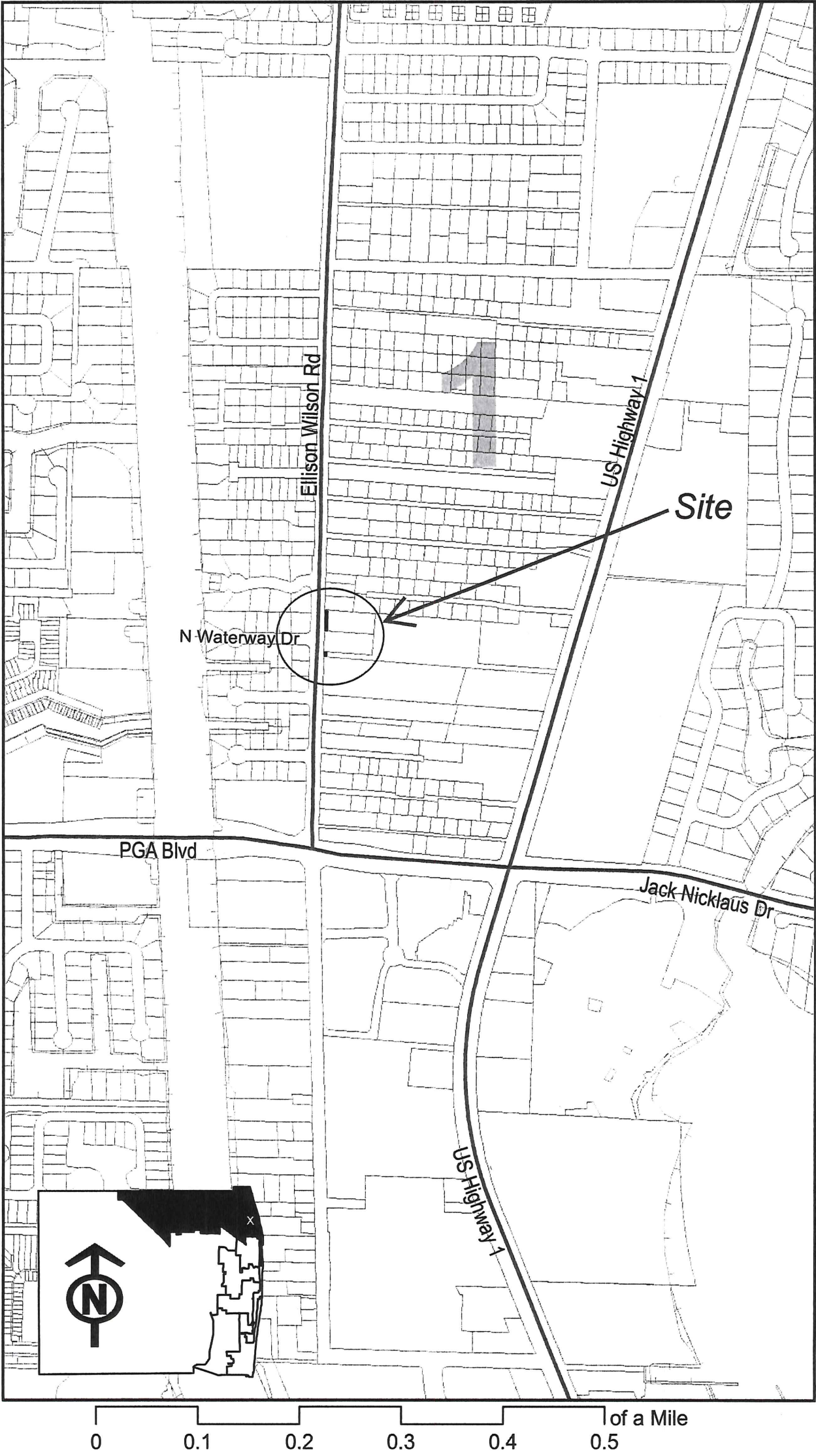
B. Approved as to Form and Legal Sufficiency:

Madeleine Platt 1/5/16
Assistant County Attorney

C. Other Department Review:

Department Director

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



Location Map

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 Manager
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

Portion of Property Control Number: 00-43-42-04-000-00-3310

NOT TO BE RECORDED WITHOUT BOARD OF COUNTY COMMISSIONERS ACCEPTANCE DATE

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.:	MRT 2015-018
ROAD NAME:	Ellison Wilson RD & SR5
PARCEL NO.:	Tract "A-2"

SUBORDINATION OF UTILITY INTERESTS

THIS AGREEMENT ("Agreement") is entered into this 28 day of October, 2015, by and between **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") and **SEACOAST UTILITY AUTHORITY**, an interlocal governmental entity created under Chapter 163, Florida Statutes, whose post office address is Post Office Box 109602, Palm Beach Gardens, FL, 33410-9602, (hereinafter called "Utility").

WHEREAS, the Utility presently has easements on certain property that has been determined necessary for public purposes; and,

WHEREAS, the proposed use of this property will require subordination to the County of the interests claimed in said property by the Utility, and at the request of the County, the Utility has agreed, subject to the following conditions, to relocate its facilities from the Utility's easement onto public right-of-way, or has agreed to leave its facilities on the subordinated property (hereinafter "Property"), Tract "A-2" described in **Exhibit "A"** attached hereto and made a part hereof; and,

WHEREAS, the County is willing to pay to have the Utility's facilities relocated as necessary to prevent conflict between the facilities so that the benefits of each may be retained;

NOW THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, the Utility and the County agree as follows:

1. The Utility hereby subordinates any and all of its interest in that portion of the following easement (s) lying within the Property, to the interest of the County, its successors or assigns, through, under, upon or across the Property;

<u>NATURE OF ENCUMBRANCE</u>	<u>RECORD DATE</u>	<u>FROM OR AGAINST</u>	<u>IN FAVOR OF</u>	<u>OFFICIAL BOOK & PAGE</u>
Dedication of Easement	3/1/74	Westport Utilities Corporation	Palm Beach County Utilities Company	ORB 2275 p 993
Easement Agreement	12/19/2001	Lost Tree Club, Inc.	William Console, et. al	ORB 13217 p 212

2. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon all the Property in accordance with the County’s current minimum standards for such facilities as of the date of such construction. Any new construction or relocation of the facilities within the Property will be subject to prior approval by the County. Should the County fail to approve any new construction or relocation of facilities by the Utility or hereafter require the Utility to alter, adjust or relocate its facilities from within the Property, the County hereby agrees to pay the Utility’s reasonable cost of any required alteration, adjustment or relocation, caused by the County’s actions, including the cost of acquiring the necessary easements.
3. The Utility shall have a reasonable right to enter upon the Property for the purposes outlined in paragraph 2 above, including the right to trim such trees, bushes, and growth which might endanger or interfere with the operation and safety of the Utility’s facilities.
4. These terms and conditions shall be attached as an addendum to the permit, if any, required by the County for location of facilities on the Property.
5. This agreement is not assignable except to the State of Florida or other governmental entity for the purposes described herein.

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:

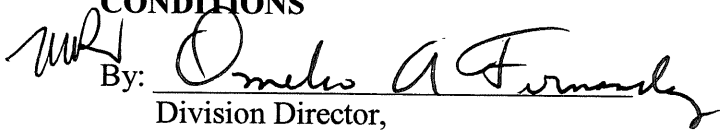
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

**APPROVED AS TO TERMS AND
CONDITIONS**

By:  _____
Division Director,
Engineering & Public Works

County:

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

By: _____
Mary Lou Berger, Mayor

(Official Seal)

Signed, sealed and delivered in the presence of:

(Signature of two witnesses
required by Florida law)

Dave Hess
Witness Signature (Required)

Bruce Gregg
Witness Name Printed or Typed

Danilo Russell
Witness Signature (Required)

Danilo E. Russell
Witness Name Printed or Typed

Utility:

SEACOAST UTILITY AUTHORITY,
an interlocal governmental entity created under
Chapter 163, Florida Statutes

By: Joseph Lo Bello
Joseph Lo Bello, Chair

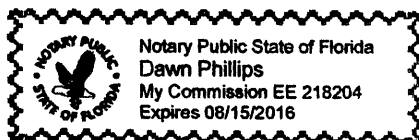
Attest: Jessica Moore
Jessica Moore, Clerk

STATE OF Florida
COUNTY OF Palm Beach

Before me personally appeared Joseph Lo Bello and Jessica Moore, who are personally known to
me, or have produced _____ as identification, and who
executed the foregoing instrument as Chair and Clerk of Seacoast Utility Authority, an interlocal
governmental entity created under Chapter 163, Florida Statutes, and severally acknowledged to
and before me that they executed such instrument as such officers of said Utility, and that said
instrument is the free act and deed of said Utility.

Witness my hand and official seal this 28 day of October, 2015.

(Stamp/Seal)

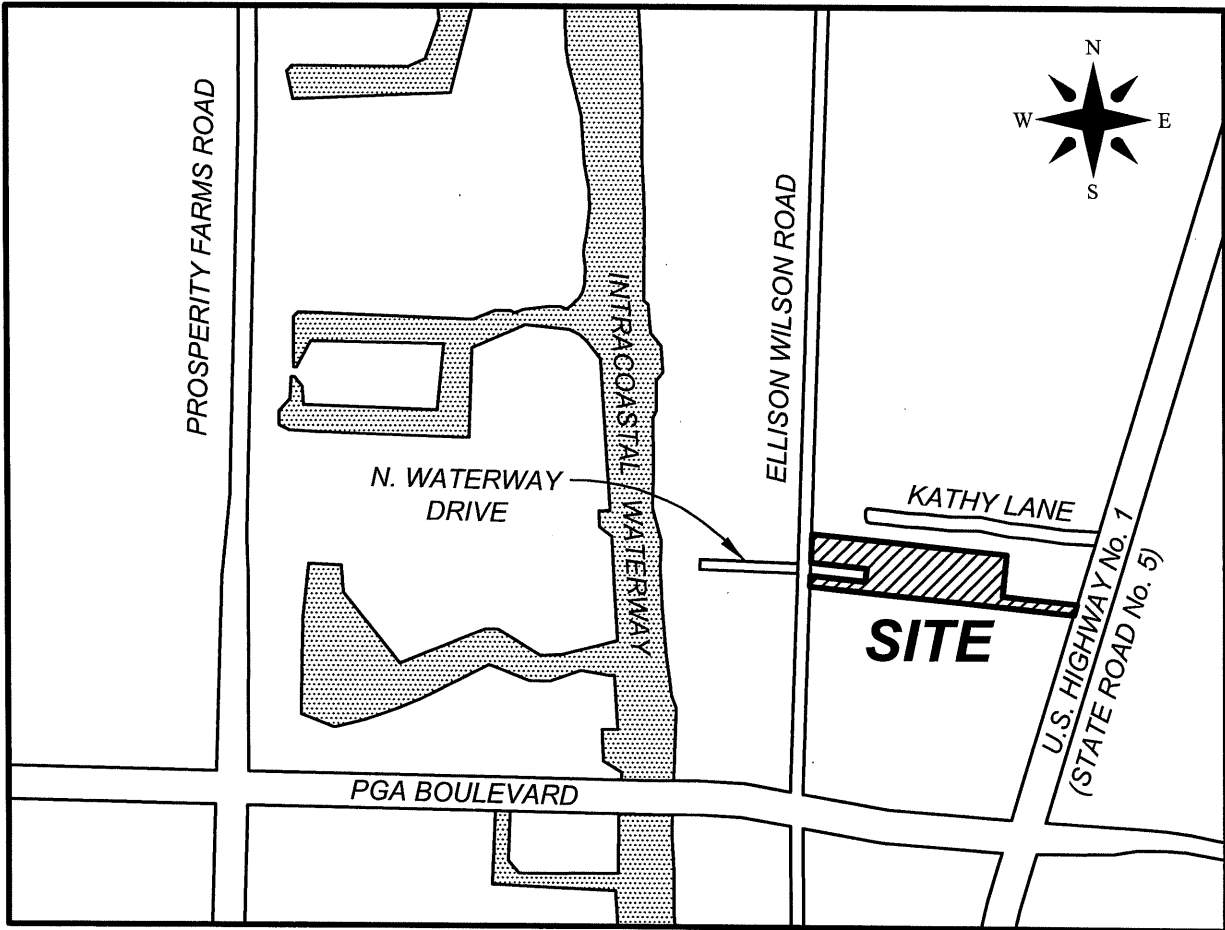


Dawn Phillips
Notary Signature
Notary Public, State of Florida

Dawn Phillips
Print Notary Name
EE 218204

Commission Number
My Commission Expires: 08/15/2016

DESCRIPTION SKETCH FOR: JUNO LANDING



VICINITY SKETCH
(NOT TO SCALE)

SHEET INDEX: SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST

- SHEET 1 OF 4 — VICINITY SKETCH, DESCRIPTION, CERTIFICATION
- SHEET 2 OF 4 — SKETCH OF DESCRIPTION
- SHEET 3 OF 4 — DETAIL OF TRACT "A-1" & "A-2" DESCRIPTION
- SHEET 4 OF 4 — BEARING ROTATION EQUATION, LEGEND

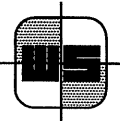
NOTE:
THIS SKETCH IS NOT
VALID WITHOUT ALL 4
SHEETS FORMING A
COMPLETE SET. THIS
IS NOT A SURVEY.

LEGAL DESCRIPTION:
TRACT "A-1" AND TRACT "A-2", JUNO LANDING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 120, PAGE 141, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CERTIFICATION:
I HEREBY ATTEST THAT THE DESCRIPTION SKETCH SHOWN HEREON
MEETS THE STANDARDS OF PRACTICE SET FORTH BY
THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS
ADOPTED IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT
TO SECTION 472.027, FLORIDA STATUTES, EFFECTIVE SEPTEMBER 1, 1981.

REVISED: 9-24-15, ADD JUNO LANDING RECORDING INFORMATION, R.C.
REVISED: 8-27-15, REVISE DRAWING BASED ON UPDATED TITLE POLICY, R.C.
REVISED: 8-6-15, REVISED VICINITY MAP & COORDINATES TO MATCH PLAT, R.C.

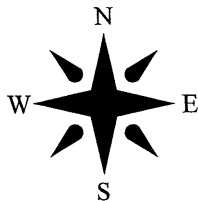
ROBERT J. CAJAL
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6266



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 01/13/15	DWG. No.: 93-1077-8
OFFICE: N.I.	SHEET 1 OF 4
C'K'D.: R.C.	REF.: 93-1077-7.DWG

EXHIBIT "A"



SEE SHEET 3 OF
4 FOR DETAIL
OF TRACT "A-1",
JUNO LANDING
(P.B. 120, PG. 141)

NOT
PLATTED
WATERWAY VISTA
(P.B. 25, PG. 158)
ELLISON WILSON ROAD

PARCEL "A"
JUNO LANDING
(P.B. 120, PG. 141)

NOT PLATTED & NOT A
PART OF PLAT OF
JUNO LANDING

NOT PLATTED

LOT 2
SOUTHERN SELF STORAGE
(P.B. 81, PG. 15)

25' INGRESS & EGRESS EASEMENT
(O.R.B. 13217, PG. 212)

LOT 1
SOUTHERN SELF STORAGE
(P.B. 81, PG. 15)

25'X1201'±
WATER DISTRIBUTION
EASEMENT
(O.R.B. 2275, PG. 993)

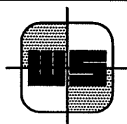
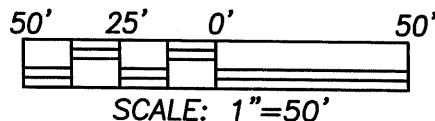
U.S. HIGHWAY No. 1

NOTE:
THIS SKETCH IS NOT
VALID WITHOUT ALL 4
SHEETS FORMING A
COMPLETE SET. THIS
IS NOT A SURVEY.

SEE SHEET 3 OF
4 FOR DETAIL
OF TRACT "A-2",
JUNO LANDING
(P.B. 120, PG. 141)

NOTES:

1. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS, AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT AGENT'S FILE REFERENCE: 10346-23391SALE, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JULY 30, 2015. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
2. THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL AND ACCOMPANIED BY ALL 4 SHEETS FORMING A COMPLETE SET.
3. THIS SKETCH CANNOT BE TRANSFERRED OR ASSIGNED WITHOUT THE SPECIFIC WRITTEN PERMISSION OF WALLACE SURVEYING CORPORATION.
4. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST WHICH IS ASSUMED TO BEAR NORTH 02°46'10" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
5. COORDINATES SHOWN ON THE CONTROL P.R.M.'S ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM ON THE NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT.
6. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
7. COORDINATES SHOWN ARE GRID.
8. DATUM = NAD 83, 1990 ADJUSTMENT.
9. ZONE = FLORIDA EAST
10. LINEAR UNIT = US FOOT
11. ALL DISTANCES ARE GROUND.
12. SCALE FACTOR = 1.0000279
13. THIS IS NOT A SURVEY.



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 01/13/15

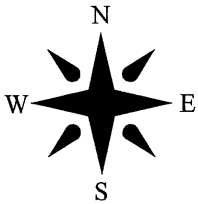
DWG. No.: 93-1077-8

OFFICE: N.I.

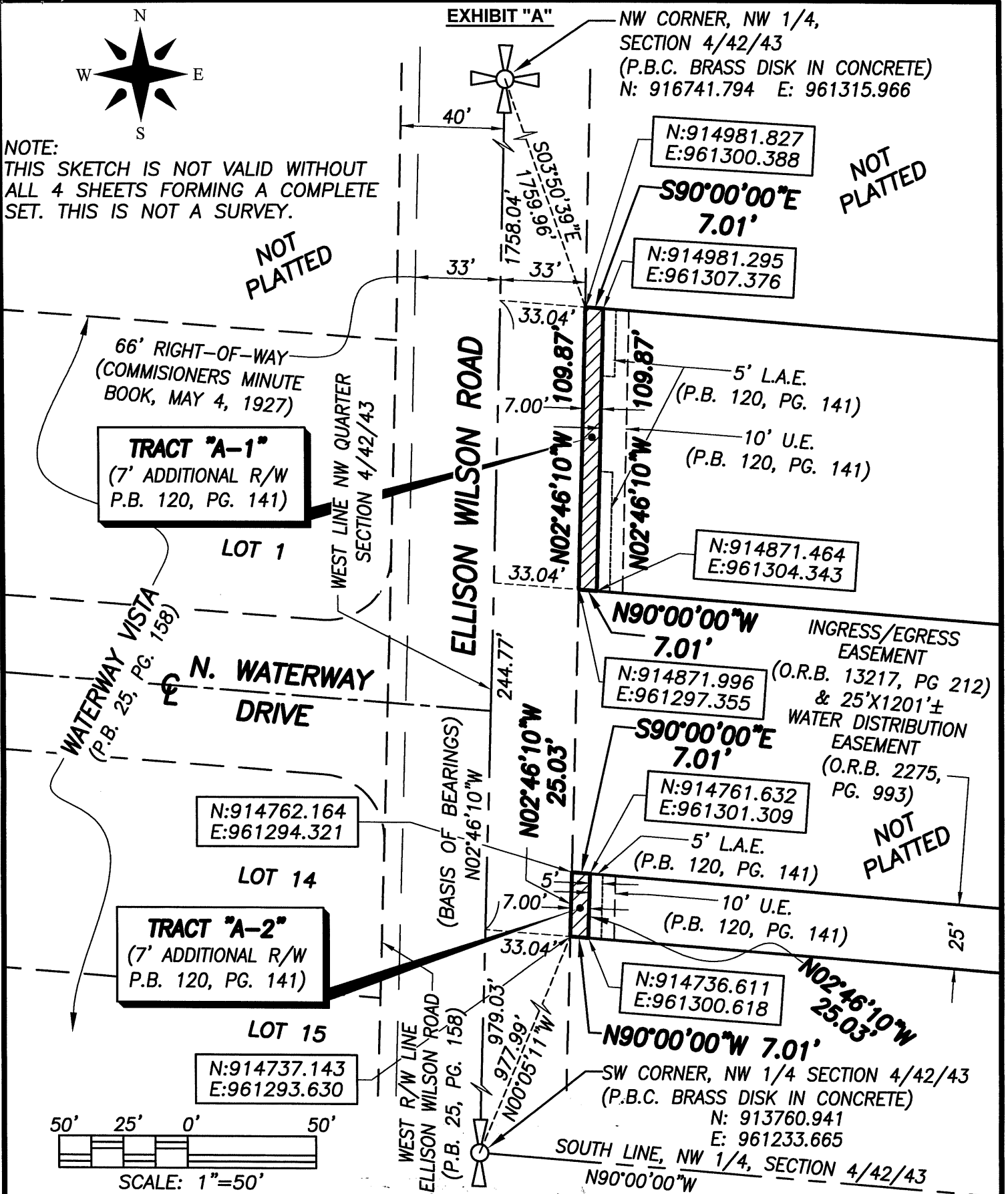
SHEET 2 OF 4

C'K'D.: R.C.

REF.: 93-1077-8.DWG



NOTE:
THIS SKETCH IS NOT VALID WITHOUT
ALL 4 SHEETS FORMING A COMPLETE
SET. THIS IS NOT A SURVEY.



WALLACE

SURVEYING

CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 01/13/15

DWG. No.: 93-1077-8

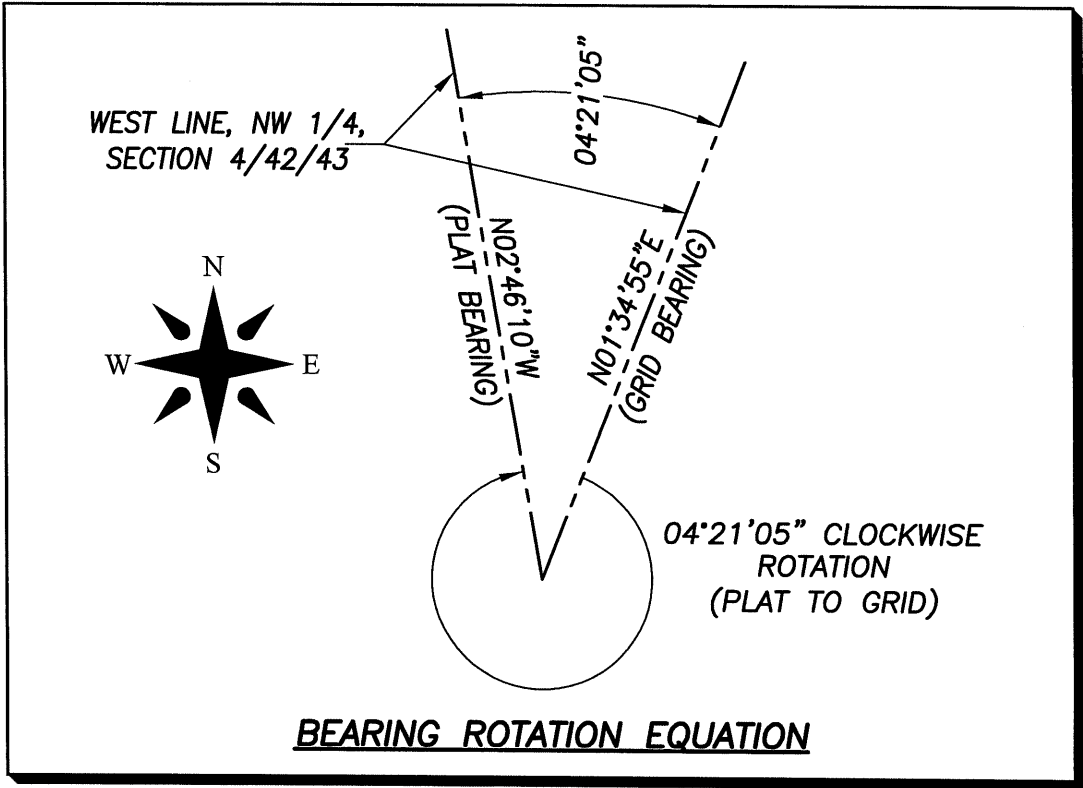
OFFICE: N.I.

SHEET 3 OF 4

C'K'D.: R.C.

REF.: 93-1077-8.DWG

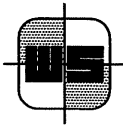
EXHIBIT "A"



LEGEND

CL	=	CENTERLINE
L.A.E.	=	LIMITED ACCESS EASEMENT
O.R.B.	=	OFFICIAL RECORDS BOOK
P.B.	=	PLAT BOOK
P.B.A.	=	PALM BEACH COUNTY
PG.	=	PAGE
R/W	=	RIGHT-OF-WAY
U.E.	=	UTILITY EASEMENT
N:	=	NORTHING
E:	=	EASTING

NOTE:
THIS SKETCH IS NOT VALID WITHOUT
ALL 4 SHEETS FORMING A COMPLETE
SET. THIS IS NOT A SURVEY.



WALLACE SURVEYING

CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 01/13/15

DWG. No.: 93-1077-8

OFFICE: N.I.

SHEET 4 OF 4

C'K'D.: R.C.

REF.: 93-1077-8.DWG