

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: January 26, 2016	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

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I. EXECUTIVE BRIEF



Motion and Title: Staff recommends motion to approve: Termination of Easement Exchange Agreement and Easements (Termination), memorializing the termination of easements on County-owned property near the northeast corner of Congress Avenue and Southern Boulevard in West Palm Beach.

Summary: On November 20, 2007, the Board approved the Easement Exchange Agreement with GAM REALTY, LLC (GAM) (R2007-2071, as amended) (Agreement) which provided for the exchange of easements for drainage, utility and access over the County and GAM properties, adjacent to each other at the northeast corner of Congress Avenue and Southern Boulevard in West Palm Beach. Upon the County's acquisition of the GAM property (R2014-0184), the easements merged as a result of unity of title to both properties, resulting in termination of the easements. The Termination will provide documentation in the public records to reflect termination of the Agreement and any easements created thereby, in order to eliminate questions which may affect title or development of the property.
Countywide (HJF)

Background and Justification: On January 14, 2014, the Board approved the Development Site Lease Agreement with Palm Auto Plaza, LLC (R2014-0037, as amended) (Lease), for a retail automotive sale and service facility on County-owned property adjacent to the GAM property. The Lease provided for, in the event the GAM property was acquired by the County, that it be included in the Lease. On February 4, 2014 (R2014-0184), the Board approved the purchase of the GAM property and closing was completed May 28, 2014. The Termination will facilitate development of the property pursuant to the Lease.

Attachment: Termination (1)

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10	Recommended By: <u></u>	<u>12/29/15</u>
	Department Director	Date
	Approved By: <u></u>	<u>1/14/16</u>
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>*\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____
Budget Account No: Fund _____ Department _____ Unit _____ RSource _____
Reporting Category _____

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

☒ There is no fiscal impact associated with this item.

C. Departmental Fiscal Review: CM Simier

III. REVIEW COMMENTS

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

Sherry Br
AP SC M.J. OFMB
12/30 12/30

Dr. J. Jacobson
Contract Dev. and Control
B. Wheeler 1-7-16 11/7/16

B. Legal Sufficiency:

24 Jul 1/7/16
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 9/03

ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

Prepared by & Return to:
Laura Beebe, Deputy Director
Palm Beach County Department of Airports
846 Palm Beach International Airport
West Palm Beach, Florida 33406

PCN: portion of 00-43-44-05-00-003-0030 00-43-44-05-05-000-0181
00-43-44-05-00-003-0040 00-43-44-05-05-000-0130

**TERMINATION OF
EASEMENT EXCHANGE AGREEMENT AND EASEMENTS**

This TERMINATION OF EASEMENT EXCHANGE AGREEMENT AND EASEMENTS ("Termination") is made this _____, by PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida ("County"), whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791.

WHEREAS, County entered into that certain Easement Exchange Agreement dated November 20, 2007 (R2007-2071), recorded in Official Record Book 22307, Page 1049, of the public records of Palm Beach County, as modified by that certain First Amendment to Easement Exchange Agreement dated January 13, 2009 (R2009-0075), recorded at Official Record Book 23061, Page 1205, of the public records of Palm Beach County, between County and GAM REALTY (USA), LLC, a Florida limited liability company, (formerly known as GAM REALTY, LLC) ("GAM") (the "Easement Exchange Agreement"); and

WHEREAS, GAM, at the time the Easement Exchange Agreement was granted, owned fee simple title to that certain parcel of land located in Palm Beach County legally described in Exhibit "A" attached to the Easement Exchange Agreement (the "GAM Property"); and

WHEREAS, County is the fee simple owner of that certain parcel of land located in Palm Beach County legally described in Exhibit "B" attached to the Easement Exchange Agreement (the "County Property"); and

WHEREAS, the Easement Exchange Agreement provided for the exchange of certain easements by and to each of the parties, as provided in the Easement Exchange Agreement; and

WHEREAS, pursuant to that certain Statutory Warranty Deed (R2014-184), recorded on May 29, 2014, in Official Record Book 26819, Page 868, of the public records of Palm Beach County, County acquired fee title to the GAM Property; and

WHEREAS, both the County Property and the GAM Property (as described in the Easement Exchange Agreement), both being owned in fee simple by County, are now included and described within that certain plat known as PBIA PARCEL G, recorded in Plat Book 120, page 183, of the public records of Palm Beach County; and

NOW, THEREFORE, County, as fee simple title owner of both the County Property and the GAM Property (as described in the Easement Exchange Agreement), hereby terminates the Easement Exchange Agreement, and the easements created thereby, which shall have no further force or effect and the parcels referred to as the County Property and the GAM Property are hereby released from the encumbrance of the Easement Exchange Agreement and the easements created thereby.

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

ATTEST:

SHARON R. BOCK

By: _____
Clerk & Comptroller

PALM BEACH COUNTY, a political
subdivision of the State of Florida by its
Board of County Commissioners

By: _____
Mary Lou Berger, Mayor

(SEAL)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: 
Department Director