

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: March 22, 2016 Consent [X] Regular []
Public Hearing[]

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A Partial Release of a Utility Easement over property owned by Military Self Storage, LLC (Property Owner).

Summary: On August 10, 1988, Don Carter's All Star Lanes PBC, LTD, the predecessor in interest to the Property Owner, granted the County a Utility Easement (ORB 5875 PG 1987) over County-owned facilities serving the commercial site located on the west side of Military Trail, north of Hypoluxo Road. A review of the building location on the property revealed an encroachment into the easement. No utility facilities are affected by the encroachment. Water Utilities Department staff recommends the partial release of that portion of the utility easement that contains the encroachment. The remaining easement provides for adequate access to County utility facilities. District 3 (MJ)

Background and Justification: Utility easements are required over County-Owned facilities to provide access for operation and maintenance purposes. During a review of a petition to modify the existing use within a building on the subject property, it was discovered that a corner of the building encroaches into the current utility easement. The area of encroachment does not affect the County's ability to access and maintain its utility facilities. The Property Owner is requesting to release a portion of the utility easement.

Attachments:

- 1. Location Map
- 2. Two (2) Original Partial Release of Utility Easement
- 3. One (1) Copy of Grant of Easement (ORB 5875 PG 1987)
- 4. One (1) Copy of Special Warranty Deed (OR BK 27409 PG 1494-1496)

Recommended By: Jim Stiles Department Director Date 2-16-16

Approved By: Sharon B... Assistant County Administrator Date 2-23-16

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: Delia M. West

III. REVIEW COMMENTS

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

[Signature] 2/19/16
 HP 2/16/16 OFMB

[Signature] 2/22/16
 Contract Development and Control

B. Legal Sufficiency:

[Signature] 2/23/16
 Assistant County Attorney

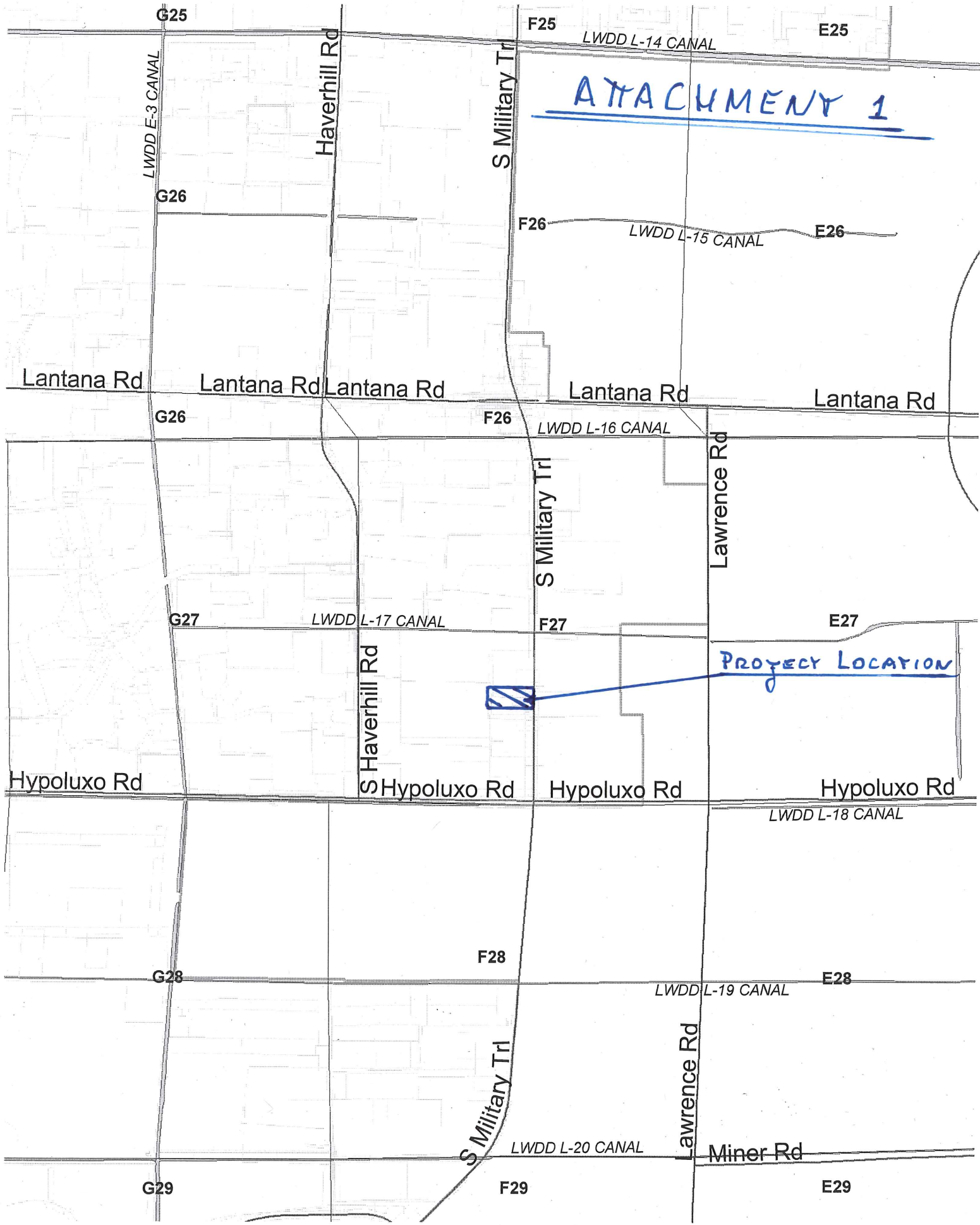
C. Other Department Review:

 Department Director

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

ATTACHMENT 1

PROJECT LOCATION



ATTACHMENT 2

Charge # 1023 Return via WILL CALL #133
Att: Plan Review
Palm Beach County Water Utilities Department
8100 Forest Hill Blvd
West Palm Beach, Florida 33416

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed this ____ day of _____, _____, 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 Military Self Storage LLC, whose address is 6435 NW 74th Terrace, Pompano Beach, FI 33067, second party:

WITNESSETH:

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 5875, Page 1987, Public Records of Palm Beach County, Florida.

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

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 & Comptroller

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

By: _____
Deputy Clerk

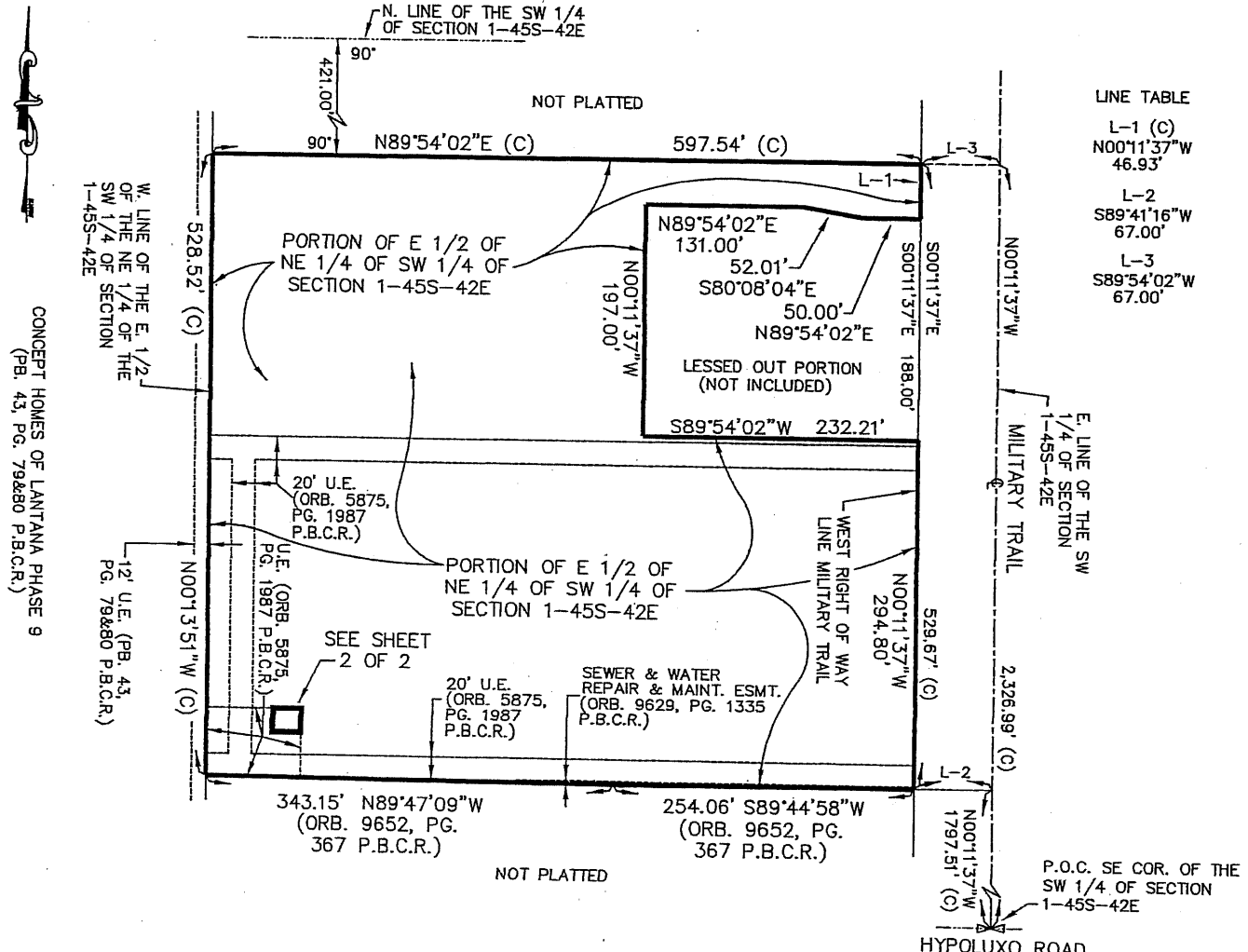
By: _____
Mary Lou Berger, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

SKETCH AND DESCRIPTION



LINE TABLE

L-1 (C)	N00°11'37"W	46.93'
L-2	S89°41'16"W	67.00'
L-3	S89°54'02"W	67.00'

- NOTES:
1. THIS IS A SKETCH AND DESCRIPTION AND NOT A MAP OF BOUNDARY SURVEY.
 2. BEARINGS SHOWN HEREON ARE BASED ON THE E. LINE OF THE SW 1/4 OF SECTION 1-45S-42E HAVING A BEARING OF N00°11'37"W.
 3. THIS SKETCH AND DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND EMBOSSED SEAL OF THE CERTIFYING SURVEYOR.

- LEGEND:
- S.F. = SQUARE FEET
 - D.E. = DRAINAGE EASEMENT
 - ESMT. = EASEMENT
 - MAINT. = MAINTENANCE
 - ORB. = OFFICIAL RECORD BOOK
 - P.B.C.R. = PALM BEACH COUNTY RECORDS
 - P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCEMENT
 - PG. = PAGE
 - U.E. = UTILITY EASEMENT
 - PB. = PLATBOOK
 - CL = CENTERLINE

CERTIFICATION:

I HEREBY CERTIFY THAT THE ABOVE SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND CONFORMS WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYS ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050, OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AS AMENDED.

DATED: 11/6/15

Paul E. Brewer
 PAUL E. BREWER
 PROFESSIONAL LAND SURVEYOR
 FLORIDA REGISTRATION NO. 3240

NOTE:

THE UNDERSIGNED AND PAUL E. BREWER & ASSOCIATES, INC. MAKE NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND OR EASEMENTS OF RECORD

PAUL E. BREWER & ASSOCIATES, INC.
 12321 N.W. 35th Street
 Coral Springs, FL 33065
 PH: (954) 753-5210
 FAX: (954) 753-9813
 brewer.in@bellsouth.net

SCALE:	1" = 150'	REVISIONS	DATE	BY	CKD	FB/PG
FB/PG:	N/A					
DRAWN BY:	AFF					
CKD. BY:	<i>WFB</i>					
JOB NO:	14-76-ABANDON					

SKETCH AND DESCRIPTION



CONCEPT HOMES OF
LANTANA PHASE 9
(PB. 43, PG. 79&80 P.B.C.R.)

12' U.E. (PB. 43,
PG. 79&80 P.B.C.R.)
N00°13'51"W (C)
528.52' (C)

20' U.E.
(ORB. 5875,
PG. 1987
P.B.C.R.)

PORTION OF E 1/2 OF
NE 1/4 OF SW 1/4 OF
SECTION 1-45S-42E

THE EAST 23.50'
THE NORTH 20.50'

482
S.F.

80' X 60' PORTION OF
U.E. (ORB. 5875,
PG. 1987 P.B.C.R.)

343.15' N89°47'09"W
(ORB. 9652, PG.
367 P.B.C.R.)

20' U.E.
(ORB. 5875,
PG. 1987
P.B.C.R.)

NOT PLATTED

DESCRIPTION:

THE NORTH 20.50 FEET OF THE EAST 23.50 FEET OF THE 80 FEET BY 60 FEET PORTION OF UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 5875, PAGE 1987 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 482 SQUARE FEET MORE OR LESS.

NOTES:

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2. BEARINGS SHOWN HEREON ARE BASED ON THE E. LINE OF THE SW 1/4 OF SECTION 1-45S-42E HAVING A BEARING OF N00°11'37"W.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND EMBOSSED SEAL OF THE CERTIFYING SURVEYOR.

LEGEND:

- S.F. = SQUARE FEET
- D.E. = DRAINAGE EASEMENT
- ESMT. = EASEMENT
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- PG. = PAGE
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- PB. = PLATBOOK
- ⊙ = CENTERLINE

SHEET 2 OF 2

**PAUL E. BREWER
& ASSOCIATES, INC.**
12321 N.W. 35th Street
Coral Springs, FL 33065
PH: (954) 753-5210
FAX: (954) 753-9813
brewer.in@bellsouth.net

SCALE:	1" = 50'	REVISIONS	DATE	BY	CKD	FB/PG
FB/PG:	N/A					
DRAWN BY:	AFF					
CKD. BY:	WDK					
JOB NO:	14-76-ABANDON					

ATTACHMENT 3

GRANT OF EASEMENT

THIS INDENTURE, made, this 10 day of Aug, 1988, between DON CARTER'S ALL STAR LANES-PBC, LTD., a Florida Limited Partnership party of the first part, and PALM BEACH COUNTY, a political subdivision of the State of Florida, whose address is 2030 South Congress Avenue, West Palm Beach, FL 33406, party of the second part;

WITNESSETH:

THAT, the party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged by the party of the first part, has granted and does hereby grant, to the party of the second part, its successors and assigns, forever, the right, privilege and easement to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect water transmission and distribution facilities and all appurtenances thereto, and/or sewage transmission and collection facilities and all appurtenant equipment, with full right to ingress thereto and egress therefrom, the property of the party of the first part, described as follows, to wit:

SEE ATTACHED EXHIBIT "A"

THIS CONVEYANCE NOT SUBJECT TO DOCUMENTARY STAMP TAX PURSUANT TO FLA. DEPT. OF REVENUE RULES. 12 B - 4.14 (15) (b)

The party of the first part does hereby fully warrant that it has good title to the above described property and that it has full power and authority to grant this easement.

IN WITNESS WHEREOF, the party of the first part by its proper officials has hereunto set its hands and seals the year and day first above written.

ACCEPTED BY
BOARD OF COUNTY COMMISSIONERS
DATE 10/8/88

Return to
Land Acquisition
Airport Hilton Centre
Bldg. #2 - Room #203

IN WITNESS WHEREOF, the party of the first part by its proper officials has hereunto set its hands and seals the year and day first above written.

Signed and Sealed in the Presence of: DON CARTER'S ALL STAR LANES-PBC, LTD., a Florida Limited Partnership

Maureen Anderson

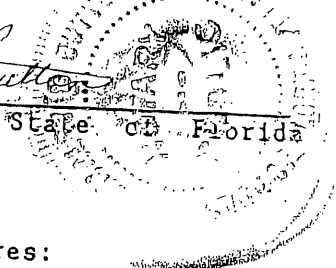
John T. [Signature]

By: [Signature]
 General Partner

STATE OF FLORIDA)
) SS.
 COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 10th day of August, 1988, by Jerry [Signature], General Partner, on behalf of DON CARTER'S ALL STAR LANES-PBC, LTD., a Florida Limited Partnership.

Shirley M. Patton
 NOTARY PUBLIC - State of Florida
 at large



My commission expires:

Shirley M. Patton, Notary Public
 My Commission Expires: Aug 24, 1991
 Bonded Through [Insurance] Inc.

This instrument prepared by:
 Michael Gfesser, Esquire
 Address
 Boose, Casey, Ciklin, et al
 P.O. Drawer 024626
 West Palm Beach, FL 33402

DON CARTERS ALL-STAR LANES
 LEGAL DESCRIPTION UTILITY EASEMENTS

The South 20 feet, and the East 20 feet of the West 40 feet of the South 290 feet, and the North 20 feet of the South 290 feet and the South 60 feet of the West 80 feet of the following described property:

- PARCEL "A"** The South 200 feet of the North 621 feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, and
- PARCEL "B"** The South 328 feet of the North 949 feet of the East half (E1/2) of the Northeast quarter (NE1/4) of the Southwest quarter (SW1/4) of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida.
 Less the East 67 feet thereof for the Right-of-way for MILITARY TRAIL.
 Containing in all 7.24 acres, more or less.

I HEREBY CERTIFY that the plat shown hereon is a true and correct representation of a survey made under my direction, and is accurate to the best of my knowledge and belief, that there are no encroachments except as shown, and that this survey meets the minimum technical standards set forth in Section 472.027 Florida State Statutes and by the Florida State Society of Professional Land Surveyors.

Revisions	F.A. LEE, INC. PROFESSIONAL LAND SURVEYOR & PLANNER P.O. BOX 5748 / LAKE WORTH, FL 33466 / (305) 588-9940

SCALE	DATE 8-11-88
REF:	NO.

RECORD VERIFIED
 PALM BEACH COUNTY, FLA
 JOHN B. DUNKLE
 CLERK CIRCUIT COURT



Prepared by and return to:
Peter L. Blacklock, Esq.
Fox Rothschild LLP
222 Lakeview Avenue, Ste 700
West Palm Beach, FL 33401

CFN 20150099324
OR BK 27409 PG 1494
RECORDED 03/19/2015 15:20:54
Palm Beach County, Florida
AMT 3,275,000.00
Doc Stamp 22,925.00
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1494 - 1496; (3pgs)

PINS: 00-42-45-01-00-000-7020 &
00-42-45-01-00-000-7060

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 13 day of March, 2015, between PALM BEACH COMMUNITY BANK, a Florida corporation, with a mailing address of P.O. Box 21409, West Palm Beach Gardens, FL 33416 (the "Grantor") and MILITARY SELF STORAGE, LLC, a Florida limited liability company, with a mailing address of 6435 NW 74 Terrace, Parkland, FL 33067 (the "Grantee").

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, its successors and assigns forever, the following described property, lying and being in Palm Beach County, Florida (the "Property"):

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH all the improvements, tenements, hereditaments and appurtenances thereto belonging or appertaining.

SUBJECT TO real estate taxes for the current and subsequent years and the conditions, restrictions, limitations, reservations, declarations, easements, dedications and agreements of record, and applicable zoning ordinances, codes, rules and other land use regulations as the same may affect the Property, if any.

TO HAVE AND TO HOLD the Property unto Grantee, its successors and assigns, in fee simple forever.

AND the Grantor hereby covenants with said Grantee that Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Property, and hereby warrants the title to said Property, subject as aforesaid, and will defend same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

[Signature appears on following page.]

MIAMI 4068165.2 77736/43730

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

PALM BEACH COMMUNITY BANK, a
Florida corporation

[Signature]
Printed Name: CRENT WOMEN

[Signature]
Printed Name: Deborah Y. Bush

By: *[Signature]*
Printed Name: Patricia A. Sheehan
Its: Executive Vice President

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Patricia A. Sheehan, as Executive Vice President of Palm Beach Community Bank, a Florida corporation, on behalf of such entity. She:

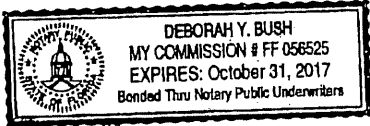
is personally known to me or
 has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 17th day of March, 2015.

(NOTARY SEAL)

[Signature]
NOTARY PUBLIC - STATE OF FLORIDA

(Name of Notary Typed, Printed, or Stamped)



MIAMI 4068165.2 77736/43730

EXHIBIT "A"

A parcel of land located in the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of said Section 1; Thence N 0 degrees 11'37" W along the East line of said Southwest 1/4 for a distance of 1,797.40 feet; Thence departing said East line S 89 degrees 41'16" W, for a distance of 67.00 feet to a point on the West right-of-way line of Military Trail and the Point of Beginning; Thence continue S 89 degrees 41'16" W for a distance of 254.01 feet; Thence N 89 degrees 47'54" W, for a distance of 344.22 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1; Thence N 0 degrees 7'14" W along said West line for a distance of 526.96 feet to a point that is 421.00 feet South of the North line of the Southwest 1/4 of said Section 1; Thence N 89 degrees 56'55" E parallel with the North line of the Southwest 1/4 of Section 1 for a distance of 597.56 feet to a point on the aforementioned West right-of-way line of Military Trail; Thence S 0 degrees 11'37" E, along said West right-of-way line for a distance of 527.27 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

Commencing at the Southeast corner of the Southwest 1/4 of said Section 1; Thence N 0 degrees 11'37" W along the East line of said Southwest 1/4 for a distance of 1,797.40 feet; Thence departing said East line S 89 degrees 41'16" W, for a distance of 67.00 feet to a point on the West right-of-way line of Military Trail; Thence N 0 degrees 11'37" W along said West right-of-way line for a distance of 294.80 feet to the Point of Beginning; Thence departing said West right-of-way line S 89 degrees 54'02" W, a distance of 232.21 feet; Thence N 0 degrees 11'37" W, parallel with the aforementioned West right-of-way line of Military Trail for a distance of 197.00 feet; Thence N 89 degrees 54'02" E for a distance of 131.00 feet; Thence S 80 degrees 08'04" E for a distance of 52.01 feet; Thence N 89 degrees 54'02" E for a distance of 50.00 feet to a point on the West right-of-way line of Military Trail; Thence S 0 degrees 11'37" E along said West right-of-way line for distance of 188.00 feet to the Point of Beginning.

MIAMI 4068165.2 77736/43730