

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: June 7, 2016 Consent Regular
 Ordinance 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 for reimbursement for future facility relocations with Seacoast Utility Authority (Seacoast), an interlocal government authority, on a parcel of land located at the northwest corner of PGA Boulevard and Central Boulevard.


SUMMARY: Approval of the subordination agreement will subordinate Seacoast’s easement interests and allow Palm Beach County (County) to accept a warranty deed for additional right-of-way for the intersection improvements at PGA Boulevard and Central Boulevard. The County requires that this right-of-way be free of all encumbrances.

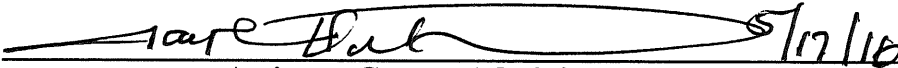
District 1 (MRE)

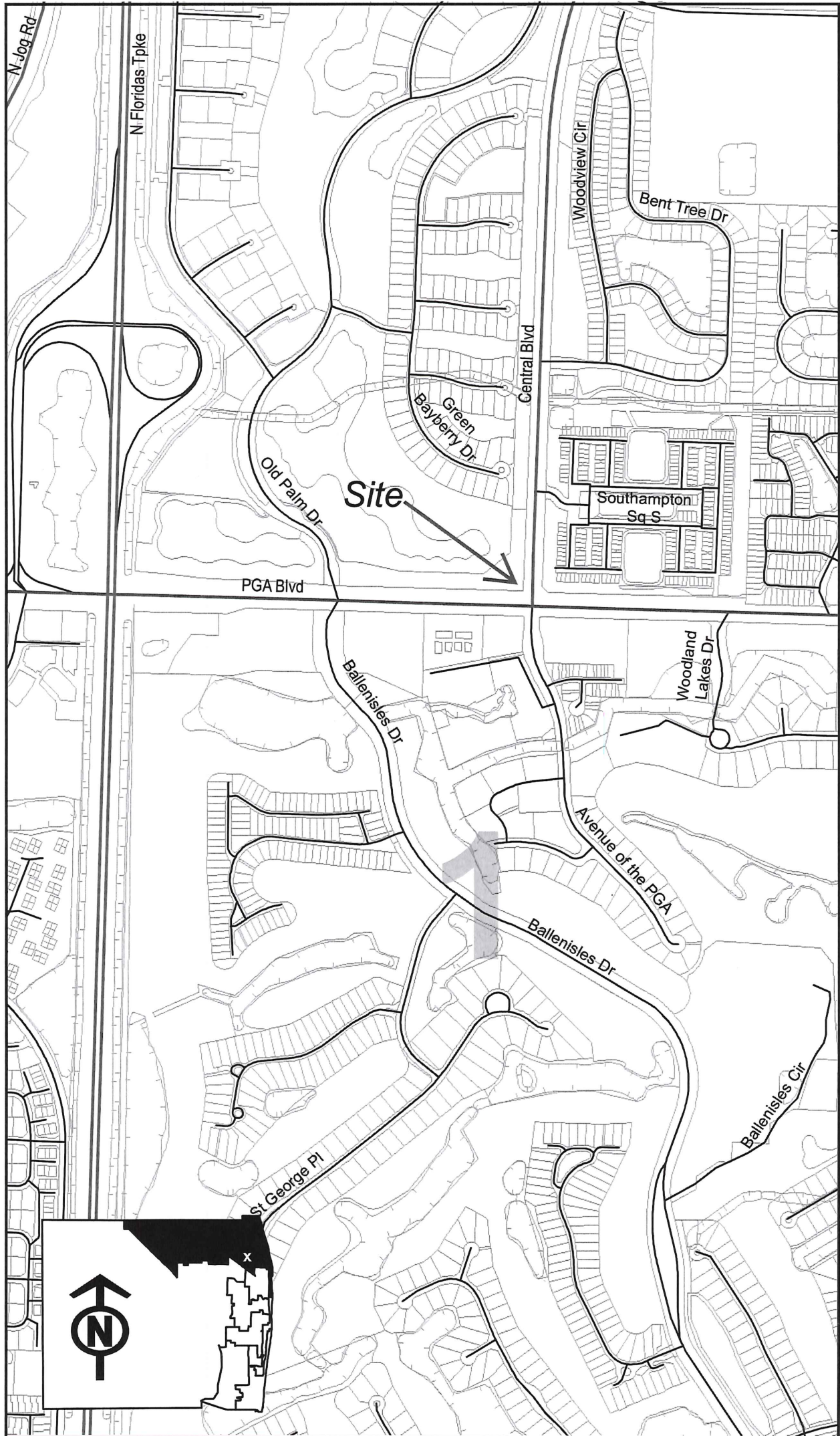
Background and Justification: As part of a County intersection improvement project, the property owners deeded to the County a portion of property within which Seacoast has certain utility interests. It is necessary to have these interests subordinated, since County policy requires all property being conveyed to the County be free and clear of all encumbrances. The subordination agreement requires Seacoast to relocate any facilities it may have within the dedicated right-of-way when and if requested by the County, and requires the County to pay for reasonable relocation costs of said facilities. Seacoast has already executed the subordination and staff recommends approval.

Attachments:

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

Recommended by:  5/10/16
Department Director **Date**

Approved by:  5/17/16
Assistant County Administrator **Date**



0 0.1 0.2 0.3 0.4 0.5 of a Mile

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.: Kaye Weichel, 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

Portion of Property Control Number: Portion of 52-42-42-02-06-015-0010

NOT TO BE RECORDED WITHOUT BOARD OF COUNTY COMMISSIONERS ACCEPTANCE DATE

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: 2014504
ROAD NAME: PGA & CENTRAL BLVD
PARCEL NO.: CORNER SET BACK

SUBORDINATION OF UTILITY INTERESTS

THIS AGREEMENT ("Agreement") is entered into this ____ day of _____, 20____, 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 4200 Hood Road, Palm Beach Gardens, FL, 33410, (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"), 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>
Easement	4/16/2003	Communities Finance Company, LLC	Seacoast Utility Authority	Plat Book 98 Page 139

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:

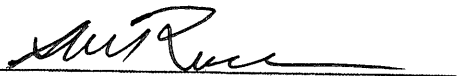
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

**APPROVED AS TO TERMS AND
CONDITIONS**

By: 
for 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)

Utility:

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

Christine Guison
Witness Signature (Required)

Christine Guison
Witness Name Printed or Typed

Daniela E. Russell
Witness Signature (Required)

Daniela E. Russell
Witness Name Printed or Typed

By: Ron Ferris
Ron Ferris, Chair

Attest: Jessica Moore
Jessica Moore, Clerk

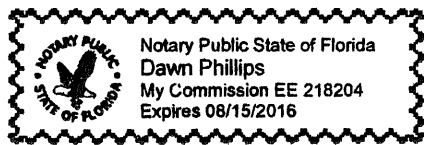
STATE OF FLORIDA

COUNTY OF PALM BEACH

Before me personally appeared Ron Ferris 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 30 day of March, 2016.

(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

EXHIBIT A – R/W PARCEL 101

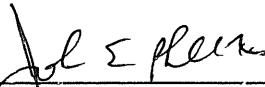
LEGAL DESCRIPTION

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES IN THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 2, TOWNSHIP 42 SOUTH, RANGE 42 EAST, CITY OF PALM BEACH GARDENS, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF OPEN SPACE TRACT-2 OF THE PLAT OF OLD PALM TWO, RECORDED IN PLAT BOOK 98 PAGE 139, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID OPEN SPACE TRACT-2;
THENCE ALONG THE SOUTH LINE OF SAID TRACT, N88°22'39"W FOR 39.62 FEET;
THENCE N46°53'40"E FOR 56.30 FEET TO THE EAST LINE OF SAID OPEN SPACE TRACT-2;
THENCE ALONG SAID EAST LINE, S02°09'59"W FOR 39.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 785 SQUARE FEET, MORE OR LESS.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.



JOHN E. PHILLIPS, III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. 4826
DATE: 7/31/15

PALM BEACH COUNTY PROJECT No.2014504

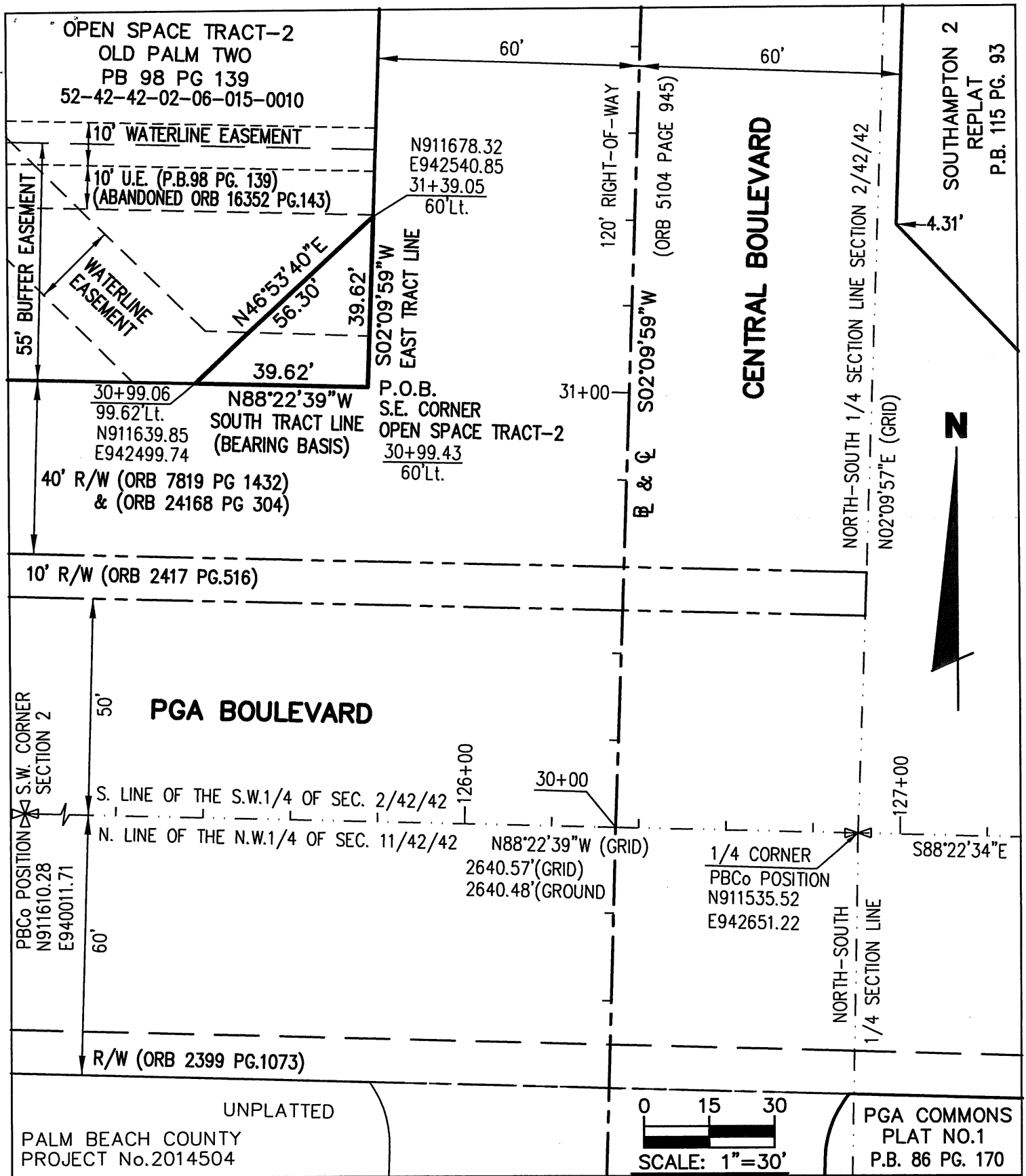


E-Mail: info@brown-phillips.com

BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE ROAD., SUITE 509,
WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX

LEGAL DESCRIPTION
PGA BOULEVARD/CENTRAL BLVD.

DRAWN: MDB	PROJ. No. 14-060
CHECKED: JEP	SCALE: NONE
R/W PARCEL 101	DATE: 7/27/15
	SHEET 1 OF 3



E-Mail: info@brown-phillips.com

BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

**SKETCH TO ACCOMPANY
 LEGAL DESCRIPTION**
 (THIS SKETCH IS NOT A SURVEY)

DRAWN: MDB	PROJ. No. 14-060
CHECKED: JEP	SCALE: 1" = 30'
R/W PARCEL 101	DATE: 7/27/15
	SHEET 2 OF 3

NOTES:

1) BASELINE STATIONING IS BASED ON A ROADWAY PLAN FOR PGA BOULEVARD AND CENTRAL BLVD. INTERSECTION, PREPARED BY ARCADIS U.S., INC., INC., PALM BEACH COUNTY PROJECT No.2014504.

2) STATE PLANE COORDINATES:

- A. COORDINATES SHOWN ARE GRID
- B. DATUM – NAD 83, 1990 ADJUSTMENT
- C. ZONE – FLORIDA EAST
- D. LINEAR UNIT – US SURVEY FOOT
- E. COORDINATE SYSTEM 1983 STATE PLANE
- F. TRANSVERSE MERCATOR PROJECTION
- G. ALL DISTANCES ARE GROUND
- H. SCALE FACTOR – 1.000035
- I. GROUND DISTANCE X SCALE FACTOR =GRID DISTANCE
- J. ROTATION EQUATION: NONE

3) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY ARCADIS U.S., INC.

RECORD INFORMATION SHOWN IS BASED ON TITLE INFORMATION FURNISHED BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DIVISION TO ARCADIS U.S., INC., DATED MARCH 14, 2014.

NO ENCUMBRANCES OF RECORD WERE NOTED EXCEPT AS SHOWN ON THE ATTACHED SKETCH.


NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.

4) ABBREVIATIONS:

- P.O.C.— POINT OF COMMENCEMENT
- P.O.B. – POINT OF BEGINNING
- P.B. – PLAT BOOK
- ORB – OFFICIAL RECORD BOOK
- PG. – PAGE
- R/W – RIGHT-OF-WAY
- CL – CENTERLINE
- BL – BASELINE
- Lt. – LEFT OF BASELINE
- Rt. – RIGHT OF BASELINE
- SEC. – SECTION

5) BEARINGS ARE BASED ON N88°22'39"W (PLAT) ALONG THE SOUTH LINE OF OPEN SPACE TRACT-2, OLD PALM TWO, PLAT BOOK 98, PAGE 139, WHICH MATCHES THE GRID BEARING OF THE SOUTH LINE OF THE S.W.1/4 OF SECTION 2, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA.

PALM BEACH COUNTY
PROJECT No.2014504

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WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX

DESCRIPTION NOTES
PGA BOULEVARD/CENTRAL BLVD.

PROJ. No. 14-060

DRAWN: MB

R/W PARCEL 101

SCALE: NONE

DATE: 7/27/15

SHEET 3 OF 3