

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: September 13, 2016	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular	
Department:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing	

Submitted By: Engineering and Public Works
Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Release of a right-of-way reservation agreement (Release) with Harry S. Hamilton, as Trustee, or his nominee (Owner) for a nine foot strip of land on the west side of Military Trail north from Elmhurst Road to Okeechobee Boulevard that was previously reserved for future right-of-way.

SUMMARY: Approval of the Release, will allow the Owner to comply with a development condition required for the zoning development application for Pine Trail Shopping Center. This action will have no fiscal impact.

District 7 (MRE)

Background and Justification: In 1980, the County required the Owner to sign a right-of-way reservation agreement (Reservation) as part of a building condition for the development of the Pine Trail Square Shopping Center, and the Owner is now requesting the County release the Reservation. The Reservation recorded in Official Record Book 3303, page 866 allowed for a nine foot strip of land to be reserved for future right-of-way along the west side of Military Trail north from Elmhurst Road to Okeechobee Boulevard. Currently the Pine Trail Shopping Center is being redeveloped. The Florida Department of Transportation (FDOT) requested Palm Beach County (County) condition the owner to provide FDOT with additional right-of-way to accommodate additional turn lanes along Military Trail north from Elmhurst Road to Okeechobee Boulevard. FDOT considers the additional right-of-way as being encumbered by the Reservation and requires it to be released. Military Trail is an FDOT roadway and the County has no interest in the Reservation.

Attachments:

1. Location Map
2. Release of Right-of-Way Reservation Agreement

Recommended by:  _____ **Department Director** 8/22/16
Date

Approved by:  _____ **Assistant County Administrator** 8/25/16
Date

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 fiscal impact.

C. Departmental Fiscal Review: _____

Aluikrovalaunen

III. REVIEW COMMENTS

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

[Signature] 8/23/16
ASD
8/23
OFMB JET 8/23

[Signature] 8/24/16
Contract Dev. and Control
8/24/16 *[Signature]*

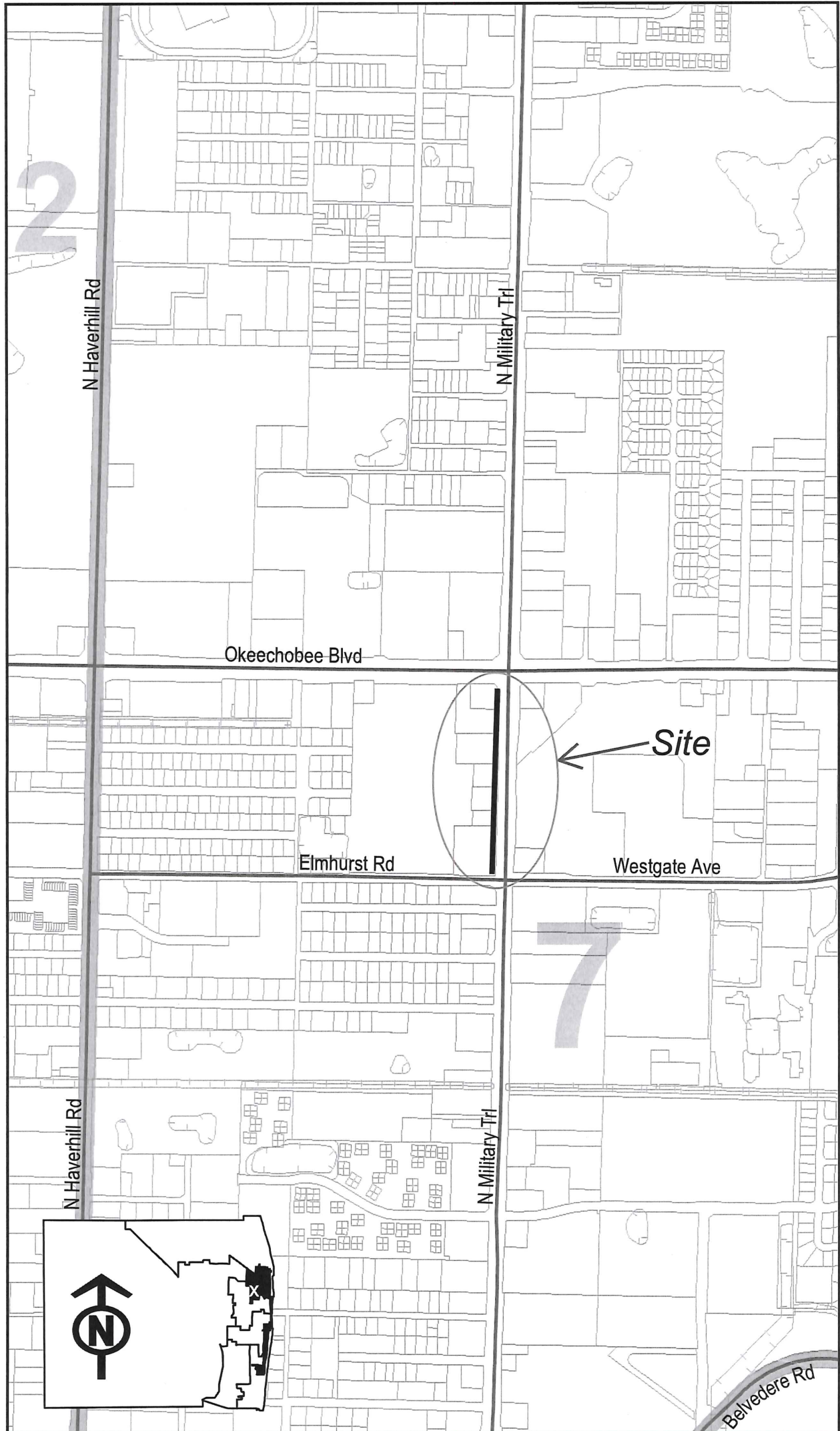
B. Approved as to Form and Legal Sufficiency:

[Signature] 8/25/16
Assistant County Attorney

C. Other Department Review:

Department Director

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



0 0.1 0.2 0.3 0.4 0.5 of a Mile

Location Map

Return to: Right-of-Way Acquisition Section
Post Office Box 21229
West Palm Beach, Florida 33416
Attention: Kaye Weichel
Account No.: 1010 w/c 1066

RELEASE OF RIGHT-OF-WAY RESERVATION AGREEMENT

Whereas, on June 5, 1980 a Right-of-Way Reservation Agreement for Military Trail in favor of the Palm Beach County (County) was recorded in Official Record Book 3303, Page 866, Public Records of Palm Beach County, Florida; and,

Whereas, Pine Trail Square LLC, (Owner) the successor in interest to Harry S. Hamilton, As Trustee, the original grantor of the right-of-way reservation, has requested a release of the reservation rights granted therein for the purpose of clearing the title; and,

Whereas, the Pine Trail Shopping Center is bordered by Okeechobee Boulevard on the north and Military Trail on the east, which are both Florida Department of Transportation (FDOT) roads; and,

Whereas, Pine Trail Shopping Center is being redeveloped and the Owner has been conditioned by the County at the request of FDOT to dedicate right-of-way for additional turn lanes along Military Trail north from Elmhurst Road to Okeechobee Boulevard; and,

Whereas, the County Engineering Department has determined that the Right-of-Way Reservation Agreement is no longer needed; and,

Whereas, FDOT has requested and the County agrees that it is appropriate to release said Right-of-Way Reservation Agreement,

NOW, THEREFORE, in consideration of the recitals set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County does hereby release the Right-of-Way Reservation Agreement as described in Official Record Book 3303, Page 866.

IN WITNESS WHEREOF, Palm Beach County has caused this Release of Right-of-Way Reservation Agreement to be executed on this _____ day of _____, 2016.

ATTEST:

SHARON R. BOCK,
Clerk & Comptroller

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

BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

By: _____
Assistant County Attorney