Agenda Item #: 3-C-6

### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

### **AGENDA ITEM SUMMARY**

3	September 13, 2016	 Consent Ordinance	[	]	Regular Public Hearing
•	Engineering and Public Works Right-of-Way Acquisition Section				

### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a County Deed (Deed) conveying ownership of a portion of Riverside Drive south of Palmetto Park Road (Riverside) to Boca Reserve Master Homeowners Association, Inc. (Association).

**SUMMARY:** Approval of the Deed will transfer Palm Beach County (County) interest in Riverside to the Association, who expressed an interest in obtaining the underlying fee ownership, in order to consolidate the ownership and maintenance responsibilities of Riverside. This action will have no fiscal impact.

### District 5 (MRE)

Background and Justification: The County acquired interest in Riverside Drive from the Hillsboro Canal north to Palmetto Park Road from various deeds recorded in Official Record Book 3600, page 1627, Official Record Book 4281, page 717 and Official Record Book 4850, page 1105. The original intention of the acquisition was to connect Palm Beach County to Broward County in the western communities of Boca Raton, but this plan was eventually discarded. In 2009, part of Riverside Drive was abandoned from the Hillsboro Canal north 2240 feet. In 2012, a subdivision called Boca Reserve recorded in Plat Book 115, page 198 was built. The developer, Minto Communities, was conditioned to make improvements to the remaining portion of Riverside. According to the Declaration of Restrictions for Boca Reserve recorded in Official Record Book 26165, page 47, the Association would be responsible for the maintenance of Riverside from Palmetto Park Road to the current southern terminus. Since the completion of construction, the Association has maintained Riverside. This remaining portion of Riverside is used solely for the benefit of Boca Reserve ingress and egress. The Association expressed an interest in owning the underlying fee in order to consolidate ownership and maintenance responsibilities for Riverside. The County, its successors and assigns, reserve an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (3/4) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half (1/2) interest in all petroleum that is or may be in, on, or under said land. Staff recommends the conveyance.

## Attachments:

- 1. Location Map
- 2. County Deed with Exhibit A

Recommended by:		Department Director	8/29/16 Date	
Approved by:	n	Assistant County Administrator	\$\langle Date	

# II. FISCAL IMPACT ANALYSIS

## A. Five Year Summary of Fiscal Impact:

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

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.

## III. REVIEW COMMENTS

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

8/18 OFMB, ET 8/18

B. Approved as to Form and Legal Sufficiency:

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	on
Palm Beach County, Engineering	g & Public Works Department
Post Office Box 21229	•
West Palm Beach, Florida 33416	5-1229
Attn.: Kaye Weichel, Right-of-W	yay 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

Property Control Number: N/A

Purchase Price: \$ 0 Closing Date:

### SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: N/A

ROAD NAME: RIVERSIDE DRIVE, BOCA RATON

PARCEL NO.: N/A

## **COUNTY DEED**

THIS DEED is made this day of \_ \_, 20 , by 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") to BOCA RESERVE MASTER HOMEOWNERS ASSOCIATION, INC., a Florida corporation, whose post office address is c/o Pro Community Management, 2645 Executive Park Drive, Suite 669, Weston, FL 33331, (hereinafter called "Grantee").

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

Property more particularly described in **Exhibit "A"** attached hereto and made a part hereof.

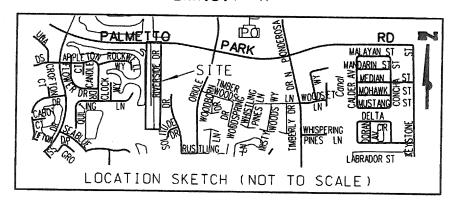
Reserving, however, unto County, its successors and assigns, an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (3/4) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half (1/2) interest in all petroleum that is or may be in, on, or under said land.

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:	County:
SHARON R. BOCK CLERK AND COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida
By: Deputy Clerk	By: Mary Lou Berger, Mayor
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	(Official Seal)
By: Assistant County Attorney	
115515tunt County Attorney	

 $N: \label{local_county_def} N: \label{local_county_def}$ 

### EXHIBIT "A"



#### RIVERSIDE DRIVE

A PARCEL OF LAND BEING A PORTION OF TRACT S-5 AND S-4 OF THE BOUNDARY PLAT OF ORIOLE COUNTRY, RECORDED IN PLAT BOOK 32, PAGE 175, AND A PORTION OF THE 30 FOOT RIGHT-OF-WAY AS RECORDED IN THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, RECORDED IN PLAT BOOK 1, PAGE 102, AND A PORTION OF RIVERSIDE DRIVE, RECORDED IN OFFICAL RECORD BOOK 3600, PAGE 1627, AND A PORTION OF PALMETTO PARK ROAD, RECORDED IN OFFICAL RECORD BOOK 3600, PAGE 1621. ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS LYING IN A PORTION OF SECTIONS 26 & 27, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE SOUTH 01°20′19″ EAST ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 100.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89° 43′57″ EAST, A DISTANCE OF 85.48 FEET TO SOUTH RIGHT-OF-WAY LINE OF PALMETTO PARK ROAD KNOWN AS TRACT S-5 AS SHOWN ON SAID BOUNDARY PLAT OF ORIOLE COUNTRY, AND AS CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORD BOOK 2659, PAGES. 30 THRU 37 OF SAID PUBLIC RECORDS; THENCE SOUTH 44°11′48″ WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 35.68 FEET TO THE EAST LINE OF TRACT S-4 OF SAID BOUNDARY PLAT OF ORIOLE COUNTRY, ALSO BEING THE WEST LINE OF WINDING LAKES SECTION ONE, AS RECORDED IN PLAT BOOK 40, PAGES 41 THRU 43 OF SAID PUBLIC RECORDS; THENCE SOUTH 01°20′19″ EAST ALONG SAID LINE, A DISTANCE OF 1852.86 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF PLAT NO. 3 BAY WINDS, AS RECORDED IN PLAT BOOK 50, PAGES. 11°2 THRU 115 AND AS SHOWN ON RIVERSIDE DRIVE ABNODMENT, RESOLUTION NUMBER, R-2009-1546. AS RECORDED IN OFFICAL RECORD BOOK 23451, PAGES 11°47 THRU 11°3 OF SAID PUBLIC RECORDS; THENCE SOUTH 80°40′40″ WEST ALONG SAID LINE OF RIVERSIDE DRIVE ABNODMENT, RESOLUTION NUMBER, R-2009-1546. AS RECORDED IN OFFICAL RECORD BOOK 23451, PAGES 14°9 WEST ALONG SAID PUBLIC RECORDS; THENCE SOUTH 80°40′40″ WEST ALONG SAID PUBLIC RECORDS; THENCE SOUTH 80°40′40″ WEST ALONG SAID PUBLIC RECORDS A DISTANCE OF 1853.88 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PALMETTO PARK ROAD AS RECORDED IN SAID OFFICIAL RECORD BOOK 3600, PAGES 1627 THRU 1629 FARCEL "". AS RECORDED IN PLAT

CONTAINING 226,032 SQUARE FEET OR 5.189 ACRES, MORE OR LESS.

7	8 4	PROJECT:				
HEETI 1		RIVERSIDE DRIVE		SCALE: 1 'APPROVED: DRAWN: CHECKED: DRAWN: 12	REVISION BY DAT	PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS
1993		BOCA RI	ESERVE	" = 120 G.W.M. S.T.A. G.W.M.		ROADWAY PRODUCTION
390		DESIGN FILE NAME	DRAWING NO.	FIELD BOOK NO.		2300 NORTH JOG ROAD
$\subseteq$		S-1-15-3685.DGN	S-1-15-3685			WEST PALM BEACH, FL 33411

#### LEGEND

P.O.C. = POINT OF COMMENCEMENT P.O.B. = POINT OF BEGINNING R/W = RIGHT OF WAY P.B.C.

REF = REFERENCE
ORB = OFFICIAL RECORD BOOK
SEC = SECTION
TWP = TOWNSHIP RNG = RANGE

#### SURVEYOR'S REPORT

BEARINGS ARE BASED ON A GRID (83/90) BEARING OF SOUTH 01°20'19"EAST ALONG THE EAST LINE OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 41 EAST, ALL OTHER BEARINGS ARE RELATIVE THERETO.

THIS INSTRUMENT PREPARED BY SCOTT T. ADAMS SR. & GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST ZONE = FLORIDA EAST LINEAR UNITS = US SURVEY FOOT COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE ALL DISTANCES ARE GROUND. PROJECT SCALE FACTOR = 1.000013108 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE STATE PLANE TRANSVERSE MERCATOR PROJECTION

ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

THIS IS NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17.050 - .052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

GLENN W. MARK, P.L.S. FLORIDA CERTIFICATE #5304

PROJECT 1993901 DRAWING S-1-15-3685 PROJECT: RIVERSIDE DRIVE ROCA DESERVE ADAMOGNIACHT

SHEET: 0

