

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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


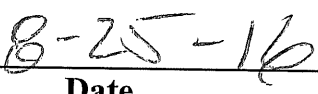
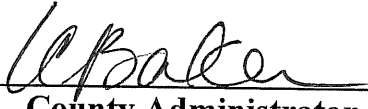
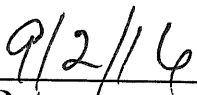
I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County’s Water Utilities Department (WUD) for an existing water main running throughout the County’s Morikami Park property located in western Delray Beach.

Summary: A portion of Morikami Park Road is to be abandoned for future development of the Park. WUD has an existing water main that runs throughout the Park property and within a portion of said road to be abandoned. WUD has requested an Easement to document the location of said water main. The easement area is approximately 20’ wide by approximately 1804’ long and covers an area of 40,805 square feet (.94 acre). (PREM) District 5 (HJF)

Background and Justification: Morikami Park is an existing +/-173.17 acre Palm Beach County Regional Park located in unincorporated Palm Beach County, west of Delray Beach. WUD has requested an easement for their existing water main that runs throughout the Park property. The Easement will be recorded in the Palm Beach County records to document its existence and location.

- Attachments:**
- 1. Location Map
 - 2. Declaration of Easement

Recommended By:		
	Department Director	Date
Approved By:		
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____

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

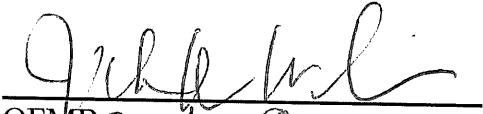
* No Fiscal Impact.

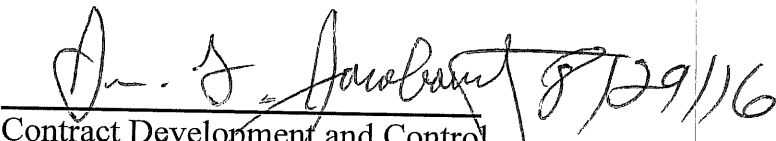
Fixed Asset Number: F08107, F08102 & F08100

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:


OFMB SET 8/24 8/24


Contract Development and Control 8/29/16 8/29/16

B. Legal Sufficiency:


Assistant County Attorney 8/30/16

C. Other Department Review:

Department Director

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

G



Attachment /
1 pg

Attachment 2
Declaration of Easement
(7 pages)

Prepared by & Return to:
Marcel Pessoa, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: Portions of 00-42-46-27-00-000-7190, 00-42-46-28-00-000-5010 & 00-42-46-28-00-000-5030
and Right-of-Way to be abandoned

DECLARATION OF EASEMENT

THIS IS A DECLARATION OF EASEMENT, made _____, by
PALM BEACH COUNTY, a political subdivision of the State of Florida ("County"),
whose address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605.

WHEREAS, County is the owner of that certain real property located within Palm
Beach County, Florida as set forth on **Exhibit "A"** attached hereto and made a part
hereof (the "Easement Premise"); and

WHEREAS, County desires to create an easement over, upon and under such
property for the purposes set forth hereinafter; and

WHEREAS, County desires that such easement not be extinguished by the
doctrines of merger or unity of title and remain valid and in effect upon a subsequent
conveyance of the Property by County.

W I T N E S S E T H:

NOW THEREFORE, County does hereby declare, grant and create a perpetual
in gross utility easement for the benefit of County upon the "Easement Premises". This
easement shall be for the purpose of water and sewer utilities and shall include the right
at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate,
repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water
and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and
across the Easement Premises. This easement or portion thereof can be utilized for a
wastewater pump station and said pump station may be fenced in for access control
purposes.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

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

ATTEST:

COUNTY:

**SHARON R. BOCK
CLERK & COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: 
Chief Assistant County Attorney

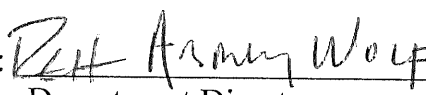
By: 
Department Director

EXHIBIT A

AN EASEMENT FOR PALM BEACH COUNTY WATER UTILITIES PURPOSES IN THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 27, AND THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, 20.00 FEET IN WIDTH, AND LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES:


COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 27, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA, HAVING A COORDINATE VALUE OF N763472.43, E932780.94;
THENCE ALONG THE WEST LINE OF THE SAID SOUTHWEST QUARTER (S.W.1/4) OF SECTION 27, S00°31'57"E FOR 1385.30 FEET;
THENCE N89°28'03"E FOR 14.30 FEET TO POINT "A", AND THE POINT OF BEGINNING OF LINE "A";


LINE "A":
THENCE N40°00'00"W FOR 78.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 660.00 FEET;
THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 12°00'00 FOR 138.23 FEET TO A POINT OF TANGENCY;
THENCE N28°00'00"W FOR 75.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1150.00 FEET;
THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 11°30'00 FOR 230.82 FEET TO A POINT OF TANGENCY, AND TO POINT "B";
THENCE N39°30'00"W FOR 58.50 FEET TO POINT "C";
THENCE N48°00'00"W FOR 19.00 FEET TO POINT "D";
THENCE N48°00'00"W FOR 102.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 475.00 FEET;
THENCE WESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 23°00'00 FOR 190.68 FEET TO A POINT OF TANGENCY;
THENCE N71°00'00"W FOR 76.00 FEET TO POINT "E";
THENCE N79°00'00"W FOR 36.00 FEET TO THE END OF SAID LINE "A";

AND LINE "B":
BEGIN AT SAID POINT "B";
THENCE N47°00'00"E FOR 18.00 FEET TO THE END OF SAID LINE "B";

(CONTINUED ON SHEET 2 OF 5)

THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED IN ACCORDANCE WITH THE APPLICABLE PORTIONS OF THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.050 THROUGH 5J-17.052, OF THE FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES. 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: 4/27/16

 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	E-Mail: info@brown-phillips.com		LEGAL DESCRIPTION	
			PROJ. No. 15-014EE	DRAWN: MB
			MORIKAMI PARK WATER UTILITIES EASEMENT	SCALE: NONE
				DATE: 4/27/16
				SHEET 1 OF 5

(CONTINUED FROM SHEET 1 OF 5)

AND LINE "C":
BEGIN AT SAID POINT "C";
THENCE S43°00'00"W FOR 30.00 FEET;
THENCE S68°00'00"W FOR 30.00 FEET TO THE END OF SAID LINE "C";

AND LINE "D":
BEGIN AT SAID POINT "D";
THENCE S48°00'00"W FOR 55.00 FEET TO THE END OF SAID LINE "D";

AND LINE "E":
BEGIN AT SAID POINT "E";
THENCE N13°00'00"E FOR 24.00 FEET TO THE END OF SAID LINE "E";

AND LINE "F":
BEGIN AT SAID POINT "A";
THENCE N51°00'00"E FOR 10.00 FEET TO THE END OF SAID LINE "F";

AND LINE "G":
BEGIN AT SAID POINT "A";
THENCE S51°00'00"W FOR 42.00 FEET;
THENCE N70°00'00"W FOR 19.00 FEET;
THENCE S68°00'00"W FOR 39.00 FEET;
THENCE S51°00'00"W FOR 119.00 FEET;
THENCE S35°00'00"W FOR 46.00 FEET;
THENCE S11°00'00"W FOR 15.00 FEET;
THENCE S04°00'00"W FOR 55.50 FEET;
THENCE S02°00'00"W FOR 120.00 FEET;
THENCE S00°00'00"W FOR 110.00 FEET TO POINT "H";
THENCE N87°00'00"W FOR 125.00 FEET;
THENCE N81°00'00"W FOR 56.00 FEET TO POINT "I"
THENCE N81°00'00"W FOR 68.00 FEET;
THENCE S85°00'00"W FOR 87.00 FEET;
THENCE S27°00'00"W FOR 8.00 FEET TO THE END OF SAID LINE "G";

AND LINE "H":
BEGIN AT SAID POINT "H";
THENCE S00°00'00"W FOR 11.00 FEET TO THE END OF SAID LINE "H";

AND LINE "I":
BEGIN AT SAID POINT "I";
THENCE N09°00'00"E FOR 11.00 FEET;
THENCE N81°00'00"W FOR 14.00 FEET TO THE END OF SAID LINE "I".

CONTAINING 40,805 SQUARE FEET (0.94 ACRES), MORE OR LESS.

THE SIDELINES OF ALL EASEMENTS TERMINATE AT RIGHT ANGLES TO THE END OF CENTERLINE POINT.



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

E-Mail: info@brown-phillips.com

LEGAL DESCRIPTION

PROJ. No. 15-014E

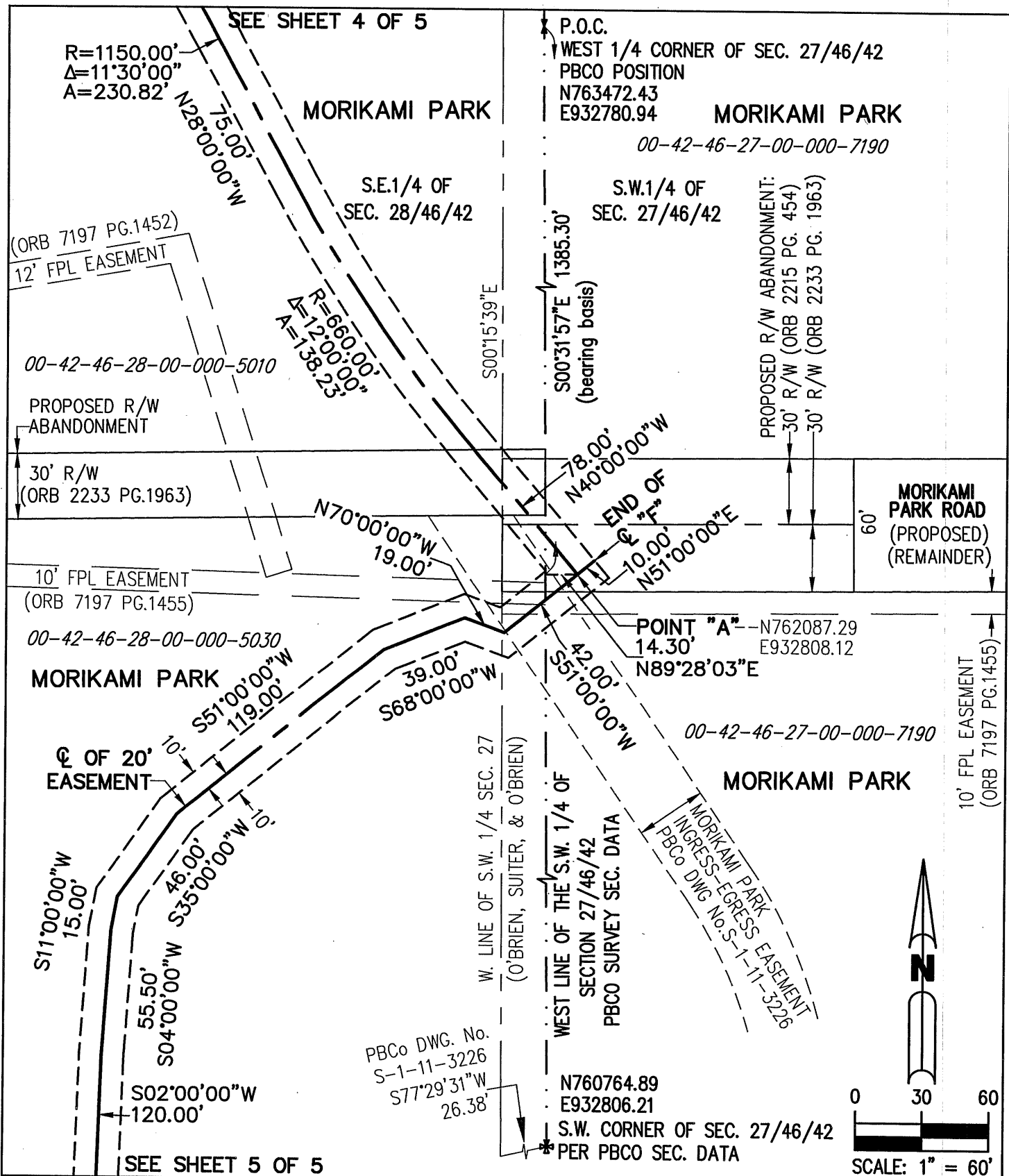
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**MORIKAMI PARK
WATER UTILITIES
EASEMENT**

SCALE: NONE

DATE: 4/27/16

SHEET 2 OF 5



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

E-Mail: info@brown-phillips.com

SKETCH TO ACCOMPANY LEGAL DESCRIPTION (This sketch is not a survey)	
PROJ. No. 15-014E	DRAWN: MB
MORIKAMI PARK WATER UTILITIES EASEMENT	SCALE: 1"=60'
	DATE: 4/27/16
	SHEET 3 OF 5

N762773.11
E932120.05

END OF
CL "A"

END OF CL "E"

POINT "E"

N79°00'00"W
36.00'

N71°00'00"W
76.00'

R=475.00'
Δ=23°00'00"
A=190.68°

MORIKAMI PARK

MORIKAMI PARK

00-42-46-28-00-000-5010

CL OF 20'
EASEMENT

N48°00'00"W
102.00'

POINT "D"

N48°00'00"W
19.00'

POINT "C"

END OF CL "D"

END OF CL "C"

S48°00'00"W
55.00'

S68°00'00"W
30.00'

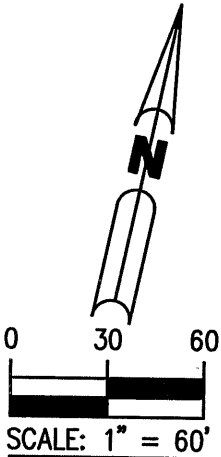
S43°00'00"W
30.00'

N39°30'00"W
58.50'

END OF
CL "B"

N47°00'00"E
18.00'

R=1150.00'
Δ=11°30'00"
A=230.82°



SEE SHEET 3 OF 5

E-Mail: info@brown-phillips.com



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**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION**

(This sketch is not a survey)

PROJ. No. 15-014E

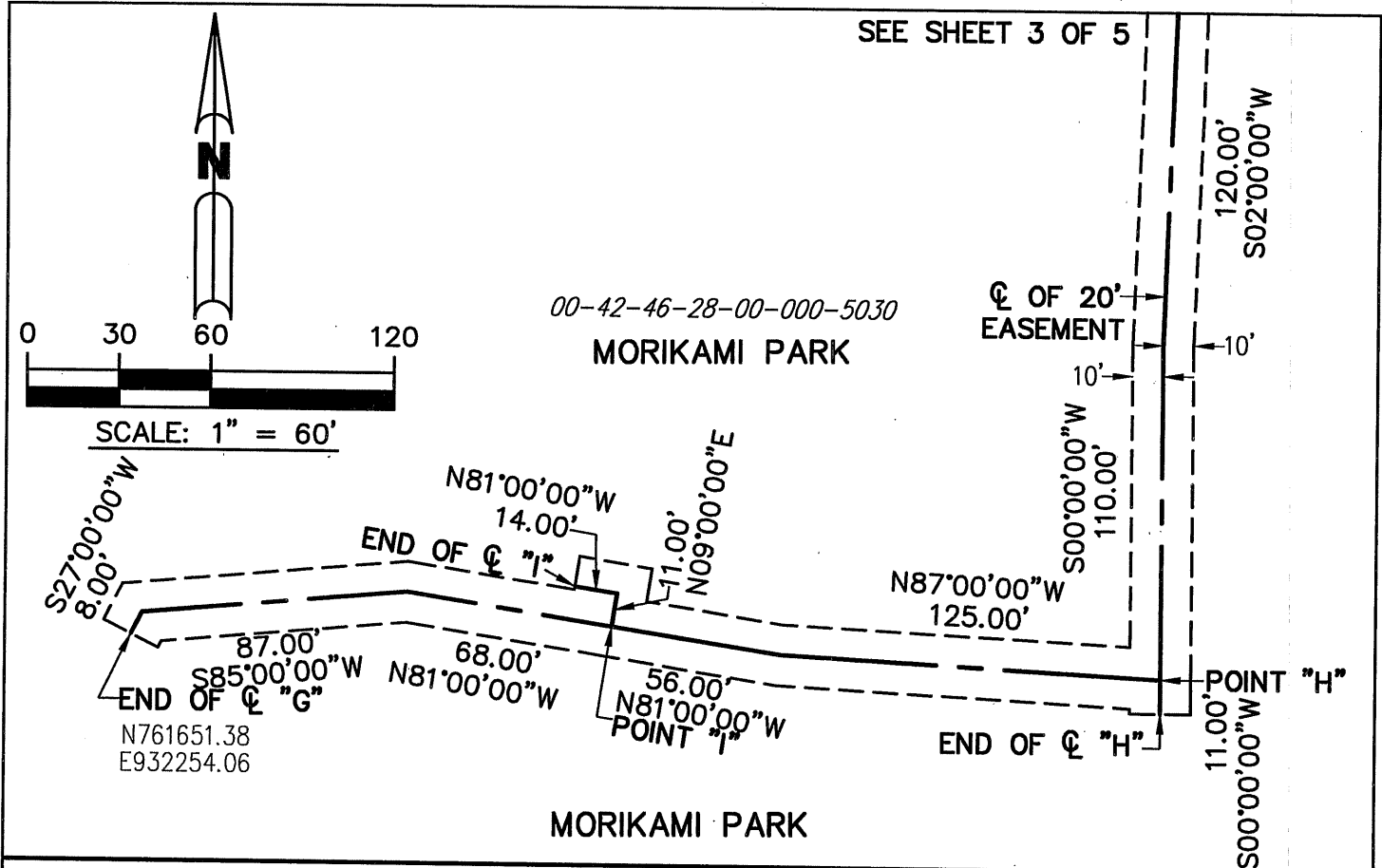
DRAWN: MB

**MORIKAMI PARK
WATER UTILITIES
EASEMENT**

SCALE: 1"=60'

DATE: 4/27/16

SHEET 4 OF 5



NOTES:

- 1) BEARING BASIS: S00°31'57"E (GRID) ALONG THE WEST LINE OF THE S.W. 1/4 OF SECTION 27/46/42.
- 2) AREA = 40,805 SQUARE FEET, MORE OR LESS.
- 3) THE SIDELINES OF ALL EASEMENTS TERMINATE AT RIGHT ANGLES TO THE END OF CENTERLINE POINT.
- 4) ABBREVIATIONS:
P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
PBCo - PALM BEACH COUNTY
DWG - DRAWING
SEC. - SECTION
NAD - NORTH AMERICAN DATUM
LB - LICENSED BUSINESS
P.B. - PLAT BOOK
ORB - OFFICIAL RECORD BOOK
PG. - PAGE
R/W - RIGHT-OF-WAY
C - CENTERLINE
- 5) 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 - 1.000029
I. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
J. ROTATION EQUATION: NONE

E-Mail: info@brown-phillips.com

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TELEPHONE (561)-615-3988, 615-3991 FAX

**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION and NOTES**
(This sketch is not a survey)

PROJ. No. 15-014E

DRAWN: MB

**MORIKAMI PARK
WATER UTILITIES
EASEMENT**

SCALE: 1"=60'

DATE: 4/27/16

SHEET 5 OF 5