

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 7, 2017

Consent     Regular  
 Workshop     Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: a Declaration of Easement (Declaration) for water utility improvements on County-owned property adjacent to Kirk Road south of the L-5 Canal, under lease to Trump International Golf Club, L.C. (Golf Club).

**Summary:** The Palm Beach County Engineering Department is completing roadway improvements on Kirk Road which include constructing a bridge to replace an existing culvert crossing the L-5 Canal, between Gun Club Road and Summit Boulevard, south of the Palm Beach International Airport (PBIA). As part of the bridge improvements, two existing force mains currently located within the Kirk Road right-of-way will be re-routed outside and east of the road right-of-way where the bridge is located. The Water Utilities Department (WUD) is requesting a Declaration on a triangular parcel containing 450 square feet (0.0103 acres) on property leased by the County to the Golf Club for the installation, operation and maintenance of water and sanitary sewer utilities. Countywide (HJF)

**Background and Justification:** The Declaration is across land leased to the Golf Club for the development of a golf course facility (R-96-1277D, as amended) (Lease). The Declaration will memorialize the existence of water transmission and distribution facilities on County-owned property. The Lease provides that County reserves the right to grant utility easements, licenses and rights-of-way to others over, under, through, across or on the leased premises, provided that such grant does not materially affect the use of the property for the uses permitted under the Lease.

**Attachments:**

- 1. Declaration of Easement

**Recommended By:** *Don Pelly* Department Director      1/5/17 Date

**Approved By:** *[Signature]* County Administrator      1/20/17 Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT *</b>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ RSource \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

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

\*No fiscal impact.

C. Departmental Fiscal Review: LM Simms

**III. REVIEW COMMENTS**

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

[Signature]  
 OFMB ET 1/10

[Signature] 1/11/17  
 Contract Dev. and Control

**B. Legal Sufficiency:**

[Signature] 1/12/17  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

REVISED 9/03  
 ADM FORM 01  
 (THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

Prepared by and return to:  
Laura Beebe, Deputy Director  
Palm Beach County Dept of Airports  
846 Palm Beach International Airport  
West Palm Beach, FL 33406

A portion of PCN 00-43-44-06-00-000-1040

**DECLARATION OF EASEMENT**

**THIS IS A DECLARATION OF EASEMENT**, made this \_\_\_\_\_, by PALM BEACH COUNTY, a political subdivision of the State of Florida ("County") whose address is c/o Palm Beach County Department of Airports, 846 Palm Beach International Airport, West Palm Beach, Florida, 33406.

**WHEREAS**, County is the owner and operator of Palm Beach International Airport located in Palm Beach County, Florida (the "Airport"); and

**WHEREAS**, County desires to create an easement over, upon and under a portion of such Airport 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 such property by County.

**WITNESSETH:**

**NOW, THEREFORE**, County does hereby declare, grant and create a perpetual in gross water utility easement for the benefit of County upon the property legally described in Exhibit "A" attached hereto (the "Easement Premises"). This easement shall be for the sole purpose of water and sanitary 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 such transmission and distribution facilities and all appurtenances thereto with the full right to ingress thereto and egress therefrom in, on, over, under and across the Easement Premises.

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

**ATTEST:**

**SHARON R. BOCK**

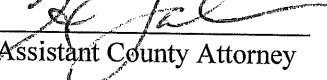
By: \_\_\_\_\_  
Clerk & Comptroller

(SEAL)

**PALM BEACH COUNTY, a political  
subdivision of the State of Florida by its  
Board of County Commissioners**

By: \_\_\_\_\_  
Paulette Burdick, Mayor

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

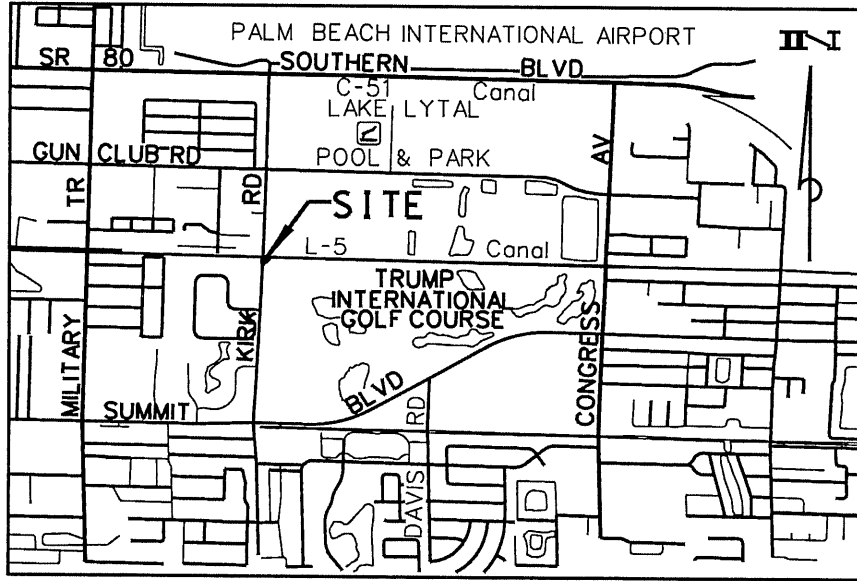
By:   
Assistant County Attorney

**APPROVED AS TO TERMS AND  
CONDITIONS**

By:   
Department Director

**Exhibit "A"**  
**(the "Easement Premises")**

**EXHIBIT "A"**  
**UTILITY EASEMENT**  
**KIRK ROAD OVER**  
**THE L.W.D.D. L-5 CANAL**  
 SECTION 06, TOWNSHIP 44 SOUTH, RANGE 43 EAST



**LOCATION MAP**  
 NOT TO SCALE

**LEGAL DESCRIPTION**

A PARCEL OF LAND FOR UTILITY EASEMENT PURPOSES LYING IN SECTION 06, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 06, THENCE SOUTH  $01^{\circ}28'37''$  EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 06, A DISTANCE OF 39.83 FEET; THENCE SOUTH  $88^{\circ}31'23''$  EAST, A DISTANCE OF 78.83 FEET TO THE EAST RIGHT-OF-WAY LINE OF KIRK ROAD AS SHOWN ON THE PALM BEACH COUNTY ENGINEERING DEPARTMENT RIGHT-OF-WAY MAP, DRAWING NUMBER 88564, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-5 CANAL AS RECORDED IN OFFICAL RECORDBOOK 3538, PAGE 1616 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINING. THENCE SOUTH  $88^{\circ}38'58''$  EAST ALONG SAID SOUTH LINE A DISTANCE OF 30.00 FEET; THENCE SOUTH  $47^{\circ}16'27''$  WEST, A DISTANCE OF 43.10 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF KIRK ROAD, THENCE NORTH  $03^{\circ}11'52''$  EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINING.

PARCEL CONTAINS 450 SQUARE FEET OR 0.0103 ACRES MORE OR LESS.

SHEET 1 OF 3 PROJECT NO. 2015506	PROJECT: <b>UTILITY EASEMENT                  KIRK ROAD OVER                  L.W.D.D. CANAL L-5</b>	SCALE: 1" = 30' APPROVED: G. W. M. DRAWN: S. T. A. CHECKED: G. W. M. DATE: 11/29/2016 FIELD BOOK NO.	NO.	REVISION	BY	DATE
	DESIGN FILE NAME <b>S-1-16-3826.DGN</b>		DRAWING NO. <b>S-1-16-3826</b>			

LEGEND

P.B. = PLAT BOOK	REF = REFERENCE
PG. = PAGE	D.B. = DEED BOOK
P.O.C. = POINT OF COMMENCEMENT	O.R.B. = OFFICIAL RECORD BOOK
P.O.B. = POINT OF BEGINNING	SEC = SECTION
P.B.C. = PALM BEACH COUNTY	TWP = TOWNSHIP
R/W = RIGHT OF WAY	RNG = RANGE
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION	FP&L = FLORIDA POWER AND LIGHT
D.N.R. = FLORIDA DEPARTMENT OF NATURAL RESOURCES	AKA = ALSO KNOWN AS
	R.P.B. = ROAD PLAT BOOK
	L.W.D.D. = LAKE WORTH DRAINAGE DISTRICT
	L.A.E. = LIMITED ACCESS EASEMENT

SURVEYOR'S REPORT

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTED) BEARING OF NORTH 01°28'37" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 06, TOWNSHIP 44 SOUTH, RANGE 43 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 UNDERGROUND UTILITIES LOCATED BY THIS OFFICE

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.

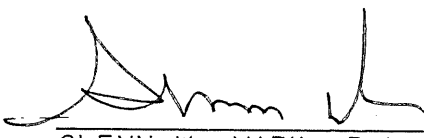
COORDINATES SHOWN ARE GRID  
 DATUM = NAD 83, 1990 ADJUSTMENT  
 ZONE = FLORIDA EAST  
 LINEAR UNITS = US SURVEY FOOT  
 COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND.  
 PROJECT SCALE FACTOR = 1.000039295  
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

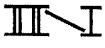
THIS IS NOT A SURVEY

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

11/29/16  
 \_\_\_\_\_  
 DATE



SCALE: 1" = 30'

NORTHWEST CORNER SECTION. 06  
TOWNSHIP 44 SOUTH, RANGE 43 EAST  
PALM BEACH COUNTY POSITION  
852830.920  
948772.871

TRUMP INTERNATIONAL  
GOLF COURSE  
PCN: 00434406000003010

2664.35'

40.00'

40.00'

N01°31'37"E

L.W.D.D. CANAL L-5  
O.R.B. 3538, PG. 1616

40.00'

EAST-WEST QUARTER  
SECTION LINE  
SECTION 06,  
TOWNSHIP 44 SOUTH,  
RANGE 43 EAST

40.00'

P.O.C.  
WEST QUARTER CORNER SECTION 06  
TOWNSHIP 44 SOUTH, RANGE 43 EAST  
PALM BEACH COUNTY POSITION  
850167.520  
948701.880

39.83'

S88°31'23"E

P.O.B.  
78.83'

S88°38'58"E  
30.00'

SOUTH R/W LINE  
L.W.D.D. L-5 CANAL  
O.R.B. 3538, PG. 1616

N03°11'52"E  
30.00'

43.10'  
S47°16'27"W

2624.06'

KIRK ROAD

PALM BEACH COUNTY  
ENGINEERING DEPARTMENT  
R/W MAP DRAWING NO. 88564

EAST R/W LINE KIRK ROAD  
PALM BEACH COUNTY  
ENGINEERING DEPARTMENT  
R/W MAP DRAWING NO. 88564

TRUMP INTERNATIONAL  
GOLF COURSE  
PCN: 00434406000001040

WEST LINE OF THE  
SOUTHWEST QUARTER OF  
SECTION 06,  
TOWNSHIP 44 SOUTH,  
RANGE 43 EAST

N01°28'37"E

40.00'

40.00'

SOUTHWEST CORNER SECTION 06  
TOWNSHIP 44 SOUTH, RANGE 43 EAST  
PALM BEACH COUNTY POSITION  
847504.517  
948633.224

PROJECT NO. 2015506

DRAWING NO. S-1-16-3826

PROJECT: UTILITY EASEMENT KIRK RD. OVER L.W.D.D. L-5

SHEET: 3 OF 3