Agenda Item #: 3-C-9

#### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

### **AGENDA ITEM SUMMARY**

Meeting Date: Ma	rch 14, 2017	[X] [ ]	Consent Ordinance	[]	Regular Public Hearing
Department: Submitted By: Submitted For:	Engineering and Engineering and Roadway Produ	l Public W	orks		

### I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to: approve the release of a flowage easement through a portion of the Boca Dunes Golf and Country Club golf course and a portion of the future plat of Boca Dunes planned unit development (PUD).

**SUMMARY:** Approval will release a Palm Beach County (County) flowage easement recorded on February 10, 1978, in Official Record Book 3131, Page 1169. Cove Club Investors, Ltd. (Cove Club), the owners of the golf course, and Boca Dunes - Boca Raton, L.P. (Developer), the owners of Boca Dunes PUD, have each provided a replacement drainage easement to the County to satisfy a condition for the development of the PUD. <u>District 5</u> (HF)

**Background and Justification:** Cove Club granted the County a flowage easement through its Boca Dunes Golf and Country Club golf course for drainage for the Sandalfoot Cove neighborhood on February 10, 1978, which was recorded in Official Record Book 3131, Page 1169. In August of 2016, Cove Club sold a 41 acre portion of its golf course to the Developer for a planned unit development to be platted as Boca Dunes PUD. As a condition for the development of the PUD, Cove Club and the Developer are required to relocate the flowage easement and provide the County with replacement drainage easements. The replacement drainage easements have already been accepted by the County and recorded. Staff has reviewed the release and recommends approval.

### Attachments:

- 1. Location Map
- 2. Release of Flowage Easement Rights with Exhibit "A"

5	-		
Brk	Recommended by:	T. Well	2/6/2017
		Department Director	Date
	Approved By:	Taue Johnson	2/9/17
	1.1	Assistant County Administrator	Date

dpk

# II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	<u>\$ -0-</u>	-0	-0-		-0-
<b>Operating Costs</b>	-0-	-0-	-0-	<b>-0-</b>	-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-
<b># ADDITIONAL FTE</b>					
<b>POSITIONS (Cumulative)</b>				<u></u>	

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.

valarnen C. Departmental Fiscal Review:

## III. <u>REVIEW COMMENTS</u>

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

PSS OFMB 19 21

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. 2 F:\COMMON\WP\AGENDAPAGE2\AGNPGTWO2017\00.NO IMPACT.DOC



Return to: Right-of-Way Section Palm Beach County, Engineering & Public Works Department Post Office Box 21229 West Palm Beach, Florida 33416-1229 Attn.: David Kuzmenko, Right-of-Way Specialist Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by: Philip Mugavero, 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: 00-42-43-27-05-081-0371

### NOT TO BE RECORDED WITHOUT BOARD OF COUNTY COMMISSIONERS ACCEPTANCE DATE

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: R2016-0831, Condition E3 ROAD NAME: SW 18<sup>th</sup> Street PARCEL NO.: Flowage Easements A & B

### **RELEASE OF FLOWAGE EASEMENT RIGHTS**

WHEREAS, on February 10, 1978, a perpetual easement and right-of-way for the purpose of a flowage easement through Sandalfoot Cove was conveyed to PALM BEACH COUNTY (County) by COVE CLUB INVESTORS, LTD. (Cove Club), which was recorded in Official Record Book 3131, Page 1169, Public Records of Palm Beach County, Florida; and,

WHEREAS, Cove Club, the original grantor of the flowage easement, and BOCA DUNES – BOCA RATON, L.P., (hereinafter called "Property Owners"), have requested a release of the flowage easement rights granted therein, more particularly described in <u>Exhibit</u> <u>"A"</u>, attached hereto and made a part hereof; and,

WHEREAS, the Property Owners have acknowledged that, as the current owners of the subject property, they intend to replace the flowage easement with a new drainage easement, as required in the conditions for development; and,

WHEREAS, the County Engineering Department staff has reviewed the request submitted by the Property Owners and has determined that release of the flowage easement more particularly described in <u>Exhibit "A"</u>, attached hereto and made a part hereof, will not adversely affect Sandalfoot Cove; and,

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, County does hereby release the flowage easement which was recorded in Official Record Book 3131, Page 1169, Public Records of Palm Beach County, Florida and as described in <u>Exhibit "A"</u>.

IN WITNESS WHEREOF, County has caused this Release of Flowage Easement Rights to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

### ATTEST:

SHARON R. BOCK CLERK & COMPTROLLER

By: \_

Deputy Clerk

### APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: \_\_\_

Assistant County Attorney

### **County:**

## PALM BEACH COUNTY,

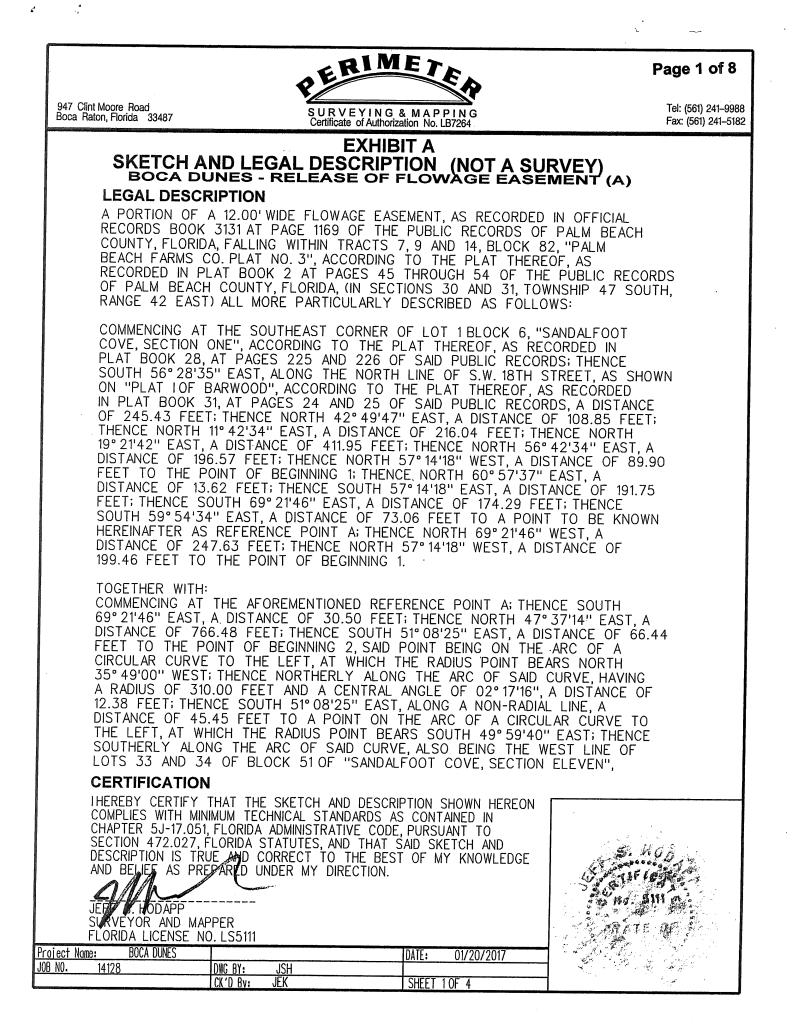
a political subdivision of the State of Florida

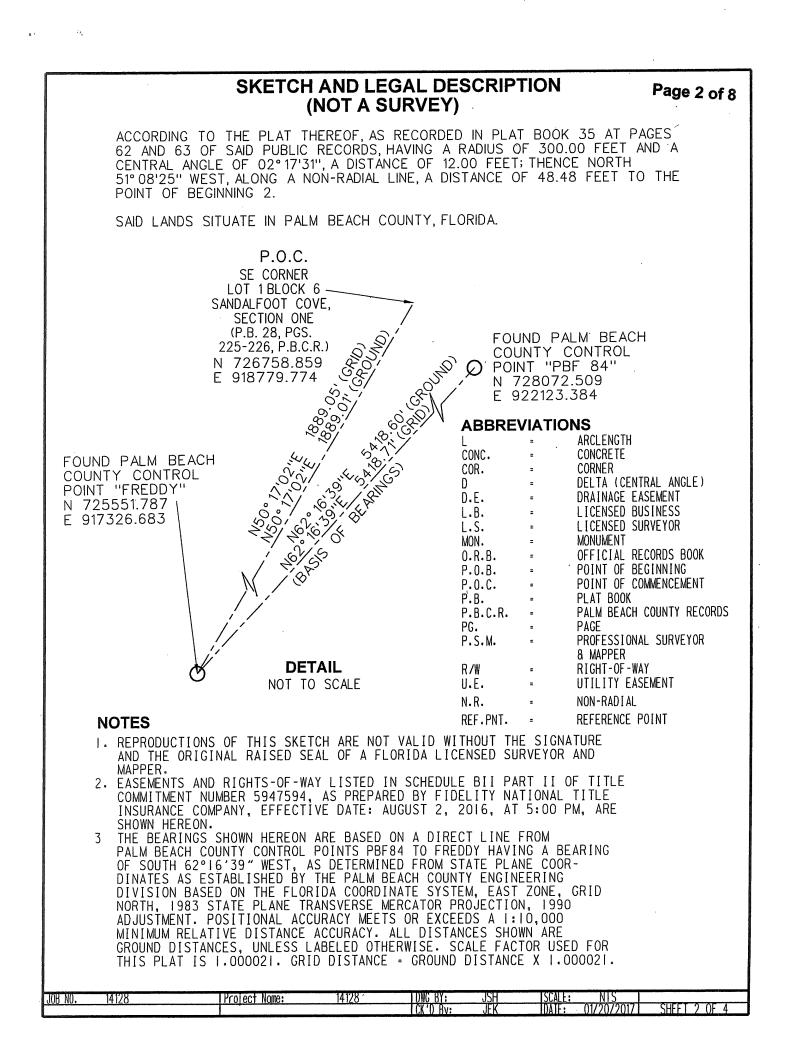
By: \_

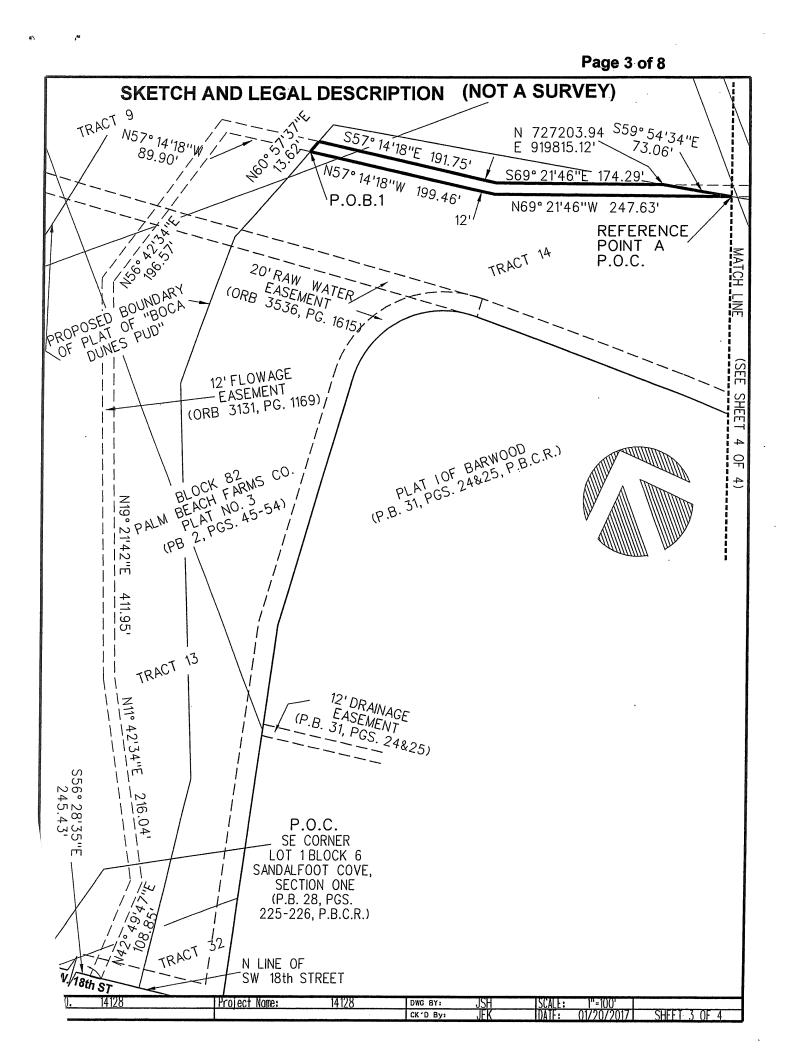
Paulette Burdick, Mayor

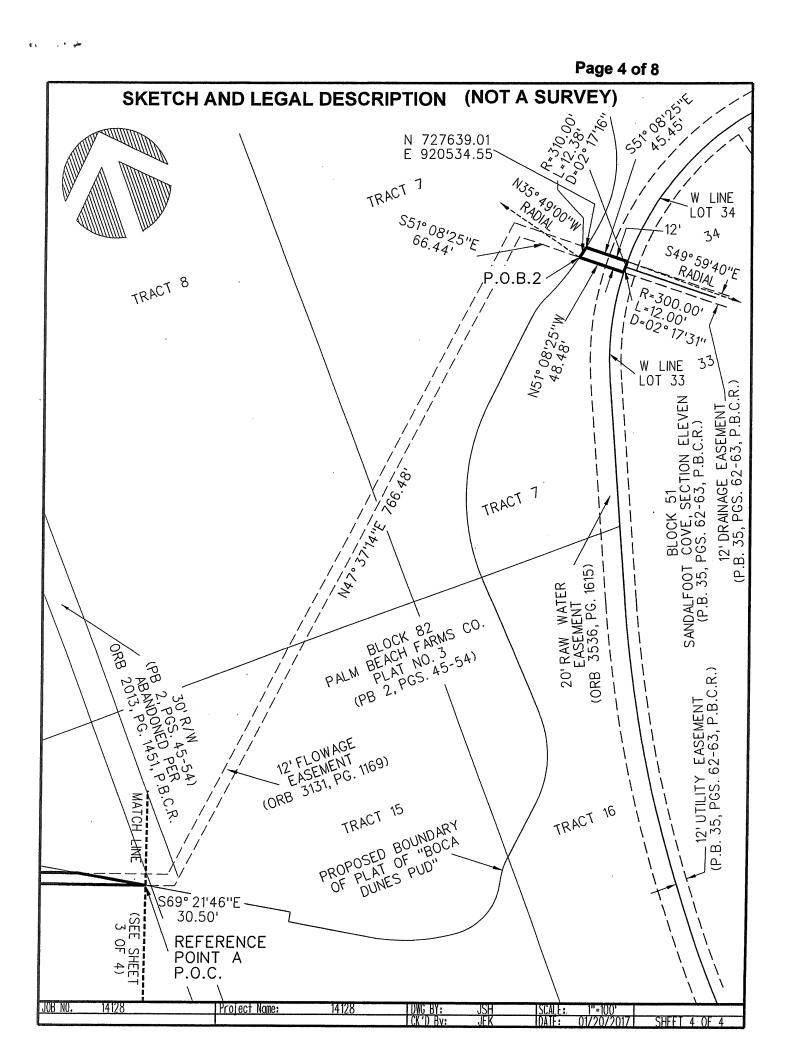
(Official Seal)

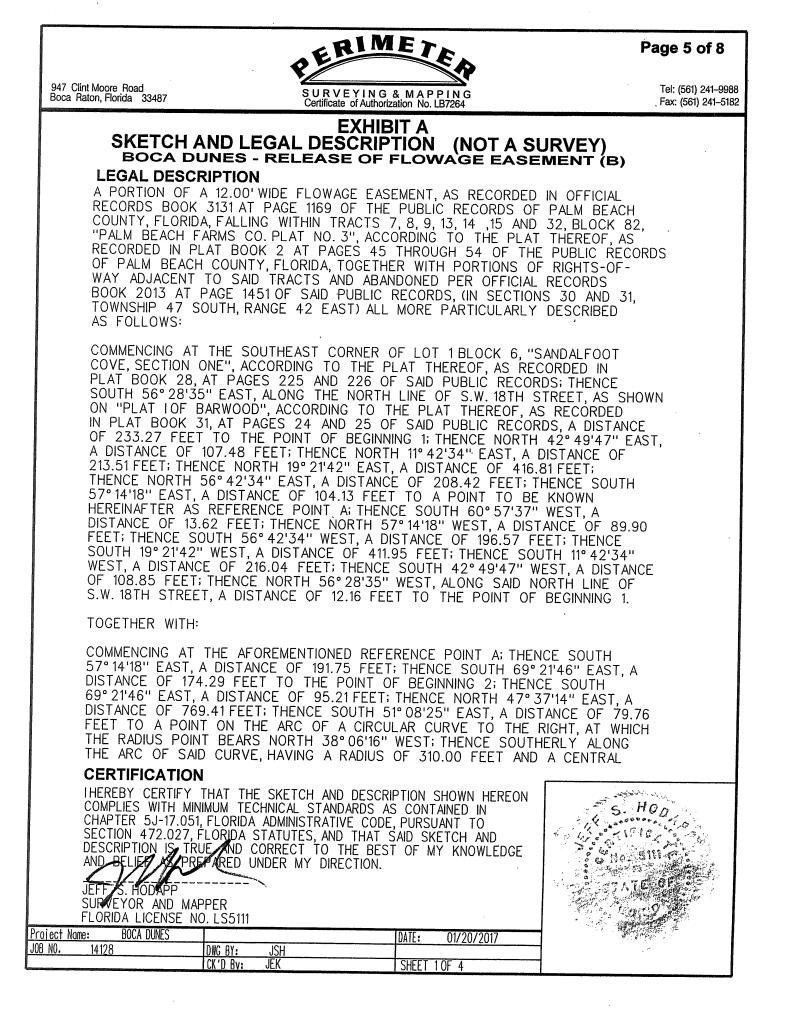
 $N: \label{eq:local_local_release} N: \label{eq:local_release} N: \label{eq:local_release} N: \label{eq:local_release} N: \label{eq:local_rel} N: \la$ 











SKETCH AND LEGAL DESCRIPTION Page 6 of 8 (NOT A SURVEY) ANGLE OF 02°17'16", A DISTANCE OF 12.38 FEET; THENCE NORTH 51°08'25" WEST, ALONG A NON-RADIAL LINE, A DISTANCE OF 66.44 FEET; THENCE SOUTH 47°37'14" WEST, A DISTANCE OF 766.48 FEET; THENCE NORTH 69°21'46" WEST, A DISTANCE OF 30.50 FEET; THENCE NORTH 59°54'34" WEST, A DISTANCE OF 73.06 FEET TO THE POINT OF BEGINNING 2. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA. P.O.C. SE CORNER LOT 1 BLOCK 6 SANDALFOOT COVE, SECTION ONE (P.B. 28, PGS. 225-226, P.B.C.R.) FOUND PALM BEACH COUNTY CONTROL M N 726758.859 POINT "PBF 84" Ø 918779.774 F N 728072.509 E 922123.384 ABBREVIATIONS ARCLENGTH FOUND PALM BEACH CONC. CONCRETE છ COUNTY CONTROL ARING CORNER COR. POINT "FREDDY" D DELTA (CENTRAL ANGLE) 725551.787 Ν D.E. DRAINAGE EASEMENT ¢, E 917326.683 L.B. LICENSED BUSINESS 6 1.S. LICENSED SURVEYOR MON. MONUMENT 0) 0.R.B. OFFICIAL RECORDS BOOK ØP P.O.B. POINT OF BEGINNING P.O.C. POINT OF COMMENCEMENT P.B. PLAT BOOK P.B.C.R. PALM BEACH COUNTY RECORDS PG. PAGE P.S.M. PROFESSIONAL SURVEYOR & MAPPER DETAIL R/W RIGHT-OF-WAY NOT TO SCALE U.E. UTILITY EASEMENT N.R. NON-RADIAL NOTES REF.PNT. REFERENCE POINT I. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. EASEMENTS AND RIGHTS-OF-WAY LISTED IN SCHEDULE BII PART II OF TITLE COMMITMENT NUMBER 5947594, AS PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, EFFECTIVE DATE: AUGUST 2, 2016, AT 5:00 PM, ARE 2. EASEMENTS SHOWN HEREON. SHOWN HEREON. THE BEARINGS SHOWN HEREON ARE BASED ON A DIRECT LINE FROM PALM BEACH COUNTY CONTROL POINTS PBF84 TO FREDDY HAVING A BEARING OF SOUTH 62°16'39" WEST, AS DETERMINED FROM STATE PLANE COOR-DINATES AS ESTABLISHED BY THE PALM BEACH COUNTY ENGINEERING DIVISION BASED ON THE FLORIDA COORDINATE SYSTEM, EAST ZONE, GRID NORTH, 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION, 1990 ADJUSTMENT. POSITIONAL ACCURACY MEETS OR EXCEEDS A 1:10,000 MINIMUM RELATIVE DISTANCE ACCURACY. ALL DISTANCES SHOWN ARE GROUND DISTANCES, UNLESS LABELED OTHERWISE. SCALE FACTOR USED FOR THIS PLAT IS 1.000021. GRID DISTANCE = GROUND DISTANCE X 1.000021. 3 JOB NO. 14128 Project Name: 14128 DWG BY: LCK'D By ISCALE: NTS 01/20/2017

SHEET 2 OF

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