

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	April 4, 2017	Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>
		Public Hearing <input type="checkbox"/>	

Department: Water Utilities Department

I. EXECUTIVE BRIEF


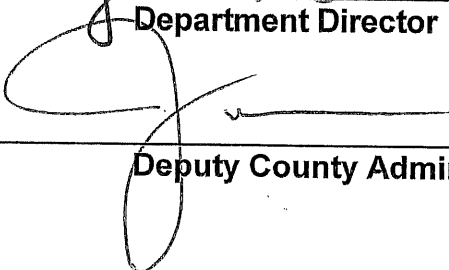
Motion and Title: Staff recommends motion to approve: the release of a Utility Easement over property owned by Lennar Homes, LLC.

Summary: This document will release the County's interest in a utility easement recorded in the Official Records of Palm Beach County (ORB 24490 PG 238-245) over property owned by Lennar Homes, LLC. Lennar Homes, LLC, is relocating the water and wastewater facilities in the existing easement to accommodate the residential development of the property. The Water Utilities Department (WUD) has determined that the easement is no longer needed due to the relocation of the existing water main and force main and therefore recommends the release. District 6 (MJ)

Background and Justification: On April 26, 2011, a utility easement was granted by the Village of Royal Palm Beach, the property owner at that time, to the County for public water and wastewater facilities located on property identified by PCN 72-41-43-15-12-002-0000. Lennar Homes, LLC is the current property owner. New utility facilities are being constructed, and new easement(s) will be dedicated to the County to cover these facilities. Since the development of the property is removing the water and sewer facilities from the existing easement, Lennar Homes, LLC is requesting a release of the easement that the County no longer needs.

Attachments:

- 1. Location Map
- 2. Two (2) Original Release of Utility Easement
- 3. One (1) Certified Copy of Original Utility Easement (ORB 24490 PG 238-245)

Recommended By:		3-8-17
	Department Director	Date
Approved By:		3-27-17
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Budget Account No.:	Fund _____	Dept _____	Unit _____	Object _____	

Is Item Included in Current Budget? Yes ___ No ___

Reporting Category N/A

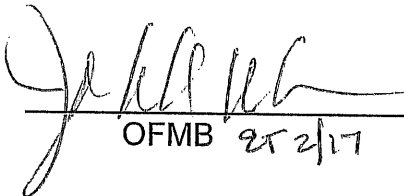
B. Recommended Sources of Funds/Summary of Fiscal Impact:

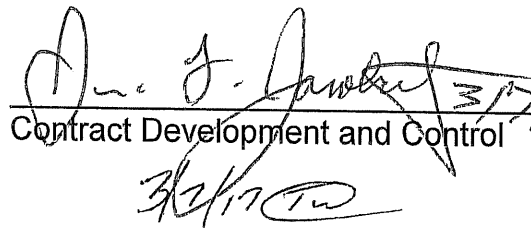
No Fiscal Impact

C. Department Fiscal Review: Delramont


III. REVIEW COMMENTS

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

 2/22/17
OFMB 2/22/17

 3/17/17
Contract Development and Control

B. Legal Sufficiency:

 3/8/17
Assistant County Attorney

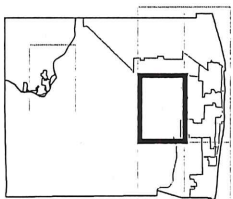
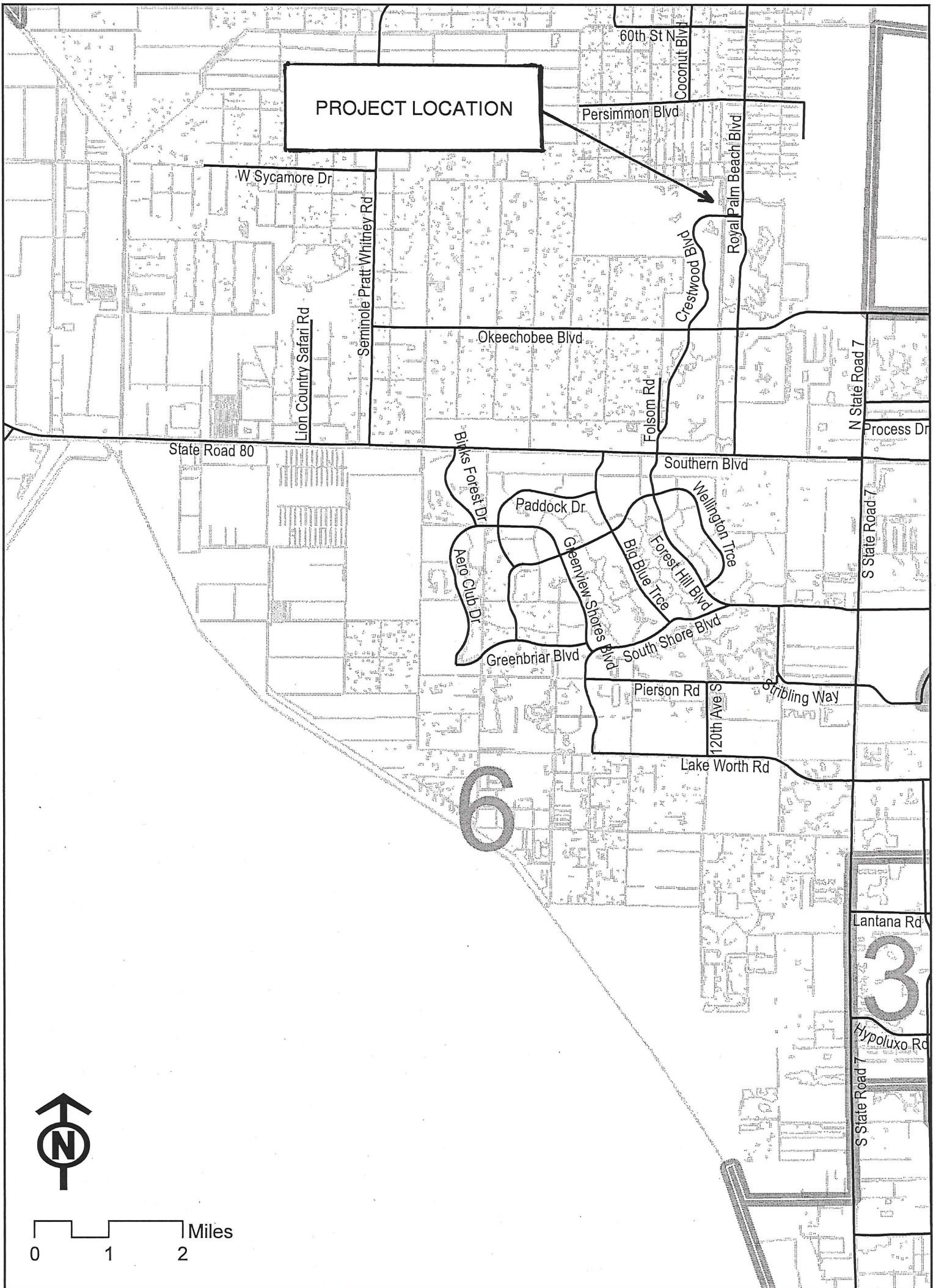
C. Other Department Review:

Department Director

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

Project Location

ATTACHMENT 1



Location Sketch

Prepared by and return to:
Palm Beach County Water Utilities Department
Attn: Plan Review
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

RELEASE OF UTILITY EASEMENT

THIS RELEASE OF UTILITY EASEMENT, executed this __ day of _____, 2017, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd, West Palm Beach, Florida 33413, to Lennar Homes, LLC, whose address is 700 NW 107th Ave., Suite 400, Miami, FL 33172, second party:

WITNESSETH:

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a UTILITY EASEMENT recorded in Official Records Book 24490, Pages 238-245, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that UTILITY EASEMENT as recorded in Official Records Book 24490, Pages 238-245, attached hereto.

IN WITNESS WHEREOF the first party has caused this RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

Sharon R. Bock, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

JCS

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

Name:

Address:



ATTACHMENT 3

CFN 20110150243
DR BK 24490 PG 0238
RECORDED 04/26/2011 15:41:01
Palm Beach County, Florida
Sharon K. Rock, CLERK & COMPTROLLER
Page 0238 - 245; (8pgs)

Diane DiSanto, Village Clerk
Village of Royal Palm Beach
1050 Royal Palm Beach Blvd.
Royal Palm Beach, FL 33411

SDA #
Prepared by and Return to:
Palm Beach County Water Utilities Department
P.O. Box 16097 Attn: Engineering Div.
West Palm Beach, Florida 33416-6097

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 21st day of April, 2011, by the Village of Royal Palm Beach (hereinafter referred to as "Grantor"), whose address is 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor 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. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

Signed, sealed and delivered
in the presence of:

Jacqueline Shimkue-Davy
Witness Signature
Jacqueline Shimkue-Davy
Print Name
John Crook
Witness Signature
Robin Crook
Print Name

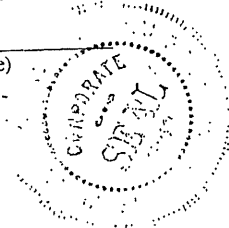
GRANTOR:

Village of Royal Palm Beach

Richard Valuntas
Signature
Richard Valuntas, Vice Mayor
Print Name (and Title if applicable)

Signature
Print Name (and Title if applicable)

(SEAL)



NOTARY CERTIFICATE

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 21st day of April, 2011 by Richard Valuntas and _____ who is/are personally known to me or who has produced _____ as identification.

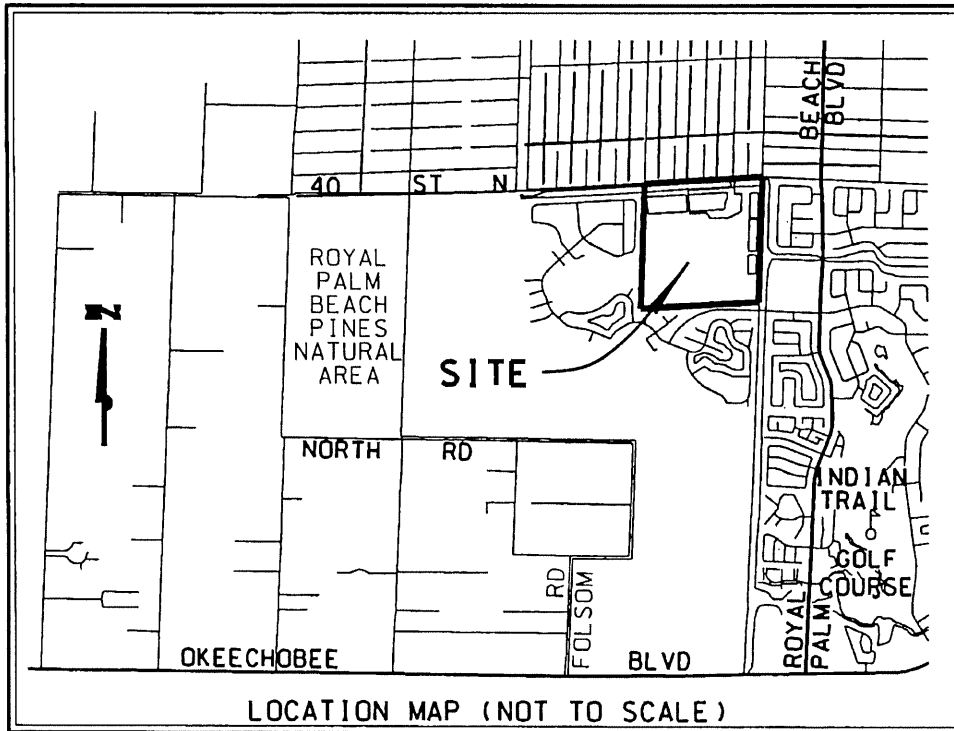
My Commission Expires:



Diane M DiSanto
Notary Signature

DIANE M DISANTO
Typed, Printed or Stamped Name of Notary

EXHIBIT "A"



LEGAL DESCRIPTION

TWO 15 FOOT UTILITY EASEMENTS AND A UTILITY EASEMENT IN A PORTION OF THE PLAT OF SECTION 15, NORTHEAST QUARTER AS RECORDED IN PLAT BOOK 107, PAGES 173-174, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 15, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

CENTERLINE OF UTILITY EASEMENT 1 (24"FORCE MAIN)

COMMENCE AT POINT OF COMMENCEMENT 1 BEING THE SOUTHEAST CORNER OF SAID PLAT OF SECTION 15, NORTHEAST QUARTER; THENCE SOUTH 86°48'05" WEST ALONG THE SOUTH LINE OF SAID PLAT, A DISTANCE OF 7.50 FEET TO POINT OF BEGINNING 1 AND REFERENCE POINT "A"; THENCE NORTH 01°42'50" EAST, A DISTANCE OF 581.57 FEET; THENCE NORTH 01°28'59" EAST, A DISTANCE OF 473.93 FEET; THENCE NORTH 88°17'09" WEST, A DISTANCE OF 14.17 FEET TO REFERENCE POINT "B"; THENCE NORTH 88°17'09" WEST, A DISTANCE OF 36.38 FEET; THENCE NORTH 86°48'52" WEST, A DISTANCE OF 162.32 FEET; THENCE

PROJECT NO. 2009008-02
SHEET 1 OF 7

PROJECT: ROYAL PALM BEACH WASTEWATER TREATMENT PLANT UTILITY EASEMENT
DESIGN FILE NAME: S-1-10-3118.DGN
DRAWING NO.: S-1-10-3118

NO.	REVISION	BY	DATE

SCALE/AS NOTED
APPROVED: N. J. H.
DRAWN: E. A. D.
CHECKED: G. W. M.
DATE DRAWN: 01/04/11
FIELD BOOK NO. 1303 B

PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

NORTH 84°18'36" WEST, A DISTANCE OF 80.62 FEET; THENCE NORTH 02°11'23" EAST, A DISTANCE OF 172.78 FEET TO REFERENCE POINT "C"; THENCE NORTH 02°17'53" EAST, A DISTANCE OF 46.34 FEET; THENCE NORTH 04°40'59" EAST, A DISTANCE OF 59.00 FEET; THENCE NORTH 01°56'48" EAST, A DISTANCE OF 207.62 FEET; THENCE NORTH 01°42'42" EAST, A DISTANCE OF 278.99 FEET; THENCE NORTH 26°28'28" WEST, A DISTANCE OF 152.60 FEET; THENCE NORTH 27°17'51" WEST, A DISTANCE OF 163.54 FEET TO THE POINT OF TERMINUS 1.

TOGETHER WITH;

BEGIN AT THE AFOREMENTIONED REFERENCE POINT "B"; THENCE NORTH 02°18'24" EAST, A DISTANCE OF 272.34 FEET; THENCE SOUTH 86°39'06" EAST, A DISTANCE OF 23.71 FEET TO EAST LINE OF SAID PLAT AND POINT OF TERMINUS 2;

ALSO TOGETHER WITH;

BEGIN AT THE AFOREMENTIONED REFERENCE POINT "C"; THENCE SOUTH 87°28'56" WEST, A DISTANCE OF 80.25 FEET TO POINT OF TERMINUS 3;

AND;

CENTERLINE OF UTILITY EASEMENT 2 (16" WATER MAIN)

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT "A"; THENCE SOUTH 86°48'05" WEST ALONG THE SOUTH LINE OF SAID PLAT, A DISTANCE OF 47.17 FEET TO POINT OF BEGINNING 2; THENCE NORTH 02°12'08" WEST, A DISTANCE OF 7.50 FEET; THENCE SOUTH 86°48'05" WEST, A DISTANCE OF 21.91 FEET; THENCE NORTH 02°14'08" EAST, A DISTANCE OF 241.91 FEET; THENCE NORTH 01°36'46" EAST, A DISTANCE OF 79.26 FEET; THENCE NORTH 02°19'40" EAST, A DISTANCE OF 77.21 FEET; THENCE NORTH 01°40'53" EAST, A DISTANCE OF 169.58 FEET; THENCE NORTH 87°52'48" WEST, A DISTANCE OF 185.98 FEET; THENCE NORTH 41°25'59" WEST, A DISTANCE OF 39.13 FEET; THENCE NORTH 01°57'36" EAST, A DISTANCE OF 194.01 FEET; THENCE NORTH 01°40'31" EAST, A DISTANCE OF 144.87 FEET; THENCE NORTH 02°29'23" EAST, A DISTANCE OF 149.45 FEET; THENCE NORTH 02°19'15" EAST, A DISTANCE OF 108.21 FEET TO REFERENCE POINT "E"; THENCE NORTH 01°53'35" EAST, A DISTANCE OF 147.78 FEET; THENCE NORTH 01°59'21" EAST, A DISTANCE OF 209.62 FEET; THENCE NORTH 01°54'44" EAST, A DISTANCE OF 270.38 FEET; THENCE NORTH 03°06'39" EAST, A DISTANCE OF 78.15 FEET; THENCE NORTH 35°43'56" WEST, A DISTANCE OF 109.16 FEET; THENCE NORTH 34°12'00" WEST, A DISTANCE OF 176.03 FEET TO THE EAST LINE OF TRACT A OF SAID PLAT AND REFERENCE POINT "E" AND POINT OF TERMINUS 4;

TOGETHER WITH;

BEGINNING AT THE AFOREMENTIONED REFERENCE POINT "E"; THENCE NORTH 89°20'21" WEST, A DISTANCE OF 51.42 FEET TO REFERENCE POINT "F"; THENCE NORTH 88°14'05" WEST, A DISTANCE OF 237.15 FEET; THENCE SOUTH 01°05'33" WEST, A DISTANCE OF 34.19 FEET TO POINT OF TERMINUS 5

ALSO TOGETHER WITH;

BEGINNING AT THE AFOREMENTIONED REFERENCE POINT "F"; THENCE SOUTH 06°01'12" WEST, A DISTANCE OF 22.69 FEET TO POINT OF TERMINUS 6

AND;

UTILITY EASEMENT 3 (WATER AND SEWER)

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT "E"; THENCE NORTH 01°50'26" EAST, A DISTANCE OF 235.24 FEET; THENCE SOUTH 86°37'42" WEST, A DISTANCE OF 160.87 FEET; THENCE NORTH 03°22'18" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 86°37'43" WEST, A DISTANCE OF 10.29 FEET TO THE POINT OF BEGINNING 3; THENCE SOUTH 86°37'43" WEST, A DISTANCE OF 50.14 FEET; THENCE NORTH 08°16'12" WEST, A DISTANCE OF 200.73 FEET TO THE NORTH LINE OF SAID PLAT; THENCE NORTH 86°37'42" EAST ALONG SAID NORTH LINE, A DISTANCE OF 63.89 FEET; THENCE SOUTH 04°20'36" EAST, A DISTANCE OF 200.03 FEET TO THE POINT OF BEGINNING 3.

SURVEY NOTES

PIPE LOCATIONS WERE NOT PHYSICALLY LOCATED AT TRACT A.

EASEMENT SIDE LINES ARE TO BE LENGTHED OR SHORTENED TO INTERSECT BOUNDARY LINES AND CREATE A CONTINUOUS 15 FOOT EASEMENT.

BEARINGS ARE GRID NAD 83, 1990 ADJUSTMENT WITH THE NORTH LINE OF SAID PLAT HAVING A BEARING OF NORTH 86°37'42" EAST.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

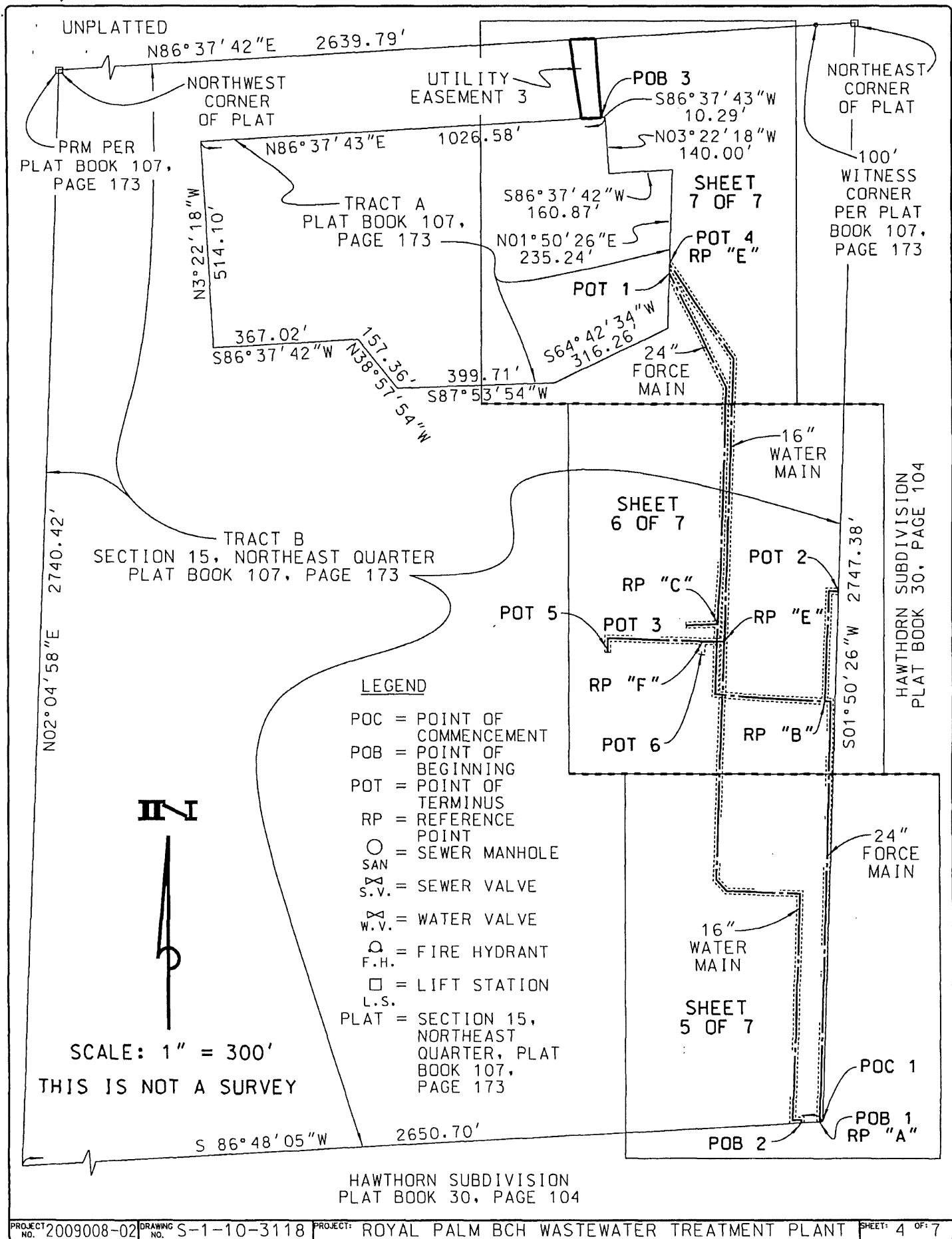
THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA, 33411-2745.



NORMAN J. HOWARD, P.S.M.
FLORIDA CERTIFICATE NO. 5776

1-6-11
DATE

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

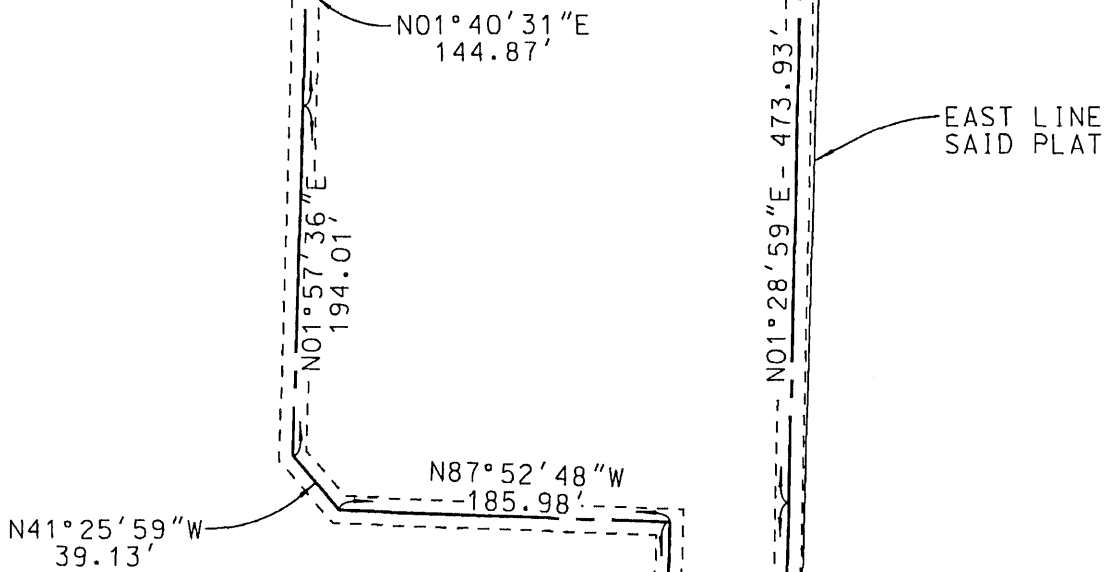


LEGEND

POC = POINT OF COMMENCEMENT
 POB = POINT OF BEGINNING
 POT = POINT OF TERMINUS
 RP = REFERENCE POINT
 ○ = SEWER MANHOLE
 ⊗ = SEWER VALVE
 ⊗ = WATER VALVE
 ⊙ = FIRE HYDRANT
 □ = LIFT STATION
 L.S.
 PLAT = SECTION 15, NORTHEAST QUARTER, PLAT BOOK 107, PAGE 173

SCALE: 1" = 300'
 THIS IS NOT A SURVEY

MATCH LINE (SEE SHEET 6 OF 7)



TRACT B
SECTION 15,
NORTHEAST QUARTER
PLAT BOOK 107,
PAGE 173

HAWTHORN SUBDIVISION
PLAT BOOK 30,
PAGE 104

IN

SCALE: 1" = 100'

SOUTH LINE SAID PLAT

HAWTHORN SUBDIVISION
PLAT BOOK 30,
PAGE 104

POC 1
SOUTHEAST
CORNER
SAID PLAT

S86°48'05"W
7.50'

POB 1
RP "A"

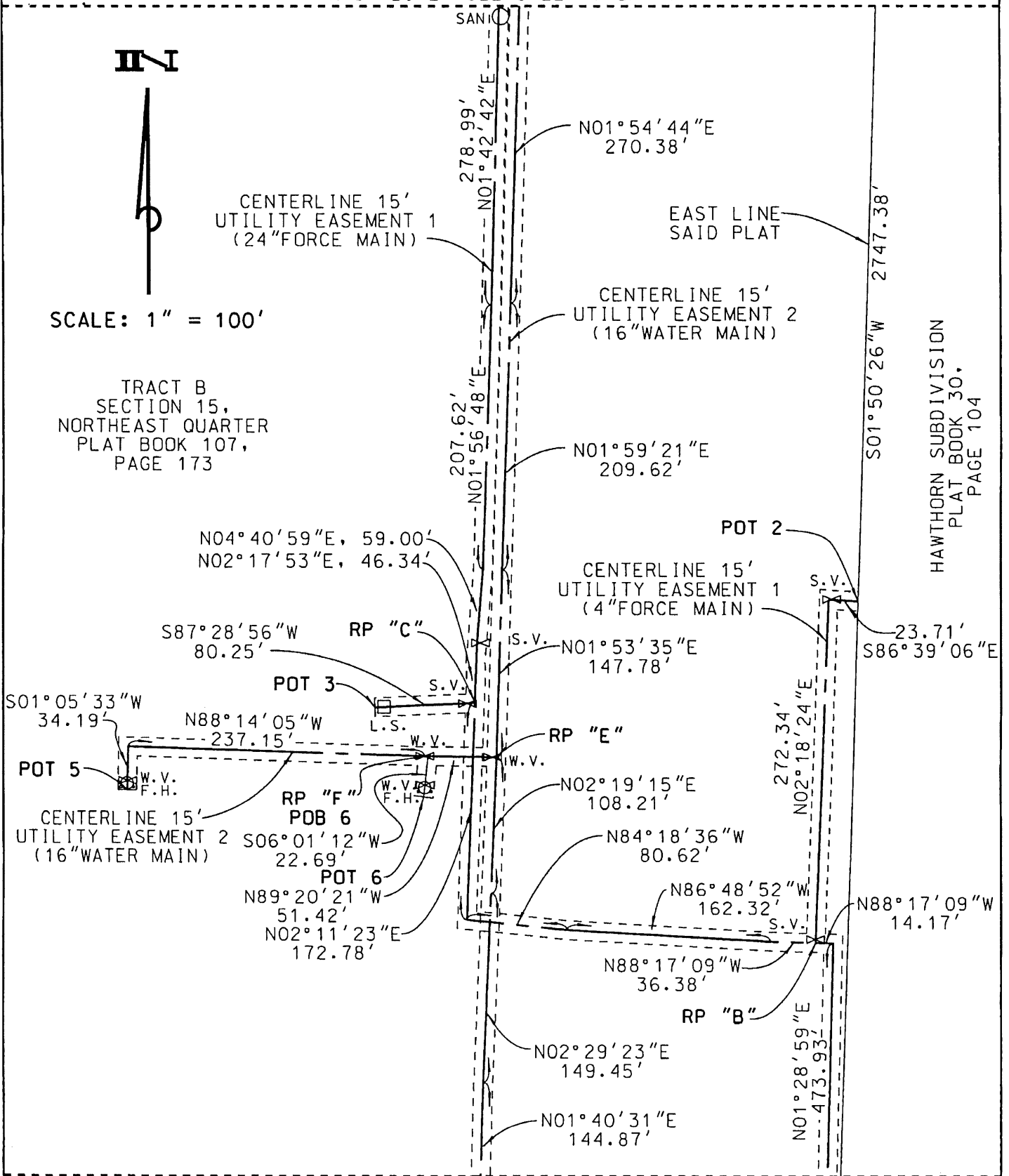
S86°48'05"W
47.17'

MATCH LINE (SEE SHEET 7 OF 7)



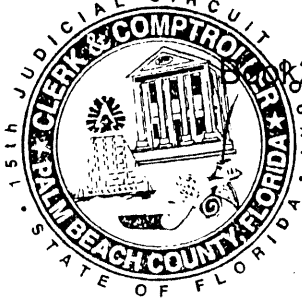
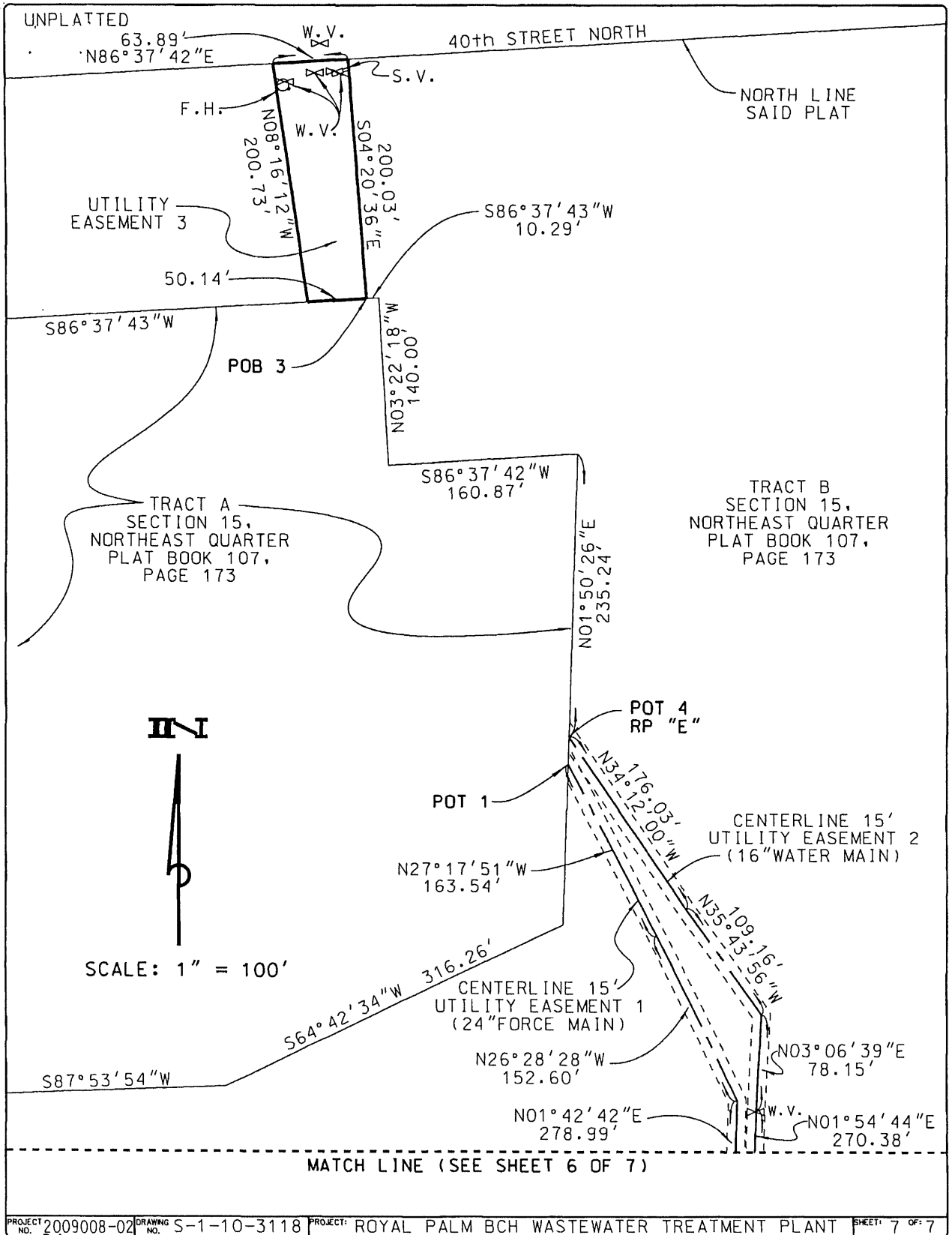
SCALE: 1" = 100'

TRACT B
SECTION 15,
NORTHEAST QUARTER
PLAT BOOK 107,
PAGE 173



HAWTHORN SUBDIVISION
PLAT BOOK 30,
PAGE 104

MATCH LINE (SEE SHEET 5 OF 7)



24490/Page245

Page 8 of 8

I hereby certify the foregoing is a true copy of the record in my office with redactions, if any as required by law as of this day, Jan 24, 2017.
 Sharon R. Bock, Clerk and Comptroller, Palm Beach County, Florida
 BY _____ Deputy Clerk

Catherine S. Siegel