

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

| | | | |
|---------------|----------------------------|---|----------------------------------|
| Meeting Date: | May 2, 2017 | Consent <input checked="" type="checkbox"/> | Regular <input type="checkbox"/> |
| | | Public Hearing <input type="checkbox"/> | |
| Department: | Water Utilities Department | | |

I. EXECUTIVE BRIEF


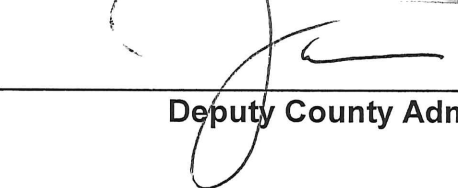
Motion and Title: Staff recommends motion to approve: the partial release of a utility easement over property owned by CREG, LLC.

Summary: The Water Utilities Department (WUD) has determined that a portion of a current easement on property owned by CREG, LLC should be released, as that portion is required to be dedicated to the Lake Worth Drainage District (LWDD) as part of the redevelopment of the property in order to provide for the widening of the LWDD E-3 and L-19 Canal rights-of-ways. On the recommendation of WUD, the Release Form will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County (ORB 12883 PG 1588-1590). District 3 (MJ)

Background and Justification: On September 9, 2001, a utility easement was granted to the County for public water and wastewater facilities associated with the development of the property identified by PCN 00-42-45-11-00-00-7000 owned by Anne Connor DBA Connor Realty Associates, LTD. The property was subsequently transferred via warranty deed to CREG, LLC on December 19, 2003. A portion of the property in which the easement is located is required to be dedicated to LWDD for widening of the LWDD E-3 and L-19 Canal right-of-ways as part of the property's redevelopment. LWDD will permit the WUD water or wastewater facilities that will be located within the LWDD E-3 and L-19 Canal right-of-ways. The property owner is requesting release of the portions of the easement that will be dedicated to and permitted through LWDD.

Attachments:

- 1. Location Map
- 2. Two (2) Original Partial Release of Utility Easement w/ Exhibit "A"
- 3. One (1) Original Utility Easement (ORB 12883/PG 1588-1590)
- 4. One (1) Copy of Special Warranty Deed (ORB 16439/PG 239-240)

| | | |
|-----------------|--|----------------------|
| Recommended By: |  FOR Department Director | APR 13, 2017 Date |
| Approved By: |  Deputy County Administrator | 4-27-17 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>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</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:

N/A

C. Department Fiscal Review: Selma M. West

III. REVIEW COMMENTS

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

[Signature]
OFMB ET 4/14 4/14

[Signature] 4/20/17
Contract Development and Control

B. Legal Sufficiency:

[Signature] 4/26/17
Assistant County Attorney

C. Other Department Review:

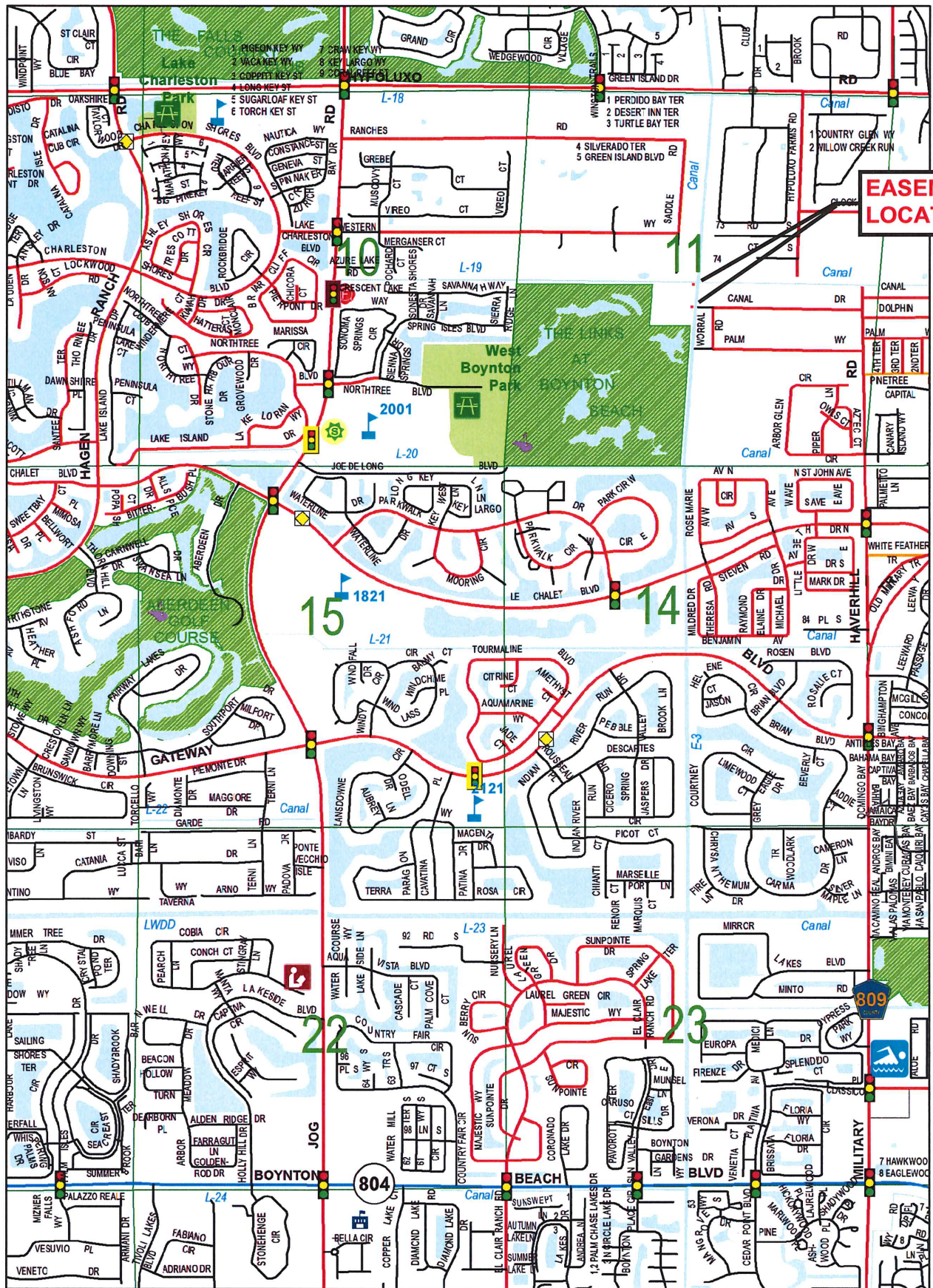
Department Director

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

TWP 45

TWP 45

TWP 45



EASEMENT
LOCATION

28

29

30

RNG 42

See pg 103

RNG 42

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

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL 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 CREG, LLC, whose address is 11111 BISCAYNE BOULEVARD, #725,
MIAMI, FLORIDA 33181:

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 portion of that UTILITY EASEMENT recorded in
Official Records Book 12883 Pages 1588-1590, Public Records of Palm Beach County,
Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and
interest in that portion of the UTILITY EASEMENT shown in the sketch and legal
description attached hereto and incorporated herein as Exhibit "A" to the second party.

IN WITNESS WHEREOF the first party has caused this PARTIAL 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

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

SKETCH AND LEGAL DESCRIPTION
A PORTION OF THE NE 1/4 OF THE NE 1/4 OF THE
SW 1/4 OF SECTION 11, TWP. 45S, RGE. 42E.

LEGAL DESCRIPTION:

A PORTION OF LAND LYING WITHIN THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE NORTH 63.36 FEET FOR THE LAKE WORTH DRAINAGE L-19 CANAL RIGHT-OF-WAY PER CHANCERY CASE AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS THE EAST 42.24 FEET FOR THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL RIGHT OF WAY PER CHANCERY CASE AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A": FROM THE **POINT OF COMMENCEMENT** AT THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-19 CANAL (PER CHANCERY CASE AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA) AT THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL (PER CHANCERY CASE AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE RUN S04°30'57"W ALONG SAID WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL FOR A DISTANCE OF 282.88 FEET TO THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED PARCEL "A"; THENCE CONTINUE S04°30'57"W ALONG SAID WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL FOR A DISTANCE OF 20.03 FEET; THENCE RUN N88°42'15"W A DISTANCE OF 37.82 FEET; THENCE RUN N04°30'57"E ALONG A LINE PARALLEL WITH AND 37.76 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE SAID WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL FOR A DISTANCE OF 20.03 FEET; THENCE RUN S88°42'15"E FOR A DISTANCE OF 37.82 FEET TO THE **POINT OF BEGINNING**.


PARCEL "B": FROM THE SAID **POINT OF COMMENCEMENT**, THENCE RUN N88°38'56"W ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-19 CANAL FOR A DISTANCE OF 37.82 FEET TO THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED PARCEL "B"; THENCE RUN S04°30'57"W FOR A DISTANCE OF 11.66 FEET; THENCE RUN N88°38'56"W ALONG A LINE PARALLEL WITH AND 11.64 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-19 CANAL A DISTANCE OF 20.03 FEET; THENCE RUN N04°30'57"E FOR A DISTANCE OF 11.66 FEET; THENCE RUN S88°38'56"E ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-19 CANAL FOR A DISTANCE OF 20.03 FEET TO THE **POINT OF BEGINNING**.

SURVEYOR'S NOTES:

1. BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SE 1/4 OF THE SE 1/4 OF THE NW 1/4 OF SECTION 11, TWP. 45S, RGE. 42E., HAVING A BEARING OF S88°38'56"E, AS PER O.R. BK. 12883, PG. 1588
2. ALL RECORDING INFORMATION CONTAINED HEREIN REFERS TO THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE INDICATED
3. THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATE

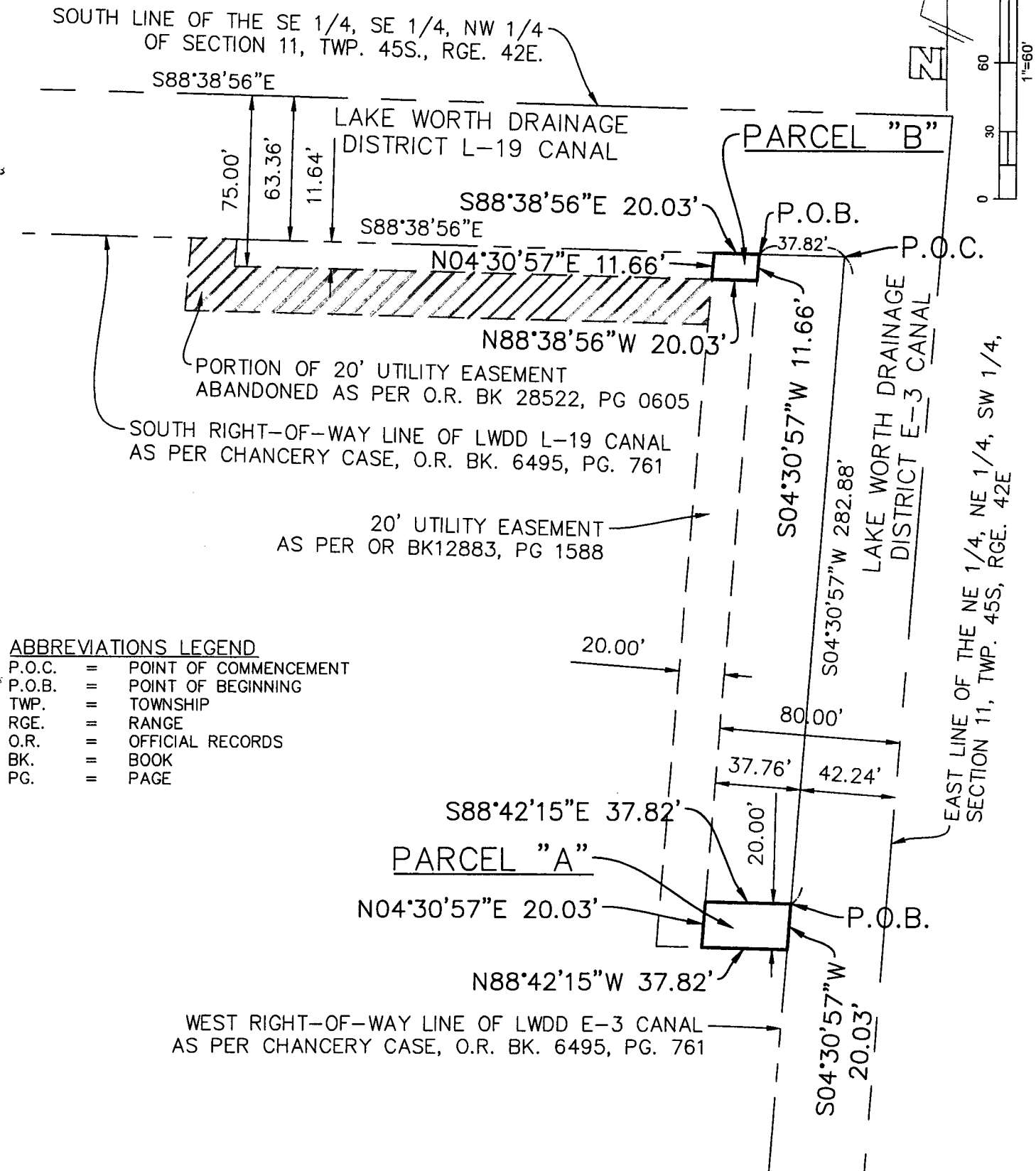
I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.


WILLIAM J. WRIGHT, PROFESSIONAL SURVEYOR AND MAPPER, L.S. 6868

| | | |
|--|-----------------|-----------------|
| WILLIAM J WRIGHT PROFESSIONAL SURVEYOR AND MAPPER 2263 NW 3RD AVE BOCA RATON, FL 33431 (772) 538-1858 www.wrightpsm.com | SCALE: 1"=60' | DATE: 9/16/2016 |
| | JOB NO. 16-0229 | PAGE 1 OF 2 |

SKETCH AND LEGAL DESCRIPTION

A PORTION OF THE NE 1/4 OF THE NE 1/4 OF THE
SW 1/4 OF SECTION 11, TWP. 45S, RGE. 42E.



WILLIAM J WRIGHT

PROFESSIONAL SURVEYOR AND MAPPER

2263 NW 3RD AVE BOCA RATON, FL 33431
(772) 538-1858 www.wrightpsm.com

SCALE: 1"=60'

DATE: 09/16/2016

JOB NO. 16-0229

PAGE 2 OF 2

Debora L. Wilson
MY COMMISSION # DD013970 EXPIRES
April 16, 2005
BONDED THRU TROY FAIR INSURANCE, INC.

20' UTILITY EASEMENT
A PORTION OF THE NE 1/4 OF THE NE 1/4 OF THE SW 1/4
SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST
PALM BEACH COUNTY, FLORIDA
PROPERTY I.D. NO. 00-42-45-11-00-000-7000

ORB 12883 Pg 1589

Exhibit "A"

DESCRIPTION:

A PORTION OF LAND LYING WITHIN THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE NORTH 63.36 FEET FOR THE LAKE WORTH DRAINAGE L-19 CANAL RIGHT-OF-WAY PER CHANCERY CASE AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS THE EAST 42.24 FEET FOR THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL RIGHT OF WAY PER CHANCERY CASE AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-19 CANAL (PER CHANCERY CASE AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA) AT THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL (PER CHANCERY CASE AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE S04°30'57"W ALONG SAID WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL FOR A DISTANCE OF 282.88 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED EASEMENT; THENCE CONTINUE S04°30'57"W ALONG SAID WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL FOR A DISTANCE OF 20.03 FEET; THENCE N88°42'15"W FOR 57.85 FEET; THENCE N04°30'57"E ALONG A LINE PARALLEL WITH AND 57.75 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE SAID WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL FOR A DISTANCE OF 271.28 FEET; THENCE N88°38'56"W ALONG A LINE PARALLEL WITH AND 31.64 FEET SOUTH OF THE SOUTH LINE OF THE SAID LAKE WORTH DRAINAGE DISTRICT L-19 CANAL FOR A DISTANCE OF 230.87 FEET; THENCE N04°42'13"E FOR 31.70 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE SAID LAKE WORTH DRAINAGE DISTRICT L-19 CANAL; THENCE S88°38'56"E ALONG THE SOUTH RIGHT OF WAY LINE OF THE SAID LAKE WORTH DRAINAGE DISTRICT L-19 CANAL FOR A DISTANCE OF 20.03 FEET; THENCE S04°42'13"W FOR 11.66 FEET; THENCE S88°38'56"E ALONG A LINE PARALLEL WITH AND 11.64 FEET SOUTH OF THE SOUTH LINE OF THE SAID LAKE WORTH DRAINAGE DISTRICT L-19 CANAL FOR A DISTANCE OF 210.77 FEET; THENCE N04°30'57"E FOR 11.66 FEET; THENCE S88°38'56"E ALONG SAID SOUTH LINE OF THE SAID LAKE WORTH DRAINAGE DISTRICT L-19 CANAL FOR A DISTANCE OF 20.03 FEET; THENCE S04°30'57"W ALONG A LINE PARALLEL WITH AND 37.76 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE WEST RIGHT OF WAY LINE OF THE SAID LAKE WORTH DRAINAGE DISTRICT E-3 CANAL FOR A DISTANCE OF 282.92 FEET; THENCE S88°42'15"E FOR 37.82 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN PALM BEACH COUNTY, FLORIDA.

CONTAINING 11,666 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").
- 2) BEARINGS SHOWN HEREON ARE ASSUMED AND ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST HAVING A BEARING OF S88°38'56"E.
- 3) REFERENCE DOCUMENTS USED:
 - * QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 5285, PAGE 140, PALM BEACH COUNTY RECORDS.
 - * CHANCERY CASE 407 RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761, PALM BEACH COUNTY RECORDS.
 - * LAKE WORTH DRAINAGE DISTRICT REQUIRED RIGHTS-OF-WAY DOCUMENT RECORDED IN OFFICIAL RECORDS BOOK 1732, PAGE 612, PALM BEACH COUNTY RECORDS.

HELLER, WEAVER AND SHEREMETA, INC.
FLORIDA STATE EX. B/NO. 3449

BY: JOHN D. WEAVER
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA STATE REG. NO. 3550

SHEET 1 OF 2 SHEETS

DATED: DECEMBER 20, 2000

WORK ORDER NO. 15057

REVISED: MAY 30, 2001 (WO NO. 15057.001)

REVISED: AUGUST 28, 2001 (WO NO. 15057.001)

FILE NO. 00-15057.001-SS 5

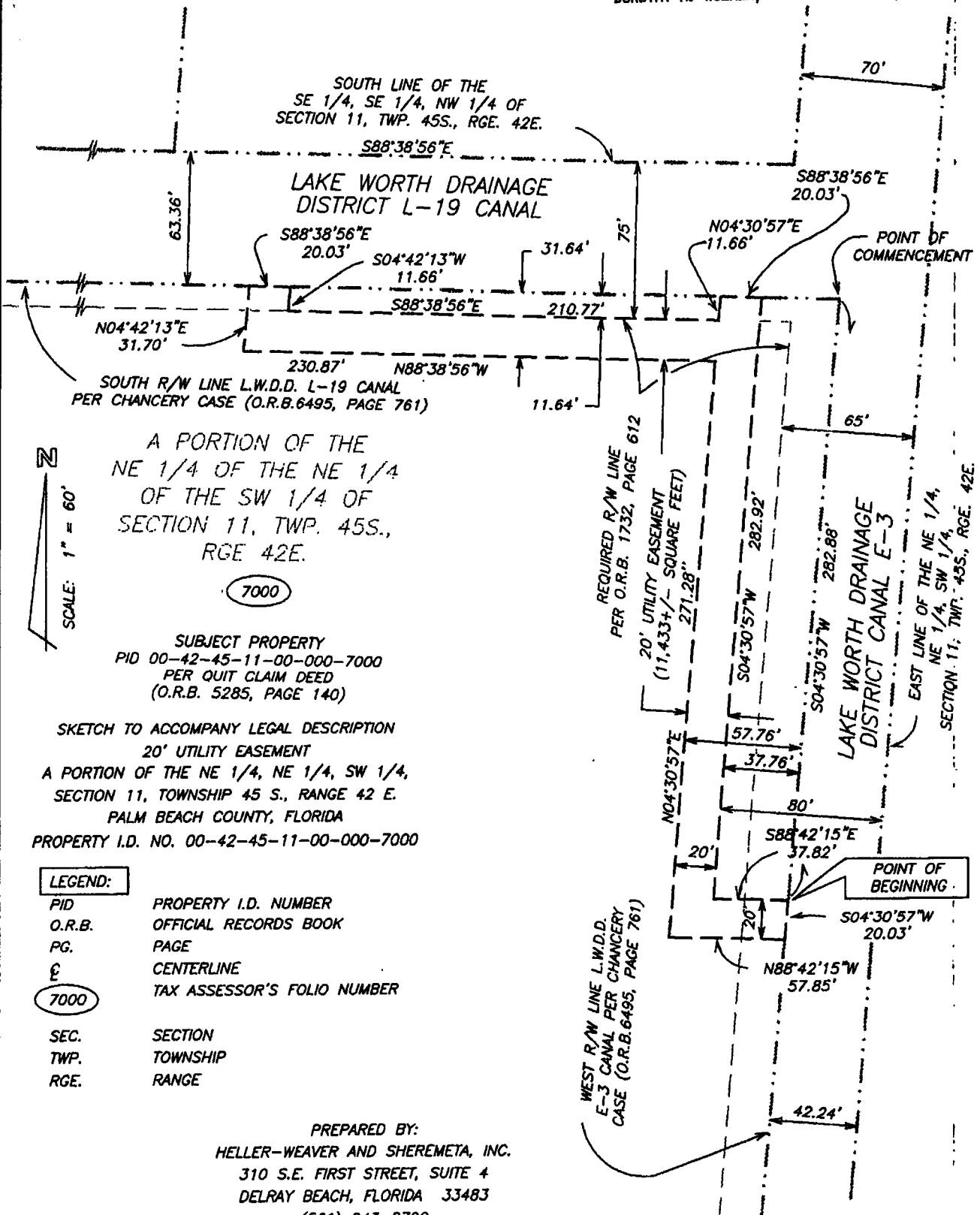


Heller-Weaver and Sheremeta, Inc.

Engineers ... Surveyors ... Planners

310 Southeast First Street, Suite Four, Delray Beach, Florida 33483

Phone (561) 243-8700 • Fax (561) 243-8777



SHEET 1 OF 2 SHEETS

FILE NO. 00-15057.001-SS 6

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, Feb 02, 2017.
Sharon R. Book, Clerk and Comptroller, Palm Beach County, Florida
BY _____ Deputy Clerk

ATTACHMENT 4



Prepared By and Return To:
Lorie L. Lockerson
Fidelity National Title Insurance Company of New York
2112 South Congress Ave., Suite 101
West Palm Beach, FL 33406

01/14/2004 15:56:45 20040025784
DR BK 16439 PG 0239
Palm Beach County, Florida
AMT 499,000.00
Doc Stamp 3,493.00

File No. 03-017-106075

Property Appraiser's Parcel I.D. (folio) Number (s)
00-42-45-11-00-000-7000

SS#: _____

WARRANTY DEED

THIS WARRANTY DEED made and executed December 19, 2003, by Connor Realty Associates, LTD., a limited partnership existing under the laws of Florida, and having its principal place of business at 2638 Gately Dr. E #115, West Palm Beach, FL 33415 hereinafter called the grantor, to CREG, LLC, a Florida liability company whose post office address is _____, hereinafter call the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to the instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt, whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situated in Palm Beach County, Florida viz:

The Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 11, Township 45 South, Range 42 East, Palm Beach County, Florida.

Subject to easements, restrictions, reservations and limitations of recorded, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining. TO HAVE AND TO HOLD the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to date: December 31, 2003.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Witness Printed Name

Witness Signature

Witness Printed Name

Connor Realty Associates, LTD., a
Florida limited partnership

By: Anne Connor
Anne Connor, General Partner

STATE OF FL

COUNTY OF Palm Beach

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Anne Connor

to me known to be the General Partner respectively of the Florida limited partnership named as the grantor in the foregoing deed, who have produced Durham license as identification and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under the authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 17.3 day of Dec. 2003.

Notary Public

Printed Name of Notary
My Commission Expires:

Lore L. Lockerson
COMMISSION # 0000000000
June 14, 2004
RECEIVED FROM NOTARY PUBLIC INSURANCE CO.