

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 15, 2017 Consent Regular
 Ordinance Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a First Amendment to Access Easement (R2003-0083) with The King’s Academy, Inc. (School) for additional access across undeveloped County owned property located off Sansbury’s Way in unincorporated West Palm Beach.

Summary: The County owns approximately 41.59 acres of land located off Sansbury’s Way in unincorporated West Palm Beach. The School owns approximately 58 acres lying west of and adjacent to the County property and contains the School facility. The School also owns a vacant 5 acre expansion parcel (Outparcel) lying south of and adjacent to the County property. On January 7, 2003, the Board approved an Exchange Agreement and an Access Easement (R-2003-0083) with the School whereby the County exchanged County land at Sansbury’s Way for property owned by School located on Cherry Road, and further granted the School access from the School facility property across the County property to the Outparcel. The School is developing the Outparcel to include a sports practice field, storage building and restrooms. In order to meet minimum frontage requirements, the School is requesting an amendment to the Access Easement extending the easement area an additional 65 feet along the northern perimeter of the Outparcel. The First Amendment to Access Easement will be granted at no cost to the School as the County is required pursuant to the Exchange Agreement to provide them with access to their Outparcel. The easement area is approximately 65 feet in length and is approximately 30 feet in width, containing approximately 1,950 square feet (0.05 acres). **(PREM) District 2 (HJF).**

Background and Justification: On March 12, 2002, the Board approved a Conceptual Master Plan for the joint use of the County’s 190 acres Sansbury’s Way property for the development of a District Park and for the relocation of the School from its former Cherry Road location. On January 7, 2003, the Board approved an Exchange Agreement with the School for 47 acres of County owned property at Sansbury’s Way in exchange for the School’s Cherry Road property. Said 47 acres was bisected by a 30 foot platted right-of-way which provided access to the Outparcel. Pursuant to the terms of said Exchange Agreement and in order to permit development of the School’s facility relocation site, said 30 foot platted right-of-way was abandoned contingent upon alternative access being provided by the County to the Outparcel. The County granted the School an Access Easement to provide them access from their School facility across County property to the Outparcel. The School is requesting an amendment to the Access Easement in order to meet development requirements for the Outparcel. This First Amendment to Access Easement will be recorded in the public records to document its existence and location.

Attachments:

1. Location Map
2. First Amendment to Access Easement (with Exhibit “A”)

Recommended By: Kath Annery Wolf 7/15/17
Department Director Date

Approved By: [Signature] 8-2-17
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* <u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# 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 Numbers: N/A

C. Departmental Fiscal Review: *Karen Sykes 7/20/17*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 7/25/17
OFMB 125 7/24 * 7/25

[Signature] for Adam Gershowitz
Contract Development and Control
7/27/17 *[Initials]*

B. Legal Sufficiency:

[Signature] 8/1/17
Chief Assistant County Attorney

C. Other Department Review:

Department Director

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

J

I

TWP 43

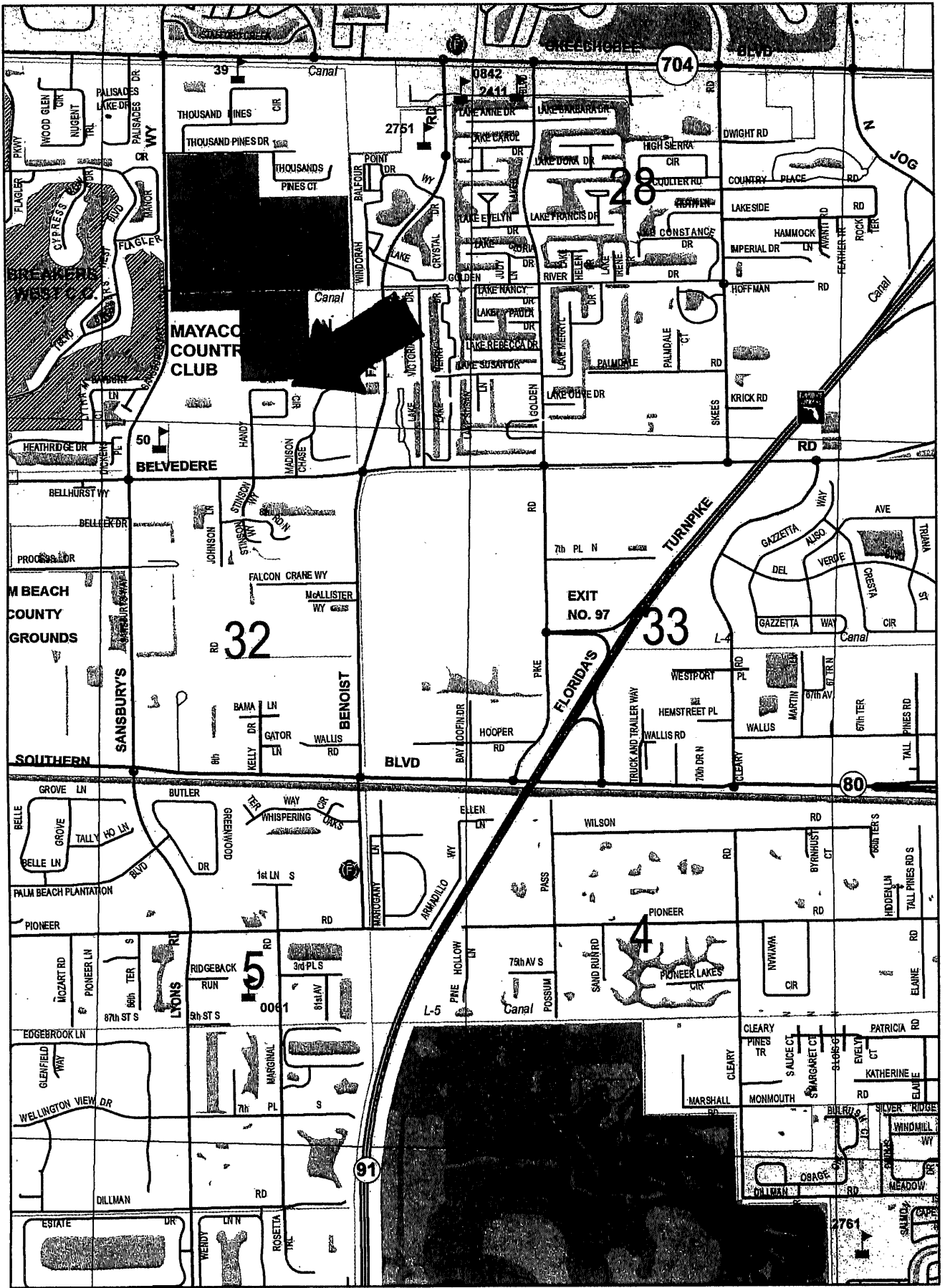
19

TWP 43

20

TWP 44

21



RNG 42

RNG 42

LOCATION MAP

Attachment #1

Page 1 of 1



Attachment #2
First Amendment to Access Easement (with Exhibit "A")
7 Pages

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

Property Control Number: 00-42-43-29-19-002-0000

FIRST AMENDMENT TO ACCESS EASEMENT

THIS FIRST AMENDMENT TO ACCESS EASEMENT (the “First Amendment”), granted this _____, by and between **PALM BEACH COUNTY, FLORIDA**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, hereinafter referred to as “County” and **THE KING’S ACADEMY, INC.**, a Florida not-for-profit corporation, whose legal mailing address is 8401 Belvedere Road, West Palm Beach, Florida 33411, hereinafter referred to as “Grantee”.

RECITALS:

WHEREAS, County granted the Grantee an Access Easement recorded in the public records of Palm Beach County in Official Record Book 14712, Page 1859 (the “Access Easement”); and

WHEREAS, the parties wish to expand the location of the Easement Premises to provide for continuous access to Grantee’s property; and

WHEREAS, County and Grantee wish to amend the Access Easement to replace the legal description contained in Exhibit “C” to the Access Easement.

WITNESSETH:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Access Easement.

2. Exhibit "C" to the Access Easement (the "Easement Premises") is hereby deleted in its entirety and replaced by Exhibit "C" attached hereto and made a part hereof (the "Easement Premises").

3. Except as modified by this First Amendment, the Access Easement remains unmodified and in full force and effect and the parties hereby ratify, confirm, and adopt the Access Easement, as amended, in accordance with the terms thereof.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed in its name, by their proper officers thereunto duly authorized the day and year first above written.

COUNTY:

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

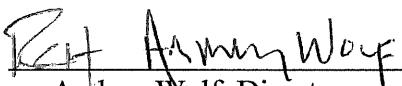
Witness Signature

Print Witness Name

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: 
Audrey Wolf, Director
Facilities Development & Operations

GRANTEE:

THE KING'S ACADEMY, INC., a
Florida not-for-profit corporation

By: [Signature]
Randal L. Martin, President

[Signature]
Witness Signature

KATRINA CROMLEY
Print Witness Name

[Signature]
Witness Signature

Douglas Raines
Print Witness Name

Seal
(not for profit corporation)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 12 day of June, 2017, by Randal Martin, as President for said corporation, who is personally known to me OR who produced _____ as identification and who did () did not (✓) take an oath.



Pamela McCarty
NOTARY PUBLIC, STATE OF FLORIDA
Pamela McCarty
Print Notary Name
Commission Number: 932901
My Commission Expires: 11/29/2019

EXHIBIT "C"
EASEMENT PREMISES

Area I

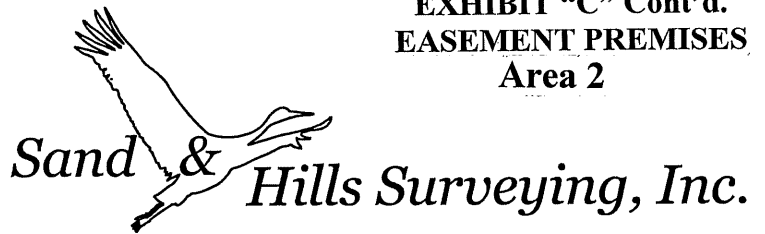
A 30 foot parcel of land in Section 29, Township 43 South, Range 42 East, Palm Beach County, Florida, lying in Block 2 of PALM BEACH FARMS CO. PLAT NO. 3, recorded in Plat Book 2, Page 45 of the public records of Palm Beach County, Florida, being the 30 foot right-of-way as identified in said plat and also being immediately North of and adjacent to the Northern boundary of the plat of OAK-LAND PARK, as recorded in Plat Book 55, Page 197 of said public records.

Together with Sketch and Description prepared by Sand & Hills Surveying, Inc., dated 5/12/17 and contained on the following pages.

(Continued)

SKETCH AND DESCRIPTION
THIS IS NOT A SURVEY!

EXHIBIT "C" Cont'd.
EASEMENT PREMISES
Area 2



DESCRIPTION:

BEING A PORTION OF TRACT "B", KING'S ACADEMY AND PALM BEACH COUNTY PARK SITE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 100, PAGE 105 THROUGH 109 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT "C" OF SAID KING'S ACADEMY AND PALM BEACH COUNTY PARK SITE; THENCE NORTH 00°56'10" WEST ALONG THE EAST LINE OF THAT ACCESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 14712, PAGE 1859, SAID PUBLIC RECORDS, A DISTANCE OF 30.00 FEET; THENCE NORTH 89°02'41" EAST ALONG A LINE 30.00 FEET NORTH OF AND PARALELL WITH (AS MEASURED AT RIGHT ANGLES) THE NORTH LINE OF SAID TRACT "C", A DISTANCE OF 65.00 FEET; THENCE SOUTH 00°56'10" EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 89°02'41" WEST ALONG SAID NORTH LINE OF TRACT "C", A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,950 SQUARE FEET OR 0.045 ACRES MORE OR LESS.

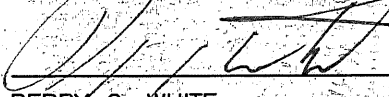
BEARINGS ARE BASED ON THE STATE PLANE GRID, FLORIDA EAST ZONE THE WEST LINE OF TRACT "C", KING'S ACADEMY AND PALM BEACH COUNTY PARK SITE, HAVING A BEARING OF SOUTH 00°56'19" EAST WITH ALL OTHER BEARINGS BEING RELATIVE THERETO.

STATE PLANE COORDINATE NOTES:

COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1990 ADJUSTMENT)
COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
LINEAR UNIT = U.S. SURVEY FEET
ALL DISTANCES ARE GROUND UNLESS NOTED
SCALE FACTOR = 1.0000236
ALL DISTANCES SHOWN ARE GROUND
ZONE = FLORIDA EAST ZONE
THE STATE PLANE COORDINATES SHOWN ARE BASED ON PLAT BOOK 100, PAGE 105

CERTIFICATION:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17.050-052, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES AND PALM BEACH COUNTY'S STATE PLANE COORDINATE REQUIREMENTS AS SET FORTH IN PALM BEACH COUNTY PPM# CW-0-058. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.


DATE: 05/12/17
PERRY C. WHITE REVISED: 05/24/17
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 4213

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

SKETCH & DESCRIPTION

THE KING'S ACADEMY
ACCESS EASEMENT

SCALE:
1" = 50'

SHEET 1 OF 2

REVIEWED: PW

DRAWN: PW

DATE:
05/12/17

DRAWING No:
D0215LG01

8461 LAKE WORTH ROAD, SUITE 410

LAKE WORTH, FL 33467

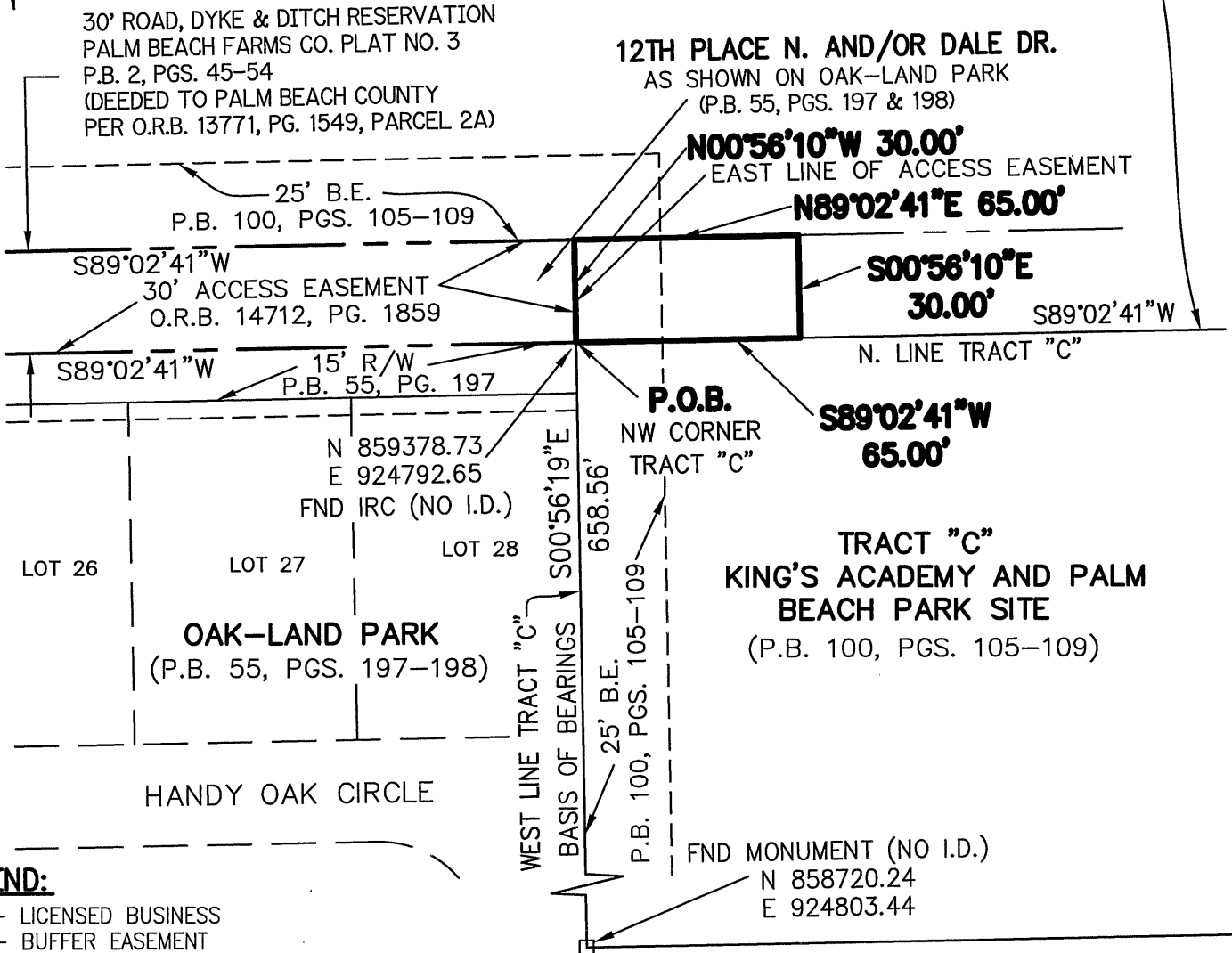
Tel: 561-209-6048

L.B. NUMBER 7741

SKETCH AND DESCRIPTION
THIS IS NOT A SURVEY!



TRACT "B"
KING'S ACADEMY AND PALM BEACH PARK SITE
(P.B. 100, PGS. 105-109)



LEGEND:

- L.B. - LICENSED BUSINESS
- B.E. - BUFFER EASEMENT
- O.R.B. - OFFICIAL RECORDS BOOK
- P.O.B. - POINT OF BEGINNING
- N. - NORTH
- P.B. - PLAT BOOK
- PGS. - PAGES
- R/W - RIGHT-OF-WAY
- FND - FOUND
- IRC - 5/8" IRON ROD & CAP

SKETCH & DESCRIPTION THE KING'S ACADEMY ACCESS EASEMENT	SCALE: 1" = 50'	SHEET 2 OF 2
	REVIEWED: PW	DRAWN: PW
	DATE: 05/12/17	DRAWING No: D0215LG01

8461 LAKE WORTH ROAD, SUITE 410 | LAKE WORTH, FL 33467 | Tel: 561-209-6048 | L.B. NUMBER 7741