Agenda Item #: 3J-2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	August 15, 2017	[X] []	Consent Workshop	[]	Regular Public Hea	aring
Department: Submitted By: Submitted For:	Planning, Zoning & Building Building Division Building Division					
I. EXECUTIVE BRIEF						
Motion and Title: Agreements receive	Staff recommends motion to red during the month of June 2017:	eceive	e and file: ex	ecuted	d Terminatior	of Removal
Book 2 B) Kodial West I Book 2 C) BW La 77, 78	k Custom Homes, Inc. and Gastion Palm Beach, Florida 33413, PCN (29176 PG 0442 on June 23, 2017) k Custom Homes, Inc. and Gastion Palm Beach, Florida 33413, PCN (29176 PG 0448 on June 23, 2017) ake Worth Jog, LLC, owner of propes Block 11 Section 27 Township 44	00-42-4 n, Inc., 00-42-4 and erty le	43-27-05-006-3 owners of pro 43-27-05-006-3	3707, r perty l 3707, r	ecorded in O ocated at 47 ecorded in O	fficial Record N Cleary Rd, fficial Record
Summary: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. The listed property owners entered into Removal Agreements for future right of way or other easement within the County and have now decided to terminate the Removal Agreements. The Termination of Removal Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Executive Director of the Planning, Zoning & Building Department in accordance with Resolution 2015-1863, and are now being submitted to the Board to receive and file. Countywide (AH)						
Background and Justification: A Resolution providing authority to execute a standard form of Termination of Removal Agreement with property owners (Resolution 2015-1863) was adopted by the Board to streamline the agenda process. The Board granted the County Administrator/Executive Director of Planning, Zoning & Building the authority to execute a standard form of Termination of Removal Agreement that include non-material changes when the County and property owners agree that a Termination of Removal Agreement is necessary to terminate a removal agreement.						
Attachments: Term	nination of Removal Agreements (3)				
Recommended by	: Department Direct	tor			 Π 8 Π Date	
Approved By:	Assistant County	Marin Admin	: <u>∩</u> istrator	•	7/24/19 Date	_

II. FISCAL IMPACT ANALYSIS

A.	Five Year Summar	y of Fiscal Imp	act:			
Fis	cal Years	20 <u>17</u>	20 <u>18</u>	20 <u>19</u>	20 <u>20</u>	20 <u>21</u>
Op Ext Pro	pital Expenditures erating Costs ernal Revenues ogram Income (Cou Kind Match (County					
NE	ET FISCAL IMPACT					
	. ADDITIONAL FTE OSITIONS (Cumulati	ve)			Management of the second	
ls Ite	em Included In Curr	ent Budget? Y	es _ No			
Bud	get Account No.:	Fund Object	Department _ _ Report	Unit ing Category		
B.	Recommended S	ources of Fund	ls/Summary o	of Fiscal Impa	ct:	
C.	Departmental Fis	cal Review: _				
		III	. REVIEW CO	<u>OMMENTS</u>		
A.	OFMB Fiscal and	or Contract De	v. and Contr	ol Comments	:	
(Jun Pha OFM	7 [16]() B& 7/18	Contra	act Dev. and C	control	1120117
B.	Legal Sufficiency	1		,		
	Assistant County	Attorney	J- I ¬			
C.	Other Department	:Review:				
	Department Direc	tor				

Prepared by and return to:
Jacquelyn Anderson
Palm Beach County Building Division
2300 North Jog Road
West Palm Beach, Florida 33411



CFN 20170227379

CIR BK 29176 PG 0442 RECORDED 06/23/2017 13:34:59 Polm Beach Counts, Florida Sharon R. Bock, CLERK & COMPTROLLER Pgs 0442 - 447; (6pgs)

TERMINATION OF REMOVAL AGREEMENT

This Agreement (the "Agreement") is made and entered into on the 20 day of 2017, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and Kodiak Custom Homes, Inc. and Gastion, Inc. ("Property Owners").

WITNESSETH:

WHEREAS, Claude Fettu ("Previous Owner") as the previous owner of the property located at 47 N Cleary Rd, West Palm Beach, Florida 33413, PCN 00-42-43-27-05-006-3707, legally described in attached Exhibit "A" (the "Property"), intended to construct a chain link fence in a future right of way or other easement within the County, which required a building permit from County; and

WHEREAS, County and Previous Owner entered into a Removal Agreement for the future right of way or other easement, between County and Previous Owner dated October 27, 1978, recorded on November 27, 1978 in Official Records Book 2963 Page 1095, of the public records of Palm Beach County affecting the Property ("Removal Agreement"); and

WHEREAS, the chain link fence located in the future right of way or other easement of the County was removed by Property Owners and is no longer located on the Property; and

WHEREAS, on August 30, 1984, Rejane Fettu, the unremarried widow of Previous Owner executed a warranty deed to Alpine Forming, Inc., granting ownership of the Property to Alpine Forming, Inc., recorded on August 30, 1984 in Official Records Book 4336 Page 0244 of the public records of Palm Beach County; and

WHEREAS, on September 6, 1988, Alpine Forming, Inc., executed a warranty deed to Claudio Gnani and Vito Barbuto, granting ownership of the Property to Claudio Gnani and Vito Barbuto, recorded on September 9, 1988 in Official Records Book 5802 Page 420 of the public records of Palm Beach County; and

WHEREAS, on September 26, 2001, Claudio Gnani and Vito Barbuto executed a warranty deed to Kodiak Custom Homes, Inc., granting ownership of the Property to Kodiak Custom Homes, Inc., recorded on September 26, 2001 in Official Records Book 12936 Page 1559 of the public records of Palm Beach County; and

WHEREAS, on May 10, 20016, Kodiak Custom Homes, Inc. executed a warranty deed to Global Force Investment Consulting, LLC, granting ownership of a portion of the Property to Global Force Investment Consulting, LLC, recorded on May 10, 2006 in Official Records Book 20321 Page 0868, of the public records of Palm Beach County; and

WHERAS, on April 20, 2017, Global Force Investment Consulting, LLC executed a special warranty deed to Gastion, Inc., granting ownership of a portion of the Property to Gastion, Inc., recorded on April 21, 2017 in Official Records Book 29036 Page 0754, of the Public Records of Palm Beach County; and

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Termination of Removal Agreement 00-42-43-27-05-006-3707 Page 2 of 5

Approved as to form and legal

WHEREAS, the chain link fence located in the future right of way or other easement of the County were removed by Property Owners and is no longer located on the Property; and

WHEREAS, County and Property Owners desire to terminate the Removal Agreement; and

WHEREAS, it is in County's best interest to terminate the Removal Agreement since the structure is no longer located on the Property.

NOW, THEREFORE, in consideration of Ten Dollars and no cents (\$10.00), in lawful money in hand paid and for such other good and valuable consideration, the receipt of which the parties hereby expressly acknowledge, the parties hereto covenant and agree to the following terms and conditions:

- 1. The recitals set forth above are true and correct and form a part of this Agreement.
- 2. The parties hereby terminate, cancel and extinguish the Removal Agreement, and do hereby mutually agree Property Owners shall be liable to County for any and all claims or causes of action which may have arose from the Removal Agreement prior to the date of this Agreement.

Approved as to terms and Conditions

3. This Agreement shall be effective upon execution of the parties hereto.

IN WITNESS WHEREOF, Patrick Rutter, the Executive Director of Planning, Zoning & Building as designee of the Board of County Commissioners of Palm Beach County, Florida has made and executed this Agreement on behalf of County and Property Owner has hereunto set its hand the day and year above written.

Sufficiency				
By: Assistant County At	By:	Patrick Rutter, P.	Z&B Executive Di	rector
STATE OF FLORIDA				
COUNTY OF PALM BEAC	CH			
The foregoing instrument w Patrick Rutter, Executive D Beach County, who	Director of Planning, Zor		epartment, on beha	, 2017 by alf of Palm produced
(NOTARY SEAL)		Octavel Notary dublicou	J-Pa anoles	ں میں
My commission expires:	1/04/19	* MY COM * EXPIRES Printed or Typed	MISSION # FF 922453 i: Seplember 29, 2019 in Judget Notary Senires IN Ame of Notary	· ——

Termination of Removal Agreement 00-42-43-27-05-006-3707 Page 3 of 5

WIINESSES:	Froperty Owner: KODIAK CUSTOM HOMES, INC.
Signature Bribatt L. Goodman	Jone Brinkman Signature Jone Brinkman
Print Name	Print Name
Alu Fal	Agent- Urban Design
Signature	Agent - Urban Design Title Kilday Studios
Messandria Palmer Print Name	
	•
STATE OF TONINA	
COUNTY OF PAIM Besch	
CONI Bunkmen as	who lis personally known to me or [] has produced
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	as identification.
(NOTARY SEAL) MARTY R.A. MINOF MY COMMISSION #FF14701 EXPIRES July 31, 2018 FloridaNotaryService.com	6 P.
My commission expires: 7/3//8	Printed or Typed Name of Notary

Termination of Removal Agreement 00-42-43-27-05-006-3707 Page 4 of 5

WITNESSES:	Property Owner: GASTION, INC.
Signature	Signature Signature
Print Name	Print Name
Signature	Title PUESINGNT.
Print Name Tachelo	
STATE OF Honds COUNTY OF MIAMI DAGE	
The foregoing instrument was acknowledged by	efore me this <u>9</u> day of on behalf of Property
Owner, GASTION, INC., who [] is	personally known to me or [] has produced as identification.
MIGUEL ANTONIO GUEVARA MY COMMISSION # FF958495 EXPIRES February 08, 2020 FROM INDIAN OF THE PROPERTY OF THE P	Mi Grel A Gaven Printed or Typed Name of Notary
My commission expires:	rimled or Typed Name of Notary

Termination of Removal Agreement 00-42-43-27-05-006-3707 Page 5 of 5

Exhibit "A"

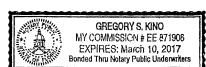
The east 315 feet of a parcel of land lying in Tract 37, Block 6, Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, page 46, in Section 33, Township 43 South, Range 42 East, more particularly described as follows: beginning at the Southeast corner of said Tract 37; thence on an assumed bearing of South 89°26'36" West, along the South line of said Tract 37, a distance of 229.76 feet to the North right-of-way line of State Road 80; thence North 88°09'09" West, along said right-of-way line, a distance of 260.62 feet; thence North 87°56'10" West, along said right-of-way line, a distance of 300.17 feet more or less to a point in a line 200 feet East of and parallel to the West line of said Tract 37; thence North 0°35'24" West, along said parallel line, a distance of 309.16 feet; thence North 89°26'36" East a distance of 160 feet; thence South 0°35'24" East, a distance of 66.20 feet; thence South 88°57'26" East, a distance of 630.25 feet more or less to the East line of said Tract 37; thence South 0°35'24" East, along said East line, a distance of 250 feet to the point of beginning.

CONSENT FORM

This form shall serve as CONSENT for the agent identified below to prepare or have prepared and submit all documents pertaining to the release of sign and fence removal agreements for future right of way recorded in Official Record Book 2963, Page 1095, Official Records Book 6977, Page 1844, and Official Records Book 7554, Page 1101, Public Records of Palm Beach County, Florida on the property that Kodiak Custom Homes, Inc. ("Kodiak") has an ownership interest in.

I hereby give CONSENT to URBAN DESIGN KILDAY STUDIOS to act on Kodiak's behalf, to submit or have submitted all required material and documents, and to attend and represent it at all meetings pertaining to the document releases indicated above. Furthermore, I

hereby give consent to the party designated above	ve to agree to all terms and conditions which may
arise as part of this process.	6/ /-
OWNER - Kodiak Custom Homes, Inc. Lucky Mata (Name) 1024 Larch Way, Wellington (Address)	(Signature) (City, State, Zip)
AGENT – Urban Design Kilday Studios	·
Joni Brinkman (Name) 610 Clematis Street, CU-02 (Address)	West Palm Beach, FL 33401 (City, State, Zip)
NOTARY PUBLIC INFORMATION:	STATE OF FLORIDA COUNTY OF PALM BEACH
The foregoing instrument was acknowledged be 2016 by Lucky Mata, President	fore me this 301 day of December, . He is personally known to me or has
produced FDL M300537 60 364 C	
_	
Name)	(Signature)
(Name) My Commission Expires on:	(Signature) NOTARY'S SEAL OR STAMP



Prepared by and return to:
Jacquelyn Anderson
Palm Beach County Building Division
2300 North Jog Road
West Palm Beach, Florida 33411



CFM 20170227380

CDR BK 29176 PG 0448 RECORDED 06/23/2017 13:34:59 Palm Beach County, Florida Sharon R. Bock, CLERK & COMPTROLLER Pas 0448 - 452; (5pgs)

TERMINATION OF REMOVAL AGREEMENTS

This Agreement (the "Agreement") is made and entered into on the 20 day of 2017, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and Kodiak Custom Homes, Inc. and Gastion, Inc. ("Property Owners").

WITNESSETH:

WHEREAS, Claudio Gnani and Vito Barbuto ("Previous Owners") as the previous owners of the property located at 47 N Cleary Rd, West Palm Beach, Florida 33413, PCN 00-42-43-27-05-006-3707, legally described as Part of tract 37, block 6 Palm Beach Farms No. 3 P. B 2 page 46 (the "Property"), intended to construct an on-premise sign in a future right of way or other easement within the County, which required a building permit from County; and

WHEREAS, County and Previous Owners entered into two Removal Agreements for the future right of way or other easement, between County and Previous Owners; the first dated September 27, 1991, recorded on October 3, 1991 in Official Records Book 6977 Page 1844, of the public records of Palm Beach County affecting the Property; and the second dated January 12, 1993, recorded on January 15, 1993 in Official Records Book 7554 Page 1101 ("Removal Agreements") and

WHEREAS, on September 26, 2001, Previous Owners executed a warranty deed to Kodiak Custom Homes, Inc., granting ownership of the Property to Kodiak Custom Homes, Inc., recorded on September 26, 2001 in Official Records Book 12936 Page 1559 of the public records of Palm Beach County; and

WHEREAS, on May 10, 2006, Kodiak Custom Homes, Inc. executed a warranty deed to Global Force Investment Consulting, LLC, granting ownership of a portion of the Property to Global Force Investment Consulting, LLC, recorded on May 10, 2006 in Official Records Book 20321 Page 0868, of the public records of Palm Beach County; and

WHERAS, on April 20, 2017, Global Force Investment Consulting, LLC executed a special warranty deed to Gastion, Inc., granting ownership of a portion of the Property to Gastion, Inc., recorded on April 21, 2017 in Official Records Book 29036 Page 0754, of the Public Records of Palm Beach County; and

WHEREAS, the on-premise signs located in the future right of way or other easement of the County were removed by Property Owners and is no longer located on the Property; and

WHEREAS, County and Property Owners desire to terminate the Removal Agreements; and

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Initial

Termination of Removal Agreement 00-42-43-27-05-006-3707 Page 2 of 4

WHEREAS, it is in County's best interest to terminate the Removal Agreements since the structure is no longer located on the Property.

NOW, THEREFORE, in consideration of Ten Dollars and no cents (\$10.00), in lawful money in hand paid and for such other good and valuable consideration, the receipt of which the parties hereby expressly acknowledge, the parties hereto covenant and agree to the following terms and conditions:

- 1. The recitals set forth above are true and correct and form a part of this Agreement.
- 2. The parties hereby terminate, cancel and extinguish the Removal Agreements, and do hereby mutually agree Property Owners shall be liable to County for any and all claims or causes of action which may have arose from the Removal Agreements prior to the date of this Agreement.
- 3. This Agreement shall be effective upon execution of the parties hereto.

IN WITNESS WHEREOF, Patrick Rutter, the Executive Director of Planning, Zoning & Building as designee of the Board of County Commissioners of Palm Beach County, Florida has made and executed this Agreement on behalf of County and Property Owners, has hereunto set its hand the day and year above written.

Approved as to form and legal Sufficiency	Approved as to terms and Conditions
By: Assistant County Attorney	By: Patrick Rutter, PZ&B Executive Director
STATE OF FLORIDA	
COUNTY OF PALM BEACH	
/	ed before me this 20 day of line r of Planning, Zoning & Building Department, or is personally known to me or [] has produced as identification.
(NOTARY SEAL)	Jacquely Barden
My commission expires: $q/\varrho q/\varrho q$	MY COMMISSION # FF 922453 ***EXPIRES: September 29, 2019 Bonded Thru Budget Notary Services Printed or Typed Name of Notary

Termination of Removal Agreement 00-42-43-27-05-006-3707 Page 3 of 4

Signature Signature L. Goodman. Print Name	Property Owner: KODIAK CUSTOM HOMES, INC. Signature Jon's Brinkman
Print Name Als Fal	Print Name Agrent - Urban Design
Signature Alessandria Palmer	Agent - Urban Design Title Kilday Studios
Print Name	
STATE OF Founds COUNTY OF PAlm Beach	
	11. H
The foregoing instrument was acknowledge	ed before me this 4 day of 5000
2017 by JONI BUNKMAN	as Agent on
behalf of Property Owner, KODIAK CUST	OM HOMES, INC., who [4 is personally known to
me or [] has produced	as identification.
MARTY R.A. MINOR MARTY R.A. MINOR MYCOMMISSION #FF147016 EXPIRES July 31, 2018 Expires July 31, 2018 FloridaNotaryService.com	Notary Public MATTY R.A. Muson
My commission expires: 7/3//2	Printed or Typed Name of Notary

Termination of Removal Agreement 00-42-43-27-05-006-3707 Page 4 of 4

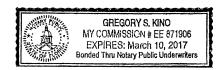
WITNESSES:	Property Owner: GASTION, INC.
Signature	Signature
Print Narke	Print Name
Signature	Title
Dayana tacheco Print Name	
STATE OF HONDA	
COUNTY OF MIAMI-Dpde	
The foregoing instrument was acknowledge 2017 by Corbos foregoing.	ed before me this 9 day of true 2017, as
	[C., who [is personally known to me or [] has as identification.
(NOTARY SEAF) MIGUEL ANTONIO GU MY COMMISSION # FF EXPIRES February 08 140/1384-0153 Fioridantolary Service or	958495 0. 2020 Notary Public
My commission expires: felin 8,2020	Printed or Typed Name of Notary

CONSENT FORM

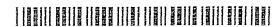
This form shall serve as CONSENT for the agent identified below to prepare or have prepared and submit all documents pertaining to the release of **sign and fence removal agreements for future right of way** recorded in Official Record Book 2963, Page 1095, Official Records Book 6977, Page 1844, and Official Records Book 7554, Page 1101, Public Records of Palm Beach County, Florida on the property that Kodiak Custom Homes, Inc. ("Kodiak") has an ownership interest in.

I hereby give CONSENT to URBAN DESIGN KILDAY STUDIOS to act on Kodiak's behalf, to submit or have submitted all required material and documents, and to attend and represent it at all meetings pertaining to the document releases indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of this process. OWNER - Kodiak Custom Homes, Inc. Lucky Mata (Name) (Signature) 1024 Larch (Address) (City, State, Zip) AGENT – Urban Design Kilday Studios Joni Brinkman (Name) 610 Clematis Street, CU-02 West Palm Beach, FL 33401 (Address) (City, State, Zip) NOTARY PUBLIC INFORMATION: STATE OF FLORIDA COUNTY OF PALM BEACH The foregoing instrument was acknowledged before me this 301 day of December 2016 by Lucky Mata . He is personally known to me or has M300537 60 364 0 produced FDL as identification and did/did not take an oath. (Signature)

My Commission Expires on:



NOTARY'S SEAL OR STAMP



CFN 20170231094

Prepared by and return to:
Jacquelyn Anderson
Palm Beach County Building Division
2300 North Jog Road
West Palm Beach, Florida 33411

いしている Act ** 1010

DR BK 29182 PG 0578 RECORDED 06/27/2017 11:59:54 Palm Beach Counts, Florida Sharon R. Bock, CLERK & COMPTROLLER Pss 0578 - 580; (3pss)

TERMINATION OF REMOVAL AGREEMENT

This Agreement (the "Agreement") is made and entered into on the <u>20</u> day of 2017, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and BW Lake Worth Jog, LLC ("Property Owner").

WITNESSETH:

WHEREAS, Lake Worth Road Development Associates., A Florida General Partnership ("Previous Owner") as the previous owner of the property legally described as Palm Beach Co # 3 Tract 76, 77, 78 Block 22 Section 27 Township 44 Range 42 ("Property"), intended to construct an I.D. sign in a future right of way or other easement within the County, which required a building permit from County; and

WHEREAS, County and Previous Owner entered into a Removal Agreement for the future right of way or other easement, between County and Previous Owners, dated February 1, 1982, recorded on March 24, 1982, in Official Records Book 3695 Page 1565 ("Removal Agreement"); and

WHEREAS, on February 22, 2016, Previous Owner executed a special warranty deed to BW Lake Worth Jog, LLC, granting ownership of the Property to Property Owner, recorded on March 3, 2016, in Official Records Book 28139 Page 1460 of the public records of Palm Beach County; and

WHEREAS, the I.D. sign located in the future right of way or other easement of the County was removed and is no longer located on the Property; and

WHEREAS, County and Property Owner desire to terminate the Removal Agreement; and

WHEREAS, it is in County's best interest to terminate the Removal Agreement since the structure is no longer located on the Property.

NOW, THEREFORE, in consideration of Ten Dollars and no cents (\$10.00), in lawful money in hand paid and for such other good and valuable consideration, the receipt of which the parties hereby expressly acknowledge, the parties hereto covenant and agree to the following terms and conditions:

1. The recitals set forth above are true and correct and form a part of this Agreement.

- 2. The parties hereby terminate, cancel and extinguish the Removal Agreement, and do hereby mutually agree Property Owner shall be liable to County for any and all claims or causes of action which may have arose from the Removal Agreement prior to the date of this Agreement.
- 3. This Agreement shall be effective upon execution of the parties hereto.

IN WITNESS WHEREOF, Patrick Rutter, the Executive Director of Planning, Zoning & Building as designee of the Board of County Commissioners of Palm Beach County, Florida has made and executed this Agreement on behalf of County and Property Owner has hereunto set its hand the day and year above written.

Approved as to form and legal Sufficiency

Approved as to terms and Conditions

Assistant County Attorney

Patrick Rutter, PZ&B Executive Director

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 20 day of 2017 by Patrick Rutter, Executive Director of Planning, Zoning & Building Department, on behalf of Palm Beach County, who is personally known to me or [] has produced as identification.

(NOTARY SEAL)

My commission expires: 9/19/8019

MY COMMISSION # FF 922453
EXPIRES: September 29, 2019

Bonded Thru Budget Notary Services
Printed or Typed Name of Notary

[This space intentionally left blank]

Termination of Removal Agreement Page 3 of 3

WITNESSES:

Signature
Print Name
Signature

Nate Larghton
Print Name

Property Owner:

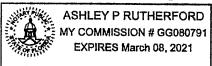
BW LAKE WORTH JOG, LLC, a Florida limited liability company By: Brightwork-Real Estate, Inc., its Manager

By: Bradford G. Douglas, President

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 14th day of June, 2017 by Bradford G. Douglas, President of Brightwork Real Estate, Inc., the Manager of Owner, BW LAKE WORTH, LLC. He is personally known to me.



(NOTARY SEAL)

My commission expires: Printed or Typed Name of Notary