

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

Meeting Date: September 12, 2017 ☒ Consent ☐ Regular
 ☐ Workshop ☐ Public Hearing

Department: Engineering & Public Works Department
Submitted By: Engineering & Public Works Department
Submitted For: Roadway Production Division

Motion and Title: Staff recommends motion to approve: the release of a drainage easement located on land to be platted as Bridges-Mizner PUD - Bridges South Plat One (Bridges South) by Boca Raton Associates VIII, LLLP (Developer).

Background and Justification: The existing easement was acquired by the County in 2007 for the drainage of Lyons Road through the proposed lake system of Appolonia Farms PUD into the Lake Worth Drainage District L-38 Canal. The developer is in the process of platting Bridges South and the existing easement is inconsistent with the proposed site plan. The developer has requested that the existing easement be released. Staff has reviewed the request and recommends approval of the release of drainage easement.

1. Location Map
2. Release of Drainage Easement
3. Drainage Easement with Exhibit "A"

Department Director

Date _____

Assistant County Administrator

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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

Is Item Included in Current Budget? Yes No

Budget Account No:

Fund Dept Unit Object

Recommended Sources of Funds/Summary of Fiscal Impact:

**This item has no fiscal impact. Release of drainage easement.

C. Departmental Fiscal Review: . Alii Kovalainen

III. REVIEW COMMENTS

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

8/16/17
OFMB/ET 8/16

8/21/17
Contract Dev. and Control
8/21/17

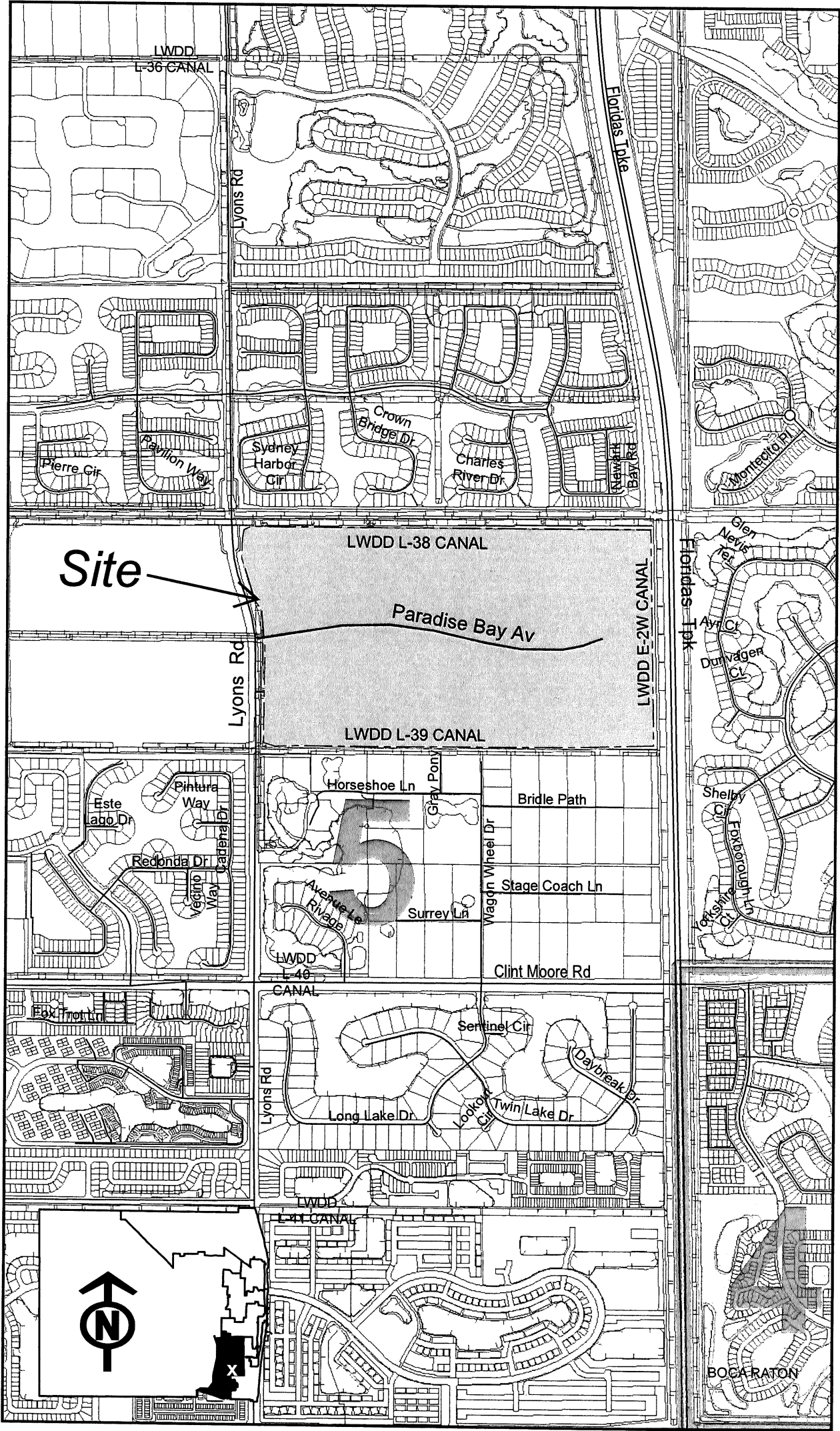
B. Approved as to Form and Legal Sufficiency:

4/23/17
Assistant County Attorney

C. Other Department Review:

Department Director

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



Location Map

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:
Yelizaveta Herman, Assistant County Attorney
Palm Beach County, County Attorney's Office
Post Office Box 21229
West Palm Beach, Florida 33416-1229

Portion of Property Control Numbers: 00-42-46-32-02-006-0000
00-42-46-32-02-012-0000
00-42-46-32-02-018-0010
00-42-46-32-02-023-0000

NOT TO BE RECORDED WITHOUT BOARD OF COUNTY COMMISSIONERS ACCEPTANCE DATE

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.: MRT 2017-007

ROAD NAME: Lyons Road

PARCEL NO.:

RELEASE OF DRAINAGE EASEMENT

WHEREAS, a drainage easement was conveyed to **PALM BEACH COUNTY**, a political subdivision of the State of Florida (County), on December 28, 2006 and recorded in Official Record Book 21425, Page 1414, Public Records of Palm Beach County, Florida; and,

WHEREAS, the drainage easement is located on land to be platted as Bridges-Mizner PUD – Bridges South Plat One (Bridges South) by **BOCA RATON ASSOCIATES VIII, LLLP**, a Florida limited liability limited partnership, whose post office address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323-2890, (hereinafter called “Developer”); and,

WHEREAS, the drainage easement is inconsistent with Bridges South’s proposed site plan; and,

WHEREAS, Developer has requested the release of the drainage easement so that a newly platted drainage easement can be constructed per the proposed site plan; and,

WHEREAS, Developer has provided a drainage easement for the same location and configuration of the existing easement to the County, to be held in escrow pending the completion of Bridges South; and,

WHEREAS, County Engineering & Public Works Department staff has reviewed the request and finds it is appropriate to release the drainage easement, as described in Official Record Book 21425, Page 1414, Public Records of Palm Beach County, Florida.

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, the County does hereby release the drainage easement as described in Official Record Book 21425, Page 1414, Public Records of Palm Beach County, Florida.

IN WITNESS WHEREOF, the County has caused this Release of Drainage Easement to be executed on _____.

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)

Return to:
Right-of-Way Acquisition 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:
Marlene R. Everitt, 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 Numbers: 00-42-46-32-02-006-0000
00-42-46-32-02-012-0000
00-42-46-32-02-018-0010
00-42-46-32-02-023-0000

NOT TO BE RECORDED WITHOUT BOARD OF COUNTY COMMISSIONERS ACCEPTANCE DATE

SPACE ABOVE THIS LINE FOR PROCESSING DATA

ZONING PETITION NO.:
ROAD NAME: Lyons Road
PARCEL NO.:

DRAINAGE EASEMENT

THIS DRAINAGE EASEMENT is made this 1 day of June, 2017, by BOCA RATON ASSOCIATES VIII, LLLP, a Florida limited liability limited partnership, whose post office address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323-2890, (hereinafter called "Grantor"), to PALM BEACH COUNTY, a political subdivision of the State of Florida, whose post office address is Post Office Box 21229, West Palm Beach, Florida 33416-1229, (hereinafter called "Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants unto Grantee, its successors and assigns, for the purpose of a perpetual drainage easement over, upon, under, through and across the following described land, situate in Palm Beach County, Florida, as follows:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

This drainage easement shall be used to permanently install and maintain, when necessary, facilities for the purpose of transporting storm water runoff, both above ground (swales) and buried (pipes and structures) to, and/or from, water retention areas. This drainage easement shall be non-exclusive, provided, however, that Grantor, its successors and assigns, shall be permanently prohibited from removing or interfering with the operation, maintenance, or repair of facilities installed by Grantee in the drainage easement area. To the extent that Grantor, its successors and assigns hinder or obstruct the operation, maintenance, or repair of any facilities installed in the drainage easement area, Grantor, its successors and assigns shall be liable for the cost of repair and/or removal of the obstruction. The installation of facilities shall not extend beyond the limits outlined in the attached legal description.

Grantee shall have the right, but not the obligation, to remove and use any or all of the soil and/or subsoil, in accordance with current and future construction plans, within the drainage easement area.

TO HAVE AND TO HOLD THE SAME unto Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the date first above written.

Signed, sealed and delivered in the presence of:

(Signature of two witnesses
required by Florida law)

Clayton Ratliff
Witness Signature (Required)

Clayton Ratliff
Witness Name Printed or Typed

Kathleen M Coffman
Witness Signature (Required)

Kathleen M Coffman
Witness Name Printed or Typed

Grantor:

BOCA RATON ASSOCIATES VIII, LLLP,
a Florida limited liability limited partnership

By: **BOCA RATON VIII CORPORATION,**
a Florida corporation, its General Partner

By: Alan J. Fant
Alan J. Fant, Vice President

(SEAL)

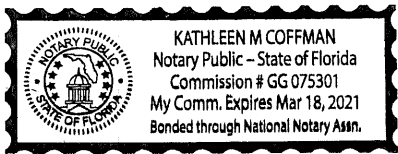
STATE OF FLORIDA

COUNTY OF BROWARD

Before me personally appeared Alan J. Fant, who is personally known to me, or has produced _____
as identification, and who executed the foregoing instrument as Vice President of **BOCA
RATON VIII CORPORATION**, a Florida corporation, as general partner of **BOCA RATON ASSOCIATES
VIII, LLLP**, a Florida limited liability limited partnership, and severally acknowledged to and before me that he
executed such instrument as such officer of said corporation, and that said instrument is the free act and deed of
said corporation.

Witness my hand and official seal this 1 day of June, 20 17

(Stamp/Seal)



Kathleen M Coffman
Notary Signature
Notary Public, State of Florida

Print Notary Name

Commission Number

My Commission Expires:

EXHIBIT "A"



DESCRIPTION:

BEING A PORTION OF TRACTS L10, W9, W12, W13, R1 AND POD F, APPOLONIA FARMS P.U.D. PLAT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 111, PAGES 41 THROUGH 45 OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE SOUTHWEST CORNER OF SAID APPOLONIA FARMS P.U.D. PLAT ONE, THENCE N00°27'56"W ALONG THE WEST LINE OF SAID APPOLONIA FARMS P.U.D. PLAT ONE, A DISTANCE OF 235.26 FEET TO THE POINT OF BEGINNING.
THENCE CONTINUE N00°27'56"W ALONG SAID WEST LINE FOR THE FOLLOWING TWO COURSES, A DISTANCE OF 10.00 FEET; THENCE N13°25'16"E, A DISTANCE OF 10.30 FEET; THENCE N89°32'04"E, A DISTANCE OF 193.59 FEET; THENCE N19°29'04"W, A DISTANCE OF 338.07 FEET; THENCE N00°23'04"W, A DISTANCE OF 133.62 FEET; THENCE N24°07'57"E, A DISTANCE OF 326.44 FEET; THENCE N10°54'48"W, A DISTANCE OF 1,037.73 FEET; THENCE S72°34'27"W, A DISTANCE OF 221.38 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE EASTERLY, HAVING A RADIAL BEARING OF N72°19'35"E, A RADIUS OF 2,312.00 FEET AND A CENTRAL ANGLE OF 00°29'44"; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID APPOLONIA FARMS P.U.D. PLAT ONE, AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 20.00 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE N72°34'27"E, A DISTANCE OF 243.79 FEET; THENCE S10°54'48"E, A DISTANCE OF 1,050.38 FEET; THENCE N64°33'45"E, A DISTANCE OF 325.30 FEET; THENCE N32°54'15"E, A DISTANCE OF 58.74 FEET; THENCE N64°33'45"E, A DISTANCE OF 201.61 FEET; THENCE N25°25'54"W, A DISTANCE OF 198.69 FEET; THENCE N78°12'57"E, A DISTANCE OF 305.60 FEET; THENCE N47°00'21"E, A DISTANCE OF 187.71 FEET; THENCE N03°46'18"W, A DISTANCE OF 373.62 FEET; THENCE N11°24'52"E, A DISTANCE OF 478.56 FEET; THENCE S89°12'58"E, A DISTANCE OF 110.23 FEET; THENCE N00°35'06"W, A DISTANCE OF 125.98 FEET; THENCE N89°24'54"E, ALONG THE NORTH LINE OF SAID APPOLONIA FARMS P.U.D. PLAT ONE, A DISTANCE OF 20.00 FEET; THENCE S00°35'06"E, A DISTANCE OF 126.46 FEET; THENCE S89°12'58"E, A DISTANCE OF 92.51 FEET; THENCE S27°29'59"W, A DISTANCE OF 257.70 FEET; THENCE S10°55'40"W, A DISTANCE OF 209.13 FEET; THENCE S12°00'54"E, A DISTANCE OF 395.73 FEET; THENCE S01°49'26"E, A DISTANCE OF 379.16 FEET; THENCE S17°17'31"W, A DISTANCE OF 471.55 FEET; THENCE S89°20'59"W, A DISTANCE OF 341.92 FEET; THENCE N02°01'25"W, A DISTANCE OF 259.22 FEET; THENCE N25°25'54"W, A DISTANCE OF 186.29 FEET; THENCE S64°33'45"W, A DISTANCE OF 195.94 FEET; THENCE S32°54'15"W, A DISTANCE OF 58.74 FEET; THENCE S64°33'45"W, A DISTANCE OF 340.21 FEET; THENCE S24°07'57"W, A DISTANCE OF 321.57 FEET; THENCE S00°23'04"E, A DISTANCE OF 125.91 FEET; THENCE S19°29'04"E, A DISTANCE OF 362.75 FEET; THENCE S89°32'04"W, A DISTANCE OF 224.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 13.417 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE GRID, FLORIDA EAST ZONE, THE LINE FORMED BETWEEN PALM BEACH COUNTY HORIZONTAL CONTROL MONUMENTS STAMPED "PBF 71" AND "PBF 72" HAVING A BEARING OF NORTH 88°58'47" WEST AND ALL OTHER BEARINGS BEING RELATIVE THERETO.

CERTIFICATION:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.


DATE: 03/03/2017
PERRY C. WHITE
REV: 05/24/2017
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 4213

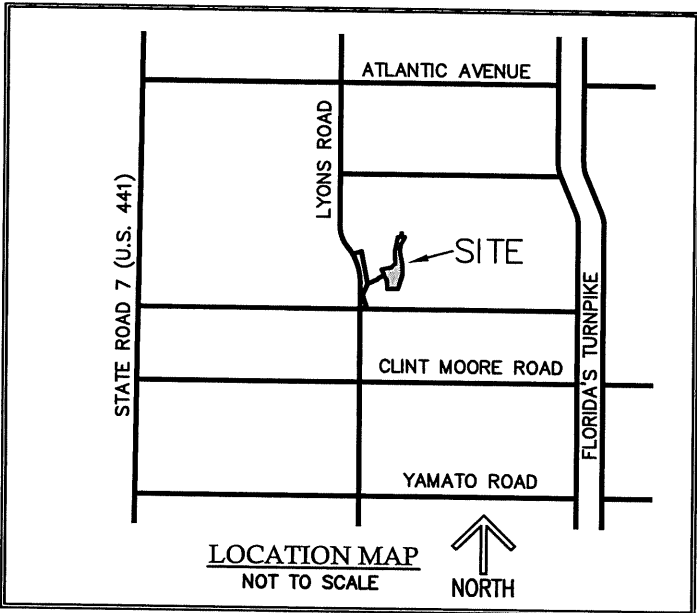
THIS IS NOT A SURVEY!

SKETCH & DESCRIPTION CLIENT: GL HOMES OF FLORIDA II PROJECT: APPOLONIA – DRAINAGE EASEMENT	SCALE:	SHEET 1 OF 8
	REVIEWED: PW	DRAWN: PW
	DATE: 2/11/17	DRAWING No: D0272LG02

EXHIBIT "A"

NOTE:

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 SHOWN ARE GROUND DISTANCES UNLESS OTHERWISE NOTED
SCALE FACTOR = 1.0000238
PLAT BEARING = GRID BEARING
ZONE = FLORIDA EAST ZONE



LEGEND/ABBREVIATIONS

UE – UTILITY EASEMENT
DE – DRAINAGE EASEMENT
LME – LAKE MAINTENANCE EASEMENT
R – RADIUS
L – ARC LENGTH
LBE – LANDSCAPE BUFFER EASEMENT
RCE – ROADWAY CONSTRUCTION EASEMENT
L.W.D.D. – LAKE WORTH DRAINAGE DISTRICT
LAE – LIMITED ACCESS EASEMENT
O.R.B. – OFFICIAL RECORDS BOOK
LB – LICENSED BUSINESS
Δ – CENTRAL ANGLE
GND – GROUND
PBCUE – PALM BEACH COUNTY UTILITY EASEMENT
PG – PAGE

SURVEYOR'S NOTES:

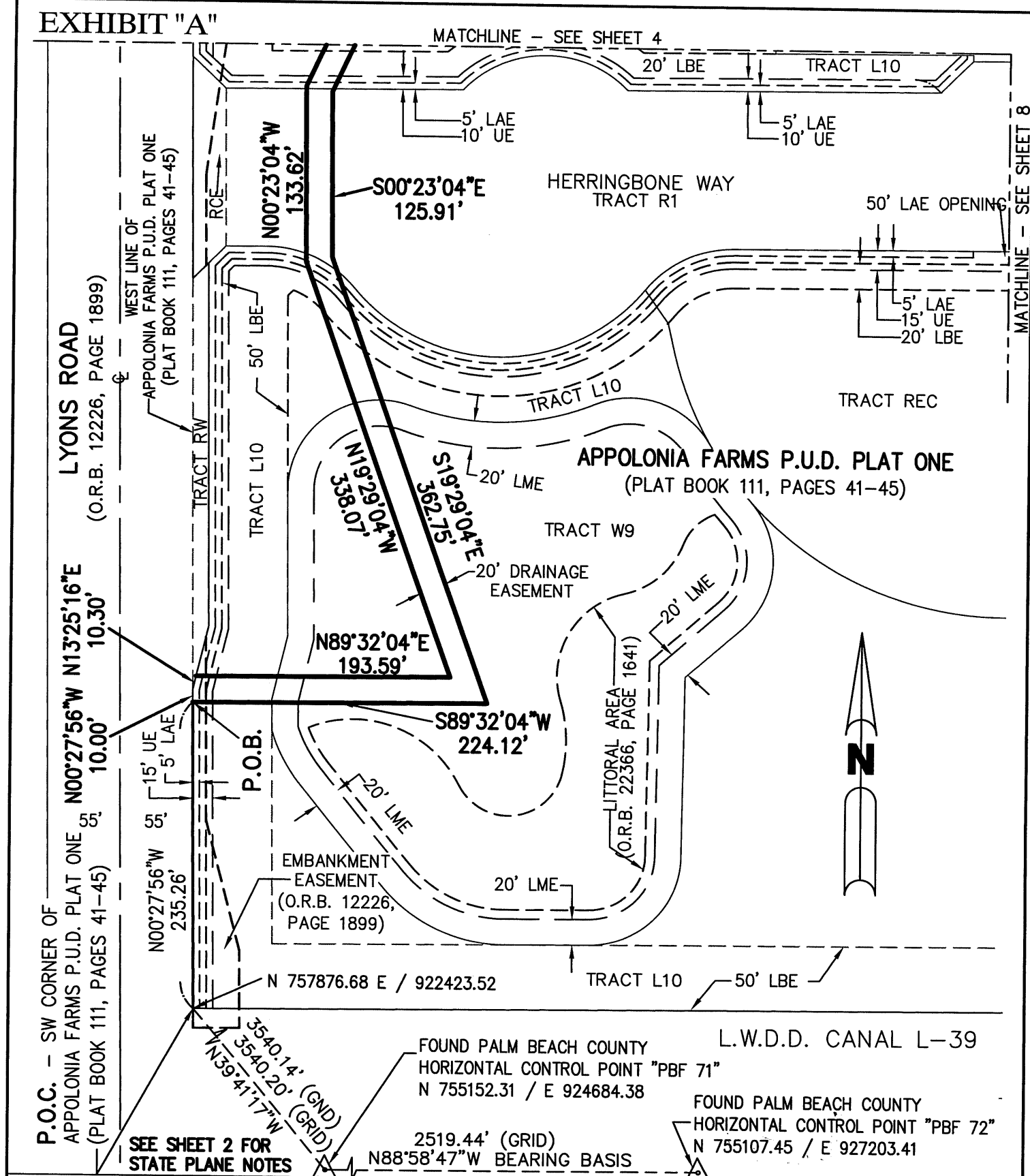
1) THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.
2) THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON REFLECT THOSE SCHEDULE B-II TITLE ENCUMBRANCES ACCORDING TO THAT TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE DATE: 2/27/17 AND REVISED 3/22/17 AS REVISION A AT 11:00 PM. ORDER NO. 6272043.



SKETCH & DESCRIPTION
CLIENT: GL HOMES OF FLORIDA II
PROJECT: APPOLONIA –
DRAINAGE EASEMENT

SCALE:	SHEET 2 OF 8
REVIEWED: PW	DRAWN: PW
DATE: 2/11/17	DRAWING No: D0272LG02

EXHIBIT "A"



Hills Surveying, Inc.

SKETCH & DESCRIPTION
CLIENT: GL HOMES OF FLORIDA II
PROJECT: APPOLONIA -
DRAINAGE EASEMENT

SCALE: 1" = 100'	SHEET 3 OF 8
REVIEWED: PW	DRAWN: PW
DATE: 2/11/17	DRAWING No: D0272LG02

MATCHLINE - SEE SHEET 5

EXHIBIT "A"



POD F

APPOLONIA FARMS P.U.D. PLAT ONE
(PLAT BOOK 111, PAGES 41-45)

TRACT W13

20' LME

15' UE
5' LAE

50' LBE

25' EMBANKMENT
EASEMENT
O.R.B. 12226,
PAGE 1899

TRACT L10

WEST LINE OF
APPOLONIA FARMS P.U.D. PLAT ONE
(PLAT BOOK 111, PAGES 41-45)

LYONS ROAD
(O.R.B. 12226, PAGE 1899)

55'

55'

LITTORAL AREA
(O.R.B. 22366, PAGE 1641)

20' LME

15' UE
5' LAE

MATCHLINE - SEE SHEET 3

TRACT W13

20' LME

POD F

MATCHLINE - SEE SHEET 12



Sand & Hills Surveying, Inc.

SKETCH & DESCRIPTION
CLIENT: GL HOMES OF FLORIDA II
PROJECT: APPOLONIA -
DRAINAGE EASEMENT

SCALE:
1" = 100'

SHEET 4 OF 8

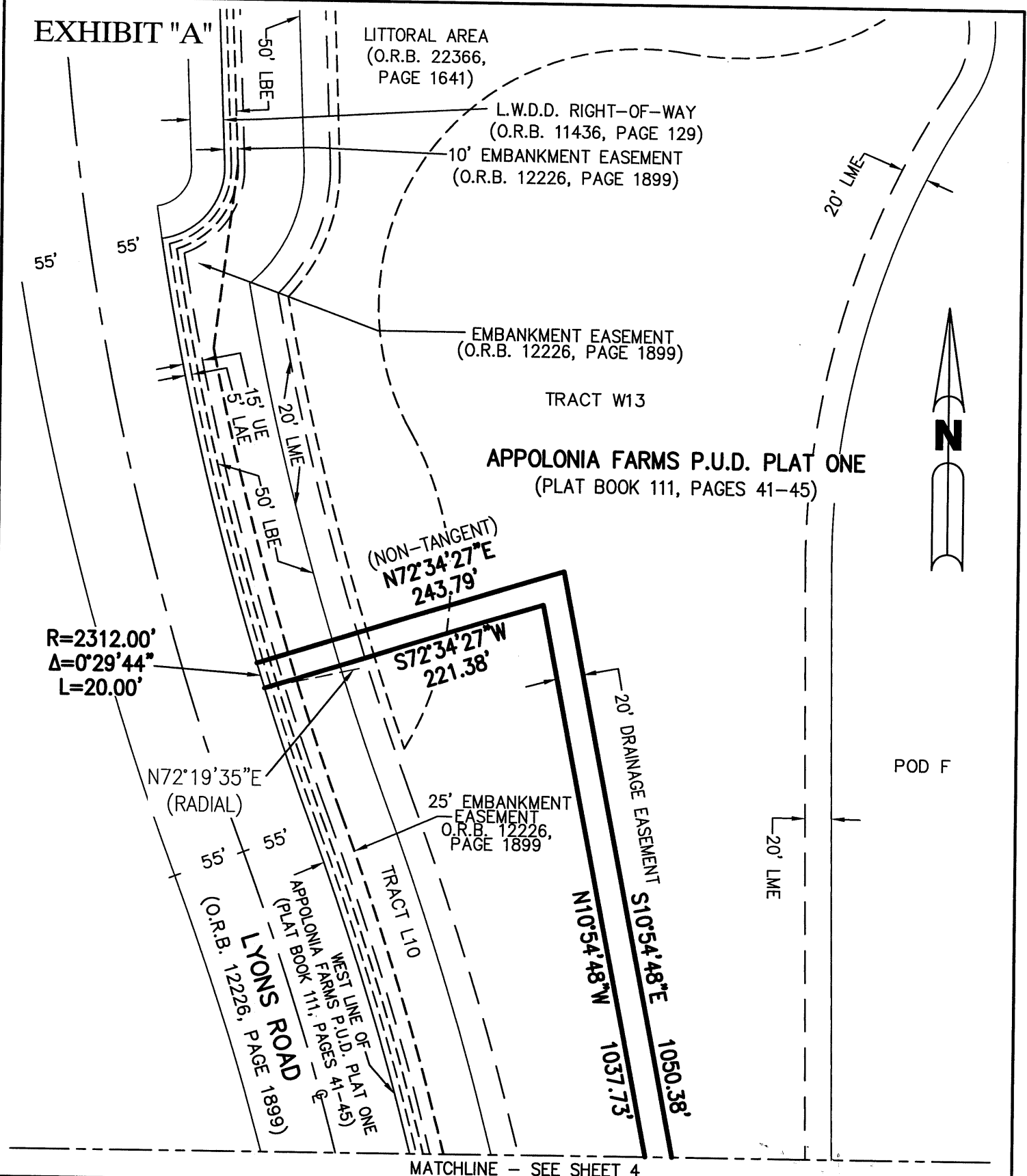
REVIEWED: PW

DRAWN: PW

DATE:
2/11/17

DRAWING No:
D0272LG02

EXHIBIT "A"



MATCHLINE - SEE SHEET 4



Sand & Hills Surveying, Inc.

SKETCH & DESCRIPTION
CLIENT: GL HOMES OF FLORIDA II
PROJECT: APPOLONIA - DRAINAGE EASEMENT

SCALE:
1" = 100'

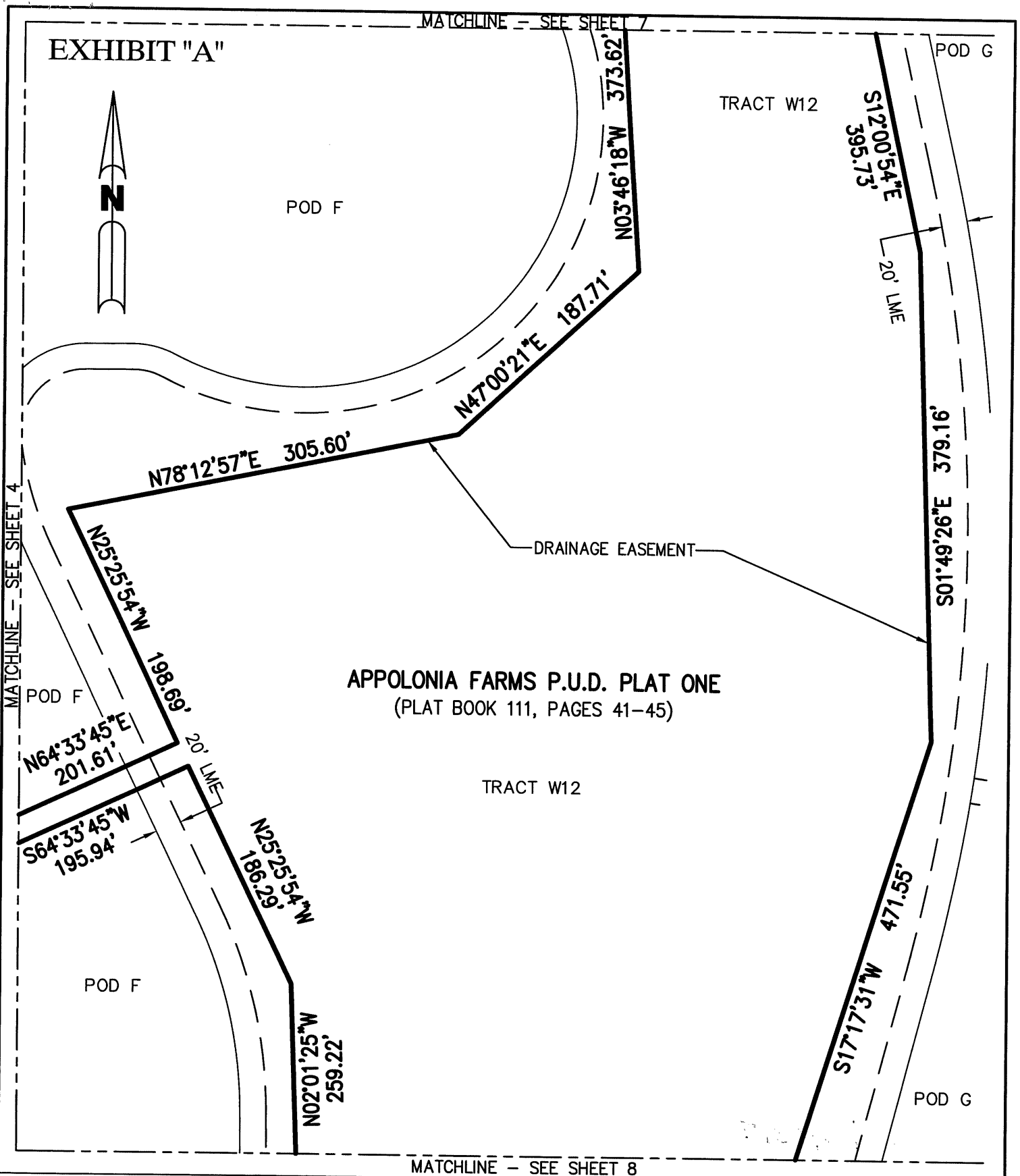
SHEET 5 OF 8

REVIEWED: PW

DRAWN: PW

DATE:
2/11/17

DRAWING No:
D0272LG02



Hills Surveying, Inc.

SKETCH & DESCRIPTION
CLIENT: GL HOMES OF FLORIDA II
PROJECT: APPOLONIA —
DRAINAGE EASEMENT

SCALE:
1" = 100'

SHEET 6 OF 8

REVIEWED: PW

DRAWN: PW

DATE:
2/11/17

DRAWING No:
D0272LG02

8461 LAKE WORTH ROAD, SUITE 410

LAKE WORTH, FL 33467

Tel: 561-209-6048

L.B. NUMBER 7741

EXHIBIT "A"

L.W.D.D. L-38 CANAL

NORTH LINE OF APPOLONIA FARMS P.U.D. PLAT ONE (PLAT BOOK 111, PAGES 41-45)

TRACT L10

20' UTILITY EASEMENT (O.R.B. 3543, PAGE 78)

30' PBCUE

20' DE

5' PBCUE

30' PBCUE

60' PBCUE

80' PBCUE

20' DRAINAGE EASEMENT (O.R.B. 21425, PAGE 1414)

S00°35'06"E 126.46'

N00°35'06"W 125.98'

S89°12'58"E 110.23'

S89°12'58"E 92.51'

TRACT W12

20' LME

20' LME

DRAINAGE EASEMENT

POD G

POD G

10' UE

10' UE

50' PBCU

TRACT W12

POD F

APPOLONIA FARMS P.U.D. PLAT ONE (PLAT BOOK 111, PAGES 41-45)

20' LME

N03°46'18"W 373.62'

N11°24'52"E 478.56'

S10°55'40"W 209.13'

S12°00'54"E 395.73'

S27°29'59"W - 257.70'

MATCHLINE - SEE SHEET 6



CLIENT: GL HOMES OF FLORIDA II

PROJECT: APPOLONIA -
DRAINAGE EASEMENT

SCALE:
1" = 100'

SHEET 7 OF 8

REVIEWED: PW

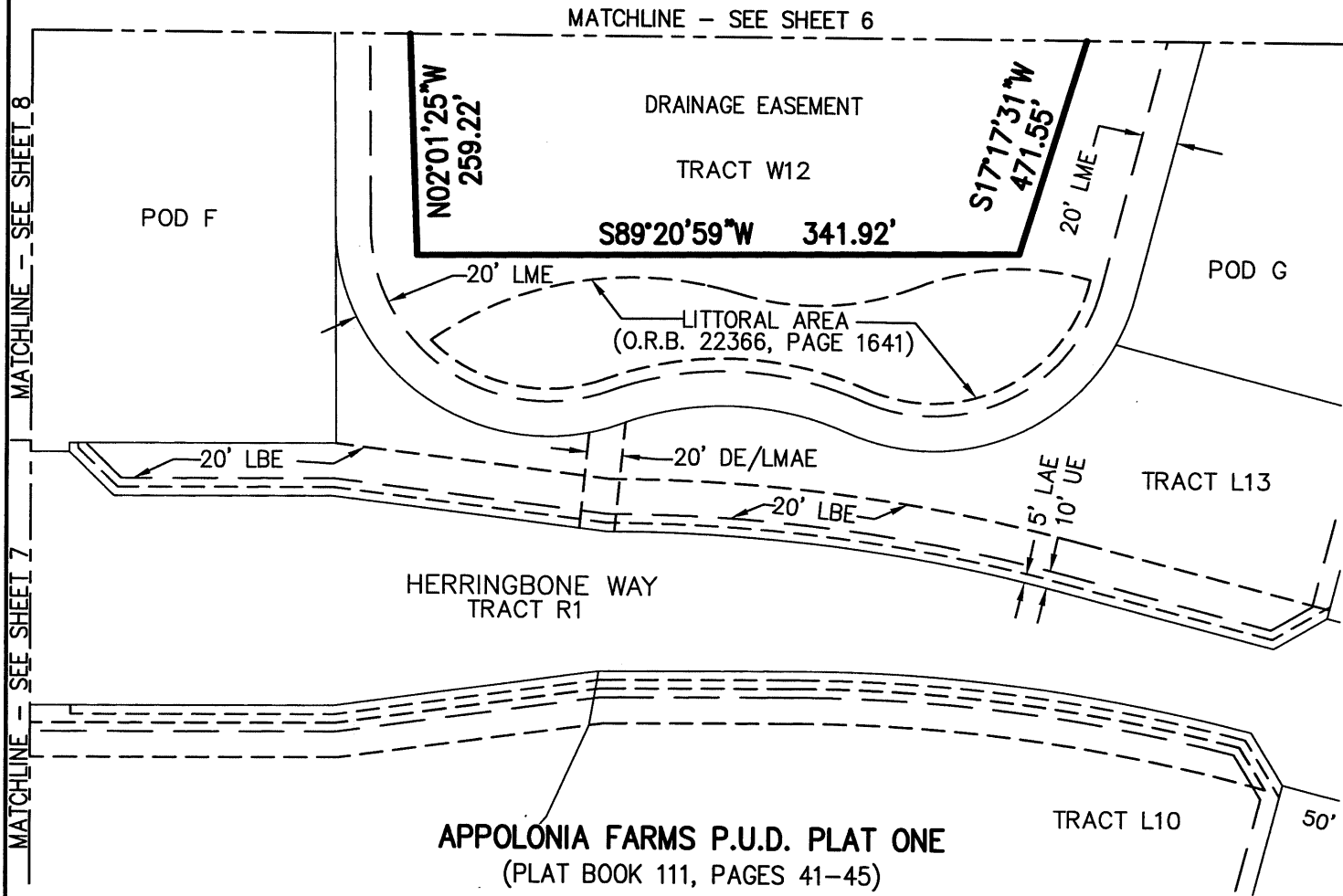
DRAWN: PW


DATE:
2/11/17

DRAWING No:
D0272LG02

L.B. NUMBER 7741

EXHIBIT "A"



 Sand & Hills Surveying, Inc.	SKETCH & DESCRIPTION CLIENT: GL HOMES OF FLORIDA II PROJECT: APPOLONIA - DRAINAGE EASEMENT	SCALE: 1" = 100'	SHEET 8 OF 8
		REVIEWED: PW	DRAWN: PW
		DATE: 2/11/17	DRAWING No: D0272LG02
		8461 LAKE WORTH ROAD, SUITE 410	LAKE WORTH, FL 33467 Tel: 561-209-6048 L.B. NUMBER 7741