

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

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Meeting Date: June 5, 2018	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
Department:	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Submitted By: Department of Airports

Submitted For:

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I. EXECUTIVE BRIEF

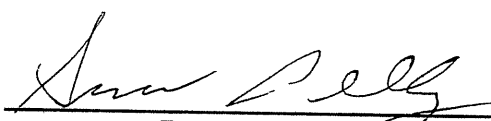
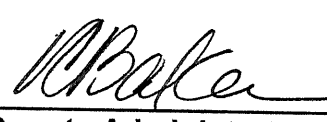
**Motion and Title:** Staff recommends motion to approve: First Amendment to Declaration of Easement (Declaration) (R2009-0990) (Amendment), amending the Declaration to add approximately 1,794 square feet (0.041 acres) of County-owned property.

**Summary:** The Water Utilities Department (WUD) has extended an existing water main on County-owned property leased to MSP Partners Realty, LLC (d/b/a Airport Hilton) (MSP) (R-92-471D, as amended) (Lease) to enhance water quality and has requested that the existing Declaration be amended to incorporate additional lands within the easement premises.  
Countywide (HJF)

**Background and Justification:** The Amendment adds a parcel of land 10' in width by approximately 179' long to the Declaration. The Declaration, as amended, will memorialize the existence of water transmission and distribution facilities on County-owned property, including the extended line. MSP has no objection to the Amendment, which crosses a portion of their leasehold.

- Attachments:**
- 1. First Amendment to Declaration of Easement

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JB	Recommended By: <u></u>	<u>5/17/18</u>
	Department Director	Date
Approved By:	<u></u>	<u>5/15/18</u>
	County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating 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 X

Does this item include the use of federal funds? Yes \_\_\_\_\_ No X

Budget Account No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ RSource \_\_\_\_\_  
Reporting Category \_\_\_\_\_

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

No fiscal impact.

C. Departmental Fiscal Review: CM Simon

## III. REVIEW COMMENTS

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

Lisa Pome 5/11/18  
OFMB sp5/10

Dr. J. Joubert 5/14/18  
Contract Dev. and Control  
5/14/18 Ju

### B. Legal Sufficiency:

[Signature] 5/15/18  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

REVISED 9/03  
ADM FORM 01  
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

Prepared by and return to:  
Laura Beebe, Deputy Director  
Palm Beach County Dept of Airports  
846 Palm Beach International Airport  
West Palm Beach, FL 33406

A portion of PCN 00-43-43-32-00-000-5040  
& 00-43-43-32-00-000-5060

FIRST AMENDMENT TO DECLARATION OF EASEMENT

THIS FIRST AMENDMENT TO DECLARATION OF EASEMENT (the "First Amendment") made this \_\_\_\_\_, by PALM BEACH COUNTY, a political subdivision of the State of Florida ("County") whose address is c/o Palm Beach County Department of Airports, 846 Palm Beach International Airport, West Palm Beach, Florida, 33406.

WHEREAS, County created a Declaration of Easement, as recorded in the public records of Palm Beach County in Official Record Book 23302, Page 0978 (R2009-0990) (the "Declaration of Easement"); and

WHEREAS, County wishes to amend the Declaration of Easement to append the legal description of the Easement Premises in Exhibit "B" to the Declaration of Easement.

NOW, THEREFORE, County does hereby amend the Declaration of Easement as follows:

1. Exhibit "B" to the Declaration of Easement (the "Easement Premises") is hereby amended to add the property described in Exhibit "B-1" attached hereto and made a part hereof (the "Additional Easement Premises").
2. Except as modified by this First Amendment, the Declaration of Easement remains unmodified and in full force and effect and County hereby ratifies, confirms, and adopts the Declaration of Easement, as amended, in accordance with the terms thereof.

IN WITNESS WHEREOF, County has caused this First Amendment to be executed as of the day and year first above written.

ATTEST:

SHARON R. BOCK

By: \_\_\_\_\_  
Clerk & Comptroller

(SEAL)

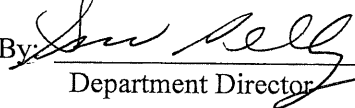
PALM BEACH COUNTY, a political  
subdivision of the State of Florida by its  
Board of County Commissioners

By: \_\_\_\_\_  
Melissa McKinlay, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Assistant County Attorney

APPROVED AS TO TERMS AND  
CONDITIONS

By:  \_\_\_\_\_  
Department Director

**Exhibit “B-1”**  
**(the “Additional Easement Premises”)**

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

3/28/18

*David A. Bower*

DAVID A. BOWER  
PROFESSIONAL SURVEYOR & MAPPER  
STATE OF FLORIDA  
CERTIFICATE NO. LS 5888

**DESCRIPTION:**

A 10.00 foot wide strip of land being a portion of Section 32, Township 43 South, Range 43 East, Palm Beach County, Florida. Being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 32; thence North 87°53'52" West (as a basis of bearings) along the South line of the Southeast one-quarter (SE 1/4) of said Section 32, a distance of 600.14 feet; thence North 02°06'08" East, a distance of 991.72 feet to a point being on the Southeasterly line of a 20.00 foot wide Utility Easement as recorded in Official records Book 23302, Page 978 of the Public Records of Palm Beach County, Florida and the POINT OF BEGINNING; thence North 70°35'01" East, a distance of 190.14 feet; thence North 19°24'59" West, a distance of 10.00 feet; thence South 70°35'01" West, a distance of 173.75 feet; thence South 42°39'51" East, a distance of 2.72 feet; thence South 47°20'09" West, a distance of 19.01 feet to the POINT OF BEGINNING, the preceding two (2) courses and distances being coincident with the Northeasterly and Southeasterly limits of said 20.00 foot wide Utility Easement as recorded in Official records Book 23302, Page 978 of the Public Records of Palm Beach County, Florida.

Containing 1,794 square feet more or less.

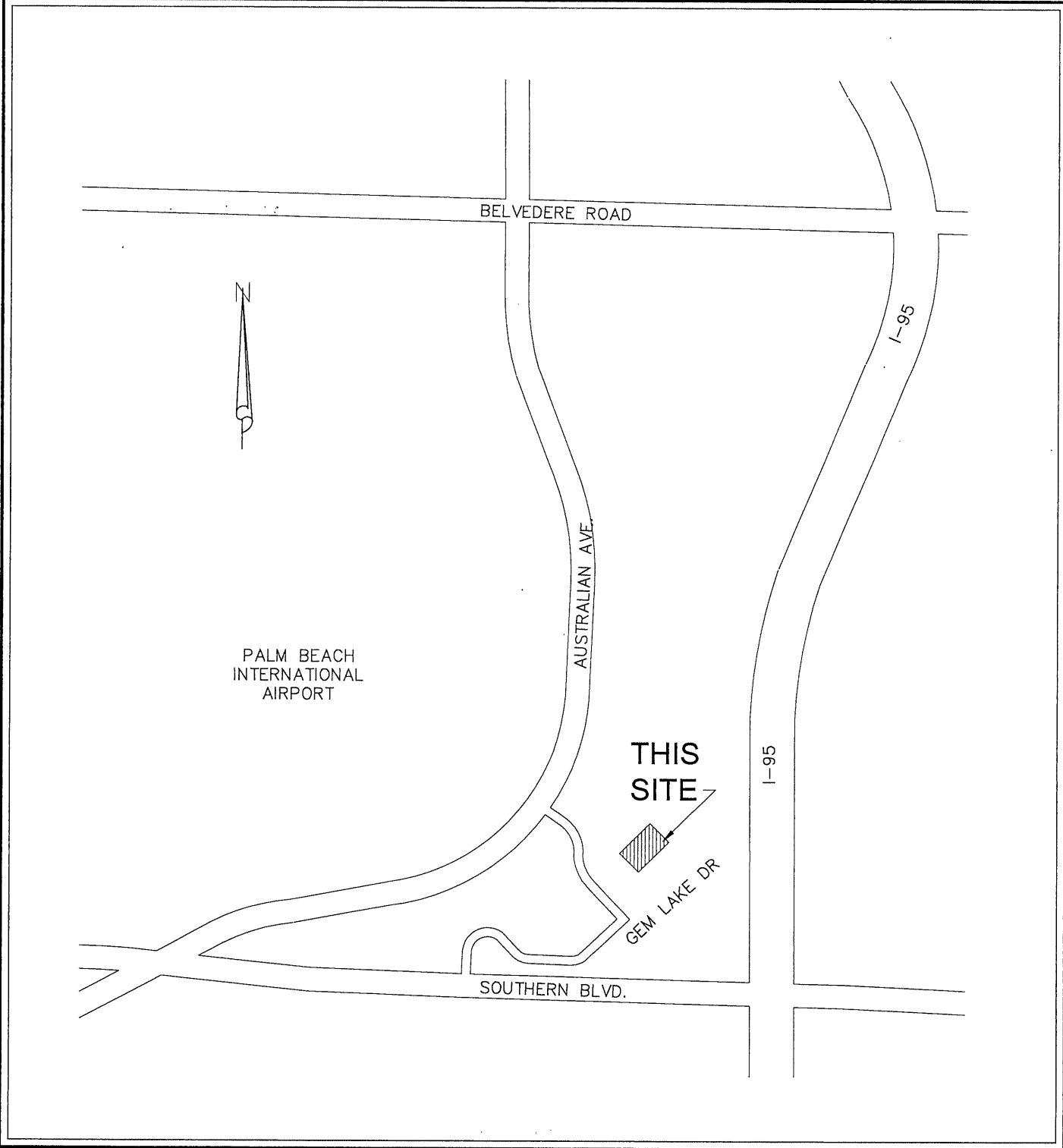
2	03/28/18	REVISE PER PBC REVIEW COMMENTS	DAB
1	01/25/17	REVISE EASEMENT PER CLIENT	DAB
NO.	DATE	REVISIONS	BY

Dennis J. Leavy & Associates, Inc.  
Land Surveyors \* Mappers

460 Business Park Way \* Suite B  
Royal Palm Beach, Florida 33411  
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION  
For: PALM BEACH COUNTY WATER  
UTILITIES DEPARTMENT

DRAWN: DB	SCALE: N/A	DATE: 01/05/17
CHK: DB/AV	JOB#: 15-030-11SD	SHEET: 1 OF 6



LOCATION MAP  
NOT TO SCALE

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SKETCH & DESCRIPTION		
For: PALM BEACH COUNTY WATER UTILITIES DEPARTMENT		
DRAWN: DB	SCALE: N/A	DATE: 01/05/17
CHK: DB/AV	JOB#: 15-030-11SD	SHEET: 2 OF 6

SURVEYOR'S NOTES:

- 1. BEARINGS DEPICTED HEREON ARE BASED UPON THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. SAID LINE HAVING A BEARING OF NORTH 87°53'52" WEST, GRID NAD 83, 1990 ADJUSTMENT.
- 2. THIS INSTRUMENT NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3. THE UNDERSIGNED MAKES NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF RECORD.
- 4. THE LICENSED BUSINESS NUMBER FOR DENNIS J. LEAVY & ASSOCIATES INC. IS LB #6599, THE CERTIFYING SURVEYORS LICENSE NUMBER IS LS #5888.
- 5. THIS IS NOT A SURVEY.

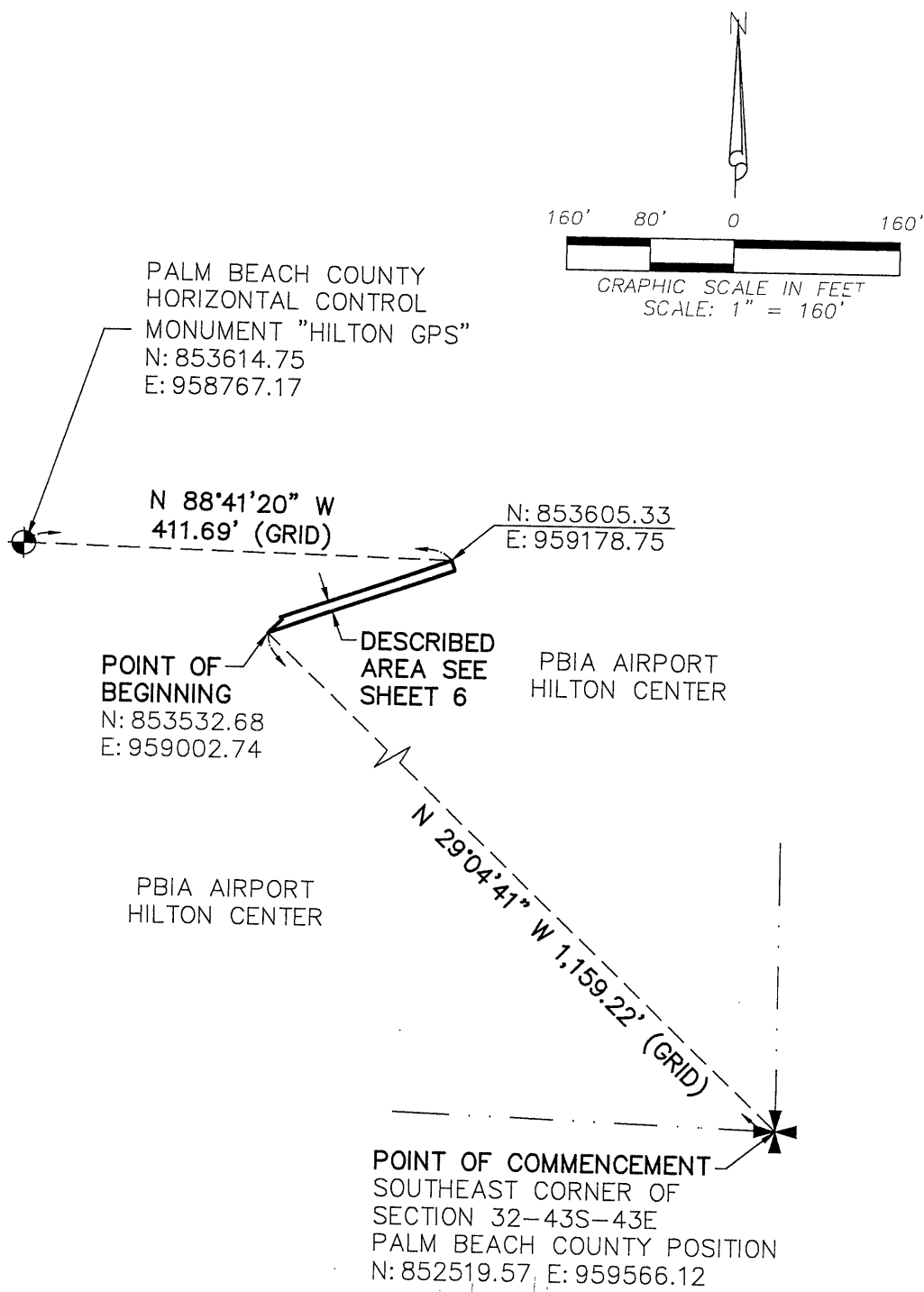
LEGEND:

- LB = LICENSED BUSINESS
- O.R.B. = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- P.B.C.R. = PALM BEACH COUNTY RECORDS
- PBIA = PALM BEACH INTERNATIONAL AIRPORT
- PG. = PAGE
- PCN = PARCEL CONTROL NUMBER

COORDINATES SHOWN ARE GRID  
DATUM = NAD 83, 1990 ADJUSTMENT  
ZONE = FLORIDA EAST  
LINEAR UNITS = US SURVEY FOOT  
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND (EXCEPT AS NOTED)  
PROJECT SCALE FACTOR = 1.000046717  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

N87°53'52"W (ASSUMED) = 00°00'00"  
N87°53'52"W (GRID) = BEARING ROTATION  
SOUTH LINE OF THE  
SOUTHEAST 1/4 OF  
SECTION 32-43S-43E  
(BASIS OF BEARINGS)

Dennis J. Leavy & Associates, Inc. Land Surveyors * Mappers 460 Business Park Way * Suite B Royal Palm Beach, Florida 33411 Phone: 561 753-0650 Fax: 561 753-0290	SKETCH & DESCRIPTION For: PALM BEACH COUNTY WATER UTILITIES DEPARTMENT		
	DRAWN: DB	SCALE: NTS	DATE: 01/05/17
	CHK: DB/AV	JOB#:15-030-11SD	SHEET: 3 OF 6



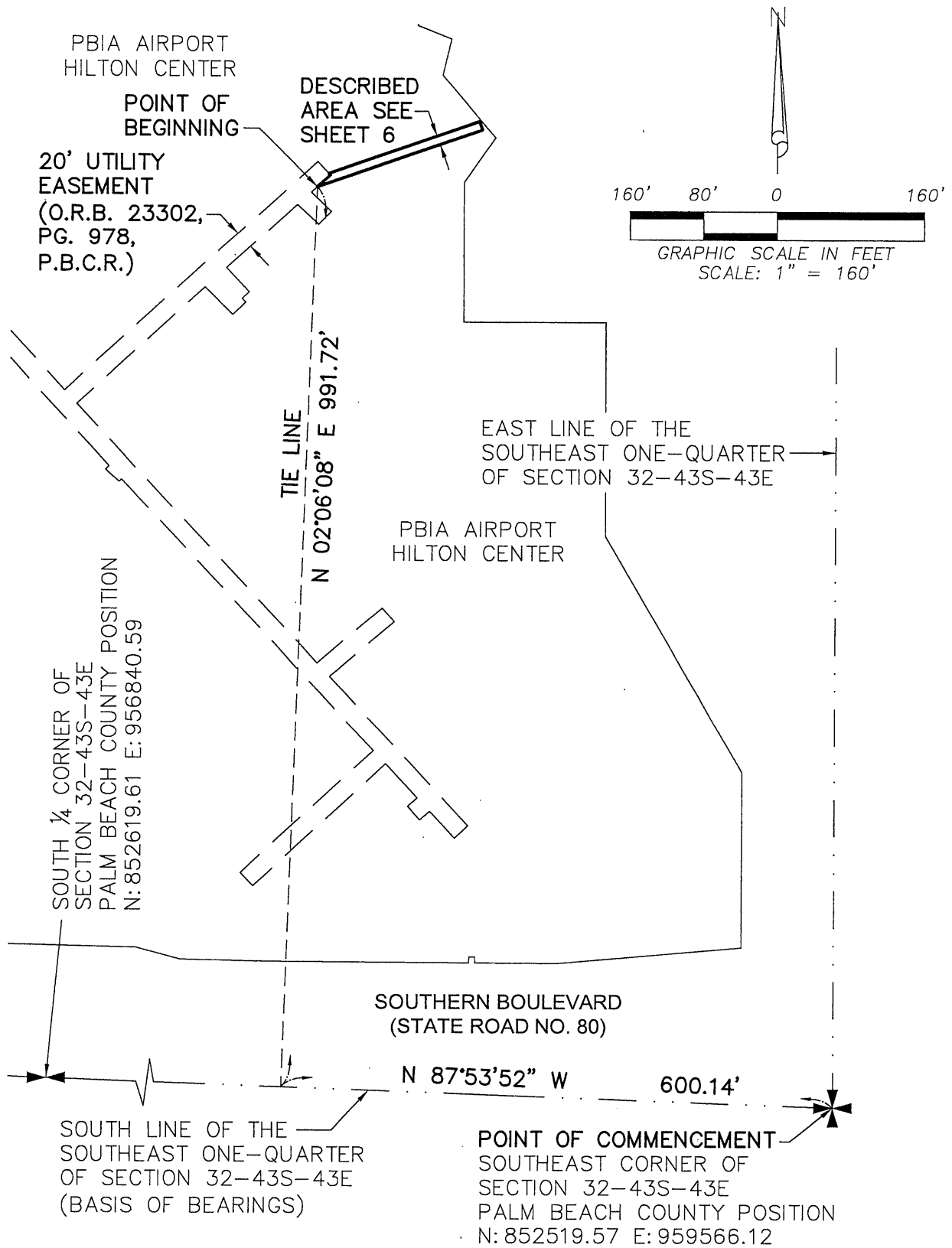
Dennis J. Leavy & Associates, Inc.  
Land Surveyors \* Mappers

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Royal Palm Beach, Florida 33411  
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION  
For: PALM BEACH COUNTY WATER  
UTILITIES DEPARTMENT

DRAWN: DB	SCALE: 1"=160'	DATE: 01/05/17
CHK: DB/AV	JOB#: 15-030-11SD	SHEET: 4 OF 6





**Dennis J. Leavy & Associates, Inc.**  
**Land Surveyors \* Mappers**

460 Business Park Way \* Suite B  
Royal Palm Beach, Florida 33411  
Phone: 561 753-0650 Fax: 561 753-0290

**SKETCH & DESCRIPTION**  
**For: PALM BEACH COUNTY WATER UTILITIES DEPARTMENT**

**DRAWN:** DB

**SCALE:** 1"=160'

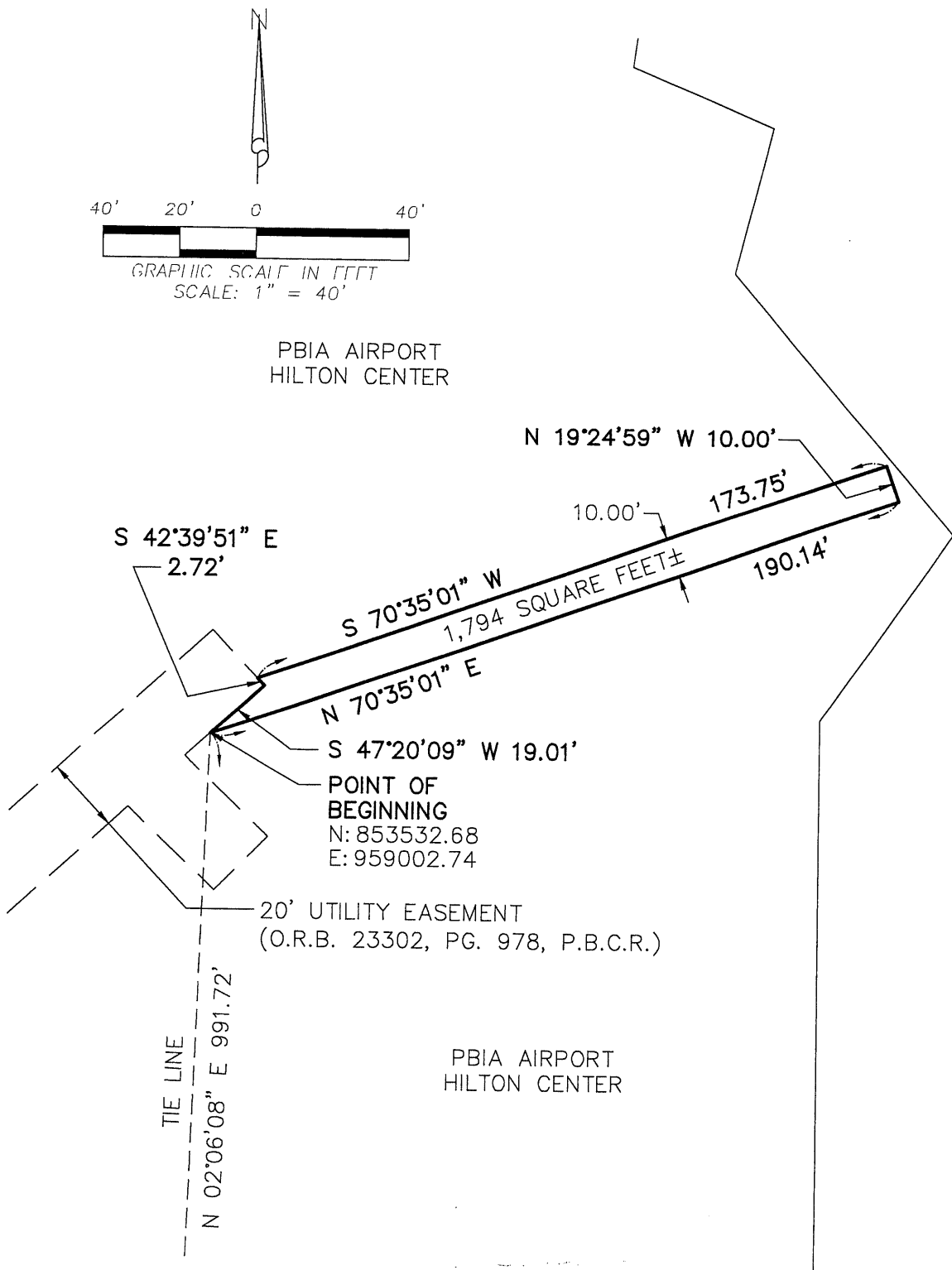
**DATE:** 01/05/17

**CHK:**

DB/AV

**JOB#:** 15-030-11SD

**SHEET:** 5 OF 6



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SKETCH & DESCRIPTION  
For: PALM BEACH COUNTY WATER  
UTILITIES DEPARTMENT

DRAWN: DB	SCALE: 1"=40'	DATE: 01/05/17
CHK: DB/AV	JOB#: 15-030-11SD	SHEET: 6 OF 6