

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Agenda Item #: **3H-11**

Meeting Date: July 10, 2018 ☒ Consent ☐ Regular
 ☐ Ordinance ☐ Public Hearing

Department: Facilities Development & Operations


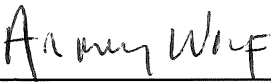
I. EXECUTIVE BRIEF


Motion and Title: Staff recommends motion to approve: a Second Amendment to Access Easement in favor of Sannlor Properties II, LLC (Sannlor).

Summary: Morikami Park (Park) is located on Jog Road in western Delray Beach between Linton Boulevard and Clint Moore Road. On June 20, 1995, the Board approved a Use and Management Agreement (Agreement) (R95-8240) with the American Orchid Society, Inc. (AOS) whereby the orderly development of the Park and the adjacent AOS property would occur in the best interest of both parties. The Agreement required the County to grant AOS easements for access, storm water drainage and signage over Park property. The Board approved an Access Easement (R2011-1786) with AOS and has since approved a First Amendment to Access Easement (R2014-1455) in favor of Sannlor Properties II, LLC (Sannlor). Sannlor is the successor in interest to the AOS property and has redeveloped the site as a day care and private school for autistic children. The First Amendment to Access Easement modified the legal description to add security fencing, a card reader gate and a vehicle turn around area for the new school. This Second Amendment to Access Easement will modify the legal description to include a portion of the security fencing left out of the First Amendment and will also include a grassy area east of the access driveway which Sannlor is currently maintaining. The Second Amendment to Access Easement is being granted at no charge since it is consistent with the original intent of the Agreement. **(PREM) District 5 (HJF)**

Background and Justification: On June 20, 1995, the County entered into an Agreement with AOS providing for the cooperative development of the property located adjacent to Morikami Park. The Agreement required the County to grant AOS easements for access across the Park property, storm water drainage to a lake located on Park property and a signage easement, all at no charge. Sannlor has purchased the AOS property and has redeveloped the site for use as a daycare and private school serving autistic children. This Second Amendment to Access Easement will modify the legal description to add a portion of security fencing inadvertently left outside the First Amendment easement boundary. It will also include a portion of grassy area east of the access driveway which is effectively unusable for Park purposes and which is currently being maintained by Sannlor. The County will continue to maintain the right provided in the First Amendment to Access Easement to relocate the Access Easement pursuant to future County plans for Morikami Park; however, such modification will be at County’s expense.

- Attachments:**
- 1. Location Map
 - 2. Second Amendment to Access Easement (2)

Recommended By:   6/18/18
Department Director Date

Approved By:  7/5/18
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	*_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____
Does this item include the use of federal funds Yes _____ No X
Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____

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

*No Fiscal Impact.

Fixed Asset Number _____ n/a

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

_____ 6/22/18
OFMB QAM 6/14/18
_____ 7/2/18
Contract Development and Control 7/12/18

B. Legal Sufficiency:

_____ 7/13/18
Assistant County Attorney

C. Other Department Review:

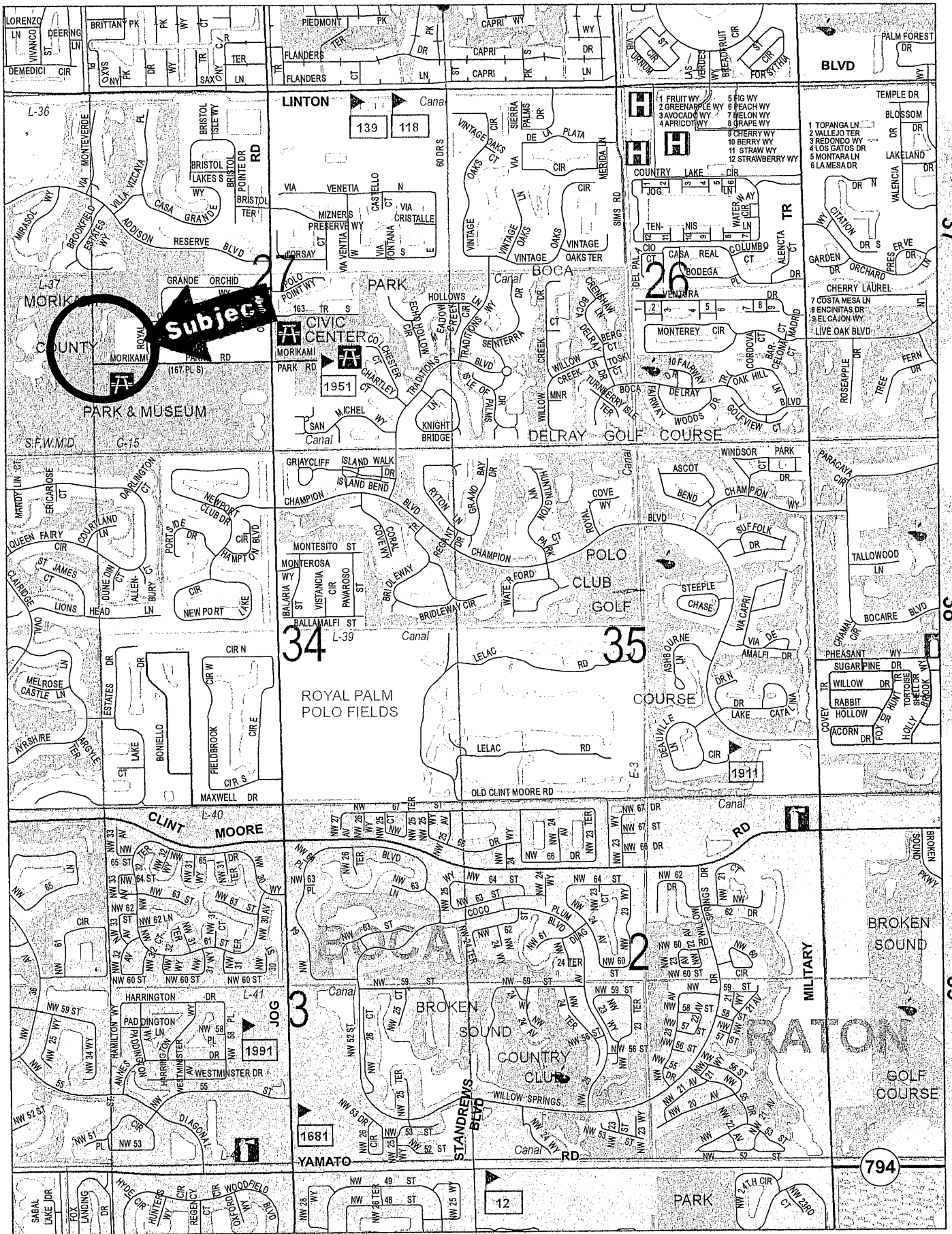
Department Director

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

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T47



LOCATION MAP

ATTACHMENT 1

(1 PAGE)

Attachment 2
Second Amendment to Access Easement - 2
(9 pages each)

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

Property Control Number: 00-42-46-27-00-000-7190

SECOND AMENDMENT TO ACCESS EASEMENT

THIS SECOND AMENDMENT TO ACCESS EASEMENT (the “Second 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 **SANNLOR PROPERTIES II, LLC**, a Florida limited liability company, whose legal mailing address is 16705 Puzzle Place, Delray Beach, FL 33446, hereinafter referred to as “Grantee”.

WITNESSETH:

WHEREAS, County granted the American Orchid Society, Inc., the original Grantee, an Access Easement recorded in the public records of Palm Beach County in Official Record Book 24880, Page 1698 (the “Access Easement”); and

WHEREAS, Sannlor is the successor in interest to the American Orchid Society, Inc. property; and

WHEREAS, a First Amendment to the Access Easement (R2014-1455) recorded in the public records of Palm Beach County in Official Record Book 27152, Page 0116, changed and expanded the location of the Easement Area to allow for vehicle turn-around and permit security fencing with a card-reader and gate in order to secure Grantee’s property; and

WHEREAS, the installation of the Grantee's security fencing and gate required additional County property; and

WHEREAS, Grantee has agreed to maintain the existing landscaping including the grassy areas and treatment of plantings and shrubbery ("Landscaping") located within the overall expanded Easement Area; and

WHEREAS, County and Grantee wish to modify the Access Easement to expand the Easement Area and replace the legal description contained in Exhibit "A" to the Access Easement.

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 "A" to the Access Easement (the "Easement Area") is hereby deleted in its entirety and replaced by Exhibit "A" attached hereto and made a part hereof (the "Easement Area").
3. Section 4 of the Access Easement is modified to include that Grantee shall be solely responsible for and shall, at all times, maintain, replace and/or restore at its sole cost and expense the Landscaping located within the Easement Area.
4. Except as modified by this Second Amendment, the Access Easement, as amended, 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.

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

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

COUNTY:
PALM BEACH COUNTY, a political subdivision
of the State of Florida

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: 
Audrey Wolf, Director
Facilities Development & Operations

Signed, sealed and delivered
in the presence of:

[Signature]
Witness Signature

Samuel J. Canton
Print Witness Name

[Signature]
Witness Signature

Patricia Kohsman
Print Witness Name

GRANTEE:

SANNLOR PROPERTIES II, LLC, a Florida
limited liability company

By: [Signature]

Sandra C. Slomin, Manager

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 27 day of March, 2018, by
Sandra C. Slomin as Manager for said corporation, who is personally
known to me OR who produced _____ as identification and who ~~did~~ () did not ()
take an oath.

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA

Patricia Kohsman
Print Notary Name

Commission Number: FF 115983

My Commission Expires: April 24, 2018

(Seal/Stamp)



INGRESS-EGRESS EASEMENT

PALM BEACH COUNTY, FLORIDA



NOT TO SCALE

A STRIP OF LAND FOR INGRESS-EGRESS PURPOSES LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 27 AS DETERMINED BY PALM BEACH COUNTY; THENCE NORTH 00°31'57" WEST ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 1354.63 FEET; THENCE NORTH 89°23'51" EAST, DEPARTING SAID SECTION LINE, A DISTANCE OF 161.59 FEET; THENCE NORTH 00°36'09" WEST, A DISTANCE OF 30.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF MORIKAMI PARK ROAD AS RECORDED IN OFFICIAL RECORD BOOK 2215, PAGE 454 OF THE PALM BEACH COUNTY RECORDS AND THE POINT OF BEGINNING; THENCE NORTH 55°26'00" EAST, A DISTANCE OF 3.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 158.00 FEET, A CENTRAL ANGLE OF 29°29'55", AN ARC DISTANCE OF 81.35 FEET; THENCE NORTH 08°18'19" EAST, A DISTANCE OF 78.96 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 32°14'27", AN ARC DISTANCE OF 50.64 FEET TO THE POINT OF TANGENCY; THENCE NORTH 40°32'45" EAST, A DISTANCE OF 11.55 FEET; THENCE NORTH 45° 41' 21" WEST, ALONG A LINE RADIAL TO THE NEXT DESCRIBED CURVE, A DISTANCE OF 2.40 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 35.36 FEET, A CENTRAL ANGLE OF 50°06'49", AN ARC DISTANCE OF 30.92 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 02°06'11", AN ARC DISTANCE OF 18.35 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE TO THE EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 65.30 FEET, A CENTRAL ANGLE OF 29°25'23", AN ARC DISTANCE OF 33.53 FEET TO THE POINT OF TANGENCY; THENCE NORTH 25°43'24" EAST, A DISTANCE OF 3.48 FEET

SHEET 1 OF 5 SHEETS

PROJECT NO: 11-0947

REVISE EASEMENT CONFIGURATION	MDS	03/01/18		MDS
REVISED PER COUNTY COMMENTS	MDR	08/19/14		MDR
SKETCH OF DESCRIPTION	MDR	05/15/14		MDR
REVISIONS	DWN	DATE	FB/PG	CHKD

& ASSOCIATES

CERTIFICATE OF AUTH

3410 N. Andrews Avenue Ext • Pompano Beach, Fl. 33064
PH: 954-943-9433 • FAX: 954-783-4754

PH: 954-943-9433 • FAX: 954-783-4754

**ENGINEERING
SURVEYING
PLANNING**

SKETCH OF DESCRIPTION
INGRESS-EGRESS EASEMENT

SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST
PALM BEACH COUNTY, FLORIDA

TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 24°32'08", AN ARC DISTANCE OF 23.55 FEET TO THE POINT OF TANGENCY; THENCE NORTH 50°15'32" EAST, A DISTANCE OF 0.93 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 50.50 FEET, A CENTRAL ANGLE OF 34°59'12", AN ARC DISTANCE OF 30.84 FEET TO THE WEST LINE OF THE ROSLYN AND RAYMOND SLOMIN CAMPUS PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 117, PAGES 34 AND 35 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND ALSO BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 9028, PAGE 1547 OF SAID PUBLIC RECORDS; THENCE SOUTH 00°15'53" EAST ALONG SAID WEST LINE, A DISTANCE OF 308.19 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MORIKAMI PARK ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 2215, PAGE 454 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°23'51" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 153.97 FEET TO THE POINT OF BEGINNING;

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 24,039.3 SQUARE FEET (0.55 ACRE), MORE OR LESS.

PROJECT NO: 11-0947

EXHIBIT "A"
SHEET 2 OF 5 SHEETS

REVISE EASEMENT CONFIGURATION	MDS	03/01/18		MDS
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SKETCH OF DESCRIPTION	MDR	05/15/14		MDR
REVISIONS	DWN	DATE	FB/PG	CHKD

SDA SHAH
DROTOS

& ASSOCIATES
ENGINEERING
SURVEYING
PLANNING
CERTIFICATE OF AUTHORIZATION NO. LB 6456
3410 N. Andrews Avenue Ext • Pompano Beach, FL 33064
PH: 954-943-9433 • FAX: 954-783-4754

SKETCH OF DESCRIPTION
INGRESS-EGRESS EASEMENT

SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST
PALM BEACH COUNTY, FLORIDA

LEGEND:

- ORB =OFFICIAL RECORDS BOOK
- PG =PAGE
- PB =PLAT BOOK
- PBCR =PALM BEACH COUNTY RECORDS
- R =RADIUS
- D =CENTRAL ANGLE
- L =ARC LENGTH
- R/W =RIGHT-OF-WAY

SURVEY NOTES:

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY SHAH, DRTOS & ASSOCIATES FOR EASEMENTS, RIGHTS-OF-WAY, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.
2. THIS IS NOT A SURVEY.
3. BEARINGS ARE BASED ON A GRID (NAD83, 1990 ADJUSTMENT) BEARING OF NORTH 00°31'57" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST AS PER THE PALM BEACH COUNTY SECTIONAL BREAKDOWN AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
4. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
5. THE STATE PLANE COORDINATES SHOWN HEREON CONFORM TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR, EAST ZONE ON THE NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT AS ESTABLISHED, ADOPTED AND PUBLISHED BY PALM BEACH COUNTY SYSTEM. THE STATE PLANE COORDINATES SHOWN HEREON ARE BASED ON PALM BEACH COUNTY SURVEY SECTION CONTROL POINTS AND ARE DERIVED FROM FIELD MEASUREMENTS, DISTANCES ARE GROUND DISTANCES. SCALE FACTOR=1.0000299.
GROUND DISTANCE x SCALE FACTOR = GRID DISTANCE

I HEREBY CERTIFY THAT THE LAND DESCRIPTION AND SKETCH ATTACHED HERETO MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND THE PALM BEACH COUNTY STATE PLANE COORDINATE SYSTEM REQUIREMENTS AS SET FORTH IN PALM BEACH COUNTY, PPM#CW-0-58

FOR THE FIRM, BY:

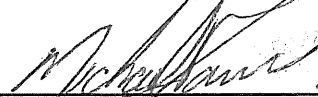
 3-16-2018
MICHAEL D. SARVER
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. LS4174

EXHIBIT "A"

SHEET 3 OF 5 SHEETS

PROJECT NO: 11-0947

REVISE EASEMENT CONFIGURATION	MDS	03/01/18		MDS
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DRTOS

& ASSOCIATES
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SKETCH OF DESCRIPTION
INGRESS-EGRESS EASEMENT

SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST
PALM BEACH COUNTY, FLORIDA



NOT TO SCALE

MORIKAMI PARK
SE1/4 OF SECTION 28
TOWNSHIP 46 SOUTH
RANGE 42 EAST

LEGEND:
SEE SHEET 5 OF 5 SHEETS

WEST 1/4 CORNER
SECTION 27
N=763472.431
E=932780.944

WEST LINE OF SECTION 27
TOWNSHIP 46, SOUTH,
RANGE 42 EAST PER
PALM BEACH COUNTY
POSITION

WEST LINE OF
SECTION 27-46-42
(AS SHOWN ON SURVEY
PREPARED BY O'BRIEN,
SUITER & O'BRIEN, INC.
DATED 01/11/1995, ORDER
NUMBER 311DB AND
DESCRIBED IN ORB 9028,
PG 1547, PBCR)

BASIS OF BEARINGS

PALM BEACH COUNTY SECTION
BREAKDOWN SECTION 27,
TOWNSHIP 46 SOUTH,
RANGE 42 EAST

POINT OF
BEGINNING
N=762141.191
E=932954.885
(SEE SHEET 5
OF 5 SHEETS
FOR CONTINUATION)

ACCESS GRANTED THROUGH
USE AND MANAGEMENT
AGREEMENT VIA R95-824 D

SOUTH LINE-NW1/4 OF SW1/4
SECTION 27-46-42

SW CORNER OF NW1/4
OF SW1/4
SECTION 27-46-42
N=762109.291
E=932774.261

ORB 2215, PG 454, PBCR

161.59'
N89°23'51"E

MORIKAMI PARK ROAD
ORB 2233, PG 1963, PBCR

FOUND 4" CONC MONUMENT
STAMPED OBRIEN SUITER & OBRIEN
CERTIFIED CORNER RECORD
NO. 2858 ON N. RIGHT-OF-
WAY LINE OF LATERAL NO. 38
N=760854.174
E=932779.974

(IN CANAL)
SW CORNER OF
SECTION 27-46-42
(BY HISTORICAL USE)
N=760749.175
E=932780.452

POINT OF COMMENCEMENT
SW CORNER OF
SECTION 27-46-42
(PALM BEACH COUNTY
POSITION) N=760754.888
E=932806.206
N77°29'31"E (GRID)
26.38'

PROJECT NO: 11-0947

EXHIBIT "A"
SHEET 4 OF 5 SHEETS

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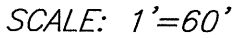
SDA SHAH
DROTOS

& ASSOCIATES

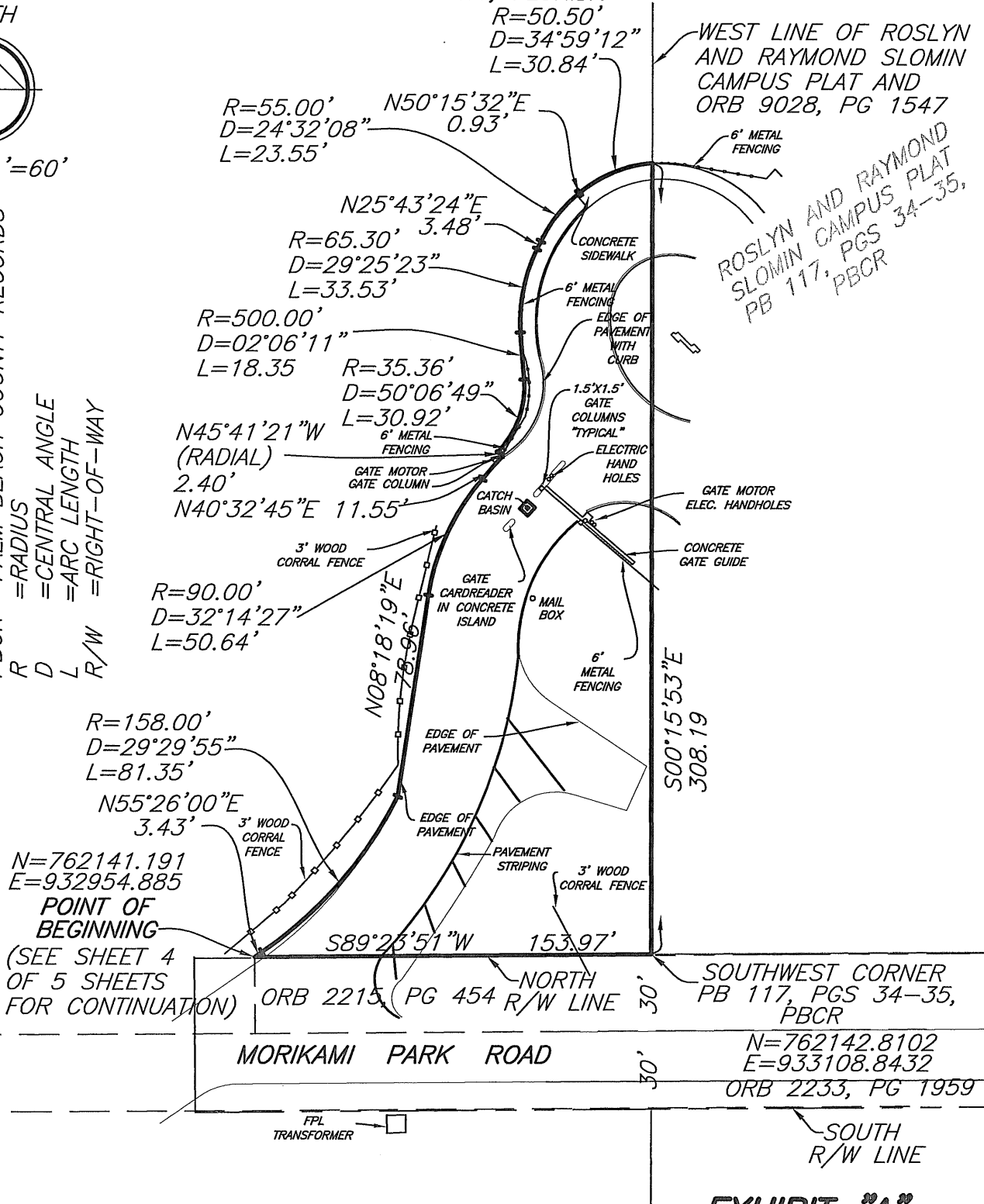
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*SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST
PALM BEACH COUNTY, FLORIDA*



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SHEET 5 OF 5 SHEETS

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SDA SHAH DROTOS
& ASSOCIATES

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Q A S S U C I A T E S

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