

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	January 15, 2019	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
Department:	Facilities Development & Operations		


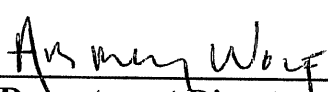
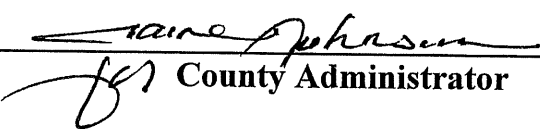
I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Mortgagee’s Joinder and Consent of the Kravis Center replat pursuant to the Mortgage by The Raymond F. Kravis Center for the Performing Arts, Inc. (Center) dated December 6, 1989 (R89-1537-D) in favor of the City of West Palm Beach (City) and the County.

Summary: The proposed redevelopment of the Kravis Center requires the Kravis Center property be replatted and a portion of the property be dedicated as road right-of-way. The County contributed \$10,000,000 to the development and construction of the Kravis Center and has a security interest in the property pursuant to the Mortgage, as affected by a Partial Release of Mortgage. The Center has requested that County execute the Mortgagee’s Joinder and Consent as co-mortgagee to allow for the approval of the replat and to provide for the subordination and consent of two (2) 10’ to 15’ (approximate) wide strips of land located along Okeechobee Boulevard (.26 acres) and South Sapodilla Avenue (.15 acres), totaling .41 acres, as right-of-way dedications. The consent is being approved in support of the proposed redevelopment of the performing arts facility. (PREM) District 7 (HJF)

Background and Justification: The Kravis Center was constructed in 1992 and is in the process of being redeveloped. Pursuant to a Tri-Party Agreement between the Center, City and County, dated August 29, 1989 (R89-1537-D), the City and County committed to contribute \$5,000,000 (City contribution) and \$10,000,000 (County contribution) in matching funds for the development and construction of a performing arts facility. In December 1989, a Mortgage was recorded in Official Record Book 6283, Page 673, as affected by a Partial Release of Mortgage, recorded in Official Record Book 7424, Page 410. The Mortgage is not a loan and no payments are being made by the Center; however, the Mortgage creates a security interest of the City and County for an amount equal to their respective contributions under the Tri-Party Agreement. Commencing upon the first anniversary date of the Center receiving a certificate of occupancy for the performing arts facility (1993), the security interest is reduced annually over a forty (40) year period by an amount equal to two and one-half percent (2.50%) of the original amount of the City’s and County’s respective contributions to the Center. The Kravis Center property is being replatted as one (1) parcel together with two (2) strips of land 10’ to 15’ (approximate) wide being dedicated by the plat for public roadway and street purposes, which requires the County, as co-mortgagee and partial holder of a mortgage, to consent. City staff has reviewed which approved the proposed replat and will be presented to the City of West Palm Beach for approval in early 2019.

- Attachments:**
- 1. Location Map
 - 2. Kravis Center Replat

Recommended By:			12/18/19
		Department Director	Date
Approved By:			12/23/19
	County Administrator		Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
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 X

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

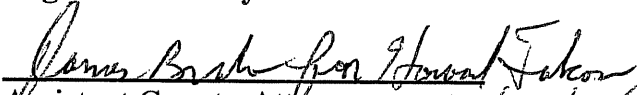
C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 12/26/18
OFMB
 12/19/18
Contract Development and Control
 12/26/18

B. Legal Sufficiency:


Assistant County Attorney 12/28/18

C. Other Department Review:

Department Director

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

D

C

TWP
43

TWP
43

TWP
43

16

17

18

RNG 43

RNG 43

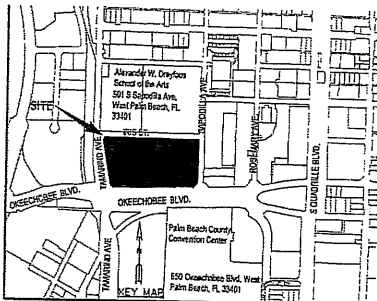
LOCATION MAP

ATTACHMENT NO. 1

PAGE 1 OF 1



ATTACHMENT NO. 2
PLAT - 2 PAGES



SECTION 21, TOWNSHIP 43 SOUTH, RANGE 43 EAST
LOCATION MAP
NOT TO SCALE

KRAVIS CENTER

A REPLAT OF A PORTION OF THE PLAT OF THE ADDITION OF WEST PALM BEACH FOR THE HIGHLAND PARK LAND CO., (INC.), AS RECORDED IN PLAT BOOK 1, PAGE 122 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA

THIS INSTRUMENT PREPARED BY
DAVID P. LINDLEY
CAULFIELD and WHEELER, INC.
SURVEYORS - ENGINEERS - PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434 - (561)392-1991
CERTIFICATE OF AUTHORIZATION NO. LB3591

STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT WAS FILED FOR
RECORD AT _____ M.
THIS _____ DAY OF _____
A.D. 201____ AND DULY RECORDED
IN PLAT BOOK _____ ON
PAGES _____ THROUGH _____
SHARON R. BOCK
CLERK AND COMPTROLLER

By: _____
DEPUTY CLERK

SHEET 1 OF 2
CLERK

DESCRIPTION

A PORTION OF THE PLAT OF THE ADDITION OF WEST PALM BEACH FOR THE HIGHLAND PARK LAND CO., (INC.), AS RECORDED IN PLAT BOOK 1, PAGE 122 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE PALM BEACH COUNTY PUBLISHED POSITION OF THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE N89°10'16"W ALONG THE SOUTH LINE OF SAID SECTION 21, A DISTANCE OF 1710.23 FEET; THENCE N00°52'39"E, A DISTANCE OF 286.55 TO THE NORTHEAST CORNER OF THAT RIGHT-OF-WAY PARCEL FOR OKEECHOBEE BOULEVARD, AS RECORDED IN OFFICIAL RECORD BOOK 7424, PAGE 443 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE N89°07'21"W, A DISTANCE OF 5.50 FEET; THENCE S00°52'38"W, A DISTANCE OF 5.29 FEET; THENCE S44°34'22"W, A DISTANCE OF 58.36 FEET; THENCE S88°56'04"W, A DISTANCE OF 792.21 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 80°52'19"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 10.57 FEET; THENCE N10°11'37"W, ALONG THE EAST RIGHT-OF-WAY OF TAMARIND AVENUE, A DISTANCE OF 370.55 FEET; THENCE N00°56'00"W, CONTINUING ALONG THE EAST RIGHT-OF-WAY OF TAMARIND AVENUE, A DISTANCE OF 73.54 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 87°25'42"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 14.01 FEET; THENCE S89°10'16"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF IRIS STREET, A DISTANCE OF 949.82 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SOUTH SAPOCILLA AVENUE; THENCE S00°52'38"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 428.52 FEET TO THE POINT OF BEGINNING.
CONTAINING 453,244 SQUARE FEET OR 10.4050 ACRES, MORE OR LESS.

DEDICATIONS AND RESERVATIONS

STATE OF FLORIDA
COUNTY OF PALM BEACH

KNOW ALL MEN BY THESE PRESENTS THAT THE RAYMOND F. KRAVIS CENTER FOR THE PERFORMING ARTS, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, OWNER OF THE LAND SHOWN HEREON AS KRAVIS CENTER

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED, AS SHOWN HEREON, AND DO HEREBY MAKE THE FOLLOWING DEDICATIONS AND RESERVATIONS:

TRACT RW, AS SHOWN HEREON IS HEREBY DEDICATED AND GRANTED IN FEE SIMPLE TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PERPETUAL USE OF THE PUBLIC FOR ROADWAY PURPOSES.

TRACT RWI, AS SHOWN HEREON, IS HEREBY DEDICATED TO THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, FOR THE PERPETUAL USE OF THE PUBLIC FOR PUBLIC STREET PURPOSES.

IN WITNESS WHEREOF, THE ABOVE NAMED NOT-FOR-PROFIT CORPORATION, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS CHIEF EXECUTIVE OFFICER, THIS 20th DAY OF December, 2012

THE RAYMOND F. KRAVIS CENTER FOR THE
PERFORMING ARTS, INC.
A FLORIDA NOT-FOR-PROFIT CORPORATION

David P. Lindley
DAVID P. LINDLEY
CHIEF EXECUTIVE OFFICER

WITNESS:
PRINT NAME *Philip Ruff*
WITNESS: *Philip Ruff*
PRINT NAME *Linda J. Reschke*

ACKNOWLEDGMENT:
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED JUDITH A. MITCHELL, WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS CHIEF EXECUTIVE OFFICER OF THE RAYMOND F. KRAVIS CENTER FOR THE PERFORMING ARTS, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT SHE EXECUTED SUCH INSTRUMENT, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS 20th DAY OF December, 2012

MY COMMISSION EXPIRES:
11/12/22

COMMISSION NUMBER:
173648

PRINT NAME

OWNER

OWNER
NOTARY

MORTGAGEE'S JOINDER AND CONSENT:

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE CO-MORTGAGEE AND PARTIAL HOLDER OF A MORTGAGE, UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORD BOOK 6283, AT PAGE 673, AS AFFECTED BY PARTIAL RELEASE OF MORTGAGE RECORDED IN OFFICIAL RECORD BOOK 7424, PAGE 410 BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MAYOR AND ITS SEAL TO BE AFFIXED HERETO THIS _____ DAY OF _____, 2012

PALM BEACH COUNTY,
A POLITICAL SUBDIVISION OF THE STATE
OF FLORIDA, BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS

WITNESS:
PRINT NAME _____

BY: _____ MAYOR

WITNESS:
PRINT NAME _____

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012, BY _____ OF PALM BEACH COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, HE/SHE WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

NOTARY PUBLIC, STATE OF
MY COMMISSION EXPIRES _____

MORTGAGEE'S JOINDER AND CONSENT:

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE CO-MORTGAGEE AND PARTIAL HOLDER OF A MORTGAGE, UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORD BOOK 6283, AT PAGE 673, AS AFFECTED BY PARTIAL RELEASE OF MORTGAGE RECORDED IN OFFICIAL RECORD BOOK 7424, PAGE 410 BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, CITY OF WEST PALM BEACH HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MAYOR AND ITS SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS CITY COMMISSION THIS _____ DAY OF _____, 2012

CITY OF WEST PALM BEACH,
A MUNICIPAL CORPORATION OF THE STATE
OF FLORIDA

WITNESS:
PRINT NAME _____

BY: _____ MAYOR

WITNESS:
PRINT NAME _____

ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012, BY GERALDINE MUJOS, AS MAYOR OF THE CITY OF WEST PALM BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, SHE WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

NOTARY PUBLIC, STATE OF
MY COMMISSION EXPIRES _____

TABULAR DATA

TOTAL AREA OF THIS PLAT	10.4050 ACRES
PARCEL A	10.0016 ACRES
TRACT RW	0.2586 ACRES
TRACT RWI	0.1469 ACRES

CITY OF WEST PALM BEACH APPROVAL:

THIS PLAT AS SHOWN HEREON HAS BEEN APPROVED FOR RECORD BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AND DOES HEREBY ACCEPT THE DEDICATIONS TO THE CITY OF WEST PALM BEACH CONTAINED ON THIS PLAT.

THIS _____ DAY OF _____, 2012

BY: _____
GERALDINE MUJOS, MAYOR

REVIEWING SURVEYOR:

THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY IN ACCORDANCE WITH CHAPTER 177.08(1) OF THE FLORIDA STATUTES AND THE ORDINANCES OF THE CITY OF WEST PALM BEACH. THIS REVIEW DOES NOT INCLUDE THE VERIFICATION OF GEOMETRIC DATA OR THE FIELD VERIFICATION OF MONUMENTS AT LOT CORNERS.

DATED: _____
VINCENT J. NOEL, P.S.M.
FLORIDA CERTIFICATE NO. 4169

TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

WE, SHUTTS & BOWEN LLP, AS AGENT FOR OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, A TITLE INSURANCE COMPANY, AS DULY LICENSED IN THE STATE OF FLORIDA, DO HEREBY FIND THE TITLE TO ALL THE PROPERTY IS VESTED IN THE RAYMOND F. KRAVIS CENTER FOR THE PERFORMING ARTS, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

SHUTTS & BOWEN LLP,
AS AGENT FOR OLD REPUBLIC NATIONAL
TITLE INSURANCE COMPANY

DATED: 8/8/18

BY: *Robert J. Higgins*
ROBERT J. HIGGINS, ESQUIRE

SURVEYOR'S CERTIFICATE

STATE OF FLORIDA
COUNTY OF PALM BEACH

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'S) AND MONUMENTS HAVE BEEN PLACED AS REQUIRED BY LAW, AND FURTHER THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA.

DATE: 12-28-12

DAVID P. LINDLEY P.L.S.
REG. LAND SURVEYOR #5005
STATE OF FLORIDA
LB 3591

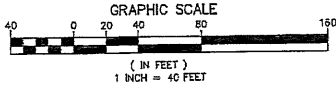
CITY OF
WEST PALM BEACH
SURVEYOR

SURVEYOR

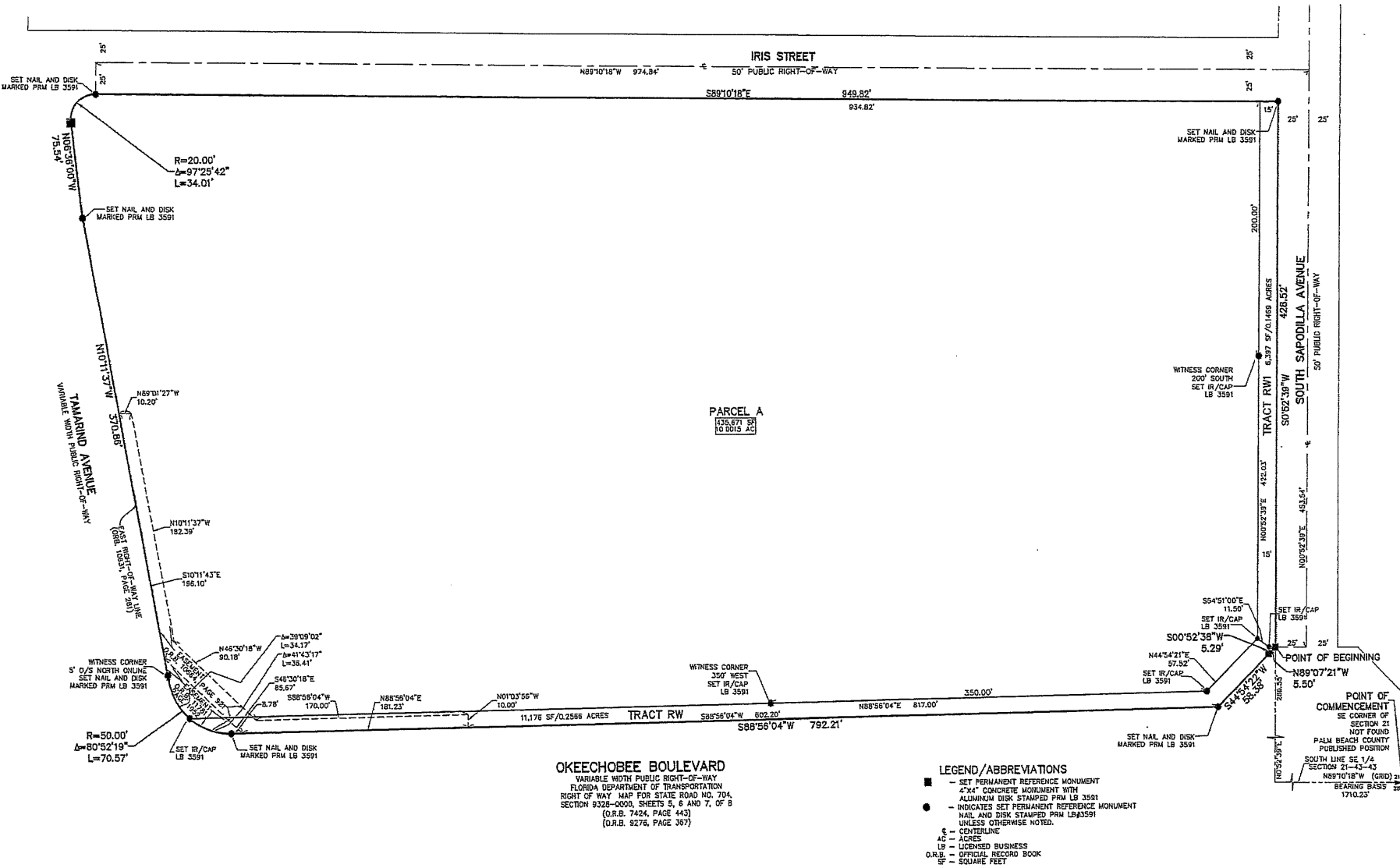
KRAVIS CENTER

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LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA

THIS INSTRUMENT PREPARED BY
DAVID P. LINDLEY
OF
CAULFIELD and WHEELER, INC.
SURVEYORS - ENGINEERS - PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434 (561)392-1991
CERTIFICATE OF AUTHORIZATION NO. LB3591



SHEET 2 OF 2



SURVEY NOTES AND LEGEND:

1. IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE CONCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.
2. BUILDING SETBACK LINES SHALL BE AS REQUIRED BY CURRENT CITY OF WEST PALM BEACH ZONING REGULATIONS.
3. NO BUILDINGS OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON DRAINAGE EASEMENTS, EXCEPT DRIVEWAYS.
4. APPROVAL OF LANDSCAPING ON UTILITY EASEMENTS, SHALL BE ONLY WITH APPROVAL OF ALL UTILITIES OCCUPYING SAME.
5. O.R.B. - OFFICIAL RECORD BOOK
6. P.R.M. - INDICATES SET PERMANENT REFERENCE MONUMENT MARKED LB3591, UNLESS NOTED OTHERWISE
7. U.E. - INDICATES UTILITY EASEMENT.
8. D.E. - INDICATES DRAINAGE EASEMENT.
9. LINES INTERSECTING CURVES ARE NON-RADIAL UNLESS SHOWN OTHERWISE
10. BEARINGS SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD83, 1980 ADJUSTMENT BASED ON THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 43 EAST BEARING N89°07'21\"W.
11. "NOTICE" THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.
12. (R) - DENOTES RADIAL LINE.
13. R/W - DENOTES RIGHT-OF-WAY
14. S/E - DENOTES SIDEWALK EASEMENT.
15. PSE - DENOTES PRIVATE SANITARY EASEMENT.

LEGEND/ABBREVIATIONS

- - SET PERMANENT REFERENCE MONUMENT
- ▲ - 4\"x4\" CONCRETE MONUMENT WITH ALUMINUM DISK STAMPED PRM LB 3591
- - INDICATES SET PERMANENT REFERENCE MONUMENT
- - NAIL AND DISK STAMPED PRM LB3591 UNLESS OTHERWISE NOTED.
- ± - CENTERLINE
- AC - ACRES
- LB - LICENSED BUSINESS
- O.R.B. - OFFICIAL RECORD BOOK
- SF - SQUARE FEET