

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	May 7, 2019	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
Department:	Planning Zoning & Building		
Submitted By:	Building Division		
Submitted For:	Building Division		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: A Termination of Removal Agreement (Agreement) received during the month of December 2018:

- A) BW Southern and Benoist LLC, owners of a property formerly known as 8033 Southern Blvd, West Palm Beach, Florida, 33411, located at PCN 00-42-43-32-20-001-0020, recorded in Official Record Book 30366, Page 0595 on January 16, 2019.

Summary: The listed property owner entered into the Agreement for future right of way or other easement within the County and has decided to terminate it. The Agreement has 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 is now being submitted to the Board to receive and file. 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. 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: Termination of Removal Agreement

Recommended by:  4/11/2019
 Department Director Date

Approved By:  4/10/19
 Assistant 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 Agency Organization Object

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

No Fiscal impact associated with this agenda item

C. Departmental Fiscal Review:

Brandon Teitel

III. REVIEW COMMENTS:

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

Lisa B 4/4/19
 OFMB 4/3 9/4/3

Laura [Signature] for Lewis Jacobowitz
 Contract Dev. & Control
 4/9/19 Tu

B. Legal Sufficiency

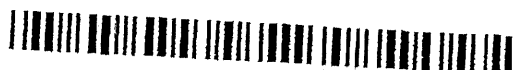
Anne Welford 4-9-19
 Assistant County Attorney

C. Other Department Review

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

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



CFN 20190017872
OR BK 30366 PG 0595
RECORDED 01/16/2019 14:42:58
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0595 - 597; (3pgs)

TERMINATION OF REMOVAL AGREEMENT

This Agreement (the "Agreement") is made and entered into on the 17 day of December 2018, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and BW Southern and Benoist, LLC ("Property Owner").

WITNESSETH:

WHEREAS, Herman Dannehl ("Previous Owner") as the previous owner of the property located at the address formerly known as 8033 Southern Blvd, West Palm Beach, Florida, legally described as PALM BEACH FARMS CO PLAT NO 3 W 269 FT OF E 335 FT OF TR 37 LESS CNL & RD R/W & W 220.85 (the "Property"), intended to construct a sign in a future right of way or other easement within the County, which required a building permit from the 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 December 18, 1989, recorded in Official Records Book 6295 Page 1804 on December 18, 1989, of the public records of Palm Beach County affecting the Property (the "Removal Agreement"); and

WHEREAS, on November 25, 2013, Carsten Dannehl, as the duly qualified and acting personal representative of the estate of Previous Owner, executed a Personal Representative's Distributive Deed granting ownership of the Property to Carsten Dannehl, recorded on December 4, 2014, in Official Records Book 27196, Page 0236; and

WHEREAS, on January 3, 2018, Carsten Dannehl executed a Special Warranty Deed granting ownership of the Property to Property Owner, recorded on January 17, 2018 in Official Records Book 29591, Page 35; and

WHEREAS, the sign located in the future right of way or other easement of the County was removed; 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.

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, 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.

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: *Ramsay Bulkeley*
Executive Director
Planning, Zoning & Building Department

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 17 day of December, 2018 by Ramsay Bulkeley, Executive Director of Planning, Zoning & Building Department, on behalf of Palm Beach County. He/she is [] personally known to me or [] has produced _____ as identification.

(NOTARY SEAL)



AFFETTE R. MCINTOSH
MY COMMISSION # FF 939548
EXPIRES: November 30, 2019
Bonded Thru Budget Notary Services

My commission expires: 11/30/19

Affette R. McIntosh
Notary Public
Affette R. McIntosh
Printed or Typed Name of Notary

Approved as to Form and Legal Sufficiency:

By: *Anne Helgand*
Assistant County Attorney

Approved as to Terms and Conditions:

By: *[Signature]*
Director
Palm Beach County Building Division

WITNESSES:

PROPERTY OWNER:

[Signature]
Signature

Ashley Rutherford
Print Name

[Signature]
Signature

Nate Leigha
Print Name

BW SOUTHERN AND BENOIST, LLC,
a Florida Limited Liability Company

[Signature]
Signature

Bradford G. Douglas, President of
Brightwork Real Estate, Inc., Manager of Owner
Print Name

Title

STATE OF Florida

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 4th day of December, 2018
by Bradford Douglas as President on behalf
of Property Owner. He/she is personally known to me or [] has produced
_____ as identification.

(NOTARY SEAL)

[Signature]
Notary Public

Ashley Rutherford
Printed or Typed Name of Notary

My commission expires: _____

