

5F-2

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 7, 2019 Consent Regular
 Ordinance Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) a Utility Easement in favor of the City of West Palm Beach (City) for an underground sewer line installed at the Ballpark of the Palm Beaches property (Ballpark) for the benefit of the City’s adjacent Lincoln Park; and

B) a Drainage Easement in favor of the City of West Palm Beach (City) for storm water outfall from Lincoln Park into the storm water management lake system located within the adjacent Ballpark property.

Summary: Lincoln Park is located adjacent to the Ballpark. During development of Lincoln Park, an underground sewer line was installed within the western limits of the Ballpark property to service Lincoln Park. Drainage pipes were also installed on the Ballpark property to allow storm water outfall from Lincoln Park into the Ballpark property’s storm water management lake system. The easement area for the wastewater improvements is approximately 10’ wide by 788.52’ long, containing approximately 7,885 square feet (0.18 acres). The easement area for the drainage improvements is approximately 10’ wide by 144.83’ long, containing approximately 1,448 square feet (0.03 acres). This Utility Easement and Drainage Easement are being granted to the City at no charge in satisfaction of the requirements of the Interlocal Agreement (R2015-1070) between the County and City dated August 18, 2015. These easements will be recorded in the public records of Palm Beach County to document their existence and locations. (PREM) District 7 (HJF)

Background and Justification: In 2015, the County acquired 141 acres from the City for development of the Ballpark of the Palm Beaches Spring training facility. As a condition of the acquisition, the City required the County to develop a 12.2 acre park on property retained by the City. The Ballpark was completed in the first quarter of 2017, and Lincoln Park was completed and officially open for use by the public on March 1, 2018. The City’s Lincoln Park includes two (2) athletic multi-purpose fields, basketball courts, a splash pad area, jogging trail, outdoor fitness stations, picnic pavilions, and a playground. A non-exclusive easement will be granted to the City for an underground sewer line installed within the western limits of the Ballpark property and for the installation of drainage pipes across the Ballpark property to allow storm water outfall through Lincoln Park into the Ballpark property’s storm water management lake.

Attachments:

1. Location Map
2. Utility Easement (with Exhibit “A”, “B” & “C”)
3. Drainage Easement (with Exhibit “A”, “B” & “C”)

Recommended By: *[Signature]* 4/19/19
Department Director Date

Approved By: *[Signature]* 4/30/19
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 _____

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:

There is no financial impact to County associated with this item.

Fixed Asset Number N/A

C. Departmental Fiscal Review: Robert Eric McMiller

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Shirley Ponce 4/23/19
 OFMB 4/22

Dr. J. Jacobson 4/29/19
 Contract Development and Control 4/29/19

B. Legal Sufficiency:

[Signature] 4/30/19
 Assistant County Attorney

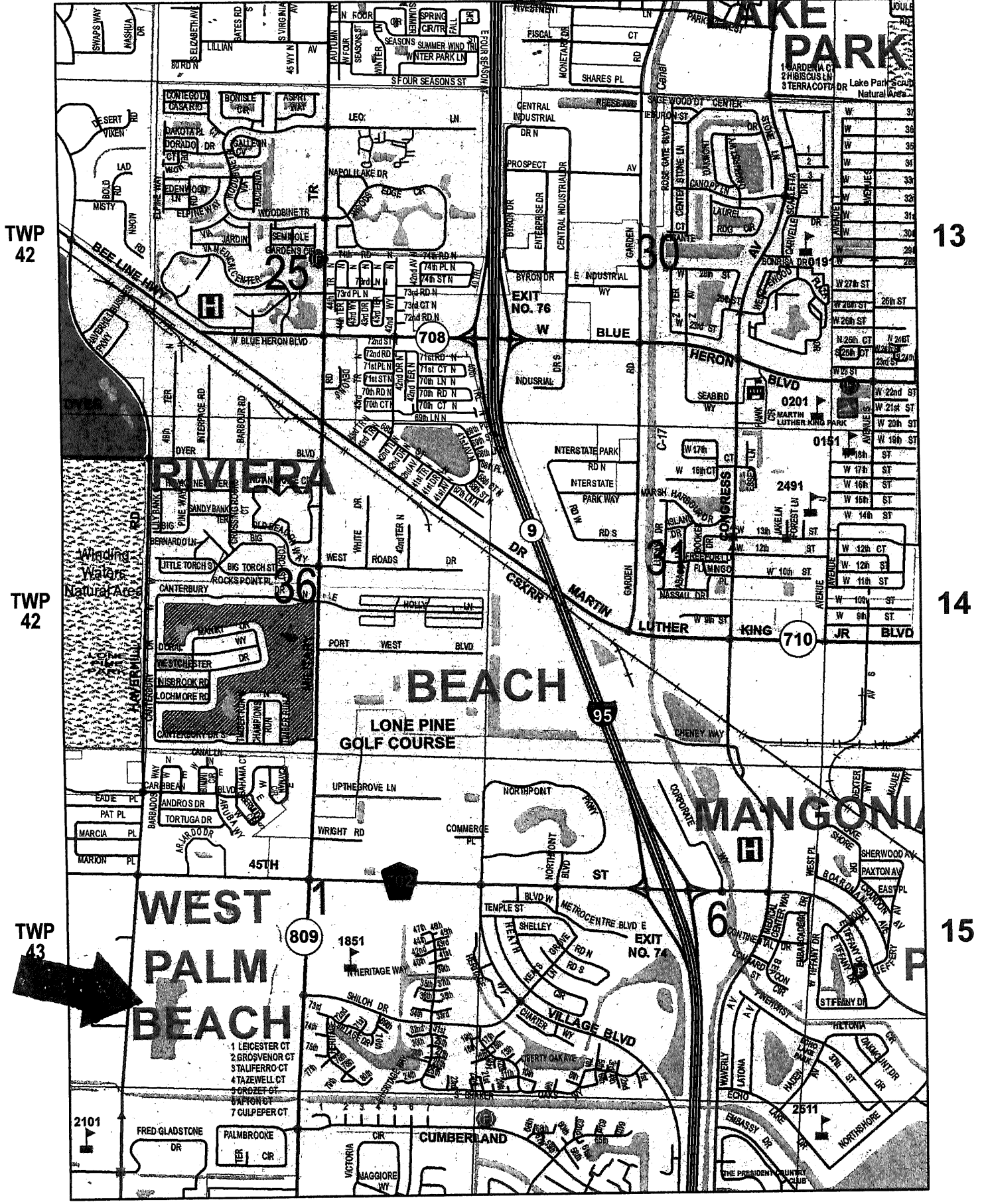
C. Other Department Review:

 Department Director

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

F

E



RNG 42

RNG 43

Handwritten signature or initials.

ATTACHMENT NO. 2 – UTILITY EASEMENT (with Exhibit “A”, “B” & “C”)
13 PAGES

Prepared by & Return to:

Marcel Pessoa, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 74-42-43-01-21-002-0000

UTILITY EASEMENT

THIS UTILITY EASEMENT is made and entered into this _____ day of _____, 2019, between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, having an address at 2633 Vista Parkway, West Palm Beach, Florida 33411-5605 (“County”) and the **CITY OF WEST PALM BEACH**, a municipal corporation organized and existing under the laws of the State of Florida, whose address is P.O. Box 3366, West Palm Beach, Florida 33402 (“Grantee”).

WITNESSETH:

WHEREAS, County is the owner of a certain parcel of land located in the City of West Palm Beach, Florida, more particularly described in Exhibit “A” attached hereto and made a part hereof (the “County Property”) which parcel was developed as a two (2) team Major League Baseball Spring Training Facility for use by the Houston Astros and the Washington Nationals; and

WHEREAS, Grantee is the owner of the adjacent property described on Exhibit “B” attached hereto and made a part hereof (the “City Property”) which property contains a City park; and

WHEREAS, concurrent with development of the Spring Training Facility, the City park was designed by County’s designer and constructed by the County, through County’s contractor, wherein an underground wastewater line for the benefit of the park was placed by County’s contractor within the western limits of the County Property crossing other utilities, sidewalks, parking areas, driveways and landscaping; and

WHEREAS, Grantee has requested that County grant Grantee an easement upon portions of the County Property to serve the City Property (“Easement”); and

WHEREAS, County has agreed to grant Grantee an Easement over the County Property legally described in Exhibit “C” attached hereto and made a part hereof (the “Easement Premises”) subject to the existing utilities and improvements.

NOW THEREFORE, in consideration of the sum of Ten Dollars and 00/100 (\$10.00), the mutual covenants contained herein and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.

2. County hereby grants, bargains and conveys to Grantee, its successors and assigns, subject to the terms and conditions hereinafter provided, a perpetual non-exclusive waste water utility easement which shall include the right at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, and improve underground wastewater facilities, and appurtenant equipment in, under and across the Easement Premises together with reasonable access to the Easement Premises across the adjacent County Property.

3. Grantee, at Grantee's sole cost and expense, shall restore the Easement Premises after Grantee performs any work within the Easement Premises and shall keep the Easement Premises free from trash, debris and safety hazards following any repair or maintenance of the utilities. Grantee shall use the Easement Premises in accordance with all applicable laws, rules and regulations of governmental authorities having jurisdiction over the Easement Premises or use thereof as herein provided.

4. Grantee acknowledges that certain above ground and underground improvements have been constructed, or will be in the future, by County within portions of the Easement Premises. Accordingly, Grantee covenants that, at its sole cost and expense, Grantee shall promptly repair any damages arising out of Grantee's exercise of the rights granted hereby, including, but not limited to, damages to water mains, reclaim water lines, irrigation improvements, storm water pipes, sanitary sewer pipes, water, gas, electric and communication lines, lighting, fencing, trees, asphalt, curbing, sidewalk, and landscaping which have been or may be placed in the Easement Premises

5. Grantee shall diligently pursue all maintenance and repairs performed hereunder to completion and exercise the rights granted hereunder in a manner that does not unreasonably interfere with and minimizes the impact upon County's use of the Easement Premises. Except for repairs which require immediate action to eliminate the risk of danger and/or injury to the public and/or property, at no time shall maintenance or repairs be performed during scheduled Major League Baseball Spring Training period or any scheduled events and activities unless written permission is obtained from the Director of Palm Beach County's Facilities Development & Operations Department, whose mailing address is 2633 Vista Parkway, West Palm Beach, Florida, 33411, and the General Manager of the Ballpark of the Palm Beaches, whose mailing address is 5444 Haverhill Road, West Palm Beach, Florida, 33407.

6. This easement shall be an easement appurtenant to the City Property and shall inure to the benefit of and shall burden Grantee, and its successors and assigns, and shall run with the title to the City Property.

7. This Easement is for the use and benefit of Grantee and is not intended and shall not be construed as a dedication to the public of any portion of the Easement Premises for public use.

8. This Easement is granted without warranty or representation and subject to zoning and other governmental restrictions, matters reflected on any plat relating to the Easement Premises, and all other easements, restrictions, conditions, encumbrances and other matters of record.

9. This Easement shall run with the land and shall be binding upon the parties hereto and their respective successors and assigns.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the County has executed this Easement on the day and year first above written.

ATTEST:

COUNTY:

**SHARON R. BOCK
CLERK & COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____
Mack Bernard, Mayor

Witness Signature


Print Witness Signature

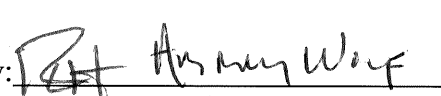
Witness Signature

Print Witness Signature

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: 
County Attorney

By: 
Department Director

ACCEPTANCE OF EASEMENT

The Grantee hereby accepts the foregoing grant of Easement.

GRANTEE:

CITY OF WEST PALM BEACH

ATTEST:

By: Hazeline F. Carson
Hazeline F. Carson, City Clerk

By: Geraldine Muoio
Geraldine Muoio, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Vancey Urcheck
City Attorney's Office

Date: 3-5-19

APPROVED AS TO TERMS
AND CONDITIONS

By: [Signature]
Director Engineering Services

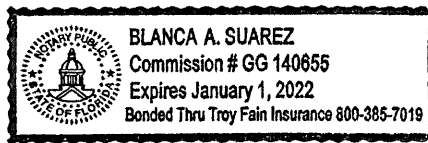
Date: 3/20/19

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 7th day of March 2019, by Geraldine Muoio, Mayor, and Hazeline F. Carson, City Clerk, on behalf of the City of West Palm Beach. They are personally known to me or have produced _____ as identification and did not take an oath.

Notary Public
Blanca A Suarez
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 1/1/22



**JOINDER, ACKNOWLEDGMENT AND CONSENT TO
UTILITY EASEMENT**

HW Spring Training Complex, LLC ("LLC") does hereby recognize, consent to and join in the creation of this Utility Easement to which the Joinder, Acknowledgment and Consent is attached.

HW Spring Training Complex, a Florida limited liability company,

WITNESSES:

Brenda S. Schiro
Witness Signature

Brenda S. Schiro
Print Name

Ying Lu
Witness Signature

YING LU
Print Name

State of Texas)
County of Harris) SS:

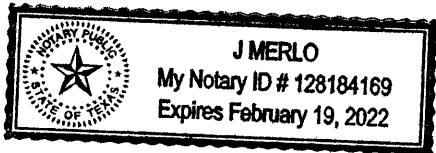
On the 26th day of February in the year 2019, before me, the undersigned, personally appeared Giles Kibbe, Manager, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to be within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

J. Merlo
Notary Public (Signature)

J. Merlo
(Printed Name)

128184169
(Serial Number, if any)

2-19-22
(My Commission Expires)



(AFFIX NOTARY SEAL)

EXHIBIT "A"
COUNTY PROPERTY

PARCEL BP, BALLPARK OF THE PALM BEACHES, AS RECORDED IN PLAT BOOK 121, PAGES 183 THROUGH 192 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA.

CONTAINING 6,156,018 SQUARE FEET/141.323 ACRES MORE OR LESS.

EXHIBIT "B"
CITY PROPERTY

PARCEL WPB, BALLPARK OF THE PALM BEACHES, AS RECORDED IN PLAT BOOK 121, PAGES 183 THROUGH 192 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA.

CONTAINING 531,432 SQUARE FEET/12.200 ACRES MORE OR LESS.

EXHIBIT "C"
THIS IS NOT A SURVEY

10' SANITARY FORCE MAIN EASEMENT

DESCRIPTION:

A PARCEL OF LAND LYING IN PARCEL "BP" OF THE PLAT OF BALLPARK OF THE PALM BEACHES AS RECORDED IN PLAT BOOK 121, PAGE 183 THROUGH 192, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO LYING AND BEING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE N48°23'49"E A DISTANCE OF 72.68 FEET; TO THE SOUTHWEST CORNER OF PARCEL "WPB"; THENCE N04°55'38"E ALONG THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, A VARIABLE WIDTH RIGHT-OF-WAY, A DISTANCE OF 49.68 FEET TO THE SOUTH LINE OF TRACT RW-1; THENCE ALONG THE SOUTH AND EAST BOUNDARY OF SAID TRACT RW-1 BY THE FOLLOWING COURSES AND DESCRIPTIONS; THENCE S85°04'22"E A DISTANCE OF 12.00 FEET; THENCE N04°55'38"E A DISTANCE OF 352.18 FEET; THENCE N48°24'36"E A DISTANCE OF 36.28 FEET; THENCE N04°55'38"E A DISTANCE OF 24.03 FEET; THENCE N41°35'28"W A DISTANCE OF 50.95 FEET TO THE AFORESAID EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD; THENCE N04°55'38"E A DISTANCE OF 669.39 FEET TO THE SOUTH LINE OF TRACT RW-2; THENCE ALONG THE SOUTH AND EAST BOUNDARY OF SAID TRACT RW-2 BY THE FOLLOWING COURSES AND DISTANCES; THENCE S85°04'12"E A DISTANCE OF 12.00 FEET; THENCE N04°55'38"E A DISTANCE OF 177.91 FEET TO THE NORTH LINE OF AFORESAID PARCEL "WPB"; THENCE S86°00'00"E ALONG SAID NORTH LINE, A DISTANCE OF 30.07 FEET TO THE POINT OF BEGINNING OF A TEN FOOT (10.00') WIDE STRIP OF LAND, LYING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

(SEE SHEET 2 OF 4)

PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.050-.052, OF THE FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.


 MICHAEL T. OWEN P.S.M. 08-29-18
SIGNATURE DATE
 FLORIDA REGISTRATION #5556


<p>FORCE MAIN EASEMENT</p>	<p>PORT SAINT LUCIE OFFICE 10250 SW VILLAGE PARKWAY SUITE 201 PORT SAINT LUCIE, FL 34987 ☎ 772-462-2455 🌐 www.edc-inc.com</p>	 ENGINEERS & SURVEYORS <small>F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935 L.B. CERTIFICATE OF AUTHORIZATION 8098</small>
<p>PREPARED FOR: CITY PARK AT THE BALLPARK OF THE PALM BEACHES</p>		<p>SHEET 1 OF 4</p>
<p>REVISIONS</p>	<p>REVISE PER COUNTY COMMENTS - SPT - 05/07/18 REVISE OFFICIAL RECORDS PAGE - SPT - 06/08/18</p>	
<p>JOB No. :16-300 DATE: 1/24/2017 FIELD BOOK: N/A CHECKED BY: MTO SCALE : 1"=100' DRAWN BY: SPT PAGE:N/A CADD FILE : 16-300 FME_rev1.dwg</p>		

EXHIBIT "C"
THIS IS NOT A SURVEY

10' SANITARY FORCE MAIN EASEMENT

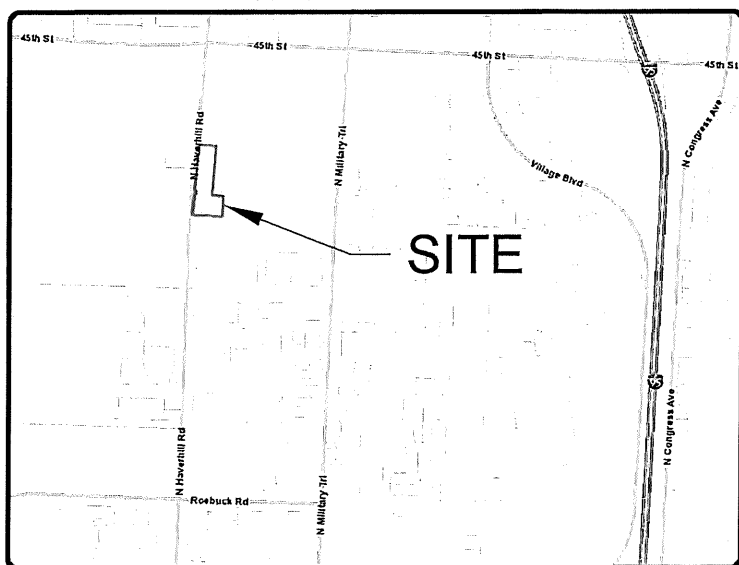
DESCRIPTION: (CONTINUED)

THENCE N01°34'01"W A DISTANCE OF 19.20 FEET; THENCE N25°14'35"W A DISTANCE OF 19.03 FEET; THENCE N05°00'56"E A DISTANCE OF 89.90 FEET; THENCE N40°09'07"E A DISTANCE OF 48.71 FEET; THENCE N75°22'15"E A DISTANCE OF 37.07 FEET; THENCE N06°08'24"E A DISTANCE OF 104.55 FEET; THENCE N44°18'27"W A DISTANCE OF 39.70 FEET; THENCE N03°00'45"E A DISTANCE OF 357.54 FEET; THENCE N40°04'21"W A DISTANCE OF 31.18 FEET; THENCE N85°04'22"W A DISTANCE OF 41.64 FEET TO THE POINT OF TERMINUS ON THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD PER OFFICIAL RECORDS BOOK 1014, PAGE 93.

SIDELINES OF THE DESCRIBED PARCEL TO BE TRIMMED OR EXTENDED TO THE PROPERTY LINE OF PARCEL "WPB" AND SAID RIGHT-OF-WAY LINE.

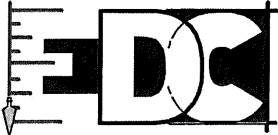
SAID PARCEL CONTAINS 7885 SQUARE FEET, OR 0.18 ACRES, MORE OR LESS.

LOCATION MAP
NOT TO SCALE



NOTES:

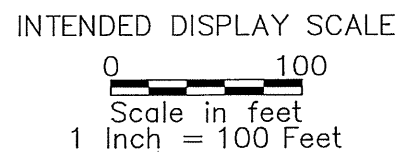
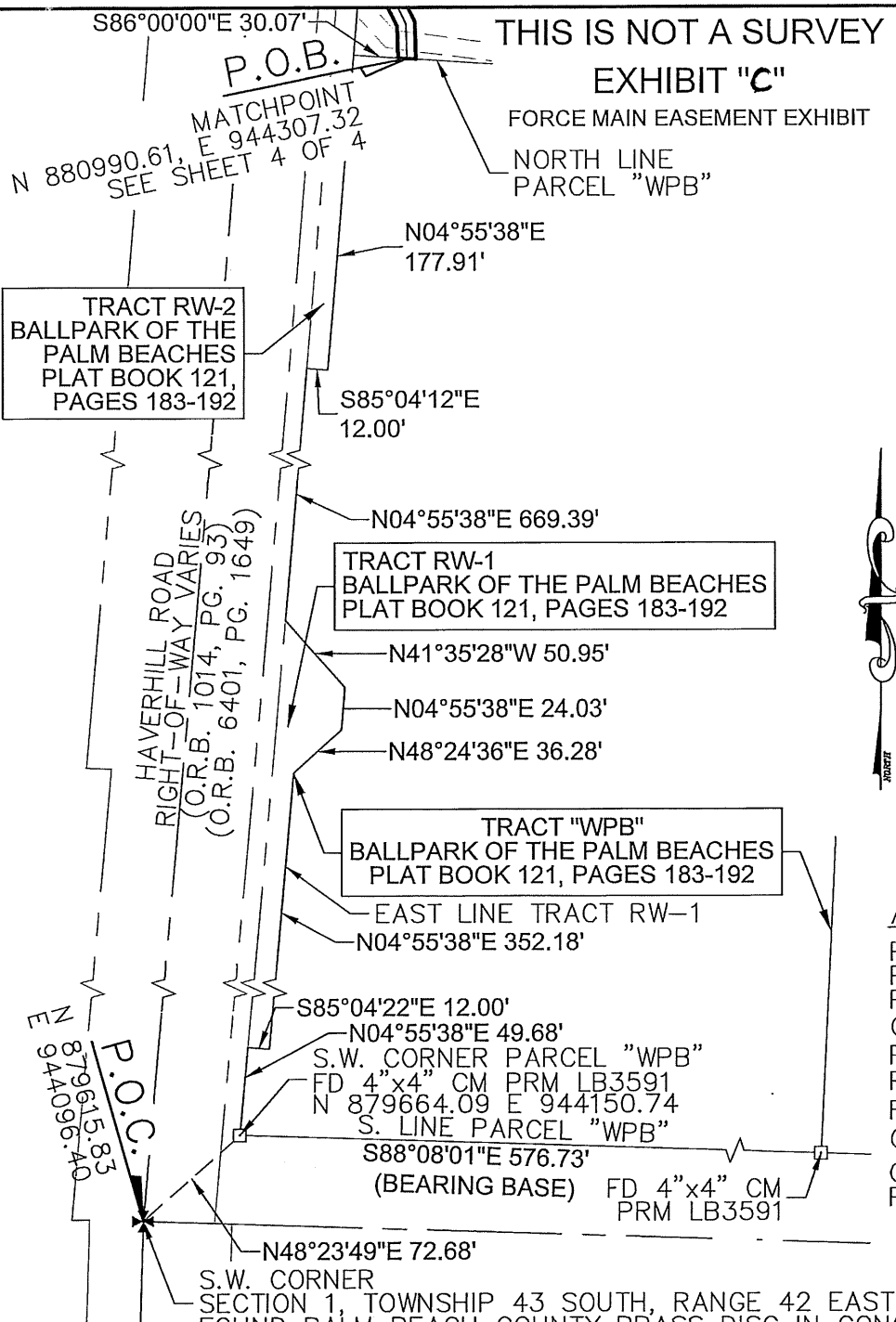
COORDINATES SHOWN ARE GRID
 DATUM = NAD 83 (90/98 ADJUSTMENT)
 ZONE = FLORIDA EAST
 LINEAR UNIT = US SURVEY FEET
 COORDINATE SYSTEM 1983 STATE PLANE
 TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND
 SCALE FACTOR = 1.0000371
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,
 NAD 83 (90/98 ADJUSTMENT), FLORIDA EAST ZONE

<i>FORCE MAIN EASEMENT</i>		PORT SAINT LUCIE OFFICE 10250 SW VILLAGE PARKWAY SUITE 201 PORT SAINT LUCIE, FL 34987 ☎ 772-462-2455 🌐 www.edc-inc.com	 ENGINEERS & SURVEYORS F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935 L.B. CERTIFICATE OF AUTHORIZATION 8098	SHEET 2 OF 4
PREPARED FOR: <i>CITY PARK AT THE BALLPARK OF THE PALM BEACHES</i>				
REVISIONS	REVISE PER COUNTY COMMENTS – SPT – 05/07/18 REVISE OFFICIAL RECORDS PAGE – SPT – 06/08/18			
JOB No. :16-300 DATE: 1/24/2017 FIELD BOOK: N/A CHECKED BY: MTO SCALE : 1"=100' DRAWN BY: SPT PAGE:N/A CADD FILE : 16-300 FME_rev1.dwg				

THIS IS NOT A SURVEY
EXHIBIT "C"

FORCE MAIN EASEMENT EXHIBIT

NORTH LINE
PARCEL "WPB"




ABBREVIATION LEGEND

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
P.O.T.	POINT OF TERMINUS
O.R.B.	OFFICIAL RECORD BOOK
P.B.	PLAT BOOK
PG.	PAGE
R/W	RIGHT OF WAY
CL	CENTER LINE
CM	CONCRETE MONUMENT
PRM	PERMANENT REFERENCE MONUMENT

NOTES:

1. BEARINGS SHOWN HEREON ARE RELATIVE TO FLORIDA STATE PLANE GRID (NAD83). THE SOUTH LINE OF PARCEL "WPB" IS THE BASIS OF BEARINGS AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. THIS SKETCH AND DESCRIPTION IS FOR THE EXCLUSIVE PURPOSE OF DESCRIBING THE PARCEL OR STRIP OF LAND SHOWN AND IS NOT A BOUNDARY SURVEY.
3. NO REVIEW OF TITLE POLICY, OR OWNERSHIP OR ENCUMBRANCE REPORT HAS BEEN CONDUCTED BY THIS OFFICE.

<p>FORCE MAIN EASEMENT</p>	<p>PORT SAINT LUCIE OFFICE 10250 SW VILLAGE PARKWAY SUITE 201 PORT SAINT LUCIE, FL 34987 ☎ 772-462-2455 🌐 www.edc-inc.com</p>	 <p>ENGINEERS & SURVEYORS F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935 L.B. CERTIFICATE OF AUTHORIZATION 8098</p>
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<p>JOB No. :16-300 SCALE : 1"=100'</p>	<p>DATE: 1/24/2017 DRAWN BY: SPT</p>	<p>FIELD BOOK: N/A PAGE: N/A</p> <p>CHECKED BY: MTO CADD FILE : 16-300 FME_rev1.dwg</p>

P.O.T.

R/W PER
O.R.B. 1014,
PAGE 93
N 881680.01
E 944314.94

HAVERHILL ROAD
RIGHT-OF-WAY VARIES
(O.R.B. 1014, PG. 93)
(O.R.B. 6401, PG. 1649)

UTILITY
EASEMENT
O.R.B. 29443
PAGE 850

TRACT RW-2
BALLPARK OF THE
PALM BEACHES
PLAT BOOK 121,
PAGES 183-192

MATCHPOINT
E N 880990.61
E N 944307.32
SEE SHEET 3 OF 4

P.O.B.

N. LINE PARCEL "WPB"
S86°00'00"E 30.07'

N85°04'22"W 41.64'

N40°04'21"W
31.18'

N03°00'45"E 357.54'

10' SANITARY
FORCE MAIN
EASEMENT

N44°18'27"W
39.70'

N06°08'24"E
104.55'

N75°22'15"E
37.07'

N40°09'07"E 48.71'

N05°00'56"E 89.90'

N25°14'35"W 19.03'

N01°34'01"W 19.20'

UTILITY
EASEMENT
O.R.B. 29443
PAGE 850

PROPOSED IRRIGATION
EASEMENT BASED ON
IRRIGATION LINE LOCATION
ON ENGINEERING PLANS

TRACT "BP"
BALLPARK OF THE PALM BEACHES
PLAT BOOK 121, PAGES 183-192

PROPOSED IRRIGATION
EASEMENT BASED ON
IRRIGATION LINE LOCATION
ON ENGINEERING PLANS

PROPOSED WATER MAIN
EASEMENT BASED ON
WATER MAIN LOCATION ON
ENGINEERING PLANS

GAS
EASEMENT
O.R.B. 29443
PAGE 836

FLORIDA
POWER &
LIGHT
EASEMENT
O.R.B. 29443
PAGE 799

THIS IS NOT A SURVEY

EXHIBIT "C"

FORCE MAIN EASEMENT EXHIBIT

INTENDED DISPLAY SCALE

0 100

Scale in feet

1 Inch = 100 Feet

ABBREVIATION LEGEND

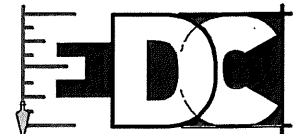
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FORCE MAIN EASEMENT

PORT SAINT LUCIE OFFICE
10250 SW VILLAGE PARKWAY
SUITE 201
PORT SAINT LUCIE, FL 34987
772-462-2455
www.edc-inc.com



ENGINEERS & SURVEYORS
F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935
L.B. CERTIFICATE OF AUTHORIZATION 8098

PREPARED FOR:
CITY PARK AT THE BALLPARK
OF THE PALM BEACHES

SHEET
4 OF 4

REVISIONS	REVISE PER COUNTY COMMENTS - SPT - 05/07/18
	REVISE OFFICIAL RECORDS PAGE - SPT - 06/08/18

JOB No. : 16-300 DATE: 1/24/2017 FIELD BOOK: N/A CHECKED BY: MTO
SCALE : 1"=100' DRAWN BY: SPT PAGE: N/A CADD FILE : 16-300 FME_rev1.dwg

PREPARED BY AND RETURN TO:
Marcel Pessoa, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 74-42-43-01-21-002-0000

DRAINAGE EASEMENT

THIS IS AN EASEMENT made and entered into this _____ day of _____, 2019, between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, having an address at 2633 Vista Parkway, West Palm Beach, Florida 33411-5605 (“County”) and the **CITY OF WEST PALM BEACH**, a municipal corporation organized and existing under the laws of the State of Florida, whose address is P.O. Box 3366, West Palm Beach, Florida 33402 (“Grantee”).

WITNESSETH:

WHEREAS, County owns the property described in Exhibit “A” attached hereto and by this reference made a part hereof (hereinafter the “County Property”); and

WHEREAS, Grantee is the owner of the property described in Exhibit “B” attached hereto and made a part hereof (hereinafter referred to as the “Benefitted Property”); and

WHEREAS, Grantee has requested that County grant Grantee a drainage easement upon portions of the County Property to serve the Benefitted Property (“Easement”); and

WHEREAS, County has agreed to grant Grantee an Easement over the County Property as legally described in Exhibit “C” attached hereto and made a part hereof (the “Easement Premises”).

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Grant of Easement. County does hereby grant to Grantee, its successors and assigns, upon the conditions set forth herein, a perpetual non-exclusive easement in, on, over, under, through, and across the Easement Premises to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, tie into, remove and inspect underground storm water drainage facilities, being piping, control structures, and all appurtenances thereto, for storm water drainage from the Benefitted Property. The drainage from the Benefitted Property will allow storm

water outfall through the Easement Premises into the County's adjacent storm water management lake/system located within the County Property. This Easement shall be an easement appurtenant to the Benefitted Property and shall inure to the benefit of and shall burden Grantee, and its successors and assigns, and shall run with the title to the Benefitted Property.

3. Storm Water Storage Capacity. Grantee shall ensure the Grantee's use of this Easement shall not interfere with the drainage of the County's storm water management lake/system for the County Property into which Grantee's piping located within the County Property discharges. The Grantee shall use the Easement Premises in accordance with all applicable laws, rules and regulations of governmental authorities having jurisdiction over the Easement Premises, Benefitted Property and County Property.

4. Relocation. In the event the County Property is redeveloped and County requires the relocation of the drainage piping and improvements within the Easement Premises to another portion of the County Property as part of the redevelopment, County shall be responsible for performing all work associated with such relocation, but Grantee shall be solely responsible for all costs associated with the relocation of the storm water drainage improvements located within the Easement Premises. County and Grantee shall amend this Easement to address the relocation of the Easement Premises.

5. Maintenance, Repair and Restoration. Grantee shall be solely responsible for and shall, at all times, maintain in good condition and repair all improvements Grantee constructed within the Easement Premises pursuant to this Easement and restore the Easement Premises if necessary, at its sole cost and expense, unless said repairs are needed due to the acts of County and/or its assigns.

6. Covenant Running with Land. All of the benefits, burdens, covenants and agreements herein shall constitute covenants running with the land, shall be binding upon and/or shall accrue to the benefit of any and all persons or entities, their respective successors, assigns, heirs, and personal representatives, having or hereafter acquiring any right, title or interest in or to all or any portion of the Benefitted Property or the County Property.

7. No Dedication. This Easement is for the use and benefit of Grantee and is not intended and shall not be construed as a dedication to the public of any portion of the Easement Premises for public use.

8. Subject to Matters of Record. This Easement is granted without warranty or representation and subject to zoning and other governmental restrictions, matters reflected on any plat relating to the Easement Premises, and all other easements, restrictions, conditions, encumbrances and other matters of record.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, County has executed this Easement on the date set forth hereinabove.

ATTEST:

**SHARON R. BOCK
CLERK & COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____
Mack Bernard, Mayor

Witness Signature

Print Witness Signature

Witness Signature

Print Witness Signature

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: 
County Attorney

By: 
Department Director

ACCEPTANCE OF EASEMENT

The Grantee hereby accepts the foregoing grant of Easement.

GRANTEE:

CITY OF WEST PALM BEACH

ATTEST:

By: Hazeline F. Carson
Hazeline F. Carson, City Clerk

By: Geraldine Muoio
Geraldine Muoio, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Nancy Kicheck
City Attorney's Office

Date: 3-5-19

APPROVED AS TO TERMS
AND CONDITIONS

By: [Signature]
Director Engineering Services

Date: 3/20/19

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 7th day of March 2019, by Geraldine Muoio, Mayor, and Hazeline F. Carson, City Clerk, on behalf of the City of West Palm Beach. They are personally known to me or have produced _____ as identification and did not take an oath.

Notary Public
Blanca A. Suarez
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 1/1/22

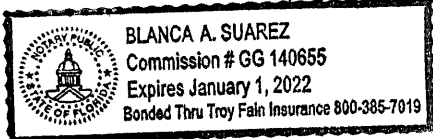


EXHIBIT "A"
COUNTY PROPERTY

PARCEL BP, BALLPARK OF THE PALM BEACHES, AS RECORDED IN PLAT BOOK 121, PAGES 183 THROUGH 192 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA.

CONTAINING 6,156,018 SQUARE FEET/141.323 ACRES MORE OR LESS.

EXHIBIT "B"
BENEFITTED PROPERTY

PARCEL WPB, BALLPARK OF THE PALM BEACHES, AS RECORDED IN PLAT BOOK 121, PAGES 183 THROUGH 192 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA.

CONTAINING 531,432 SQUARE FEET/12.200 ACRES MORE OR LESS.

EXHIBIT "C"
THIS IS NOT A SURVEY

10' DRAINAGE EASEMENTS

DESCRIPTION:

A PARCEL OF LAND LYING IN PARCEL "BP" OF THE PLAT OF BALLPARK OF THE PALM BEACHES AS RECORDED IN PLAT BOOK 121, PAGE 183 THROUGH 192, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO LYING AND BEING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE N48°23'49"E A DISTANCE OF 72.68 FEET TO THE SOUTHWEST CORNER OF PARCEL "WPB"; THENCE S88°08'01"E ALONG THE SOUTH LINE OF SAID PARCEL "WPB", A DISTANCE OF 576.73 FEET; THENCE N02°27'51"E ALONG THE EAST LINE OF SAID PARCEL "WPB", A DISTANCE OF 390.13 FEET; THENCE N86°00'41"W A DISTANCE OF 25.32 FEET TO POINT "A"; THENCE N86°00'41"E A DISTANCE OF 192.37 FEET; THENCE N04°33'50"E A DISTANCE OF 156.95 FEET TO THE POINT OF BEGINNING OF A TEN FOOT (10.00') WIDE STRIP LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

THENCE S85°26'10"E A DISTANCE OF 62.50 FEET TO THE POINT OF TERMINUS.

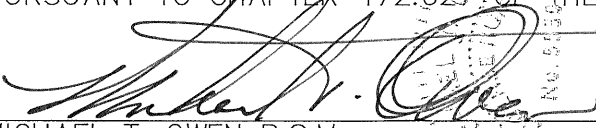
TOGETHER WITH THE FOLLOWING:

BEGIN AT AFORE DESCRIBED POINT "A"; THENCE N04°38'01"E A DISTANCE OF 82.33 FEET TO THE POINT OF TERMINUS.

SIDELINES OF THE DESCRIBED PARCELS TO BE TRIMMED OR EXTENDED TO THE PROPERTY LINES OF PARCEL "WPB."

CONTAINING 1448 SQUARE FEET, OR 0.03 ACRES, MORE OR LESS.

PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.050-052, OF THE FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.


 MICHAEL T. OWEN P.S.M. 7-10-2018
 FLORIDA REGISTRATION #5556


DRAINAGE EASEMENTS		PORT SAINT LUCIE OFFICE 10250 SW VILLAGE PARKWAY SUITE 201 PORT SAINT LUCIE, FL 34987 ☎ 772-462-2455 🌐 www.edc-inc.com	 ENGINEERS & SURVEYORS <small>F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935 L.B. CERTIFICATE OF AUTHORIZATION 8098</small>	SHEET 1 OF 3
PREPARED FOR: CITY PARK AT THE BALLPARK OF THE PALM BEACHES				
REVISIONS	REVISE PER COUNTY COMMENTS - SPT - 05/07/18 REVISE DESCRIPTION PER COUNTY COMMENTS - SPT - 07/10/18			
JOB No. : 16-300 DATE: 1/24/2017 FIELD BOOK: N/A CHECKED BY: MTO SCALE : 1"=100' DRAWN BY: SPT PAGE: N/A CADD FILE : 16-300 DE_rev2.dwg				

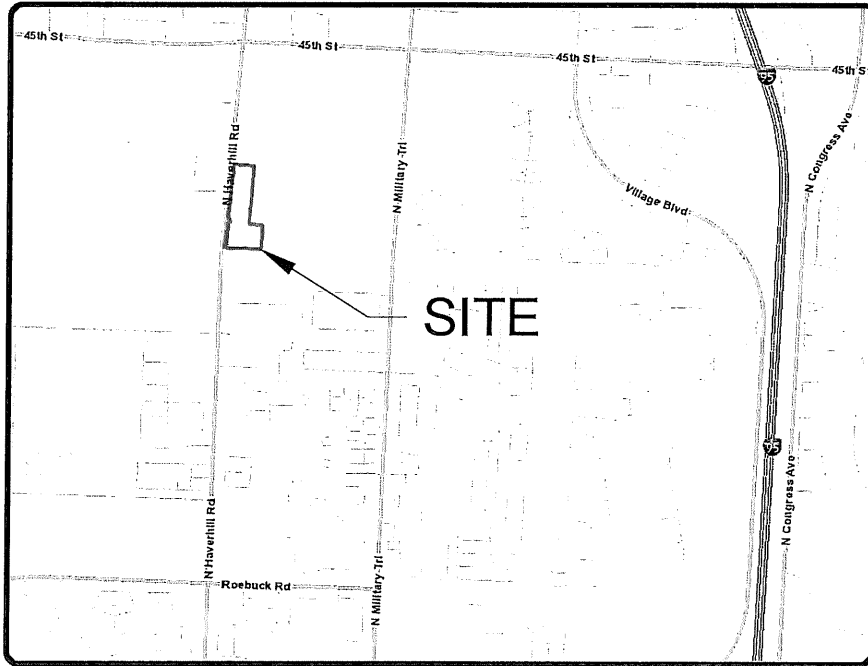
EXHIBIT "C"
THIS IS NOT A SURVEY

10' DRAINAGE EASEMENTS

NOTES:

COORDINATES SHOWN ARE GRID
 DATUM = NAD 83 (90/98 ADJUSTMENT)
 ZONE = FLORIDA EAST
 LINEAR UNIT = US SURVEY FEET
 COORDINATE SYSTEM 1983 STATE PLANE
 TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND
 SCALE FACTOR = 1.0000371
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,
 NAD 83 (90/98 ADJUSTMENT), FLORIDA EAST ZONE

LOCATION MAP
NOT TO SCALE



DRAINAGE EASEMENTS

PORT SAINT LUCIE OFFICE
 10250 SW VILLAGE PARKWAY
 SUITE 201
 PORT SAINT LUCIE, FL 34987
 772-462-2455
 www.edc-inc.com



ENGINEERS & SURVEYORS
 F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935
 L.B. CERTIFICATE OF AUTHORIZATION 8098

SHEET
2 OF 3

PREPARED FOR:
 CITY PARK AT THE BALLPARK
 OF THE PALM BEACHES

REVISIONS	REVISE PER COUNTY COMMENTS - SPT - 05/07/18
	REVISE DESCRIPTION PER COUNTY COMMENTS - SPT - 07/10/18

JOB No. :16-300 DATE: 1/24/2017 FIELD BOOK: N/A CHECKED BY: MTO
 SCALE : 1"=100' DRAWN BY: SPT PAGE:N/A CADD FILE : 16-300 DE_rev2.dwg

THIS IS NOT A SURVEY

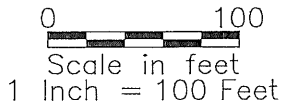
EXHIBIT "C"

DRAINAGE EASEMENT EXHIBIT

S85°26'10"E 62.50'

PARCEL "BP"
BALLPARK OF THE
PALM BEACHES
PLAT BOOK 121,
PAGES 183-192

INTENDED DISPLAY SCALE



P.O.B.
N 880206.67
E 944539.26

P.O.T.

N 880201.69
E 944601.57

P.O.T.
N 880118.90
E 944725.33

N04°33'50"E

156.95'

10.00'

DRAINAGE
EASEMENT

N04°38'01"E

82.33'

10.00'

DRAINAGE
EASEMENT

N86°00'41"W 192.37'

P.O.B.

N POINT "A"
N 880036.83
E 944718.68

N86°00'41"W
25.32'

PARCEL "WPB"
BALLPARK OF THE PALM BEACHES
PLAT BOOK 121, PAGES 183-192

ABBREVIATION LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINUS
- O.R.B. OFFICIAL RECORD BOOK
- P.B. PLAT BOOK
- PG. PAGE
- R/W RIGHT OF WAY
- CL CENTER LINE
- CM CONCRETE MONUMENT
- PRM PERMANENT REFERENCE MONUMENT

HAVERHILL ROAD
RIGHT-OF-WAY VARIES
(O.R.B. 1014, PG. 93)
(O.R.B. 6401, PG. 1649)

S.W. CORNER
PARCEL "WPB"
FD 4"x4" CM
PRM LB3591
N 879664.09
E 944150.74

FD 4"x4" CM
PRM LB3591

SOUTH LINE PARCEL "WPB"

S88°08'01"E 576.73'
(BEARING BASE)

N48°23'49"E 72.68'

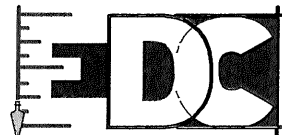
S.W. CORNER
SECTION 1, TOWNSHIP 43 SOUTH, RANGE 42 EAST
FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE

NOTES:

1. BEARINGS SHOWN HEREON ARE RELATIVE TO FLORIDA STATE PLANE GRID (NAD83). THE SOUTH LINE OF PARCEL "WPB" IS THE BASIS OF BEARINGS AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. THIS SKETCH AND DESCRIPTION IS FOR THE EXCLUSIVE PURPOSE OF DESCRIBING THE PARCEL OR STRIP OF LAND SHOWN AND IS NOT A BOUNDARY SURVEY.
3. NO REVIEW OF TITLE POLICY, OR OWNERSHIP OR ENCUMBRANCE REPORT HAS BEEN CONDUCTED BY THIS OFFICE.

DRAINAGE EASEMENTS

PORT SAINT LUCIE OFFICE
10250 SW VILLAGE PARKWAY
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☎ 772-462-2455
🌐 www.edc-inc.com



ENGINEERS & SURVEYORS
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PREPARED FOR:
CITY PARK AT THE BALLPARK
OF THE PALM BEACHES

SHEET
3 OF 3

REVISIONS

- REVISE PER COUNTY COMMENTS - SPT - 05/07/18
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