Agenda Item #: 3-C-7

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	July 2, 2019	[X] Consent [] Ordinance	[]	Regular Public Hearing
Department: Submitted By:	Engineering and Engineering and			
Submitted For:	Roadway Produc	ction Division		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) adopt a Resolution authorizing the conveyance of any Palm Beach County (County) interest in Persimmon Boulevard from Seminole Pratt Whitney Road to approximately 1400 feet east of Seminole Pratt Whitney Road to the City of Westlake (City), without charge, without mineral and petroleum rights reservation, and without rights of entry and exploration, pursuant to Florida Statute Section 270.11; and
- **B) approve** a County deed to the City for the transfer of ownership, operation and maintenance of Persimmon Boulevard from Seminole Pratt Whitney Road to approximately 1400 feet east of Seminole Pratt Whitney Road.

SUMMARY: Approval of this County deed will fulfill a requirement in the interlocal agreement (R2018-1736) approved by the Board of County Commissioners (BCC) on November 20, 2018 and allow the transfer of ownership, operation and maintenance responsibilities of this portion of Persimmon Boulevard to the City. The County normally reserves its interest in phosphates, minerals, metals and petroleum rights per Florida Statute Section 270.11. However, the City has requested the release of this reservation because it requires the property to be free and clear without encumbrance, which could impede the use of the property for roadway purposes. In accordance with Palm Beach County Ordinance (2009-052), a supermajority vote (5 votes) is required by the BCC for all transfers of fee simple real property that requires BCC approval. District 6 (YBH)

Background and Justification: The City has completed improvements to Persimmon Boulevard from Seminole Pratt Whitney Road to approximately 1400 feet east of Seminole Pratt Whitney Road. The county deed will give the City ownership, operation and maintenance responsibility of this portion of Persimmon to the City. The City shall maintain Persimmon as a public right-of-way, and has agreed that Persimmon shall remain open to the public at all times in perpetuity. The Engineering Department recommends the Board of County Commissioners' approval.

Attachments:

- 1. Location Map
- 2. Resolution
- 3. County Deed with Exhibit "A" (2 Originals)

1000		
JOHN MIR	Along do and	61216
Recommended by:	Get le dormal	012119
	County Engineer	Date
Approved By		6/19/19
Approved By:	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	<u>\$ -0-</u>	0-	-0-	-0-	-0-
Operating Costs	-0-	0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	0-	-0-	-0-	-0-
In-Kind Match (County)	-0-		-0-	-0-	-0-
NET FISCAL IMPACT	<u>\$ ** </u>	-0-	0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No Does this item include the use of federal funds? Yes No

Budget Acct No.: Fund__ Dept.__ Unit__ Object Program

Recommended Sources of Funds/Summary of Fiscal Impact:

**This item has a negligible fiscal impact due to decreased maintenance costs that are indeterminable at this time.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

OFMB

Contract Dev, and Control

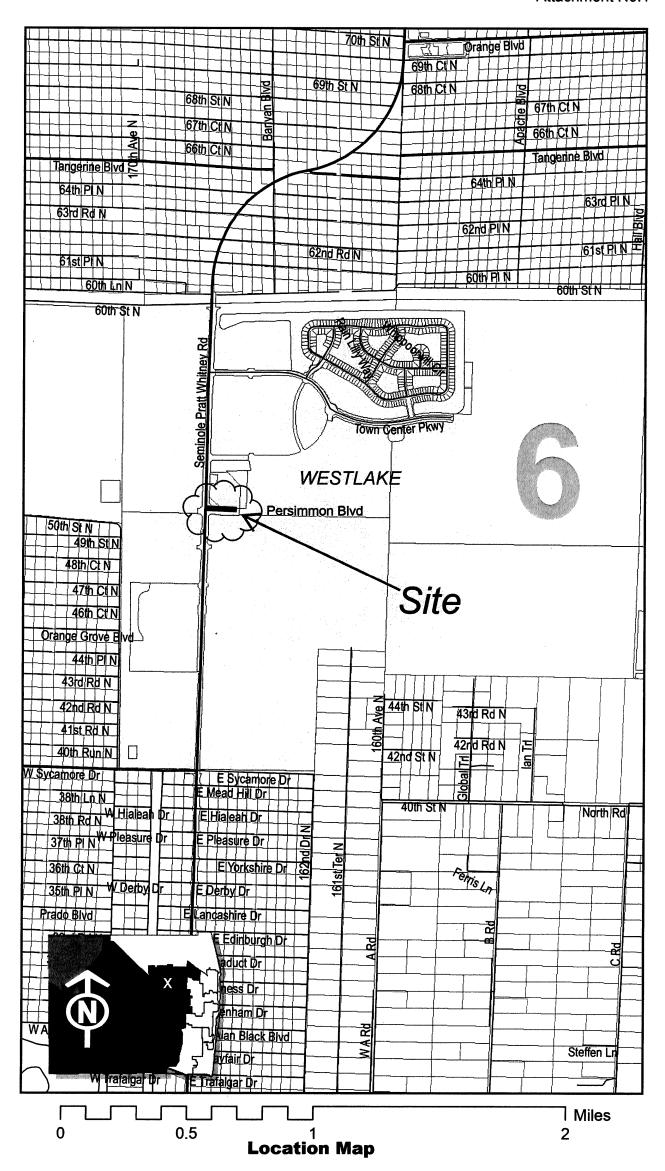
B. Approved as to Form and Legal Sufficiency:

Assistant County Actorney

C. Other Department Review:

Department Director

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



RESOLUTION NO. R-2019-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TRANSFERRING JURISDICTIONAL CONTROL, MAINTENANCE RESPONSIBILITY, AND ALL RIGHT-OF-WAY FOR PERSIMMON BOULEVARD FROM SEMINOLE PRATT WHITNEY ROAD EAST APPROXIMATELY 1400 FEET, TO THE CITY OF WESTLAKE.

WHEREAS, Palm Beach County (County) currently has jurisdictional control, maintenance responsibility, and ownership of this portion of Persimmon Boulevard; and

WHEREAS, the County entered into an interlocal agreement with the City of Westlake that was approved by the Board of County Commissioners (BCC) on November 20, 2018 (R2018-1736) which was recorded in Official Record Book 30277, page 1339; and,

WHEREAS, as a requirement of the interlocal agreement, the County agreed to transfer ownership and maintenance responsibilities to the City of Westlake by a deed approved by the County Attorney; and,

WHEREAS, the Engineering Department has reviewed the transfer request and recommends approval.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA THAT:

- 1. The BCC adopts and ratifies those matters set forth in the foregoing recitals.
- 2. The BCC does hereby transfer jurisdictional control, maintenance responsibility, and ownership for the areas shown on Exhibit "A" in the County Deed to the City of Westlake.

The foregoing Resolution was offered by Con	mmissioner	, who moved its
adoption. The motion was seconded by Comma vote, the vote was as follows:	nissioner	, and upon being put to
Commissioner Mack Bernard, Mayor	_	
Commissioner Dave Kerner, Vice May	yor	
Commissioner Hal R. Valeche		
Commissioner Gregg K Weiss		
Commissioner Robert S. Weinroth		
Commissioner Mary Lou Berger		
Commissioner Melissa McKinlay		P-THORN VILLO
The Mayor thereupon declared the Res, 2019.	solution duly passed and	adopted this day of
APPROVED AS TO FORM		COUNTY, FLORIDA
AND LEGAL SUFFICIENCY	BY ITS BOARD COUNTY COMN	
	Sharon R. Bock, G	Clerk & Comptroller
BY: Yelizaveta B. Herman	BY:	
Yelizaveta B. Herman	Deput	y Clerk

County Attorney

Return to:		
Right-of-Way Acquisition Section		
Palm Beach County, Engineering & Public Works Department Post Office Box 21229		
West Palm Beach, Florida 33416-1229		
Attn.: Kaye Weichel, Right-of-Way Specialist		
Acct. No.: 1010		
This Instrument Prepared by:		
Yelizaveta B. Herman, Assistant County Attorney		
Palm Beach County Attorney's Office Post Office Box 21229		
West Palm Beach, Florida 33416-1229		
Property Control Number: N/A		
Purchase Price: \$ 0		
Closing Date:		
SPACE ABOVE THIS LINE FOR PI	ROCESSING DATA	A
	PROJECT NO.:	N/A
	ROAD NAME: 1	PERSIMMON BLVD
-	PARCEL NO.:	N/A
COUNTY DE	ED	
THIS DEED is made this	20 1	
THIS DEED is made thisday of	, 20, t	by PALM BEACH COUNTY, a
political subdivision of the State of Florida, by and through its Bo	oard of County	Commissioners, whose post office
address is Post Office Box 21229, West Palm Beach, Flori	da 33416-1229	9, ("County"), to the CITY OF
WESTLAKE, a Florida municipal corporation, whose post offi	ce address is 40	001 Seminole Pratt Whitney Road,
Westlake, FL 33470, (City).		· ·
WITNESSETH: That County, for and in consideration of the sun	of Ten (\$10.00) Dollars to it in hand paid by City,

Property more particularly described in **Exhibit "A"** attached hereto and made a part hereof.

receipt whereof is hereby acknowledged, hereby grants, bargains, sells, and conveys unto City, its successors and

assigns forever, the following described land lying and being in Palm Beach County, Florida, as follows:

IN WITNESS WHEREOF County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice Mayor of said Board, the day and year aforesaid.

ATTEST:	County:
SHARON R. BOCK CLERK AND COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners
By: Deputy Clerk	By: Mack Bernard, Mayor
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	(Official Seal)
By: Yelizaveta B. Herman Assistant County Attorney	

EXHIBIT "A"

DESCRIPTION: A PARCEL OF LAND (A PORTION OF WHICH - SEMINOLE PRATT WHITNEY ROAD RIGHT-OF-WAY - IS ALSO DESCRIBED IN OFFICIAL RECORD BOOK 10202, PAGE 430, AND OFFICIAL RECORD BOOK 28479, PAGE 822) LYING IN SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT OF WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND OFFICIAL RECORD BOOK 1640, PAGE 1626 AND ROAD PLAT BOOK 4, PAGE 40, ALL OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W. ALONG SAID ORIGINAL EAST RIGHT OF WAY LINE AS SHOWN ON ROAD PLAT BOOK 4, PAGE 40, A DISTANCE OF 3541.19 FEET; THENCE S.88°17'08"E. ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF THAT GROVE MARKET PLAT, AS RECORDED IN PLAT BOOK 82, PAGE 67 OF SAID PUBLIC RECORDS, A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF SAID GROVE MARKET PLAT; THENCE S.01°42'52"W., ALONG THE WEST LINE OF SAID PLAT AND ALONG THE EAST RIGHT OF WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 10202, PAGE 430 OF SAID PUBLIC RECORDS, A DISTANCE OF 663.00 FEET TO A POINT ON THE NORTHERLY CORNER OF THAT ADDITIONAL RIGHT OF WAY OF PERSIMMON BOULEVARD, AS RECORDED IN OFFICIAL RECORDS BOOK 10202, PAGE 430 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE S.43°17'22"E., ALONG SAID NORTH ADDITIONAL RIGHT OF WAY LINE, A DISTANCE OF 113,13 FEET; THENCE S.88°17'08"E., ALONG SAID NORTH ADDITIONAL RIGHT OF WAY, A DISTANCE OF 556.56 FEET TO THE SOUTHEAST CORNER OF SAID GROVE MARKET PLAT; THENCE S.01°42'52"W., ALONG THE EAST BOUNDARY LINE OF SAID ADDITIONAL RIGHT OF WAY, A DISTANCE OF 80.00 FEET TO THE NORTHEAST CORNER OF THAT SEMINOLE-PRATT WHITNEY ROAD RIGHT OF WAY PARCEL 103, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822 OF SAID PUBLIC RECORDS; THENCE CONTINUE S.01°42'52"W, ALONG THE EAST LINE OF SAID SEMINOLE-PRATT WHITNEY ROAD RIGHT OF WAY PARCEL 103. A DISTANCE OF 77.00 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL103; THENCE CONTINUE ALONG SAID SOUTH LINE FOR THE FOLLOWING FOUR (4) COURSES: 1) N.88°17'08"W, A DISTANCE OF 374.82 FEET; 2) THENCE N.75°43'50"W, DISTANCE OF 50.60 FEET; 3) THENCE N.88°17'08"W, A DISTANCE OF 172.34 FEET; 4) THENCE S.46°42'52"W, A DISTANCE OF 56.57 FEET; THENCE N.01°42'52"E., ALONG A LINE 10.00 FEET EAST OF AND PARALLEL WITH THE SAID ORIGINAL EAST RIGHT OF WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 265.99 FEET TO NORTHERLY CORNER OF THAT ADDITIONAL RIGHT OF WAY OF PERSIMMON BOULEVARD AND THE POINT OF BEGINNING.

CONTAINING: 101,332 SQUARE FEET, OR 2.326 ACRES, MORE OR LESS.

	PERSIMMON BOULEVARD LEGAL DESCRIPTION AND SKETCH				
		REVISIONS		Prepared For: QIMINTO	
No.	Date	Description	Dwn.		
				This certifies that a storage and description of the hereon described pregnets was made under my superficient and meets the Standard of Professional Surveyors & Kappers in Chapter 51-17.050, Florida diministrative Cade, pursuant to Section 477.407, Florida Stanta.	GeoPoint Surveying, Inc. 4152 W. Blue Heron Blvd. Suite 105 Riviera Beach, Fl. 33404 Phone: (561) 444-2720 www.geopointsurvey.com Licensed Business Number LB 7768
-				Gary A. Raper FLORIDA PROFESSIONAL PROFESSIO	Drawn:SVM Date: 07/28/18 Data File:
l	Sheet	No. 1 of 4 Shee	ts	NOT WILD WITHOUT THE SHANKING AND THE DRICHMAL RAISED SEAL OF A JUDICIA EXEMBED SURVEYOR AND MAPPER	Check:GAR P.C.: Field Book: Section: 1 & 12 Twn. 43S Rng. 40E Job #:FBA-SP-005

ALL DISTANCES ARE GROUND

SCALE FACTOR: 1.0000 ROTATION ANGLE = 0°

COORDINATES SHOWN ARE GRID DATUM: NAD83-2007 ADJUSTMENT

ZONE: FLORIDA EAST

LINEAR UNIT: US SURVEY FEET

COORDINATE SYSTEM: 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION GROUND DISTANCE X SCALE FACTOR =

GŘID

BASIS OF BEARINGS: EAST LINE OF SECTION 1, TOWNSHIP 43S, RANGE 40E.

(S01°33'05"W)

NOTES:

1. THE GRID BEARINGS AND COORDINATES, AS SHOWN HEREON, REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 - 2007 ADJUSTMENT (NAD 83/07) FOR THE EAST ZONE OF FLORIDA AND REFERENCE THE NORTH AMERICAN DATUM OF 1983 - 1990 ADJUSTMENT (NAD 83/90).

2. STATIONS AND OFFSETS ARE FROM THE BASELINE OF SURVEY OF THE RIGHT OF WAY PROCUREMENT MAP FOR PALM BEACH COUNTY PROJECT No. 1997511C AND REFERENCE ROAD

BOOK 4, PAGES 34-40.

3. THE BEARINGS AND DISTANCES FROM SECTIONAL MONUMENTATION ARE BASED ON CALCULATIONS, MEASUREMENTS, AND POSITIONS OF SAID SECTION CORNERS AS DETERMINED BY GEOPOINT SURVEYING, INC.

4. ALL EASEMENTS AND ENCUMBRANCES FROM CURRENT TITLE SEARCH HAVE BEEN REFLECTED HERON.

LEGEND

R/W ----- Right of Way O.R. O.R.B. ----- Official Records Book D.B. ----- Deed Book P.B. ----- Plat Book R.P.B. ----- Road Plat Book Pg(s). ----- Page(s) F.D.O.T. ----- Florida Department of Transportation S.F.W.M.D. ----- South Florida Water Management District
FIR ----- Found Iron Rod CCR ----- Certified Corner Record F.D.E.P. ----- Florida Department of Environmental Protection BL ----- Baseline LB ----- Licensed Business SID ----- Seminole Improvement District Easement SWCD ----- Seminole Water Control District Ingress/Egress Easement PBCo. ----- Palm Beach County (83/90) ----- North American Datum of 1983 1990 Adjustment (PBCo. PUBLISHED COORDINATES) (83/07) ----- North American Datum of 1983

> PERSIMMON BOULEVARD LEGAL DESCRIPTION AND SKETCH

2007 Adjustment (MEASURED COORDINATES BY GEOPOINT)

REVISIONS		Prepared For: MINTO			
Mo.	Date	Description.	Dem		
					GeoPoint
			er.		Surveying, Inc.
					4152 W. Blue Heron Blvd. Suite 105 Riviera Beach, FL 33404 Phone: (561) 444-2720 www.geopointsurvey.com Licensed Business Number 18 776
	i				Drawn:SWM Date: 07/26/18 Data File:
	Sheet	No. 2 of 4 Sheets	***************************************	NOT VALID WITHOUT THE SERVATURE AND THE DRIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR.	Check:GAR P.C.: Field Book: Section: 1 & 12 Twn. 43S Rng. 40E Job FBA-SP-005

