

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: **September 10, 2019**                       **Consent**         **Regular**  
     **Workshop**       **Public Hearing**

**Submitted By: Department of Airports**

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: a Declaration of Easement (Declaration) for water utility improvements to serve development of facilities on County-owned property under lease to Drive Shack Palm Beach LLC (Drive Shack), on Belvedere Road at Australian Avenue at the Palm Beach International Airport (PBI).

**Summary:** Drive Shack is constructing a facility on County-owned property at PBI pursuant to a Development Site Lease Agreement (R-2017-0939, as amended). The Water Utilities Department is requesting the Declaration for water utility improvements to provide water and fire hydrant service to the facility. The Declaration provides for the installation, operation and maintenance of water transmission and distribution facilities on the property. Countywide (AH)

**Background and Justification:** The utility easement is 20 feet in width and encompasses approximately 16,325 square feet (0.37 ac.) The Declaration memorializes the existence of water transmission and distribution facilities on County-owned property.

**Attachments:**

- 1. Declaration of Easement

Recommended By: *Rw Lanna Poole*                      *8-14-19*  
    Department Director    Date

Approved By: *M Baker*    *8/28/19*  
    County Administrator    Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

| Fiscal Years                            | <u>2019</u> | <u>2020</u> | <u>2021</u> | <u>2022</u> | <u>2023</u> |
|---|-------------|-------------|-------------|-------------|-------------|
| Capital Expenditures                    | _____       | _____       | _____       | _____       | _____       |
| Operating Costs                         | _____       | _____       | _____       | _____       | _____       |
| Operating Revenues                      | _____       | _____       | _____       | _____       | _____       |
| Program Income (County)                 | _____       | _____       | _____       | _____       | _____       |
| In-Kind Match (County)                  | _____       | _____       | _____       | _____       | _____       |
| <b>NET FISCAL IMPACT</b>                | <u>0</u>    | <u>0</u>    | <u>0</u>    | <u>0</u>    | <u>0</u>    |
| # 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 \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ RSource \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

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

No fiscal impact.

C. Departmental Fiscal Review: CM Smith

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

Steve R 8/20/19  
 OFMB (HR) 8/19

J. J. [Signature] 8/23/19  
 Contract Dev. and Control

**B. Legal Sufficiency:**

Anne Deland 8-26-19  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

REVISED 11/17

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

Prepared by and return to:  
Ray Walter, Deputy Director  
Palm Beach County Dept of Airports  
846 Palm Beach International Airport  
West Palm Beach, FL 33406

A portion of PCN 74-43-43-32-00-000-1130

**DECLARATION OF EASEMENT**

**THIS IS A DECLARATION OF EASEMENT**, made this \_\_\_\_\_, by PALM BEACH COUNTY, a political subdivision of the State of Florida ("County") whose address is c/o Palm Beach County Department of Airports, 846 Palm Beach International Airport, West Palm Beach, Florida, 33406.

**WHEREAS**, County is the owner and operator of Palm Beach International Airport located in Palm Beach County, Florida (the "Airport"); and

**WHEREAS**, County desires to create an easement over, upon and under a portion of such Airport property for the purposes set forth hereinafter; and

**WHEREAS**, County desires that such easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon a subsequent conveyance of such property by County.

**WITNESSETH:**

**NOW, THEREFORE**, County does hereby declare, grant and create a perpetual in gross water utility easement for the benefit of County upon the property legally described in Exhibit "A" attached hereto (the "Easement Premises"). This easement shall be for the sole purpose of water utilities and shall include the right at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect such transmission and distribution facilities and all appurtenances thereto with the full right to ingress thereto and egress therefrom in, on, over, under and across the Easement Premises.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Airport property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

**IN WITNESS WHEREOF**, County has caused this Declaration of Easement to be executed as of the day and year first above written.

**ATTEST:**

**SHARON R. BOCK**

By: \_\_\_\_\_  
Clerk & Comptroller

(SEAL)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
Assistant County Attorney

**PALM BEACH COUNTY, a political subdivision of the State of Florida by its Board of County Commissioners**

By: \_\_\_\_\_  
Mack Bernard, Mayor

**APPROVED AS TO TERMS AND CONDITIONS**

By:   
Department Director

**Exhibit "A"**  
**(the "Easement Premises")**

**EXHIBIT "A"**

**DESCRIPTION:**

A PARCEL OF LAND LOCATED WITHIN THE PALM BEACH INTERNATIONAL AIRPORT (P.B.I.A.) LEASE PARCEL N-11 WPB, AS RECORDED IN OFFICIAL RECORD BOOK 619, PAGE 344 AND SHOWN ON PALM BEACH COUNTY SURVEY NUMBER S-3-14-3524 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SITUATED IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 32; THENCE, ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 32, NORTH 00°45'40" WEST A DISTANCE OF 4795.62 FEET TO A POINT OF INTERSECTION WITH SOUTH LINE OF THE NORTH 520 FEET OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 32; THENCE, ALONG SAID SOUTH LINE, SOUTH 88°26'41" EAST, A DISTANCE OF 134.60 FEET TO THE POINT OF BEGINNING:

THENCE, DEPARTING SAID SOUTH LINE, NORTH 41°35'00" EAST, A DISTANCE OF 109.41 FEET; THENCE SOUTH 08°50'05" EAST, A DISTANCE OF 11.97 FEET; THENCE NORTH 80°58'05" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 08°50'05" WEST, A DISTANCE OF 13.69 FEET; THENCE SOUTH 79°15'40" EAST, A DISTANCE OF 132.63 FEET; THENCE NORTH 01°39'10" EAST, A DISTANCE OF 412.03 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS RECORDED IN ROAD PLAT BOOK 3, PAGE 94 OF THE SAID PUBLIC RECORDS; THENCE, ALONG SAID SOUTH LINE, SOUTH 88°26'29" EAST, A DISTANCE OF 20.00 FEET; THENCE, DEPARTING SAID SOUTH LINE, SOUTH 01°35'49" WEST, A DISTANCE OF 56.11 FEET; THENCE SOUTH 88°43'27" EAST, A DISTANCE OF 15.50 FEET; THENCE SOUTH 01°16'33" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88°43'27" WEST, A DISTANCE OF 15.64 FEET; THENCE SOUTH 01°34'42" WEST, A DISTANCE OF 260.50 FEET; THENCE SOUTH 90°00'00" EAST, A DISTANCE OF 21.71 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 25.31 FEET; THENCE NORTH 88°21'23" WEST, A DISTANCE OF 22.83 FEET; THENCE SOUTH 01°38'41" WEST, A DISTANCE OF 54.18 FEET; THENCE SOUTH 79°11'02" EAST, A DISTANCE OF 11.84 FEET; THENCE SOUTH 44°55'57" EAST, A DISTANCE OF 54.47 FEET; THENCE SOUTH 45°04'03" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 44°55'57" WEST, A DISTANCE OF 51.63 FEET; THENCE SOUTH 01°38'41" WEST, A DISTANCE OF 46.19 FEET TO A POINT OF INTERSECTION WITH THE SAID SOUTH LINE OF THE NORTH 520 FEET OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 32; THENCE NORTH 88°26'29" WEST, A DISTANCE OF 20.00 FEET; THENCE, DEPARTING SAID SOUTH LINE, NORTH 01°39'09" EAST, A DISTANCE OF 47.74 FEET; THENCE NORTH 79°15'40" WEST, A DISTANCE OF 137.72 FEET; THENCE SOUTH 41°35'00" WEST, A DISTANCE OF 91.03 FEET TO A POINT OF INTERSECTION WITH THE SAID SOUTH LINE OF THE NORTH 520 FEET OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 32; THENCE, ALONG SAID SOUTH LINE, NORTH 88°26'29" WEST, A DISTANCE OF 26.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,325 SQUARE FEET OR 0.3748 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

**SHEET 1 OF 5**



**CAULFIELD & WHEELER, INC.**

CIVIL ENGINEERING - LAND SURVEYING  
7900 GLADES ROAD - SUITE 100  
BOCA RATON, FLORIDA 33434  
PHONE (561)-392-1991 / FAX (561)-750-1452

**DRIVE SHACK PBIA  
PALM BEACH COUNTY UTILITY EASEMENT  
SKETCH OF DESCRIPTION**

|            |           |
|------------|-----------|
| DATE       | 06/21/19  |
| DRAWN BY   | DLS       |
| F.B. / PG. | N/A       |
| SCALE      | NONE      |
| JOB NO.    | 7866PBCUE |

EXHIBIT "A"


NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH A SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR.
4. BEARINGS SHOWN HEREON ARE GRID, RELATIVE TO THE NORTH LINE OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 43 EAST, SAID LINE BEARING S88°26'29"E.
5. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
6. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
7. DATA SHOWN HEREON WAS COMPILED FROM INSTRUMENTS OF RECORD AND DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SUCH.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JUNE 21, 2019. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 2 OF 5



**CAULFIELD & WHEELER, INC.**  
 CIVIL ENGINEERING - LAND SURVEYING  
 7900 GLADES ROAD - SUITE 100  
 BOCA RATON, FLORIDA 33434  
 PHONE (561)-392-1991 / FAX (561)-750-1452

**DRIVE SHACK PBI  
 PALM BEACH COUNTY UTILITY EASEMENT  
 SKETCH OF DESCRIPTION**

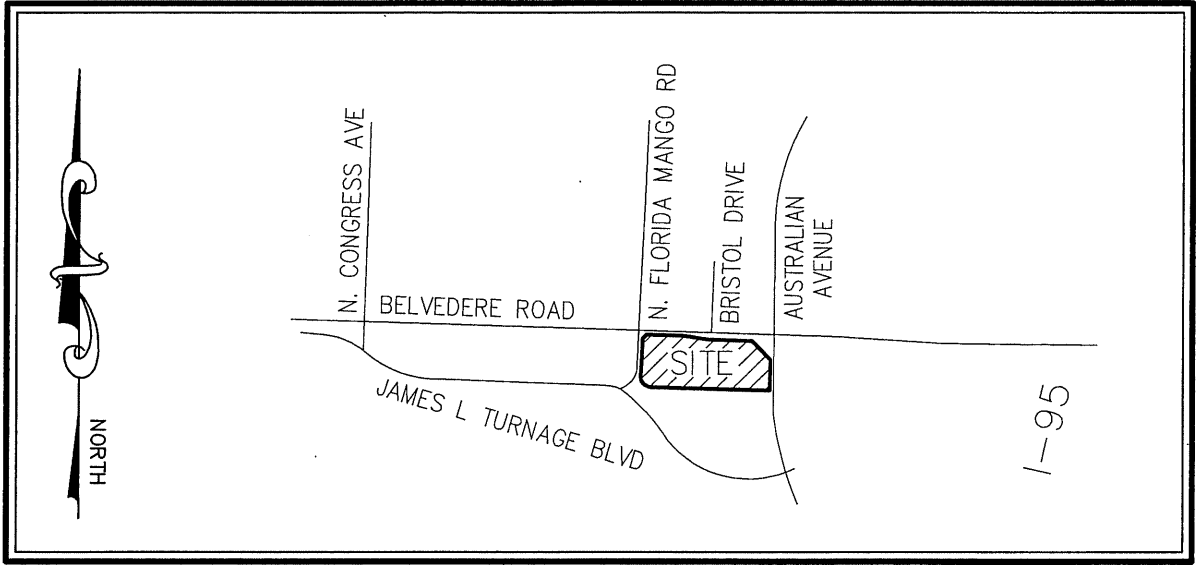
Digitally signed by David Lindley  
 DN: c=US, st=Florida, |s=Boca Raton, ou=Surveying, o=Caulfield & Wheeler, Inc., cn=David Lindley,  
 email=Dave@cviassoc.com  
 Date: 2019.06.21 08:01:35 -04'00'

**David Lindley**

DAVID P. LINDLEY  
 REGISTERED LAND  
 SURVEYOR NO. 5005  
 STATE OF FLORIDA  
 LB# 3591

|           |           |
|-----------|-----------|
| DATE      | 06/21/19  |
| DRAWN BY  | DLS       |
| F.B./ PG. | N/A       |
| SCALE     | NONE      |
| JOB NO.   | 7866PBCUE |

EXHIBIT "A"



LOCATION MAP  
(NOT TO SCALE)


**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**

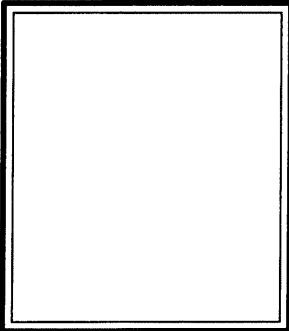
COORDINATES SHOWN ARE GRID  
 DATUM = NAD 83 (90/98 ADJUSTMENT)  
 ZONE = FLORIDA EAST  
 LINEAR UNIT = US SURVEY FEET  
 COORDINATE SYSTEM 1983 STATE PLANE  
 TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND  
 SCALE FACTOR = 1.000044878  
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
 NAD 83 (90/98 ADJUSTMENT), FLORIDA EAST ZONE.

**LEGEND/ABBREVIATIONS**

|  |                                |
|--|--------------------------------|
| ESMT. - EASEMENT                                     | P.O.B. - POINT OF BEGINNING    |
| F.P.L. - FLORIDA POWER & LIGHT                       | P.O.C. - POINT OF COMMENCEMENT |
| ORB - OFFICIAL RECORD BOOK                           | RB - RADIAL BEARING            |
| P.B. - PLAT BOOK                                     | U.E. - UTILITY EASEMENT        |
| P.B.C.P.C. - PALM BEACH COUNTY PUBLISHED COORDINATES | Δ - DELTA (CENTRAL) ANGLE      |
| PBCR - PALM BEACH COUNTY RECORDS                     | L - LENGTH                     |
| P.B.I.A. - PALM BEACH INTERNATIONAL AIRPORT          | R - RADIUS                     |
| PG. - PAGE   |                                |

SHEET 3 OF 5

**CAULFIELD & WHEELER, INC.**  

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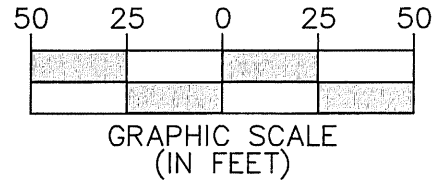
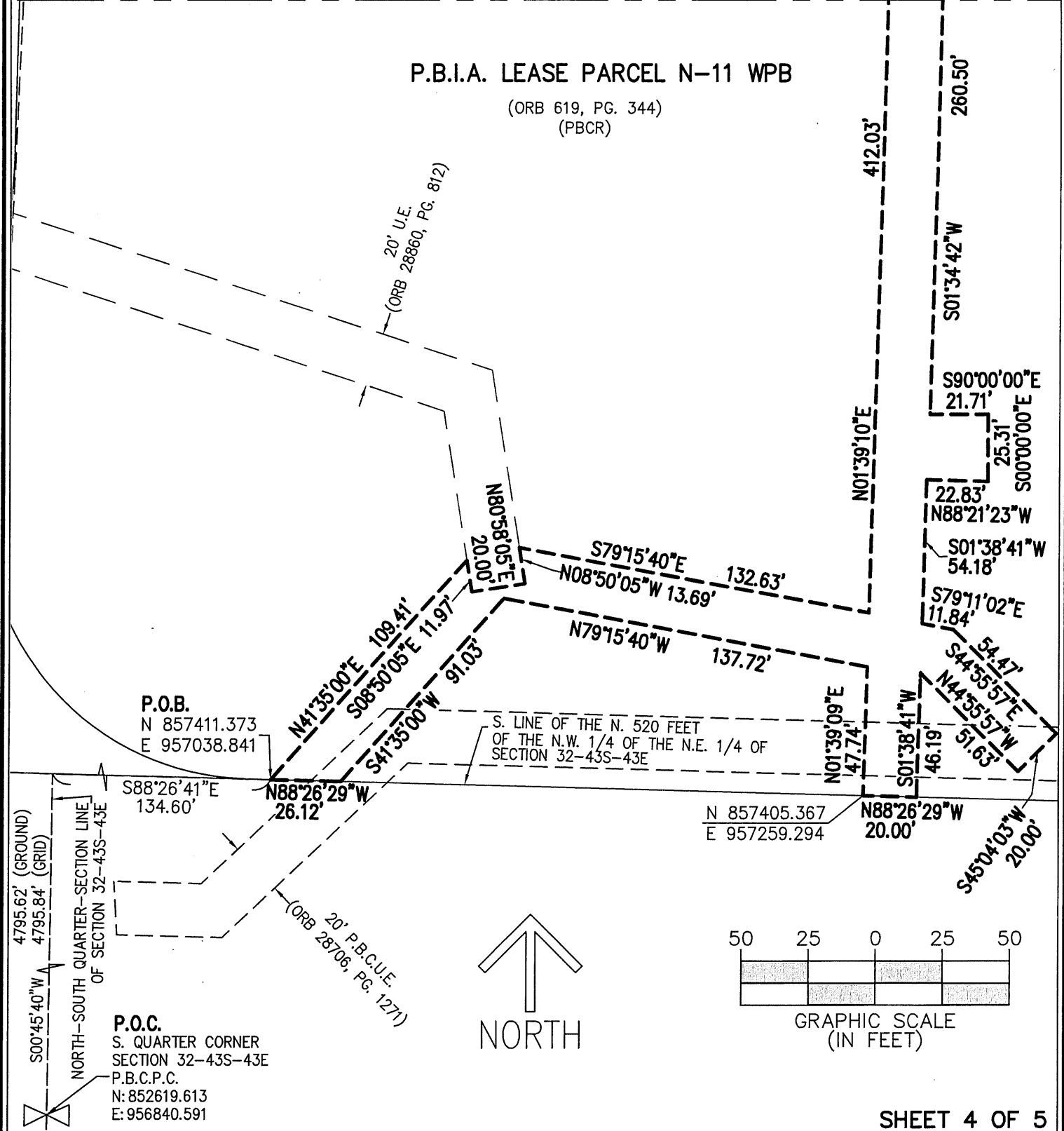


|           |           |
|-----------|-----------|
| DATE      | 06/21/19  |
| DRAWN BY  | DLS       |
| F.B./ PG. | N/A       |
| SCALE     | NONE      |
| JOB NO.   | 7866PBCUE |

**DRIVE SHACK PBIA  
 PALM BEACH COUNTY UTILITY EASEMENT  
 SKETCH OF DESCRIPTION**

P.B.I.A. LEASE PARCEL N-11 WPB

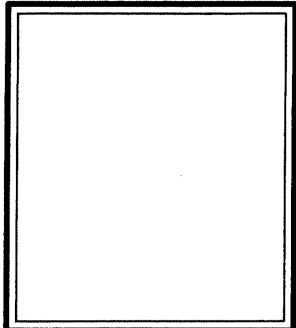
(ORB 619, PG. 344)  
(PBCR)



SHEET 4 OF 5

**CAULFIELD & WHEELER, INC.**  
 CIVIL ENGINEERING - LAND SURVEYING  
 7900 GLADES ROAD - SUITE 100  
 BOCA RATON, FLORIDA 33434  
 PHONE (561)-392-1991 / FAX (561)-750-1452

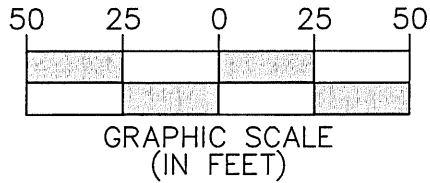
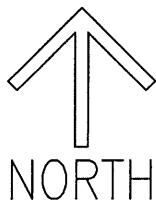
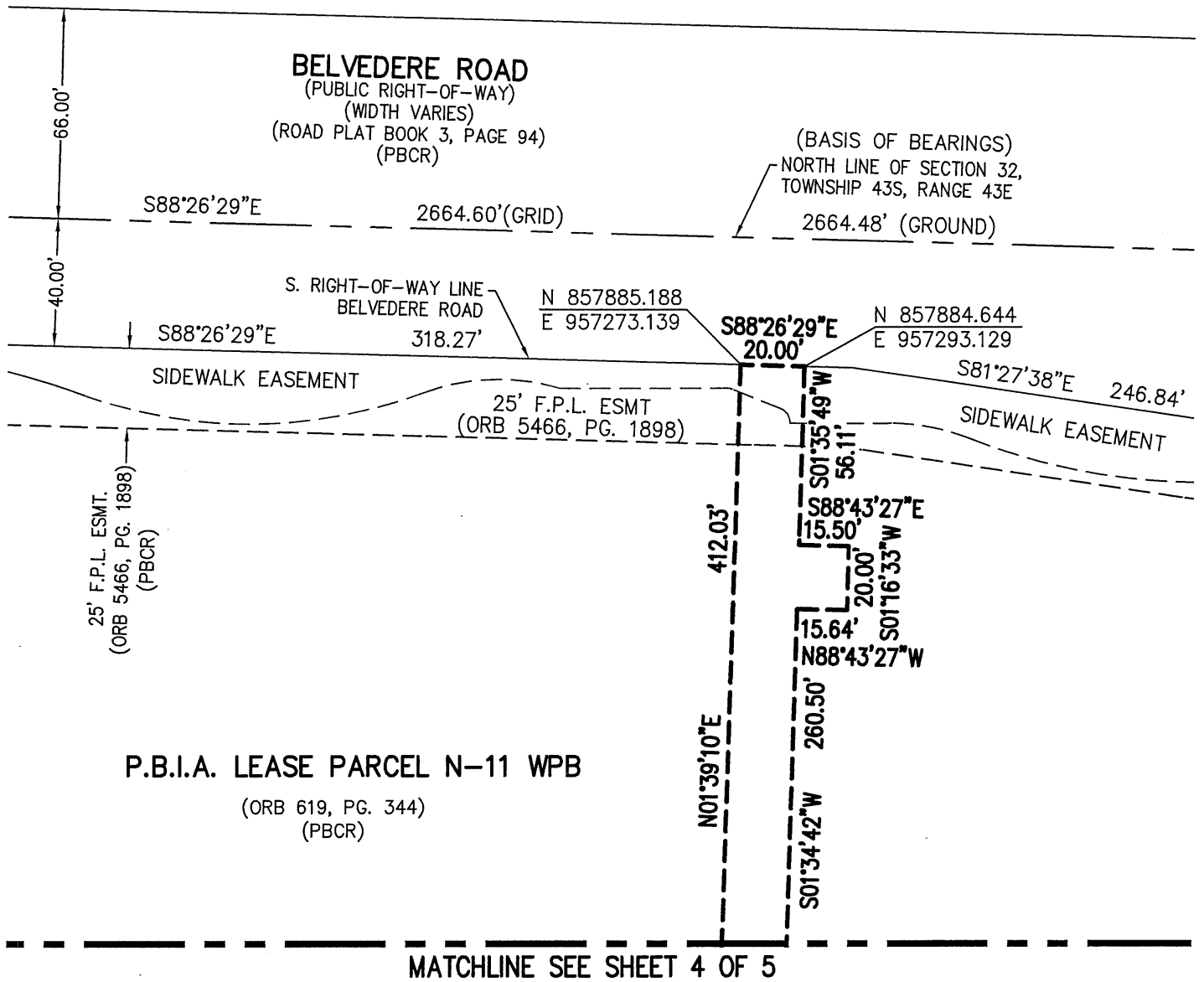
**DRIVE SHACK PBIA  
 PALM BEACH COUNTY UTILITY EASEMENT  
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|           |           |
|-----------|-----------|
| DATE      | 06/21/19  |
| DRAWN BY  | DLS       |
| F.B./ PG. | N/A       |
| SCALE     | 1"=50'    |
| JOB NO.   | 7866PBCUE |



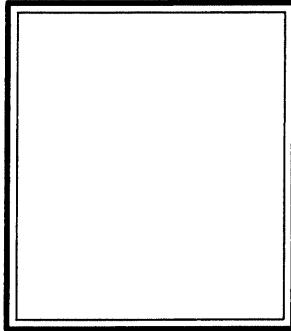
EXHIBIT "A"



SHEET 5 OF 5

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