Agenda Item #: **3H-5** 

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	October 6, 2020	[X] Consent [ ] Ordinance	[] Regular [] Public Hearing

Department: Facilities Development & Operations

## I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** a Declaration of Easement (Easement) in favor of Palm Beach County's Water Utilities Department (WUD) for water and sewer lines, fire hydrant, and appurtenant equipment to service the Acreage Community Park South (Park).

**Summary:** The Park is located at 140th Avenue North in the Acreage and is managed and maintained by Indian Trail Improvement District (ITID). ITID recently constructed additional park and utility improvements within the Park, including water and sewer lines, fire hydrants, and appurtenant equipment. WUD requires an Easement to document the existence and location of said lines and equipment. The water easement area is approximately 20 feet in width and varies in length, containing approximately 43,269 square feet (0.99 acres). The sewer easement area is approximately 20 feet by 20 feet, containing approximately 400 square feet (0.009 acres). The Easement will be recorded in the public records to document its existence and location. (Property and Real Estate Management) District 6 (HJF)

**Background and Justification:** In 2001, the County and ITID entered into an Interlocal Agreement (R-2001-0128) providing for the cooperative expansion and development of the Park and the Acreage Pines Natural Area. ITID's development of the Park includes: a garden, multi-purpose field, running/walking track, concession stand, restrooms, maintenance and electrical buildings, amphitheater, band shell building, 6-foot walking path, sidewalks, roadway, parking lots, landscaping, irrigation, irrigation wells, and lighting. WUD requires an easement for the water and sewer lines, fire hydrants and appurtenant equipment that were installed as part of the development.

## Attachments:

- 1. Location Map
- 2. Declaration of Easement (w/Exhibit "A-1" and "A-2")

**Recommended By: Department** Director Approved By: **County Administrator** 

## II. FISCAL IMPACT ANALYSIS

## A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures					
<b>Operating Costs</b>					
External Revenues					
Program Income (County)					
In-Kind Match (County					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current B	udget: Y	es	No X		
Does this item include the use	of federal	funds? Yes	No X		
Budget Account No: Fund	Program	Dept	Unit	Object _	

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

No Fiscal Impact.

Fixed Asset Number: M06012

C. Departmental Fiscal Review:

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

- 9/9/2010

 $\chi$  Contract De 9/9/2020 elopmen and Control

B. Legal Sufficiency: <u>Anne Delyant 9/10/2020</u>

Assistant County Attorney

C. Other Department Review:

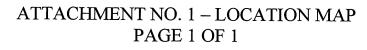
Department Director

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

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TWP 42	- 64th PT N - 63rd PL N - 62rd PL N - 1 - 67ts PL N - 67ts PL N - 56ts PL <sup>™</sup>	69th	ST		PAKINTY ST	69th 68th 2 67th 66th ANGER NE 27th 66th 65th 60th 59th			×     ×     ≤     ≤     69th     ST       N     68th     ST     57th     ST       N     67th     ST     57th     ST       N     66th     ST     58th     ST       N     167th     ST     58th     58th       BLVD     IB3rd     IN     163th     IN       N     163th     CT     N     61th     IN       N     163th     CT     IN     61th     ST       N     163th     CT     IN     61th     ST       N     163th     CT     IN     61th     ST       N     51th     ST     IN     111h     IN       S     54th     ST     ST     IN     IN	14
TWP 43			5		4000 PEF	58th	BLVD D	N		15

RNG 41

RNG 41



# ATTACHMENT NO. 2 – DECLARATION OF EASEMENT 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: 00-41-42-32-00-000-1030

## **DECLARATION OF EASEMENT**

THIS IS A DECLARATION OF EASEMENT, made\_\_\_\_\_, by PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, ("County"), whose address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605.

WHEREAS, County is the owner of that certain real property located within Palm Beach County, Florida as set forth on <u>Exhibit "A-1" and "A-2"</u> attached hereto and made a part hereof (collectively referred to as the "Easement Premises"); and

WHEREAS, County desires to create an easement over, upon and under such 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 the Property by County.

## WITNESSETH:

**NOW THEREFORE**, County does hereby declare, grant and create a perpetual in gross utility easement for the benefit of County within the Easement Premises. This easement shall be for the purpose of water and sewer 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 potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the Easement Premises. This easement or portion thereof can be utilized for a wastewater pump station and said pump station may be fenced in for access control purposes.

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 Easement Premises upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

Page 1 of 2

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

**ATTEST:** 

**COUNTY:** 

## **SHARON R. BOCK CLERK & COMPTROLLER**

By:

Deputy Clerk

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

By: \_

Dave Kerner, Mayor

Signed and delivered in the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

## **APPROVED AS TO FORM** AND LEGAL SUFFICIENCY

## APPROVED AS TO TERMS AND **CONDITIONS**

Jel By: me

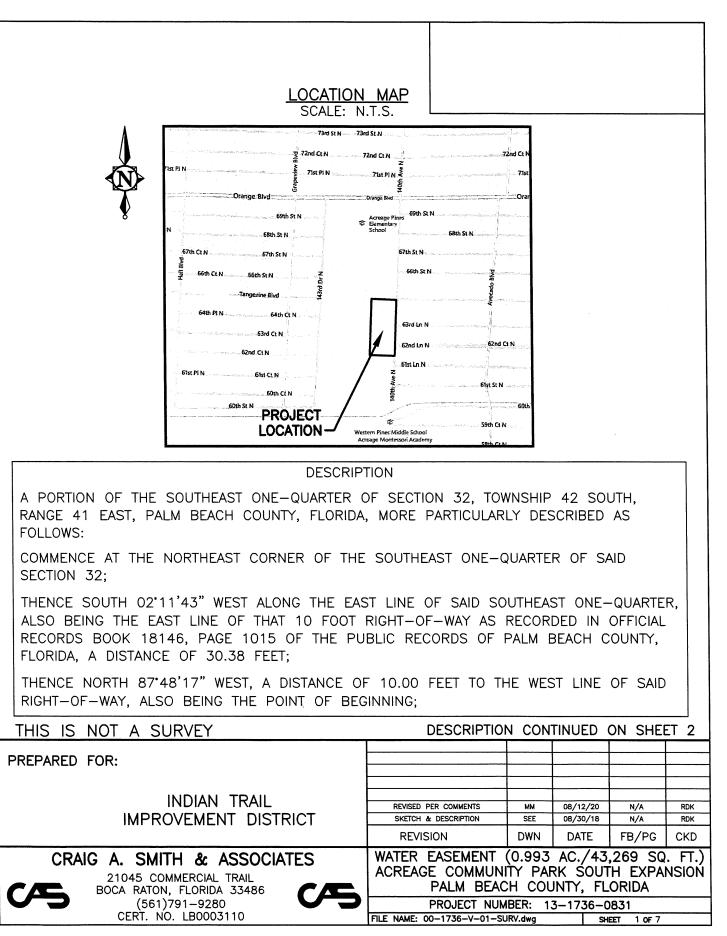
Assistant County Attorney Howard Falcon

. ayal Calls By: Department Director

G:\PREM\Dev\Open Projects\PR-Acreage Community- 140th Ave\WUD Close-out Documents\Declaration of Easement - WUD-HF Approved 9-1-2020.docx

Page 2 of 2

EXHIBIT "A-1"



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EXHIBIT "A-1"

THENCE SOUTH 02"11'43" WEST ALONG SAID WEST	ST LINE,
A DISTANCE OF 20.00 FEET;	
THENCE NORTH 87.46'18" WEST, A DISTANCE OF	
229.63 FEET;	
THENCE SOUTH 18'43'56" WEST, A DISTANCE OF	264.49 FEET;
THENCE SOUTH 71'16'04" EAST, A DISTANCE OF	26.03 FEET;
THENCE SOUTH 18'43'56" WEST, A DISTANCE OF	20.00 FEET;
THENCE NORTH 71'16'04" WEST, A DISTANCE OF	26.03 FEET;
THENCE SOUTH 18 43'56" WEST, A DISTANCE OF	21.55 FEET;
THENCE SOUTH 05'21'52" WEST, A DISTANCE OF	144.14 FEET;
THENCE SOUTH 27'51'52" WEST, A DISTANCE OF	57.81 FEET;
THENCE SOUTH 72'51'52" WEST, A DISTANCE OF	76.58 FEET;
THENCE SOUTH 27'51'52" WEST, A DISTANCE OF	168.01 FEET;
THENCE SOUTH 01.57'59" WEST, A DISTANCE OF	262.91 FEET;
THENCE SOUTH 22'30'00" EAST, A DISTANCE OF	170.68 FEET;
THENCE SOUTH 87'02'56" EAST, A DISTANCE OF	215.22 FEET;
THENCE SOUTH 42.40'10 EAST, A DISTANCE OF	9.89 FEET;
THENCE NORTH 02"12'17" EAST, A DISTANCE OF	67.17 FEET;
THENCE SOUTH 87.47'43" EAST, A DISTANCE OF	20.00 FEET;
THENCE SOUTH 02"12'17" WEST, A DISTANCE OF	68.46 FEET;
THENCE SOUTH 87°40'10" EAST, A DISTANCE OF 10 FOOT RIGHT-OF-WAY;	180.25 FEET TO THE WEST LINE OF SAID
THENCE SOUTH 02"11'43" WEST ALONG SAID WE	ST LINE, A DISTANCE OF 20.00 FEET;
THENCE NORTH 87.40'10" WEST, A DISTANCE OF	- 184.77 FEET;
THENCE SOUTH 01°11'04" WEST, A DISTANCE OF	75.39 FEET;
THIS IS NOT A SURVEY	DESCRIPTION CONTINUED ON SHEET 3
PREPARED FOR:	
INDIAN TRAIL IMPROVEMENT DISTRICT	REVISED PER COMMENTS     MM     08/12/20     N/A     RDK       SKETCH & DESCRIPTION     SEE     08/30/18     N/A     RDK
	REVISION DWN DATE FB/PG CKD
CRAIG A. SMITH & ASSOCIATES 21045 COMMERCIAL TRAIL BOCA RATON, FLORIDA 33486	WATER EASEMENT (0.993 AC./43,269 SQ. FT. ACREAGE COMMUNITY PARK SOUTH EXPANSION PALM BEACH COUNTY, FLORIDA
(561)791–9280 CERT. NO. LB0003110	PROJECT NUMBER: 13-1736-0831 FILE NAME: 00-1736-V-01-SURV.dwg SHEET 2 OF 7

EXHIBIT "A-1"

THENCE SOUTH 38'06'19" WEST, A DISTANCE OF					
40.32 FEET;					
THENCE NORTH 51'53'41" WEST, A DISTANCE OF					
20.00 FEET;	L.,				
THENCE NORTH 38'06'19" EAST, A DISTANCE OF	33.64 FEET;				
THENCE NORTH 01'11'04" EAST, A DISTANCE OF	66.49'FEET;				
THENCE NORTH 42.40'10" WEST, A DISTANCE OF	15.48 FEET;				
THENCE NORTH 87'02'56" WEST, A DISTANCE OF	219.70 FEET;				
THENCE NORTH 22'30'00" WEST, A DISTANCE OF	187.64 FEET;				
THENCE NORTH 01'57'59" EAST, A DISTANCE OF	123.76 FEET;				
THENCE NORTH 88'02'01" WEST, A DISTANCE OF	13.15 FEET;				
THENCE NORTH 01'57'59" EAST, A DISTANCE OF	20.00 FEET;				
THENCE SOUTH 88'02'01" EAST, A DISTANCE OF	13.15 FEET;				
THENCE NORTH 01'57'59" EAST, A DISTANCE OF	128.09 FEET;				
THENCE NORTH 27'51'52" EAST, A DISTANCE OF	95.22 FEET;				
THENCE NORTH 61°19'22" WEST, A DISTANCE OF	23.68 FEET;				
THENCE NORTH 28'40'38" EAST, A DISTANCE OF	20.00 FEET;				
THENCE SOUTH 61'19'22" EAST, A DISTANCE OF	23.39 FEET;				
THENCE NORTH 27.51'52" EAST, A DISTANCE OF	65.67 FEET;				
THENCE NORTH 72.51'52" EAST, A DISTANCE OF	76.58 FEET;				
THENCE NORTH 27.51'52" EAST, A DISTANCE OF	45.55 FEET;				
THENCE NORTH 05°21'52" EAST, A DISTANCE OF	142.50 FEET;				
THENCE NORTH 18"43'56" EAST, A DISTANCE OF	47.45 FEET;				
THENCE NORTH 71°16'04" WEST, A DISTANCE OF	F 16.21 FEET;				
THENCE NORTH 18°43'56" EAST, A DISTANCE OF	57.04 FEET;				
THIS IS NOT A SURVEY	DESCRIPTION		TINUED	ON SHE	ET 4
PREPARED FOR:			······		
INDIAN TRAIL IMPROVEMENT DISTRICT	REVISED PER COMMENTS SKETCH & DESCRIPTION	MM	08/12/20 08/30/18	N/A N/A	RDK
	REVISION	DWN	DATE	 FB∕PG	CKD
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	FILE NAME: 00-1736-V-01-SU	KV.dwg	SH	EET 30F7	

## EXHIBIT "A-1"

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16.21 FEET;								
THENCE NORTH 18'43'56" EAST, A DISTANCE O	F							
218.84 FEET;								
THENCE SOUTH 87'46'18" EAST, A DISTANCE OF 244.55 FEET TO THE POINT OF BEGINNING.								
SAID LANDS SITUATE IN PALM BEACH COUNTY, MORE OR LESS.	FLORIDA CONTAINING 43,269 SQUARE FEET,							
SURVEYOR'S NOTES:								
1. REPRODUCTIONS OF THIS DOCUMENT ARE N								
2. BEARINGS SHOWN HEREON ARE GRID DATUM	RIDA PROFESSIONAL SURVEYOR AND MAPPER.							
ZONE AND RELATIVE TO THE EAST LINE OF	THE SOUTHEAST 1/4 OF SECTION 32,							
TOWNSHIP 42 SOUTH, RANGE 41 EAST, (CA TO GROUND ROTATION = 0'00"00"). COORD								
NAD 83, 1990 ADJUSTMENT AS RÉADJUSTE								
PUBLISHED). 3. NO SEARCH OF THE PUBLIC RECORDS WAS	DEDEODMED FOR THE MAIKING OF THIS							
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PREVIOUS SURVEYS ON FILE IN THE RECOF	RDS OF CRAIG A. SMITH & ASSOCIATES OR							
<u>GENERAL</u> AB	BREVIATIONS							
ABRV DESCRIPTION	ABRV DESCRIPTION							
N= NORTHING	PG PAGES							
E= EASTING	R/W RIGHT-OF-WAY							
ORB OFFICIAL RECORDS BOOK	RGE RANGE							
PBCR PALM BEACH COUNTY RECORDS	SEC SECTION							
POB POINT OF BEGINNING	TWP TOWNSHIP							
POC POINT OF COMMENCEMENT								
THIS IS NOT A SURVEY								
PREPARED FOR:								
INDIAN TRAIL								
IMPROVEMENT DISTRICT	REVISED PER COMMENTS     MM     08/12/20     N/A     RDI       SKETCH & DESCRIPTION     SEE     08/30/18     N/A     RDI							
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CRAIG A. SMITH & ASSOCIATES 21045 COMMERCIAL TRAIL BOCA RATON, FLORIDA 33486	WATER EASEMENT (0.993 AC./43,269 SQ. FI ACREAGE COMMUNITY PARK SOUTH EXPANSIO PALM BEACH COUNTY, FLORIDA							
645 BOCA RAION, FLORIDA 33486 (561)791–9280 CERT. NO. LB0003110	PROJECT NUMBER: 13-1736-0831							
	FILE NAME: 00-1736-V-01-SURV.dwg SHEET 4 OF 7							

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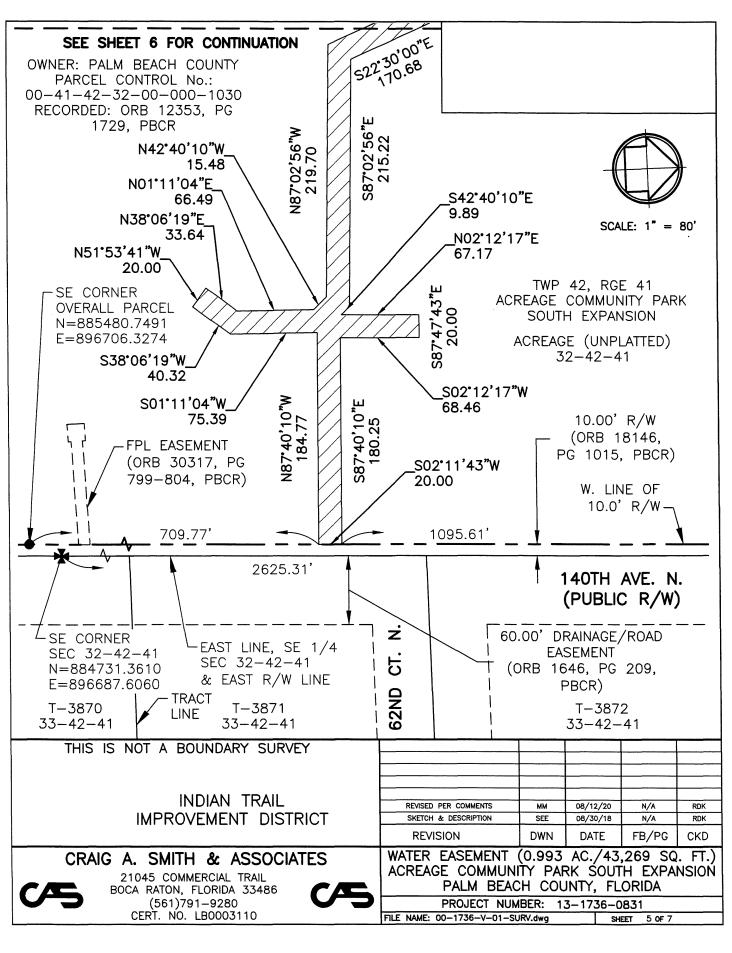


EXHIBIT "A-1"

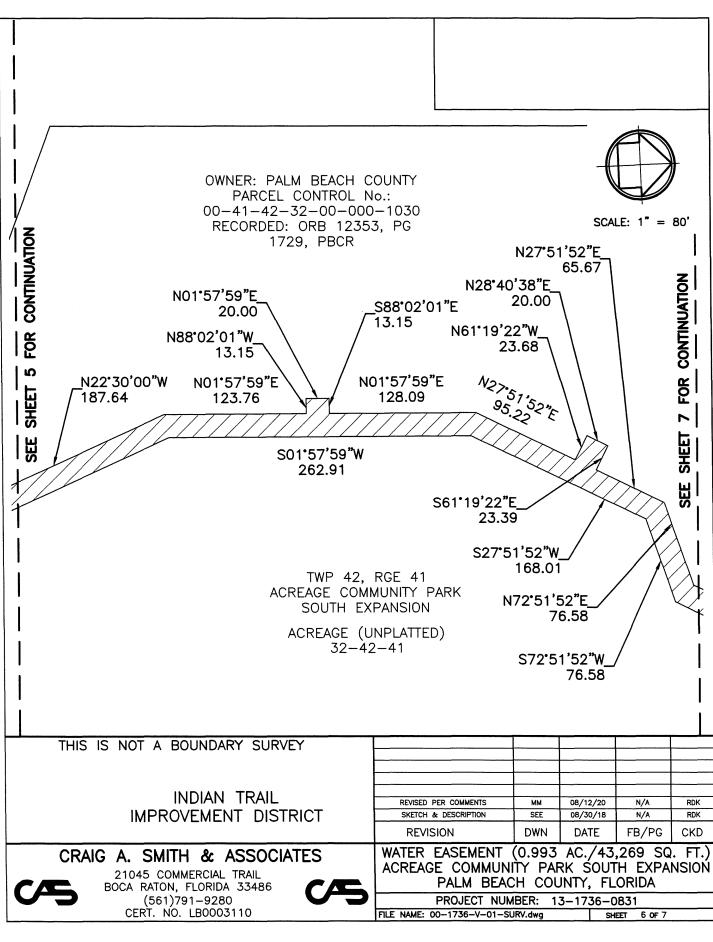
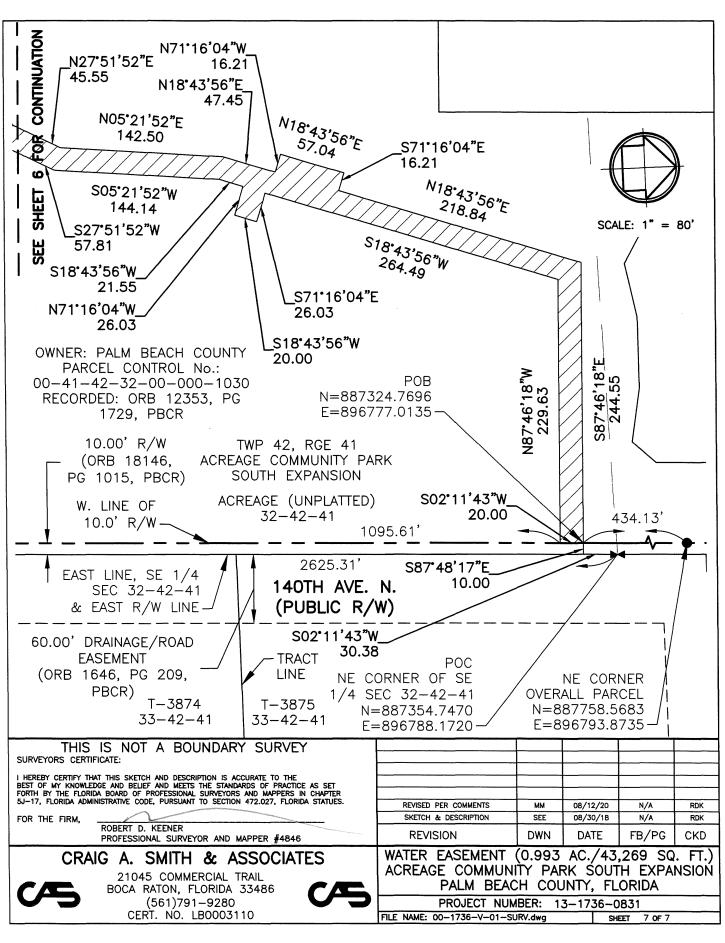
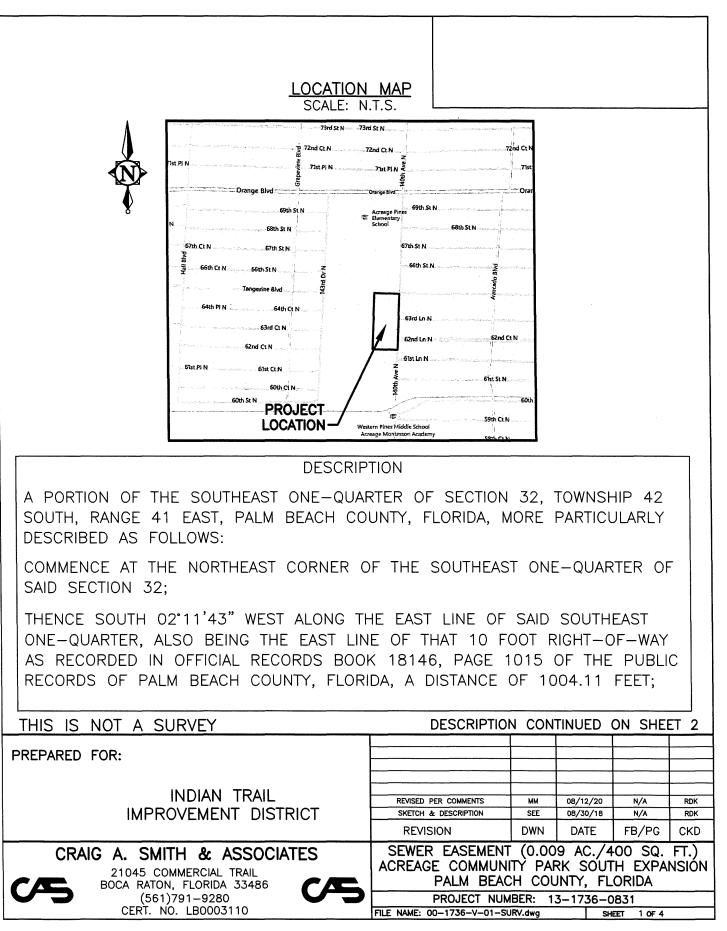


EXHIBIT "A-1"





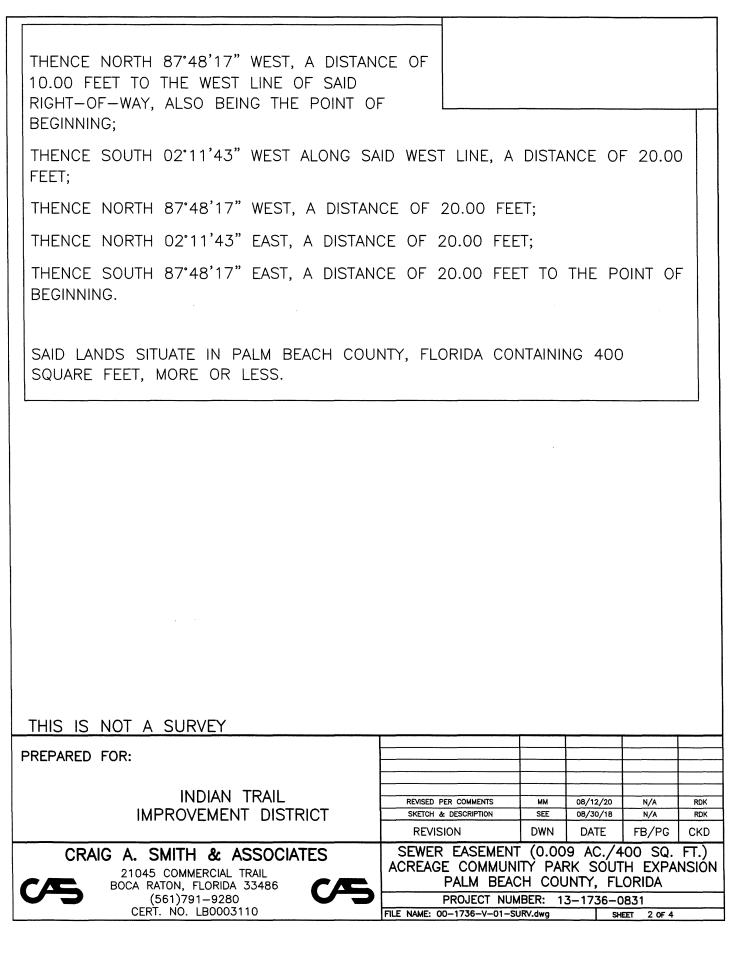


EXHIBIT "A-2"

SURVEYOR'S NOTES:

- REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
  BEARINGS SHOWN HEREON ARE GRID DATUM, NAD 83 1990 ADJUSTMENT, FLORIDA EAST
- ZONE AND RELATIVE TO THE EAST LINE OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 41 EAST, (CALCULATED TO BEAR SO2\* 11' 43"W). (GRID TO GROUND ROTATION = 0\*00"00"). COORDINATES SHOWN HEREON ARE GRID DATUM, NAD 83, 1990 ADJUSTMENT AS READJUSTED BY PALM BEACH COUNTY IN 1998 (AS PUBLISHED).
- 3. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED FOR THE MAIKING OF THIS EASEMENT. EASEMENTS AND RECORDING INFORMATION SHOWN HEREON IS PER PREVIOUS SURVEYS ON FILE IN THE RECORDS OF CRAIG A. SMITH & ASSOCIATES OR AS PROVIDED TO THE SURVEYOR.



ABRV	DESCRIPTION	ABRV	DESCRIPTION
N=	NORTHING	PG	PAGES
E=	EASTING	R/W	RIGHT-OF-WAY
ORB	OFFICIAL RECORDS BOOK	RGE	RANGE
PBCR	PALM BEACH COUNTY RECORDS	SEC	SECTION
POB	POINT OF BEGINNING	TWP	TOWNSHIP
POC	POINT OF COMMENCEMENT		

THIS IS NOT A SURVEY					
PREPARED FOR:					
INDIAN TRAIL IMPROVEMENT DISTRICT	REVISED PER COMMENTS SKETCH & DESCRIPTION REVISION	MM SEE DWN	08/12/20 08/30/18 DATE	n/a n/a FB/PG	RDK RDK CKD
CRAIG A. SMITH & ASSOCIATES 21045 COMMERCIAL TRAIL BOCA RATON, FLORIDA 33486 (551)791-9280	SEWER EASEMENT ACREAGE COMMUNI PALM BEAC	COL	JNTY, FL	ORIDA	FT.) NSION
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