

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date:	March 9, 2021	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Facilities Development & Operations

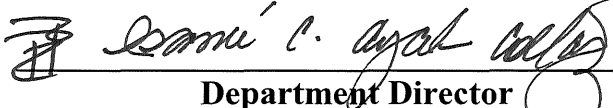
I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a First Amendment to Grant of Easement in favor of Lake Worth Drainage District (LWDD) for an additional 5-foot easement area along the western property boundary of Palm Beach County’s Water Utilities Department (WUD) Southern Region Water Reclamation Facility (SRWRF) in western Boynton Beach.

Summary: The SRWRF is located at the southwest corner of Hagen Ranch Road and Flavor Pict Road in western Boynton Beach. On July 11, 1989 (R-89-1332D), the Board approved a Grant of Easement in favor of LWDD over a 25-foot-strip to provide for ingress, egress and periodic maintenance of the LWDD’s E-2E canal that borders the western property boundary of the SRWRF. WUD is in the process of developing the SRWRF to allow for the addition of new advanced water treatment activities on site to provide additional water treatment for wastewater. A condition of approval requires the County to grant LWDD an exclusive easement over a 5-foot portion of the western property boundary of the SRWRF. The First Amendment to Grant of Easement will provide LWDD with an additional 5 feet of easement area, increasing the original easement area from 25 feet to 30 feet. **(Property & Real Estate Management) District 5 (HJF)**

Background and Justification: The SRWRF is in the process of being developed to enhance the current facilities by adding a 45,000 square foot Water Purification Building with an accessory education center and parking area. The improvements will provide additional water treatment for wastewater. LWDD requires a minimum of 90 feet of dry ground for all major canals (45 feet of dry ground on each side of the channel) for heavy equipment mobilization during storm events. An additional 5 feet of easement area for the adjacent E-2E Canal is required in order to have 45 feet of dry ground on the eastern side of said Canal. LWDD requires the easement to be granted prior to final site plan approval. The easement will be recorded in the public records to document its location.

- Attachments:**
1. Location Map
 2. First Amendment to Grant of Easement (w/Exhibit “A”)

Recommended By:  2/11/21
Department Director **Date**

Approved By:  2/10/21
County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<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 _____	Dept _____	Unit _____	Object _____	
		Program _____			

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

* No fiscal impact

Fixed Assets Number N/A

C. Departmental Fiscal Review:

[Signature] 2/2/2021

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 2/5/21
OFMB *[initials]* 2/4
UM 2/4

[Signature] 2/8/21
Contract Development and Control
2-8-21 TW

B. Legal Sufficiency:

[Signature] 2/9/21
Assistant County Attorney

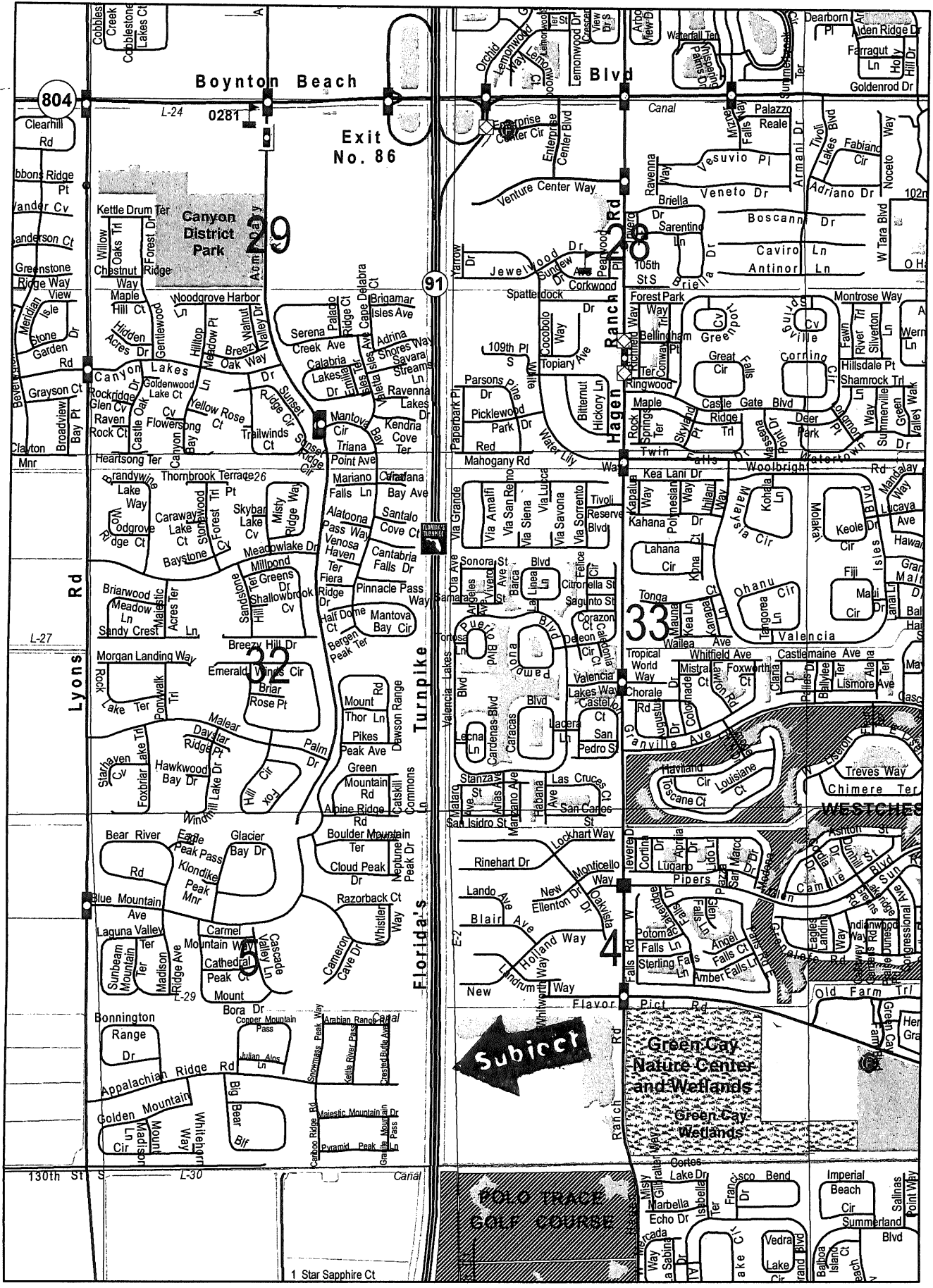
C. Other Department Review:

Department Director

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

TWP 45

TWP 46



RNG 42

RNG 42

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Attachment No.2
First Amendment to Grant of Easement – 5 Pages

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

PCN # 00-42-43-27-05-064-0730

FIRST AMENDMENT TO GRANT OF EASEMENT

THIS FIRST AMENDMENT TO GRANT OF EASEMENT (“Amendment”) is made and entered into on _____, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605 hereinafter referred to as “County”, and the **LAKE WORTH DRAINAGE DISTRICT**, a Special Taxing District existing under the Laws of the State of Florida, having a principal place of business at 13081 Military Trail, Delray Beach, Florida 33484-1105, hereinafter referred to as “District”.

WITNESSETH:

WHEREAS, County granted District a Grant of Easement dated July 11, 1989, as recorded in Official Record Book 6135, Page 1995 of the Public Records of Palm Beach County, Florida (the “Easement”); and

WHEREAS, at the District’s request, the parties desire to modify easement area legal description of the Easement; and

WHEREAS, the parties hereto agree to amend the Easement in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and 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. Terms not defined herein shall have the same meaning ascribed to them in the Easement.
2. The legal description of the easement area in the Easement is hereby deleted in its entirety and replaced by Exhibit A attached hereto and made a part hereof.

3. Except as expressly set forth herein, the Easement shall remain in full force and effect.

4. This Amendment shall become effective upon approval and execution by all parties.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, County and District have caused this Amendment to be executed in its name, by property officers thereunto duly authorized the day and year year first above written.

ATTEST:

COUNTY:

JOSEPH ABRUZZO
CLERK & COMPTROLLER

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

By: _____
Deputy Clerk

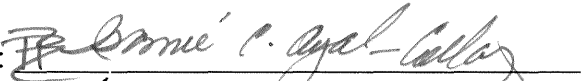
By: _____
Dave Kerner, Mayor

SEAL

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: 
Assistant County Attorney

By: 
Isami Ayala-Collazo, Director
Facilities Development & Operations

ATTEST:

By: [Signature]
Tommy Strowd, Secretary

DISTRICT:

LAKE WORTH DRAINAGE DISTRICT, a Special Taxing District of the State of Florida

By: [Signature]
~~Stephen Bedner, President~~
James M. Alderman, Sr. Vice Pres.

SEAL

Signed and delivered in the presence of:

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
Witness Signature

By: [Signature]
Mark Perry, General Counsel

Reagan Walker
Print Witness Name

[Signature]
Witness Signature
Jill Cooke
Print Witness Name

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me this 20th day of January, 2021 by means of [] physical presence or [] online notarization by James M. Alderman, Sr. Vice Pres. and Tommy Strowd, Secretary who is [] personally known to me or [] who has produced as identification and who did take an oath.

[Signature]
Notary Public

My Commission Expires: May 31, 2024

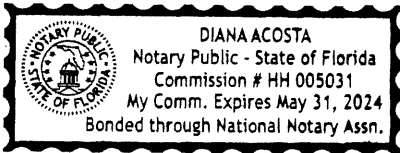


EXHIBIT "A"

The East 30.00 feet of the West 65.00 feet of Tracts 80, 81, 112 and 113, together with west 10' of the 30 foot abandoned reservation for road, dike, ditch and other purposes as recorded in ORB 5765, 1401, located between Tracts 81 and 112, all in Block 64, according to the plat of THE PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida, less the south 85' of Tract 113 per Lake Worth Drainage District Right of Way as recorded in ORB 6135, PG 1997.

TOGETHER WITH:

The South 20.00 feet of the North 70.00 feet of Tracts 73 through 80, inclusive, Block 64, according to the said plat of THE PALM BEACH FARMS COMPANY PLAT NO. 3, less the East 25.00 feet of said Tract 73.