PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

Department:

April 6, 2021

Consent [X]

Public Hearing []

Regular []

Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to accept: A non-standard Utility Easement (Easement) granted by 16490 Innovation, LLC (16490) to Palm Beach County on property located within Innovation Subdivision, Parcel 1.

Summary: The proposed Easement is required over lands where Palm Beach County Water Utilities Department (PBCWUD) owned utilities are proposed to be installed. The Easement will provide PBCWUD staff access to the property for operation and maintenance purposes. 16490 has requested modifications to the standard utility easement language that require approval by the Board of County Commissioners (BCC). The changes include the insertion of two (2) additional paragraphs that state: (1) Grantor reserves the right to use the easement areas for purposes that do not necessarily interfere with Grantee's use of the premises; and (2) Grantor reserves the right to require the Grantee to relocate the easements at Grantor's expense. The process and responsibilities of each of the parties in relocating any portion of easement and the underlying utilities are also detailed within the Easement. (PBCWUD Project No.16-544) District 1 (MJ)

Background and Justification: The proposed Easement will allow PBCWUD staff access to the subject property to perform normal operations and maintenance to the water infrastructure. The Easement requires BCC approval as it contains certain non-standard provisions not contained within PBCWUD's standard utility easement.

Attachments:

1. Location Map

2. Two (2) Original Non-Standard Utility Easements

Approved By:

Assistant County Administrator

Assistant County Administrator

Assistant County Administrator

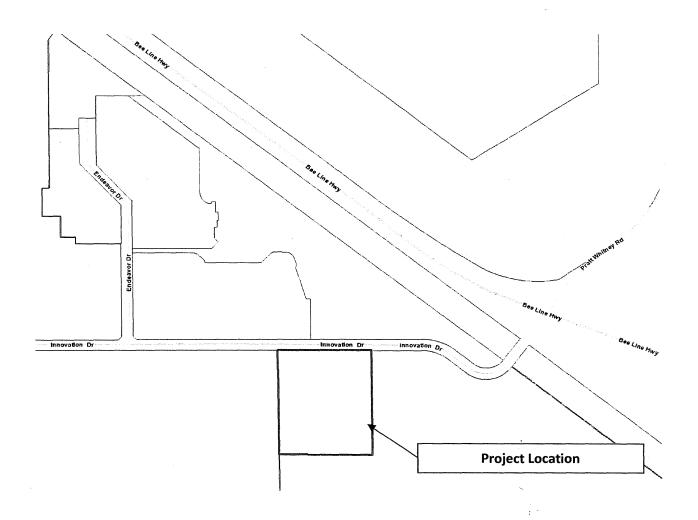
II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures			_	_	
Operating Costs	0 0 0 0 0	0000	<u>0</u> 0 0 0 0	<u>0</u>	<u>0</u> <u>0</u>
External Revenues Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u> <u>0</u> .	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Budget Account No.: Fund		Dept	Unit	Object	
Is Item Included in Current Bud	dget?		Yes	No	
Does this item include the use	of fede	ral funds?	Yes	No	
		Reporting Ca	ategory <u>N/A</u>		
B. Recommended Source	es of Fu	unds/Summary	of Fiscal Imp	act:	
No Fiscal Impact					
C. Department Fiscal Rev	view: _				
	III. J	REVIEW COMN	<u>IENTS</u>		
A. OFMB Fiscal and/or C	ontract	Development	and Control C	omments:	
ρ	_	•	/	(Λ , ,	
The Mut 3/3/21 Hr i F. Jacolet 3/11.					
OFMB 625/3 Contract Development and Control					
J1			3.40	だべれ)	
B. Legal Sufficiency:					
(() 3/9/21					
Assistant County	Attorne				
C. Other Department Rev	riew:				
Department Dire	ctor				

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

ATTACHMENT 1 Location Map



Prepared by and Return to: Palm Beach County Water Utilities Department P.O. Box 16097 West Palm Beach, FL 33416-6097

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 1914 day of 2021, by 16490 INNOVATION, LLC, a Florida limited liability company, (hereinafter referred to as "Grantor"), whose address is 4500 PGA Boulevard, Suite 207, Palm Beach Gardens, FL 33418, to PALM BEACH COUNTY, FLORIDA (hereinafter referred to as "Grantee"), c/o Water Utilities Department, 8100 Forest Hill Boulevard, West Palm Beach, FL 33413.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a non-exclusive perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, and appurtenant facilities and equipment in, on, over, under and across the easement premises. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows (the "Easement Area"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The right to use the Easement Area for a purpose that does not unnecessarily interfere with Grantee's use of the premises is expressly reserved to the Grantor, and Grantor's respective legal representatives, successors and assigns. Any use of the Easement Area by Grantor shall be at Grantor's expense.

The Grantor hereby reserves for themselves and their successors and assigns the right to require the Grantee or their successor or assigns to relocate the easement herein granted at Grantor's expense and cost. Prior to any such relocation, Grantor shall prepare and submit plans for the relocation of the easement and replacement of the affected facilities for Grantee's approval, which shall not be unreasonably withheld. Prior to release and abandonment of the easement for the existing facilities, Grantor will be required to permit, construct, and test the replacement facilities, and also prepare new easement documents for the replacement facilities at the Grantor's expense. The existing facilities may not be taken out of service until replacement facilities have been cleared for use and replacement easements have been recorded and transmitted to the Department. Following the successful completion of these requirements, upon written demand, the Grantee shall release and abandon this easement.

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:	GRANTOR:				
Signed, sealed and delivered in the presence of:	16490 Innovation, LLC By:				
Witness Signature Phillip Brandt	Judith M. Galui, Manager				
Print Name Witness Signature					
Print Name					
NOTARY CERTIFICATE					
STATE OF FLORIDA) ss COUNTY OF PALM BEACH)					
or online notarization, this 14h day of 16490 Innovation, LLC, individual is personally known	on behalf of such company. The above-named to me or \square has produced as identification.				
of Elyvold 2021.	to set my hand and seal on this the 1940 day				
MY COMMISSI EXPIRES: A	Notary Public T. LORD ON # GG 962045 April 24, 2024 y Public Underwriters				

ACCEPTED BY PALM BEACH COUNTY

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	(COUNTY SEAL)	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
	ATTEST:	
	JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT AND COMPTROLLER	
	By:	By:
	DEPUTY CLERK	Dave Kerner, Mayor
	APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
	By: 600 00 10005 ASSISTANT COUNTY ATTORNEY	
	APPROVED AS TO TERMS AND CONDITIONS	
9m	By: DIRECTOR OF WATER UTILITIES	
	-	

EXHIBIT "A" DESCRIPTION OF EASEMENT AREA



LEGAL DESCRIPTION

A 20 FOOT UTILITY EASEMENT BEING A PARCEL OF LAND LYING IN PARCEL 1, OF THE PLAT OF INNOVATION SUBDIVISION, AS RECORDED IN PLAT BOOK 98, PAGE 50, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PLAT LIES IN SECTION 13, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY FLORIDA. SAID 20 FOOT UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE NORTH 89°56'23" WEST ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 2988.34 FEET TO THE SOUTHEAST CORNER OF PARCEL 2 OF SAID PLAT OF INNOVATION SUBDIVISION; THENCE DEPARTING THE SOUTH LINE OF SAID SECTION 13 NORTH 00°20'57" WEST ALONG THE EAST LINE OF SAID PARCEL 2 AND THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 609.32 FEET; THENCE DEPARTING SAID EAST LINE OF PARCEL 2 AND WEST LINE OF PARCEL 1, EAST, A DISTANCE OF 409.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH, A DISTANCE OF 29.00 FEET; THENCE WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH, A DISTANCE OF 29.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 580 SQUARE FEET (0.013 ACRES) MORE OR LESS



SKETCH AND LEGAL DESCRIPTION
PALM BEACH COUNTY
20' UTILITY EASMENT
INNOVATION SUBDIVISION
PARCEL 1

	.S. & ASSOCIATES, INC.
L	AND SURVEYORS AND LAND PLANNERS
	CERTIFICATE OF AUTHORIZATION NO. LB 4241 2257 VISTA PARKWAY, SUITE 4
	WEST PALM BEACH, FLORIDA 33411
	PHONE (561) 478-7178 FAX (561) 478-7922
	Web Site: www.frssurvey.com

D:\Survey Jobs\PRATT\BeeLine Sketch & Legal\Civil 3D Drawings\2K-021.A6H 20 ft Utility Easement Description.dwg, 8 x 11 Legal Sheet 1, 7/22/2020 2:59:42 PM, F.R.S. & Associates, Inc., (561) 478-7178

SURVEYOR'S NOTES

- 1. THE BEARING SHOWN HEREON REFER TO SOUTH LINE OF SECTION 13, TOWNSHIP 41 SOUTH, RANGE 40 EAST, BEING NORTH 89°56'23" WEST, STATE PLANE GRID NAD83/1990 ADJUSTMENT DATUM, PALM BEACH COUNTY POSITION, ALL OTHER BEARINGS ARE RELATIVE THERETO.
- 2. THIS IS NOT A BOUNDARY SURVEY
- 3. THIS DESCRIPTION IS NOT VALID UNLESS ACCOMPANIED BY THE SKETCH ON SHEET 3.
- 4. COORDINATES SHOWN HEREON ARE GRID. DATUM = NAD 83, 1990 ADJUSTMENT

ZONE = FLORIDA EAST

LINEAR UNITS = U.S. SURVEY FOOT

COORDINATE SYSTEM: 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION

ALL DISTANCES ARE GROUND (UNLESS OTHERWISE NOTED)

PROJECT SCALE = 1.00000086

GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

LAND SURVEYOR'S STATEMENT

I HEREBY CERTIFY THAT THE SKETCH SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE ACCOMPANYING DESCRIPTION AND COMPLIES WITH THE TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17, F.A.C. BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NOT VALID UNLESS SEALED WITH SURVEYOR'S EMBOSSED SEAL AND SIGNATURE.

BY:

GARY WILLIAMS, P.S.M.

FLORERA CERTIFICATION No. 481

FLORIDA CERTIFICATION No. 4817 FOR THE FIRM

F.R.S. AND ASSOCIATES, INC.

THIS IS NOT A BOUNDARY SURVEY

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SKETCH AND LEGAL DESCRIPTION
PALM BEACH COUNTY
20' UTILITY EASMENT
INNOVATION SUBDIVISION
PARCEL 1

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