

3H-11

Agenda Item #:

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: October 19, 2021 [ X ] Consent [ ] Regular  
[ ] Ordinance [ ] Public Hearing

Department: Facilities Development & Operations

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to:**

**A) approve** a Grant of Easement from the City of Boca Raton to allow County ingress and egress across a portion of Golf Course Road to support the County's access to the communications tower which is under construction located north of Glades Road, west of the Turnpike; and

**B) delegate** authority to the County Administrator or designee, which in this case shall be the Director of Facilities, Development and Operations, to execute any future modifications of the easement set forth in this agenda item.

**Summary:** On October 20, 2020, the Board of County Commissioners (Board) approved an Interlocal Agreement (R2020-1608), as amended by the First Amendment to Interlocal Agreement (R2021-1391) approved on September 28, 2021 with the City of Boca Raton (City) for the County to fund, design, construct, manage and maintain a 400' self-supported public safety radio tower and associated improvements on land owned by City. The Interlocal Agreement included as an exhibit, an Access and Management Easement that provides the County access to the City's land in order for the County to operate, maintain and repair the tower for the duration of the Interlocal Agreement. In order to clear up a legal access issue across a portion of Club House Road, the City is granting an Easement in favor of the County and the Public. The Easement supports the County's access to the tower site and allows public access to the Wedgewood Estates subdivision located north of the Easement area. The Lake Worth Drainage District (LWDD) has executed a Joinder and Consent to this Grant of Easement as the easement is subject to the restrictions and easement interests granted by the City to the LWDD. This agenda item authorizes the County Administrator or designee, which in this case shall be the Director of Facilities, Development and Operations (FDO), to execute any future modifications of the easement set forth in this agenda item which have been determined by the County Attorney's Office as being materially consistent with the principles of the Interlocal Agreement as originally approved by the Board. **(PREM) Countywide/District 5 (HJF)**

**Background & Justification:** The County's Public Safety Radio System is the primary source of radio communications to the Palm Beach County Sheriff's Office, Palm Beach County Fire Rescue, and 17 other public safety providers and provides interoperable communications to 44 local, state and Federal agencies. The system is operated from 13 towers throughout the County. The County and the City were in need of a new tower capable of supporting the installation of the County's public safety radio system equipment, both in the near term as well as into the future, to eliminate any risk of service interruption which could result in risk to the public and the public safety providers; City and County staff felt that it would be in the best interest of both parties to prepare the Interlocal Agreement and construct the new tower.

**Attachments:**

- 1. Location Map
- 2. Grant of Easement (with Exhibit A)

Recommended By: [Signature] Date: 10/04/2021  
Department Director  
Approved By: [Signature] Date: 10/15/21  
County Administrator

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	*	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

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

Budget Account No:  
 Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Revenue Source \_\_\_\_\_

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

C. Departmental Fiscal Review: [Signature]  
 \* there is no fiscal impact associated with this item

**III. REVIEW COMMENTS**

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

[Signature] 10/7/21  
 OFMB (A 10-021) [Signature] 10/7/21

[Signature] 10/8/21  
 Contract Development and Control  
 10-8-21 TW

**B. Legal Sufficiency:**

[Signature] for H. Falcon 10/12/21  
 Assistant County Attorney

**C. Other Department Review:**

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

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



ATTACHMENT NO. 1  
LOCATION MAP - PAGE 1 OF 1

ATTACHMENT NO. 2  
GRANT OF EASEMENT – 9 PAGES (3 SETS)

This Instrument Was Prepared By:

City Attorney's Office  
City of Boca Raton  
201 Palmetto Park Road  
Boca Raton, Florida 33432

Record and Return To:

Land Records  
City of Boca Raton  
201 Palmetto Park Road  
Boca Raton, Florida 33432

PCN: portion of 00-42-43-27-05-076-0010

**GRANT OF EASEMENT**  
(Tract C)

**THIS GRANT OF EASEMENT** dated \_\_\_\_\_ is made by **THE CITY OF BOCA RATON, FLORIDA**, a Florida municipal corporation ("**City**"), whose mailing address is 201 West Palmetto Park Road, Boca Raton, Florida 33432, to **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners ("**County**"), whose mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411.

**RECITALS**

WHEREAS, the City is the owner and holder of fee simple title to the real property located in Palm Beach County, Florida, known as Tract C, and more particularly described on attached **Exhibit A** (the "**Easement Parcel**"); and

WHEREAS, the City has agreed to grant to the County (for the benefit of the County and the public, which public includes Boca Raton Associates IX, LLLP., a Florida Limited Liability Limited Partnership ("**Associates**"), and/or its successors and/or assigns), a perpetual, non-exclusive easement for ingress, egress and access, only, over and across the Easement Parcel.

**GRANT OF EASEMENT**

For Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the City and County agree as follows:

1. **Recitals.** The Recitals set forth above are correct and are made a part of this Grant of Easement.

2. **Grant of Easement.** The City hereby grants to the County (for the benefit of the County and the public, which public includes Associates, its successors and assigns), a perpetual non-exclusive easement for ingress, egress, and access, only, over and across the Easement Parcel ("**Easement**").
3. **Ownership of Easement Parcel.** City represents that it is the owner of the Easement Parcel and has full right and authority to grant the Easement.
4. **No Interference with City's Use of Easement Parcel.** The County acknowledges that the Easement Parcel is used by the City, its successors, assigns, agents, contractors, guests, and invitees, and the general public. The County shall not use or permit the use of the Easement in any manner that would unreasonably interfere with or obstruct the use of the Easement Parcel by the City, its successors, assigns, agents, contractors, guests, and invitees, and the general public.
5. **LWDD Rights.** The Easement granted herein is subject to the restrictions and easement interests of the Lake Worth Drainage District ("**LWDD**") granted to the LWDD by the City, as set forth in Official Records Book 3578, Page 1452, of the Public Records of Palm Beach County, Florida (the "**LWDD Easement**") and nothing herein modifies such restrictions against the City. LWDD has executed a Joinder and Consent to this Grant of Easement, attached hereto.
6. **Covenant Running with the Land.** This Agreement is a covenant running with the land and will be binding upon the City and County and their respective successors and assigns.

[SIGNATURE BLOCKS ON FOLLOWING PAGES]

This Grant of Easement has been approved by the City and acknowledged by the County as evidenced by signatures below.

**WITNESSES:**

Signature: *[Handwritten Signature]*

Print Name: Marjorie Martinez

Signature: *[Handwritten Signature]*

Print Name: Brooke A. Liberty

**THE CITY OF BOCA RATON**, a Florida municipal corporation

By: *[Handwritten Signature]*

Attest: *[Handwritten Signature]*  
City Clerk

Approved as to form and legal sufficiency:

By: *[Handwritten Signature]*  
City Attorney

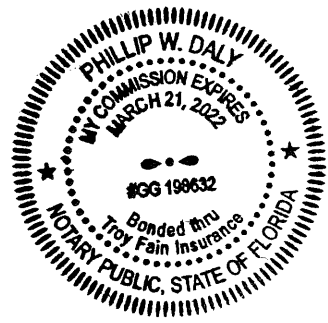
**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, on September 29, 2021 by Scott Singer and Mary Siddons, as Mayor and City Clerk, respectively, of the City of Boca Raton, a Florida municipal corporation, on behalf of the corporation. They are personally known to me or have produced \_\_\_\_\_ as identification.

*[Handwritten Signature]*  
Notary Public, State of Florida  
Print Name: Phillip W. Daly  
My Commission Expires: 3-21-2022

SEAL



Signed, sealed, and delivered in the presence of:

**ATTEST:**

Joseph Abruzzo  
Clerk of the Circuit Court  
& Comptroller

By: \_\_\_\_\_  
Deputy Clerk

**COUNTY:**


Palm Beach County, a political  
subdivision of the State of Florida

By: \_\_\_\_\_  
Dave Kerner, Mayor

**APPROVED AS TO  
LEGAL SUFFICIENCY:**

By:  Eric H. Falcon  
County Attorney

**APPROVED AS TO TERMS AND  
CONDITIONS:**

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

Signed, sealed and delivered  
in the presence of:  
(Witness to both County Clerk and Mayor)

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Witness Name

\_\_\_\_\_  
Print Witness Name

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_\_\_, as being executed by \_\_\_\_\_, as Mayor, who is personally known to me or have produced \_\_\_\_\_, identification and who did (did not) take an oath.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Name

Commission No. \_\_\_\_\_

My commission expires: \_\_\_\_\_

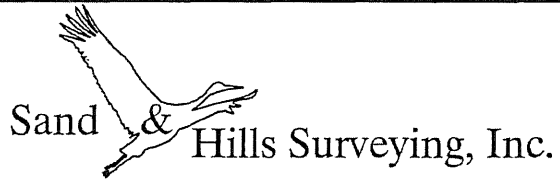


**Exhibit A**

Legal Description of the Easement Parcel

**SKETCH AND DESCRIPTION**

THIS IS NOT A SURVEY!



**DESCRIPTION:**

BEING A PORTION OF TRACTS 29 AND 30 AND A PORTION OF ROAD, DYKE AND DITCH RESERVATION, 30 FEET IN WIDTH, BLOCK 76, PALM BEACH FARMS CO PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

COMMENCE AT THE SOUTHEAST CORNER OF TRACT S, WEDGEWOOD ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGES 115 THROUGH 116, SAID PUBLIC RECORDS; THENCE NORTH 89°36'40" EAST ALONG THE SOUTH LINE OF SAID TRACT 29, A DISTANCE OF 5.65 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°21'11" WEST, ALONG A LINE 5.65 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 55.00 FEET; THENCE NORTH 89°36'40" EAST ALONG A LINE 55.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 29 AND 30, A DISTANCE OF 80.00 FEET; THENCE SOUTH 00°21'11" EAST, A DISTANCE OF 55.00 FEET; THENCE SOUTH 89°36'40" WEST, ALONG SAID SOUTH LINE OF TRACTS 29 AND 30, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,400 SQUARE FEET OR 0.101 ACRES, MORE OR LESS.

ALL LYING IN SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE GRID, FLORIDA EAST ZONE, THE LINE FORMED BETWEEN THE PALM BEACH COUNTY HORIZONTAL CONTROL MONUMENTS STAMPED "PBF 77" AND "PBF 78" HAVING A BEARING OF SOUTH 89°37'56" WEST, WITH ALL BEARINGS BEING RELATIVE THERETO.

**Perry  
White**

Digitally signed by Perry White  
DN: c=US, st=Florida, l=Lake Worth, o=Sand & Hills Surveying, Inc., cn=Perry White, email=white@sand-hills.com  
Date: 2021.09.07 14:22:00 -0400

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.

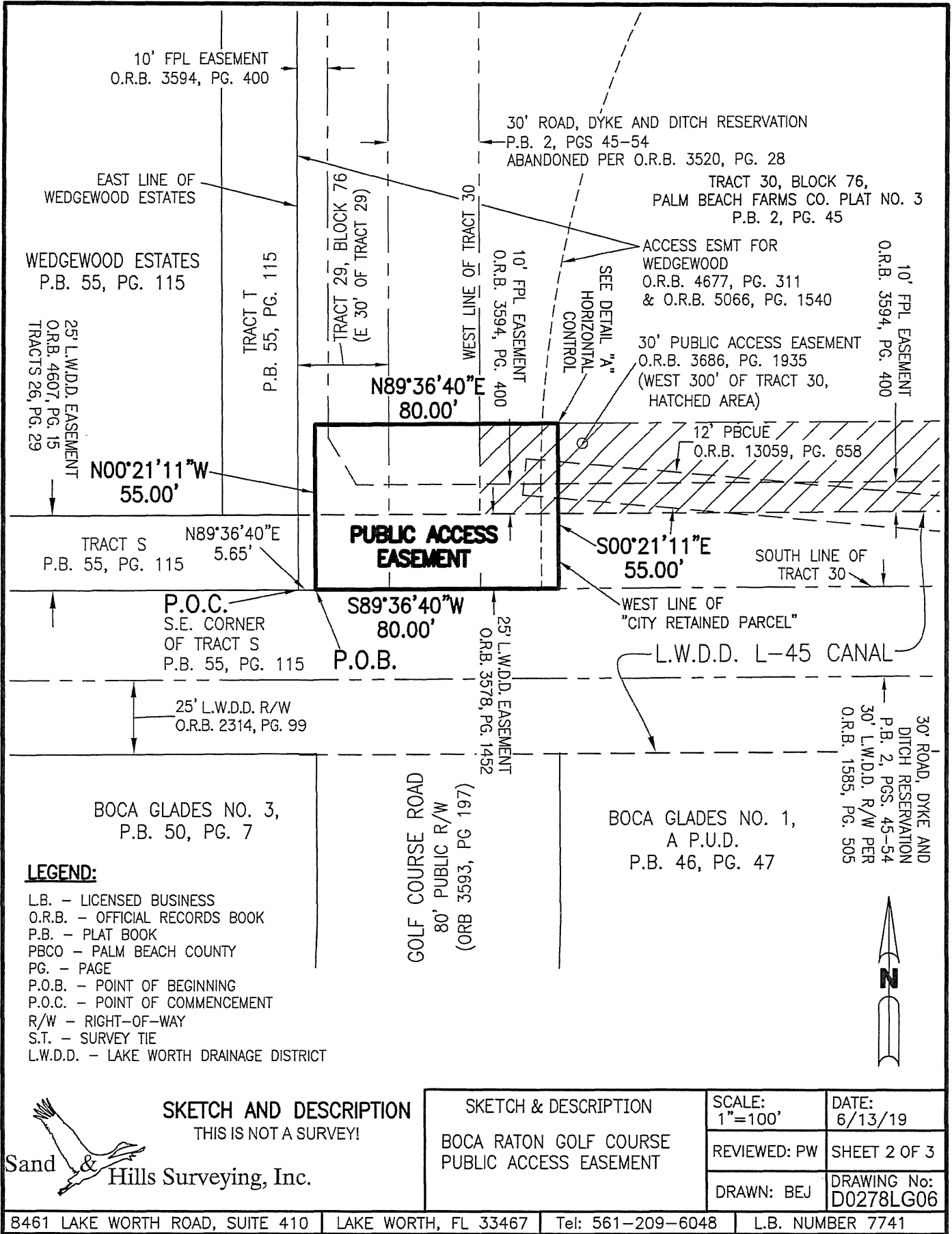
DATE: 09/07/21

PERRY C. WHITE  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 4213

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.


SKETCH & DESCRIPTION BOCA RATON GOLF COURSE PUBLIC ACCESS EASEMENT	DATE: 6/13/19	SHEET 1 OF 3
	REVIEWED: PW	DRAWN: BEJ
	DRAWING No: D0278LG06	



**LEGEND:**

- L.B. - LICENSED BUSINESS
- O.R.B. - OFFICIAL RECORDS BOOK
- P.B. - PLAT BOOK
- PBCO - PALM BEACH COUNTY
- PG. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R/W - RIGHT-OF-WAY
- S.T. - SURVEY TIE
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT

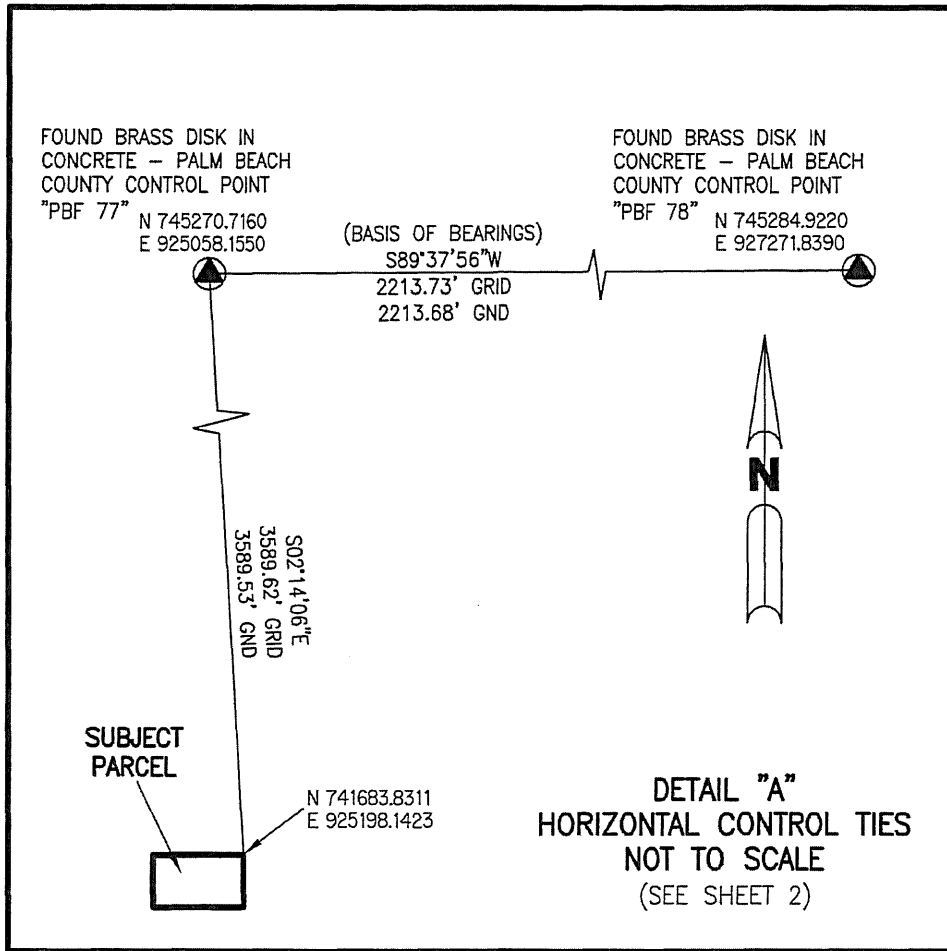
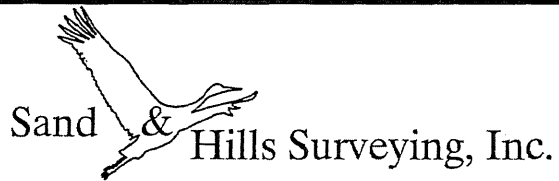
**SKETCH AND DESCRIPTION**  
THIS IS NOT A SURVEY!



**Sand & Hills Surveying, Inc.**

SKETCH & DESCRIPTION BOCA RATON GOLF COURSE PUBLIC ACCESS EASEMENT	SCALE: 1"=100'	DATE: 6/13/19
	REVIEWED: PW	SHEET 2 OF 3
	DRAWN: BEJ	DRAWING No: D0278LG06

**SKETCH AND DESCRIPTION**  
THIS IS NOT A SURVEY!



**STATE PLANE GRID NOTES:**

COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1990 ADJUSTMENT).  
ZONE = FLORIDA EAST ZONE  
LINEAR UNIT = U.S. SURVEY FEET  
COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.  
SCALE FACTOR = 1.000024079  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

SKETCH & DESCRIPTION BOCA RATON GOLF COURSE PUBLIC ACCESS EASEMENT	DATE: 6/13/19	SHEET 3 OF 3
	REVIEWED: PW	DRAWN: BEJ
	DRAWING No: D0278LG06	

**JOINDER AND CONSENT**

The undersigned hereby certifies that the Lake Worth Drainage District is the holder of an easement upon the above-described Easement Parcel, which is recorded in Official Records Book 3578, Page 1452 of the Public Records Palm Beach County, Florida, and that the undersigned hereby joins in and consents to this Grant of Easement.

Signed, sealed and delivered in the presence of:

Reagan Walker 10-13-21

Witness Signature Date  
Reagan Walker

Print Name  
Reagan Walker 10-13-21

Witness Signature Date  
Annika Emery

Print Name

By: [Signature]

Name: Stephen Bedner

Title: President

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged and subscribed before me by means of  physical presence or  online notarization this 13<sup>th</sup> day of October, 2021 by Stephen Bedner as President of Lake Worth Drainage District, who is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]

Notary Public, State of Florida

My Commission Expires: May 31, 2024

(Seal/Stamp)

