

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 21, 2021 Consent [X] Regular []
Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Partial Release of Utility Easement for that easement recorded in the Official Records of Palm Beach County, ORB 6446 Page 1239.

Summary: Palm Beach County Water Utilities Department (PBCWUD) is seeking the release of the County's interest in a utility easement recorded in the Official Records of Palm Beach County as noted above and located at 7229 Atlantic Avenue, Delray Beach. The Property Owner is requesting release of the portion of the easement that is no longer associated with any public potable water and wastewater facilities. PBCWUD has determined that this portion of the easement is no longer required. PBCWUD has determined that the release of the easement will not affect existing or new public potable water and wastewater facilities and therefore recommends approval of the release. (PBCWUD Project No. 19-581) District 5 (MJ)

Background and Justification: The utility easement listed above was granted/reserved to the County for public potable water and wastewater facilities associated with property identified by PCN 00-42-46-16-01-003-0010 on August 7, 1989.

Attachments:

1. Location Map
2. Two (2) Original Partial Release of Utility Easement for ORB 6446 Page 1239

Recommended By: Ali Bayat 11/23/21
Department Director Date

Approved By: [Signature] 11/17/2021
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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>
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 Budget? Yes ___ No ___

Does this item include the use of federal funds? Yes ___ No ___

Reporting Category N/A

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

No Fiscal Impact.

C. Department Fiscal Review: [Signature] CE

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:
 Asset → H04261000000000 C. Di Biase, OFMB 12/15/21
[Signature] 12/8/21 OFMB 11/24/21
[Signature] 12/15/21 Contract Development and Control
 12-15-21 FR

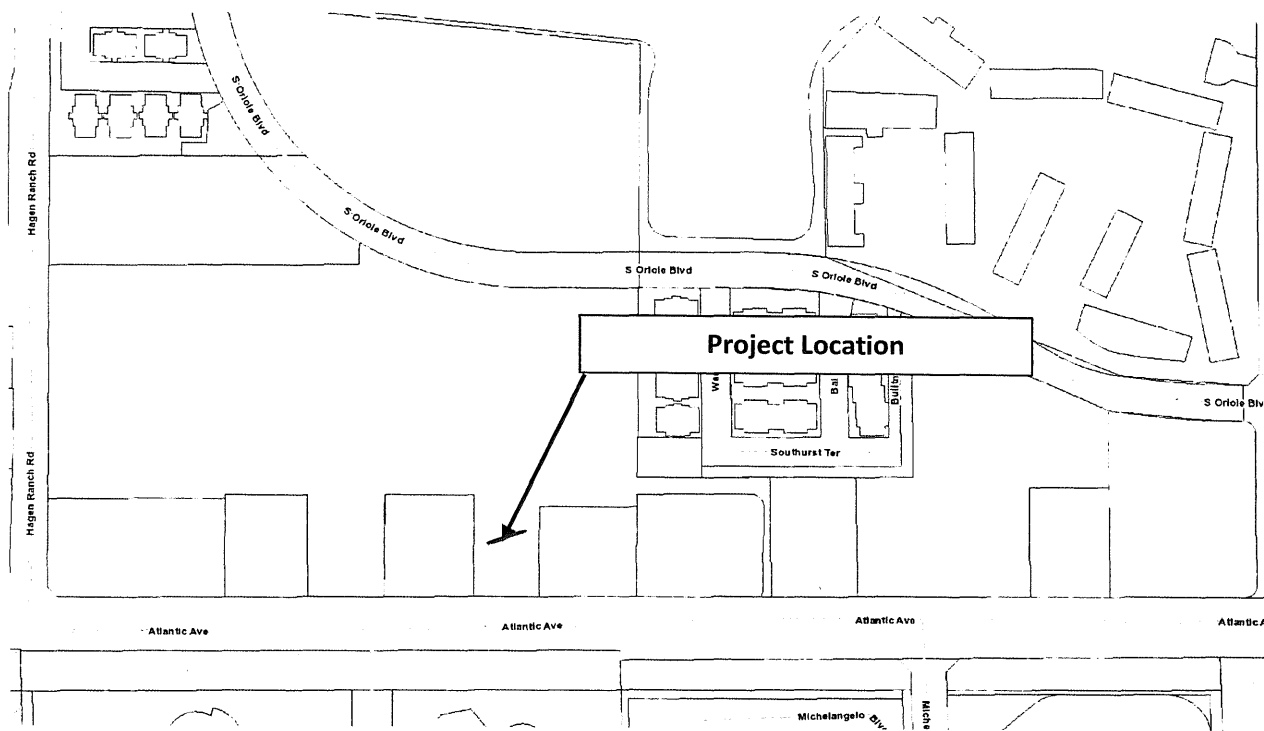
B. Legal Sufficiency:
[Signature] 12/17/21
 Assistant County Attorney

C. Other Department Review:

 Department Director

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
Attn: Plan Review
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed this ____ day of _____, 2021, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Palm Beach County Water Utilities Department, 8100 Forest Hill Blvd., West Palm Beach, Florida 33413, to Atlantic Avenue Realty Associates, LLC, whose address is 17927 Lake Estates Dr., Boca Raton, Florida 33496, second party:

WITNESSETH:

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 6446, Page 1239, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT as shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A."

IN WITNESS WHEREOF the first party has caused this PARTIAL RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

Joseph Abruzzo,
Clerk of the Circuit Court & Comptroller

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

gm By: _____
A13 Robert S. Weinroth, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT A

DESCRIPTION:

A PORTION OF THE SANITARY SEWER EASEMENT TO BE ABANDONED ACROSS A PORTION OF PARCEL C-1, VILLAGES OF ORIOLE SHOPS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, AT PAGES 9 AND 10, SAID SANITARY SEWER EASEMENT BEING MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORDS BOOK 6446 AT PAGE 1239, ALL BEING RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL C-1; THENCE S 89°18'10" W ALONG THE SOUTH LINE OF SAID PARCEL C-1, ALSO BEING THE NORTH RIGHT OF WAY LINE OF ATLANTIC AVENUE FOR 218.03 FEET; THENCE N 00°14'48" E FOR 196.03 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PORTION OF SAID SANITARY SEWER EASEMENT TO BE ABANDONED; THENCE S 89°18'10" W FOR 2.33 FEET; THENCE S 50°43'09" W FOR 199.41 FEET; THENCE N 39°16'51" W FOR 20.00 FEET; THENCE N 50°43'09" E FOR 206.41 FEET; THENCE N 89°18'10" E FOR 9.66 FEET; THENCE S 00°14'48" W FOR 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,178 SQUARE FEET OR 0.096 ACRES MORE OR LESS.

SAID LANDS SITUATE IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

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

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH A SURVEYOR'S SEAL.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. LANDS SHOWN HEREON WERE ABSTRACTED BY, FIRST AMERICAN TITLE INSURANCE COMPANY FILE NO. 1062-4246725 WITH A COMMITMENT DATE OF FEBRUARY 14, 2020, REVISION NUMBER: 3 - 03/05/2020, THERE ARE NO PLOTTABLE EXCEPTIONS TO DELINEATE.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF S 88°42'45" E, BEING ALONG THE LINE BETWEEN PALM BEACH COUNTY HORIZONTAL CONTROL POINTS D 14 AND MCKAY, WHICH ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTED) TRANSVERSE MERCATOR PROJECTION.
5. THE "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. THE PURPOSE OF THIS SPECIFIC PURPOSE SURVEY IS TO DELINEATE THE LIMITS OF A UTILITY EASEMENT TO BE ABANDONED, THERE ARE NO IMPROVEMENTS IN THE EASEMENT AND DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SUCH.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SPECIFIC PURPOSE SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION ON MAY 12, 2021. I FURTHER CERTIFY THAT THIS SPECIFIC PURPOSE SURVEY 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 1 OF 4

SKETCH DRAWING NUMBER: 1020-002

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th Street / North Miami Beach, Florida 33162
 Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

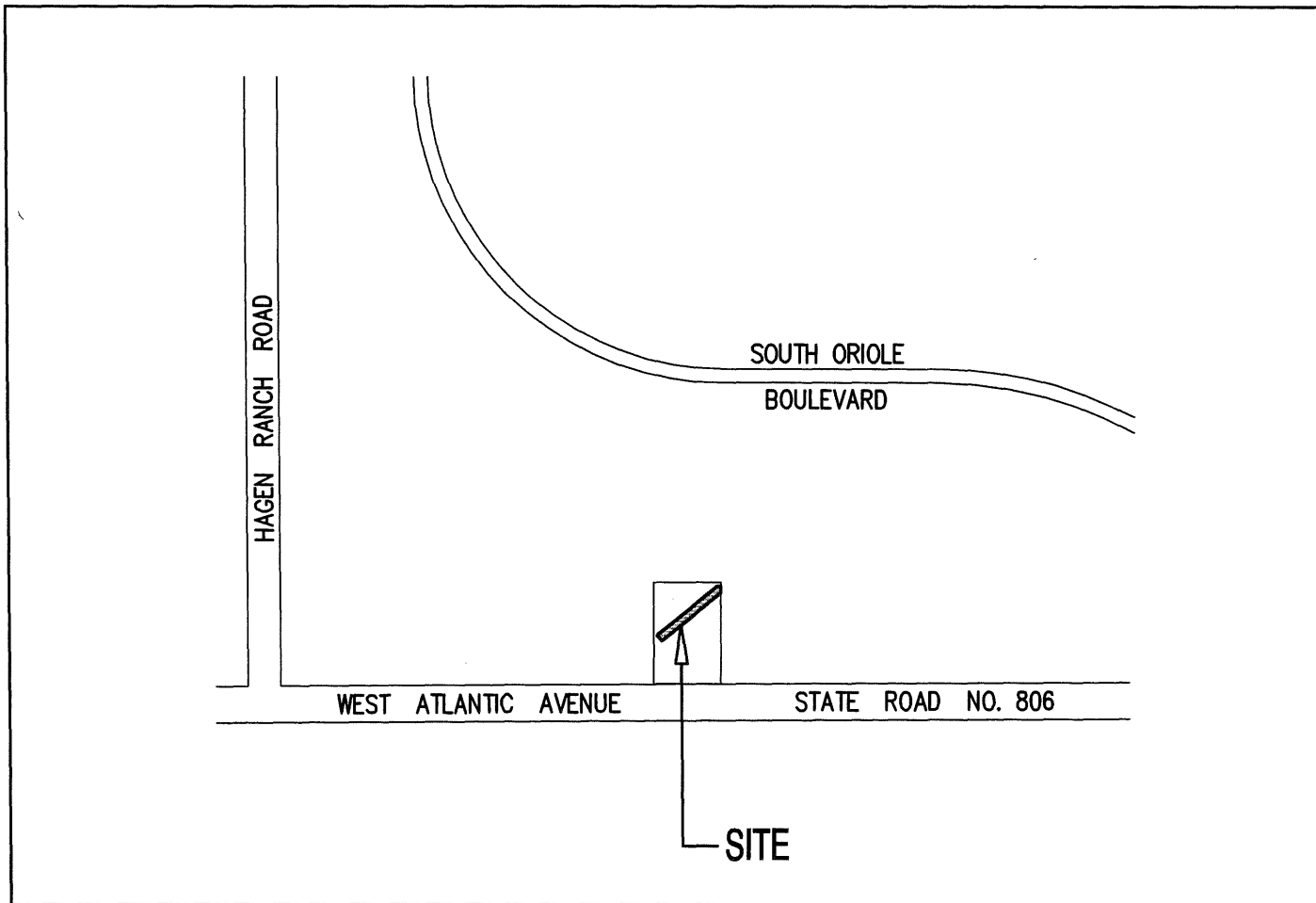
Not valid without the signature and the original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below

DANIEL C. FORTIN, JR
 REGISTERED LAND
 SURVEYOR NO. 6435
 STATE OF FLORIDA
 L.B. 3653

DATE	5/12/21
DRAWN BY	MAP
AUTOCAD:	200051
SCALE	NONE
JOB NO.	210309

PORTION OF SANITARY SEWER EASEMENT ABANDONMENT
SPECIFIC PURPOSE SURVEY

EXHIBIT A



LOCATION MAP
NOT TO SCALE



DM

SHEET 2 OF 4
SKETCH DRAWING NUMBER: 1020-002

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EXHIBIT A

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
TRAVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
SCALE FACTOR = 1.0000245
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
BEARINGS AS SHOWN HEREON ARE GRID DATUM,
NAD 83 (1990 ADJUSTMENT), FLORIDA EAST ZONE.

LEGEND/ABBREVIATIONS

E - EASTING (WHEN USED WITH COORDINATES)
FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION
LAE - LIMITED ACCESS EASEMENT
LB - LICENSED BUSINESS
N - NORTHING (WHEN USED WITH COORDINATES)
O.R.B. - OFFICIAL RECORDS BOOK
PBCR - PALM BEACH COUNTY RECORDS
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
R/W - RIGHT OF WAY
UE - UTILITY EASEMENT



SHEET 3 OF 4
SKETCH DRAWING NUMBER: 1020-002

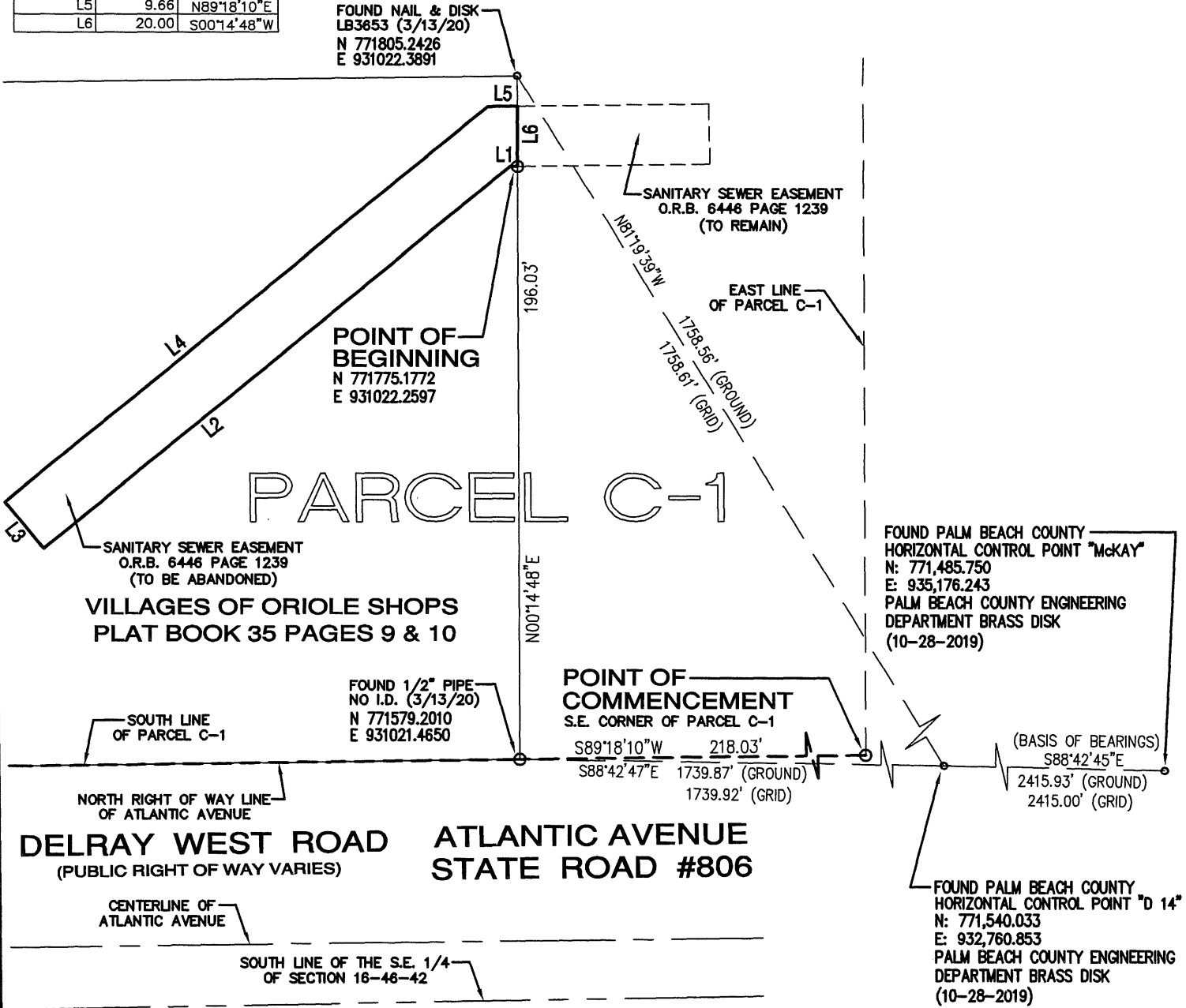
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SPECIFIC PURPOSE SURVEY

DATE	5/12/21
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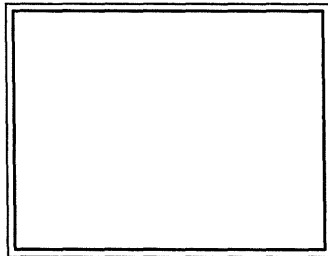
EXHIBIT A

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.33	S89°18'10"W
L2	199.41	S50°43'09"W
L3	20.00	N39°16'51"W
L4	206.41	N50°43'09"E
L5	9.66	N89°18'10"E
L6	20.00	S00°14'48"W



SHEET 4 OF 4
SKETCH DRAWING NUMBER: 1020-002

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DATE	5/12/21
DRAWN BY	MAP
AUTOCAD:	200051
SCALE	1"=50'
JOB NO.	210309

**PORTION OF SANITARY SEWER EASEMENT ABANDONMENT
SPECIFIC PURPOSE SURVEY**