

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 20, 2022 Consent [X] Regular [ ]  
Public Hearing [ ]  
Department: Water Utilities Department

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to accept:** a non-standard Utility Access Easement (Easement) granted by Forest Hill Condos, Inc., to Palm Beach County (County) on a property located at 4623 Forest Hill Blvd., West Palm Beach, Florida, 33415.

**Summary:** The proposed Easement is required at a location near Lift Station No. 5209 where utilities owned by Palm Beach County Water Utilities Department (PBCWUD) are proposed to be rehabilitated. The Easement will provide PBCWUD staff access from the entrance of the plaza to the property for operation and maintenance purposes. Forest Hill Condos, Inc. has requested to use the access easement that requires approval by the Board of County Commissioners (BCC). Forest Hill Condos, Inc. took exception to provisions in the standard utility easement because that would allow for construction of underground utilities or a new wastewater pump station in this location. (PBCWUD Project No. 20-008) District 3 (MWJ)

**Background and Justification:** The proposed Easement will allow PBCWUD staff legal access to the subject property to perform normal operations and maintenance to the wastewater infrastructure. The Easement requires Board of County Commissioners approval as it is not a standard Utility Easement form.

**Attachments:**

- 1. Two (2) Original Utility Access Easement Forms
- 2. Location Map

Recommended By: Ali Bayat 11/15/2022  
Department Director Date

Approved By: [Signature] 12/2/22  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

<b>Fiscal Years</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
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>
<b>NET FISCAL IMPACT</b>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<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   X   No \_\_\_\_\_

Does this item include the use of federal funds? Yes \_\_\_\_\_ No   X  

Reporting Category   N/A  

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

No Fiscal Impact

**C. Department Fiscal Review:** Joany Burton GE

**III. REVIEW COMMENTS**

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

*for review 11/22/22*  
Lisa M. ... 11/22/2022  
 OFMB 94 11/22  
 Control

Dr. J. ... 11/28/22  
 Contract Development and

**B. Legal Sufficiency:**

[Signature] 11/29/22  
 Assistant County Attorney

**C. Other Department Review:**

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

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

Prepared by and Return to:  
Palm Beach County Water Utilities Department  
Engineering  
Attn: Kerry Williams, Stantec  
8100 Forest Hill Blvd.  
West Palm Beach, Florida 33413 3336

PCN: 00424412300000010, 00424412300000020, 00424412300000030, 00424412300000040,  
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00424412300000090, 00424412300000100, 00424412300000110, 00424412300000120,  
00424412300000130, 00424412300000140, 00424412300000150  
Site Address: 4623 FOREST HILL BLVD  
Project #: WUD 20-008, LIFT STATION 5209  
Project Name: LIFT STATION IMPROVEMENT

**UTILITY ACCESS EASEMENT**

**THIS EASEMENT** is made, granted and entered into this 8<sup>th</sup> day of December, 2021, by **FOREST HILL CONDOS, INC.**, a Florida corporation (hereinafter referred to as "Grantor"), whose address is **800 N FLAGLER DR, WEST PALM BEACH FL 33401 3706** to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, 8100 Forest Hill Boulevard, West Palm Beach, Florida 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 perpetual non-exclusive access easement to, on, over, through, upon, under and across the following parcel of property to access a Grantee-owned lift station on an adjacent property:

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

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. Grantor further covenants, for itself and its successors and assigns, that access to, on, over, through, upon, under and across the Property shall remain unimpeded in perpetuity.

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

**WITNESSES:**

Signed, sealed and delivered  
in the presence of:

Witness Signature

Harris Levitt

Print Name

Witness Signature

Lynne Cowney

Print Name

**GRANTOR:**

**FOREST HILL CONDOS, INC.**

By: [Signature]

Gerard Arsenault, President

By: \_\_\_\_\_

Print Name

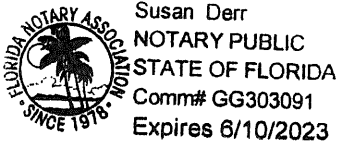
NOTARY CERTIFICATE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of (✓) physical presence or ( ) online notarization this 9<sup>th</sup> day of December, 2021 by Gerard Arsenault who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires: 6/10/2023

Susan Derr  
Signature of Notary  
SUSAN DERR  
Typed, Printed or Stamped Name of Notary



**ACCEPTED BY PALM BEACH COUNTY**

(COUNTY SEAL)

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

ATTEST:

JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_  
DEPUTY CLERK

GAM  
By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]  
ASSISTANT COUNTY ATTORNEY

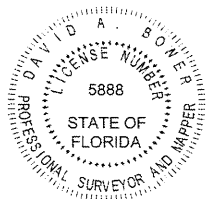
APPROVED AS TO TERMS AND CONDITIONS

By: Ali Bayat  
DIRECTOR OF WATER UTILITIES

EXHIBIT A

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17.050 THROUGH 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

**David A Bower** Digitally signed  
by David A Bower  
Date: 2021.11.18  
13:10:58 -05'00'



DAVID A. BOWER  
PROFESSIONAL SURVEYOR & MAPPER  
STATE OF FLORIDA  
CERTIFICATE NO. LS 5888

**DESCRIPTION:**

A 10.00 foot wide strip of land lying in the East 400 feet of the West 900 feet of the South One-Half (S 1/2) of Tract 2, Block 3, Section 12, Township 44 South, Range 42 East, of PALM BEACH PLANTATIONS, as recorded in Plat Book 10, Page 20, of the Public Records of Palm Beach County, Florida. Being more particularly described as follows:

BEGINNING at the Southeast corner of that certain Water and Sewer Utility Easement, as recorded in Official Records Book 3874, Page 373, of the Public Records of Palm Beach County, Florida;

Thence North 00°59'15" East, along the East line of said Water and Sewer Utility Easement (and basis of bearings), a distance of 10.01 feet to a point being on a line lying 31.21 feet North of and parallel with (as measured at right angles) the North line of the South 60.00 feet of said Tract 2;

Thence South 86°34'17" East, along said parallel line, a distance of 192.16 feet;

Thence South 03°25'43" West, a distance of 31.21 feet to a point being on the North line of the South 60.00 feet of said Tract 2;

Thence North 86°34'17" West, along the North line of the South 60.00 feet of said Tract 2, a distance of 10.00 feet;

(DESCRIPTION CONTINUES ON SHEET 2 OF 5)

**Dennis J. Leavy & Associates, Inc.**  
Land Surveyors \* Mappers  
460 Business Park Way \* Suite B  
Royal Palm Beach, Florida 33411  
Phone: (561) 753-0650 Email: survey@djlasurevey.net

SKETCH & DESCRIPTION  
FOR: PALM BEACH COUNTY  
WATER UTILITIES DEPARTMENT

<b>DRAWN:</b> MT	<b>SCALE:</b> N/A	<b>DATE:</b> 11/15/21
<b>CHK:</b> DAB	<b>JOB#</b> 20-108-010 LS 5209 SD	<b>SHEET:</b> 1 OF 5

**DESCRIPTION:**

(DESCRIPTION CONTINUED FROM SHEET 1 OF 5)

Thence North 03°25'43" East, a distance of 21.21 feet to a point being on a line lying 21.21 feet North of and parallel with (as measured at right angles) the North line of the South 60.00 feet of said Tract 2;

Thence North 86°34'17" West, along said parallel line, a distance of 181.74 feet to the POINT OF BEGINNING;

Said lands situate, lying and being in Section 12, Township 44 South, Range 42 East, Palm Beach County, Florida.

Containing 2,132 Square feet more or less.

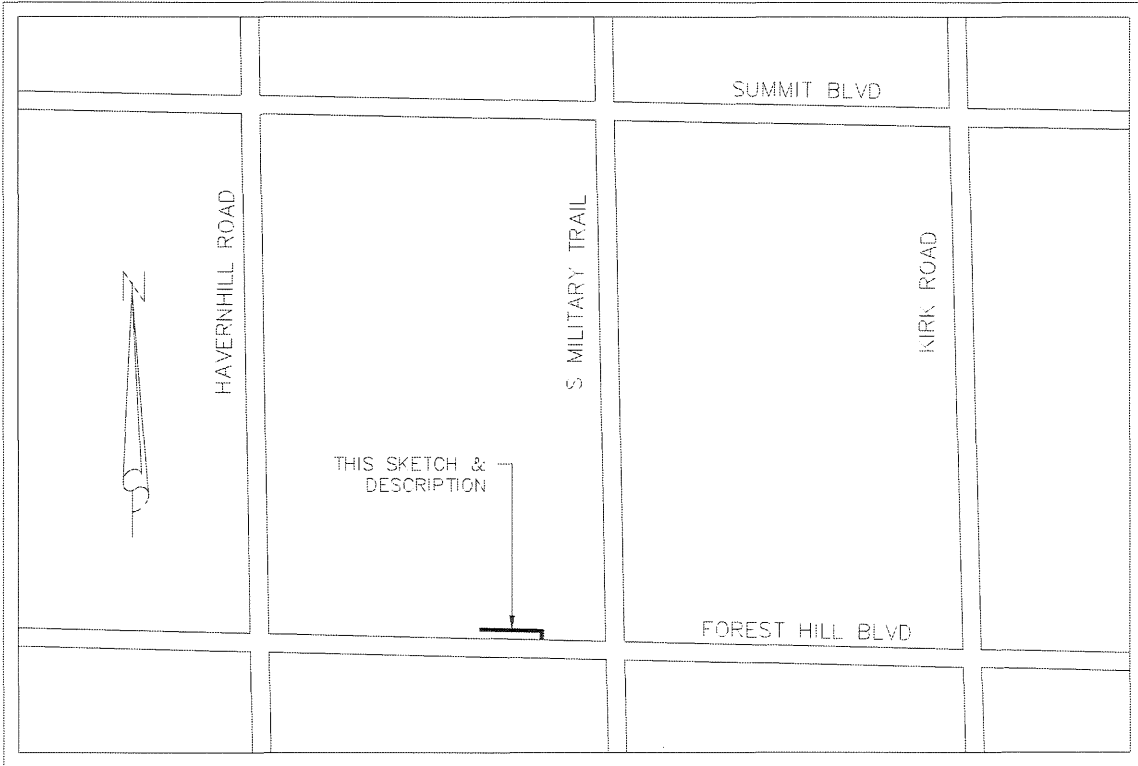
**SURVEYOR'S NOTES:**

1. Bearings depicted hereon are based upon the East line of the Water and Sewer Utility Easement, as recorded in Official Records Book 3874, Page 373, of the Public Records of Palm Beach County, Florida. Said line having an assumed bearing of North 00°59'15" East.
2. The undersigned makes no representations or guarantees as to the information reflected hereon pertaining to easements, rights of way, setback lines, agreements and other matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for rights of way and/or easements of record.
3. The licensed business number for Dennis J. Leavy & Associates Inc. is LB #6599, the certifying surveyors (David A. Bower) license number is LS #5888.
4. This is NOT a survey.

**Dennis J. Leavy & Associates, Inc.**  
**Land Surveyors \* Mappers**  
 460 Business Park Way \* Suite B  
 Royal Palm Beach, Florida 33411  
 Phone: (561) 753-0650 Email: [survey@djlasurvey.net](mailto:survey@djlasurvey.net)

SKETCH & DESCRIPTION  
 FOR: PALM BEACH COUNTY  
 WATER UTILITIES DEPARTMENT

<b>DRAWN:</b> MT	<b>SCALE:</b> N/A	<b>DATE:</b> 11/15/21
<b>CHK:</b> DAB	<b>JOB#</b> 20-108-010 LS 5209 SD	<b>SHEET:</b> 2 OF 5



**LOCATION MAP**  
NOT TO SCALE

**LEGEND:**

- (P) PALM BEACH PLANTATIONS  
(P.B. 10, PG. 20, P.B.C.R.)
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- P.B.C.R. PALM BEACH COUNTY RECORDS
- PG. PAGE

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 460 Business Park Way \* Suite B  
 Royal Palm Beach, Florida 33411  
 Phone: (561) 753-0650 Email: survey@djl survey.net

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<b>CHK:</b> DAB	<b>JOB#</b> 20-108-010 LS 5209 SD	<b>SHEET:</b> 3 OF 5

TRACT 2, BLOCK 3, SECTION 12,  
TOWNSHIP 44 SOUTH, RANGE 42 EAST  
(P)

DECLARATION OF CONDOMINIUM  
TIMES SQUARE PROFESSIONAL CENTER  
AN OFFICE CONDOMINIUM  
(O.R.B. 3874, PG. 390, P.B.C.R.)

WATER AND SEWER UTILITY EASEMENT  
(O.R.B. 3874, PG. 373, P.B.C.R.)

EAST LINE OF THE WATER AND  
SEWER UTILITY EASEMENT  
(BASIS OF BEARINGS)  
(O.R.B. 3874, PG. 373, P.B.C.R.)

N 00°59'15" E 10.01'

POINT OF BEGINNING  
THE SOUTHEAST CORNER OF THE  
WATER AND SEWER UTILITY  
EASEMENT  
(O.R.B. 3874, PG. 373, P.B.C.R.)

S 86°34'17" E 192.16'

DESCRIBED AREA CONTAINING 2,132  
SQUARE FEET MORE OR LESS

N 86°34'17" W 181.74'

NORTH LINE OF THE SOUTH  
60.00' OF TRACT 2, BLOCK 3,  
SECTION 12, TOWNSHIP 44  
SOUTH, RANGE 42 EAST (P)

PARCEL NO. PUMP STATION #209  
PER WARRANTY DEED  
(O.R.B. 3091, PG. 1055, P.B.C.R.)

FOREST HILL BLVD

MATCH LINE  
SEE SHEET 5 OF 5



20' 10' 0 20'



GRAPHIC SCALE IN FEET  
SCALE: 1" = 20'

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SKETCH & DESCRIPTION  
FOR: PALM BEACH COUNTY  
WATER UTILITIES DEPARTMENT

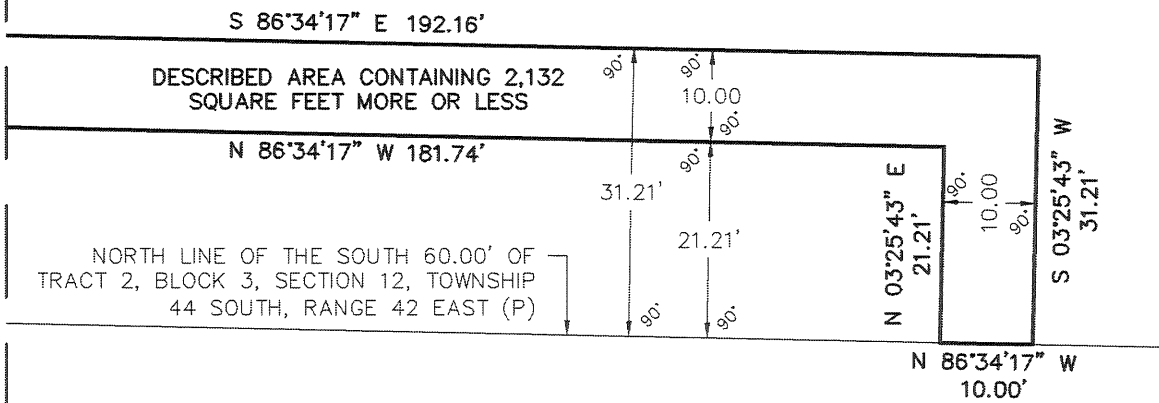
DRAWN: MT	SCALE: 1"=20'	DATE: 11/15/21
CHK: DAB	JOB# 20-108-010 LS 5209 SD	SHEET: 4 OF 5



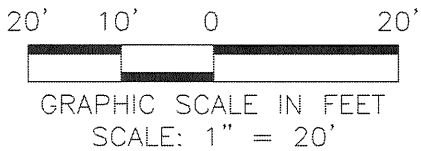
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TIMES SQUARE PROFESSIONAL CENTER  
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MATCH LINE  
SEE SHEET 4 OF 5



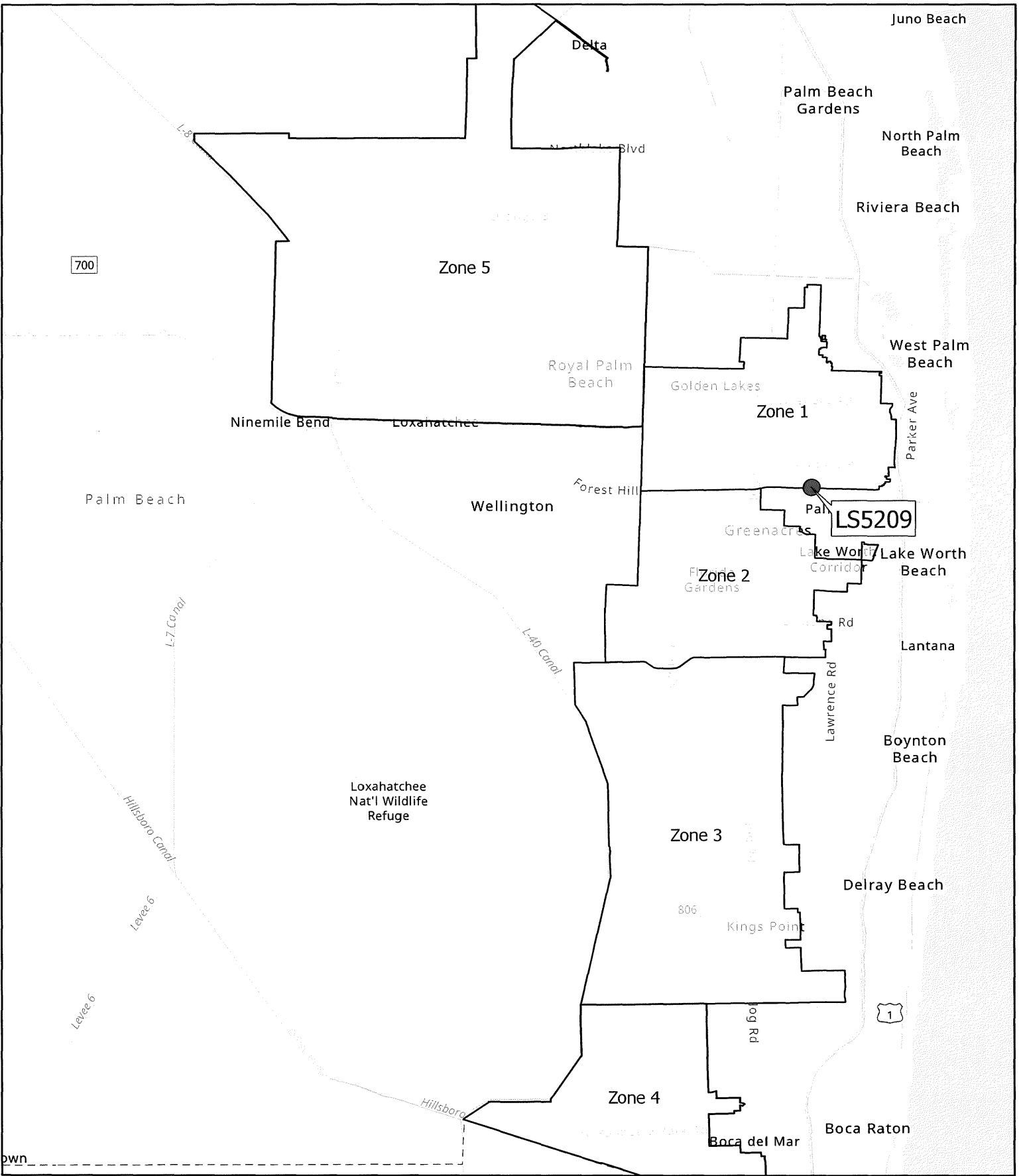
FOREST HILL BLVD



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**Palm Beach County  
Water Utilities  
Department**

8100 Forest Hill Blvd.  
West Palm Beach, FL 33416  
(561) 493-6251

**Attachment 2  
Location Map – LS 5209  
PBCWUD Project No. 20-008**



0 2.5 5 Miles

- PBCWUD Service Area
- Lift Station 5209

DATE: 01/20/2020 10:58 AM