

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 23, 2024 Consent [X] Regular [ ]  
Public Hearing [ ]

Department: Water Utilities Department

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: a non-standard Utility Easement (Easement) granted by The School District of Palm Beach County (TSDPBC) to Palm Beach County (County) on property located at 425 West Canal Street, Belle Glade, Florida.

**Summary:** The proposed alignment of an 8-inch water distribution main designed by the Palm Beach County Water Utilities Department (PBCWUD) extends along the west and south side of a private property owned by TSDPBC. The TSDPBC is granting PBCWUD a 20-foot wide easement for the construction, maintenance and repair of the proposed water main that will interconnect to the existing water main along NW H Street and West Canal Street North in Belle Glade. The easement property serves a middle school. Under the non-standard provisions of the Easement, the County acknowledges that the affected area will be restored to equal or better condition and that any construction, maintenance or repair work needs to be coordinated with the TSDPBC. (PBCWUD Project No. 18-002) District 6 (MWJ)

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

**Attachments:**

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

Recommended By: Ali Bayat Jan 3, 2024  
Department Director Date

Approved By: [Signature] 1/5/24  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2024	2025	2026	2027	2028
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>0</u>	<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 \_\_\_\_\_  
 Is this item using Federal Funds? Yes \_\_\_\_\_ No   
 Is this item using State Funds? Yes \_\_\_\_\_ No

Reporting Category N/A

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

No Fiscal Impact.

**C. Department Fiscal Review:** hwt GE

**III. REVIEW COMMENTS**

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

<p><u>ASD</u> 12/21/23                  M6 12/21 OFMB <u>QA</u> 12/20</p>	<p><u>Tony M. Amie</u> 1/24                  Contract Development and Control</p>
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**B. Legal Sufficiency:**

[Signature] 1/4/24  
 Assistant County Attorney

**C. Other Department Review:**

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

Prepared by and Return to:  
Kerry Williams  
Palm Beach County Water Utilities Department  
Attn: Engineering Div.  
8100 Forest Hill Blvd.  
West Palm Beach, Florida 33413-6097

**Lakeshore Middle School**

**UTILITY EASEMENT**

**THIS EASEMENT** is made, granted and entered into this 23<sup>rd</sup> day of January, 2024, by The School Board of Palm Beach County Florida (hereinafter referred to as "Grantor"), whose address is 3661 Interstate Park Road North Suite 200, Riviera Beach, Florida 33404, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

**WITNESSETH**

That Grantor, for and in consideration of the mutual benefits 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 utility easement ("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, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the easement premises (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:

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

In the event that damage to the Easement Premises, Grantor's surrounding property or Grantor's improvements on the Easement Premises or Grantor's surrounding property is caused by Grantee, its employees or agents, Grantee shall, at the Grantor's option, promptly re-sod, restore, repair or replace the damaged property or improvements using materials of like kind or quality or reimburse Grantor for the documented cost incurred by Grantor in repairing or replacing the damaged property or improvements.

The construction, maintenance or repair of Grantee's improvements shall be coordinated with the Board's Chief of Operating Officer by providing a minimum of thirty (30) days prior written notice unless said construction, maintenance or repair is of an emergency nature. Grantee shall ensure that the Easement Premises remains safe and secured at all times that work is being performed and that such work is conducted in such a way as to avoid the risk of personal injury to the students, visitors, faculty and staff of the Grantor. Grantee shall make its best efforts to schedule the construction, maintenance and repair of the improvements during a time or times when school is out of session so as to avoid a disruption of activities at the school. To the extent that any work is undertaken while school is in session, Grantee shall ensure that, during and as a result of work, Grantor's existing driveways, traffic stacking areas, bus loops and parking lots and pedestrian walkways, shall remain open and passable at all times by the Grantor's pedestrians and vehicles, including school buses.

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 that are prior in right and dignity to this Easement Deed.

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

Witnesses as to Both:

[Signature]  
Sign

Karina Dador  
Print

[Signature]  
Sign

Maria J. Baez  
Print

GRANTOR:

School Board of Palm Beach County, Florida

[Signature]  
Frank A. Barbieri, Jr., Esq., Chairman

[Signature]  
Michael J. Burke, Superintendent



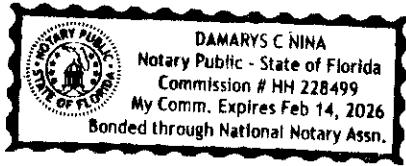
Reviewed and Approved for Legal Sufficiency

[Signature]  
School Board Attorney

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 19 day of September 2023, by Frank A. Barbieri, Jr. and Michael J. Burke, Chairman and Superintendent of the School Board of Palm Beach County, Florida, who are personally known to me.



[Signature]  
Notary Signature

Damarys C. Nina  
Typed, Printed or Stamped Name of Notary  
My Commission Expires: 2/14/2026

[Signatures continue on the following page]

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,  
PALM BEACH COUNTY


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

By: \_\_\_\_\_  
Maria Sachs, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

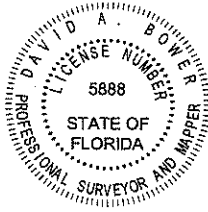
By:   
ASSISTANT COUNTY ATTORNEY

APPROVED AS TO TERMS AND CONDITIONS

By:   
HUM \_\_\_\_\_  
DIRECTOR OF WATER UTILITIES

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: 2021.10.13  
15:54:36 -04'00'



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

**DESCRIPTION:**

A 20.00 foot wide strip of land being a portion of Lot 15, Unrecorded Plat by the Trustee of the Internal Improvement Fund of the State of Florida, of Section 31, Township 43 South, Range 37 East, Palm Beach County, Florida. Being more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 15;

Thence North 89°24'10" East, along the North line of said Lot 15 (and basis of bearings), a distance of 20.00 feet to a point being on a line lying 20.00 East of and parallel with (as measured at right angles) the West line of said Lot 15;

Thence South 00°08'32" East, along said parallel line, a distance of 1,301.61 feet to a point being on a line lying 20.00 feet Northerly of and parallel with (as measured at right angles) the South line of said Lot 15, said South line also being the North Right-of-Way line of a 260.0 foot wide South Florida Water Management Districts Levee L-14 Right of Way, as depicted in Miscellaneous Plat Book 4, Pages 51 through 103 of the Public Records of Palm Beach County, Florida;

Thence South 62°14'27" East, along said parallel line, a distance of 702.91 feet to a point being on a line lying 19.00 feet West of and parallel with (as measured at right angles) the East line of said Lot 15;

Thence South 00°07'22" East, along said parallel line, a distance of 22.63 feet to the South line of said Lot 15 and North Right-of-Way line of said South Florida Water Management Districts Levee L-14;

DESCRIPTION CONTINUED 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> 10/11/21
<b>CHK:</b> DAB	<b>JOB#</b> 19-074-015 SD	<b>SHEET:</b> 1 OF 5

## DESCRIPTION:

DESCRIPTION CONTINUED FROM SHEET 1 OF 5

Thence North 62°14'27" West, along the South line of said Lot 15 and North Right-of-Way line of said South Florida Water Management Districts Levee L-14, a distance of 725.53 feet to the Southwest corner of said Lot 15;

Thence North 00°08'32" West, along the West line of said Lot 15, a distance of 1,313.49 feet to the POINT OF BEGINNING;

Containing 40,435 Square feet more or less.

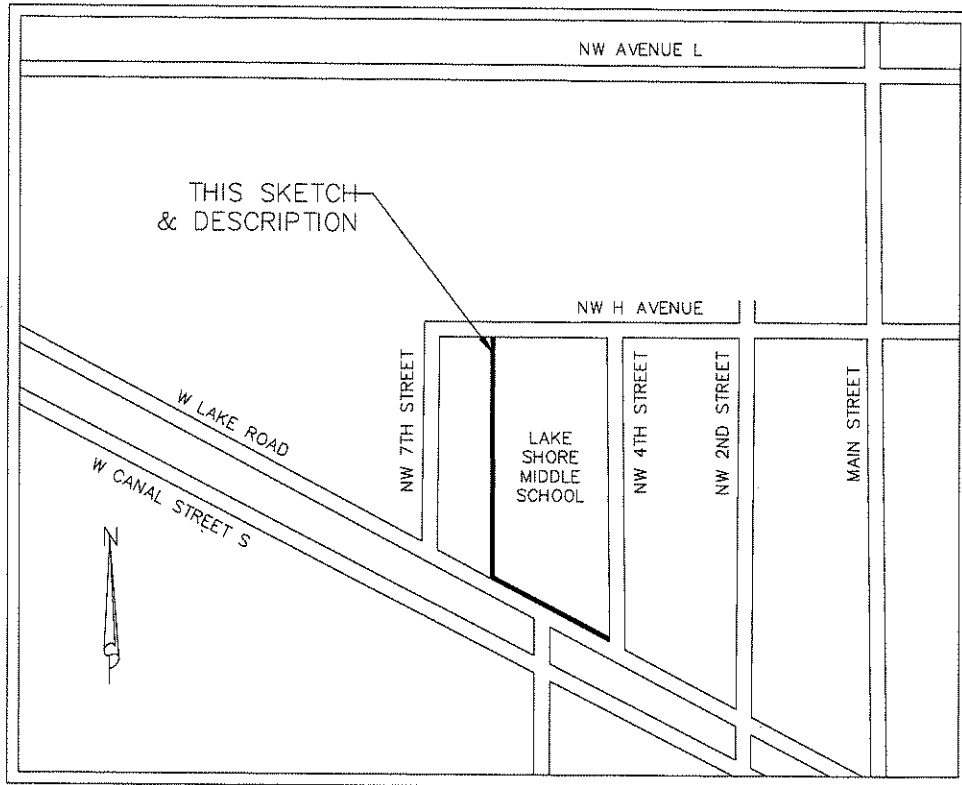
## SURVEYOR'S NOTES:

1. Bearings depicted hereon are based upon the North line of Lot 15, Unrecorded Plat by the Trustee of the Internal Improvement Fund of the State of Florida, of Section 31, Township 43 South, Range 37 East, Palm Beach County, Florida. Said line having an assumed bearing of North 89°24'10" 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@djlasurevey.net](mailto:survey@djlasurevey.net)

SKETCH & DESCRIPTION  
FOR: PALM BEACH COUNTY  
WATER UTILITIES DEPARTMENT

<b>DRAWN:</b> MT	<b>SCALE:</b> N/A	<b>DATE:</b> 10/11/21
<b>CHK:</b> DAB	<b>JOB#</b> 19-074-015 SD	<b>SHEET:</b> 2 OF 5



**LOCATION MAP**  
NOT TO SCALE

**LEGEND:**

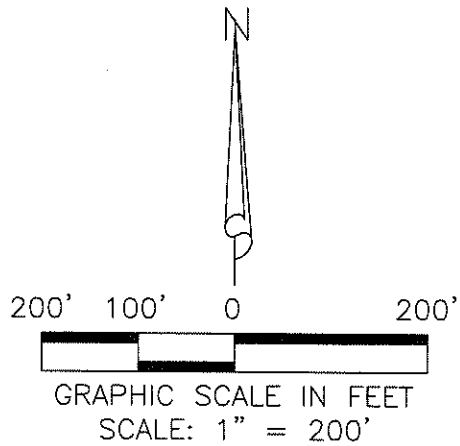
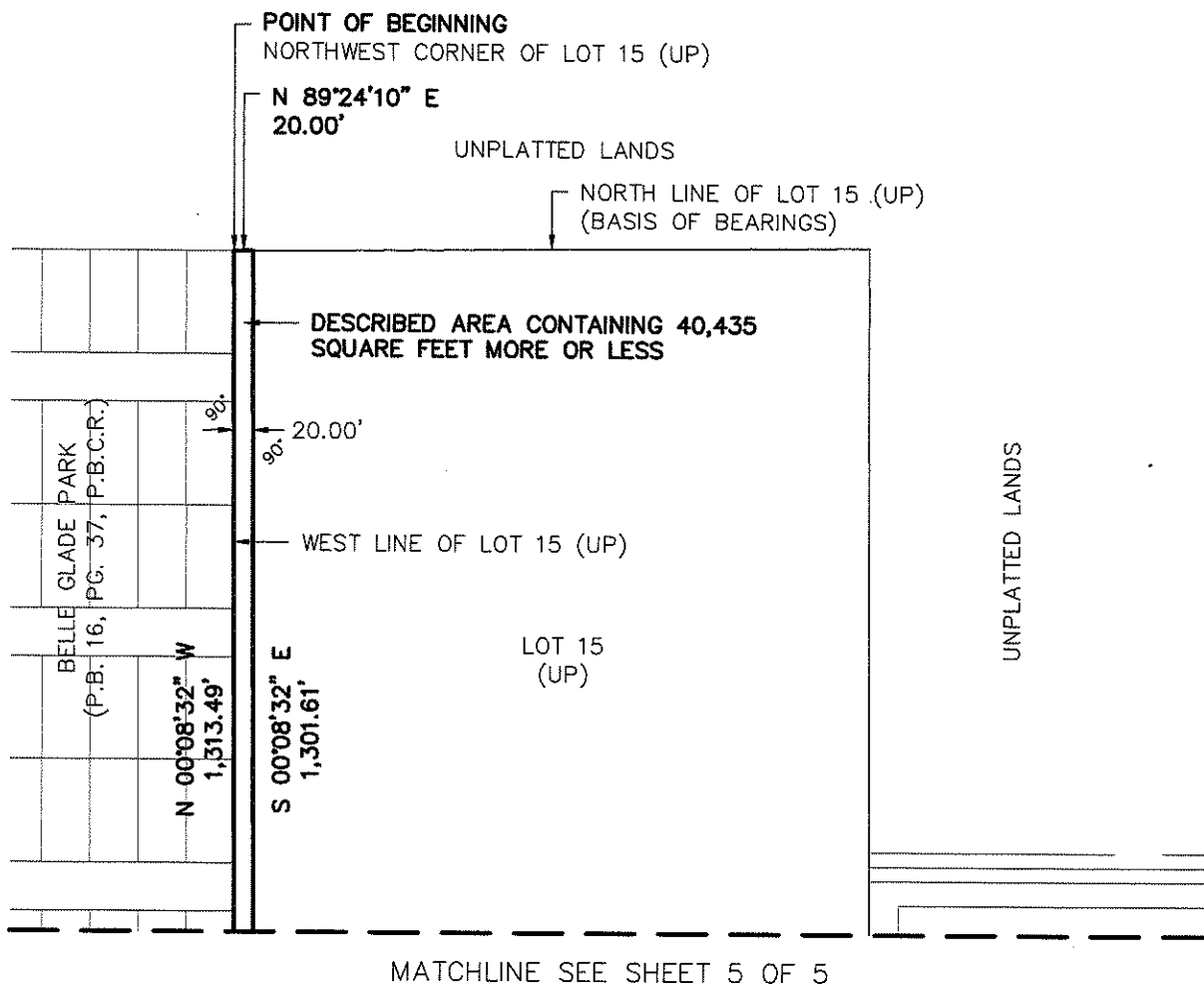
- (UP) UNRECORDED PLAT BY THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 37 EAST PALM BEACH COUNTY, FLORIDA
- P.B. PLAT BOOK
- P.B.C.R. PALM BEACH COUNTY RECORDS
- PG. PAGE
- S.F.W.M.D. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

**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 COUTY  
 WATER UTILITIES DEPARTMENT

<b>DRAWN:</b> MT	<b>SCALE:</b> N/A	<b>DATE:</b> 10/11/21
<b>CHK:</b> DAB	<b>JOB#</b> 19-074-015 SD	<b>SHEET:</b> 3 OF 5



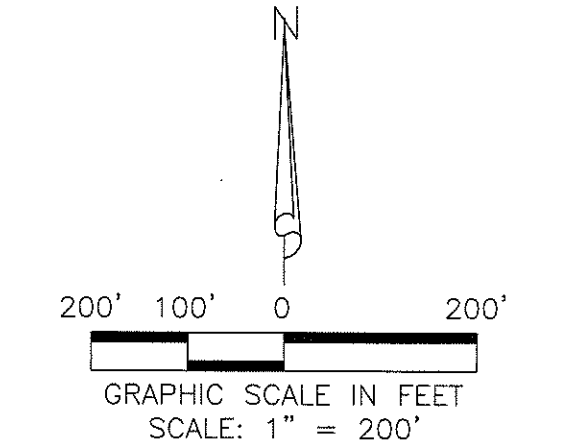
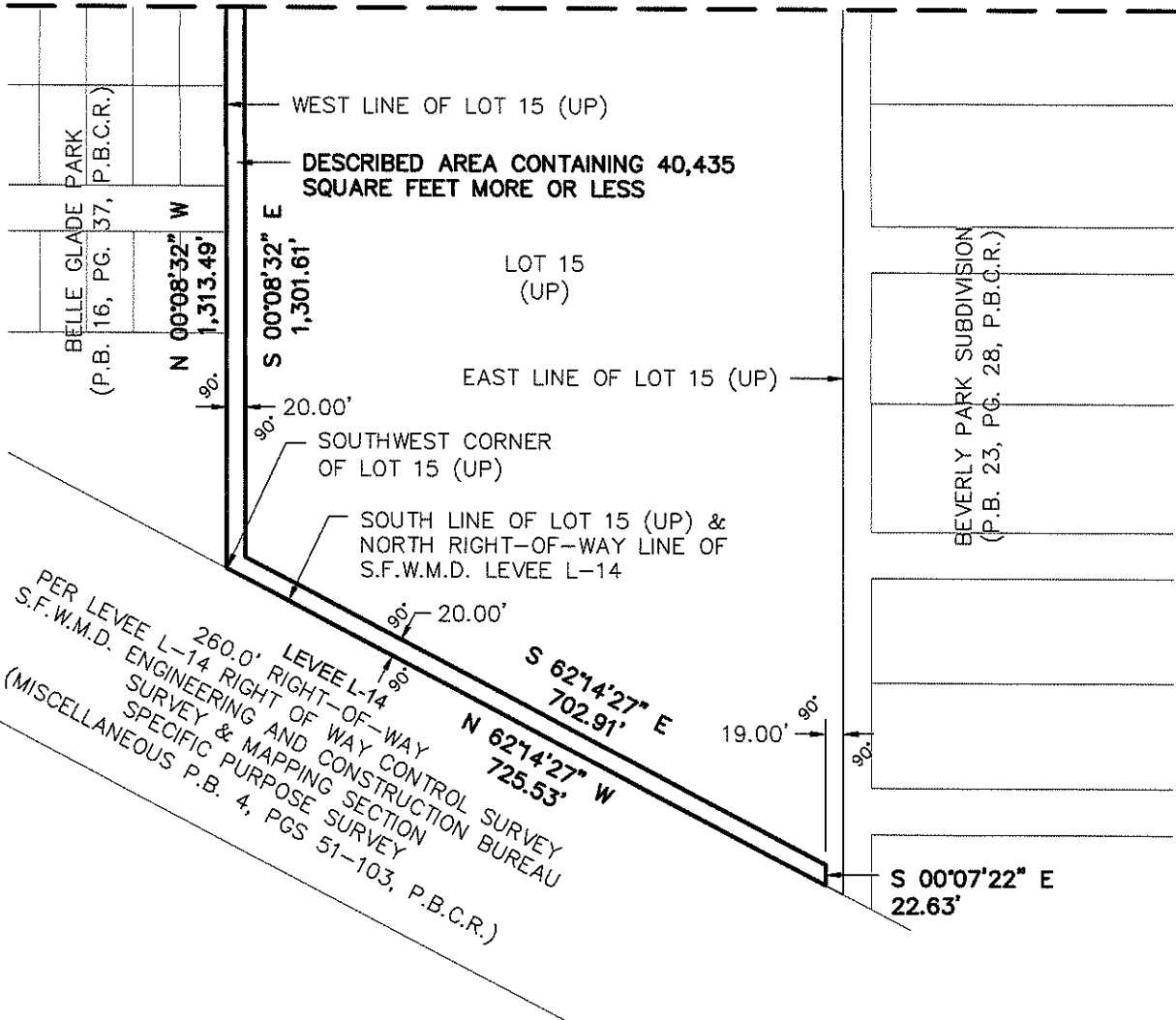


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SKETCH & DESCRIPTION  
 FOR: PALM BEACH COUNTY  
 WATER UTILITIES DEPARTMENT

DRAWN: MT	SCALE: 1"=200'	DATE: 10/11/21
CHK: DAB	JOB# 19-074-015 SD	SHEET: 4 OF 5

MATCHLINE SEE SHEET 4 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@djl survey.net

SKETCH & DESCRIPTION  
 FOR: PALM BEACH COUNTY  
 WATER UTILITIES DEPARTMENT

<b>DRAWN:</b> MT	<b>SCALE:</b> 1"=200'	<b>DATE:</b> 10/11/21
<b>CHK:</b> DAB	<b>JOB#</b> 19-074-015 SD	<b>SHEET:</b> 5 OF 5

1/2019 label 19-074-015.DWG/19-074-015 SD.dwg