Agenda Item #: 3H-8

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	March 12, 2024	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
Department:	Facilities Developme	nt & Operations	

## I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Easement (Easement) in favor of Palm Beach County for water meter, a back flow preventer, a fire hydrant, and appurtenant equipment to service the new Fire Station No. 49 (Facility) located at 12555 Lyons Road in unincorporated Palm Beach County.

Summary: Fire Station No. 49 is located on Lyons Road in the Monticello Planned Unit Development (PUD) in Boynton Beach in unincorporated Palm Beach County. The County's Water Utilities Department (WUD) requires an easement to document the existence and location of its water meter, back flow preventer, fire hydrant and appurtenant equipment to service the new Facility. The Easement encompasses an area that is approximately 20 feet by 204 feet containing approximately 4,080 square feet (0.09 acre). The Easement will be recorded to provide public notice of its existence and location. There is no fiscal impact associated with approval of this item. (Property & Real Estate Management) District 5 (HJF)

Background and Justification: The new 17,747 square feet Facility will be constructed on approximately 2.8 acres of County-owned property located at 12555 Lyons Road, which was part of the Monticello PUD that was approved by the Board of County Commissioners in 2018 and acquired by the County in 2020. Construction of the Facility started in 2023 and continues through the various phases with an anticipated completion date in the first quarter of 2026. Currently, there is a temporary modular Fire Rescue Facility on site. As part of the development process, WUD has requested an easement for their water meter, back flow preventer, fire hydrant and appurtenant equipment to document its existence and location.

#### Attachments:

- 1. Location Map
- 2. Declaration of Easement

Recommended By:	One (for)	2/16/24
Do	epartment Director	Date
Approved By:	Gept late MAN	2/27/24
Ø.	ounty Administrator	Date

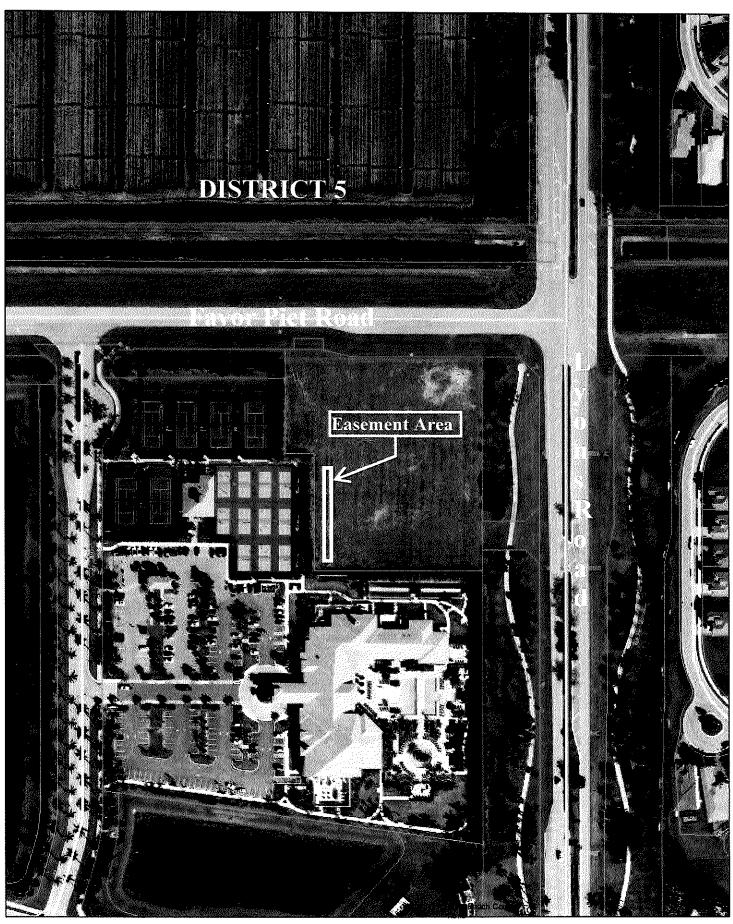
# II. <u>FISCAL IMPACT ANALYSIS</u>

A. Five Year Summary of F	iscal Impact	:					
Fiscal Years	2024	2025	2026	2027	2028		
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County							
NET FISCAL IMPACT	0	0	0	0	0		
# ADDITIONAL FTE POSITIONS (Cumulative)				. 4			
Is Item Included in Correct E	ludget: Ye	§	No X	<b>-</b>			
Does this item include the use	of federal fi	ınds? Ye	No <u>X</u>				
Does this item include the use	_		в No <u>X</u>	_			
Budget Account No: Fund	3700 I		Unit <u>F1:</u>	Object	6502		
B. Recommended Sources  Fixed Asset Number   C. Departmental Fiscal Re	la for	No fiscal in	scal Impact:  pact.  to	sible in wildle	n brastr eguitm Artssec Diliin EmB	ent ess hin CP hin Sci wisci	ets Process Funo,
	III. <u>Re</u>	VIEW COM	<u>ments</u>				
A. OFMB Fiscal and/or Comb	مداداد .	Contract			रे <i>बोजपीवप</i>	,	
C. Other Department Rev		7/24	<b>5</b> .	Rescue A	dministrator		
Telegration process.			1 11	( C. C. C. C. C. C.	J		

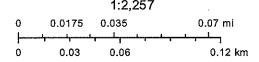
This summary is not to be used as a basis for payment.

# FIRE RESCUE STATION NO. 49

00-42-46-06-02-003-0010



February 6, 2024



# **LOCATION MAP**

Attachment #2
Declaration of Easement w/Ex A and Ex B
8 pages

Prepared by & Return to: Katrina Bellinger, Real Estate Specialist Palm Beach County Property & Real Estate Management Division 2633 Vista Parkway West Palm Beach, Florida 33411-5605

A portion of PCN: 00-42-46-06-02-003-0010

## **DECLARATION OF EASEMENT**

THIS IS A DECLARATION OF EASEMENT, made	, by
PALM BEACH COUNTY, a political subdivision of the State of Florida (	"County"),
whose address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4	791.

WHEREAS, County is the owner of that certain real property located within Palm Beach County, Florida as set forth on **Exhibit "A"** attached hereto and made a part hereof (the "Property"); and

WHEREAS, County desires to create an easement over, upon and under such property for the purposes set forth hereinafter; and

WHEREAS, County desires that such easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon a subsequent conveyance of the Property by County.

#### WITNESSETH:

**NOW THEREFORE**, County does hereby declare, grant and create a perpetual in gross utility easement for the benefit of County upon the real property legally described in **Exhibit "B"**, attached hereto (the "Easement Premises"). This easement shall be for the purpose of water and sewer utilities and shall include the right 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. This easement or portion thereof can be utilized for a wastewater pump station and said pump station may be fenced in for access control purposes.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

IN WITNESS WHEREOF, the County has caused this Declaration of Easement to be executed as of the day and year first above written.

ATTEST:	COUNTY:
JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida
By: Deputy Clerk	By:
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS
By: Assistant County Attorney	By: Perme ! hyal Cally Department Director

\pbcgov.org\FDO\Common\PREM\Dev\Open Projects\FS #49 -PUD Monticello\Declaration of Easement\DRAFTS\FINAL WUD Declaration of Easement Monticello PUD HF approved 2.9.24.docx

# **EXHIBIT "A"**

# THE PROPERTY

TRACT "C1" (CIVIC TRACT)", ACCORDING TO MONTICELLO AGR-PUD PLAT ONE, AS RECORDED IN PLAT BOOK 128, PAGES 172 THROUGH 194, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

# EXHIBIT "B" THE EASEMENT PREMISES

### THIS IS NOT A SURVEY

AL DESCRIPTION UTILITY EASEMENT LEGAL 20

A PORTION OF TRACT CI. MONTICELLO AGR - PUD PLAT ONE. AS RECORDED IN PLAT BOOK 128. PAGE 172. OF THE PUBLIC RECORDS OF PALM BEACH COUNTY. FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "CI". OF THE AFOREMENTIONED SUBDIVISION MONTICELLO AGR - PUD PLAT ONE: THENCE NORTH 89 36'32" EAST. ALONG THE SOUTH LINE OF SAID TRACT CI. A DISTANCE OF 8.01 FEET: THENCE NORTH 00 23'28" WEST. A DISTANCE OF 16.50 FEET. TO THE POINT OF BEGINNING: THENCE CONTINUE NORTH 00 23'28" WEST. A DISTANCE OF 204.00 FEET: THENCE NORTH 89 36'32" EAST. A DISTANCE OF 20.00 FEET: THENCE SOUTH 00 23'28" EAST. A DISTANCE OF 204.00 FEET: THENCE NORTH 89 36'32" EAST. A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4080,00 SQUARE FEET OR 0.09 ACRES. MORE OR LESS.

#### CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION AND SKETCH OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON SEPTEMBER 28, 2023. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH 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 | OF 4

NOT VALID
WITHOUT THE SIGNATURE
AND THE ORIGINAL RAISED
SEAL OF A PLORIDA
LICENSED SURVEYOR A
MAPPER JOHN F. TRACH TATE OF FLORIDA PLS NO. 4871 STATE PL9

#### LEGAL DESCRIPTION AND SKETCH FIRE STATION 49 - TEMPORARY TRAILER PALM BEACH COUNTY UTILITY EASEMENT

F.B. GPS 09-28-23 1 = 40 COL SURVEY DATE: SCALE: UNIVERSAL SURVEYING SYSTEMS. INC. CERTIFICATE OF AUTHORIZATION NUMBER LB 5984 2623 LAKE DRIVE NORTH BOYNTON BEACH. FLORIDA 33435 OFFICE: 561-736-0432 JTRACHPLS@GMAIL.COM 23-09-049 ES49UE JTRACHPLS GMAIL.COM DRAWING NO.

### THIS IS NOT A SURVEY

#### NOTE:

- SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL SEAL OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
- ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHERS THAN THE SIGNING PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING
- PARTIES IS PROHIBITED WITHOUT WATTEN CONSENTED.

  PARTY OR PARTIES.

  LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE SURVEYOR FOR RIGHTOF-WAY. EASEMENTS. OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.

  BEARINGS AND STATE PLANE COORDINATES SHOWN HEREON ARE REFERENCED TO
  GRID NORTH. BASED ON THE 1990 ADJUSTMENT OF THE NORTH AMERICAN DATUM
  OF 1983 (NAD 83/90) OF THE FLORIDA STATE PLANE COORDINATE SYSTEM
  (TDAVERSE MERCATOR PROJECTION). EAST ZONE. GRID BEARING S 00 23 28 E. (TRAVERSE MERCATOR PROJECTION). EAST ZONE. GRID BEARING S 00 23 28 E.
- THE WEST LINE OF TRACT "CI"

  5. LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.

  6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF RECORD RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY. FLORIDA. AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH

  7. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY. FLORIDA. UNLESS OTHERWISE SHOWN.

SHEET 2 OF 4

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

LEGAL DESCRIPTION AND SKETCH FIRE STATION 49 -TEMPORARY TRAILER PALM BEACH COUNTY UTILITY EASEMENT

JOHN F. TRACH STATE OF FLORIDA PLS NO. 4871

SURVEY DATE: SCALE: UNIVERSAL SURVEYING SYSTEMS, INC. CERTIFICATE OF AUTHORIZATION NUMBER LB 5984 2623 LAKE DRIVE NORTH
BOYNTON BEACH. FLORIDA 33435
561-736-0432 JTRACHPLS@GMAIL.COM OFFICE: 561-736-0432

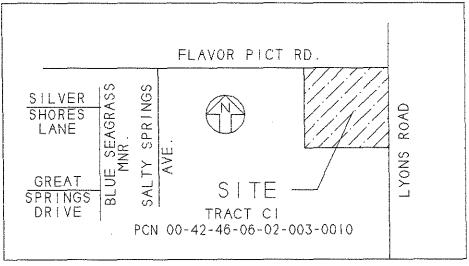
1 " = 40 '

09-28-23

23-09-049 FS49UF DRAWING NO.

COL

<sub>F.В.</sub> GPS



# LOCATION MAP NOT TO SCALE

SECTION 6. TOWNSHIP 46 SOUTH. RANGE 42 EAST

NOTES
COORDINATES. BEARINGS AND DISTANCES
COORDINATES SHOWN ARE GRID DATAM - NAD 83 (1990 ADJUSTMENT)
ZONE - FLORIDA EAST
LINEAR UNIT - U.S. SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE
TRANSVERSE MERCATOR PROJECTION
ALL DISTANCE ARE GROUND UNLESS OTHERWISE NOTED
SCALE FACTOR - 1.00002026
GROUND DISTANCE X SCALE FACTOR - GRID DISTANCE
BEARINGS SHOWN HEREON ARE GRID DATAM
NAD 83 1990 ADJUSTMENT. FLORIDA EAST ZONE

#### THIS IS NOT A SURVEY

SHEET 3 OF 4

NOT VAL D
WITHOUT THE SIGNATURE
AND THE OR GIMAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR &
MAPPER LEGAL DESCRIPTION AND SKETCH FIRE STATION 49 - TEMPORARY TRAILER PALM BEACH COUNTY UTILITY EASEMENT JOHN E TRACH STATE OF FLORIDA PLS NO. 4871 09-28-23 1 " = 40 ' GPS P. COL UNIVERSAL SURVEYING SYSTEMS, INC. 23-09-049 CERTIFICATE OF AUTHORIZATION NUMBER LB 5984 2623 LAKE DRIVE NORTH
BOYNTON BEACH, FLORIDA 33-FS49UE FLORIDA 33435 JTRACHPLS@GMAIL.COM OFFICE: 561-736-0432 DRAWING NO.

