

Agenda Item #: **3H-5**  
PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: July 11, 2006 [X] Consent [ ] Regular  
[ ] Ordinance [ ] Public Hearing  
Department: Facilities Development & Operations

**I. EXECUTIVE BRIEF**

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

- A) accept a Release of Easement on .39 acres of land from the City of Greenacres (City);
- B) adopt a resolution authorizing the conveyance of .82 acres of land to the City without charge and with a reservation of mineral rights, but without rights of entry and exploration; and
- C) approve a County Deed conveying .82 acres to the City.

**Summary:** Water Treatment Plant No. 2 (WTP) is located on Pinehurst Drive between 10<sup>th</sup> Avenue North and Forest Hill Boulevard, west of the City of Greenacres. In 1990 (R90-424D) the County granted a 25' wide easement (.39 acres) to the City over the eastern portion of the WTP property, upon which the City constructed a pedestrian walkway. The City will release its easement rights to the 25' and the County will convey to the City two (2) parcels totaling .82 acres (.30 acres and .52 acres). These parcels, where the City has constructed a walkway, form an L-shape along the eastern and southern boundaries of the WTP property west of Liberty Park Elementary School and north of the LWDD L-10 Canal. The walkway provides a safe route for the students to travel between Pinehurst Drive, the school and nearby parks. This conveyance will release the County of any maintenance responsibility and potential liability. The .82 acres will be conveyed to the City subject to an automatic reverter should the property cease to be used for the walkway purposes and will reserve a perpetual non-exclusive easement over both parcels to maintain and improve the County's underground water and wastewater mains, utility lines, culverts, fencing and other improvements. The County will retain mineral and petroleum rights in accordance with Section 270.11, Florida Statutes, but without rights of entry and exploration. The City approved the transaction in December. However, the County Deed was subsequently revised to include the reverter which the City has agreed to and will submit the revised County Deed for formal approval after execution by the Board. Pursuant to Section 125.38, Florida Statutes, the County is authorized to convey property to a municipality at no charge. (PREM) District 2 (HJF)

**Background and Justification:** In 2004, the City constructed a walkway, which it has and will continue to maintain, along the southern and eastern boundaries of the WTP property. There is a perimeter fence between the walkway and the WTP property which provides a safety barrier and allows students of Liberty Park Elementary School to walk or ride their bicycle to school on a paved surface from Pinehurst Drive avoiding major roadways and circuitous routings. This walkway also connects the City's Community Park on Pinehurst Drive to the City's Freedom Park on Jog Road. In 1990, an easement on a 25' strip of land (.39 acres) along the eastern boundary of property was granted to the City, upon which the City constructed a portion of the walkway. The City is releasing its easement interest over the entire 25' strip and the County is conveying to the City the 20' of land upon which the walkway is located. This 20' strip (.30 acres) will be conveyed to the City reducing the County's maintenance expense and exposure to liability. The County will also convey to the City a 15' strip (.52 acre-parcel) along the southern boundary of the WTP. By reserving an easement on these parcels, the County will retain the right to construct, operate and maintain its underground improvements. On December 19, 2005, the City adopted Resolution No. 2005-56 releasing the City's easement interest, and accepting the draft County Deed without the reverter. The County Deed which includes the reverter language will be submitted to the City following Board approval.

**Attachments:**

- |                              |  |
|------------------------------|--|
| 1. Location Map              | 4. Resolution                                |
| 2. Quit Claim Deed from LWDD | 5. County Deed                               |
| 3. Release of Easement       | 6. City of Greenacres Resolution No. 2005-56 |

Recommended By: *Regg Adams* *May WOLF* 6/16/06  
Department Director Date  
Approved By: *[Signature]* 6/15/06  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2006	2007	2008	2009	2010
Capital Expenditures	0				
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
<b>NET FISCAL IMPACT</b>	<b>0</b>				
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org \_\_\_\_\_ Object \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

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

No fiscal impact.

**C. Departmental Fiscal Review: \_\_\_\_\_**

**III. REVIEW COMMENTS**

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

<p><i>[Signature]</i>                  _____                  OFMB                  6/29/06</p>	<p><i>[Signature]</i> 6.30.06                  _____                  Contract Development and Control                  7/13/06</p>
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**B. Legal Sufficiency:**

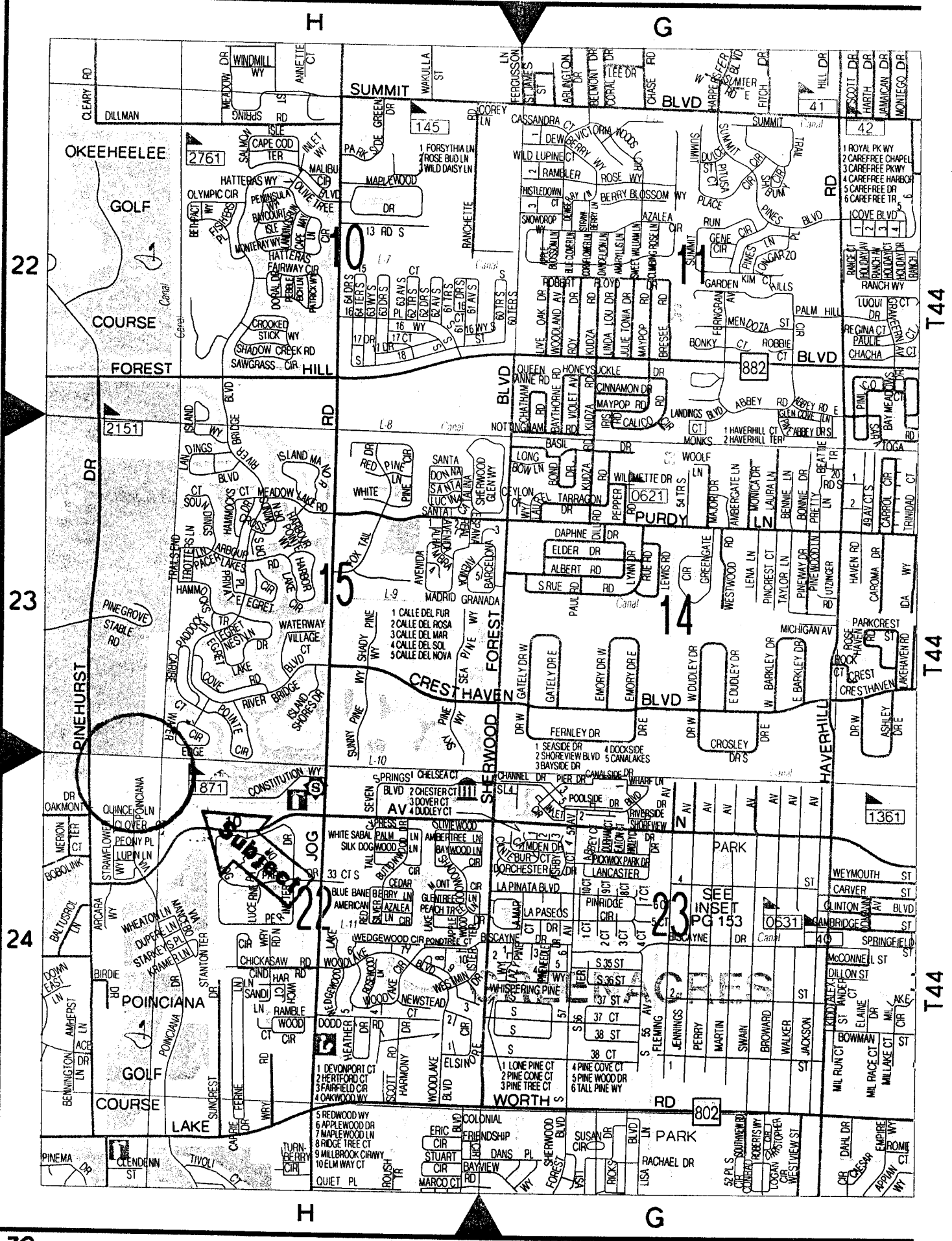
*[Signature]*  
 \_\_\_\_\_  
 Assistant County Attorney  
 7/5/06

This item complies with current County policies.

**C. Other Department Review:**

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

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



LOCATION MAP

ATTACHMENT #

N



10/24/2003 11:24:41 20030655491  
OR BK 16080 PG 0327  
Palm Beach County, Florida  
AMT 10.00  
Doc Stamp 0.70

RETURN TO:  
LAKE WORTH DRAINAGE DISTRICT  
13081 Military Trail  
Delray Beach, FL 33484

PREPARED BY:  
MARK A. PERRY, ESQ.  
50 SE Fourth Avenue  
Delray Beach, FL 33483

PCN

Doc. No. 5750  
Canal No. L-10

**QUIT-CLAIM DEED**

**THIS QUIT-CLAIM DEED**, executed this 22 day of October 2003 by **LAKE WORTH DRAINAGE DISTRICT**, a Special Taxing District, existing under the Laws of the State of Florida, and having its principal place of business at 13081 Military Trail, Delray Beach, Florida 33484-1105, First Party, to: **PALM BEACH COUNTY**, a Political Subdivision of the State of Florida, whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, Second Party:

(Whenever used herein the term "First Party" and "Second Party" include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, whenever the context so admits or requires.)

**WITNESSETH**, That the said First Party, for and in consideration of the sum of Ten (\$10.00) Dollars in hand paid by the said Second Party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Second Party forever, all the right, title, interest, claim and demand which the said First Party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

**A portion of LWDD L-10 Canal**

**The North 15 ft. of the 25 ft. Platted Road Right-of-Way lying South and adjacent to Tracts 37, 38 and the easterly portion of Tract 36, Block 21, of PALM BEACH FARMS CO. PLAT NO. 3, as recorded at Book 2, Page 45, of the Public Records of Palm Beach County, Florida. Bounded on the West by the East Right-of-Way line of Pinehurst Drive and bounded on the East by the southerly extension of the West Tract Line of Tract 39 of said Block.**

**Being a portion of the Lake Worth Drainage District Lateral 10 Canal as conveyed in Official Record Book 1585, Page 505, of the Public Records of Palm Beach County, Florida.**

**TO HAVE and to HOLD** the same together with all and singular the appurtenances thereunto belonging or anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said First Party, either in law or equity, to the only proper use, benefit and behoof of the said Second Party forever.

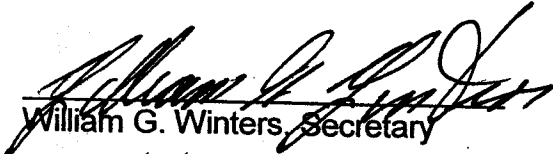
03-7208P.01


**ATTACHMENT #2**

IN WITNESS WHEREOF the said First Party has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

LAKE WORTH DRAINAGE DISTRICT  
A Special Taxing District

  
William G. Winters, Secretary  
RWC 10/17/03

BY:   
Murray R. Kalish, President  
13081 Military Trail  
Delray Beach, FL 33484

[SEAL]

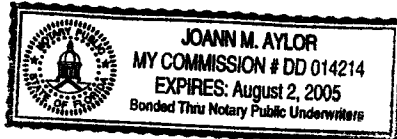


STATE OF FLORIDA :  
COUNTY OF PALM BEACH :

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MURRAY R. KALISH and WILLIAM G. WINTERS, the President and Secretary, respectively of the LAKE WORTH DRAINAGE DISTRICT, both of whom acknowledged executing the foregoing instrument and both of whom are known to me, and did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this the 22 day of October, 2003

  
NOTARY PUBLIC



\_\_\_\_\_  
Notary Stamp or Seal

Prepared by and return to:  
Tripp Cioci  
Real Estate Specialist  
Palm Beach County  
Property & Real Estate Management Division  
3200 Belvedere Rd, Bldg. 1169  
West Palm Beach, Florida 33406-1544

A Portion Of PCN: 00-42-43-27-05-021-0291

### RELEASE OF EASEMENT

**THIS RELEASE OF EASEMENT**, is made as of December 19, 2005, by the **CITY OF GREENACRES**, a Florida municipal corporation ("Greenacres") in favor of **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County").

**WHEREAS**, County granted an easement to Greenacres by an instrument recorded in Official Records Book 6396, Page 742, of the Public Records of Palm Beach County, Florida (the "Grant of Easement"); and

**WHEREAS**, simultaneously herewith the County conveyed by County Deed to Greenacres a portion of the property encumbered by the Grant of Easement, and

**WHEREAS**, Greenacres has determined that the Grant of Easement is surplus and unnecessary.

**NOW, THEREFORE**, in consideration of the conveyance of such property and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Greenacres hereby releases and relinquishes all right, title and interest arising pursuant to the Grant of Easement.

**IN WITNESS WHEREOF**, Greenacres has caused these presents to be executed in its name by its Mayor as of the day and year aforesaid.

(Official Seal)

**CITY OF GREENACRES**

By:   
Samuel J. Ferreri, Mayor

**ATTEST:**

  
Sondra K. Hill, City Clerk

**ENDORSED AS TO FORM AND  
LEGAL SUFFICIENCY**

By:   
Pamela S. Terranova, City Attorney

RESOLUTION NO. 2006-\_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF GREENACRES, PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City of Greenacres, a Florida municipal corporation ("Greenacres"), has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey 0.82 acres of surplus real property to Greenacres for use by Greenacres for pedestrian pathway purposes.

**WHEREAS,** the Board of County Commissioners of Palm Beach County hereby finds that the aforementioned use constitutes a use for the community interest and welfare, such real property is required for such use and such real property is not needed for County purposes.

**WHEREAS,** pursuant to Florida Statute Section 270.11, Greenacres has requested that such property be conveyed without reservation of and to release the rights of entry and exploration relating to the mineral and petroleum rights being reserved by Palm Beach County; and,

**WHEREAS,** the Board of County Commissioners of Palm Beach County has agreed to convey such property reserving phosphate, mineral, metals and petroleum rights but releasing any and all rights of entry and exploration relating to such rights.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

**Section 1. Recitals**

The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Authorization to Convey Real Property**

The Board of County Commissioners of Palm Beach County shall convey to Greenacres without charge and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such County Deed.

**Section 3. Conflict with Federal or State Law or County Charter,**

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

**Section 4. Effective Date.**

The provisions of this Resolution shall be effective immediately upon adoption hereof.

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The foregoing Resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The Motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

COMMISSIONER TONY MASILOTTI, CHAIRMAN  
COMMISSIONER ADDIE L. GREENE, VICE CHAIRPERSON  
COMMISSIONER KAREN T. MARCUS  
COMMISSIONER JEFF KOONS  
COMMISSIONER WARREN H. NEWELL  
COMMISSIONER MARY MCCARTY  
COMMISSIONER BURT AARONSON

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

PALM BEACH COUNTY, a  
political Subdivision of the State of Florida

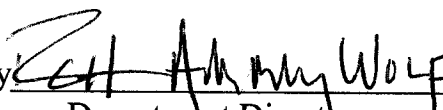
SHARON R. BOCK  
CLERK & COMPTROLLER

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

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS  
AND CONDITIONS

By \_\_\_\_\_  
Assistant County Attorney

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

BY AND RETURN TO:  
TRIPP CIOCI, REAL ESTATE SPECIALIST  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
3200 BELVEDERE ROAD, BUILDING 1169  
WEST PALM BEACH, FLORIDA 33406-1544

A PORTION OF PROPERTY CONTROL NUMBER: 00-42-43-27-05-021-0291

## COUNTY DEED

**This Deed** is made \_\_\_\_\_, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401, party of the first part, and the **CITY OF GREENACRES**, a Florida municipal corporation, whose legal mailing address is 5985 10<sup>th</sup> Avenue North, Greenacres, Florida 33463, party of the second part.

### WITNESSETH

That the said party of the first part, for and in consideration of the sum of \$10.00 to it in hand paid by the party of the second part, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described two (2) parcels of land lying and being in Palm Beach County, Florida (collectively the "Property"):

See **Exhibit "A"** and **Exhibit "B"**, attached hereto.

The Property shall be used solely for a pedestrian walkway and for no other purpose. In the event that the party of the second part, or its successors or assigns use the Property for any other purpose or cease to use the Property for a pedestrian walkway, the Property shall automatically revert to the party of the first part.

Reserving, however, unto party of the first part, its successors and assigns an undivided three-fourths interest in all the phosphate, minerals, and metals that are or may be in, on, or under the said Property and an undivided one-half interest in all petroleum that is or may be in, on, or under said Property. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include, and party of the first part hereby expressly releases, any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.

Further reserving unto the party of the first part, its successors and assigns a perpetual non-exclusive easement for the construction, operation and maintenance of lighting, signage, landscaping, irrigation pipes, storm water pipes, culverts, utility lines, fencing, underground water and wastewater mains and appurtenances thereto, to be installed from time to time, or to be altered, improved or removed therefrom, and the right to cut and keep clear trees, brush or undergrowth therefrom and all other obstructions that might endanger or interfere therewith, together with the right of ingress and egress thereto, over, across, through and upon, under or within the Property.

**IN WITNESS WHEREOF** the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of said Board, the day and year aforesaid.

**ATTEST:**

**SHARON R. BOCK  
CLERK & COMPTROLLER**

**PALM BEACH COUNTY,  
a political subdivision of the State of Florida**

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

By: \_\_\_\_\_  
Tony Masilotti, Chairman

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

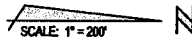
**(OFFICIAL SEAL)**

\_\_\_\_\_  
Assistant County Attorney

G:\TCIOC\GREENACRES WALKWAY\DEED GREENACRES LWDD CANAL EASEMENT NEW W REVERTER 04.18.06.DOC

WATER TREATMENT PLANT NO. 2  
 SKETCH AND LEGAL DESCRIPTION  
 NORTH 15', 25' PLATTED ROAD RIGHT-OF-WAY

EXHIBIT "A"



DESCRIPTION:

THE NORTH 15.00 FEET OF THE 25.00 FOOT PLATTED ROAD RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO TRACTS 37, 38 AND THE EASTERLY PORTION OF TRACT 36, BLOCK 21, THE PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN BOOK 2, PAGES 45, THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF PINEHURST DRIVE AND BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE WEST TRACT LINE OF TRACT 39 OF SAID BLOCK 21.

BEING A PORTION OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL 10 CANAL AS CONVEYED IN OFFICIAL RECORD BOOK 1585, PAGE 505, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA.

SAID PARCEL BEING THE SAME PARCEL CONVEYED TO PALM BEACH COUNTY FROM LAKE WORTH DRAINAGE DISTRICT BY QUIT-CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 16080, AT PAGE 0327, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATE WITHIN PALM BEACH COUNTY, FLORIDA.

NOTES:

- 1.) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD BOUNDARY SURVEY ("THIS IS NOT A SURVEY").
- 2.) NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3.) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
- 4.) LAND LINE SECTIONAL TIE IN INFORMATION SHOWN HEREON IS BASED ON PALM BEACH COUNTY SURVEY DEPARTMENT SECTIONAL DATA.
- 5.) BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF TRACT 39, BLOCK 21, PALM BEACH FARMS COMPANY PLAT NO. (PLAT BOOK 2, PAGES 45-54) HAVING AN ASSUMED BEARING OF S00°53'25"E.

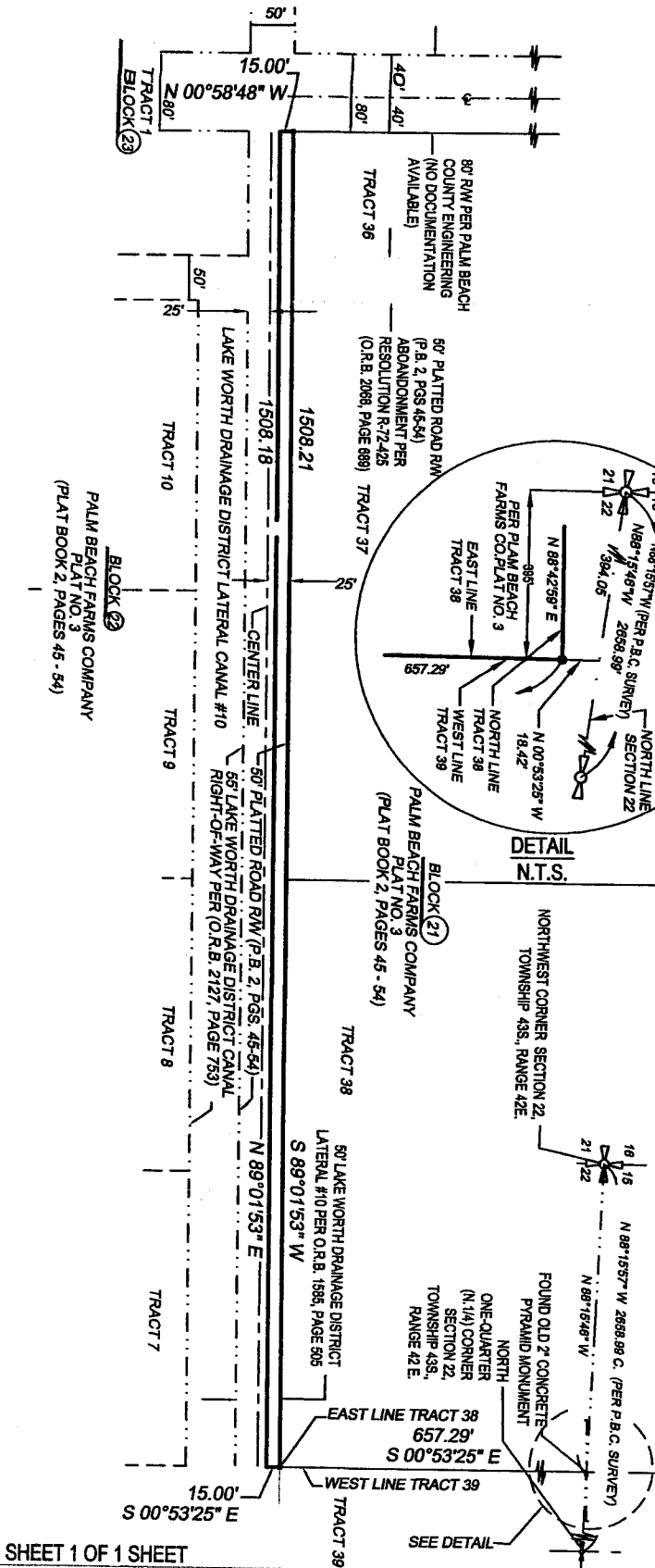
HELLER-WEAVER AND SHEREMETA, INC.  
 FLORIDA STATE LB. 3449

LEGEND:

DANIEL C. LAAK  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA STATE REG. NO. 5118

- H.W.S. = HELLER WEAVER & SHEREMETA INC.
- P.B. = PLAT BOOK
- PG. = PAGE
- (C.) = CALCULATED
- P.B.C. = PALM BEACH COUNTY

DATED JANUARY 5, 2004  
 REVISED: FEBRUARY 2, 2004  
 REVISED: DEC. 9, 2004 PER COUNTY COMMENTS  
 REVISED: JULY 27, 2005 PER COUNTY COMMENTS  
 REVISED: 9-14-05 SECTIONAL TIE IN DATA



DETAIL  
 N.T.S.



Heller - Weaver and Sheremeta, inc.  
 Engineers ... Surveyors ... Planners

310 S.E. 1st Street, Suite 4  
 Delray Beach, Florida 33483  
 (561) 243-8700 - Phone  
 (561) 243-8777 - Fax

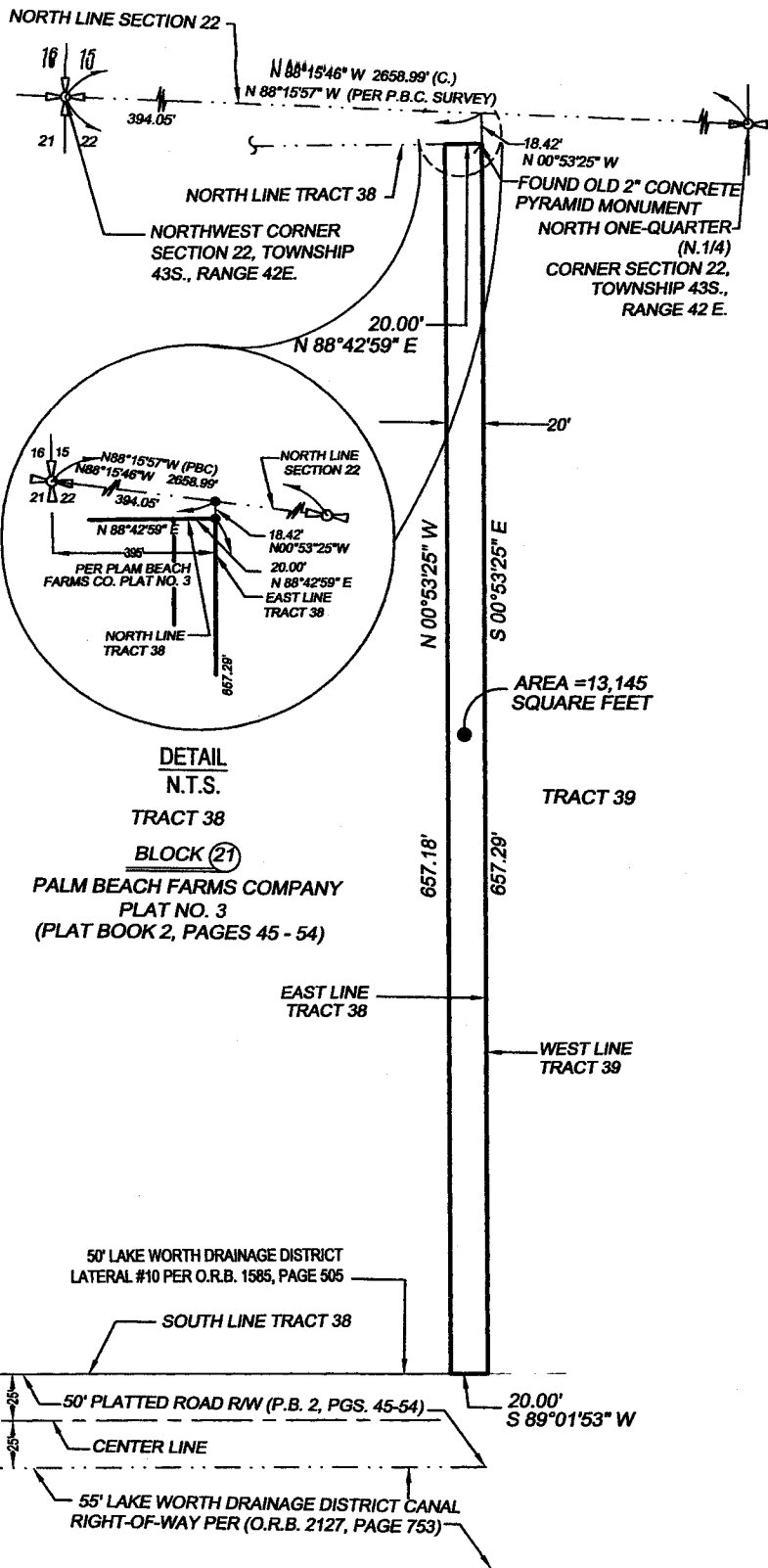
WATER TREATMENT PLANT NO. 2

SKETCH AND LEGAL DESCRIPTION

EXHIBIT "B"

EAST 20' OF TRACT 38

TRACT 27



DESCRIPTION:

THE EAST 20.00 FEET OF TRACT 38, BLOCK 21, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE WITHIN PALM BEACH COUNTY, FLORIDA

NOTES:

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LEGEND:

- H.W.S. = HELLER WEAVER & SHEREMETA INC.
- PB. = PLAT BOOK
- PG. = PAGE
- (C.) = CALCULATED
- P.B.C. = PALM BEACH COUNTY

HELLER-WEAVER AND SHEREMETA, INC.  
FLORIDA STATE LB. 3449

DANIEL C. LAAK  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA STATE REG. NO. 5118

DATED JANUARY 5, 2004  
REVISED: JULY 27, 2005 PER COUNTY COMMENTS  
REVISED: 9-14-2005 SECTIONAL TIE IN DATA



Heller - Weaver and Sheremeta, inc.  
Engineers ... Surveyors ... Planners

310 S.E. 1st Street, Suite 4  
Delray Beach, Florida 33483  
(561) 243-8700 - Phone  
(561) 243-8777 - Fax

**RESOLUTION NO. 2005-56**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ACCEPTING THE CONVEYANCE TO THE CITY OF GREENACRES BY PALM BEACH COUNTY OF APPROXIMATELY 0.52 ACRES OF LAND LOCATED ALONG THE NORTH SIDE OF THE LWDD L-10 CANAL EAST OF PINEHURST DRIVE AND OF APPROXIMATELY 0.30 ACRES OF LAND LOCATED EAST OF WATER TREATMENT PLANT NO. 2 AND WEST OF LIBERTY PARK ELEMENTARY SCHOOL, AS EVIDENCED BY THAT CERTAIN WARRANTY DEED ATTACHED HERETO AS ATTACHMENT "1"; RELEASING THE EASEMENT GRANTED TO THE CITY OF GREENACRES BY PALM BEACH COUNTY IN ORB. 6396, PG. 742; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on March 6, 1990 Palm Beach County granted the City of Greenacres an easement across the east 25' of the County's Water Treatment Plant No. 2 property and this easement was recorded in ORB. 6396 on PG. 742; and

**WHEREAS**, it has been determined that the existing perimeter fence of Water Treatment Plant No. 2 occupies most of the west 5' of this 25' easement, the remaining 20' having been improved by the City of Greenacres with a walkway and landscaping; and

**WHEREAS**, Palm Beach County has requested that the City of Greenacres release the easement and, in consideration of this, Palm Beach County will convey to the City the east 20' of the prior 25' easement and an additional 15' wide strip of land south of Water Treatment Plant No. 2; and

**WHEREAS**, the acceptance of the above land will allow the existing City pedestrian pathway to continue in existence and will allow the construction and operation of a new pedestrian pathway out to Pinehurst Drive linking Community Park and Greenacres Freedom Park; and

**WHEREAS**, the provisions of this Resolution will benefit the health, safety and welfare of the citizens of Greenacres.

**ATTACHMENT # 6**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

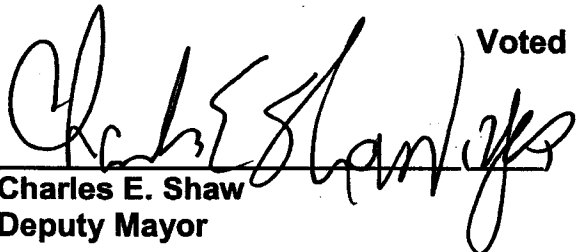
**Section 1.** The City of Greenacres hereby accepts the conveyance of 0.82 acres of land by Palm Beach County to the City of Greenacres as evidenced by that certain Warranty Deed attached hereto as Attachment "1".

**Section 2.** The City of Greenacres hereby releases the easement granted to it by Palm Beach County as recorded in ORB. 6396, PG. 742.


**Section 3.** The appropriate City officials are hereby directed to take all steps necessary to effectuate the execution of the Warranty Deed (Attachment "1") and Release of Easement (Attachment "2") and their recordation in the public records in and for Palm Beach County, Florida.

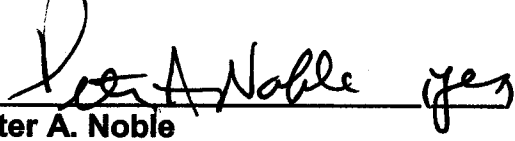
RESOLVED AND ADOPTED this 19<sup>th</sup> of December, 2005.


  
\_\_\_\_\_  
Samuel J. Ferreri  
Mayor


 Voted  
\_\_\_\_\_  
Charles E. Shaw  
Deputy Mayor

Attest:  
  
\_\_\_\_\_  
Sondra K. Hill  
City Clerk

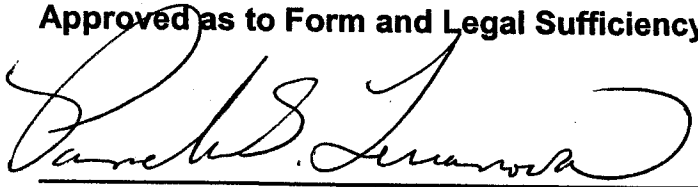
 yes  
\_\_\_\_\_  
Richard C. Radcliffe  
Councilman, District I

 yes  
\_\_\_\_\_  
Peter A. Noble  
Councilman, District II

 (yes)  
\_\_\_\_\_  
Doris A. Fouts  
Councilwoman, District IV

 (yes)  
\_\_\_\_\_  
Michael V. Mortimer  
Councilman, District V

Approved as to Form and Legal Sufficiency:

  
\_\_\_\_\_  
Pamela S. Terranova  
City Attorney





ORIGINAL EASEMENT (TO BE RELEASED)

MAR-26-1990 09:30am 90-084571

ORB 6396 Pg 742

R90 4240

GRANT OF EASEMENT

90-084571  
10.00 Doc  
Con JOHN B DUNKLE, CLERK - PB COUNTY, FL .55

This is not a certified copy

THIS INDENTURE, made this 6th day of March 1990, between PALM BEACH COUNTY, a political subdivision of the State of Florida, whose address is 2065 Prairie Road, West Palm Beach, Florida 33416, hereinafter called GRANTOR, and the City of GREENACRES CITY, Florida, an incorporated municipality, whose address is 5985 10th Avenue North, Greenacres City, Florida 33463, hereinafter called GRANTEE;

WITNESSETH

That, GRANTOR, for and in consideration of the sum of ten (\$10) dollars and other good and valuable consideration, the receipt of which is hereby acknowledged by the GRANTOR, has granted and does hereby grant, to the GRANTEE, its successors and assigns the perpetual right and easement to use the described land as described in Exhibit A attached hereto, for access for emergency and security purposes.

The GRANTOR does hereby fully warrant that it has good title to the real property described in Exhibit A and that it has full power and authority to grant this Easement.

ACCEPTED BY  
BOARD OF COUNTY COMMISSIONERS  
DATE 3-6-90

Return to:  
Palm Beach County  
R/W Acquisition Section  
Patricia A. Franklin, Manager  
P.O. Box 2429  
West Palm Beach, Florida 33402

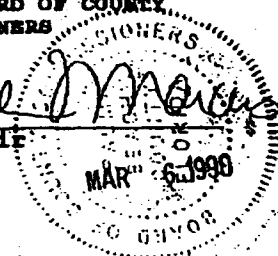
R90-4240

ATTEST:  
JOHN B. DUNKLE, Clerk

PALM BEACH COUNTY, FLORIDA  
BY IT BOARD OF COUNTY  
COMMISSIONERS

By Judith Crooke  
Deputy Clerk

By Lore M. [Signature]  
Vice-Chair



APPROVED AS TO FINANCIAL AND  
TECHNICAL ARRANGEMENTS

By [Signature]  
Director

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By [Signature]  
County Attorney

This instrument prepared by Irwin L. Jacobowitz, J.D.  
2065 Prairie Road  
West Palm Beach, FL 33416

Certified Copy

RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.

This is

EXHIBIT A

LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING IN TRACT 38 OF BLOCK 11 IN PALM BEACH FARMS COMPANY, PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 47 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN PART OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT 38; THENCE SOUTH 88°54'26" WEST ALONG THE NORTH LINE OF SAID TRACT 38 FOR A DISTANCE OF 25 FEET; THENCE SOUTH 01°02'42" EAST, FOR A DISTANCE OF 679.73 FEET TO A POINT, SAID POINT LYING ON THE NORTH RIGHT-OF-WAY LINE OF A 50' PLATTED STREET AS SHOWN ON SAID PALM BEACH FARMS COMPANY PLAT 3; THENCE NORTH 88°54'19" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 25 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 38; THENCE NORTH 01°02'42" WEST ALONG THE EAST LINE OF SAID TRACT 38, A DISTANCE OF 679.73 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.39 ACRES, MORE OR LESS

BEARINGS ARE BASED ON SECTIONAL DATA.

DESCRIPTION APPROVED BY SURVEY FOR USE IN:

An Easement

12/4/89 DATE

W.C. King

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF SURVEY OF THE HEREOF DESCRIBED LANDS WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING STANDARDS, CHAPTER 21 111-6, FLORIDA ADMINISTRATIVE CODE, SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 471.023, FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: 11-8-89 John H. Penkire F.L.S. 74366

SHEET 2 of 2



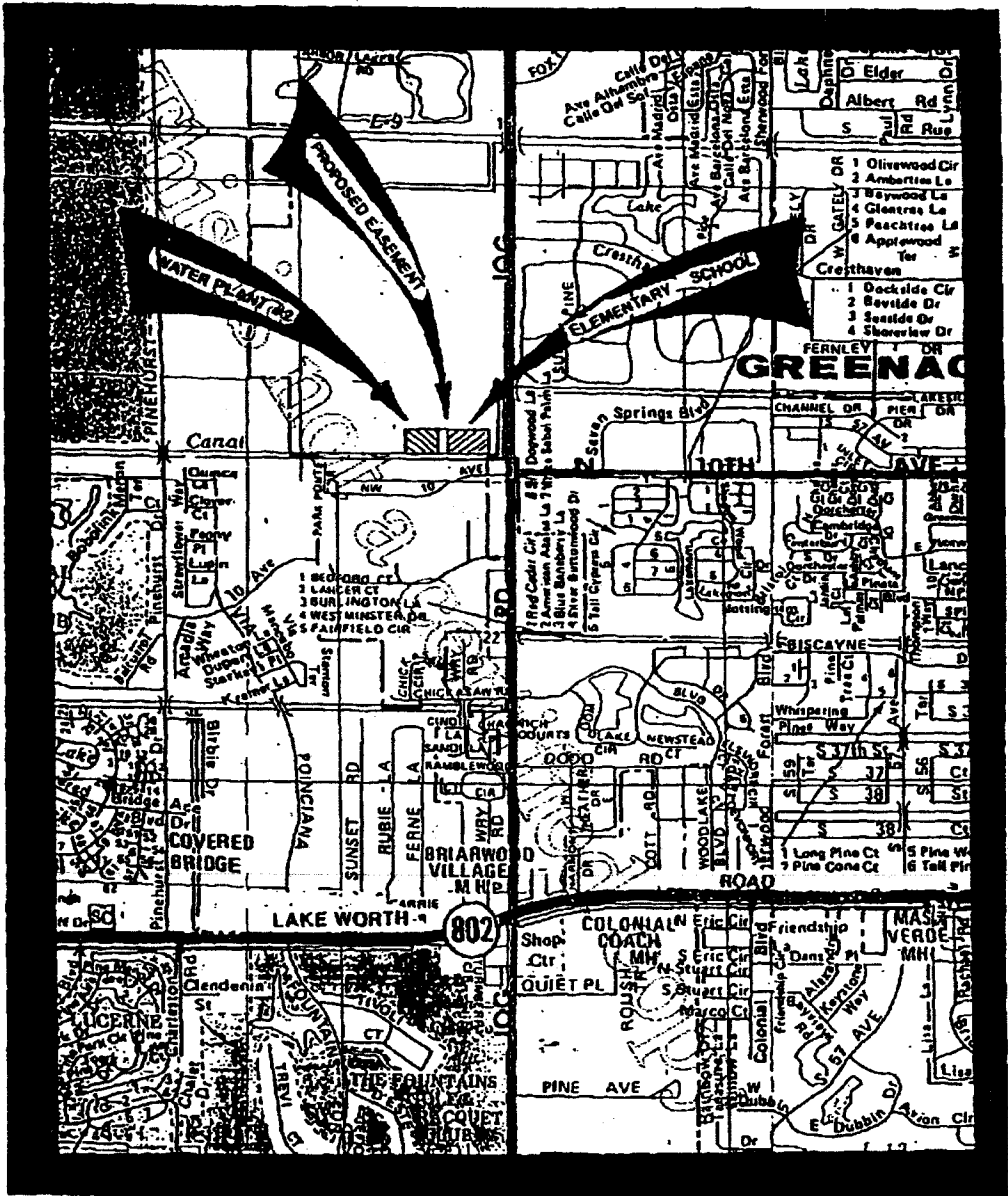
JAMES E. NEUHAUS, Inc. Consulting Engineers, Surveyors, Planners Suite 201 4841 NORTHLAKE BOULEVARD PALM BEACH GARDENS, FL. 33410 407/822-1300

DATE:	5-19-89
SCALE:	N.T.S.
DRAWN BY:	JP
CHECKED BY:	J
JOB No.:	
F.O.	P.O.
P.O.	P.O.

BOUNDARY SURVEY FOR CITY OF GREENACRES

PALM BEACH COUNTY

FLORIDA

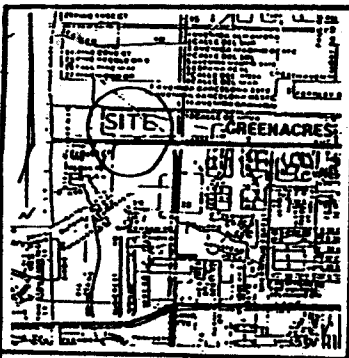


### SITE MAP

### GREEN ACRES EASEMENT AGREEMENT

RECORDER'S MEMO: Legibility  
 of Writing, Typing or Printing  
 unsatisfactory in this document  
 when received.

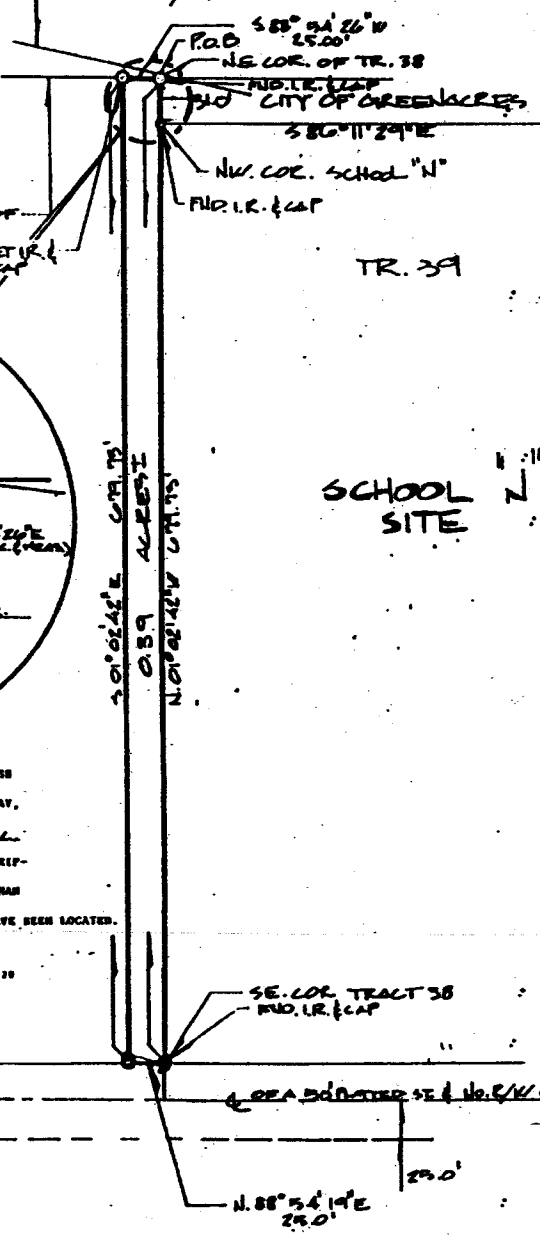
RECORD VERIFIED  
 PALM BEACH COUNTY, FLA  
 JOHN B DUNKLE  
 CLERK CIRCUIT COURT



LOCATED MAP

NORTH LINE OF ABL 22,  
TWP 44N., R06E 42E

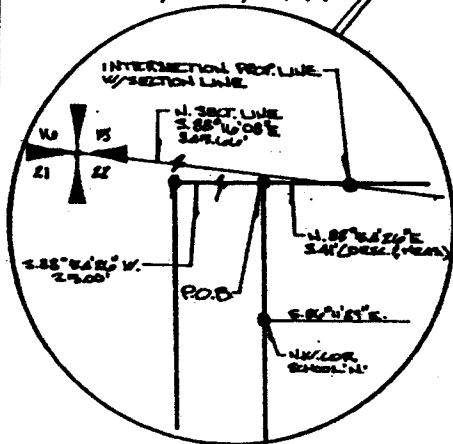
COMMUNITY OF  
RIVER BRIDGE



NORTH LINE OF  
TR. 38  
TR. 38, BLOCK 21  
PALM BEACH GARDENS COMPANY  
PLAT # 3, P.D. 2, PG 47

TR. 39

SCHOOL  
SITE



**SURVEY NOTES**

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMPLOYED SURVEYOR'S SEAL.
2. LANDS SHOWN WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS OF RECORD OR OWNERSHIP.
3. BEARINGS SHOWN ARE RELATIVE TO SAID PLAT OF P.D. 2, PG. 47.
4. THE LAND DESCRIPTION IS IN ACCORD WITH THE DESCRIPTION PROVIDED BY THE CLIENT.
5. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN.
6. NO UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED.
7. DATE FIELD WORK PERFORMED 5-12-87
8. ELEVATIONS SHOWN HEREON ARE PER NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.) 1929

**CERTIFICATION**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE IN ACCORDANCE WITH THE SURVEYING STANDARDS, CHAPTER 21, PART 1, ARTICLE 10, SUBCHAPTER 1, SECTION 472.027, FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: 5-19-87  
 SURVEYOR: [Signature]  
 P.L.S. 14566

SHEET 1002



**JAMES E. NEUHAUS, Inc.**  
 Surveyors, Planners  
 201  
 W. WINTHROP BOULEVARD PALM BEACH GARDENS, FL. 33410  
 407/622-1300

DATE:	5-19-87
SCALE:	1"=100'
DRAWN BY:	[Signature]
CHECKED BY:	[Signature]
JOB No.:	
F.B.	PO.
P.B.	PO.

**BOUNDARY SURVEY FOR  
CITY OF GREENACRES**

PALM BEACH COUNTY

FLORIDA

**ATTACHMENT "1"**

BY AND RETURN TO:  
TRIPP CIOCI, REAL ESTATE SPECIALIST  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
3200 BELVEDERE ROAD, BUILDING 1169  
WEST PALM BEACH, FLORIDA 33406-1544

A PORTION OF PROPERTY CONTROL NUMBER: 00-42-43-27-05-021-0291

**COUNTY DEED**

**This Deed** is made \_\_\_\_\_, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401, party of the first part, and the **CITY OF GREENACRES**, a Florida municipal corporation, whose legal mailing address is 5985 10<sup>th</sup> Avenue North, Greenacres, Florida 33463, party of the second part.

**WITNESSETH**

That the said party of the first part, for and in consideration of the sum of \$10.00 to it in hand paid by the party of the second part, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described two (2) parcels of land lying and being in Palm Beach County, Florida (collectively the "Property"):

See **Exhibit "A"** and **Exhibit "B"**, attached hereto.

Reserving, however, unto party of the first part, its successors and assigns an undivided three-fourths interest in all the phosphate, minerals, and metals that are or may be in, on, or under the said Property and an undivided one-half interest in all petroleum that is or may be in, on, or under said Property. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include, and party of the first part hereby expressly releases, any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.

Further reserving unto the party of the first part, its successors and assigns a perpetual non-exclusive easement for the construction, operation and maintenance of underground water mains and appurtenances thereto, to be installed from time to time, or to be altered, improved or removed therefrom and the right to cut and keep clear trees, brush or undergrowth therefrom and all other obstructions that might endanger or interfere therewith, together with the right of ingress and egress thereto, over, across, through and upon, under or within the Property.

**IN WITNESS WHEREOF** the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of said Board, the day and year aforesaid.

**ATTEST:**

**SHARON R. BOCK**  
**CLERK & COMPTROLLER**

**PALM BEACH COUNTY,**  
**a political subdivision of the State of Florida**

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

By: \_\_\_\_\_  
**Tony Masilotti, Chairman**

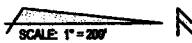
**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

**(OFFICIAL SEAL)**

\_\_\_\_\_  
**Assistant County Attorney**

WATER TREATMENT PLANT NO. 2  
 SKETCH AND LEGAL DESCRIPTION  
 NORTH 15', 25' PLATTED ROAD RIGHT-OF-WAY

EXHIBIT "A"



DESCRIPTION:

THE NORTH 15.00 FEET OF THE 25.00 FOOT PLATTED ROAD RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO TRACTS 37, 38 AND THE EASTERLY PORTION OF TRACT 36, BLOCK 21, THE PALM BEACH FARMS CO. PLAT NO. ACCORDING TO THE PLAT THEREOF AS RECORDED IN BOOK 2, PAGES 45, THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF PINEHURST DRIVE AND BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE WEST TRACT LINE OF TRACT 39 OF SAID BLOCK 21.

BEING A PORTION OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL 10 CANAL AS CONVEYED IN OFFICIAL RECORD BOOK 1585, PAGE 505, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA.

SAID PARCEL BEING THE SAME PARCEL CONVEYED TO PALM BEACH COUNTY FROM LAKE WORTH DRAINAGE DISTRICT BY QUIT-CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 16080, AT PAGE 0327, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATE WITHIN PALM BEACH COUNTY, FLORIDA.

NOTES:

- 1.) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD BOUNDARY SURVEY ("THIS IS NOT A SURVEY").
- 2.) NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3.) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
- 4.) LAND LINE SECTIONAL TIE IN INFORMATION SHOWN HEREON IS BASED ON PALM BEACH COUNTY SURVEY DEPARTMENT SECTIONAL DATA.
- 5.) BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF TRACT 39, BLOCK 21, PALM BEACH FARMS COMPANY PLAT NO. (PLAT BOOK 2, PAGES 45-54) HAVING AN ASSUMED BEARING OF S00°53'25"E.

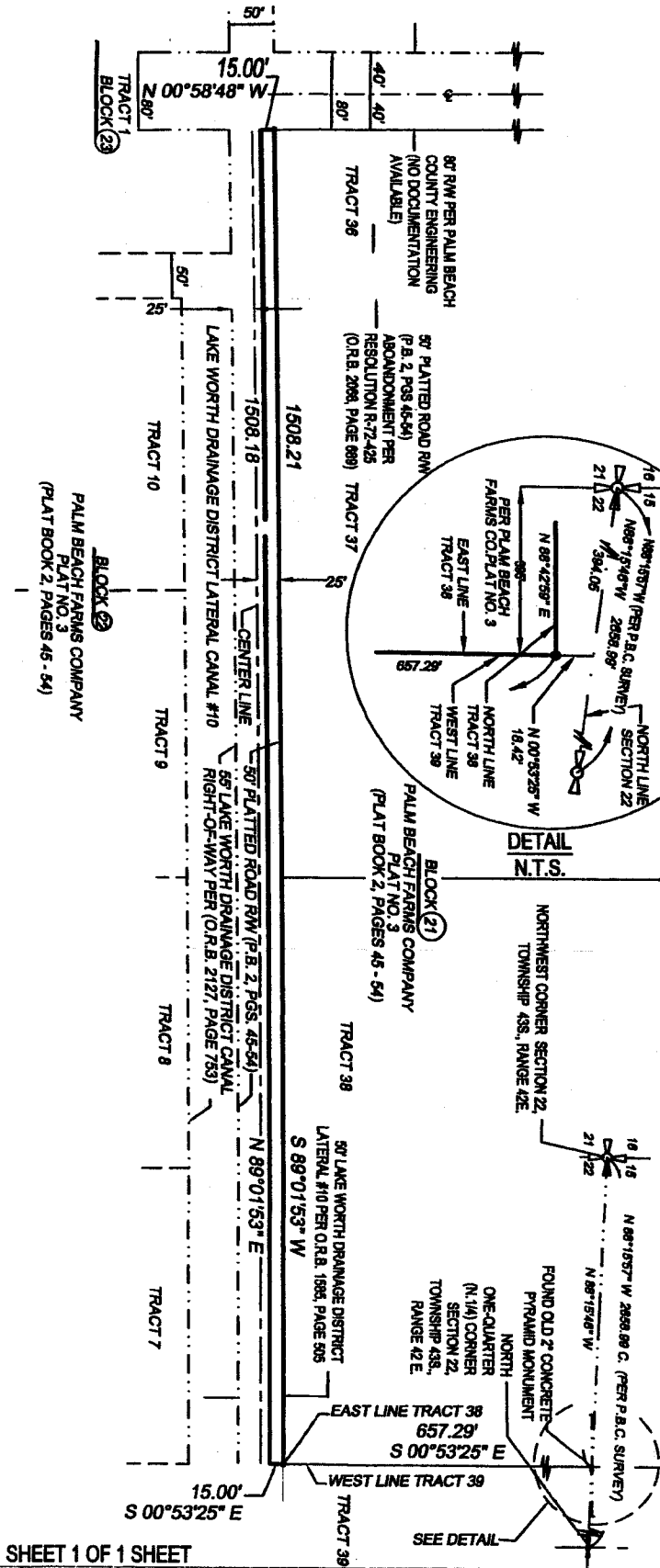
HELLER-WEAVER AND SHEREMETA, INC.  
 FLORIDA STATE LB. 3449

DANIEL C. LAAK  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA STATE REG. NO. 5118

DATED JANUARY 5, 2004  
 REVISED: FEBRUARY 2, 2004  
 REVISED: DEC. 9, 2004 PER COUNTY COMMENTS  
 REVISED: JULY 27, 2005 PER COUNTY COMMENTS  
 REVISED: 9-14-05 .SECTIONAL TIE IN DATA

LEGEND:

- H.W.S. = HELLER WEAVER & SHEREMETA INC.
- PB. = PLAT BOOK
- PG. = PAGE
- (C.) = CALCULATED
- P.B.C. = PALM BEACH COUNTY



SHEET 1 OF 1 SHEET

HWS FILE NO. 04-15306.101 SS5

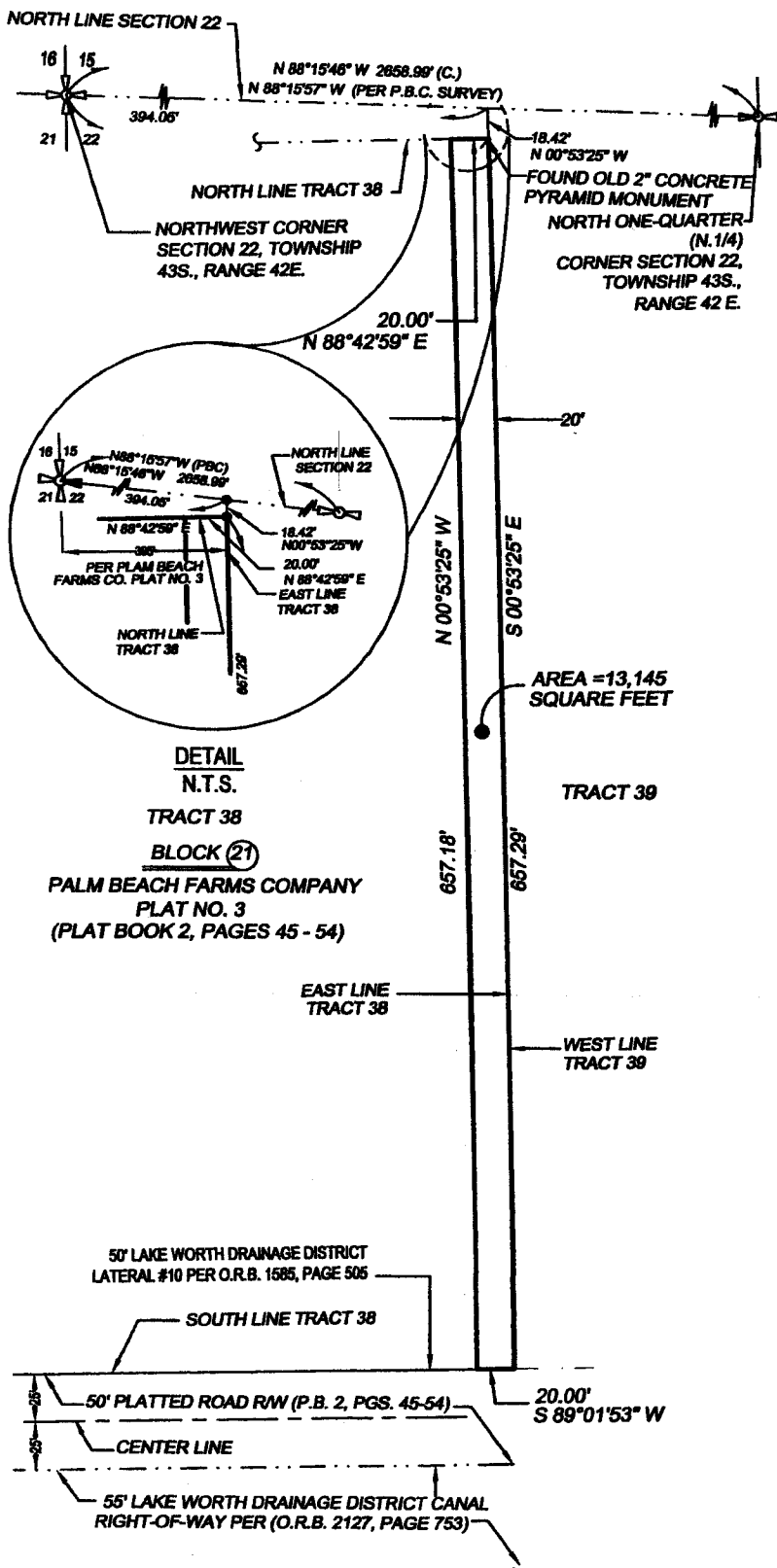


Heller - Weaver and Sheremeta, inc.  
 Engineers ... Surveyors ... Planners

310 S.E. 1st Street, Suite 4  
 Delray Beach, Florida 33483  
 (561) 243-8700 - Phone  
 (561) 243-8777 - Fax

WATER TREATMENT PLANT NO. 2  
 SKETCH AND LEGAL DESCRIPTION  
 EAST 20' OF TRACT 38  
 TRACT 27

EXHIBIT "B"



DESCRIPTION:

THE EAST 20.00 FEET OF TRACT 38, BLOCK 21, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE WITHIN PALM BEACH COUNTY, FLORIDA

NOTES:

- 1.) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD BOUNDARY SURVEY ("THIS IS NOT A SURVEY").
- 2.) NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3.) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
- 4.) LAND LINE SECTIONAL TIE IN INFORMATION SHOWN HEREON IS BASED ON PALM BEACH COUNTY SURVEY DEPARTMENT SECTIONAL DATA.
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HELLER-WEAVER AND SHEREMETA, INC.  
 FLORIDA STATE LB. 3449

DANIEL C. LAAK  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA STATE REG. NO. 5118

DATED JANUARY 5, 2004  
 REVISED: JULY 27, 2005 PER COUNTY COMMENTS  
 REVISED: 9-14-2005 SECTIONAL TIE IN DATA

SHEET 1 OF 1 SHEET

HWS FILE NO. 04-15306.101 SS2



Heller - Weaver and Sheremeta, inc.  
 Engineers ... Surveyors ... Planners

310 S.E. 1st Street, Suite 4  
 Delray Beach, Florida 33483  
 (561) 243-8700 - Phone  
 (561) 243-8777 - Fax



ATTACHMENT "2"

Prepared by and return to:  
Tripp Cioci  
Real Estate Specialist  
Palm Beach County  
Property & Real Estate Management Division  
3200 Belvedere Rd, Bldg. 1169  
West Palm Beach, Florida 33406-1544

A Portion Of PCN: 00-42-43-27-05-021-0291

RELEASE OF EASEMENT

**THIS RELEASE OF EASEMENT**, is made as of \_\_\_\_\_, 2005, by the **CITY OF GREENACRES**, a Florida municipal corporation ("Greenacres") in favor of **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County").

**WHEREAS**, County granted an easement to Greenacres by an instrument recorded in Official Records Book 6396, Page 742, of the Public Records of Palm Beach County, Florida (the "Grant of Easement"); and

**WHEREAS**, simultaneously herewith the County conveyed by County Deed to Greenacres a portion of the property encumbered by the Grant of Easement, and

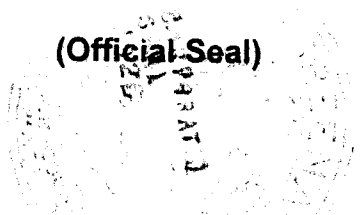
**WHEREAS**, Greenacres has determined that the Grant of Easement is surplus and unnecessary.

**NOW, THEREFORE**, in consideration of the conveyance of such property and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Greenacres hereby releases and relinquishes all right, title and interest arising pursuant to the Grant of Easement.

**IN WITNESS WHEREOF**, Greenacres has caused these presents to be executed in its name by its Mayor as of the day and year aforesaid.

CITY OF GREENACRES

(Official Seal)



By: Samuel J. Ferreri, Mayor

ATTEST:

Sondra K. Hill  
Sondra K. Hill, City Clerk

ENDORSED AS TO FORM AND  
LEGAL SUFFICIENCY

By: Pamela S. Terranova  
Pamela S. Terranova, City Attorney