

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 20, 2008 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Easement for water, sewer, and IQ water lines over the County's District Park "H" property in unincorporated Boynton Beach;

Summary: The County is the owner of a 52 acre parcel of property located just south of Boynton Beach Boulevard between Acme Dairy Road and Lyons Road in western Boynton Beach. The property was acquired from G.L. Homes as part of a civic site assemblage for a District Park. The School Board is the owner of an adjacent 33 acre school site. The County's site is vacant and the School Board is currently developing an elementary school with future plans to develop a middle school. In order to provide water, sewer, and irrigation quality water to service the elementary school, the School Board is running lines along the northern boundary of the County's property and is connecting to an existing lift station at the northwest quadrant of the County's property. The Water Utilities Department is requiring an easement for these lines. The School Board has agreed to size the utility lines to provide capacity to service future development of the County property. Staff recommends granting this easement at no cost to the School Board, since the utility easement will ultimately benefit the County by providing accessible infrastructure for the future development of the County's property. The easement area is approximately 1,514' long, varies in width from 20' to 40', and covers an area of approximately 1.23 acres. The Declaration of Easement will be recorded to provide notice of the existence and location of the utility lines. (PREM) District 5 (HJF)

Background and Justification: Palm Beach County is the owner of a 52.165 acre parcel of land located near the southwest corner of Boynton Beach Boulevard and Acme Dairy Road in western Boynton Beach. The School Board is the owner of an adjacent 33 acre parcel of land located on the southwest corner of Boynton Beach Boulevard and Acme Dairy Road. Both the County and School Board sites were acquired from G.L. Homes. The County has future plans to develop a District Park, while the School Board is currently developing an elementary school and has future plans to develop a middle school. School Board officials and County Water Utilities Staff developed plans for the utility lines running along the northern boundary of the County's Park property. Water Utilities Department desires to create a loop system connecting G.L. Homes' proposed development, the Schools and the future County Park. While the Water Utilities Department and the School Board should have had provided a utility corridor on the School Board's property, there was insufficient land to do so. The Easements have only minimal impact upon future development of the County's property.

Attachments:

- 1. Location Map
- 2. Declaration of Easement

Recommended By: [Signature] [Signature] 5/1/08
Department Director Date
Approved By: [Signature] [Signature]
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$ 0.00</u>	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____
 Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

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:

Jan 2008 5.7.08
 OFMB CN
5/5/08

Contract Development and Control 5/8/08
 5/8/08

B. Legal Sufficiency:

5/9/08
 Assistant County Attorney

C. Other Department Review:

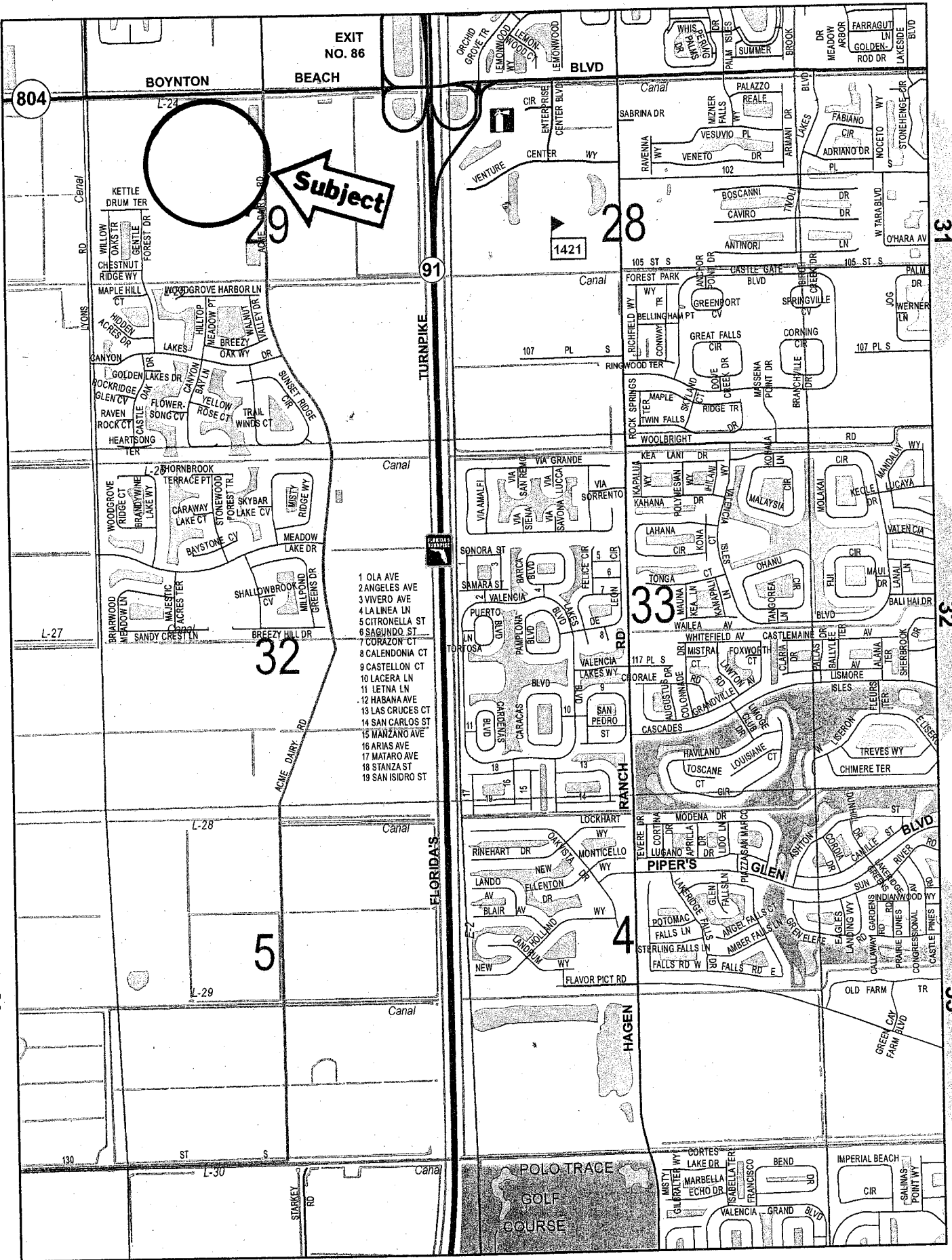
 Department Director

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

T45

T

T46

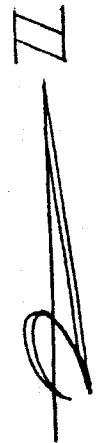


31

32

33

LOCATION MAP
ATTACHMENT #1



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

PCN: 00-42-45-29-08-003-0000

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, 33401-4791.

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 a portion of
the 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.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

ATTACHMENT #2

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:

SHARON R. BOCK
CLERK & COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Assistant County Attorney

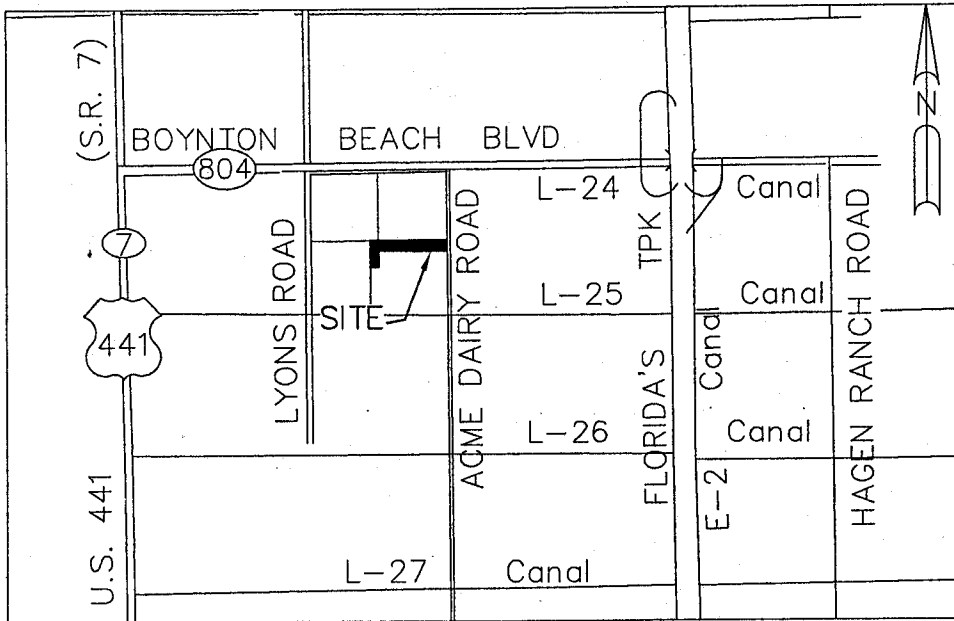
By: Pete Ammy Wolf
Department Director

EXHIBIT "A"

THE PROPERTY

Tract "C", Boynton – Lyons plat according to the plat thereof, as recorded in Plat Book 110, Pages 5 through 8 inclusive, public records of Palm Beach County, Florida.

EXHIBIT "B"



LOCATION MAP
NOT TO SCALE

DESCRIPTION: (BY SURVEYOR)

A PORTION OF TRACT "C", BOYNTON -LYONS PLAT ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 110, PAGES 5 THROUGH 8 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "C" AS SHOWN ON SAID PLAT, THENCE SOUTH 89°26'03" WEST, ALONG THE NORTHERLY LINE OF SAID TRACT "C", A DISTANCE OF 1239.23 FEET TO A NORTHWARD JOG IN SAID NORTH LINE; THENCE DEPARTING FROM SAID NORTH LINE SOUTH 89°26'03" WEST, ALONG THE WESTERLY PROJECTION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 322.23 FEET TO AN INTERSECTION WITH A LINE, SAID LINE BEING 45.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AN PARALLEL WITH THE WEST LINE OF SAID TRACT "C"; THENCE SOUTH 00°08'58" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 275.46 FEET TO AN INTERSECTION WITH THE NORTH LINE OF A PALM BEACH COUNTY WATER UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 17162, PAGE 1918, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°51'02" EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 00°08'58" WEST, A DISTANCE OF 255.61 FEET TO AN INTERSECTION WITH A LINE, SAID LINE BEING 22.18 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTHERN MOST LINE OF SAID TRACT "C"; THENCE NORTH 89°26'03" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 382.65 FEET; THENCE SOUTH 00°33'57" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°26'03" EAST, A DISTANCE OF 582.44 FEET; THENCE SOUTH 00°33'57" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°26'03" EAST, A DISTANCE OF 576.39 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT "C"; THENCE NORTH 00°23'24" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 53,694 SQUARE FEET (1.23 ACRES) MORE OR LESS.

CERTIFICATION:

I HEREBY CERTIFY THAT THE DESCRIPTION AND ATTACHED SKETCH MEETS THE APPLICABLE "MINIMUM TECHNICAL STANDARDS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Rodney J. Wallen

 RODNEY J. WALLEN
 FLORIDA LICENSED SURVEYOR AND MAPPER NO. 6040

21 NOV '07

 SIGNATURE DATE

THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTE: THIS IS NOT A SURVEY, BUT ONLY A GRAPHIC DEPICTION SHOWN HEREON.

901 NORTHPOINT PARKWAY, SUITE 204 WEST PALM BEACH, FL. 33407 PHONE 561-683-7101 FAX 561-683-7102 CERTIFICATE OF AUTHORIZATION LB 1221	BOWYER-SINGLETON & ASSOCIATES, INCORPORATED <small>ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL</small>	DATE	10-21-07
		DRAWING #	1SD J-2 SD02
		DRAWN BY	JEM
		CHECKED BY	RJW
		SCALE	NOT TO SCALE
SHEET 1 OF 3 SHEETS			

SEE SHEET 3 OF 3
MATCH LINE

SKETCH OF DESCRIPTION

NOTE: THIS IS NOT A SURVEY, BUT ONLY A GRAPHIC DEPICTION SHOWN HEREON.



GRAPHIC SCALE
1" = 80'

LEGEND:

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG. PAGE
- P.B.C.R. PALM BEACH COUNTY RECORDS
- ☉ CENTERLINE
- R/W RIGHT-OF-WAY
- L.W.D.D. LAKE WORTH DRAINAGE DISTRICT
- P.B.C.U.E. PALM BEACH COUNTY UTILITY EASEMENT
- U.E. UTILITY EASEMENT
- L.A.E. LAKE ACCESS EASEMENT

BOYNTON - LYONS
TRACT "C"
PB 110 PG'S 5-8
PALM BEACH COUNTY RECORDS

EXISTING SEWER MANHOLE #75
(LOCATION PER
AS-BUILT DRAWINGS BY
L.N.W. ASSOCIATES,
SHEET 9 OF 21
(WUD # 04-142)

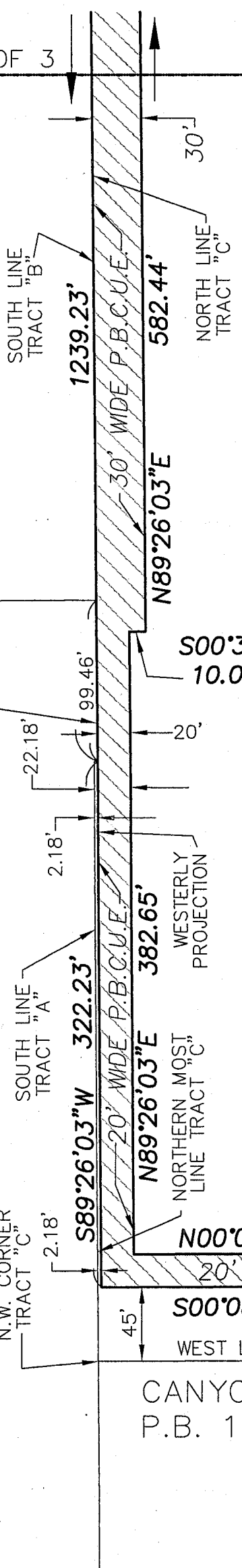
PALM BEACH COUNTY
WATER UTILITIES EASEMENT
O.R.B. 17162, PG. 1918, PBCR

☉ 40' P.B.C.U.E.

BOYNTON - LYONS
TRACT "A"
PB 110 PGS 5-8
PALM BEACH COUNTY RECORDS

EAST LINE OF
TRACT "A"
SOUTHERNMOST
LINE TRACT "A"

WEST LINE OF
TRACT "B"



CANYON LAKES PLAT SIX
P.B. 103, PG. 27 - 37

PALM BEACH COUNTY
WATER UTILITIES EASEMENT
O.R.B. 17162, PG. 1918, PBCR
(EXISTING LIFT STATION)

KETTLE DRUM
TERRACE

901 NORTHPOINT PARKWAY, SUITE 204
WEST PALM BEACH, FL. 33407
PHONE 561-683-7101
FAX 561-683-7102
CERTIFICATE OF AUTHORIZATION
LB 1221

BOWYER-SINGLETON
& ASSOCIATES, INCORPORATED
ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL

DATE	10-21-07
JOB NO#	1SD J-2 SD02
DRAWN BY	JEM
CHECKED BY	RJW
SCALE	1"=80'
SHEET 2 OF 3 SHEETS	

30' ROAD, DYKE AND
DITCH RESERVATION
PALM BEACH FARMS CO.
PLAT NO. 3
P.B. 2, PAGES 45-54

30' R, D & D
P.B. 2, PG. 45-54

EAST R/W LINE

ACME DAIRY ROAD

R/W PER
O.R.B. 16665,
PG. 1527

R/W PER
O.R.B. 16665,
PG. 1533

95'
EAST LINE
TRACT "B"

P.B.C.U.E.
O.R.B. 18520, PG. 979
P.B.C.R.

BOYNTON -LYONS
TRACT "B"
PB 110 PGS 5-8
PALM BEACH COUNTY RECORDS

40'
SOUTH LINE
TRACT "B"

PROPOSED
(FUTURE)
20' P.B.C.U.E.

1239.23'
40' WIDE P.B.C.U.E.
S89°26'03"W

576.39'

N89°26'03"E

NORTH LINE
TRACT "C"

50' WIDE P.B.C.U.E.

S00°33'57"E
10.00'

N89°26'03"E
582.44'

30'

MATCH LINE
SEE SHEET 2 OF 3

EAST LINE
TRACT "C"

40.00'
N00°23'24"W

P.O.B.
N.E. CORNER
TRACT "C"

10' U.E.
5' L.A.E.

30' R,D & D
P.B. 2, PGS. 45-54

LEGEND:

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG. PAGE
- P.B.C.R. PALM BEACH COUNTY RECORDS
- ☉ CENTERLINE
- R/W RIGHT-OF-WAY
- L.W.D.D. LAKE WORTH DRAINAGE DISTRICT
- P.B.C.U.E. PALM BEACH COUNTY UTILITY EASEMENT
- U.E. UTILITY EASEMENT
- L.A.E. LAKE ACCESS EASEMENT
- R.D.&D. ROAD, DIKE & DITCH RESERVATION

BOYNTON -LYONS
TRACT "C"
PB 110 PGS 5-8
PALM BEACH COUNTY RECORDS



GRAPHIC SCALE
1" = 100'

SKETCH OF DESCRIPTION

NOTE: THIS IS NOT A SURVEY, BUT ONLY
A GRAPHIC DEPICTION SHOWN HEREON.

901 NORTHPOINT PARKWAY, SUITE 204
WEST PALM BEACH, FL. 33407
PHONE 561-683-7101
FAX 561-683-7102
CERTIFICATE OF AUTHORIZATION
LB 1221

BOWYER-SINGLETON
& ASSOCIATES, INCORPORATED
ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL

DATE	10-21-07
JOB NO#	1SD J-2 SD02
DRAWN BY	JEM
CHECKED BY	RJW
SCALE	1"=100'
SHEET 3 OF 3 SHEETS	