

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 15, 2022 Consent [X] Regular []
Public Hearing []
Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: **A)** Partial Release of Utility Easement for that easement recorded in the Official Records of Palm Beach County, ORB 7724, Page 1574; and **B)** Full Release of Utility Easement for that easement recorded in the Official Records of Palm Beach County, ORB 9454, Page 1379.

Summary: Palm Beach County Water Utilities Department (PBCWUD) is seeking the release of the County's interest in the utility easements recorded in the Official Records of Palm Beach County as noted above and located at 100 N State Road 7, Royal Palm Beach. The Property Owner requested release of the portions of the identified easements that are no longer associated with any public potable water, reclaimed water and wastewater facilities. As a result of site development for Raising Canes, these portions of the existing identified utility easements are no longer required. PBCWUD has determined that the release of these easements will not affect existing or new public potable water, reclaimed water and wastewater facilities and therefore recommends approval of the release. (PBCWUD Project No. 22-509) District 6 (MWJ)

Background and Justification: The utility easements listed above were granted/reserved to the County for public potable water, reclaimed water and wastewater facilities associated with property identified by PCN 72-42-43-27-05-008-0163 on May 29, 1992 and August 29, 1996 respectively.

Attachments:

1. Location Map
2. Two (2) Original Partial Release of Utility Easement for ORB 7724, Page 1574
3. Two (2) Original Release of Utility Easement for ORB 9454, Page 1379

Recommended By: Ali Bayat 10/19/22
Department Director Date

Approved By: [Signature] 11/1/22
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
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>
NET FISCAL IMPACT	0	<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

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

Reporting Category **N/A**

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

No Fiscal Impact.

C. Department Fiscal Review: Joony Benton **GO**

III. REVIEW COMMENTS

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

for review 10/19/22
ASDelle 10/19/22 M. J. Jaworski 10/25/22
 OFMB *JA 10/19* Contract Development and Control

B. Legal Sufficiency:

[Signature] 10/26/22
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

ATTACHEMENT 1



Prepared by and return to:
Palm Beach County Water Utilities Department
Attn: Plan Review
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed this ____ day of _____, 2022, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Palm Beach County Water Utilities Department, 8100 Forest Hill Blvd., West Palm Beach, Florida 33413, to 4219 North Oracle, LLC, whose address is 7301 Trolley Way, Playa Del Rey, California 90293, second party:

WITNESSETH:

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 7724, Page 1574, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT as shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A."

IN WITNESS WHEREOF the first party has caused this PARTIAL RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

Joseph Abruzzo,
Clerk of the Circuit Court & Comptroller

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

By: _____
Deputy Clerk

Sam By: _____
A13 Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

EXHIBIT A



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION: PARTIAL VACATION OF 20' WATER AND SEWER EASEMENT

A PORTION OF THE 20 FOOT WIDE WATER AND SEWER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7724, PAGE 1574, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING A PORTION OF TRACT 16, BLOCK 8, IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF "THE PALM BEACH FARMS CO., PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH. RANGE 41 EAST; THENCE NORTH 01°27'32" EAST, ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 1746.25 FEET; THENCE SOUTH 88°32'28" EAST, AT RIGHT ANGLES TO THE SAID EAST LINE OF SECTION 36, A DISTANCE OF 85.00 FEET TO THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 7) WITH THE NORTH RIGHT-OF-WAY LINE OF WEST-BOUND SOUTHERN BOULEVARD TO STATE ROAD NO. 7; THENCE NORTH 01°27'32" EAST ALONG SAID EAST RIGHT-OF-WAY LINE 263.50 FEET; THENCE NORTH 89°57'13" EAST 114.05 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID EASEMENT; THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARY OF SAID EASEMENT, THE FOLLOWING 9 COURSES AND DISTANCES; 1) SOUTH 00°58'51" EAST 37.86 FEET TO THE POINT OF BEGINNING OF THE PORTION OF SAID EASEMENT BEING VACATED; 2) SOUTH 00°58'51" EAST 9.51 FEET; 3) SOUTH 45°45'16" EAST 17.84 FEET; 4) SOUTH 01°30'14" EAST 37.78 FEET; 5) NORTH 88°01'23" EAST 22.92 FEET; 6) SOUTH 01°58'37" EAST 20.00 FEET; 7) SOUTH 88°01'23" WEST 23.29 FEET; 8) SOUTH 00°18'53" EAST 66.14 FEET; 9) NORTH 88°48'08" EAST 87.85 FEET; THENCE SOUTH 00°02'47" EAST 20.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID EASEMENT; THENCE ALONG THE SOUTHERLY AND WESTERLY BOUNDARY OF SAID EASEMENT, THE FOLLOWING 9 COURSES AND DISTANCES; 1) SOUTH 88°48'08" WEST 107.76 FEET; 2) NORTH 00°18'53" WEST 44.67 FEET; 3) SOUTH 89°41'07" WEST 14.00 FEET; 4) NORTH 00°18'53" WEST 20.00 FEET; 5) NORTH 89°41'07" EAST 14.00 FEET; 6) NORTH 00°18'53" WEST 31.40 FEET; 7) NORTH 01°30'14" WEST 39.63 FEET; 8) NORTH 45°45'16" WEST 17.94 FEET; 9) NORTH 00°58'51" WEST 17.71 FEET; THENCE NORTH 88°54'54" EAST 20.00 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT LYING AND BEING IN THE CITY OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 5,923 SQUARE FEET, MORE OR LESS

NOTES:

1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE EAST LINE OF SECTION 36-43-41 BEING NORTH 01°27'32" EAST.
3. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
4. ALL RECORDED DOCUMENTS ARE PER PALM BEACH COUNTY RECORDS.

CLIENT: KIMLEY-HORN AND ASSOCIATES, INC.

SCALE: 1"=50'

DRAWN: B.B.

ORDER NO.: 69670

DATE: 3/18/22

PARTIAL WATER & SEWER EASEMENT VACATION

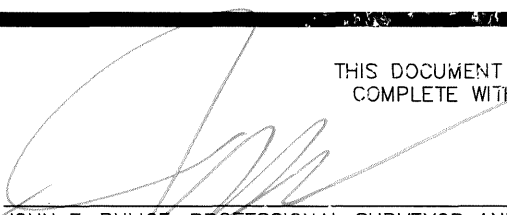
STATE ROAD NO. 7, ROYAL PALM BEACH

PALM COUNTY, FLORIDA

FOR: RAISING CANE'S

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 & 2

- 
- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 - BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
 - VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
 - DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
- STATE OF FLORIDA



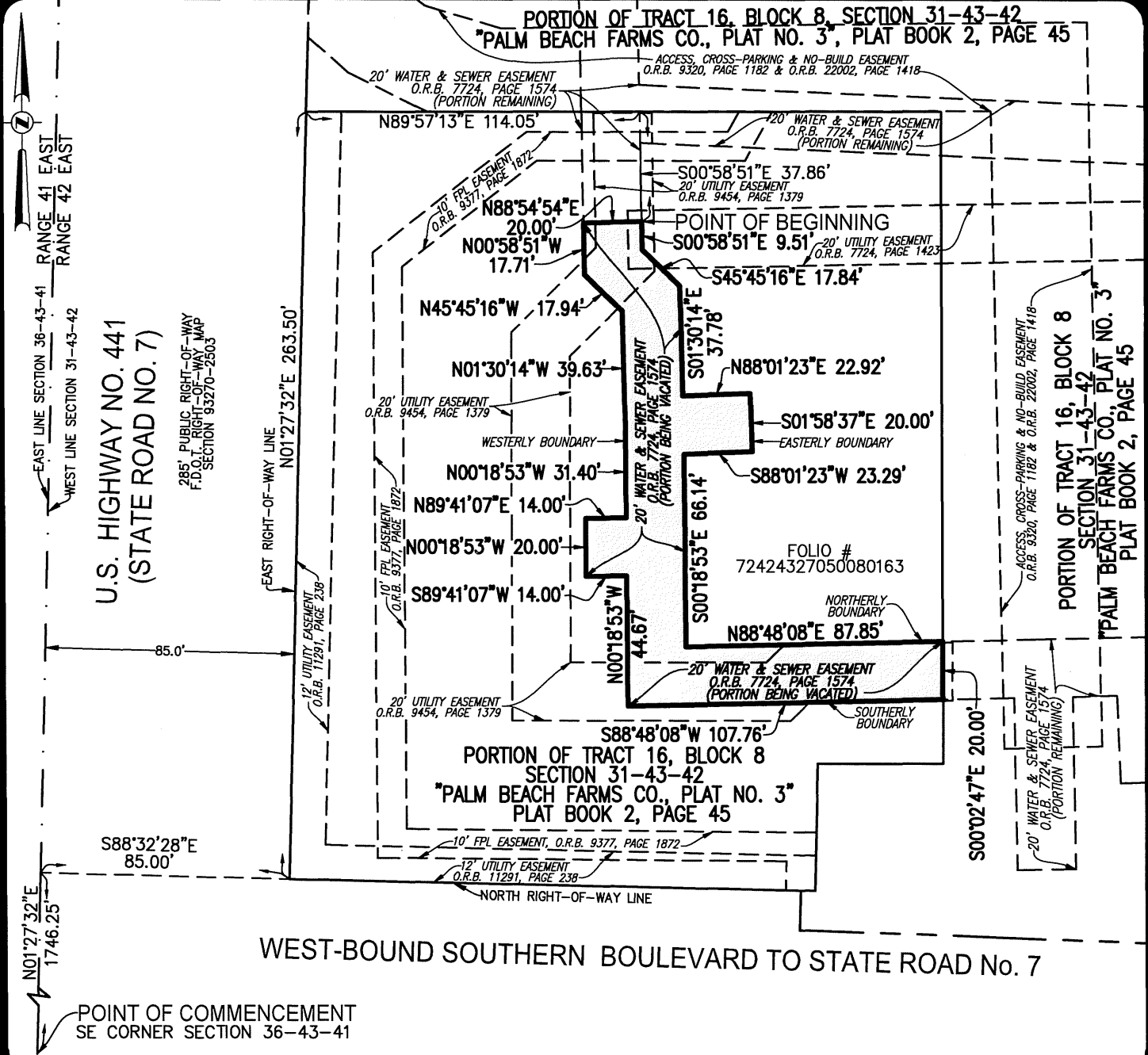
SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870



CLIENT: KIMLEY-HORN AND ASSOCIATES, INC.	
SCALE: 1"=50'	DRAWN: B.B.
ORDER NO.: 69670	
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PARTIAL WATER & SEWER EASEMENT VACATION	
STATE ROAD NO. 7, ROYAL PALM BEACH	
PALM COUNTY, FLORIDA	
FOR: RAISING CANE'S	

SHEET 2 OF 2
THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 & 2

LEGEND:
O.R.B. OFFICIAL RECORDS BOOK

Prepared by and return to:
Palm Beach County Water Utilities Department
Attn: Plan Review
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

RELEASE OF UTILITY EASEMENT

THIS RELEASE OF UTILITY EASEMENT, executed this ___ day of _____, 2022, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd, West Palm Beach, Florida 33413, to 4219 North Oracle, LLC, whose address is 7301 Trolley Way, Playa Del Rey, California 90293, second party:

WITNESSETH:

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a UTILITY EASEMENT recorded in Official Records Book 9454 Page 1379, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that UTILITY EASEMENT as recorded in Official Records Book 9454 Page 1379.

IN WITNESS WHEREOF the first party has caused this RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

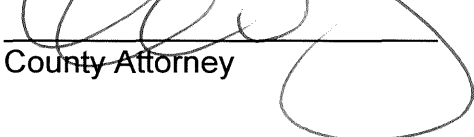
Joseph Abruzzo,
Clerk of the Circuit Court & Comptroller

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

By: _____
Deputy Clerk

JM By: _____
A13 Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney