PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: March 11, 2025

Consent [X] Public Hearing [] Regular []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Subordination of County Utility Interests to the State of Florida Department of Transportation (FDOT). The Subordination of Utility Easements includes a portion of the following easements recorded in the Official Records of Palm Beach County: ORB 5887 Page 1606 and ORB 6156 Page 1850.

Summary: The FDOT has an interest in a portion of the utility easements recorded in the Official Records of Palm Beach County as noted above that has been determined necessary for highway purposes. The utility easements are located along the western boundary of the property located at 1668 N Military Trail. The proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the County to FDOT. An 8-inch water main is located within the utility easements and is covered by the subordination. FDOT has committed to pay to have the County's facilities relocated in the future if necessary. The Palm Beach County Water Utilities Department (PBCWUD) has determined that the subordination of utility interests will not affect any existing and/or current public utility facilities and therefore recommends the subordination. (PBCWUD Project No. 24-548) District 7 (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 00-42-43-25-00-000-1341 on February 5, 1986 and August 9, 1989 respectively. The subordination of utility interests to FDOT will not hinder PBCWUD during the operation and maintenance of the facilities.

Attachments:

- 1 Two Original Subordination of County Utility Interests, Parcel No. 226.3R
- Location Map 2.

Recommended By:	Ali Barrat	2110/25
-	Department Director	Date
Approved By:	2hl Jenn	2/20/25
	Assistant County Administrator	Date

SISTANT COUNTY ADMINISTRATOR

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match County		0 0 0 0 0		0 0 0 0 0	
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	I	Dept	Unit	Object	
Is Item Included in Current Bu	Yes	No <u>X</u>			
Is this item using Federal Fun	Yes	No <u>X</u>			
Is this item using State Funds	Yes	No <u>X</u>			

Reporting Category N/A

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

No Fiscal Impact.

C. Department Fiscal Review:

FAEF Suy Eggitte

III. REVIEW COMMENTS

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

13)265 - 2112

Contract Development and Control 2/12/25

B. Legal Sufficiency:

ame defend 2-19-25 for Assistant County Attorney Mike Jones

C. Other Department Review:

Department Director

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

23-UTL.02-01/21 Modified for Palm Beach County

This instrument prepared under the direction of: Elizabeth S. Quintana, Esq. District 4 Assistant General Counsel Legal Description prepared by: James G. Peden Jr. P.S.M. (07/10/2024) Wallace Surveying Corporation Document prepared by: Nancy Ferreira Florida Department of Transportation Right of Way Production Services 3400 W. Commercial Boulevard Fort Lauderdale, Florida 33309

Parcel No. Item/Segment No. Section: Managing District: S.R. No. County:

226.3R (10/31/24) 4413231 N/A 04 809 (Military Trail) Palm Beach

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT entered into this <u>1</u> day of <u>MUTC</u>, 20<u>25</u> by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the FDOT, and PALM BEACH COUNTY, a Political Subdivision of the State of Florida, hereinafter called the COUNTY.

WITNESSETH:

WHEREAS, the COUNTY presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the COUNTY to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the COUNTY'S facilities relocated if necessary, to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, COUNTY and FDOT agree as follows:

COUNTY subordinates to the interest of FDOT its successors and assigns, any and all of its interest in the lands as follows, viz:

(More particularly described in the sketch and legal description attached hereto as Exhibit "A")

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RECORDED

INSTRUMENT	DATE	FROM	ТО	O.R.B. & PG.
Utility Easement	02/05/1986	William H. Cooper and Ethel D. Cooper, his wife, and James F. Swan	Meadowbrook Utility Systems, Inc., a Florida corporation	5887 / 1606
Assignment of Easements	08/09/1989	Meadowbrook Utility Systems, Inc., a Florida corporation	Palm Beach County, Florida	6156 / 1850

PROVIDED that the COUNTY has the following rights:

- 1. The COUNTY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the FDOT'S current minimum standards for such facilities as required by the FDOT, Utility Accommodation Manual in the effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the FDOT. Should the FDOT fail to approve any new construction or relocation of facilities by the COUNTY or require the COUNTY to alter, adjust, or relocate its facilities located within said lands, the FDOT hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
- 2. Not withstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
- 3. The COUNTY shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the FDOT's facilities.
- 4. The COUNTY agrees to repair any damage to FDOT facilities, and, to the extent permitted by law, to indemnify the FDOT against any loss or damage resulting from the COUNTY exercising its rights outlined in Paragraphs 1 and 3 above. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes, nor as a waiver of any defense the COUNTY may have under said statute, nor shall the same be construed to constitute agreement by the COUNTY to indemnify the FDOT for FDOT's negligent, willful or intentional acts or omissions, nor as consent to be sued by third parties.

[This space intentionally left blank]

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IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Attorney approved as to form:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Name: ELIZABETH S. QUINTANA

BY: Name: STEVEN C. BRAUN, P.E. **District 4 Secretary**

Signed, sealed and delivered in the presence of: (Two witnesses required by Florida Law)

Witness (1) Information:

Witness (2) Information:

Signature

Print Name:_____ 3400 W. Commercial Blvd. Ft. Lauderdale FL. 33309

Signature

Print Name:

3400 W. Commercial Blvd. Ft. Lauderdale FL. 33309

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of
physical presence or online notarization, this _____ day of _____ _____, 20_, by STEVEN C. BRAUN, P.E., District 4 Secretary, 🗌 who is personally known by me or 🔲 who has produced as identification.

(SEAL)

Notary Public

Printed or stamped name of Notary Public

My Commission Expires:

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By: _____ (Deputy Clerk)

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONER

ATTEST: Joseph Abruzzo, Clerk of the Circuit Court & Comptroller

By:

Print Name: Maria G. Marino Mayor

APPROVED AS TO TERMS AND CONDITIONS

OrrBy: <u>Ali 13a4at</u> Director of Utilities

APPROVED AS TO FORM AND LEGAL SUFFICENCY:

By: <u>Ame deligent</u> (County Attorney) for - muhe genes

STATE OF FLORIDA

COUNTY OF PALM BEACH

	The forego	oing instrument	was ack	nowledged before	me by me	ans ofph	ysical pres	ence or
	online	notarization,	this _	day	of	,	20	_, by
<u></u>			, N	layor, Board of C	ounty Con	umissioners, 🗌	who is per	sonally
	•	☐ who has pro	duced	······		as identific	ation and v	who did
not take	an oath.							

Joseph Abruzzo Deputy Clerk

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Parcel No. 226

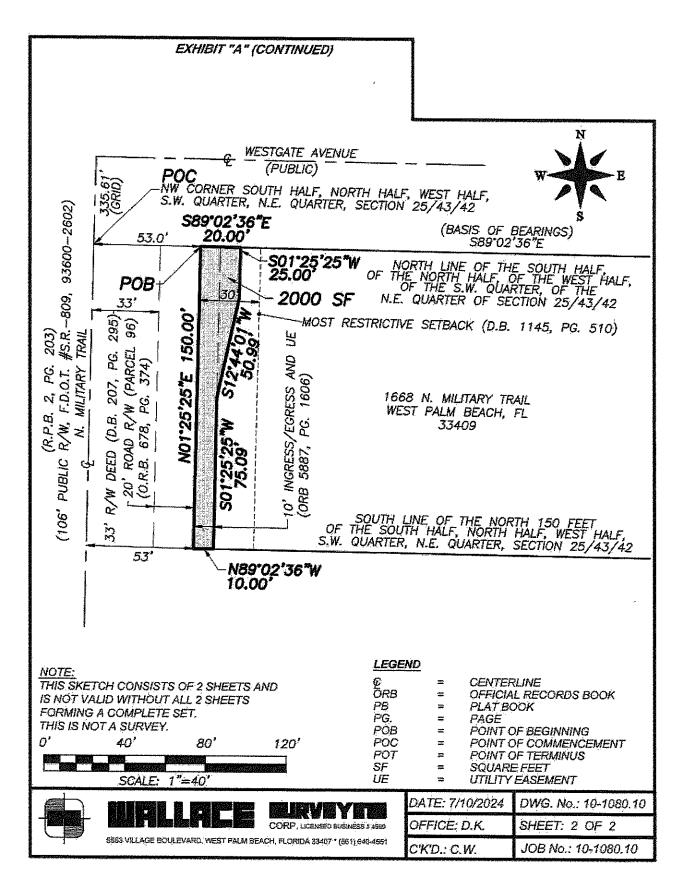
EXHIBIT "A"

Item/Segment No. 4413231

EXHIBIT "A"							
Description Sketch	For						

Description Sketch For:						
PACKER FAMILY LIMITED PA	RTNERSHIP I	l,				
A MARYLAND LIMITED PAI	RTNERSHIP					
LEGAL DESCRIPTION: A right-of-way dedication lying in Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:						
COMMENCE at the Northwest corner of the South half, of the North half, of the West half, of the Southwest Quarter of the Northeast Quarter, of said Section 25; thence South 89°02'36" East along the North line of said South half of the North half of the West half of the Southwest Quarter of the Northeast Quarter (said North line is said to bear South 89°02'36" East and is the basis of bearings, all other bearings are relative thereto), a distance of 53.00 feet to the POINT OF BEGINNING; thence continue South 89°02'36" East, along said North line, a distance of 20.00 feet; thence South 01°25'25" West, departing said North line, a distance of 25.00; thence South 12°44'01" West, a distance of 50.99 feet to a point on the East line of that certain 10 foot lngress/Egress and Utility Easement as recorded in Official Records Book 5887, page 1606 of the Public Records of Palm Beach County, Florida; thence South 01°25'25" West, along said East line, a distance of 75.09 feet, to a point on the South line of the North 150 feet of the South half, of the North half, of the West half, of the Southwest quarter, of said Section 25; thence North 89°02'36" West, along said South line, a distance of 10.00 feet to a point on the West line of said easement;						
thence North 01°25'25" East, along said West line, a distance of 150.00 Containing 2000 square feet, more or less.	news en ester I wreits fad					
 Containing 2000 square feet, more or less. NOTES: All information regarding record easements, adjoiners, and other documents that might affect the quality of title to tract shown hereon was gained from AGSC number 33050, issued by American Government Services Corporation, dated May 24, 2024. This office has made no search of the Public Records. All applicable encumbrances and exceptions which physically overlap, affect, or touch and concern the area of the donated property are plotted or identified. This sketch cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. This is not a survey! Unless presented in digital form with electronic seal and electronic signature this sketch must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid. This sketch must be accompanied by Sheet No. 2 of 2. 						
CERTIFICATION: I HEREBY ATTEST that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981. JAMES G JAMES G PEDEN JR Date: 2024.07,10 14:46:45 -04'00' NOTE: THIS SKETCH CONSISTS OF 2 SHEETS AND IS NOT VALID WITHOUT ALL 2 SHEETS FORMING A COMPLETE SET. THIS IS NOT A SURVEY.						
	DATE: 7/10/2024	DWG. No.: 10-1080.10				
CORP. LIDENSED BUSINEES # 4560	OFFICE: D.K.	SHEET: 1 OF 2				
5553 VILLAGE BOULEVARD. WEST FALM BEACH; FLORIDA 33497 * (561):640-4551	CKD.: J.P.	JOB No.: 10-1080.9				

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ATTACHMENT 2

Location Map PBCWUD Project No. 24-548

