

**PALM BEACH COUNTY
 BOARD OF COUNTY COMMISSIONERS
 AGENDA ITEM SUMMARY**

Meeting Date:	April 4, 2017	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF



Motion and Title: Staff recommends motion to approve: a Utility Easement in favor of the Town of Jupiter (Town) for a water main and appurtenant equipment to service the County's Waterway Park.

Summary: Waterway Park is located on the south side of East Indiantown Road in unincorporated Jupiter, west of and adjacent to the Intracoastal Waterway. The County is in final stages of developing the Park to include three (3) boat ramps and launching basin, a fishing pier, restrooms, and trailer and car parking. A water main and appurtenant equipment was recently installed within the limits of the Park's property. A non-exclusive easement will be granted to the Town at no charge as it is required to obtain water service from the Town. The easement area is quadrilateral in shape with varying lengths and widths, containing 769.6 square feet (0.02 acres). **(PREM) District 1 (HJF)**

Background and Justification: The Park is currently being developed to include three (3) boat ramps and launching basin, a fishing pier, restrooms, and boat and car parking. The Park will require potable water service. On April 1, 2014 the Board approved a Water Service Agreement (R-2014-0425) with the Town which allows for the connection to the Town's water system to service the Park. A non-exclusive easement is required to be granted to the Town for the recently installed water main and appurtenant equipment. The easement will be recorded in the Palm Beach County records to document its existence and location.

Attachments:

1. Location Map
2. Utility Easement (with Exhibit "A")

Recommended By:		3/10/17
	Department Director	Date
Approved By:		3/23/17
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* <u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</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.

Fixed Asset Number: N/A

C. Departmental Fiscal Review: _____ *W 3/13/17*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature]

 OFMB *ET 3/15* *R 3/15*

[Signature] *3/22/17*

 Contract Development and Control
3/24/17

B. Legal Sufficiency:

[Signature] *3/23/17*

 Assistant County Attorney

C. Other Department Review:

 Department Director

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

TWP 40

TWP 40

TWP 41



RNG 42

RNG 43

Attachment #1 (page 1 of 1)

LOCATION MAP



Attachment #2
Utility Easement & Exhibit A (6 pages)

Prepared by:
Howard J. Falcon, III
Assistant County Attorney
Palm Beach County, County Attorney's Office
301 North Olive Avenue, Suite 601
West Palm Beach, Florida 33401-4791

Return To:
Marcel Pessoa, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

Property Control Number: 00-43-41-06-52-001-0000

UTILITY EASEMENT

THIS INDENTURE, made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, ("COUNTY"), in favor of the **TOWN OF JUPITER**, a municipal corporation of the State of Florida, whose address is 210 Military Trail, Jupiter, Florida 33458-5784, ("TOWN").

WITNESSETH:

That the COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the TOWN, its successors and assigns, upon the conditions hereinafter set forth, 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 for 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 that parcel of land located in Palm Beach County, Florida, described on Exhibit "A" attached hereto and made a part hereof as if recited at length (the "Easement Premises").

THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:

1. The TOWN shall cause the water mains and their appurtenances to be constructed within the confines of the Easement Premises.

2. The TOWN hereby expressly agrees that in the event that the TOWN, its successors and assigns, ceases to use the Easement Premises for the purposes herein expressed, the easement granted hereby shall become null and void, and all the right, title and interest in and to the Easement Premises shall revert to the COUNTY.

3. The TOWN further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its water mains and appurtenances within the Easement Premises at all times during the term hereof.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the COUNTY has caused these presents to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

**SHARON R. BOCK
CLERK & COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

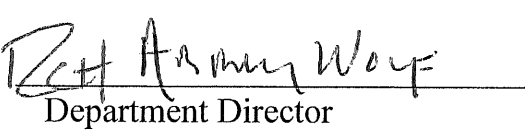
Witness Signature

Print Witness Name

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: 
Assistant County Attorney

By: 
Department Director

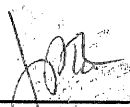
LEGAL DESCRIPTION:


AN EASEMENT FOR WATERLINE PURPOSES IN SECTION 6, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN TRACT A, OF WATERWAY PARK, A PORTION OF JONATHAN'S LANDING P.U.D., RECORDED IN PLAT BOOK 116, PAGE 197, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

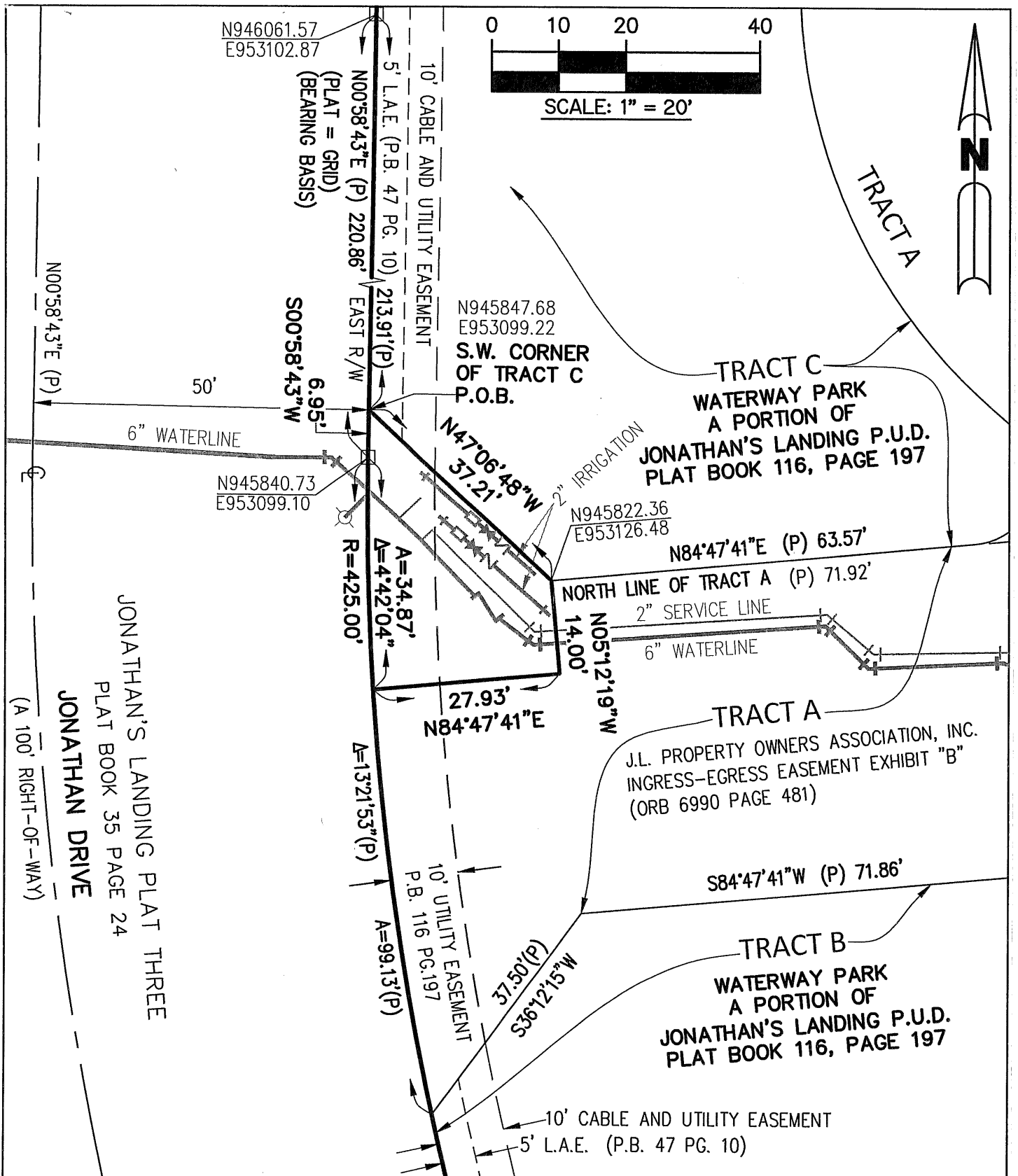
BEGIN AT THE SOUTHWEST CORNER OF TRACT C OF SAID PLAT, LYING ON THE EAST RIGHT-OF-WAY OF JONATHAN DRIVE, AS SHOWN ON SAID PLAT;
THENCE ALONG SAID EAST RIGHT-OF-WAY, S00°58'43"W FOR 6.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 425.00 FEET;
THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY, SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 4°42'04" FOR 34.87 FEET;
THENCE N84°47'41"E, NON-TANGENT TO THE LAST-DESCRIBED CURVE, FOR 27.93 FEET;
THENCE N05°12'19"W FOR 14.00 FEET TO THE NORTH LINE OF SAID TRACT A;
THENCE ALONG SAID NORTH LINE, N47°06'48"W FOR 37.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 769.6 SQUARE FEET, MORE OR LESS.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.


JOHN E. PHILLIPS, III
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA/NO. 4826
DATE: 2/13/17

 E-Mail: info@brown-phillips.com BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	EXHIBIT A WATERLINE EASEMENT	
	PROJ. No. 15-049E	DRAWN: MB
	LEGAL DESCRIPTION WATERWAY PARK	SCALE: 1"=20' DATE: 2/13/17 SHEET 1 OF 3



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BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
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 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

EXHIBIT A WATERLINE EASEMENT (This sketch is not a survey)	
PROJ. No. 15-049E	DRAWN: MB
SKETCH TO ACCOMPANY	SCALE: 1"=20'
LEGAL DESCRIPTION	DATE: 2/13/17
WATERWAY PARK	SHEET 2 OF 3

SURVEYOR'S NOTES:

1) STATE PLANE COORDINATES:

- | | |
|---------------------------------------|---|
| A. COORDINATES SHOWN ARE GRID | F. TRANSVERSE MERCATOR PROJECTION |
| B. DATUM - NAD 83, 1990 ADJUSTMENT | G. ALL DISTANCES ARE GROUND |
| C. ZONE - FLORIDA EAST | H. SCALE FACTOR - 1.000043 |
| D. LINEAR UNIT - US SURVEY FOOT | I. GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE |
| E. COORDINATE SYSTEM 1983 STATE PLANE | J. ROTATION EQUATION: NONE |

2) THE LEGAL DESCRIPTION IS BASED ON THE PLAT OF WATERWAY PARK, A PORTION OF JONATHAN'S LANDING P.U.D., PLAT BOOK 116 PAGE 197, AND ON A TITLE SEARCH PREPARED BY SOUTHEAST GUARANTY & TITLE, INC., FILE NO. 2603038, WATERWAY PARK, DATED JUNE 29, 2015.

NO ENCUMBRANCES OF RECORD WERE NOTED EXCEPT AS SHOWN ON THE ATTACHED SKETCH.

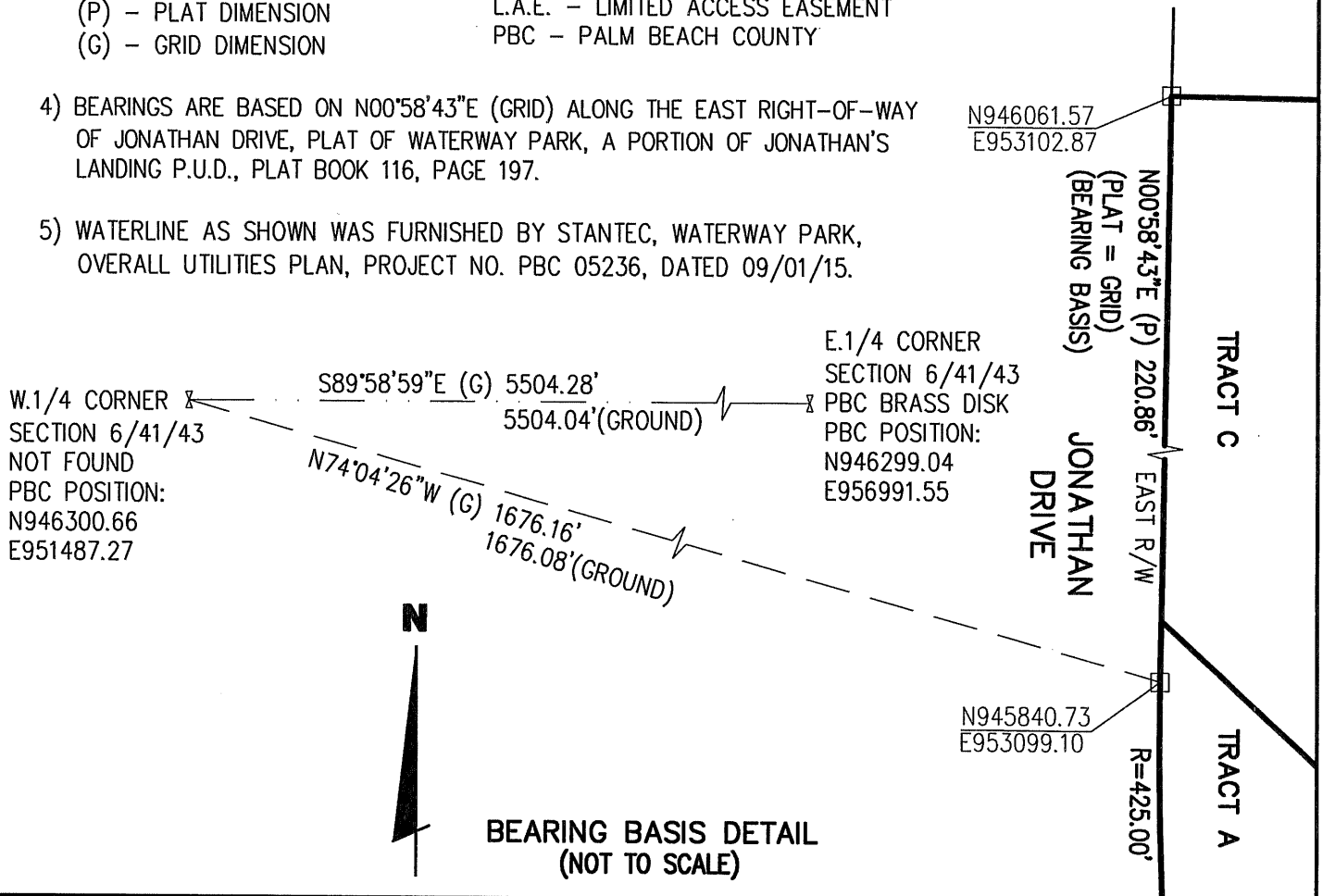
NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.

3) ABBREVIATIONS/LEGEND:

- | | |
|-----------------------------|---|
| P.O.B. - POINT OF BEGINNING | R - RADIUS |
| R/W - RIGHT-OF-WAY | Δ - CENTRAL ANGLE |
| ORB - OFFICIAL RECORD BOOK | A - ARC LENGTH |
| P.B. - PLAT BOOK | □ - PERMANENT REFERENCE MONUMENT "LB6473" |
| (P) - PLAT DIMENSION | L.A.E. - LIMITED ACCESS EASEMENT |
| (G) - GRID DIMENSION | PBC - PALM BEACH COUNTY |

4) BEARINGS ARE BASED ON N00°58'43"E (GRID) ALONG THE EAST RIGHT-OF-WAY OF JONATHAN DRIVE, PLAT OF WATERWAY PARK, A PORTION OF JONATHAN'S LANDING P.U.D., PLAT BOOK 116, PAGE 197.

5) WATERLINE AS SHOWN WAS FURNISHED BY STANTEC, WATERWAY PARK, OVERALL UTILITIES PLAN, PROJECT NO. PBC 05236, DATED 09/01/15.



B BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
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 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

EXHIBIT A WATERLINE EASEMENT	
PROJ. No. 15-049E	DRAWN: MB
SURVEYOR'S NOTES WATERWAY PARK	SCALE: NONE
	DATE: 2/13/17
	SHEET 3 OF 3

E-Mail: info@brown-phillips.com