

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: May 15, 2007 [X] Consent [ ] Regular  
[ ] Ordinance [ ] Public Hearing  
Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

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

- A) the First Amendment to Interlocal Agreement (R2007-0288) (Amendment) with the City of Lake Worth (City) for well sites and a transmission pipeline at John Prince Memorial Park (Park);
- B) a Modification of Restriction in Deed No. 18537-C by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT) to allow municipal wells and public utilities; and
- C) a Modification of Restrictions in Deed No. 18516-G by BOT to allow municipal wells and public utilities, and to provide that no portion of the property be used for a performing educational arts center.

**Summary:** On February 27, 2007, the Board approved an Interlocal Agreement with the City, allowing the City to construct well sites at John Prince Park. The Board simultaneously approved Modifications of Restrictions (R2007-0290 and R2007-0291) to allow the well sites, which required BOT's approval. On March 13, 2007, BOT approved the Modifications of Restrictions, but limited the type and number of well sites that would be allowed and required prior written approval from the DEP for any additional well sites. This Amendment will allow the City to construct and operate four (4) Floridan aquifer well sites within the Park property. The City has modified its Project to accommodate BOT's limitations and has requested that the Interlocal Agreement be amended to reflect this change. (PREM) District 3 (JMB)

**Background and Justification:** Lake Worth originally proposed to construct six (6) wells in the vicinity of John Prince Park on property the County acquired from the State, subject to use restrictions in favor of the BOT. Five (5) wells were programmed for the Park property and one (1) well was proposed on the adjacent property now owned by the Community College. The original Interlocal Agreement provided for construction and operation of five (5) well sites at the Park (four (4) Floridan aquifer and one (1) surficial water). However, in modifying the use restrictions, BOT limited the number of well sites to a total of five (5). The City has modified its project to delete one (1) surficial well and remain within the limits established by BOT. This First Amendment to Interlocal Agreement grants the City the right to install four (4) Floridan aquifer wells on the Park property. The additional well site is programmed to be constructed on the Community College property. These Modifications of Restrictions reflect the type and number of wells approved by BOT and will replace the forms previously approved by the Board. Upon Board approval, the Modifications will be sent to DEP for execution by BOT. It should be noted that in 1994, the Board conveyed a 2-acre site to the City, adjacent to the Park, upon which the City constructed one (1) well site in 2006. Ultimately, the City is planning to construct a total of eight (8) wells surrounding Lake Osborne, John Prince Park and the Community College.

**Attachments:**

- 1. Location Map
- 2. First Amendment to Interlocal Agreement
- 3. Modification of Restriction (Deed No. 18537-C)
- 4. Modification of Restrictions (Deed No. 18516-G)

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Recommended By: RET Anthony Wolf 4/27/07  
Department Director Date

Approved By: [Signature] 5/8/07  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	=====	=====	=====	=====	=====
# 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:**

*Jim Orl* 5-3-07  
 OFMB  
 CR 52-1

*Jim J. Freedman* 5/4/07  
 Contract Development and Control  
 Done 5/5/07  
 the Amendment and Modification  
 comply with our review  
 requirements.

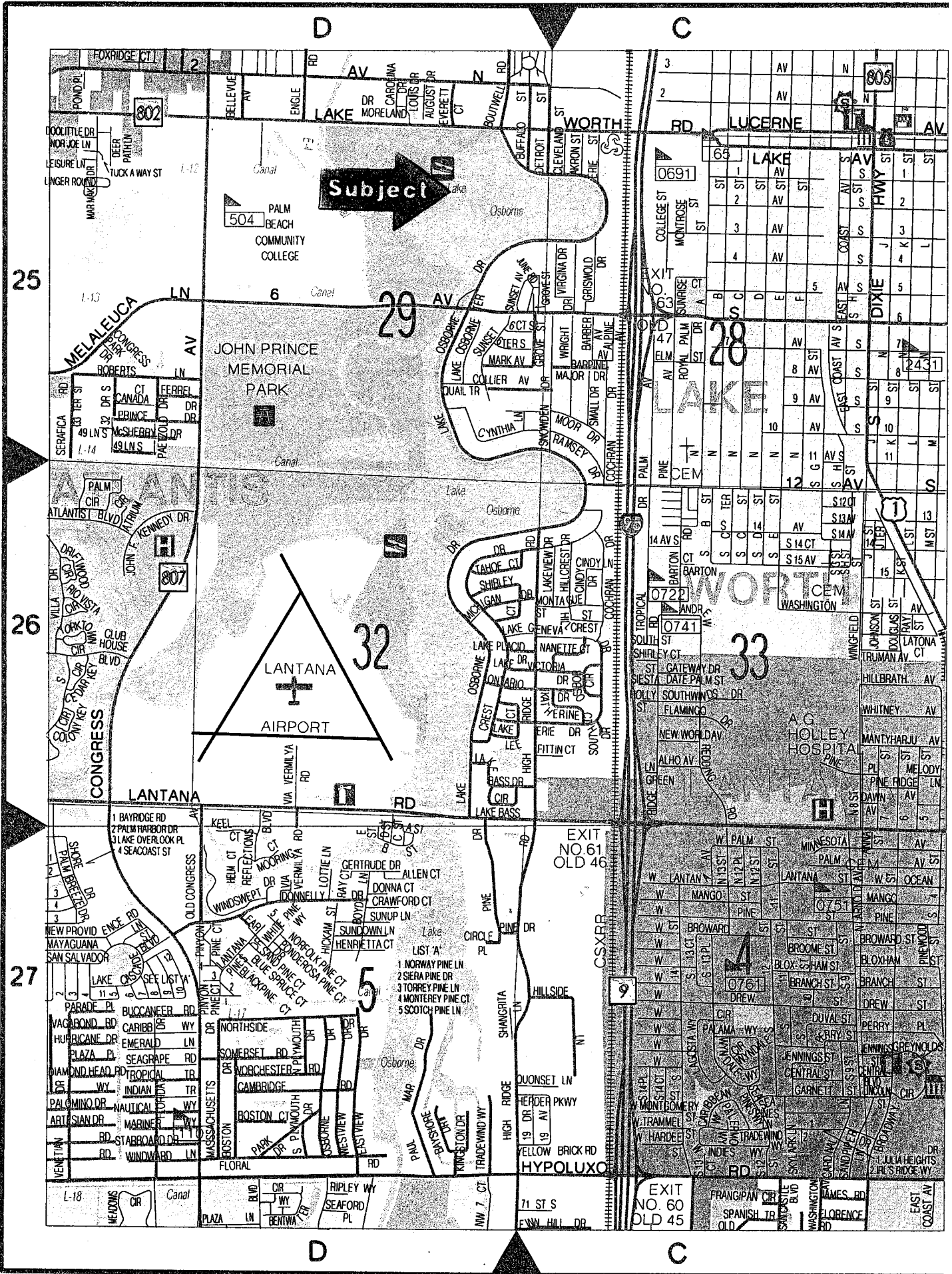
**B. Legal Sufficiency:**

*James Brubaker* 5/8/07  
 Assistant County Attorney

**C. Other Department Review:**

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

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



# LOCATION MAP

II

**FIRST AMENDMENT  
TO  
INTERLOCAL AGREEMENT  
BETWEEN  
THE CITY OF LAKE WORTH  
AND  
PALM BEACH COUNTY**

This First Amendment to Interlocal Agreement (the "First Amendment") is made \_\_\_\_\_ between the **CITY OF LAKE WORTH**, a Florida municipal corporation organized and existing under the laws of the State of Florida, located in Palm Beach County, Florida (hereinafter "City") and **PALM BEACH COUNTY**, a political subdivision of the State of Florida, (hereinafter "County"), each one constituting a public agency as defined in Part I of Chapter 163, Florida Statutes.

**WHEREAS**, City and County entered into an Interlocal Agreement (R2007-0288) (the "Agreement") dated February 27, 2007 providing, in part, for the City's construction, operation and maintenance of up to four (4) Floridan Aquifer raw water wells and one (1) surficial raw water well within the boundaries of the County's John Prince Memorial Park, to provide raw water to City's water treatment plant (the "Project").

**WHEREAS**, pursuant to Section 18 of the Agreement, the Agreement may be modified and amended by written instrument upon mutual agreement of the parties; and

**WHEREAS**, City has modified the Project to eliminate the one (1) surficial well from the Project and has requested that the Agreement be amended to reflect this change; and

**WHEREAS**, City and County wish to amend the Agreement to delete any and all references to the one (1) surficial raw water well from the Agreement.

**NOW THEREFORE**, in consideration of the mutual representations, terms, and covenants hereinafter set forth, the parties hereby agree as follows:

1. Any and all references to the one (1) surficial raw water well are hereby deleted from the Agreement.
2. Except as expressly provided for herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect and the parties hereby ratify, confirm, and adopt the Agreement as amended hereby.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on 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: James Brubaker  
County Attorney

By: Reid Anthony Wolf  
Department Director

ATTEST:

City:

CITY OF LAKE WORTH, a Florida  
municipal corporation organized and  
existing under the laws of the State of Florida

By: Pamela J. Lopez  
Pamela J. Lopez, EME, City Clerk

By: Jeffrey Clemens  
Jeffrey Clemens, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: Larry Kain  
City Attorney



Prepared by and Return to:  
David Kuzmenko, Real Estate Specialist  
Palm Beach County  
Property & Real Estate Management Division  
3200 Belvedere Road, Building 1169  
West Palm Beach, Florida 33406-1544

**BOARD OF TRUSTEES  
OF THE INTERNAL IMPROVEMENT TRUST FUND  
OF THE STATE OF FLORIDA**

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**MODIFICATION OF RESTRICTION  
DEED NO. 18537-C**

KNOW ALL MEN BY THESE PRESENTS: That

WHEREAS, the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA** ("GRANTOR") is by Section 253.03, Florida Statutes, authorized and empowered to modify restrictive covenants on state-owned lands under the terms and conditions set forth herein; and,

WHEREAS, GRANTOR conveyed to **PALM BEACH COUNTY, FLORIDA** ("GRANTEE"), certain lands more particularly described in Deed No. 18537, dated April 12, 1940, recorded in Deed Book 879, Page 248, Public Records of Palm Beach County, Florida; and

WHEREAS, said Deed No. 18537 requires that the property described therein be used for park and forest purposes only, and if said property is used for any purposes other than park and forest ("Restriction"), the title to said property shall automatically and immediately revert and become the property of GRANTOR ("Reverter").

WHEREAS, GRANTOR has previously released portions of the property described in Deed No. 18537 from the Restriction in the following instruments:

1. Deed No. 18537-A, dated December 3, 1969, and recorded in Official Record Book 1771, Page 1690, Public Records of Palm Beach County, Florida, to Ken Murry & Sons Developers and Builders, Inc., as to 1.21 acres.
2. Deed No. 18537-B, dated December 3, 1969, and recorded in Official Record Book 1771, Page 1692, Public Records of Palm Beach County, Florida, to Helen G. Smith, Ray Allen Smith, and Gwendolyn M. Barber, as to 0.49 acre.

WHEREAS, the City of Lake Worth needs a portion of the remaining property described in Deed No. 18537 that is still owned by GRANTEE, which property is more particularly described in Exhibit "A", attached hereto and by reference made a part hereof (the "Property") for three (3) municipal well sites and associated public utilities which will be used to draw water to serve area residents; and

WHEREAS, GRANTOR and GRANTEE have no objection to the three (3) wells and associated utilities within the Property, which will be located so as not to materially interfere with the use of the Property for the purposes identified as the Restriction; and

WHEREAS, the Property is located in an urban area and GRANTEE has additionally determined that various public utilities have been installed across the



Property that do not materially interfere with the use of the Property for the purposes identified as the Restriction, but which are not consistent with the Restriction; and

WHEREAS, GRANTOR and GRANTEE would like to modify the Restriction to allow the Property to also be used for three (3) municipal well sites and public utilities; and

WHEREAS, GRANTOR approved this Modification of Restriction on the \_\_\_\_\_ day of \_\_\_\_\_, 2007; and

WHEREAS GRANTOR has no objection to GRANTEE locating additional wells in the future, if needed, provided GRANTEE obtain prior written approval from the Florida Department of Environmental Protection, Division of State Lands.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the GRANTOR and GRANTEE agree as follows:

1. The Restriction and Reverter contained in Deed No. 18537 are hereby amended as follows:
  - a. In addition to using the Property for park and forest purposes, the Property may also be used for public utilities, including three municipal water wells, so long as such use does not materially interfere with the primary use of the Property for park and forest purposes.
  - b. The Reverter as to that portion of the Property used for municipal well sites or public utilities shall be at the sole option of GRANTOR rather than automatic.

- c. GRANTEE may install additional well sites, if needed, subject to written approval from the Florida Department of Environmental Protection, Division of State Lands.
2. Except as expressly modified hereby, the terms of the Restriction and Reverter contained in Deed No. 18537 shall remain unchanged in each and every respect, and the same are hereby ratified, approved and confirmed by GRANTOR and GRANTEE as of the date of this Modification of Restriction.
3. The terms of this Modification of Restriction shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

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IN WITNESS WHEREOF, the parties have caused this Modification of Restriction to be executed the day and year last written below.

“GRANTOR”

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

By: \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print/Type Witness Name

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print/Type Witness Name

\_\_\_\_\_  
Assistant Director, Division of State Lands, State of Florida Department of Environmental Protection, as agent for the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2007, by \_\_\_\_\_, as Assistant Director, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, who is personally known to me.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Florida

Approved as to Form and Legality

\_\_\_\_\_  
Print/Type Notary Name

By: \_\_\_\_\_  
DEP Attorney

Commission Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

"GRANTEE"

ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

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

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

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

(OFFICIAL SEAL)

Date: \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: James Brehm  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

By: Rest Anthony Wolf  
Department Director

## Exhibit "A"

Beginning at the southeast corner of the tract of land previously conveyed by the Trustees of the Internal Improvement Fund to Palm Beach County, in Sections 29 and 32, Township 44 South, Range 43 East, as recorded in Deed Book 594, Page 56, of Palm Beach County Records, such point of beginning being also located at the intersection of the South line of Section 32, with the eastern boundary line of such previously conveyed tract,

thence run northerly along such eastern boundary line to the northeast corner of such previously conveyed tract which corner is also the point where it intersects the North line of said Section 29;

thence run easterly along such North line of Section 29, to a point in the eastern right-of-way line of the proposed County Road along the East shore of Lake Osborne, such proposed right-of-way to be more fully described later; said point being also located 696.12 feet measured westerly from the northeast corner of said Section 29, along the North line of said Section 29;

thence running approximately 1,034 feet variously southeasterly along such road right-of-way line to the point of intersection with the East line of Section 29, which point is also located 648.62 feet measured southerly from the northeast corner of said Section 29, along the East line of said Section 29;

thence into Section 28, same township and range, continuing along such road right-of-way line approximately 962 feet variously southeasterly to the point of intersection with the Government meander line along the East shore of Lake Osborne;

thence run approximately 1115 feet variously southwesterly along said meander line to the point of intersection with the East line of said Section 29, which point is also 1,519.34 feet measured southerly along such East line from the N. E. corner of said Section 29;

thence into Section 29 continue along said meander line approximately 1,483 feet variously southwesterly to the point of intersection of said Government meander line with the eastern right-of-way line of said proposed County Road;

thence run approximately 360 feet southwesterly along such right-of-way line to an intersection with the westerly extension of the North line of Sixth Street of the City of Lake Worth;

thence run approximately 195 feet easterly along such North line of Sixth Street to the intersection with the Government meander line;

thence run approximately 40 feet southerly along such meander line across Sixth Street to the intersection with the South line of such Sixth Street;

thence run approximately 225 feet westerly along such South line of Sixth Street to the intersection with above mentioned road right-of-way line;

thence run approximately 3335 feet variously southerly and easterly along such road right-of-way line to the intersection with the East line of said Section 29; such point of intersection being also 551.24 feet measured North along such section line from the S. E. corner of said Section 29;

thence into Section 28, Township 44 South, Range 43 East, continuing along such road right-of-way line, run approximately 981 feet variously southeasterly to the point of intersection with the South line of said Section 28, such point of intersection being also, 740.99 feet measured East along such section line from the southwest corner of said Section 28;

thence into Section 33, Township 44 South, Range 43 East, continuing along such eastern right-of-way line, run approximately 334 feet southerly to the point of intersection with the Government meander line;

thence run approximately 824 feet variously southwesterly along said meander line to the intersection with the East line of Section 32, Township 44 South, Range 43 East, such point of intersection being also 657.61 feet measured southerly along such section line from the N. E. corner of said Section 32;

thence into Section 32, continuing along such Government meander line, run approximately 1902 feet variously South and West to the point where it intersects the eastern right-of-way line of the proposed County Road along the East shore of Lake Osborne;

thence running southerly along such road right-of-way line approximately 709 feet to a point where such right-of-way line again intersects the above Government meander line;

thence continuing variously southerly along such meander line approximately 1766 feet to a point where such meander line again intersects the above mentioned eastern right-of-way line;

thence running southerly 1354.16 feet along such eastern right-of-way line to an intersection with the South line of said Section 32, such point being also located 974.21 feet measured westerly along such section line from the S. E. corner of said Section 32;

thence running westerly to the point of beginning.

The above described tracts contains approximately 239 acres, and lying and being in Sections 28, 29, 32 and 33, Township 44 South, Range 43 East.

(The proposed County Road Right-of-Way mentioned above is more particularly described as being 100 feet in width, 50 feet on either side measured at right angles to the following described road centerline, to-wit:

From the S. E. corner of Section 32, Township 44 South, Range 43 East, as established by the U. S. General Land Office, in 1915, run 1,024.21 feet N. 88° 03' West, along the South line of said Section 32 to the Point of Beginning;

thence run 1644.21 feet North 1° 43' 35" East, to a point;  
thence run 908.28 feet North 8° 53' 37" East to a Point of Curve;  
thence run 538.22 feet along the arc of a 10° curve concave to the S. W., using a radius of 572.96 feet, to a Point of Tangency;

thence run 215.77 feet North 44° 55' 41" West to a P. C.;  
thence run 730.40 feet along the arc of a 9° curve concave to the N. E., using a radius of 636.62 feet, to a P. T.;  
thence run 113.89 feet N. 20° 48' 30" East to a P. C.;  
thence run 595.14 feet along the arc of a 10° curve concave to the S. E., using a radius of 572.96 feet, to a P. T.;  
thence run 908.08 feet N. 80° 19' 18" East, to a point in the East line of said Section 32, such point being also located 721.52 feet S. 1° 52' 37" West, along such section line from the N. E. corner of

Prepared by and Return to:  
David Kuzmenko, Real Estate Specialist  
Palm Beach County  
Property & Real Estate Management Division  
3200 Belvedere Road, Building 1169  
West Palm Beach, Florida 33406-1544

**BOARD OF TRUSTEES  
OF THE INTERNAL IMPROVEMENT TRUST FUND  
OF THE STATE OF FLORIDA**

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**MODIFICATION OF RESTRICTIONS  
DEED NO. 18516-G**

KNOW ALL MEN BY THESE PRESENTS: That

WHEREAS, the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA** ("GRANTOR") is by Section 253.03, Florida Statutes, authorized and empowered to modify restrictive covenants on state-owned lands under the terms and conditions set forth herein; and,

WHEREAS, GRANTOR conveyed to **PALM BEACH COUNTY, FLORIDA** ("GRANTEE"), by Deed No. 18516, dated October 9, 1939, recorded in Deed Book 594, Page 56, Public Records of Palm Beach County, Florida, those lands more particularly described in Exhibit "A" attached hereto and by reference made a part hereof (the "Property"); and

WHEREAS, said Deed No. 18516 required that the Property be used for park and forest purposes only, and if the Property is used for any purposes other than park and

forest, the title to the Property shall automatically and immediately revert and become the property of GRANTOR ("Reverter"); and

WHEREAS, GRANTOR has previously approved other uses of the Property, in addition to park and forest purposes (collectively, the "Restrictions"), in the following modifications of restrictions:

1. Deed No. 18516-A, dated November 28, 1955, and recorded in Deed Book 1117, Page 648, Public Records of Palm Beach County, Florida, authorizes GRANTEE to convey approximately 50.28 acres of the Property to a proper public school authority and proper non-profit corporation so that said lands may, in addition to park and forest purposes, be used for public school and county fair purposes.
2. Deed No. 18516-B, dated September 18, 1959, and recorded in Official Record Book 409, Page 305, Public Records of Palm Beach County, Florida, authorizes GRANTEE to convey 3.44 acres of the Property to Palm Beach County Association for Retarded Children, a Florida non-profit corporation, to be used for the purpose of assisting retarded children in educational and physical purposes.
3. Deed No. 18516-C, dated October 29, 1975, and recorded in Official Record Book 2486, Page 1877, Public Records of Palm Beach County, Florida, authorizes GRANTEE to convey 7 acres of the Property to the Palm Beach Habitation Center, Inc., a Florida non-profit corporation, to be



used for the purpose of aiding retarded children and adults in a program of habilitation and recreation. This modification was subsequently rescinded by action of GRANTOR on August 20, 1985.

4. Deed No. 18516-D, dated October 2, 1985, and recorded in Official Record Book 4716, Page 587, Public Records of Palm Beach County, Florida, expands the use of various portions of the Property so that in addition to park and forest purposes, 10.29 acres of the Property may be used for the purposes of construction, repair, maintenance and operation of a performing educational arts center; 4 acres of the Property may be used for the construction, repair, maintenance and operation of facilities necessary for aiding retarded children and adults in a program of habilitation and recreation; and 236 acres of the Property may be used for aviation and related purposes.
5. Deed No. 18516-E, dated April 25, 1989 (unrecorded), modified and expanded the legal description of the land (from 10.29 acres to 17.5 acres) that was to be used for the performing educational arts center described and approved in Deed No. 18516-D. (This facility was subsequently built on lands other than those lands included in Deed No. 18516-E.)
6. Deed No. 18516-E (this should have been referred to as Deed No. 18516-F), dated December 30, 1994, and recorded in Official Record Book 8625, Page 627, Public Records of Palm Beach County, Florida, expands the uses

allowed on the 4-acre parcel described in Deed No. 18516-D to provide for the additional use of the 4-acre parcel for the construction, repair, maintenance and operation of a children's resource center for the treatment of victims of child abuse.

WHEREAS, the City of Lake Worth needs a portion of the Property for two municipal well sites and associated public utilities which will be used to draw water to serve area residents; and

WHEREAS, GRANTOR and GRANTEE have no objection to locating the two wells and associated utilities within the Property, which will be located so as not to materially interfere with the use of the Property for the purposes identified as the Restrictions; and

WHEREAS, the Property is located in an urban area and GRANTEE has additionally determined that various public utilities have been installed across the Property that do not materially interfere with the use of the Property for the purposes identified as the Restrictions, but which are not consistent with the Restrictions; and

WHEREAS, GRANTOR and GRANTEE would like to modify the Restrictions to allow the Property to also be used for two (2) municipal well sites and public utilities; and

WHEREAS GRANTOR has no objection to GRANTEE locating additional wells in the future, if needed, provided GRANTEE obtain prior written approval from the Florida Department of Environmental Protection, Division of State Lands; and

WHEREAS, GRANTOR approved this Modification of Restrictions on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the GRANTOR and GRANTEE agree as follows:

1. The Restrictions and Reverter contained in Deed No. 18516 are hereby amended as follows:
  - a. In addition to the purposes identified as the Restrictions, the Property may also be used for public utilities, including two (2) municipal water wells, so long as such use does not materially interfere with the primary use of the Property for those purposes identified as the Restrictions.
  - b. GRANTEE may install additional well sites, if needed, subject to written approval from the Florida Department of Environmental Protection, Division of State Lands.
  - c. No portion of the Property may be used for a performing educational arts center.
  - c. The Reverter as to that portion of the Property used for municipal well sites or public utilities shall be at the sole option of GRANTOR rather than automatic.
2. Except as expressly modified hereby and by previous modifications referenced herein, the terms of the Restrictions and Reverter contained in Deed No. 18516 shall remain unchanged in each and every respect, and the

same are hereby ratified, approved and confirmed by GRANTOR and GRANTEE as of the date of this Modification of Restrictions.

3. The terms of this Modification of Restrictions shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have caused this Modification of Restrictions to be executed the day and year last written below.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

“GRANTOR”

BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND OF THE  
STATE OF FLORIDA

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print/Type Witness Name

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print/Type Witness Name

By: \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Assistant Director, Division of State  
Lands, State of Florida Department of  
Environmental Protection, as agent  
for the Board of Trustees of the  
Internal Improvement Trust Fund of  
the State of Florida

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2007, by \_\_\_\_\_, as Assistant Director, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, who is personally known to me.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Florida

Approved as to Form and Legality

\_\_\_\_\_  
Print/Type Notary Name

By: \_\_\_\_\_  
DEP Attorney

Commission Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

"GRANTEE"

ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

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

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

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

(OFFICIAL SEAL)

Date: \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: James Brooks  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

By: Richard Anthony Wolf  
Department Director

## Exhibit "A"

That certain tract of land irregular in shape bounded on the North by the North line of Section 29, Township 44 South, Range 43 East; bounded on the South by the South line of Section 32, same township and range; bounded on the West by the United States Government's Meander line running along the West shore of the lake shown in said Sections 29 and 32, above as surveyed by Wm. J. Reyes, Deputy Surveyor, during the month of November, A. D. 1858, and approved October 26, 1859, by Francis S. Dancy, Surveyor General, said survey notes and plat now being on file in the General Land Office, Washington, D. C.; bounded on the East by a line running parallel to and distant 1,600 feet measured westerly from the East lines of said Sections 29 and 32, Township 44 South, Range 43 East.

said Section 32;

thence into Section 33, Township 44 South, Range 43 East, continuing 372.13 feet, North  $80^{\circ} 19' 18''$  East, to a P. C.;

thence run 581.07 feet along the arc of a  $13^{\circ} 30'$  curve concave to the N. W., using a radius of 424.41 feet, to a P. T.;

thence run 86.84 feet North  $1^{\circ} 52' 37''$  East, to a P. C.;

thence run 149.28 feet along the arc of a  $10^{\circ}$  curve concave to the S. W., using a radius of 572.96 feet, to a point in the North line of said Section 33, such point is also distant 684.62 feet South  $88^{\circ} 23' 40''$  East, from the northwest corner of said Section 33;

thence into Section 28, Township 44 South, Range 43 East; continuing along the arc of the last above mentioned  $10^{\circ}$  curve run 503.18 feet to a P. T.;

thence run 129.11 feet North  $63^{\circ} 22' 08''$  West to a P. C.;

thence run 269.99 feet along the arc to a  $7^{\circ}$  curve concave to the South, using a radius of 818.52 feet, to a point in the West line of said Section 28, such point is also distant 500.98 feet North  $1^{\circ} 46' 45''$  East, along such section line from the S. W. corner of said Section 28;

thence into Section 29, Township 44 South, Range 43 East, continuing along the arc of the last above mentioned  $7^{\circ}$  curve 279.51 feet to a P. T.;

thence run 310.51 feet South  $78^{\circ} 09' 59''$  West, to a P. C.;

thence run 818.40 feet, along the arc of a  $9^{\circ}$  curve concave to the N. E., using a radius of 636.62 feet, to a P. T.;

thence run 274.17 feet North  $28^{\circ} 10' 40''$  West, to a P. C.;

thence run 1058.35 feet along the arc of a  $5^{\circ}$  curve concave to the East, using a radius of 1145.93 feet, to a P. T.;

thence run 1259.46 feet, North  $24^{\circ} 44' 23''$  East, to a P. C.;

thence run 1118.23 feet along the arc of a  $6^{\circ}$  curve concave to the S. E., using a radius of 954.94 feet, to a P. T.;

thence run 109.37 feet South  $88^{\circ} 10'$  East, to a point in the East line of said Section 29, such point being also distant 1770.22 feet South  $1^{\circ} 50'$  West along such section line from the N. E. corner of said Section 29;

thence into Section 28, run 475.05 feet South  $88^{\circ} 10'$  East, to a P. C.;

thence run 720.01 feet along the arc of a  $12^{\circ} 30'$  curve concave to the N. W. using a radius of 458.37 feet, to a P. T.;

thence run 154.33 feet North  $1^{\circ} 50' 00''$  East, to a P. C.;

thence run 719.49 feet along the arc of a  $12^{\circ} 30'$  curve concave to the S. W. using a radius of 458.37 feet, to a P. T.;

thence run 475.57 feet North  $88^{\circ} 06' 07''$  West to a point in the West line of said Section 28, such point being also distant 698.62 feet South  $1^{\circ} 50'$  West along such section line from the N. W. corner of said Section 28;

thence into Section 29, run 47.95 feet North  $88^{\circ} 06' 07''$  West to a P. C.;

thence run 635.79 feet along the arc of a  $10^{\circ}$  curve concave to the N. E. using a radius of 572.96 feet to a P. T.;

thence run 431.29 feet North  $24^{\circ} 31' 22''$  West, to the point of ending in the North line of Section 29, Township 44 South, Range 43 East, such point of ending being also 752.17 feet measured North  $87^{\circ} 40' 03''$  West, along the North line of said Section 29, from the N. E. corner of said Section 29.



**LESS AND EXCEPT PARCEL 18537-A:**

A parcel of reclaimed lake bottom land in Lake Osborne, adjacent to Section 29, Township 44 South, Range 43 East, Palm Beach, County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 29, Township 44 South, Range 43 East, run 551.24 feet North  $1^{\circ}46'45''$  East along east boundary of said Section 29 to a point of intersection with the Northerly right of way line of the proposed County Road along the easterly shore of Lake Osborne; thence run in a westerly direction 291.48 feet along the arc of a curve, concave to the South and having a radius of 868.52 feet and central angle of  $19^{\circ}13'43''$  to the end of curve for the point of beginning; thence run South  $78^{\circ}09'58''$  West along north right of way of said County Road as originally located, a distance of 310.51 feet to a point of curve; thence run 645.39 feet along the arc of a curve concave to the Northeast and having a radius of 586.62 feet and a central angle of  $63^{\circ}02'10''$ ; thence run 79.72 feet South  $60^{\circ}18'32''$  West to a point in the Easterly Right of Way line of the revised location of said County Road; thence run 582.61 feet along the arc of a curve concave to the Northeast and having a radius of 409.28 feet and a central angle of  $81^{\circ}33'34''$ ; thence run 432.04 feet North  $74^{\circ}41'14''$  East to a point of curve; thence run 52.74 feet in an easterly direction along the arc of a curve having a Radius of 868.52 feet and a central angle of  $3^{\circ}28'45''$  to the point of beginning. Containing 1.21 acres, more or less.

**AND LESS AND EXCEPT PARCEL 18537-B:**

A parcel of reclaimed lake bottom land in Lake Osborne, adjacent to Section 29, Township 44 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 29, Township 44 South, Range 43 East, run 551.24 feet North  $1^{\circ}46'45''$  East along east boundary of said Section 29 to a point of intersection with the Northerly right of way line of the proposed County Road along the easterly shore of Lake Osborne; thence run in a westerly direction 291.48 feet along the arc of a curve, concave to the South having a radius of 868.52 feet and central angle of  $19^{\circ}13'43''$  to the end of curve; thence run South  $78^{\circ}09'58''$  West along north right of way line of said County Road as originally located, a distance of 310.51 feet to a point of curve; thence run 654.39 feet along the arc of a curve concave to the Northeast and having a radius of 586.62 feet and central angle of  $63^{\circ}02'10''$  to the Point of Beginning; thence run 108.73 feet along the arc of the aforesaid curve and thru a central angle of  $10^{\circ}37'11''$ ; to the end of said curve; thence run 274.17 feet North  $28^{\circ}10'40''$  West, to a point of curve; thence run 164.82 feet along the arc of a curve concave to the East and having a radius of 1095.93 feet and a central angle of  $8^{\circ}37'00''$  to a point of intersection with the Easterly Right of Way of the revised location of said county road; thence run 524.77 feet South  $19^{\circ}33'40''$  East along revised easterly Right of Way to a point of curve; thence run 29.94 feet along the arc of a curve concave to the Northeast and having a radius of 409.28 feet and a central angle of  $4^{\circ}11'27''$ ; thence run 79.72 feet North  $60^{\circ}18'32''$  to the Point of Beginning. Containing 0.49 acre, more or less.