

3H-14

Meeting Date: **December 18, 2007** ☒ **Consent** ☐ **Regular**
 ☐ **Ordinance** ☐ **Public Hearing**

Department: **Facilities Development & Operations**

Motion and Title: Staff recommends motion to approve:

- A) a Sidewalk Easement in favor of the City of West Palm Beach (City), for public access over the sidewalks at the Judicial Center Parking Garage (Parking Garage) in West Palm Beach; and**
- B) a Utility Easement in favor of the City of West Palm Beach, for underground water and sewer lines at the Judicial Center Parking Garage in West Palm Beach.**

Summary: The County is expanding the Judicial Center Parking Garage, located at 505 Banyan Boulevard in the City of West Palm Beach. As part of the approval process, the City requires a Utility Easement for installation of underground water and sewer lines and aboveground fire hydrants. Additionally, the City has requested a Sidewalk Easement to provide public access to and from the public streets and roadways. Both easement areas run along portions of Rosemary Avenue and Third Street, on the west and north perimeter of the Parking Garage. The Sidewalk Easement area varies in width from approximately 5 to 8 feet and runs a length of 950 linear feet and contains a total of 6,367 square feet (0.15 acre). The Utility Easement area varies in width from 10 to 14 feet and runs a length of 700 linear feet for a total of 10,458 square feet (0.24 acre). Both Easements are non-exclusive and are being granted to the City at no charge as they will serve the County facility. **(PREM) District 7 (HJF)**

Background and Justification: The Parking Garage was completed in 1997 and being is expanded by the addition of two levels. Construction is expected to be completed in January. The City requires the Utility Easement prior to issuance of its final approval. The Sidewalk Easement is not required, but has been requested by the City, and will shift maintenance and liability associated with the sidewalk to the City.

1. Location Map
2. Sidewalk Easement
3. Utility Easement

11/28/07
Date

12/60
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	=====	=====	=====	=====	=====
# 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:

[Signature] 12-4-07
OFMB
[Initials] 12/5/07
[Initials] 12/3/07

[Signature] 12/4/07
Contract Development and Control
[Signature] 12/4/07

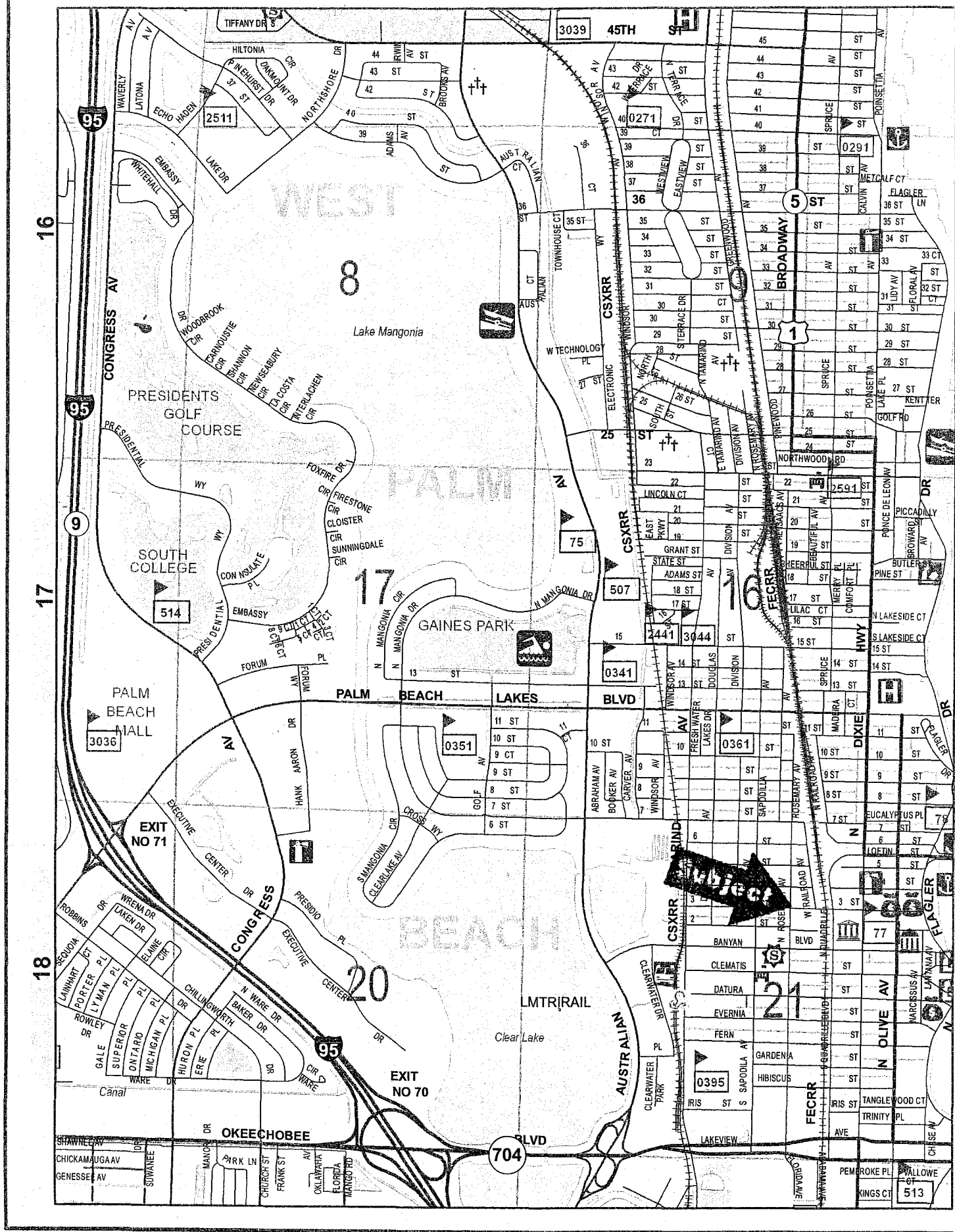
B. Legal Sufficiency:

[Signature] 12/5/07
Assistant County Attorney
*Comments not signed by
City at time of CAO review*

C. Other Department Review:

Department Director

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



THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:
Vincent J. Noel, PSM
City of West Palm Beach
1000 45 Street, Suite 15
West Palm Beach, FL 33407

Parcel Control No.: a portion of 74-43-43-2106-030-0050
a portion of 74-43-43-2106-030-0010
a portion of 74-43-43-2101-051-0010

SIDEWALK EASEMENT

THIS EASEMENT granted this _____ day of _____, 2007, by PALM BEACH COUNTY, a political subdivision of the State of Florida (hereinafter "Grantor"), having an address of Governmental Center, 301 N. Olive Avenue, West Palm Beach, Florida 33401, and the CITY OF WEST PALM BEACH, a municipal corporation organized and existing under the laws of the State of Florida (hereinafter "Grantee"), having an address of P.O. Box 3366, West Palm Beach, Florida 33402.

WHEREAS, Grantor is the owner of a certain parcel of land located in the City of West Palm Beach, Florida, more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, Grantor has agreed to grant to Grantee a sidewalk easement (the "Sidewalk Easement") in favor of the public over and across the Easement Area for ingress and egress to and from the public streets and roadways contiguous to the Easement Area.

NOW THEREFORE, in consideration of the sum of Ten Dollars and 00/100 (\$10.00), the mutual covenants contained herein and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, bargains and conveys to Grantee a perpetual, non-exclusive easement over the real property legally described in Exhibit "B" attached hereto (the "Easement Area"), upon the terms, covenants and conditions hereinafter set forth.

1. Grantor hereby grants to Grantee and dedicates to the public a perpetual, non-exclusive easement over and across the Easement Area as a public pedestrian way of passage for ingress, egress and access to and from the public streets and roadways owned by Grantee contiguous thereto.
2. Grantee shall maintain the sidewalk constructed on or within the Easement Area in good condition and in good repair at Grantee's sole cost and expense.

3. This Easement shall continue unless or until Grantee terminates its rights herein provided by written notice to the Grantor, its successors or assigns. Neither the failure to use the Easement Area nor the abandonment of the Easement Area shall constitute or be construed as a termination of this Easement.

4. This Easement shall run with the land and shall be binding upon the parties hereto and their respective successors and assigns.

5. This Easement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

6. Grantor reserves all rights of ownership in and to the Property which are not inconsistent with the Easement granted hereby, including, without limitations, the right to grant further easements on, over or across the Property, provided, however, that no further easement hereinafter granted by Grantor shall permit a use which materially interferes with the pedestrian access use dedicated to the public hereunder.

IN WITNESS WHEREOF, Grantor has executed his hand and seal on the day and year first above written.

Grantor:

ATTEST:

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

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: _____
County Attorney

By: Anthony Wolf
Department Director

ACCEPTANCE OF EASEMENT

The City of West Palm Beach hereby accepts the foregoing grant of Easement.

CITY OF WEST PALM BEACH

BY: _____

Mayor

ATTEST:

CLERK

Director Engineering Services Approval

By: _____

Date: _____

City Attorney's Office

Approved as to form
and legal sufficiency

By: _____

Date: _____

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this _____ day of _____ 2007, by Lois J. Frankel, Mayor, and Blane Kauthen, City Clerk, on behalf of the City of West Palm Beach. He/She is personally known to me or has produced _____ as identification and did not take an oath.

My commission expires:

Notary Public

G:\Abby\Judicial Center Parking Garage\SidewalkEasement.112007.HF approved.doc

EXHIBIT "A"
PROPERTY

EXHIBIT "A"

THE "PROPERTY"

JUDICIAL CENTER PARKING GARAGE

THE WEST TWENTY-TWO FEET OF LOTS 1, 2, 3 AND 4 OF BLOCK 30 OF W.S. CLOW'S ADDITION TO THE TOWN OF WEST PALM BEACH, FLORIDA, BEING THE SAME PARCEL OF LAND CONVEYED BY FLORIDA EAST COAST RAILWAY COMPANY TO THE CITY OF WEST PALM BEACH ON OCTOBER 15, 1919 AND RECORDED IN DEED BOOK 124, PAGE 292, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

(PROPERTY CONTROL #74-43-43-21-06-030-0010)

TOGETHER WITH:

PARCEL A

LOTS 2 TO 10, INCLUSIVE, BLOCK 51, MAP TO CORRECT FORMER PLAT OF BLOCKS 51, 52, 53 AND 54, THE TOWN OF WEST PALM BEACH, ACCORDING TO THE PLAT THEREOF ON FILE WITH THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 38.

AND ALSO TOGETHER WITH

PARCEL B

LOTS 6 TO 17, INCLUSIVE, BLOCK 30, W.S. CLOW'S ADDITION, ACCORDING TO THE PLAT THEREOF ON FILE WITH THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 60.

AND ALSO TOGETHER WITH

PARCEL C

LOT 5, LESS THE WEST 22 FEET THEREOF, BLOCK 30, FIRST W.S. CLOW'S ADDITION, ACCORDING TO THE PLAT THEREOF ON FILE WITH THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 87.

(PARCELS A, B AND C PROPERTY CONTROL #74-43-43-21-06-030-0050)

AND ALSO TOGETHER WITH

THAT CERTAIN PARCEL OF LAND SHOWN AS WATER WORKS SPUR RIGHT OF WAY ON THE MAP TO CORRECT FORMER PLAT OF BLOCKS 51, 52, 53, 54 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1 AT PAGE 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF LAND SHOWN AS ALTHEA STREET AND FLORIDA EAST COAST RAILWAY RIGHT OF WAY ON THE MAP OF W.S. CLOW'S ADDITION TO THE TOWN OF WEST PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1 AT PAGE 60 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF LAND SHOWN AS ALTHEA STREET AND RAILROAD AVENUE ON THE PLAT OF FIRST W.S. CLOW'S ADDITION TO THE TOWN OF WEST PALM BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1 AT PAGE 87 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 51 OF SAID PLAT MAP TO CORRECT FORMER PLAT OF BLOCKS 51, 52, 53, 54 AND RUN OFF AN ASSUMED BEARING OF S89°57'21" E ALONG THE SOUTH LINE OF LOTS 10, 9, 8 AND A PORTION OF LOT 7 OF SAID BLOCK 51 FOR A DISTANCE OF 158.73 FEET TO A POINT OF CURVATURE

OF A TANGENT CURVE CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG THE SOUTHERLY AND SOUTHEASTERLY LINES OF LOTS 7, 6, 5, 4, 3 AND 2 OF SAID BLOCK 51 ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 358.06 FEET AND A CENTRAL ANGLE OF 51°27'15" FOR AN ARC DISTANCE OF 321.55 FEET TO A POINT ON A NON-TANGENT LINE; THENCE S89°56'11" E ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 51 FOR A DISTANCE OF 12.67 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF S52°38'20"E; THENCE NORTHEASTERLY ALONG THE ARC OR SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 368.06 FEET AND A CENTRAL ANGLE OF 014°45'37" FOR AN ARC DISTANCE OF 94.82 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE WEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N88°59'55"E; THENCE SOUTHERLY ALONG THE WEST RIGHT OF WAY LINE OF A 100 FOOT RIGHT OF WAY OF THE FLORIDA EAST COAST RAILWAY AS NOW LAID OUT AND IN USE, BEING THE ARC OF SAID CURVE, TO THE RIGHT HAVING A RADIUS OF 2,913.72 FEET AND A CENTRAL ANGLE OF 0°41'10" FOR AN ARC DISTANCE OF 34.89 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RAILROAD WEST RIGHT OF WAY LINE S00°18'55"E A DISTANCE OF 48.60 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF 56°32'55"E; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF LOT 1, BLOCK 51 OF SAID PLAT MAP TO CORRECT FORMER PLAT OF BLOCKS 51, 52, 53, 54 BEING THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 408.06 FEET AND A CENTRAL ANGLE OF 27°55'53" FOR AN ARC DISTANCE OF 198.93 FEET TO A NON-TANGENT LINE; THENCE S89°57'21"E ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 51 FOR A DISTANCE OF 145.76 FEET; THENCE S00°18'55"E ALONG THE SAID WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY RIGHT OF WAY FOR A DISTANCE OF 31.50 FEET; THENCE N89°57'21"W ALONG THE NORTH LINE OF THAT CERTAIN PARCEL MARKED R.R. RESERVE, BLOCK 51 OF SAID PLAT MAP TO CORRECT FORMER PLAT OF BLOCKS 51, 52, 53, 54 FOR A DISTANCE OF 100.04 FEET; THENCE S00°18'55"E ALONG THE WEST LINE OF SAID PARCEL MARKED R.R. RESERVE A DISTANCE OF 18.50 FEET; THENCE N89°57'21"W ALONG THE NORTH LINE OF LOTS 11 THROUGH 18 INCLUSIVE OF SAID BLOCK 51 A DISTANCE OF 400.17 FEET; THENCE N00°19'05"W ALONG THE EASTERLY RIGHT OF WAY LINE OF ROSEMARY AVENUE FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA.

(PROPERTY CONTROL #74-43-43-21-01-051-0010)

EXHIBIT "B"
EASEMENT AREA

SIDEWALK EASEMENTS
JUDICIAL CENTER PARKING GARAGE
PALM BEACH COUNTY PROJECT NO. 2007018-04

FOUR PARCELS OF LAND FOR SIDEWALK EASEMENT PURPOSES LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA BEING A PORTION OF BLOCK 30 AND BLOCK 51, OF THE PLAT OF W.S. CLOWS ADDITION TO THE TOWN OF WEST PALM BEACH, RECORDED IN PLAT BOOK 1, PAGE 60 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SIDEWALK EASEMENT NO. 1

BEGINNING AT THE SOUTHEAST CORNER OF THE ADDITIONAL RIGHT-OF-WAY PARCEL FOR ROSEMARY AVENUE AND 3RD STREET AS RECORDED IN OFFICIAL RECORD BOOK 9644, PAGE 1073 OF SAID PUBLIC RECORDS; THENCE NORTH 00° 50' 38" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 35.57 FEET; THENCE NORTH 45° 18' 38" EAST, A DISTANCE OF 3.86 FEET; THENCE NORTH 00° 56' 52" EAST, A DISTANCE OF 32.89 FEET; THENCE NORTH 44° 08' 18" EAST, A DISTANCE OF 12.50 FEET; THENCE NORTH 01° 11' 21" EAST, A DISTANCE OF 54.30 FEET; THENCE NORTH 33° 55' 53" WEST, A DISTANCE OF 15.71 FEET; THENCE NORTH 00° 51' 59" EAST, A DISTANCE OF 56.19 FEET; THENCE NORTH 57° 29' 30" EAST, A DISTANCE OF 10.49 FEET; THENCE SOUTH 00° 51' 59" WEST, A DISTANCE OF 59.47 FEET; THENCE SOUTH 33° 55' 53" EAST, A DISTANCE OF 15.69 FEET; THENCE SOUTH 01° 11' 21" WEST, A DISTANCE OF 59.51 FEET; THENCE SOUTH 44° 08' 18" WEST, A DISTANCE OF 12.86 FEET; THENCE SOUTH 00° 56' 52" WEST, A DISTANCE OF 32.92 FEET; THENCE SOUTH 45° 18' 38" WEST, A DISTANCE OF 7.33 FEET; THENCE SOUTH 00° 50' 41" WEST, A DISTANCE OF 22.40 FEET; TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 21.50 FEET; THENCE SOUTH ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89° 38' 20", AN ARC DISTANCE OF 33.64 FEET; THENCE SOUTH 88° 47' 38" EAST, A DISTANCE OF 7.21 FEET; THENCE SOUTH 49° 07' 40" EAST, A DISTANCE OF 1.82 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BANYAN BLVD. AS RECORDED IN OFFICIAL RECORD BOOK 5659, PAGE 1881 OF SAID PUBLIC RECORDS; THENCE NORTH 88° 47' 38" WEST ALONG SAID NORTH LINE, A DISTANCE OF 21.11 FEET; THENCE NORTH 44° 10' 32" WEST ALONG SAID NORTH LINE, A DISTANCE OF 21.06 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

SIDEWALK EASEMENT NO. 2

COMMENCE AT THE SOUTHEAST CORNER OF THE ADDITIONAL RIGHT-OF-WAY PARCEL FOR ROSEMARY AVENUE AND 3RD STREET AS RECORDED IN OFFICIAL RECORD BOOK 9644, PAGE 1073 OF SAID PUBLIC RECORDS; THENCE NORTH 00° 50' 38" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 242.25 FEET; THENCE SOUTH 89° 09' 22" EAST, A DISTANCE OF 2.87 FEET TO THE POINT OF BEGINNING. THENCE NORTH 00° 34' 49" EAST, A

PROJECT NO.
2007018-04

SHEET:
1

OF 1
7

PROJECT:
**JUDICIAL CENTER
PARKING GARAGE
SIDEWALK EASEMENT**

DESIGN FILE NAME
S-1-07-2623.DGN

DRAWING NO.
S-1-07-2623

NO.	REVISION	BY	DATE
1	EASEMENT WIDTH	CNM	9/07


SCALE: 1" = 30'

APPROVED: G.W.M.
DRAWN: S.L.O.
CHECKED: W.C.E.
DATE: 2/12/07
FIELD BOOK NO.

**PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS**

ENGINEERING SERVICES

**2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411**



DISTANCE OF 38.68 FEET; THENCE NORTH 45° 40' 45" EAST, A DISTANCE OF 12.56 FEET; THENCE NORTH 00° 45' 27" EAST, A DISTANCE OF 39.45 FEET; THENCE NORTH 17° 16' 44" WEST, A DISTANCE OF 8.99 FEET; THENCE NORTH 78° 32' 57" EAST, A DISTANCE OF 11.14 FEET; THENCE SOUTH 00° 45' 27" WEST, A DISTANCE OF 53.46 FEET; THENCE SOUTH 45° 40' 45" WEST, A DISTANCE OF 12.80 FEET; THENCE SOUTH 00° 34' 49" WEST, A DISTANCE OF 40.89 FEET; THENCE NORTH 54° 36' 27" WEST, A DISTANCE OF 9.65 FEET; TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH:

SIDEWALK EASEMENT NO. 3

COMMENCE AT THE SOUTHEAST CORNER OF THE ADDITIONAL RIGHT-OF-WAY PARCEL FOR ROSEMARY AVENUE AND 3RD STREET AS RECORDED IN OFFICIAL RECORD BOOK 9644, PAGE 1073 OF SAID PUBLIC RECORDS; THENCE NORTH 00° 50' 38" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 351.74 FEET; THENCE SOUTH 89° 09' 22" EAST, A DISTANCE OF 8.59 FEET TO THE POINT OF BEGINNING. THENCE NORTH 20° 03' 55" EAST, A DISTANCE OF 8.99 FEET; THENCE NORTH 00° 43' 51" EAST, A DISTANCE OF 30.77 FEET; THENCE NORTH 42° 40' 22" WEST, A DISTANCE OF 12.73 FEET; THENCE NORTH 00° 45' 18" EAST, A DISTANCE OF 80.39 FEET; THENCE NORTH 29° 08' 10" WEST, A DISTANCE OF 5.20 FEET TO THE EAST LINE OF SAID PARCEL; THENCE NORTH 00° 50' 38" EAST ALONG SAID EAST LINE, A DISTANCE OF 11.93 FEET; THENCE NORTH 46° 02' 11" EAST ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 7.88 FEET; THENCE SOUTH 00° 50' 38" WEST, A DISTANCE OF 12.14 FEET; THENCE SOUTH 34° 35' 35" EAST, A DISTANCE OF 8.96 FEET; THENCE SOUTH 00° 45' 18" WEST, A DISTANCE OF 79.74 FEET; THENCE SOUTH 42° 40' 22" EAST, A DISTANCE OF 12.57 FEET; THENCE SOUTH 00° 43' 51" WEST, A DISTANCE OF 44.82 FEET; THENCE NORTH 77° 42' 11" WEST, A DISTANCE OF 11.29 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH:

SIDEWALK EASEMENT NO. 4

COMMENCE AT THE SOUTHEAST CORNER OF THE ADDITIONAL RIGHT-OF-WAY PARCEL FOR ROSEMARY AVENUE AND 3RD STREET AS RECORDED IN OFFICIAL RECORD BOOK 9644, PAGE 1073 OF SAID PUBLIC RECORDS; THENCE NORTH 00° 50' 38" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 497.05 FEET; THENCE NORTH 46° 02' 14" EAST ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 42.57 FEET TO THE POINT OF BEGINNING. THE NEXT TWO COURSES ARE COINCIDENT WITH THE SOUTH LINE OF SAID PARCEL; THENCE SOUTH 88° 46' 17" EAST, A DISTANCE OF 81.99 FEET; THENCE NORTH 88° 02' 56" EAST, A DISTANCE OF 180.28 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 3RD STREET AS SHOWN ON SAID PLAT BOOK 1, PAGE 60; THENCE SOUTH 88° 46' 17" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 188.22 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 2913.72 FEET; THENCE SOUTH ALONG THE ARC OF SAID CURVE (WHOSE RADIUS POINT BEARS SOUTH 86° 09' 52" WEST) THROUGH A CENTRAL ANGLE OF 00° 05' 42", AN ARC DISTANCE OF 4.83 FEET; THENCE NORTH 88° 46' 17" WEST, A DISTANCE OF 201.70 FEET; THENCE SOUTH 87° 03' 17" WEST, A DISTANCE OF 167.87 FEET; THENCE NORTH 87° 13' 07" WEST, A DISTANCE OF 42.85 FEET; THENCE NORTH 88° 46' 17" WEST, A DISTANCE OF 44.51 FEET; THENCE NORTH 46° 02' 14" EAST, A DISTANCE OF 8.27 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF NORTH 00°50'38" EAST ALONG EAST LINE OF THE ADDITIONAL RIGHT-OF-WAY PARCEL FOR ROSEMARY AVENUE AND 3RD STREET AS RECORDED IN OFFICIAL RECORD BOOK 9644, PAGE 1073 OF SAID PUBLIC RECORD AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

THIS IS NOT A SURVEY.

IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

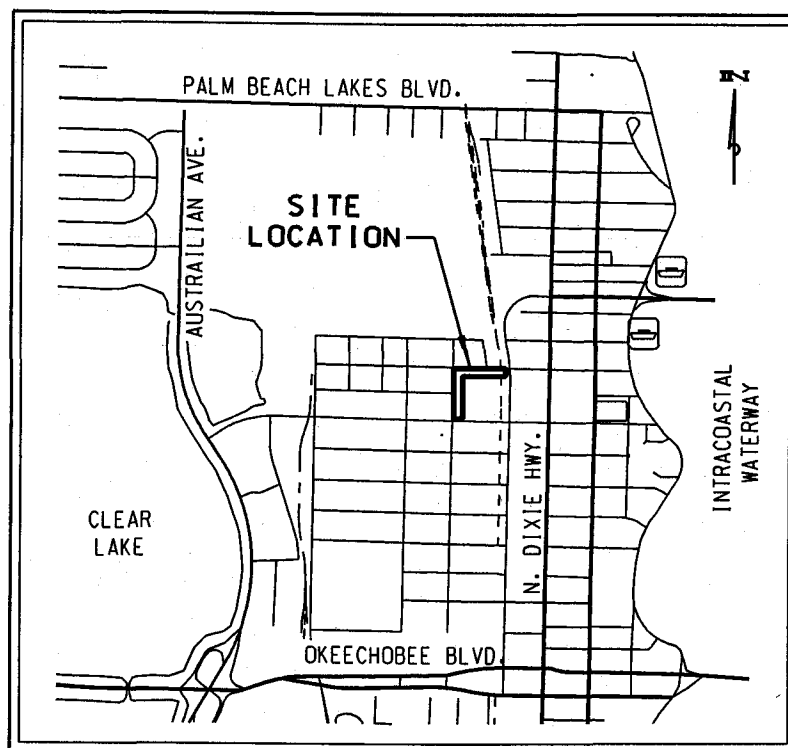
THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 N. JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON, MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


GLENN W. MARK, P.L.S.
FLORIDA CERTIFICATE #5304

9/11/07
DATE



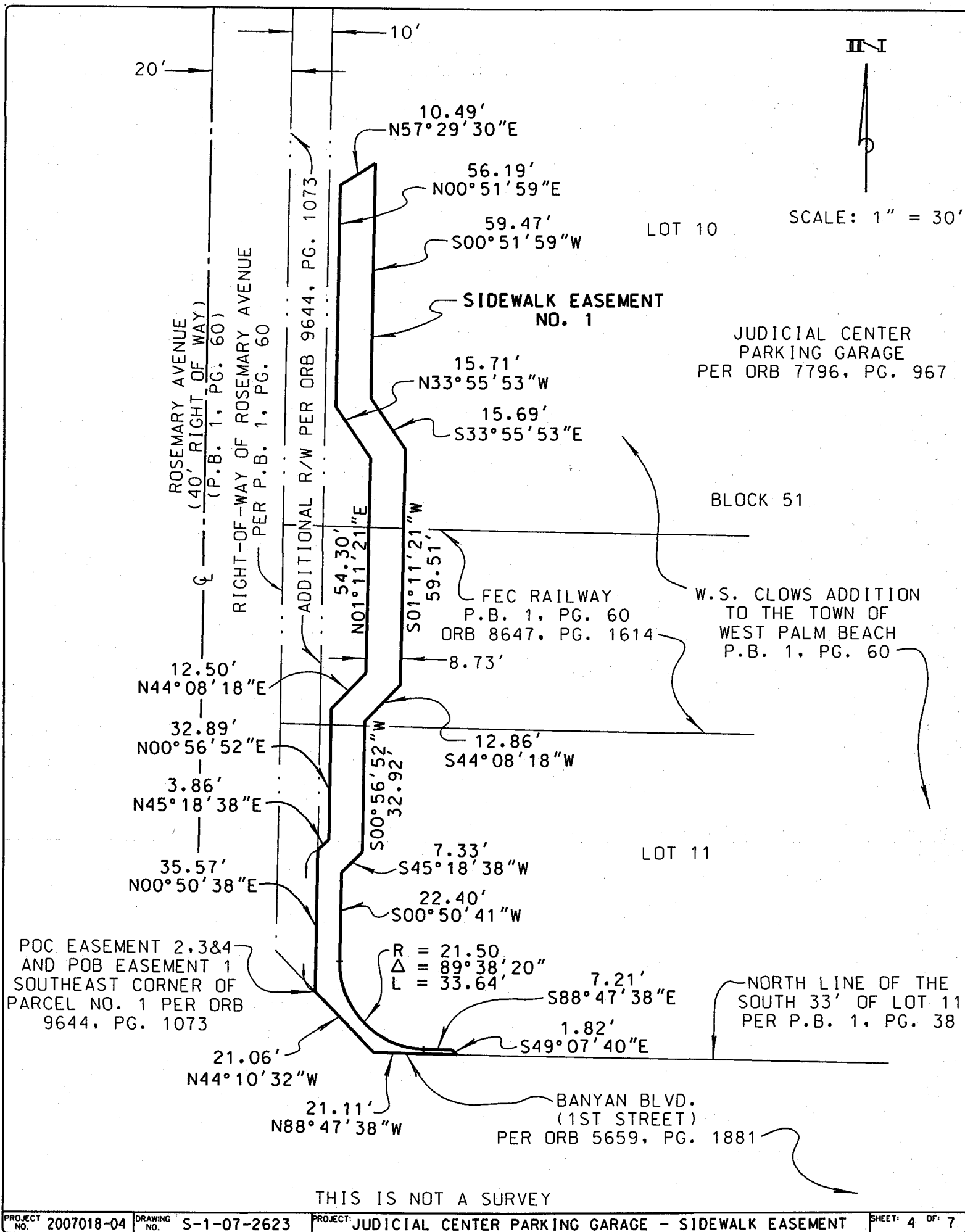
LOCATION SKETCH
N.T.S.

PROJECT NO. 2007018-04

DRAWING NO. S-1-07-2623

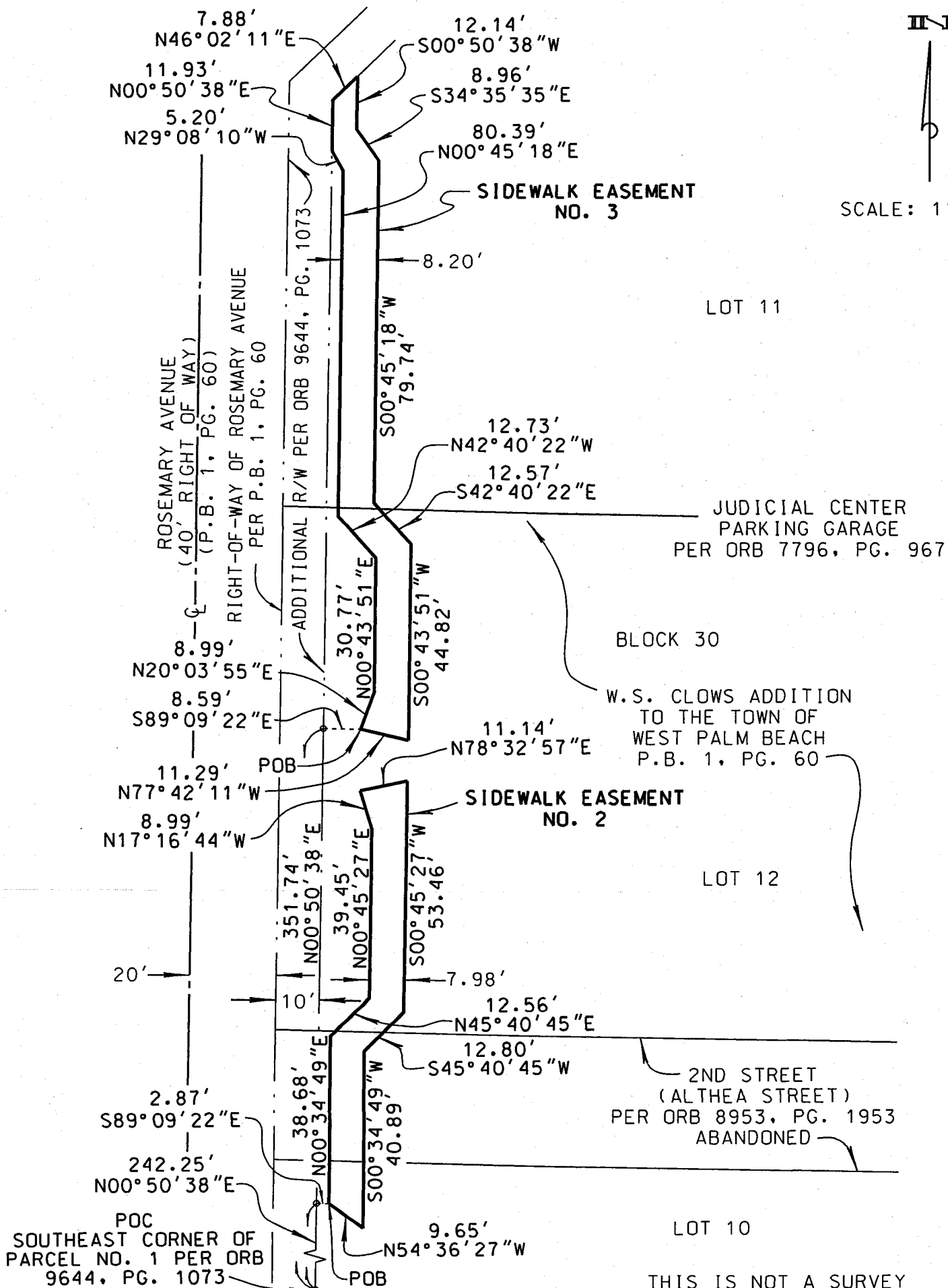
PROJECT: JUDICIAL CENTER PARKING GARAGE - SIDEWALK EASEMENT

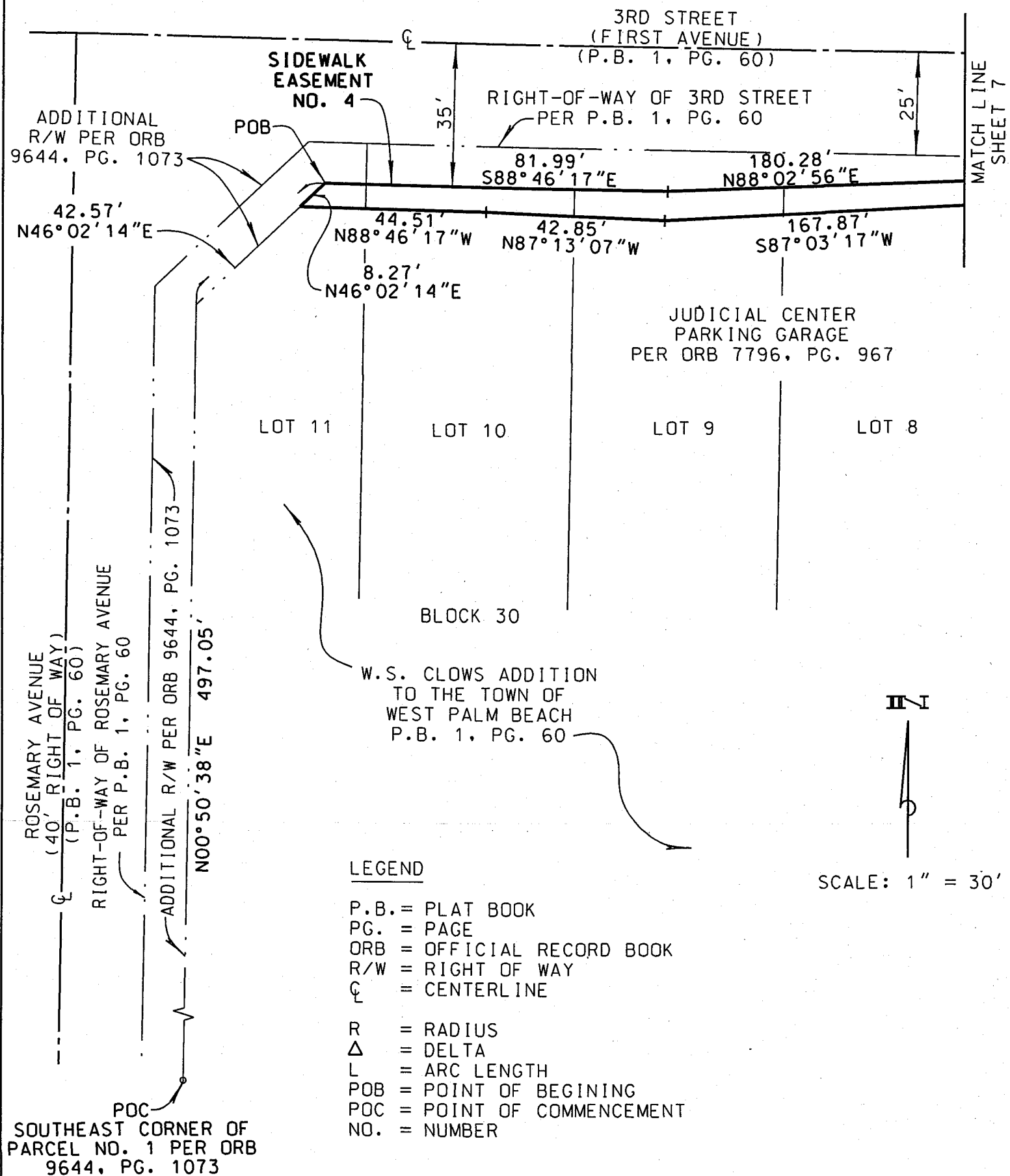
SHEET: 3 OF 7



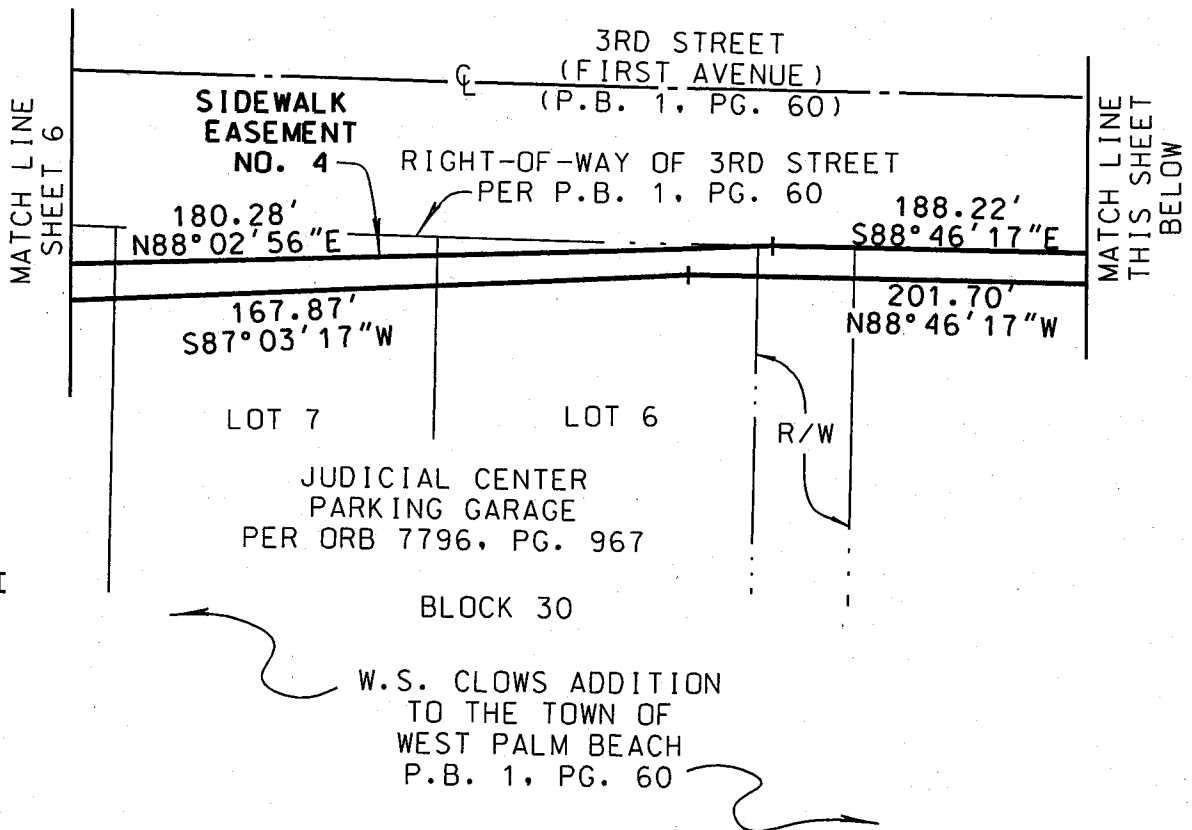
II-I

SCALE: 1" = 30'

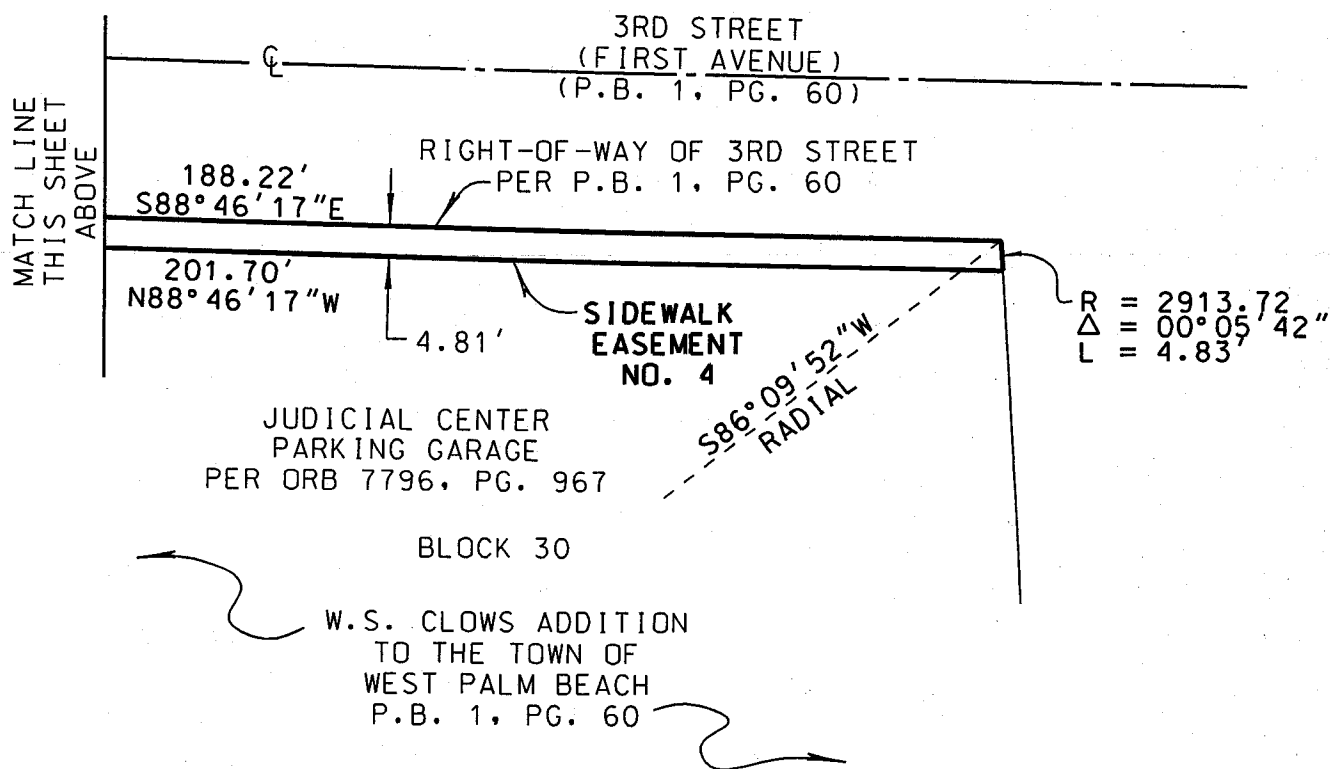




THIS IS NOT A SURVEY



SCALE: 1" = 30'



THIS IS NOT A SURVEY

This Instrument Prepared by
And Should Be Returned to:

Vincent J. Noel, PSM
City of West Palm Beach
1000 45 Street, Suite 15
West Palm Beach, FL 33407

Parcel Control No.: a portion of 74-43-43-21-06-030-0050
a portion of 74-43-43-21-06-030-0010

UTILITY EASEMENT

THIS UTILITY EASEMENT ("Easement") is made and entered into this _____ day of _____ 2007, between PALM BEACH COUNTY, a political subdivision of the State of Florida, having an address, having an address at Governmental Center, 301 N. Olive Avenue, West Palm Beach, Florida 33401 ("Grantor") and the CITY OF WEST PALM BEACH, a municipal corporation organized and existing under the laws of the State of Florida, whose address P.O. Box 3366, West Palm Beach, Florida 33402 ("Grantee").

WITNESSETH:

The Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, subject to the terms and conditions hereinafter provided, a perpetual non-exclusive easement for underground water and sewer lines and aboveground fire hydrants and water valves, in, on, over, under, and across that certain parcel of real property legally described in Exhibit "A" attached hereto ("Easement Property").

This Easement shall permit the Grantee, its employees, agents, contractors, subcontractors, consultants and licensees and each of the aforementioned party's successors and assigns, to enter upon and use the Easement Property at any time and from time to time to install, construct, reconstruct, operate, inspect, maintain, service, remove, relocate, repair, replace and improve such utilities. The Grantor shall not construct any structure or other improvement upon the Easement Property or engage in any use of the surface of the Easement Property which materially interferes with the rights of the Grantee under this Easement. Grantor shall have the right to grant additional utility easements so long as such use does not materially interfere with the rights granted herein.

The Grantee, at Grantee's sole cost and expense, shall restore the surface of the Easement Property after any excavation of the Easement Property and shall keep the

Easement Property free from trash, debris and safety hazards following any repair or maintenance of the utilities; provided; however, that the foregoing shall not impose any obligation on Grantee to maintain the Easement Property. The Grantee shall have the right, but not the obligation, to clear the Easement Property and keep it cleared of all trees, undergrowth or other obstructions and the right to trim, cut or remove all trees located within or outside the Easement Property which might interfere with the Grantee's use of the Easement Property as permitted hereby. The Grantee shall use the Easement Property in accordance with all applicable laws, rules and regulations of governmental authorities having jurisdiction over the Easement Property or use thereof as herein provided.

This Easement shall continue unless or until Grantee terminates its rights herein provided by written notice to the Grantor, its successors or assigns. Neither the failure to use the Easement Property nor the abandonment of the Easement Property shall constitute or be construed as a termination of this Easement. This Easement grants to the Grantee, its successors and assigns the non-exclusive right to use the Easement Property below its surface.

This Easement shall run with the land and shall be binding upon the parties hereto and their respective successors and assigns.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties have executed this Easement on the day and year first above written.

GRANTOR:

ATTEST:

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

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: _____
County Attorney

By: Anthony Wolf
Department Director

GRANTEE:
CITY OF WEST PALM BEACH, a
municipal corporation organized and
existing under the laws of the State of
Florida

ATTEST
CITY CLERK

By: _____
Blane Kauthen

City Attorney's Office
Approved as to form
and legal sufficiency

By: _____
Date: _____

By: _____
Lois Frankel, Mayor

Director Public Utilities Approval

By: _____
Date: _____

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this _____ day
of _____ 2007, by Lois J. Frankel and Blane Kauthen, Mayor and City Clerk,
respectively, of the City of West Palm Beach, who are personally known to me.

Notary Public
My commission expires:

G:\Abby\Judicial Center Parking Garage\UtilityEasement.112007.HF approved.doc

EXHIBIT "A"
EASEMENT PROPERTY

UTILITY EASEMENT
JUDICIAL CENTER PARKING GARAGE
PALM BEACH COUNTY PROJECT NO. 2007018-04

A STRIP OF LAND FOR UTILITY EASEMENT PURPOSES LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA BEING A PORTION OF BLOCK 30, OF THE PLAT OF W.S. CLOWS ADDITION TO THE TOWN OF WEST PALM BEACH, RECORDED IN PLAT BOOK 1, PAGE 60 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ADDITIONAL RIGHT-OF-WAY PARCEL FOR ROSEMARY AVENUE AND 3RD STREET AS RECORDED IN OFFICIAL RECORD BOOK 9644, PAGE 1073 OF SAID PUBLIC RECORDS; THENCE NORTH 00° 50' 38" EAST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY PARCEL, A DISTANCE OF 272.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00° 50' 38" EAST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY PARCEL, A DISTANCE OF 224.16 FEET (THE NEXT THREE COURSES ARE COINCIDENT WITH THE SOUTH LINE OF SAID PARCEL); THENCE NORTH 46° 02' 14" EAST, A DISTANCE OF 42.57 FEET; THENCE SOUTH 88° 46' 17" EAST, A DISTANCE OF 81.99 FEET; THENCE NORTH 88° 02' 56" EAST, A DISTANCE OF 180.28 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 3RD STREET AS SHOWN ON SAID PLAT BOOK 1, PAGE 60; THENCE SOUTH 88° 46' 17" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 188.22 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 2913.72 FEET; THENCE SOUTH ALONG THE ARC OF SAID CURVE (WHOSE RADIUS POINT BEARS SOUTH 86° 09' 52" WEST) THROUGH A CENTRAL ANGLE OF 01° 01' 32", AN ARC DISTANCE OF 52.15 FEET; THENCE NORTH 88° 46' 17" WEST, A DISTANCE OF 39.29 FEET; THENCE NORTH 01° 13' 43" EAST, A DISTANCE OF 37.98 FEET TO A LINE LYING 14.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH THE SOUTH LINE OF SAID 3RD STREET (THE NEXT FIVE COURSES ARE COINCIDENT WITH THE SOUTH LINE OF SAID 3RD STREET AND RIGHT-OF-WAY PARCEL); THENCE NORTH 88° 46' 17" WEST, A DISTANCE OF 152.68 FEET; THENCE SOUTH 88° 02' 56" WEST, A DISTANCE OF 180.28 FEET; THENCE NORTH 88° 46' 17" WEST, A DISTANCE OF 76.55 FEET; THENCE SOUTH 46° 02' 14" WEST, A DISTANCE OF 36.55 FEET TO A LINE LYING 10.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH THE EAST LINE OF SAID RIGHT-OF-WAY PARCEL; THENCE SOUTH 00° 50' 38" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 214.36 FEET; THENCE NORTH 89° 09' 22" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF NORTH 00°50'38" EAST ALONG EAST LINE OF THE ADDITIONAL RIGHT-OF-WAY PARCEL FOR ROSEMARY AVENUE AND 3RD STREET AS RECORDED IN OFFICIAL RECORD BOOK 9644, PAGE 1073 OF SAID PUBLIC RECORD AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

PROJECT NO.
2007018-04

SHEET:
5

OF 1

PROJECT:
**JUDICIAL CENTER
PARKING GARAGE
UTILITY EASEMENT**

DESIGN FILE NAME
S-1-07-2623.DGN

DRAWING NO.
S-1-07-2729

SCALE: 1" = 30'

APPROVED: G.W.M.
DRAWN: S.L.D.
CHECKED: W.C.E.
DATE: 5/24/07


FIELD BOOK NO.

NO.	REVISION	BY	DATE
1	MATCH LINES	WMM	9/07

**PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS**

ENGINEERING SERVICES

2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411



NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

THIS IS NOT A SURVEY.

IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

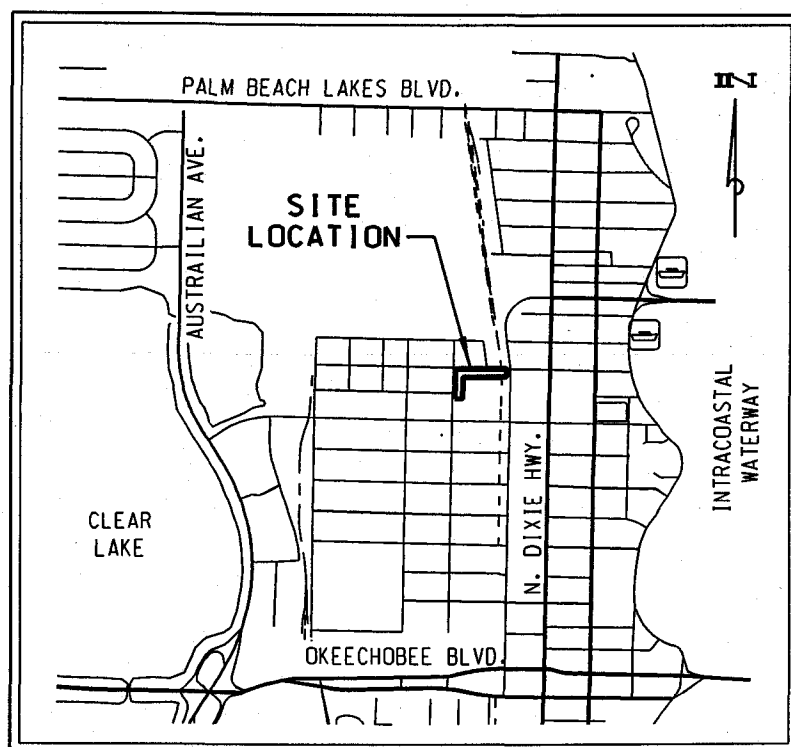
THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411.

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

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


GLENN W. MARK, P.L.S.
FLORIDA CERTIFICATE #5304

9/11/07
DATE



LOCATION SKETCH
N.T.S.

MATCH LINE
SHEET 4

BLOCK 30

III I

SCALE: 1" = 30'

W.S. CLOWS ADDITION
TO THE TOWN OF
WEST PALM BEACH
P.B. 1, PG. 60

UTILITY
EASEMENT

LOT 12

POB

2ND STREET
(ALTHEA STREET)
PER ORB 8953, PG. 1953
ABANDONED

LOT 10

LEGEND

P.B. = PLAT BOOK
PG. = PAGE
ORB = OFFICIAL RECORD BOOK
R/W = RIGHT OF WAY
CL = CENTERLINE

R = RADIUS
 Δ = DELTA
L = ARC LENGTH
POB = POINT OF BEGINING
POC = POINT OF COMMENCEMENT
NO. = NUMBER

POC
SOUTHEAST CORNER OF
PARCEL NO. 1 PER ORB
9644, PG. 1073

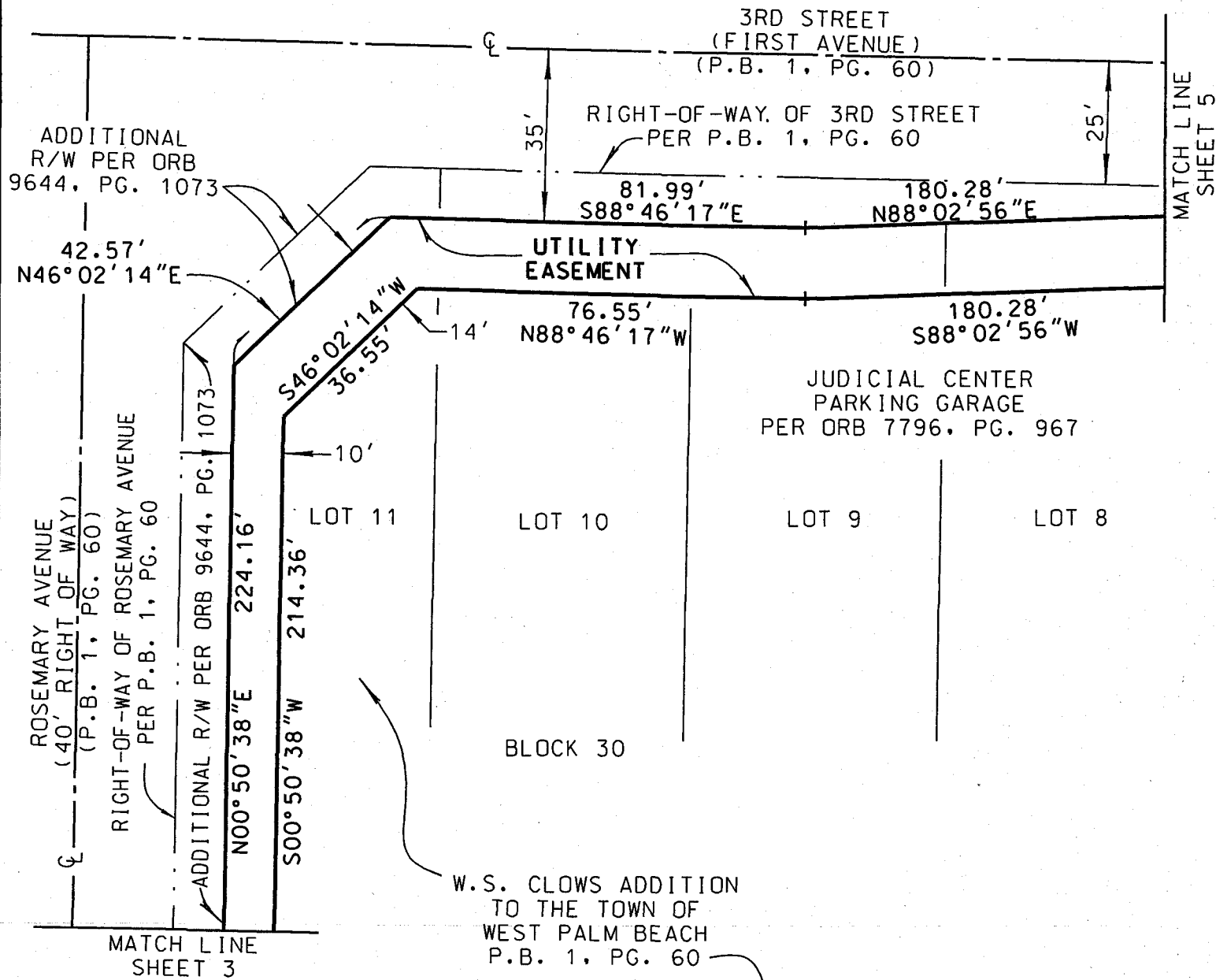
THIS IS NOT A SURVEY

PROJECT
NO. 2007018-04

DRAWING
NO. S-1-07-2729

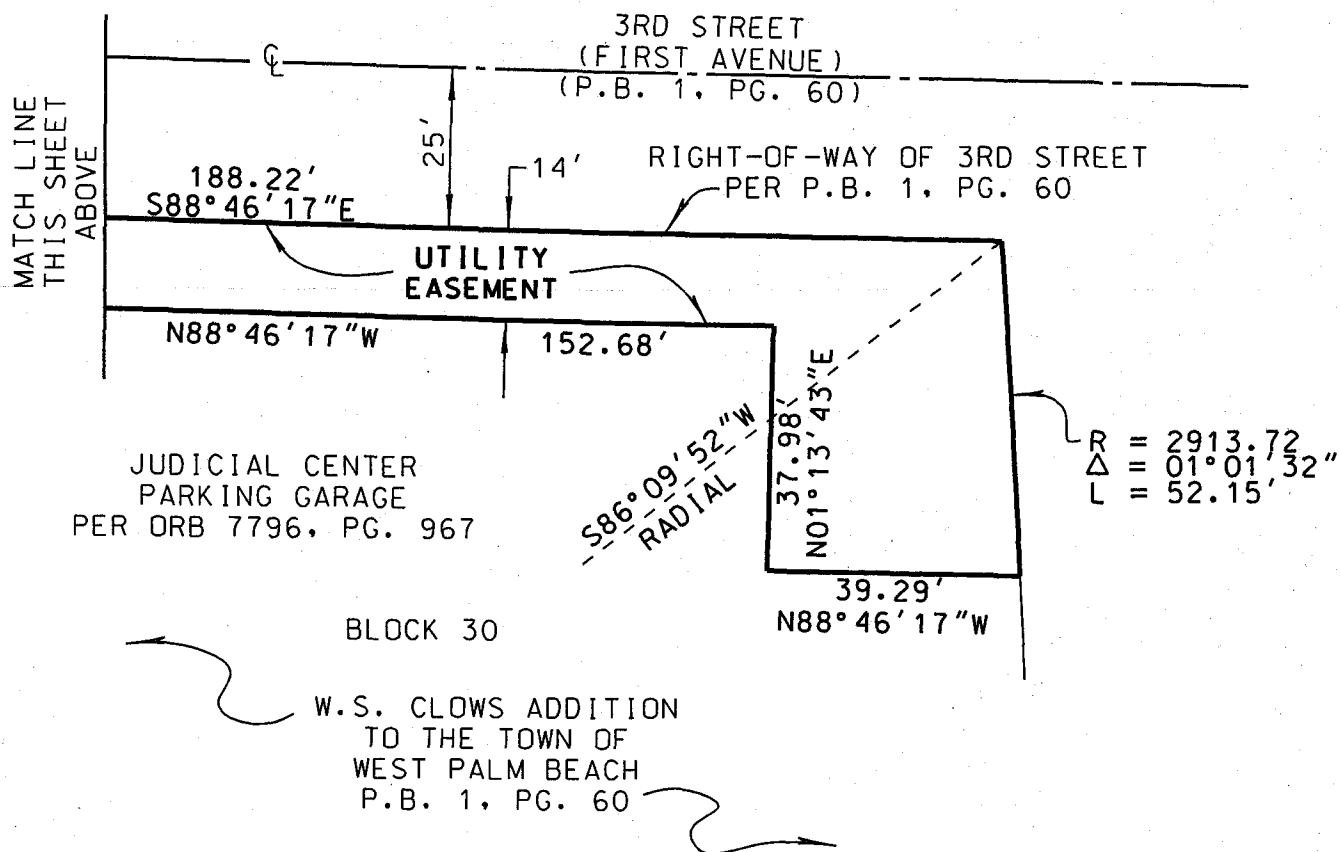
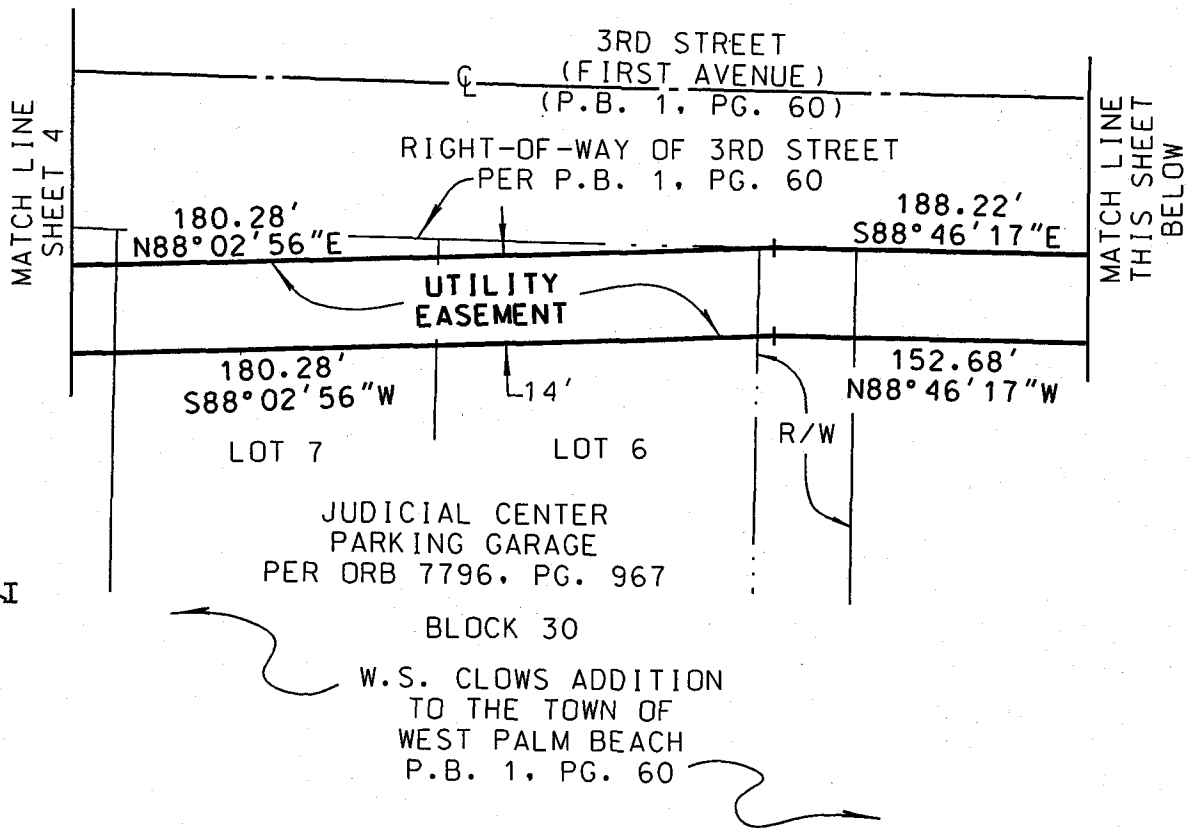
PROJECT: JUDICIAL CENTER PARKING GARAGE - UTILITY EASEMENT

SHEET: 3 OF 5



SCALE: 1" = 30'

THIS IS NOT A SURVEY



THIS IS NOT A SURVEY