

Agenda Item #:

44

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: December 16, 2008 [ ] Consent [ ] Regular  
[ ] Workshop [X] Public Hearing  
Department:

Submitted By: Engineering and Public Works  
Submitted For: Land Development Division

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: A Resolution abandoning a portion of a public drainage easement draining El Clair Ranch Road, a public road, within Tract F-1, Indian Spring, Plat 1, Plat Book 31, Page 43 and shown within the plat of the Villas of Monterey at Indian Spring, Plat Book 33, Page 187, and a portion of a platted 15 foot wide Utility Easement within Tract F-1, Indian Spring Plat 1, Plat Book 31, Page 43, Public Records of Palm Beach County, Florida.

**SUMMARY:** This petition site is located east of El Clair Ranch Road, south of Woolbright Road, on the south side of Ainsley Court. The owner/petitioner is requesting the abandonment to clear the record in order to construct improvements to the existing maintenance building.

District 5 (PK)

**Background and Policy Issues:** The owner/petitioner is Indian Spring Golf & Tennis Country Club, Inc. (ISGTC). They want to obtain a building permit for additional improvements to the existing maintenance building. It was discovered that this building was constructed over two platted easements, i.e., the 15 foot wide utility easement and the 12 foot wide drainage easement. There are no utilities within the utility easement, and the utility providers have no objection to the vacation.

However, there is an existing 48" culvert lying outside of the platted drainage easement.

**Attachments:**

(Continued on Page 3)

1. Location Sketch
2. Resolution with Legal Description and Sketch
3. Replacement Easement
4. Letter of Agreement

Recommended by: [Signature]  
Division Director

13 Nov 08  
Date

Approved by: [Signature]  
County Engineer

12/2/08  
Date

## II. FISCAL IMPACT ANALYSIS

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

| Fiscal Years                               | 2009                 | 2010                        | 2011                        | 2012                        | 2013                        |
|--|----------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Capital Expenditures                       | _____                | _____                       | _____                       | _____                       | _____                       |
| Operating Costs                            | _____                | _____                       | _____                       | _____                       | _____                       |
| External Revenues                          | _____                | _____                       | _____                       | _____                       | _____                       |
| Program Income (County)                    | _____                | _____                       | _____                       | _____                       | _____                       |
| In-Kind Match (County)                     | _____                | _____                       | _____                       | _____                       | _____                       |
| NET FISCAL IMPACT                          | <u>      *      </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| # ADDITIONAL FTE<br>POSITIONS (Cumulative) | _____                | _____                       | _____                       | _____                       | _____                       |

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

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

\* No additional fiscal impact as a result of this item.

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

                     12-5-08  
OFMB                      SW 12/4/08 CN 12/2/08  
                    

                     12/5/08  
Contract Dev. and Control

### B. Legal Sufficiency:

                     12/8/08  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Division Director

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

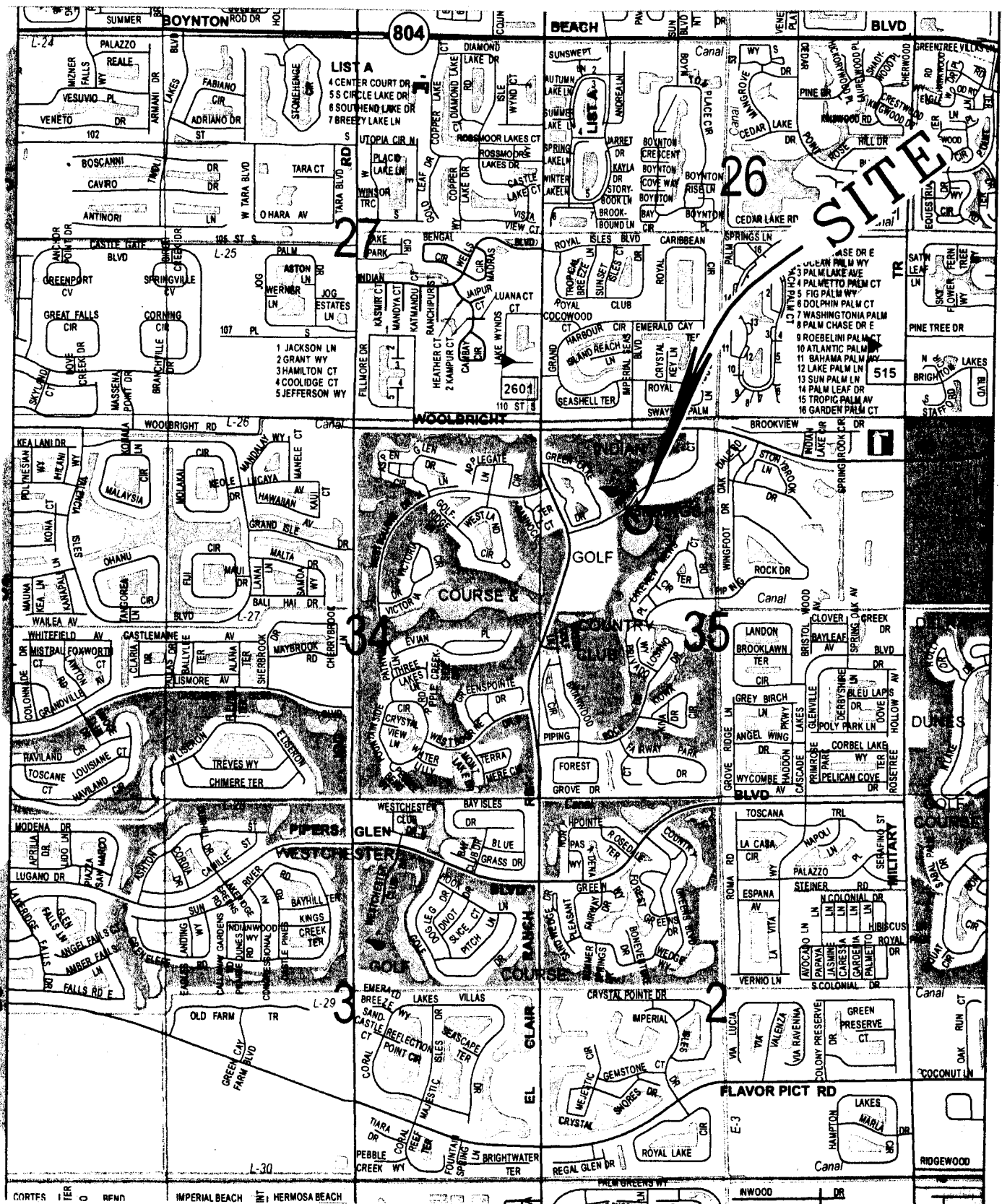
**Background and Policy Issues:** (Continued from Page 1)

ISGTC has provided a variable width (30 feet at the west end and 46.90 feet at the east end) replacement easement centered on the existing 48" drainage pipe. They have agreed to the increased size of the replacement drainage easement to include sufficient area to relocate the existing 48" drainage pipe, should it be necessary, due to the close proximity of a Florida Power & Light building lying adjacent to the 48" drainage pipe.

ISGTC acknowledges, understands and agrees:

- To maintain and repair the 48" drainage pipe within Tract F-1 when necessary to assure the proper functioning.
- That this 48" drainage pipe provides drainage for other parcels including roads maintained by Palm Beach County.
- That Palm Beach County has the right to require that the pipe be maintained in a manner to provide for proper and adequate drainage for the County roads.

**Privilege Fee Statement:** Easements are exempt from the privilege fee requirement in accordance with the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance 86-18.



T45

T45

T46

**VACATING PORTION OF PUBLIC DRAINAGE EASEMENT,  
DRAINING EL CLAIR RANCH ROAD, A PUBLIC ROAD  
WITHIN TRACT F-1, INDIAN SPRING, PLAT 1, PLAT BOOK  
31, PAGE 43 AND SHOWN WITHIN THE PLAT OF THE  
VILLAS OF MONTEREY AT INDIAN SPRING, PLAT BOOK  
33, PAGE 187 AND A PORTION OF A 15' WIDE UTILITY  
EASEMENT WITHIN TRACT F-1, INDIAN SPRING PLAT 1,  
PLAT BOOK 31, PAGE 43**

**LOCATION SKETCH**



**N**

RESOLUTION NO. R-2008-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF A PUBLIC DRAINAGE EASEMENT, DRAINING EL CLAIR RANCH ROAD, A PUBLIC ROAD WITHIN TRACT F-1, INDIAN SPRING, PLAT 1, PLAT BOOK 31, PAGE 43 AND SHOWN WITHIN THE PLAT OF THE VILLAS OF MONTEREY AT INDIAN SPRING, PLAT BOOK 33, PAGE 187, AND A PORTION OF A PLATTED 15' WIDE UTILITY EASEMENT WITHIN TRACT F-1, INDIAN SPRING PLAT 1, PLAT BOOK 31, PAGE 43, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to authority in Section 336.09, Florida Statutes, and Ordinance No. 86-18 known as the Palm Beach County Right-of-Way Abandonment and Plat Vacation Ordinance, as amended, and the petition of Indian Spring Golf & Tennis Country Club, Inc., called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on December 16, 2008, to consider and determine whether or not Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the County to the public drainage easement for El Clair Ranch Road and that certain portion of the utility easement; and

RESOLUTION NO. R-2008-\_\_\_\_\_

**WHEREAS**, in accordance with Ordinance No. 86-18, as amended, notice of the holding of such meeting was duly published in the Palm Beach Post on December 1, 2008; and

**WHEREAS**, this Board, did hold said hearing as advertised and determined that such action will not materially interfere with the County Road System and will not deprive any person of a reasonable means of ingress and egress from at least one County, State or Federal highway.

**WHEREAS**, Indian Spring Golf & Tennis Country Club, Inc., has provided Palm Beach County with a replacement drainage easement as well as a Letter of Agreement for El Clair Ranch Road, both of which documents will be recorded in the public records.

RESOLUTION NO. R-2008-\_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby reaffirmed and ratified.
2. The public drainage easement for El Clair Ranch Road and that certain portion of the utility easement are hereby abandoned and closed as a public drainage easement and that portion of the utility easement, and this Board does hereby renounce and disclaim any right or interest of Palm Beach County and the Public in and to the public drainage easement for El Clair Ranch Road and that portion of the utility easement, more fully described in the legal description and sketch attached hereto and made a part hereof.
3. Indian Spring Golf & Tennis Country Club, Inc., has provided Palm Beach County with a replacement drainage easement as well as a Letter of Agreement for El Clair Ranch Road, both of which documents will be recorded in the public records.
4. Notice of the adoption of this Resolution shall be published once in the Palm Beach Post within thirty (30) days of the date of adoption of this Resolution in accordance with Section 336.10, Florida Statutes and Ordinance No. 86-18.

RESOLUTION NO. R-2008-\_\_\_\_\_

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

District 1: Karen T. Marcus

District 2: John F. Koons

District 3:

District 4: Mary McCarty

District 5:

District 6: Jess R. Santamaria

District 7:

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

PALM BEACH COUNTY, FLORIDA BY  
ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

BY: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
County Attorney



**EXHIBIT "2"**  
**PETITION TO ABANDON/VACATE EASEMENTS**  
**BOUNDARY SURVEY FOR:**  
**INDIAN SPRING GOLF & TENNIS COUNTRY CLUB, INC.**

**SHEET INDEX**

|              |   |
|--------------|---|
| Sheet 1 of 6 | Index, Notes, Certification                       |
| Sheet 2 of 6 | Legal Description of Petition Site(s)             |
| Sheet 3 of 6 | Map of Boundary Survey                            |
| Sheet 4 of 6 | Map of Boundary Survey Detail                     |
| Sheet 5 of 6 | Map of Boundary Survey Detail for FPL requirement |
| Sheet 6 of 6 | Legend to Boundary Survey                         |

This survey is made specifically and only for the following parties for the purpose of easement abandonment on the surveyed property.

**INDIAN SPRING GOLF & TENNIS COUNTRY CLUB, INC.**

The undersigned surveyor assumes no responsibility or liability for any other purpose or to any other party other than stated above.

**NOTES:**

1. All information regarding record easements, adjoiners, and other documents that might affect the quality of title to tract shown hereon was gained from Ownership and Encumbrance Report, reference number "MERCY", issued by Doral Title, dated January 31, 2008. This office has made no search of the Public Records.
2. Elevations shown hereon, if any, are in feet and decimal parts thereof and are based on NGVD-29.
3. Unless it bears 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.
4. This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. Certificate of Authorization Number LB4569.
5. Except as shown, underground and overhead improvements are not located.
6. Underground foundations not located.
7. The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.
8. No responsibility is assumed by this surveyor for the construction of improvements, from building ties shown on this survey.
9. Revisions shown hereon do not represent a "survey update" unless otherwise noted.
10. All dates shown within the revisions block hereon are for interoffice filing use only and in no way affect the date of the field survey stated herein.
11. In some instances, graphic representations have been exaggerated to more clearly illustrate the relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements over scaled positions.
12. There was no attempt to locate any subsurface foundations or improvements.
13. The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. The only flagged utilities within the area is the buried electric between the buildings as located by Sunshine utility locating service.
14. Tract "O" (Ainsley Court) grants easement rights to FPL & BellSouth (now AT&T) as shown on sheet 1 of the plat of The Villas of Monterey at Indian Spring, Plat Book 33, Page 187.
15. Unable to confirm water supply origin and route to building #500. Sunshine State One Call was notified by owner to locate all underground utilities, however no paint marks/flagging showing evidence of a supply line was observed by our field crew on 5/16/08. It is the owner's agents belief that the water is supplied by well and that the well will be abandoned during the permitting phase of construction. No well was located by our field crew. Water supply shown between meter and building corner shown for reference only.

**CERTIFICATION:**

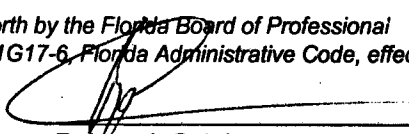
**I HEREBY ATTEST** that the survey shown hereon meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers pursuant to section 472.027, Florida Statutes, and adopted in Chapter 61G17-6, Florida Administrative Code, effective September 1, 1981.

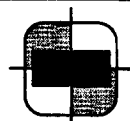
**REVISIONS:**

5/16/08, T-I WATER MAIN STUB-OUT & RELATED APPURTENANCES, ADD WATER  
SUPPLY HOOK-UP @ NW BUILDING CORNER, LW87/31, G.C./R.C.

\*7/02/08, ADD ADDITIONAL SHEET 5 OF 6 TO SHOW ELECTRICAL CONDUITS AS REQUESTED BY FPL, R.C.

DATE OF LAST FIELD SURVEY: 3/24/2008

  
Robert J. Cajal  
Professional Surveyor and Mapper  
Florida Certificate No. 6266



**WALLACE**

**SURVEYING**

CORP., LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 03/24/08

DWG. No.: 03-1402-20

OFFICE: R.C.

SHEET: 1 OF 6

C'K'D.: R.C.

REF.: EXHIBIT 2.DWG

EXHIBIT "2"  
PETITION TO ABANDON/VACATE EASEMENTS

LEGAL DESCRIPTIONS OF PETITION SITES TO BOUNDARY SURVEY

LEGAL DESCRIPTION: (PORTION OF PLATTED 12 FOOT WIDE DRAINAGE EASEMENT TO BE ABANDONED)

A strip of land, 12 feet in width, being a portion of an existing 12 foot wide drainage easement lying within Tract "F-1", INDIAN SPRING PLAT No. 1, according to the plat thereof, recorded in Plat Book 31, Page 43, Public Records of Palm Beach County, Florida, the portion of said easement to be abandoned being more particularly described as follows;

COMMENCE at the point common to the East line of said Tract "F-1" and the West line of Tract "G-2" according to said INDIAN SPRING PLAT No. 1 with the Southerly right of way line on Ainsley Court as shown on the plat of The Villas of Monterey at Indian Spring as recorded in Plat Book 33, Page 187, Public Records of Palm Beach County, Florida; thence South 61°32'53" West, along said Southerly right of way line (said Southerly right of way line is assumed to bear South 61°32'53" West and all other bearings are relative thereto) a distance of 10.00 feet to a point on the Westerly line of an existing 10 foot wide utility easement as shown on said INDIAN SPRING PLAT No. 1; thence departing said Southerly right of way line, South 25°47'42" East, along the Westerly line of said utility easement (said Westerly line being 10 feet Westerly of and parallel with, as measured at right angles to, the line common to the East line of said Tract "F-1" and the West line of Tract "G-2") a distance of 95.86 feet; thence continue along said Westerly easement line, South 04°04'20" West a distance of 69.92 feet to a point of intersection with the Northerly line of an existing 12 foot wide drainage easement as shown on said INDIAN SPRING PLAT No. 1, and the POINT OF BEGINNING of the following described portion of said existing 12 foot wide drainage easement to be abandoned; thence continue along said Westerly easement line, South 04°04'20" West a distance of 12.34 feet to a point on the Southerly line of said existing 12 foot wide drainage easement; thence departing said Westerly easement line, along the Southerly line of said existing 12 foot wide drainage easement, North 72°23'41" West a distance of 229.31 feet to a point on the Southerly right of way line of said Ainsley Court; thence North 61°32'53" East, along said Southerly right of way line, a distance of 16.67 feet to a point of intersection with the Northerly line of said existing 12 foot wide drainage easement; thence departing said Southerly right of way line, along the Northerly line of said existing 12 foot wide drainage easement, South 72°23'41" East, a distance of 214.86 feet to the POINT OF BEGINNING.

Containing in all, 2665 square feet, more or less.

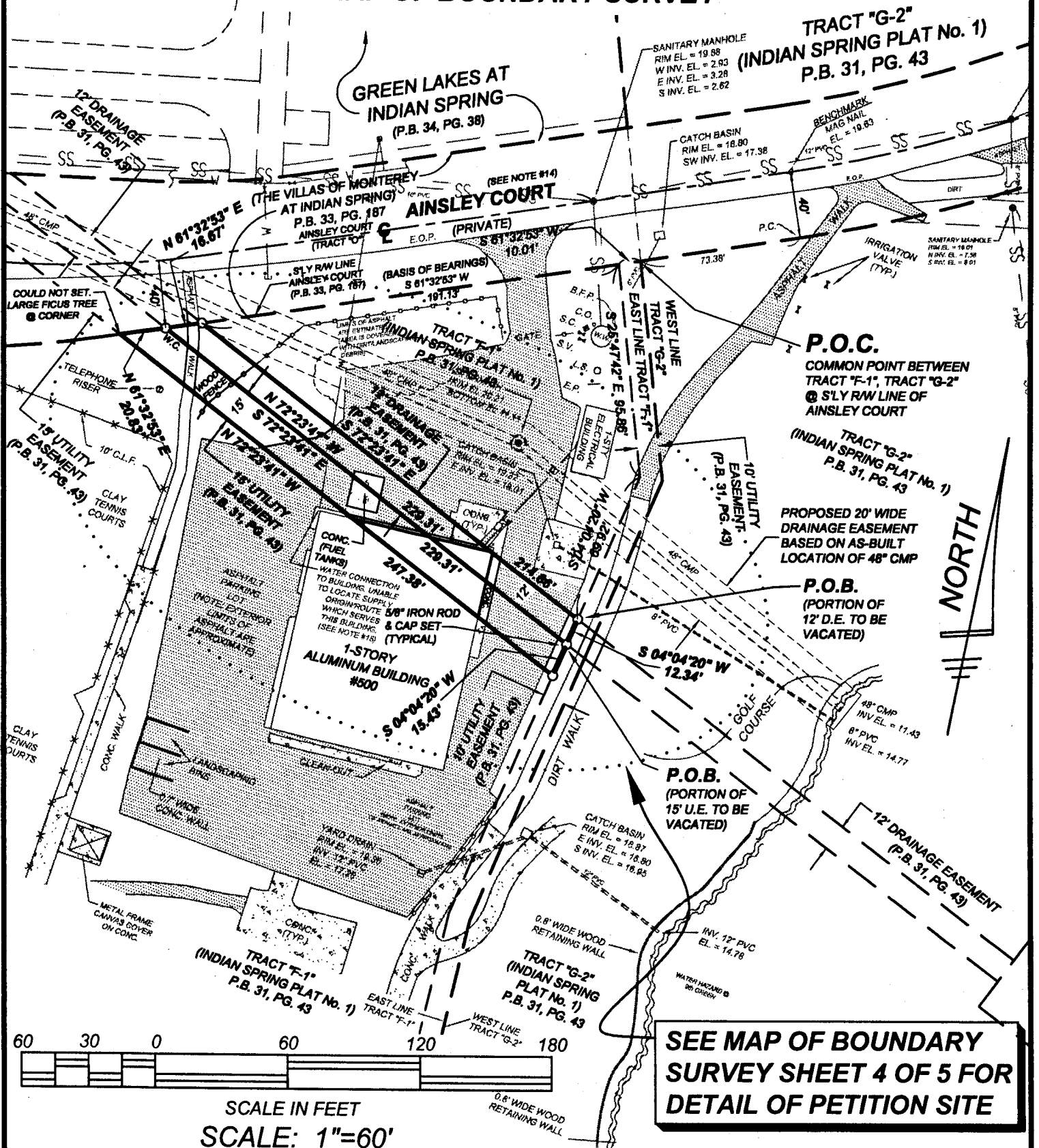
LEGAL DESCRIPTION: (PORTION OF PLATTED 15 FOOT WIDE UTILITY EASEMENT TO BE ABANDONED)

A strip of land, 15 feet in width, being a portion of an existing 15 foot wide utility easement lying within Tract "F-1", INDIAN SPRING PLAT No. 1, according to the plat thereof, recorded in Plat Book 31, Page 43, Public Records of Palm Beach County, Florida, the portion of said easement to be abandoned being more particularly described as follows;

COMMENCE at the point common to the East line of said Tract "F-1" and the West line of Tract "G-2" according to said INDIAN SPRING PLAT No. 1 with the Southerly right of way line on Ainsley Court as shown on the plat of The Villas of Monterey at Indian Spring as recorded in Plat Book 33, Page 187, Public Records of Palm Beach County, Florida; thence South 61°32'53" West, along said Southerly right of way line (said Southerly right of way line is assumed to bear South 61°32'53" West and all other bearings are relative thereto) a distance of 10.00 feet to a point on the Westerly line of an existing 10 foot wide utility easement as shown on said INDIAN SPRING PLAT No. 1; thence departing said Southerly right of way line, South 25°47'42" East, along the Westerly line of said utility easement (said Westerly line being 10 feet Westerly of and parallel with, as measured at right angles to, the line common to the East line of said Tract "F-1" and the West line of Tract "G-2") a distance of 95.86 feet; thence continue along said Westerly easement line, South 04°04'20" West a distance of 69.92 feet to a point of intersection with the Northerly line of an existing 12 foot wide drainage easement as shown on said INDIAN SPRING PLAT No. 1; thence continue along said Westerly easement line, South 04°04'20" West a distance of 12.34 feet to a point on the Northerly line of said existing 15 foot wide utility easement and the POINT OF BEGINNING of the following described portion of said existing 15 foot wide utility easement to be abandoned; thence continue along said Westerly easement line, South 04°04'20" West a distance of 15.43 feet to a point on the Southerly line of said existing 15 foot wide utility easement; thence departing said Westerly easement line, along the Southerly line of said existing 15 foot wide utility easement, North 72°23'41" West a distance of 247.38 feet to a point on the Southerly right of way line of said Ainsley Court; thence North 61°32'53" East, along said Southerly right of way line, a distance of 20.83 feet to a point of intersection with the Northerly line of said existing 15 foot wide utility easement; thence departing said Southerly right of way line, along the Northerly line of said existing 15 foot wide utility easement, South 72°23'41" East, a distance of 229.31 feet to the POINT OF BEGINNING.

Containing in all, 3575 square feet, more or less.

# **EXHIBIT "2"** **PETITION TO ABANDON/VACATE EASEMENTS** **MAP OF BOUNDARY SURVEY**



**SEE MAP OF BOUNDARY SURVEY SHEET 4 OF 5 FOR DETAIL OF PETITION SITE**



**WALLACE SURVEYING**  
 CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 03/24/08

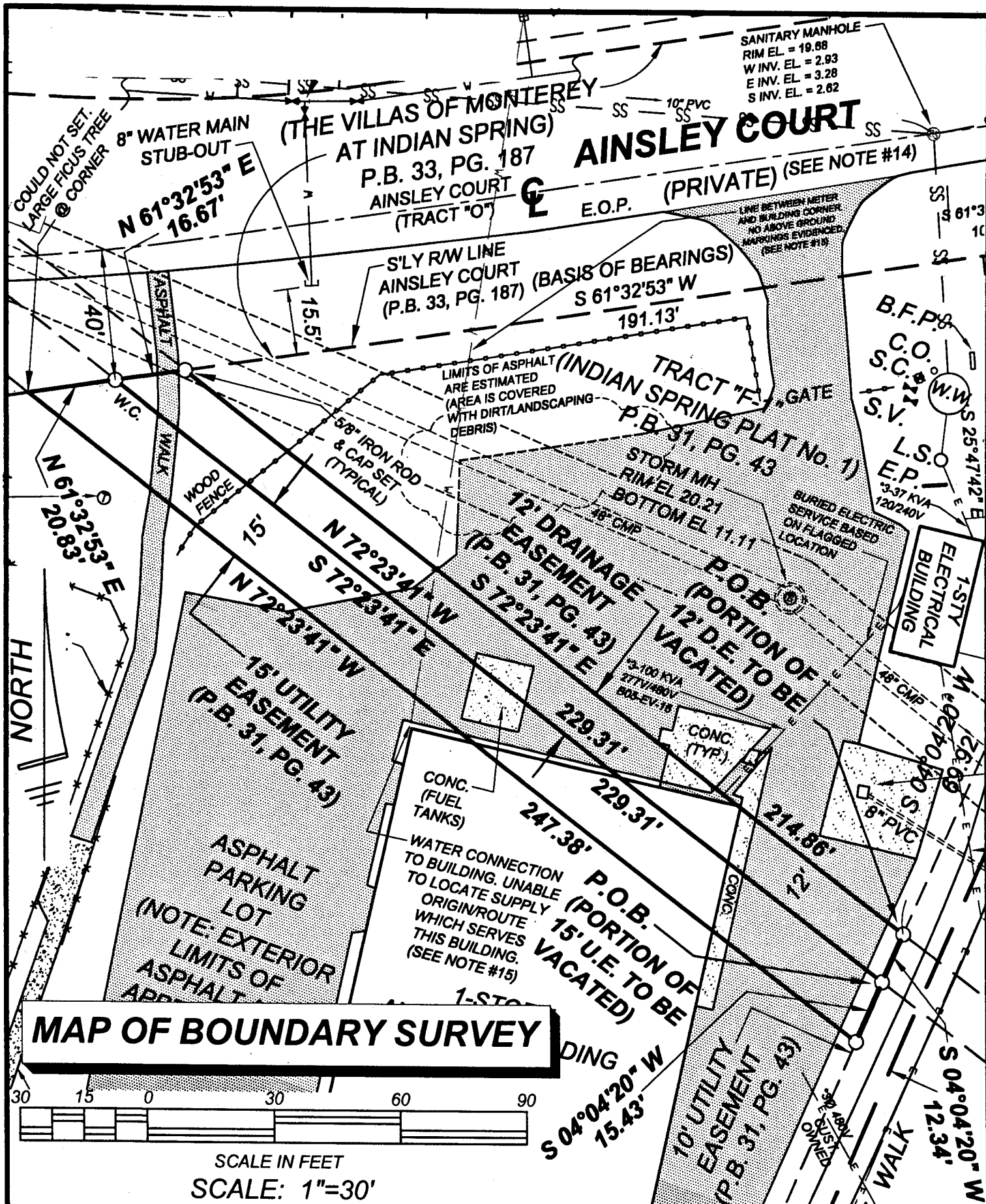
DWG. No.: 03-1402-20

OFFICE: R.C.

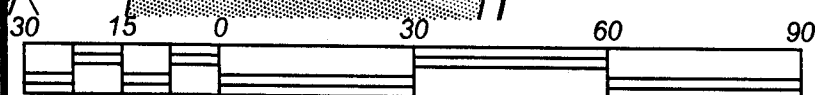
SHEET: 3 OF 6

C'K'D.: R.C.

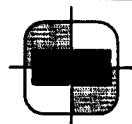
REF.: EXHIBIT 2.DWG



# MAP OF BOUNDARY SURVEY



SCALE IN FEET  
SCALE: 1"=30'



**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 03/24/08

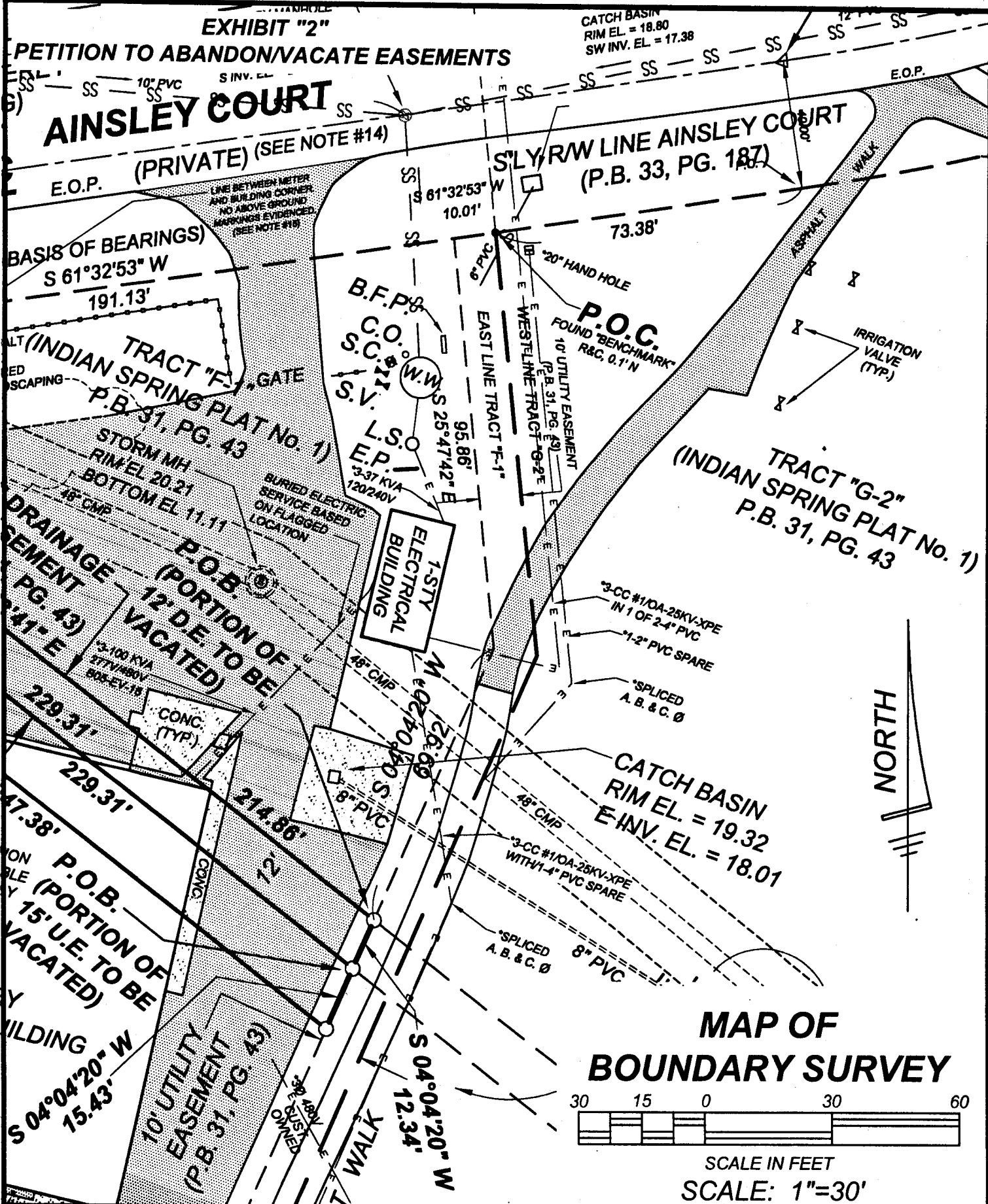
OFFICE: R.C.

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DWG. No.: 03-1402-20

SHEET: 4 OF 6

REF.: EXHIBIT 2.DWG



**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 4569  
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

**EXHIBIT "2"**

## PETITION TO ABANDON/VACATE EASEMENTS

## LEGEND TO BOUNDARY SURVEY

|              |  |              |  |
|--------------|--|--------------|--|
| A            | = ARC LENGTH   | P.O.C.       | = POINT OF COMMENCEMENT                        |
| A/C          | = AIR CONDITIONING                                   | P.R.C.       | = POINT OF REVERSE CURVATURE                   |
| A.E.         | = ACCESS EASEMENT                                    | P.R.M.       | = PERMANENT REFERENCE MONUMENT                 |
| A.K.A.       | = ALSO KNOWN AS                                      | PROP.        | = PROPOSED                                     |
| ASPH.        | = ASPHALT  | P.T.         | = POINT OF TANGENCY                            |
| BLDG.        | = BUILDING   | PVMT         | = PAVEMENT                                     |
| B.M.         | = BENCHMARK  | (R)          | = RADIAL                                       |
| B.O.C.       | = BACK OF CURB                                       | R            | = RADIUS                                       |
| B.O.W.       | = BACK OF WALK                                       | RGE.         | = RANGE  |
| (C)          | = CALCULATED   | R.P.B.       | = ROAD PLAT BOOK                               |
| CATV         | = CABLE ANTENNA TELEVISION                           | R/W          | = RIGHT OF WAY                                 |
| C.B.         | = CHORD BEARING                                      | (S)          | = SURVEY DATUM                                 |
| C.B.S.       | = CONCRETE BLOCK STRUCTURE                           | S.B.         | = SETBACK                                      |
| C.C.C.L.     | = COASTAL CONSTRUCTION CONTROL LINE                  | SEC.         | = SECTION                                      |
| CH           | = CHORD  | S/D          | = SUBDIVISION                                  |
| C.L.F.       | = CHAIN LINK FENCE                                   | S.F.         | = SQUARE FEET                                  |
| CLR.         | = CLEAR  | S.F.W.M.D.   | = SOUTH FLORIDA WATER<br>MANAGEMENT DISTRICT   |
| C.M.P.       | = CORRUGATED METAL PIPE                              | S.H.W.L.     | = SEASONAL HIGH WATER LINE                     |
| CONC.        | = CONCRETE   | S.I.R.W.C.D. | = SOUTH INDIAN RIVER WATER<br>CONTROL DISTRICT |
| (D)          | = DESCRIPTION DATUM                                  | S.R.         | = STATE ROAD                                   |
| D.B.         | = DEED BOOK  | STA.         | = STATION                                      |
| D.E.         | = DRAINAGE EASEMENT                                  | STY.         | = STORY  |
| D.H.         | = DRILL HOLE   | S/W          | = SIDEWALK                                     |
| D/W          | = DRIVEWAY   | T.O.B.       | = TOP OF BANK                                  |
| EL.          | = ELEVATION  | T.O.C.       | = TOP OF CURB                                  |
| ENC.         | = ENCROACHMENT                                       | TWP.         | = TOWNSHIP                                     |
| E.O.P.       | = EDGE OF PAVEMENT                                   | TYP.         | = TYPICAL                                      |
| E.O.W.       | = EDGE OF WATER                                      | U/C          | = UNDER CONSTRUCTION                           |
| ESMT         | = EASEMENT   | U.E.         | = UTILITY EASEMENT                             |
| F.F.         | = FINISH FLOOR                                       | U.R.         | = UNRECORDED                                   |
| FND.         | = FOUND  | W.C.         | = WITNESS CORNER                               |
| F.O.C.       | = FACE OF CURB                                       | W.M.E.       | = WATER MANAGEMENT EASEMENT                    |
| I.D.         | = INSIDE DIAMETER                                    | W.M.M.E.     | = WATER MANAGEMENT MAINTENANCE EASEMENT        |
| INV.         | = INVERT   | W.M.T.       | = WATER MANAGEMENT TRACT                       |
| I.T.W.C.D.   | = INDIAN TRAIL WATER CONTROL DISTRICT                | ℄            | = BASELINE                                     |
| L.A.E.       | = LIMITED ACCESS EASEMENT                            | ℄            | = CENTERLINE                                   |
| L.B.         | = LICENSE BOARD                                      | Δ            | = CENTRAL ANGLE/DELTA                          |
| L.W.D.D.     | = LAKE WORTH DRAINAGE DISTRICT                       | ■            | = CONCRETE MONUMENT FOUND (AS NOTED)           |
| (M)          | = FIELD MEASUREMENT                                  | □            | = CONCRETE MONUMENT SET (LB #4569)             |
| MH           | = MANHOLE  | ●            | = ROD & CAP FOUND (AS NOTED)                   |
| M.H.W.L.     | = MEAN HIGH WATER LINE                               | ○            | = 5/8" ROD & CAP SET (LB #4569)                |
| MIN.         | = MINIMUM  | ⊙            | = IRON PIPE FOUND (AS NOTED)                   |
| M.L.W.L.     | = MEAN LOW WATER LINE                                | ⦿            | = IRON ROD FOUND (AS NOTED)                    |
| N.V.G.D.     | = NATIONAL GEODETIC VERTICAL DATUM                   | ▲            | = PARKER-KALON NAIL FOUND                      |
| N.P.B.C.I.D. | = NORTHERN PALM BEACH COUNTY<br>IMPROVEMENT DISTRICT | ●            | = PARKER-KALON NAIL & DISK FOUND (AS NOTED)    |
| N.T.S.       | = NOT TO SCALE                                       | ⦿            | = PARKER-KALON NAIL & DISK SET (LB #4569)      |
| O.A.         | = OVERALL  | ℄            | = PROPERTY LINE                                |
| O.D.         | = OUTSIDE DIAMETER                                   | ℄            | = UTILITY POLE                                 |
| O/H          | = OVERHEAD UTILITY LINE                              | ⦿            | = FIRE HYDRANT                                 |
| O.R.B.       | = OFFICIAL RECORD BOOK                               | ⦿            | = WATER METER                                  |
| O/S          | = OFFSET   | ⦿            | = WATER VALVE                                  |
| (P)          | = PLAT DATUM   | ⦿            | = LIGHT POLE                                   |
| P.B.         | = PLAT BOOK  |              |  |
| P.B.C.       | = PALM BEACH COUNTY                                  |              |  |
| P.C.         | = POINT OF CURVATURE                                 |              |  |
| P.C.C.       | = POINT OF COMPOUND CURVATURE                        |              |  |
| P.C.P.       | = PERMANENT CONTROL POINT                            |              |  |
| PG.          | = PAGE   |              |  |
| P.I.         | = POINT OF INTERSECTION                              |              |  |
| P/O          | = PART OF  |              |  |
| P.O.B.       | = POINT OF BEGINNING                                 |              |  |

|                  |                       |   |                       |
|------------------|-----------------------|---|-----------------------|
| — SS — SS — SS — | = SANITARY SEWER LINE |   |                       |
| — S — S — S —    | = STORM SEWER LINE    |   |                       |
| — X — X — X —    | = CHAINLINK FENCE     | ⊙ | = SANITARY MANHOLE    |
| — □ — □ — □ —    | = WOOD FENCE          | ⊙ | = STORM SEWER MANHOLE |

|        |                        |
|--------|------------------------|
| W.W.   | = WET WELL             |
| L.S.   | = LIFT STATION         |
| S.V.   | = SANITARY VALVE       |
| S.C.   | = SANITARY CONNECTION  |
| C.O.   | = CLEAN-OUT            |
| B.F.P. | = BLACK-FLOW PREVENTOR |



5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DWG. No.: 03-1402-20

**SHEET: 6 OF 6**

REF.: EXHIBIT 2.DWG

Return to:  
Name: Right-of-Way Acquisition Section  
Palm Beach County Engineering  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn:  
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:  
Name: Paul F. King, Assistant County Attorney  
Palm Beach County  
Address: Post Office Box 21229  
West Palm Beach, Florida 33416

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

PCN:

00-42-45-35-01-006-0010

(Corporation)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO.

ROAD NAME: El Clair Ranch Road

PARCEL NO.

THIS EASEMENT, made this 10 day of November, 2008, between INDIAN SPRING GOLF & COUNTRY CLUB, INC. as the party of the first part, and PALM BEACH COUNTY, a political subdivision of the State of Florida, as the party of the second part.

WITNESSETH: That the party of the first part, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable considerations, receipt whereof is hereby acknowledged, hereby grant(s) unto the party of the second part, its successors and assigns, for the purpose of a perpetual drainage easement over, upon, under, through and across the following described land, situate in Palm Beach County, Florida, to-wit:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

This drainage easement shall be used to permanently install and maintain, when necessary, a pipe or pipes underground for the purposes of carrying water to, and or from, water retention areas. This drainage easement shall be non-exclusive, provided, however, that the grantors and their successors and assigns, shall be permanently prohibited from removing or interfering with the operation, functioning, maintenance, when necessary, or repair of any underground pipe or pipes installed by the grantee in the drainage easement area. To the extent that the grantors and their successors and assigns hinder or obstruct the operation, functioning, maintenance, or repair of any underground pipe or pipes installed in the drainage easement area, the grantee shall not be liable or responsible for the cost of removal of the obstruction. The installation of the pipe or pipes under the land shall not extend beyond the limits outlined in the attached legal description.

The party of the second part shall have the right, but not the obligation, to remove and use any or all of the soil and/or subsoil, in accordance with current and future construction plans, within the easement area.

TO HAVE AND TO HOLD THE SAME unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party has hereto set its hand(s) and seal(s) the day and year first above written.

(CORPORATE SEAL)

Signed, sealed and delivered in the presence of:  
(Signature of two witnesses required by Florida law)

WITNESS Signature (Required)

James M. Chavez  
TYPED OR PRINTED NAME OF WITNESS

WITNESS SIGNATURE (Required)

William Smith  
TYPED OR PRINTED NAME OF WITNESS

STATE OF Florida  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared IRA E. SPIELER AND SEMOUR FIDDLE who is / (are) personally known to me or who has produced identification and who did/did not take an oath, executed the foregoing instrument as such officer(s) on behalf of the said Company for the uses and purposes therein expressed.

WITNESS my hand and official seal this 10 day of November, 2008.

NOTARY PUBLIC-STATE OF FLORIDA  
Meg L. Wolf  
Commission #DD725501  
Expires: DEC. 01, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.

Notary Public in and for  
the County and State aforementioned



**DESCRIPTION SKETCH FOR:  
INDIAN SPRING GOLF & TENNIS COUNTRY CLUB, INC.**

**LEGAL DESCRIPTION: DRAINAGE EASEMENT**

A strip of land, being a portion of Tract "F-1" and Tract "G-2", INDIAN SPRING PLAT No. 1, according to the plat thereof, recorded in Plat Book 31, Page 43, Public Records of Palm Beach County, Florida, said strip being more particularly described as follows;

**BEGIN** at the point common to the East line of said Tract "F-1" and the West line of said Tract "G-2" with the Southerly right of way line on Ainsley Court as shown on the plat of **The Villas of Monterey at Indian Spring** as recorded in Plat Book 33, Page 187, Public Records of Palm Beach County, Florida; thence South 61°32'53" West, along said Southerly right of way line (said Southerly right of way line is assumed to bear South 61°32'53" West and all other bearings are relative thereto) a distance of 156.72 feet to the **POINT OF BEGINNING** of the following described strip of land; thence continue along said Southerly right of way line, South 61°32'53" West a distance of 57.28 feet; thence departing said Southerly right of way line, South 86°52'03" East, a distance of 159.80 feet; thence South 50°10'20" East a distance of 81.13 feet, more or less, to a point on the North line of an existing 12' wide drainage easement as shown on said plat; thence South 72°23'41" East, along said North line, a distance of 125.00 feet; thence North 18°53'32" East a distance of 46.90 feet; thence North 71°06'28" West a distance of 174.89 feet; thence North 50°10'20" West a distance of 28.58 feet; thence North 86°52'03" West a distance of 118.59 feet to a point on the Southerly right of way line on said Ainsley Court and the **POINT OF BEGINNING**.


Containing in all, 13,022 square feet, more or less.

**NOTES:**

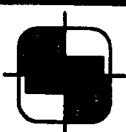
1. All information regarding record easements, adjoiners, and other documents that might affect the quality of title to tract shown hereon was gained from Ownership and Encumbrance Report, reference number "MERCY", issued by Doral Title, dated January 31, 2008. This office has made no search of the Public Records . This office has made no search of the Public Records.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation**.
4. This is not a survey!

**CERTIFICATION:**

**I HEREBY ATTEST** that the description sketch shown hereon meets the minimum technical standards set forth by the Florida Board of Land Surveyors and Mappers pursuant to sections 472.027, Florida Statutes, and adopted in Chapter 61G17-6, Florida Administrative Code, effective September 1, 1981.

  
Robert J. Cajal  
Professional Surveyor and Mapper  
Florida Certificate No. 6266

**Exhibit "A"**



**WALLACE**

**SURVEYING**  
CORP. LICENSED BUSINESS # 4560

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 9/30/08

DWG. No.: 03-1402-15

OFFICE: R.C.

SHEET: 1 OF 2

C'K'D.: R.C.

REF.: 03-1402-15



# **"DRAINAGE EASEMENT" DESCRIPTION SKETCH FOR: INDIAN SPRING GOLF & TENNIS COUNTRY CLUB, INC.**

THIS SKETCH IS NOT VALID  
UNLESS ACCOMPANIED  
WITH SHEET No. 1.  
THIS IS NOT A SURVEY!

AINSLEY COURT, TRACT "O"  
(RESERVED FOR THE USE OF, CONSTRUCTION  
AND MAINTENANCE OF UTILITIES AND DRAINAGE)  
(THE VILLAS OF MONTEREY AT INDIAN SPRING)  
P.B. 33, PG. 187

GREEN LAKES  
AT INDIAN SPRING  
(P.B. 34, PG. 38)

S'LY RW LINE AINSLEY COURT  
(P.B. 33, PG. 187)

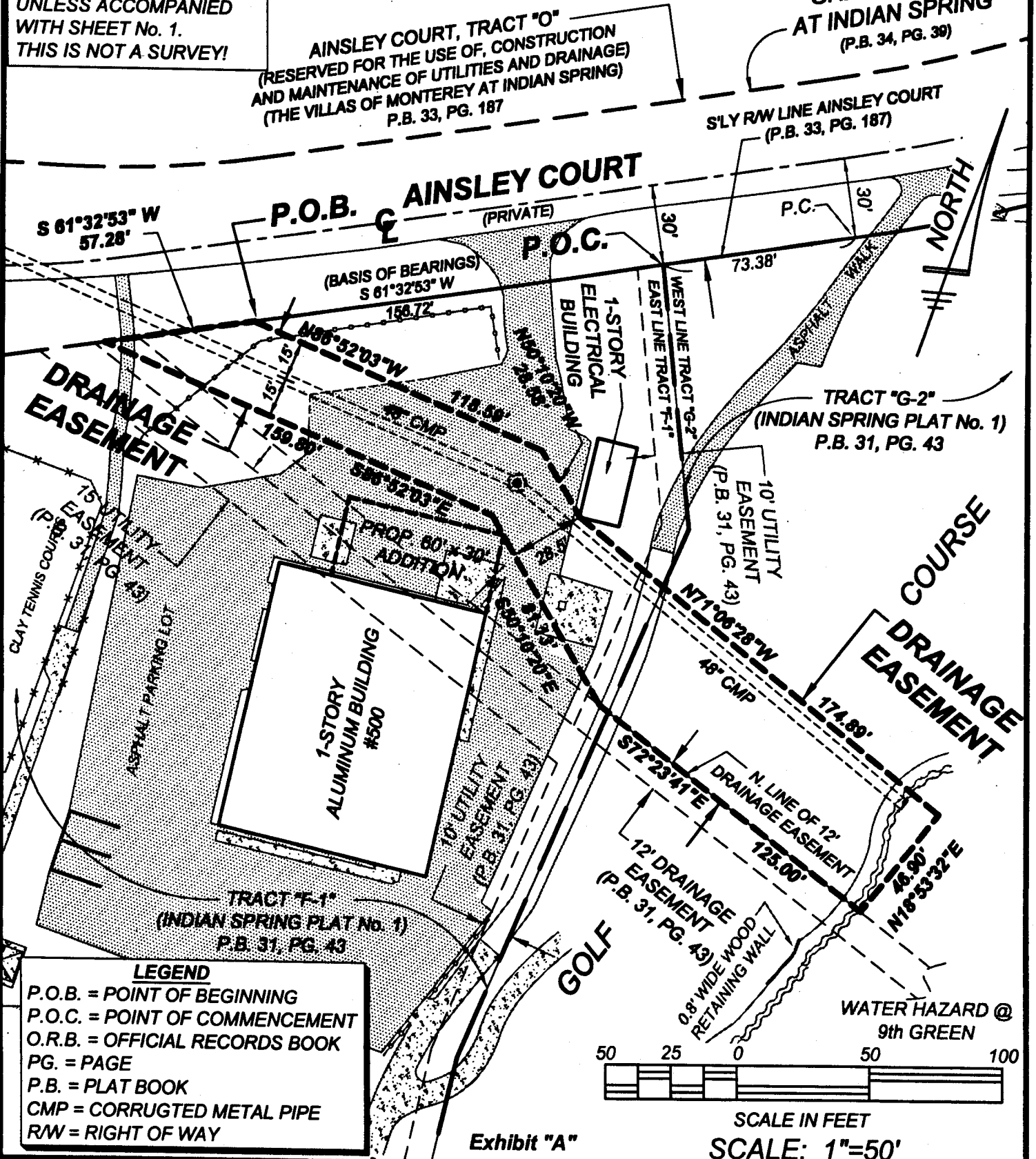
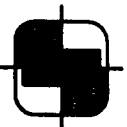


Exhibit "A"



**WALLACE**

**SURVEYING**  
CORP. LICENSED BUSINESS # 4589

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 9/30/08

DWG. No.: 03-1402-15

OFFICE: R.C.

SHEET: 2 OF 2

C'K'D.: R.C.

REF.: 03-1402-15



William Smith  
General Manager

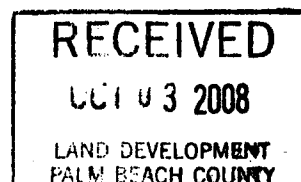


11501 El Clair Ranch Road  
Boynton Beach, FL 33437

Telephone: (561) 738-3045  
Cellular : (561) 702-3514  
Facsimile: (561) 735-3476  
Email: [william-smith@indianspringcc.com](mailto:william-smith@indianspringcc.com)



**INDIAN SPRING**  
COUNTRY CLUB, INC.



September 30, 2008

K.S. Rogers, P.E., Director  
Land Development Division  
2300 N Jog Rd, 3<sup>rd</sup> Floor  
West Palm Beach FL 33411-2745

Dear Mr. Rogers:

Indian Spring Country Club is desirous of abandoning an existing 20 ft. wide drainage easement within Tract F-1, plat of Indian Spring Plat 1, Plat Book 31, Page 43. As condition of the abandonment of this easement, Indian Spring Country Club agrees to provide a replacement easement centered around the existing 48" drainage pipe.

Indian Spring Country Club also agrees to increase the size of the replacement drainage easement to include sufficient area to relocate the existing 48" drainage pipe, should it be necessary due to the close proximity of the FPL building to the 48" drainage pipe.

Indian Spring Country Club acknowledges and agrees to maintain and repair the 48" drainage pipe within Tract F-1 when necessary to assure the proper functioning of the pipe.

Indian Spring Country Club acknowledges that this 48" drainage pipe provides for the drainage for other parcels including roads maintained by Palm Beach County. As such, Indian Spring Country Club recognizes the right of Palm Beach County to require that the pipe be maintained in a manner to provide for proper and adequate drainage for the County roads.

These provisions were approved by a vote of the Board of Directors of the Indian Spring Country Club on October 2, 2008.

Sincerely,

Ira Spieler, President  
Indian Spring Country Club

**DESCRIPTION SKETCH FOR:**  
**INDIAN SPRING GOLF & TENNIS COUNTRY CLUB, INC.**

**LEGAL DESCRIPTION: AGREEMENT AREA**

A strip of land, being a portion of **Tract "F-1"** and **Tract "G-2"**, **INDIAN SPRING PLAT No. 1**, according to the plat thereof, recorded in Plat Book 31, Page 43, Public Records of Palm Beach County, Florida, said strip being more particularly described as follows;

**BEGIN** at the point common to the East line of said **Tract "F-1"** and the West line of said **Tract "G-2"** with the Southerly right of way line on Ainsley Court as shown on the plat of **The Villas of Monterey at Indian Spring** as recorded in Plat Book 33, Page 187, Public Records of Palm Beach County, Florida; thence South 61°32'53" West, along said Southerly right of way line (said Southerly right of way line is assumed to bear South 61°32'53" West and all other bearings are relative thereto) a distance of 214.00 feet; thence departing said Southerly right of way line, South 86°52'03" East, a distance of 159.80 feet to the **POINT OF BEGINNING** of the following described strip of land; thence South 50°10'20" East a distance of 81.13 feet, more or less, to a point on the North line of an existing 12' wide drainage easement as shown on said plat; thence South 72°23'41" East, along said North line, a distance of 125.00 feet; thence North 18°53'32" East a distance of 46.90 feet; thence North 71°06'28" West a distance of 174.89 feet; thence North 50°10'20" West a distance of 28.58 feet; thence South 17°19'27" West a distance of 30.94 feet to the **POINT OF BEGINNING**.

Containing in all, 8,846 square feet, more or less.

**NOTES:**

1. All information regarding record easements, adjoiners, and other documents that might affect the quality of title to tract shown hereon was gained from Ownership and Encumbrance Report, reference number "MERCY", issued by Doral Title, dated January 31, 2008. This office has made no search of the Public Records . This office has made no search of the Public Records.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation**.
4. This is not a survey!

**CERTIFICATION:**

**I HEREBY ATTEST** that the description sketch shown hereon meets the minimum technical standards set forth by the Florida Board of Land Surveyors and Mappers pursuant to sections 472.027, Florida Statutes, and adopted in Chapter 61G17-6, Florida Administrative Code, effective September 1, 1981.



Robert J. Cajal  
Professional Surveyor and Mapper  
Florida Certificate No. 6266

**Exhibit "B"**



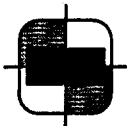
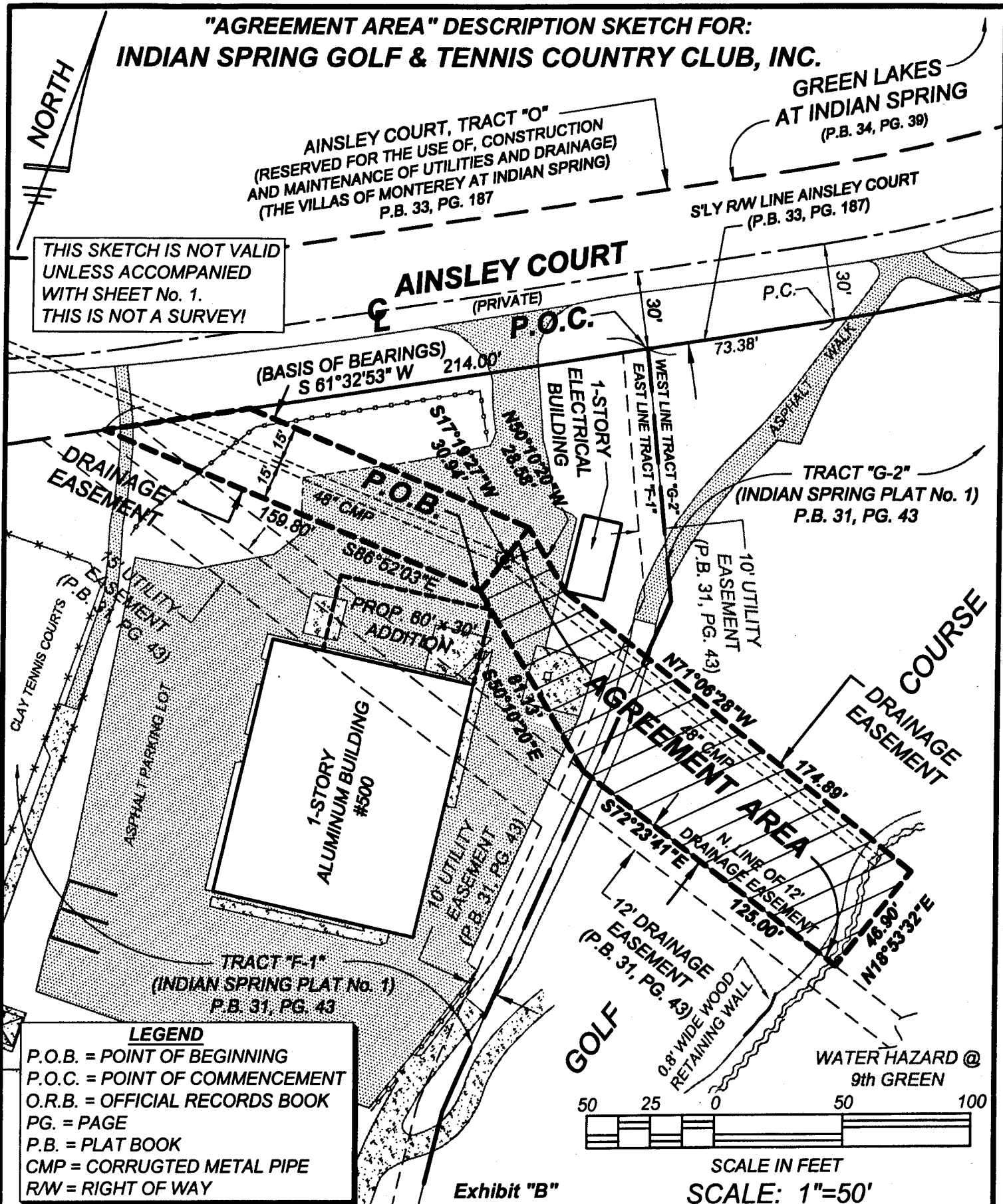
**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

|               |                      |
|---------------|----------------------|
| DATE: 9/30/08 | DWG. No.: 03-1402-16 |
| OFFICE: R.C.  | SHEET: 1 OF 2        |
| C'K'D.: R.C.  | REF.: 03-1402-16     |

**"AGREEMENT AREA" DESCRIPTION SKETCH FOR:  
INDIAN SPRING GOLF & TENNIS COUNTRY CLUB, INC.**

THIS SKETCH IS NOT VALID  
UNLESS ACCOMPANIED  
WITH SHEET No. 1.  
THIS IS NOT A SURVEY!



**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 \* (561) 640-4551

DATE: 9/30/08

OFFICE: R.C.

C'K'D.: R.C.

DWG. No.: 03-1402-16

SHEET: 2 OF 2

REF.: 03-1402-16