

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** July 21, 2009

☒ **Consent**      ☐ **Regular**  
☐ **Workshop**      ☐ **Public Hearing**

**Department:**

**Submitted By:** Engineering and Public Works

**Submitted For:** Right-of-Way Acquisition Section

**I. EXECUTIVE BRIEF**

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

- A) Accept two Warranty Deeds designated as Parcels 104 and 105 and two Temporary Construction Easements designated as Parcels 304 and 313; and
- B) Approve Subordinations of Utility Interests from Bellsouth Telecommunication, Inc. over Parcels 104 and 105.

**SUMMARY:** These actions will accept Warranty Deeds for two parcels of land needed for a right turn lane, designated as Parcels 104 and 105, and two Temporary Construction Easements, designated as Parcels 304 and 313. Approval of these motions will also approve the subordination of any interests of Bellsouth Telecommunication, Inc. over Parcels 104 and 105. The acceptance and approval of these documents is required for the widening to six lanes and construction of improvements on Congress Avenue from Lantana Road to south of Melaleuca Lane.

**District 3 (PK)**

**Background and Justification:** Palm Beach County (County) is preparing to widen to six lanes and construct other improvements on Congress Avenue from Lantana Road to south of Melaleuca Lane. The existing right turn lane into the JFK Medical Center will be eliminated by the widening of Congress Avenue to six lanes due to right-of-way constraints. The property owner, JFK Medical Center Limited Partnership, has donated the additional right-of-way and temporary construction easements needed to rebuild the turn lane. Bellsouth Telecommunication, Inc. has an easement over the donated right-of-way and has executed the necessary Subordinations of Utility Interests subordinating their interests in said right-of-way to the County. The acceptance of the two warranty deeds and two temporary construction easements and the approval of the Subordinations of Utility Interests are for a public purpose and necessity, which is deemed to be in the best interest of the County.

**Attachments:**

1. Location Map
2. Warranty Deeds (Parcels 104 and 105) with Exhibit "A"
3. Temporary Construction Easements (Parcels 304 and 313) with Exhibit "A"
4. Subordination of Utility Interests (Parcels 104 and 105) with Exhibit "A"

**Recommended by:**

*Ornela A. Fernandez*  
Division Director

*7/7/09*  
Date

**Approved by:**

*S. T. Webb*  
County Engineer

*7/9/09*  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-	-0-	-0-	-0-	-0-

# ADDITIONAL FTE  
POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_  
Budget Acct No.: Fund \_\_\_\_\_ Dept. \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

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

☒ This item has no additional fiscal impact.

C. Departmental Fiscal Review: atwillhite

## III. REVIEW COMMENTS

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

Paul H. 7/14/09  
7-10-09 OFMB  
ND 7/19/09

Joe J. Jacoby 7/16/09  
Contract Dev. and Control  
Excess 7/17/09

### B. Approved as to Form and Legal Sufficiency:

Paul F. 7/16/09  
Assistant County Attorney

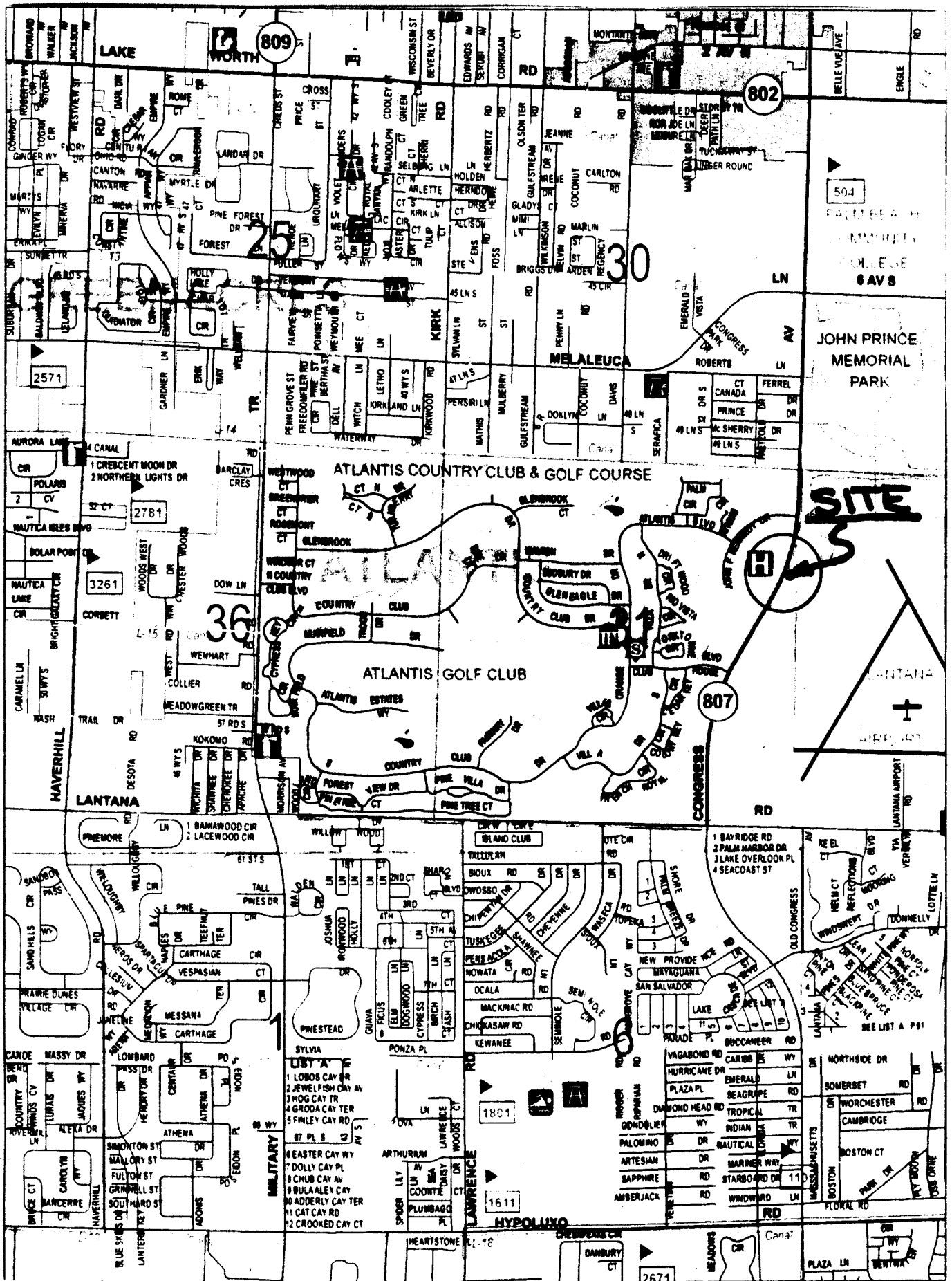
### C. Other Department Review:

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

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

I:\WP\Agenda\Page2\Agnpgtwo2008\00230.No Impact

LOCATION MAP  
ATTACHMENT 1



# WARRANTY DEED / PARCEL 105

1.56

## ATTACHMENT 2

**Return to:**

Name: Palm Beach County  
R/W Acquisition Section  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn: Ed Handy, Right of Way Specialist  
Acct. No.: 1010 W/C BOX 1066

**This Instrument Prepared by:**

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

**NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE**

PCN: 02-43-44-31-00-000-1021  
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 2003507  
ROAD NAME: 807 (Congress Avenue)  
PARCEL NO. 105

### WARRANTY DEED

THIS WARRANTY DEED, made this 23<sup>rd</sup> day of June, 2009, by JFK Medical Center Limited partnership, a Delaware limited partnership f/k/a Columbia/JFK Medical Center Limited Partnership, a Delaware limited partnership, successor by merger of Columbia/JFK Acquisition, Inc., a Delaware corporation, successor by merger of Columbia/JFK Healthcare System, Inc., a Florida corporation, whose post office address is \_\_\_\_\_, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter called grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN (\$10.00) dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Palm Beach County, Florida, viz:

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

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that said grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes subsequent to December 31, 2008.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

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

JFK Medical Center Limited Partnership, a  
Delaware limited partnership

BY: Columbia Palm Beach, GP, LLC, a  
Delaware limited liability company, its  
general partner

BY: \_\_\_\_\_

W. Mark Kimbrough

P. O. Box 75

Legal Department

Nashville, Tennessee 37202

MAILING ADDRESS

Helen W. Cook  
WITNESS Signature (Required)

Helen W. Cook  
TYPED OR PRINTED NAME OF WITNESS

Melinda S. Lampkin  
WITNESS SIGNATURE (Required)

Melinda S. Lampkin  
TYPED OR PRINTED NAME OF WITNESS

WARRANTY DEED / PARCEL 105  
2 of 6

STATE OF Tennessee  
COUNTY OF Davidson

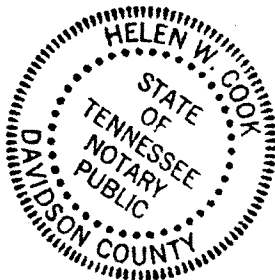
BEFORE ME, the undersigned authority, personally appeared W. Mark Kimbrough, as Vice President of Columbia Palm Beach GP, LLC, a Delaware limited liability company, as general partner of JFK Medical Center Limited Partnership, a Delaware limited liability partnership, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath, executed the foregoing instrument.

WITNESS my hand and official seal this 18<sup>th</sup> day of JUNE, 2009.

Signed: Helen W. Cook  
Notary Public in and for  
the County and State aforementioned

275-LGL Rev. 05/25/05

My Commission Expires  
March 20, 2010



## WARRANTY DEED / PARCEL 105

3 of 6

EXHIBIT "A" 1054

## ABBREVIATIONS

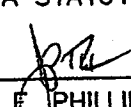
C - CENTERLINE  
(C) - CALCULATED DIMENSION  
(D) - DIMENSION PER RECORD DEED  
O.R.B. - OFFICIAL RECORD BOOK  
P.B. - PLAT BOOK  
P.O.B. - POINT OF BEGINNING  
P.O.C. - POINT OF COMMENCEMENT  
R/W - RIGHT-OF-WAY  
STA - STATION  
TCE - TEMPORARY CONSTRUCTION EASEMENT  
U.E. - UTILITY EASEMENT  
'L - DISTANCE LEFT OF BASELINE  
'R - DISTANCE RIGHT OF BASELINE  
R - RADIUS  
? - CENTRAL ANGLE  
L - ARC LENGTH

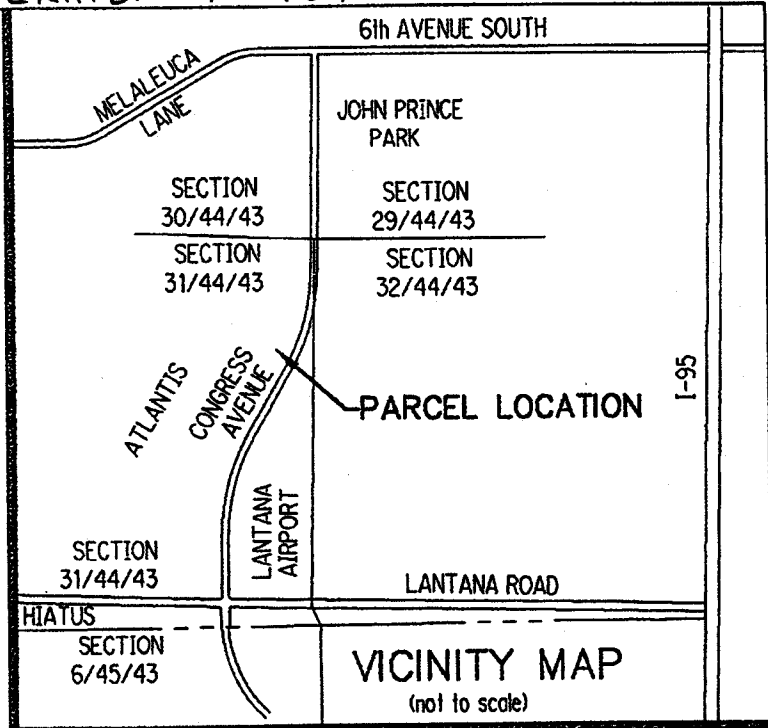
## NOTES:

- 1) THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION.  
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH THE DESCRIPTIONS AND THE SKETCHES ACCOMPANY EACH OTHER.
- 2) REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.
- 3) ALL DIMENSIONS SHOWN ON THE PROPOSED PARCELS ARE CALCULATED.  
DIMENSIONS SHOWN ON THE PARENT TRACT PARCELS ARE PER THE RECORD DEED, UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ATTACHED LEGAL DESCRIPTIONS AND SKETCHES ARE TRUE, ACCURATE, AND WERE PREPARED UNDER MY DIRECTION.

I FURTHER CERTIFY THAT SAID LEGAL DESCRIPTIONS ARE IN COMPLIANCE WITH THE APPLICABLE PORTIONS OF THE MINIMUM TECHNICAL STANDARDS, CHAPTER 61G17-6.004, FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: OCT 21 2008



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

## LEGAL DESCRIPTION

DRAWN: DKN/MB	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: 8/12/2008	SHEET 1 OF 4
CONGRESS AVENUE R/W PARCEL 105	

WARRANTY DEED / PARCEL 105  
4046

EXHIBIT "A" 2044

FEE SIMPLE RIGHT-OF-WAY  
PARCEL No.105

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE COLUMBIA/JFK HEALTHCARE SYSTEM PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 8839, AT PAGE 213 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 16087, PAGE 795 OF SAID PUBLIC RECORDS, LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE, BEING A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 2814.93 FEET, WHERE A RADIAL LINE BEARS N81°08'03"W;

THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°29'40" FOR 319.07 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 03°54'12" FOR 191.77 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, N70°44'51"W FOR 3.31 FEET;

THENCE N18°17'22"E FOR 191.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 525.72 SQUARE FEET, MORE OR LESS.

BEARING BASIS: S84°48'53"E ALONG THE SOUTH LINE OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 16087, PAGE 795.



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

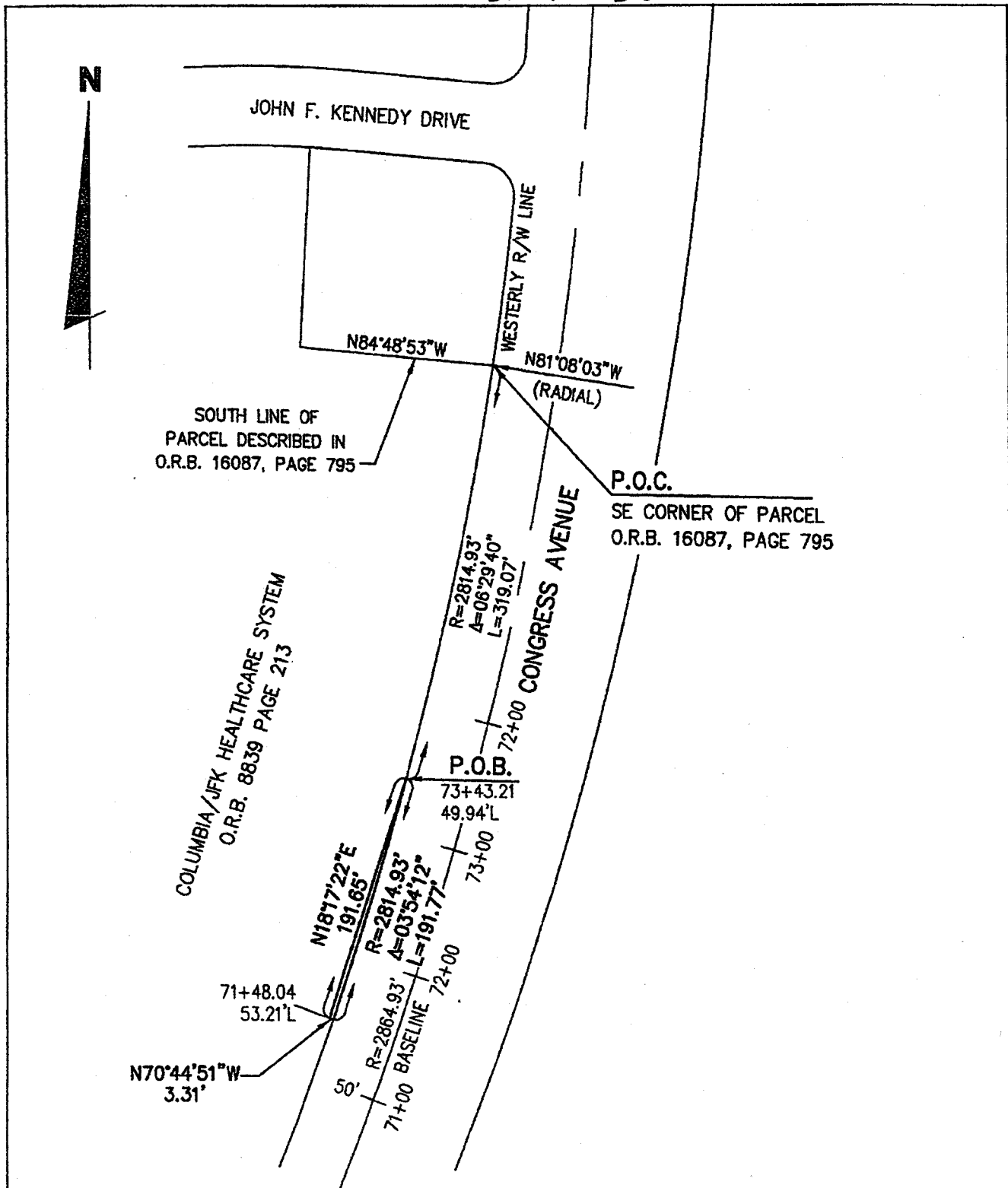
DRAWN:	DKN	PROJ. No.	05-016
CHECKED:	TB	SCALE:	NONE
DATE:	8/12/2008	SHEET	2 OF 4

CONGRESS AVENUE  
R/W PARCEL 105

# WARRANTY DEED / PARCEL 105

S o f c

EXHIBIT "A" 3054



THIS SKETCH IS NOT A SURVEY



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

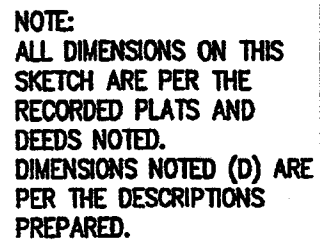
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DATE:	8/12/2008	SHEET 3 OF 4

CONGRESS AVENUE  
R/W PARCEL 105



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EXHIBIT "A" 4 of 4



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: 1"=200'
DATE: 8/12/2008	SHEET 4 OF 4
CONGRESS AVENUE PARENT TRACT	

WARRANTY DEED / PARCEL 104

1 of 6

ATTACHMENT 2

Return to:

Palm Beach County  
Name: R/W Acquisition Section  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn: Ed Handy, Right of Way Specialist  
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:

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

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

PCN: 02-43-44-31-00-000-1300  
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 2003507

ROAD NAME: 807 (Congress Avenue)

PARCEL NO. 104

WARRANTY DEED

THIS WARRANTY DEED, made this 23<sup>rd</sup> day of June, 2007, by JFK Medical Center Limited partnership, a Delaware limited partnership f/k/a Columbia/JFK Medical Center Limited Partnership, a Delaware limited partnership, successor by merger of Columbia/JFK Acquisition, Inc., a Delaware corporation, successor by merger of Columbia/JFK Healthcare System, Inc., a Florida corporation, whose post office address is \_\_\_\_\_, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter called grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN (\$10.00) dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Palm Beach County, Florida, viz:

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

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that said grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes subsequent to December 31, 2008.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

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

JFK Medical Center Limited Partnership, a  
Delaware limited partnership

BY: Columbia Palm Beach, GP, LLC, a  
Delaware limited liability company, its  
general partner

BY: W. Mark Kimbrough

W. Mark Kimbrough

Helen W. Cook  
WITNESS Signature (Required)

Helen W. Cook  
TYPED OR PRINTED NAME OF WITNESS

Melinda S. Lampkin  
WITNESS SIGNATURE (Required)

Melinda S. Lampkin  
TYPED OR PRINTED NAME OF WITNESS

P.O. Box 75

Legal Department

Nashville, Tennessee 37202

MAILING ADDRESS

WARRANTY DEED / PARCEL 104

2 of 6

STATE OF Tennessee

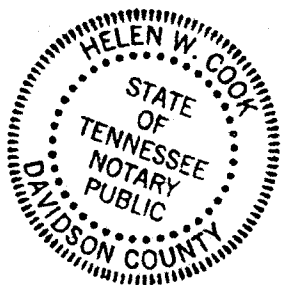
COUNTY OF Davidson

BEFORE ME, the undersigned authority, personally appeared W. Mark Kimbrough, as Vice President of Columbia Palm Beach GP, LLC, a Delaware limited liability company, as general partner of JFK Medical Center Limited Partnership, a Delaware limited liability partnership, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath, executed the foregoing instrument.

WITNESS my hand and official seal this 18 day of June, 2009.

Signed: Helen W. Cook  
Notary Public in and for  
the County and State aforementioned

275-LGL Rev. 05/25/05



My Commission Expires  
March 20, 2010

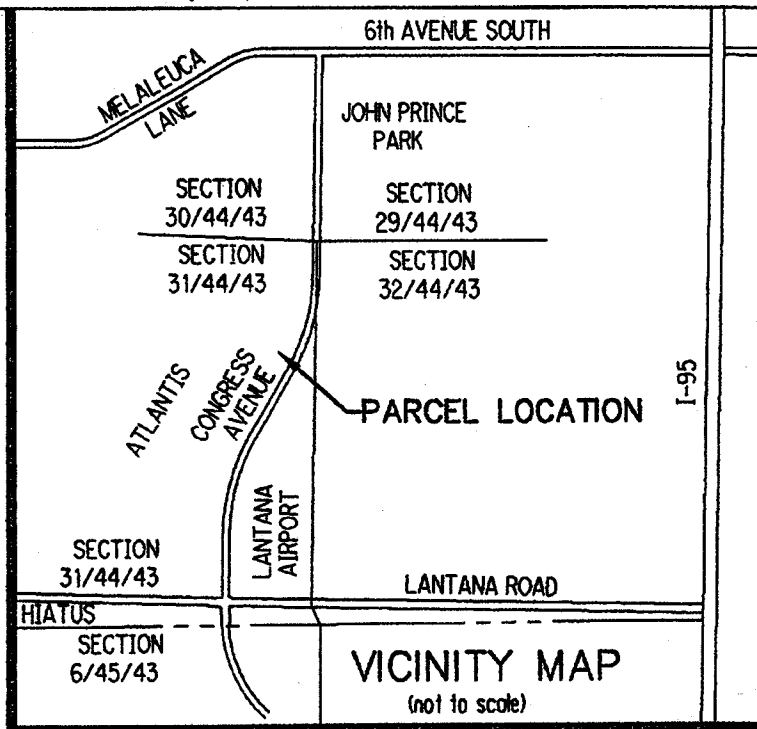
# WARRANTY DEED / PARCEL 104

3 of 6

## EXHIBIT "A" 1 of 4

### ABBREVIATIONS

CL - CENTERLINE  
 (C) - CALCULATED DIMENSION  
 (D) - DIMENSION PER RECORD DEED  
 O.R.B. - OFFICIAL RECORD BOOK  
 P.B. - PLAT BOOK  
 P.O.B. - POINT OF BEGINNING  
 P.O.C. - POINT OF COMMENCEMENT  
 R/W - RIGHT-OF-WAY  
 STA - STATION  
 TCE - TEMPORARY CONSTRUCTION EASEMENT  
 U.E. - UTILITY EASEMENT  
 'L - DISTANCE LEFT OF BASELINE  
 'R - DISTANCE RIGHT OF BASELINE  
 R= - RADIUS  
 ?= - CENTRAL ANGLE  
 L= - ARC LENGTH

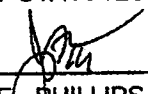



### NOTES:

- 1) THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION.  
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH THE DESCRIPTIONS AND THE SKETCHES ACCOMPANY EACH OTHER.
- 2) REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.
- 3) ALL DIMENSIONS SHOWN ON THE PROPOSED PARCELS ARE CALCULATED.  
DIMENSIONS SHOWN ON THE PARENT TRACT PARCELS ARE PER THE RECORD DEED, UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ATTACHED LEGAL DESCRIPTIONS AND SKETCHES ARE TRUE, ACCURATE, AND WERE PREPARED UNDER MY DIRECTION.

I FURTHER CERTIFY THAT SAID LEGAL DESCRIPTIONS ARE IN COMPLIANCE WITH THE APPLICABLE PORTIONS OF THE MINIMUM TECHNICAL STANDARDS, CHAPTER 61G17-6.004, FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
 JOHN E. PHILLIPS III  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA No. 4826  
 DATE: OCT 21 2008

 **BROWN & PHILLIPS, INC.**  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
 (561) 615-3988, (561) 615-3986 FAX

### LEGAL DESCRIPTION

DRAWN: DKN/MB	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: 8/12/2008	SHEET 1 OF 4
CONGRESS AVENUE R/W PARCEL 104	

# WARRANTY DEED / PARCEL 104

4 of 6

## EXHIBIT "A" 2094

FEE SIMPLE RIGHT-OF-WAY  
PARCEL No.104

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE COLUMBIA/JFK HEALTHCARE SYSTEM PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 8839, AT PAGE 213 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "D", PLAT NO. 7 CITY OF ATLANTIS, FLORIDA, AS RECORDED IN PLAT BOOK 30, PAGE 74 OF SAID PUBLIC RECORDS, LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, N30°32'16"E FOR 149.28 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, N30°32'16"E FOR 153.17 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2814.93 FEET;  
THENCE NORTHEASTERLY, ALONG SAID RIGHT-OF-WAY LINE AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 4°55'21" FOR 241.84 FEET;  
THENCE S40°46'11"W FOR 47.33 FEET TO A CURVE CONCENTRIC WITH THE SAID WEST RIGHT-OF-WAY LINE, AND HAVING A RADIUS OF 2802.93 FEET;  
THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 03°59'19" FOR 195.12 FEET TO A POINT OF TANGENCY;  
THENCE S30°32'16"W FOR 153.17 FEET;  
THENCE S59°27'44"E FOR 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4462.75 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N30°32'16"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE.



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

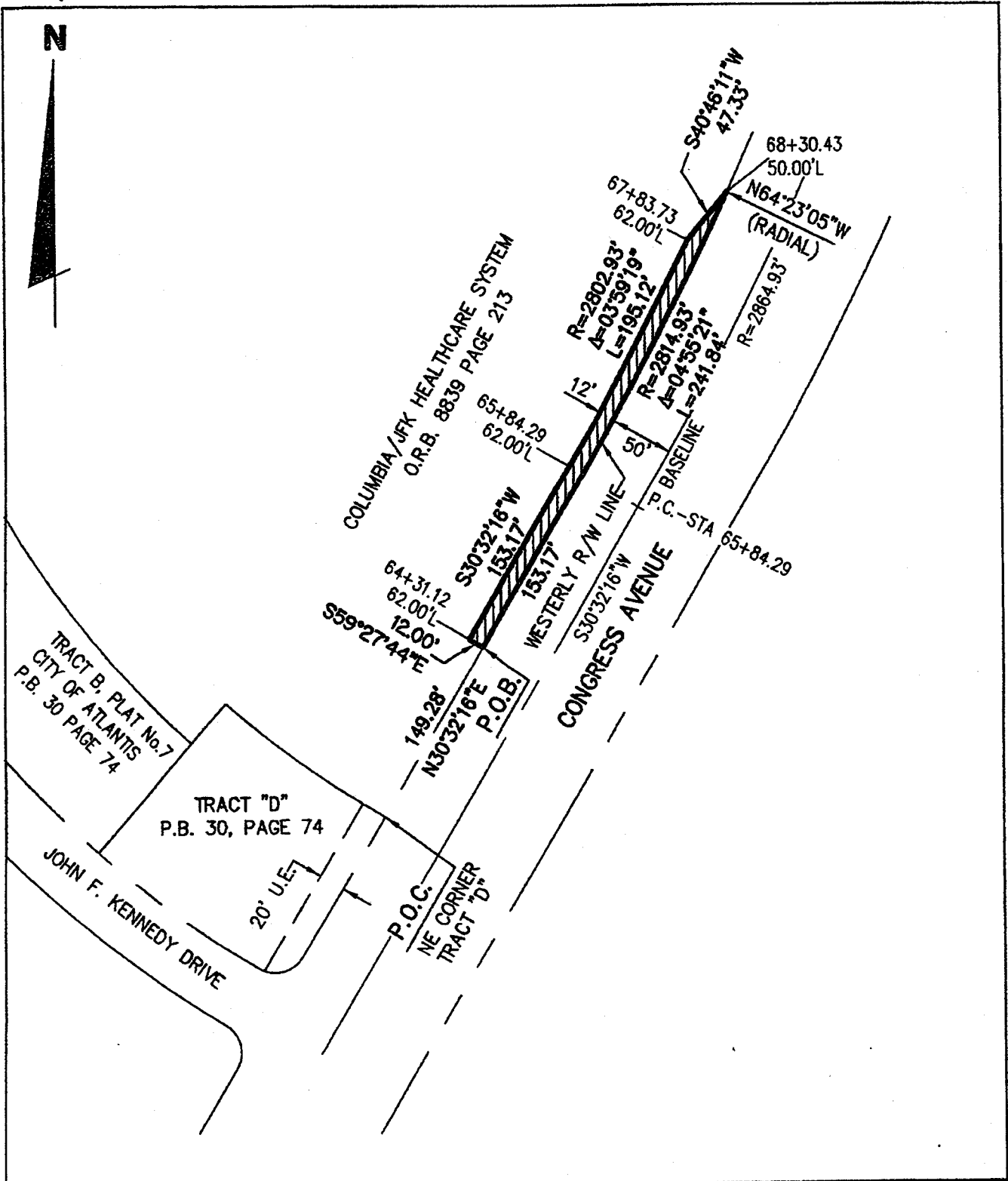
### LEGAL DESCRIPTION

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CHECKED:	TB	SCALE: NONE
DATE:	8/12/2008	SHEET 2 OF 4

CONGRESS AVENUE  
R/W PARCEL 104

WARRANTY DEED / PARCEL 104  
S of G

EXHIBIT "A" 3 of 4



THIS SKETCH IS NOT A SURVEY

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

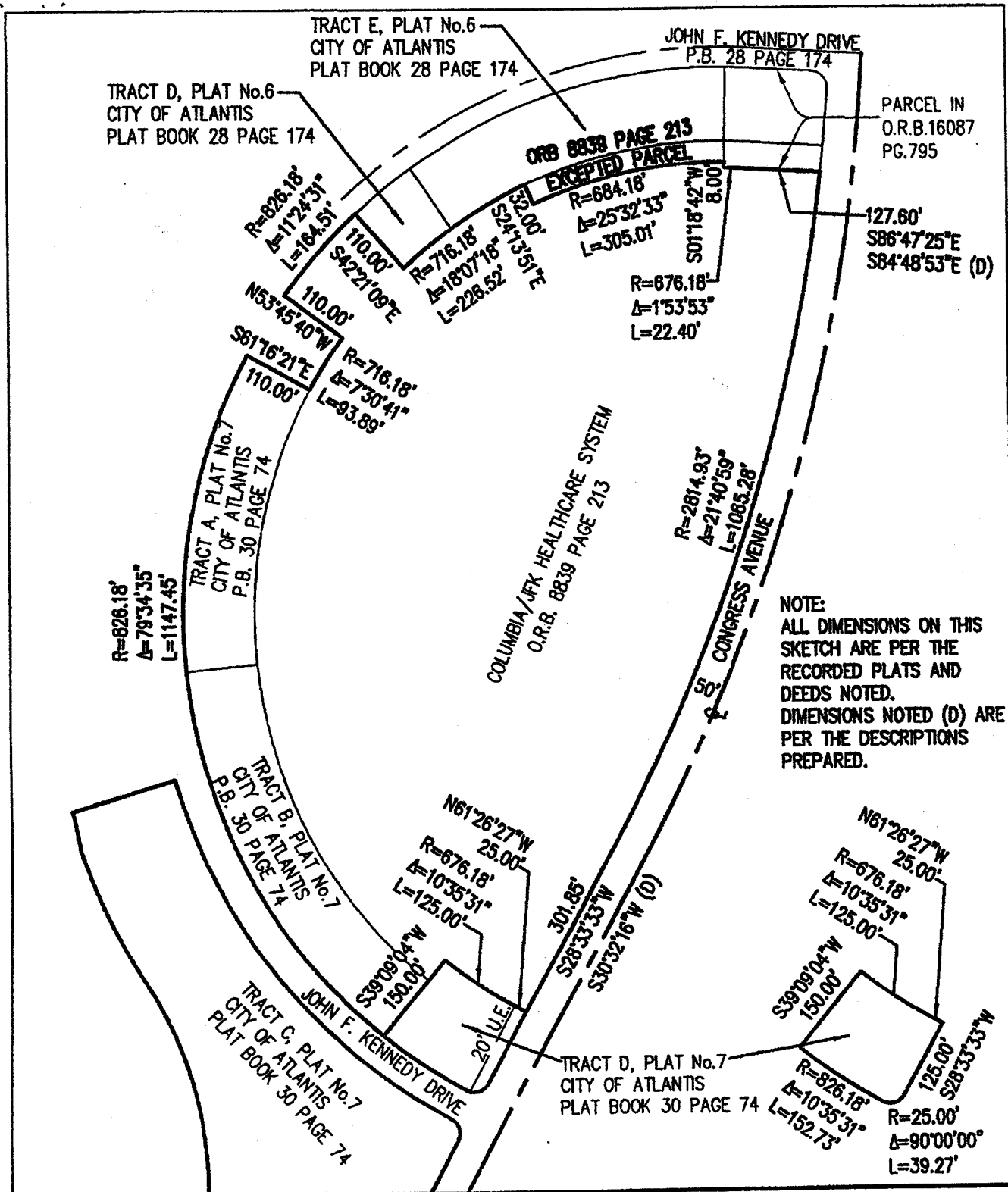
DRAWN:	DKN	PROJ. No. 05-016
CHECKED:	TB	SCALE: 1"=100'
DATE:	8/12/2008	SHEET 3 OF 4

CONGRESS AVENUE  
R/W PARCEL 104

# WARRANTY DEED / PARCEL 104

C O F C

EXHIBIT "A" 4 of 4



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3986 FAX

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: 1"=200'
DATE: 8/12/2008	SHEET 4 OF 4

CONGRESS AVENUE  
PARENT TRACT

# TEMPORARY CONSTRUCTION EASEMENT

PARCEL 304

1056

ATTACHMENT 3

## Return to:

Palm Beach County  
Name: Right-of-Way Acquisition Section  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn: Ed Handy, Right of Way Specialist  
Acct. No.: 1010

## This Instrument Prepared by:

Name: Paul F. King, Assistant County Attorney  
Palm Beach County  
Address: Post Office Box 21229  
West Palm Beach, FL 33416

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

PCN: 02-43-44-31-21-004-0000  
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 2003507

ROAD NAME: 807 (Congress Avenue)

PARCEL NO. 304

## TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT, made this 23 day of June, 2009, between JFK Medical Center Limited partnership, a Delaware limited partnership f/k/a Columbia/JFK Medical Center Limited Partnership, a Delaware limited partnership, successor by merger of Columbia/JFK Acquisition, Inc., a Delaware corporation, successor by merger of Columbia/JFK Healthcare System, Inc., a Florida corporation, 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, a TEMPORARY CONSTRUCTION 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 EASEMENT as described herein, is to be used for the purpose of tying in, harmonizing, constructing, grading, improving, reconstructing and inspecting of the road project as shown on the initial or final plans. This Temporary Construction Easement shall be for a duration of two years from the recording date or until the road and/or construction project is accepted by the Palm Beach County Board of County Commissioners, which ever date is earlier, and includes the right of ingress and egress over and through the described real estate.

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

IN WITNESS WHEREOF, the said party has hereto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

(Signature of two witnesses required by Florida law)

JFK Medical Center Limited partnership, a Delaware limited partnership

BY: Columba Palm Beach, GP, LLC, a Delaware limited liability company, its general partner

BY: W. Mark Kimbrough  
W. Mark Kimbrough, Vice President

Helen W. Cook  
WITNESS SIGNATURE (Required)

Helen W. Cook  
TYPED OR PRINTED NAME OF WITNESS

Melinda S. Landkin  
WITNESS SIGNATURE (Required)

Melinda S. Landkin  
TYPED OR PRINTED NAME OF WITNESS

P. O. Box 75

Legal Department

Nashville, Tennessee 37202

MAILING ADDRESS



TEMPORARY CONSTRUCTION EASEMENT  
PARCEL 304

2006

STATE OF Tennessee

COUNTY OF Davidson

BEFORE ME, the undersigned authority, personally appeared W. Mark Kimbrough as Vice President of Columbia Palm Beach GP, LLC, a Delaware limited liability company, as general partner of JFK Medical Center Limited partnership, a Delaware limited partnership who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath, executed the foregoing instrument as such Officer(s) on behalf of the said Limited Partnership for the uses and purposes therein expressed.

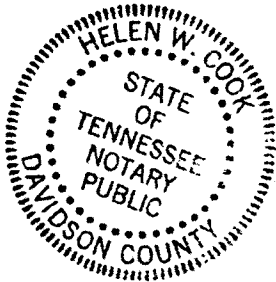
WITNESS my hand and official seal this 18<sup>th</sup> day of JUNE, 2009

My Commission Expires  
March 20, 2010

Signed: \_\_\_\_\_

Helen W. Cook  
Notary Public in and for  
the county and State aforementioned

NOTARIAL SEAL



## ABBREVIATIONS

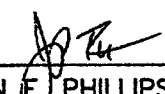
CL - CENTERLINE  
(C) - CALCULATED DIMENSION  
(D) - DIMENSION PER RECORD DEED  
O.R.B. - OFFICIAL RECORD BOOK  
P.B. - PLAT BOOK  
P.O.B. - POINT OF BEGINNING  
P.O.C. - POINT OF COMMENCEMENT  
R/W - RIGHT-OF-WAY  
STA - STATION  
TCE - TEMPORARY CONSTRUCTION EASEMENT  
U.E. - UTILITY EASEMENT  
'L - DISTANCE LEFT OF BASELINE  
'R - DISTANCE RIGHT OF BASELINE  
R= - RADIUS  
? - CENTRAL ANGLE  
L= - ARC LENGTH

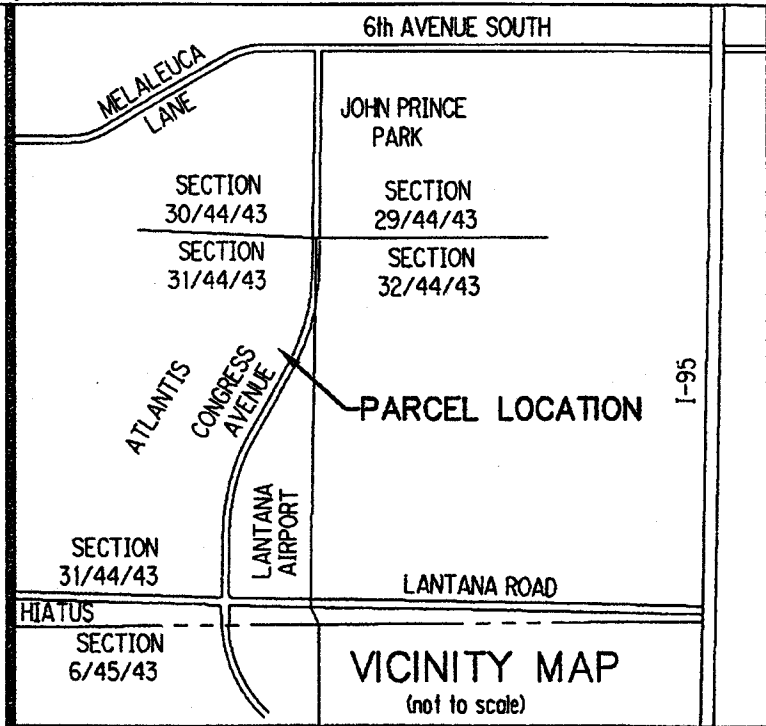
## NOTES:

- 1) THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION.  
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH THE DESCRIPTIONS AND THE SKETCHES ACCOMPANY EACH OTHER.
- 2) REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.
- 3) ALL DIMENSIONS SHOWN ON THE PROPOSED PARCELS ARE CALCULATED.  
DIMENSIONS SHOWN ON THE PARENT TRACT PARCELS ARE PER THE RECORD DEED, UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ATTACHED LEGAL DESCRIPTIONS AND SKETCHES ARE TRUE, ACCURATE, AND WERE PREPARED UNDER MY DIRECTION.

I FURTHER CERTIFY THAT SAID LEGAL DESCRIPTIONS ARE IN COMPLIANCE WITH THE APPLICABLE PORTIONS OF THE MINIMUM TECHNICAL STANDARDS, CHAPTER 61G17-6.004, FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: OCT 21 2008



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

## LEGAL DESCRIPTION

DRAWN: DKN/MB	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: 8/12/2008	SHEET 1 OF 4

CONGRESS AVENUE  
TCE PARCEL 304

TEMPORARY CONSTRUCTION EASEMENT / PARCEL 304  
4 of 4

EXHIBIT "A" 2 of 4

TEMPORARY CONSTRUCTION EASEMENT - PARCEL No.304

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE COLUMBIA/JFK HEALTHCARE SYSTEM PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 8839, AT PAGE 213, AND A PORTION OF TRACT "D", PLAT NO. 7 CITY OF ATLANTIS, FLORIDA, AS RECORDED IN PLAT BOOK 30, PAGE 74 OF SAID PUBLIC RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 16087, PAGE 795 OF SAID PUBLIC RECORDS, LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE, BEING A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 2814.93 FEET, WHERE A RADIAL LINE BEARS N81°08'01"W;  
THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°29'40" FOR 319.07 FEET TO A POINT OF NON-TANGENCY;  
THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S18°17'22"W FOR 191.65 FEET;  
THENCE S70°44'51"E FOR 3.31 FEET TO THE SAID WESTERLY RIGHT-OF-WAY LINE HAVING A RADIUS OF 2814.93 FEET, WHERE A RADIAL LINE BEARS N70°44'51"W;  
THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°21'46" FOR 312.60 FEET TO A POINT OF NON-TANGENCY;  
THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S40°46'11"W FOR 47.33 FEET TO A CURVE CONCENTRIC WITH THE SAID WEST RIGHT-OF-WAY LINE, AND HAVING A RADIUS OF 2802.93 FEET, WHERE A RADIAL LINE BEARS N63°27'03"W;  
THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 03°59'19" FOR 195.12 FEET TO A POINT OF TANGENCY;  
THENCE S30°32'16"W FOR 153.17 FEET;  
THENCE S59°27'44"E FOR 12.00 FEET TO THE SAID WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, S30°32'16"W FOR 274.28 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF JOHN F. KENNEDY DRIVE, PER SAID PLAT NO. 7 CITY OF ATLANTIS, FLORIDA, ALSO BEING A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 25.00 FEET;  
THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 83°06'28" FOR 36.26 FEET TO A LINE LYING 22.00 FEET WESTERLY OF, AND PARALLEL WITH, THE SAID WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE;  
THENCE ALONG SAID PARALLEL LINE, N30°32'16"E FOR 452.27 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2792.93 FEET;  
THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 04°00'51" FOR 195.67 FEET TO A POINT OF NON-TANGENCY;  
THENCE N40°46'11"E FOR 47.24 FEET TO A CURVE CONCENTRIC WITH THE SAID WESTERLY RIGHT-OF-WAY LINE, AND HAVING A RADIUS OF 2804.93 FEET, WHERE A RADIAL LINE BEARS N64°24'42"W;  
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 06°20'08" FOR 310.16 FEET TO A POINT OF NON-TANGENCY;  
THENCE RADIAL TO SAID CURVE, N70°44'51"W FOR 3.31 FEET;  
THENCE N18°17'22"E FOR 191.23 FEET TO A NON-TANGENT CURVE CONCENTRIC WITH THE SAID WEST RIGHT-OF-WAY LINE, AND HAVING A RADIUS OF 2804.93 FEET, WHERE A RADIAL LINE BEARS N74°39'22"W;  
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 06°28'34" FOR 317.04 FEET TO THE SOUTH LINE OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 16087, PAGE 795 AND A POINT OF NON-TANGENCY;  
THENCE ALONG SAID SOUTH LINE, S84°48'53"E FOR 10.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,617.62 SQUARE FEET (0.427 ACRES), MORE OR LESS.

BEARING BASIS: S30°32'16"W ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE.



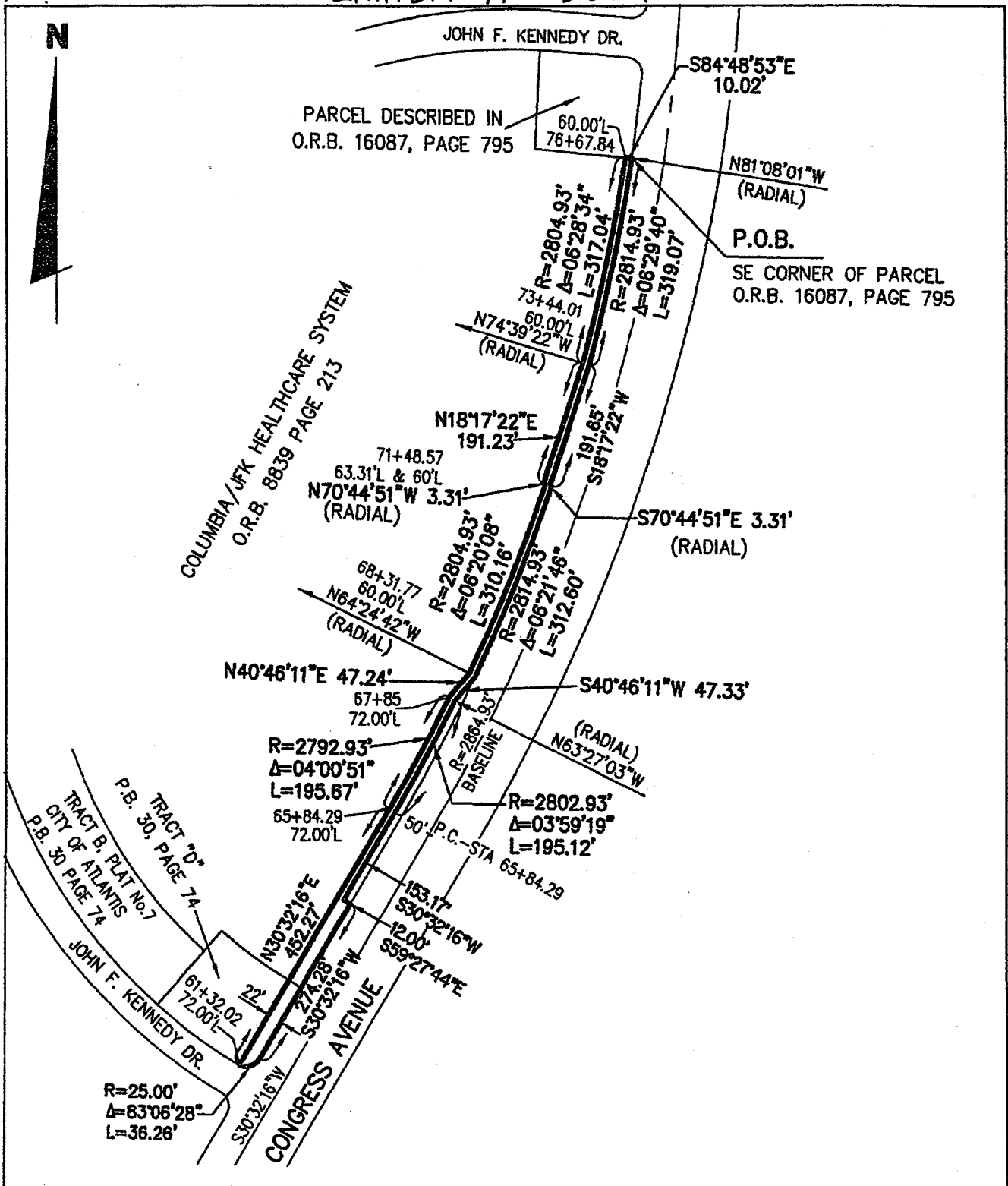
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

DRAWN:	DKN	PROJ. No. 05-016
CHECKED:	TB	SCALE: NONE
DATE:	8/12/2008	SHEET 2 OF 4
CONGRESS AVENUE TCE PARCEL 304		

TEMPORARY CONSTRUCTION EASEMENT / PARCEL 304  
S 046

EXHIBIT "A" 3044



THIS SKETCH IS NOT A SURVEY



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
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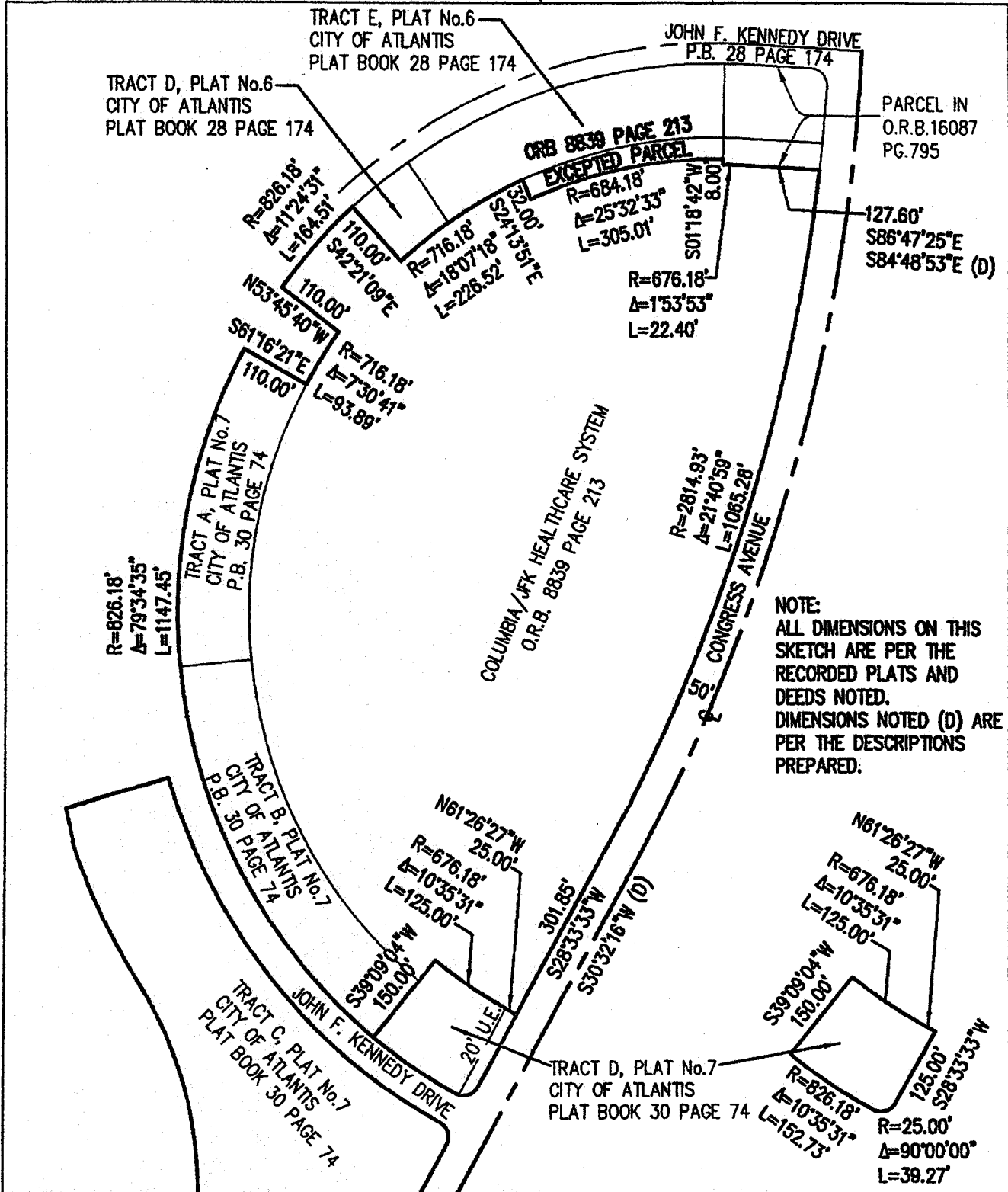
SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: 1"=200'
DATE: 8/12/2008	SHEET 3 OF 4

CONGRESS AVENUE  
TCE PARCEL 304

TEMPORARY CONSTRUCTION EASEMENT / PARCEL 304  
6056

EXHIBIT "A" 4054



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN:	DKN	PROJ. No. 05-016
CHECKED:	TB	SCALE: 1"=200'
DATE:	8/12/2008	SHEET 4 OF 4
CONGRESS AVENUE PARENT TRACT		

TEMPORARY CONSTRUCTION EASEMENT / PARCEL 313

1 of 7  
ATTACHMENT 3

Return to:

Palm Beach County  
Name: Right-of-Way Acquisition Section  
Post Office Box 21229  
Address: West Palm Beach, Florida 33416  
Attn: Ed Handy, Right of Way Specialist  
Acct. No.: 1010

This Instrument Prepared by:

Name: Paul F. King, Assistant County Attorney  
Palm Beach County  
Address: Post Office Box 21229  
West Palm Beach, FL 33416

NOT TO BE RECORDED  
WITHOUT BOARD OF COUNTY  
COMMISSIONERS ACCEPTANCE DATE

PCN: 02-43-44-31-21-003-0020 & 02-43-44-31-21-003-0010  
(Individual/Partnership)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. 2003507

ROAD NAME: 807 (Congress Avenue)

PARCEL NO. 313

TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT, made this 9<sup>th</sup> day of March, 2009, between JFK Medical Center Limited Partnership, a Delaware limited partnership f/k/a Columbia/JFK Medical Center Limited Partnership, a Delaware limited partnership, successor by merger of Columbia/JFK Acquisition, Inc., a Delaware corporation, successor by merger of Columbia/JFK Healthcare System, Inc., a Florida corporation, 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, a TEMPORARY CONSTRUCTION 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 EASEMENT as described herein, is to be used for the purpose of tying in, harmonizing, constructing, grading, improving, reconstructing and inspecting of the road project as shown on the initial or final plans. This Temporary Construction Easement shall be for a duration of two years from the recording date or until the road and/or construction project is accepted by the Palm Beach County Board of County Commissioners, which ever date is earlier, and includes the right of ingress and egress over and through the described real estate.

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

IN WITNESS WHEREOF, the said party has hereto set his hand and seal the day and year first above written.

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

JFK Medical Center Limited partnership, a  
Delaware limited partnership

BY: Columba Palm Beach GP, LLC, a Delaware  
limited liability company, its general  
partner

BY: W. Mark Kimbrough  
W. Mark Kimbrough, Vice President

P. O. Box 75

Legal Department

Nashville, Tennessee 37202

MAILING ADDRESS

John Miles  
WITNESS Signature (Required)

JOHN MILES  
TYPED OR PRINTED NAME OF WITNESS

Austin Barrett  
WITNESS SIGNATURE (Required)

Austin Barrett  
TYPED OR PRINTED NAME OF WITNESS

# TEMPORARY CONSTRUCTION EASEMENT / PARCEL 313

2 of 7

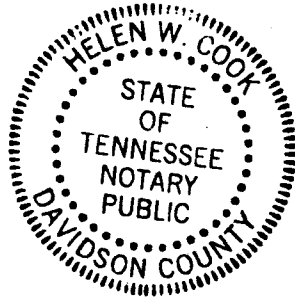
STATE OF Tennessee

COUNTY OF Davidson

BEFORE ME, the undersigned authority, personally appeared W. Mark Kimbrough as Vice President of Columbia Palm Beach GP, LLC, a Delaware limited liability company, as general partner of JFK Medical Center Limited partnership, a Delaware limited partnership who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath, executed the foregoing instrument as such officer(s) on behalf of the said Limited Partnership for the uses and purposes therein expressed.

WITNESS my hand and official seal this 22 day of December, 2008.

Signed: Helen W. Cook  
Notary Public in and for  
the county and State aforementioned



NOTARIAL SEAL

My Commission Expires  
March 20, 2010

TEMPORARY CONSTRUCTION EASEMENT / PARCEL 313  
3087

RE: Congress Avenue-Parcel 313

JOINDER AND CONSENT

For Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, HCP Inc., of Maryland, a Maryland corporation f/k/a AHP of Florida, Inc., a Florida corporation ("Tenant"), the owner and holder of a leasehold interest ("Lease") in that certain real property described in Exhibit "A" attached hereto and evidenced by Memorandum of Lease recorded in Official Records Book 10670, Page 80, as assigned in Ground Lease Assignment recorded in Official Records Book 11206, Page 1950; both of the Public Records of Palm Beach County, Florida, hereby joins in and consents to the foregoing Temporary Construction Easement ("TCE") executed by JFK Medical Center Limited Partnership, a Delaware limited partnership in favor of Palm Beach County, Florida, a political subdivision of the State of Florida, as said TCE may be modified, amended and assigned from time to time, with the intent that the Lease shall be subject to and subordinate to the TCE.

Construction Plans Identified as: County of Palm Beach, State of Florida, Congress Avenue Lantana Road to South of Melaleuca Lane, County Project Number: 2003-507

Dated 12/1/08 (96% Resubmittal), Construction Plans Sheet 9, are incorporated herein by reference. Further, the planned improvement of Congress Avenue shall be constructed in accordance within the guidelines outlined in the aforementioned plans.

Temporary Construction Easement Phone Conference Notes (1.20.09) prepared by Gary Byrum, HCP are attached and made part of this easement.

IN WITNESS WHEREOF, the Joinder and Consent is made this 6<sup>th</sup> day of February, 2008.

HCP, Inc., of Maryland, a Maryland corporation

BY: Tom Klaritch, as EXEC V.P. of HCP, Inc.

WITNESSES:

Name: Michelle Conway

Name: GARY BYRUM

State of TENNESSEE  
County of DAVIDSON

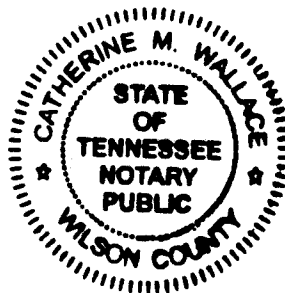
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of FEBRUARY, 2008 by TOM KLARITCH, as EXEC V.P. of HCP, Inc., of Maryland, a Maryland corporation. He/She is personally known to me or has produced PERSONALLY as identification.

Catherine M. Wallace  
Signature

ACQUAINTED

CATHERINE M. WALLACE  
Name

My commission expires: 10-25-11





## ABBREVIATIONS

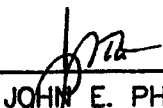
C - CENTERLINE  
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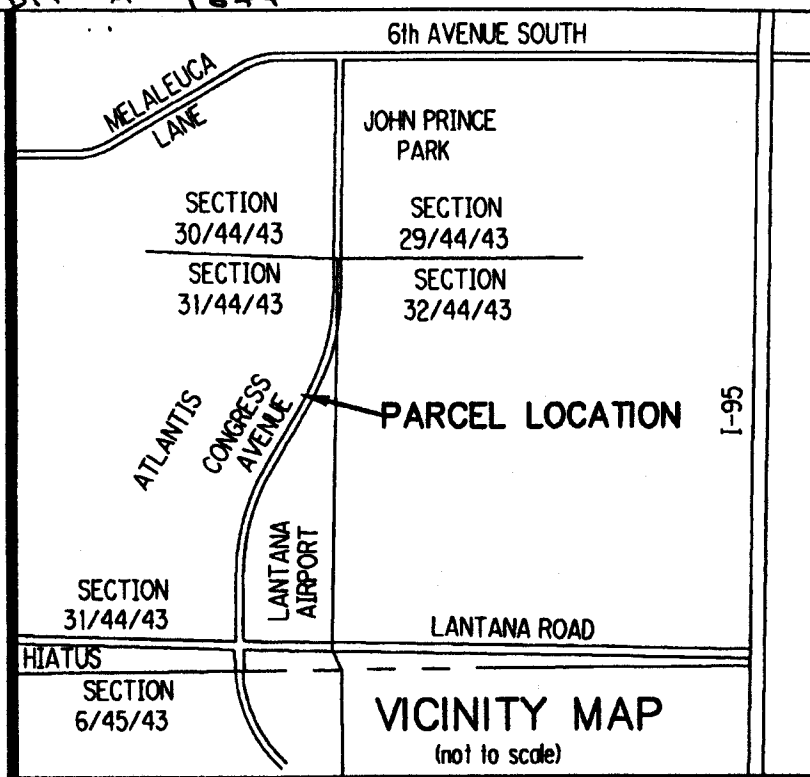
## NOTES:

- 1) THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION.  
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- 2) REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.
- 3) ALL DIMENSIONS SHOWN ON THE PROPOSED PARCELS ARE CALCULATED.  
DIMENSIONS SHOWN ON THE PARENT TRACT PARCELS ARE PER THE RECORD DEED, UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ATTACHED LEGAL DESCRIPTIONS AND SKETCHES ARE TRUE, ACCURATE, AND WERE PREPARED UNDER MY DIRECTION.

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JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: OCT 21 2007



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

## LEGAL DESCRIPTION

DRAWN: DKN/MB	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: JULY 6, 2007	SHEET 1 OF 4
CONGRESS AVENUE TCE PARCEL 313	


TEMPORARY CONSTRUCTION EASEMENT  
PARCEL No.313

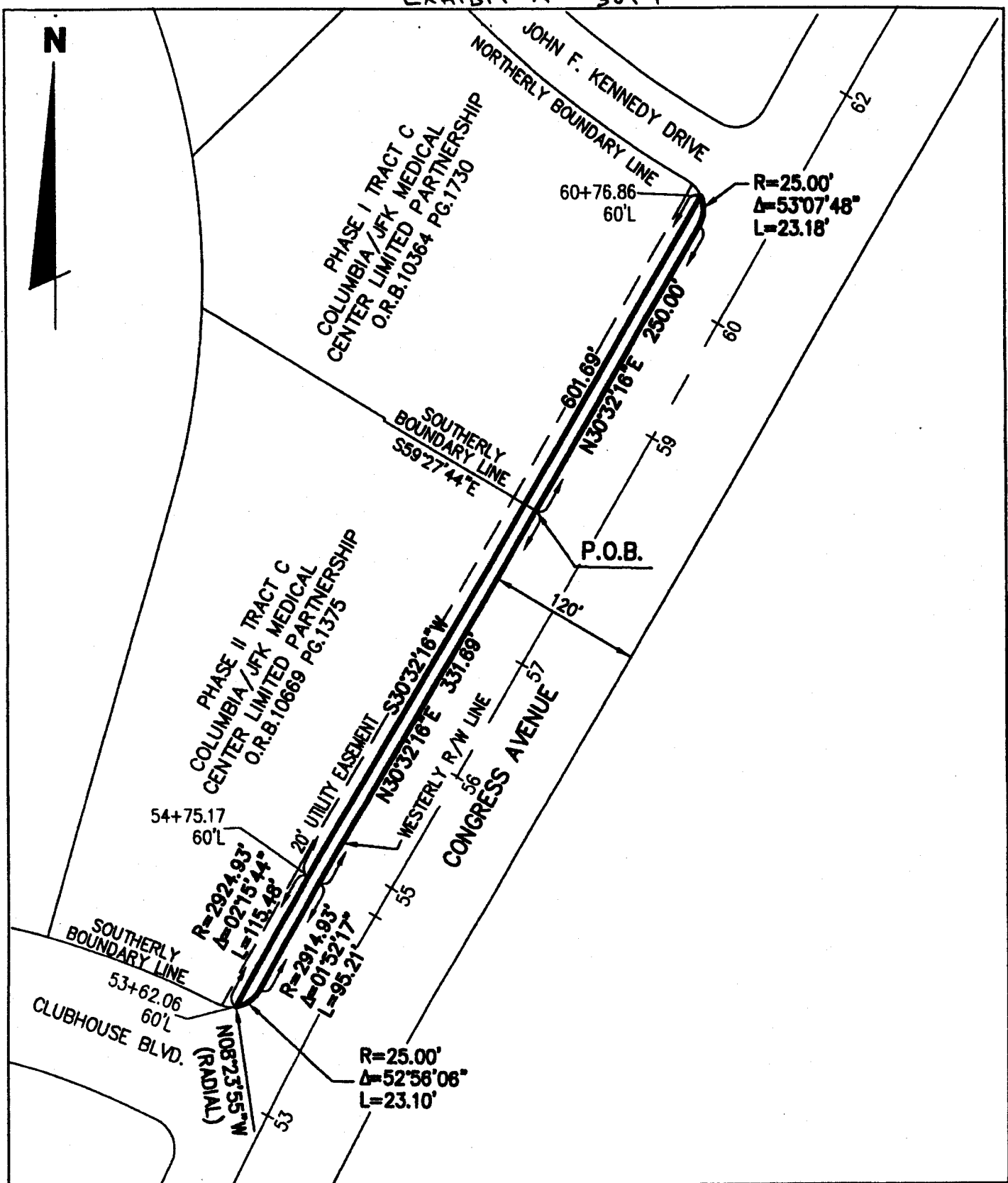
A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 10364, PAGE 1730 AND A PORTION OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 10669, PAGE 1375 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 10364, PAGE 1730 AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, N30°32'16"E FOR 250.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET;  
THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 53°07'48" FOR 23.18 FEET TO A POINT OF NON-TANGENCY AND A POINT ON A LINE 10 FEET WESTERLY OF AND PARALLEL WITH SAID WESTERLY RIGHT-OF-WAY LINE;  
THENCE ALONG SAID PARALLEL LINE, S30°32'16"W FOR 601.69 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2924.93 FEET;  
THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 02°15'44" FOR 115.48 FEET TO THE SOUTHERLY BOUNDARY LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 10669, PAGE 1375 AND A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, WHERE THE RADIAL LINE BEARS N08°23'55"W;  
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 52°56'06" FOR 23.10 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE AND A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2914.93 FEET;  
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 01°52'17" FOR 95.21 FEET TO A POINT OF TANGENCY;  
THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, N30°32'16"E FOR 331.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 7050 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N30°32'16"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE.

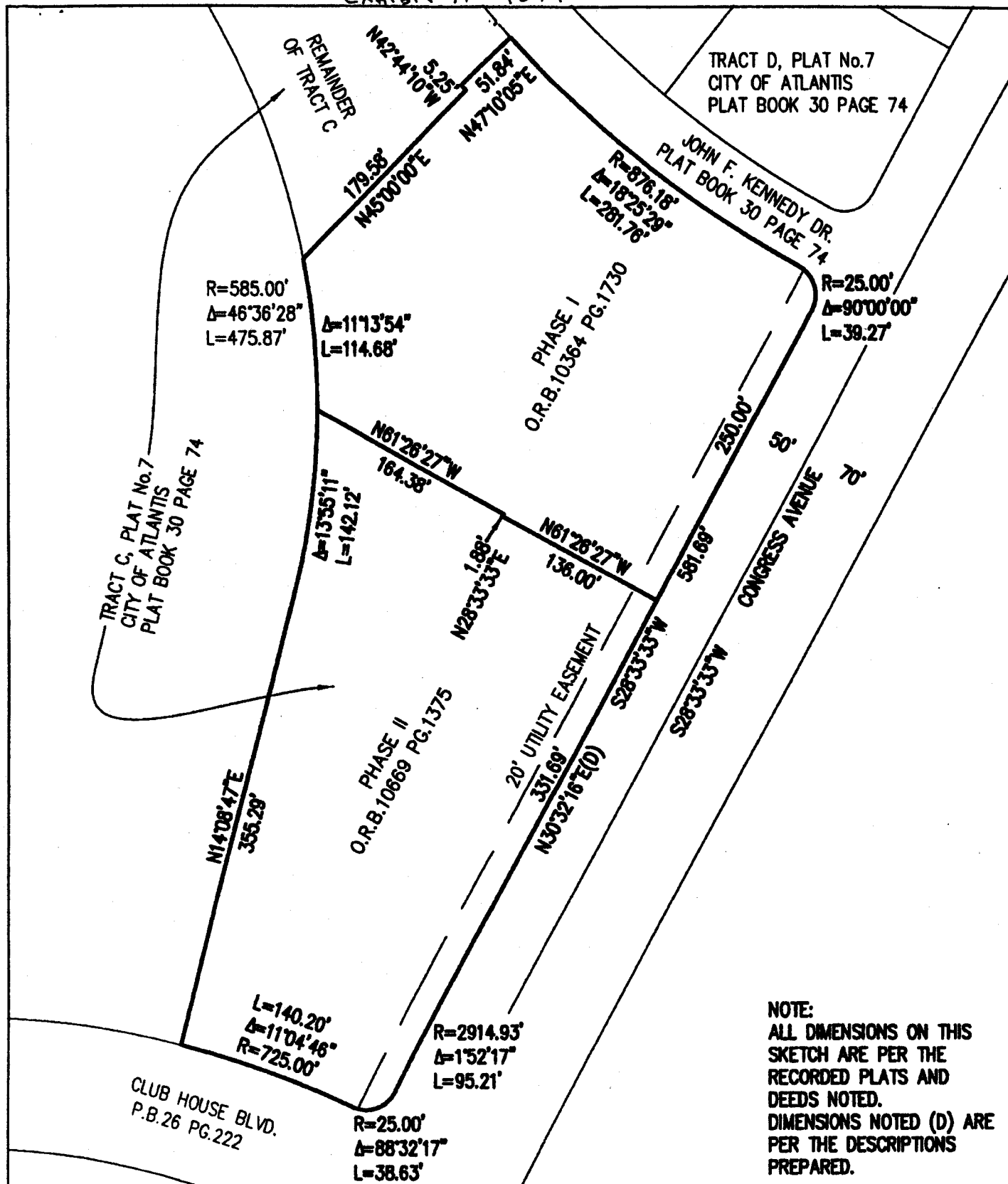
<div><b>BROWN &amp; PHILLIPS, INC.</b> PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407 (561) 615-3988, (561) 615-3986 FAX</div>	THIS SKETCH IS NOT A SURVEY		LEGAL DESCRIPTION	
	DRAWN:	DKN	PROJ. No.	05-016
	CHECKED:	TB	SCALE:	NONE
	DATE:	7/13/07	SHEET	2 OF 4
	CONGRESS AVENUE TCE PARCEL 313			



**B BROWN & PHILLIPS, INC.**  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
 (561) 615-3988, (561) 615-3986 FAX

THIS SKETCH IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
DRAWN:	DKN	PROJ. No. 05-018
CHECKED:	TB	SCALE: 1"=100'
DATE:	7/13/07	SHEET 3 OF 4
CONGRESS AVENUE TCE PARCEL 313		



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION**

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: 7/13/2007	SHEET 4 OF 4

**CONGRESS AVENUE  
PARENT TRACT 313**

W/C Box 1066  
This instrument prepared by:  
Wendi McAleese  
American Government Services Corporation  
3812 W. Linebaugh Avenue  
Tampa, Florida 33618  
*Palm Beach County Acct. 1010*

RETURN TO:  
PALM BEACH COUNTY  
R/W ACQUISITION SECTION  
P.O. BOX 21229  
WEST PALM BEACH, FL 33416  
ATTN.: ED HANDY

### SUBORDINATION OF UTILITY INTERESTS

THIS AGREEMENT, entered into this 23<sup>rd</sup> day of June, 2009, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter called Palm Beach County, whose address is: c/o Right-of-Way Acquisition Section, P. O. Box 21229, West Palm Beach, Florida, 33416, , and Bellsouth Telecommunication, Inc. d/b/a AT&T Florida, a Georgia corporation f/k/a Southern Bell Telephone and Telegraph Company, hereinafter called Utility.

#### WITNESSETH:

WHEREAS, the Utility presently has an interest in lands that have been determined necessary for road right-of-way purposes; and

WHEREAS, the proposed use of these lands for road right-of-way purposes will require subordination of the interest claimed in such lands by Utility to Palm Beach County, a political subdivision of the State of Florida; and

WHEREAS, Palm Beach County, a political subdivision of the State of Florida, is willing to pay to have the Utility's facilities relocated if necessary, or to replace Utility's easements with new easements encumbering different lands if necessary, to prevent conflict between the facilities and the road right-of-way, so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and Palm Beach County agree as follows:

Utility hereby subordinates to the interest of, Palm Beach County, its successors, or assigns, any and all of its interest in the lands as follows, viz:

See Exhibit "A" Parcel 105 attached hereto

**RECORDED**

<b>INSTRUMENT</b>	<b>DATE</b>	<b>FROM</b>	<b>TO</b>	<b>O.R. BOOK/PAGE</b>
<b>EASEMENT Parcel 105</b>	<b>September 12, 1974</b>	<b>Atlantis Enterprises, Inc.</b>	<b>AT&amp;T Florida, a Georgia corporation f/k/a Southern Bell Telephone and Telegraph Company</b>	<b>2350/663</b>

**PROVIDED** that the Utility has the following rights:

- 1. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with current minimum standards for such facilities as required by Palm Beach County at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by Palm Beach County. Should Palm Beach County fail to approve any new construction or relocation of facilities by the Utility or require the Utility to alter, adjust, or relocate its facilities located within said lands, the Palm Beach County hereby agrees to pay the cost of such alteration, adjustment, or relocation, including but not limited to the cost of acquiring appropriate replacement easements.**
- 2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.**
- 3. The Utility shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and undergrowth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the proposed road right-of-way.**
- 4. UTILITY agrees to indemnify and hold the Palm Beach County harmless for from and against any and all losses, claims or damages incurred by the Palm Beach County arising directly from the UTILITY's or Utility's Contractor's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of UTILITY's facilities located on the above described easement.**

**PROVIDED**, it is expressly understood and agreed that the rights of the Utility to obtain compensation and/or reimbursement for any utility adjustment and/or relocation required now or at any time in the future shall in no way be impaired or diminished by anything herein contained.

ATTEST:

Sharon R. Bock, Clerk & Comptroller

By: \_\_\_\_\_  
Clerk (or Deputy Clerk)

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

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

PALM BEACH COUNTY, FLORIDA, a  
Political Subdivision of the  
State of Florida  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
John F. Koons, Chairman

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

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

Signed, sealed and delivered in the presence of:

WITNESSES

Elizabeth Strelitz  
Signature

Elizabeth Strelitz  
Print/Type Name

Patricia Gayle Gilbert  
Signature

PATRICIA GAYLE GILBERT  
Print/Type Name

(Affix Corporate Seal)

GRANTORS

Jorge De Apodaca  
Signature

Jorge De Apodaca  
Print/Type Name

TITLE: Director

ATTEST: \_\_\_\_\_  
Signature

TITLE: \_\_\_\_\_

Grantor's Mailing Address:

Bellsouth Communication, Inc.,  
d/b/a AT&T Florida, a Georgia  
Corporation f/k/a Southern Bell  
Telephone and Telegraph Company

STATE OF FLORIDA  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 12 day of June, 2009 by Jorge De Apodaca, Director for Bellsouth Communications, Inc., d/b/a AT&T Florida, a Georgia Corporation f/k/a Southern Bell Telephone and Telegraph Company, on behalf of said corporation, who is personally known to me or has produced personally known as identification.

NOTARY PUBLIC-STATE OF FLORIDA  
Denise J. Caruso  
Commission #DD795416  
Expires: AUG. 12, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

(Affix Seal/Stamp)

Denise J. Caruso  
Notary  
Printed Name: DENISE J. CARUSO

My commission expires: 8-12-12  
Serial No., if any DD795416



# ABBREVIATIONS

CL - CENTERLINE  
 (C) - CALCULATED DIMENSION  
 (D) - DIMENSION PER RECORD DEED  
 O.R.B. - OFFICIAL RECORD BOOK  
 P.B. - PLAT BOOK  
 P.O.B. - POINT OF BEGINNING  
 P.O.C. - POINT OF COMMENCEMENT  
 R/W - RIGHT-OF-WAY  
 STA - STATION  
 TCE - TEMPORARY CONSTRUCTION EASEMENT  
 U.E. - UTILITY EASEMENT  
 'L - DISTANCE LEFT OF BASELINE  
 'R - DISTANCE RIGHT OF BASELINE  
 R= - RADIUS  
 ?= - CENTRAL ANGLE  
 L= - ARC LENGTH

## NOTES:

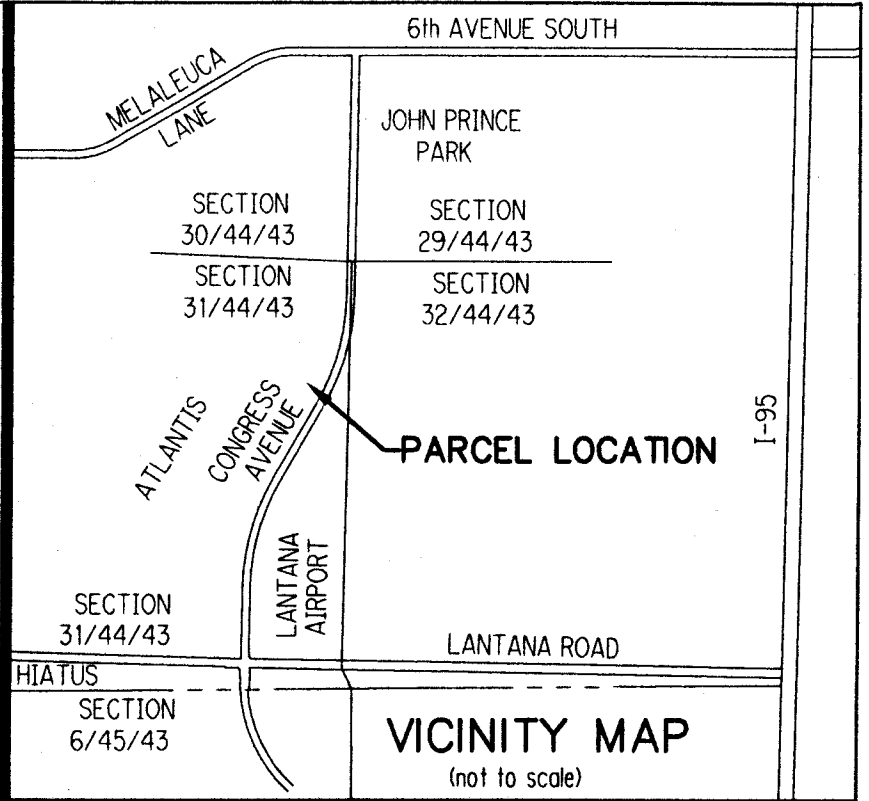
- 1) THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION.  
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH THE DESCRIPTIONS AND THE SKETCHES ACCOMPANY EACH OTHER.
- 2) REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.
- 3) ALL DIMENSIONS SHOWN ON THE PROPOSED PARCELS ARE CALCULATED.  
DIMENSIONS SHOWN ON THE PARENT TRACT PARCELS ARE PER THE RECORD DEED, UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ATTACHED LEGAL DESCRIPTIONS AND SKETCHES ARE TRUE, ACCURATE, AND WERE PREPARED UNDER MY DIRECTION.

I FURTHER CERTIFY THAT SAID LEGAL DESCRIPTIONS ARE IN COMPLIANCE WITH THE APPLICABLE PORTIONS OF THE MINIMUM TECHNICAL STANDARDS, CHAPTER 61G17-6.004, FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

EXHIBIT "A"  
 PAGE 1 OF 4

JOHN E. PHILLIPS III  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA No. 4826  
 DATE: OCT 21 2008



**BROWN & PHILLIPS, INC.**  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
 (561) 615-3988, (561) 615-3986 FAX

## LEGAL DESCRIPTION

DRAWN: DKN/MB	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: 8/12/2008	SHEET 1 OF 4

CONGRESS AVENUE  
 R/W PARCEL 105

FEE SIMPLE RIGHT-OF-WAY  
PARCEL No.105

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE COLUMBIA/JFK HEALTHCARE SYSTEM PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 8839, AT PAGE 213 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 16087, PAGE 795 OF SAID PUBLIC RECORDS, LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE, BEING A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 2814.93 FEET, WHERE A RADIAL LINE BEARS N81°08'03"W;  
THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°29'40" FOR 319.07 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 03°54'12" FOR 191.77 FEET;  
THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, N70°44'51"W FOR 3.31 FEET;  
THENCE N18°17'22"E FOR 191.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 525.72 SQUARE FEET, MORE OR LESS.

BEARING BASIS: S84°48'53"E ALONG THE SOUTH LINE OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 16087, PAGE 795.



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

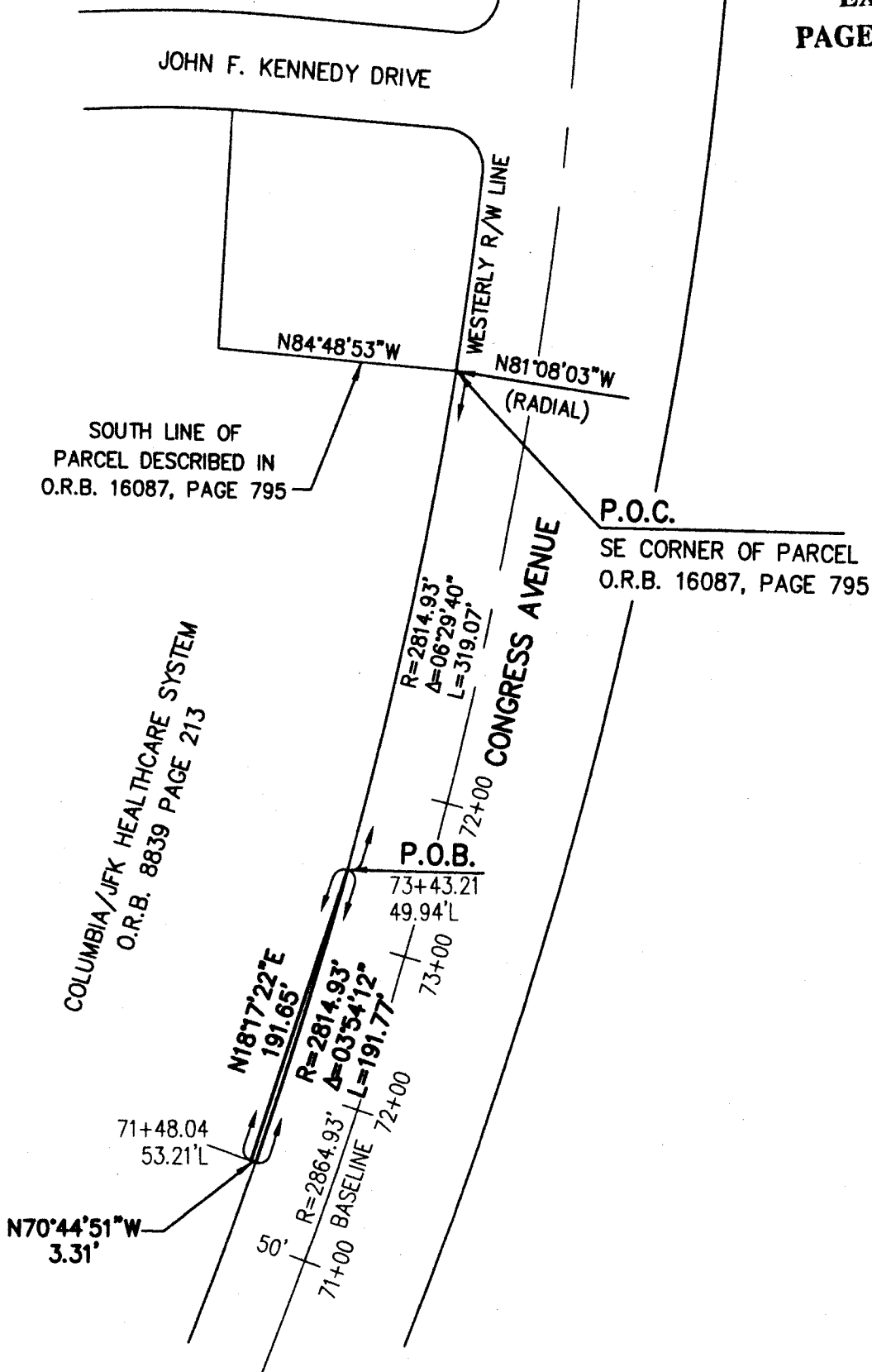
(561) 615-3988, (561) 615-3988 FAX

LEGAL DESCRIPTION

DRAWN:	DKN	PROJ. No. 05-016
CHECKED:	TB	SCALE: NONE
DATE:	8/12/2008	SHEET 2 OF 4

CONGRESS AVENUE  
R/W PARCEL 105

EXHIBIT "A"  
PAGE 3 OF 4



THIS SKETCH IS NOT A SURVEY



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: 1"=100'
DATE: 8/12/2008	SHEET 3 OF 4

CONGRESS AVENUE  
R/W PARCEL 105

EXHIBIT "A"  
PAGE 4 OF 4

TRACT E, PLAT No.6  
CITY OF ATLANTIS  
PLAT BOOK 28 PAGE 174

TRACT D, PLAT No.6  
CITY OF ATLANTIS  
PLAT BOOK 28 PAGE 174

JOHN F. KENNEDY DRIVE  
P.B. 28 PAGE 174

PARCEL IN  
O.R.B.16087  
PG.795

ORB 8839 PAGE 213  
EXCEPTED PARCEL

127.60'  
S86°47'25"E  
S84°48'53"E (D)

R=676.18'  
Δ=1°53'53"  
L=22.40'

R=684.18'  
Δ=25°32'33"  
L=305.01'

R=716.18'  
Δ=18°07'18"  
L=226.52'

R=826.18'  
Δ=11°24'31"  
L=164.51'

R=716.18'  
Δ=7°30'41"  
L=93.89'

N53°45'40"W  
S61°16'21"E  
110.00'

R=826.18'  
Δ=79°34'35"  
L=1147.45'

TRACT A, PLAT No.7  
CITY OF ATLANTIS  
P.B. 30 PAGE 74

TRACT B, PLAT No.7  
CITY OF ATLANTIS  
P.B. 30 PAGE 74

TRACT C, PLAT No.7  
CITY OF ATLANTIS  
PLAT BOOK 30 PAGE 74

COLUMBIA/JFK HEALTHCARE SYSTEM  
O.R.B. 8839 PAGE 213

R=2814.93'  
Δ=21°40'59"  
L=1065.28'

S CONGRESS AVENUE

NOTE:  
ALL DIMENSIONS ON THIS  
SKETCH ARE PER THE  
RECORDED PLATS AND  
DEEDS NOTED.  
DIMENSIONS NOTED (D)  
ARE PER THE DESCRIPTIONS  
PREPARED.

N61°26'27"W  
25.00'  
R=676.18'  
Δ=10°35'31"  
L=125.00'

S39°09'04"W  
150.00'

301.85'  
S28°33'33"W  
S30°32'16"W (D)

TRACT D, PLAT No.7  
CITY OF ATLANTIS  
PLAT BOOK 30 PAGE 74

N61°26'27"W  
25.00'  
R=676.18'  
Δ=10°35'31"  
L=125.00'

S39°09'04"W  
150.00'

R=826.18'  
Δ=10°35'31"  
L=152.73'

R=25.00'  
Δ=90°00'00"  
L=39.27'



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN:	DKN	PROJ. No.	05-016
CHECKED:	TB	SCALE:	1"=200'
DATE:	8/12/2008	SHEET	4 OF 4

CONGRESS AVENUE  
PARENT TRACT

W/C Box 1066  
This instrument prepared by:  
Wendi McAleese  
American Government Services Corporation  
3812 W. Linebaugh Avenue  
Tampa, Florida 33618  
*Palm Beach County Acct: 1010*

RETURN TO:  
PALM BEACH COUNTY  
R/W ACQUISITION SECTION  
P.O. BOX 21229  
WEST PALM BEACH, FL 33416  
ATTN.: ED HANDY

### SUBORDINATION OF UTILITY INTERESTS

THIS AGREEMENT, entered into this 23rd day of June, 2009, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter called Palm Beach County, whose address is: c/o Right-of-Way Acquisition Section, P. O. Box 21229, West Palm Beach, Florida, 33416, , and Bellsouth Telecommunication, Inc. d/b/a AT&T Florida, a Georgia corporation f/k/a Southern Bell Telephone and Telegraph Company, hereinafter called Utility.

#### WITNESSETH:

WHEREAS, the Utility presently has an interest in lands that have been determined necessary for road right-of-way purposes; and

WHEREAS, the proposed use of these lands for road right-of-way purposes will require subordination of the interest claimed in such lands by Utility to Palm Beach County, a political subdivision of the State of Florida; and

WHEREAS, Palm Beach County, a political subdivision of the State of Florida, is willing to pay to have the Utility's facilities relocated if necessary, or to replace Utility's easements with new easements encumbering different lands if necessary, to prevent conflict between the facilities and the road right-of-way, so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and Palm Beach County agree as follows:

Utility hereby subordinates to the interest of, Palm Beach County, its successors, or assigns, any and all of its interest in the lands as follows, viz:

See Exhibit "A" Parcel 104 attached hereto

**RECORDED**

<b>INSTRUMENT</b>	<b>DATE</b>	<b>FROM</b>	<b>TO</b>	<b>O.R. BOOK/PAGE</b>
<b>EASEMENT Parcel 104</b>	<b>September 12, 1974</b>	<b>Atlantis Enterprises, Inc.</b>	<b>AT&amp;T Florida, a Georgia corporation f/k/a Southern Bell Telephone and Telegraph Company</b>	<b>2350/663</b>

**PROVIDED** that the Utility has the following rights:

- 1. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with current minimum standards for such facilities as required by Palm Beach County at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by Palm Beach County. Should Palm Beach County fail to approve any new construction or relocation of facilities by the Utility or require the Utility to alter, adjust, or relocate its facilities located within said lands, the Palm Beach County hereby agrees to pay the cost of such alteration, adjustment, or relocation, including but not limited to the cost of acquiring appropriate replacement easements.**
- 2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.**
- 3. The Utility shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and undergrowth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the proposed road right-of-way.**
- 4. UTILITY agrees to indemnify and hold the Palm Beach County harmless for from and against any and all losses, claims or damages incurred by the Palm Beach County arising directly from the UTILITY's or Utility's Contractor's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of UTILITY's facilities located on the above described easement.**

**PROVIDED**, it is expressly understood and agreed that the rights of the Utility to obtain compensation and/or reimbursement for any utility adjustment and/or relocation required now or at any time in the future shall in no way be impaired or diminished by anything herein contained.

ATTEST:

Sharon R. Bock, Clerk & Comptroller

By: \_\_\_\_\_  
Clerk (or Deputy Clerk)

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

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

PALM BEACH COUNTY, FLORIDA, a  
Political Subdivision of the  
State of Florida  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
John F. Koons, Chairman

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

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

Signed, sealed and delivered in the presence of:

WITNESSES

Elizabeth Streitz  
Signature

Elizabeth Streitz  
Print/Type Name

Patricia Gayle Gilbert  
Signature

PATRICIA GAYLE GILBERT  
Print/Type Name

(Affix Corporate Seal)

GRANTORS

Jorge De Apodaca  
Signature

Jorge F. De Apodaca  
Print/Type Name

TITLE: DIRECTOR, AT&T

ATTEST: \_\_\_\_\_  
Signature

TITLE: \_\_\_\_\_

Grantor's Mailing Address:

Bellsouth Communication, Inc.,  
d/b/a AT&T Florida, a Georgia  
Corporation f/k/a Southern Bell  
Telephone and Telegraph Company

STATE OF FLORIDA  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 12 day of June, 2009 by Jorge De Apodaca, Director for Bellsouth Communications, Inc., d/b/a AT&T Florida, a Georgia Corporation f/k/a Southern Bell Telephone and Telegraph Company, on behalf of said corporation, who is personally known to me or has produced personally known as identification.

NOTARY PUBLIC-STATE OF FLORIDA  
Denise J. Caruso  
Commission #DD795416  
Expires: AUG. 12, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

(Affix Seal/Stamp)

Denise J. Caruso  
Notary  
Printed Name: Denise J. Caruso

My commission expires: 8-12-12  
Serial No., if any DD795416



# ABBREVIATIONS

CL - CENTERLINE  
 (C) - CALCULATED DIMENSION  
 (D) - DIMENSION PER RECORD DEED  
 O.R.B.- OFFICIAL RECORD BOOK  
 P.B.- PLAT BOOK  
 P.O.B.- POINT OF BEGINNING  
 P.O.C.- POINT OF COMMENCEMENT  
 R/W - RIGHT-OF-WAY  
 STA - STATION  
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 U.E. - UTILITY EASEMENT  
 'L - DISTANCE LEFT OF BASELINE  
 'R - DISTANCE RIGHT OF BASELINE  
 R= - RADIUS  
 ?= - CENTRAL ANGLE  
 L= - ARC LENGTH

## NOTES:

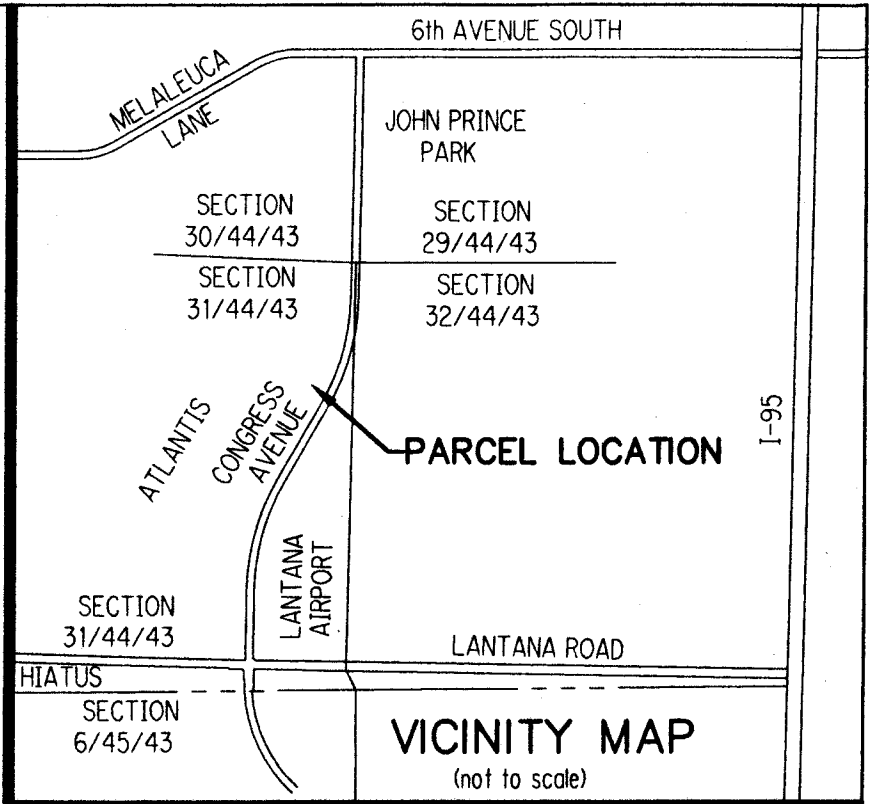
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- 2) REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.
- 3) ALL DIMENSIONS SHOWN ON THE PROPOSED PARCELS ARE CALCULATED.  
DIMENSIONS SHOWN ON THE PARENT TRACT PARCELS ARE PER THE RECORD DEED, UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ATTACHED LEGAL DESCRIPTIONS AND SKETCHES ARE TRUE, ACCURATE, AND WERE PREPARED UNDER MY DIRECTION.

I FURTHER CERTIFY THAT SAID LEGAL DESCRIPTIONS ARE IN COMPLIANCE WITH THE APPLICABLE PORTIONS OF THE MINIMUM TECHNICAL STANDARDS, CHAPTER 61G17-8.004, FLORIDA ADMINISTRATIVE CODE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

EXHIBIT "A"  
 PAGE 1 OF 4

JOHN E. PHILLIPS III  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA No. 4826  
 DATE: OCT 21 2008



**BROWN & PHILLIPS, INC.**  
 PROFESSIONAL SURVEYING SERVICES  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
 (561) 615-3988, (561) 615-3986 FAX

## LEGAL DESCRIPTION

DRAWN: DKN/MB	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: 8/12/2008	SHEET 1 OF 4
CONGRESS AVENUE R/W PARCEL 104	

FEE SIMPLE RIGHT-OF-WAY  
PARCEL No.104

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE COLUMBIA/JFK HEALTHCARE SYSTEM PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 8839, AT PAGE 213 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "D", PLAT NO. 7 CITY OF ATLANTIS, FLORIDA, AS RECORDED IN PLAT BOOK 30, PAGE 74 OF SAID PUBLIC RECORDS, LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, N30°32'16"E FOR 149.28 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, N30°32'16"E FOR 153.17 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2814.93 FEET;  
THENCE NORTHEASTERLY, ALONG SAID RIGHT-OF-WAY LINE AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 4°55'21" FOR 241.84 FEET;  
THENCE S40°46'11"W FOR 47.33 FEET TO A CURVE CONCENTRIC WITH THE SAID WEST RIGHT-OF-WAY LINE, AND HAVING A RADIUS OF 2802.93 FEET;  
THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 03°59'19" FOR 195.12 FEET TO A POINT OF TANGENCY;  
THENCE S30°32'16"W FOR 153.17 FEET;  
THENCE S59°27'44"E FOR 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4462.75 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N30°32'16"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE.



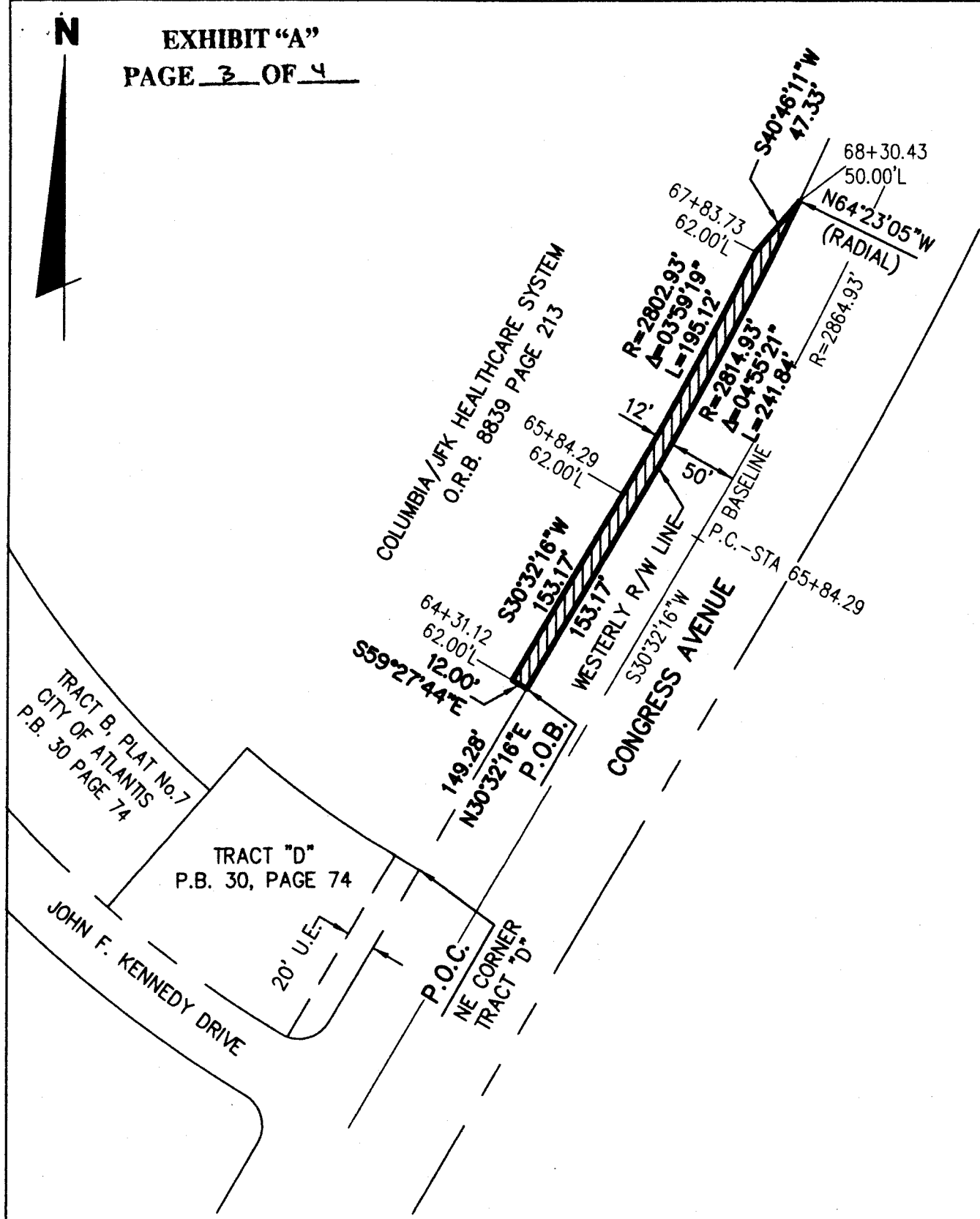
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: NONE
DATE: 8/12/2008	SHEET 2 OF 4

CONGRESS AVENUE  
R/W PARCEL 104

EXHIBIT "A"  
PAGE 3 OF 4



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3988 FAX

THIS SKETCH IS NOT A SURVEY

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

DRAWN: DKN	PROJ. No. 05-016
CHECKED: TB	SCALE: 1"=100'
DATE: 8/12/2008	SHEET 3 OF 4
CONGRESS AVENUE R/W PARCEL 104	

# EXHIBIT "A"

PAGE 4 OF 4

TRACT D, PLAT No.6  
CITY OF ATLANTIS  
PLAT BOOK 28 PAGE 174

TRACT E, PLAT No.6  
CITY OF ATLANTIS  
PLAT BOOK 28 PAGE 174

JOHN F. KENNEDY DRIVE  
P.B. 28 PAGE 174

PARCEL IN  
O.R.B.16087  
PG.795

ORB 8839 PAGE 213  
EXCEPTED PARCEL

R=826.18'  
Δ=112°4'31"  
L=164.51'

110.00'  
S42°21'09"E  
N53°45'40"W

110.00'  
S61°16'21"E

R=716.18'  
Δ=7°30'41"  
L=93.89'

R=716.18'  
Δ=18°07'18"  
L=226.52'

R=684.18'  
Δ=25°32'33"  
L=305.01'

R=676.18'  
Δ=1°53'53"  
L=22.40'

127.60'  
S86°47'25"E  
S84°48'53"E (D)

R=826.18'  
Δ=79°34'35"  
L=1147.45'

TRACT A, PLAT No.7  
CITY OF ATLANTIS  
P.B. 30 PAGE 74

TRACT B, PLAT No.7  
CITY OF ATLANTIS  
P.B. 30 PAGE 74

TRACT C, PLAT No.7  
CITY OF ATLANTIS  
PLAT BOOK 30 PAGE 74

COLUMBIA/JFK HEALTHCARE SYSTEM  
O.R.B. 8839 PAGE 213

R=2814.93'  
Δ=21°40'59"  
L=1065.28'

50' CONGRESS AVENUE

NOTE:  
ALL DIMENSIONS ON THIS  
SKETCH ARE PER THE  
RECORDED PLATS AND  
DEEDS NOTED.  
DIMENSIONS NOTED (D)  
ARE PER THE DESCRIPTIONS  
PREPARED.

N61°26'27"W  
25.00'  
R=676.18'  
Δ=10°35'31"  
L=125.00'

S39°09'04"W  
150.00'

301.85'  
S28°33'33"W  
S30°32'16"W (D)

TRACT D, PLAT No.7  
CITY OF ATLANTIS  
PLAT BOOK 30 PAGE 74

N61°26'27"W  
25.00'  
R=676.18'  
Δ=10°35'31"  
L=125.00'

S39°09'04"W  
150.00'

R=826.18'  
Δ=10°35'31"  
L=152.73'

125.00'  
S28°33'33"W  
R=25.00'  
Δ=90°00'00"  
L=39.27'



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES

CERTIFICATE OF AUTHORIZATION # LB 6473

901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407

(561) 615-3988, (561) 615-3988 FAX

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

DRAWN:	DKN	PROJ. No.	05-016
CHECKED:	TB	SCALE:	1"=200'
DATE:	8/12/2008	SHEET	4 OF 4

CONGRESS AVENUE  
PARENT TRACT