

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>0</u> <i>* see below</i>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund ___ Agency ___ Org. ___ Object ___

Is Item Included in Current Budget? Yes ___ No ___

Reporting Category N/A

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

No Fiscal Impact

C. Department Fiscal Review: Delmar West

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature]
OFMB
9/16/10 PM 9-15-10

[Signature] 9/20/10
Contract Development and Control

B. Legal Sufficiency:

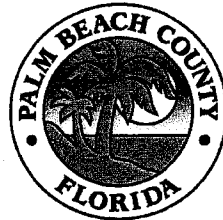
This item complies with current County policies.

[Signature] 9/21/10
Assistant County Attorney

C. Other Department Review:

Department Director

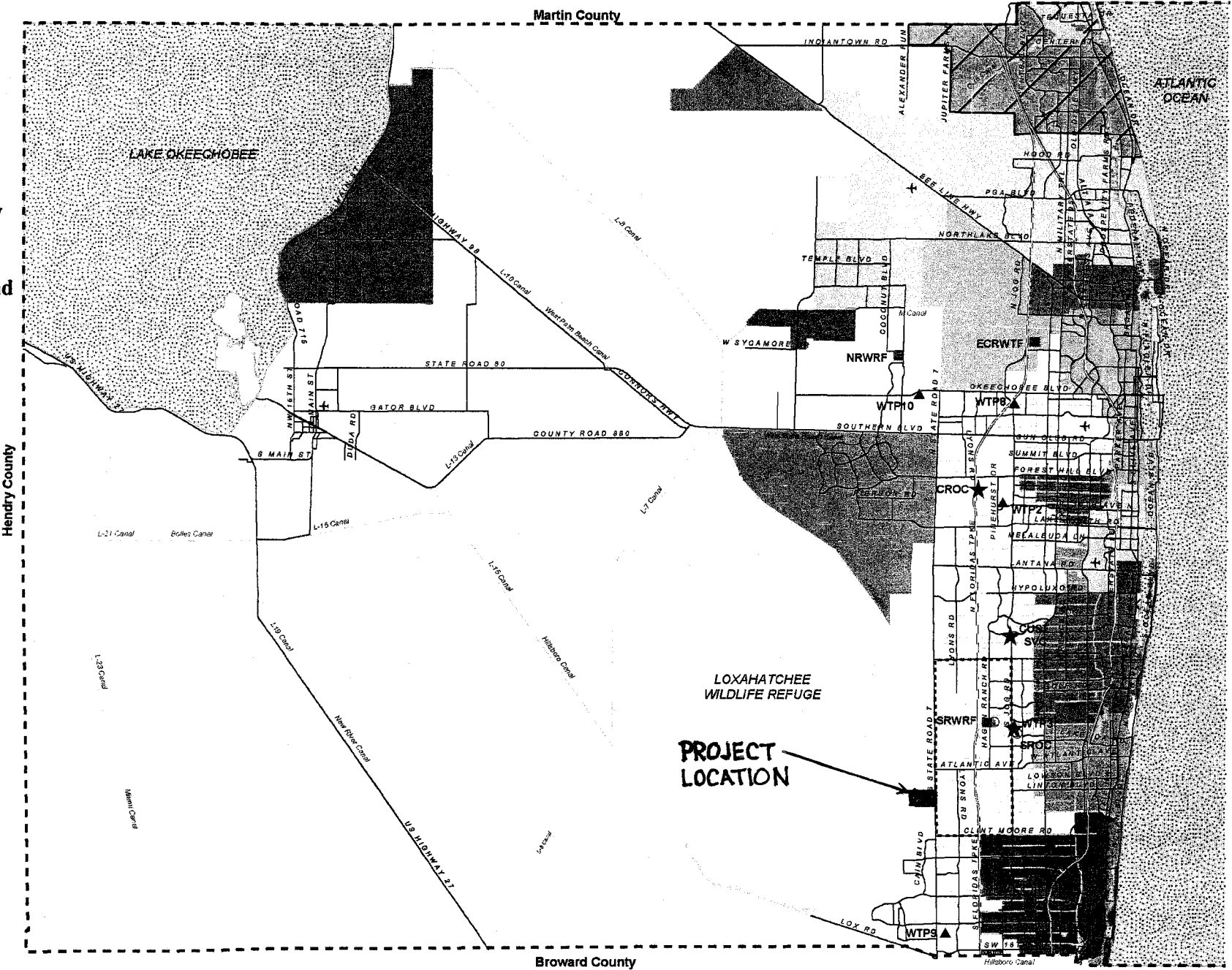
LOCATION MAP



Palm Beach County Water Utilities Department Service Area (SA) and Major Facilities

ATTACHMENT 1

- Legend**
- P.B.C.W.U.D. SA
 - Mandatory Reclaimed SA
 - - - - - Palm Beach County Limits
 - ★ Administration
 - Water Reclamation Facility
 - ▲ Water Treatment Facility
 - ⊙ Wetlands



original

Prepared by and return to:
Palm Beach County Water Utilities Department
P.O. Box 16097
West Palm Beach, Florida 33416-6097

HOLD HARMLESS/INDEMNITY AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2010, by and between the Tierra Del Rey Property Owners Association, Inc. (hereinafter referred to as "POA") whose address is c/o Hawkeye Management, 3901 N Federal Highway, #202, Boca Raton, Florida, 33431, and Palm Beach County, (hereinafter referred to as "County"), whose address is c/o Palm Beach County Water Utilities Department, P. O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

WHEREAS, the POA represents landowners within the Tierra Del Rey development, which is more fully depicted as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

(hereinafter referred to as the "Property"); and

WHEREAS, a majority of the landowners within the Property have provided the County with petitions in favor of the County conducting a special assessment for the construction of potable water pipelines and appurtenant facilities (collectively, the "Facilities") within the Property; and

WHEREAS, in order to construct, operate, and maintain the Facilities, the County required the POA to grant the County certain utility easements within the Property, which have been granted and recorded in Official Record Book 24006 Page 1465 of the Official Records for Palm Beach County (hereinafter referred to as the "Easements"); and

WHEREAS, as more fully set forth herein, and as an inducement to the County to perform the special assessment, the POA agrees to release, indemnify and hold the County harmless for any and all damage or liability incurred by the County related to the authority of POA to grant the Easements and/or the validity of the Easements.

NOW THEREFORE, for and in consideration of the covenants set forth herein, Owner and County hereby agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. As set forth in Official Record Book 24006 Page 1465 of the Official Records for Palm Beach County, the POA has conveyed the Easements to the County to permit the County to construct, operate, and maintain the Facilities in accordance with the County's special assessment program. The POA is entering into this Agreement as a specific inducement for the County to perform the special assessment within the Property.
3. POA, its successors, heirs and/or assigns, hereby agrees to indemnify, release, and hold County harmless from and against any and all liabilities, damages, penalties, claims, costs and expenses whatsoever, including attorneys' fees at all levels, which may be imposed upon or asserted against County as a result of or in any way connected to the authority of POA to grant the easements and/or the validity of the Easements.
4. This Indemnity Agreement shall be binding upon the POA, its heirs, successors, legal representatives and assigns. This Agreement will run with the land and shall be recorded in the Public Records of Palm Beach County, Florida.

IN WITNESS WHEREOF, the POA and County have executed this Agreement as of the date first above written.

WITNESSES:

Signed, sealed and delivered
in the presence of:

**TIERRA DEL REY PROPERTY OWNER'S
ASSOCIATION, INC.**

[Signature]
Witness Signature

[Signature]
Signature

Michael Morgan
Print Name

Mike Crabb
Print Name

[Signature]
Witness Signature

President
Title

Ellen L. Straley
Print Name

Tierra Del Rey POA, Inc.
Company Name

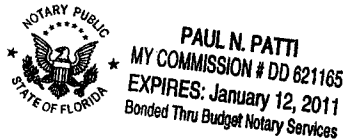
(SEAL)

NOTARY CERTIFICATE

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this 5th day of July, 2010 by
MIKE CRABB and - who is/are personally known
to me or who has produced - as identification.

My Commission Expires:



[Signature]
Notary Signature

PAUL N. PATTI
Typed, Printed or Stamped Name of Notary

**ATTEST:
SHARON R. BOCK, CLERK &
COMPTROLLER**

**PALM BEACH COUNTY, BY ITS
BOARD OF COUNTY
COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
Burt Aaronson, Chair.

(SEAL)

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: [Signature]
County Attorney

By: [Signature]
Director of Water Utilities

EXHIBIT A

Depiction of "Property"

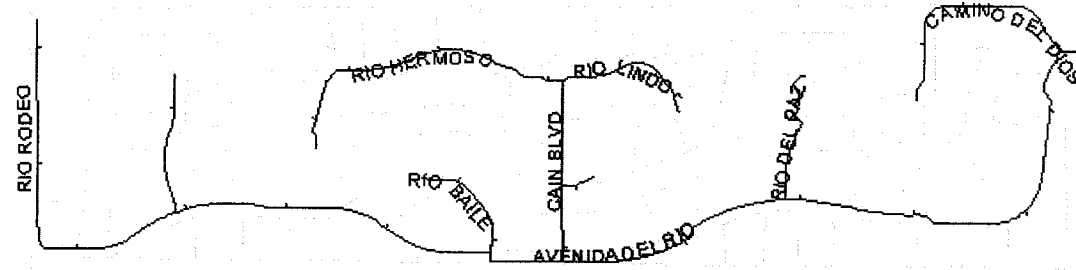
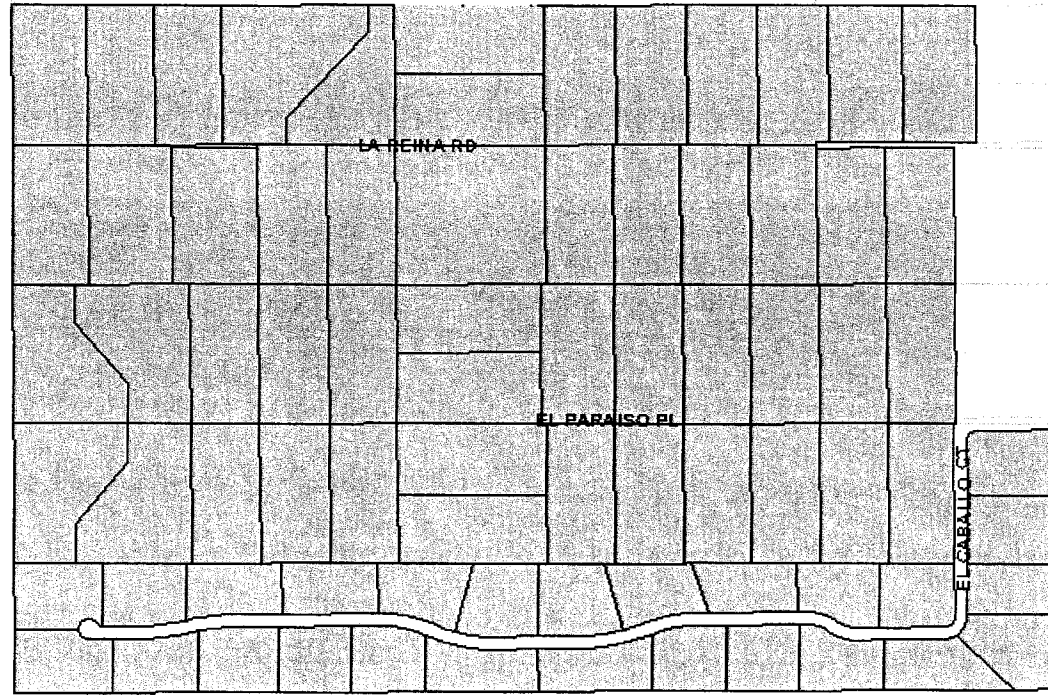
ATLANTIC AVE

Tierra Del Rey Area
Special Assessment Project
WUD 05-178

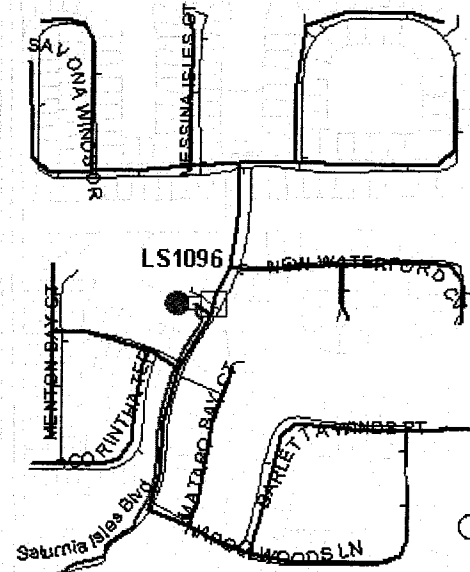
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