

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
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 a no fiscal impact.

C. Departmental Fiscal Review: Atwillhite

III. REVIEW COMMENTS

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

[Signature]
OFMB
10-12-10
10/12/10

[Signature] 10/13/10
Contract Dev. and Control

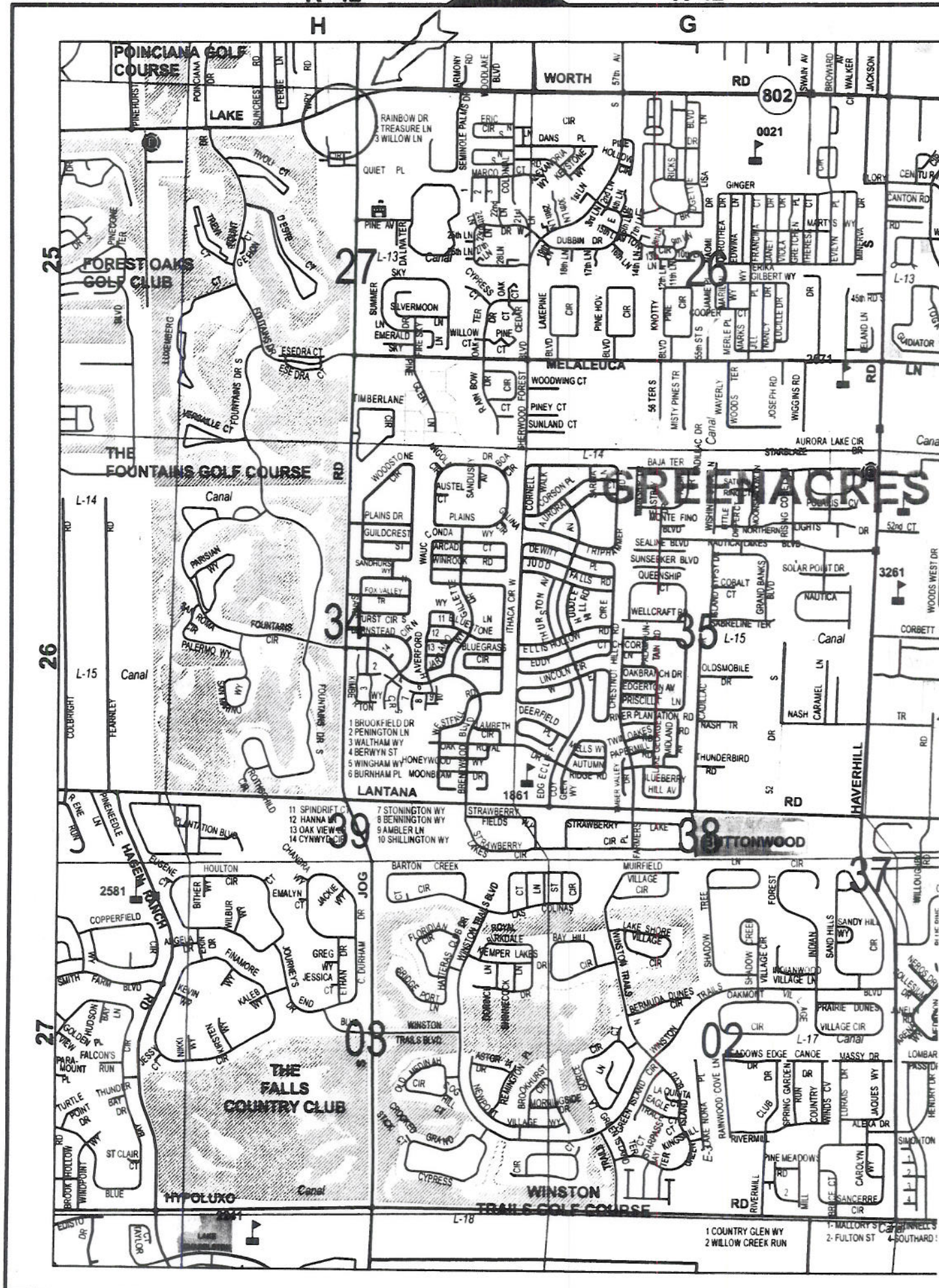
B. Approved as to Form and Legal Sufficiency:

[Signature] 10/13/10
Assistant County Attorney

C. Other Department Review:

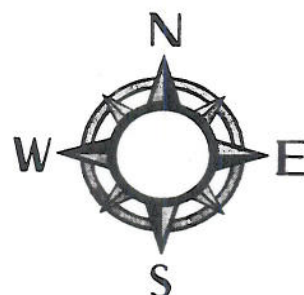
Department Director

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



Location Map

"Attachment 1"





GE
Capital Solutions

8377 East Hartford Drive
Suite 200
Scottsdale, AZ 85255
USA

T +1 480 585 4500
F +1 480 585 2225

March 1, 2010

Mr. Tripp Cioci
tcici@pbcgov.org
Palm Beach County Right-of-Way

BY E-MAIL

Re: 6520 Lake Worth Road, Lake Worth, FL

Dear Tripp:

Thank you for taking the time to talk to me today and research our concern regarding the attached Removal Agreement which affects the above-referenced property in Palm Beach County.

According to the surveyor, the property affected by the Removal Agreement cannot be plotted or sketched because the legal description is too vague. I have, however, per your suggestion, asked the surveyor to call you to discuss.

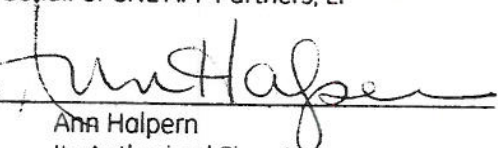
In our conversation today, you indicated Palm Beach County has all the right-of-way it needs with respect to this property and will consider releasing the Removal Agreement upon written request. Please consider this letter our written request for a release of the Removal Agreement.

Thank you, and please call me if you have any questions or concerns.

Sincerely,

GE CAPITAL FRANCHISE FINANCE CORPORATION,
on behalf of CNL APF Partners, LP

By:


Ann Halpern

Its Authorized Signatory

/alh
enclosure

“Attachment 2”

882 2306
882 2307
Receipt 86379

\$4.60
3.00
\$7.60

PALM BEACH COUNTY
REMOVAL AGREEMENT
FOR FUTURE RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, TRI-COUNTY FOODS, INC. hereinafter referred to as owner(s) are desirous of obtaining a building permit from PALM BEACH COUNTY, FLORIDA and

WHEREAS, the owner(s) do covenant that they are the fee simple owner(s) of the below described property and that there are no (or the following) mortgages, liens or encumbrances against said property,

See attached Legal Description

NOW, THEREFORE, in consideration of the issuance of a building permit by the Planning, Zoning and Building Department of Palm Beach County to Preferred Signs for the construction of a Pole Sign on the following described property:

SEE ATTACHED

said property being known as "building site", the owner(s) hereby agree with the Planning, Zoning and Building Department of Palm Beach County to remove at no expense to Palm Beach County, the above described construction from the above mentioned building site, also known as a possible future county right-of-way, within thirty (30) days of written notice addressed to them or their successors in interest, at P. O. Box 1719, Cocoa, FL 32922 notifying them that said right-of-way is to be put to use. It is agreed by the parties hereto that this Agreement may be recorded in the official records of Palm Beach County, Florida, and that this Agreement shall run with the land and be binding upon the heirs, personal representatives, grantees, successors and assigns of the owner(s).

SIGNED, SEALED, EXECUTED AND ACKNOWLEDGED on this 21st day of January, 1982, at West Palm Beach, Florida.

WITNESSES
[Signature] (SEAL)
[Signature] (SEAL)

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this 15th day of January 1982, before me personally appeared [Signature] and [Signature] to me known to be the persons described herein and who executed the foregoing instrument and they acknowledged to me the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at [Signature] in the County and State aforesaid, the day and year last aforesaid.

Barbara E. Butler
NOTARY PUBLIC, State of Florida at Large.

My Commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JULY 23 1985
ISSUED BY GENERAL ISS. UNDERWRITERS



82 029496

882 FEB 25 AM 8:52

7.60

Zoning Dept.

83679 P1042

B3679 P1043

LEGAL DESCRIPTION

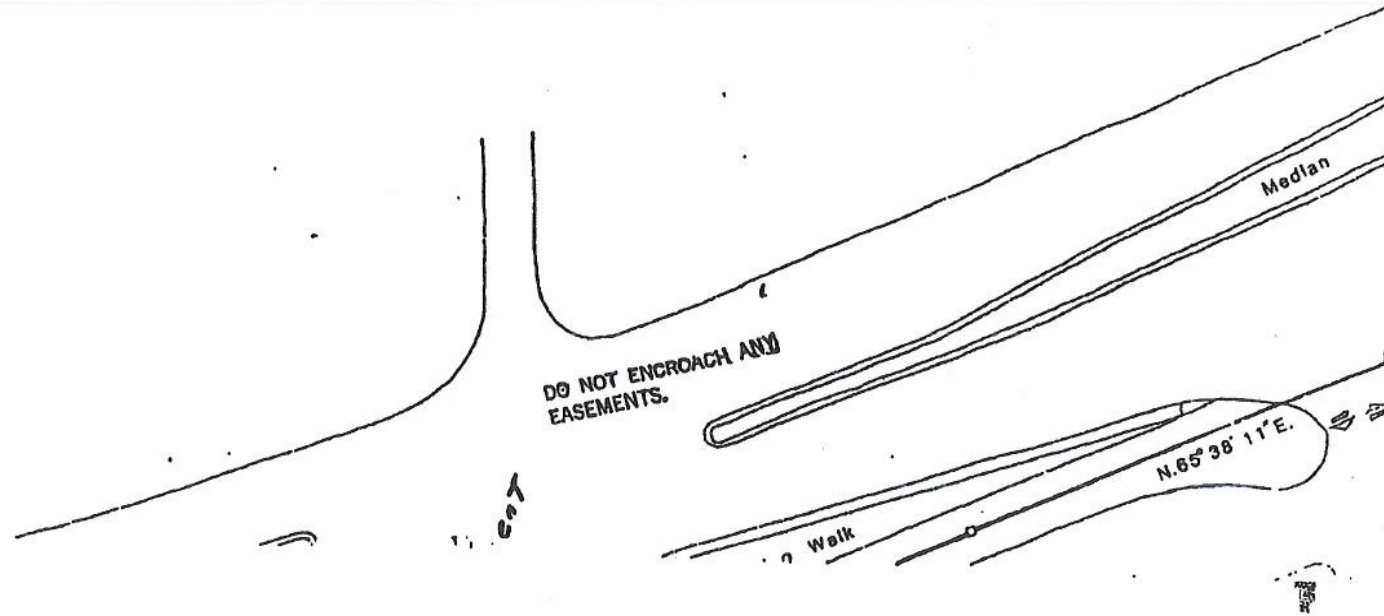
Those portions of Tracts 76, 77, and 78, Block 22, lying South of the South right-of-way line of Lake Worth Road (S.R. 802 as shown on drawing No. 3-75-328 R/M, Section 93610-2602, Road Plat Book 5, Page 129); together with the North 1/2 of Tract 2, Block 30, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54; also together with the right-of-way of Wry Road lying South of Lake Worth Road (S.R. 802 Road Plat Book 5, Page 129);

LESS the right-of-way for Jog Road as recorded in Road Plat Book 5, Page 129 and lying 40 feet West of and parallel with the quarter section line of Section 27, Township 44 South, Range 42 East.

TOGETHER with that portion of the platted 50 foot reservation lying between Blocks 22 and 30; the easterly limits of said reservation being a line 40 feet West of and parallel with the North-South quarter section line of Section 27 and whose westerly limit is the southerly project of a perpendicular line through the point of cusp formed by the southerly right-of-way line of said Lake Worth Road and the platted South line of Tract 76, Block 22;

LESS the southerly 1/2 of said 50 foot reservation lying between the northerly projection of the East line of Tract 2, Block 30 and a line 40 feet West of and parallel with the North-South quarter section line of Section 27.

RECORDERS MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.



RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

WILL CALL 1066

Prepared by: Paul King, Esq., Assistant County Attorney
Return to: Right-of-Way Acquisition Section
Post Office Box 21229, West Palm Beach, FL 33416
Attention: Tripp Cioci
Account No.: 1010
PCN: 00-42-43-27-05-022-0785

PARTIAL RELEASE OF REMOVAL AGREEMENT

Whereas, in 1982 the owner of property located on the southwest corner of Lake Worth Road and Jog Road entered into a removal agreement (Agreement) with Palm Beach County in order to obtain a building permit; and,

Whereas, the Agreement was recorded in Official Record Book 3679, Page 1042 of the Public Records of Palm Beach County, Florida; and,

Whereas, the Agreement encumbers property more particularly described in Exhibit "A" attached hereto and made a part hereof, and,

Whereas, the Agreement obligated the property owner to remove at no expense to Palm Beach County certain pole signage from the proposed right-of-way of State Road 802, and;

Whereas, the signage was relocated when State Road 802 was widened and improved, and;

Whereas, the current owner was in the process of selling the property described in Exhibit "B" and the recorded Agreement has created a cloud on the title of the property, and;

Whereas, the Florida Department of Transportation has stated no objections to this partial release and it would be in the best interest of Palm Beach County that this Agreement be released, as it pertains to Exhibit "B", creating clear title for the property owner.

NOW, THEREFORE, it is hereby acknowledged, the County does hereby release its interest in the removal agreement as recorded in the previously referenced Official Record Book only as it pertains to the property as described in Exhibit "B", attached hereto and made a part hereof. The property outside of Exhibit "B" will still be subject to the removal agreement.

IN WITNESS WHEREOF, the County has caused this Partial Release of Removal Agreement to be executed on this _____ day of _____, 2010.

ATTEST:

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

**SHARON R. BOCK,
Clerk & Comptroller**

BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

APPROVED AS TO TERMS AND CONDITIONS:

By: _____
County Attorney

By: 
Division Director

EXHIBIT A

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.
2. The undersigned and BRIGGS, WASHINGTON & THOMPSON LAND SURVEYING, INC. make no representations as to the information reflected hereon pertaining to easements, Rights-of-Way, setback lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth such matters. Such information should be obtained and confirmed by others through appropriate title verification.
3. Lands shown hereon were not abstracted for Right-of-Way and/or easements of record.
4. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this drawing, sketch, plat or map is for informational purposes only and is not valid.
5. This drawing, sketch, plat, or map does not reflect or determine ownership.
6. The original drawing from which this copy was made is at the scale shown hereon, however in the process of reproduction, this scale may be slightly reduced, enlarged, or otherwise distorted from its original scale.

DESCRIPTION: Official Records Book 3679, page 1042

Those portions of Tracts 76, 77 and 78, Block 22, lying South of the South right-of-way line of Lake Worth Road (S.R. 802 as shown on drawing No. 3-75-328 R/W, Section 93610-2602, Road Plat Book 5, Page 129); together with the North 1/2 of Tract 2, Block 30, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54; also together with the right-of-way of Wry Road lying South of Lake Worth Road (S.R. 802 Road Plat Book 5, Page 129);

LESS the right-of-way for Jog Road as recorded in Road Plat Book 5, Page 129 and lying 40 feet West of and parallel with the quarter section line of Section 27, Township 44 South, Range 42 East.

TOGETHER with that portion of the platted 50 foot reservation lying between Blocks 22 and 30; the easterly limits of said reservation being a line 40 feet West of and parallel with the North-South quarter section line of Section 27 and whose westerly limit is the southerly project of a perpendicular line through the point of cusp formed by the southerly right-of-way line of said Lake Worth Road and the platted South line of Tract 76, Block 22;

LESS the southerly 1/2 of said 50 foot reservation lying between the northerly projection of the East line of Tract 2, Block 30 and a line 40 feet West of and parallel with the North-South quarter section line of Section 27.

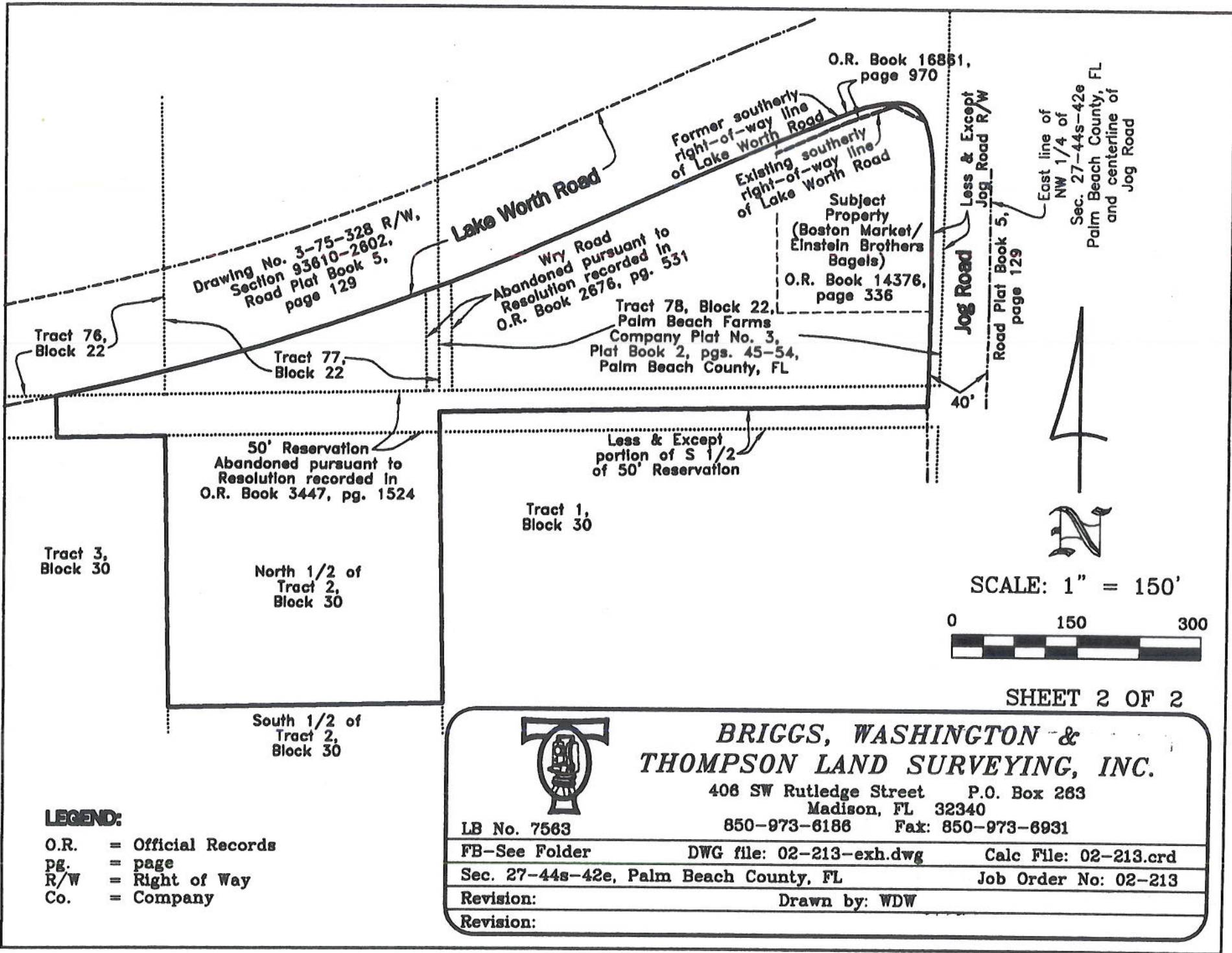
Date: March 17, 2010

DAVID A. BRIGGS
Professional Surveyor and Mapper No. 5890
State of Florida

Not valid unless sealed with embossed Surveyor's Seal. (See Note 4)


SHEET 1 OF 2

	BRIGGS, WASHINGTON & THOMPSON LAND SURVEYING, INC.	
	406 SW Rutledge Street P.O. Box 263 Madison, FL 32340 850-973-6186 Fax: 850-973-6931	
LB No. 7563		
FB-See Folder	DWG file: 02-213-exh.dwg	Calc File: 02-213.crd
Sec. 27-44s-42e, Palm Beach County, FL		Job Order No: 02-213
Revision:	Drawn by: WDW	
Revision:		



LEGEND:

- O.R. = Official Records
- pg. = page
- R/W = Right of Way
- Co. = Company



BRIGGS, WASHINGTON & THOMPSON LAND SURVEYING, INC.

406 SW Rutledge Street P.O. Box 263
 Madison, FL 32340
 850-973-6186 Fax: 850-973-6931

LB No. 7563	DWG file: 02-213-exh.dwg	Calc File: 02-213.crd
FB-See Folder	Sec. 27-44s-42e, Palm Beach County, FL	Job Order No: 02-213
Revision:	Drawn by: WDW	
Revision:		

NOTES:

EXHIBIT B

1. THIS IS NOT A BOUNDARY SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.
2. The undersigned and BRIGGS, WASHINGTON & THOMPSON LAND SURVEYING, INC. make no representations as to the information reflected hereon pertaining to easements, Rights-of-Way, setback lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth such matters. Such information should be obtained and confirmed by others through appropriate title verification.
3. Lands shown hereon were not abstracted for Right-of-Way and/or easements of record.
4. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this drawing, sketch, plat or map is for informational purposes only and is not valid.
5. This drawing, sketch, plat, or map does not reflect or determine ownership.
6. The original drawing from which this copy was made is at the scale shown hereon, however in the process of reproduction, this scale may be slightly reduced, enlarged, or otherwise distorted from its original scale.
7. Lines shown hereon and denoted as L1, L2, L3, L4, and L6 are radial lines.
8. The bearings and distances shown hereon in parenthesis are the "as measured" bearings and distances noted as such in the description of the subject property recorded in O.R. Book 14376, page 333 of the public records of Palm Beach County, Florida.

DESCRIPTION: O.R. Book 14376, page 333

Commencing at the intersection of the South line of Tract 78, Block 22, PALM BEACH FARMS CO. PLAT NO. 3, as recorded in Plat Book 2, pages 45 through 54, Public Records of Palm Beach County, Florida and the Westerly right-of-way line of Jog Road (as now laid out and in use); thence North 00 degrees 58 minutes 18 seconds East along said Westerly line, 90.21 feet (90.05 feet as measured) to the POINT OF BEGINNING; thence continuing North 00 degrees 58 minutes 18 seconds East 22.0 feet; thence North 00 degrees 10 minutes 40 seconds West (North 00 degrees 10 minutes 24 seconds West as measured), continuing along said Westerly line 149.71 feet to a point of curvature of a curve concave to the West, having a central angle of 19 degrees 49 minutes 25 seconds, a radius of 168.00 feet whose radial line passing through said point bears North 89 degrees 01 minutes 42 seconds West, said point being in the Southwesterly right-of-way for Lake Worth Road (S.R. 802) as recorded in Official Records Book 2584, page 781, Public Records of Palm Beach County, Florida; thence Northwesterly along the arc of said curve and along said right-of-way line, 58.13 feet to a point of compound curvature; thence Northwesterly along the arc of a curve concave to the Southwest having a central angle of 72 degrees 18 minutes 35 seconds, a radius of 33.00 feet, whose radial line passing through said point bears South 71 degrees 08 minutes 53 seconds West, and along said right-of-way line, an arc distance of 41.65 feet to a point of compound curvature; thence Westerly along the arc of a curve concave to the Southeast, having a central angle of 20 degrees 18 minutes 55 seconds, a radius of 168.00 feet whose radial line passing through said point bears South 1 degrees 09 minutes 42 seconds East and along said right-of-way line, a distance of 59.57 feet to a point of compound curvature; thence Southwesterly along the arc of a curve concave to the Southeast having a central angle of 1 degree 57 minutes 32 seconds, a radius of 2804.93 feet whose radial line passing through said point bears South 21 degrees 28 minutes 37 seconds East and along said right-of-way line, an arc distance of 95.90 feet to a point of tangency and the end of said curve; thence South 1 degrees 01 minutes 42 seconds East 206.09 feet (206.25 feet as measured) to the intersection of a line parallel with and 90.00 feet Northerly from the South line of said Tract 78; thence North 88 degrees 58 minutes 18 seconds East, along said line 184.02 feet to the POINT OF BEGINNING.

CONTINUED SEE PAGE 2

SHEET 1 OF 3


	BRIGGS, WASHINGTON & THOMPSON LAND SURVEYING, INC.	
	406 SW Rutledge Street P.O. Box 263 Madison, FL 32340 850-973-6186 Fax: 850-973-6931	
LB No. 7563		
FB-See Folder	DWG file: 02-213-exh.dwg	Calc File: 02-213.crd
Sec. 27-44s-42e, Palm Beach County, FL		Job Order No: 02-213
Revision:	Drawn by: WDW	
Revision:		

EXHIBIT B

DESCRIPTION CONTINUED

Less and Excepting those lands conveyed to Wellington Green, LLC, a Delaware limited liability company, by Warranty Deed recorded in Official Records Book 16861, Page 970, of the Public Records of Palm Beach County, Florida as more particularly described as follows:

All that Lot, Piece or Parcel of land situate, lying and being in Section 27, Township 44 South, Range 42 East, the same being a portion of Tract 78 in Block 22, of The Palm Beach Farms Company Plat No. 3, according to the Plat thereof, as recorded in Plat Book 2, at page 45, of the Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the North 1/4 corner of said Section 27; thence South 00°58'18" West along the East line of the Northwest 1/4 of said Section 27 and the centerline of Jog Road for 485.68 feet; thence departing said east line of the Northwest 1/4 of said Section 27 and the centerline of Jog Road, South 88°58'18" West for 224.04 feet; thence North 01°01'42" West for 193.07 feet to the Point of Beginning, thence continue North 01°01'42" West for 13.18 feet to a point of non-tangent intersection with the arc of a circular curve concave to the Southeast, with said point of non-tangent intersection bearing North 23°26'09" West from the center of said curve; from said point of non-tangent intersection, thence Northeasterly along the Southeasterly Right-of-Way line of Lake Worth Road (Florida State Road No. 802) and the arc of said curve, having a radius of 2804.93 feet and a central angle of 01°57'32" for 95.90 feet to a point of compound curvature concave to the Southeast; thence Northeasterly and Easterly along said Southeasterly Right-of-Way line of Lake Worth Road (Florida State Road No. 802) and the arc of said curve, having a radius of 168.00 feet and a central angle of 20°18'55" for 59.57 feet to a point of compound curvature concave to the Southwest; thence Southeasterly along said Southeasterly Right-of-Way line of Lake Worth Road (Florida State Road No. 802), the Westerly Right-of-Way of Jog Road and the arc of said curve, having a radius of 33.00 feet and a central angle of 70°39'08" for 40.69 feet to a point of non-tangent intersection with a line bearing North 64°31'57" West with said point of non-tangent intersection bearing North 69°29'26" East from the center of said curve; from said point of non-tangent intersection and departing said Westerly Right-of-Way line of Jog Road, thence North 64°31'57" West along the last described line for 41.55 feet; thence South 69°59'45" West for 59.47 feet; thence South 66°05'35" West for 92.61 feet to the Point of beginning.

Date: March 17, 2010

DAVID A. BRIGGS
Professional Surveyor and Mapper No. 5890
State of Florida

Not valid unless sealed with embossed Surveyor's Seal. (See Note 4)

SHEET 2 OF 3

	BRIGGS, WASHINGTON & THOMPSON LAND SURVEYING, INC.	
	406 SW Rutledge Street P.O. Box 263 Madison, FL 32340 850-973-6186 Fax: 850-973-6931	
LB No. 7583		
FB-See Folder	DWG file: 02-213-exh.dwg	Calc File: 02-213.crd
Sec. 27-44s-42e, Palm Beach County, FL		Job Order No: 02-213
Revision:	Drawn by: WDW	
Revision:		

O.R. Book 2584, page 781
 Road Plat Book 5, page 129
Lake Worth Road
 (State Road 802)
 Drawing No. 3-75-328
 R/W Section 93610-2602

P.O.B. of
 Less & Except.

P.O.C. of
 Less & Except.
 North 1/4 corner of
 Sec. 27-44s-42e,
 Palm Beach
 County, FL.

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	2804.93'	01°57'32"	95.90'
C2	168.00'	20°18'55"	59.57'
C3	33.00'	70°39'08"	40.69'
C4	168.00'	19°49'25"	58.13'
C5	33.00'	72°18'35"	41.65'

LEGEND:

- P.O.C. = Point of Commencement
- P.O.B. = Point of Beginning
- R/W = Right of Way
- Sec. = Section
- Co. = company
- C = Curve
- L = Line
- O.R. = Official Records
- Ac. = acres
- sq. ft. = square feet



SCALE: 1" = 80'



SHEET 3 OF 3

LINE	BEARING	DISTANCE
L1	S 71°08'53" W	33.00'
L2	S 01°09'42" E	168.00'
L3	S 21°28'37" E	2804.93'
L4	N 69°29'26" E	33.00'
L5	S 66°05'35" W	92.61'
L6	N 23°26'09" W	2804.93'
L7	S 69°59'45" W	59.47'
L8	N 64°31'57" W	41.55'
L9	N 01°01'42" W	13.18'

Westerly R/W
 line of Jog Road

P.O.C.
 Intersection of south line
 of Tract 78, Block 22, Palm
 Beach Farms Co., Plat No. 3,
 Plat Book 2, page 45-54 with
 the westerly R/W line of Jog Road.



**BRIGGS, WASHINGTON &
 THOMPSON LAND SURVEYING, INC.**

406 SW Rutledge Street P.O. Box 263
 Madison, FL 32340

LB No. 7563

850-973-6186 Fax: 850-973-6931

FB-See Folder

DWG file: 02-213-exh.dwg

Calc File: 02-213.crd

Sec. 27-44s-42e, Palm Beach County, FL

Job Order No: 02-213

Revision:

Drawn by: WDW

Revision: