

Agenda Item: **3F2**

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 21, 2010

☒ Consent ☐ Regular
☐ Workshop ☐ Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:


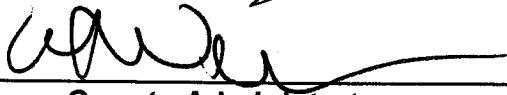
I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Declaration of Drainage Easement on 0.275 acres of property located southeast of Australian Avenue, south of the Palm Beach International Airport (PBIA), providing for legal positive outfall.

Summary: The County's Land Development Division requires evidence of legal positive outfall to a parcel of airport property in order to meet the requirements for a waiver of platting. The waiver has been requested as a part of the Department's efforts to redevelop property south of PBIA. The Declaration of Drainage Easement will be recorded to provide notice of the existence and location of the legal positive outfall. Countywide (HJF)

Background and Justification: The easement area is 12 feet wide and contains approximately 12,000 square feet (0.275 acres). The easement runs along the southerly right of way line of the Australian Avenue Overpass to connect to an existing drainage easement in favor of the County (R2007-2071), which drains to the C-51 Canal.

1. Declaration of Drainage Easement

LB
Recommended By:  11/18/10
Department Director Date
Approved By:  12/1/10
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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

Is Item Included in Current Budget? Yes _____ No _____
 Budget Account No: Fund _____ Department _____ Unit _____ Object _____
 Reporting Category _____

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

* No fiscal impact.

C. Departmental Fiscal Review: CM Summers

III. REVIEW COMMENTS

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

[Signature] 11/30/2010
 OFMB-FA
 11/29/10
 11/29/10

[Signature] 11/30/10
 Contract Dev. and Control
 11/30/10

B. Legal Sufficiency:

[Signature] 12/11/10
 Assistant County Attorney

C. Other Department Review:

 Department Director

Prepared by and return to:
Laura Beebe, Deputy Director, Airports Business Affairs
Palm Beach County Department of Airports
846 Palm Beach International Airport
West Palm Beach, FL 33406-1470

PCN: 00-43-44-05-05-000-0130 (a portion of)

DECLARATION OF DRAINAGE EASEMENT

THIS DECLARATION OF DRAINAGE EASEMENT (this "Declaration") is made this _____ by Palm Beach County, a political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, County is the owner and operator of the Palm Beach International Airport (hereinafter referred to as the "Airport"); and

WHEREAS, County is the owner of that certain real property situated in the County of Palm Beach, State of Florida, as more particularly described in Exhibit "A" (the "Benefitted Property"); and

WHEREAS, County is the owner of that certain real property situated in the County of Palm Beach, State of Florida, as more particularly described in Exhibit "B" (the "Burdened Property"); and

WHEREAS, County desires to create an easement over, upon and under a portion of the Burdened Property to provide legal positive outfall of the storm water drainage from the Benefitted Property.

NOW THEREFORE, County does hereby declare, grant and create a perpetual non-exclusive easement upon the real property legally described in Exhibit "C" attached hereto (the "Easement Parcel") for the purpose of providing legal positive outfall of the storm water drainage from the Benefitted Property. County hereby declares that the Easement Parcel is and shall be held, transferred, sold, conveyed and occupied subject to the easement hereinafter set forth, which shall constitute an easement appurtenant to the Benefitted Property and a covenant running with the land and will be binding on all parties having any right, title or interest in the Easement Parcel. This Declaration shall be subject to the following terms and conditions:

1. The owner of the Benefitted Property shall have the right at any time to construct, reconstruct, lay, enlarge, install, operate, maintain, relocate, repair, replace, improve, tie into, remove and inspect storm water drainage distribution facilities and all appurtenances thereto (the "Drainage Facilities").

2. All Drainage Facilities, landscaping and other improvements placed or constructed in or on the Easement Parcel by the owner of the Benefitted Property shall be maintained by the owner of the Benefitted Property.

3. Use and enjoyment of and interest in the easement rights created herein is and shall be strictly limited to that specifically granted herein. The County, as owner of the Airport and the Burdened Property, may impose reasonable restrictions and limitations on the Drainage Facilities, including, but not limited to, requiring that the Drainage Facilities be installed underground. The Easement Parcel may not be fenced, or access otherwise restricted, without approval from the owner of the Easement Parcel. Exercise of the rights granted hereunder shall be in a commercially reasonable manner in order to minimize the impact upon County's use and enjoyment of the Burdened Property.

4. County reserves unto itself, its successors and assigns, for the use and benefit of the public and the Airport, a right of flight for the passage of aircraft in the airspace above the surface of the Easement Parcel, together with the right to cause in said airspace such noise as may be inherent in the operations of aircraft, now known or hereafter used, for navigation of or flight in said airspace, for use of said airspace for landing on, or taking off from or operating on the Airport.

5. The owner of the Easement Parcel shall have the right, but not the obligation, to clear obstructions, and repair, enlarge, replace, and/or add, at its sole expense, to the Drainage Facilities to connect to the drainage discharge point in order to accommodate drainage from the Burdened Property through the Easement Parcel to the drainage discharge point.

6. The height of structures, objects of natural growth and other obstructions on the Easement Parcel shall be restricted to such a height so as to comply with Federal Aviation Regulations, Part 77, as now or hereafter amended. Objects of natural growth include, without limitation, trees and other vegetation.

7. No Drainage Facilities or other improvements may be placed or constructed on the Easement Parcel which would interfere with the landing or takeoff of aircraft at the Airport or interfere with air navigation and/or communication facilities serving the Airport, or otherwise constitute an airport hazard.

8. The use of the Easement Parcel shall be in compliance with all FAA laws, rules, regulations, orders and advisory circulars, as now or hereafter amended, including, without limitation, AC 150/5200-33A, "Hazardous Wildlife Attractants on or Near Airports".

9. The easement created and reserved hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Burdened Property and/or Benefitted Property upon the conveyance thereof by County.

10. County expressly agrees for itself, its successors and assigns, to be bound by and to observe and comply with all restrictions, covenants, conditions and obligations contained herein. "Successors and assigns" as used herein, includes, without limitation, invitees, permittees and others who may use or be upon the Easement Parcel, Burdened Property or Benefitted Property, and/or their respective officers, agents and employees.

11. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions hereof. All such other provisions shall continue unimpaired in full force and effect.

IN WITNESS WHEREOF, the County has executed this Declaration on the date set forth hereinabove.

ATTEST:
Sharon R. Bock
Clerk & Comptroller

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

By: _____
Deputy Clerk

By: _____
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

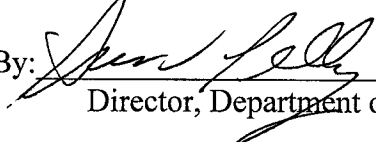
By:  _____
Director, Department of Airports

Exhibit "A"
Legal Description of the "Benefitted Property"

PARCEL G-1

A PARCEL OF LAND BEING A PORTION OF LOTS 49, 50, 51, 52, 53, 55, 57, AND 58A; AND A PORTION OF SOUTH GRACE DRIVE AND WEST GRACE DRIVE, AS ABANDONED PER OFFICIAL RECORD BOOK 10959; PAGE 1706, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, ALL BEING A PART OF MORRISON HOMES, AS RECORDED IN PLAT BOOK 23, PAGES 189 AND 190, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 63, AS SHOWN ON SAID PLAT OF MORRISON HOMES; THENCE NORTH 02°27'00" EAST, ALONG THE EAST LINE OF SAID LOT 63, A DISTANCE OF 36.88 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF AUSTRALIAN AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 7419, PAGE 1565, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 67°53'58" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 43.06 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 95°49'58" AND A CHORD BEARING OF SOUTH 19°58'59" WEST; SAID POINT BEING ON THE EASTERLY LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL 192, AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1526, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, SOUTHERLY, ALONG THE ARC OF SAID CURVE AND THE EASTERLY LINE OF SAID FDOT PARCEL 192, A DISTANCE OF 83.63 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 27°56'00" EAST, ALONG THE EASTERLY LINE OF SAID FDOT PARCEL 192, A DISTANCE OF 52.00 FEET; THENCE, SOUTH 62°04'00" WEST, ALONG THE SOUTHERLY LINE OF SAID FDOT PARCEL 192, A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 125.00 FEET AND WHOSE CENTER BEARS SOUTH 62°04'00" WEST; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE, SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 30°23'00", A DISTANCE OF 66.29 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 02°27'00" WEST, A DISTANCE OF 108.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 28°50'14" AND A CHORD BEARING OF SOUTH 16°52'07" WEST; THENCE, SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 93.11 FEET TO THE END OF SAID CURVE; THENCE, NORTH 36°03'03" WEST, A DISTANCE OF 304.98 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF AUSTRALIAN AVENUE AS RECORDED IN OFFICIAL RECORD BOOK 7419, PAGE 1565, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 790.00 FEET AND WHOSE CENTER BEARS SOUTH 41°45'16" EAST; THENCE, NORTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 00°55'25", A DISTANCE OF 12.73 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THAT PORTION OF WEST GRACE DRIVE AS ABANDONED PER OFFICIAL RECORD BOOK 10959, PAGE 1706, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA AND THE END OF SAID CURVE; THENCE, NORTH 52°06'20" EAST, ALONG THE NORTHERLY LIMITS OF THAT PORTION OF WEST GRACE DRIVE ABANDONED PER OFFICIAL RECORD BOOK 10959, PAGE 1706, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 80.94 FEET TO THE INTERSECTION OF THE WESTERLY LINE OF LOT 55, OF MORRISON HOMES AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID AUSTRALIAN AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 7419, PAGE 1565, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 790.00 FEET AND WHOSE CENTER BEARS SOUTH 34°57'30" EAST; THENCE, NORTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 02°27'22", A DISTANCE OF 33.86 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 94°34'08" AND A CHORD BEARING OF SOUTH 75°13'04" EAST; SAID CURVE BEING THE WESTERLY LINE OF THE AFORESAID FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL 192; THENCE, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND THE WESTERLY LINE OF FDOT PARCEL 192, A DISTANCE OF 82.53 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 27°56'00" EAST, ALONG THE WESTERLY LINE OF FDOT PARCEL 192, A DISTANCE OF 50.68 FEET TO THE POINT OF BEGINNING.

Legal Description of Benefitted Property

Exhibit "B"
Legal Description of the "Burdened Property"

PARCEL G-2

A PARCEL OF LAND BEING ALL OF LOTS 17, 17A, 19, 20, 21, 22, 22A, 23, 23A, 23B, 24, 25, 25A, 25B, 26, 27, 28, 29, 29A, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 41A, 42, 43, 44, 45, 46, 59, 59A, AND 59B, AND A PORTION OF LOTS 9A, 11, 13, 15, 16, 18, 47, 48, 57, 61, 61A, 61B, 63, AND 66; AND A PORTION OF SOUTH GRACE DRIVE, CENTRAL GRACE DRIVE, AND NORTH GRACE DRIVE, AS ABANDONED PER OFFICIAL RECORD BOOK 10959, PAGE 1706 AND OFFICIAL RECORD BOOK 23939, PAGE 1236, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, ALL BEING A PART OF MORRISON HOMES, AS RECORDED IN PLAT BOOK 23, PAGES 189 AND 190; PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 63, AS SHOWN ON SAID PLAT OF MORRISON HOMES; THENCE, NORTH 02°27'00" EAST, ALONG THE EAST LINE OF SAID LOT 63, A DISTANCE OF 36.88 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF AUSTRALIAN AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1587, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 67°53'58" EAST, ALONG SAID RIGHT OF WAY OF AUSTRALIAN AVENUE, A DISTANCE OF 100.59 FEET TO A POINT ON THE EAST LINE OF LOT 61, OF MORRISON HOMES; THENCE, CONTINUE NORTH 67°53'58" EAST, ALONG THE RIGHT OF WAY OF AUSTRALIAN AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 7419, PAGE 1565, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 159.05 FEET TO A POINT ON THE WEST LINE OF LOT 11, OF MORRISON HOMES; THENCE, CONTINUE NORTH 67°53'58" EAST, ALONG THE RIGHT OF WAY OF AUSTRALIAN AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1587, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 101.64 FEET TO A POINT ON THE EAST LINE OF SAID LOT 11; THENCE, CONTINUE NORTH 67°53'58" EAST, ALONG THE RIGHT OF WAY OF AUSTRALIAN AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 7419, PAGE 1565, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 127.58 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THAT PORTION OF NORTH GRACE DRIVE AS ABANDONED PER OFFICIAL RECORD BOOK 10959, PAGE 1706, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, CONTINUE NORTH 67°53'58" EAST, ALONG THE NORTHWESTERLY LIMIT OF THAT PORTION OF SAID NORTH GRACE DRIVE AS ABANDONED, A DISTANCE OF 105.17 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID NORTH GRACE DRIVE AS ABANDONED; THENCE, CONTINUE NORTH 67°53'58" EAST, ALONG THE RIGHT OF WAY OF AUSTRALIAN AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 7419, PAGE 1565, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 117.54 FEET; THENCE, NORTH 59°33'52" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 190.83 FEET; THENCE, SOUTH 74°25'34" EAST, A DISTANCE OF 12.07 FEET TO A POINT ON THE EAST LINE OF LOT 66, OF SAID MORRISON HOMES; THENCE, SOUTH 03°26'12" WEST, ALONG THE EAST LINE OF SAID LOT 66, A DISTANCE OF 8.41 FEET TO THE NORTHEAST CORNER OF LOT 18 OF SAID MORRISON HOMES; THENCE, NORTH 87°33'00" WEST, ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 18.73 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 18; THENCE, SOUTH 47°55'31" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 18, A DISTANCE OF 51.06 FEET; THENCE, SOUTH 06°20'10" WEST, A DISTANCE OF 166.47 FEET; THENCE, SOUTH 87°33'00" EAST, A DISTANCE OF 62.94 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18; THENCE, SOUTH 03°26'12" WEST, ALONG THE EAST LINE OF LOTS 18, 20, 22, 22A, 24, 26, AND 28 OF MORRISON HOMES, A DISTANCE OF 598.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT 28; THENCE, NORTH 87°33'00" WEST, ALONG THE SOUTH LINE OF SAID LOT 28, A DISTANCE OF 153.75 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF EAST GRACE DRIVE, AS SHOWN ON SAID PLAT OF MORRISON HOMES;

(continued on next page)

(continuation of description of Parcel G-2)

THENCE, NORTH 03°26'12" EAST, ALONG SAID EAST RIGHT OF WAY OF EAST GRACE DRIVE, A DISTANCE OF 497.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 165.00 FEET, A CENTRAL ANGLE OF 26°48'19" AND A CHORD BEARING OF NORTH 09°57'58" WEST; THENCE, NORTHERLY, ALONG THE ARC OF SAID CURVE AND SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 77.19 FEET TO A POINT ON THE SOUTHEASTERLY LIMIT OF THAT PORTION OF NORTH GRACE DRIVE AS ABANDONED PER OFFICIAL RECORD BOOK 10959, PAGE 1706, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 101.93 FEET AND WHOSE CENTER BEARS SOUTH 39°40'27" EAST; THENCE, SOUTHERLY, ALONG THE ARC OF SAID CURVE AND SAID SOUTHEASTERLY LIMITS OF THAT PORTION OF NORTH GRACE DRIVE, AS ABANDONED, THROUGH A CENTRAL ANGLE OF 46°53'13", A DISTANCE OF 83.41 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 03°26'12" WEST, ALONG THE WEST RIGHT OF WAY LINE OF THE AFORESAID EAST GRACE DRIVE, A DISTANCE OF 598.10 FEET TO THE SOUTHEAST CORNER OF LOT 30, OF SAID MORRISON HOMES; THENCE, NORTH 87°33'00" WEST, ALONG THE SOUTH LINE OF LOTS 30, 32, 34, 36, 38, 40, 42, 44, 46, AND 48, A DISTANCE OF 610.30 FEET; THENCE, NORTH 36°03'03" WEST, A DISTANCE OF 65.13 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 235.00 FEET AND WHOSE CENTER BEARS NORTH 53°42'27" WEST; THENCE, NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33°50'33", A DISTANCE OF 138.81 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 02°27'00" EAST, A DISTANCE OF 108.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 30°23'00" AND A CHORD BEARING OF NORTH 12°44'30" WEST; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 92.80 FEET TO THE POINT OF TANGENCY; SAID POINT BEING THE SOUTHEASTERLY MOST POINT OF FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL 192, AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1526, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 27°56'00" WEST, ALONG THE EASTERLY LINE OF SAID FDOT PARCEL 192, A DISTANCE OF 52.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 95°49'58" AND A CHORD BEARING OF NORTH 19°58'59" EAST; THENCE, NORTHERLY AND NORTHEASTERLY, ALONG THE ARC OF SAID CURVE AND THE EASTERLY LINE OF SAID FDOT PARCEL 192, A DISTANCE OF 83.63 FEET TO THE POINT OF TANGENCY; SAID POINT BEING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF AUSTRALIAN AVENUE AS RECORDED IN OFFICIAL RECORD BOOK 7419, PAGE 1565, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 67°53'58" EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 43.06 FEET TO A POINT ON THE EAST LINE OF THE AFORESAID LOT 63, AND THE POINT OF BEGINNING.

Exhibit "C"
Legal Description of the
"Easement Parcel"


See Attached Legal Description and Sketch
Palm Beach County Drawing No. S-1-10-3149, Sheets 1 Thru 4, Labeled:

"PBIA PROPERTIES PARCEL "G" (GRACE DRIVE) 12' DRAINAGE EASEMENT")

PBIA PROPERTIES PARCEL "G"
(GRACE DRIVE)
12' DRAINAGE EASEMENT

A STRIP OF LAND 12.00 FEET IN WIDTH FOR DRAINAGE EASEMENT PURPOSES LOCATED IN A PORTION OF THE PLAT OF MORRISON HOMES AS RECORDED IN PLAT BOOK 23, PAGE 189, SITUATED IN SECTION 05, TOWNSHIP 44 SOUTH, RANGE 43 EAST OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID EASEMENT LYING 6.00 FEET ON EACH SIDE OF THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE PERMANENT REFERENCE MONUMENT (PRM #9) MARKING THE NORTHEAST CORNER OF TRACT "A" (PRIVATE ACCESS TRACT) OF THE PLAT OF CHS PROPERTIES, MUPD AS RECORDED IN PLAT BOOK 104, PAGE 174 OF THE PUBLIC RECORD OF SAID COUNTY, BEING A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 175.00 FEET (A RADIAL LINE FROM SAID POINT BEARS SOUTH 62°04'00" WEST); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°55'55", AN ARC DISTANCE OF 12.01 FEET; THENCE NORTH 62°04'00" EAST, A DISTANCE OF 6.01 FEET TO THE CENTERLINE OF SAID DRAINAGE EASEMENT LYING 6.00 FEET NORTHEAST OF AND CONCENTRIC WITH THE EAST LINE OF SAID TRACT "A", BEING A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 181.00 FEET (A RADIAL LINE FROM SAID POINT BEARS SOUTH 65°52'05" WEST) AND THE POINT OF BEGINNING. THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°48'05", AN ARC DISTANCE OF 12.01 FEET TO THE POINT OF TANGENCY BEING A LINE LYING 6.00 FEET NORTH AND EAST OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL 192, RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1526 OF SAID PUBLIC RECORDS (THE NEXT TWO COURSES ARE PARALLEL TO SAID PARCEL 192); THENCE NORTH 27°56'00" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 52.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 44.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 95°49'58", AN ARC DISTANCE OF 73.59 FEET TO THE POINT OF TANGENCY BEING A LINE LYING 6.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE AUSTRALIAN AVENUE OVERPASS RECORDED IN OFFICIAL RECORD BOOK 7419, PAGE 1565 AND OFFICIAL RECORD BOOK 10653, PAGE 1587 OF SAID PUBLIC RECORDS; THENCE NORTH 67°53'58" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 754.63 FEET; THENCE NORTH 68°49'58" EAST, A DISTANCE OF 123.75 FEET TO THE CENTERLINE OF A 15.00 FOOT DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORD BOOK 22307, PAGE 1049 AND OFFICIAL RECORD BOOK 23061, PAGE 1205 OF SAID PUBLIC RECORDS AND THE POINT OF TERMINUS OF SAID CENTERLINE.

PROJECT NO. 2009013-17	SHEETS OF 1 4 1	PROJECT: PBIA PROPERTIES PARCEL "G" (GRACE DRIVE) 12' DRAINAGE EASEMENT		SCALE: 1" = 100' APPROVED: C. W. M. J. DRAWN: N. J. H. CHECKED: E. A. O. DATE: 09/28/10 FIELD BOOK NO. N/A	NO.	REVISION	BY	DATE		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
		DESIGN FILE NAME S-1-10-3149.dgn	DRAWING NO. S-1-10-3149							

SURVEYOR'S NOTES

SAID RIGHT-OF-WAY CONTAINS 12,200 SQUARE FEET OR 0.2801 ACRES MORE OR LESS.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF NORTH 62°04'00" EAST ALONG NORTH LINE OF TRACT "A" OF THE PLAT OF CHS PROPERTIES RECORDED IN PLAT BOOK 104, PAGE 174 OF SAID PUBLIC RECORDS AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

THE SIDELINES OF SAID EASEMENT ARE TO BE LENGTHENED OR SHORTENED TO INTERSECT AND JOIN THE 15.00 FOOT DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORD BOOK 22307, PAGE 1049 AND OFFICIAL RECORD BOOK 23061, PAGE 1205 OF SAID PUBLIC RECORDS

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

THIS IS NOT A SURVEY.

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

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

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

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



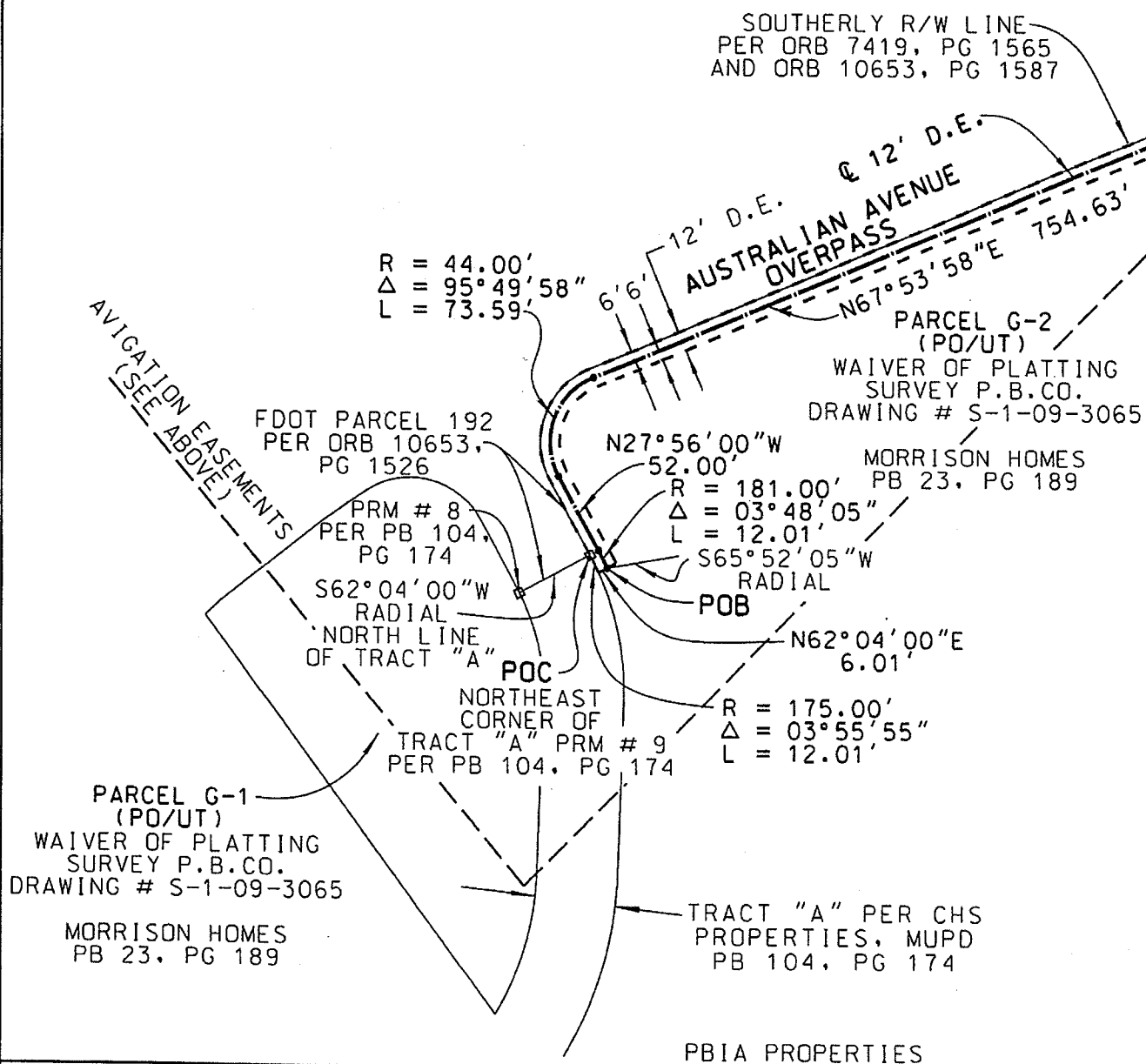
GLENN W. MARK, P.L.S.
FLORIDA CERTIFICATE #5304

9/30/10
DATE

PBIA PROPERTIES

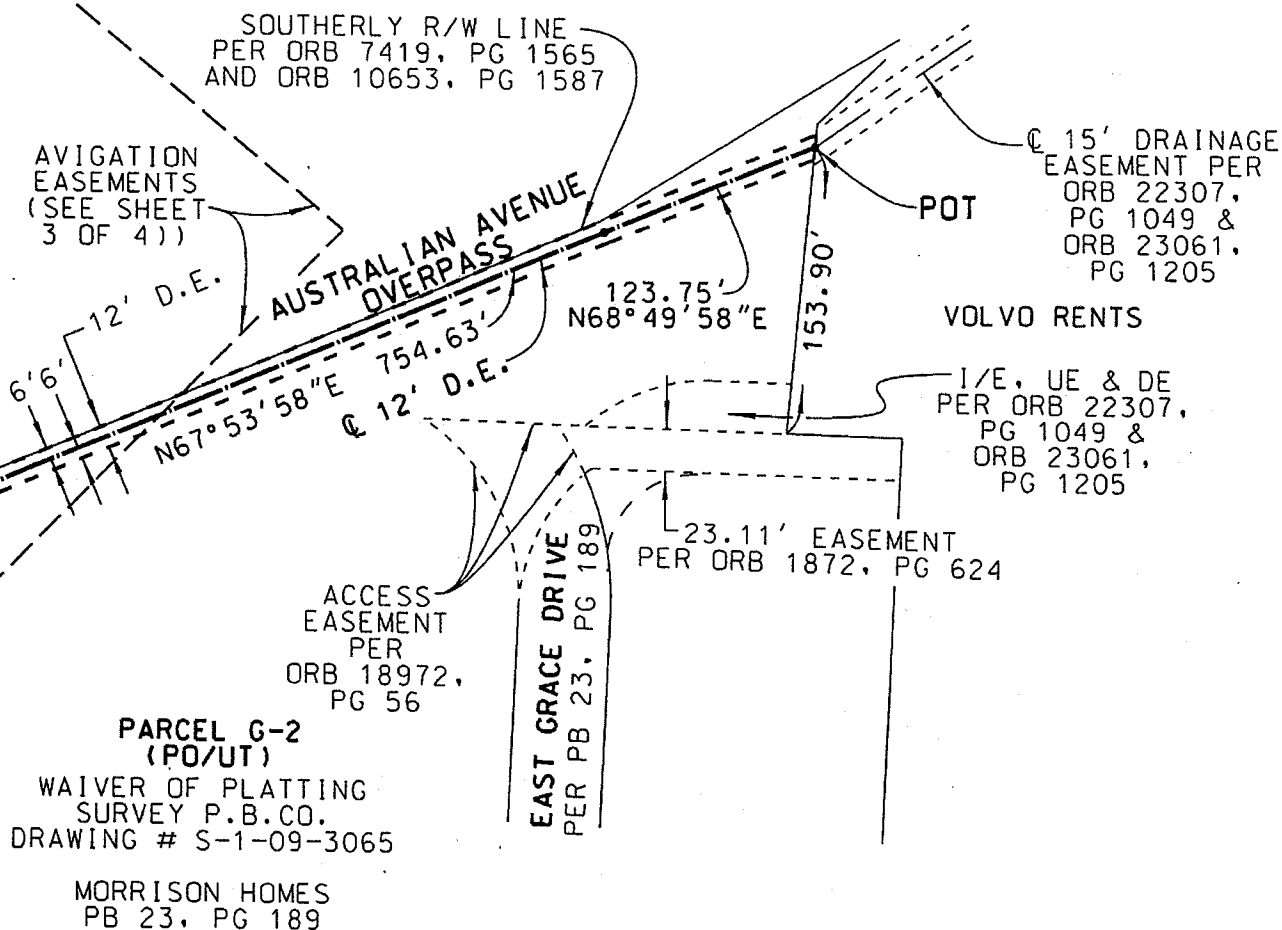


THIS IS NOT
A SURVEY



MATCH LINE (SEE SHEET 4 OF 4)

MATCH LINE (SEE SHEET 3 OF 4)



LEGEND

FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
PO = ZONING DISTRICT "PUBLIC OWNERSHIP"
UT = LAND USE "PALM BEACH COUNTY
UTILITIES & TRANSPORTATION"
ORB = OFFICIAL RECORD BOOK
POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
POT = POINT OF TERMINUS
D.E. = DRAINAGE EASEMENT
C = CENTERLINE
PB = PLAT BOOK
PG = PAGE
R = RADIUS
Δ = CENTRAL ANGLE
L = ARC LENGTH
R/W = RIGHT OF WAY



SCALE: 1" = 100'

THIS IS NOT
A SURVEY

PBIA PROPERTIES