

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>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
# ADDITIONAL FTE	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
POSITIONS (Cumulative)	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

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 Simon

III. REVIEW COMMENTS

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

N. Das 5/20/11
 OFMB VA
 5/25/11
 5/25/11

Dr. J. Scrota 5/27/11
 Contract Dev. and Control

B. Legal Sufficiency:

R. Jell 5/31/11
 Assistant County Attorney

C. Other Department Review:

 Department Director

Prepared by & 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

Property Control Number: 10-43-44-05-01-001-0060 (portion)

NOISE MONITORING STATION EASEMENT

THIS NOISE MONITORING STATION EASEMENT (this "Easement") is made this _____ day of _____, 20 __, between the **TOWN OF CLOUD LAKE**, a Florida municipal corporation, whose legal mailing address is 100 Lang Road, West Palm Beach, Florida 33406, (hereinafter referred to as "Grantor"), and **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791 (hereinafter referred to as "County").

WITNESSETH:

WHEREAS, County is the owner and operator of the Palm Beach International Airport;
and

WHEREAS, Grantor has agreed to grant County an easement for installation of a noise monitoring station to monitor aircraft noise.

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor:

1. Grantor does hereby grant to County, a perpetual exclusive easement in gross for the purposes of installing, operating, maintaining, repairing, replacing and improving a noise monitoring station and all associated equipment, facilities and appurtenances, including fencing and landscaping, ("Noise Monitoring Station") over, upon, under, across or within that parcel of land located in Palm Beach County, Florida, legally described in **Exhibit "A"**, attached hereto and incorporated herein (the "Noise Monitoring Station Easement Premises").

2. Grantor does hereby grant to County, a perpetual non-exclusive access easement over, across, through and upon, under or within that parcel of land located in Palm Beach County, Florida, legally described in **Exhibit "B"**, attached hereto and incorporated herein (the "Access Easement Premises"), for the purpose of giving County non-vehicular access for the installation, operation, maintenance, repair and replacement of the Noise Monitoring Station.

3. Grantor does hereby grant to County, a perpetual non-exclusive utility easement over, across, through and upon, under or within that parcel of land located in Palm Beach County, Florida, legally described in **Exhibit "C"**, attached hereto and incorporated herein (the "Utility Easement Premises"), for the purpose of providing County access to utilities necessary for the operation of the Noise Monitoring Station. The Noise Monitoring Station Easement Premises, Access Easement Premises and Utility Easement Premises shall collectively be referred to herein as the "Easement Premises".

4. County shall maintain the Noise Monitoring Station Easement Premises, and shall have the right to cut and remove trees, brush and undergrowth from the Easement Premises and to remove any other obstructions that might interfere with the operation or maintenance of the Noise Monitoring Station. County may utilize the services of contractors, consultants or agents in the exercise of its rights under this Easement.

5. Grantor retains all rights relating to the Easement Premises not specifically conveyed by this Easement. County agrees to exercise the rights granted hereunder in a commercially reasonable manner in order to minimize the impact upon Grantor's use and enjoyment of the Easement Premises.

6. This Easement is for the use and benefit of County, and is not intended and shall not be construed as a dedication to the public of any portion of the Easement Premises for public use.

7. All of the benefits, burdens, easements and agreements contained herein shall constitute covenants running with the land, shall be binding upon and/or shall accrue to the benefit of all persons or entities, their respective successors, assigns, heirs, and personal representatives having or hereinafter acquiring any right, title or interest in or to the Easement Premises. County may not assign this Easement.

8. This Easement shall be governed by, construed and enforced in accordance with, the laws of the State of Florida. Venue in any action, suit or proceeding in connection with this Easement shall be in a state court of competent jurisdiction in Palm Beach County, Florida.

9. No party shall be considered the author of this Easement since the parties hereto have participated in extensive negotiations and drafting and redrafting of this document so as to arrive at a final agreement. Thus, the terms of this Easement shall not be strictly construed against one party as opposed to the other party based upon who drafted it. In the event that any section, paragraph, sentence, clause or provision hereof is held by a court of competent jurisdiction to be invalid, such shall not affect the remaining portions of this Easement and the same shall remain in full force and effect.

10. This Easement contains the entire understanding and agreement of the parties with respect to the subject matter hereof. No amendment shall be effective unless the same is in writing and signed by all parties.

11. County hereby expressly agrees that in the event County abandons use of the Easement Premises for the purpose herein expressed, the Easement granted hereby shall become null and void, and all the rights in and to the Easement Premises shall revert to Grantor.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties have executed this Easement on the date set forth hereinabove.

Signed in the presence of:

W. Patrick Slattery
Signature

W. Patrick Slattery
Print name of witness

Donna Erisey
Signature

DONNA ERISEY
Print name of witness

GRANTOR:
TOWN OF CLOUD LAKE

By: Michael Klingensmith
Signature

Michael Klingensmith
Print Signatory's Name

Its: Vice - Mayor

(SEAL)

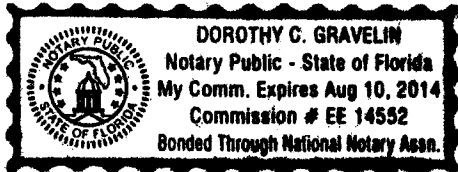
ATTEST:

Marion Chuteen-Hagg
(Signature)

Print name

STATE OF FLORIDA]
COUNTY OF PALM BEACH]

The foregoing instrument was acknowledged before me this 16th day of May, 2011, by Michael Klingensmith the Vice Mayor of the Town of Cloud Lake, who is personally known to me OR who produced identification and who did take an oath. as



Dorothy C. Gravelin
Notary Public

Dorothy C. Gravelin
Print Notary Name

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: Aug 10, 2014

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Karen T. Marcus, Chair

APPROVED AS TO TERMS AND
CONDITIONS

By: [Signature]
Department Director

EXHIBIT "A"
PBIA NOISE MONITORING STATION NO.9 - 4.97' X 5' EASEMENT

A PARCEL OF LAND 4.97 FEET IN WIDTH FOR MONITORING STATION EASEMENT PURPOSES BEING A PORTION OF LOT 6, BLOCK 1 OF THE PLAT OF CLOUD LAKE, RECORDED IN PLAT BOOK 18, PAGE 46 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 6, BLOCK 1, ALSO BEING THE SOUTHEAST CORNER OF SAID BLOCK 1; THENCE NORTH 03°22'07" EAST ALONG THE EAST LINE OF SAID LOT AND BLOCK, A DISTANCE OF 108.00 FEET; THENCE NORTH 86°37'53" WEST AT RIGHT ANGLES TO SAID LOT AND BLOCK LINE, A DISTANCE OF 95.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 86°37'53" WEST, A DISTANCE OF 4.97 FEET TO THE WEST LINE OF SAID LOT 6; THENCE NORTH 03°22'07" EAST ALONG SAID WEST LINE, A DISTANCE OF 5.00 FEET; THENCE SOUTH 86°37'53" EAST, A DISTANCE OF 4.97 FEET; THENCE SOUTH 03°22'07" WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

SAID EASEMENT CONTAINS 25 SQUARE FEET OR 0.0006 ACRES MORE OR LESS.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF NORTH 03°22'07" EAST ALONG THE EAST LINE OF LOT 6, BLOCK 1 OF THE PLAT OF CLOUD LAKE, RECORDED IN PLAT BOOK 18, PAGE 46 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

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.

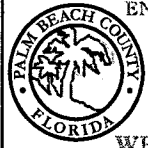
THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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

4/25/11
DATE

PROJECT NO. 2011013-03	SHEET: 1 OF: 2	PROJECT: PBIA NOISE MONITORING STATION NO.9 - 4.97' X 5' EASEMENT	SCALE: N.T.S. APPROVED: G.W.M. DRAWN: G.W.M. CHECKED: N.J.H. DATE DRAWN: 03/25/11	NO. 1 REVISION REVISED LEGAL	BY: GM DATE: 4/25/11		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
		DESIGN FILE NAME: S-1-11-3209-3212 DRAWING NO.: S-1-11-3211	FIELD BOOK NO.: 1123 U				

NW CORNER LOT 5
BLOCK 1, PB 18, PG 46
FOUND MAG NAIL & DISK

7232

NE CORNER LOT 6
BLOCK 1, PB 18, PG 46
FOUND 5/8" IRON ROD
& CAP 6456

PLAT OF CLOUD LAKE
PER PLAT BOOK 18, PAGE 46

BLOCK 1

FPL POWER POLE

S86°37'53"E
4.97'

S03°22'07"W
5.00'

N03°22'07"E
5.00'

POB

N86°37'53"W
4.97'

5' EASEMENT FOR
PUBLIC UTILITIES
PLAT BOOK 18, PAGE 46

N86°37'53"W
95.00'

LANG ROAD

PLAT OF CLOUD LAKE
PER PLAT BOOK 18, PAGE 46

BLOCK 2

SW CORNER LOT 6
BLOCK 1, PB 18, PG 46
FOUND 5/8" IRON ROD
& NO CAP

POC
SE CORNER LOT 6
BLOCK 1, PB 18, PG 46
FOUND PRM @
BLOCK CORNER

N03°22'07"E 108.00'

SHANNONDALE ROAD

50'

PLAT OF CLOUD LAKE
PER PLAT BOOK 18, PAGE 46

BLOCK 3

BLOCK 4

LEGEND
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRM = PERMANENT REFERENCE MONUMENT

THIS IS NOT A SURVEY

NOT TO SCALE

mm

Exhibit "B"

Access Easement Premises

PBIA NOISE MONITORING STATION NO.9 - ACCESS EASEMENT

A PARCEL OF LAND 5.00 FEET IN WIDTH FOR ACCESS EASEMENT PURPOSES BEING A PORTION OF LOT 6, BLOCK 1 OF THE PLAT OF CLOUD LAKE, RECORDED IN PLAT BOOK 18, PAGE 46 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 6, BLOCK 1, ALSO BEING THE SOUTHEAST CORNER OF SAID BLOCK 1; THENCE NORTH 03°22'07" EAST ALONG THE EAST LINE OF SAID LOT AND BLOCK, A DISTANCE OF 108.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 86°37'53" WEST AT RIGHT ANGLES TO SAID LOT AND BLOCK LINE, A DISTANCE OF 95.00 FEET; THENCE NORTH 03°22'07" EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 86°37'53" EAST, A DISTANCE OF 95.00 FEET TO SAID EAST LINE OF LOT 6, BLOCK 1; THENCE SOUTH 03°22'07" WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

SAID EASEMENT CONTAINS 475 SQUARE FEET OR 0.0109 ACRES MORE OR LESS.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF NORTH 03°22'07" EAST ALONG THE EAST LINE OF LOT 6, BLOCK 1 OF THE PLAT OF CLOUD LAKE, RECORDED IN PLAT BOOK 18, PAGE 46 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

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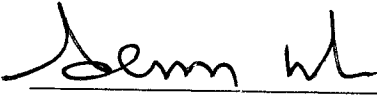
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3/28/11

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


DATE

PROJECT NO. 2011013-03	SHEET 1
	2

PROJECT: PBIA NOISE MONITORING STATION NO.9 - 5' ACCESS EASEMENT	
DESIGN FILE NAME	DRAWING NO.
S-1-11-3209-3212	S-1-11-3212

SCALE: N.T.S. APPROVED: G.W.M. DRAWN: G.W.M. CHECKED: N.J.H. DATE DRAWN: 03/25/11	NO.	REVISION	BY	DATE
	1123 U			

**PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES**



**2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411**

NW CORNER LOT 5
BLOCK 1, PB 18, PG 46
FOUND MAG NAIL & DISK

7232

NE CORNER LOT 6
BLOCK 1, PB 18, PG 46
FOUND 5/8" IRON ROD
& CAP 6456

PLAT OF CLOUD LAKE
PER PLAT BOOK 18, PAGE 46

BLOCK 1

FPL POWER POLE

LANG ROAD

PLAT OF CLOUD LAKE
PER PLAT BOOK 18, PAGE 46

BLOCK 2

5' EASEMENT FOR
PUBLIC UTILITIES
PLAT BOOK 18, PAGE 46

N03°22'07"E
5.00'

S86°37'53"E
95.00'

S03°22'07"W
5.00'

5' ACCESS
EASEMENT

POB

N86°37'53"W
95.00'

N03°22'07"E 108.00'

SW CORNER LOT 6
BLOCK 1, PB 18, PG 46
FOUND 5/8" IRON ROD
& NO CAP

POC
SE CORNER LOT 6
BLOCK 1, PB 18, PG 46
FOUND PRM @
BLOCK CORNER

SHANNONDALE ROAD

PLAT OF CLOUD LAKE
PER PLAT BOOK 18, PAGE 46

BLOCK 3

2

BLOCK 4

1

LEGEND

POB = POINT OF BEGINNING
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NOT TO SCALE

Exhibit "C"
Utility Easement Premises

PBIA NOISE MONITORING STATION NO.9 - 4.97' UTILITY EASEMENT

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SURVEYOR'S NOTES

SAID EASEMENT CONTAINS 72 SQUARE FEET OR 0.0017 ACRES MORE OR LESS.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF NORTH 03°22'07" EAST ALONG THE EAST LINE OF LOT 6, BLOCK 1 OF THE PLAT OF CLOUD LAKE, RECORDED IN PLAT BOOK 18, PAGE 46 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

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Glenn W. Mark

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

4/25/11
DATE

PROJECT NO. 2011013-03	SHEET: 1 OF: 2	PROJECT: PBIA NOISE MONITORING STATION NO.9 - 4.97' UTILITY EASEMENT		SCALE: N.T.S. APPROVED: G.W.M. DRAWN: G.W.M. CHECKED: N.J.H. DATE DRAWN: 04/22/11	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-1-11-3219.dgn	DRAWING NO. S-1-11-3219						

NW CORNER LOT 5
BLOCK 1, PB 18, PG 46
FOUND MAG NAIL & DISK

7232

PLAT OF CLOUD LAKE
PER PLAT BOOK 18, PAGE 46

BLOCK 1

NE CORNER LOT 6
BLOCK 1, PB 18, PG 46
FOUND 5/8" IRON ROD
& CAP 6456

FPL POWER POLE

S88°04'35"E
4.97'

S03°22'07"W
14.60'

N03°22'07"E
14.48'

POB

N86°37'53"W
4.97'

N86°37'53"W
95.00'

5' EASEMENT FOR
PUBLIC UTILITIES
PLAT BOOK 18, PAGE 46

LANG ROAD

PLAT OF CLOUD LAKE
PER PLAT BOOK 18, PAGE 46

BLOCK 2

10

SW CORNER LOT 6
BLOCK 1, PB 18, PG 46
FOUND 5/8" IRON ROD
& NO CAP

POC
SE CORNER LOT 6
BLOCK 1, PB 18, PG 46
FOUND PRM @
BLOCK CORNER

100.00' (P)

N03°22'07"E 113.00'

N88°04'35"W

SHANNONDALE ROAD

50'

PLAT OF CLOUD LAKE
PER PLAT BOOK 18, PAGE 46

BLOCK 3

BLOCK 4

LEGEND
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRM = PERMANENT REFERENCE MONUMENT
PB = PLAT BOOK
PG = PAGE
THIS IS NOT A SURVEY

1

NOT TO SCALE

III I

