

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 15, 2012 [X] Consent [] Regular
[] Workshop [] Public Hearing

Department: Airports
Submitted By: Department of Airports
Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) **Approve** a Letter of Release (Release) from the Federal Aviation Administration (FAA), releasing approximately 1.0148 acres of land located west of Palm Beach International Airport (Airport) (the Wallis Road Property) from the terms, conditions and obligations of grant assurances with the FAA, subject to the Release conditions imposed by the FAA; and
- B) **Adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida (the Bond Resolution); determining that the Wallis Road Property is not necessary for airport purposes and that the disposition of the property shall not impair the operating efficiency or reduce the revenue producing capability of the County's Airport System; and
- C) **Adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida (the Right-of-Way Resolution); imposing certain easements, covenants and restrictions on the Wallis Road Property (the Declaration), and designating the Wallis Road Property for use by the general public for public street purposes, subject to the Declaration.

Summary: As part of the Runway 9L (10L) acquisition project, the Department of Airports (DOA) has acquired approximately 57.41 acres property lying north of Wallis Road, south of the L-4 Canal, and between Military Trail and Haverhill Road. DOA is seeking to convert the property from residential to commercial or industrial uses, and has requested a plat waiver from the County's Engineering Department (Engineering). As a condition of approval, Engineering requires the dedication of right of way adjacent on the north side of Wallis Road, resulting in an ultimate right-of-way of 40 feet. The Release releases the Wallis Road Property from the terms, conditions and obligations of FAA grant assurances. The Bond Resolution is required in order that the property may be used for non-airport purposes. The Right-of-Way Resolution establishes certain easements, covenants and restrictions on the Wallis Road Property (the Declaration), and designating the Wallis Road Property for use by the general public for public street purposes, subject to the Declaration. **Countywide (AH)**

Background and Justification: The Wallis Road Property consists of 3 parcels on the north side of Wallis Road: 40' x 1005.19'; 7' x 211.05'; and 7' x 360'. The FAA recognizes that rezoning the property will increase its value, and that dedication of additional right-of-way is required as a condition of approval. The FAA requires the County to execute the Release to acknowledge the conditions imposed by the FAA and releasing the Wallis Road Property from grant assurance requirements, subject to reservation of rights to ensure the Wallis Road Property will only be used in a way that is compatible with noise levels associated with operating the Airport. The Bond Resolution documents that the Wallis Road Property has been released from the Airport System Revenue Bond Resolution (R-84-427) requirements.

Attachments:

- 1. Release (2)
- 2. Bond Resolution (2)
- 3. Right-of-Way Resolution (2)

Recommended By: [Signature] 4/11/12
Department Director Date
Approved By: [Signature] 4/11/12
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>-0~ *see below</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X
 Budget Account No: Fund 4100 Department 120 Unit _____ Object _____
 Reporting Category _____

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

* No fiscal impact.

C. Departmental Fiscal Review: M. Siumm

III. REVIEW COMMENTS

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

N. Diaz 4/24/12
 OFMB VA
 4/23/12 4/19/12

Dr. J. [Signature] 4/30/12
 Contract Dev. and Control
 4-30-12 B. Wheel

B. Legal Sufficiency:

Anne Delgado 5/2/12
 Assistant County Attorney

C. Other Department Review:

 Department Director



U.S. Department
of Transportation
**Federal Aviation
Administration**

Orlando Airports District Office
5950 Hazeltine National Drive, Ste. 400
Orlando, Florida 32822

SECTION 36
TOWNSHIP 43 SOUTH
RANGE 42 EAST
PALM BEACH COUNTY
FLORIDA
BLDG. 843. P. 1A

March 19, 2012

Mr. Jerry L. Allen, AAE
Deputy Director
Palm Beach County Department of Airports
846 Palm Beach International Airports
West Palm Beach, Florida 33406-1470

Letter of Release (AIP Grant-Acquired Noise Land)

Land Acquired for Noise Compatibility Purposes
Wallis Road Right-of-Way

Dear Mr. Allen:

This is in response to your letter dated July 12, 2011, requesting that the Wallis Road right-of-way be released from the terms, conditions, and obligations of currently active Grant Agreements between the Federal Aviation Administration (FAA) and Palm Beach County.

The requested release is for the purpose of permitting the Airport Owner to dispose or sell this property and convey title of this property for municipal purposes.

We have concluded that this property, as described below, is no longer needed for noise compatibility purposes and does not need to be redesignated as airport development land:

A STRIP OF LAND 40.00 FEET IN WIDTH FOR RIGHT-OF-WAY PURPOSES LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36, THENCE SOUTH 01°22'23" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1337.31 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 333.16 FEET TO THE WEST LINE OF THE EAST 336 FEET OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE NORTH 01°24'22" EAST ALONG SAID WEST LINE, A DISTANCE OF 40.00 FEET TO A LINE LYING 40.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 1005.19 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 01°26'22" WEST ALONG SAID EAST LINE, A DISTANCE OF 40.00 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36; THENCE NORTH 88°42'39" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1005.17 FEET TO THE POINT OF BEGINNING.

Containing .9230 acres, more or less.

AND

A STRIP OF LAND 7.00 FEET IN WIDTH FOR RIGHT-OF-WAY PURPOSES BEING THE SOUTH 7.00 FEET OF LOT 32, 33 AND 34 OF THE PLAT OF HARTLEY PARK RECORDED IN PLAT BOOK 24, PAGE 59 AND THE SOUTH 7.00 FEET OF THE OUT PARCEL BETWEEN SAID LOTS 33 AND 34 AS DESCRIBED IN DEED BOOK 1021, PAGE 448, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36, THENCE SOUTH $01^{\circ}22'23''$ WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1337.31 FEET TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH $88^{\circ}42'39''$ EAST ALONG SAID SOUTH LINE, A DISTANCE OF 2007.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE NORTH $01^{\circ}28'22''$ EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, A DISTANCE OF 33.00 FEET TO A LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1013, PAGE 301 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH $01^{\circ}28'22''$ EAST ALONG SAID WEST LINE, A DISTANCE OF 7.00 FEET TO A LINE LYING 40.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH $88^{\circ}42'39''$ EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 360.00 FEET TO THE EAST LINE OF SAID LOT 32; THENCE SOUTH $01^{\circ}28'22''$ WEST ALONG SAID EAST LINE, A DISTANCE OF 7.00 FEET TO SAID LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1013, PAGE 301 OF SAID PUBLIC RECORDS; THENCE NORTH $88^{\circ}42'39''$ WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 360.00 FEET TO SAID WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36 AND THE POINT OF BEGINNING.

Containing .0579 acres, more or less.

AND

A STRIP OF LAND 7.00 FEET IN WIDTH FOR RIGHT-OF-WAY PURPOSES BEING A PORTION OF LOT 25 AND 47 OF THE UNRECORDED PLAT OF ORGAN (AM 25), LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36, THENCE SOUTH $01^{\circ}22'23''$ WEST ALONG THE WEST LINE OF THE SOUTH-WEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1337.31 FEET TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH $88^{\circ}42'39''$ EAST ALONG SAID SOUTH LINE, A DISTANCE OF 1507.46 FEET TO THE SOUTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY LINE OF VICTOR ROAD AS RECORDED IN DEED BOOK 1124, PAGE 306 OF SAID PUBLIC RECORDS; THENCE NORTH $01^{\circ}28'22''$ EAST ALONG SAID PROLONGATION, A DISTANCE OF 33.00 FEET TO A LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1015, PAGE 363 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH $01^{\circ}28'22''$ EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 7.00 FEET TO A LINE LYING 40.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH $88^{\circ}42'39''$ EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 211.05 FEET TO THE WEST RIGHT-OF-WAY LINE OF WILLIAM ROAD AS RECORDED IN SAID DEED BOOK 1124, PAGE 306 OF SAID PUBLIC RECORDS; THENCE SOUTH $01^{\circ}28'22''$ WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 7.00 FEET TO SAID LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1015, PAGE 363 OF SAID PUBLIC RECORDS; THENCE NORTH $88^{\circ}42'39''$ WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 211.05 FEET TO SAID EAST RIGHT-OF-WAY LINE OF VICTOR ROAD AS RECORDED IN DEED BOOK 1124, PAGE 306 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING.

Containing .0339 acres, more or less.

This land was acquired under 49 CFR 47107(c)(2)(A), and the Airport Owner, by accepting this release, agrees to:

1. Dispose of the land (Fair Market Value of \$220,000) by transferring it out of airport inventory and into general County inventory. The property shall be used for right-of-way purposes for Wallis Road. The FAA understands this land is needed for improvements to the area to facilitate a rezoning of adjacent properties, from residential to industrial. This

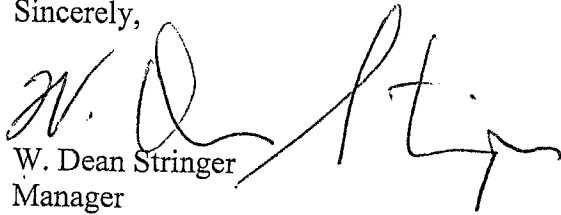
rezoning will increase airport property values from \$3,875,000 to \$12,500,000. This is clearly a benefit to the airport.

- 2. Retain or reserve necessary interests or rights to ensure that the subject property will only be used in way that is compatible with the noise levels associated with operating the airport.
- 3. Update the Airport Noise Land Use Reuse Plan and Inventory and Exhibit A Property Map.

In consideration of these premises, the FAA agrees to release the Airport Owner from the obligations, terms, and conditions of the existing grant agreements as of the date of this agreement as they may relate to the subject property.

Please indicate your acceptance of these conditions by signing and completing the bottom portion of this letter and the enclosed duplicate and returning one copy to our office.

Sincerely,


 W. Dean Stringer
 Manager

1 Enclosure

Accepted for Palm Beach County

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY, a political
subdivision of the State of Florida,
by its Board of County Commissioners

By: _____
 Deputy Clerk

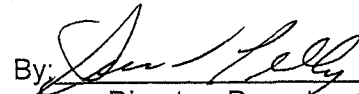
By: _____
 Shelley Vana, Chair

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
 County Attorney

By:  _____
 Director, Department of Airports

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; DETERMINING THAT CERTAIN REAL PROPERTY IS NOT NECESSARY FOR AIRPORT PURPOSES; THAT THE DISPOSITION OF SUCH PROPERTY BY THE COUNTY SHALL NOT IMPAIR THE OPERATING EFFICIENCY OF THE AIRPORT SYSTEM OR REDUCE THE REVENUE-PRODUCING CAPABILITY OF THE AIRPORT SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Palm Beach County Airport System Revenue Bond Resolution, dated April 3, 1984 (R-84-1659), as amended and supplemented (the "Bond Resolution"), the County has issued Airport System Revenue Bonds; and

WHEREAS, in order to dispose of real property existing as part of the Airport System (as defined in the Bond Resolution), Section 708 of the Bond Resolution requires the County to make a determination that such real property is not necessary, useful or profitable in the operation of the Airport System; and

WHEREAS, the Engineering and Public Works Department desires to use certain real property, as more particularly described on Exhibit "A", attached hereto and made a part hereof, (hereinafter referred to as the "Wallis Road Property"), for County road right of way purposes, which real property is currently part of the Airport System; and

WHEREAS, the Board of County Commissioners of Palm Beach County is satisfied that the Wallis Road Property is required for County road right of way purposes and is not necessary, useful or profitable in the operation of the Airport System.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. The Board of County Commissioners of Palm Beach County hereby determines that: (a) the Wallis Road Property is not necessary, useful or profitable in the operation of the Airport System; and (b) use of the Wallis Road Property for County road right of way purposes will not impair the operating efficiency of the Airport System or reduce the revenue-producing capability of the Airport System.

Section 3. The provisions of this Resolution shall be effective immediately upon adoption hereof.

The foregoing Resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____,
and upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair	-
Commissioner Steven L. Abrams, Vice-Chairman	-
Commissioner Karen T. Marcus	-
Commissioner Paulette Burdick	-
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chair thereupon declared the Resolution duly passed and adopted this _____ day
of _____, 2012.

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

SHARON R. BOCK, CLERK & COMPTROLLER

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Deputy Clerk

By: _____
Assistant County Attorney

Exhibit "A"
The "Wallis Road Property"

See attached legal descriptions and sketches of three (3) parcels prepared by
Palm Beach County Engineering and Public Works and identified as:

Drawing No. S-1-10-3150
(a portion of PCN 0042-43-36-00-000-7120)
(2 pages) (0.9230 ac.) (40' R/W)

Drawing No. S-1-10-3155
(a portion of PCN 00-42-43-36-17-000-0020)
(3 pages) (0.0339 ac.) (7' R/W)

Drawing No. S-1-10-3157
(a portion of PCN 00-42-43-36-12-000-0020)
(3 pages) (0.0579 ac.) (7' R/W)

EXHIBIT "A"
WALLIS ROAD
40' R/W DECLARATION

A STRIP OF LAND 40.00 FEET IN WIDTH FOR RIGHT-OF-WAY PURPOSES LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36, THENCE SOUTH 01°22'23" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1337.31 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 333.16 FEET TO THE WEST LINE OF THE EAST 336 FEET OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE NORTH 01°24'22" EAST ALONG SAID WEST LINE, A DISTANCE OF 40.00 FEET TO A LINE LYING 40.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 1005.19 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 01°26'22" WEST ALONG SAID EAST LINE, A DISTANCE OF 40.00 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36; THENCE NORTH 88°42'39" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1005.17 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

SAID RIGHT-OF-WAY CONTAINS 40,205 SQUARE FEET OR 0.9230 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF SOUTH 01°22'23" WEST ALONG WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST 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.

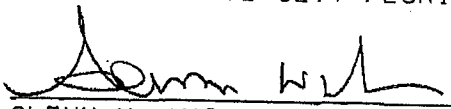
THIS IS NOT A SURVEY.

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

10/28/10
DATE

PROJECT NO. 2009013-22	SHEETS: 2 1	PROJECT:	PBIA PROPERTIES PARCEL "F" (9L WEST) WALLIS ROAD R/W		SCALE: 1" = 200' APPROVED: G.W.M. DRAWN: E.A.O. CHECKED: N.J.H. DATE: 9/30/10 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	DRAWING NO.	S-1-10-3150.DGN						

POINT OF COMMENCEMENT
WEST QUARTER CORNER OF
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"

II I



SCALE: 1" = 200'

THIS IS NOT
A SURVEY

HAVERHILL ROAD

WEST LINE OF
SAID SW 1/4

WEST LINE OF THE E
336' OF THE S 1/2 OF THE
SW 1/4 OF THE NW 1/4 OF THE
SW 1/4 OF SAID SECTION 36.

UNPLATTED LAND

NORTH R/W
LINE PER DB
1015, PG 363

NORTH R/W LINE
UNKNOWN. NO R/W
INFORMATION
AVAILABLE

EAST LINE OF THE SE 1/4
OF THE NW 1/4 OF THE
SW 1/4 OF SAID SECTION 36

N01°24'22"E
40.00'

NORTH
R/W LINE

33'
40'

40'
40'

40'
33'

333.16'

S88°42'39"E

1005.19'

POINT OF
BEGINNING

SOUTH R/W LINE
PER PB 24, PG 168

S01°26'22"W
40.00'

SOUTH LINE OF THE NW 1/4
OF THE SW 1/4 OF SECTION
36, TOWNSHIP 43 SOUTH,
RANGE 42 EAST

SOUTH R/W LINE
PER DB 972, PG 331
& DB 972, PG 333

50'
LYNNWOOD
PB 24, PG 168

UNPLATTED LAND

LEGEND

- R/W = RIGHT OF WAY
- Ⓢ = CENTERLINE
- DB = DEED BOOK
- PB = PLAT BOOK
- PG = PAGE

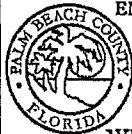
SOUTHWEST CORNER OF
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"

PBIA PROPERTIES

EXHIBIT "A"
WALLIS ROAD
7' R/W DECLARATION

A STRIP OF LAND 7.00 FEET IN WIDTH FOR RIGHT-OF-WAY PURPOSES BEING A PORTION OF LOT 25 AND 47 OF THE UNRECORDED PLAT OF ORGAN (AM 25), LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36, THENCE SOUTH 01°22'23" WEST ALONG THE WEST LINE OF THE SOUTH-WEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1337.31 FEET TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 1507.46 FEET TO THE SOUTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY LINE OF VICTOR ROAD AS RECORDED IN DEED BOOK 1124, PAGE 306 OF SAID PUBLIC RECORDS; THENCE NORTH 01°28'22" EAST ALONG SAID PROLONGATION, A DISTANCE OF 33.00 FEET TO A LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1015, PAGE 363 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°28'22" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 7.00 FEET TO A LINE LYING 40.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 211.05 FEET TO THE WEST RIGHT-OF-WAY LINE OF WILLIAM ROAD AS RECORDED IN SAID DEED BOOK 1124, PAGE 306 OF SAID PUBLIC RECORDS; THENCE SOUTH 01°28'22" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 7.00 FEET TO SAID LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1015, PAGE 363 OF SAID PUBLIC RECORDS; THENCE NORTH 88°42'39" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 211.05 FEET TO SAID EAST RIGHT-OF-WAY LINE OF VICTOR ROAD AS RECORDED IN DEED BOOK 1124, PAGE 306 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING.

PROJECT NO. 2009013-22	SHEETS 1 OF 3	PROJECT: PBIA PROPERTIES PARCEL "F" (9L WEST) WALLIS ROAD R/W	SCALE: 1" = 60' APPROVED: W.M. DRAWN: E.A.O. CHECKED: N.J.H. DATE: 10/05/10 FIELD BOOK NO. N/A	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 15%;">REVISION</th> <th style="width: 10%;">BY</th> <th style="width: 10%;">DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISION	BY	DATE					 <p> PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411 </p>
NO.	REVISION	BY	DATE										
DESIGN FILE NAME S-1-10-3155.DGN		DRAWING NO. S-1-10-3155											

SURVEYOR'S NOTES

SAID RIGHT-OF-WAY CONTAINS 1.477 SQUARE FEET OR 0.0339 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF SOUTH 01°22'23" WEST ALONG WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST 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

10/28/10
DATE

PBIA PROPERTIES

POINT OF COMMENCEMENT
WEST QUARTER CORNER OF
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"

LEGEND

R/W = RIGHT OF WAY
C = CENTERLINE
DB = DEED BOOK
PB = PLAT BOOK
PG = PAGE

IN

SCALE: 1" = 60'

THIS IS NOT
A SURVEY

Haverhill Road

1337.31' S01°22'23"W

WEST LINE OF
SAID SW 1/4

UNRECORDED PLAT
W 1/2, NE 1/4, SW 1/4,
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"ORGAN" AM 25
E. ELLIOTT GROSS 1956

VICTOR ROAD
DB 1124, PG. 306

EAST R/W LINE
OF VICTOR ROAD
PER DB 1124,
PG 306

WEST R/W LINE
OF WILLIAM ROAD
PER DB 1124,
PG 306

WILLIAM ROAD
DB 1124, PG. 306

LOT 1

NORTH R/W LINE
WALLIS ROAD PER
DB 1015, PG 363

LOT 25

N01°28'22"E
7.00'

LOT 47

S01°28'22"W
7.00'

33.00'

N01°28'22"E
33.00'

N88°42'39"W 211.05'

DB 1015, PG 363

7'

S88°42'39"E 1507.46'

C WALLIS ROAD

40'

SOUTH LINE OF THE
N 1/2 OF THE SW 1/4
OF SAID SECTION 36,
TOWNSHIP 43 SOUTH,
RANGE 42 EAST

POINT OF
BEGINNING

33'
PER
DB 1015,
PG 363

SOUTHWEST CORNER OF
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"

PBIA PROPERTIES

EXHIBIT "A"
WALLIS ROAD
7' R/W DECLARATION

A STRIP OF LAND 7.00 FEET IN WIDTH FOR RIGHT-OF-WAY PURPOSES BEING THE SOUTH 7.00 FEET OF LOT 32, 33 AND 34 OF THE PLAT OF HARTLEY PARK RECORDED IN PLAT BOOK 24, PAGE 59 AND THE SOUTH 7.00 FEET OF THE OUT PARCEL BETWEEN SAID LOTS 33 AND 34 AS DESCRIBED IN DEED BOOK 1021, PAGE 448, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36, THENCE SOUTH 01°22'23" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1337.31 FEET TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 2007.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE NORTH 01°28'22" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, A DISTANCE OF 33.00 FEET TO A LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1013, PAGE 301 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°28'22" EAST ALONG SAID WEST LINE, A DISTANCE OF 7.00 FEET TO A LINE LYING 40.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 360.00 FEET TO THE EAST LINE OF SAID LOT 32; THENCE SOUTH 01°28'22" WEST ALONG SAID EAST LINE, A DISTANCE OF 7.00 FEET TO SAID LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1013, PAGE 301 OF SAID PUBLIC RECORDS; THENCE NORTH 88°42'39" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 360.00 FEET TO SAID WEST LINE OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36 AND THE POINT OF BEGINNING.

PROJECT NO.
2009013-22

SHEET NO.
3

OF 3


PROJECT:
**PBIA PROPERTIES
PARCEL "F" (9L WEST)
WALLIS ROAD RIGHT OF WAY**

DESIGN FILE NAME: S-1-10-3157.DGN
DRAWING NO.: S-1-10-3157

NO.	REVISION	BY	DATE

SCALE: 1" = 100'
APPROVED: G. W. M. J.
DRAWN: E. A. D. J.
CHECKED: N. J. H. J.
DATE: 10/28/09
FIELD BOOK NO.

PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS



ENGINEERING SERVICES

2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

SURVEYOR'S NOTES

SAID RIGHT-OF-WAY CONTAINS 2.520 SQUARE FEET OR 0.0579 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF SOUTH 01°22'23" WEST ALONG WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST 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.

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

10/28/10
DATE

POINT OF COMMENCEMENT

WEST 1/4 CORNER SECTION 36,
TOWNSHIP 43 SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"



SCALE: 1" = 100'

W LINE OF THE SW 1/4
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
S01°22'23"W 1337.31'

UNRECORDED
PLAT W 1/2, NE
1/4, SW 1/4
SECTION 36,
TOWNSHIP 43
SOUTH, RANGE
42 EAST, "ORGAN"
AM 25 E. ELLIOTT
GROSS 1956.

WEST LINE SE 1/4, NE 1/4, SW 1/4
& WEST LIMITS OF PB 24, PG 59

PLAT OF HARTLEY PARK
PB 24, PG 59

LOT 34

OUT
PARCEL
DB 1021,
PG 448

LOT 33

LOT 32

EAST LINE
LOT 32
PB 24,
PG 59

N01°28'22"E, 7.00'

N01°28'22"E, 33.00'

S88°42'39"E 360.00'

S01°28'22"W
7.00'

S88°42'39"E
2007.50'

N88°42'39"W 360.00'
DB 1013, PG 301

WALLIS ROAD

POINT OF
BEGINNING

33' PER
DB 1013,
PG 301

S LINE OF THE N
1/2 OF THE SW 1/4
OF SECTION 36,
TOWNSHIP 43 SOUTH,
RANGE 42 EAST

SW CORNER OF THE SE
1/4 OF THE NE 1/4 OF
THE SW 1/4 OF SECTION
36, TOWNSHIP 43 SOUTH,
RANGE 42 EAST

LEGEND

- R/W = RIGHT OF WAY
- DB = DEED BOOK
- PB = PLAT BOOK
- PG = PAGE

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, IMPOSING CERTAIN EASEMENTS, COVENANTS AND RESTRICTIONS ON APPROXIMATELY 1.0148 ACRES OF COUNTY-OWNED PROPERTY IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, AND DESIGNATING SAID PROPERTY FOR USE BY THE GENERAL PUBLIC FOR PUBLIC STREET PURPOSES AS RIGHT-OF-WAY FOR WALLIS ROAD ; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County is the owner of certain real property more particularly described in Exhibit "A", attached hereto and incorporated herein (the "Wallis Road Property"); and

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

WHEREAS, by Resolution 2012- , adopted May 1, 2012, the Board of County Commissioners of Palm Beach County determined that: (a) the Wallis Road Property is not necessary, useful or profitable in the operation of the Airport System; and (b) use of the Wallis Road Property for County road right of way purposes will not impair the operating efficiency of the Airport System or reduce the revenue-producing capability of the Airport System; and

WHEREAS, by letter dated March 19, 2012, (the "Release") the Federal Aviation Administration ("FAA") agreed to release the Wallis Road Property from the terms, conditions, and obligations of grant agreements affecting the Wallis Road Property, subject to the reservation of a right of flight for the passage of aircraft in the airspace above the Wallis Road Property, and subject to certain easements, covenants and restrictions being imposed on the Wallis Road Property; and

WHEREAS, to satisfy the requirements of the FAA as set forth in the Release, Palm Beach County desires to establish easements, covenants and restrictions on the Wallis Road Property as set forth herein; and

WHEREAS, Palm Beach County wishes to designate the Wallis Road Property for use by the general public for public street purposes as right-of- way, subject to the easements, covenants and restrictions set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. The Board of County Commissioners of Palm Beach County (the "Board") does hereby declare that the Wallis Road Property is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and easements hereinafter set forth, which shall

Attachment # 3

constitute covenants running with the land and will be binding on all parties having any right, title or interest in the Wallis Road Property (the "Declaration"):

- (A) The Board 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 Wallis Road Property, 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.
- (B) The Board expressly agrees for itself, its successors and assigns to restrict the height of structures, objects of natural growth and other obstructions on the Wallis Road Property 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.
- (C) The Board expressly agrees for itself, its successors and assigns to prevent any use of the Wallis Road Property 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.
- (D) The Board expressly agrees for itself, its successors and assigns that the Wallis Road Property shall only be used for purposes that are compatible with noise levels generated by aircraft using the Airport.
- (E) The Board expressly agrees that use of the Wallis Road Property 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 Airport" and AC 150/5300-13 "Airport Design" (the "FAA Restrictions").
- (F) The Board expressly agrees for itself, its successors and assigns to not permit/afford access from the Wallis Road Property to Palm Beach International Airport property for aeronautical purposes.
- (G) In order to ensure the perpetual nature of the easements, covenants and restrictions contained in this Declaration, The Board expressly agrees for itself, its successors and assigns that the restrictions contained in this Declaration shall be referenced in any subsequent instruments of conveyance granting an interest in the Wallis Road Property, including, without limitation, deeds and grants of easement interests. The recording book and page of record of this Declaration shall be included in all instruments of conveyance granting an interest in the Wallis Road Property.
- (H) The easements 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 Palm Beach County and run with the land and encumber and burden the Wallis Road Property upon the conveyance thereof by Palm Beach County.

- (I) The Board 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 Wallis Road Property, and/or their respective officers, agents and employees.
- (J) 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.
- (K) The provisions of this Declaration may be amended only by written instrument executed by the Board and any amendments shall be subject to approval of the FAA.

Section 3. The Board of County Commissioners of Palm Beach County hereby designates the Wallis Road Property for use by the general public for public street purposes as right-of-way subject to the easements, covenants and restrictions, as set forth in Section (2) above, and

Section 4. The provisions of this Resolution shall become effective upon adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair	-
Commissioner Steven L. Abrams, Vice-Chairman	-
Commissioner Karen T. Marcus	-
Commissioner Paulette Burdick	-
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

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

SHARON R. BOCK, CLERK & COMPTROLLER

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Deputy Clerk

By: _____
Assistant County Attorney

Exhibit "A"
The "Wallis Road Property"

See attached legal descriptions and sketches of three (3) parcels prepared by
Palm Beach County Engineering and Public Works and identified as:

Drawing No. S-1-10-3150
(a portion of PCN 0042-43-36-00-000-7120)
(2 pages) (0.9230 ac.) (40' R/W)

Drawing No. S-1-10-3155
(a portion of PCN 00-42-43-36-17-000-0020)
(3 pages) (0.0339 ac.) (7' R/W)

Drawing No. S-1-10-3157
(a portion of PCN 00-42-43-36-12-000-0020)
(3 pages) (0.0579 ac.) (7' R/W)

EXHIBIT "A"
WALLIS ROAD
40' R/W DECLARATION

A STRIP OF LAND 40.00 FEET IN WIDTH FOR RIGHT-OF-WAY PURPOSES LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36, THENCE SOUTH 01°22'23" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1337.31 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 333.16 FEET TO THE WEST LINE OF THE EAST 336 FEET OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE NORTH 01°24'22" EAST ALONG SAID WEST LINE, A DISTANCE OF 40.00 FEET TO A LINE LYING 40.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 1005.19 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 01°26'22" WEST ALONG SAID EAST LINE, A DISTANCE OF 40.00 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36; THENCE NORTH 88°42'39" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1005.17 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

SAID RIGHT-OF-WAY CONTAINS 40,205 SQUARE FEET OR 0.9230 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF SOUTH 01°22'23" WEST ALONG WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST 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.

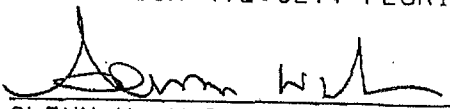
THIS IS NOT A SURVEY.

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.

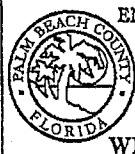
THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

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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

10/28/10
DATE

PROJECT NO. 2009013-22	SHEET 2	PROJECT:	PBIA PROPERTIES PARCEL "F" (9L WEST) WALLIS ROAD R/W	SCALE: " = 200'	NO.	REVISION	BY	DATE	 <p>PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411</p>
		DESIGN FILE NAME	S-1-10-3150.DGN	DRAWING NO.	S-1-10-3150	APPROVED: G. W. M. M. DRAWN: E. A. O. O. CHECKED: N. J. H. H. DATE: 9/30/10	FIELD BOOK NO.	N/A	

POINT OF COMMENCEMENT
WEST QUARTER CORNER OF
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"

II-N



SCALE: 1" = 200'

THIS IS NOT
A SURVEY

HAVERHILL ROAD
1337.31' S01°22'23"W

WEST LINE OF
SAID SW 1/4

WEST LINE OF THE E
336' OF THE S 1/2 OF THE
SW 1/4 OF THE NW 1/4 OF THE
SW 1/4 OF SAID SECTION 36,

UNPLATTED LAND

NORTH R/W
LINE PER DB
1015, PG 363

NORTH R/W LINE
UNKNOWN. NO R/W
INFORMATION
AVAILABLE

EAST LINE OF THE SE 1/4
OF THE NW 1/4 OF THE
SW 1/4 OF SAID SECTION 36

N01°24'22"E
40.00'

33'
40'

40'
40'

NORTH
R/W LINE

40'
33'

333.16'

S88°42'39"E

1005.19'

WALLIS ROAD

S88°42'39"E

N88°42'39"W

1005.17'

POINT OF
BEGINNING

SOUTH R/W LINE
PER PB 24, PG 168

S01°26'22"W
40.00'

SOUTH LINE OF THE NW 1/4
OF THE SW 1/4 OF SECTION
36, TOWNSHIP 43 SOUTH,
RANGE 42 EAST

SOUTH R/W LINE
PER DB 972, PG 331
& DB 972, PG 333

50'

LYNNWOOD
PB 24, PG 168

UNPLATTED LAND

LEGEND

- R/W = RIGHT OF WAY
- ⊙ = CENTERLINE
- DB = DEED BOOK
- PB = PLAT BOOK
- PG = PAGE

SOUTHWEST CORNER OF
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"

PBIA PROPERTIES

PROJECT NO. 2009013-22

DRAWING NO. S-1-10-3150

PROJECT: PARCEL "F" (9L WEST) WALLIS ROAD R/W

SHEET: 2 OF 2

SURVEYOR'S NOTES

SAID RIGHT-OF-WAY CONTAINS 1,477 SQUARE FEET OR 0.0339 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF SOUTH 01°22'23" WEST ALONG WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST 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.

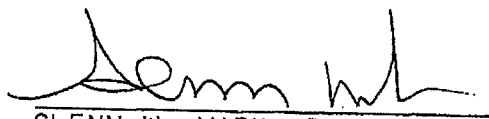
THIS IS NOT A SURVEY.

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

10/28/10
DATE

PBIA PROPERTIES

POINT OF COMMENCEMENT
WEST QUARTER CORNER OF
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"

LEGEND

- R/W = RIGHT OF WAY
- C = CENTERLINE
- DB = DEED BOOK
- PB = PLAT BOOK
- PG = PAGE



SCALE: 1" = 60'

THIS IS NOT
A SURVEY

HAYERHILL ROAD

1337.31' S01°22'23"W

WEST LINE OF
SAID SW 1/4

UNRECORDED PLAT
W 1/2, NE 1/4, SW 1/4,
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"ORGAN" AM 25
E. ELLIOTT GROSS 1956

VICTOR ROAD
DB 1124, PG. 306

EAST R/W LINE
OF VICTOR ROAD
PER DB 1124,
PG 306

WEST R/W LINE
OF WILLIAM ROAD
PER DB 1124,
PG 306

WILLIAM ROAD
DB 1124, PG. 306

LOT
1

NORTH R/W LINE
WALLIS ROAD PER
DB 1015, PG 363

LOT
25

N01°28'22"E
7.00'

LOT
47

S01°28'22"W
7.00'

33.00'

N01°28'22"E
33.00'

N88°42'39"W 211.05'

DB 1015, PG 363

7'

S88°42'39"E 1507.46'

WALLIS ROAD

SOUTH LINE OF THE
N 1/2 OF THE SW 1/4
OF SAID SECTION 36,
TOWNSHIP 43 SOUTH,
RANGE 42 EAST

POINT OF
BEGINNING

33'
PER
DB 1015,
PG 363

SOUTHWEST CORNER OF
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"

PBIA PROPERTIES

PROJECT No. 2009013-22

DRAWING No. S-1-10-3155

PROJECT: PARCEL "F" (9L WEST) WALLIS ROAD R/W

SHEET: 3 OF 3

EXHIBIT "A"
WALLIS ROAD
7' R/W DECLARATION

A STRIP OF LAND 7.00 FEET IN WIDTH FOR RIGHT-OF-WAY PURPOSES BEING THE SOUTH 7.00 FEET OF LOT 32, 33 AND 34 OF THE PLAT OF HARTLEY PARK RECORDED IN PLAT BOOK 24, PAGE 59 AND THE SOUTH 7.00 FEET OF THE OUT PARCEL BETWEEN SAID LOTS 33 AND 34 AS DESCRIBED IN DEED BOOK 1021, PAGE 448, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36, THENCE SOUTH 01°22'23" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1337.31 FEET TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 2007.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE NORTH 01°28'22" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, A DISTANCE OF 33.00 FEET TO A LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1013, PAGE 301 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°28'22" EAST ALONG SAID WEST LINE, A DISTANCE OF 7.00 FEET TO A LINE LYING 40.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE SOUTH 88°42'39" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 360.00 FEET TO THE EAST LINE OF SAID LOT 32; THENCE SOUTH 01°28'22" WEST ALONG SAID EAST LINE, A DISTANCE OF 7.00 FEET TO SAID LINE LYING 33.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36, BEING THE NORTH LINE OF THE EXISTING RIGHT-OF-WAY FOR WALLIS ROAD AS RECORDED IN DEED BOOK 1013, PAGE 301 OF SAID PUBLIC RECORDS; THENCE NORTH 88°42'39" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 360.00 FEET TO SAID WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36 AND THE POINT OF BEGINNING.

PROJECT NO.
2009013-22

SHEET NO.
3

SHEETS
1

PROJECT:
PBIA PROPERTIES
PARCEL "F" (9L WEST)
WALLIS ROAD RIGHT OF WAY


DESIGN FILE NAME
S-1-10-3157.DGN

DRAWING NO.
S-1-10-3157

NO.	REVISION	BY	DATE

SCALE: 1"=100'
APPROVED: G.W.M.
DRAWN: E.A.O.
CHECKED: N.J.H.
DATE: 10/28/09
FIELD BOOK NO.

PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS

 ENGINEERING SERVICES

2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

SURVEYOR'S NOTES

SAID RIGHT-OF-WAY CONTAINS 2.520 SQUARE FEET OR 0.0579 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF SOUTH 01°22'23" WEST ALONG WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST 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.

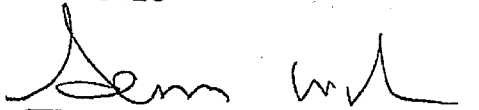
THIS IS NOT A SURVEY.

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.

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

10/28/10
DATE

POINT OF COMMENCEMENT

WEST 1/4 CORNER SECTION 36,
TOWNSHIP 43 SOUTH, RANGE 42 EAST
"PALM BEACH COUNTY POSITION"

IN

SCALE: 1" = 100'

PLAT OF HARTLEY PARK
PB 24, PG 59

W LINE OF THE SW 1/4
SECTION 36, TOWNSHIP 43
SOUTH, RANGE 42 EAST
S01°22'23"W 1337.31'

UNRECORDED
PLAT W 1/2, NE
1/4, SW 1/4
SECTION 36,
TOWNSHIP 43
SOUTH, RANGE
42 EAST, "ORGAN"
AM 25 E. ELLIOTT
GROSS 1956.

WEST LINE SE 1/4, NE 1/4, SW 1/4
& WEST LIMITS OF PB 24, PG 59

LOT 34

OUT
PARCEL
DB 1021,
PG 448

LOT 33

LOT 32

EAST LINE
LOT 32
PB 24,
PG 59

N01°28'22"E, 7.00'

N01°28'22"E, 33.00'

S88°42'39"E
2007.50'

S88°42'39"E 360.00'

N88°42'39"W 360.00'
DB 1013, PG 301

S01°28'22"W
7.00'

WALLIS ROAD

POINT OF
BEGINNING

33' PER
DB 1013,
PG 301

S LINE OF THE N
1/2 OF THE SW 1/4
OF SECTION 36,
TOWNSHIP 43 SOUTH,
RANGE 42 EAST

SW CORNER OF THE SE
1/4 OF THE NE 1/4 OF
THE SW 1/4 OF SECTION
36, TOWNSHIP 43 SOUTH,
RANGE 42 EAST

LEGEND

R/W = RIGHT OF WAY
DB = DEED BOOK
PB = PLAT BOOK
PG = PAGE