

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

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<b>Meeting Date:</b>	<b>July 16, 2013</b>	<b>Consent <input checked="" type="checkbox"/></b>	<b>Regular <input type="checkbox"/></b>
		<b>Public Hearing <input type="checkbox"/></b>	

**Department:** Water Utilities Department

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: the Partial Release of a Utility Easement over property owned by Boynton Beach Associates XXII, LLLP and Boynton School Property, LLC.

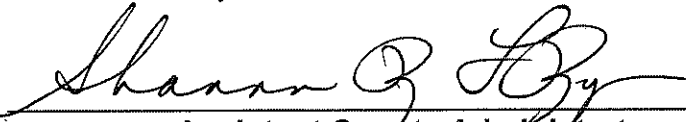
**Summary:** On March 25, 2010, a utility easement was granted to the County for public water and sewer facilities associated with the development of the property identified by PCN 00-42-43-27-05-051-0350. A portion of this easement was intended for future water and sewer facilities maintenance as needed. This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County, Book 23761, Page 1401, over property owned by Boynton Beach Associates XXII, LLLP and Boynton School Property, LLC. The Palm Beach County Water Utilities Department (WUD) has determined that this portion of easement is no longer needed and therefore recommends the release. District 5 (MJ)

**Background and Justification:** Upon redevelopment a portion of the property was sold to Boynton School Property, LLC (PCN 00-42-45-19-04-001-0000) for a school which Florida Department of Transportation (FDOT) now requires that a turn lane be installed. Since the existing utility facilities are 5' north of the south line of WUD's 20' utility easement, the school property owner is requesting a partial release of the south 2' portion of the easement that the County no longer needs so it can be dedicated to the FDOT for the required turn lane.

**Attachments:**

1. Location Map
2. Two (2) Original Partial Release of Utility Easement
3. One (1) Copy of Original Utility Easement (ORB 23761/PG 1401)

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<b>Recommended By:</b>		<u>6/14/13</u>
	<b>Department Director</b>	<b>Date</b>
<b>Approved By:</b>		<u>7/1/13</u>
	<b>Assistant County Administrator</b>	<b>Date</b>

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>NET FISCAL IMPACT</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Budget Account No.: Fund</b> _____	<b>Dept</b> _____	<b>Unit</b> _____	<b>Object</b> _____		

Is Item Included in Current Budget? Yes \_\_\_ No \_\_\_

Reporting Category N/A

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

No Fiscal Impact

**C. Department Fiscal Review:** *Dilra M. West*

**III. REVIEW COMMENTS**

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

<p><u><i>[Signature]</i></u> OFMB <i>JA 6/21</i> <i>abw 6/20</i></p>	<p><u><i>[Signature]</i></u> 6/26/13 Contract Development and Control <i>6-26-13 BCD/Kull</i></p>
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**B. Legal Sufficiency:**

*[Signature]* 7/1/13  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

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



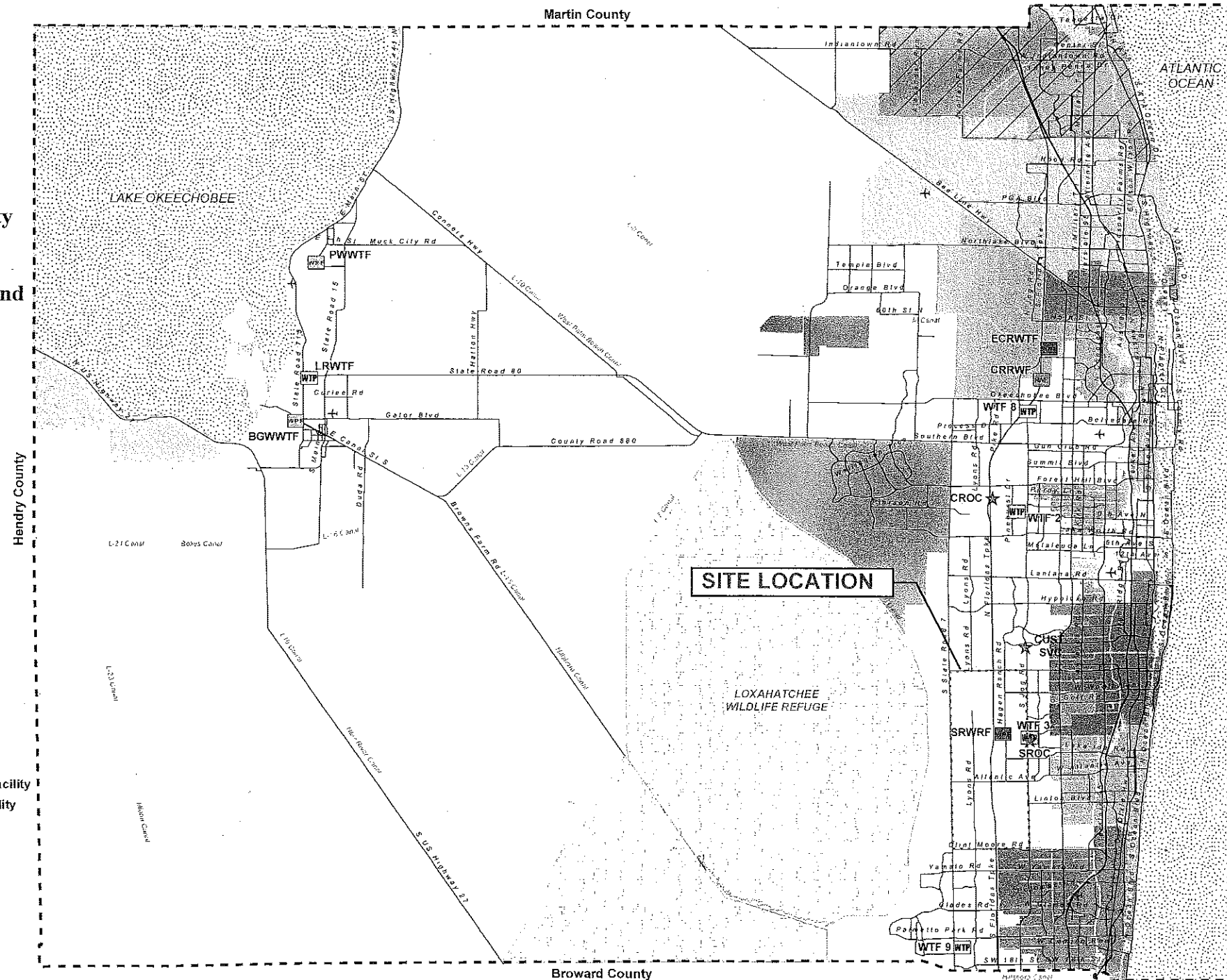
**Palm Beach County  
Water Utilities  
Department  
Service Area (SA) and  
Major Facilities**

Attachment 1

- Legend
- ☆ Administration
  - ☐ Water Treatment Facility
  - ☐ Reclamation Facility
  - ☐ Wastewater Reclamation Facility
  - ☐ Wastewater Treatment Facility
  - Mandatory Reclaimed SA
  - Palm Beach County Limits
  - P.B.C.W.U.D. Service Area



NOT TO SCALE



Prepared by and return to:  
Palm Beach County Water Utilities Department  
Attn: Plan Review  
8100 Forest Hill Blvd  
West Palm Beach, Florida 33413

**PARTIAL RELEASE OF UTILITY EASEMENT**

**THIS PARTIAL RELEASE OF UTILITY EASEMENT**, executed this \_\_\_ day of \_\_\_\_\_, 2013, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd, West Palm Beach, Florida 33413, to BOYNTON BEACH ASSOCIATES XXII, LLLP, whose address is 1600 SAWGRASS CORPORATE PARKWAY, SUNRISE, FLORIDA 33323, second party and BOYNTON SCHOOL PROPERTY, LLC, whose address is 6340 SUNSET DRIVE, MIAMI, FLORIDA 33143 third party:

**WITNESSETH:**

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second and third parties, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 23761, Page 1401, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A" to the second party.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "B" to the third party.

**IN WITNESS WHEREOF** the first party has caused this PARTIAL RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

\_\_\_\_\_  
Sharon R. Bock, Clerk

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

By: \_\_\_\_\_  
Deputy Clerk

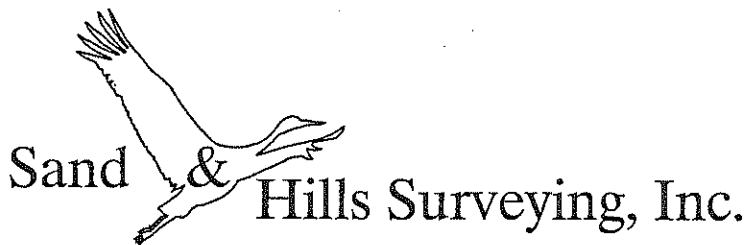
By: \_\_\_\_\_  
Steven L. Abrams, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

**SKETCH AND DESCRIPTION**

THIS IS NOT A SURVEY!



**DESCRIPTION:**

BEING A PORTION OF THAT UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 23761, PAGE 1401, ALSO BEING A PARCEL OF LAND LYING WITHIN A PORTION OF TRACTS 106 AND 107, BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT "A", AMESTOY PLAT TWO - 14 ACRE PARCEL, AS RECORDED IN PLAT BOOK 115, PAGES 156 THROUGH 159, OF SAID PUBLIC RECORDS; THENCE NORTH 00°57'00" WEST ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°57'00" WEST, ALONG SAID EAST LINE, A DISTANCE OF 2.00 FEET; THENCE NORTH 89°02'44" EAST ALONG A LINE 12.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF BOYNTON BEACH BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405 OF SAID PUBLIC RECORDS, A DISTANCE OF 410.87 FEET; THENCE SOUTH 00°57'16" EAST, A DISTANCE OF 2.00 FEET; THENCE SOUTH 89°02'44" WEST, ALONG A LINE 10.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID NORTH LINE OF BOYNTON BEACH BOULEVARD, A DISTANCE OF 410.87 FEET TO THE POINT OF BEGINNING.

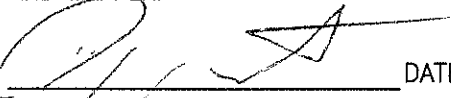
CONTAINING 822 SQUARE FEET OR 0.019 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE STATE PLANE GRID FLORIDA EAST ZONE. THE EAST LINE OF TRACT "A", AMESTOY PLAT TWO - 14 ACRE PARCEL, AS RECORDED IN PLAT BOOK 115, PAGES 156 THROUGH 159, HAVING A BEARING OF NORTH 00°57'00" WEST WITH ALL OTHER BEARINGS SHOWN HEREON BEING RELATIVE THERETO.

**PBC WATER UTILITIES**  
 MAY 30 2013  
**ENGINEERING**

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.

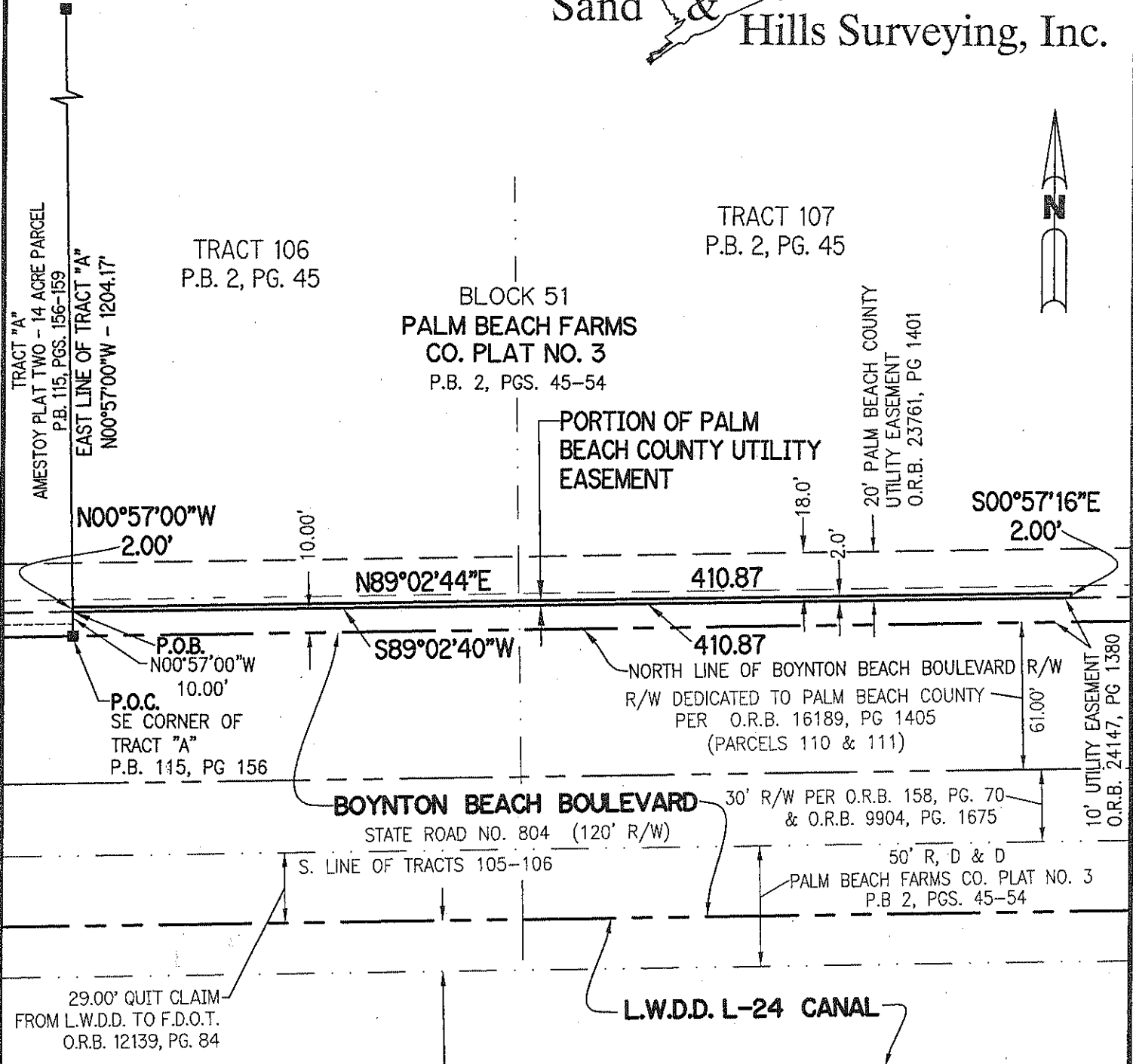
 DATE: 05/30/13  
 PERRY C. WHITE  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA REGISTRATION NO. 4213

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

SKETCH & DESCRIPTION PALM BEACH COUNTY UTILITY EASEMENT ABANDONMENT O.R.B. 23761, PAGE 1401 (EAST)	SCALE:	SHEET 1 OF 2
	REVIEWED: PW	DRAWN: PW
	DATE: 5/30/13	DRAWING No: D0103ABN3A

**SKETCH AND DESCRIPTION**  
THIS IS NOT A SURVEY!



**LEGEND:**

- L.B. - LICENSED BUSINESS
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
- O.R.B. - OFFICIAL RECORDS BOOK
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.B. - PLAT BOOK
- PGS. - PAGES
- R/W - RIGHT-OF-WAY
- - PERMANENT REFERENCE MONUMENT LB7741

SKETCH & DESCRIPTION PALM BEACH COUNTY UTILITY EASEMENT ABANDONMENT O.R.B. 23761, PAGE 1401 (EAST)	SCALE: 1" = 60'	SHEET 2 OF 2
	REVIEWED: PW	DRAWN: PW
	DATE: 5/30/13	DRAWING No: <b>D0103ABN3A</b>

**SKETCH AND DESCRIPTION**

THIS IS NOT A SURVEY!



**DESCRIPTION:**

BEING A PORTION OF THAT UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 23761, PAGE 1401, ALSO BEING A PARCEL OF LAND LYING WITHIN A PORTION OF TRACT "A", AMESTOY PLAT TWO - 14 ACRE PARCEL AS RECORDED IN PLAT BOOK 115, PAGES 156 THROUGH 159, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

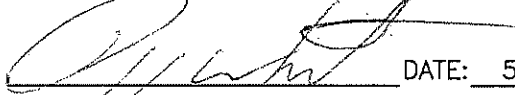
COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE NORTH 00°57'00" WEST ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°02'44" WEST ALONG A LINE 10.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF BOYNTON BEACH BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405 OF SAID PUBLIC RECORDS, A DISTANCE OF 272.27 FEET; THENCE NORTH 49°02'44" EAST, A DISTANCE OF 3.11 FEET; THENCE NORTH 89°02'44" EAST ALONG A LINE 12.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID NORTH LINE OF BOYNTON BEACH BOULEVARD, A DISTANCE OF 269.89 FEET; THENCE SOUTH 00°57'00" EAST, ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 2.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 542 SQUARE FEET OR 0.0125 ACRES, MORE OR LESS.

BEARINGS BASED ON THE STATE PLANE GRID FLORIDA EAST ZONE, THE EAST LINE OF TRACT "A", AMESTOY PLAT TWO - 14 ACRE PARCEL, AS RECORDED IN PLAT BOOK 115, PAGES 156 THROUGH 159 HAVING A BEARING OF NORTH 00°57'00" WEST, ALL OTHER BEARING BEING RELATIVE THERETO.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.

 DATE: 5/30/13  
 PERRY C. WHITE  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA REGISTRATION NO. 4213

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NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

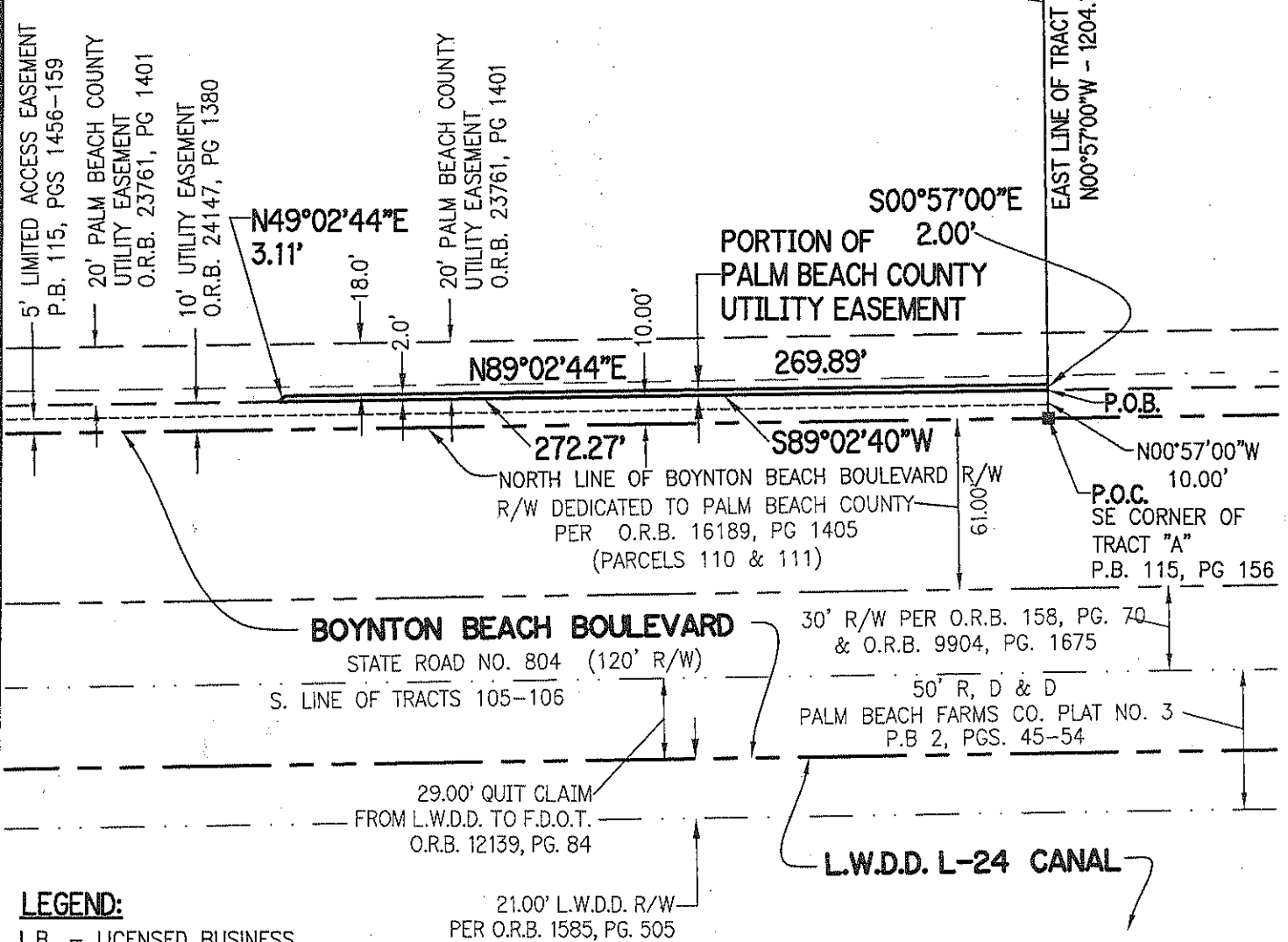
SKETCH & DESCRIPTION PALM BEACH COUNTY UTILITY EASEMENT ABANDONMENT O.R.B. 23761, PAGE 1401 (WEST)	SCALE:	SHEET 1 OF 2
	REVIEWED: PW	DRAWN: PW
	DATE: 5/30/13	DRAWING No: D0103ABN3B

**SKETCH AND DESCRIPTION**  
THIS IS NOT A SURVEY!



TRACT "A"  
AMESTOY PLAT TWO - 14 ACRE PARCEL  
P.B. 115, PGS. 156-159

TRACT 106  
P.B. 2, PG. 45



**LEGEND:**

- L.B. - LICENSED BUSINESS
- L.W.D.D. - LAKE WORTH DRAINAGE DISTRICT
- O.R.B. - OFFICIAL RECORDS BOOK
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.B. - PLAT BOOK
- PGS. - PAGES
- R/W - RIGHT-OF-WAY
- - PERMANENT REFERENCE MONUMENT LB7741

SKETCH & DESCRIPTION PALM BEACH COUNTY UTILITY EASEMENT ABANDONMENT O.R.B. 23761, PAGE 1401 (WEST)	SCALE: 1" = 60'	SHEET 2 OF 2
	REVIEWED: PW	DRAWN: PW
	DATE: 5/30/13	DRAWING No: D0103ABN3B





Name

Address:

CFN 20100113002  
OR BK 23761 PG 1401  
RECORDED 03/25/2010 15:40:18  
Palm Beach County, Florida  
ART 10.00  
Doc Stamp 0.70  
Sharon R. Bock, CLERK & COMPTROLLER  
Pgs 1401 - 1408; (8pgs)

SDA #  
Prepared by and Return to:  
Palm Beach County Water Utilities Department  
P.O. Box 16097 Attn: Engineering Div.  
West Palm Beach, Florida 33416-6097

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 1<sup>st</sup> day of March, 2010, by Boynton Beach Associates XXII, LLLP, a Florida limited liability limited partnership (hereinafter referred to as "Grantor"), whose address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, FL 33323, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, under and across the easement premises. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

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

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances, except those matters set forth on Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

Signed, sealed and delivered  
in the presence of:

GRANTOR:

Boynton Beach Associates XXII, LLLP, a Florida  
limited liability limited partnership

By: Boynton Beach XXII Corporation, a Florida  
corporation, its general partner

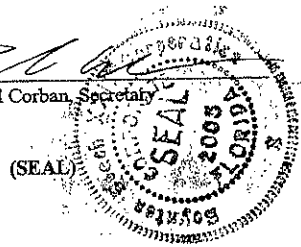
By: [Signature]  
N. Maria Menendez, Vice President

[Signature]  
Witness Signature  
ANTHONY LOFURNO  
Print Name

[Signature]  
Witness Signature  
Kathleen M Coffman  
Print Name

By: [Signature]  
Paul Corban, Secretary

(SEAL)



NOTARY CERTIFICATE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 1 day of March, 2010 by N. Maria Menendez, a Vice President, and Paul Corban, the Secretary, of Boynton Beach XXII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXII, LLLP, a Florida limited liability limited partnership who are personally known to me.

My Commission Expires:

[Signature]  
Notary Signature

Typed, Printed or Stamped Name of Notary

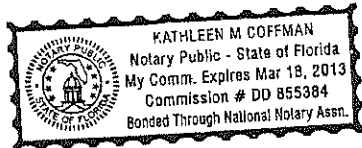


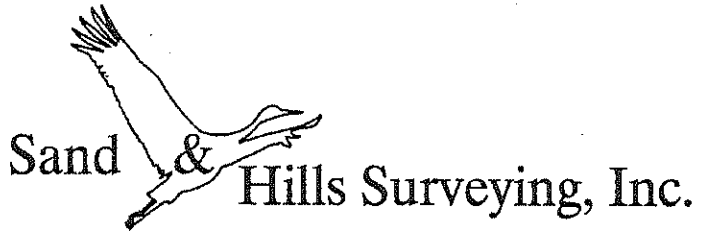
EXHIBIT "A"

The Legal Description of the Property

[see following three (3) pages]

**SKETCH AND DESCRIPTION**

THIS IS NOT A SURVEY!



**DESCRIPTION: PALM BEACH COUNTY UTILITY EASEMENT**

BEING A STRIP OF LAND 20.00 FEET IN WIDTH, LYING WITHIN TRACTS 105 THROUGH 112 INCLUSIVE AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, ALL LYING IN BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE CENTERLINE OF SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 104, LYING WITHIN SAID BLOCK 51; THENCE NORTH 00°57'00" WEST ALONG THE EAST LINE OF SAID TRACT 104, A DISTANCE OF 111.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°02'44" EAST ALONG A LINE 20.00 FEET NORTH OF AND PARALLEL WITH THE NORTHERLY RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1044.66 FEET; THENCE NORTH 00°57'00" WEST ALONG A LINE 20.00 FEET WEST OF AND PARALLEL WITH THE RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 23005, PAGE 674, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 12.00 FEET; THENCE NORTH 89°02'44" EAST ALONG A LINE 20.00 FEET NORTH OF AND PARALLEL WITH SAID RIGHT-OF-WAY LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 635.34 FEET; THENCE SOUTH 00°57'00" EAST, A DISTANCE OF 12.00 FEET; THENCE ALONG A LINE 20.00 FEET NORTH OF AND PARALLEL WITH THE NORTHERLY RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS RECORDED IN SAID OFFICIAL RECORDS BOOK 16189, PAGE 1405 FOR THE FOLLOWING THREE COURSES, NORTH 89°02'44" EAST, A DISTANCE OF 109.13 FEET; THENCE NORTH 87°08'11" EAST, A DISTANCE OF 345.20 FEET; THENCE NORTH 89°02'44" EAST, A DISTANCE OF 373.78 FEET TO POINT "A" FOR FUTURE REFERENCE AND THE POINT OF TERMINATION.

TOGETHER WITH A STRIP OF LAND 80.00 FEET IN WIDTH LYING WITHIN SAID TRACT 112, THE CENTERLINE OF SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

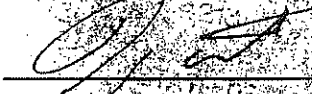
BEGIN AT THE PREVIOUSLY DESCRIBED POINT "A"; THENCE SOUTH 00°57'16" EAST, A DISTANCE OF 20.00 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AND THE POINT OF TERMINATION.

THE SIDE LINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED TO MEET THE PARAMETERS AS DESCRIBED.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH 89°02'44" EAST ALONG THE SOUTH LINE OF SAID TRACTS 105 THROUGH 112.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THE MINIMUM TECHNICAL STANDARDS CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.

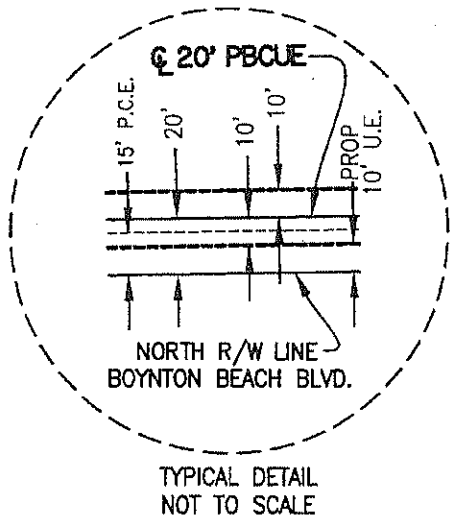
  
 DATE: 02/18/10  
 PERRY O. WHITE  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA REGISTRATION NO: 4213 LB 7741

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

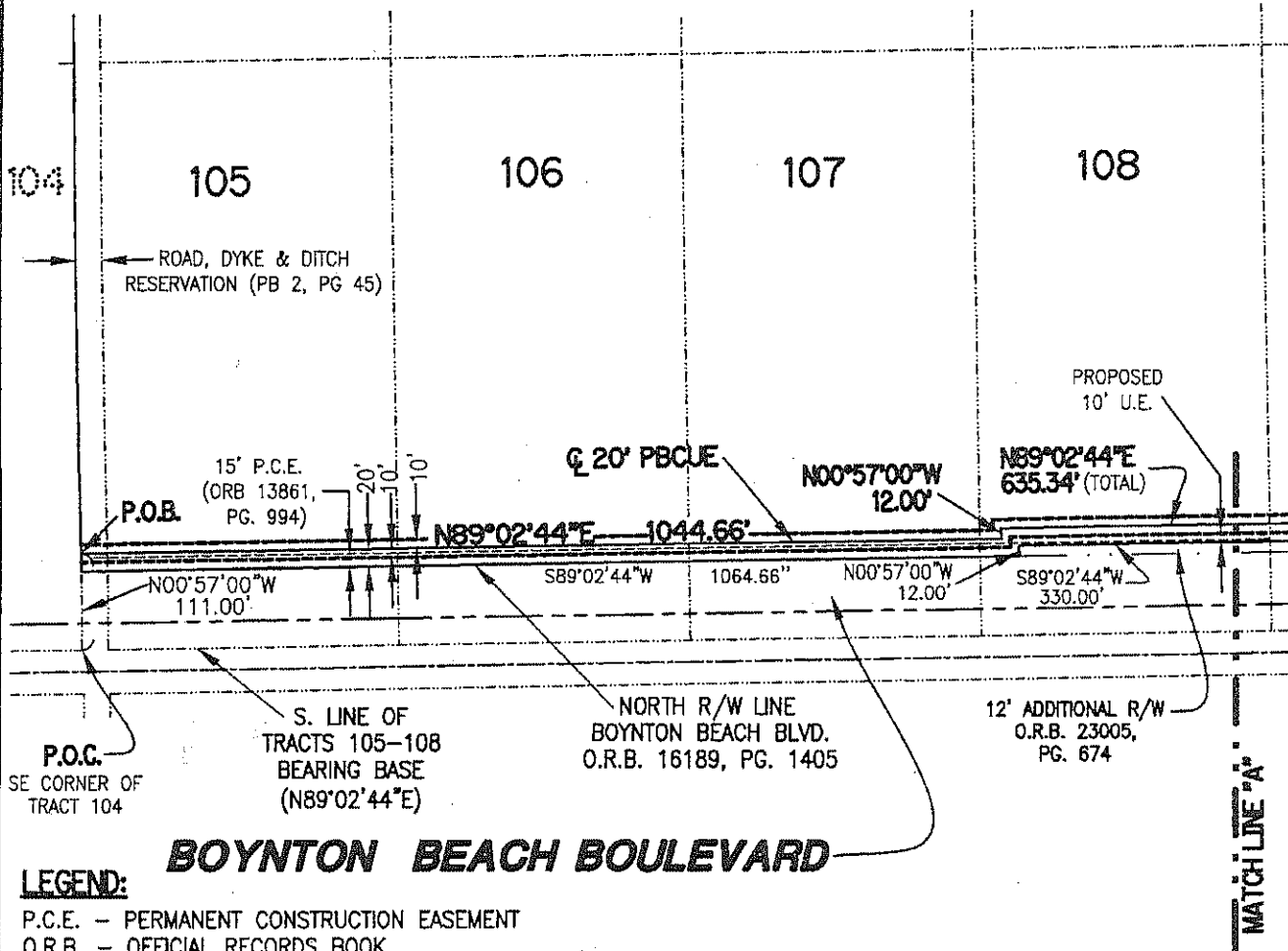
NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

<b>CONTACT INFORMATION:</b> SAND & HILLS SURVEYING 8461 LAKE WORTH ROAD SUITE 410 LAKE WORTH, FL 33467 Tel: 561-209-6048 WWW.SAND-HILLS.COM	<b>TITLE:</b> AMESTOY P.U.D. PALM BEACH COUNTY UTILITY EASEMENT	<b>SCALE:</b> 1" = 200'	SHEET 1 OF 3
		<b>DATE:</b> 02/09/10	<b>PROJECT NUMBER:</b> SH0103
		<b>CHECKED BY:</b> P.C.W.	<b>DRAWING NUMBER:</b> D0103LG01A
		<b>DRAWN BY:</b> P.C.W.	

**SKETCH AND DESCRIPTION**  
THIS IS NOT A SURVEY!



BLOCK 51  
PALM BEACH FARMS CO. PLAT NO. 3  
P.B. 2, PGS. 45-54



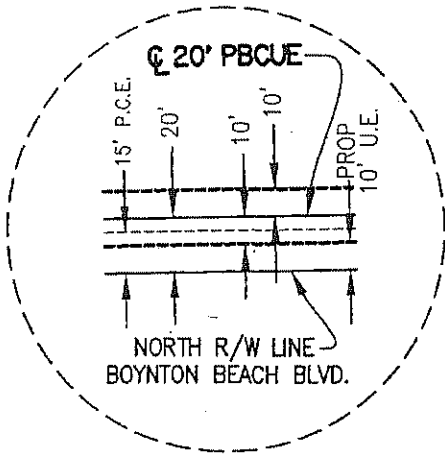
**BOYNTON BEACH BOULEVARD**

**LEGEND:**

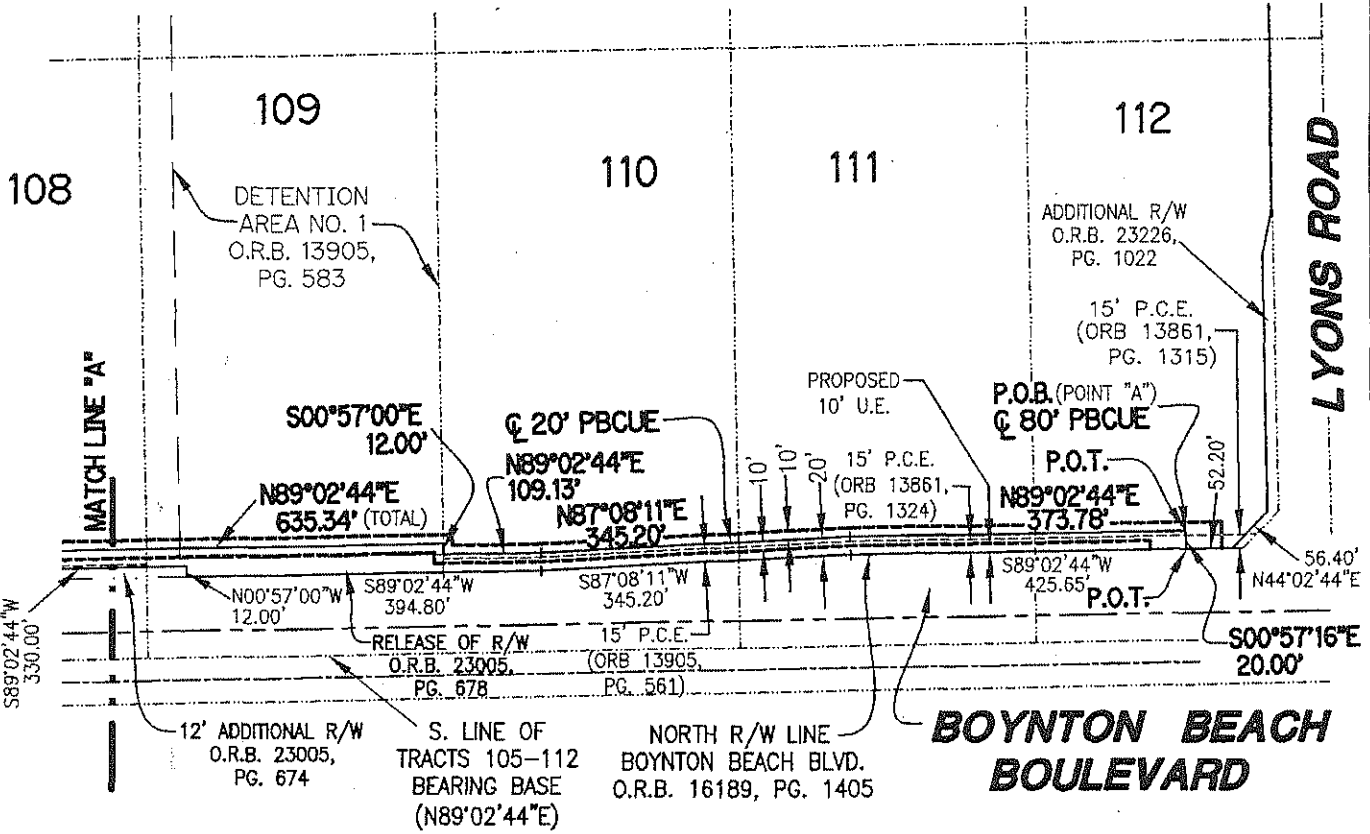
- P.C.E. - PERMANENT CONSTRUCTION EASEMENT
- O.R.B. - OFFICIAL RECORDS BOOK
- PBCUE - PALM BEACH COUNTY UTILITY EASEMENT
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.O.T. - POINT OF TERMINATION
- P.B. - PLAT BOOK
- PGS. - PAGES
- U.E. - UTILITY EASEMENT
- R/W - RIGHT-OF-WAY

<b>CONTACT INFORMATION:</b> SAND & HILLS SURVEYING 8481 LAKE WORTH ROAD SUITE 410 LAKE WORTH, FL 33467 Tel: 561-209-6048 WWW.SAND-HILLS.COM	<b>TITLE:</b> AMESTOY P.U.D. PALM BEACH COUNTY UTILITY EASEMENT	SCALE: 1" = 200'	SHEET 2 OF 3
		DATE: 02/09/10	PROJECT NUMBER: SH0103
		CHECKED BY: P.C.W.	DRAWING NUMBER: D0103LG01A
		DRAWN BY: P.C.W.	

**SKETCH AND DESCRIPTION**  
THIS IS NOT A SURVEY!



BLOCK 51  
PALM BEACH FARMS CO. PLAT NO. 3  
P.B. 2, PGS. 45-54



**LEGEND:**

- P.C.E. - PERMANENT CONSTRUCTION EASEMENT
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<b>CONTACT INFORMATION:</b> SAND & HILLS SURVEYING 8461 LAKE WORTH ROAD SUITE 410 LAKE WORTH, FL 33467 Tel: 561-209-8048 WWW.SAND-HILLS.COM	<b>TITLE:</b> AMESTOY P.U.D. PALM BEACH COUNTY UTILITY EASEMENT	<b>SCALE:</b> 1" = 200'	SHEET 3 OF 3
		<b>DATE:</b> 02/09/10	<b>PROJECT NUMBER:</b> SH0103
		<b>CHECKED BY:</b> P.C.W.	<b>DRAWING NUMBER:</b> D0103LG01B
		<b>DRAWN BY:</b> P.C.W.	

CONSENT AND SUBORDINATION OF MORTGAGEE

Bank of America N.A., as Agent, having an address of 1 Alhambra Plaza, Suite PH, Coral Gables, Florida 33134 (the "Mortgagee"), as the holder of (i) that certain Amended and Restated Real Estate Mortgage, Assignment and Security Agreement recorded in Official Records Book 18953, Page 1734 of the Public Records of Palm Beach County, Florida (as the same has been modified, amended, supplemented, spread and assigned from time to time, the "Mortgage"), (ii) that certain UCC-1 Financing Statement recorded in Official Records Book 18212, Page 413 of the Public Records of Palm Beach County, Florida (as the same has been modified, amended, continued, spread and assigned from time to time, the "Financing Statement"), and (iii) such other agreements, documents and instruments, whether recorded or unrecorded, evidencing and/or securing the loan secured by the Mortgage (collectively, the "Other Loan Documents"), which Mortgage, Financing Statement and Other Loan Documents encumber the real property more particularly described in the Utility Easement given by BOYNTON BEACH ASSOCIATES XXII, LLLP, a Florida limited liability limited partnership, to and in favor of PALM BEACH COUNTY, a political subdivision of the State of Florida (the "County"), to which this Consent and Subordination of Mortgagee is attached (the "Utility Easement"), consents to the granting and recording of the Utility Easement and subordinates the lien of the Mortgage, Financing Statements and Other Loan Documents to rights of the County under the Utility Easement.

IN WITNESS WHEREOF, Mortgagee has executed this Consent and Subordination of Mortgagee as of the \_\_\_ day of March, 2010.

MORTGAGEE:

Bank of America N.A., as Agent

*Nery De Los Reyes*  
Print Name: NERY DE LOS REYES  
*Kathy Rodriguez*  
Print Name: KATHY RODRIGUEZ

By: *Evita E. Franco*  
Name: EVITA E. FRANCO  
Title: SR. VICE PRESIDENT

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 3rd day of March, 2010, by Evita Franco, as SR. Vice President of Bank of America N.A., as Agent, on behalf of the Bank. He/She is  personally known to me or has  produced as identification.

(NOTARY SEAL)

Notary Public  
Name of Notary Printed: *Nellie Lima*  
My Commission Expires: JUNE 8 2011



**EXHIBIT "A"**

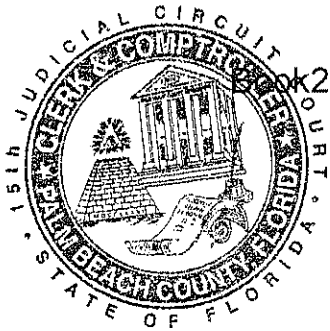
**Legal Description of the Property**

EXHIBIT "B"

Permitted Matters

1. Matters appearing on the plat of THE PALM BEACH FARMS CO. PLAT NO. 3, recorded in Plat Book 2, Page 45.
2. Rights-of-way for small lateral ditches in favor of other tracts reserved in those certain deeds recorded in Deed Book 42, Page 269, Deed Book 53, Page 134, Deed Book 53, Page 266, Deed Book 63, Page 158, Deed Book 69, Page 371, Deed Book 95, Page 15, Deed Book 95, Page 47, and Deed Book 106, Page 86.
3. Road reservation in favor of the Trustees of the Internal Improvement Fund of the State of Florida as set forth in that certain deed recorded in Deed Book 626, page 156.
4. Permanent Construction Easements in favor of Boynton Beach Boulevard Corporation, recorded in Official Records Book 13861, Page 1315, Official Records Book 13861, Page 1324, and Official Records Book 13905, Page 561; all as assigned to Palm Beach County by that certain Assignment and Assumption of Permanent Construction Easements recorded in Official Records Book 16189, Page 1358.
5. Perpetual Easement granted to Boynton Beach Boulevard Corporation recorded in Official Records Book 13905, Page 583.
6. Standard Potable Water and Wastewater Development Agreements recorded in Official Records Book 19545, Page 636 (as re-recorded in Official Records Book 19969, page 259) and in Official Records Book 21544, Page 986.
7. Declaration and Restrictive Covenant Regarding Reduced Road Impact Fee recorded in Official Records Book 20156, Page 1945.
8. Declaration and Restrictive Covenant Regarding School Impact Fee recorded in Official Records Book 20156, Page 1951.
9. Declaration of Restrictive Covenant Regarding Traffic Performance Standards recorded in Official Records Book 20156, Page 1958.
10. Terms, conditions and rights of tenant, and rights of parties claiming by, through and under tenant, pursuant to that certain Lease Agreement between Boynton Beach Associates XXII, LLLP, a Florida limited liability limited partnership (as landlord), and South Florida Produce, Inc., a Florida corporation (as tenant), as the same has been amended from time to time.

All of the recording information contained herein refers to the Public Records of Palm Beach County, Florida, unless otherwise indicated.



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I hereby certify that the foregoing is a true copy  
of the record in my office this day, May 29, 2013.

Sharon R. Bock, Clerk Circuit Court, Palm Beach County, Florida

BY Sharon R. Bock Deputy Clerk