

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
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>
Operating Expenses	<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>
NET FISCAL IMPACT	<u>0</u>				
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund ____ Dept ____ Unit ____ Object ____

Is Item Included in Current Budget? Yes ____ No ____

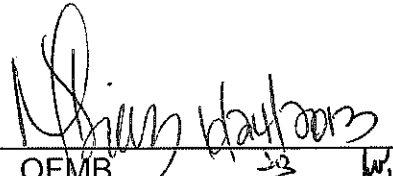

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No Fiscal Impact

C. Department Fiscal Review: Debra Moxest

III. REVIEW COMMENTS

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

 _____ OFMB 6/21 6/20	 _____ Contract Development and Control 7-1-13
---	---

B. Legal sufficiency:



 Assistant County Attorney
 7/2/13

C. Other Department Review:

 Department Director

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

UTILITY EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made, granted and entered into this 22nd day of April, 2013, by VS DELRAY BEACH EAST LLC, a Delaware limited liability company, (hereinafter referred to as "Grantor"), whose post office address is c/o ValStone Asset Management, LLC, 300 E. Lombard Street, Suite 1111, Baltimore, MD 21202, and Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, 8100 Forest Hill Boulevard, West Palm Beach, Florida 33413.

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 non-exclusive 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, over, under and across the easement premises.

Grantor reserves all rights to use the easement area in a manner which does not unreasonably interfere with Grantee's use of the easement area. Grantor reserves the right to grant additional easements over the easement area, provided the same do not unreasonably interfere with Grantee's use of the easement area.

Grantee shall, at Grantee's sole expense, use, maintain, and repair the easement area in a good, safe and sightly condition and free from debris. If Grantee fails to maintain and repair the easement area, Grantor shall have the right, but not the obligation, to perform such maintenance and repairs, and in such event, Grantor shall be entitled to reimbursement for the same from Grantee.

All of the provisions of this Agreement shall constitute covenants running with the land, pursuant to Florida law.

In the event of any violation or threatened violation by a party described herein of any of the terms, covenants and conditions of this Agreement, the other party shall have the right, but not the obligation, to enjoin such violation or threatened violation in a court of competent jurisdiction in Palm Beach County, Florida. The right of injunction shall be in addition to any and all other remedies under statute, at law or in equity under this Agreement, including without limitation, specific performance of this Agreement.

Nothing herein contained shall be deemed to be a gift or dedication of any property to the general public or for general public purposes whatsoever, it being the intention that this Agreement shall be strictly limited to and for the purposes herein expressed.

This Agreement shall be construed and enforced in accordance with the laws of the State of Florida.

Any notice, request, demand, instruction or other communication to be given to any party hereunder shall be in writing and shall either be (i) hand-delivered; (ii) sent by Federal Express or a comparable overnight delivery service; (iii) sent by facsimile transmission; or (iv) sent by certified mail, return receipt requested, to Grantor at the above address (Fax No. 248-642-3322); and to Grantee at the above address (Fax No. _____). Notice shall be deemed to have been given upon receipt (or refusal

to accept) such notice. The addressees and addresses for the purpose of this paragraph may be changed by giving written notice. Unless and until such written notice is received, the last addressee and address stated herein shall be deemed to continue in effect for all purposes hereunder.

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:

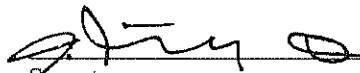
SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

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 unless specifically stated to the contrary.

IN WITNESS WHEREOF, the Grantor and Grantee have caused this Agreement to be duly executed and delivered as of the date set forth above.

WITNESSES:

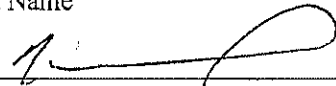
Signed, sealed and delivered
in the presence of:



Signature

J. MICHAEL MASTANTUONO

Print Name



Witness Signature

Kenneth Adel

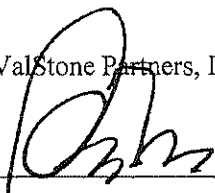
Print Name

GRANTOR:

VS DELRAY BEACH EAST, LLC

BY: TFM Management, LLC

BY: ValStone Partners, LLC

By: 

Name: Gerald C. Timmis III

Title: Manager

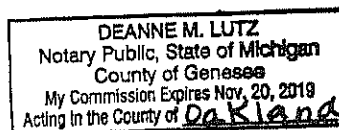
NOTARY CERTIFICATE

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this 22nd day of April, 2013, by Gerald C Timmis his Manager of ValStone Partners, LLC, a Delaware limited liability company, which is the Manager of TFM Management, LLC, a Delaware limited liability company, which is the Manager of VS Delray Beach East, LLC, a Delaware limited liability company, on behalf of the limited liability companies. He is personally known to me, or he has produced a _____ driver's license as identification.

My Commission Expires: 11-20-19

Deanne M. Lutz
Signature of Notary
Deanne M. Lutz
Typed, Printed or Stamped Name of Notary



Accepted by Palm Beach County:

ATTEST:
SHARON R. BOCK, CLERK &
COMPROLLER

PALM BEACH COUNTY, BY ITS
BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

(SEAL)

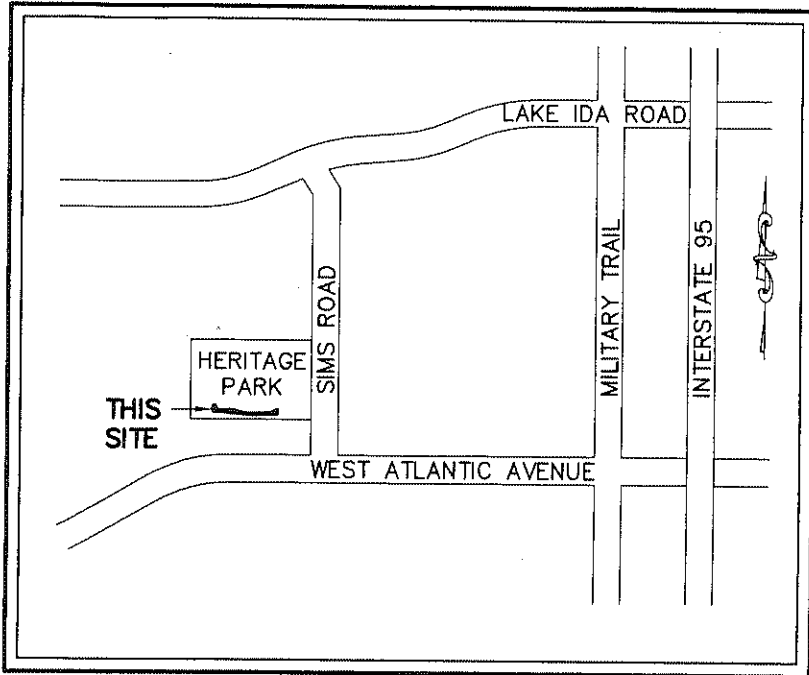
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: Paul Beaulieu
Director of Water Utilities

SKETCH & DESCRIPTION



LOCATION MAP
NOT TO SCALE

Dennis J. Leavy
2/12/13

SURVEY NOTES:

1. BEARINGS DEPICTED HEREON ARE RELATIVE TO THE SOUTH LINE OF THE PLAT OF HERITAGE PARK – PRD, AS RECORDED IN PLAT BOOK 52, PAGES 75 AND 76 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LINE HAVING A BEARING OF NORTH 88°28'51" EAST.
2. THIS INSTRUMENT NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THE UNDERSIGNED MAKES NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF RECORD.
4. THE LICENSED BUSINESS NUMBER FOR DENNIS J. LEAVY & ASSOCIATES INC. IS LB #6599, THE CERTIFYING SURVEYORS LICENSE NUMBER IS LS #5888.
5. THIS IS NOT A SURVEY.

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers
460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION

For: Palm Beach County Water Utilities Department

DRAWN: NFC	SCALE: N/A	DATE: 02/12/13
CHK: DB	JOB# 08-043	SHEET: 1 OF 6

DESCRIPTION:

A variable width strip of land lying within a portion of Parcel "B" and a portion of the Water Management Tract as depicted on the Plat of Heritage Park – PRD, as recorded in Plat Book 52, Pages 75 and 76 of the Public Records of Palm Beach County, Florida. Being more particularly described as follows:

COMMENCING at the Southwest corner of said Plat of Heritage Park, thence North 88°28'51" East along the South line of said Plat (as a Basis of Bearings), a distance of 120.00 feet to a point lying on the Southerly extension of the East line of a Lift Station Easement as shown on said Plat of Heritage Park; thence North 01°31'09" West, along said Southerly extension and the East line of said Lift Station Easement, a distance of 50.00 feet to the POINT OF BEGINNING; thence continue North 01°31'09" West along said East line, a distance of 15.00 feet to the Northeast corner of said Lift Station Easement; thence South 88°28'51" West, along the North line of said Lift Station Easement, a distance of 8.39 feet; thence North 24°27'51" East, a distance of 27.81 feet to a point on the South line of a Water Management Tract and Drainage Easement as shown on said Plat of Heritage Park; thence North 88°28'51" East along said South line, a distance of 11.68 feet; thence South 24°27'51" West, a distance of 22.25 feet; thence North 88°28'51" East, a distance of 24.27 feet; thence South 01°31'09" East, a distance of 15.00; thence North 88°28'51" East, a distance of 111.73 feet to the point of curvature of a circular curve to the right; thence Easterly along the arc of said curve having a radius of 55.00 feet, a central angle of 15°27'47" and an arc length of 14.84 feet; thence South 76°03'22" East, a distance of 91.92 feet to a point on the West line of Water Management Tract and Drainage Easement, as shown on said Plat of Heritage Park; thence continue South 76°03'22" East, a distance of 7.02 feet to the point of curvature of a circular curve to the left; thence Easterly along the arc of said curve having a radius of 45.00 feet, a central angle of 15°27'47" and an arc length of 12.14 feet to a point on the South line of said Water Management Tract and Drainage Easement; thence North 88°28'51" East along said South line, a distance of 183.17 feet; thence North 64°26'42" East, a distance of 58.83 feet to a point on the West line of a 10 foot wide Utility Easement as recorded in Official Records Book 4628, Page 1685, of the Public Records of Palm Beach county, Florida; thence South 01°31'09" East along said West line of said 10 foot wide Utility Easement, a distance of 28.96 feet to a point on the North line of a variable width Utility Easement as shown on said Plat of Heritage Park; thence South 88°28'51" West along said North line, a distance of 196.99 feet; thence North 85°22'07" West along said North line of said Utility Easement, a distance of 46.67 feet to a point on the South line of said Water Management Tract and Drainage Easement; thence continue North 85°22'07" West, a distance of 9.01 feet to a point on the West line of said Water Management Tract and Drainage Easement; thence continue North 85°22'07" West

Dennis J. Leavy & Associates, Inc.
 Land Surveyors * Mappers
 460 Business Park Way * Suite B
 Royal Palm Beach, Florida 33411
 Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION

For: Palm Beach County Water Utilities Department

DRAWN: NFC	SCALE: N/A	DATE: 02/12/13
CHK: DB	JOB# 08-043	SHEET: 2 OF 6

along said North line, a distance of 224.32 feet; thence South 88°28'51" West, a distance of 25.27 feet to a point on the East line of said Lift Station Easement and the POINT OF BEGINNING.

Said lands situate, lying and being in Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida.

Containing 5034 square feet, more or less.

LEGEND:

- P.B. = PLAT BOOK
- P.B.C.R. = PALM BEACH COUNTY RECORDS
- PG. = PAGE
- (P) = PLAT OF HERITAGE PARK – PRD, AS RECORDED IN PLAT BOOK 52, PAGES 75 AND 76 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- R/W = RIGHT OF WAY
- SQ.FT. = SQUARE FEET
- ± = MORE OR LESS

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers
460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION

For: Palm Beach County Water Utilities Department

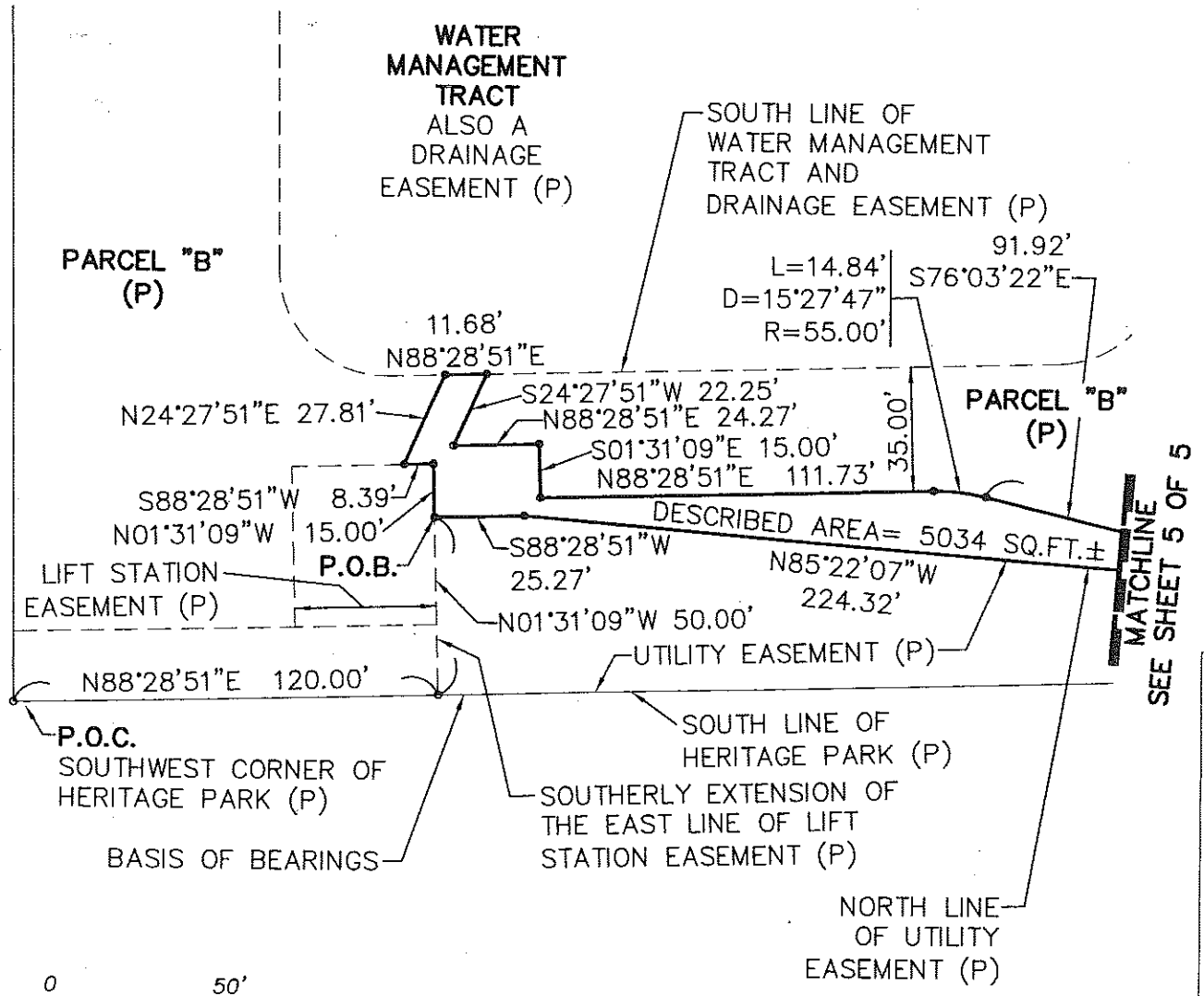
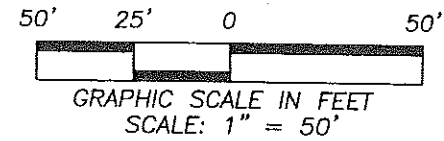
DRAWN: NFC	SCALE: N/A	DATE: 02/12/13
CHK: DB	JOB# 08-043	SHEET: 3 OF 6

Dennis J. Leavy & Associates, Inc.
 Land Surveyors * Mappers
 460 Business Park Way * Suite B
 Royal Palm Beach, Florida 33411
 Phone: 561 753-0650 Fax: 561 753-0290

DN08-043\DWG\08-043 easement.dwg 2/12/2013 10:40:05 PM EST

SKETCH & DESCRIPTION
 For: Palm Beach County Water Utilities Department

DRAWN: NFC	SCALE: 1"=50'	DATE: 02/12/13
CHK: DB	JOB#: 08-043	SHEET: 4 OF 6

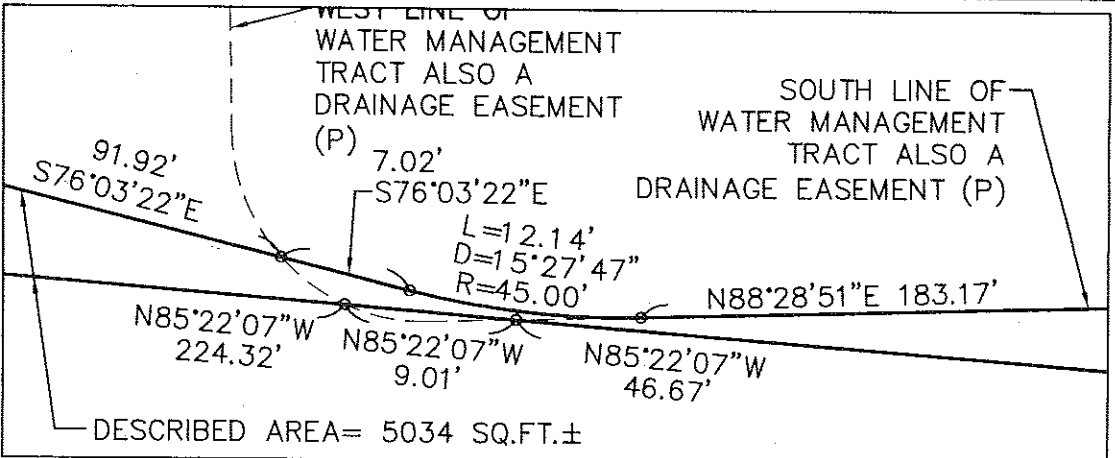
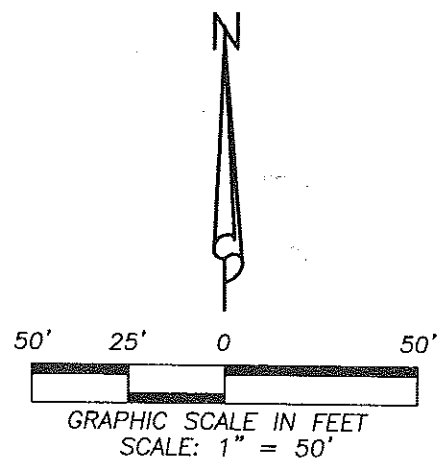


Dennis J. Leavy & Associates, Inc.
 Land Surveyors * Mappers
 460 Business Park Way * Suite B
 Royal Palm Beach, Florida 33411
 Phone: 561 753-0650 Fax: 561 753-0290

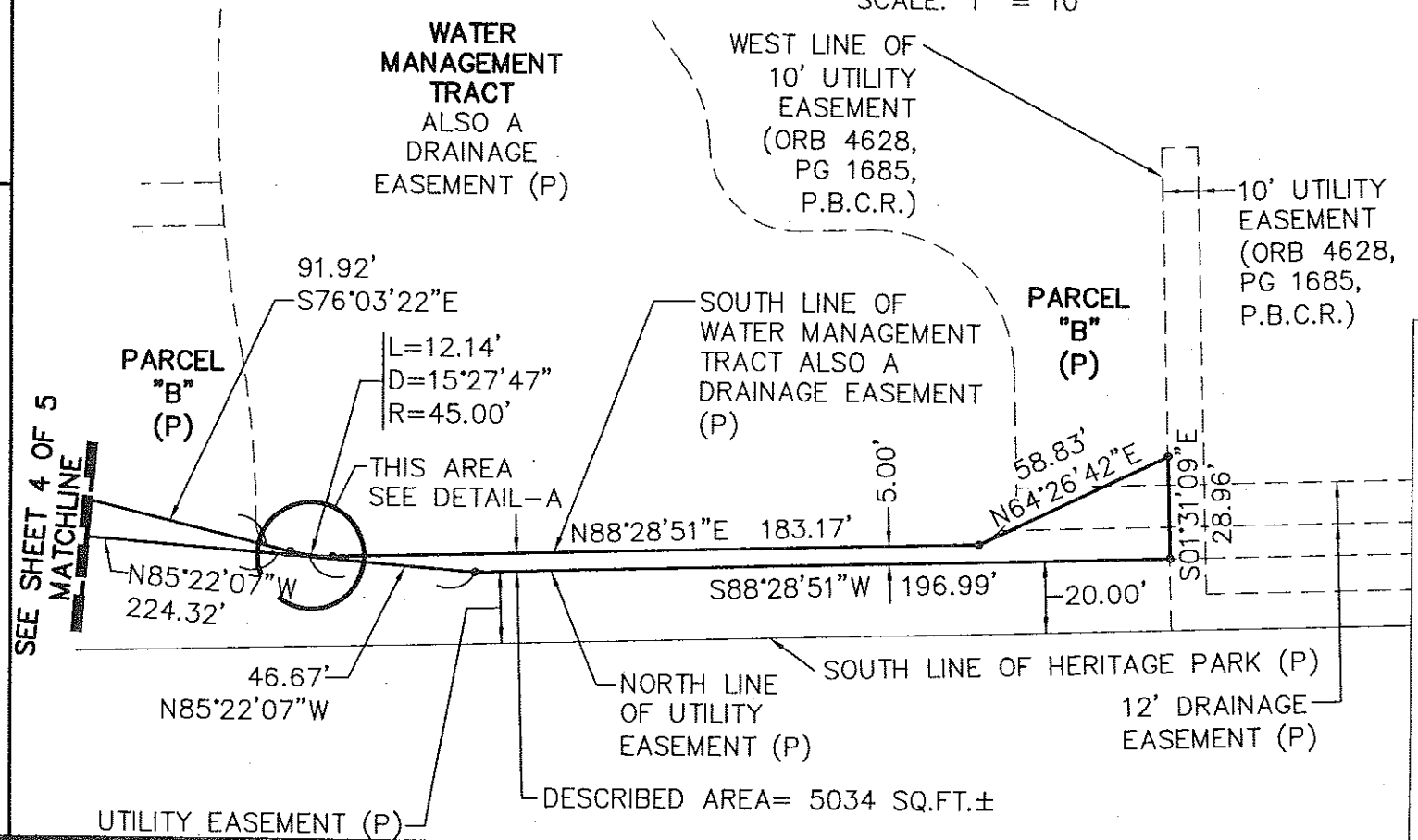
C:\08-043\dwg\08-043 easement.dwg 2/12/2013 10:06 PM EST

SKETCH & DESCRIPTION
 For: Palm Beach County Water Utilities Department

DRAWN: NFC	SCALE: 1"=50'	DATE: 02/12/13
CHK: DB	JOB# 08-043	SHEET: 5 OF 6

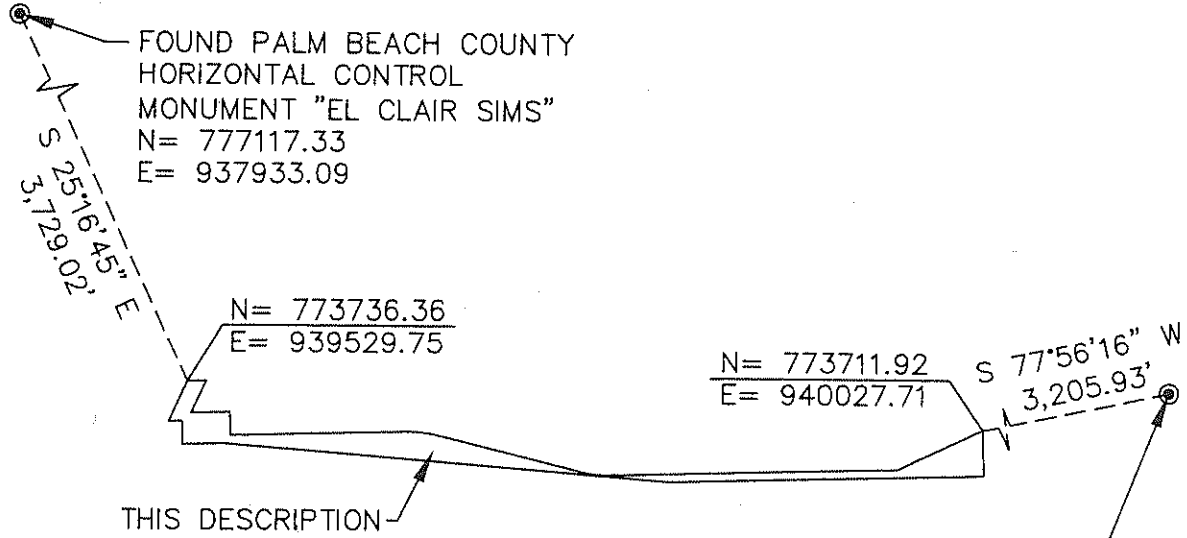


DETAIL - A
 SCALE: 1" = 10'



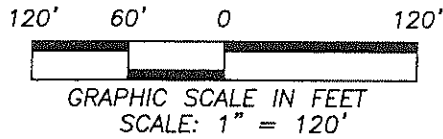
DESCRIBED AREA= 5034 SQ.FT.±

COORDINATES SHOWN ARE GRID
 DATUM= NAD 83, 1990 ADJUSTMENT
 ZONE= FLORIDA EAST
 LINEAR UNITS= US SURVEY FOOT
 COORDINATE SYSTEM 1983 STATE PLANE
 TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND
 PROJECT SCALE FACTOR= 1.0000338
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE



THIS DESCRIPTION

FOUND PALM BEACH COUNTY
 HORIZONTAL CONTROL
 MONUMENT "WALTER"
 N= 774381.87
 E= 943162.86



N 88°28'51" E (PLAT) = BEARING ROTATION
 N 88°05'21" E (GRID) (PLAT TO GRID)
 00°25'43"

SOUTH LINE OF HERITAGE PARK
 (P.B. 52, PGS. 75 & 76, P.B.C.R.)

Dennis J. Leavy & Associates, Inc.
 Land Surveyors * Mappers
 460 Business Park Way * Suite B
 Royal Palm Beach, Florida 33411
 Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
 For: Palm Beach County Water Utilities Department

DRAWN: NFC	SCALE: 1"=120'	DATE: 02/12/13
CHK: DB	JOB# 08-043	SHEET: 6 OF 6



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

Attachment 2

- Legend**
- ★ Administration
 - WTF 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

