

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

Meeting Date: August 13, 2013

Consent **Regular**
 Workshop **Public Hearing**

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) Accept a warranty deed and two right-of way easement deeds for right-of-way from Palm Beach Mall Holdings, LLC (Palm Beach Holdings) on three parcels of land located on the west side of Congress Avenue, and north of Palm Beach Lakes Boulevard;
- B) Approve a subordination of utility interests and an agreement for reimbursement for additional facility relocations (Subordination Agreement) with Florida Power and Light Company (FPL) on a parcel of land known as parcel 101; and
- C) Approve a subordination of utility interests and an agreement for reimbursement for additional facility relocations (Subordination Agreement) with Bell South Telecommunications, LLC d/b/a AT & T (Bell South) on two parcels of land known as parcel 101 and parcel 201.

SUMMARY: Acceptance of the warranty deed and two right-of-way easement deeds from Palm Beach Holdings will provide Palm Beach County with additional right-of-way for roadway purposes on the west side of Congress Avenue, north of Palm Beach Lakes Boulevard. Approval of the two Subordination Agreements will release the FPL utility easement interest on parcel 101 and release the Bell South utility easement interests on parcel 101 and parcel 201.

District 7 (MRE)

Background and Justification: Palm Beach Holdings has applied for a permit to develop Palm Beach Outlets and is required to dedicate right-of-way and two construction easements on the west of side of Congress Avenue, north of Palm Beach Lakes Boulevard. The dedicated right-of-way and easements are necessary for construction of a right turn lane along Congress Avenue.

(Continued on Page 3).

Attachments:

- 1. Location Map
- 2. Warranty Deed with Exhibit "A"
- 3. Two Right-of-Way Easement Deeds with Exhibit "A"
- 4. FPL Subordination of Utility Interests and Agreement with Exhibit "A"
- 5. Bell South Subordination of Utility Interests and Agreement with Exhibit "A"
- 6. Right-of-Way Permit Application RW30688
- 7. Correspondence from the City of West Palm Beach

Recommended by: Ornelis A. Fernandez 7/9/13 *[Signature]*
Division Director Date

Approved by: Ray T. Wald 7/10/13
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-*	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund__ Dept.__ Unit__ Object
Program

Recommended Sources of Funds/Summary of Fiscal Impact:

*This item has no additional fiscal impact. Approval of the Subordination of Utility Interests may require the expenditure of funds for future relocation of utility facilities. This potential impact is not possible to quantify or state with any certainty that it will occur at the present time.

C. Departmental Fiscal Review: Aliu Kovalainen

III. REVIEW COMMENTS

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

[Signature]
OFMB
7/12/13 DM
7/11/13

[Signature] 7/15/13
Contract Dev. and Control
7-15-13 [Signature]

B. Approved as to Form and Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

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

Background and Justification: (Continued from Page 1).

Properties conveyed to Palm Beach County (County) are required to be free and clear of all encumbrances. Therefore, it is necessary for FPL and Bell South to subordinate their interests in existing utility easements which encumber the right-of-way and one of the construction easements being dedicated. Palm Beach Holdings has been granted a permit application RW30688, for work within the right-of-way in this area and they will be responsible for the costs of the utility relocation under this permit. Future utility relocation after construction under this permit is not anticipated however, the Subordination Agreements require FPL to relocate any facilities they may have from Parcel 101 and Bell South to relocate any facilities they may have from Parcels 101 and 201 when and if requested by the County, and requires the County to pay for reasonable utility relocation costs as necessary. A portion of the dedicated right-of-way for the turn lane is encumbered by a West Palm Beach 50 foot drainage easement and the City of West Palm Beach is unable to subordinate the drainage easement to the interests of the right-of-way. However, staff recommends acceptance of the warranty deed and the two right-of-way easement deeds, and approval of the Subordination Agreements.

TWP 43

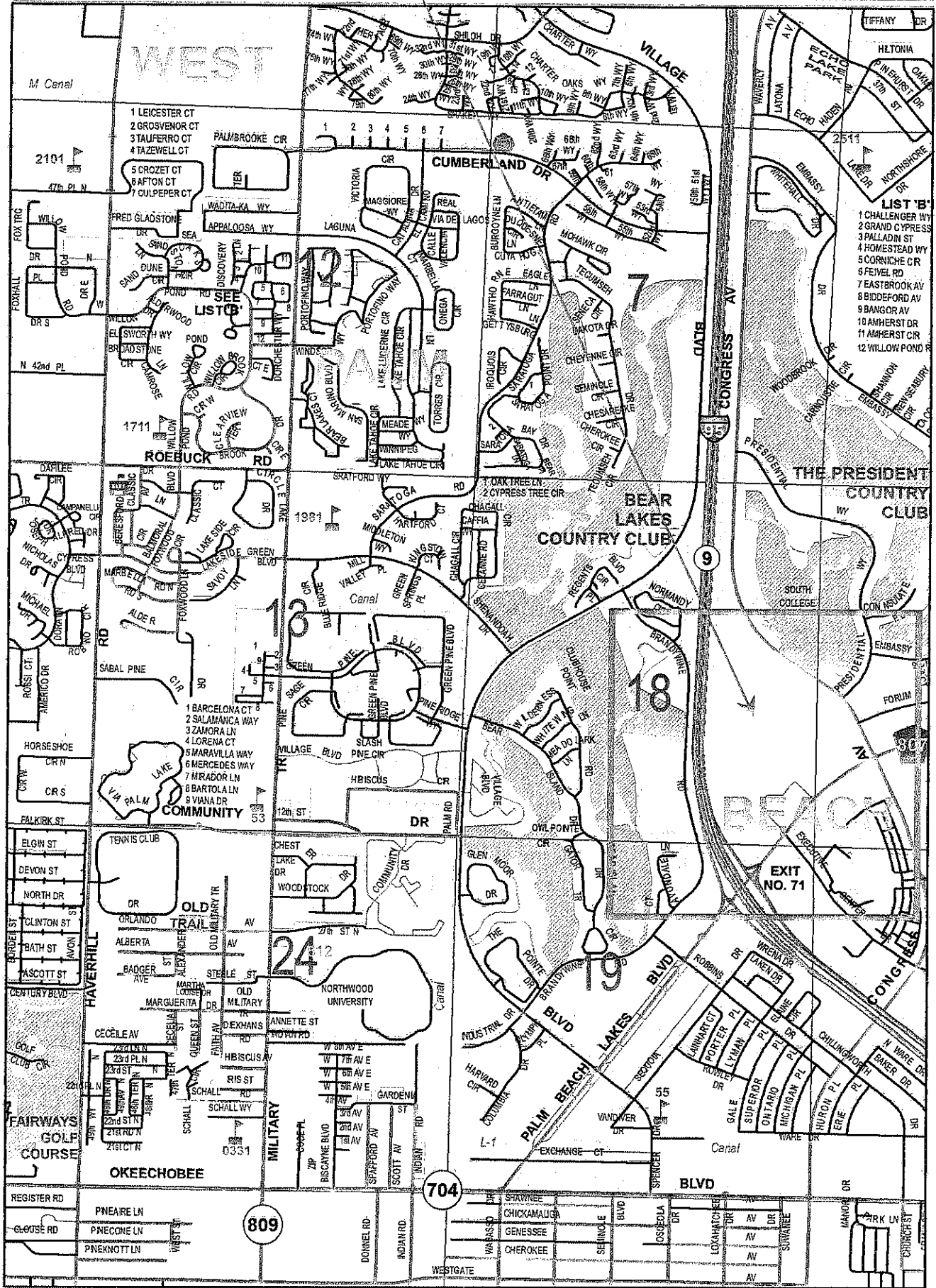
TWP 43

TWP 43

16

17

18



Return to: Palm Beach County
Name: R/W Acquisition Section
Post office Box 21229
Address: West Palm Beach, Florida 33416
Attn: Sherry Wildner
ACCT. No.: 1010 W/C BOX 1066

This Instrument Prepared by:
Name: Marlene R. Everitt, Esq.
Assistant County Attorney
Address: Post Office Box 21229
West Palm Beach, FL 33416

NOT TO BE RECORDED
WITHOUT BOARD OF COUNTY
COMMISSIONERS ACCEPTANCE DATE

PCN: _____ SPACE ABOVE THIS LINE FOR PROCESSING DATA
PROJECT NO. PALM BEACH OUTLETS RW30688
ROAD NAME: N CONGRESS AV
PARCEL NO. 74434317030110011

WARRANTY DEED

THIS WARRANTY DEED, made this 5th day of NOVEMBER, 2012, by Palm Beach Mall Holdings LLC, whose post office address is New England Development, One Wells Avenue, Newton Massachusetts, 02459, hereinafter called grantor, to PALM BEACH COUNTY, a political subdivision of the State of Florida, whose post office address is P.O. Box 21229, West Palm Beach, Florida 33416, hereinafter called grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN (\$10.00) dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Palm Beach County, Florida, viz:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that said grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes subsequent to December 31, 2011.

The Grantor further warrants that this property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on this property as it now exists, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:
(Signature of two witnesses required by Florida law)

PALM BEACH MALL HOLDINGS LLC, a Delaware limited liability company

[Signature]
WITNESS Signature (Required)

By: PBM Developer LLC,
A Delaware limited liability company,
Its Manager

BAnna Vellucci
TYPED OR PRINTED NAME OF WITNESS

By: NED PBM LLC,
A Delaware limited liability company, Its Manager

[Signature]
WITNESS Signature (Required)

By: NED Manager LLC, a Delaware limited liability company, its Manager

Raymond Murphy
TYPED OR PRINTED NAME OF WITNESS

By: [Signature]
Name: Douglass E. Karp
Title: Manager

STATE OF Massachusetts
COUNTY OF Middlesex

The foregoing instrument was acknowledged before me this 5th day of November, 2012, by Douglass E. Karp, Manager of NED Manager LLC, Manager of NED PBM LLC, Manager of PBM Developer LLC, Manager of PB Mall Holdings LLC, a Delaware limited liability company, on behalf of the company. He/she is personally known to me or has produced [Signature] as identification.

Witness my hand and official seal this 5th day of November, 2012.

Signed: [Signature]
Notary Public in and for
the County and State aforementioned

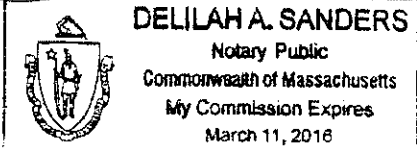


EXHIBIT "A"

RIGHT-OF-WAY PARCEL No.101.

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, IN SECTIONS 17 AND 18, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE PLAT OF PALM BEACH OUTLETS, RECORDED IN PLAT BOOK 116, PAGE 98, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PLAT OF PALM BEACH OUTLETS; THENCE ALONG THE EAST BOUNDARY OF SAID PLAT, S55°47'36"E FOR 98.13 FEET TO THE POINT OF BEGINNING;
 THENCE S40°17'41"E FOR 56.13 FEET TO A LINE LYING 15.00 FEET SOUTHWESTERLY OF, AND PARALLEL WITH, THE SAID EAST PLAT BOUNDARY;
 THENCE ALONG SAID PARALLEL LINE, S55°47'36"E FOR 157.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCENTRIC WITH SAID EAST PLAT BOUNDARY AND HAVING A RADIUS OF 1030.00 FEET;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°35'25" FOR 82.52 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 122.00 FEET, WHERE A RADIAL LINE BEARS S46°07'45"W;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28°01'18" FOR 59.67 FEET TO A NON-TANGENT CURVE, CONCENTRIC WITH THE SAID EAST PLAT BOUNDARY, AND HAVING A RADIUS OF 1010.00 FEET;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08°11'55" FOR 144.52 FEET;
 THENCE S74°09'02"E FOR 60.06 FEET TO THE SAID EAST PLAT BOUNDARY, BEING A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1045.00 FEET;
 THENCE NORTHWESTERLY, ALONG SAID RIGHT-OF-WAY AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 18°38'03" FOR 339.86 FEET TO A POINT OF TANGENCY;
 THENCE CONTINUE ALONG SAID PLAT BOUNDARY, N55°47'36"W FOR 211.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,315 SQUARE FEET, MORE OR LESS.

NOTES:

1) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH MALL PROJECT No.KHA147257000, AND ON INSTRUCTIONS BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT.

NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.

2) STATE PLANE COORDINATES:

A. COORDINATES SHOWN ARE GRID

B. DATUM - NAD 83, 1990 ADJUSTMENT

C. ZONE - FLORIDA EAST

D. LINEAR UNIT - US SURVEY FOOT

E. COORDINATE SYSTEM 1983 STATE PLANE

F. TRANSVERSE MERCATOR PROJECTION

G. ALL DISTANCES ARE GROUND

H. SCALE FACTOR - 1.000043

I. GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE

J. ROTATION EQUATION: NONE

3) BEARING BASIS: N00°42'40"E (GRID) ALONG THE WEST LINE OF SECTION 17.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

John E. Phillips III
 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 6-7-13

E-Mail: info@brown-phillips.com



BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

CONGRESS AVENUE
 RIGHT-OF-WAY PARCEL No.101

PROJ. No. 11-042

DRAWN: MB

LEGAL DESCRIPTION
 PALM BEACH OUTLETS

SCALE: 1"=60'

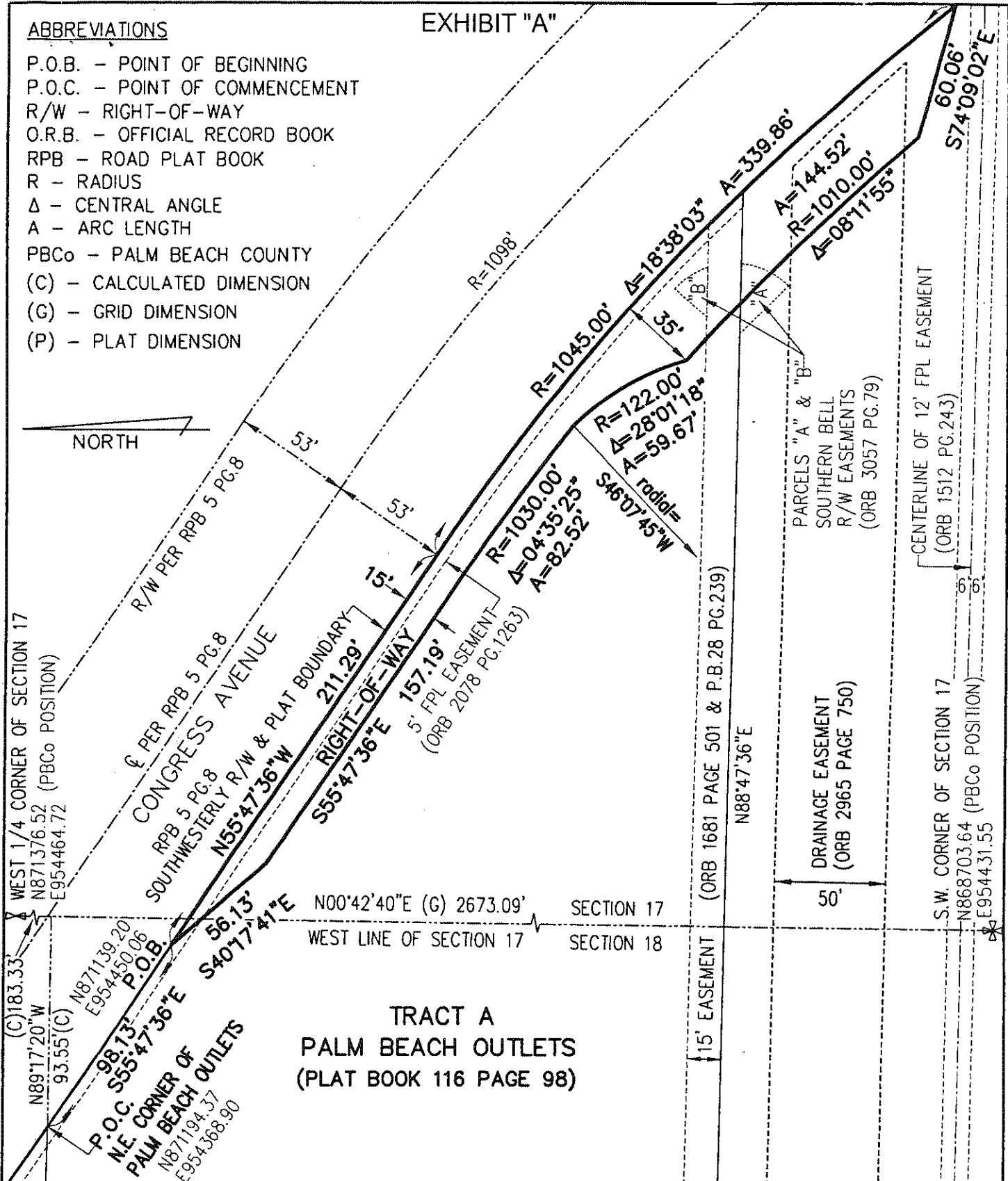
DATE: 6/5/13

SHEET 1 OF 2

EXHIBIT "A"

ABBREVIATIONS

- P.O.B. – POINT OF BEGINNING
- P.O.C. – POINT OF COMMENCEMENT
- R/W – RIGHT-OF-WAY
- O.R.B. – OFFICIAL RECORD BOOK
- RPB – ROAD PLAT BOOK
- R – RADIUS
- Δ – CENTRAL ANGLE
- A – ARC LENGTH
- PBCo – PALM BEACH COUNTY
- (C) – CALCULATED DIMENSION
- (G) – GRID DIMENSION
- (P) – PLAT DIMENSION



TRACT A
PALM BEACH OUTLETS
(PLAT BOOK 116 PAGE 98)

B BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE ROAD., SUITE 509,
WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX
E-Mail: info@brown-phillips.com

CONGRESS AVENUE RIGHT-OF-WAY PARCEL No.101 (This sketch is not a survey)	
PROJ. No. 11-042	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION PALM BEACH OUTLETS	SCALE: 1"=60'
	DATE: 6/5/13
SHEET 2 OF 2	

Return to: Right-of-Way Acquisition Section
Name: Palm Beach County Engineering
Post Office Box 21229
Address: West Palm Beach, Florida 33416
Attn: Sherry Wildner
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:
Name: Paul F. King
Assistant County Attorney
Address: Post Office Box 21229
West Palm Beach, FL 33416

**NOT TO BE RECORDED
WITHOUT BOARD OF COUNTY
COMMISSIONERS ACCEPTANCE DATE**

Portion of PCNs: 74-43-43-17-00-000-7130

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. Palm Beach Outlets RW 30688
ROAD NAME: Congress Ave.
PARCEL NO. 74-43-43-17-00-000-7130

RIGHT-OF-WAY EASEMENT

THIS RIGHT-OF WAY EASEMENT, made this 5th day of NOVEMBER, 2012, between Palm Beach Mall Holdings LLC, whose post office address is c/o New England Development, One Wells Avenue, Newton, MA, 02459 the party of the first part, and PALM BEACH COUNTY, a political subdivision of the State of Florida, whose post office address is P.O. Box 21229, West Palm Beach, Florida 33416, as the party of the second part.

WITNESSETH: That the party of the first part, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable consideration, receipt whereof is hereby acknowledged, hereby grant(s) unto the party of the second part, its successors and assigns, for the purpose of a permanent right-of-way easement for the construction, installation, operation and maintenance of a traffic island and foundation which right-of-way easement shall include the right at any time to install, bore, alter, improve, enlarge, add to, change the nature or physical characteristics of, or replace, remove, relocate, maintain and perform any other related activities with reference to such facilities in, under, across, through and upon, or within the following described property located in Palm Beach County, Florida, to-wit:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

The party of the second part shall have the right, but not the obligation, to remove and use any or all of the soil and/or subsoil, in accordance with current and future construction plans, within the right-of-way easement area.

TO HAVE AND TO HOLD THE SAME unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party has hereto set its hand(s) and seal(s) the day and year first above written.

Signed, sealed and delivered in the presence of:
(Signature of two witnesses required by Florida law)

PALM BEACH MALL HOLDINGS LLC, a Delaware limited liability company

[Signature]
WITNESS Signature (Required)

By: PBM Developer LLC,
A Delaware limited liability company,
Its Manager

JoAnna Vellucci
TYPED OR PRINTED NAME OF WITNESS

By: NED PBM LLC,
A Delaware limited liability company,
Its Manager

[Signature]
WITNESS Signature (Required)

By: NED Manager LLC, a
Delaware limited liability
company, its Manager

Raymond Murphy
TYPED OR PRINTED NAME OF WITNESS

By: [Signature]
Name: Douglass E. Karp
Title: Manager

STATE OF MASSACHUSETTS
COUNTY OF Dukes

The foregoing instrument was acknowledged before me this 5th day of November, 2012, by Douglass E. Karp, Manager of NED Manager LLC, Manager of NED PBM LLC, Manager of PBM Developer LLC, Manager of PB Mall Holdings LLC, a Delaware limited liability company on behalf of the company. He/she is personally known to me or has produced personally as identification.

Witness my hand and official seal this 5th day of November, 2012.

Signed: [Signature]
Notary Public in and for
the County and State aforementioned

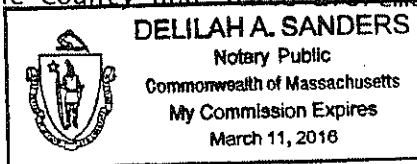


EXHIBIT "A" RIGHT-OF-WAY EASEMENT No.201

A PARCEL OF LAND FOR RIGHT-OF-WAY EASEMENT PURPOSES IN SECTION 17, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE PLAT OF PALM BEACH OUTLETS, RECORDED IN PLAT BOOK 116, PAGE 98, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PLAT OF PALM BEACH OUTLETS; THENCE ALONG THE EAST BOUNDARY OF SAID PLAT, S55°47'36"E FOR 98.13 FEET; THENCE S40°17'41"E FOR 56.13 FEET TO A LINE LYING 15.00 FEET SOUTHWESTERLY OF, AND PARALLEL WITH, THE SAID EAST PLAT BOUNDARY; THENCE ALONG SAID PARALLEL LINE, S55°47'36"E FOR 157.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCENTRIC WITH SAID EAST PLAT BOUNDARY AND HAVING A RADIUS OF 1030.00 FEET; THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°35'25" FOR 82.52 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 122.00 FEET, WHERE A RADIAL LINE BEARS S46°07'45"W; THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28°01'18" FOR 59.67 FEET TO A NON-TANGENT CURVE, CONCENTRIC WITH THE SAID EAST PLAT BOUNDARY, AND HAVING A RADIUS OF 1010.00 FEET; THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02°19'49" FOR 41.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01°01'16" FOR 18.00 FEET; THENCE S43°30'12"W FOR 12.50 FEET; THENCE N45°14'21"W FOR 18.00 FEET; THENCE N43°30'12"E FOR 12.50 FEET TO THE POINT OF BEGINNING.

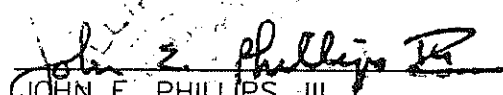
CONTAINING 225 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH MALL PROJECT No.KHA147257000, AND ON INSTRUCTIONS BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT.
NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 2) STATE PLANE COORDINATES:

A. COORDINATES SHOWN ARE GRID	F. TRANSVERSE MERCATOR PROJECTION
B. DATUM - NAD 83, 1990 ADJUSTMENT	G. ALL DISTANCES ARE GROUND
C. ZONE - FLORIDA EAST	H. SCALE FACTOR - 1.000043
D. LINEAR UNIT - US SURVEY FOOT	I. GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE
E. COORDINATE SYSTEM 1983 STATE PLANE	J. ROTATION EQUATION: NONE
- 3) BEARING BASIS: N00°42'40"E (GRID) ALONG THE WEST LINE OF SECTION 17.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.


 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 6-7-13


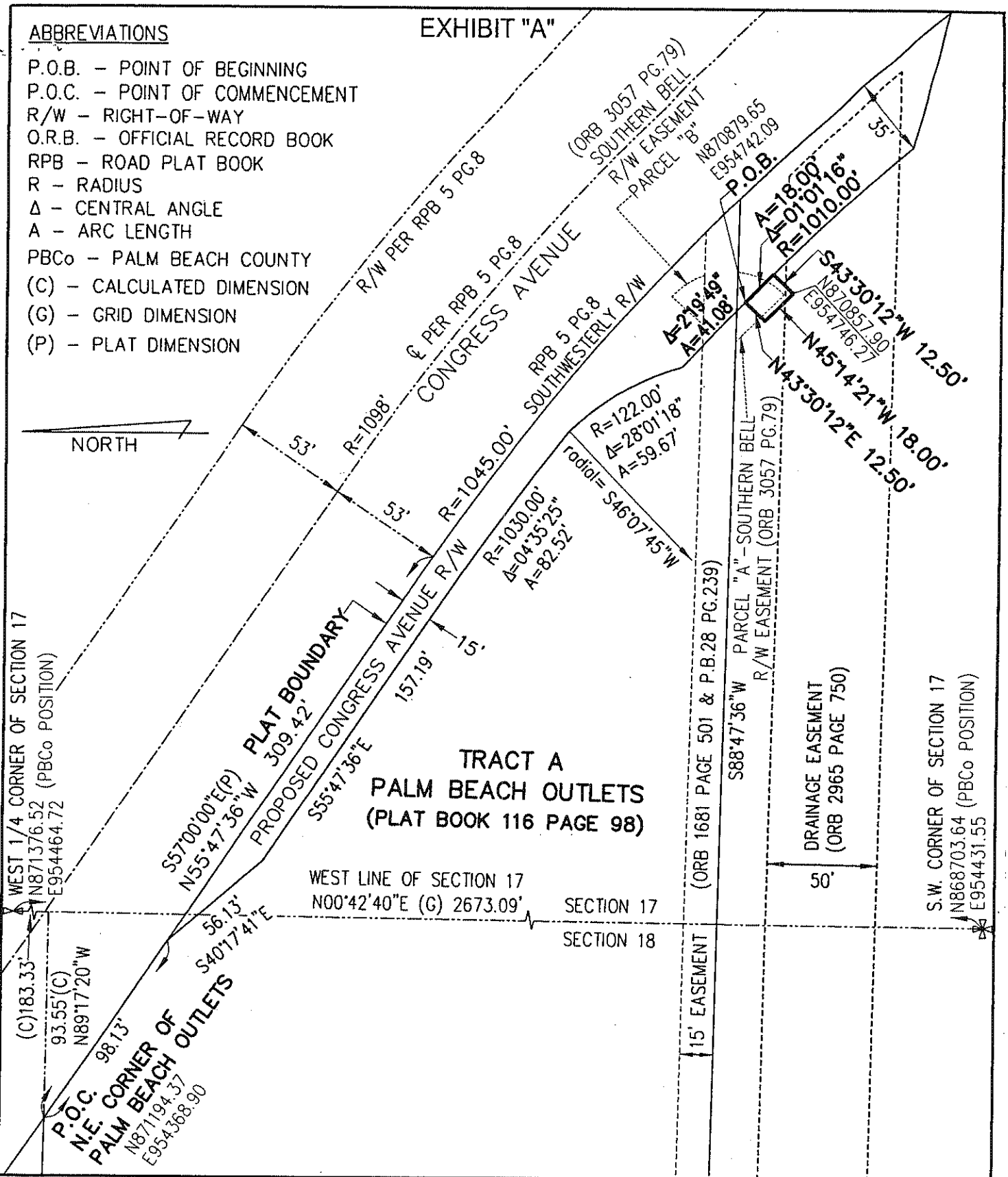
 <p>BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX</p>	E-Mail: info@brown-phillips.com	
	RIGHT-OF-WAY EASEMENT No.201 CONGRESS AVENUE	
	PROJ. No. 11-042	DRAWN: MB
	LEGAL DESCRIPTION PALM BEACH OUTLETS	SCALE: 1"=60' DATE: 6/5/13 SHEET 1 OF 2

EXHIBIT "A"

ABBREVIATIONS

- P.O.B. – POINT OF BEGINNING
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- (G) – GRID DIMENSION
- (P) – PLAT DIMENSION



E-Mail: info@brown-phillips.com

BP BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

RIGHT-OF-WAY EASEMENT No.201 CONGRESS AVENUE (This sketch is not a survey)	
PROJ. No. 11-042	DRAWN: MB
SKETCH TO ACCOMPANY	SCALE: 1"=60'
LEGAL DESCRIPTION	DATE: 6/5/13
PALM BEACH OUTLETS	SHEET 2 OF 2

Return to: Right-of-Way Acquisition Section
Name: Palm Beach County Engineering
Post Office Box 21229
Address: West Palm Beach, Florida 33416
Attn: Sherry Wildner
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:
Name: Paul F. King
Assistant County Attorney
Address: Post Office Box 21229
West Palm Beach, FL 33416

**NOT TO BE RECORDED
WITHOUT BOARD OF COUNTY
COMMISSIONERS ACCEPTANCE DATE**

Portion of PCNs: 74-43-43-17-00-000-7020

SPACE ABOVE THIS LINE FOR PROCESSING DATA

PROJECT NO. Palm Beach Outlets *AW30688*
ROAD NAME: Palm Beach Lakes Blvd.
PARCEL NO. 74-43-43-17-00-000-7020

RIGHT-OF-WAY EASEMENT

THIS RIGHT-OF WAY EASEMENT, made this 5th day of NOVEMBER, 2012, between Palm Beach Mall Holdings LLC, whose post office address is c/o New England Development, One Wells Avenue, Newton, MA, 02459 the party of the first part, and PALM BEACH COUNTY, a political subdivision of the State of Florida, whose post office address is P.O. Box 21229, West Palm Beach, Florida 33416, as the party of the second part.

WITNESSETH: That the party of the first part, for and in consideration of the sum of ONE (\$1.00) dollar and other valuable consideration, receipt whereof is hereby acknowledged, hereby grant(s) unto the party of the second part, its successors and assigns, for the purpose of a permanent right-of-way easement for the construction, installation, operation and maintenance of a traffic island and foundation which right-of-way easement shall include the right at any time to install, bore, alter, improve, enlarge, add to, change the nature or physical characteristics of, or replace, remove, relocate, maintain and perform any other related activities with reference to such facilities in, under, across, through and upon, over, or within the following described property located in Palm Beach County, Florida, to-wit:

Property more particularly described in Exhibit "A" attached hereto and made a part hereof.

The party of the second part shall have the right, but not the obligation, to remove and use any or all of the soil and/or subsoil, in accordance with current and future construction plans, within the right-of-way easement area.

TO HAVE AND TO HOLD THE SAME unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party has hereto set its hand(s) and seal(s) the day and year first above written.

Signed, sealed and delivered in the presence of:
(Signature of two witnesses required by Florida law)

PALM BEACH MALL HOLDINGS LLC, a Delaware limited liability company

[Signature]
WITNESS Signature (Required)

By: PBM Developer LLC,
A Delaware limited liability company,
Its Manager

Banna Vellucci
TYPED OR PRINTED NAME OF WITNESS

By: NED PBM LLC,
A Delaware limited liability company,
Its Manager

[Signature]
WITNESS Signature (Required)

By: NED Manager LLC, a
Delaware limited liability
company, its Manager

Raymond Murphy
TYPED OR PRINTED NAME OF WITNESS

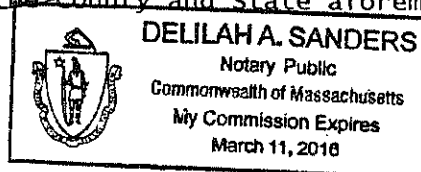
By: [Signature]
Name: Douglas S. Karp
Title: Manager

STATE OF MASSACHUSETTS
COUNTY OF DIDDLESEX

The foregoing instrument was acknowledged before me this 5th day of November, 2012, by Douglas S. Karp, Manager of NED Manager LLC, Manager of NED PBM LLC, Manager of PBM Developer LLC; Manager of PB Mall Holdings LLC, a Delaware limited liability company, on behalf of the company. He/she is personally known to me or has produced personally known as identification.

witness my hand and official seal this 5th day of November, 2012.

Signed: [Signature]
Notary Public in and for
the County and State aforementioned



RIGHT-OF-WAY EASEMENT No.202

A PARCEL OF LAND FOR RIGHT-OF-WAY EASEMENT PURPOSES IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE PLAT OF PALM BEACH OUTLETS, RECORDED IN PLAT BOOK 116, PAGE 98, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID PLAT OF PALM BEACH OUTLETS, LYING ON THE NORTHWESTERLY RIGHT-OF-WAY OF PALM BEACH LAKES BOULEVARD, RECORDED IN PLAT BOOK 28, PAGE 94, OF SAID PUBLIC RECORDS;
 THENCE ALONG THE BOUNDARY OF SAID PLAT OF PALM BEACH OUTLETS, N38°10'00"E FOR 622.23 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUE ALONG SAID RIGHT-OF-WAY, N38°10'00"E FOR 25.00 FEET;
 THENCE N51°50'00"W FOR 23.00 FEET;
 THENCE S38°10'00"W FOR 25.00 FEET;
 THENCE S51°50'00"E FOR 23.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 575 SQUARE FEET, MORE OR LESS.

NOTES:


- 1) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH MALL PROJECT No.KHA147257000, AND ON INSTRUCTIONS BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT.
 NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 2) STATE PLANE COORDINATES:

A. COORDINATES SHOWN ARE GRID	F. TRANSVERSE MERCATOR PROJECTION
B. DATUM - NAD 83, 1990 ADJUSTMENT	G. ALL DISTANCES ARE GROUND
C. ZONE - FLORIDA EAST	H. SCALE FACTOR - 1.000043
D. LINEAR UNIT - US SURVEY FOOT	I. GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE
E. COORDINATE SYSTEM 1983 STATE PLANE	J. ROTATION EQUATION: NONE
- 3) BEARING BASIS: N88°35'48"W (GRID) ALONG THE SOUTH LINE OF SECTION 18.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

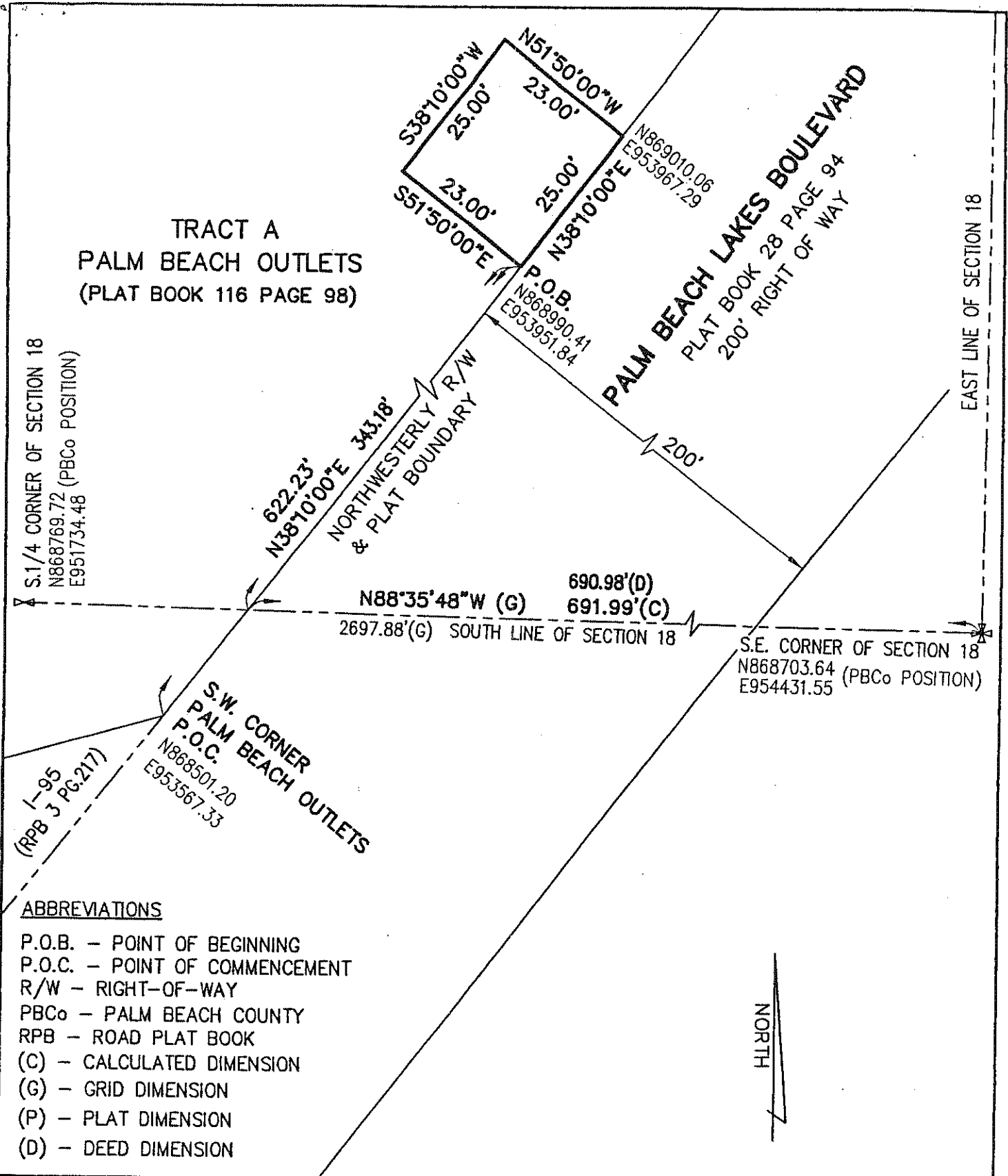

 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 5-23-13

E-Mail: info@brown-phillips.com

 **BROWN & PHILLIPS, INC.**
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

RIGHT-OF-WAY EASEMENT No.202
 PALM BEACH LAKES BLVD.

PROJ. No. 11-042	DRAWN: MB
LEGAL DESCRIPTION PALM BEACH OUTLETS	SCALE: 1"=20'
	DATE: 5/9/13
SHEET 1 OF 2	



ABBREVIATIONS

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R/W - RIGHT-OF-WAY
- PBCo - PALM BEACH COUNTY
- RPB - ROAD PLAT BOOK
- (C) - CALCULATED DIMENSION
- (G) - GRID DIMENSION
- (P) - PLAT DIMENSION
- (D) - DEED DIMENSION

E-Mail: info@brown-phillips.com

BP BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

RIGHT-OF-WAY EASEMENT No.202 PALM BEACH LAKES BLVD. (This sketch is not a survey)	
PROJ. No. 11-042	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION PALM BEACH OUTLETS	SCALE: 1"=20'
	DATE: 5/9/13
SHEET 2 OF 2	

Return to: Right-of-Way Acquisition Section
Name: Palm Beach County Engineering
Post Office Box 21229
West Palm Beach, Florida 33416
Att.: Sherry Wildner
Acct. No.: 1010 W/C BOX 1066

This instrument prepared by:
Robert M. Graham, Esquire
Gunster, Yoakley & Stewart, P. A.
777 South Flagler Drive, Suite 500 East
West Palm Beach, Florida 33401

**SUBORDINATION OF UTILITY INTERESTS
AND AGREEMENT FOR
REIMBURSEMENT FOR ADDITIONAL FACILITY RELOCATIONS**

THIS AGREEMENT, entered into this ____ day of _____, 2013, by and between the COUNTY OF PALM BEACH, STATE OF FLORIDA, hereinafter called the "County", whose address is P.O. Box 21229, West Palm Beach, Florida 33416 and FLORIDA POWER & LIGHT COMPANY, a Florida Corporation, whose mailing address is P. O. Box 14000, Juno Beach, Florida 33408, hereinafter called "Utility".

WITNESETH:

WHEREAS, the Utility presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by Utility to the County; and

WHEREAS, the County or its designee is willing to pay for the initial relocation of the Utility's facilities within the public right-of-way to prevent conflict between the County's use and the Utility's use, and for the benefit of each, and

WHEREAS the County or its designee, in addition, in recognition of the Utility's interest in the certain lands, is willing to pay for any future relocation of the Utility's facilities from or within the entire width of the parcel as shown on Exhibit "A", attached hereto and made a part hereof,

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and County agree as follows:

UTILITY subordinates any and all of its interest in its easement lands described on "EXHIBIT A" attached hereto and made a part hereof, to the interest of the County, or its successors, for the purpose of constructing, improving, maintaining and operating a road over, through, upon, and/or across such Lands, based on the following:

Nature of Encumbrances	Date	From	In Favor of	Recorded
Easement	October 27, 1972	Crow, Pope & Land Corp. No. 1	Florida Power & Light Co.	OR Book 2078, Page 1263

The County and the Utility further agree that:

1. "Public right-of-way", as used herein, shall mean that area which is described in Exhibit "A" attached hereto and made a part hereof and which includes the Utility's easements identified above.
2. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the public right-of-way described in Exhibit "A", in accordance with the County's current minimum standards for such facilities as of the date of this agreement. However, any new construction or relocation of facilities within the public right-of-way will be subject to prior approval by the County.
3. The County or its designee shall pay for the relocation of existing facilities. In addition, the Utility retains the right to be reimbursed, either now or in the future, for additional relocation or adjustment of its facilities located presently or to be located on the public right-of-way described in Exhibit "A", if such relocation or adjustment is caused by present or future uses of the right-of-way by Palm Beach or its assigns, including, but not limited to, the cost of accommodating the Utility within the right-of-way, or if necessary, acquiring replacement easements.

4. The Utility shall have the right to enter upon the lands described in Exhibit "A" for the purposes outlined in Paragraph 2 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities. County shall provide and insure access to said lands by the Utility.
5. The Utility agrees to repair any damage to County facilities and to indemnify the County against any loss or damage resulting from the Utility exercising its rights to construct, operate, maintain, improve, add to, upgrade or remove its facilities on the said public right-of-way.
6. This Agreement shall not be assigned by County except to the State of Florida.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

ATTEST:

PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

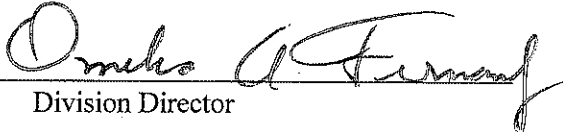
By: _____
Clerk (or Deputy Clerk)

By: _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By: _____
County Attorney

By: 
Division Director

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by Steven L. Abrams, Mayor, Board of County Commissioners, who is personally known to me and who did not take an oath.

Signature

Print Name

(Execution and Acknowledgement continued on next page)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of:

FLORIDA POWER & LIGHT COMPANY

By: *Michelle M. Kahmann*

By: *Samantha J. Saucier*

Print Name: Michelle M. Kahmann

Title: Manager of Corporate Real Estate
Print Name: Samantha J. Saucier

By: *Holly Gaeke*

Print Name: Holly Gaeke

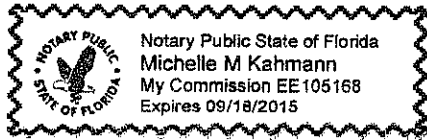
(Corp. Seal)

STATE OF FLORIDA, COUNTY OF PALM BEACH

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgements, personally appeared Samantha J. Saucier to me known and personally known to me to be the person described in, and did not take an oath and who executed the foregoing instrument as its Manager of Corporate Real Estate of the Florida Power & Light Company and acknowledged before me that he executed the same as such official in the name and on behalf of said Corporation.

WITNESS my hand and official seal in the County and State aforesaid this 17th day of Dec., 2012

My Commission Expires:



Notary Signature: *Michelle M. Kahmann*
Notary Public State of Florida

Printed Name: Michelle M. Kahmann

EXHIBIT "A" RIGHT-OF-WAY PARCEL No.101.

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, IN SECTIONS 17 AND 18, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE PLAT OF PALM BEACH OUTLETS, RECORDED IN PLAT BOOK 116, PAGE 98, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PLAT OF PALM BEACH OUTLETS;
 THENCE ALONG THE EAST BOUNDARY OF SAID PLAT, S55°47'36"E FOR 98.13 FEET TO THE POINT OF BEGINNING;
 THENCE S40°17'41"E FOR 56.13 FEET TO A LINE LYING 15.00 FEET SOUTHWESTERLY OF, AND PARALLEL WITH, THE SAID EAST PLAT BOUNDARY;
 THENCE ALONG SAID PARALLEL LINE, S55°47'36"E FOR 157.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCENTRIC WITH SAID EAST PLAT BOUNDARY AND HAVING A RADIUS OF 1030.00 FEET;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°35'25" FOR 82.52 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 122.00 FEET, WHERE A RADIAL LINE BEARS S46°07'45"W;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28°01'18" FOR 59.67 FEET TO A NON-TANGENT CURVE, CONCENTRIC WITH THE SAID EAST PLAT BOUNDARY, AND HAVING A RADIUS OF 1010.00 FEET;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08°11'55" FOR 144.52 FEET;
 THENCE S74°09'02"E FOR 60.06 FEET TO THE SAID EAST PLAT BOUNDARY, BEING A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1045.00 FEET;
 THENCE NORTHWESTERLY, ALONG SAID RIGHT-OF-WAY AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 18°38'03" FOR 339.86 FEET TO A POINT OF TANGENCY;
 THENCE CONTINUE ALONG SAID PLAT BOUNDARY, N55°47'36"W FOR 211.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,315 SQUARE FEET, MORE OR LESS.

NOTES:

1) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH MALL PROJECT No.KHA147257000, AND ON INSTRUCTIONS BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT.

NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.

2) STATE PLANE COORDINATES:

- A. COORDINATES SHOWN ARE GRID
- B. DATUM - NAD 83, 1990 ADJUSTMENT
- C. ZONE - FLORIDA EAST
- D. LINEAR UNIT - US SURVEY FOOT
- E. COORDINATE SYSTEM 1983 STATE PLANE
- F. TRANSVERSE MERCATOR PROJECTION
- G. ALL DISTANCES ARE GROUND
- H. SCALE FACTOR - 1.000043
- I. GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE
- J. ROTATION EQUATION: NONE

3) BEARING BASIS: N00°42'40"E (GRID) ALONG THE WEST LINE OF SECTION 17.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

John E. Phillips III
 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 6-7-13

E-Mail: info@brown-phillips.com

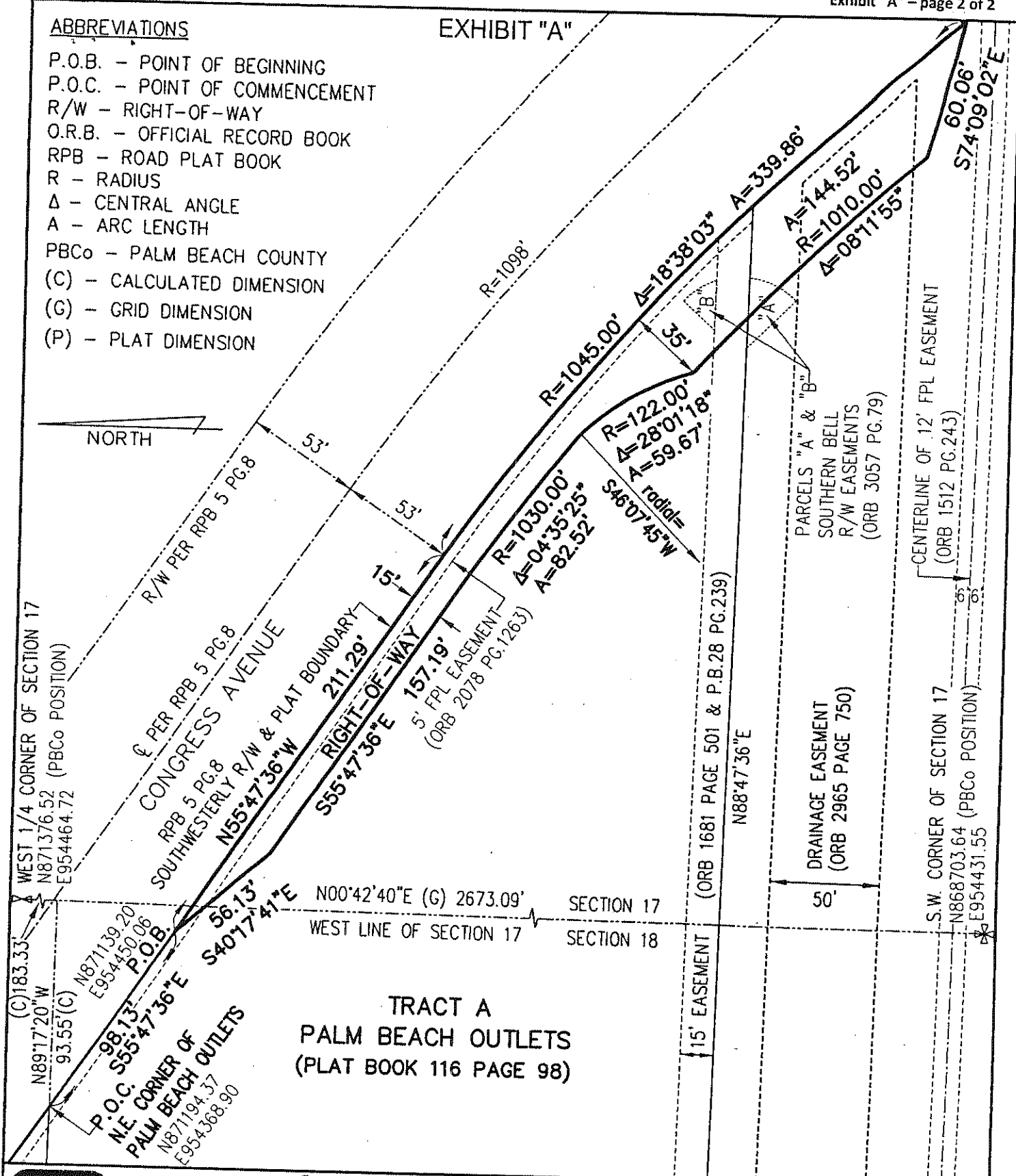
BP
BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

CONGRESS AVENUE RIGHT-OF-WAY PARCEL No.101	
PROJ. No. 11-042	DRAWN: MB
LEGAL DESCRIPTION PALM BEACH OUTLETS	SCALE: 1"=60'
	DATE: 6/5/13
SHEET 1 OF 2	

EXHIBIT "A"

ABBREVIATIONS

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R/W - RIGHT-OF-WAY
- O.R.B. - OFFICIAL RECORD BOOK
- RPB - ROAD PLAT BOOK
- R - RADIUS
- Δ - CENTRAL ANGLE
- A - ARC LENGTH
- PBCo - PALM BEACH COUNTY
- (C) - CALCULATED DIMENSION
- (G) - GRID DIMENSION
- (P) - PLAT DIMENSION



TRACT A
PALM BEACH OUTLETS
(PLAT BOOK 116 PAGE 98)

E-Mail: info@brown-phillips.com

B BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE ROAD., SUITE 509,
WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX

CONGRESS AVENUE
RIGHT-OF-WAY PARCEL No.101
(This sketch is not a survey)

PROJ. No. 11-042	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION PALM BEACH OUTLETS	SCALE: 1"=60' DATE: 6/5/13
	SHEET 2 OF 2

Return to: Right-of-Way Acquisition Section
Name: Palm Beach County Engineering
Post Office Box 21229
West Palm Beach, Florida 33416
Att.: Sherry Wildner
Acct. No.: 1010 W/C BOX 1066

This instrument prepared by:
Robert M. Graham, Esquire
Gunster, Yoakley & Stewart, P. A.
777 South Flagler Drive, Suite 500 East
West Palm Beach, Florida 33401

**SUBORDINATION OF UTILITY INTERESTS
AND AGREEMENT FOR
REIMBURSEMENT FOR ADDITIONAL FACILITY RELOCATIONS**

THIS AGREEMENT, entered into this ____ day of _____, 2013, by and between the COUNTY OF PALM BEACH, STATE OF FLORIDA, hereinafter called the "County", whose address is P.O. Box 21229, West Palm Beach, Florida 33416 and BELLSOUTH TELECOMMUNICATIONS, LLC, a Georgia limited liability company, d/b/a AT&T Florida, whose mailing address is Attention: Area Manager, 2021 S. Military Trail, 1st Floor, West Palm Beach, Florida 33415, hereinafter called "Utility".

WITNESSETH:

WHEREAS, the Utility presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by Utility to the County; and

WHEREAS, the County or its designee is willing to pay for the initial relocation of the Utility's facilities within the public right-of-way to prevent conflict between the County's use and the Utility's use, and for the benefit of each, and

WHEREAS the County or its designee, in addition, in recognition of the Utility's interest in the certain lands, is willing to pay for any future relocation of the Utility's facilities from or within the parcel as shown on Exhibit "A", attached hereto and made a part hereof,

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and County agree as follows:

UTILITY subordinates any and all of its interest in its easement lands described on "EXHIBIT A" attached hereto and made a part hereof, which is the land subject to the below referenced easement ("Land"), to the interest of the County, or its successors, for the purpose of constructing, improving, maintaining and operating a road over, through, upon, and/or across such Lands, based on the following:

Nature of Encumbrances	Date	From	In Favor of	Recorded
Easement	February 28, 1979	Palm Beach Mall, Inc.	So. Bell Tel & Telegraph Co.	OR Book 3057, Page 79

The County and the Utility further agree that:

1. "Public right-of-way", as used herein, shall mean that area which is described in Exhibit "A" attached hereto and made a part hereof and which includes the Utility's easement identified above.
2. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the public right-of-way described in Exhibit "A", in accordance with the County's current minimum standards for such facilities as of the date of this agreement. The current use of the Utility within the public right-of-way as described in Exhibit "A" will continue uninterrupted until its use is satisfactorily relocated. Notwithstanding anything to the contrary herein, the County shall not disturb or interfere with the Utility's use of, or relocation from the Land prior to completion of the relocation of Utility's facilities from said Land. However, any new construction or relocation of facilities within the public right-of-way will be subject to prior approval by the County.
3. The County or its designee shall pay for the relocation of existing facilities (except where paid for by another party, such as Palm Beach Mall Holdings LLC). In addition, the Utility retains the right to be reimbursed, either now or in the future, for additional relocation or adjustment of its facilities located presently or to be located on the public right-of-way described in Exhibit "A", if such relocation or adjustment is caused by present or future uses of the right-of-way by Palm Beach or its assigns, including, but not limited to, the cost of accommodating the Utility within the right-of-way, or if necessary, acquiring replacement easements.

4. The Utility shall have the right to enter upon the lands described in Exhibit "A" for the purposes outlined in Paragraph 2 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities. County shall provide and insure access to said lands by the Utility;
5. The Utility agrees to repair any damage to County facilities and to indemnify the County against any loss or damage resulting from the Utility exercising its rights to construct, operate, maintain, improve, add to, upgrade or remove its facilities on the said public right-of-way.
6. This Agreement shall not be assigned by County except to the State of Florida.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

ATTEST:

Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

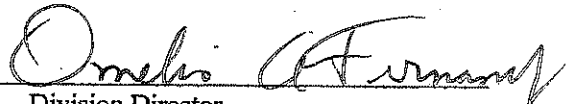
By: _____
Clerk (or Deputy Clerk)

By: _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By: _____
County Attorney

By: 
Division Director

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by Steven L. Abrams, Mayor, Board of County Commissioners, who is personally known to me and who did not take an oath.

Signature

Print Name

(Execution and Acknowledgement continued on next page)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of:

BELLSOUTH TELECOMMUNICATIONS, LLC, a
Georgia limited liability company d/b/a/ AT&T Florida
Name of Utility

By: Robert Lowen
Print Name: Robert Lowen

By: Darrell Davis
Title: Area Manager, AT&T
Print Name: DARRELL DAVIS

By: Garth A. Bedward
Print Name: Garth A. Bedward

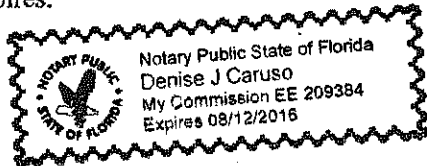
(Corp. Seal)

STATE OF Florida, COUNTY OF Palm Beach

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgements, personally appeared Darrell Davis to me known and personally known to me to be the person described in, and did not take an oath and who executed the foregoing instrument as its Area Manager of BellSouth Telecommunications, LLC, a Georgia limited liability company, and acknowledged before me that he executed the same as such official in the name and on behalf of said Company.

WITNESS my hand and official seal in the County and State aforesaid this 12 day of April, 2013.

My Commission Expires:



Notary Signature: Denise J. Caruso
Notary Public State of Florida
Printed Name: Denise J. Caruso

EXHIBIT "A" RIGHT-OF-WAY PARCEL No.101.

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, IN SECTIONS 17 AND 18, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE PLAT OF PALM BEACH OUTLETS, RECORDED IN PLAT BOOK 116, PAGE 98, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PLAT OF PALM BEACH OUTLETS;
 THENCE ALONG THE EAST BOUNDARY OF SAID PLAT, S55°47'36"E FOR 98.13 FEET TO THE POINT OF BEGINNING;
 THENCE S40°17'41"E FOR 56.13 FEET TO A LINE LYING 15.00 FEET SOUTHWESTERLY OF, AND PARALLEL WITH, THE SAID EAST PLAT BOUNDARY;
 THENCE ALONG SAID PARALLEL LINE, S55°47'36"E FOR 157.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCENTRIC WITH SAID EAST PLAT BOUNDARY AND HAVING A RADIUS OF 1030.00 FEET;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°35'25" FOR 82.52 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 122.00 FEET, WHERE A RADIAL LINE BEARS S46°07'45"W;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28°01'18" FOR 59.67 FEET TO A NON-TANGENT CURVE, CONCENTRIC WITH THE SAID EAST PLAT BOUNDARY, AND HAVING A RADIUS OF 1010.00 FEET;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08°11'55" FOR 144.52 FEET;
 THENCE S74°09'02"E FOR 60.06 FEET TO THE SAID EAST PLAT BOUNDARY, BEING A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1045.00 FEET;
 THENCE NORTHWESTERLY, ALONG SAID RIGHT-OF-WAY AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 18°38'03" FOR 339.86 FEET TO A POINT OF TANGENCY;
 THENCE CONTINUE ALONG SAID PLAT BOUNDARY, N55°47'36"W FOR 211.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,315 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH MALL PROJECT No.KHA147257000, AND ON INSTRUCTIONS BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT.
 NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 2) STATE PLANE COORDINATES:

A. COORDINATES SHOWN ARE GRID	F. TRANSVERSE MERCATOR PROJECTION
B. DATUM - NAD 83, 1990 ADJUSTMENT	G. ALL DISTANCES ARE GROUND
C. ZONE - FLORIDA EAST	H. SCALE FACTOR - 1.000043
D. LINEAR UNIT - US SURVEY FOOT	I. GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE
E. COORDINATE SYSTEM 1983 STATE PLANE	J. ROTATION EQUATION: NONE
- 3) BEARING BASIS: N00°42'40"E (GRID) ALONG THE WEST LINE OF SECTION 17.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

John E. Phillips III
 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 6-7-13

E-Mail: info@brown-phillips.com

BP
BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 1860 OLD OKEECHOBEE ROAD., SUITE 509,
 WEST PALM BEACH, FLORIDA 33409
 TELEPHONE (561)-615-3988, 615-3991 FAX

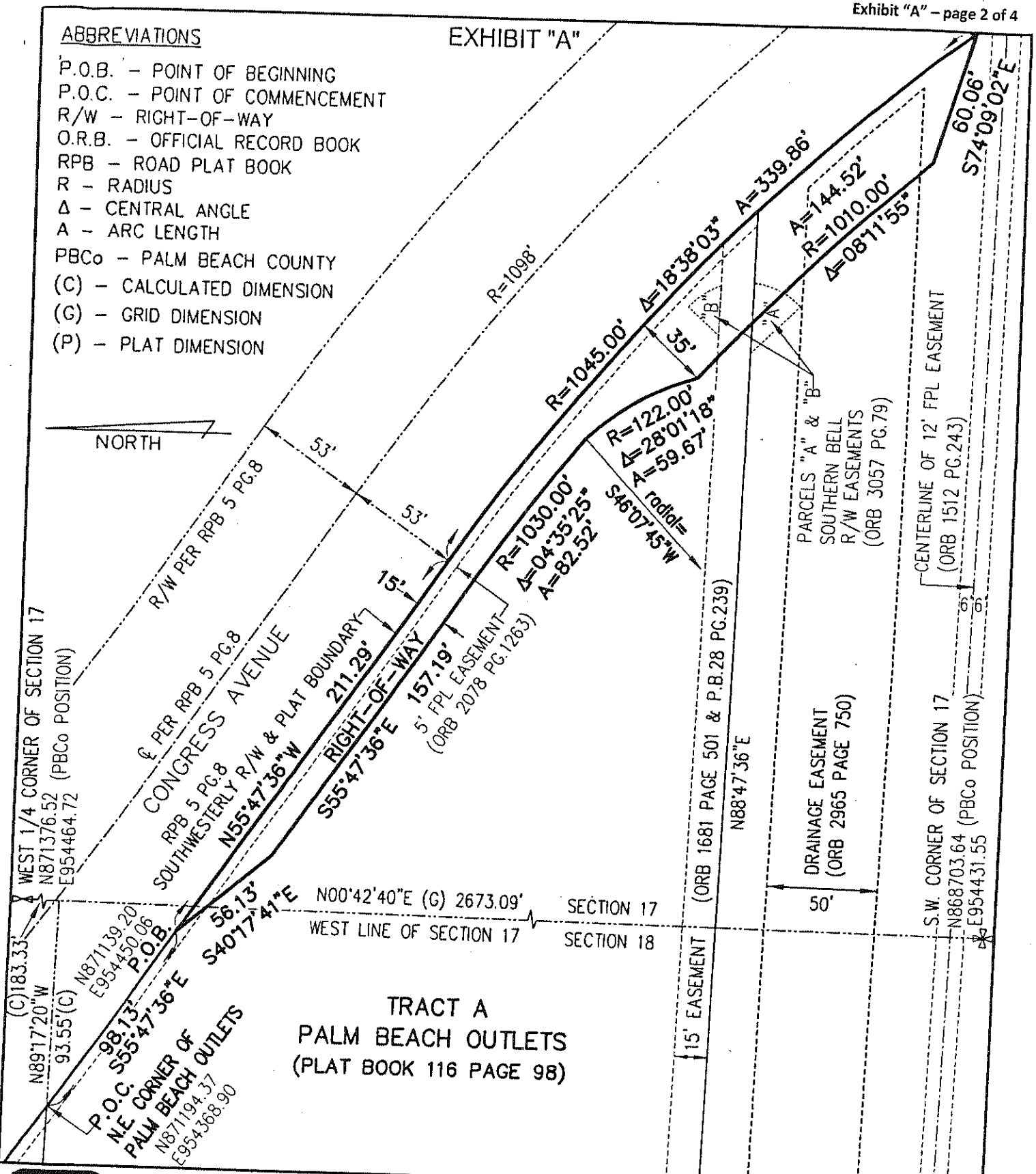
CONGRESS AVENUE RIGHT-OF-WAY PARCEL No.101	
PROJ. No. 11-042	DRAWN: MB
LEGAL DESCRIPTION PALM BEACH OUTLETS	SCALE: 1"=60'
	DATE: 6/5/13
	SHEET 1 OF 2

ABBREVIATIONS

EXHIBIT "A"

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R/W - RIGHT-OF-WAY
- O.R.B. - OFFICIAL RECORD BOOK
- RPB - ROAD PLAT BOOK
- R - RADIUS
- Δ - CENTRAL ANGLE
- A - ARC LENGTH
- PBCo - PALM BEACH COUNTY
- (C) - CALCULATED DIMENSION
- (G) - GRID DIMENSION
- (P) - PLAT DIMENSION

NORTH



TRACT A
PALM BEACH OUTLETS
(PLAT BOOK 116 PAGE 98)

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CERTIFICATE OF AUTHORIZATION # LB 6473
1860 OLD OKEECHOBEE ROAD., SUITE 509,
WEST PALM BEACH, FLORIDA 33409
TELEPHONE (561)-615-3988, 615-3991 FAX

CONGRESS AVENUE RIGHT-OF-WAY PARCEL No.101 (This sketch is not a survey)	
PROJ. No. 11-042	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION PALM BEACH OUTLETS	SCALE: 1"=60' DATE: 6/5/13 SHEET 2 OF 2

EXHIBIT "A" RIGHT-OF-WAY EASEMENT No.201

A PARCEL OF LAND FOR RIGHT-OF-WAY EASEMENT PURPOSES IN SECTION 17, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE PLAT OF PALM BEACH OUTLETS, RECORDED IN PLAT BOOK 116, PAGE 98, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PLAT OF PALM BEACH OUTLETS;
 THENCE ALONG THE EAST BOUNDARY OF SAID PLAT, S55°47'36"E FOR 98.13 FEET;
 THENCE S40°17'41"E FOR 56.13 FEET TO A LINE LYING 15.00 FEET SOUTHWESTERLY OF, AND PARALLEL WITH, THE SAID EAST PLAT BOUNDARY;
 THENCE ALONG SAID PARALLEL LINE, S55°47'36"E FOR 157.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCENTRIC WITH SAID EAST PLAT BOUNDARY AND HAVING A RADIUS OF 1030.00 FEET;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°35'25" FOR 82.52 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 122.00 FEET, WHERE A RADIAL LINE BEARS S46°07'45"W;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28°01'18" FOR 59.67 FEET TO A NON-TANGENT CURVE, CONCENTRIC WITH THE SAID EAST PLAT BOUNDARY, AND HAVING A RADIUS OF 1010.00 FEET;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02°19'49" FOR 41.08 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUE SOUTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01°01'16" FOR 18.00 FEET;
 THENCE S43°30'12"W FOR 12.50 FEET;
 THENCE N45°14'21"W FOR 18.00 FEET;
 THENCE N43°30'12"E FOR 12.50 FEET TO THE POINT OF BEGINNING.

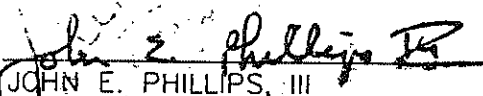
CONTAINING 225 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) THIS DESCRIPTION IS BASED ON INFORMATION FURNISHED BY KIMLEY-HORN AND ASSOCIATES, INC., PALM BEACH MALL PROJECT No.KHA147257000, AND ON INSTRUCTIONS BY THE PALM BEACH COUNTY ROADWAY PRODUCTION DEPARTMENT.
 NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY BROWN & PHILLIPS, INC.
- 2) STATE PLANE COORDINATES:

A. COORDINATES SHOWN ARE GRID	F. TRANSVERSE MERCATOR PROJECTION
B. DATUM - NAD 83, 1990 ADJUSTMENT	G. ALL DISTANCES ARE GROUND
C. ZONE - FLORIDA EAST	H. SCALE FACTOR - 1.000043
D. LINEAR UNIT - US SURVEY FOOT	I. GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE
E. COORDINATE SYSTEM 1983 STATE PLANE	J. ROTATION EQUATION: NONE
- 3) BEARING BASIS: N00°42'40"E (GRID) ALONG THE WEST LINE OF SECTION 17.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.


 JOHN E. PHILLIPS, III
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 4826
 DATE: 6-7-13


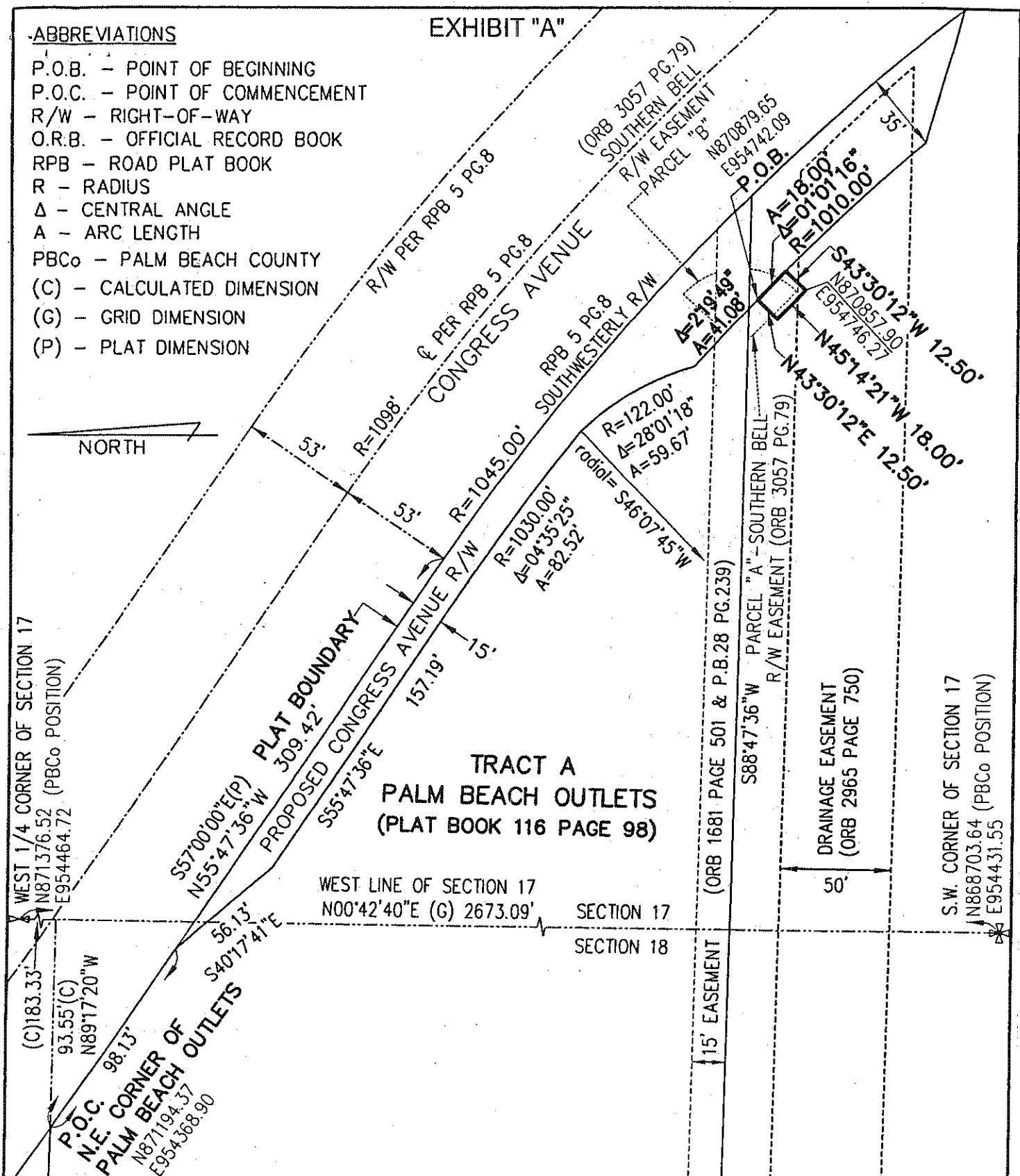
 BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX E-Mail: info@brown-phillips.com	RIGHT-OF-WAY EASEMENT No.201 CONGRESS AVENUE	
	PROJ. No. 11-042	DRAWN: MB
	LEGAL DESCRIPTION PALM BEACH OUTLETS	SCALE: 1"=60' DATE: 6/5/13
		SHEET 1 OF 2

EXHIBIT "A"

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SHEET 2 OF 2	

**PALM BEACH COUNTY LAND DEVELOPMENT DIVISION
RIGHT-OF-WAY CONSTRUCTION PERMIT**

Permit not valid unless pink copy is signed
and returned within 15 days after pick up to:

PERMIT NUMBER RW30688
ISSUANCE DATE
EXPIRATION DATE

Palm Beach County
Land Development Division
2300 N. Jog Road
West Palm Beach, FL 33411-2745

S 17 T 43 R 43

PERMITTEE DOUGLASS KARP
1 WELLS AVE
NEWTON CENTRE, MA 02459

FEE \$9,050.00

CONTACT Ashley Stanford
(772) 794 - 4049

PROJECT DESCRIPTION Palm Beach Mall, on the north side of Palm Beach Lakes Blvd, between I-95 and Congress Ave.

LOCATION CONGRESS AVE - (Sht 9) Modify existing driveway on the west side of the R/W, 1,050 ft north of Palm Beach Lakes Blvd, including north approach right turn lane, side walk sections, curb ramps, curb and gutter, a manhole, (2) curb inlets, 150 ft of exfiltration trench section, 103 ft of 18 inch RCP pipe, signing and marking of the road.
PALM BEACH LAKES BLVD - (Sht 6) Modify existing driveway on the north side of the R/W, 1,750 ft west of Congress Ave, including east approach right turn lane, side walk sections, curb ramps, curb and gutter, a curb inlet, a type C inlet, (4) manholes, 168 ft of exfiltration trench section, 83 ft of 18 inch RCP pipe, signing and marking of the road. (Sht 7) Modify existing driveway on the north side of the R/W, 1,150 ft west of Congress Ave, including side walk sections, curb ramps, curb and gutter, signing and marking of the road. (Sht 8) Modify existing driveway on the north side of the R/W, 450 ft west of Congress Ave, including east approach right turn lane, side walk sections, curb ramps, curb and gutter, (3) manholes, 20 ft of exfiltration trench section, 31 ft of 18 inch RCP pipe and signing and marking of the road. Modify median at same location.

REFERENCED PLANS Sheets 1-43.

Permit is hereby granted for the work within the right-of-way as shown on the referenced plans, subject to Conditions on back of this permit, and the following conditions:

1. Contact the Construction Coordination Division at (561) 684-4180, 48 hours before commencement of work. (See Condition Number 1 on the back of this permit.)
2. Permittee is responsible to contact Palm Beach County Department of Environmental Resources Management to obtain any approvals that office may require due to the work proposed by this permit.
3. The permittee shall be responsible for submission of a traffic control plan to Ed McClane with the Palm Beach County Traffic Division. He can be contacted at (561) 684-4030. The plan shall be submitted a minimum of 2 weeks before start of construction. The permittee shall coordinate with Mr. McClane to ensure the plan is approved prior to start of construction.
4. Prior to scheduling a final field review with Construction Coordination, the permittee shall submit to the Land Development Division a signed and sealed certification of completion from the Engineer-of-Record for the above work, referencing the permit number and indicating the work was completed in substantial accordance with the approved plans.
5. Prior to issuance of any building permits for Phase II of the Palm Beach Outlets development, an east approach right turn lane shall be constructed at the Central Mall Entrance located at Station No. 170 on Palm Beach Lakes Blvd. Phase II is defined to be the issuance of any building permits in excess of the following land uses, or traffic equivalent thereof: 885,000 sf of Shopping Center; 8,000 sf Bank; 13,500 sf Tire Store; and 17,000 High Turnover Sit-Down Restaurant.
6. The cost of any Utility relocation for the construction of the Right of Way Permit RW30688 will be the responsibility of the Permittee.

This permit shall become void if the pink copy of the permit is not signed and returned to this office within 15 days after pickup; or, if returned, Condition Number 1 on the back of this permit is not complied with. Certification of Occupancy (if applicable) will be withheld until the Certification of Completion from the engineer of record (if applicable) and a satisfactory field review by the Palm Beach County Construction Coordination Division have been received by the Land Development Division.

PERMITTEE SIGNATURE (AUTHORIZED
SIGNATURE OR DULY AUTHORIZED AGENT)

COUNTY APPROVAL
Joanne M. Keller, P. E., Director
Land Development Division

SIGNATURE

PLEASE PRINT OR TYPE

JMK ROBERT LAZO

Control Number N/A
PR No. N/A
Related Permit UT30757

cc: Construction Coordination Division w/plans
Britt Stephens - Kimley Horn and Associates, Incorporated
Permittee w/plans

Long, Josh

From: VNoel@wpb.org
Sent: Tuesday, May 14, 2013 2:52 PM
To: Long, Josh
Subject: RE: PB Mall - Subordination Request

Josh,

We have reviewed your request and the City is unable to subordinate our drainage easement with the presence of existing drainage infrastructure.

With Regards,

Vincent J. Noel, P.S.M.
Survey/Real Estate Supervisor
City of West Palm Beach
Engineering Services
401 Clematis Street, 4th Floor
West Palm Beach, Florida 33401
(561) 494-1096, fax: 494-1116
email - vnoel@wpb.org