

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 22, 2013

Consent Regular
 Ordinance Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF


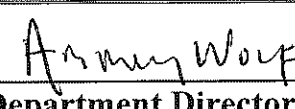
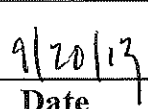
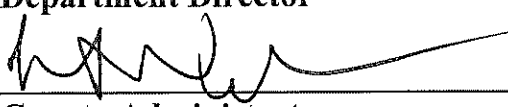
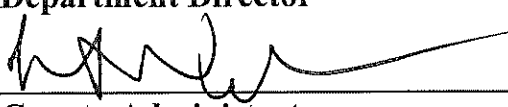
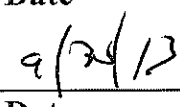
Motion and Title: Staff recommends motion to approve: a Deed of Conservation Easement across a portion of Waterway Park in unincorporated Jupiter in favor of the South Florida Water Management District (SFWMD).

Summary: Waterway Park is located on East Indiantown Road, west of and adjacent to the Intracoastal Waterway, in unincorporated Jupiter. As a condition of SFWMD Permit No. 50-10097-P for the development of the Park, the County is required to grant SFWMD a Conservation Easement in order to complete construction of a surface water management system and on-site wetland mitigation to serve the 30.04 acre Park. This non-exclusive easement consists of 4 wetland mitigation areas containing 2.19 acres of enhanced wetlands and 1.66 acres of created wetlands totaling 3.85 acres (167,921 square feet). The easement is being granted to the SFWMD at no cost as a condition of compliance with the permit. (PREM) District 1 (HJF)

Background and Justification: Development for the Park includes direct access to the Park from East Indiantown Road, boat ramps, temporary tie-up docks, an elevated boardwalk and fishing pier, a seawall, parking to accommodate motor vehicles and boat trailers, restrooms, picnic shelters and associated infrastructure. The surface water management system project consists of two water-collection basins, retaining walls, storm drains, grading and trenching to direct runoff and exfiltration, mitigation procedures and dewatering permitting. The project is scheduled to begin early in 2014.

Attachments:

1. Location Map
2. Deed of Conservation Easement

Recommended By:			
		Department Director	Date
Approved By:			
		County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0x</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget: Yes _____ No _____					
Budget Account No: Fund _____ Dept _____ Unit _____ Object _____					
Program _____					

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

No fiscal impact.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 9/27/13
 OFMB 610
 9/26 30
 9/27/13

[Signature] 9/27/13
 Contract Development and Control
 9-27-13 *[Signature]*

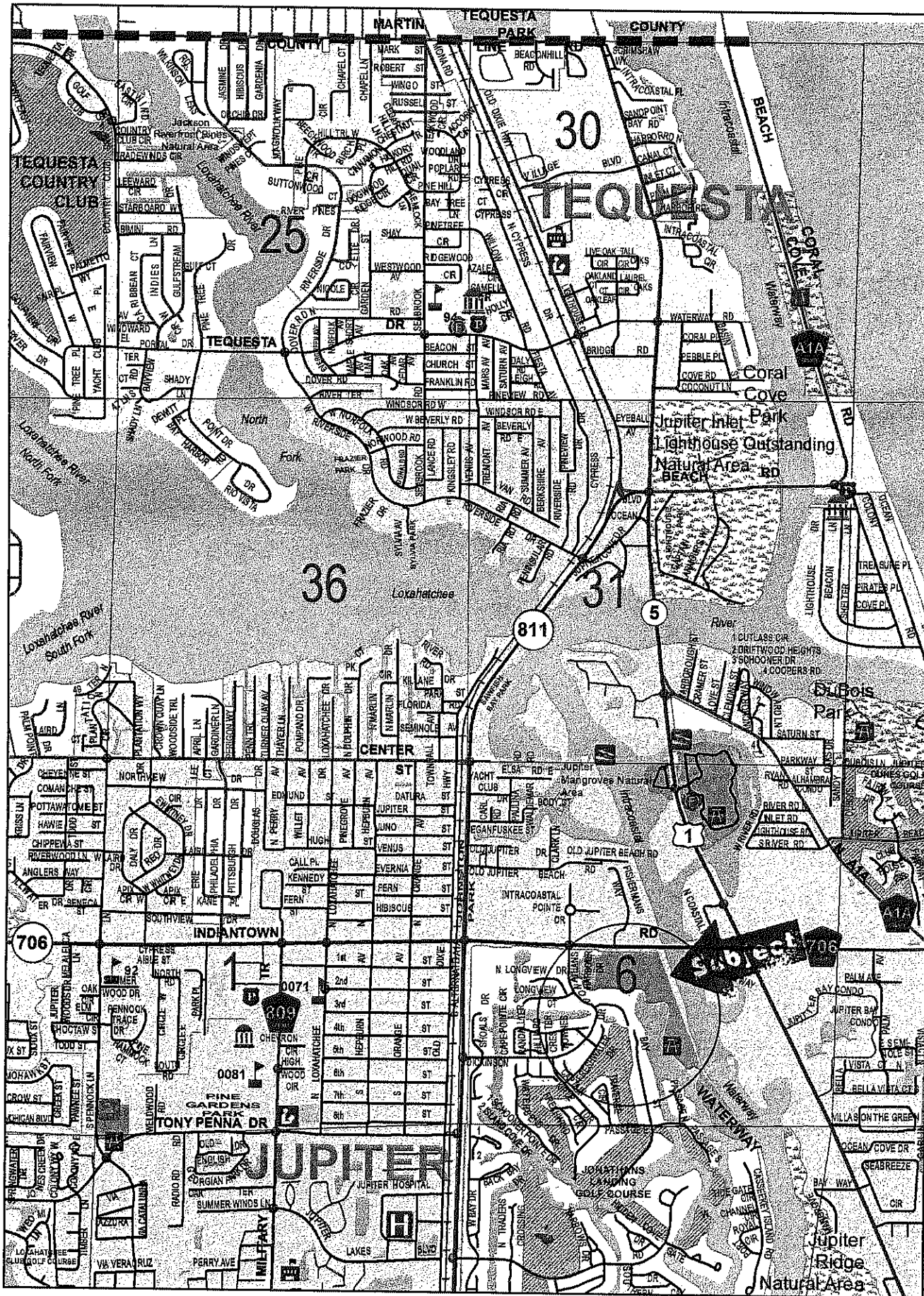
B. Legal Sufficiency:

[Signature] 9/30/13
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



TWP 40

TWP 40

TWP 41

1

2

3

RNG 42

See pg 15

RNG 43

Page 7

LOCATION MAP

II

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

DEED OF CONSERVATION EASEMENT

Return recorded document to:
South Florida Water Management District
3301 Gun Club Road, MSC 4210
West Palm Beach, FL 33406

THIS DEED OF CONSERVATION EASEMENT is given this _____ day of _____, 20 13, by Palm Beach County, a political subdivision of the State of Florida, _____ ("Grantor") whose mailing address is 301 North Olive Avenue, West Palm Beach, FL 33401-4791, to the South Florida Water Management District ("Grantee"). As used herein, the term "Grantor" shall include any and all successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Palm Beach County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct a surface water management system to serve a 16.94 acre recreational park project ("Project") at a site in Palm Beach County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, District Permit No. 50-10097-P ("Permit") authorizes certain activities which affect surface waters in or of the State of Florida; and

WHEREAS, this Permit requires that the Grantor preserve, enhance, restore and/or mitigate wetlands and/or uplands under the District's jurisdiction; and

Deed of Conservation Easement – Local Governments, Incorporated by reference in Section 4.3.8, Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.

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WHEREAS, the Grantor has developed and proposed as part of the Permit conditions, a conservation tract and maintenance buffer involving preservation of certain wetland and/or upland systems on the Property; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes, over the area described on Exhibit "B" ("Conservation Easement").

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual Conservation Easement for and in favor of the Grantee upon the Property described on Exhibit "B" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in the Conservation Easement which are to be preserved, enhanced or created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the Permit.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Conservation Easement that may be damaged by any inconsistent activity or use.

3. Prohibited Uses. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, or other activities described herein that are permitted or required by the Permit, the following activities are prohibited in or on the Conservation Easement:

Deed of Conservation Easement – Local Governments, Incorporated by reference in Section 4.3.8, Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.

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- a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a District approved maintenance plan;
- d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- e. Surface use except for purposes that permit the land or water area to remain in its natural or enhanced condition;
- f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;
- g. Acts or uses detrimental to such aforementioned retention of land or water areas;
- h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. Passive Recreational Facilities. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and that are not inconsistent with any District rule, criteria, the Permit and the intent and purposes of this Conservation Easement. Passive recreational uses that are not contrary to the purpose of this Conservation Easement may be permitted upon written approval by the District. Without limiting the generality of the foregoing, the following rights are expressly reserved:

- a. The Grantor may conduct limited land clearing for the purpose of constructing such pervious facilities as docks, boardwalks or mulched walking trails; and
- b. The Grantor may construct and maintain passive public use facilities for the purpose of educating the public or allowing public access and recreation which have minimal or no impact on natural resources; and
- c. Grantor may place signs and markers as necessary to identify trails, restoration areas, or other site features related to public use and land management activities; and

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d. Grantor may construct and maintain to the extent allowed by current and future permits, at grade, management roads, fire breaks, trails, walkways, piers, observation platforms or boardwalks necessary to provide public access and management activities as provided for in the site's management plan; and

e. Grantor may remove or kill by any lawful means, exotic or nuisance vegetation or animal species, conduct prescribed burns and conduct other management activities necessary to carry out management for conservation purposes; and

f. Grantor may conduct restoration and enhancement projects which do not conflict with the purpose of this easement; and

g. The construction and use of the approved passive recreational facilities shall be subject to the following conditions:

i. Grantor shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Conservation Easement Area and shall avoid materially diverting the direction of the natural surface water flow in such area;

ii. Such facilities and improvements shall be constructed and maintained utilizing Best Management Practices;

iii. Adequate containers for litter disposal shall be situated adjacent to such facilities and improvements and periodic inspections shall be instituted by the maintenance entity, to clean any litter from the area surrounding the facilities and improvements;

iv. This Conservation Easement shall not constitute permit authorization for the construction and operation of the passive recreational facilities. Any such work shall be subject to all applicable federal, state, District or local permitting requirements.

5. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

6. Grantee's Liability. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

7. Property Assessments. If and to the extent that the Grantor is not exempt from assessments and assessments are levied against the Easement Parcel, Grantor shall keep the assessments on the Easement Parcel current.

8. Enforcement. Enforcement of the terms, provisions and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's Deed of Conservation Easement - Local Governments, Incorporated by reference in Section 4.3.8, Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.

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rights hereunder.

9. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

10. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

11. Terms, Conditions, Restrictions, Purpose. The terms, conditions, restrictions and purpose of this Conservation Easement shall be referenced by Official Record Book and Page Number by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement. Any future holder of the Grantor's interest in the Property shall be notified in writing by Grantor of this Conservation Easement.

12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Palm Beach County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

The Grantor agrees to defend the title to the Conservation Easement property hereby conveyed against the lawful claims of all persons claiming by, through, or under the Grantor, except those claims created or arising from any act or omission of Grantee.

IN WITNESS WHEREOF,

(Grantor) has hereunto set its authorized hand this _____ day of _____, 20_____.

Palm Beach County,
A political subdivision of the State of Florida

By: _____

Steven L. Abrams, Mayor
(Print Name and Title)

ATTEST: Sharon R. Bock, Clerk & Comptroller, Palm Beach County

BY: _____
Deputy Clerk

DATE: _____

APPROVED AS TO FORM AND SUFFICIENCY

By: _____

Howard Falcon, Sr. Asst. County Atty.
(Print Name and Title)

APPROVED AS TO TERMS AND CONDITIONS

By: Reet Amy Wolf
Department Director

EXHIBIT A
County Property

Tract A of the Waterway Park, A Portion Of Jonathan's Landing P.U.D. plat, as recorded in Plat Book 116, Page 197, of the Public Records of Palm Beach County, Florida

EXHIBIT B
Conservation Easement

A CONSERVATION EASEMENT IN SECTION 8, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN THE PLAT OF WATERWAY COUNTY PARK, RECORDED IN PLAT BOOK 31, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCE AT THE NORTHEAST CORNER OF SAID PLAT; THENCE ALONG THE EAST BOUNDARY OF SAID PLAT, S20°51'05"E FOR 76.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID BOUNDARY, S20°51'05"E FOR 58.68 FEET; THENCE S51°26'31"W FOR 11.11 FEET; THENCE S77°47'44"E FOR 12.83 FEET TO SAID EAST PLAT BOUNDARY; THENCE ALONG SAID BOUNDARY, S20°51'05"E FOR 279.83 FEET; THENCE S35°23'56"W FOR 12.39 FEET; THENCE N54°36'03"W FOR 56.31 FEET; THENCE N20°51'32"W FOR 19.09 FEET; THENCE N54°59'32"W FOR 88.37 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 136.17 FEET; THENCE WESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 37°20'42" FOR 88.75 FEET; THENCE S65°18'44"W FOR 24.38 FEET; THENCE S88°14'20"W FOR 38.78 FEET; THENCE N31°45'40"W FOR 51.19 FEET; THENCE S88°14'20"W FOR 360.02 FEET; THENCE S58°14'20"W FOR 12.67 FEET; THENCE S88°14'20"W FOR 15.89 FEET; THENCE S09°15'26"E FOR 41.64 FEET; THENCE S80°44'34"W FOR 17.00 FEET; THENCE N09°15'26"W FOR 18.39 FEET; THENCE S80°44'34"W FOR 23.42 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 98.87 FEET, WHERE A RADIAL LINE BEARS S84°42'55"W; THENCE NORTHERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 39°51'54" FOR 88.65 FEET TO A POINT OF TANGENCY; THENCE N45°08'59"W FOR 231.20 FEET; THENCE N33°48'45"E FOR 18.41 FEET TO A LINE LYING 7.50 FEET SOUTH OF, AND PARALLEL WITH, THE SAID SOUTH RIGHT-OF-WAY OF STATE ROAD 708; THENCE ALONG SAID PARALLEL LINE, S89°22'03"E FOR 298.00 FEET; THENCE N83°00'00"E FOR 56.47 FEET TO THE SOUTH RIGHT-OF-WAY OF STATE ROAD 708, RECORDED IN OFFICIAL RECORD BOOK 8878, PAGE 1483, OF SAID PUBLIC RECORDS; THENCE ALONG SAID RIGHT-OF-WAY, S89°22'03"E FOR 343.12 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY, S89°58'58"E FOR 74.80 FEET; THENCE S02°10'28"E FOR 14.57 FEET; THENCE N87°41'05"E FOR 11.30 FEET TO THE POINT OF BEGINNING.
 CONTAINING 3.77 ACRES (164,328 SQUARE FEET), MORE OR LESS.

LESS THAT PORTION LYING WITHIN THE FLORIDA DEPARTMENT OF TRANSPORTATION PERPETUAL EASEMENT RECORDED IN OFFICIAL RECORD BOOK 24708, PAGE 783, OF SAID PUBLIC RECORDS.

NET AREA = 3.30 ACRES (143,871 SQUARE FEET), MORE OR LESS

BEARING BASIS: S20°51'05"E ALONG THE EAST BOUNDARY OF THE PLAT OF WATERWAY COUNTY PARK, PLAT BOOK 31, PAGE 10.

ENCUMBRANCES ARE NOTED PURSUANT TO TITLE COMMITMENT No.2603038, DATED 5/4/2010 PREPARED BY SOUTHEAST GUARANTY & TITLE, INC.

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
 DATES: 8/29/13

BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
 901 NORTHPOINT PKWY, SUITE 118, W.P.B. FLORIDA 33407
 (561) 615-3888, (561) 615-3888 FAX

PALM BEACH COUNTY WATERWAY COUNTY PARK CONSERVATION EASEMENT No.1	
PROJ. No. 11-034	DRAWN: MB
LEGAL DESCRIPTION	SCALE: 1" = 120'
	DATE: 8/28/13
	SHEET 1 OF 2

EXHIBIT B
Conservation Easement

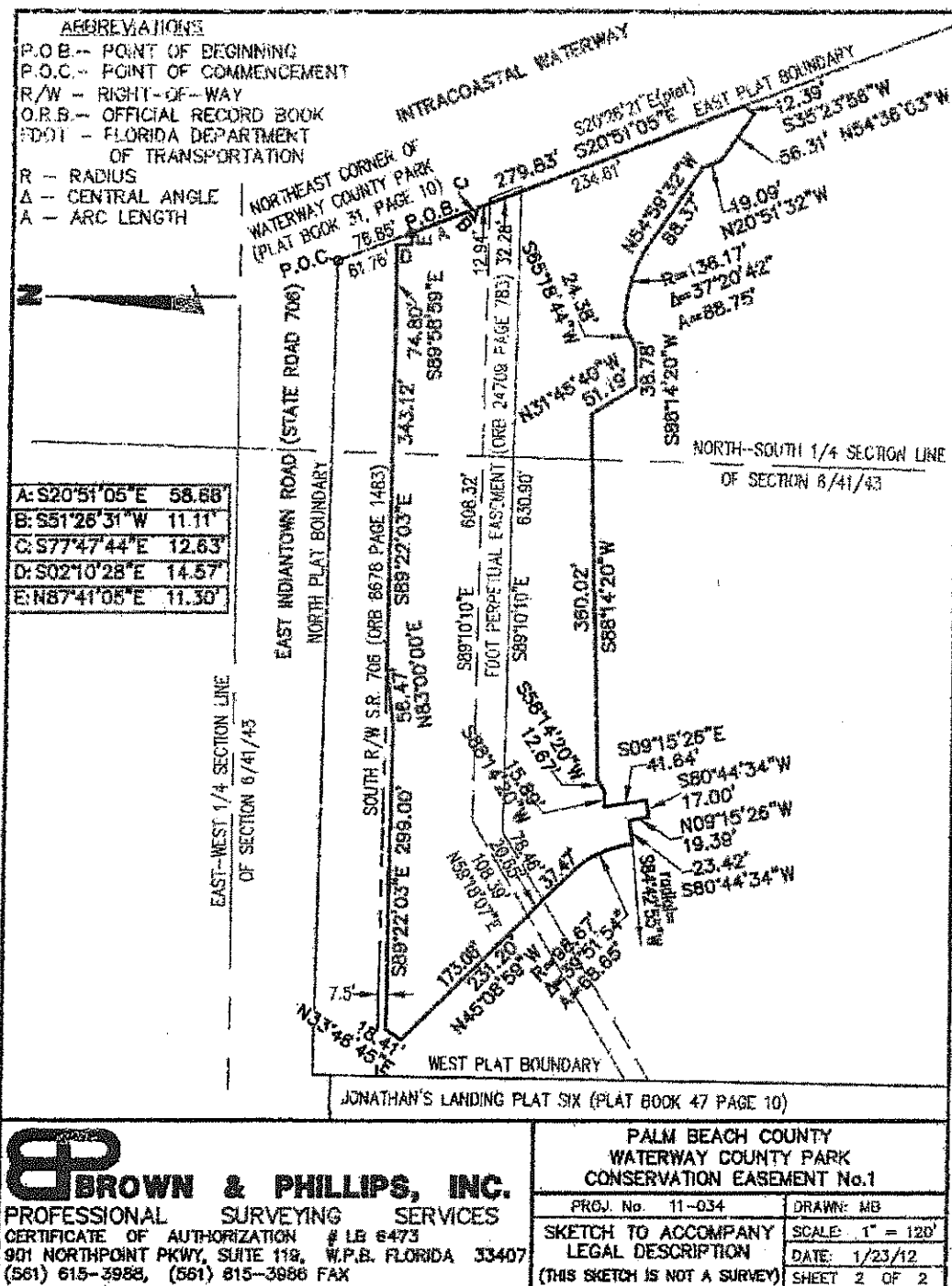


EXHIBIT B
Conservation Easement

A CONSERVATION EASEMENT IN SECTION 8, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN THE PLAT OF WATERWAY COUNTY PARK, RECORDED IN PLAT BOOK 31, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID PLAT;
 THENCE ALONG THE WEST BOUNDARY OF SAID PLAT, N00°58'43"E FOR 218.99 FEET TO THE NORTH BOUNDARY OF A PARCEL RECORDED IN OFFICIAL RECORD BOOK 8586, PAGE 705, OF SAID PUBLIC RECORDS;
 THENCE ALONG SAID NORTH BOUNDARY, S89°01'17"E FOR 441.46 FEET;
 THENCE N00°58'43"E FOR 164.19 FEET TO THE POINT OF BEGINNING;
 THENCE N00°02'31"W FOR 15.72 FEET;
 THENCE S88°17'32"W FOR 158.99 FEET;
 THENCE N28°14'20"E FOR 21.05 FEET;
 THENCE N22°09'59"W FOR 25.98 FEET;
 THENCE N09°15'28"W FOR 10.27 FEET;
 THENCE S80°44'34"W FOR 10.35 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 39.76 FEET;
 THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 78°58'32" FOR 54.80 FEET TO A POINT OF TANGENCY;
 THENCE S01°46'02"W FOR 69.23 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34.00 FEET;
 THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 119°02'14" FOR 70.84 FEET TO A POINT OF TANGENCY;
 THENCE N62°43'48"E FOR 30.56 FEET;
 THENCE N89°10'52"E FOR 27.85 FEET;
 THENCE N67°51'48"E FOR 52.82 FEET;
 THENCE N38°13'48"E FOR 17.60 FEET;
 THENCE N85°43'38"E FOR 45.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,808 SQUARE FEET (0.34 ACRES), MORE OR LESS.

BEARING BASIS: N00°58'43"E ALONG THE WEST BOUNDARY OF THE PLAT OF WATERWAY COUNTY PARK, PLAT BOOK 31, PAGE 10.

ENCUMBRANCES ARE NOTED PURSUANT TO TITLE COMMITMENT No.2803038, DATED 5/4/2010 PREPARED BY SOUTHEAST GUARANTY & TITLE, INC.

ABBREVIATIONS

P.O.B. - POINT OF BEGINNING
 P.O.C. - POINT OF COMMENCEMENT
 O.R.B. - OFFICIAL RECORD BOOK K
 R - RADIUS
 Δ - CENTRAL ANGLE
 A - ARC LENGTH

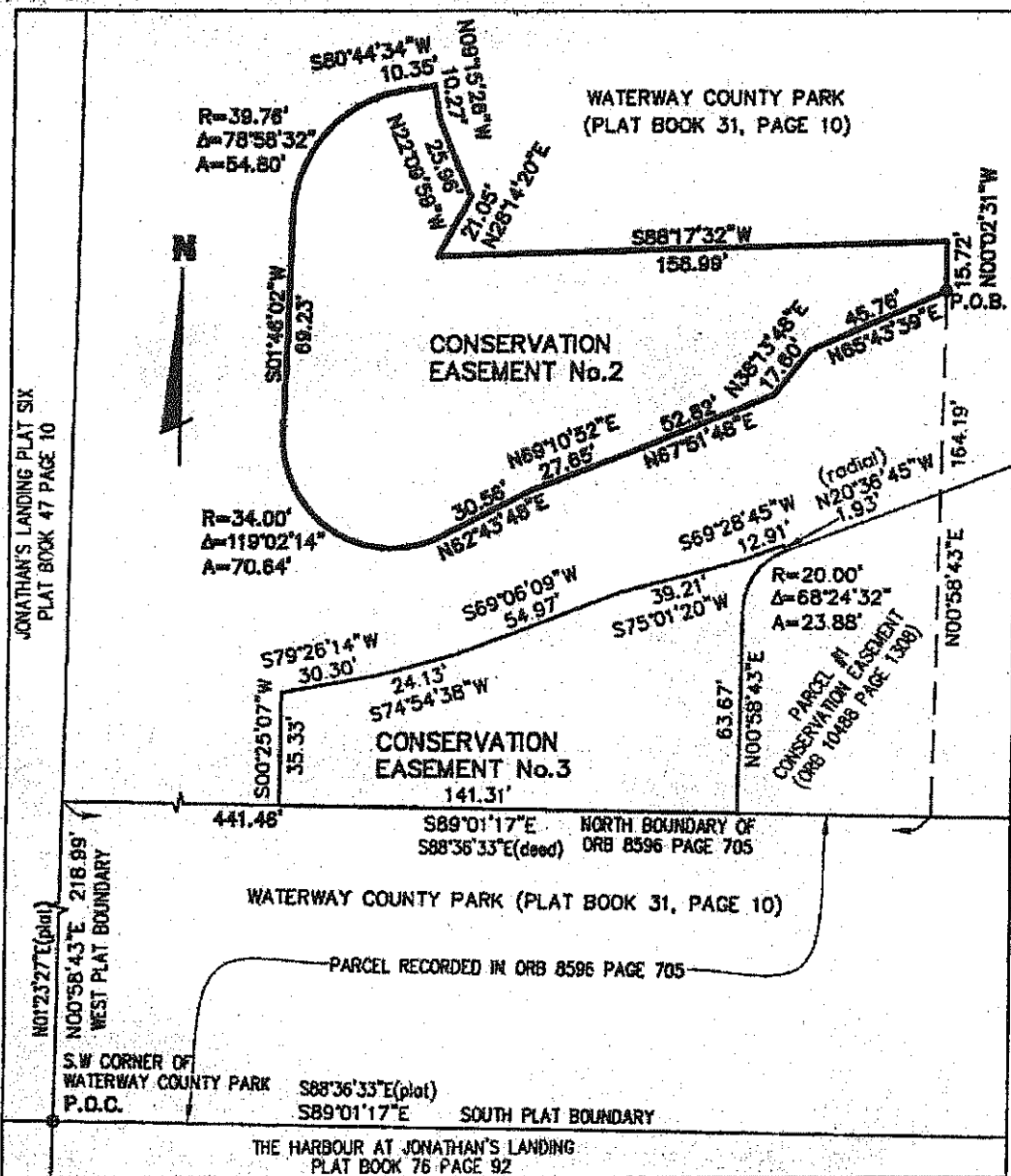
THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
 REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND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

John E. Phillips II
 JOHN E. PHILLIPS II
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA No 4826
 DATE: 7/24/12

BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 8473
 901 NORTHPOINT PKWY, SUITE 118, W.P.B. FLORIDA 33407
 (561) 815-3988, (561) 815-3988 FAX

PALM BEACH COUNTY WATERWAY COUNTY PARK CONSERVATION EASEMENT No.2	
PROJ. No. 11-034	DRAWN: MB
LEGAL DESCRIPTION	SCALE: 1" = 40'
	DATE: 8/15/11
	SHEET 1 OF 2

EXHIBIT B
Conservation Easement



BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 8473
 901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407
 (561) 615-3988, (561) 615-3986 FAX

PALM BEACH COUNTY WATERWAY COUNTY PARK CONSERVATION EASEMENT No.2	
PROJ. No. 11-634	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	SCALE: 1" = 40'
(THIS SKETCH IS NOT A SURVEY)	DATE: 8/15/11
	SHEET 2 OF 2

EXHIBIT B
Conservation Easement

A CONSERVATION EASEMENT IN SECTION 6, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN THE PLAT OF WATERWAY COUNTY PARK, RECORDED IN PLAT BOOK 31, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID PLAT;
 THENCE ALONG THE WEST BOUNDARY OF SAID PLAT, N00°58'43"E FOR 218.98 FEET TO THE NORTH BOUNDARY OF A PARCEL RECORDED IN OFFICIAL RECORD BOOK 8596, PAGE 705, OF SAID PUBLIC RECORDS;
 THENCE ALONG SAID NORTH BOUNDARY, S89°01'17"E FOR 240.38 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUE ALONG SAID NORTH BOUNDARY, S89°01'17"E FOR 141.31 FEET TO THE BOUNDARY OF CONSERVATION EASEMENT PARCEL #1, RECORDED IN OFFICIAL RECORD BOOK 10488, PAGE 1308, OF SAID PUBLIC RECORDS;
 THENCE ALONG THE BOUNDARY OF SAID PARCEL #1, N00°58'43"E FOR 63.67 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 20.00 FEET;
 THENCE NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 88°24'32" FOR 23.88 FEET;
 THENCE RADIAL TO SAID CURVE, N20°36'45"W FOR 1.93 FEET;
 THENCE S89°28'45"W FOR 12.91 FEET;
 THENCE S75°01'20"W FOR 39.21 FEET;
 THENCE S89°08'09"W FOR 54.97 FEET;
 THENCE S74°54'38"W FOR 24.13 FEET;
 THENCE S79°28'14"W FOR 30.30 FEET;
 THENCE S00°25'07"W FOR 35.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,987 SQUARE FEET (0.18 ACRES), MORE OR LESS.

BEARING BASIS: N00°58'43"E ALONG THE WEST BOUNDARY OF THE PLAT OF WATERWAY COUNTY PARK, PLAT BOOK 31, PAGE 10.

ENCUMBRANCES ARE NOTED PURSUANT TO TITLE COMMITMENT No.2603038, DATED 5/4/2010 PREPARED BY SOUTHEAST GUARANTY & TITLE, INC.

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ABBREVIATIONS

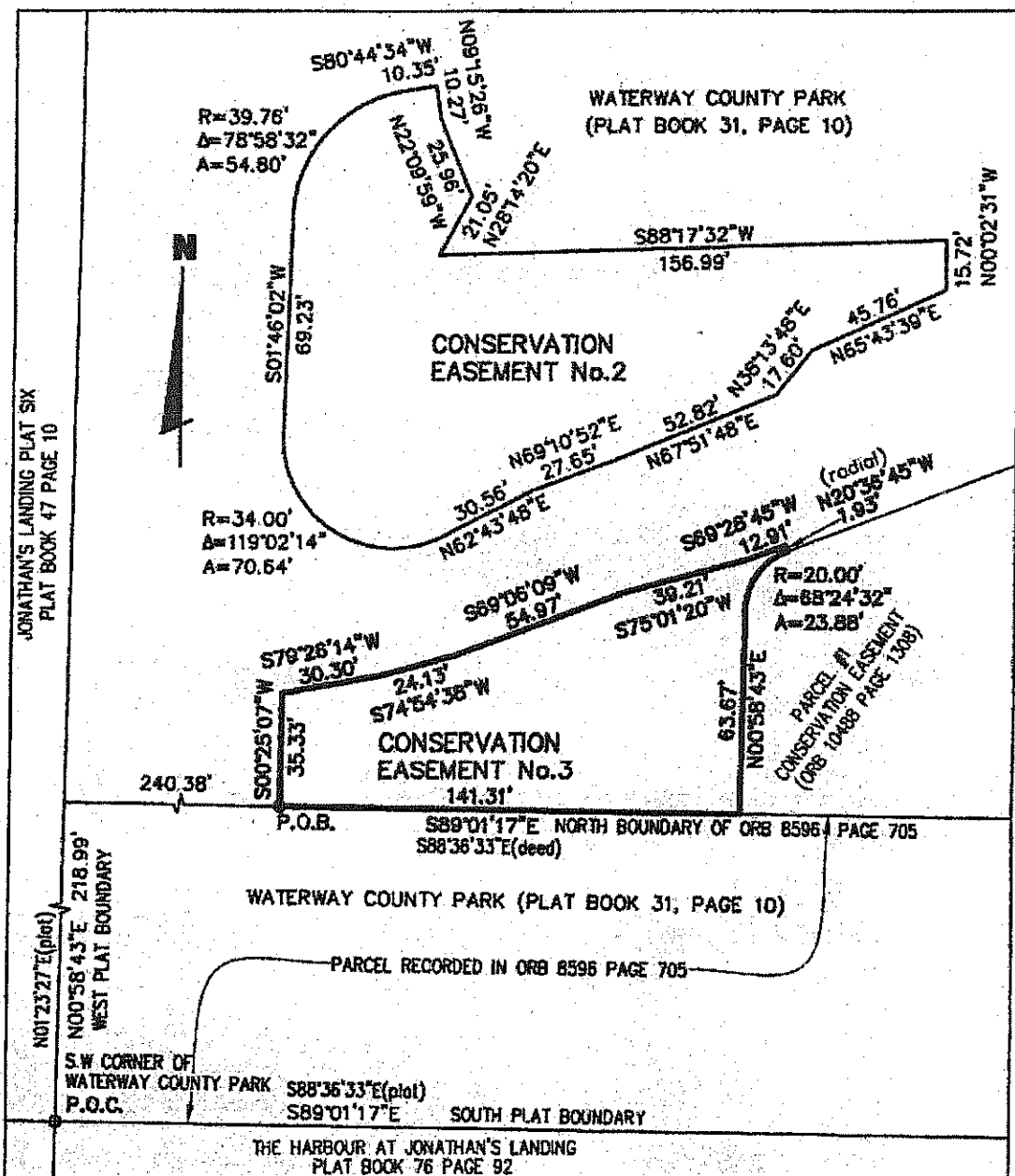
P.O.B. - POINT OF BEGINNING
 P.O.C. - POINT OF COMMENCEMENT
 O.R.B. - OFFICIAL RECORD BOOK #
 R - RADIUS
 Δ - CENTRAL ANGLE
 A - ARC LENGTH

James Phillips II
 JAMES PHILLIPS II
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA No. 4826
 DATE: 8/15/11

BROWN & PHILLIPS, INC.
 PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 8473
 901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407
 (561) 615-3988, (561) 615-3988 FAX

PALM BEACH COUNTY WATERWAY COUNTY PARK CONSERVATION EASEMENT No.3	
PROJ. No. 11-034	DRAWN: MB
LEGAL DESCRIPTION	SCALE: 1" = 40'
	DATE: 8/15/11
	SHEET 1 OF 2

EXHIBIT B
Conservation Easement



BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 0473
901 NORTHPOINT PKWY, SUITE 110, W.P.B. FLORIDA 33407
(561) 615-3988, (888) 615-3988 FAX

PALM BEACH COUNTY WATERWAY COUNTY PARK CONSERVATION EASEMENT No.3	
PROJ. No. 11-034	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	SCALE: 1" = 40'
(THIS SKETCH IS NOT A SURVEY)	DATE: 8/15/11
	SHEET 2 OF 2

EXHIBIT B
Conservation Easement

A CONSERVATION EASEMENT IN SECTION 6, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN THE PLAT OF WATERWAY COUNTY PARK, RECORDED IN PLAT BOOK 31, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

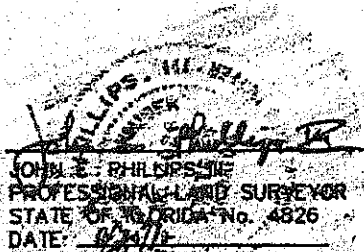
COMMENCE AT THE NORTHEAST CORNER OF SAID PLAT;
 THENCE ALONG THE EAST BOUNDARY OF SAID PLAT, S20°51'05"E FOR 551.41 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUE ALONG SAID BOUNDARY, S20°51'05"E FOR 75.24 FEET;
 THENCE N74°15'42"W FOR 31.62 FEET;
 THENCE N17°36'35"W FOR 38.80 FEET;
 THENCE N21°43'14"E FOR 23.94 FEET;
 THENCE N68°55'53"E FOR 7.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,447 SQUARE FEET (0.03 ACRES), MORE OR LESS.

BEARING BASIS: S20°51'05"E ALONG THE EAST BOUNDARY OF THE PLAT OF WATERWAY COUNTY PARK, PLAT BOOK 31, PAGE 10.

ENCUMBRANCES ARE NOTED PURSUANT TO TITLE COMMITMENT No.2603038, DATED 5/4/2010 PREPARED BY SOUTHEAST GUARANTY & TITLE, INC.

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, INC.
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA No. 4826
 DATE: 1/23/12


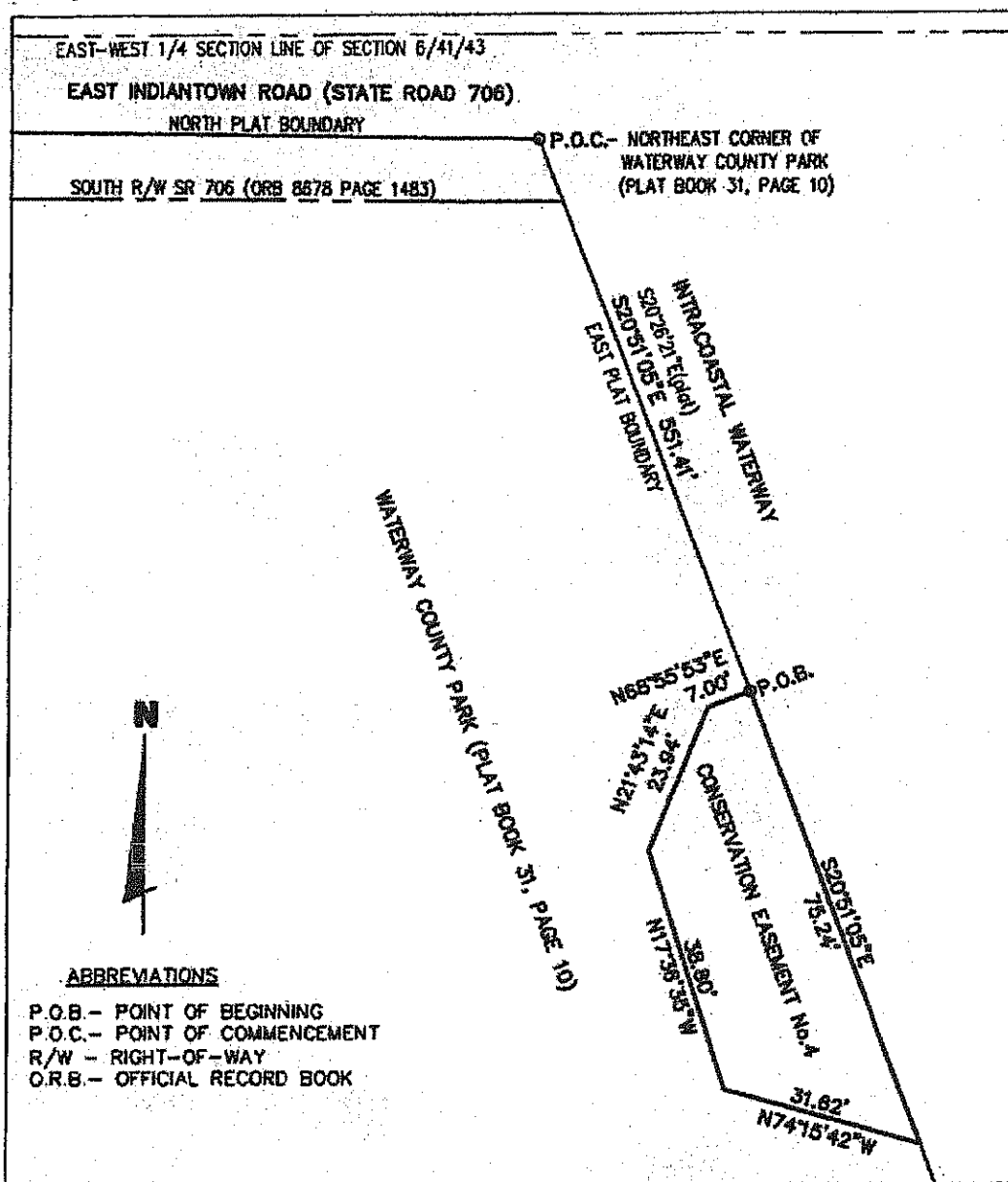
 BROWN & PHILLIPS, INC. PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407 (561) 615-3988, (561) 615-3988 FAX	PALM BEACH COUNTY WATERWAY COUNTY PARK CONSERVATION EASEMENT No.4	
	PROJ. No. 11-034	DRAWN: MB
	LEGAL DESCRIPTION	SCALE: 1" = 20'
		DATE: 1/23/12
	SHEET 1 OF 2	

EXHIBIT B
Conservation Easement



ABBREVIATIONS

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R/W - RIGHT-OF-WAY
- O.R.B. - OFFICIAL RECORD BOOK

BROWN & PHILLIPS, INC.
PROFESSIONAL SURVEYING SERVICES
 CERTIFICATE OF AUTHORIZATION # LB 6473
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 (561) 815-3988, (561) 815-3988 FAX

PALM BEACH COUNTY WATERWAY COUNTY PARK CONSERVATION EASEMENT No.4	
PROJ. No. 11-034	DRAWN: MB
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	SCALE: 1" = 20' DATE: 1/23/12
(THIS SKETCH IS NOT A SURVEY)	SHEET 2 OF 2