



**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)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>*_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>

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

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

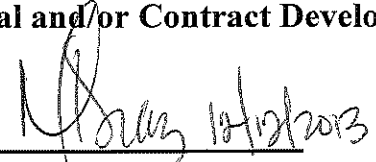
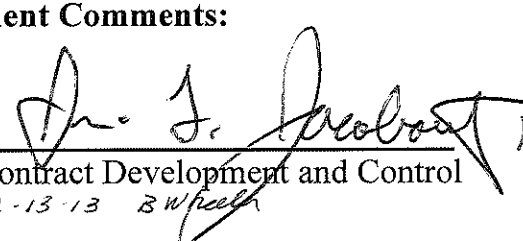
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\* No fiscal impact.

C. Departmental Fiscal Review: \_\_\_\_\_ *12-10-13*

**III. REVIEW COMMENTS**

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

 *12/12/2013*  
 \_\_\_\_\_  
 OFMB *12/12* *12/12*  
 *12/13/13*  
 \_\_\_\_\_  
 Contract Development and Control  
*12-13-13 B.W. Jacobson*

**B. Legal Sufficiency:**

 *12/13/13*  
 \_\_\_\_\_  
 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:** The SFWMD is buying the Mecca Property for development of a floway/impoundment and requires the FWCC easements to establish a connection between the MO Canal and SFWMD's floway/impoundment. The Agreement between SFWMD and the County for sale of the Mecca property requires the County to assign its interest in the FWCC easements to SFWMD. This Assignment and Assumption of Easement will fulfill the County's contractual obligation to SFWMD.

FWCC consent is required for the assignment of the easement for the FPL substation and the partial assignment of the road easement. FWCC has indicated that it has no objection to this assignment, but will not be able to formally approve the assignment within the time frame required for closing. Therefore, SFWMD has agreed to proceed with closing on the sale and obtain FWCC consent to the assignment after closing.

It should be noted that the assignment of the road easement is only a partial assignment giving SFWMD the non exclusive right to access, ingress and egress over the road easement, with the County reserving the right to use the easement for future construction of a road.

# LOCATION MAP



**This Instrument prepared by and return to:**  
**South Florida Water Management District**  
**3301 Gun Club Road, P.O. Box 24680**  
**West Palm Beach, FL 33416-4680**  
ATTN: Real Estate, MSC #5210

**ASSIGNMENT AND ASSUMPTION OF EASEMENT**

This ASSIGNMENT AND ASSUMPTION OF EASEMENT (the "Assignment") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is Property and Real Estate Management Division, 2633 Vista Parkway, West Palm Beach, FL 33411 (hereinafter referred to as the "COUNTY") and SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a governmental entity created by Chapter 373, Florida Statutes, whose address is 3301 Gun Club Road, West Palm Beach, FL, 33406 (hereinafter referred to as "SFMWD").

WITNESSETH:

**WHEREAS**, the Florida Fish and Wildlife Conservation Commission ("FWC") granted County an easement across five (5) specified easement areas within the J.W. Corbett Wildlife Management Area ("hereinafter "Corbett") pursuant to an easement recorded in Official Records Book, Page 19023, Page 1733, Public Records of Palm Beach County (the "Easement"); and

**WHEREAS**, Easement authorizes County to assign all or a portion of two of the Easements in the following Easement Areas to SFWMD: (i) a canal easement to allow for construction of a canal maintenance road over Easement Area B, and (ii) a canal/flow way easement over Easement Area E, provided that any such assignment contains a full assumption by Assignee of all of COUNTY's obligations imposed upon the COUNTY by the Easement relating to the particular assigned Easement Area, in which event COUNTY shall be released from all obligations under the Easement relating to the Easement Area, or a portion thereof, arising subsequent to the Effective Date of this Assignment; and

**WHEREAS**, the COUNTY and the SFWMD desire that these two easements be assigned by the COUNTY to SFWMD; and

**WHEREAS**, the COUNTY and SFWMD also desire that two other of the easements acquired by the COUNTY also be assigned to the SFWMD, namely, (i) a partial assignment of the road right-of-way easement within Easement Area A and (ii) assignment of the electrical substation



easement to construct, operate, and maintain an electrical substation and all necessary activities in connection therewith within Easement Area C; and

**WHEREAS**, such assignments with respect to Easement Area A and Easement Area C require the consent of FWC, which said consent will be granted by FWC and recorded separately at a later date.

**NOW, THEREFORE**, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. The COUNTY does hereby grant, bargain, sell, assign, and set over unto SFWMD, COUNTY's rights, title and interest in and to the following three Easements: (i) the canal road easement to allow for construction of a canal maintenance road within Easement Area B as described in attached Exhibit "A", made a part hereof, (ii) the electrical substation easement to construct, operate, and maintain an electrical substation and all necessary activities in connection therewith within Easement Area C, all as described in Exhibit "A", and (iii) the canal/flow way easement within Easement Area E as described in Exhibit "A".
2. SFWMD hereby assumes all of COUNTY's liabilities and obligations set forth in the Easement with respect to the three Easements assigned hereby arising subsequent to the Effective Date of this Assignment and agrees to be bound by all of the terms, conditions and covenants contained in the Easement relating to the interest assigned hereby as though originally the Grantee thereunder. SFWMD may assign to Florida Power & Light Company its interest in Easement Area C as identified on Exhibit "A".
3. The COUNTY does hereby partially assign unto SFWMD, the road right-of-way easement within Easement Area A, as described in Exhibit "A", so that SFWMD has a non-exclusive easement for access, ingress and egress over the road right-of-way within Easement Area "A" as described in Exhibit "A", with the COUNTY continuing to otherwise retain the rights and obligations created under the road right-of-way easement.
4. This assignment is expressly contingent upon the approval of the Palm Beach County Board of Commissioners, and shall become effective only when signed by all parties, approved by the Palm Beach County Board of County Commissioners, and recorded (the recording date being the "Effective Date").

IN WITNESS WHEREOF, the parties have caused this Assignment and Assumption of Easement to be executed by their undersigned duly authorized representatives.

COUNTY:

ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

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


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

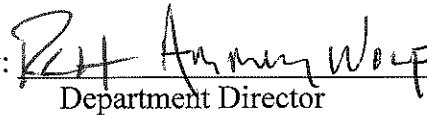
By: \_\_\_\_\_  
Priscilla A. Taylor, Mayor

(SEAL)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS

By:   
County Attorney

By:   
Department Director

STATE OF FLORIDA  
COUNTY OF PALM BEACH:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2013, by Priscilla A. Taylor, as Mayor of the Board of County Commissioners of Palm Beach  
County, who is personally known to me.

(Seal)

\_\_\_\_\_  
Notary Public, State of Florida  
Print Notary Name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT, BY  
ITS GOVERNING BOARD

(Corporate Seal)

By: \_\_\_\_\_  
Daniel O'Keefe  
Its: Chair

ATTEST:

\_\_\_\_\_  
Jacki McGorty  
Secretary/District Clerk

Legal Form Approved:

\_\_\_\_\_  
South Florida Water Management District  
Office of Counsel

STATE OF FLORIDA  
COUNTY OF PALM BEACH:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by Daniel O'Keefe and Jacki McGorty, as Chair and as Secretary/District Clerk, respectively, of the Governing Board of the South Florida Water Management District, a government entity existing under Chapter 373, Florida Statutes, on behalf of the South Florida Water Management District, who are personally known to me.

(Seal)

\_\_\_\_\_  
Notary Public, State of Florida  
Print Notary Name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_



## **EXHIBIT A**

### **LEGAL DESCRIPTIONS**

#### **Easement Area A:**

A parcel of land in Sections 12 and 13, Township 42 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

Begin at the East Quarter corner of said Section 13; thence along the East line of said Range 40 East, North  $01^{\circ}25'15''$  East for 334.69 feet to the West Quarter corner of Section 18, Township 42 South, Range 41 East; thence continue North  $01^{\circ}25'15''$  East for 2305.55 feet to the Northeast corner of said Section 13; thence continue North  $01^{\circ}25'15''$  East for 376.92 feet to the Southwest corner of the Plat of Palm Beach County Biotechnology Research Park, as recorded in Plat Book 103, Page 108, of the Public Records of Palm Beach County, Florida; thence North  $02^{\circ}47'38''$  East along the West Plat Boundary of said Plat for 645.91 feet; thence departing said West Plat Boundary, South  $15^{\circ}47'13''$  West for 56.35 feet to the point of curvature of a curve concave to the East, having a radius of 2382.36 feet; thence Southerly, along said curve to the left, through a central angle of  $14^{\circ}21'58''$  for 597.34 feet to a point of tangency on a line lying 73.00 feet West of, and parallel with, the said East line of Range 40 East; thence along said parallel line, South  $01^{\circ}25'15''$  West for 861.94 feet; thence South  $88^{\circ}34'45''$  East for 13.00 feet to a line lying 60.00 feet West of, and parallel with, the said East line of Range 40 East; thence along said parallel line, South  $01^{\circ}25'15''$  West for 2156.88 feet to the East-West quarter Section line of said Section 13; thence along said East-West quarter section line, North  $89^{\circ}52'25''$  East for 60.02 feet to the Point of Beginning.

#### **Easement Area B:**

A parcel of land in Sections 12 and 13, Township 42 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

Commence at the East quarter corner of said Section 13; thence along the East-West quarter Section line of said Section 13, South  $89^{\circ}52'25''$  West for 60.02 feet to the Point of Beginning; thence continue South  $89^{\circ}52'25''$  West for 40.01 feet to a line lying 100.00 feet West of, and parallel with, the East line of said Range 40 East; thence along said parallel line, North  $01^{\circ}25'15''$  East for 3019.86 feet to the point of curvature of a curve concave to the East, having a radius of 2409.36 feet; thence Northerly, along said curve to the right, through a central angle of  $14^{\circ}21'58''$  for 604.11 feet to a point of tangency; thence North  $15^{\circ}47'13''$  East for 173.35 feet to the West Plat boundary of Palm Beach County Biotechnology Research Park as recorded in Plat Book 103, Page 108, of the Public Records of Palm Beach County, Florida; thence along said West Plat boundary, South  $02^{\circ}47'38''$  West for 120.04 feet; thence South  $15^{\circ}47'13''$  West for 56.35 feet

to the point of curvature of a curve concave to the East, concentric with the last-described curve, and having a radius of 2382.36 feet; thence Southerly, along said curve to the left, through a central angle of  $14^{\circ}21'58''$  for 597.34 feet to a point of tangency on a line lying 73.00 feet West of, and parallel with, the said East line of Range 40 East; thence along said parallel line, South  $01^{\circ}25'15''$  West for 861.94 feet; thence South  $88^{\circ}34'45''$  East for 13.00 feet to a line lying 60.00 feet West of, and parallel with, the said East line of Range 40 East; thence along said parallel line, South  $01^{\circ}25'15''$  West for 2156.88 feet to the said East-West line quarter Section line of Section 13 and the Point of Beginning.

Less the following described parcel:

Commence at the intersection of the Easterly line of a 185' Florida Power and Light Company Easement, recorded in Official Record Book 765, Page 68, of the Public Records of Palm Beach County, Florida, with a line lying 250.00 feet West of, and parallel with, the East line of said Section 13; thence along said parallel line, North  $01^{\circ}25'15''$  East for 404.01 feet; thence South  $88^{\circ}34'45''$  East for 150.00 feet to a line lying 100.00 feet West of, and parallel with, the said East line of said Section 13 and the Point of Beginning; thence continue South  $88^{\circ}34'45''$  East for 40.00 feet to a line lying 60.00 feet West of, and parallel with, the said East line of said Section 13; thence along said parallel line, North  $01^{\circ}25'15''$  East for 50.00 feet; thence North  $88^{\circ}34'45''$  West for 40.00 feet thence South  $01^{\circ}25'15''$  West for 50.00 feet to the Point of Beginning.

**Easement Area C:**

A parcel of land in Section 13, Township 42 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

Begin at the intersection of the Easterly line of a 185' Florida Power & Light Company Easement, recorded in Official Records Book 765, Page 68, of the Public Records of Palm Beach County, Florida, with a line lying 250.00 feet West of, and parallel with, the East line of said Section 13; thence along said parallel line, North  $01^{\circ}25'15''$  East for 404.01 feet; thence South  $88^{\circ}34'45''$  East for 190.00 feet to a line lying 60.00 feet West of, and parallel with, the said East line of said Section 13; thence along said parallel line, North  $01^{\circ}25'15''$  East for 50.00 feet; thence North  $88^{\circ}34'45''$  West for 190.00 feet to said line lying 250.00 feet West of, and parallel with, the said East line of said Section 13; thence along said parallel line, North  $01^{\circ}25'15''$  East for 400.00 feet; thence North  $88^{\circ}34'45''$  West for 627.90 feet to the said Easterly line of a 185' Florida Power & Light Company Easement; thence along said Easterly line, South  $34^{\circ}54'14''$  East for 1060.00 feet to the Point of Beginning.

Bearing basis: North  $01^{\circ}25'15''$  East along the East line of Section 13, Township 42 South, Range 40 East, Palm Beach County, Florida.

**Easement Area E:**

A parcel of land in Sections 12 and 13, Township 42 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

Commence at the East quarter corner of said Section 13; thence along the East-West quarter Section line of said Section 13, South 89°52'25" W for 100.03 feet to a line 100.00 feet West of and parallel with the East line of said Range 40 East, and the point of beginning; thence along said parallel line, North 01°25'15" East for 3019.86 feet to the point of curvature of a curve concave to the East, having a radius of 2409.36 feet; thence Northerly, along said curve to the right, through a central angle of 14°21'58" for 604.11 feet to a point of tangency; thence North 15°47'13" East for 173.35 feet to the West Plat boundary of Palm Beach County Biotechnology Research Park as recorded in Plat Book 103, Page 108, of the Public Records of Palm Beach County, Florida; thence along said West Plat boundary, North 02°47'38" East for 487.45 feet to a non-tangent curve, concave to the East, having a radius of 1564.01 feet, where a radial line bears South 61°09'40" East; thence Southerly, along said curve to the left, through a central angle of 13°03'07" for 356.28 feet to a point of tangency; thence South 15°47'13" West for 295.12 feet to the point of curvature of a curve concave to the East, having a radius of 2559.36 feet; thence southerly, along said curve to the left, through a central angle of 14°21'58" for 641.72 feet to a point of tangency on a line lying 250.00 feet West of and parallel with the said East line of Range 40 East, thence along said parallel line, South 01°25'15" West for 3023.91 feet to the said East-West quarter Section line of Section 13; thence along said East-West quarter Section line, North 89°52'25" East for 150.05 feet to the point of beginning.

Less the following described parcel:

Commence at the intersection of the Easterly line of a 185' Florida Power and Light Company Easement, recorded in Official Record Book 765, Page 68, of the Public Records of Palm Beach County, Florida, with a line lying 250.00 feet West of, and parallel with, the East line of said Section 13; thence along said parallel line, North 01°25'15" East for 404.01 feet to the point of beginning; thence South 88°34'45" East for 150.00 feet to a line lying 100.00 feet West of, and parallel with, the said East line of said Section 13; thence along said parallel line North 01°25'15" East for 50.00 feet; thence North 88°34'45" West for 150.00 feet to said line lying 250.00 feet West of, and parallel with, the said East line of said Section 13; thence along said parallel line, South 01°25'15" West for 50.00 feet to the point of beginning.