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☐ Regular
☒ Public Hearing

Submitted By: Engineering and Public Works
Submitted For: Land Development Division

THE UNIVERSITY OF CHICAGO

SUMMARY: Adoption of this resolution will allow Palm Beach County to vacate its interest in that certain portion of 80 foot right-of-way for Acme Dairy Road from the south right-of-way line of Malear Palm Drive south approximately 130 feet, in response to a condition of approval placed on the Valencia Cove project by the Board of County Commissioners requiring the Valencia Cove Homeowners Association to be responsible for maintenance and repair of all improvements, including the stormwater drainage system, located within this portion of Acme Dairy Road. The petition site is located south of Malear Palm Drive, approximately 1.88 miles south of Boynton Beach Boulevard and 0.27 miles west of Florida's Turnpike.

Background and Policy Issues: This application is being sponsored and processed by the County Engineer to release Palm Beach County's (County) interest in this right-of-way in response to a condition of approval placed on the Valencia Cove project by the Board of County Commissioners requiring the Valencia Cove Homeowners Association to be responsible for maintenance and repair of all improvements, including the stormwater drainage system, located within this portion of Acme Dairy Road.

(Continued on Page 3)

1. Location Sketch
2. Resolution with Exhibits 'A', 'B', 'C' and 'D'
3. AT&T Utility Easement with Exhibit 'A'

Recommended by: Joannell Keller 04/28/2015 [Signature]
Division Director Date

Approved by: D. J. Webb 4/29/15
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------------------------|---------------|-------------|-------------|-------------|-------------|
| Capital Expenditures | <u>\$ -0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| Operating Costs | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| External Revenues | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| Program Income (County) | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| In-Kind Match (County) | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| NET FISCAL IMPACT | <u>\$ **</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 Acct No.: Fund__ Dept.__ Unit__ Object__
Program

Recommended Sources of Funds/Summary of Fiscal Impact:

**** This item has a negligible fiscal impact.**

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

Sherry Bm
 3/30 ASO OFMB 3/30
 4/30

A. J. Healey (514115)
Contract Dev. and Control
5-4-15 Wheeler

**B. Approved as to Form
and Legal Sufficiency:**


Assistant County Attorney

C. Other Department Review:

Department Director

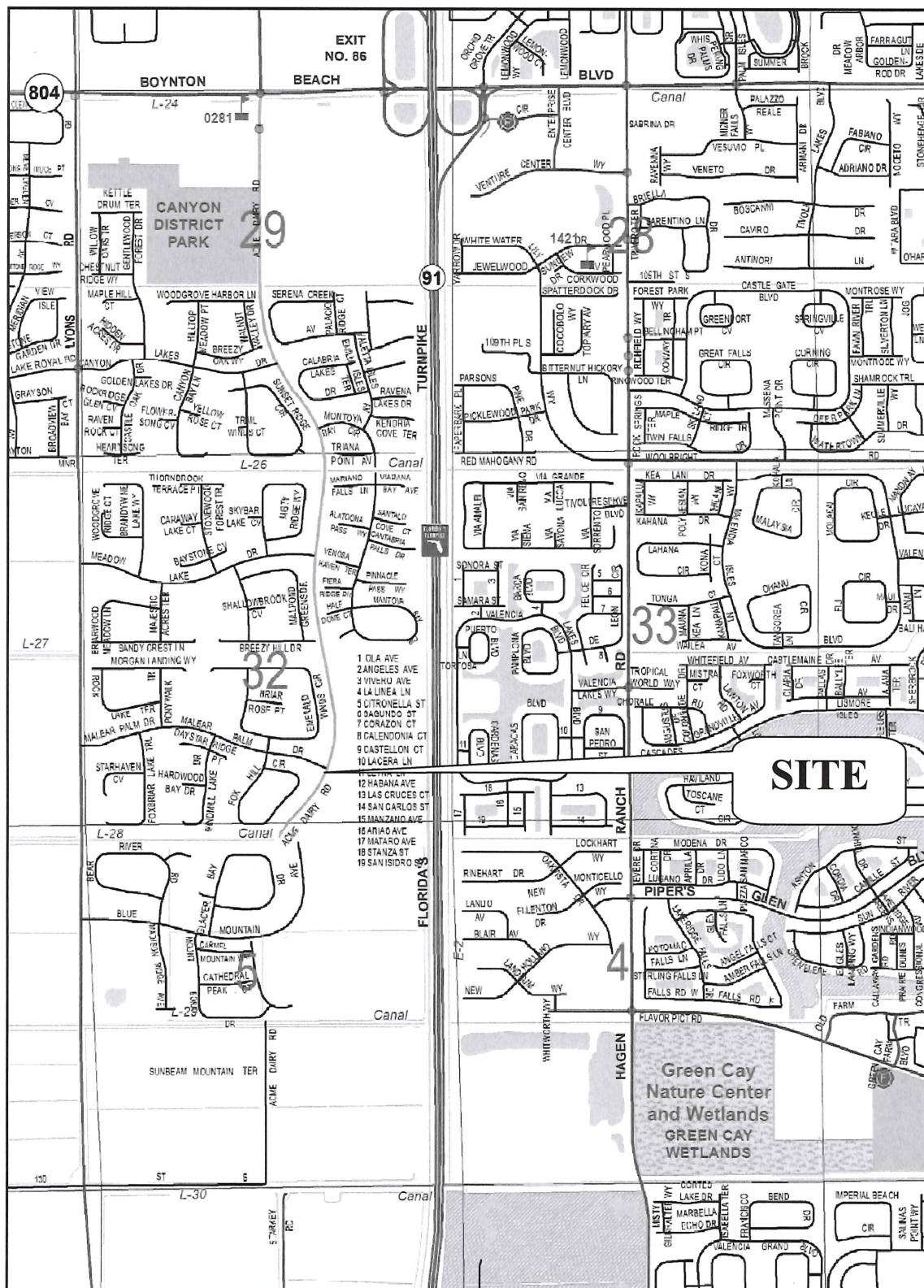
This summary is not to be used as a basis for payment.

Background and Policy Issues (Continued from Page 1):

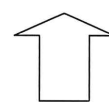
Relinquishing the public's interest within that portion of the right-of-way will save the County approximately \$175 yearly for road maintenance expenditures, thus benefiting the public's best interest. A drainage easement over the area to be abandoned will be reserved for existing drainage facilities.

Reviewers and utilities service providers have no objection to the abandonment because replacement easements have been provided. A drainage easement and utility easement reserved for Palm Beach County and a utility easement executed for AT&T over the area to be abandoned will be recorded simultaneously with the abandonment.

Privilege Fee Statement: In accordance with the exemption in the County Code Chapter 22, Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034), governmental agencies are exempt from the privilege fee.



LOCATION SKETCH



N (Not to scale)

A PORTION OF ACME DAIRY ROAD
ABANDONMENT OF A PORTION OF ACME DAIRY ROAD
RIGHT-OF-WAY, SOUTH OF MALEAR PALM DRIVE, SHOWN
IN OFFICIAL RECORDS BOOK 18673, PAGE 7, PUBLIC
RECORDS, PALM BEACH COUNTY

RESOLUTION NO. R-2015 _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO ABANDON ANY PUBLIC INTEREST IN THAT CERTAIN PORTION OF THE 80 FOOT ACME DAIRY ROAD RIGHT-OF-WAY AS CONVEYED TO PALM BEACH COUNTY BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 18673, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; RESERVING A DRAINAGE EASEMENT OVER THE AREA TO BE ABANDONED; RESERVING A UTILITY EASEMENT OVER THE AREA TO BE ABANDONED; AND EXECUTING A UTILITY EASEMENT OVER THE AREA TO BE ABANDONED.

WHEREAS, the Board of County Commissioners (Board) of Palm Beach County, Florida (County), pursuant to authority in Section 336.09, Florida Statutes, and as provided in the County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034), known as the County Right-of-Way Abandonment and Plat Vacation Ordinance, and the petition of the County Engineer, called a public hearing to be held in the County Commissioners' Chambers, at the Governmental Office Complex, West Palm Beach, Florida, on May 19, 2015, to consider and determine whether or not Palm Beach County would vacate, abandon, discontinue and close, renounce and disclaim any right or interest of the public in and for that portion of Acme Dairy Road as set forth on the sketch and legal description in Exhibit D attached hereto and incorporated herein by reference; and

WHEREAS, in accordance with and as provided in the County Code Chapter 22. Article III, Road Abandonment and Plat Vacation (Ordinance No. 2002-034), notice of the holding of such meeting was duly published in the Palm Beach Post on May 3, 2015; and

WHEREAS, the Board is authorized to reserve and declare a drainage easement over, across, on, under and through a portion of the area to be abandoned as set forth on the sketch and legal description set forth in Exhibit A and incorporated herein by reference; and

WHEREAS, the Board is authorized to reserve and declare a utility easement over the entire area being abandoned for ingress and egress, construction, operation and

RESOLUTION NO. R-2015-_____

maintenance of water and wastewater utilities upon, over and under all of the area to be abandoned as shown in Exhibit B; and

WHEREAS, the Board has the authority to execute a utility easement over the area being abandoned for AT&T as shown in Exhibit C; and

WHEREAS, this Board held said hearing as advertised and determined that such action will not materially interfere with the County Road System and will not deprive any person of a reasonable means of ingress and egress from at least one County, State or Federal highway.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby reaffirmed and ratified.
2. The Board hereby reserves and declares a non-exclusive perpetual drainage easement in, over, across, on, under and through the area to be abandoned, as described in Exhibit A, for stormwater and stormwater facilities. This easement is given for the purpose of permitting the Palm Beach County Engineering Department to construct, maintain, replace and operate its facilities within the abandoned area. The drainage easement created hereby shall constitute an easement running with the land and shall encumber and burden the abandoned area. The drainage easement shall not be extinguished by operation of law, including without limitation, the doctrines of merger or unity of title and shall inure to the benefit of the Palm Beach County Engineering Department.
3. The Board hereby reserves and declares a non-exclusive perpetual utility easement in, over, across, on, under and through the entire area to be abandoned, as described in Exhibit B, for water and wastewater utilities. This easement is given for the purpose of permitting the Palm

RESOLUTION NO. R-2015_____

Beach County Water Utilities Department to construct, maintain, replace and operate its facilities within the abandoned area. The utility easement created hereby shall constitute an easement running with the land and shall encumber and burden the abandoned area. The utility easement shall not be extinguished by operation of law, including without limitation, the doctrines of merger or unity of title and shall inure to the benefit of the Palm Beach County Water Utilities Department.

4. The Board is authorized to execute a utility easement over the area being abandoned for AT&T as shown in Exhibit C.
4. The right-of-way is hereby abandoned and closed as public right-of-way and this Board does hereby renounce and disclaim any right or interest of the public in and to the right-of-way, more fully described in the legal description and sketch attached hereto as Exhibit D and made a part hereof.
5. Notice of the adoption of this Resolution shall be published once in the Palm Beach Post within thirty (30) days of the date of adoption of this Resolution in accordance with Section 336.10, Florida Statutes and the County Code Chapter 22. Article III.

RESOLUTION NO. R-2015-_____

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

- District 1: Hal R. Valeche
- District 2: Paulette Burdick
- District 3: Shelley Vana
- District 4: Steven L. Abrams
- District 5: Mary Lou Berger
- District 6: Melissa McKinlay
- District 7: Priscilla A. Taylor

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2015.

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

Sharon R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: _____
County Attorney

EXHIBIT A

Page 1 of 4

EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE ACME DAIRY ROAD RIGHT-OF-WAY AS CONVEYED TO PALM BEACH COUNTY BY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 18673, PAGE 7 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 32, TOWNSHIP 45 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE PLAT OF CANYON SPRINGS, AS SAID PLAT IS RECORDED IN PLAT BOOK 107, PAGES 145 THROUGH 169, OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1640.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 62°05'38" WEST; THENCE NORTHERLY 523.02 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EASTERLY BOUNDARY OF SAID PLAT OF CANYON SPRINGS, THROUGH A CENTRAL ANGLE OF 18°16'21" TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1660.00 FEET; THENCE NORTHEASTERLY 497.89 ALONG THE ARC OF SAID CURVE AND SAID EASTERLY LINE OF CANYON SPRINGS THROUGH A CENTRAL ANGLE OF 17°11'06" TO THE POINT OF BEGINNING;

THENCE NORTHERLY CONTINUING ALONG THE LAST DESCRIBED CURVE HAVING A RADIUS OF 1660.00 FEET AND ALONG SAID EASTERLY LINE OF CANYON SPRINGS 124.66 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°18'10" TO A POINT ON A LINE RADIAL TO SAID CURVE; THENCE SOUTH 65°18'33" EAST, DEPARTING SAID EASTERLY LINE, A DISTANCE OF 80.00 FEET TO A POINT ON THE WEST LINE OF TRACT "A" OF CANYON SPRINGS PRESERVE PLAT NO 5, AS SAID PLAT IS RECORDED IN PLAT BOOK 107, PAGES 112-114 OF SAID PUBLIC RECORDS SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1740.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 65°18'33" EAST; THENCE SOUTHWESTERLY 130.67 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST LINE OF TRACT "A" THROUGH A CENTRAL ANGLE OF 04°18'10" TO A POINT ON A LINE RADIAL TO SAID CURVE; THENCE NORTH 61°00'23" WEST, A DISTANCE OF 80.00 FEET TO A POINT ON SAID EASTERLY BOUNDARY OF CANYON SPRINGS AND THE POINT OF BEGINNING.

CONTAINING 10,214 SQUARE FEET OR 0.23 ACRES MORE OR LESS.


BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM OF NAD 83, 1990 ADJUSTMENT. THE LINE BETWEEN PALM BEACH COUNTY HORIZONTAL CONTROL MONUMENTS STAMPED "PBF 65" AND "PBF 66" HAVING A BEARING OF NORTH 89°07'53" EAST, ALL OTHER BEARINGS RELATIVE THERETO.

SURVEYOR'S NOTES

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
2. THE PROJECTS FIELD CONTROL WAS ESTABLISHED USING RTK GPS SURVEYING PROCEDURES AND THE TRIMBLE VRSNOW NETWORK.
3. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GRID.
PROJECT SCALE FACTOR = 1.0000209
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

| | | | | | | | | | | |
|----------------------------|-----------------------|--|--|---|-----------------------------------|----------|----|------|--|--|
| PROJECT NO.
2014050.200 | SHEET
1
OF
4 | PROJECT:

ACME DAIRY ROAD
DRAINAGE EASEMENT | | SCALE: AS NOTED
APPROVED: W.L.F.
DRAWN: W.L.F.
CHECKED: G.W.M.
DATE: 3/18/15
FIELD BOOK NO.
1162 LL | NO. | REVISION | BY | DATE | | |
| | | DESIGN FILE NAME
S-1-15-3622.DGN | | | DRAWING NO.
S-1-15-3622 | | | | | |
| | | | | | | | | | | |



PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ROADWAY PRODUCTION
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

EXHIBIT A

Page 2 of 4

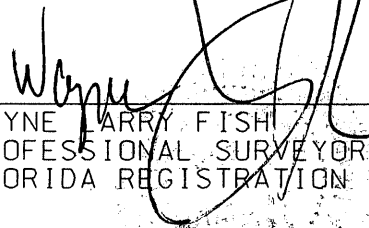
SURVEYOR'S NOTES CONTINUED

4. THIS SURVEY IS NOT BASED ON ANY ABSTRACT OR TITLE POLICY PREPARED FOR THIS SURVEY.
5. THE DESCRIPTION SHOWN WAS PREPARED BY THE SIGNING SURVEYOR BASED INFORMATION PROVIDED BY SAND & HILLS SURVEYING, INC.
6. FIELD WORK FOR THIS PROJECT IS LOCATED IN FIELD BOOK 1162 LL, PAGES 69 - 70. INSTRUMENTS USED WERE THE TOPCON GTS 311 AND TRIMBLE R-8 GPS EQUIPMENT. IMPROVEMENTS LOCATED IN THE AREA OF THE PROPOSED ABANDONMENT WERE LOCATED BY CONVENTIONAL TOTAL STATION AND DATA COLLECTION PROCEDURES.
7. THE FILE NAMES ARE ACME DAIRY RD ABANDONMENT, S-1-15-3594.DGN, AND 2014050.200.REF.
8. ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.
9. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.
10. THIS INSTRUMENT WAS PREPARED BY WAYNE LARRY FISH, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.
11. ALL EXISTING AND ESTABLISHED CONTROL BASED ON THE MEASUREMENTS SHOWN, MEET OR EXCEED THE RELATIVE DISTANCE ACCURACY REQUIREMENT OF 1:10,000 (COMMERCIAL/HIGH RISK) REQUIRED BY THIS SURVEY.
12. ALL EASEMENTS SHOWN ARE PER THE CITED PLATS UNLESS OTHERWISE NOTED.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


WAYNE LARRY FISH
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 3238

3/19/2015
DATE

EXHIBIT A

Page 3 of 4

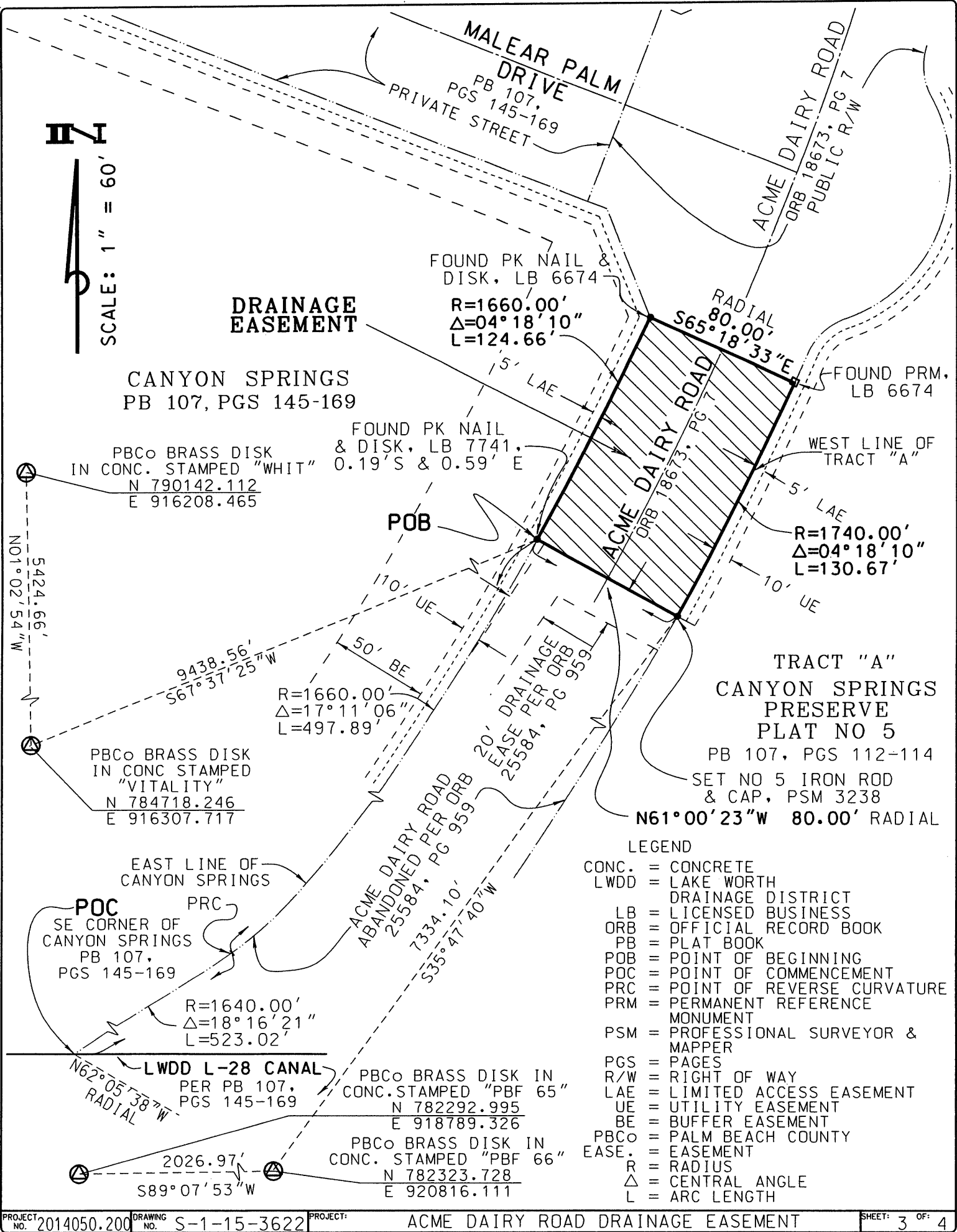


EXHIBIT A

Page 4 of 4

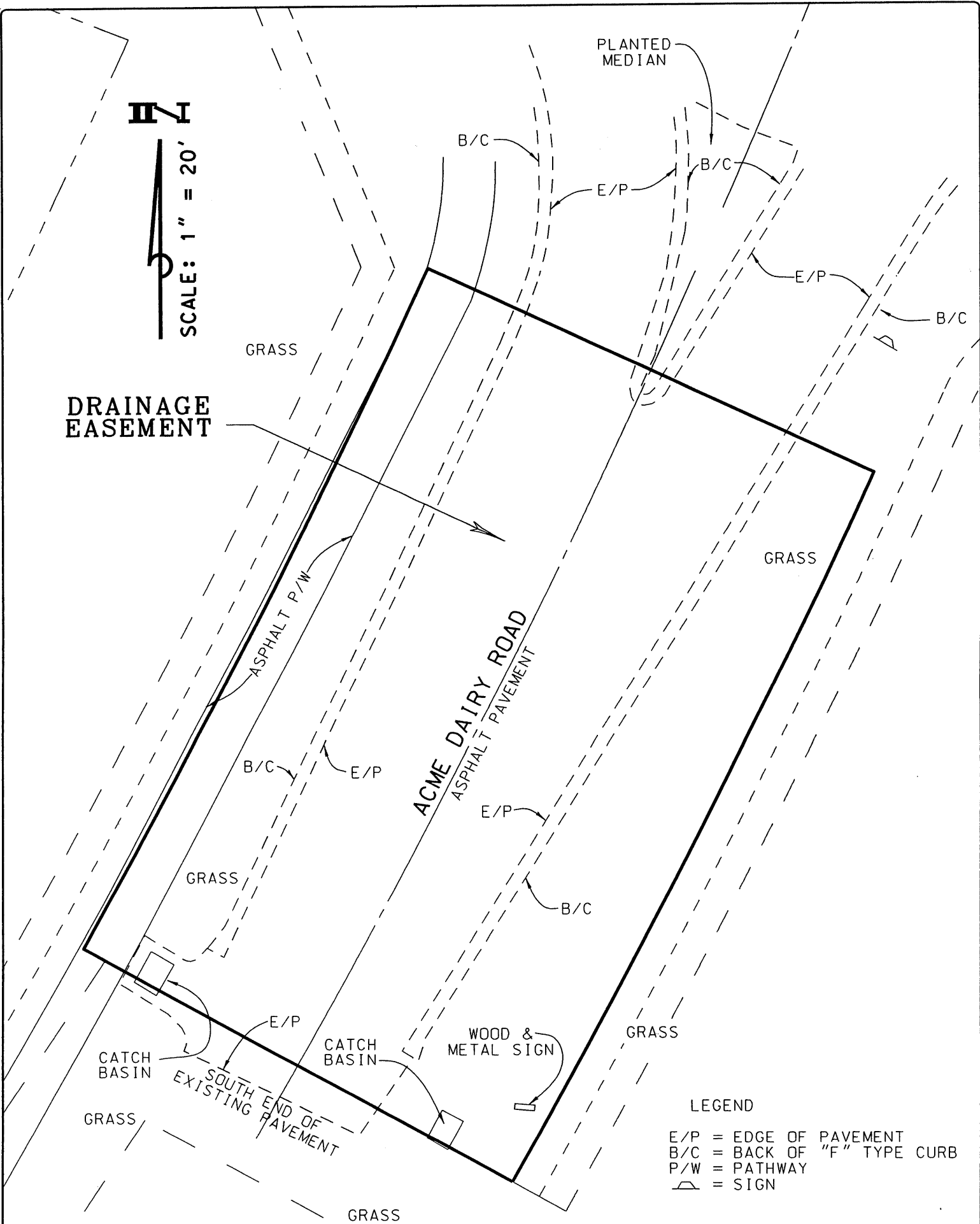


EXHIBIT B

Page 1 of 4

EXHIBIT "B"

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ALL DISTANCES ARE GRID.
PROJECT SCALE FACTOR = 1.0000209
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

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| PROJECT NO.
2014050.200 | SHEET 1
OF 4 | PROJECT:
ACME DAIRY ROAD
PALM BEACH COUNTY
UTILITY EASEMENT | | SCALE: AS NOTED
APPROVED: W.L.F.
DRAWN: W.L.F.
CHECKED: C.W.M.
DATE: 1/21/15 | NO. | REVISION | BY | DATE |  | PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS

ROADWAY PRODUCTION

2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411 |
| | | DESIGN FILE NAME
S-1-15-3593.DGN | DRAWING NO.
S-1-15-3593 | | | | | | | |

EXHIBIT B

Page 2 of 4

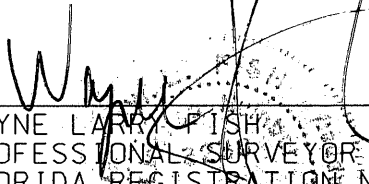
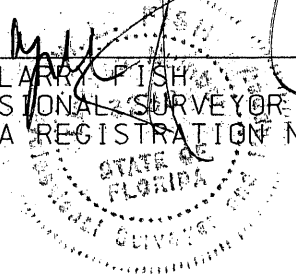
SURVEYOR'S NOTES CONTINUED

- 4. THIS SURVEY IS NOT BASED ON ANY ABSTRACT OR TITLE POLICY PREPARED FOR THIS SURVEY.
- 5. THE DESCRIPTION SHOWN WAS PREPARED BY THE SIGNING SURVEYOR BASED INFORMATION PROVIDED BY SAND & HILLS SURVEYING, INC.
- 6. FIELD WORK FOR THIS PROJECT IS LOCATED IN FIELD BOOK 1162 LL, PAGES 69 - 70. INSTRUMENTS USED WERE THE TOPCON GTS 311 AND TRIMBLE R-8 GPS EQUIPMENT. IMPROVEMENTS LOCATED IN THE AREA OF THE PROPOSED ABANDONMENT WERE LOCATED BY CONVENTIONAL TOTAL STATION AND DATA COLLECTION PROCEDURES.
- 7. THE FILE NAMES ARE ACME DAIRY RD ABANDONMENT, S-1-15-3593.DGN, AND 2014050.200.REF.
- 8. ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.
- 9. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.
- 10. THIS INSTRUMENT WAS PREPARED BY WAYNE LARRY FISH, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.
- 11. ALL EXISTING AND ESTABLISHED CONTROL BASED ON THE MEASUREMENTS SHOWN, MEET OR EXCEED THE RELATIVE DISTANCE ACCURACY REQUIREMENT OF 1:10,000 (COMMERCIAL/HIGH RISK) REQUIRED BY THIS SURVEY.
- 12. ALL EASEMENTS SHOWN ARE PER THE CITED PLATS UNLESS OTHERWISE NOTED.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

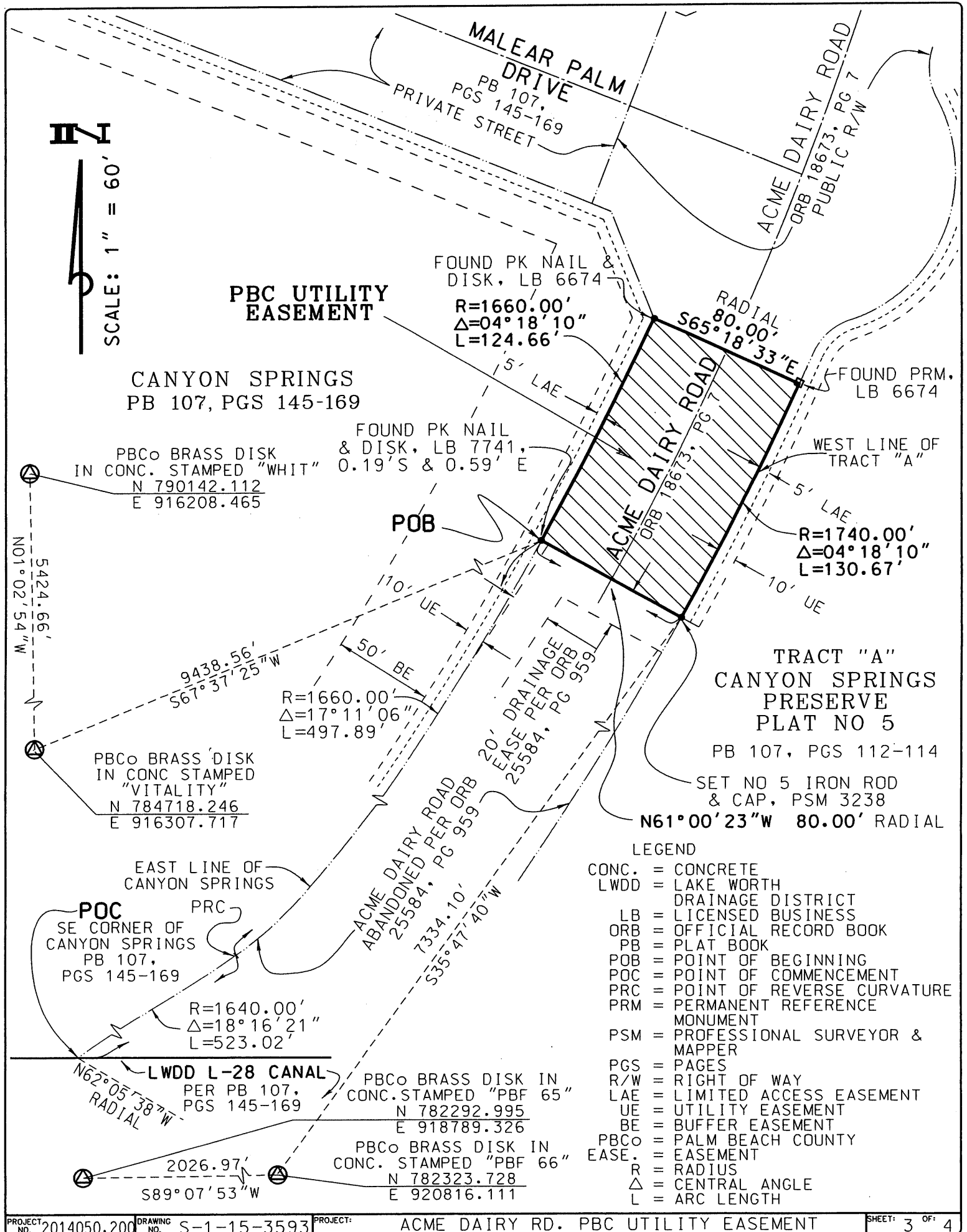
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


WAYNE LARRY FISH
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 3238


1/26/15
DATE

Page 3 of 4



Page 4 of 4



EXHIBIT C

Page 1 of 4

EXHIBIT "C"

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE ACME DAIRY ROAD RIGHT-OF-WAY AS CONVEYED TO PALM BEACH COUNTY BY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 18673, PAGE 7 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 32, TOWNSHIP 45 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTHEAST CORNER OF THE PLAT OF CANYON SPRINGS, AS SAID PLAT IS RECORDED IN PLAT BOOK 107, PAGES 145 THROUGH 169, OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1640.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 62°05'38" WEST; THENCE NORTHERLY 523.02 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EASTERLY BOUNDARY OF SAID PLAT OF CANYON SPRINGS, THROUGH A CENTRAL ANGLE OF 18°16'21" TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1660.00 FEET; THENCE NORTHEASTERLY 497.89 ALONG THE ARC OF SAID CURVE AND SAID EASTERLY LINE OF CANYON SPRINGS THROUGH A CENTRAL ANGLE OF 17°11'06" TO THE POINT OF BEGINNING;

THENCE NORTHERLY CONTINUING ALONG THE LAST DESCRIBED CURVE HAVING A RADIUS OF 1660.00 FEET AND ALONG SAID EASTERLY LINE OF CANYON SPRINGS 124.66 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°18'10" TO A POINT ON A LINE RADIAL TO SAID CURVE; THENCE SOUTH 65°18'33" EAST, DEPARTING SAID EASTERLY LINE, A DISTANCE OF 80.00 FEET TO A POINT ON THE WEST LINE OF TRACT "A" OF CANYON SPRINGS PRESERVE PLAT NO 5, AS SAID PLAT IS RECORDED IN PLAT BOOK 107, PAGES 112-114 OF SAID PUBLIC RECORDS SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1740.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 65°18'33" EAST; THENCE SOUTHWESTERLY 130.67 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST LINE OF TRACT "A" THROUGH A CENTRAL ANGLE OF 04°18'10" TO A POINT ON A LINE RADIAL TO SAID CURVE; THENCE NORTH 61°00'23" WEST, A DISTANCE OF 80.00 FEET TO A POINT ON SAID EASTERLY BOUNDARY OF CANYON SPRINGS AND THE POINT OF BEGINNING.

CONTAINING 10,214 SQUARE FEET OR 0.23 ACRES MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM OF NAD 83, 1990 ADJUSTMENT. THE LINE BETWEEN PALM BEACH COUNTY HORIZONTAL CONTROL MONUMENTS STAMPED "PBF 65" AND "PBF 66" HAVING A BEARING OF NORTH 89°07'53" EAST, ALL OTHER BEARINGS RELATIVE THERETO.

SURVEYOR'S NOTES

- 1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
- 2. THE PROJECTS FIELD CONTROL WAS ESTABLISHED USING RTK GPS SURVEYING PROCEDURES AND THE TRIMBLE VRSNOW NETWORK.
- 3. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GRID.
PROJECT SCALE FACTOR = 1.0000209
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE


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2014050.200 | SHEET:
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DRAWN: W.L.F.
CHECKED: G.W.M.
DATE: 1/21/15
FIELD BOOK NO.: 1162 LL |  | PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS |
| | | ACME DAIRY ROAD
UTILITY EASEMENT | | | | | | | | | |
| DESIGN FILE NAME
S-1-15-3594.DGN | | DRAWING NO.
S-1-15-3594 | | 2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411 | | | | | | | |

EXHIBIT C

Page 2 of 4

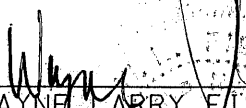
SURVEYOR'S NOTES CONTINUED

4. THIS SURVEY IS NOT BASED ON ANY ABSTRACT OR TITLE POLICY PREPARED FOR THIS SURVEY.
5. THE DESCRIPTION SHOWN WAS PREPARED BY THE SIGNING SURVEYOR BASED INFORMATION PROVIDED BY SAND & HILLS SURVEYING, INC.
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7. THE FILE NAMES ARE ACME DAIRY RD ABANDONMENT, S-1-15-3594.DGN, AND 2014050.200.REF.
8. ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.
9. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.
10. THIS INSTRUMENT WAS PREPARED BY WAYNE LARRY FISH, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.
11. ALL EXISTING AND ESTABLISHED CONTROL BASED ON THE MEASUREMENTS SHOWN, MEET OR EXCEED THE RELATIVE DISTANCE ACCURACY REQUIREMENT OF 1:10,000 (COMMERCIAL/HIGH RISK) REQUIRED BY THIS SURVEY.
12. ALL EASEMENTS SHOWN ARE PER THE CITED PLATS UNLESS OTHERWISE NOTED.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATION

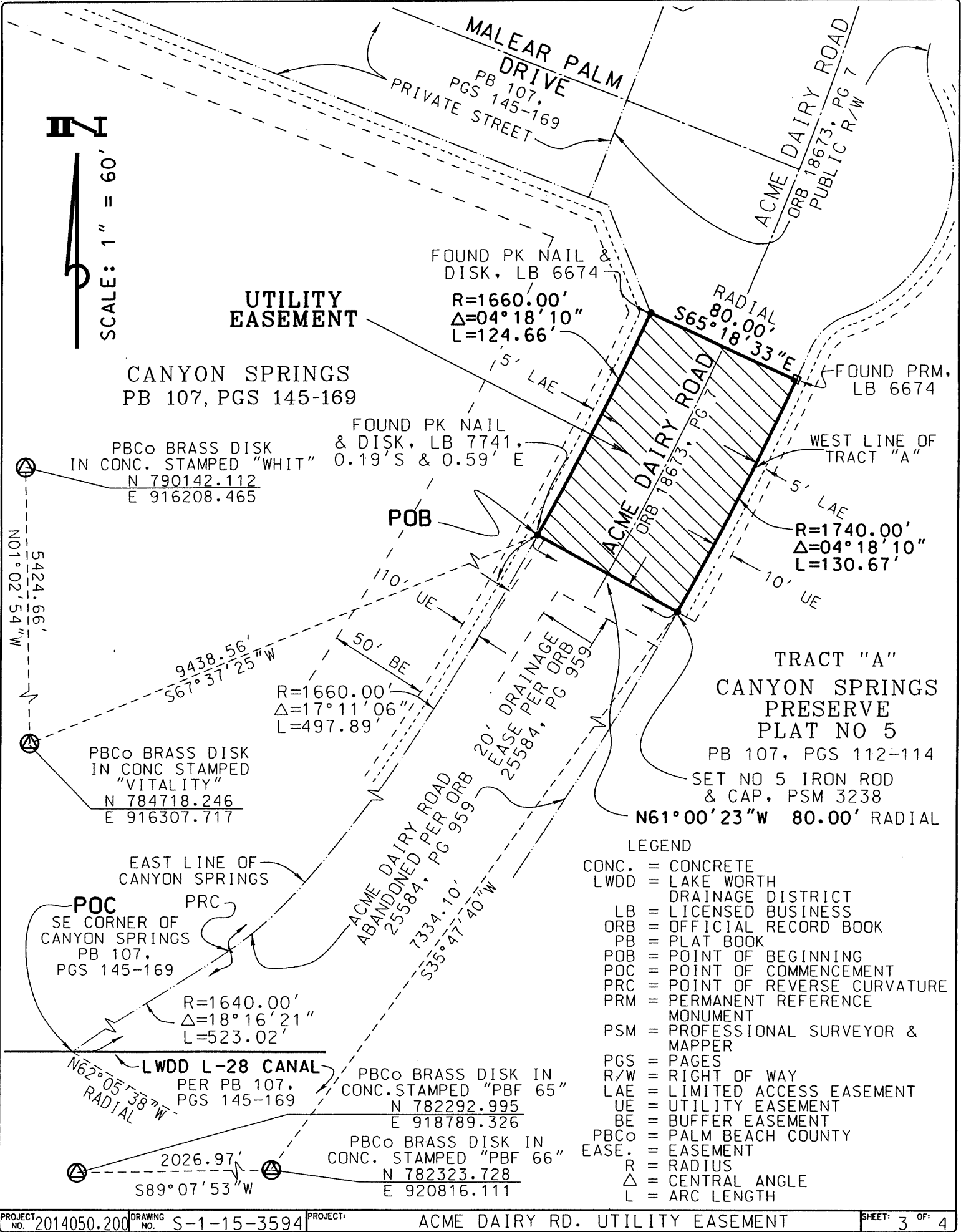
I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


WAYNE LARRY FISH
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 3238

1/26/15
DATE

EXHIBIT C

Page 3 of 4



Page 4 of 4

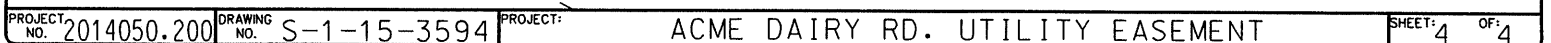


EXHIBIT D

EXHIBIT "D"

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE ACME DAIRY ROAD RIGHT-OF-WAY AS CONVEYED TO PALM BEACH COUNTY BY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 18673, PAGE 7 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 32, TOWNSHIP 45 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE PLAT OF CANYON SPRINGS, AS SAID PLAT IS RECORDED IN PLAT BOOK 107, PAGES 145 THROUGH 169, OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1640.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 62°05'38" WEST; THENCE NORTHERLY 523.02 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EASTERLY BOUNDARY OF SAID PLAT OF CANYON SPRINGS, THROUGH A CENTRAL ANGLE OF 18°16'21" TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1660.00 FEET; THENCE NORTHEASTERLY 497.89 ALONG THE ARC OF SAID CURVE AND SAID EASTERLY LINE OF CANYON SPRINGS THROUGH A CENTRAL ANGLE OF 17°11'06" TO THE POINT OF BEGINNING;

THENCE NORTHERLY CONTINUING ALONG THE LAST DESCRIBED CURVE HAVING A RADIUS OF 1660.00 FEET AND ALONG SAID EASTERLY LINE OF CANYON SPRINGS 124.66 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°18'10" TO A POINT ON A LINE RADIAL TO SAID CURVE; THENCE SOUTH 65°18'33" EAST, DEPARTING SAID EASTERLY LINE, A DISTANCE OF 80.00 FEET TO A POINT ON THE WEST LINE OF TRACT "A" OF CANYON SPRINGS PRESERVE PLAT NO 5, AS SAID PLAT IS RECORDED IN PLAT BOOK 107, PAGES 112-114 OF SAID PUBLIC RECORDS SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1740.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 65°18'33" EAST; THENCE SOUTHWESTERLY 130.67 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST LINE OF TRACT "A" THROUGH A CENTRAL ANGLE OF 04°18'10" TO A POINT ON A LINE RADIAL TO SAID CURVE; THENCE NORTH 61°00'23" WEST, A DISTANCE OF 80.00 FEET TO A POINT ON SAID EASTERLY BOUNDARY OF CANYON SPRINGS AND THE POINT OF BEGINNING.

CONTAINING 10.214 SQUARE FEET OR 0.23 ACRES MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM OF NAD 83, 1990 ADJUSTMENT. THE LINE BETWEEN PALM BEACH COUNTY HORIZONTAL CONTROL MONUMENTS STAMPED "PBF 65" AND "PBF 66" HAVING A BEARING OF NORTH 89°07'53" EAST, ALL OTHER BEARINGS RELATIVE THERETO.

SURVEYOR'S NOTES

- 1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
- 2. THE PROJECTS FIELD CONTROL WAS ESTABLISHED USING RTK GPS SURVEYING PROCEDURES AND THE TRIMBLE VRSNOW NETWORK.
- 3. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GRID.
PROJECT SCALE FACTOR = 1.0000209
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE


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2014050.200 | SHEET:
4 | PROJECT: | | SCALE: AS NOTED | NO. | REVISION | BY | DATE |  | PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ROADWAY PRODUCTION
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411 |
| | | ACME DAIRY ROAD
ABANDONMENT
BOUNDARY SURVEY | | | | | | | | |
| | | DESIGN FILE NAME
S-1-14-3557.DGN | DRAWING NO.
S-1-14-3557 | | | | | | | |
| | | APPROVED: W.L.F.
CHECKED: C.R.B.
DATE: 1/07/13 | | FIELD BOOK NO.
1162 LL | | | | | | |

EXHIBIT D

Page 2 of 4



SURVEYOR'S NOTES CONTINUED

- 4. THIS SURVEY IS NOT BASED ON ANY ABSTRACT OR TITLE POLICY PREPARED FOR THIS SURVEY.
- 5. THE DESCRIPTION SHOWN WAS PREPARED BY THE SIGNING SURVEYOR BASED INFORMATION PROVIDED BY SAND & HILLS SURVEYING, INC.
- 6. FIELD WORK FOR THIS PROJECT IS LOCATED IN FIELD BOOK 1162 LL, PAGES 69 - 70. INSTRUMENTS USED WERE THE TOPCON GTS 311 AND TRIMBLE R-8 GPS EQUIPMENT. IMPROVEMENTS LOCATED IN THE AREA OF THE PROPOSED ABANDONMENT WERE LOCATED BY CONVENTIONAL TOTAL STATION AND DATA COLLECTION PROCEDURES.
- 7. THE FILE NAMES ARE ACME DAIRY RD ABANDONMENT, S-1-14-3557.DGN, AND 2014050.200.REF.
- 8. ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.
- 9. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.
- 10. THIS INSTRUMENT WAS PREPARED BY WAYNE LARRY FISH, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.
- 11. ALL EXISTING AND ESTABLISHED CONTROL BASED ON THE MEASUREMENTS SHOWN, MEET OR EXCEED THE RELATIVE DISTANCE ACCURACY REQUIREMENT OF 1:10,000 (COMMERCIAL/HIGH RISK) REQUIRED BY THIS SURVEY.
- 12. ALL EASEMENTS SHOWN ARE PER THE CITED PLATS UNLESS OTHERWISE NOTED.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.


WAYNE LARRY FISH
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 3238


1/26/19
DATE

EXHIBIT D

Page 3 of 4

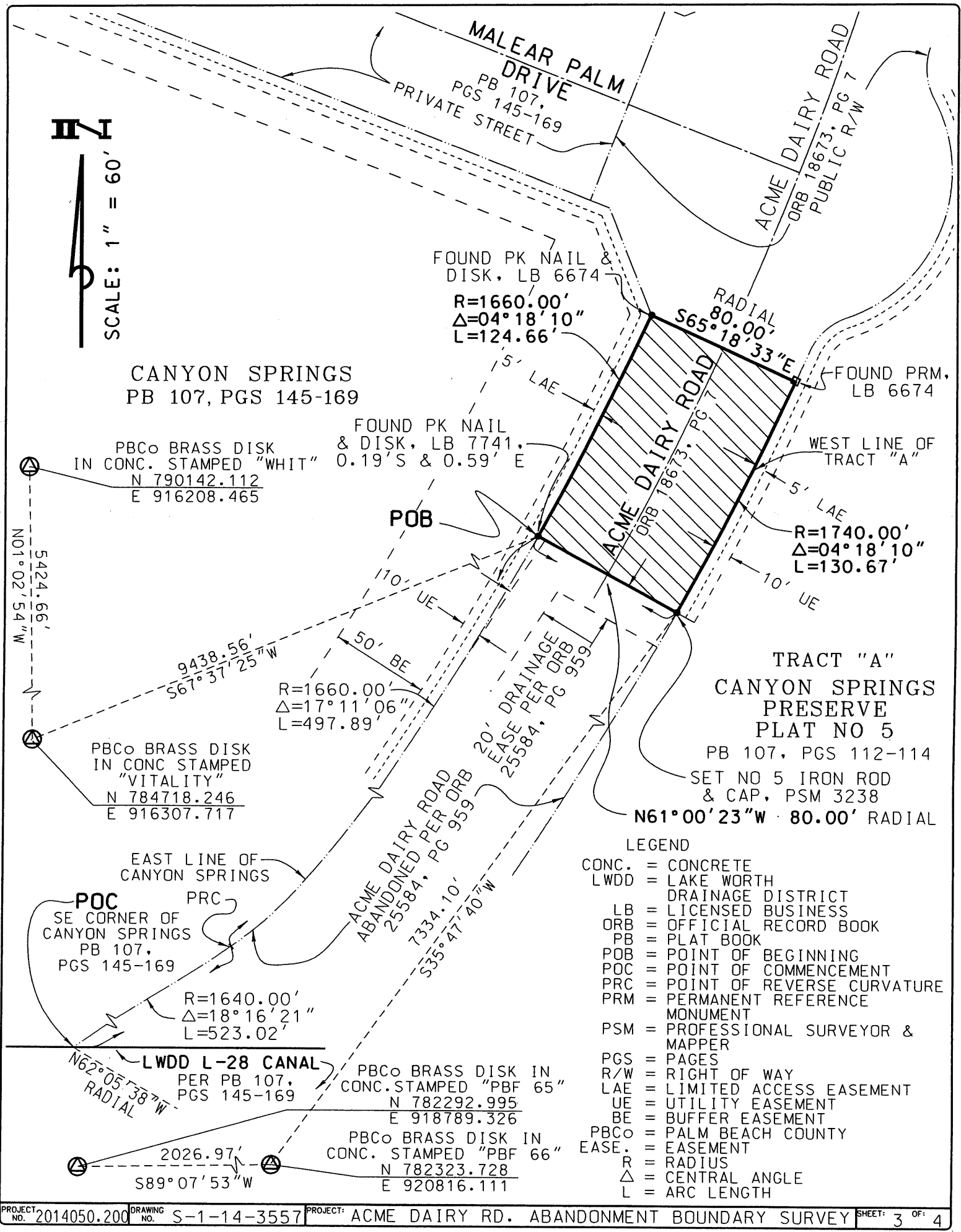
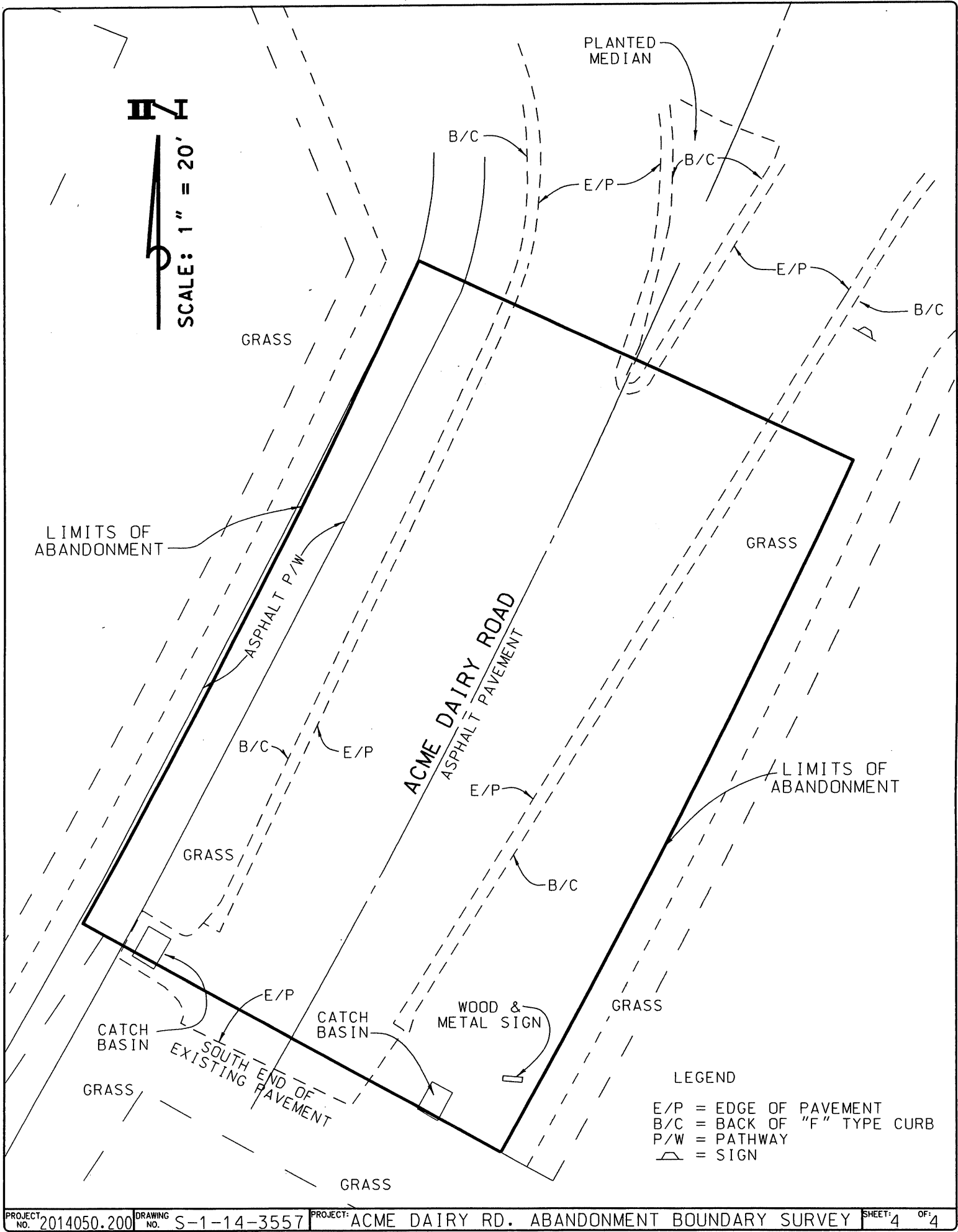


EXHIBIT D

Page 4 of 4



Return to:
Palm Beach County Land Development Division
P.O. Box 21229 Attn: Maureen Barber
West Palm Beach, Florida 33416-1229

ATTACHMENT 3

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 19th day of May, 2015, by Palm Beach County Board of County Commissioners (hereinafter referred to as "Grantor"), whose address is 301 South Olive Avenue, West Palm Beach, Florida, to BellSouth Telecommunications, Inc. d/b/a/ AT&T Florida (hereinafter referred to as "Grantee").

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, an easement to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities, standby generators and associated fuel supply systems as a means of providing uninterrupted service during commercial power outages, and related items as the Grantee may from time to time deem necessary in the conduct of its business upon, over, and under a portion of the land described in **EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF**. The following rights are also granted: the exclusive right to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said easement for communications (including broadcast) or electric power transmission or distribution; ingress to and egress from said easement at all times; the right, but not the obligation, to clear the easement and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the easement which might interfere with or fall upon the lines or systems of communication of power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said lands to conform to any future highway relocation, widening, or improvements; the right to test and maintain generators and associated equipment; and the right to allow any other person, firm, or corporation to provide for fuel/energy distribution to equipment placed on the site. This is a nonexclusive easement and is subject to minimizing disruption of and restoration of road and drainage facilities by Grantee.

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described. The County desires that such easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon a subsequent conveyance of the Property by County.

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

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

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

BY: _____
Clerk & Comptroller (or Deputy Clerk)

BY: _____
Shelley Vana, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

This instrument prepared by:
Marlene R. Everitt, Assistant County Attorney
Palm Beach County
P.O. Box 21229
West Palm Beach, FL 33416

BY: _____
Assistant County Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19th day of May, 2015 by _____
Mayor, Board of County Commissioners, who is personally known to me and who did not take an oath.

Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE ACME DAIRY ROAD RIGHT-OF-WAY AS CONVEYED TO PALM BEACH COUNTY BY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 18673, PAGE 7 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 32, TOWNSHIP 45 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE PLAT OF CANYON SPRINGS, AS SAID PLAT IS RECORDED IN PLAT BOOK 107, PAGES 145 THROUGH 169, OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1640.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 62°05'38" WEST; THENCE NORTHERLY 523.02 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EASTERLY BOUNDARY OF SAID PLAT OF CANYON SPRINGS, THROUGH A CENTRAL ANGLE OF 18°16'21" TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1660.00 FEET; THENCE NORTHEASTERLY 497.89 ALONG THE ARC OF SAID CURVE AND SAID EASTERLY LINE OF CANYON SPRINGS THROUGH A CENTRAL ANGLE OF 17°11'06" TO THE POINT OF BEGINNING;

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CONTAINING 10,214 SQUARE FEET OR 0.23 ACRES MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM OF NAD 83, 1990 ADJUSTMENT. THE LINE BETWEEN PALM BEACH COUNTY HORIZONTAL CONTROL MONUMENTS STAMPED "PBF 65" AND "PBF 66" HAVING A BEARING OF NORTH 89°07'53" EAST, ALL OTHER BEARINGS RELATIVE THERETO.

SURVEYOR'S NOTES

- 1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
- 2. THE PROJECTS FIELD CONTROL WAS ESTABLISHED USING RTK GPS SURVEYING PROCEDURES AND THE TRIMBLE VRSNOW NETWORK.
- 3. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
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2014050.200 | SHEET:
4 | PROJECT:

ACME DAIRY ROAD
UTILITY EASEMENT | DESIGN FILE NAME
S-1-15-3594.DGN | DRAWING NO.
S-1-15-3594 | SCALE: AS NOTED
APPROVED: W.L.F.
DRAWN: W.L.F.
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1162 LL | NO. | REVISION | BY | DATE |  | PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS

ROADWAY PRODUCTION

2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411 |
| | | | | | | | | | | | |

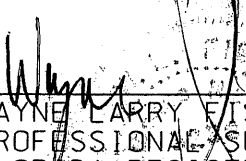
SURVEYOR'S NOTES CONTINUED

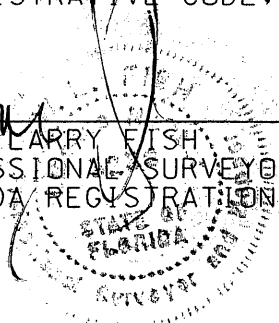
4. THIS SURVEY IS NOT BASED ON ANY ABSTRACT OR TITLE POLICY PREPARED FOR THIS SURVEY.
5. THE DESCRIPTION SHOWN WAS PREPARED BY THE SIGNING SURVEYOR BASED INFORMATION PROVIDED BY SAND & HILLS SURVEYING, INC.
6. FIELD WORK FOR THIS PROJECT IS LOCATED IN FIELD BOOK 1162 LL, PAGES 69 - 70. INSTRUMENTS USED WERE THE TOPCON GTS 311 AND TRIMBLE R-8 GPS EQUIPMENT. IMPROVEMENTS LOCATED IN THE AREA OF THE PROPOSED ABANDONMENT WERE LOCATED BY CONVENTIONAL TOTAL STATION AND DATA COLLECTION PROCEDURES.
7. THE FILE NAMES ARE ACME DAIRY RD ABANDONMENT, S-1-15-3594.DGN, AND 2014050.200.REF.
8. ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.
9. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.
10. THIS INSTRUMENT WAS PREPARED BY WAYNE LARRY FISH, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.
11. ALL EXISTING AND ESTABLISHED CONTROL BASED ON THE MEASUREMENTS SHOWN, MEET OR EXCEED THE RELATIVE DISTANCE ACCURACY REQUIREMENT OF 1:10,000 (COMMERCIAL/HIGH RISK) REQUIRED BY THIS SURVEY.
12. ALL EASEMENTS SHOWN ARE PER THE CITED PLATS UNLESS OTHERWISE NOTED.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



WAYNE LARRY FISH
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 3238


1/26/15

DATE

