

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------|--------|------|------|------|------|
| 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- |
| # ADDITIONAL FTE | | | | | |
| POSITIONS (Cumulative) | | | | | |

Is Item Included in Current Budget? Yes No
Does this item include the use of federal funds? Yes No X

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: Alicia Kovalainen

III. REVIEW COMMENTS

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

Lisa Ponder 4/22/18
OFMB
AK 4/26
4/27
Ar. S. Jan 5/7/18
Contract Dev. and Control
5/7/18

B. Approved as to Form and Legal Sufficiency:

MBHeman 5/10/18
Assistant County Attorney

C. Other Department Review:

Department Director

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



Return to:
Right-of-Way Acquisition Section
Palm Beach County, Engineering & Public Works Department
Post Office Box 21229
West Palm Beach, Florida 33416-1229
Attn.: David Kuzmenko, Right-of-Way Specialist
Acct. No.: 1010 W/C BOX 1066

This Instrument Prepared by:
Yelizaveta B. Herman, Assistant County Attorney
Palm Beach County Attorney's Office
Post Office Box 21229
West Palm Beach, Florida 33416-1229

Portion of Property Control Number: 00-43-42-18-00-000-7530

NOT TO BE RECORDED WITHOUT BOARD OF COUNTY COMMISSIONERS ACCEPTANCE DATE

SPACE ABOVE THIS LINE FOR PROCESSING DATA

ZONING CONTROL NO.: 1984-00048

ROAD NAME: Silverthorne Drive & 91st Street North

PARCEL NO.: RW1

SUBORDINATION OF UTILITY INTERESTS

THIS SUBORDINATION ("Subordination") is entered into this 28th day of February, 2018, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose post office address is Post Office Box 21229, West Palm Beach, Florida 33416-1229, ("County") and **SEACOAST UTILITY AUTHORITY**, an interlocal governmental entity created under Chapter 163, Florida Statutes, whose post office address is 4200 Hood Road, Palm Beach Gardens, Florida 33410-2174, ("Utility").

WHEREAS, the Utility presently has an easement on certain property that has been determined necessary for public purposes; and,

WHEREAS, the proposed use of this property will require subordination to the County of the interests claimed in said property by the Utility. At the request of the County, the Utility has agreed, subject to the following conditions, to relocate its facilities from the Utility's easement onto public right-of-way, or has agreed to leave its facilities on the property ("Property"), described in Exhibit "A" attached hereto and made a part hereof; and,

WHEREAS, the County is willing to pay to have the Utility's facilities relocated as necessary to prevent any conflicts between County improvements and Utility facilities so that the benefits of each may be retained.

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

1. The Utility hereby subordinates any and all of its interest in that portion of the following easement lying within, through, under, upon or across the Property, to the interest of the County, its successors or assigns;

| <u>NATURE OF ENCUMBRANCE</u> | <u>RECORD DATE</u> | <u>FROM OR AGAINST</u> | <u>IN FAVOR OF</u> | <u>BOOK / PAGE</u> |
|------------------------------|--------------------|---|--------------------------|--------------------|
| Easement | 10/17/1986 | Knud Preben Knudsen & Lis F. Knudsen | Seacoast Utilities, Inc. | ORB 5042/PG 1306 |

2. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon all the Property in accordance with the County's current minimum standards for such facilities as of the date of such construction. Any new construction or relocation of the facilities within the Property will be subject to prior approval by the County. Should the County fail to approve any new construction or relocation of facilities by the Utility or hereafter require the Utility to alter, adjust or relocate its facilities from within the Property, the County hereby agrees to pay the Utility's reasonable cost of any required alteration, adjustment or relocation, caused by the County's actions, including the cost of acquiring the necessary easements.
3. The Utility shall have a reasonable right to enter upon the Property for the purposes outlined in paragraph 2 above, including the right to trim such trees, bushes, and growth which might endanger or interfere with the operation and safety of the Utility's facilities.
4. This Subordination shall be attached as an addendum to the permit, if any, required by the County for location of facilities on the Property.
5. This Subordination is not assignable except to the State of Florida or other governmental entity for the purposes described herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice Mayor of said Board, the day and year aforesaid.

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

**APPROVED AS TO TERMS AND
CONDITIONS**

By: *Donna A. Fernandez*
Division Director,
Engineering & Public Works Department

County:

PALM BEACH COUNTY,
a political subdivision of the State of Florida

By: _____
Melissa McKinlay, Mayor

(Official Seal)

Signed, sealed and delivered in the presence of:

(Signature of two witnesses
required by Florida law)

Daniela E. Russell
Witness Signature (Required)

Daniela E. Russell
Witness Name Printed or Typed

Christine Guison
Witness Signature (Required)

Christine Guison
Witness Name Printed or Typed

Utility:

SEACOAST UTILITY AUTHORITY,
an interlocal governmental entity created under Chapter 163,
Florida Statutes

By: Robert A. Gebbia
Robert Gebbia, Chair

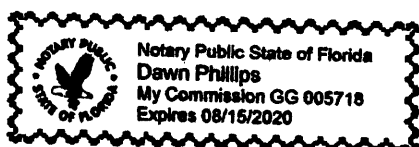
Attest: Jessica Moore
Jessica Moore, Clerk

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before me personally appeared Robert Gebbia and Jessica Moore, who are (*choose one*) personally known to me, or have produced _____ as identification, and who executed the foregoing instrument as Chair and Clerk of **SEACOAST UTILITY AUTHORITY**, an interlocal governmental entity created under Chapter 163, Florida Statutes, and severally acknowledged to and before me that they executed such instrument as such officers of said Utility, and that said instrument is the free act and deed of said Utility.

Witness my hand and official seal this 28 day of February, 2018.

(Stamp/Seal)



Dawn Phillips
Notary Signature

Notary Public, State of Florida

Dawn Phillips
Print Notary Name

GG 005718

Commission Number

My Commission Expires: 08/15/2020

DESCRIPTION:

BEING ALL OF TRACT RW1 AS SHOWN ON THE PLAT OF TIRE KINGDOM 971 AS RECORDED IN PLAT BOOK 125, AT PAGES 102 AND 103 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE SOUTHWEST ONE-QUARTER SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 311 SQUARE FEET MORE OR LESS.


SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON WERE ABSTRACTED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NUMBER 514348A1, DATED 12-26-17@11:00 PM, ALL PLOTTABLE EXCEPTIONS ARE SHOWN HEREON.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF S.01°39'52"W. ALONG THE LINE BETWEEN PALM BEACH COUNTY HORIZONTAL CONTROL POINTS "DODGE DART" AND "I-95 LAKE PARK", RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (90/98 ADJUSTMENT).
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM INSTRUMENTS OF RECORD AND DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SUCH.


CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON APRIL 11, 2018. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.



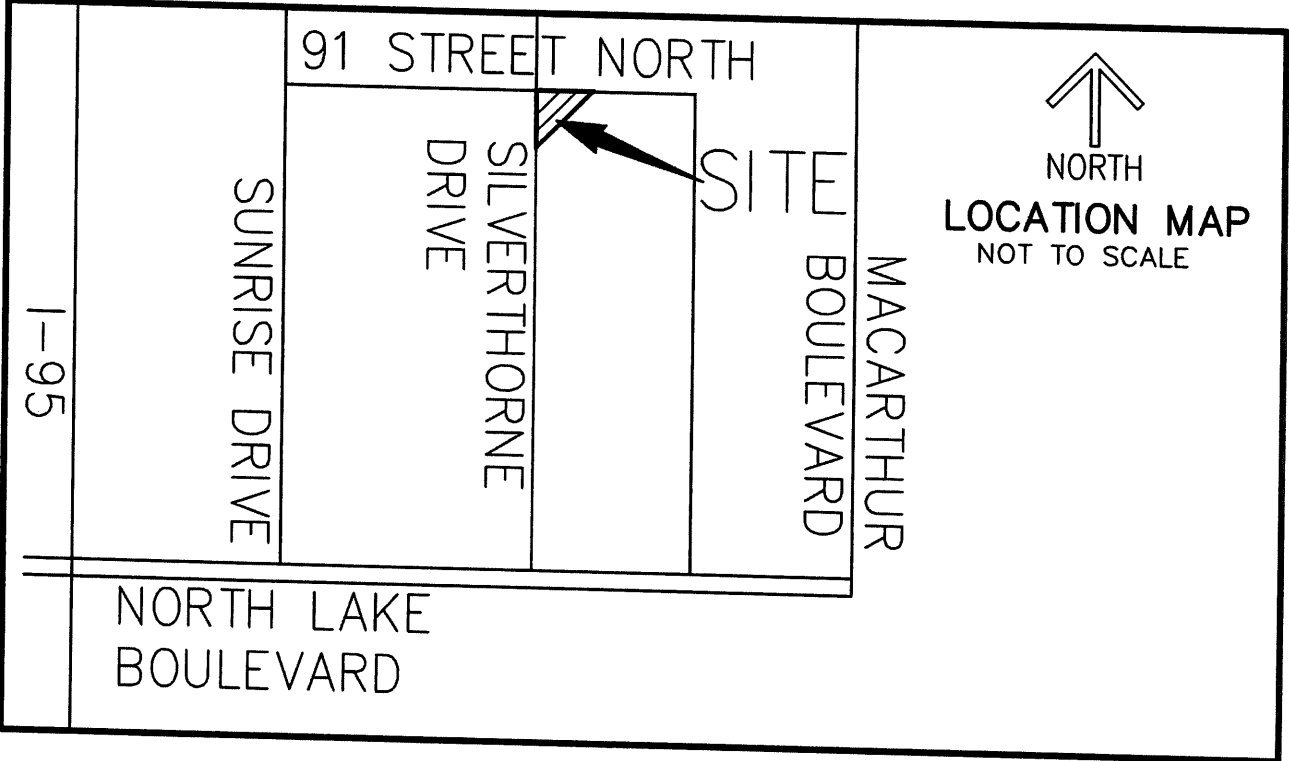
CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING - LAND SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

**TIRE KINGDOM 971
TRACT RW1
SKETCH OF DESCRIPTION**



DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

| | |
|-----------|----------|
| DATE | 04/13/18 |
| DRAWN BY | DLS |
| F.B./ PG. | N/A |
| SCALE | AS SHOWN |
| JOB NO. | 7297RW1 |



NOTES
COORDINATES, BEARINGS AND DISTANCES

COORDINATES SHOWN ARE GRID
DATUM = NAD 83 (90/98 ADJUSTMENT)
ZONE = FLORIDA EAST
LINEAR UNIT = US SURVEY FEET
COORDINATE SYSTEM 1983 STATE PLANE
TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND, UNLESS NOTED OTHERWISE
SCALE FACTOR = 1.00004217
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
BEARINGS AS SHOWN HEREON ARE GRID DATUM,
NAD 83 (90/98 ADJUSTMENT), FLORIDA EAST ZONE.

LEGEND/ABBREVIATIONS

- | | |
|--|--|
| ¢ - CENTERLINE | O.R.B. - OFFICIAL RECORD BOOK |
| D.O.T - DEPARTMENT OF TRANSPORTATION | P.B. - PLAT BOOK |
| E - EASTING (WHEN USED WITH COORDINATES) | PG. - PAGE |
| FPL - FLORIDA POWER & LIGHT | R/W - RIGHT-OF-WAY |
| LB - LICENSED BUSINESS | SUAE - SEACOAST UTILITY AUTHORITY EASEMENT |
| N - NORTHING (WHEN USED WITH COORDINATES) | UE - UTILITY EASEMENT |
| ■ PRM - DENOTES PERMANENT REFERENCE MONUMENT 4"x 4"x 24" CONCRETE MONUMENT WITH ALUMINUM DISK STAMPED "C&W PRM LB3591" | |

SHEET 2 OF 3



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING - LAND SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

TIRE KINGDOM 971
TRACT RW1
SKETCH OF DESCRIPTION

| | |
|-----------|----------|
| DATE | 04/13/18 |
| DRAWN BY | DLS |
| F.B./ PG. | N/A |
| SCALE | AS SHOWN |
| JOB NO. | 7297RW1 |

