

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 14, 2018

Consent ☒ Regular ☐
Public Hearing ☐

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: the partial release of a utility easement over property owned by PBM Place, LLC (Property Owner).

Summary: The Property Owner seeks the release of the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County, ORB 22473, Page 1549, originally owned by PBM Associates, LTD. During the redevelopment of the site the Property Owner granted a new utility easement to Palm Beach County as recorded in the Official Records of Palm Beach County, ORB 29239, Page 0387. As a result, a portion of the existing utility easement is no longer required. The Water Utilities Department has determined that the partial release of easement will not affect existing or new water and wastewater facilities and therefore recommends the release. District 7 (MJ)

Background and Justification: On February 29, 2008, a utility easement was granted to the County for public water and wastewater facilities associated with the development of the property identified by PCN 00-42-43-29-00-000-3350. Upon redevelopment, some existing public wastewater facilities were removed and new public wastewater facilities installed. A new utility easement was granted to the County for the new public wastewater facilities. The property owner is requesting release of the portion of Easement that is no longer associated with any public water and wastewater facilities.

Attachments:

1. Location Map
2. Two (2) Original Partial Release of Utility Easement w/ Exhibit "A"
3. Original Utility Easement (ORB 22473/PG 1549)
4. Copy Utility Easement (ORB 29239/PG 0387)
5. Copy of Special Warranty Deed (ORB 27920/PG 0687)
6. Copy of Special Warranty Deed (ORB 24611/PG 1924)
7. Copy of General Warranty Deed (ORB 08988/PG 0869)

Recommended By: _____

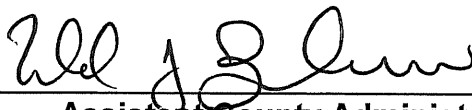


Department Director

8-6-18

Date

Approved By: _____



Assistant County Administrator

8/9/18

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
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>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Budget Account No.:	Fund _____	Dept _____	Unit _____	Object _____	

Is Item Included in Current Budget? N/A Yes _____ No _____

Does this item include the use of federal funds? Yes _____ No X

Reporting Category N/A

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

This item has no fiscal impact.

C. Department Fiscal Review: _____

III. REVIEW COMMENTS

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

[Signature] 7/19/18
OFMB [Signature] 7/19/18 [Signature] 7/19/18

[Signature] 7/24/18
Contract Development and Control [Signature] 7/20/18 [Signature]

B. Legal Sufficiency:

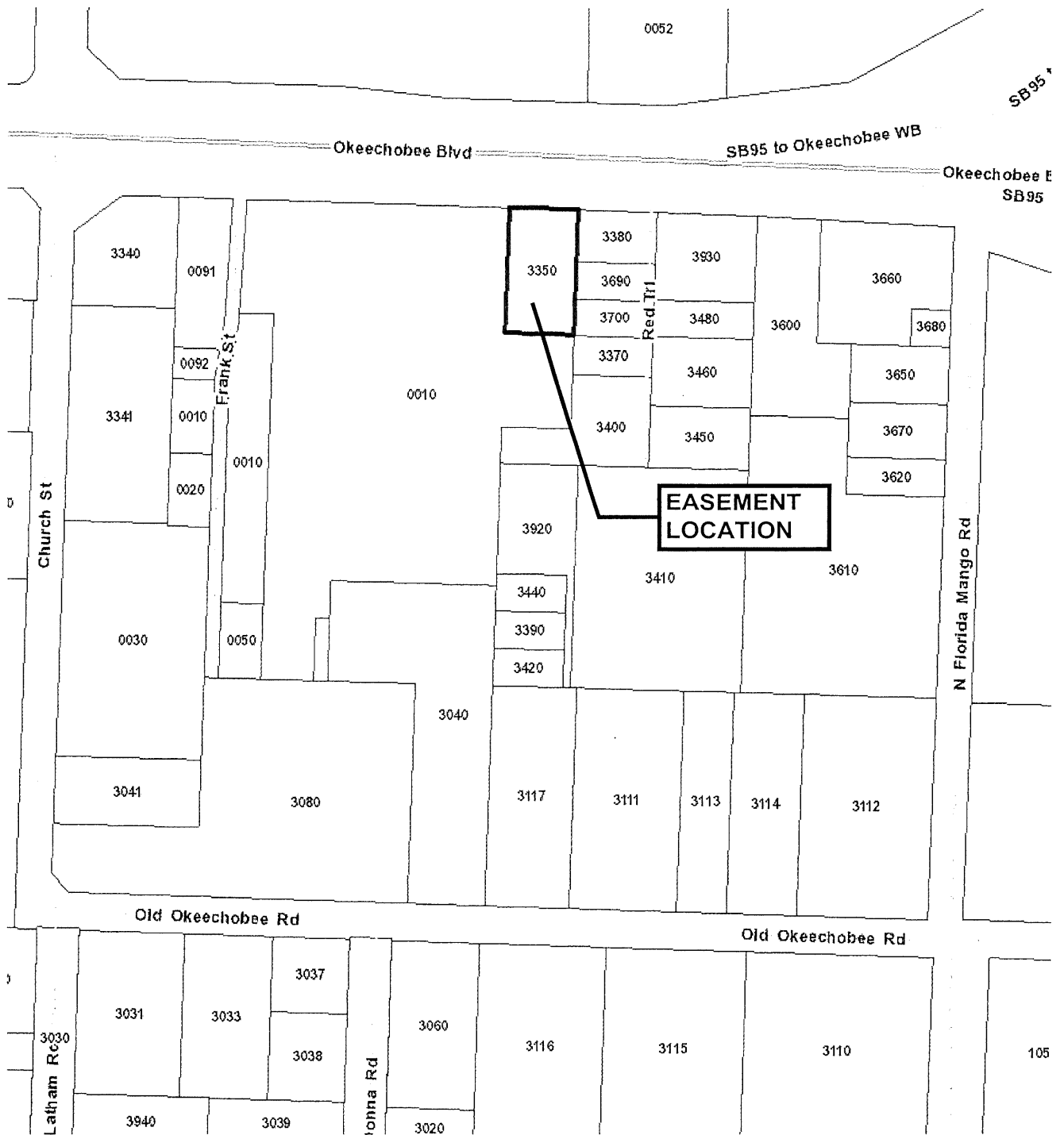
[Signature] 8/6/18
Assistant County Attorney

C. Other Department Review:

Department Director

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

ATTACHMENT 1



Prepared by and return to:
Palm Beach County Water Utilities Department
Attn: Plan Review, C/O Joe Lammert
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed this __ day of _____, 2018, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd, West Palm Beach, Florida 33413, to Okee Property East, LLC, whose address is 1027 North Florida Mango Road, Suite 2, West Palm Beach, FL 33409:

WITNESSETH:

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 22473 Page 1549, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A" to the second party.

IN WITNESS WHEREOF the first party has caused this PARTIAL RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:

Sharon R. Bock, Clerk

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

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor
JCS

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

DESCRIPTION: 12' UTILITY EASEMENT (SANITARY SEWER) PARCEL 1

A 12 FOOT UTILITY EASEMENT SHOWN AS PARCEL 1 AS RECORDED IN OFFICIAL RECORDS BOOK 22473, PAGE 1549 THROUGH 1551, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID SECTION 29, WITH THE EAST LINE OF MADRID PARK, AS RECORDED IN PLAT BOOK 13, PAGE 78, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88° 45' 36" EAST ALONG THE NORTH LINE OF SAID SECTION 29 (THE NORTH LINE OF SAID SECTION 29 IS ASSUMED TO BEAR SOUTH 88°45'36" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO), A DISTANCE OF 666.00 FEET; THENCE SOUTH 01°44'54" WEST PARALLEL WITH THE EAST LINE OF SAID MADRID PARK, A DISTANCE OF 83.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE SOUTH 88°45'36" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 63°19'25" EAST A DISTANCE OF 88.69 FEET TO THE EAST TERMINUS.

SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SURVEYOR NOTES:

- 1.) NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THIS OFFICE.
- 2.) THE NORTH LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, IS ASSUMED TO BEAR SOUTH 88°45'36" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

LEGEND


- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- P.B. = PLAT BOOK
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.O.T. = POINT OF TERMINUS
- P.B.C. = PALM BEACH COUNTY

THIS SKETCH MEETS THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

UNLESS THIS DOCUMENT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

6/1/2018

DATE OF SIGNATURE

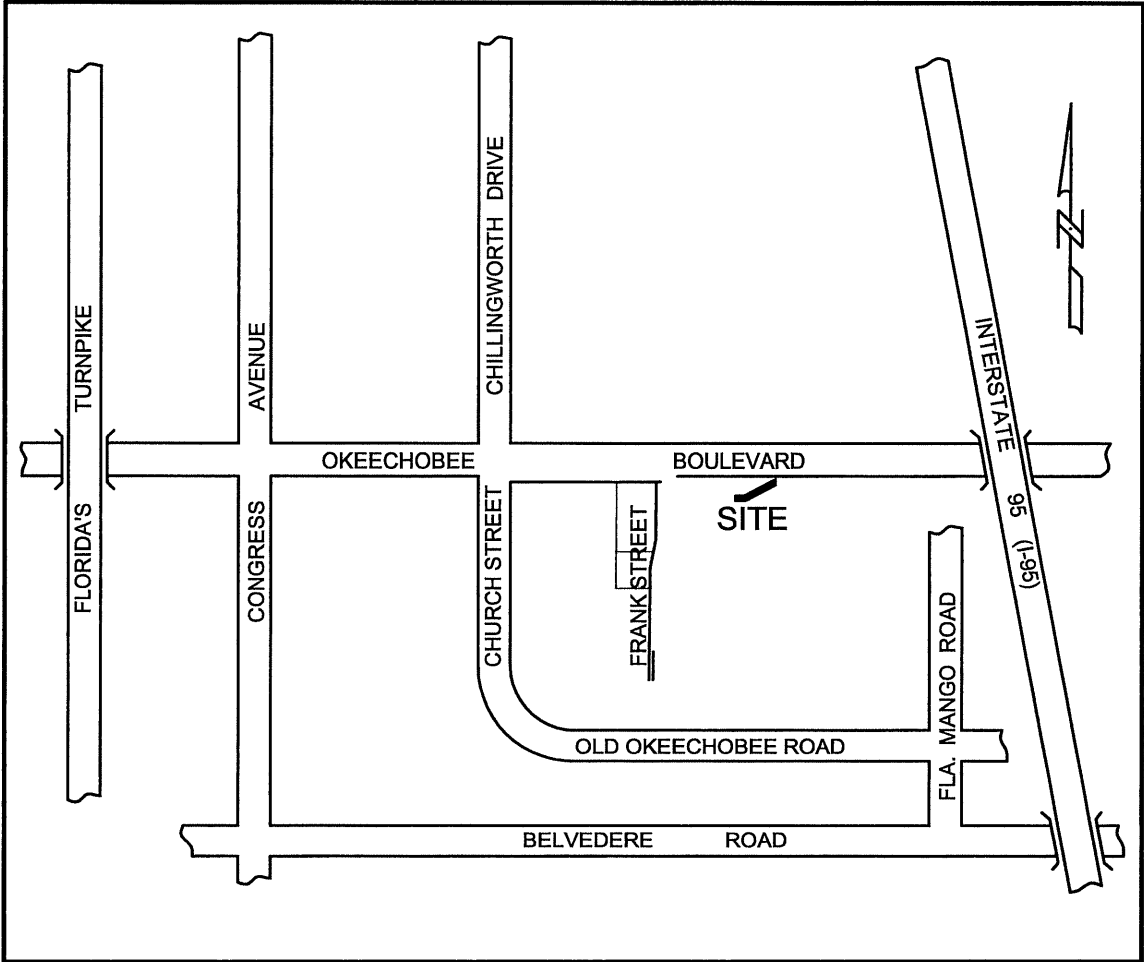


LESLIE C. BISPOTT
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5698



MICHAEL B. SCHORAH & ASSOCIATES, INC. 1850 FOREST HILL BLVD., SUITE 206 WEST PALM BEACH, FLORIDA 33406 EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438		
N/A	R.A.B.	N/A
N/A	APR., 2017	1688_12 UE ABANDONED
N/A	L.C.B.	

SKETCH AND DESCRIPTION 12' UTILITY EASEMENT (PARCEL 1, O.R.B. 22473, PG. 1549)	
1 OF 3	1688



LOCATION SKETCH
NOT TO SCALE

COORDINATES NOTE:

STATE PLANE 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 GROUND
PROJECT SCALE FACTOR = 1.0000432
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

S 88°45' 36"W (DESCRIPTION BEARING) 00°00'01" CLOCKWISE ROTATION,
S 88°45'35"W (GRID BEARING) DESCRIPTION TO GRID

— THE N. LINE OF SECTION 29, TOWNSHIP 43 S., RANGE 43 E.



**MICHAEL B. SCHORAH
& ASSOCIATES, INC.**

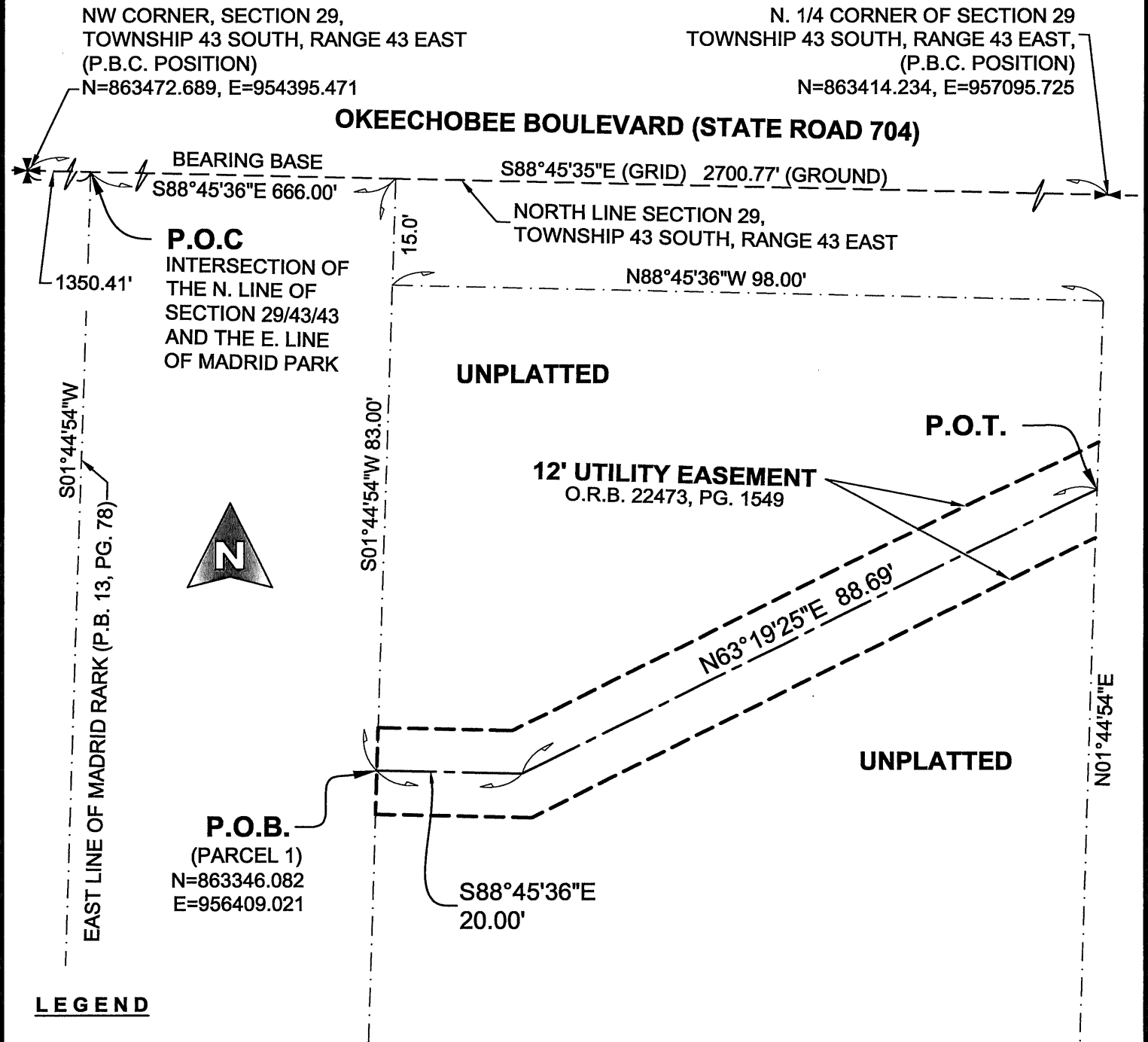
1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406

EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

N/A	R.A.B.	N/A
N/A	APR., 2017	1688_12 UE ABANDONED
N/A	L.C.B.	

**SKETCH AND DESCRIPTION
12' UTILITY EASEMENT
(PARCEL 1, O.R.B. 22473, PG. 1549)**

2 OF 3	1688
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**MICHAEL B. SCHORAH
& ASSOCIATES, INC.**

1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406

EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

N/A	R.A.B.	1" = 20'
N/A	APR., 2017	1688_12 UE ABANDONED
N/A	L.C.B.	

**SKETCH AND DESCRIPTION
12' UTILITY EASEMENT
(PARCEL 1, O.R.B. 22473, PG. 1549)**

3 OF 3	1688
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Prepared by and return to:
Palm Beach County Water Utilities Department
Attn: Plan Review, C/O Joe Lammert
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

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THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILITY EASEMENT shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A" to the second party.

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ATTEST:

Sharon R. Bock, Clerk

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

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor

JW

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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6/1/2018


DATE OF SIGNATURE

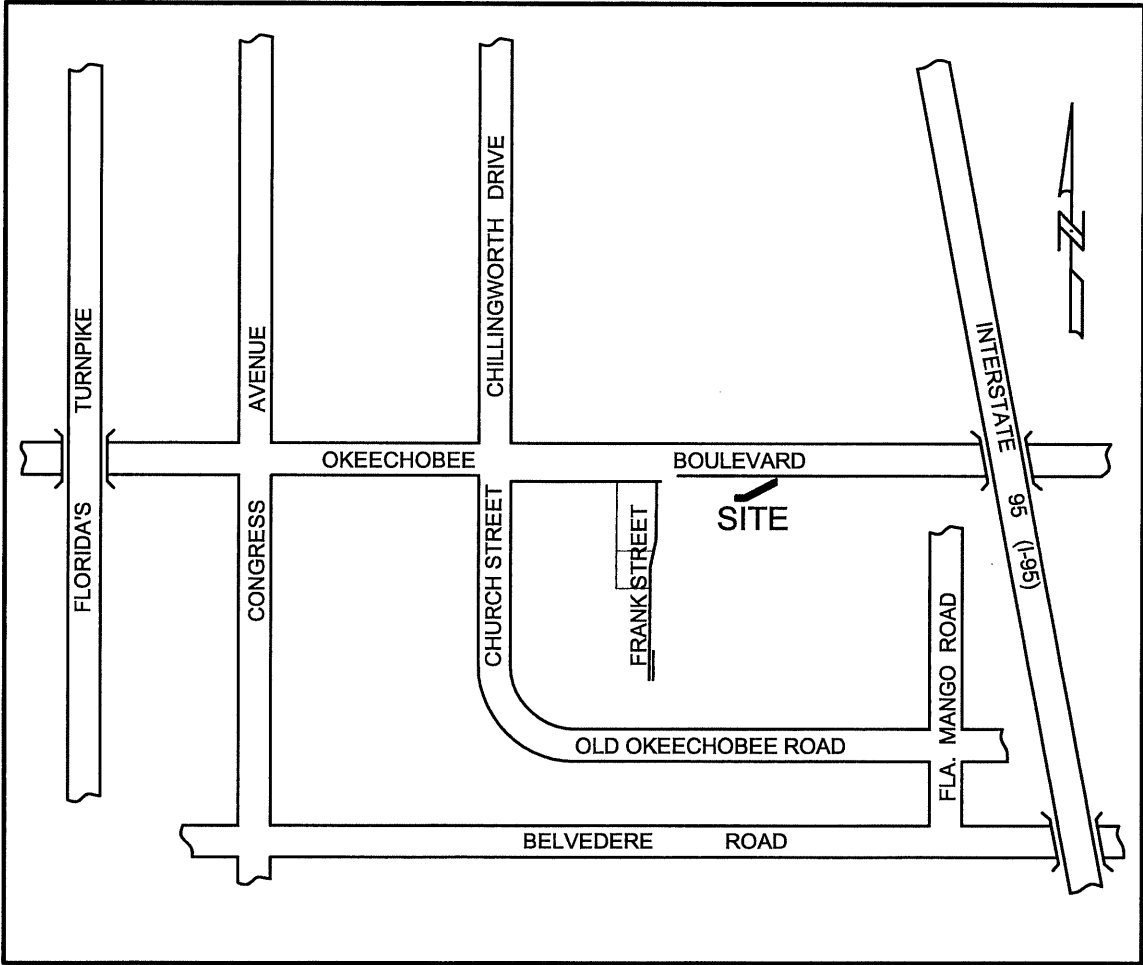


LESLIE C. BISPOTT

PROFESSIONAL SURVEYOR AND MAPPER

FLORIDA CERTIFICATE NUMBER 5698

	MICHAEL B. SCHORAH & ASSOCIATES, INC. 1850 FOREST HILL BLVD., SUITE 206 WEST PALM BEACH, FLORIDA 33406 EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438			SKETCH AND DESCRIPTION 12' UTILITY EASEMENT (PARCEL 1, O.R.B. 22473, PG. 1549)	
	N/A	R.A.B.	N/A		
	N/A	APR., 2017	1688_12 UE ABANDONED		
	N/A	L.C.B.		1 OF 3	1688



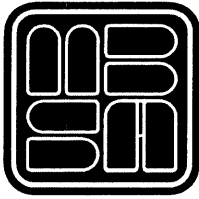
LOCATION SKETCH
NOT TO SCALE

COORDINATES NOTE:

STATE PLANE 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 GROUND
PROJECT SCALE FACTOR = 1.0000432
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

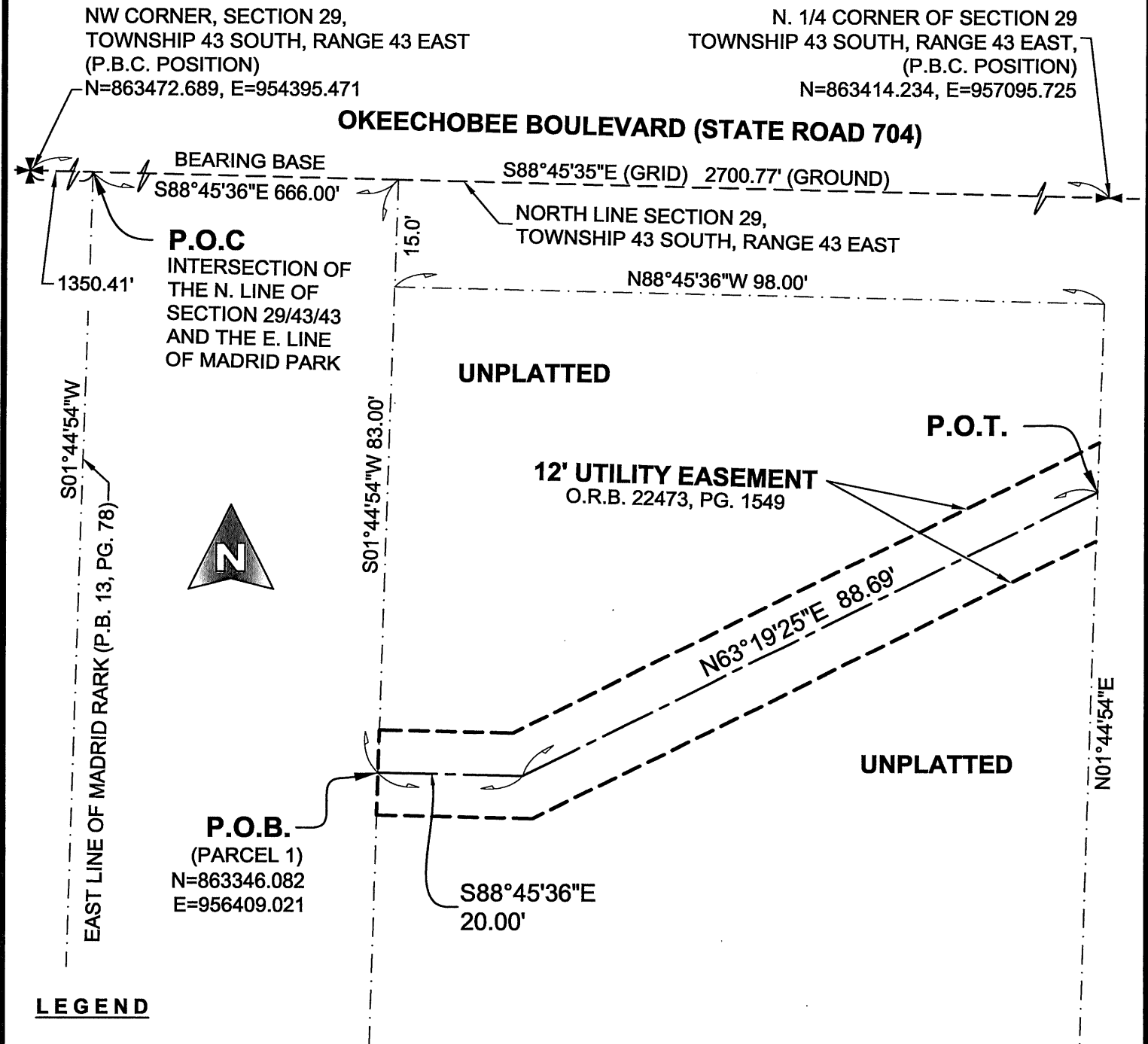
S 88°45' 36"W (DESCRIPTIOIN BEARING) 00°00'01" CLOCKWISE ROTATION,
S 88°45'35"W (GRID BEARING) DESCRIPTION TO GRID

THE N. LINE OF SECTION 29, TOWNSHIP 43 S., RANGE 43 E.



MICHAEL B. SCHORAH & ASSOCIATES, INC. 1850 FOREST HILL BLVD., SUITE 206 WEST PALM BEACH, FLORIDA 33406 EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438		
N/A	R.A.B.	N/A
N/A	APR., 2017	1688_12 UE ABANDONED
N/A	L.C.B.	

SKETCH AND DESCRIPTION 12' UTILITY EASEMENT (PARCEL 1, O.R.B. 22473, PG. 1549)	
2 OF 3	1688



LEGEND

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PG. = PAGE
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P.O.T. = POINT OF TERMINUS
P.B.C. = PALM BEACH COUNTY

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



**MICHAEL B. SCHORAH
& ASSOCIATES, INC.**

1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406

EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

N/A	R.A.B.	1" = 20'
N/A	APR., 2017	1688_12 UE ABANDONED
N/A	L.C.B.	

**SKETCH AND DESCRIPTION
12' UTILITY EASEMENT
(PARCEL 1, O.R.B. 22473, PG. 1549)**

3 OF 3	1688
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Prepared by and Return to:
Adam Galicki (Will Call Box 133)
Palm Beach County Water Utilities Department
P.O. Box 16097 Attn: Engineering Div.
West Palm Beach, Florida 33416-6097
WHD 08-525

CFN 20080075996
OR BK 22473 PG 1549
RECORDED 02/29/2008 13:31:30
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 25 day of February, 2008, by PBM Associates, LTD (hereinafter referred to as "Grantor"), whose address is 580 Village Blvd, #300, West Palm Beach, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

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, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect underground potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, under and across the easement premises. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary.

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

WITNESSES:

Signed, sealed and delivered
in the presence of:

Gregory S. Succione
Witness Signature
Gregory S. Succione
Print Name
Holly Westmoreland
Witness Signature
Holly Westmoreland
Print Name

GRANTOR: PBM Associates, Ltd.
by: PB GP, Inc.

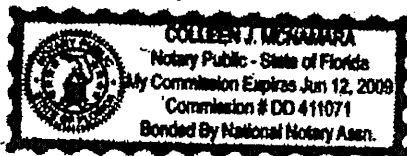
[Signature]
Signature
STEWART D. DEWHAULT
Print Name (and Title if applicable)
[Signature]
Signature
[Signature]
Print Name (and Title if applicable)

NOTARY CERTIFICATE

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 25 day of February, 2008
by Stewart Dewhaalt and _____ who is/are
personally known to me or who has produced _____ as identification.

My Commission Expires:



Colleen J. McNamara
Notary Signature
Colleen J. McNamara
Typed, Printed or Stamped Name of Notary

Exhibit "A"

DESCRIPTION: 12 FOOT UTILITY EASEMENT (SANITARY SEWER) PARCEL 1


A parcel of land lying in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows: Commencing at the point of intersection of the North line of said Section 29 with the East line of MADRID PARK, as recorded in Plat Book 13, page 78, Public Records of Palm Beach County, Florida; thence South 88-45-36 East along the North line of said Section 29 (the North line of said Section 29 is assumed to bear South 88-45-36 East and all other bearings are relative thereto) a distance of 666.00 feet; thence South 01-44-54 West parallel with the East line of said MADRID PARK a distance of 83.00 feet; thence South 88-45-36 East a distance of 20.00 feet to the POINT OF BEGINNING of the hereinafter described centerline; thence North 63-19-25" East a distance of 88.69 feet to the East terminus.

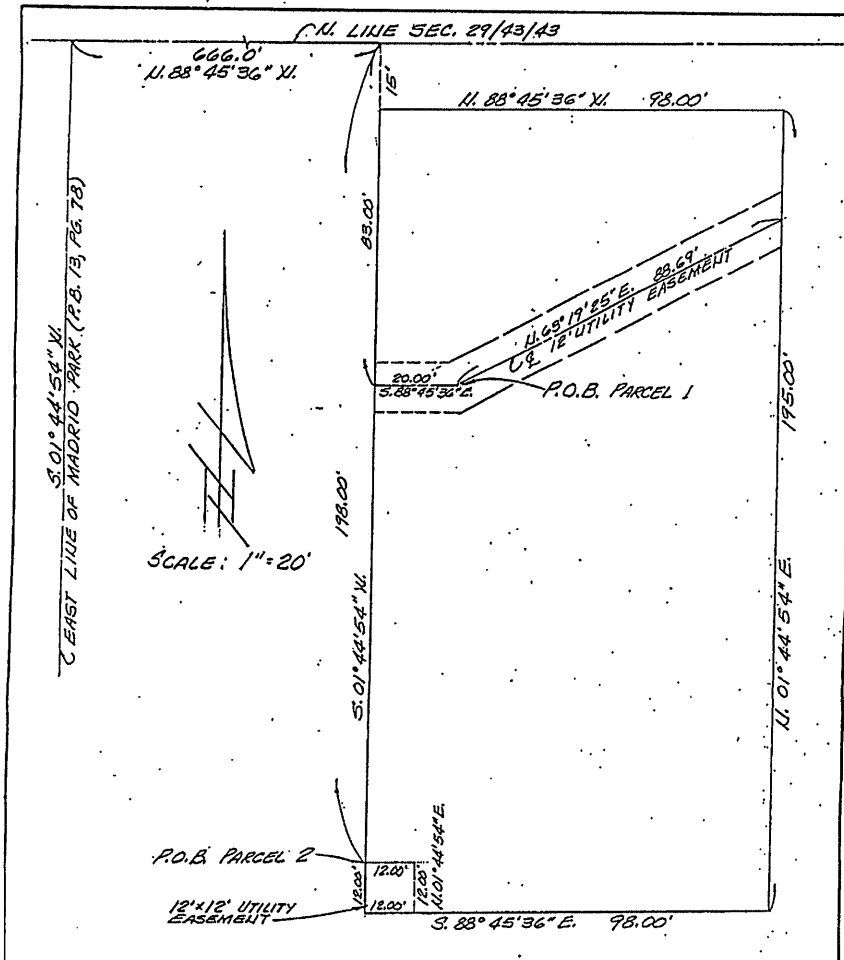
Subject to easements and rights of way of record.

DESCRIPTION: 12 FOOT UTILITY EASEMENT PARCEL 2

A parcel of land lying in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows: Commencing at the point of intersection of the North line of said Section 29 with the East line of MADRID PARK, as recorded in Plat Book 13, page 78, Public Records of Palm Beach County, Florida; thence South 88-45-36 East along the North line of said Section 29 (the North line of said Section 29 is assumed to bear South 88-45-36 East and all other bearings are relative thereto) a distance of 666.00 feet; thence South 01-44-54 West parallel with the East line of said MADRID PARK a distance of 198.00 feet to the POINT OF BEGINNING of the hereinafter described parcel; thence continue South 01 44'54" West a distance of 12.00 feet; thence South 88 45'36" East a distance of 12.00 feet; thence North 01 44'54" East a distance of 12.00 feet; thence North 88 45'36" West a distance of 12.00 feet to the POINT OF BEGINNING.

Subject to easements and rights of way of record.

				LIDBERG LAND SURVEYING, INC.	
		JUPITER, FL.		805/746-8454	
FLD.	D.L.	JOB	88-231	FD.	59 PC. 68
OFF.	S&W	DATE	7-12-88	DWG.	A88-231
CKD.	D.G.L.	REP.		SHEET	2 OF 2
DATE	REVISIONS				



DESCRIPTION SKETCH FOR: DSK ASSOCIATES (See sheet 2 of 2 for descriptions)

SURVEYOR'S NOTES: 1. THIS DRAWING DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
3. THIS INSTRUMENT IS NOT VALID UNLESS, SEALED WITH THE EMBOSSED SEAL OF THE SIGNING SURVEYOR.

SURVEYOR'S CERTIFICATION: I HEREBY CERTIFY that the sketch shown hereon is a true and accurate representation of the accompanying description and complies with the Minimum Technical Standards as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes.

David C. Lidberg
Professional Land Surveyor
Florida Certificate No. 3613

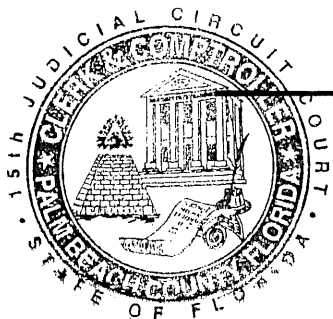


LIDBERG LAND
SURVEYING, INC.

JUPITER, FL.

805/746-8454

FLD.	D.L.	JOB	88-231	FS.	59 PG. 68
OFF.	SBL	DATE	7-12-88	DWG.	A88-231
CKD.	D.C.L.	REF.		SHEET	1 OF 2



Book22473/Page1551

Page 3 of 3

I hereby certify the foregoing is a true copy of the record in my office with redactions, if any as required by law as of this day, Jun 01, 2018.
Sharon R. Bock, Clerk and Comptroller, Palm Beach County, Florida
BY Sharon R. Bock Deputy Clerk



SDA#
Prepared by and Return to:
Palm Beach County Water Utilities Department
P.O. Box 16097 Attn: Engineering Div.
West Palm Beach, Florida 33416-6097

CFN 20170265272
OR BK 29239 PG 0387
RECORDED 07/25/2017 14:36:03
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0387 - 394; (8pgs)

UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 25th day of July, 2017, by PBM Place, LLC, (hereinafter referred to as "Grantor"), whose address is P.O. Box 936, Palm Beach Florida, 33480, to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, 8100 Forest Hill Boulevard, West Palm Beach, Florida 33413.

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, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the easement premises. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBITS "A" and "B", ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary.

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

WITNESSES:

Signed, sealed and delivered
in the presence of:

Humberto Tancillo

Witness Signature

HUMBERTO TANCILLO

Print Name

Lewis Thompson

Witness Signature

LEWIS THOMPSON

Print Name

GRANTOR:
PBM Place, LLC

Robert Deziel

Signature

Robert Deziel, Manager

Print Name (and Title if applicable)

(SEAL)

NOTARY CERTIFICATE

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 25 day of July, 2017 by Robert Deziel, Manager, who is/are personally known to me ~~or has produced~~ as identification.

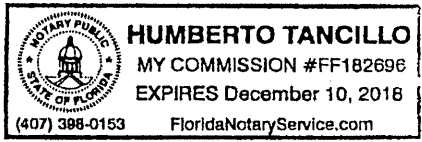
My Commission Expires:

Humberto Tancillo

Notary Signature

HUMBERTO TANCILLO

Typed, Printed or Stamped Name of Notary



CONSENT AND JOINDER OF MORTGAGEE FOR UTILITY EASEMENT

The undersigned mortgagee does hereby join in and consent to the granting of this Utility Easement, across the lands herein described, and agrees that its mortgage, which is recorded in Official Record Book 27131, Page 1017, of the Public Records of Palm Beach County, Florida, shall be subordinated to this Utility Easement.

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

WITNESSES:

Signed, sealed and delivered
in the presence of:

Witness Signature

Print Name NANCY PROCTOR

Witness Signature

Print Name ROBIN BRACERO

GRANTOR/MORTGAGEE:

By:

Print Name FRANCES HOLLAND
SENIOR VICE PRESIDENT

By:

Print Name MARLEA SNYDER
EXECUTIVE VICE PRESIDENT

NOTARY CERTIFICATE

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 4th day of MAY, 2017, by FRANCES HOLLAND + MARLEA SNYDER who is personally known to me or who has produced _____ as identification.

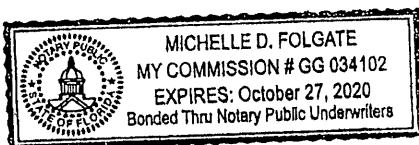
My Commission

Expires: October 27 2020

Signature of Notary

Michelle D. Folgate

Typed, Printed or Stamped Name of Notary



THIS IS NOT A BOUNDARY SURVEY

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29, THENCE SOUTH 88° 45' 35" EAST ALONG THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 2015.31 FEET; THENCE SOUTH 01°14'25" WEST, A DISTANCE OF 131.86 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°45'35" EAST, A DISTANCE OF 26.00 FEET; THENCE SOUTH 01°44'35" WEST, A DISTANCE OF 18.00 FEET; THENCE SOUTH 88°45'35" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 83°40'50" EAST, A DISTANCE OF 22.13 FEET; THENCE SOUTH 01°44'35" WEST, A DISTANCE OF 15.15 FEET; THENCE SOUTH 83°40'50" WEST, A DISTANCE OF 21.00 FEET; THENCE NORTH 88°45'35" WEST, A DISTANCE OF 77.21 FEET; THENCE NORTH 01°44'35" EAST, A DISTANCE OF 33.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 1941.75 SQUARE FEET OR 0.04 ACRES, MORE OR LESS.

SURVEYOR NOTES:

- 1.) NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THIS OFFICE.
- 2.) BEARINGS AS SHOWN HEREON, ARE BASED UPON THE NORTH LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, HAVING A GRID BEARING OF SOUTH 88°45'35" EAST, WHICH IS RELATIVE TO THE NORTH AMERICAN DATUM (N.A.D.) 83, 1990 ADJUSTMENT.

REVIEWED & ACCEPTED

PALM BEACH COUNTY WATER UTILITIES DEPT.

JUL 25 2017

Date

THIS SKETCH MEETS THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

LEGEND

- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- P.B. = PLAT BOOK
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.O.T. = POINT OF TERMINUS
- P.B.C. = PALM BEACH COUNTY

UNLESS THIS DOCUMENT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

7/25/2017
DATE OF SIGNATURE

LESLIE C. BISPOTT
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5698



MICHAEL B. SCHORAH
& ASSOCIATES, INC.

1850 FOREST HILL BLVD., SUITE 208
WEST PALM BEACH, FLORIDA 33406

EB# 2438 TEL. (561) 968-0080 FAX. (561) 842-9726 LB# 2438

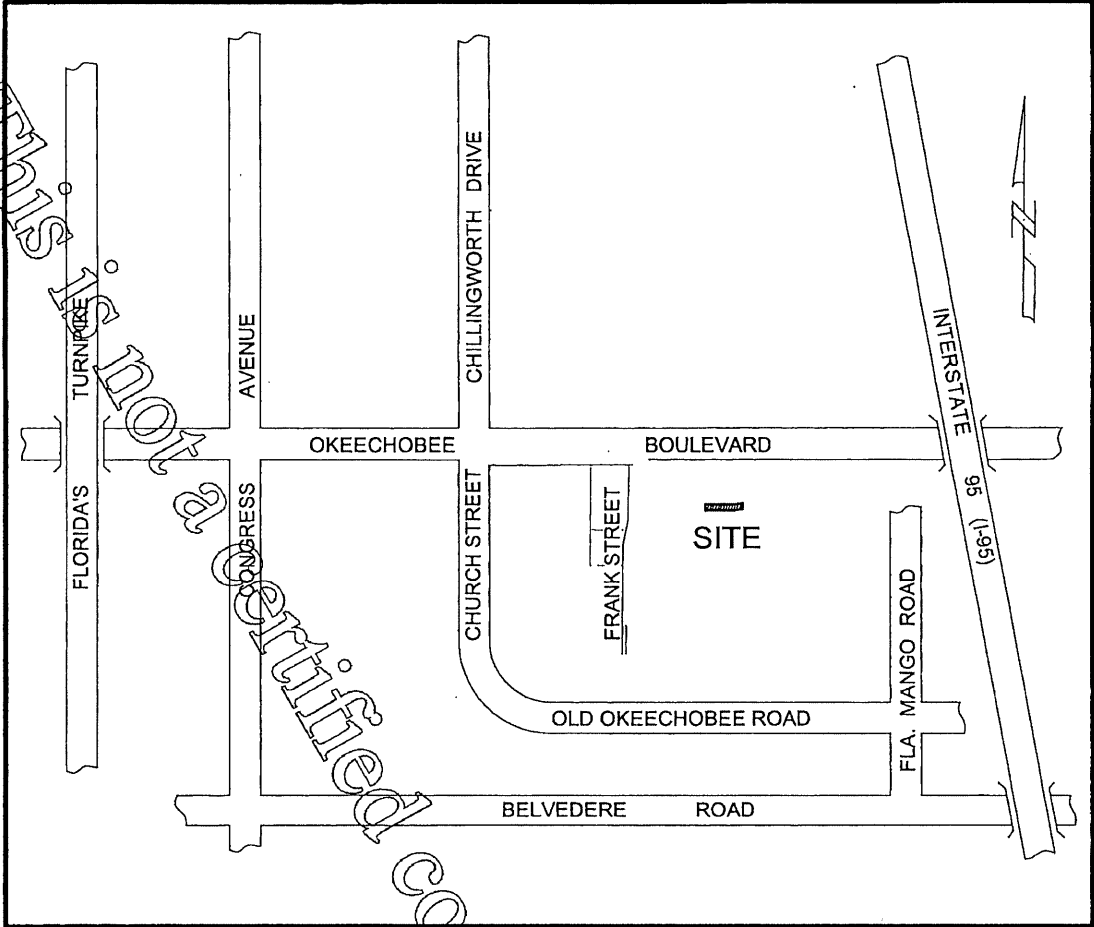
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N/A	APR., 2017	1688_UE 2
N/A	L.C.B.	

SKETCH AND DESCRIPTION
UTILITY EASEMENT

1 OF 3

1688

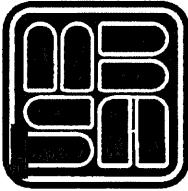
THIS IS NOT A BOUNDARY SURVEY



LOCATION SKETCH
NOT TO SCALE

COORDINATES NOTE:

STATE PLANE 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 GROUND
PROJECT SCALE FACTOR = 1.0000432
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
BEARINGS AS SHOWN HEREON ARE GRID DATUM, NAD 83 1990 ADJUSTMENT, FLORIDA EAST ZONE.



MICHAEL B. SCHORAH
& ASSOCIATES, INC.

1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406

EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

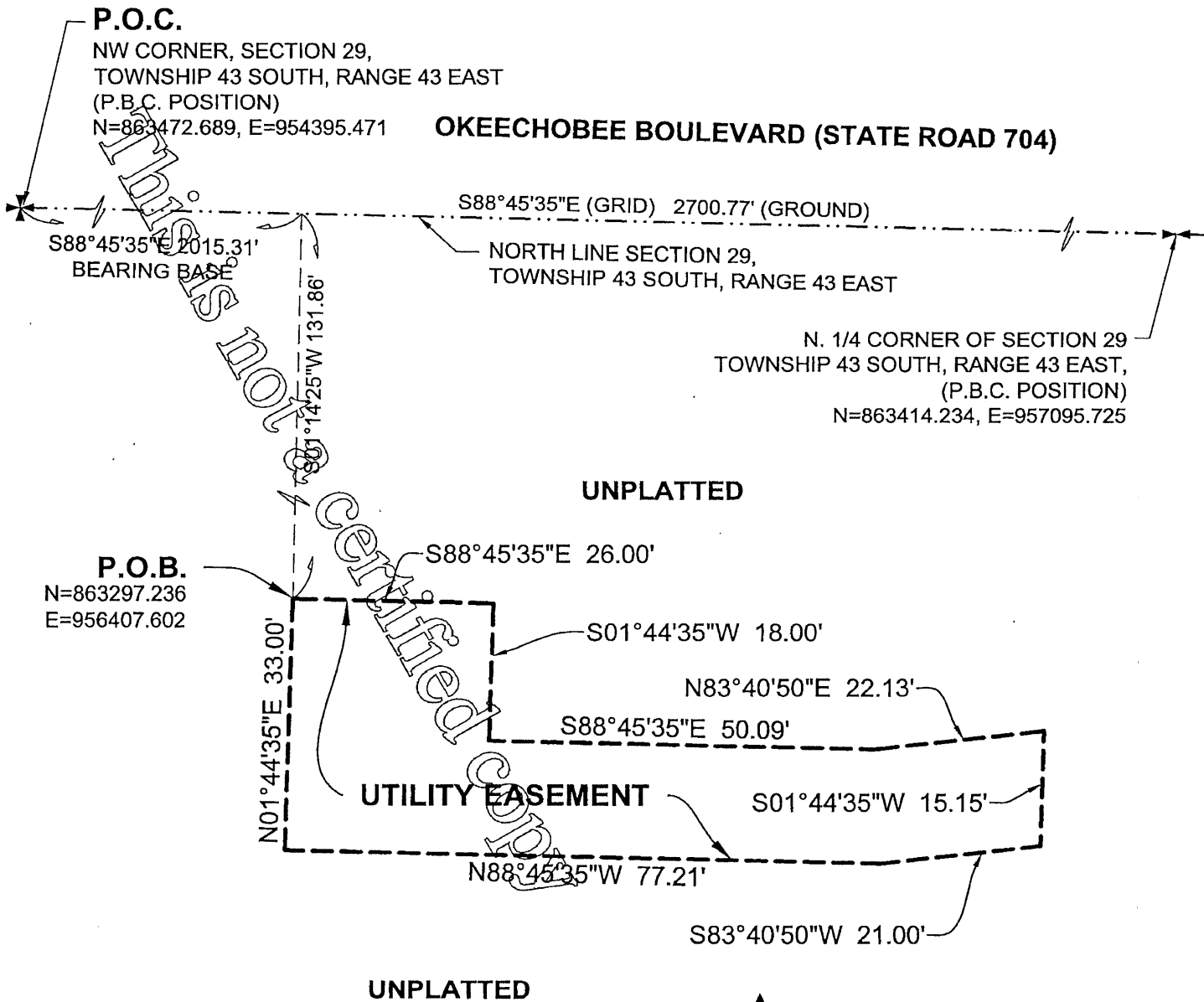
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N/A	APR., 2017	1688_UE 2
N/A	L.C.B.	

SKETCH AND DESCRIPTION
UTILITY EASEMENT

2 OF 3

1688

THIS IS NOT A BOUNDARY SURVEY

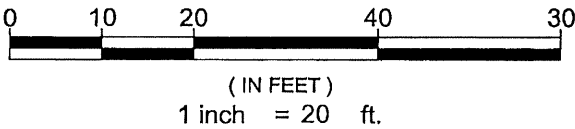


LEGEND

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PG. = PAGE
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P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.O.T. = POINT OF TERMINUS
P.B.C. = PALM BEACH COUNTY



GRAPHIC SCALE



**MICHAEL B. SCHORAH
& ASSOCIATES, INC.**

1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406

EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

N/A	R.A.B.	1" = 20'
N/A	APR., 2017	1688_UE 2
N/A	L.C.B.	

**SKETCH AND DESCRIPTION
UTILITY EASEMENT**

3 OF 3

1688

THIS IS NOT A BOUNDARY SURVEY

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29, THENCE SOUTH 88° 45' 35" EAST ALONG THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 2016.41 FEET; THENCE SOUTH 01°14'25" WEST, A DISTANCE OF 216.00 FEET; THENCE SOUTH 88°45'35" EAST, A DISTANCE OF 12.00 FEET TO A POINT ON THE EAST LINE OF A 12.00 FEET BY 12.00 FEET UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 22473, PAGE 1549, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 01°44'35" EAST ALONG SAID EAST LINE OF 12.00 FEET BY 12.00 FEET UTILITY EASEMENT, A DISTANCE OF 12.00 FEET; THENCE SOUTH 88°45'35" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 01°44'35" WEST, A DISTANCE OF 12.00 FEET; THENCE NORTH 88°45'35" WEST, A DISTANCE OF 10.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 44.00 SQUARE FEET.

SURVEY NOTES:

- 1.) NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THIS OFFICE.
- 2.) BEARINGS AS SHOWN HEREON, ARE BASED UPON THE NORTH LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, HAVING A GRID BEARING OF SOUTH 88°45'35" EAST, WHICH IS RELATIVE TO THE NORTH AMERICAN DATUM (N.A.D.) 83, 1990 ADJUSTMENT.

REVIEWED & ACCEPTED

PALM BEACH COUNTY WATER UTILITIES DEPT.

JUL 25 2017

Date

LEGEND

- O.R.B. = OFFICIAL RECORDS BOOK
PG. = PAGE
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P.O.B. = POINT OF BEGINNING
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P.B.C. = PALM BEACH COUNTY

THIS SKETCH MEETS THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

UNLESS THIS DOCUMENT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

7/25/2017
DATE OF SIGNATURE

LESLIE C. BISPOTT
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NUMBER 5698



MICHAEL B. SCHORAH
& ASSOCIATES, INC.

1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406

EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

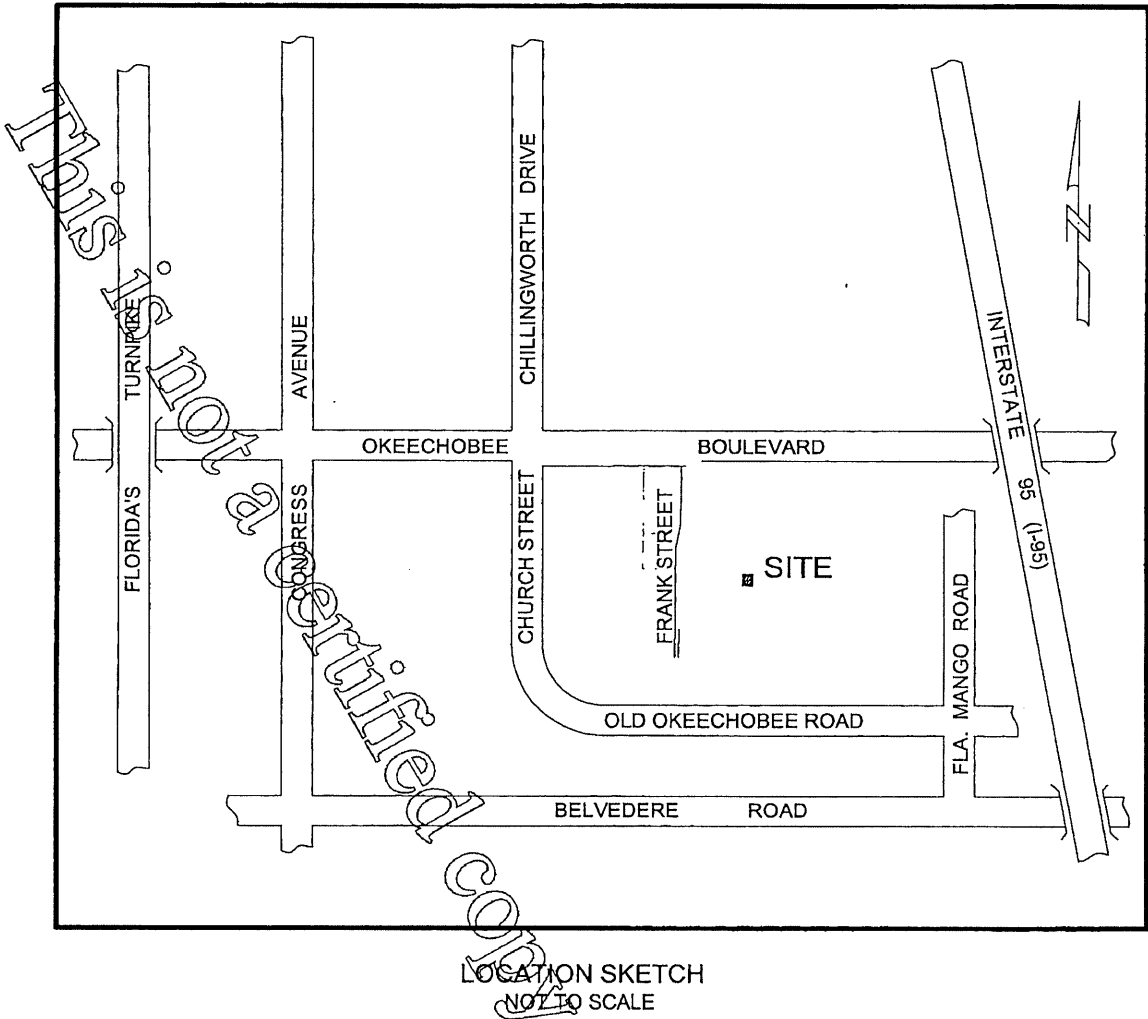
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N/A	APR., 2017	1688_UE 4
N/A	L.C.B.	

SKETCH AND DESCRIPTION
10'x12' UTILITY EASEMENT

1 OF 3

1688

THIS IS NOT A BOUNDARY SURVEY



COORDINATES NOTE:

STATE PLANE 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 GROUND
PROJECT SCALE FACTOR = 1.0000432
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
BEARINGS AS SHOWN HEREON ARE GRID DATUM, NAD 83 1990 ADJUSTMENT, FLORIDA EAST ZONE.



MICHAEL B. SCHORAH & ASSOCIATES, INC. 1850 FOREST HILL BLVD., SUITE 208 WEST PALM BEACH, FLORIDA 33406 EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438		
N/A	R.A.B.	N/A
N/A	APR., 2017	1688_UE 4
N/A	L.C.B.	

SKETCH AND DESCRIPTION
10'x12' UTILITY EASEMENT

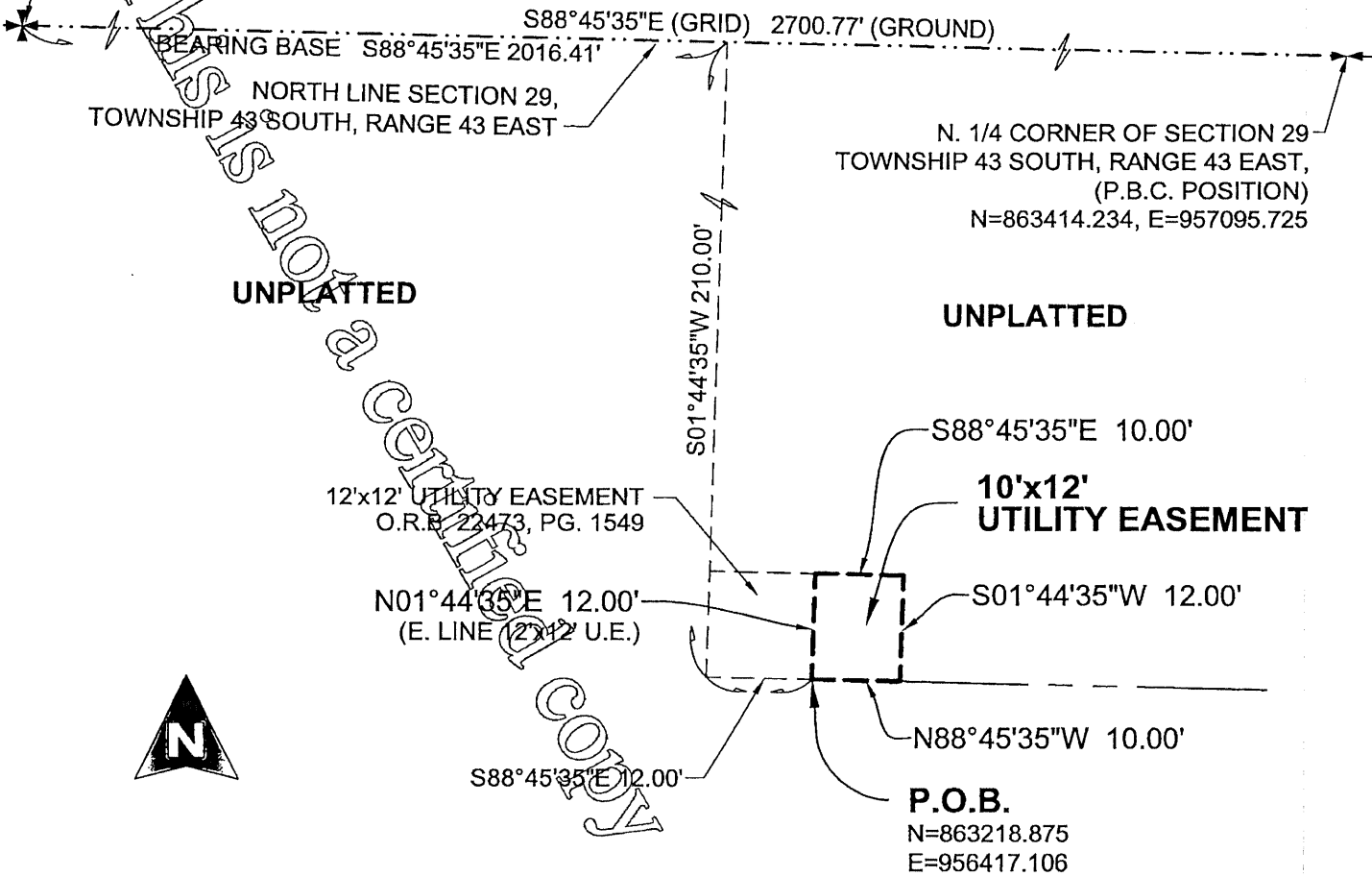
2 OF 3	1688
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THIS IS NOT A BOUNDARY SURVEY

P.O.C.

NW CORNER, SECTION 29,
TOWNSHIP 43 SOUTH, RANGE 43 EAST
(P.B.C. POSITION)
N=863472.689, E=954395.471

OKEECHOBEE BOULEVARD (STATE ROAD 704)

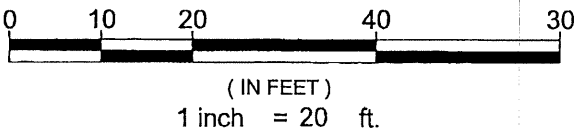


LEGEND

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- P.O.T. = POINT OF TERMINUS
- P.B.C. = PALM BEACH COUNTY

UNPLATTED

GRAPHIC SCALE



**MICHAEL B. SCHORAH
& ASSOCIATES, INC.**

1850 FOREST HILL BLVD., SUITE 206
WEST PALM BEACH, FLORIDA 33406

EB# 2438 TEL. (561) 968-0080 FAX. (561) 642-9726 LB# 2438

N/A	R.A.B.	1" = 20'
N/A	APR., 2017	1688_UE 4
N/A	L.C.B.	

**SKETCH AND DESCRIPTION
10'x12' UTILITY EASEMENT**

3 OF 3

1688

CFN 20150414022
 OR BK 27920 PG 0687
 RECORDED 11/10/2015 11:51:04
 Palm Beach County, Florida
 AMT 10.00
 Doc Stamp 0.70
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 0687 - 689; (3pgs)

This Instrument Prepared By:
 Robert B. Barkin, Esq.
 Akerman LLP
 777 South Flagler Drive
 Suite 1100 West Tower
 West Palm Beach, FL 33401

[Space Above This Line for Recording Data]

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into this 23rd day of September, 2015, by Palm Beach Marketplace, LLC, a Florida limited liability company ("Grantor"), whose address P.O. Box 936 Palm Beach, Florida 33480, to PBM Place, LLC, a Florida limited liability company Grantee"), whose address is P.O. Box 936 Palm Beach, Florida 33480. (Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations and other entities.)

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to Grantee forever, the following described land (the "Property") situate, lying and being in Palm Beach County, Florida, to-wit:

See Exhibit "A" attached hereto and incorporated herein.

TOGETHER WITH all the tenements, hereditaments, and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining.

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

SUBJECT TO ad valorem taxes and assessments for the current year and all subsequent years, zoning ordinances and land use regulations imposed by governmental authority, and subject to covenants, conditions, encumbrances, easements and restrictions of record, without, by this reference, reimposing same.

Grantor hereby covenants with Grantee that, except as to those matters specified above, at the time of the delivery of this deed, the Property was free from all encumbrances made by Grantor, and that Grantor will warrant and defend the Property against the lawful claims and

NOTICE TO RECORDER: This instrument evidences a transfer of unencumbered real property from Grantor to an entity with identical ownership as Grantor and is therefore subject only to minimum documentary stamp tax.

{36277275;1}

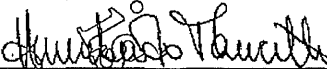
RETURN TO: Conrad J. Boyle, Esq., Mombach, Boyle, Hardin & Simmons, P.A.
 100 NE Third Avenue, Suite 1000, Fort Lauderdale, FL 33301

demands of all persons whomsoever lawfully claiming by, through or under Grantor herein, but against none other.

IN WITNESS WHEREOF, Grantor has executed this instrument the day and year first above written.

WITNESSES:

Palm Beach Marketplace, LLC, a Florida limited liability company

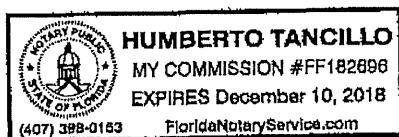

Print Name: HUMBERTO TANCILLO

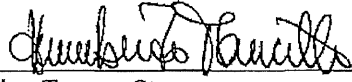

Print Name: LEWIS THOMPSON

By: 
Robert Deziel, Manager

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 30 of September, 2015, by Robert Deziel, as Manager of Palm Beach Marketplace, LLC, a Florida limited liability company, on behalf of the company. He ☒ is personally known to me or ☐ has produced his driver's license as identification.




Print, Type or Stamp
Name: HUMBERTO TANCILLO
Notary Public, State of FLORIDA
Serial No., if any: _____

{36277275;1}

EXHIBIT "A"

ALL THAT CERTAIN PLOT OR PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 666 FEET EAST OF THE EAST LINE OF MADRID PARK, WHERE IT ADJOINS THE NORTH SECTION LINE OF SAID SECTION 29, RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET FOR A POINT OF BEGINNING: FROM SAID POINT OF BEGINNING RUN EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 98 FEET: THENCE RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET: THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 98 FEET: THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING, AND

BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 666 FEET EAST OF THE EAST LINE OF MADRID PARK, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29: THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 160 FEET: THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 48 FEET: THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE NORTH SECTION LINE: THENCE WEST ALONG THE NORTH SECTION LINE A DISTANCE OF 48 FEET TO THE POINT OR PLACE OF BEGINNING, EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AND USED AS OKEECHOBEE ROAD, AND

BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 714 FEET EAST OF THE EAST LINE OF MADRID PARK, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29: THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET: THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 50 FEET: THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE NORTH SECTION LINE: THENCE WEST ALONG THE NORTH SECTION LINE A DISTANCE OF 50 FEET TO THE POINT OR PLACE OF BEGINNING, EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AND USED AS OKEECHOBEE ROAD.

LESS AND EXCEPTING THEREFROM THE LAND SHOWN AS PARCEL NO. 127 AS CONTAINED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 7416, PAGE 1470.

TOGETHER WITH EASEMENTS CREATED BY TERMINATION AND RESTATEMENT OF CROSS-EASEMENT AGREEMENT RECORDED AT OFFICIAL RECORD BOOK 5740 PAGE 290,

ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.



Parcel Identification Numbers:

00-43-43-29-06-000-0010

00-43-43-29-00-000-3360

Prepared by:

Bruce M. Kleinman, Esq.
Wheeler, Goldman & Spitzer
90 Woodbridge Center Drive
Suite 900
Woodbridge, NJ 07095

CFN 20110244473

OR BK 24611 PG 1924

RECORDED 07/01/2011 15:12:37

Palm Beach County, Florida

AMT 6,200,000.00

Doc Stamp 43,400.00

Sharon R. Bock, CLERK & COMPTROLLER

Pgs 1924 - 1928; (5pgs)

SPECIAL WARRANTY DEED

This Special Warranty Deed is made by PBM ASSOCIATES, LTD., a Florida limited partnership, hereinafter referred to as "Grantor", whose post office address is c/o Denholtz Associates, 580 Village Boulevard, Suite 300, West Palm Beach, FL 33409, to PALM BEACH MARKETPLACE, LLC, a Florida limited liability company, whose post office address is c/o Deziel & Company, LLC, One North Clematis, Suite 100, West Palm Beach, FL 33401, hereinafter referred to as "Grantee."

Grantor, in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby conveys to Grantee the following described real property in Palm Beach County, Florida:

See attached Exhibit A.

Subject to valid easements, reservations and restrictions of record, governmental regulations and real property taxes for the current year.

Grantor hereby covenants with Grantee that the property is free of all encumbrances made by Grantor and that Grantor does hereby warrant and defend the title to the property against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise.

#3397377 (153702.006)

Executed on the 24th day of June, 2011.

WITNESSES:

PBM ASSOCIATES, LTD., a Florida
limited partnership

By: PB GP, INC., General Partner

Carly Scarantino
(witness signature)

By: 1-15-
Steven J. Denholtz, President

Print Name: Carly Scarantino

Michelle Pamela
(witness signature)

Print Name: Michelle Pamela

STATE OF NEW JERSEY

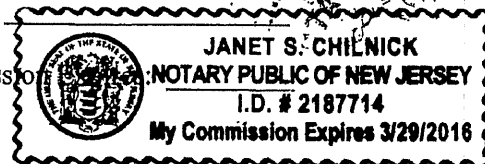
COUNTY OF Union

The foregoing instrument was acknowledged before me this 24 day of June, 2011 by Steven J. Denholtz, as President of PB GP, Inc., general partner of PBM Associates, Ltd., a Florida limited partnership on behalf of such limited partnership.

Janet S. Chilnick
Notary Public

Print Name:

My Commission



Personally Known X (OR)

Produced Identification _____

Type of identification produced _____

#3397377 (153702.006)

This is a copy of the original document.

EXHIBIT A
Legal Description
Page 1 of 3

Order No.: ORL10-000103CP
Customer Reference: PBM Assoc

Exhibit "A"

PARCEL 1:

LOT 1, PLAT OF SMITHVIEW, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 112, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE PLAT OF MADRID PARK, AS RECORDED IN PLAT BOOK 13, PAGE 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE NORTH LINE OF SAID SECTION 29; THENCE SOUTH 88° 45' 36" EAST ALONG THE NORTH LINE OF SAID SECTION 29 (THE NORTH LINE OF SAID SECTION 29 IS ASSUMED TO BEAR SOUTH 88° 45' 36" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO), A DISTANCE OF 293.87 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF FRANK STREET AS SHOWN ON THE PLAT OF SMITHVIEW, AS RECORDED IN PLAT BOOK 23, PAGE 112, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 03° 37' 04" WEST ALONG SAID EXTENSION A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD AS SHOWN IN ROAD PLAT BOOK 4, PAGE 221, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTH 03° 37' 04" WEST ALONG THE EAST LINE OF FRANK STREET A DISTANCE OF 192.78 FEET; THENCE SOUTH 10° 11' 09" WEST A DISTANCE OF 77.00 FEET; THENCE SOUTH 01° 55' 44" WEST A DISTANCE OF 300.00 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID PLAT OF SMITHVIEW; THENCE SOUTH 88° 04' 16" EAST ALONG THE SOUTH LINE OF SAID LOT 6 A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 01° 55' 44" WEST ALONG THE EAST LINE OF LOT 5 OF SAID PLAT OF SMITHVIEW, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER THEREOF AND TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN DEED BOOK 931, PAGE 380, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE SOUTH 88° 43' 36" EAST ALONG THE AFOREMENTIONED NORTH LINE A DISTANCE OF 76.46 FEET; THENCE NORTH 01° 44' 54" EAST ALONG THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN DEED BOOK 861, PAGE 542, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 84.43 FEET; THENCE SOUTH 88° 45' 36" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 20.00 FEET; THENCE NORTH 01° 44' 54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 50.00 FEET; THENCE SOUTH 88° 45' 36" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 235.00 FEET; THENCE NORTH 01° 44' 54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 216.00 FEET; THENCE SOUTH 88° 45' 36" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 98.00 FEET; THENCE NORTH 01° 44' 54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 124.00 FEET; THENCE NORTH 88° 45' 36" WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 98.00 FEET; THENCE NORTH 01° 44' 54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 195.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD; THENCE NORTH 88° 45' 36" WEST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 372.62 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE LAND SHOWN AS PARCEL NO. 126 AS CONTAINED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 7416, PAGE 1470; AND LESS AND EXCEPT RIGHT-OF-WAY FOR OKEECHOBEE ROAD AS DESCRIBED IN DEED BOOK 919, PAGE 403, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Commitment

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#3397377 (153702.006)

EXHIBIT A
Legal Description
Page 2 of 3

Order No.: ORL10-000103CP
Customer Reference: PBM Assoc

Exhibit "A" continued

PARCEL 3:

ALL THAT CERTAIN PLOT OR PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 666 FEET EAST OF THE EAST LINE OF MADRID PARK, WHERE IT ADJOINS THE NORTH SECTION LINE OF SAID SECTION 29, RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET FOR A POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 98 FEET; THENCE RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 98 FEET; THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING, AND BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 666 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 160 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 48 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE NORTH SECTION LINE; THENCE WEST ALONG THE NORTH SECTION LINE A DISTANCE OF 48 FEET TO THE POINT OR PLACE OF BEGINNING, EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AND USED AS OKEECHOBEE ROAD, AND BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 714 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160.00 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 50 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160.00 FEET TO THE NORTH SECTION LINE; THENCE WEST ALONG THE NORTH SECTION LINE A DISTANCE OF 50 FEET TO THE POINT OR PLACE OF BEGINNING, EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AND USED AS OKEECHOBEE ROAD.

LESS AND EXCEPTING THEREFROM THE LAND SHOWN AS PARCEL NO. 127 AS CONTAINED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 7416, PAGE 1470.

PARCEL 4:

A PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR SEWER AND WATER IN, ON, OVER, AND ACROSS AND UNDER THAT PORTION DESCRIBED IN EXHIBIT "C" IN THE EASEMENT AGREEMENT RECORDED MARCH 27, 1986 IN OFFICIAL RECORDS BOOK 4830, PAGE 1040.

PARCEL 5:

A PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR DRAINAGE, ON, OVER, ACROSS AND UNDER THAT PORTION DESCRIBED IN EXHIBIT "C" IN THE DRAINAGE EASEMENT AGREEMENT RECORDED MARCH 27, 1986 IN OFFICIAL RECORDS BOOK 4830, PAGE 1048.

PARCEL 6:

Commitment

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#3397377 (153702.006)

EXHIBIT A
Legal Description
Page 3 of 3

Order No.: ORL10-000103CP
Customer Reference: PBM Assoc

Exhibit "A" continued

A PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR STORM DRAINAGE, ON, OVER, ACROSS AND UNDER THAT PORTION DESCRIBED IN EXHIBIT "C" IN THE DRAINAGE EASEMENT AGREEMENT RECORDED MARCH 27, 1986 IN OFFICIAL RECORDS BOOK 4830, PAGE 1032.

PARCEL 7:

AS TO A LEASEHOLD ESTATE AS CREATED BY THE UNRECORDED LEASE DATED THE 3RD DAY OF APRIL 1986 BY AND BETWEEN BAND B LEASING, INC., A FLORIDA CORPORATION, (LESSOR) AND DSK ASSOCIATES, A FLORIDA LIMITED PARTNERSHIP, (LESSEE) AND AS EVIDENCED BY THE MEMORANDUM OF LEASE RECORDED IN OFFICIAL RECORDS BOOK 8995, PAGE 606 AND AS ASSIGNED TO PBM ASSOCIATES, LTD., A FLORIDA LIMITED PARTNERSHIP BY THAT CERTAIN ASSIGNMENT AND ASSUMPTION OF LEASE RECORDED IN OFFICIAL RECORDS BOOK 8995, PAGE 593, AS TO THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 40 FEET OF LOT A, PLAT OF SMITHVIEW, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 112, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 8:

(INTENTIONALLY DELETED)

PARCEL 9:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS CREATED BY THOSE CERTAIN UNITY OF CONTROL AGREEMENTS RECORDED AUGUST 1, 1989 AND AUGUST 18, 1989 IN OFFICIAL RECORDS BOOK 6148, PAGE 299, AND BOOK 6167, PAGE 493, RESPECTFULLY, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 10:

TOGETHER WITH NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCELS 1, 2 AND 3, AS CREATED BY AND SET FORTH IN THAT CERTAIN DECLARATION OF ACCESS EASEMENT AGREEMENT BY OKEE PROPERTY EAST, LLC, A FLORIDA LIMITED LIABILITY COMPANY RECORDED NOVEMBER 26, 2007 IN OFFICIAL RECORDS BOOK 22274, PAGE 1501, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Commitment

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#3397377 (153702.006)

ATTACHMENT 7

NOV-03-1995 10:56am 95-357166
ORB 8988 Ps 869
Con 500,000.00 Doc 3,500.00

Parcel Identification Number:
00-43-43-29-06-000-0010

Prepared by
Alan I. Armour II, Esquire
Nason, Gildan, Yeager, Gerson
& White, P.A.
1645 Palm Beach Lakes Boulevard
Suite 1200
West Palm Beach, Florida 33401

GENERAL WARRANTY DEED

THIS INDENTURE, made this 1st day of November, 1995,
between EASTSIDE ASSOCIATES LTD., a Florida limited partnership,
whose address is 337 E. Indiantown Road, Suite 8, Jupiter, Florida
33477, hereinafter referred to as "Grantor", and PBM ASSOCIATES
LTD., a Florida limited partnership, whose federal identification
number is unavailable and address is c/o PBMGP Inc., 140
Intracoastal Pointe Drive, Suite 404, Jupiter, Florida 33477, Attn:
Mark A. Emalfarb, President, hereinafter referred to as "Grantee".

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of TEN AND
NO/100'S (\$10.00) DOLLARS and other good and valuable
considerations, in hand paid by Grantee, the receipt whereof is
hereby acknowledged, by these presents does grant, bargain, sell,
alien, remise, release, convey and confirm unto Grantee, those
certain lands situate, lying and being in the County of Palm Beach,
State of Florida, described as follows:

See attached Exhibit A.

TOGETHER with all the tenements, hereditaments and
appurtenances thereto belonging or in anywise appertaining, and the
reversion or reversions, remainder or remainders, rents, issues and
profits thereof.

TO HAVE AND TO HOLD the above granted, bargained and described premises, with the appurtenances thereto, unto said Grantee to Grantee's own proper use, benefit and behoof forever, SUBJECT TO:

1. Conditions, restrictions, limitations, easements, reservations, zoning ordinances and other matters of record, if any, none of which are hereby reimposed; and
2. Real estate taxes for the year 1995 and subsequent years.

AND Grantor does hereby fully warrant the title to said land, and will defend same against the lawful claims of all persons whomsoever

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

GRANTOR: EASTSIDE ASSOCIATES, LTD.

By: Optima Associates, a Florida General Partnership, its Managing General Partner

By: Jack W. Denholtz
Its: Partner

(SEAL)

(Print) Tara Macki

(Print) TARA MACKI

STATE OF FLA)
COUNTY OF PALM BEACH) SS:

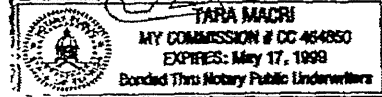
The foregoing General Warranty Deed was acknowledged before me this 1st day of NOVEMBER, 1995, by Jack W. Denholtz, a Partner of Eastside Associates, Ltd., a Florida limited partnership, on behalf of the partnership, who is personally known to me OR who produced _____ as identification and who did NOT take an oath.

Tara Macki
Notary Signature

TARA MACKI
Print Notary Name

NOTARY PUBLIC
State of FL at Large

My Commission Expires:



(Print) _____

By: Stewart F. Denholtz
Its: Partner

(Print) TARA MACRI

STATE OF FLA)
COUNTY OF DADE) SS:

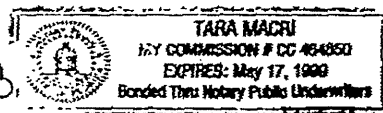
The foregoing General Warranty Deed was acknowledged before me this 1st day of NOVEMBER, 1995, by Stewart F. Denholtz, a Partner of Eastside Associates, Ltd., a Florida limited partnership, on behalf of the partnership, who is personally known to me OR who produced _____ as identification and who did NOT take an oath.

TARA MACRI
Notary Signature

TARA MACRI
Print Notary Name

NOTARY PUBLIC
State of FL at Large

My Commission Expires:



Judi Benedon
(Print) JUDI BENEDON

By: 1-25
Steven J. Denholtz
Its: Partner

Kristine Burroughs
(Print) Kristine Burroughs

STATE OF New Jersey SS:
COUNTY OF Hudson

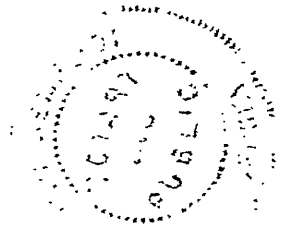
The foregoing General Warranty Deed was acknowledged before me this 30th day of October, 1995, by Steven J. Denholtz, a Partner of Eastside Associates, Ltd., a Florida limited partnership, on behalf of the partnership, who is personally known to me OR who produced Driver's License #D2536723710559 as identification and who did take an oath.

Judi Benedon
Notary Signature
JUDI BENEDON
Print Notary Name

NOTARY PUBLIC
State of NJ at Large

My Commission Expires: March 19, 1996

H:\4552\9766\DJ81020.AIA/ncn



PARCEL 3: All that certain plot or parcel of land in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

From a point on the North Section line of Section 29, Township 43 South, Range 43 East, this point being 666' East of the East line of MADRID PARK, where it adjoins the North Section line of said Section 29, run South on a line parallel to the East line of MADRID PARK, a distance of 160' for a Point of Beginning; from said Point of Beginning run East parallel to the North line of said Section 29, a distance of 98'; thence run South on a line parallel to the East line of MADRID PARK, a distance of 50'; thence run West on a line parallel to the North line of said Section 29, a distance of 98'; thence run North on a line parallel to the East line of MADRID PARK a distance of 50' to the Point of Beginning, and

Beginning at a point on the North section line of Section 29, Township 43 South, Range 43 East, this point being 666' East of the East line of MADRID PARK where it adjoins the North section line of Section 29; thence running South parallel to the East line of MADRID PARK a distance of 160'; thence East parallel to the North line of said Section a distance of 48'; thence North and parallel to the East line of MADRID PARK, a distance of 160' to the North section line; thence West along the North section line a distance of 48' to the point or place of beginning, excepting therefrom the right-of-way for the road known and used as Okeechobee Road, and

Beginning at a point on the North section line of Section 29, Township 43 South, Range 43 East, this point being 714' East of the East line of MADRID PARK where it adjoins the North section line of Section 29; thence running South parallel to the East line of MADRID PARK, a distance of 160'; thence East parallel to the North line of said section a distance of 50'; thence North and parallel to the East line of MADRID PARK, a distance of 160' to the North section line; thence West along the North section line a distance of 50' to the point or place of beginning, excepting therefrom the right-of-way for the road known and used as Okeechobee Road.

LESS AND EXCEPTING therefrom the land taken in Order of Taking recorded in Official Record Book 7416, Page 1470 described as follows:

PARCEL NO. 127

Section 93280-2510

That part of the West 98 feet of the North 210 feet of the Northeast 1/4 of the Northwest 1/4 of Section 29, Township 43 South, Range 43 East lying in Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of said Section 29; thence North $01^{\circ}55'52''$ East along the East line of the said Southwest 1/4, a distance of 5494.93 feet to the Baseline of Survey for State Road 704 (Okeechobee Blvd.); thence North $88^{\circ}45'29''$ West along the said Baseline of Survey, a distance of 300.65 feet; thence South $01^{\circ}14'31''$ West a distance of 28.00 feet to the Southerly Existing Right-of-Way line for State Road 704 (Okeechobee Blvd.); thence North $88^{\circ}45'29''$ West along said Southerly Existing Right-of-Way line, a distance of 384.17 feet to the POINT OF BEGINNING; thence South $01^{\circ}44'41''$ West, a distance of 12.00 feet; thence South $88^{\circ}45'29''$ East a distance of 98.04 feet; thence North $01^{\circ}44'41''$ East a distance of 12.00 feet to said Southerly Existing Right-of-Way line; thence North $88^{\circ}45'29''$ West along said Southerly Existing Right-of-Way line, a distance of 98.04 feet to the POINT OF BEGINNING.

Containing 1176 square feet, more or less.

Exhibit A