



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

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

Budget Account No: Fund 4100 Department 120 Unit \_\_\_\_\_ RSource \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

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

No fiscal impact.

C. Departmental Fiscal Review: CM Simon

**III. REVIEW COMMENTS**

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

[Signature] 10/30/19  
 8/10/30 OFMB PC  
 10/30

[Signature] 11/18/19  
 Contract Dev. and Control  
 11/19/19

**B. Legal Sufficiency:**

[Signature] 11/12/19  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

REVISED 11/17

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

RETURN TO:  
LAKE WORTH DRAINAGE DISTRICT  
13081 Military Trail  
Delray Beach, FL 33484

PREPARED BY:  
MARK A. PERRY, ESQ.  
50 SE Fourth Avenue  
Delray Beach, FL 33483

PCN: 00-42-43-36-15-000-0010  
00-42-43-36-17-000-0010

LWDD Canal No. L-4

EASEMENT

THIS EASEMENT, granted this \_\_\_ day of \_\_\_\_\_ 2019, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, whose address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, herein referred to as "COUNTY" and LAKE WORTH DRAINAGE DISTRICT, a Special Taxing District of the State of Florida, whose address is 13081 Military Trail, Delray Beach, Florida 33484, herein referred to as "DISTRICT", and joined and consented to by AIRPORT LOGISTICS PARK, LLC, a Florida limited liability company, whose address is 2257 Vista Parkway, Suite 15, West Palm Beach, Florida, 33411, herein referred to as "TENANT".

WITNESSETH:

That COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good valuable considerations, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto the DISTRICT, its successors and assigns, upon the conditions hereinafter set forth, a perpetual non-exclusive easement for purposes of providing access to, and maintenance-related activities in connection with, the DISTRICT'S L-4 Canal right-of-way, on, over, upon, under, and across the following described real property (the "EASEMENT PREMISES") situate, lying and being in the County of Palm Beach, State of Florida to wit:

SEE LEGAL DESCRIPTION MARKED EXHIBIT "A"  
ATTACHED HERETO AND MADE A PART HEREOF

THE CONDITIONS OF THIS EASEMENT ARE SUCH THAT:

1. The DISTRICT shall cause the facilities and their appurtenances to be constructed within the confines of the DISTRICT'S L-4 Canal right of way, lying adjacent to the EASEMENT PREMISES. This Easement does not permit DISTRICT to construct facilities or appurtenances within the EASEMENT PREMISES.

2. COUNTY shall not erect any building or effect any other kind of construction or improvements or plant any trees or shrubs upon the EASEMENT PREMISES.

3. The DISTRICT hereby expressly agrees that in the event that the DISTRICT abandons its use of the EASEMENT PREMISES for the purpose herein expressed, the Easement granted hereby shall become null and void, and all the right, title and interest in and to the EASEMENT PREMISES shall automatically revert to COUNTY.

4. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, COUNTY shall indemnify, defend and hold harmless DISTRICT against any actions, claims, or damages arising out of COUNTY's negligence in connection with this Easement, and DISTRICT shall indemnify, defend and hold harmless COUNTY against any actions, claims, or damages arising out of DISTRICT's negligence in connection with this Easement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond or alter the limits set forth in Florida Statutes Section 768.28, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's, or any third party's negligent, willful or intentional acts or omissions.

5. By acceptance of this Easement, DISTRICT agrees for itself, its successors and assigns to restrict the height of its facilities within the EASEMENT PREMISES to a height so as to comply with 14 CFR Part 77, as now or hereafter amended. DISTRICT further agrees for itself, its successors and assigns to prevent any use of the EASEMENT PREMISES which would interfere with the landing at or taking off from the Palm Beach International Airport; interfere with air navigation and/or communication facilities serving the Palm Beach International Airport; or otherwise would constitute an airport hazard. DISTRICT acknowledges that noise and vibration are inherent to the operation of the Palm Beach International Airport and hereby releases COUNTY from any and all liability for the same.

6. The EASEMENT PREMISES are located within a portion of lands leased by COUNTY to TENANT pursuant to that certain Development Site Lease Agreement dated March 12, 2019 (R2019-0300), and TENANT desires to consent to the creation of such Easement, as to TENANT's leasehold interest in the EASEMENT PREMISES.

TO HAVE AND TO HOLD the premises, rights, and easement granted herein unto the DISTRICT, its successors and assigns, for the purposes aforesaid forever.

(Remainder of page intentionally left blank)

IN WITNESS WHEREOF, COUNTY has caused these present to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

PALM BEACH COUNTY, a  
Political Subdivision of the State of Florida

SHARON R. BOCK  
CLERK & COMPTROLLER

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

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS

By: \_\_\_\_\_  
Assistant County Attorney

By: [Signature]  
Department Director

APPROVAL, CONSENT AND JOINDER BY TENANT:

Signed, sealed and delivered in  
the presence of two witnesses  
for TENANT:

AIRPORT LOGISTICS PARK, LLC  
a Florida Limited Liability Company  
By: MPC Airport Logistics Park, LLC, its  
Its Manager

[Signature]  
Signature

[Signature]  
Signature

Andrew M. Jacobsen  
Print Name

By: [Signature]  
Print Name: STEVEN E. McCroney

[Signature]  
Signature

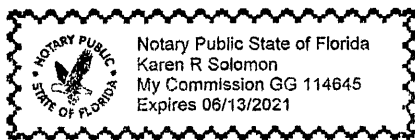
Title: Manager

Chris Esquire  
Print Name

STATE OF FLORIDA )

COUNTY OF Palm Beach )

The foregoing instrument was acknowledged before me this 28 day of October 2019, by Steven E. McCroney, on behalf of the Airport Logistics Park, LLC, who is personally known to me or produced \_\_\_\_\_ as identification and did / did not take an oath.



Notary Public  
Karen R. Solomon  
(Print Notary Name)

My commission expires 6/13/2021

NOTARY PUBLIC  
State of FLORIDA at Large

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A 5.00 FOOT WIDE STRIP OF LAND LYING IN A PORTION OF PARCEL RF-1 AS RECORDED IN THE AFFIDAVIT OF LOT COMBINATION AS RECORDED IN OFFICIAL RECORD BOOK 28557, PAGE 233, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36; THENCE SOUTH 01°22'23" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, SAID WEST LINE ALSO BEING THE CENTERLINE OF HAVERHILL ROAD, A DISTANCE OF 57.00 FEET; THENCE SOUTH 88°38'47" EAST, 50.00 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF HAVERHILL ROAD AS RECORDED IN DEED BOOK 1006, PAGE 472 OF SAID PUBLIC RECORDS AND THE SOUTH RIGHT OF WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-4 CANAL AS SHOWN ON THE PLAT OF LILLY'S SUBDIVISION AS RECORDED IN PLAT BOOK 21, PAGE 46 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE SOUTH 88°38'47" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, SAID LINE BEING 57.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1896.16 FEET TO A POINT ON THE WESTERN BOUNDARY OF THE PALM BEACH INTERNATIONAL AIRPORT "RPZ ZONE" (RUNWAY PROTECTION ZONE) AS SHOWN ON THE AIRPORT LAYOUT PLAN CONDITIONALLY BY THE FEDERAL AVIATION ADMINISTRATION ON JANUARY 30, 2019; THENCE SOUTH 02°20'14" WEST ALONG SAID "RPZ ZONE", 5.00 FEET TO A POINT ON A LINE THAT IS 5.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE; THENCE NORTH 88°38'47" WEST ALONG SAID LINE, 1896.07 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HAVERHILL ROAD AS RECORDED IN DEED BOOK 1006, PAGE 472 OF SAID PUBLIC RECORDS; THENCE NORTH 01°22'23" EAST ALONG SAID EAST RIGHT OF WAY LINE, 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 9480.57 SQUARE FEET OR 0.218 ACRES, MORE OR LESS

SURVEYOR'S NOTES

- 1. BEARINGS SHOWN HEREON REFER TO SOUTH 01°22'23" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST (STATE PLANE NAD 83/90). ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. UNLESS OTHERWISE STATED ALL MEASURED (M) DISTANCES MATCH THE DEED (D) DISTANCES.
3. THIS SKETCH AND LEGAL DESCRIPTION HAVE BEEN PREPARED WITHOUT A REVIEW OF A TITLE POLICY OR OWNERSHIP AND ENCUMBERANCE REPORT; AND IT IS POSSIBLE THAT THERE ARE EASEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, IN PARTICULAR OTHER EASEMENTS OF RECORD THAT MAY BE IN CONFLICT WITH THE GRANTING OF THIS EASEMENT.
4. COORDINATES SHOWN HEREON ARE GRID, NORTH AMERICAN DATUM OF 1983 / 1990 ADJUSTMENT (NAD 83/90), FLORIDA EAST ZONE, LINEAR UNITS ARE U.S. SURVEY FEET, COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION. ALL DISTANCES SHOWN ARE GROUND, SCALE FACTOR = 1.000036758, (GROUND DISTANCE X SCALE FACTOR= GRID DISTANCE).
5. THIS IS NOT A BOUNDARY SURVEY.

LAND SURVEYOR'S STATEMENT

I HEREBY CERTIFY THAT THE SKETCH SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE ACCOMPANYING DESCRIPTION AND COMFORMS TO THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5J-17 F.A.C. AS ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NOT VALID UNLESS SEALED WITH SURVEYOR'S EMBOSSED SEAL AND SIGNATURE.

BY: Gary Williams F.R.S. AND ASSOCIATES, INC. Digitally signed by Gary Williams Date: 2019.10.14 09:27:07 -04'00'

GARY P. WILLIAMS, P.S.M. FLORIDA CERTIFICATION No. 4817 FOR THE FIRM

LWDD RI-19-0003

Vertical text: SHEET 1 OF 1, JOB NUMBER: A-18-0118, DATE: 05/05/19, FOLDER: 1918, SCALE: N/A, APPROVED BY: G.P. WILLIAMS, DRAWN BY: T. DUNN

Table with 2 columns: BY, DATE, and REVISIONS. Row 1: JE, 07-09-19, REVISED PER PBC COMMENTS. Row 2: JE, 06-17-19, REVISED PER SFWD COMMENTS.

SKETCH AND DESCRIPTION OF A 5.00' EASEMENT FOR LAKE WORTH DRAINAGE DISTRICT AT L-4 CANAL

F.R.S. & ASSOCIATES, INC. LAND SURVEYORS AND LAND PLANNERS. CERTIFICATE OF AUTHORIZATION NO. LB 4241. 2257 VISTA PARKWAY, SUITE 4 WEST PALM BEACH, FLORIDA 33411. PHONE (561) 478-7178 FAX (561) 478-7922. Web Site: www.frssurvey.com

F:\Draw\2019\2019\19-0003\19-0003\19-0003(1).dwg 7/9/2019 9:20:26 AM EDT

**EXHIBIT "A"**

**POINT OF COMMENCEMENT**  
WEST QUARTER CORNER OF SECTION 36,  
TOWNSHIP 43 SOUTH, RANGE 42 EAST  
"PALM BEACH COUNTY POSITION"  
N 855620.897 E 943487.464

**POINT OF BEGINNING**  
INTERSECTION OF THE EAST RIGHT OF WAY  
LINE OF HAVERHILL AND THE SOUTH RIGHT OF  
WAY LINE OF THE L-4 CANAL (PB 21, PG 46)  
N 855562.732 E 943536.084

EAST QUARTER CORNER OF SECTION 36,  
TOWNSHIP 43 SOUTH, RANGE 42 EAST  
"PALM BEACH COUNTY POSITION"  
N 855494.249 E 948846.705

NORTH LINE OF THE SOUTHWEST  
ONE QUARTER OF SECTION 36

SOUTH RIGHT OF WAY LINE OF  
THE L-4 CANAL ACCORDING TO  
THE PLAT OF LILLY'S  
SUBDIVISION  
PB 21, PG 46, PRPBCF

**LWDD L-4 CANAL**  
(DB 1062, PG 540)

S 88°38'47" E 5360.54' (GROUND)

S 88°38'47" E

1896.16'

S 02°20'14" W 5.00'

N 88°38'47" W

1896.07'

63.57'

5' DRAINAGE EASEMENT  
(RAGIS-TUCKUS UN. SD.)

10' DRAINAGE EASEMENT  
(RAGIS-TUCKUS UN. SD.)

6' DRAINAGE EASEMENT  
ORB 6290, PAGE 540

6' DRAINAGE EASEMENT  
ORB 6290, PAGE 454

10' DRAINAGE EASEMENT  
(RAGIS-TUCKUS UN. SD.)

10' DRAINAGE EASEMENT  
(ORB 1124 PAGE 288)

LIMITS OF "RPZ ZONE"

PARCEL "RF-1"  
(ORB 28557 PG 0233)

ORGAN SUBDIVISION (UNRECORDED)  
ORB 28415, PG 460, PRPBCF  
PALM BEACH COUNTY  
PROPERTY CONTROL NUMBER  
00-42-43-36-17-000-0010

LILLY'S SUBDIVISION PB 21, PG 46, PRPBCF  
PALM BEACH COUNTY  
PROPERTY CONTROL NUMBER  
00-42-43-36-15-000-0010

**LEGEND**

- ORB = OFFICIAL RECORD BOOK
- PG = PAGE
- PB = PLAT BOOK
- DB = DEED BOOK
- LWDD = LAKE WORTH DRAINAGE DISTRICT
- RPZ = RUNWAY PROTECTION ZONE
- NW 1/4 = NORTHWEST QUARTER
- NE 1/4 = NORTHEAST QUARTER
- SW 1/4 = SOUTHWEST QUARTER
- ⊕ = CENTERLINE
- PRPBCF = PUBLIC RECORDS PALM BEACH COUNTY FLORIDA
- UN. SD. = UNRECORDED SUBDIVISION

S.W. CORNER OF SECTION 36, TOWNSHIP  
43 SOUTH, RANGE 42 EAST  
"PALM BEACH COUNTY POSITION"  
N 852946.945 E 943423.378

S 01°22'23" W  
57.00'

S 88°38'47" E  
50.00'

⊕ HAVERHILL ROAD  
(DB 1006, PG 472)

S 01°22'23" W (BASIS OF BEARINGS)  
WEST LINE SW 1/4 OF SECTION 36

35 36  
2 1

EAST RIGHT OF WAY LINE OF  
HAVERHILL ROAD  
(DB 1006, PG 472)

N 01°22'23" E  
5.00'

57'


5.00'

5.00'

57'

EAST LINE OF THE NW 1/4, NE 1/4,  
SW 1/4, OF SECTION 36

**F.R.S. & ASSOCIATES, INC.**  
LAND SURVEYORS AND LAND PLANNERS  
CERTIFICATE OF AUTHORIZATION NO. LB 4241  
2257 VISTA PARKWAY, SUITE 4  
WEST PALM BEACH, FLORIDA 33411  
PHONE (561) 478-7178 FAX (561) 478-7922  
Web Site: www.frsurvey.com



**SKETCH AND DESCRIPTION  
OF A 5.00' EASEMENT FOR  
LAKE WORTH DRAINAGE DISTRICT  
AT L-4 CANAL**

REVISED PER PBC COMMENTS	REVISED PER STWHD COMMENTS	REVISIONS
JE 07-08-19		
JE 06-17-19		
BY: DATE:		

DRAWN BY:  
T.C. MULLIN  
APPROVED BY:  
G.P. WILLIAMS  
SCALE:  
1" = 100'  
DATE:  
05/08/19  
FIELD BOOK/PAGES  
N/A

JOB NUMBER:  
**A 18-019H**

SHEET:  
**2 OF 2**

P:\Drawn\2018\18-019H\18-019H-EASEMENT\18-019H-EASEMENT.dwg 7/8/2019 8:26:28 AM EDT