

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<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 _____ Department _____ Unit _____ RSource _____
 Reporting Category _____

70

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

No fiscal impact.

C. Departmental Fiscal Review:

Debra Dunsen

III. REVIEW COMMENTS

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

Lisa Martz 2/15/21
 P23 MG 2/4 OFMB ADP 2/4

Anne J. Jaworski
 Contract Dev. and Control 2/9/21
 2-9-21 RW

B. Legal Sufficiency:

Anne Delgado 2-11-21
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 9/03
 ADM FORM 01
 (THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

Prepared by and return to:
Ray Walter, Deputy Director
Palm Beach County Dept. of Airports
846 Palm Beach International Airport
West Palm Beach, FL 33406

PCN (portion) 00-42-43-36-15-000-0010

DECLARATION OF DRAINAGE EASEMENT

THIS IS A DECLARATION OF DRAINAGE EASEMENT (“DECLARATION”), made this _____ by PALM BEACH COUNTY, a political subdivision of the State of Florida (“County”) whose address is c/o Palm Beach County Department of Airports, 846 Palm Beach International Airport, West Palm Beach, Florida, 33406, joined and consented to by AIRPORT LOGISTICS PARK, LLC, a Florida limited liability company, having its office and principal place of business at 2257 Vista Parkway, Suite 15, West Palm Beach, Florida 33411 (“Tenant”).

WHEREAS, County is the owner and operator of Palm Beach International Airport located in Palm Beach County, Florida (the “Airport”); and

WHEREAS, County and Tenant entered into that certain Development Site Lease Agreement (the “Lease”) dated March 17, 2019 (R-2019-0300, as amended), providing for Tenant’s lease and development of certain property at the Airport, as legally described in Exhibit “B”, attached hereto, as further described in that certain First Amendment to Memorandum of Lease, recorded in Official Records Book 31357, Page 970, of the public records of Palm Beach County, Florida (the “Leased Premises”); and

WHEREAS, County desires to create an easement over, upon and under a portion of such Leased Premises (the “Easement Premises”, as defined below) for the purposes set forth hereinafter; and

WHEREAS, Tenant desires to join and consent to the creation of such easement; and

WHEREAS, County and Tenant desire 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 such property by County.

WITNESSETH:

NOW, THEREFORE, County does hereby declare, grant and create a perpetual in gross drainage easement for the benefit of County upon the property legally described in Exhibit “A” attached hereto (the “Easement Premises”). This easement shall be for the sole purpose of a drainage inlet structure allowing the discharge of storm water from the Leased Premises to the Haverhill Road right of way, and shall include the right at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect such drainage, detention and conveyance facilities and all appurtenances thereto with the full right to ingress thereto and egress therefrom in, on, over, under and across the Easement Premises.

The easement created hereby 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 County and run with the land and encumber and burden the Easement Premises upon the conveyance thereof by County notwithstanding County’s failure to specifically reserve or reference such easement in the instrument of conveyance.

Use of the Easement Premises, including the height of any equipment or facilities, shall comply with 14 CFR Part 77, as now or hereafter amended. No use of the Easement Premises shall be conducted in a manner which would interfere with the landing at or taking off from the Airport; interfere with air navigation and/or communication facilities serving the Airport; or otherwise would constitute an airport hazard, including, but not limited to, wildlife hazards as provided in FAA Advisory Circular No. 150/5200-33, Hazardous Wildlife Attractants on or Near Airports, as now or hereafter amended.

IN WITNESS WHEREOF, County has caused this Declaration to be executed as of the day and year first above written.

ATTEST:

**PALM BEACH COUNTY,
A POLITICAL SUBDIVISION OF THE
STATE OF FLORIDA, BY ITS BOARD
OF COUNTY COMMISSIONERS**

**JOSEPH ABRUZZO,
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**

By: _____
Deputy Clerk

By: _____
Dave Kerner, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: Anne Delmont
Assistant County Attorney

**APPROVED AS TO TERMS AND
CONDITIONS**

By: Paula Bubb
Department Director

APPROVAL, CONSENT AND JOINDER BY TENANT:

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

[Signature]
Signature

Andrew M. Jacobson
Print Name

[Signature]
Signature

Chris Esquivel
Print Name

**AIRPORT LOGISTICS PARK, LLC
a Florida Limited Liability Company**

By: MPC Airport Logistics Park, LLC, a Florida limited liability company, Its Manager

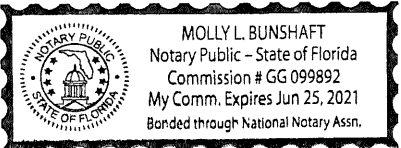
[Signature]
By:

Steven E. McCraney
Print Name: Steven E. McCraney

Manager
Title: Manager

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Sworn to (or affirmed) and subscribed before me by means of physical presence online notarization, this 28 day of JANUARY 2021, by Steven E. McCraney, on behalf of Airport Logistics Park, LLC, who is personally known to me -OR- produced _____ as identification and who did take an oath.



Notary Public
[Signature]
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 6/25/21

Exhibit "A"
(the "Easement Premises")

EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF RF-1 AS RECORDED IN THE AFFIDAVIT OF LOT COMBINATION AS RECORDED IN OFFICIAL RECORDED BOOK 28557, PAGE 233 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND ALSO A PORTION OF THE PROPERTY DESCRIBED IN THAT CERTAIN MEMORANDUM OF LEASE AS RECORDED IN OFFICIAL RECORDS BOOK 30954, PAGE 1532, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA. THE CENTERLINE OF 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 AS RECORDED IN DEED BOOK 1006, PAGE 472 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 116.56 FEET; THENCE DEPARTING SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, SOUTH 88°37'37" EAST, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID HAVERHILL ROAD AND THE **POINT OF BEGINNING** OF THE CENTERLINE OF SAID PARCEL OF LAND; THENCE CONTINUE SOUTH 88°37'37" EAST, A DISTANCE OF 20.00 FEET TO THE **POINT OF TERMINUS**.

CONTAINING 500.00 SQUARE FEET (0.001 Acres)± MORE OR LESS.

SHEET
1 OF 3
 JOB NUMBER
A 18-019
 FIELD NOTES
 N/A
 DATE
 01/25/2021
 DRAWN BY
 T. C. WILLIAMS
 CHECKED BY
 G. P. WILLIAMS

BY:	DATE:	REVISIONS
T.C.M.	01/27/2021	ADDRESSED 2nd COUNTY'S COMMENTS
T.C.M.	01/25/2021	ADDRESSED COUNTY'S COMMENTS

**SKETCH AND LEGAL DESCRIPTION
OF 25' DRAINAGE EASEMENT FOR
SMILEY & ASSOCIATES, INC.**



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

EXHIBIT "A"

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. THERE HAS BEEN A REVIEW OF THE TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, ORDER NUMBER 7374542, DATED AUGUST 21, 2019 @ 8:00 AM, ALL ENCUMBRANCES THAT AFFECT THE PROPERTY ARE SHOWN OR NOTED HEREON. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS OFFICE; IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS SURVEY.
3. THIS IS NOT A BOUNDARY SURVEY
4. THIS DESCRIPTION IS NOT VALID UNLESS ACCOMPANIED BY THE SKETCH ON SHEET 3.
5. COORDINATES SHOWN HEREON ARE GRID.
 DATUM = NAD 83, 1990 ADJUSTMENT
 ZONE = FLORIDA EAST
 LINEAR UNITS = U.S. SURVEY FOOT
 COORDINATE SYSTEM: 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND (UNLESS OTHERWISE NOTED)
 PROJECT SCALE = 1.000035827
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

LAND SURVEYOR'S STATEMENT

I HEREBY CERTIFY THAT THE SKETCH SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE ACCOMPANYING DESCRIPTION AND COMPLIES WITH THE TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17, F.A.C. 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.

F.R.S. AND ASSOCIATES, INC.

BY: Gary Williams Digitally signed by Gary Williams
Date: 2021.01.27 10:25:26 -05'00'

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

THIS IS NOT A BOUNDARY SURVEY

2 OF 3
SHEET
JOB NUMBER
A 18-019
DATE
01/25/2021
FIELD BOOK NUMBERS
N/A
SCALE
AS SHOWN
APPROVED BY
G.P. WILLIAMS
DRAWN BY
T. CAMILLINI

T.C.M.	01/27/2021	ADDRESSED 2ND COUNTY'S COMMENTS
T.C.M.	01/25/2021	ADDRESSED COUNTY'S COMMENTS
BY:	DATE:	REVISIONS

SKETCH AND LEGAL DESCRIPTION OF 25' DRAINAGE EASEMENT FOR SMILEY & ASSOCIATES, INC.



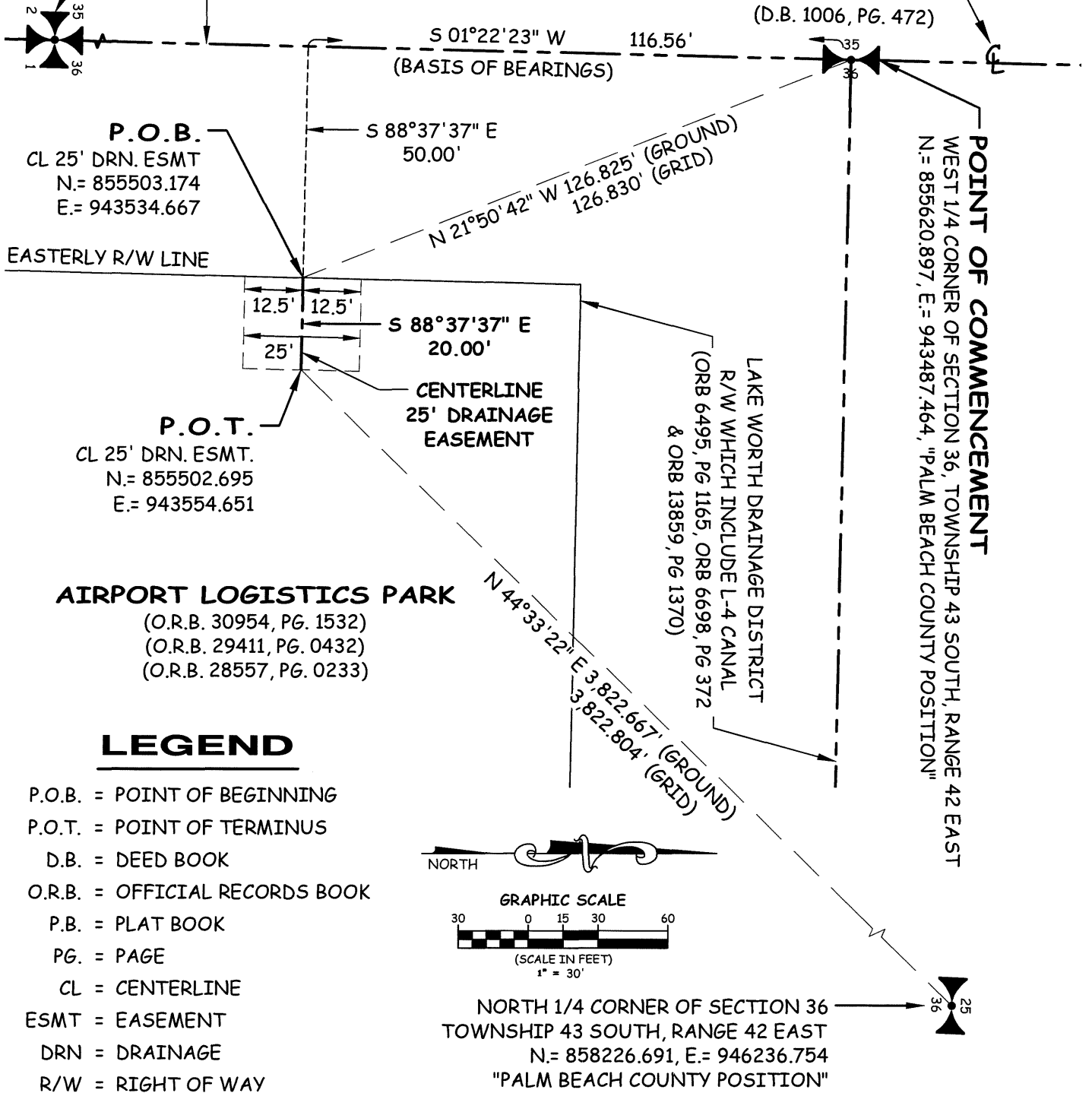
F.R.S. & ASSOCIATES, INC.
 LAND SURVEYORS AND LAND PLANNERS
 CERTIFICATE OF AUTHORIZATION NO. LB 4241
 2257 VISTA PARKWAY, SUITE 4
 WEST PALM BEACH, FLORIDA 33411
 PHONE (561) 478-7178 FAX (561) 478-7922
 Web Site: www.frssurvey.com

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

WEST SECTION LINE OF THE
SOUTHWEST QUARTER SECTION 36

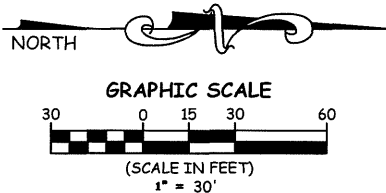
HAVERHILL RD.
(D.B. 1006, PG. 472)

POINT OF COMMENCEMENT
WEST 1/4 CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST
N.= 855620.897, E.= 943487.464, "PALM BEACH COUNTY POSITION"



LEGEND

- P.O.B. = POINT OF BEGINNING
- P.O.T. = POINT OF TERMINUS
- D.B. = DEED BOOK
- O.R.B. = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- PG. = PAGE
- CL = CENTERLINE
- ESMT = EASEMENT
- DRN = DRAINAGE
- R/W = RIGHT OF WAY



NORTH 1/4 CORNER OF SECTION 36
TOWNSHIP 43 SOUTH, RANGE 42 EAST
N.= 858226.691, E.= 946236.754
"PALM BEACH COUNTY POSITION"

EXHIBIT "A"

3 OF 3	SHEET
A 18-019	JOB NUMBER
	DATE
	FILED IN
	DATE
	BY
	DATE
	REVISIONS

T.C.M.	01/27/2021	ADDRESSED 2nd COUNTY'S COMMENTS
T.C.M.	01/25/2021	ADDRESSED COUNTY'S COMMENTS
BY:	DATE:	REVISIONS

**SKETCH AND LEGAL DESCRIPTION
OF 25' DRAINAGE EASEMENT FOR
SMILEY & ASSOCIATES, INC.**

F.R.S. & ASSOCIATES, INC.
LAND SURVEYORS AND LAND PLANNERS
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Exhibit "B"
(the "Leased Premises")

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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" AS SHOWN ON THE AIRPORT LAYOUT PLAN CONDITIONALLY-APPROVED BY THE FEDERAL AVIATION ADMINISTRATION ON JANUARY 30, 2019; THENCE ALONG SAID "RPZ ZONE" SOUTH 02°20'14" WEST, A DISTANCE OF 198.07 FEET; THENCE NORTH 87°39'14" WEST, A DISTANCE OF 382.51 FEET; THENCE SOUTH 47°20'46" WEST, A DISTANCE OF 247.49 FEET; THENCE SOUTH 02°48'25" WEST, A DISTANCE OF 150.01 FEET; THENCE SOUTH 43°02'46" EAST, A DISTANCE OF 96.59 FEET; THENCE SOUTH 02°20'46" WEST, A DISTANCE OF 224.48 FEET ; THENCE SOUTH 87°45'09" EAST, A DISTANCE OF 261.10 FEET; THENCE SOUTH 25°40'05" WEST, A DISTANCE OF 307.09 FEET; THENCE NORTH 88°31'38" WEST, A DISTANCE OF 139.54 FEET; THENCE SOUTH 02°20'46" WEST, A DISTANCE OF 59.53 FEET TO A POINT ON THE NORTH LINE OF LOT 1 OF THE UNRECORDED PLAT OF ORGAN (AM-25) OF SAID PUBLIC RECORDS; THENCE NORTH 88°42'39" WEST ALONG SAID LINE, 98.14 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 01°26'22" WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 88.80 FEET TO THE NORTH RIGHT OF WAY LINE OF WALLIS ROAD AS RECORDED IN OFFICIAL RECORD BOOK 25220, PAGE 1444 OF SAID PUBLIC RECORDS; THENCE NORTH 88°42'39" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 1005.19 FEET TO THE WEST LINE OF THE EAST 336.00 FEET OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 36; THENCE NORTH 01°24'22" EAST ALONG SAID LINE, 294.24 FEET TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 36; THENCE NORTH 88°41'41" WEST ALONG SAID SOUTH LINE, 283.36 FEET TO 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, 945.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,780,330 SQUARE FEET OR 40.871 ACRES MORE OR LESS