

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>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

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

Budget Account No: Fund _____ Department _____ Unit _____ RSource _____
 Reporting Category _____

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

No fiscal impact.

C. Departmental Fiscal Review: Wendell Duncanson

III. REVIEW COMMENTS

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

ASB 4/19/21
OFMB 4/19/21
Reviewed Jacobson 4/19/21

Erin Quast for Erin Quast
 Contract Dev. and Control
 4-22-21 EW

B. Legal Sufficiency:

Anne Delmont 4-22-21
 Assistant County Attorney

C. Other Department Review:

Jim Stiles
 Department Director

REVISED 11/17

(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

A portion of PCN 00-42-43-36-01-000-0010
Project: PBI Post Distr LLC/PODS Warehouse/Wallis Rd.

DECLARATION OF EASEMENT

THIS IS A DECLARATION OF EASEMENT, 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 by PBI Post Distr LLC (“Tenant”), whose address is 687 Old Willets Path, Suite C, Hauppauge, NY 11788.

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 December 19, 2017 (R-2017-1892, as amended), providing for Tenant’s lease and development of certain property at the Airport, as legally described in that certain First Amendment to Memorandum of Lease, recorded in Official Records Book 30242, Page 0770, 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 utility easement for the benefit of County upon the real property legally described in **Exhibit “A”**, attached hereto (the “Easement Premises”). This easement shall be for the purpose of water and sewer utilities 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 potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment 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 Property upon the conveyance thereof by County notwithstanding County’s failure to specifically reserve or reference such easement in the instrument of conveyance.

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

ATTEST:
JOSEPH ABRUZZO,
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Dave Kerner, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: Anne Helgand
Assistant County Attorney

By: Laura Baker
Department Director

APPROVAL, CONSENT AND JOINDER BY TENANT:

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

PBI Post Distr LLC
a Florida Limited Liability Company

Donna M. Cupaiolo
Signature

Donna M. Cupaiolo
Print Name

Gary P. Krupnick
By: _____

Print Name: Gary P. Krupnick
Title: Manager

Tammy Egan
Signature

Tammy Egan
Print Name

STATE OF New York)
COUNTY OF Suffolk)

Sworn to (or affirmed) and subscribed before me by means of physical presence online notarization, this 2nd
day of April 2021, by Gary P. Krupnick, on behalf of PBI Post Distr LLC, who is personally
known to me -OR- produced _____ as identification and who did take an oath.

KAREN L. CHRIN
Notary Public, State of New York
No. 01CH6215932
Qualified in Suffolk County
Commission Expires January 11, 2022

Notary Public
Karen L. Chrin
(Print Notary Name) KAREN L. CHRIN
NOTARY PUBLIC
State of New York at Large
My Commission Expires: January 11, 2022

EXHIBIT "A"

DESCRIPTION:

A PORTION OF PARCEL RFS-1 AS DESCRIBED IN THAT AFFIDAVIT OF WAIVER RECORDED IN OFFICIAL RECORDS BOOK 29411, PAGE 432 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE N.64°47'07"E., A DISTANCE OF 2996.71 FEET TO THE INTERSECTION OF THE CENTERLINE OF WALLIS ROAD AND THE BASELINE OF SURVEY OF MILITARY TRAIL (STATE ROAD NO. 809) AS SHOWN ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP FOR STATE ROAD NO. 809, SECTION 93600-2602; THENCE N°88°42'39"W., ALONG THE CENTERLINE OF SAID WALLIS ROAD, A DISTANCE OF 1,565.02 FEET; THENCE S°01°17'21"W., A DISTANCE OF 40.00 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WALLIS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 28461, PAGE 659 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND THE POINT OF BEGINNING; THENCE S.01°24'22"W., A DISTANCE OF 436.19 FEET; THENCE S.46°24'22"W., A DISTANCE OF 50.71 FEET; THENCE N.88°35'38"W., A DISTANCE OF 341.20 FEET; THENCE N.43°35'38"W., A DISTANCE OF 50.71 FEET; THENCE N.01°24'22"E., A DISTANCE OF 69.56 FEET; THENCE N.88°35'38"W., A DISTANCE OF 13.84 FEET; THENCE N.01°24'22"E., A DISTANCE OF 20.00 FEET; THENCE S.88°35'38"E., A DISTANCE OF 13.84 FEET; THENCE N.01°24'22"E., A DISTANCE OF 258.85 FEET; THENCE N.88°35'38"W., A DISTANCE OF 12.37 FEET; THENCE N.01°24'22"E., A DISTANCE OF 20.00 FEET; THENCE S.88°35'38"E., A DISTANCE OF 12.37 FEET; THENCE N.01°24'22"E., A DISTANCE OF 66.94 FEET TO A POINT OF INTERSECTION WITH THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF WALLIS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 28461, PAGE 659 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF WALLIS ROAD, S.88°42'39"E., A DISTANCE OF 20.00 FEET; THENCE S.01°24'22"W., A DISTANCE OF 37.60 FEET ; THENCE S.88°35'38"E., A DISTANCE OF 65.98 FEET; THENCE N.01°26'16"E., A DISTANCE OF 2.85 FEET; THENCE S.88°35'38"E., A DISTANCE OF 21.00 FEET; THENCE S.01°26'16"W., A DISTANCE OF 22.85 FEET; THENCE N.88°35'38"W., A DISTANCE OF 86.97 FEET; THENCE S.01°24'22"W., A DISTANCE OF 369.51 FEET; THENCE S.43°35'38"E., A DISTANCE OF 34.14 FEET; THENCE S.88°35'38"E., A DISTANCE OF 324.63 FEET; THENCE N.46°24'22"E., A DISTANCE OF 31.82 FEET; THENCE N.88°35'36"W., A DISTANCE OF 17.78 FEET; THENCE N.01°24'24"E., A DISTANCE OF 20.00 FEET; THENCE S.88°35'36"E., A DISTANCE OF 19.42 FEET; THENCE N.01°24'22"E., A DISTANCE OF 369.46 FEET; THENCE N.88°35'38"W., A DISTANCE OF 15.38 FEET; THENCE N.01°24'22"E., A DISTANCE OF 20.00 FEET; THENCE S.88°35'38"E., A DISTANCE OF 15.38 FEET; THENCE N.01°24'22"E., A DISTANCE OF 20.05 FEET TO A POINT OF INTERSECTION WITH THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF WALLIS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 28461, PAGE 659 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE S.88°42'39"E., A DISTANCE OF 20.00 FEET ALONG THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF WALLIS ROAD TO THE POINT OF BEGINNING.

CONTAINING 28,638.81 SQUARE FEET OR 0.6575 ACRE, MORE OR LESS.

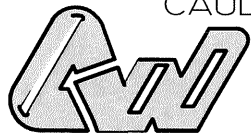
SAID LANDS SITUATE IN THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA

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

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 SURVEYED UNDER MY DIRECTION ON MARCH 5, 2021. 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 SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

SHEET 1 OF 5



CAULFIELD & WHEELER, INC.

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

David
Lindley

Digitally signed by David
Lindley
DN: c=US, st=FL, l=Boca
Raton, o=Caulfield & Wheeler,
Inc., ou=Survey, cn=David
Lindley,
email=dave@cwassoc.com
Date: 2021.03.08 08:33:14
-0500

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

DATE 3/5/2021

DRAWN BY OR

F.B./ PG. N/A

SCALE NONE

JOB NO. 8909PBCE

PALM BEACH COUNTY UTILITY EASEMENT
PODS DISTRIBUTION CENTER
SKETCH OF DESCRIPTION

EXHIBIT "A"

SURVEYOR'S NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH A SURVEYOR'S SEAL.
2. SURVEY MAPS, OR THE COPIES THEREOF, ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
3. THERE HAS BEEN NO REVIEW OF THE TITLE POLICY OR OWNERSHIP AND ENCUMBRANCE REPORT ISSUED WITHIN THE PAST TWELVE MONTHS FOR SUBJECT LANDS. THERE MAY EXIST RECORDED OR UNRECORDED ENCUMBRANCES THAT ARE UNKNOWN TO THE SURVEYOR OF RECORD.
4. UNDERGROUND FOUNDATIONS/AND OR ENCROACHMENTS WERE NOT LOCATED.
5. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
6. GRID BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, TRANSFER MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT (NAD 83/90). THE WEST LINE OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEARS NORTH 01°22'23" EAST AS PUBLISHED BY PALM BEACH COUNTY.
7. THIS LEGAL DESCRIPTION AND SKETCH DOES NOT PURPORT TO BE A BOUNDARY SURVEY.

REVIEWED & ACCEPTED

PALM BEACH COUNTY WATER UTILITIES DEPT.

DK APR 13 2021

Date

SHEET 2 OF 5



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
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BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

PALM BEACH COUNTY UTILITY EASEMENT
PODS DISTRIBUTION CENTER
SKETCH OF DESCRIPTION

DATE 3/5/2021

DRAWN BY OR

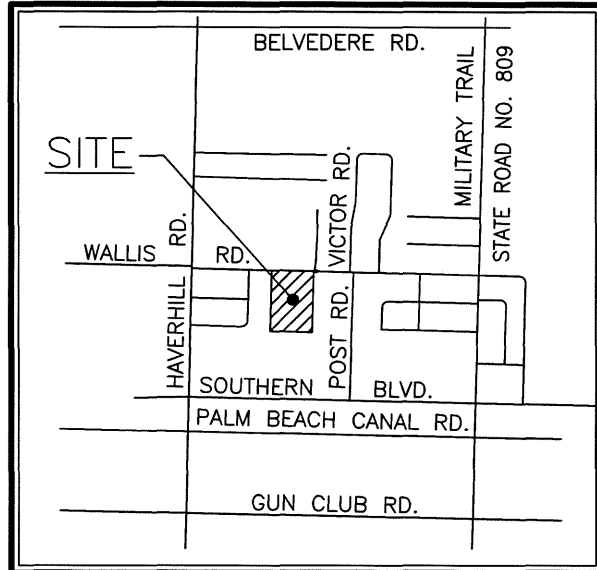
F.B./ PG. N/A

SCALE NONE

JOB NO. 8909PBCE

EXHIBIT "A"


 NORTH
LOCATION MAP
 (NOT TO SCALE)



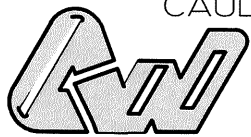
NOTES COORDINATES, BEARINGS AND DISTANCES

COORDINATES SHOWN ARE GRID
 DATUM = NAD 83 (90 ADJUSTMENT)
 ZONE = FLORIDA EAST
 LINEAR UNIT = US SURVEY FEET
 COORDINATE SYSTEM 1983 STATE PLANE
 TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND
 SCALE FACTOR = 1.0000362
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,
 NAD 83 (90 ADJUSTMENT), FLORIDA EAST ZONE.

LEGEND:

BLVD. - BOULEVARD
 D.B. - DEED BOOK
 ORB. - OFFICIAL RECORDS BOOK
 PBCR - PALM BEACH COUNTY RECORDS
 P.O.B. - POINT OF BEGINNING
 P.O.C. - POINT OF COMMENCEMENT
 PBCUE - PALM BEACH COUNTY UTILITY EASEMENT
 RD. - ROAD
 R/W - RIGHT-OF-WAY
 PG. - PAGE
 SECTION 36-43S-42E - DENOTES SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST
 ☉ - CENTERLINE

SHEET 3 OF 5



CAULFIELD & WHEELER, INC.

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PALM BEACH COUNTY UTILITY EASEMENT
 PODS DISTRIBUTION CENTER
SKETCH OF DESCRIPTION

DATE	3/5/2021
DRAWN BY	OR
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	8909PBCE

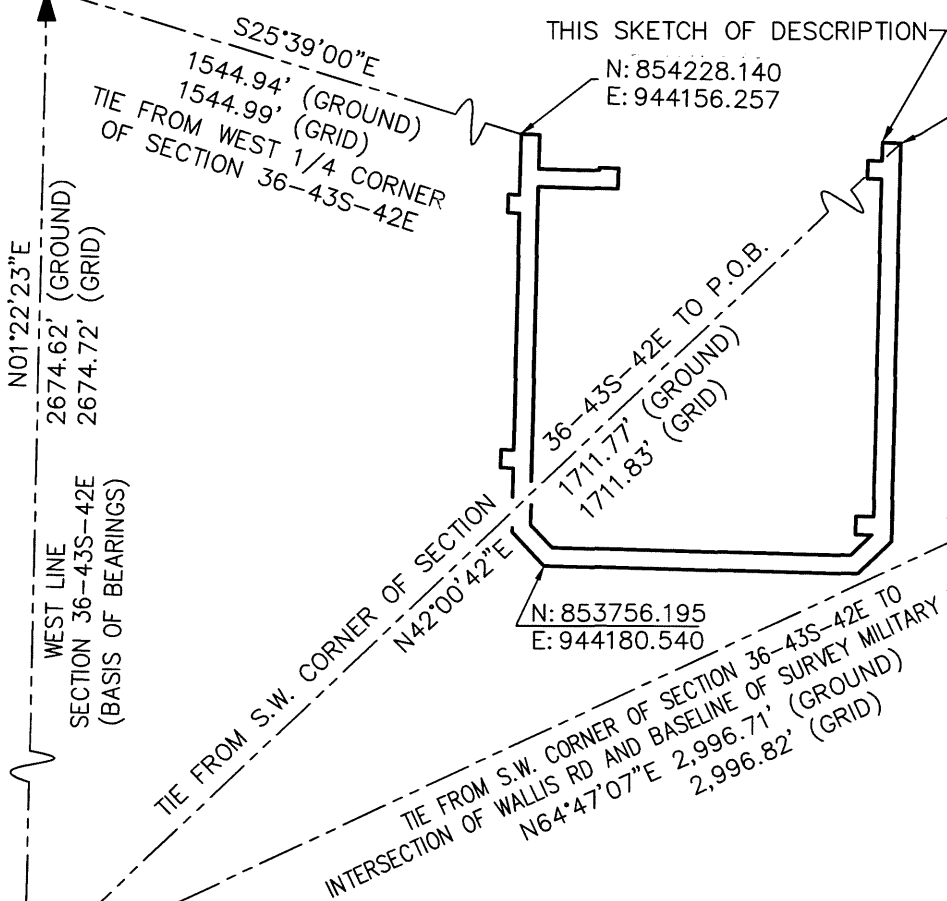
EXHIBIT "A"

PALM BEACH COUNTY CONTROL POINTS

WEST 1/4 CORNER OF SECTION 36-43S-42E
 (MONUMENT NOT RECOVERED)
 PALM BEACH COUNTY PUBLISHED POSITION
 POINT NO. 32119
 N: 855620.8970
 E: 943487.4640



NOT TO SCALE



P.O.B.
 N: 854218.85
 E: 944569.07

INTERSECTION
 CENTERLINE
 OF WALLIS ROAD &
 BASELINE OF SURVEY
 OF MILITARY TRAIL
 REFERENCE
 STATE OF FLORIDA
 STATE ROAD DEPARTMENT
 RIGHT OF WAY MAP
 STATE ROAD NO. 809
 SECTION NO. 93600-2602
 N: 854223.630
 E: 946134.650

P.O.C.
 S.W. CORNER OF SECTION 36-43S-42E
 (MONUMENT NOT RECOVERED)
 PALM BEACH COUNTY PUBLISHED POSITION
 POINT NO. 32123
 N: 852946.9450
 E: 943423.3780

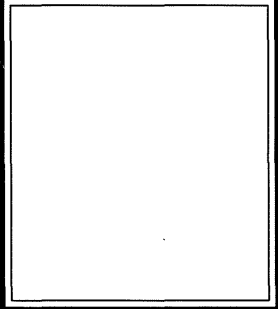
SEE SHEET 3 OF 5 FOR LEGEND &
 STATE PLANE COORDINATES NOTE

SHEET 4 OF 5



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

PALM BEACH COUNTY UTILITY EASEMENT
 PODS DISTRIBUTION CENTER
SKETCH AND DESCRIPTION



DATE	3/5/2021
DRAWN BY	OR
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	8909-PBCE

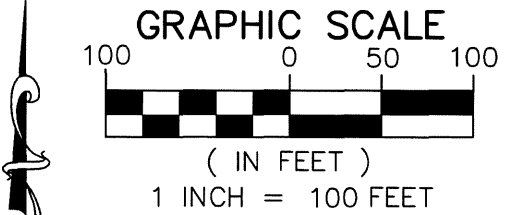
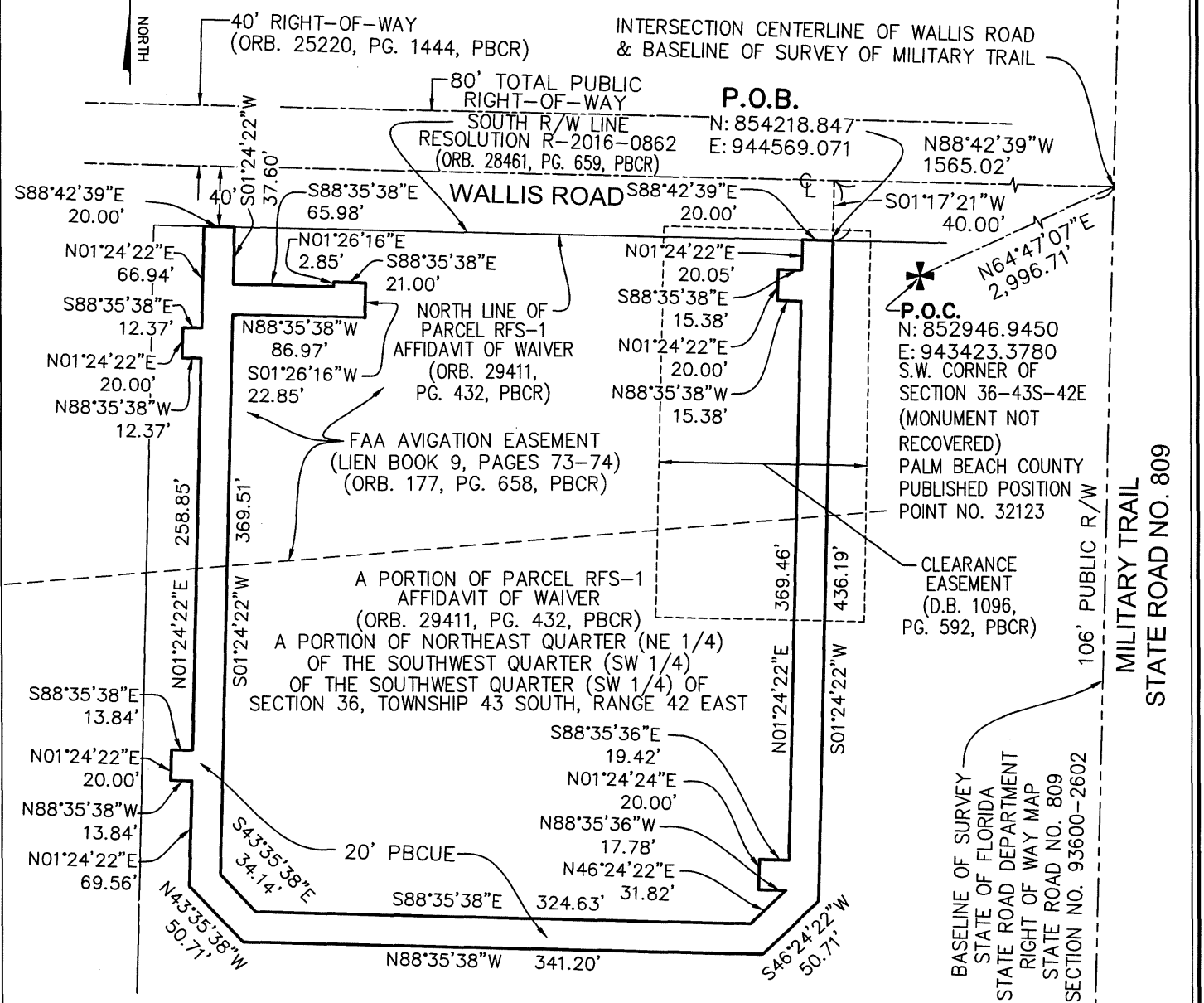


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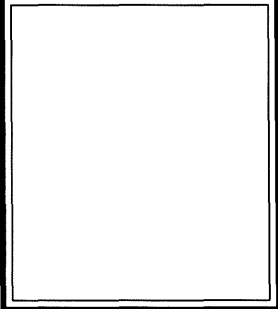


SEE SHEET 3 OF 5 FOR LEGEND AND STATE PLANE COORDINATES NOTE
 SEE SHEET 4 OF 5 FOR PALM BEACH COUNTY CONTROL POINTS

SHEET 5 OF 5

CAULFIELD & WHEELER, INC.
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PALM BEACH COUNTY UTILITY EASEMENT
 PODS DISTRIBUTION CENTER
SKETCH OF DESCRIPTION



DATE	3/5/2021
DRAWN BY	OR
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	8909PBCE