



**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2021	2022	2023	2024	2025
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>
<b>NET FISCAL IMPACT</b>	0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**Budget Account No.: Fund                      Dept                      Unit                      Object**

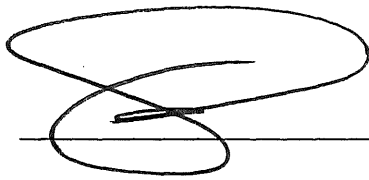
Is Item Included in Current Budget?                      Yes                       No

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

Reporting Category N/A

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



No Fiscal Impact.




**C. Department Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

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

 _____ OFMB <i>af</i> 4-22-21 MG 4-22-21	 _____ Contract Development and Control 4-26-21 <i>TD</i>
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**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney  
 4/27/21

**C. Other Department Review:**

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

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

23-UTL.02-01/21

Modified for Palm Beach County

This instrument prepared under the direction of:

Elizabeth S. Quintana, Esq.

District Four Assistant General Counsel

Legal Description prepared by:

Jennifer C. Malin, P.S.M. (12/10/2020)

Engenuity Group, Inc.

Document prepared by:

Grace K. Abel (02/15/2021)

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

Parcel No. 192.3

Item/Segment No. 4413231

Section: 93610-Maint.

Managing District: 04

S.R. No. 802 (Lake Worth Road)

County: Palm Beach

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter called the **FDOT**, and **PALM BEACH COUNTY, a Political Subdivision of the State of Florida**, hereinafter called the **COUNTY**.

### WITNESSETH:

WHEREAS, the COUNTY presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the COUNTY to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the COUNTY'S facilities relocated if necessary, to prevent conflict between the facilities so that the benefits of each may be retained.

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

COUNTY subordinates to the interest of FDOT its successors and assigns, any and all of its interest in the lands as follows, viz:

(More particularly described in the sketch and legal description attached hereto)

**RECORDED**

INSTRUMENT	DATE	FROM	TO	O.R.B. & PG.
Utility Easement	01/16/2001	Burger Family Limited Partnership	Palm Beach County	12332 / 1811
Utility Easement	03/07/2001	William L. Esser, Trustee	Palm Beach County	12414 / 405

PROVIDED that the COUNTY has the following rights:

1. The COUNTY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the FDOT'S current minimum standards for such facilities as required by the FDOT, Utility Accommodation Manual in the effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the FDOT. Should the FDOT fail to approve any new construction or relocation of facilities by the COUNTY or require the COUNTY to alter, adjust, or relocate its facilities located within said lands, the FDOT hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The COUNTY shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the FDOT's facilities.
4. The COUNTY agrees to repair any damage to FDOT facilities, and, to the extent permitted by law, to indemnify the FDOT against any loss or damage resulting from the COUNTY exercising its rights outlined in Paragraphs 1 and 3 above. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes, nor as a waiver of any defense the COUNTY may have under said statute, nor shall the same be construed to constitute agreement by the COUNTY to indemnify the FDOT for FDOT's negligent, willful or intentional acts or omissions, nor as consent to be sued by third parties.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written

Signed, sealed and delivered in the presence of: (Two witnesses required by Florida Law)

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

\_\_\_\_\_  
Witness Signature:

BY: \_\_\_\_\_  
Name: **GERRY O'REILLY, P.E.**  
District Four Secretary

\_\_\_\_\_  
Print Witness Name:

Attorney approved as to form:

\_\_\_\_\_  
Witness Signature:

\_\_\_\_\_  
Name: ELIZABETH S. QUINTANA

\_\_\_\_\_  
Print Witness Name:

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of \_\_\_\_\_ physical presence or \_\_\_\_\_ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **GERRY O'REILLY, P.E.**, District Four Secretary, who is personally known by me or who has produced \_\_\_\_\_ as identification.

(SEAL)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed or stamped name of Notary Public

My Commission Expires: \_\_\_\_\_

**PALM BEACH COUNTY, FLORIDA BY  
ITS BOARD OF COUNTY  
COMMISSIONER**

ATTEST:  
Joseph Abruzzo,  
Clerk of the Circuit Court & Comptroller

By: \_\_\_\_\_  
**DAVE KERNER**  
Mayor

By: \_\_\_\_\_  
(Deputy Clerk)

APPROVED AS TO TERMS AND  
CONDITIONS

By:  \_\_\_\_\_  
Director of Utilities

APPROVED AS TO FORM AND LEGAL  
SUFFICENCY:

By: \_\_\_\_\_  
(County Attorney)

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of \_\_\_\_\_ physical presence or  
\_\_\_\_\_ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **DAVE KERNER**,  
Mayor, Board of County Commissioners, who is personally known by me or who has produced  
identification and who did not take an oath.

\_\_\_\_\_  
Type Name of Acknowledger  
Deputy Clerk

**SKETCH OF DESCRIPTION**  
**THIS IS NOT A SURVEY**  
**NOT VALID WITHOUT ACCOMPANYING SHEETS 2 AND 3**

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PORTION OF LOT A, BLOCK 12 AND LOT A, BLOCK 11, PALM BEACH FARMS CO. PLAT NO. 7 AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 30, THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 30, S88°04'40"E A DISTANCE OF 1344.24 FEET; THENCE LEAVING SAID SECTION LINE, S01°28'02"W A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH ROAD, AS SHOWN ON FDOT MAINTENANCE MAP STATE PROJECT NO. 93610-MAINT., SEGMENT NO. 441632-1, PAGE 5; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S88°04'40"E A DISTANCE OF 47.28 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S88°04'40"E A DISTANCE OF 318.00 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE S01°55'20"W A DISTANCE OF 26.00 FEET; THENCE N88°04'40"W A DISTANCE OF 268.00 FEET; THENCE N60°36'12"W A DISTANCE OF 56.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,618 SQUARE FEET (0.175 ACRE) MORE OR LESS.

**B-II EXCEPTIONS:**

4. LOT DIMENSIONS PER PLAT RECORDED IN PLAT BOOK 5, PAGE 72. (SHOWN HEREON)
5. UTILITY EASEMENT IN FAVOR OF PALM BEACH COUNTY CONTAINED IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 12414, PAGE 405. (AFFECTS SUBJECT PROPERTY, SHOWN HEREON)
6. TERMS, CONDITIONS AND PROVISIONS OF UNITY OF TITLE RECORDED IN OFFICIAL RECORDS BOOK 1836, PAGE 237. (AFFECTS SUBJECT PROPERTY, NOT PLOTTABLE)
7. UTILITY EASEMENT IN FAVOR OF PALM BEACH COUNTY RECORDED IN OFFICIAL RECORDS BOOK 12332, PAGE 1811. (AFFECTS SUBJECT PROPERTY, SHOWN HEREON)

2			
1	ADDRESSED COMMENTS FROM PBC	RJB	12.09.2020
NO.	REVISION	BY	DATE

**SKETCH & DESCRIPTION REVISIONS**

FOR: **PALM BEACH HOMELESS RESOURCE CENTER**  
**LEGAL DESCRIPTION AND SKETCH - ADDITIONAL RIGHT-OF-WAY**

SCALE:	N/A
DRAWN BY:	JCM
CHECKED BY:	CAR
DATE:	11-6-2020

A Higher Standard of Excellence



1280 CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409  
 PH (561)655-1151 • FAX (561)832-9390  
 WWW.ENGENUITYGROUP.COM

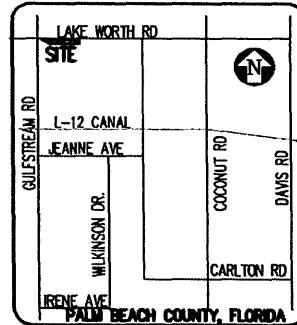
SHEET:	1 / 3
JOB No.	20043.01

Y:\Land Projects R2\20043.01 PBC Homeless Resource Center 2\dwg\20043\_01sketch.dwg 12/10/2020 10:49:40 AM EST

**SKETCH OF DESCRIPTION**  
**THIS IS NOT A SURVEY**  
**NOT VALID WITHOUT ACCOMPANYING SHEETS 1 AND 3**

**LEGEND**

P.B.	PLAT BOOK
ORB	OFFICIAL RECORDS BOOK
R/W	RIGHT-OF-WAY
⊕	CENTERLINE
N:	NORTHING
E:	EASTING
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION



**LOCATION MAP**  
N.T.S.

**NOTES:**

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY ENGENUITY GROUP, INC.
2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.
3. UNLESS ELECTRONICALLY CERTIFIED, THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING OF S87°09'41"E ALONG A LINE BETWEEN PALM BEACH COUNTY CONTROL MONUMENT "TAG" AND PALM BEACH COUNTY CONTROL MONUMENT "RUDY", AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES EXPRESSED IN U.S. FEET AND DECIMAL PARTS THEREOF.
6. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17-050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES AND THE PALM BEACH COUNTY'S STATE PLANE COORDINATES REQUIREMENTS AS SET FORTH IN PALM BEACH COUNTY'S PPM CW-0-058.
7. COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE GRID, EAST ZONE, USING THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT (NAD 83-90).  
SCALE FACTOR: 1.0000394  
GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE
8. THE SKETCH WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT REPORT PREPARED BY THE CHICAGO TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2020 AT 8:00AM UNDER FILE NUMBER 202010001. FURTHERMORE, ALL B-II RESTRICTIONS/EASEMENTS HAVE BEEN REVIEWED BY THE SURVEYOR AND ARE SHOWN ON THIS SKETCH AND/OR NOTED ON PAGE 2 IN THE SECTION TITLED "B-II EXCEPTIONS".

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON OCTOBER 9, 2020. 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 472.027.

Digitally signed  
by Jennifer Malin  
Date: 2020.12.10  
11:54:46 -05'00'

JENNIFER C. MALIN, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
STATE OF FLORIDA LICENSE NO. 6667  
STATE OF FLORIDA LB#6603

FOR: **PALM BEACH HOMELESS RESOURCE CENTER**  
**LEGAL DESCRIPTION AND SKETCH - ADDITIONAL RIGHT-OF-WAY**

SCALE:	N/A
DRAWN BY:	JCM
CHECKED BY:	CAR
DATE:	11-6-2020

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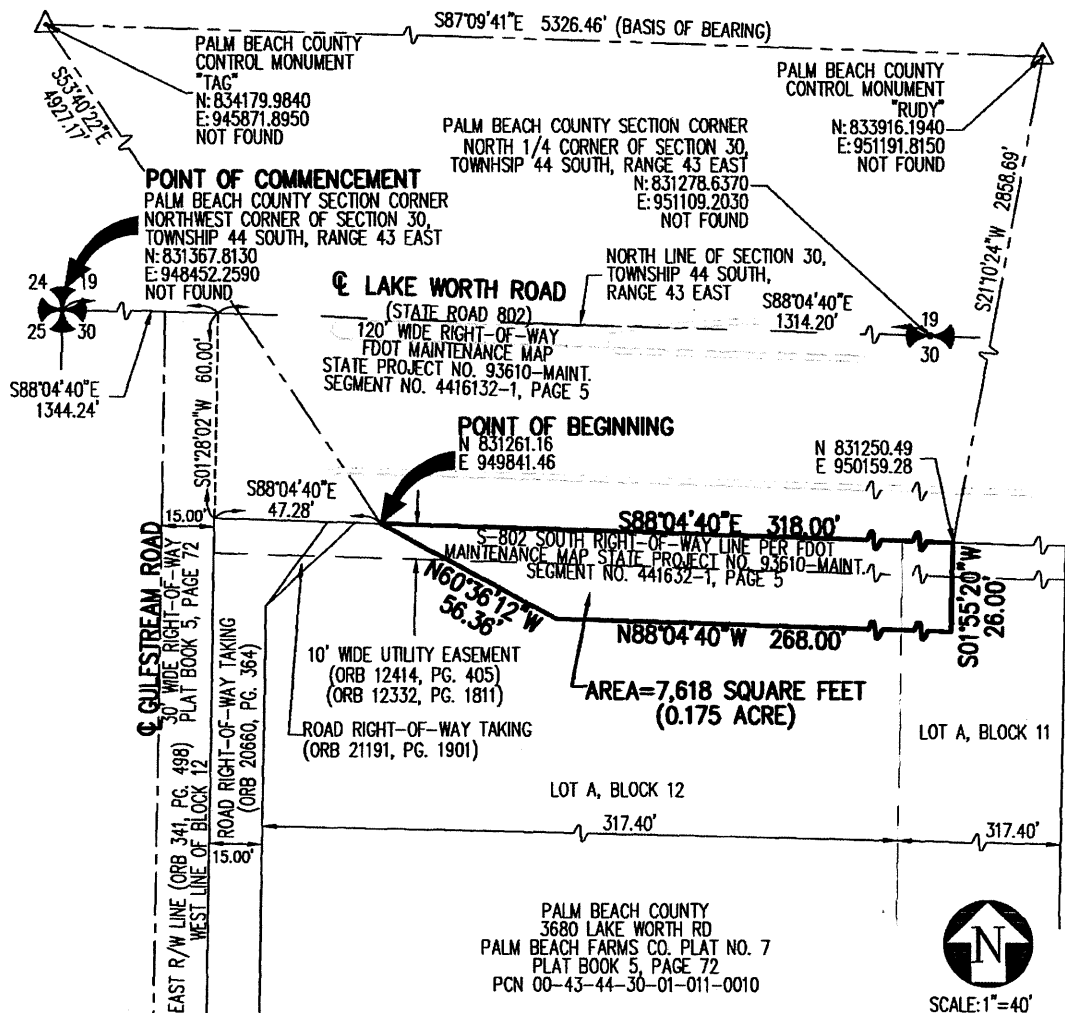
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SHEET:	2 / 3
JOB No.	20043.01



**SKETCH OF DESCRIPTION**  
**THIS IS NOT A SURVEY**  
**NOT VALID WITHOUT ACCOMPANYING SHEETS 1 AND 2**



FOR: **PALM BEACH HOMELESS RESOURCE CENTER**  
**LEGAL DESCRIPTION AND SKETCH – ADDITIONAL RIGHT-OF-WAY**

SCALE: 1"=40'  
 DRAWN BY: JCM  
 CHECKED BY: CAR  
 DATE: 11-6-2020

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**engenuity**  
 group inc.

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SHEET: 3 / 3  
 JOB No. 20043.01

Y:\Land Projects R2\20043.01 PBC Homeless Resource Center 2\dwg\20043\_01sketch.dwg 12/10/2020 10:49:40 AM EST

ATTACHMENT 2  
Location Map

