Agenda Item	#:	6	6	•	l
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# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	August 17, 2021	[ ] Consent [ ] Ordinance	[X] Regular [ ] Public Hearing
Department:	<b>Facilities Developme</b>	nt & Operations	

# I. EXECUTIVE BRIEF

## Motion and Title: Staff recommends motion to:

- A) adopt a Resolution authorizing the conveyance of the County's interest in a 0.104-acre parcel to the State of Florida Department of Transportation (FDOT) at no charge and without reservation of mineral and petroleum rights, release of Unity of Title Interest, reserving existing easement rights and restricting the use of the property to transportation purposes only;
- B) approve a County Deed in favor of the FDOT;
- **C) approve** a Utility Easement in favor of the City of Lake Worth Beach (City) for electrical and communication transmission lines to serve the County's property and the neighboring community;
- **D) adopt** a Resolution approving a License in favor of FDOT for the occupancy and use of County property for tying in existing property features with the roadway improvements to be constructed by FDOT; and
- **E)** approve a License in favor of FDOT.

**Summary:** On June 18, 2019 (Agenda Item 5E-1), the Board of County Commissioners (Board) approved siting the County's second Homeless Resource Center (HRC2) upon +/-5 acres of vacant County-owned property located at 3680 Lake Worth Road in western Lake Worth Beach. At that time, the Board directed staff to evaluate the possibility of providing direct vehicular access to the property via Lake Worth Road in lieu of future reliance on existing access via Coconut Road and Gulfstream Road. This item brings closure to that direction, after extensive planning, by making accommodations for a driveway connection to Lake Worth Road to serve routine daily traffic of both the existing Mid-County Senior Center and future HRC2. Due to the combined volume of traffic, a turn lane is required by FDOT.

# Continued on page 3

# Attachments:

- 1. Location Map
- 2. Resolution (Conveyance)
- 3. County Deed
- 4. Utility Easement Agreement
- 5. Resolution (License)
- 6. License

Recommended By	: F comí l' ligal Callos	1 7/21/21	
-	Department Director	Date	
Approved By:	Lel & Elus	8/13/2021	
	County Administrator	Date	

# II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County	0 0 0 0 0				
NET FISCAL IMPACT # ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>				
Is Item Included in Current B	udget:	Yes	No	o <u>X</u>	
Does this item include the use	of federal fu	inds? Yes	No	o <u>X</u>	
Budget Account No: Fund	<u>N/A</u>	Dept	U	nit	Object
<b>B. Recommended Sources o</b> This item has no fiscal imp		·		rlaula	n n
This item has no fiscal impact. Fixed Assets Number m06581 and m06582 C. Departmental Fiscal Review: HII. <u>REVIEW COMMENTS</u>					
A. OFMB Fiscal and/or Contract Development Comments:					
B. Legal Sufficiency:			V		

Assistant County Attorney

C. Other Department Review:

Department Director

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

 $G:\label{eq:PREMAGENDA2021} & \label{eq:PREMAGENDA2021} & \label{eq:PREMACENDA2021} & \label{eq:PREMA2021} & \label{eq:PREMACENDA2021} & \la$ 

Summary (continued): The turn lane consists of a 0.104-acre parcel, totaling 4,517 square feet, and is the subject of the Resolution authorizing the conveyance and the County Deed. To address existing title and utility conditions, the County Deed releases the Unity of Title Interest on the property, reserves existing easement rights and restricts the use of the property to transportation purposes only. The City provides electrical service to the County property and the neighboring community. To accommodate the proposed turn lane parcel, existing power poles and lines will be relocated by the City. The Utility Easement Agreement will provide the City an approximately 10' to 29' wide and 458' long replacement easement area, containing approximately 4,730 square feet (0.109 acres) to accommodate those relocated poles and lines. This easement will run along the south boundary of the turn lane parcel and is being granted at no cost since it benefits the proposed development of the HRC2 facility and existing Mid-County Senior Center. FDOT is currently in the planning and design stages for improvements to Lake Worth Road, making it more time and cost effective for FDOT to design and construct the turn lane than if separately performed by the County during development of the HRC2 project. FDOT estimates the cost to construct the turn lane for the County at \$103,598, and the Palm Beach County Transportation Planning Agency (TPA) has agreed to cover that cost in full as part of its financial contribution to FDOT's improvements. The County will grant FDOT a license to occupy and use a portion of County's property for tying in existing property features with the roadway improvements to be constructed by FDOT. The license is subject to a Resolution authorizing its adoption. The conveyance on Motion B must be approved by a Supermajority Vote (5 Commissioners). (Property & Real Estate Management) District 3/Countywide (HJF)

**Background and Policy Issues:** The County-owned property located at 3680 Lake Worth Road encompasses the Mid-County Senior Center as well as +/-5 acres of vacant land. The latter is the site selected for HRC2, which is currently in the regulatory approval and permitting phase of development. During public outreach that occurred as part of the HRC2 siting process, local residents voiced concerns with the proximity of HRC2 and access to same from Coconut and Gulfstream Roads. In response, the Board directed staff to further explore site access directly from Lake Worth Road in order to preclude reliance on Coconut and Gulfstream Roads to access HRC2. The Plan Review Panel committed by County staff, assembled in response to the Board's siting approval and consisting of appointed local residents and a representative of the Village of Palm Springs has continuously expressed great interest in this approach to vehicular access serving HRC2, and County staff has remained committed to its result barring no irreconcilable issues.

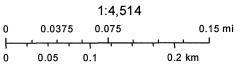
Lake Worth Road is under the permitting and operational jurisdiction of FDOT. Through due diligence performed by staff representatives of the Facilities Development & Operations Department, Engineering and Public Works, and FDOT, it was determined that a turn lane would be required to accompany a direct driveway connection to Lake Worth Road due to the vehicular traffic volume upon consolidating all existing driveways on Coconut and Gulfstream Roads to a single Lake Worth Road connection in order to accomplish the intent of Board direction. This agenda item, in combination with other site planning, design and regulatory accomplishments, will facilitate the full implementation of this Board direction, and following turn lane completion, allow for closure of the existing driveways but for use of the existing Coconut Road driveway (to become gated) in times of emergency response and access from Coconut Road to a future service yard supporting HRC2.

The 0.104-acre turn lane parcel conveyance to FDOT would be at no cost since it directly relates to an improvement to benefit County facility compatibility objectives and daily operations. To address existing title and utility conditions, a partial release of the Unity of Title Interest is referenced in the County Deed together with a reservation for utility easement rights which are for the existing Water Utility Department (WUD) wastewater line. On May 18, 2021 (R2021-0687), WUD obtained Board approval for a Subordination of County Utility Interest agreement for the easement rights that are being reserved in the County Deed. The Subordination of County Utility Interest agreement will be recorded after the County Deed is recorded. The subordination is for an existing WUD wastewater line which will remain in place during and after construction of the turning lane. If the wastewater line has to be relocated in the future, it will be at FDOT's expense. The County Deed also includes a restrictive covenant limiting the use of the property to transportation purposes only per FDOT requirement. A Resolution is provided to authorize the conveyance pursuant to Florida Statute 125.38, without charge and without mineral and petroleum rights reservations.

FDOT is performing the design of the turn lane as an extension to its own forthcoming improvements to Lake Worth Road. FDOT has estimated a cost of \$103,598 to construct the turn lane and related improvements within the right-of-way. The County will grant FDOT a license to occupy and use a portion of County's property for sloping, grading, tying in, harmonizing and reconnecting existing property features with the roadway improvements to be constructed by FDOT. The license shall continue until the completion of the roadway improvements, but no later than December 31, 2023. The TPA has agreed to cover this cost in full given the nominal amount, benefit to the corridor, and far greater funding amount already committed to accomplish mobility objectives as part of FDOT's planned improvements. In the event the turning lane expenses come to significantly exceed the \$103,598 estimate the County, FDOT and TPA will be required to further collaborate toward a funding approach to make up the shortfall. As a result there is no cost associated with this item or reasonably anticipated to complete the turn lane at this time. Existing site improvements that will be encroached by the turn lane will require restoration as an indirect cost to the County, which will be funded as part of the HRC2 capital construction budget.



Attachment No. 1 Location Map - Page 1 of 1



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Attachment No. 2 Resolution (Conveyance) – 8 Pages

#### **RESOLUTION NO. 20**

### RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO FLORIDA DEPARTMENT OF TRANSPORTATION, PURSUANT TO FLORIDA STATUTE SECTION 125.38, WITHOUT CHARGE AND WITHOUT MINERAL AND PETROLEUM RIGHTS RESERVATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 18, 2019, the Board of County Commissioners of Palm Beach County approved (5E-1) the siting of the County's second Homeless Resource Center (HRC) on the County-owned property located 3680 Lake Worth Road; and

WHEREAS, the development of the HRC requires that a turn lane be constructed to

satisfy the State of Florida Department of Transportation (FDOT) requirements; and

WHEREAS, FDOT proposes to construct or improve State Road N0. 802 (Lake Worth

Road), Item/Segment No. 44116321, Section 93610-Maint., in Palm Beach County, Florida; and

WHEREAS, FDOT has made application to the Board of County Commissioners of Palm Beach County requesting that Palm Beach County convey .104 acres of surplus real property to FDOT for use by FDOT for transportation purposes only to satisfy the turn lane requirements; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby

finds that the aforementioned use constitutes a use for the community interest and welfare, such real property is required for such use and such real property is not needed for County purposes; and

WHEREAS, pursuant to Florida Statute Section 270.11, FDOT has requested that such property be conveyed without reservation of phosphate, mineral, metals and petroleum rights; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby agrees to convey such property without reservation of phosphate, mineral, metals and petroleum rights.

Page 1 of 3

### NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

## COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

## Section 1. <u>Recitals</u>

The foregoing recitals are true and correct and incorporated herein by reference.

## Section 2. <u>Authorization to Convey Real Property</u>

The Board of County Commissioners of Palm Beach County shall convey to FDOT without charge and by County Deed attached hereto as Exhibit "A", and made a part hereof, the real property legally described in such Deed, reserving easement rights for ingress/egress and maintenance of the underground wastewater lines, releasing the County's interest in the Unity of title as recorded in Official Records Book 1836, Page 237, and subject to a restrictive covenant limiting the use of such property to transportation purposes only.

#### Section 3. <u>Conflict with Federal or State Law or County Charter</u>

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

#### Section 4. <u>Effective Date</u>

The provisions of this Resolution shall be effective immediately upon adoption hereof.

The foregoing resolution was offered by Commissioner\_\_\_\_\_ who moved its

adoption. The Motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote,

the vote was as follows:

Commissioner Dave Kerner, Mayor	
Commissioner Robert S. Weinroth, Vice Mayor	
Commissioner Maria G. Marino	
Commissioner Gregg K. Weiss	
Commissioner Maria Sachs	
Commissioner Melissa McKinlay	
Commissioner Mack Bernard	

Page 2 of 3

, 2021.	
	PALM BEACH COUNTY, a political subdivision of the State of Florida
	JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT & COMPTROLLER
	By: Deputy Clerk
APPROVED AS TO LEGAL SUFFICIENCY By: Assistant County Attorney	APPROVED AS TO TERMS AND CONDITIONS By: Department Director

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Page 3 of 3

Attachment No. 3 County Deed – 5 Pages

### Exhibit "A"

03-BSD-PBC.03-07/18

This instrument prepared under the direction of: <u>Elizabeth S. Quintana, Esq.</u> District Four Assistant General Counsel Legal Description prepared by: <u>Jennifer C. Malin, P.S.M. (12/10/2020)</u> <u>Engenuity Group, Inc.</u> Document prepared by: <u>Grace K. Abel (02/15/2021)</u> Florida Department of Transportation Right of Way Production Services 3400 W. Commercial Boulevard Fort Lauderdale, Florida 33309

Parcel No. Item/Segment No. Section: Managing District: S.R. No. County:

192.1 4413231 93610-Maint. 04 802 (Lake Worth Road) Palm Beach

#### **COUNTY DEED**

THIS DEED Made this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_\_, by **PALM BEACH COUNTY, a political subdivision of the State of Florida**, whose address is: 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, Grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Grantee: (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 organizations).

WITNESSETH: That the Grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee for transportation purposes only, all that certain land situate in Palm Beach County Florida, viz:

(See Sketch and Legal description attached hereto and made a part hereof as Exhibit "A" (the "Property"))

This County Deed includes the Grantor's release and conveyance of its rights in the Property as set forth under the Unity of Title dated September 2, 1970, and recorded on September 3, 1970, in Official Records Book 1836, Page 237, of the Public Records of Palm Beach County, Florida.

Reserving unto Grantor the easement rights for ingress/egress and maintenance of the underground wastewater lines and appurtenant facilities as set forth under the Utility Easement dated January 16, 2001, and recorded on February 24, 2001, in Official Records Book 12332, Page 1811 and the Utility Easement dated March 7, 2001, and recorded on March 29, 2001, in Official Records Book 12414, Page 405, of the Public Records of Palm Beach County, Florida.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

Page 1 of 2

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice-Mayor of said Board, the day and year aforesaid.

## ATTEST:

## **Grantor:**

# PALM BEACH COUNTY, a political subdivision of the State of Florida

JOSEPH ABRUZZO Clerk of the Circuit Court and Comptroller

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

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

Print Name: \_\_\_\_\_ Mayor

APPROVED AS TO LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By:\_\_\_ County Attorney

G:\PREM\Dev\Open Projects\Mid County Sr. Center-HRC 2\County Deed - clean 3-24.docx

## 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 335.00 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE S01'55'20"W A DISTANCE OF 14.05 FEET; THENCE N88'04'40"W A DISTANCE OF 307.98 FEET; THENCE N60'36'12"W A DISTANCE OF 30.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,517 SQUARE FEET (0.104 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 NO. REVISION SKETCH & DESCRIPTIC PALM BEACH COUNTY PR	
	ALM BEACH HOMELESS RESOURCE CENTER RIPTION AND SKETCH – ADDITIONAL RIGHT-OF-WAY
SCALE: N/A DRAWN BY: RJB	A Higher Standard of Excellence Group inc.
CHECKED BY: JCM DATE: 6-8-2021	1280 CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409 PH (561)655–1151 • FAX (561)832–9390 WWW.ENGENUITYGROUP.COM

Y: \Land Projects R2\20043.01 PBC Homeless Resource Center 2\dwg\20043\_01 Turn Lane S&D.dwg 6/8/2021 3:23:47 PM EDT

# 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
ę	CENTERLINE
N:	NORTHING
E:	EASTING
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION

## 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 GRID 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: OOAM 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 1 IN THE SECTION TITLED "B-II EXCEPTIONS".

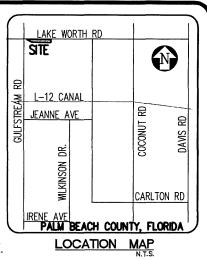
## SURVEYOR'S CERTIFICATION

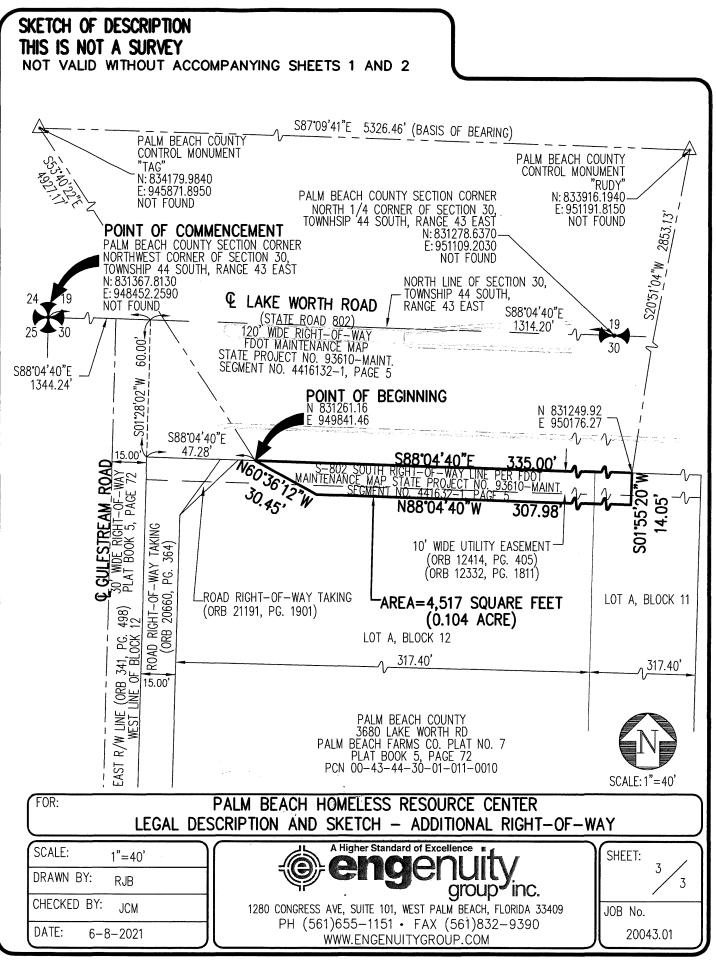
I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JUNE 8, 2021. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

Jennifer Malin	Digitally signed by Jennifer Malin Date: 2021.06.08 22:12:03 -04'00'
JENNIFER C. MALI	N, P.S.M.
PROFESSIONAL SU	IRVEYOR AND MAPPER
STATE OF FLORIDA	A LICENSE NO. 6667

FLURIDA STATUTES 4/2.027.		03
	PALM BEACH HOMELESS RESOURCE CENTER CRIPTION AND SKETCH - ADDITIONAL RIGHT-OF-W	IAY
SCALE: N/A DRAWN BY: RJB CHECKED BY: JCM DATE: 6-8-2021	A Higher Standard of Excellence Englecience group inc. 1280 CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409 PH (561)655–1151 • FAX (561)832–9390 WWW.ENGENUITYGROUP.COM	SHEET: 2 3 JOB No. 20043.01

Y: \Land Projects R2\20043.01 PBC Homeless Resource Center 2\dwg\20043\_01 Turn Lane S&D.dwg 6/8/2021 3:23:47 PM EDT





Y:\Land Projects R2\20043.01 PBC Homeless Resource Center 2\dwg\20043\_01 Turn Lane S&D.dwg 6/8/2021 3:23:47 PM EDT

Attachment No. 4 Utility Easement Agreement – 8 Pages

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Prepared by & Return to: Marcel Pessoa, Real Estate Specialist Palm Beach County Property & Real Estate Management Division 2633 Vista Parkway West Palm Beach, Florida 33411-5605

PCN: 00-43-44-30-01-011-0010

### **UTILITY EASEMENT AGREEMENT**

This EASEMENT is granted \_\_\_\_\_\_, by PALM BEACH COUNTY, a political subdivision of the State of Florida , whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, Grantor, to CITY OF LAKE WORTH BEACH, a Florida municipal corporation, whose legal mailing address is 7 N. Dixie Highway, Lake Worth Beach, FL 33460, Grantee.

## WITNESSETH:

That the said Grantor, in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid, the receipt and sufficiency of which are hereby acknowledged, hereby grants unto Grantee, its successors and assigns, a perpetual nonexclusive easement (the "Easement") for the construction, operation and maintenance of overhead and underground electric utility facilities, wires, poles, guys, cables, conduits and appurtenant equipment, including transformers (the "Facilities") to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as the size of and remove such Facilities or any of them within an easement upon, over and

Page 1 of 4

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/site sketch marked <u>Exhibit "A"</u> attached hereto and made a part hereof.

No above ground improvements will be allowed within the eastern 95 feet of the western 375 feet of the Easement Premises, except overhead lines, in order to allow for the driveway access to the County property.

Together with the right to permit any other person, firm or corporation to attach wires to any Facilities hereunder and lay cable and conduit within the Easement Premises and to operate the same for communications purposes. Together with the right of reasonable ingress and egress to said Easement Premises at all times, the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Premises, and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Premises which might interfere with or fall upon the Facilities installed within the Easement Premises.

# THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:

1. Grantee shall cause the Facilities and their appurtenances to be constructed within the confines of the Easement Premises.

2. Grantee hereby expressly agrees that in the event Grantee abandons use of the Easement Premises for the purpose herein expressed, the Easement granted hereby shall become null and void, and all rights in and to the Easement Premises shall revert to

Page 2 of 4

Grantor.

3. Grantee further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its Facilities within the Easement Premises at all times during the term hereof.

4. The grant of this Easement shall in no way restrict the right and interest of Grantor in the use, maintenance and quiet enjoyment of the Easement Premises to the extent that such does not interfere with the rights granted herein.

## (REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

Page 3 of 4

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its

name, by its proper officers thereunto duly authorized, the day and year first above written.

**ATTEST:** 

## **JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT** & COMPTROLLER

## PALM BEACH COUNTY, a political subdivision of the State of Florida

By:

Deputy Clerk

By:

Dave Kerner, Mayor

Signed and delivered in the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

**APPROVED AS TO LEGAL SUFFICIENCY** 

By:

Assistant County Attorney

**APPROVED AS TO TERMS AND CONDITIONS** 

By: Department Director

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Page 4 of 4

## SKETCH OF DESCRIPTION THIS IS NOT A SURVEY NOT VALID WITHOUT ACCOMPANYING SHEETS 2, 3 AND 4

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 40.00 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S88'04'40"E A DISTANCE OF 7.28 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, S60'36'12"E A DISTANCE OF 30.45 FEET; THENCE S88'04'40"E A DISTANCE OF 307.98 FEET; THENCE N01'55'20"E A DISTANCE OF 14.05 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S88'04'40"E A DISTANCE OF 101.10 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, S01'55'20"W A DISTANCE OT 10.00 FEET TO A POINT ON THE SOUTHERLY LINE OF A 10.00 FOOT WIDE UTILITY EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 12414, PAGE 405 AND OFFICIAL RECORDS BOOK 12332, PAGE 1811 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY EASEMENT LINE, N88'04'40"W A DISTANCE OF 91.10 FEET; THENCE N78'48'15"W A DISTANCE OF 67.71' TO A POINT ON A ROAD RIGHT-OF-WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 21191, PAGE 1901 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N78'48'15"W A DISTANCE OF 67.71' TO A POINT ON A ROAD RIGHT-OF-WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 21191, PAGE 1901 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N78'48'15"W A DISTANCE OF 67.71' TO A DISTANCE OF 18.51 FEET TO THE **POINT OF BEGINNING**.

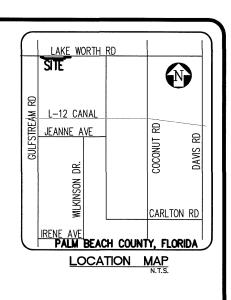
CONTAINING 4,730 SQUARE FEET (0.109 ACRE) MORE OR LESS.

2 1 NO. REVISIO SKETCH & DE	N BY DATE ESCRIPTION REVISIONS	
FOR:	PALM BEACH HOMELESS RESOURCE CENTER LEGAL DESCRIPTION AND SKETCH - UTILITY EASEMENT	
SCALE: N/A DRAWN BY: RJB CHECKED BY: JCM DATE: 6-28-2021	A Higher Standard of Excellence engenuity group inc. 1280 CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409 PH (561)655–1151 • FAX (561)832–9390 WWW.ENGENUITYGROUP.COM	SHEET: 1 4 JOB No. 20043.01.18

# SKETCH OF DESCRIPTION THIS IS NOT A SURVEY NOT VALID WITHOUT ACCOMPANYING SHEETS 1, 3 AND 4

## **LEGEND**

PCN	PARCEL CONTROL NUMBER
ORB	OFFICIAL RECORDS BOOK
PG.	PAGE
R/W	RIGHT-OF-WAY
Ę	CENTERLINE
N:	NORTHING
E:	EASTING
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION



# 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 "RUDY", AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

5. DISTANCES SHOWN HEREON ARE GRID 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

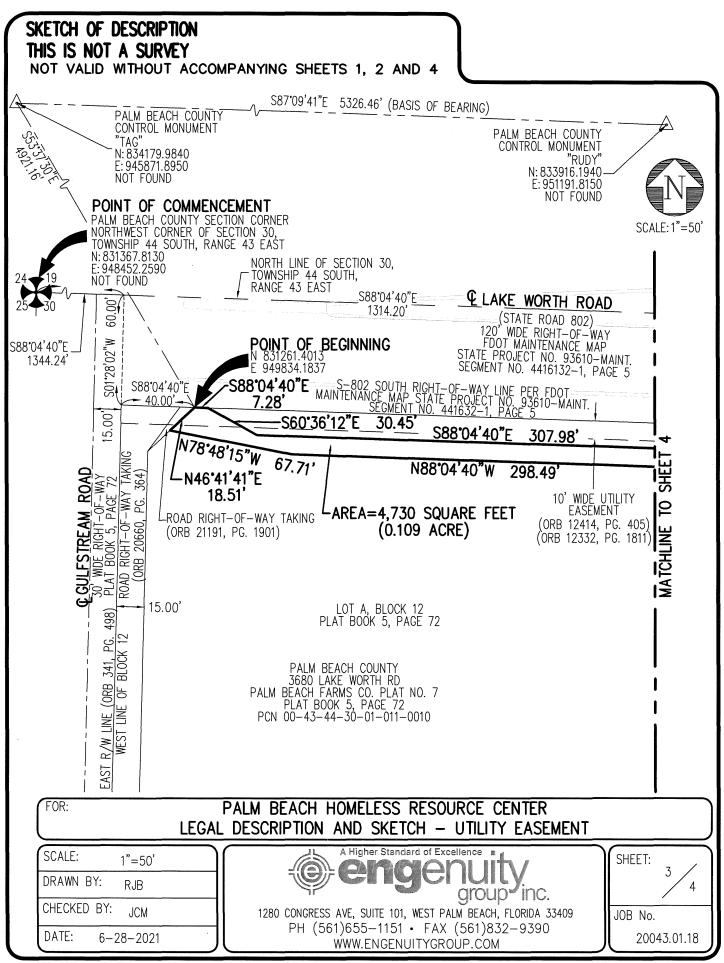
GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE

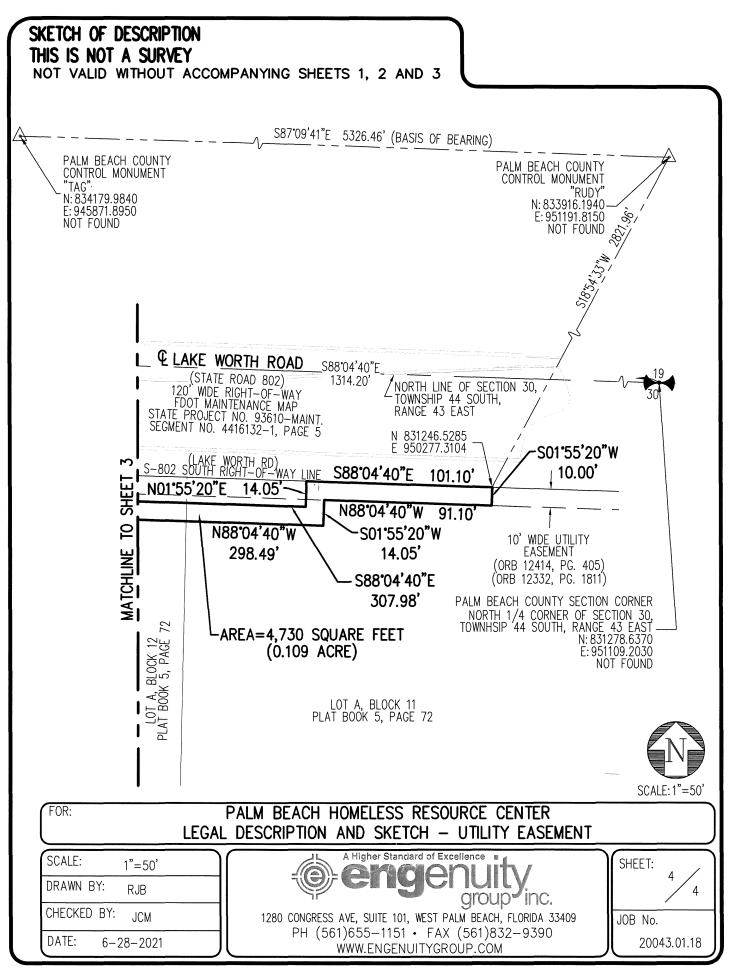
## SURVEYOR'S CERTIFICATION

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 JUNE 21, 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 472.027. Digitally signed by Jennifer Malin Date: 2021.06.28 12:10:44 -04'00'

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 EGAL DESCRIPTION AND SKETCH - UTILITY EASEMENT	
SCALE: N/A DRAWN BY: RJB	A Higher Standard of Excellence of Excellenc	SHEET:
CHECKED BY: JCM DATE: 6-28-2021	1280 CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409 PH (561)655-1151 • FAX (561)832-9390 WWW.ENGENUITYGROUP.COM	JOB No. 20043.01.18





Attachment No. 5 Resolution (License) – 2 Pages

#### 09-LA.12-07/18

This instrument prepared under the direction of: <u>Elizabeth S. Quintana, Esq.</u> District Four Assistant General Counsel Legal Description prepared by: Jennifer C. Malin, P.S.M. (06/28/2021) Engenuity Group, Inc. Document prepared by: <u>Grace K. Abel (Rev. 07/19/21)</u> Florida Department of Transportation Right of Way Production Services 3400 W. Commercial Boulevard Fort Lauderdale, Florida 33309

Parcel No. Item/Segment No. Section: Managing District: S.R. No. County: 900.2 4413231 93610-Maint. 04 802 (Lake Worth Road) Palm Beach

#### RESOLUTION

ON MOTION of Commissioner \_\_\_\_\_\_, seconded by County Commissioner \_\_\_\_\_\_, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 802 (Lake Worth Road), Item/Segment No. 4413231, in Palm Beach County, Florida; and

WHEREAS, it is necessary that certain lands now owned by **Palm Beach County, Florida**, be used temporarily by the State of Florida for the use and benefit of the State of Florida Department of Transportation; and

WHEREAS, said use is in the best interest of the County; and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a license, in favor of the State of Florida, for the purpose of sloping, grading, tying in, harmonizing and reconnecting existing features of the Licensor's property with the highway improvements which are to be constructed, together with incidental purposes related thereto and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of **Palm Beach County, Florida**, that the application of the State of Florida Department of Transportation for a license is for transportation purposes which are in the public or community interest and for public welfare; that a license, in favor of the State of Florida, in Palm Beach County, should be drawn and executed by this Board of County Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 3400 W. Commercial Boulevard, Fort Lauderdale, Florida 33309.

Page 1 of 2

The foregoing resolution was put to a vote, the vote was as follows:

The Mayor thereupon declared the resolution duly passed and adopted this \_\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PALM BEACH COUNTY, a political subdivision of the State of Florida

JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT & COMPTROLLER

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

APPROVED AS TO TERMS AND CONDITIONS

By: Berni !. ayal Cold Department Director

APPROVED AS TO LEGAL SUFFICIENCY

By: Assistant County Attorney

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Page 2 of 2

Attachment No. 6 License – 6 Pages 09-LA.11-07/18

This instrument prepared under the direction of: <u>Elizabeth S. Quintana, Esq.</u> District Four Assistant General Counsel Legal Description prepared by: Jennifer C. Malin, P.S.M. (06/28/2021) Engenuity Group, Inc. Document prepared by: <u>Grace K. Abel (Rev. 07/19/21)</u> Florida Department of Transportation Right of Way Production Services 3400 W. Commercial Boulevard Fort Lauderdale, Florida 33309

Parcel No. Item/Segment No. Section: Managing District: S.R. No. County:

900.1 4413231 93610-Maint. 04 802 (Lake Worth Road) Palm Beach

#### LICENSE

THIS LICENSE Made this \_\_\_\_\_\_, between PALM BEACH COUNTY, a political subdivision of the State of Florida, whose address is: 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, herein called Licensor, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, whose address is 3400 W. Commercial Boulevard, Fort Lauderdale, Florida 33309, herein called Licensee.

In consideration of the benefits accruing unto the Licensor, the parties agree as follows:

Licensor hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions hereof, the following described premises:

Parcel No. 900

Item/Segment No. 4413231

See **Exhibit** "A" attached hereto and made a part hereof.

The premises may be occupied and used by Licensee solely for sloping, grading, tying in, harmonizing and reconnecting existing features of the Licensor's property with the highway improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the transportation project, but not later than the last day of December 2023.

The making, execution and delivery of this license by Licensor has been induced by no representations, statements, warranties, or agreements other than those contained herein. This license embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.

Page 1 of 6

IN WITNESS WHEREOF, the said Licensor has signed and sealed these presents the day and year first above written.

# PALM BEACH COUNTY, a political subdivision of the State of Florida

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

ATTEST: Joseph Abruzzo,

APPROVED AS TO LEGAL SUFFICENCY:

By: \_ 17 (County Attorney)

Clerk of the Circuit Court & Comptroller

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Page 2 of 6

## SKETCH OF DESCRIPTION THIS IS NOT A SURVEY NOT VALID WITHOUT ACCOMPANYING SHEETS 2, 3 AND 4

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 40.00 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S88'04'40"E A DISTANCE OF 7.28 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, S60'36'12"E A DISTANCE OF 30.45 FEET; THENCE S88'04'40"E A DISTANCE OF 307.98 FEET; THENCE N01'55'20"E A DISTANCE OF 14.05 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S88'04'40"E A DISTANCE OF 101.10 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, S01'55'20"W A DISTANCE OT 10.00 FEET TO A POINT ON THE SOUTHERLY LINE OF A 10.00 FOOT WIDE UTILITY EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 12414, PAGE 405 AND OFFICIAL RECORDS BOOK 12332, PAGE 1811 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY EASEMENT LINE, N88'04'40"W A DISTANCE OF 91.10 FEET; THENCE N78'48'15"W A DISTANCE OF 67.71' TO A POINT ON A ROAD RIGHT-OF-WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 21191, PAGE 1901 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA RECORDS BOOK 21191, PAGE 1901 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA RECORDS BOOK 21191, PAGE 1901 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA RECORDS BOOK 21191, PAGE 1901 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA RECORDS BOOK 21191, PAGE 1901 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SHOW 21191, PAGE 1901 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE EASTERLY LINE OF SAID RIGHT-OF-WAY, N46'41'41"E A DISTANCE OF 18.51 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 4,730 SQUARE FEET (0.109 ACRE) MORE OR LESS.

2 1 NO. REVISION SKETCH & DESCR	BY DATE			
FOR: PALM BEACH HOMELESS RESOURCE CENTER LEGAL DESCRIPTION AND SKETCH				
SCALE: N/A DRAWN BY: RJB	A Higher Standard of Excellence engenuity group inc.	SHEET: 1 4		
CHECKED BY: JCM DATE: 6–28–2021	1280 CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409 PH (561)655-1151 • FAX (561)832-9390 WWW.ENGENUITYGROUP.COM	JOB No. 20043.01.18		

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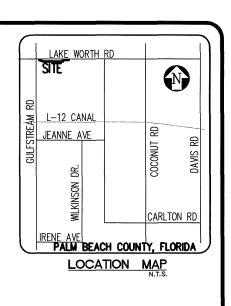
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Page 3 of 6

# SKETCH OF DESCRIPTION THIS IS NOT A SURVEY NOT VALID WITHOUT ACCOMPANYING SHEETS 1, 3 AND 4

## **LEGEND**

PCN	PARCEL CONTROL NUMBER
ORB	OFFICIAL RECORDS BOOK
PG.	PAGE
R/W	RIGHT-OF-WAY
Q.	CENTERLINE
N:	NORTHING
E:	EASTING
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION



# <u>NOTES</u>:

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2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.

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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.

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GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE

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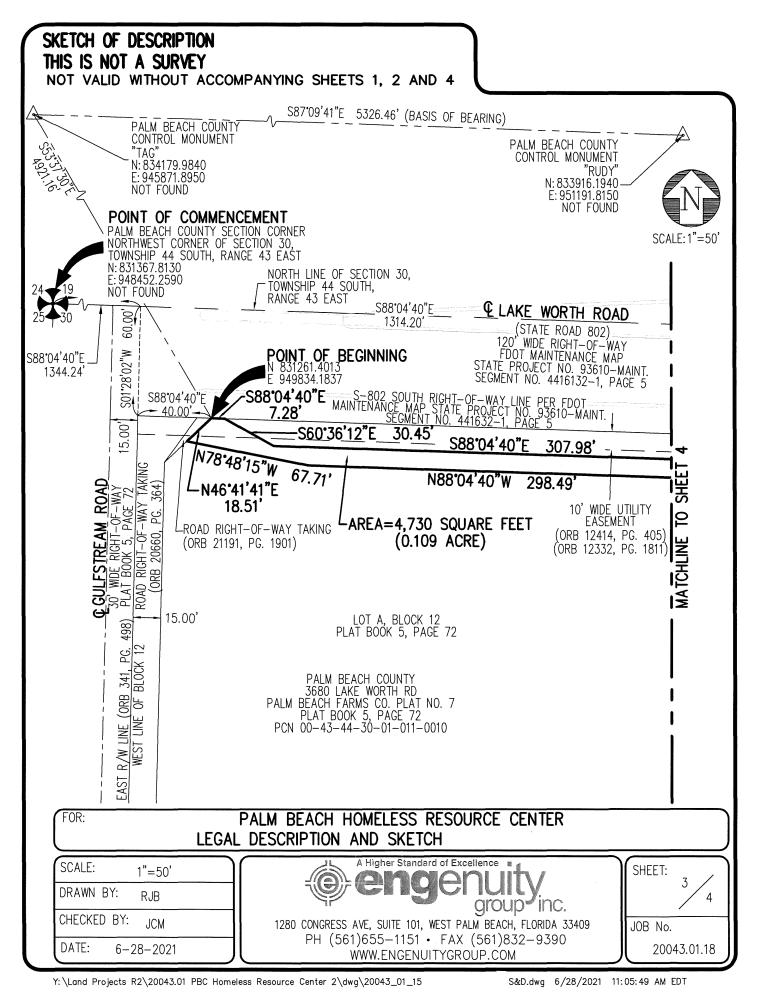
JENNIFER C. MALIN, P.S.M. PROFESSIONAL SURVEYOR AND MAPPER STATE OF FLORIDA LICENSE NO. 6667 STATE OF FLORIDA LB#6603

FOR:	PALM BEACH HOMELESS RESOURCE CENTER _EGAL DESCRIPTION AND SKETCH	
SCALE: N/A DRAWN BY: RJB	A Higher Standard of Excellence englishing group inc.	SHEET:
CHECKED BY: JCM DATE: 6-28-2021	1280 CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409 PH (561)655-1151 • FAX (561)832-9390 WWW.ENGENUITYGROUP.COM	JOB No. 20043.01.18

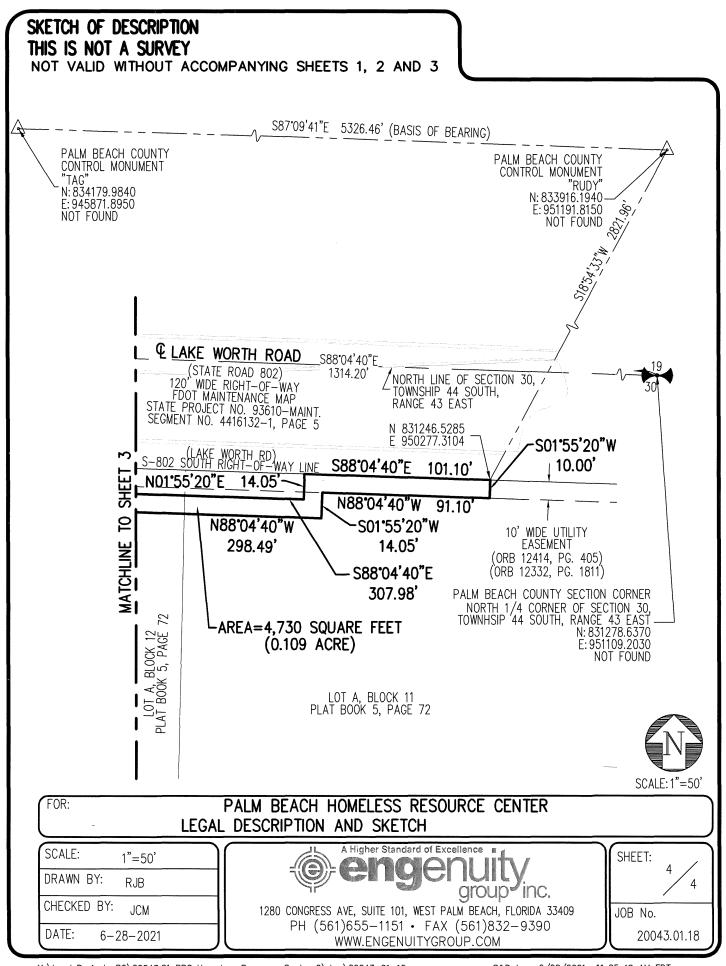
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