



**II. FISCAL IMPACT ANALYSIS**

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

| Fiscal Years                                   | 2022     | 2023     | 2024     | 2025     | 2026     |
|--|----------|----------|----------|----------|----------|
| 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

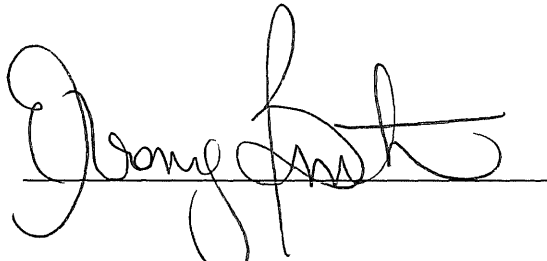
Does this item include the use of federal funds?                      Yes                       No

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:**

 2/22/22  
 OFMB 2-24-22  
 (SM) 2-25-22

 for Lewis Jacobowitz  
 Contract Development and Control  
 3-2-22 TW

**B. Legal Sufficiency:**

 3/3/22  
 Assistant County Attorney

**C. Other Department Review:**

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

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

23-UTL.02-07/18

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:

Luis A. Gaztambide, P.S.M. (07/21/2020)

Document prepared by:

Diana Helmer (08/13/2020)

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

Parcel No. 801.3R

Item/Segment No. 2296584

Section: 93030-2503

Managing District: 04

S.R. No. 806 (Atlantic Avenue)

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:

Parcel No. 801

Item/Segment No. 2296584

A portion of Tract 15, Block 19, THE PALM BEACH FARMS CO. PLAT NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 26, of the Public Records of Palm Beach County, Florida, lying in Section 19, Township 46 South, Range 42 East, as shown on Sheet 3 of the Florida Department of Transportation Right of Way Map for Item/Segment No. 2296584, Section 93030-2503, being more particularly described as follows:

Commence at a brass disk in concrete stamped "Palm Beach County", found marking the Northwest (NW) Corner of Section 18, Township 46 South, Range 42 East; thence South 00°45'55" East along the West line of said Section 18, a distance of 5,432.77 feet to the Northwest (NW) Corner of said Section 19 and the Baseline of Survey of State Road 806 (Atlantic Avenue); thence North 89°32'49" East along the North line of said Section 19 and said Baseline of Survey of State Road 806 (Atlantic Avenue), a distance of 648.71 feet; thence South 00°27'11" East along a line at a right angle to the last described course, a distance of 83.00 feet to the Southerly line of the Northerly 83 feet of said Tract 15 and the POINT OF BEGINNING; thence South 01°09'14" East along said Easterly line of said Tract 15, a distance of 13.75 feet to the beginning of a non-tangent curve concave Southerly, having a chord bearing of North 83°49'01" West; thence Westerly along said curve, having a radius of 4,404.55 feet, through a central angle of 01°04'35", an arc distance of 82.76 feet to the end of said curve; thence North 05°38'42" East, a distance of 4.21 feet to a point on the Southerly line of the Northerly 83 feet of said Tract 15; thence North 89°32'49" East along said Southerly line, a distance of 81.58 feet to the POINT OF BEGINNING.

Containing 725 square feet, more or less.

AND

A portion of Tracts 13 and 14, Block 19, THE PALM BEACH FARMS CO. PLAT NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 26, of the Public Records of Palm Beach County, Florida, lying in Section 19, Township 46 South, Range 42 East, as shown on Sheets 3 and 4 of the Florida Department of Transportation Right of Way Map for Item/Segment No. 2296584, Section 93030-2503, being more particularly described as follows:

Commence at a brass disk in concrete stamped "Palm Beach County", found marking the Northwest (NW) Corner of said Section 18, Township 46 South, Range 42 East; thence South 00°45'55" East along the West line of said Section 18, a distance of 5,432.77 feet to the Northwest (NW) Corner of said Section 19 and the Baseline of Survey of State Road 806 (Atlantic Avenue); thence North 89°32'49" East along the North line of said Section 19 and said Baseline of Survey of State Road 806 (Atlantic Avenue), a distance of 674.09 feet; thence South 00°27'11" East along a line at a right angle to the last described course, a distance of 100.00 feet to the POINT OF BEGINNING; thence North 89°32'49" East, a distance of 408.21 feet to a line 200.00 feet Westerly of the Easterly line of said Tract 13; thence South 01°30'41" East along said line being 200.00 feet Westerly of and parallel with the Easterly line of Tract 13, a distance of 45.59 feet to the beginning of a non-tangent curve concave Northerly, having a chord bearing of North 84°20'41" West; thence Westerly along said curve, having a radius of 4,704.55 feet, through a central angle of 04°18'22", an arc distance of 353.57 feet to a point of reverse curvature with a curve concave Southerly, having a chord bearing of North 82°34'11" West; thence Westerly along said curve, having a radius of 4,404.55 feet, through a central angle of 00°45'22", an arc distance of 58.12 feet to the end of said curve and the POINT OF BEGINNING.

Containing 10,401 square feet, more or less.

All together containing 11,126 square feet, more or less.

**RECORDED**

| INSTRUMENT       | RECORDED DATE | FROM  | TO                | O.R.B. & PG. |
|------------------|---------------|---|-------------------|--------------|
| Utility Easement | 03/14/2006    | Southeast Inv of PB Cty Inc. a.k.a. Southeast Investments of Palm Beach County, Inc., a Florida corporation | Palm Beach County | 20051 / 174  |

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  
COMMISSIONERS**

ATTEST:

Joseph Abruzzo,  
Clerk of the Circuit Court & Comptroller

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

By: \_\_\_\_\_  
ROBERT. S. WEINROTH  
Mayor

APPROVED AS TO TERMS AND  
CONDITIONS

*gm* By: Ali Bayat  
Director of Utilities

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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  
**ROBERT S. WEINROTH**, Mayor, Board of County Commissioners, who is personally known to me or  
who has produced as identification and who did not take an oath.

\_\_\_\_\_  
Typed name of Acknowledger  
Deputy Clerk

23-UTL.02-07/18

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:

Luis A. Gaztambide, P.S.M. (03/27/2020)

Document prepared by:

Diana Helmer (05/21/2020)

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

|                    |                       |
|--------------------|-----------------------|
| Parcel No.         | 814.3                 |
| Item/Segment No.   | 2296584               |
| Section:           | 93030-2503            |
| Managing District: | 04                    |
| S.R. No.           | 806 (Atlantic Avenue) |
| County:            | Palm Beach            |

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

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**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:

Parcel No. 814

Item/Segment No. 2296584

A portion of Tracts 13,14 and 15, Block 19, THE PALM BEACH FARMS CO. PLAT NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 26, all in the Public Records of Palm Beach County, Florida, lying in Section 19, Township 46 South, Range 42 East, as shown on Sheets 3 and 4 of the Florida Department of Transportation Right of Way Map for Item/Segment No. 2296584, Section 93030-2503 and being more particularly described as follows:



Commence at a brass disk in concrete stamped "Palm Beach County", found marking the Northwest (NW) Corner of Section 18, Township 46 South, Range 42 East; thence South 00°45'55" East along the West line of said Section 18, a distance of 5,432.77 feet to the Northwest (NW) Corner of said Section 19 and the Baseline of Survey of State Road 806 (Atlantic Avenue); thence North 89°32'49" East along the North line of said Section 19 and said Baseline of Survey of State Road 806 (Atlantic Avenue), a distance of 566.68 feet; thence South 00°27'11" East along a line at a right angle to the last described course, a distance of 87.19 feet to the POINT OF BEGINNING; thence South 05°38'42" West, a distance of 15.00 feet to the beginning of a non-tangent curve concave Southerly, having a chord bearing of South 83°16'24" East; thence Easterly along said curve, having a radius of 4,389.55 feet, through a central angle of 02°09'48", an arc distance of 165.74 feet to a point of reverse curvature with a curve concave Northerly, having a chord bearing of South 84°21'10" East; thence Easterly along said curve, having a radius of 4,719.55 feet, through a central angle of 04°19'19", an arc distance of 356.01 feet to the end of said curve and a line 200.00 feet Westerly of the Easterly line of said Tract 13; thence North 01°30'41" West along said line 200.00 feet Westerly of and parallel with the Easterly line of Tract 13, a distance of 15.06 feet to the beginning of a non-tangent curve concave Northerly, having a chord bearing of North 84°20'41" West; thence Westerly along said curve, having a radius of 4,704.55 feet, through a central angle of 04°18'22", an arc distance of 353.57 feet to a point of reverse curvature with a curve concave Southerly, having a chord bearing of North 82°34'11" West; thence Westerly along said curve, having a radius of 4,404.55 feet, through a central angle of 00°45'22", an arc distance of 58.12 feet to the end of said curve and a point on the Southerly line of the Northerly 100.00 feet of said Tract 14; thence South 89°32'49" West along said Southerly line, a distance of 25.18 feet to a point on the Westerly line of said Tract 14; thence North 01°09'14" West along said Westerly line of Tract 14, a distance of 3.25 feet to the beginning of a non-tangent curve concave Southerly, having a chord bearing of North 83°49'01" West; thence Westerly along said curve, having a radius of 4,404.55 feet, through a central angle of 01°04'35", an arc distance of 82.76 feet to the end of said curve and the POINT OF BEGINNING;

Containing 7,771 square feet, more or less.

**RECORDED**

| INSTRUMENT       | RECORDED DATE | FROM  | TO                | O.R.B. & PG. |
|------------------|---------------|---|-------------------|--------------|
| Utility Easement | 03/14/2006    | Southeast Inv of PB Cty Inc. a.k.a. Southeast Investments of Palm Beach County, Inc., a Florida corporation | Palm Beach County | 20051 / 0174 |

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.

[INTENTIONALLY LEFT BLANK]

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  
COMMISSIONERS**

ATTEST:

Joseph Abruzzo,  
Clerk of the Circuit Court & Comptroller

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

By: \_\_\_\_\_  
ROBERT. S. WEINROTH  
Mayor

APPROVED AS TO TERMS AND  
CONDITIONS

By: *Ali Bayat* \_\_\_\_\_  
Director of Utilities

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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  
**ROBERT S. WEINROTH**, Mayor, Board of County Commissioners, who is personally known to me or  
who has produced as identification and who did not take an oath.

\_\_\_\_\_  
Typed name of Acknowledger  
Deputy Clerk

ATTACHMENT 3  
Location Map

