3H-1 Agenda Item #

### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	June 14, 2022	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
Department:	Facilities Developme	ent & Operations	

## I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Utility Easement (Easement) in favor of Seacoast Utility Authority (Seacoast) for water, sewer and reclaim lines, and appurtenant equipment to service the Gardens North County District Park (Park).

**Summary:** The Park is located at 5101 117th Court North in the City of Palm Beach Gardens. During the recent Development of the Park an underground water main, sewer main, reclaimed water line, and appurtenant equipment (the "Improvements") were installed. A non-exclusive Easement will be granted to Seacoast at no charge, as the Improvements will only service the Park. The water main easement area is approximately 12 feet in width and 411 feet in length, containing approximately 4,858.95 square feet (0.112 acres). The sewer main easement area is approximately 20 feet in width and 1,735 feet in length, containing approximately 34,705.64 square feet (0.797 acres). The reclaimed waterline easement area is approximately 20 feet in width and 361 feet in length, containing approximately 7,217.18 square feet (0.166 acres). (Property and Real Estate Management) <u>District 1</u> (HJF)

**Background and Justification:** On January 23, 2018 (R2018-122), the Board approved a lease agreement with the City of Palm Beach Gardens (City) which allows the City the use of the 81.7 acres park property for the development of a district park with active recreational facilities to serve residents and visitors in northern Palm Beach County. The initial term of the lease agreement is for 50 years with one 50 year renewal option. The Easement being granted to Seacoast will be recorded in the public records to document its existence and location.

#### Attachments:

- 1. Location Map
- 2. Utility Easement

Recommended By:	Some 1. ayal Collos	5/9/22
Approved By:	Department Director	Date 5/24/2-2-
	County Administrator	Date

#### II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs					
External Revenues					- <u> </u>
Program Income (County)					
In-Kind Match (County					
NET FISCAL IMPACT	0				
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current	Budget:	Yes	No <u>X</u>		
Does this item include the u	se of federal	funds? Ye	s No <u>X</u>		
Budget Account No: Fur	nd <u>N/A</u>	Dept	Unit	Object	

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

This item has no fiscal impact

**Fixed Asset Number** N/A

**Departmental Fiscal Review:** С.

## III. <u>REVIEW COMMENTS</u>

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

OFMB 4

23 (22) opment and Contract Deve Contro

В. Legal Sufficiency: Assistant County Attorney

С. **Other Department Review:** 

Department Director

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

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April 6, 2022

Attachment No. 1 Location Map - Page 1 of 1

Attachment No. 2 Utility Easement – 24 Pages Prepared by: Howard J. Falcon, III Assistant County Attorney Palm Beach County, County Attorney's Office 301 North Olive Avenue, Suite 601 West Palm Beach, Florida 33401-4791

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

Property Control Number: 52-42-42-02-00-000-1040 & 52-42-42-01-00-000-3050

## UTILITY EASEMENT

THIS INDENTURE, made \_\_\_\_\_\_, by PALM BEACH COUNTY, by and through its Board of County Commissioners, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, ("COUNTY"), in favor of the SEACOAST UTILITY AUTHORITY, whose address is 4200 Hood Road, Palm Beach Garden, Florida 33410 ("SEACOAST").

#### WITNESSETH:

That the COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto SEACOAST, its successors and assigns, upon the conditions hereinafter set forth, a perpetual non-exclusive easement over, across, through and upon, under or within that parcel of land located in Palm Beach County, Florida, described on <u>Exhibit "A-1", "A-2" and "A-3"</u> attached hereto and made a part hereof as if recited at length (the "Easement Premises") for the construction, operation and maintenance of an underground water main, sewer main, reclaimed water line, and appurtenances thereto, to be installed from time to time, or to be altered, improved, or removed therefrom together with the right to cut and keep clear trees, brush or undergrowth therefrom and all other obstructions that might endanger or interfere therewith, and the right of ingress and egress thereto.

The water main improvements will be restricted to the portion of the Easement Premises as described in Exhibit "A-1", the sewer main improvements will be restricted to that portion of the Easement Premises as described in Exhibit "A-2", and the reclaimed water line improvements will be restricted to that portion of the Easement Premises as described in Exhibit "A-3".

Page 1 of 3

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

1. SEACOAST shall cause the water main, sewer main, reclaimed water line and their appurtenances to be constructed within the confines of the Easement Premises.

2. SEACOAST hereby expressly agrees that in the event that SEACOAST, its successors and assigns, ceases to use the Easement Premises for the purposes herein expressed, the easement granted hereby shall become null and void, and all the right, title and interest in and to the Easement Premises shall revert to the COUNTY.

3. SEACOAST further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its water main, sewer main, reclaimed water line and appurtenances within the Easement Premises at all times during the term hereof.

#### (REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

Page 2 of 3

**IN WITNESS WHEREOF**, the COUNTY 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:** 

By:

#### JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURTS & COMPTROLLER

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

By:

Robert S. Weinroth, Mayor

Signed and delivered in the presence of:

Deputy Clerk

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: <u>Department Director</u>

G:\PREM\PR-Palm Beach Gardens District Park-dk\Water and Sewer Easement\Utility Easement.HF approved 3-28-2022.docx

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Exhibit "A-1"

## EXHIBIT "A-1"

#### THE GARDENS NORTH COUNTY DISTRICT PARK

#### LEGAL DESCRIPTION:

A 12.00 FOOT WIDE STRIP OF LAND LYING WITHIN SECTION 1, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND ALSO LYING WITHIN AND BEING A PORTION OF THE PROPERTY NOW KNOWN AS "NORTH COUNTY DISTRICT PARK" (FORMERLY KNOWN AS PARCEL 31.09 & 31.12) AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 11802, PAGE 780, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, THE CENTER LINE OF THE SAID 12.00 FOOT WIDE STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, THE SAID POINT OF COMMENCEMENT HAVING A PALM BEACH COUNTY PUBLISHED POSITION STATE PLANE GRID COORDINATE VALUE OF; NORTH: 917049.261, EAST: 945499.505; THENCE SOUTH 01°52'51" WEST ALONG THE WEST LINE OF SAID SECTION 1 (THE WEST LINE OF SAID SECTION 1 HAS A GRID BEARING OF SOUTH 01°52'51" WEST AND ALL OTHER BEARINGS CONTAINED HEREIN ARE RELATED THERETO), A DISTANCE OF 810.41 FEET TO A POINT ON THE NORTH LINE OF THE SAID "NORTH COUNTY DISTRICT PARK" AS DESCRIBED IN THAT SAID CERTAIN SPECIAL WARRANTY DEED; THENCE SOUTH 01°52'51" WEST, CONTINUING ALONG THE SAID WEST SECTION LINE, A DISTANCE OF 846.58 FEET TO A POINT ON A SOUTH LINE OF THE SAID "NORTH COUNTY DISTRICT PARK", THE SAID SOUTH LINE ALSO BEING THE NORTH LINE OF 117TH COURT NORTH AS DESCRIBED IN OFFICIAL RECORD BOOK 6496, PAGE 325, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°21'18" EAST, ALONG THE SAID SOUTH LINE AND THE SAID NORTH LINE, A DISTANCE OF 30.01 FEET TO A POINT ON A WEST LINE OF THE SAID "NORTH COUNTY DISTRICT PARK"; THENCE SOUTH 01°52'52" WEST, ALONG THE SAID WEST LINE AND THE SAID NORTH LINE, A DISTANCE OF 30.01 FEET TO A POINT ON A WEST LINE OF THE SAID SOUTH LINE AND THE SAID NORTH LINE, A DISTANCE OF 30.01 FEET TO A POINT ON A WEST LINE OF THE SAID SOUTH LINE AND THE SAID NORTH LINE, A DISTANCE OF 1.32 FEET TO THE POINT OF BEGINNING FOR THE HEREINAFTER DESCRIBED CENTER LINE FOR THE SAID 12.00 FOOT WIDE STRIP OF LAND;

THENCE SOUTH 88°07'08" EAST, DEPARTING THE SAID WEST LINE AND ALONG THE SAID CENTERLINE, A DISTANCE OF 75.00 FEET TO REFERENCE POINT 'A'; THENCE SOUTH 01°52'52" WEST, DEPARTING SAID REFERENCE 'A' AND ALONG THE SAID CENTERLINE, A DISTANCE OF 61.02 FEET TO THE POINT OF TERMINUS POINT 'A';

THENCE RETURNING TO REFERENCE POINT 'A';

THENCE ALONG THE SAID CENTERLINE FOR THE FOLLOWING THREE (3) COURSES:

- 1. THENCE SOUTH 88'07'08 EAST, DEPARTING SAID REFERENCE POINT 'A', A DISTANCE OF 220.50 FEET;
- 2. THENCE SOUTH 01°52'52" WEST, A DISTANCE OF 35.89 FEET;
- 3. THENCE SOUTH 88'07'08" EAST, A DISTANCE OF 18.50 FEET TO THE POINT OF TERMINUS 'B'.

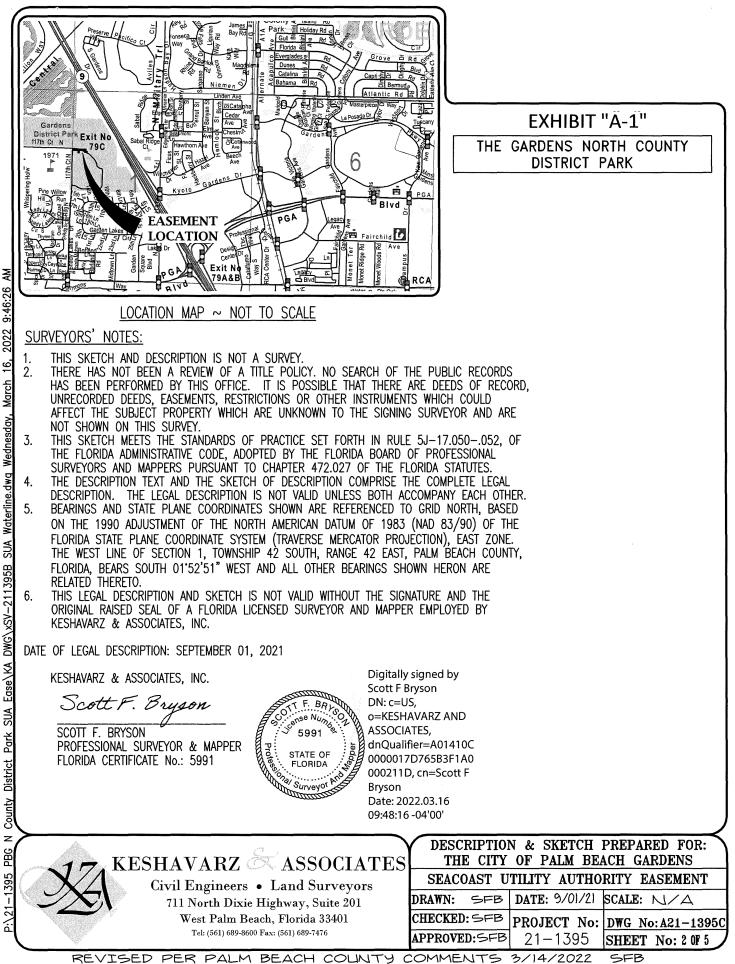
THE SIDELINES OF THE SAID 12.00 FOOT WIDE STRIP OF LAND LYING 6.00 FEET EACH SIDE OF THE ABOVE DESCRIBED CENTER LINE TO BE EXTENDED OR SHORTENED TO MEET AT ANGLE POINTS, A LINE PERPENDICULAR TO THE SIDELINES AS STRUCK FROM POINT OF TERMINUS 'A' AND TERMINUS POINT 'B' AND TO MEET AT A SAID WEST LINE AND THE NORTHERLY PROJECTION THEREOF FOR THAT SAID PROPERTY NOW KNOWN AS "NORTH COUNTY DISTRICT PARK" AS DESCRIBED IN THAT SAID CERTAIN SPECIAL WARRANTY DEED.

CONTAINING IN ALL 4,858.951 SQUARE FEET AND / OR 0.112 ACRES, MORE OR LESS.

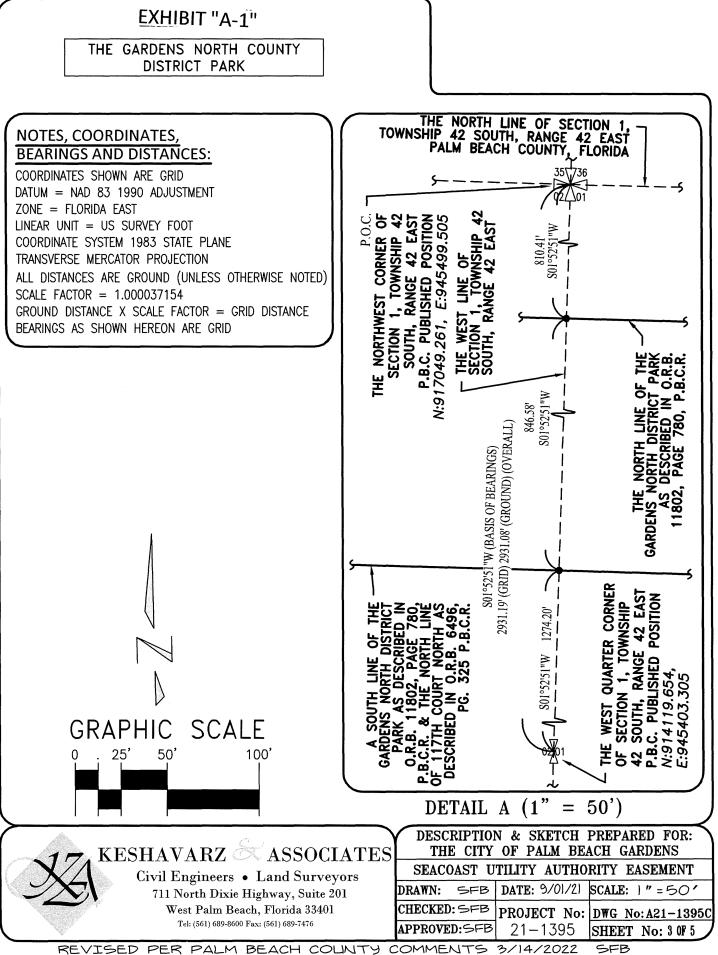


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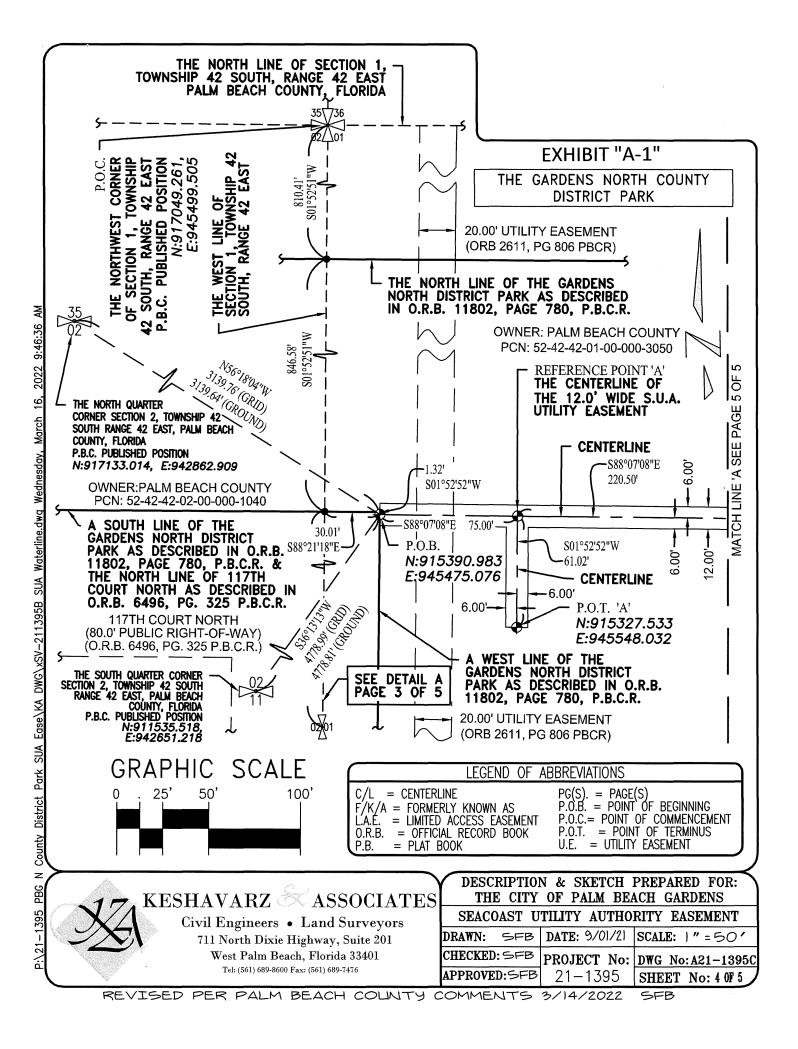
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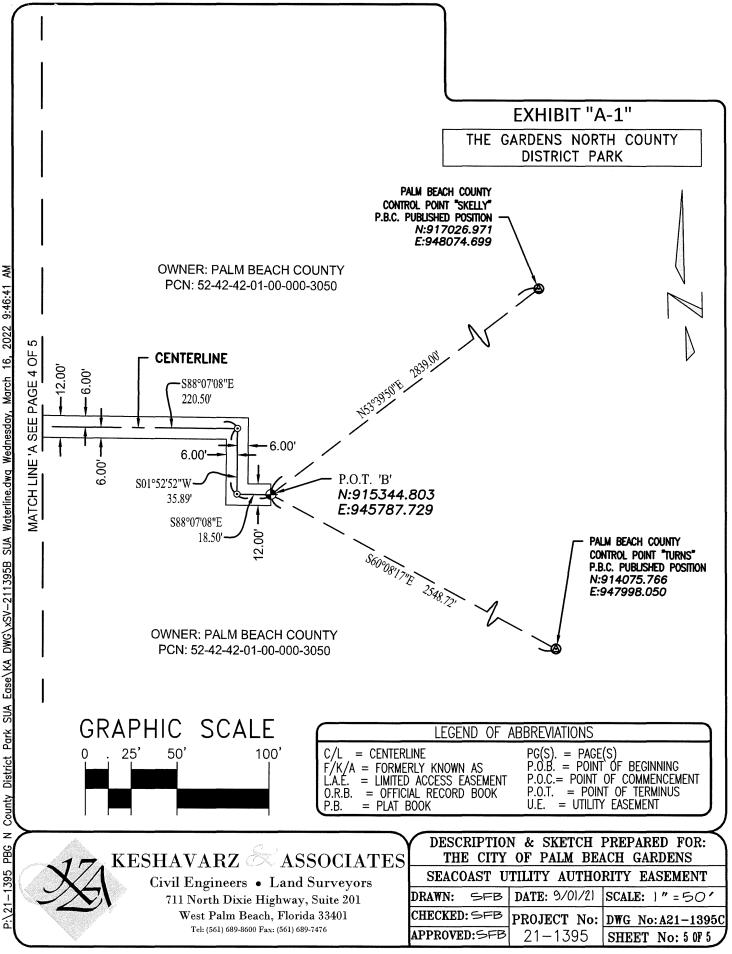
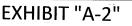


Exhibit "A-2"



#### THE GARDENS NORTH COUNTY DISTRICT PARK

### LEGAL DESCRIPTION:

A 20.00 FOOT WIDE STRIP OF LAND LYING WITHIN SECTIONS 1 AND 2, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND ALSO LYING WITHIN AND BEING A PORTION OF THE PROPERTY NOW KNOWN AS "NORTH COUNTY DISTRICT PARK" (FORMERLY KNOWN AS PARCEL 31.09 & 31.12) AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 11802, PAGE 780, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, THE CENTER LINE OF THE SAID 20.00 FOOT WIDE STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, THE SAID POINT OF COMMENCEMENT HAVING A PALM BEACH COUNTY PUBLISHED POSITION STATE PLANE GRID COORDINATE VALUE OF; NORTH: 917049.261, EAST: 945499.505; THENCE SOUTH 01°52'51" WEST ALONG THE WEST LINE OF SAID SECTION 1 (THE WEST LINE OF SAID SECTION 1 HAS A GRID BEARING OF SOUTH 01°52'51" WEST AND ALL OTHER BEARINGS CONTAINED HEREIN ARE RELATED THERETO), A DISTANCE OF 810.41 FEET TO A POINT ON THE NORTH LINE OF THE SAID "NORTH COUNTY DISTRICT PARK" AS DESCRIBED IN THAT SAID CERTAIN SPECIAL WARRANTY DEED; THENCE SOUTH 01°52'51" WEST, CONTINUING ALONG THE SAID WEST SECTION LINE, A DISTANCE OF 636.21 FEET TO REFERENCE POINT 'A' AND THE BEGINNING FOR THE HEREINAFTER DESCRIBED CENTERLINE FOR THE SAID 20.00 FOOT WIDE STRIP OF LAND;

THENCE SOUTH 88'20'46" EAST, DEPARTING THE SAID REFERENCE POINT 'A' AND ALONG THE SAID CENTERLINE, A DISTANCE OF 272.57 FEET TO THE POINT OF TERMINUS 'A';

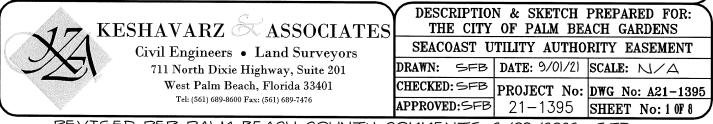
THENCE RETURNING TO REFERENCE POINT 'A';

THENCE ALONG THE SAID CENTERLINE FOR THE FOLLOWING FIVE (5) COURSES:

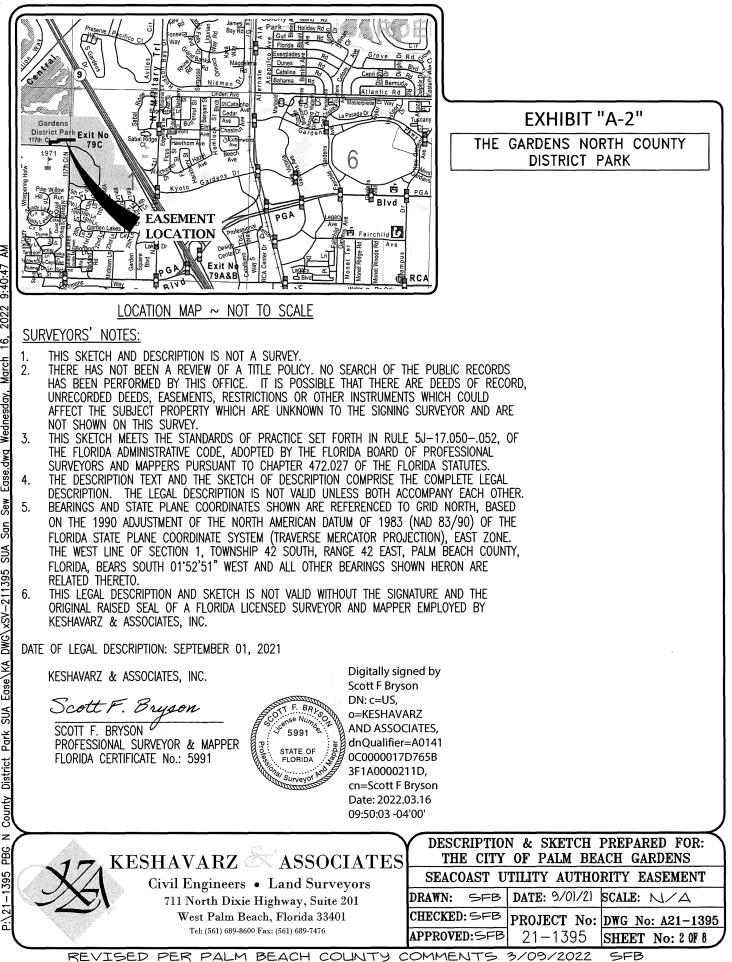
- 1. THENCE NORTH 88"20'46" WEST, DEPARTING SAID REFERENCE POINT 'A', A DISTANCE OF 137.43 FEET;
- 2. THENCE NORTH 88°21'33" WEST, A DISTANCE OF 400.00 FEET;
- 3. THENCE SOUTH 43'38'26 WEST, A DISTANCE OF 142.30 FEET;
- 4. THENCE NORTH 88°21'33" WEST, A DISTANCE OF 678.42 FEET;
- 5. THENCE SOUTH 01'52'52" WEST, A DISTANCE OF 104.56' TO THE POINT OF TERMINUS 'B', SAID TERMINUS POINT 'B' BEING ON A SOUTH LINE OF THAT SAID PROPERTY NOW KNOWN AS "NORTH COUNTY DISTRICT PARK" AS DESCRIBED IN THAT SAID CERTAIN SPECIAL WARRANTY DEED AND ALSO BEING ON THE NORTH LINE OF 117TH COURT NORTH AS DESCRIBED IN OFFICIAL RECORD BOOK 6496, PAGE 325, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

THE SIDELINES OF THE SAID 20.00 FOOT WIDE STRIP OF LAND LYING 10.00 FEET EACH SIDE OF THE ABOVE DESCRIBED CENTER LINE TO BE EXTENDED OR SHORTENED TO MEET AT ANGLE POINTS, A LINE PERPENDICULAR TO THE SIDELINES AS STRUCK FROM POINT OF TERMINUS 'A' AND TO MEET AT A SOUTH LINE OF THAT SAID PROPERTY NOW KNOWN AS "NORTH COUNTY DISTRICT PARK" AS DESCRIBED IN THAT SAID CERTAIN SPECIAL WARRANTY DEED AND THE NORTH LINE OF SAID 117TH COURT NORTH.

CONTAINING IN ALL 34,705.64 SQUARE FEET AND / OR 0.797 ACRES, MORE OR LESS.



REVISED PER PALM BEACH COUNTY COMMENTS 3/09/2022 SFB



<b>EXH</b>	BIT	"A-2"	
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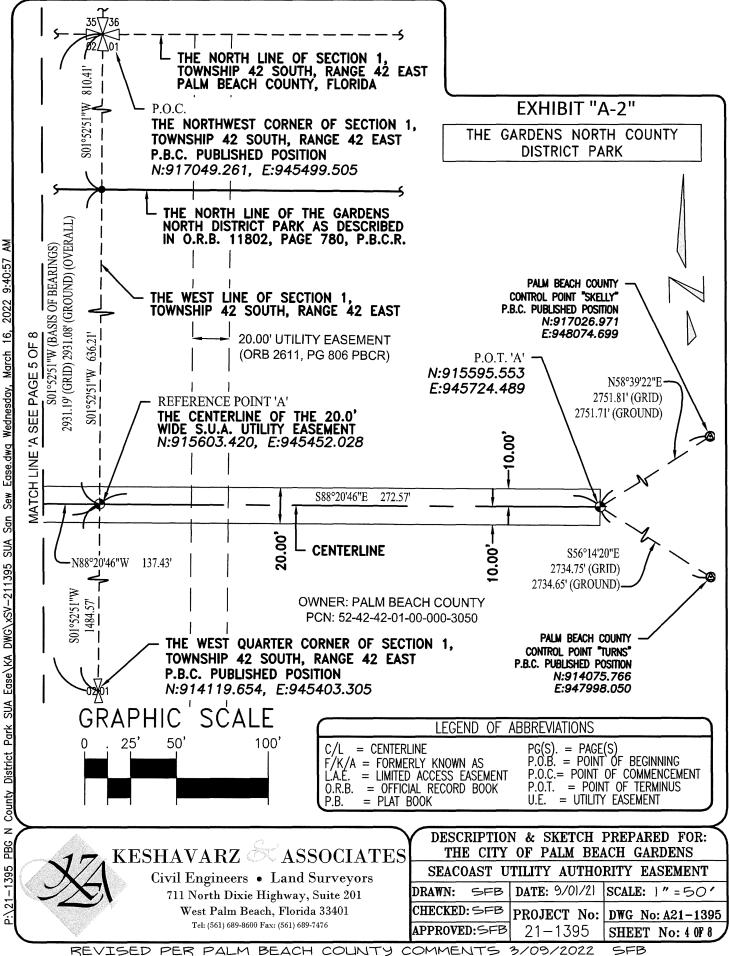
THE GARDENS NORTH COUNTY DISTRICT PARK

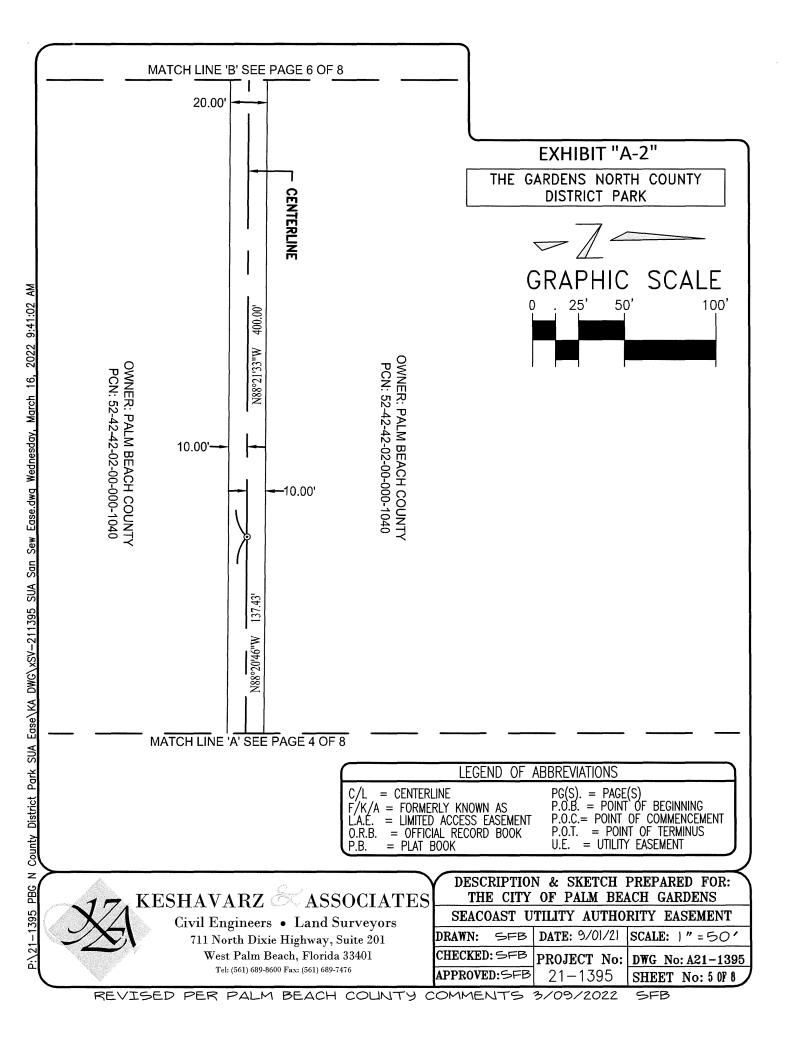
#### NOTES, COORDINATES, BEARINGS AND DISTANCES:

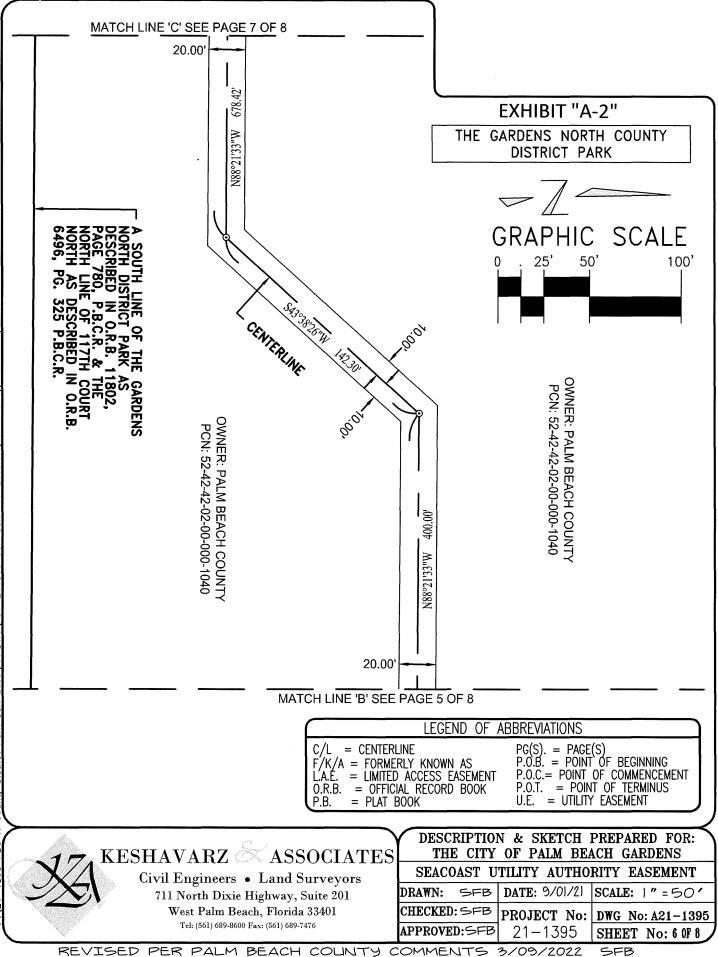
COORDINATES SHOWN ARE GRID DATUM = NAD 83 1990 ADJUSTMENT ZONE = FLORIDA EAST LINEAR UNIT = US SURVEY FOOT COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION ALL DISTANCES ARE GROUND (UNLESS OTHERWISE NOTED) SCALE FACTOR = 1.000037154 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE BEARINGS AS SHOWN HEREON ARE GRID

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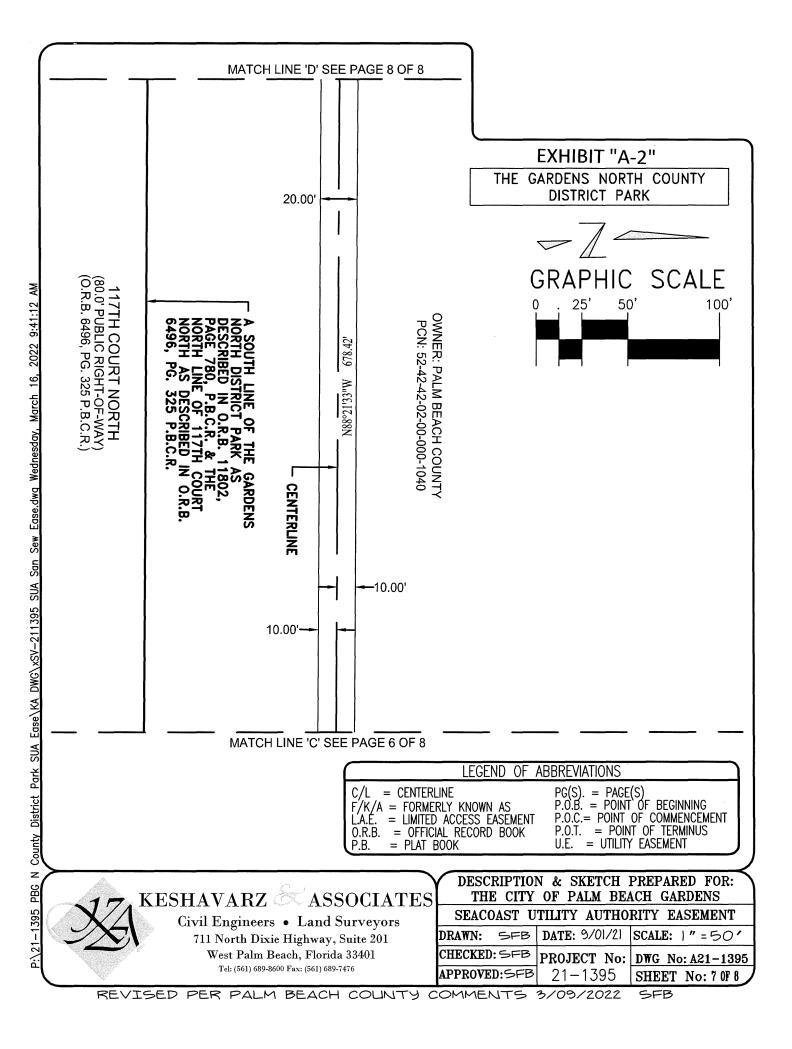
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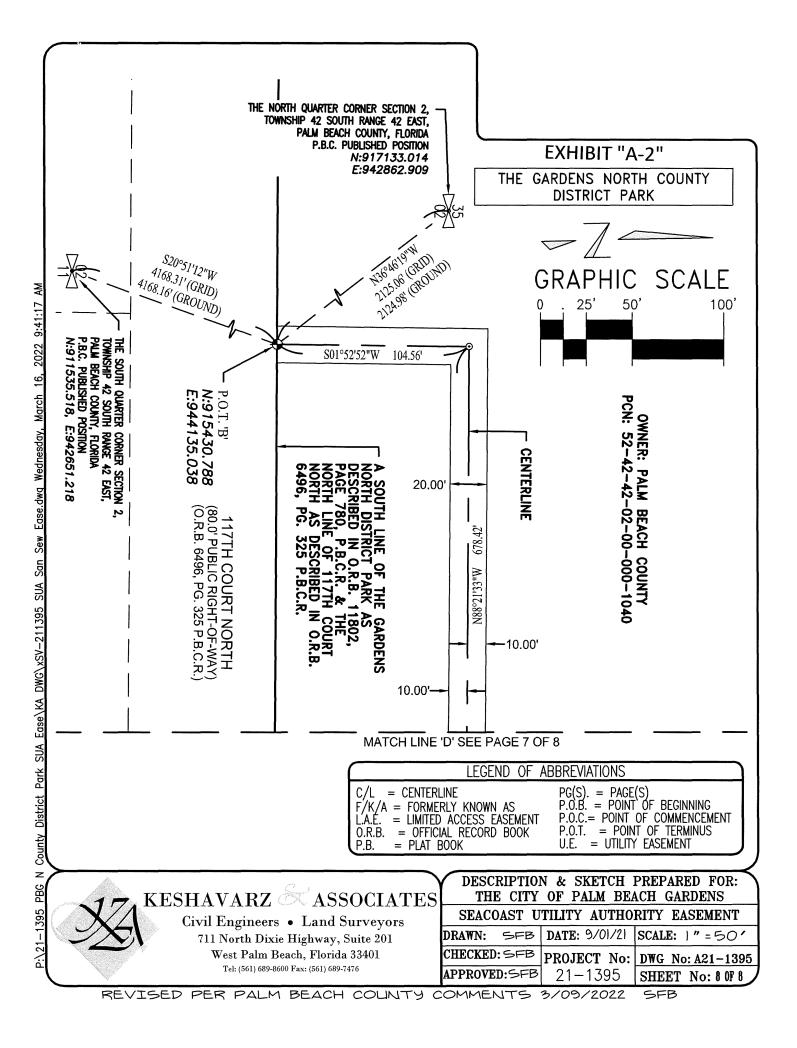


Exhibit "A-3"



#### THE GARDENS NORTH COUNTY DISTRICT PARK

#### LEGAL DESCRIPTION:

A 20.00 FOOT WIDE STRIP OF LAND LYING WITHIN SECTIONS 1 AND 2, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND ALSO LYING WITHIN AND BEING A PORTION OF THE PROPERTY NOW KNOWN AS "NORTH COUNTY DISTRICT PARK" (FORMERLY KNOWN AS PARCEL 31.09 & 31.12) AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 11802, PAGE 780, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, THE CENTER LINE OF THE SAID 20.00 FOOT WIDE STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, THE SAID POINT OF COMMENCEMENT HAVING A PALM BEACH COUNTY PUBLISHED POSITION STATE PLANE GRID COORDINATE VALUE OF; NORTH: 917049.261, EAST: 945499.505; THENCE SOUTH 01\*52'51" WEST ALONG THE WEST LINE OF SAID SECTION 1 (THE WEST LINE OF SAID SECTION 1 HAS A GRID BEARING OF SOUTH 01\*52'51" WEST AND ALL OTHER BEARINGS CONTAINED HEREIN ARE RELATED THERETO), A DISTANCE OF 810.41 FEET TO A POINT ON THE NORTH LINE OF THE SAID "NORTH COUNTY DISTRICT PARK" AS DESCRIBED IN THAT SAID CERTAIN SPECIAL WARRANTY DEED; THENCE SOUTH 88\*21'18" EAST, ALONG THE SAID NORTH LINE, A DISTANCE OF 50.00 FEET TO A POINT ON LINE PARALLEL WITH AND 50.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE SAID WEST LINE OF SAID SECTION 1, THE SAID PARALLEL LINE ALSO BEING THE WEST LINE OF THAT CERTAIN EXISTING 20.00 FOOT WIDE EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 2611, PAGE 806, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01\*52'51 WEST, ALONG THE SAID PARALLEL LINE AND ALONG THE SAID WEST EASEMENT LINE, A DISTANCE OF 134.50 FEET TO THE POINT OF BEGINNING FOR THE HEREINAFTER DESCRIBED CENTER LINE FOR THE SAID 20.00 FOOT WIDE STRIP OF LAND;

THENCE ALONG THE SAID CENTER LINE OF THE SAID 20.00 FOOT WIDE STRIP FOR THE NEXT THREE (3) COURSES;

- 1. THENCE SOUTH 46'52'51" WEST, DEPARTING THE SAID PARALLEL LINE, THE SAID WEST EASEMENT LINE AND THE SAID POINT OF BEGINNING, A DISTANCE OF 98.29 FEET TO A POINT ON A LINE PARALLEL WITH AND 19.50 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE SAID WEST LINE OF SAID SECTION 1;
- 2. THENCE SOUTH 01'52'51" WEST, ALONG THE SAID PARALLEL LINE, A DISTANCE OF 164.28 FEET;
- 3. THENCE SOUTH 43'07'09 EAST, DEPARTING THE SAID PARALLEL LINE, A DISTANCE OF 98.29 FEET TO A POINT ON A LINE PARALLEL WITH AND 50.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO THE SAID WEST LINE OF SAID SECTION 1, THE SAID POINT ALSO BEING ON THE WEST LINE OF THAT SAID EXISTING 20.00 FOOT WIDE EASEMENT AND THE SAID POINT ALSO BEING THE POINT OF TERMINUS OF THE ABOVE DESCRIBED CENTERLINE.

THE SIDELINES OF THE SAID 20.00 FOOT WIDE STRIP OF LAND, LYING 10.00 FEET EACH SIDE OF THE ABOVE DESCRIBED CENTER LINE, TO BE EXTENDED OR SHORTENED TO MEET AT ANGLE POINTS AND TO MEET AT THE SAID WEST LINE OF THE SAID EXISTING 20.00 FOOT WIDE EASEMENT IN SAID OFFICIAL RECORD BOOK 2611, PAGE 806.

CONTAINING IN ALL 7,217.180 SQUARE FEET AND / OR 0.166 ACRES, MORE OR LESS.



-	KESHAVARZ ASSOCIATES Civil Engineers • Land Surveyors	DESC TH				PREPARED F ACH GARDEN	
Ά	Civil Engineers • Land Surveyors	SEAC	OAST U	TILITY	AUTHO	RITY EASEMI	ENT
	711 North Dixie Highway, Suite 201	DRAWN:	SFB	DATE:	9/01/21	SCALE: N//A	4
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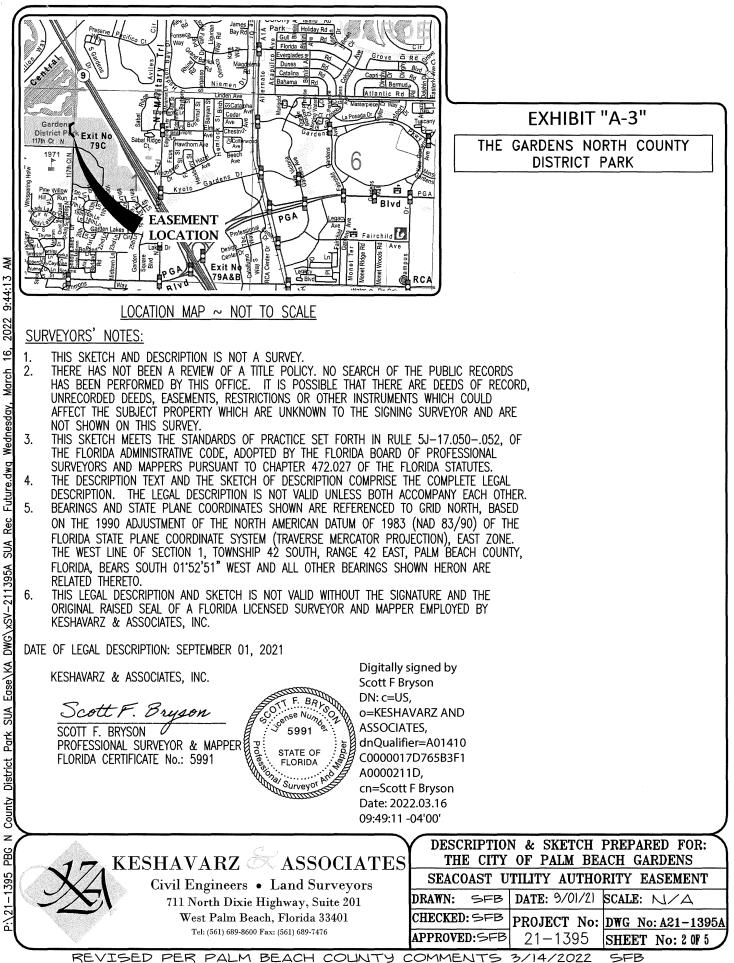


EXHIBIT "A-3"

THE GARDENS NORTH COUNTY DISTRICT PARK

NOTES, COORDINATES, BEARINGS AND DISTANCES:

COORDINATES SHOWN ARE GRID DATUM = NAD 83 1990 ADJUSTMENT ZONE = FLORIDA EAST LINEAR UNIT = US SURVEY FOOT COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION ALL DISTANCES ARE GROUND (UNLESS OTHERWISE NOTED) SCALE FACTOR = 1.000037154 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE BEARINGS AS SHOWN HEREON ARE GRID



KESHAVARZ ASSOCIATES Civil Engineers • Land Surveyors 711 North Dixie Highway, Suite 201 West Palm Beach, Florida 33401 Tel: (561) 689-8600 Fax: (561) 689-7476

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5	THE CITY	OF PALM BEA	ACH GARDENS
	SEACOAST U	TILITY AUTHO	RITY EASEMENT
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	CHECKED: SFB	PROJECT No:	DWG No: A21-1395A
	APPROVED:SFB	21-1395	SHEET No: 3 OF 5

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