

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 14, 2024 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) adopt a Resolution authorizing the exchange of 1.649 acres of County-owned land in Gardens North County District Park (District Park) in Palm Beach Gardens for 1.722 acres of land owned by Florida Department of Transportation (FDOT), without charge and without reservation of phosphate, mineral, metals, and petroleum rights, pursuant to Section 125.38, Florida Statutes;

B) accept a Quit Claim Deed from FDOT to Palm Beach County (County) conveying 1.722 acres of land, without charge and without reservation of phosphate, mineral, metals, and petroleum rights;

C) approve a County Deed to FDOT, conveying 1.649-acres of land, without charge and without reservation of phosphate, mineral, metals and petroleum rights;

D) approve a Second Amendment to Lease Agreement with the City of Palm Beach Gardens (City) modifying the legal description of the District Park to be consistent with the land exchange;

E) approve an Amendment and Partial Release of Conservation Easement of 1.649 acre strip of land along the eastern portion of the Conservation Easement area modifying the legal description of the District Park to be consistent with the land exchange;

F) approve a Temporary Construction Easement in favor of FDOT for the interchange lane at Military Trail South and Interstate 95; and

G) approve a Subordination of Easement Interest to FDOT subordinating a portion of the easement to grant all the rights necessary to certify the right of way for the FDOT construction project.

Continued on page 3

Attachments:

1. Location Map
2. County Resolution with Exhibits "A" and "B"
3. FDOT Deed with Exhibit "A"
4. County Deed with Exhibit "A"
5. City Resolution Approving Exchange
6. Second Amendment to Lease Agreement with Exhibit "A1" (2 copies)
7. Amendment and Partial Release of Conservation Easement with Exhibits (2 copies)
8. Temporary Construction Easement with Exhibit "A"
9. Subordination of Easement Interest with Exhibit "A"

Recommended By: *Rosemary C. Gallegos* 5/7/24
 Department Director Date

Approved By: *J. Baker* 5/10/24
 County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	-\$0-	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>-\$0-</u>	<u>-\$0-</u>	<u>-\$0-</u>	<u>-\$0-</u>	<u>-\$0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X

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

Does this item include the use of state funds? Yes _____ No X

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

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

NO FISCAL IMPACT.

Fixed Assets Number 109614 109615 *Q.D. News, My., Atmo, OFMB 5/7/24*

C. Departmental Fiscal Review: *[Signature]*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:


[Signature] 5/9/24
 OFMB QA 58
EDW 5-8-24

[Signature] 5/9/24
 Contract Development and Control
MD 5/9/24

B. Legal Sufficiency:

[Signature] 5/10/24
 for H. Falcon
 Assistant County Attorney

C. Other Department Review:

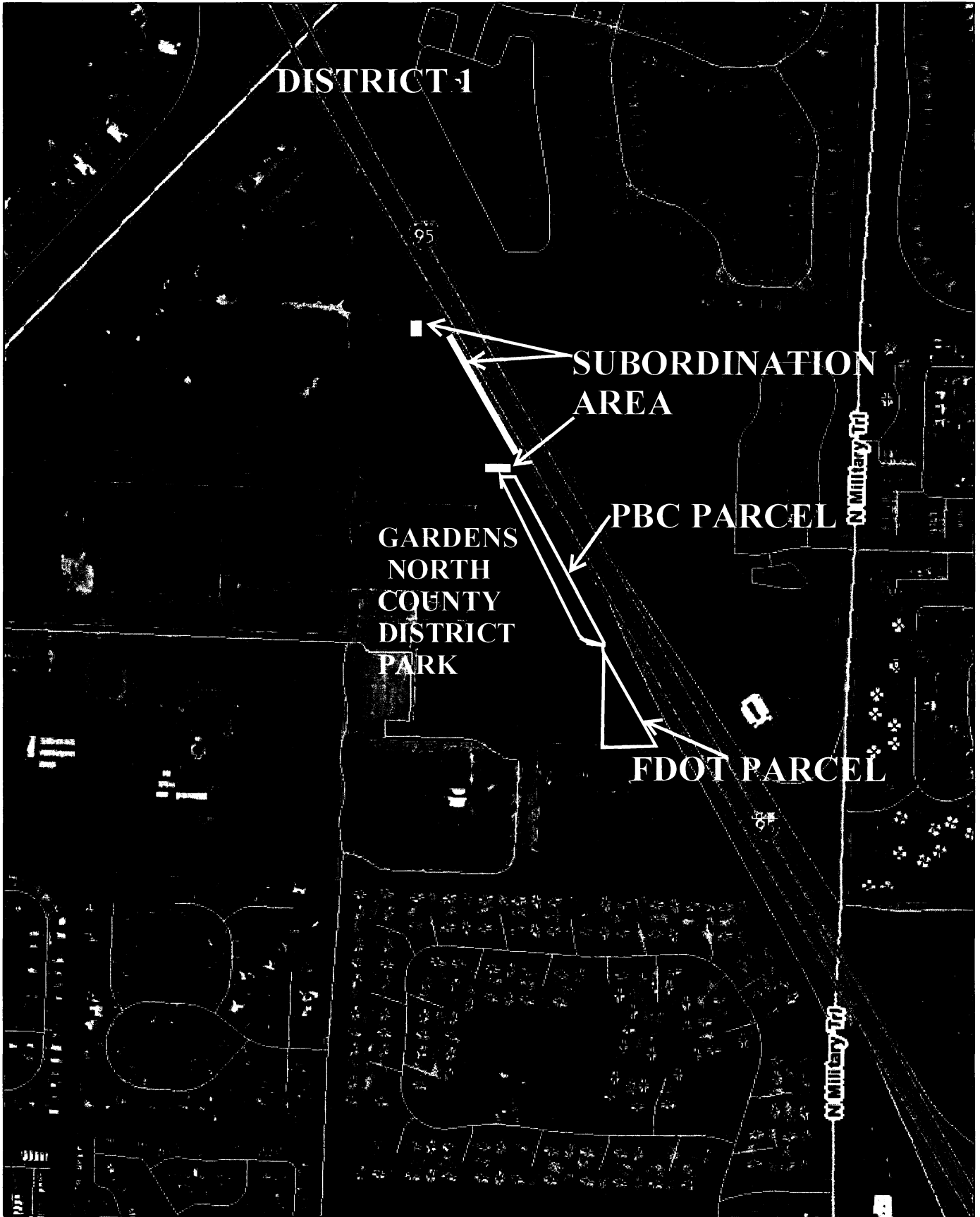
Jennifer Cirillo 
 Department Director

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

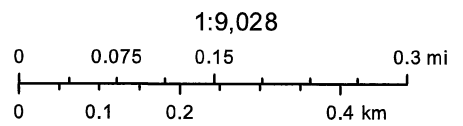
Summary: FDOT desires to expand the deceleration lane off of Southbound I-95 at the Military Trail South exit. The project requires a strip of land along the eastern portion of the District Park to complete the expansion. Although the District Park property is owned by the County, it is the subject of a Lease Agreement (R2018-122) between the County and the City and a Conservation Easement (R2010-2141) in favor of the City. FDOT has requested 1.649 acres of the District Park property in exchange for 1.722 acres of FDOT property which would be incorporated into the District Park. The City approved the land swap between the County and FDOT by passing City Resolution 1, 2024. Amendment No. 2 to the Lease Agreement and the Amendment and Partial Release of Conservation Easement between the City and the County modify the legal description in both documents to release the 1.649-acre County-owned portion and add the 1.722-acre FDOT-owned portion. The District Park property is also subject to a Grant of Easements (R2000-0560) with the property owner to the north, which grant mutual rights to install utilities within the easement areas as defined in the Grant of Easements. A Subordination of Easement Interest is required for FDOT to move forward with its expansion. In addition, to begin construction, FDOT requires a Temporary Construction Easement (TCE) to tie in (sloping and grading) to the remaining District Park Property. The TCE terminates upon completion of the project or December 31, 2034, whichever is earlier and the Subordination of Easement allows the County to locate any future facilities onto public right-of-way or to construct facilities on the subordinated property subject to FDOT's review and approval. The Quit Claim Deed, the County Deed, the Amendment and Partial Release of Conservation Easement and Subordination of Easement Interest will be recorded to provide public notice of the land exchange. FDOT will execute the Subordination of Easement prior to finalizing the land exchange. Staff will complete its due diligence review of the property prior to finalizing the land exchange. There are no costs associated with the approval of this agenda item. **(Property & Real Estate Management) District 1 (HJF).**

Background and Policy Issues: On January 23, 2018, the County and the City entered into a Lease Agreement to facilitate the development of the District Park, consisting of 81.7 acres located at 5101 117th Court North in Palm Beach Gardens, for use by all residents of the County. In addition to the Lease Agreement, the District Park property is encumbered by a County Conservation Easement in favor of the City and a Grant of Easements, recorded on May 25, 2009, between the County and Communities Finance Company (CFC) allowing utility easement within portions of the northern limits of the District Park property and the eastern limits of the CFC property located north of and adjacent to the District Park property. The CFC property is currently owned by the Old Palm Community Development District. As part of its project to expand the deceleration lane off of I-95, FDOT has requested 1.649 acres of the District Park property in exchange for 1.722 acres of FDOT property which would be incorporated into the District Park. The City joins the County in conveying the 1.649 acres of land to FDOT in exchange for a larger (1.722 acres) portion of land owned by FDOT. Amendment No. 2 to the Lease Agreement and the Amendment and Partial Release of Conservation Easement update the legal description to be consistent with the land exchange. The TCE and Subordination of Easement Interest are granted to FDOT, as required to complete the I-95 expansion project. The TCE shall terminate upon completion of the project but no later than December 31, 2034. The Subordination of Easement Interest allows the County to locate any future facilities onto public right-of-way or to construct facilities on the subordinated property subject to FDOT's review and approval.

LOCATION MAP



March 21, 2024



ATTACHMENT NO. 1

Attachment #2
Resolution 2@ 12 pages each

RESOLUTION NO. 2024 - _____

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

WHEREAS, the Board of County Commissioners desires to acquire for County purposes certain real property owned by State of Florida Department of Transportation (“FDOT”); and

WHEREAS, State Of Florida Department Of Transportation (“FDOT”), desires to acquire certain real property from County; and

WHEREAS, the Board of County Commissioners of Palm Beach County has determined that the County Property is not needed for County purposes and may, to the best interest of the County, be exchanged for real property owned by FDOT, pursuant to the Florida Statute Section 125.38; and

WHEREAS, FDOT has petitioned County pursuant to Florida Statutes Section 270.11, to convey County-owned real property without reservation of phosphate, mineral, metals and petroleum rights in order to render title to such property marketable; and

WHEREAS, the Board of County Commissioners hereby finds that conveyance to FDOT, without reserving phosphate, mineral, metals and petroleum rights, is appropriate and justified in light of the impact reservation of such mineral or petroleum rights would have upon the marketability, value, and develop ability of such real property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Recitals

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

Section 2. Authorization to Convey Real Property

The Board of County Commissioners of Palm Beach County shall convey to FDOT, the real property owned by Palm Beach County as legally described in, and pursuant to the terms of the County Deed attached hereto as **Exhibit “A”** and incorporated herein by reference, without reserving phosphate, mineral, metals and petroleum rights, in exchange for real property owned by FDOT, and legally described in the Quit Claim Deed attached hereto as **Exhibit “B”**.

Section 3. Conflict with Federal or State Law or County Charter

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

Section 4. Effective Date

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

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

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 Maria Sachs, Mayor
Commissioner Maria G. Marino, Vice Mayor
Commissioner Gregg K. Weiss
Commissioner Michael A. Barnett
Commissioner Marci Woodward
Commissioner Sara Baxter
Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2024.

PALM BEACH COUNTY, a political
subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS


JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT &
COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO
LEGAL SUFFICIENCY

By:  for H. Falcon
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: 
Department Director

**EXHIBIT "A"
COUNTY DEED**

PREPARED BY AND RETURN TO:
Lorymil Melendez-Delgado, Real Estate Specialist
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 52-42-42-01-00-000-3050 (a portion of)

COUNTY DEED

THIS DEED made this _____, by **PALM BEACH COUNTY, a political subdivision of the State of Florida**, whose address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, "County", and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, whose mailing address is 3400 W. Commercial Boulevard, Fort Lauderdale, Florida 33309, "Grantee".

WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee and assigns forever, the following described land lying and being in Palm Beach County, Florida:

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

IN WITNESS WHEREOF, County 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:

JOSEPH ABRUZZO
Clerk of the Circuit Court
and Comptroller

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

By: _____
Deputy Clerk

By: _____
Maria Sachs, Mayor

**APPROVED AS TO
LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: _____
County Attorney

**EXHIBIT "A" - PARCEL 101
LEGAL DESCRIPTION & SKETCH**


A portion of land lying in Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

BEGIN at the Southeasterly Corner of Open Space Tract 2, OLD PALM EAST, according to the plat thereof, as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along the Easterly projection of the Southerly line of Open Space Tract 2, a distance of 17.72 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence South 30°31'54" East along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95), a distance of 529.75 feet; thence South 26°31'54" East continuing along said Westerly Existing Limited Access Right of Way line, a distance of 433.40 feet; thence South 01°48'15" West, a distance of 96.09 feet to the beginning of the New Limited Access Right of Way line of said State Road 9 (I-95), also being the beginning of a non-tangent curve concave Northeasterly, having a chord bearing of North 29°14'43" West; thence Northwesterly along said curve and said New Limited Access Right of Way line, having a radius of 8,397.00 feet, through a central angle of 02°47'04", an arc distance of 408.06 feet to the end of said curve; thence North 31°17'51" West continuing along said New Limited Access Right of Way line, a distance of 686.79 feet to the end of said New Limited Access Right of Way line and a point on the Southerly line of said Open Space Tract 2, thence South 88°21'24" East along said Southerly line of Open Space Tract 2, a distance of 78.84 feet to the POINT OF BEGINNING.

Containing 1.649 acres, more or less.

Together with all rights of access, ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17 Florida Administrative Code Pursuant to Section 472-027, Florida statutes.


 Jeffrey D. Smith Date: 8/11/22
 Florida Survey & Mapper No. 4805
 Florida Department of Transportation

Not valid unless signed and sealed

vault:/rwmapping/r4132651/parcel sketch/rwp101.dgn

		FLORIDA DEPARTMENT OF TRANSPORTATION LEGAL DESCRIPTION AND SKETCH			
		STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY	
COUNTY COMMENTS	BY	DATE	PREPARED BY:	SCALE:	
	T.BROWN	07-29-2022	F.D.O.T. DISTRICT 4	NOT TO SCALE	
REVISION	BY	DATE	CHECKED	LUIS G.	05/13/22
			F.P. NO. 4132651	SECTION 93220-2476	SHEET 1 OF 3

COPY

**EXHIBIT "A" - PARCEL 101
LEGAL DESCRIPTION & SKETCH**

GENERAL NOTES:

- 1) This is not a Map of Boundary Survey. This sketch exists solely for the purpose of illustrating the legal description to which it is attached.
- 2) Linear units are U.S. Survey Foot. bearings and coordinates are relative to the State Plane Coordinate System, Transverse Mercator Projection, Florida East zone, North American Datum (NAD) of 1983 / 1990 adjustment. A bearing of South 88°34'50" East has been established along the North line of Section 1, Township 42 South, Range 42 East, all lines are relative thereto.
- 3) This document consists of three (3) sheets and shall not be considered full, valid and complete unless each sheet is attached to the other.
- 4) All coordinates shown are grid. All distances are ground distances. Scale Factor = 1.00003802. ground distance x scale factor = grid distance.
- 5) Property Boundaries have been determined from field survey, plats of record, and record title.
- 6) There has been a review of Title Reports prepared by Paramount Title Services, Inc. (PTS) and American Government Services, Inc. (AGS), base Title Report 16-235-003 (PTS), updated by Title Reports AGS 19-026-001 and 19-090-001, and PTS 22-045-001, and all survey encumbrances that affect the property are shown or noted hereon or in Florida Department of Transportation R/W Map, Section 93220-2476, FPID 4132651.

REFERENCES:

- F.D.O.T. Right-of-Way Map for S.R. 9 (I-95), State Project No. 93220-2476, Financial Project No. 413265-1.
- Plat of record as shown.

LEGEND

Δ	=	Central Angle	PG.	=	Page
⊖	=	Baseline	P.O.B.	=	Point of Beginning
C.B.	=	Chord Bearing	R	=	Radius
EXIST.	=	Existing	RGE.	=	Range
L	=	Length of Curve	R/W	=	Right of Way
L/A	=	Limited Access	SEC.	=	Section
O.R.B.	=	Official Records Book	S.R.	=	State Road
(P)	=	Plat	TWP.	=	Township
P.B.	=	Plat Book			

OWNER - PARCEL 101:

**PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
AREA OF TAKE = 1.649 ACRES**

vault:/rwmapping/r4132651/parcel sketch/rwp101.dgn

		FLORIDA DEPARTMENT OF TRANSPORTATION LEGAL DESCRIPTION AND SKETCH			
		STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY	
COUNTY COMMENTS	T.BROWN	07-29-2022	DRAWN	T.BROWN	5/09/22
	REVISION	BY	DATE	CHECKED	LUIS G.
			PREPARED BY:	DATA SOURCE:	
			F.D.O.T. DISTRICT 4	SEE GENERAL NOTES	
			F.P.I.D. NO. 413265-1	SECTION 93220-2476	SHEET 2 OF 3

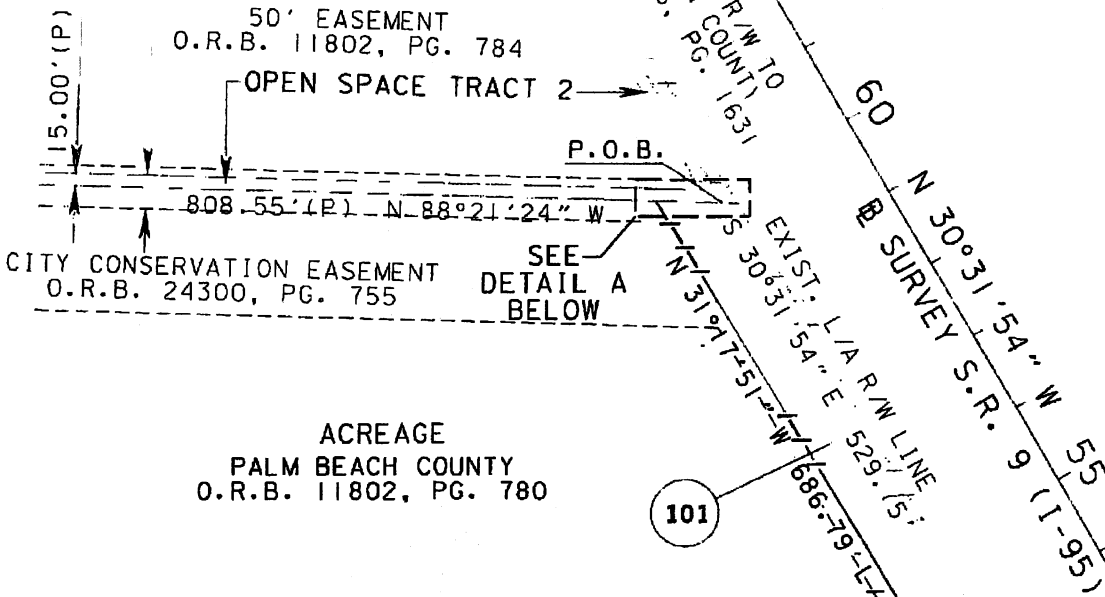
COPY

EXHIBIT "A" - PARCEL 101

OLD PALM EAST
P.B. 101, PG. 114

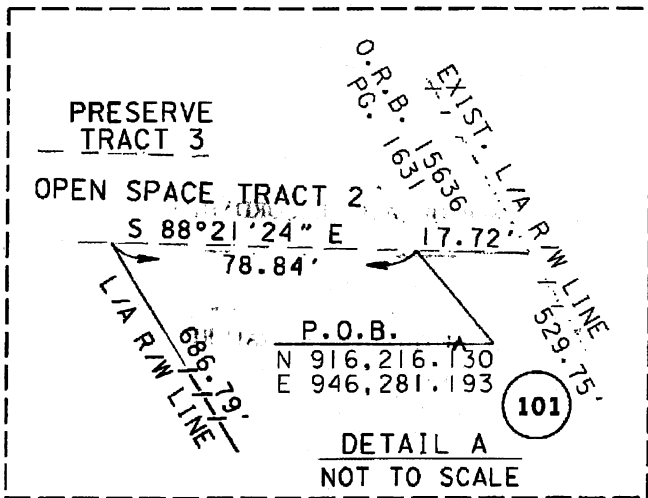
CITY OF PALM BEACH GARDENS

PRESERVE TRACT 3



SEC. 1, TWP. 42 S., RGE. 42 E.

ACREAGE
PALM BEACH COUNTY
O.R.B. 11802, PG. 780



vault:/rwmapping/r4132651/parcel sketch/rwp101.dgn

FLORIDA DEPARTMENT OF TRANSPORTATION
LEGAL DESCRIPTION AND SKETCH

STATE ROAD NO. 9 (I-95)

PALM BEACH COUNTY

COUNTY COMMENTS	T. BROWN	07-29-2022
REVISION	BY	DATE

BY	DATE
T. BROWN	05/09/22
CHECKED	LUIS G.
	05/13/22

PREPARED BY:
F.D.O.T. DISTRICT 4
F.P. NO. 4132651

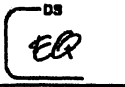
SCALE:
1" = 200'

SECTION 93220-2476

SHEET 3 OF 3

COPY

**EXHIBIT "B"
QUIT CLAIM DEED**

This instrument prepared under the direction of: 
Elizabeth S. Quintana Esq.
District Four Assistant General Counsel
Legal description prepared by:
Jeffrey D. Smith, P.S.M. (10/30/2019)
Florida Department of Transportation
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

Parcel No.: 200 (Part)
Item/Segment No.: 231861-1
Section No.: 93220-2474
Federal Project No.: 0951-246-1
Managing District: Four
S.R. No.: 9 (I-95)
County: Palm Beach
Excess Parcel No.: 7352

QUITCLAIM DEED

THIS INDENTURE, made this 1st day of September, 2023, by and between the STATE OF FLORIDA, by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Grantor, whose address is: 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, and Palm Beach County, a political subdivision of the State of Florida, Grantee, whose address is: 2633 Vista Parkway, West Palm Beach, Florida 33411.

WITNESSETH
COPY

WHEREAS, said land hereinafter described was heretofore acquired for state highway purposes; and

WHEREAS, said land is no longer required for such purposes, and the Grantor, by action of the District Four Secretary, Florida Department of Transportation on November 8, 2022, pursuant to the provisions of Section 337.25(4), Florida Statutes, has agreed to quitclaim the land hereinafter described to the Grantee.

NOW, THEREFORE, WITNESSETH: That the Grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee, and assigns, forever, all the right, title, and interest in all that certain land situate in Palm Beach County, Florida, viz:

See Exhibit "A",
attached hereto and made a part hereof

TO HAVE AND TO HOLD the said premises and the appurtenances thereof unto the Grantee, subject, however, to the following conditions:

THAT existing utilities remain in place and/or are relocated at the expense of the Grantee.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Four Secretary, and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

Signed, sealed, and delivered in the presence of:

[Signature]
Witness Signature 3100 N. Commercial Blvd.
Ft. Lauderdale, FL 33309

Sandra Powell
Print Witness Name

[Signature]
Witness Signature 3400 N. Commercial Blvd.
Ft. Lauderdale, FL 33309

Monita Godfrey-Baker
Print Witness Name

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

BY: [Signature]
Name: Steven C. Braun, P.E.
District Four Secretary

ATTEST: [Signature]
Name: ALIA E. CHANEL
Executive Secretary

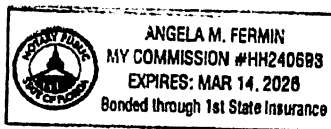
COPY

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 16th day of September, 2023, by STEVEN C. BRAUN, P.E., District Four Secretary and ALIA E. CHANEL, Executive Secretary of the State of Florida Department of Transportation, who is personally known by me or who has produced _____ as identification

(SEAL)



[Signature]
Notary Public
Angela M. Fermin
Printed or stamped name of Notary Public

My Commission Expires: 3-14-2026

EXHIBIT "A"

GENERAL NOTES:

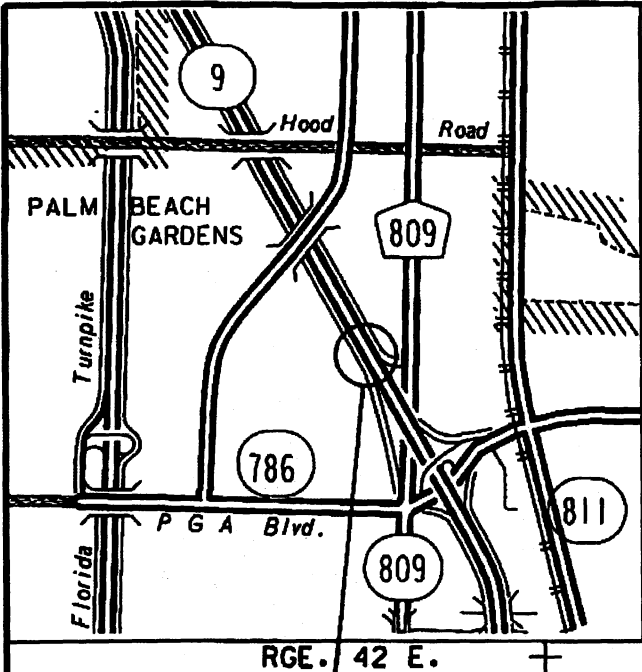
1. BEARINGS AND COORDINATES ARE RELATIVE TO STATE PLANE COORDINATE, FLORIDA EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983, ADJUSTMENT 1990, AS SHOWN ON THE RIGHT OF WAY CONTROL SURVEY MAP 93220-1474 OF S.R. 9 (I-95). A BEARING OF SOUTH 88°36'51" EAST BEING ESTABLISHED ALONG THE SOUTH LINE OF THE S.E. 1/4 OF SEC. 1, TWP. 42, S., RGE. 42 E.

NAME	NORTHING	EASTING	DESCRIPTION
S. 1/4 COR., SEC. 1	911,396.606	947,958.866	1/2" IRON ROD
S.E. COR., SEC. 1	911,332.648	950,602.871	PBC BRASS DISK

2. PARCEL 200 PART IS EXCESS PROPERTY TO BE SURPLUSED TO PALM BEACH COUNTY. PARCEL 200 WAS ACQUIRED UNDER STATE PROJECT NO. 93220-2474 RIGHT OF WAY MAP. PARCEL 200 PART AREA - 1.722 ACRES

3. THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IS ATTACHED.

4. ALL BEARINGS AND DISTANCES ARE CALCULATED.



LOCATION MAP
NOT TO SCALE

PARCEL VICINITY

LEGEND:

Δ	• CENTRAL ANGLE	LT.	• LEFT
@	• BASELINE	P.O.B.	• POINT OF BEGINNING
CB	• CHORD BEARING	P.O.C.	• POINT OF COMMENCEMENT
CONC.	• CONCRETE	R	• RADIUS
EXIST.	• EXISTING	RGE.	• RANGE
FND.	• FOUND	R/W	• RIGHT OF WAY
F.P.	• FINANCIAL PROJECT	SEC.	• SECTION
L	• LENGTH	S.R.	• STATE ROAD
L/A	• LIMITED ACCESS	TWP.	• TOWNSHIP

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
SURVEYING AND MAPPING OFFICE
3400 WEST COMMERCIAL BOULEVARD
FT. LAUDERDALE, FLORIDA 33309
954-777-4560

VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY		
				BY	DATE	PREPARED BY:	SCALE:		
				DRAWN	T.BROWN	10-30-19	F.D.O.T. DISTRICT IV		NOT TO SCALE
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476	SHEET 1 OF 3

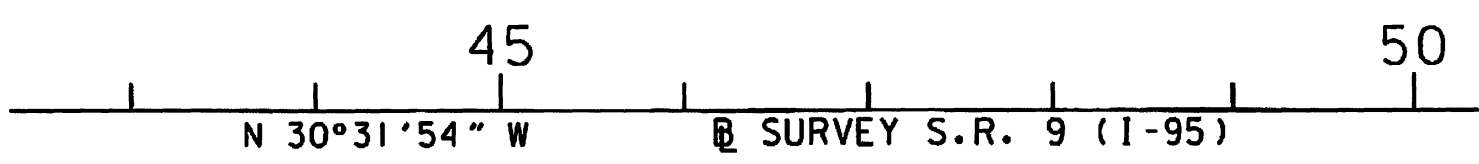
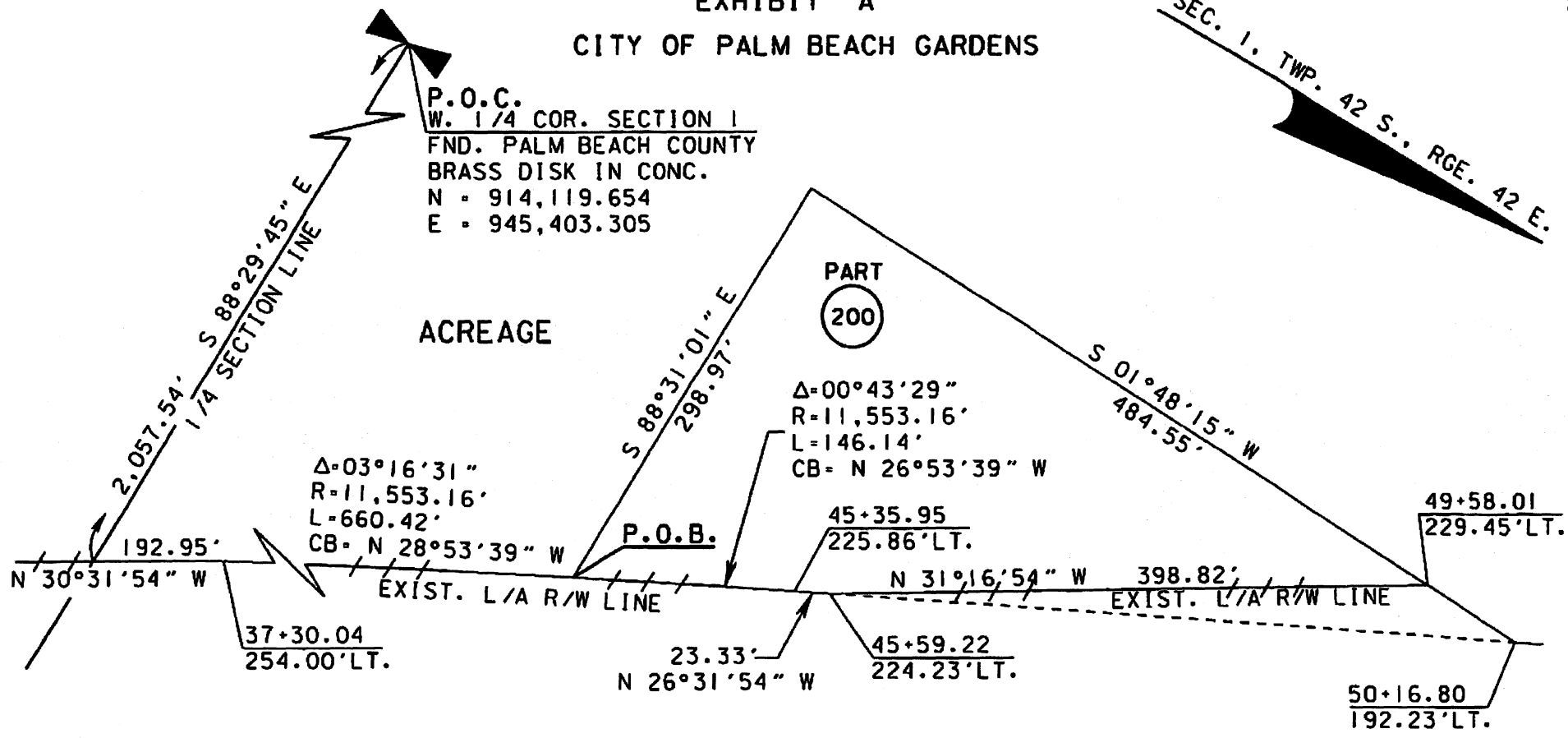
EXHIBIT "A"
CITY OF PALM BEACH GARDENS

SEC. 1, TWP. 42 S., RGE. 42 E.

P.O.C.
 W. 1/4 COR. SECTION 1
 FND. PALM BEACH COUNTY
 BRASS DISK IN CONC.
 N = 914,119.654
 E = 945,403.305

ACREAGE

PART
 (200)



VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY		
				BY	DATE	PREPARED BY: F.D.O.T. DISTRICT IV			SCALE: 1" = 100'
				DRAWN	T. BROWN	10-30-19	F.P. NO. 4132651		
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	SECTION 93220-2476		SHEET 2 OF 3

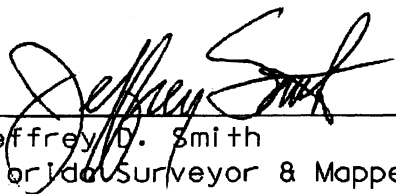
EXHIBIT "A"

A portion of land lying in the Northwest One-Quarter (N.W. 1/4) of Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at brass disc found marking the West One-Quarter (W. 1/4) Corner of said Section 1; thence South 88°29'45" East along the South line of said Northwest One-Quarter (N.W. 1/4), a distance of 2,057.54 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence continue along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) for the next five (5) courses; (1) North 30°31'54" West, a distance of 192.95 feet to the beginning of a curve concave Northeasterly, having a chord bearing of North 28°53'39" West; thence (2) continue Northwesterly along said curve, having a radius of 11,553.16 feet, through a central angle of 03°16'31", an arc distance of 660.42 feet to the end of said curve and the POINT OF BEGINNING; thence (3) continuing Northwesterly along said curve, having a chord bearing of North 26°53'39" West, a radius of 11,553.16 feet, through a central angle of 00°43'29", an arc distance of 146.14 feet to the end of said curve; thence (4) North 26°31'54" West, a distance of 23.33 feet; thence (5) North 31°16'54" West, a distance of 398.82 feet; thence South 01°48'15" West, a distance of 484.55 feet; thence South 88°31'01" East, a distance of 298.97 feet to a point on said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) and the POINT OF BEGINNING.

Containing 1.722 acres, more or less.

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers, in Chapter 5J-17 Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

 10/30/19
 Jeffrey D. Smith Date
 Florida Surveyor & Mapper No. 4805

Not valid unless signed and sealed.

VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY		
				BY	DATE	PREPARED BY:	SCALE:		
				DRAWN	T.BROWN	10-30-19	F.D.O.T. DISTRICT IV		NOT TO SCALE
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476	SHEET 3 OF 3

Attachment #3
FDOT Deed with Exhibit "A" (5 pages)

This instrument prepared under the direction of: Elizabeth S. Quintana Esq. District Four Assistant General Counsel
Legal description prepared by: Jeffrey D. Smith, P.S.M. (10/30/2019) Florida Department of Transportation 3400 West Commercial Boulevard Fort Lauderdale, Florida 33309

DS
EQ

Parcel No.: 200 (Part)
Item/Segment No.: 231861-1
Section No.: 93220-2474
Federal Project. No.: 0951-246-I
Managing District: Four
S.R. No.: 9 (I-95)
County: Palm Beach
Excess Parcel No.: 7352

QUITCLAIM DEED

THIS INDENTURE, made this 1st day of September, 2023, by and between the STATE OF FLORIDA, by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Grantor, whose address is: 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, and Palm Beach County, a political subdivision of the State of Florida, Grantee, whose address is: 2633 Vista Parkway, West Palm Beach, Florida 33411.

WITNESSETH

WHEREAS, said land hereinafter described was heretofore acquired for state highway purposes; and

WHEREAS, said land is no longer required for such purposes, and the Grantor, by action of the District Four Secretary, Florida Department of Transportation on November 8, 2022, pursuant to the provisions of Section 337.25(4), Florida Statutes, has agreed to quitclaim the land hereinafter described to the Grantee.

NOW, THEREFORE, WITNESSETH: That the Grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee, and assigns, forever, all the right, title, and interest in all that certain land situate in Palm Beach County, Florida, viz:

See Exhibit "A", attached hereto and made a part hereof

TO HAVE AND TO HOLD the said premises and the appurtenances thereof unto the Grantee, subject, however, to the following conditions:

THAT existing utilities remain in place and/or are relocated at the expense of the Grantee.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Four Secretary, and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

Signed, sealed, and delivered in the presence of:

[Signature]
Witness Signature 3100 W. Commercial Blvd.
Ft. Lauderdale, FL 33309

Sandra Powell
Print Witness Name

[Signature]
Witness Signature 3400 N. Commercial Blvd.
Ft. Lauderdale, FL 33309

Monifa Godfrey-Baker
Print Witness Name

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

BY: [Signature]
Name: **STEVEN C. BRAUN, P.E.**
District Four Secretary

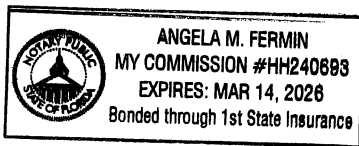
ATTEST: [Signature]
Name: **ALIA E. CHANEL**
Executive Secretary

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 1st day of September, 2023, by **STEVEN C. BRAUN, P.E.**, District Four Secretary and **ALIA E. CHANEL**, Executive Secretary of the State of Florida Department of Transportation, who is personally known by me or who has produced _____ as identification

(SEAL)



[Signature]
Notary Public
Angela M. Fermin
Printed or stamped name of Notary Public

My Commission Expires: 3-14-2026

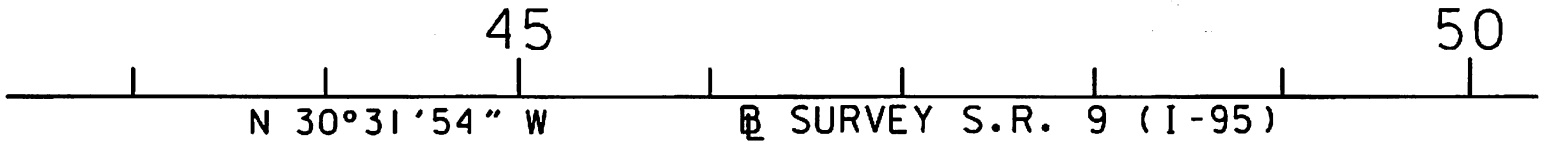
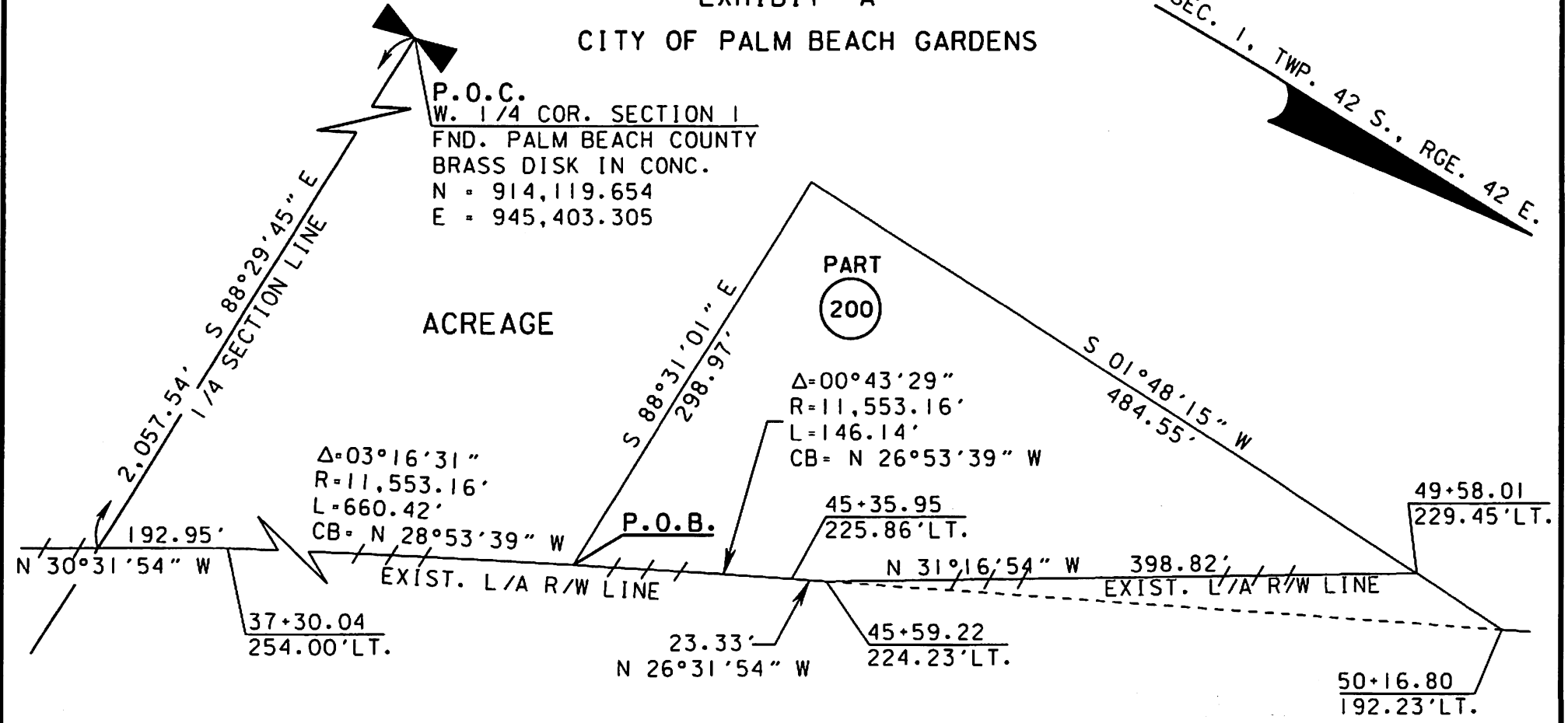
EXHIBIT "A"
CITY OF PALM BEACH GARDENS

SEC. 1, TWP. 42 S., RGE. 42 E.

P.O.C.
W. 1/4 COR. SECTION 1
FND. PALM BEACH COUNTY
BRASS DISK IN CONC.
N = 914,119.654
E = 945,403.305

ACREAGE

PART
200



VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)				PALM BEACH COUNTY	
				BY	DATE	PREPARED BY:	SCALE:		
				DRAWN	T.BROWN	10-30-19	F.D.O.T. DISTRICT IV	1" = 100'	
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476	SHEET 2 OF 3

EXHIBIT "A"

A portion of land lying in the Northwest One-Quarter (N.W. 1/4) of Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at brass disc found marking the West One-Quarter (W. 1/4) Corner of said Section 1; thence South 88°29'45" East along the South line of said Northwest One-Quarter (N.W. 1/4), a distance of 2,057.54 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence continue along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) for the next five (5) courses; (1) North 30°31'54" West, a distance of 192.95 feet to the beginning of a curve concave Northeasterly, having a chord bearing of North 28°53'39" West; thence (2) continue Northwesterly along said curve, having a radius of 11,553.16 feet, through a central angle of 03°16'31", an arc distance of 660.42 feet to the end of said curve and the POINT OF BEGINNING; thence (3) continuing Northwesterly along said curve, having a chord bearing of North 26°53'39" West, a radius of 11,553.16 feet, through a central angle of 00°43'29", an arc distance of 146.14 feet to the end of said curve; thence (4) North 26°31'54" West, a distance of 23.33 feet; thence (5) North 31°16'54" West, a distance of 398.82 feet; thence South 01°48'15" West, a distance of 484.55 feet; thence South 88°31'01" East, a distance of 298.97 feet to a point on said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) and the POINT OF BEGINNING.

Containing 1.722 acres, more or less.

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers, in Chapter 5J-17 Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

 10/30/19
 Jeffrey D. Smith Date
 Florida Surveyor & Mapper No. 4805

Not valid unless signed and sealed.

VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY	
					BY	DATE	PREPARED BY: F.D.O.T. DISTRICT IV	SCALE: NOT TO SCALE
				DRAWN	T.BROWN	10-30-19		
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476

Attachment #4
County Deed with Exhibit "A" (4 pages each)

PREPARED BY AND RETURN TO:
Lorymil Melendez-Delgado, Real Estate Specialist
PALM BEACH COUNTY
PROPERTY & REAL ESTATE MANAGEMENT DIVISION
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 52-42-42-01-00-000-3050 (a portion of)

COUNTY DEED

THIS DEED made this _____, by **PALM BEACH COUNTY, a political subdivision of the State of Florida**, whose address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, "County", and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, whose mailing address is 3400 W. Commercial Boulevard, Fort Lauderdale, Florida 33309, "Grantee".

WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee and assigns forever, the following described land lying and being in Palm Beach County, Florida:

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

IN WITNESS WHEREOF, County 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:

JOSEPH ABRUZZO
Clerk of the Circuit Court
and Comptroller

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

By: _____
Deputy Clerk

By: _____
Maria Sachs, Mayor

APPROVED AS TO
LEGAL SUFFICIENCY

By:  _____
County Attorney

(OFFICIAL SEAL)

**EXHIBIT "A" - PARCEL 101
LEGAL DESCRIPTION & SKETCH**

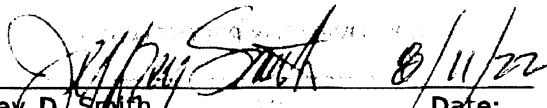
A portion of land lying in Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

BEGIN at the Southeasterly Corner of Open Space Tract 2, OLD PALM EAST, according to the plat thereof, as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along the Easterly projection of the Southerly line of Open Space Tract 2, a distance of 17.72 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence South 30°31'54" East along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95), a distance of 529.75 feet; thence South 26°31'54" East continuing along said Westerly Existing Limited Access Right of Way line, a distance of 433.40 feet; thence South 01°48'15" West, a distance of 96.09 feet to the beginning of the New Limited Access Right of Way line of said State Road 9 (I-95), also being the beginning of a non-tangent curve concave Northeasterly, having a chord bearing of North 29°14'43" West; thence Northwesterly along said curve and said New Limited Access Right of Way line, having a radius of 8,397.00 feet, through a central angle of 02°47'04", an arc distance of 408.06 feet to the end of said curve; thence North 31°17'51" West continuing along said New Limited Access Right of Way line, a distance of 686.79 feet to the end of said New Limited Access Right of Way line and a point on the Southerly line of said Open Space Tract 2, thence South 88°21'24" East along said Southerly line of Open Space Tract 2, a distance of 78.84 feet to the POINT OF BEGINNING.

Containing 1.649 acres, more or less.

Together with all rights of access, ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17 Florida Administrative Code Pursuant to Section 472-027, Florida statutes.


 Jeffrey D. Smith Date: 8/11/22
 Florida Surveyor & Mapper No. 4805
 Florida Department of Transportation

Not valid unless signed and sealed

vault:/rwmapping/r4132651/parcel sketch/rwp101.dgn

			FLORIDA DEPARTMENT OF TRANSPORTATION LEGAL DESCRIPTION AND SKETCH			
			STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY	
			BY	DATE	PREPARED BY:	SCALE:
			T.BROWN	05/09/22	F.D.O.T. DISTRICT 4	NOT TO SCALE
COUNTY COMMENTS	T.BROWN	07-29-2022	DRAWN	T.BROWN	F.P. NO. 4132651	SECTION 93220-2476
REVISION	BY	DATE	CHECKED	LUIS G.	05/13/22	SHEET 1 OF 3

COPY

**EXHIBIT "A" - PARCEL 101
LEGAL DESCRIPTION & SKETCH**

GENERAL NOTES:

- 1) This is not a Map of Boundary Survey. This sketch exists solely for the purpose of illustrating the legal description to which it is attached.
- 2) Linear units are U.S. Survey Foot. bearings and coordinates are relative to the State Plane Coordinate System, Transverse Mercator Projection, Florida East zone, North American Datum (NAD) of 1983 / 1990 adjustment. A bearing of South 88°34'50" East has been established along the North line of Section 1, Township 42 South, Range 42 East, all lines are relative thereto.
- 3) This document consists of three (3) sheets and shall not be considered full, valid and complete unless each sheet is attached to the other.
- 4) All coordinates shown are grid. All distances are ground distances. Scale Factor = 1.00003802.
ground distance x scale factor = grid distance.
- 5) Property Boundaries have been determined from field survey, plats of record, and record title.
- 6) There has been a review of Title Reports prepared by Paramount Title Services, Inc. (PTS) and American Government Services, Inc. (AGS), base Title Report 16-235-003 (PTS), updated by Title Reports AGS 19-026-001 and 19-090-001, and PTS 22-045-001, and all survey encumbrances that affect the property are shown or noted hereon or in Florida Department of Transportation R/W Map, Section 93220-2476, FPID 4132651.

REFERENCES:

- F.D.O.T. Right-of-Way Map for S.R. 9 (I-95), State Project No. 93220-2476, Financial Project No. 413265-1.
- Plat of record as shown.

LEGEND

Δ	=	Central Angle	PG.	=	Page
⊖	=	Baseline	P.O.B.	=	Point of Beginning
C.B.	=	Chord Bearing	R	=	Radius
EXIST.	=	Existing	RGE.	=	Range
L	=	Length of Curve	R/W	=	Right of Way
L/A	=	Limited Access	SEC.	=	Section
O.R.B.	=	Official Records Book	S.R.	=	State Road
(P)	=	Plat	TWP.	=	Township
P.B.	=	Plat Book			

OWNER - PARCEL 101:

**PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
AREA OF TAKE = 1.649 ACRES**

vault:/rwmapping/r4132651/parcel sketch/rwp101.dgn

				FLORIDA DEPARTMENT OF TRANSPORTATION LEGAL DESCRIPTION AND SKETCH			
				STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY	
			BY	DATE	PREPARED BY:	DATA SOURCE:	
COUNTY COMMENTS	T.BROWN	07-29-2022	DRAWN	T.BROWN	5/09/22	F.D.O.T. DISTRICT 4	SEE GENERAL NOTES
REVISION	BY	DATE	CHECKED	LUIS G.	5/13/22	F.P.I.D. NO. 413265-1	SECTION 93220-2476 SHEET 2 OF 3

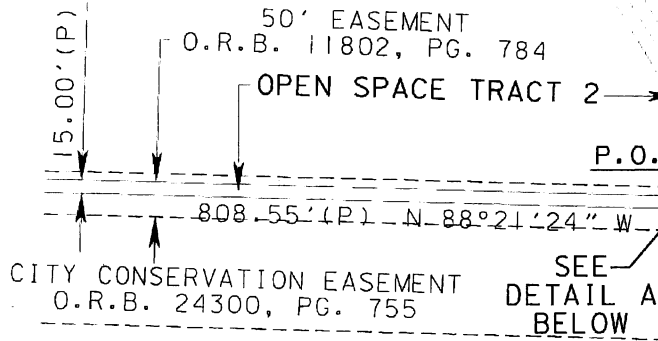
COPY

EXHIBIT "A" - PARCEL 101

OLD PALM EAST
P.B. 101, PG. 114

CITY OF PALM BEACH GARDENS

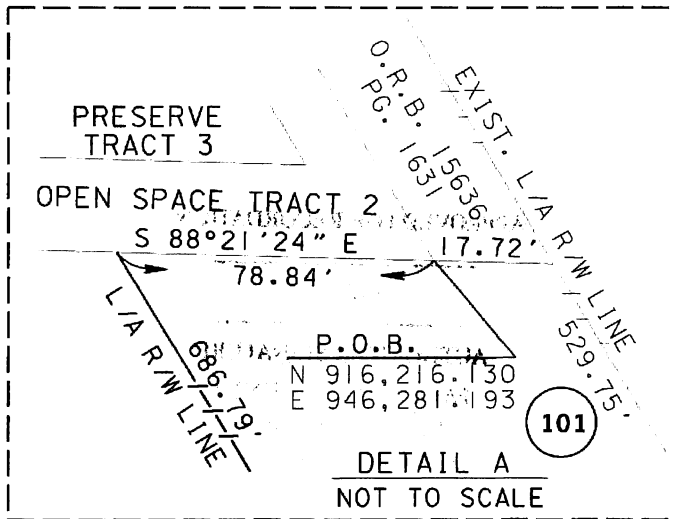
PRESERVE TRACT 3



ACREAGE
PALM BEACH COUNTY
O.R.B. 11802, PG. 780

101

SEC. 1, TWP. 42 S., RGE. 42 E.



DETAIL A
NOT TO SCALE

vault://rwmapping/r4132651/parcel_sketch/rwp101.dgn

FLORIDA DEPARTMENT OF TRANSPORTATION
LEGAL DESCRIPTION AND SKETCH

STATE ROAD NO. 9 (I-95)

PALM BEACH COUNTY

COUNTY COMMENTS			BY	DATE	PREPARED BY:	SCALE:
T.BROWN			T.BROWN	05/09/22	F.D.O.T. DISTRICT 4	1" = 200'
REVISION			CHECKED	DATE	F.P. NO. 4132651	SECTION 93220-2476
BY			LUIS G.	05/13/22	SHEET 3 OF 3	

COPY

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RESOLUTION 1, 2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, APPROVING THE GARDENS NORTH COUNTY DISTRICT PARK LAND SWAP BETWEEN PALM BEACH COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 TO THE LEASE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF PALM BEACH GARDENS AS WELL AS THE AMENDMENT AND PARTIAL RELEASE OF CONSERVATION EASEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on January 23, 2018, Palm Beach County (the "County") and the City of Palm Beach Gardens (the "City") entered into a Lease Agreement to facilitate the development of the District Park Property, now referred to as Gardens North County District Park; and

WHEREAS, on March 17, 2020, the City and the County executed Amendment No. 1 to the Lease Agreement, amending Articles IV and X to address equal opportunity protections and subleasing revenue share; and

WHEREAS, in order to expand an I-95 deceleration lane at Central Boulevard, the Florida Department of Transportation ("FDOT") has requested that the County convey to FDOT 1.649 acres of land within a Conservation Area along the eastern portion of Gardens North County District Park; and

WHEREAS, in exchange, FDOT will convey to the County 1.722 acres of land adjacent to the southeast corner of Gardens North County District Park, which will be placed in conservation; and

WHEREAS, Amendment No. 2 to the Lease Agreement, which describes the land swap, has been prepared and is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the Amendment and Partial Release of Conservation Easement, which amends the Conservation Easement executed by the County on December 21, 2010, to account for the land swap, has been prepared and is attached hereto and incorporated herein as Exhibit "B"; and

WHEREAS, the City Council deems approval of this Resolution to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The City Council of the City of Palm Beach Gardens hereby authorizes and directs the Mayor to execute Amendment No. 2 to the Lease Agreement between Palm Beach County and the City of Palm Beach Gardens (Exhibit "A") and the Amendment and Partial Release of Conservation Easement (Exhibit "B").

SECTION 3. This Resolution shall become effective immediately upon adoption.

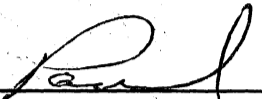
(The remainder of this page intentionally left blank.)

PASSED AND ADOPTED this 7th day of March, 2024.

CITY OF PALM BEACH GARDENS, FLORIDA

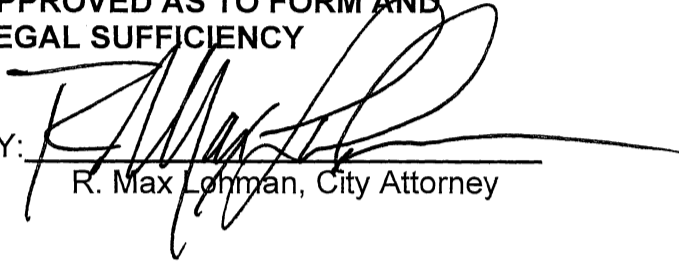
BY: 
Chelsea Reed, Mayor

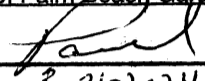
ATTEST:

BY: 
Patricia Snider, CMC, City Clerk

Patricia Snider City Clerk
of the City of Palm Beach Gardens
do hereby certify that this is a true copy
as taken from the Official records of the
City of Palm Beach Gardens.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: 
R. Max Lonman, City Attorney

City Clerk: 
Date: 3-21-2024

VOTE:

AYE NAY ABSENT

MAYOR REED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VICE MAYOR WOODS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COUNCILMEMBER TINSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER PREMUIROSO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER MIDDLETON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



EXHIBIT "A"
AMENDMENT NO. 2 TO THE LEASE AGREEMENT
BETWEEN PALM BEACH COUNTY AND THE CITY OF PALM BEACH
GARDENS

THIS AMENDMENT NO. 2 TO THE LEASE AGREEMENT (Amendment No. 2) is made and entered into _____ by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as the "County," and **THE CITY OF PALM BEACH GARDENS**, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter referred to as the "City."

WHEREAS, County and City entered into that certain Lease Agreement dated January 23, 2018 (R2018-0122) to facilitate the development of the District Park Property for park purposes for the use and benefit of all residents of Palm Beach County; and

WHEREAS, County and City entered into that certain Amendment No. 1 dated March 17, 2020 (R2020-0327), amending Articles IV and X of the Lease Agreement to address equal opportunity protections and subleasing revenue share; and

WHEREAS, the Florida Department of Transportation, hereinafter referred to as "FDOT," desires to expand a deceleration lane of State Road No. 9 (I-95) and has requested the County convey 1.649 acres being a small strip of land along the eastern portion of the District Park Property for the purpose of said expansion; and

WHEREAS, in exchange for the portion of District Park Property, FDOT shall convey to County 1.722 acres of FDOT-owned property ("FDOT Parcel") which is adjacent to the southeast corner of the District Park Property; and

WHEREAS, in order to accommodate FDOT's land exchange request, County and City agree to modify the legal description of the District Park Property in the Lease Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this Amendment No. 2 shall have the same meaning and effect as in the Lease Agreement.

2. Section 1.01, Exhibit "A" (District Park Property) of the Lease Agreement is hereby replaced with new Exhibit "A1" (District Park Property), attached hereto.

3. Except as modified by this Amendment No. 2, and as previously modified by Amendment No. 1, the Lease Agreement remains unmodified and in full force and effect, and the parties hereby ratify, confirm, and adopt the Lease Agreement, as amended, in accordance with the terms thereof. This Amendment No. 2 is expressly contingent upon the approval of the Palm Beach County Board of County Commissioners and the City Council of the City of Palm Beach Gardens and shall become effective only when signed by all parties.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment No. 2 to the Lease Agreement as of the day and year first above written.

ATTEST:

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

By: _____
Deputy Clerk

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

COUNTY:

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

By: _____
Maria Sachs, Mayor

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Department Director

CITY:
CITY OF PALM BEACH GARDENS,
a Municipal Corporation

Signed and delivered in the presence of:

By: _____
Chelsea Reed, Mayor

Witness Signature

Print Witness Name

Witness Signature

ATTEST:

Print Witness Name

By: _____
Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
R. Max Lohman, Esq., City Attorney

EXHIBIT "A1"
PALM BEACH GARDENS DISTRICT PARK PROPERTY

LEGAL DESCRIPTION

A portion of land lying in Sections 1 and 2, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at a brass disk in concrete stamped "Palm Beach County", found marking the West One-quarter (W ¼) corner of said Section 1, Township 42 South, Range 42 East; thence North 01°52'51" East, along the West line of said Section 1, a distance of 732.75 feet; thence South 88°07'09" East along a line at a right angle to the previously described course, a distance of 30.00 feet to the **POINT OF BEGINNING**; thence North 01°52'51" East, a distance of 541.55 feet; thence along the Northerly Existing Right of Way Line of 117th Court North, as described in Official Records Book 6496, Page 325, of the Public Records of Palm Beach County, Florida, the following four (4) courses; (1) North 88°21'18" West, a distance of 1,758.01 feet to the beginning of a curve concave Northeasterly, having a chord bearing of North 79°37'59" West; thence (2) Westerly along said curve, having a radius of 1,460.00 feet, through a central angle of 17°26'39", an arc distance of 444.51 feet to the end of said curve; thence (3) North 70°54'39" West, a distance of 273.96 feet; thence (4) North 25°17'45" West, a distance of 57.17 feet to a point on the Easterly Existing Right of Way line of Central Boulevard, as described in Official Records Book 5104, Page 945 of the Public Records of Palm Beach County, Florida, said point also being the beginning of a non-tangent curve concave Southeasterly, having a chord bearing of North 25°43'17" East; thence Northeasterly along said curve, having a radius of 3,759.72 feet, through a central angle of 10°48'14", an arc distance of 708.95 feet to the Southerly line of OLD PALM EAST, according to the plat thereof as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along said Southerly line of said plat, a distance of 2,897.52 feet to a point on the Westerly Proposed Limited Access Right of Way line of State Road 9 (I-95); thence along said Westerly Proposed Limited Access Right of Way line for the next two (2) courses: (1) South 31°17'51" East, a distance of 686.79 feet to the beginning of a non-tangent curve concave Northeasterly, having a chord bearing South 29°14'43" East; thence (2) Southeasterly along said curve, having a radius of 8,397.00 feet, through a central angle of 02°47'04" an arc distance of 408.06 feet to the end of said curve; thence South 01°48'15" West, a distance of 458.04 feet; thence North 88°31'01" West, a distance of 1,287.27 feet to the **POINT OF BEGINNING**.

Together with:

A portion of land lying in the Northwest One-Quarter (N.W. ¼) of Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at brass disc found marking the West One-Quarter (W. ¼) Corner of said Section 1; thence South 88°29'45" East along the South line of said Northwest One-Quarter (N.W. ¼), a distance of 2,057.54 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence continue along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) for the next five (5) courses; (1) North 30°31'54" West, a distance of 192.95 feet to the beginning of a curve concave Northeasterly, having a chord bearing of North 28°53'39" West; thence (2) continue Northwesterly along said curve, having a radius of 11,553.16 feet, through a central angle of 03°16'31", an arc distance of 660.42 feet to the end of said curve and the **POINT OF BEGINNING**; thence (3) continuing Northwesterly along said curve, having a chord bearing of North 26°53'39" West, a radius of 11,553.16 feet, through a central angle of 00°43'29", an arc distance of 146.14 feet to the end of said curve; thence (4) North 26°31'54" West, a distance of 23.33 feet; thence (5) North 31°16'54" West, a distance of 398.82 feet; thence South 01°48'15" West, a distance 484.55 feet; thence South 88°31'01" East, a distance of 298.97 feet to a point on said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) and the **POINT OF BEGINNING**.

EXHIBIT "B"

Prepared by & Return to:
Lorymil Melendez-Delgado, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605
PCN: 52-42-42-01-00-000-3050 (a portion of)

AMENDMENT AND PARTIAL RELEASE OF CONSERVATION EASEMENT

This AMENDMENT AND PARTIAL RELEASE OF CONSERVATION EASEMENT ("Amendment to Easement") is made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County"), whose address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, and the City of Palm Beach Gardens, a Florida Municipal Corporation ("City"), whose address is 10500 North Military Trail, Palm Beach Gardens, Florida 33410.

WITNESSETH:

WHEREAS, the County granted in favor of the City that certain Conservation Easement dated December 21, 2010, and recorded in Official Records Book 24300, Page 0755, of the public records of Palm Beach County, Florida, (the "Conservation Easement") encumbering approximately 12.7 acres of land which is defined as the Property in the Conservation Easement; and

WHEREAS, the Florida Department of Transportation ("FDOT") requested a land exchange with the County which impacts a small strip of County land along the eastern portion of the Conservation Easement area for the expansion of State Road No. 9 (I-95) ; and

WHEREAS, the County and FDOT agreed that the County will convey to FDOT a 1.649-acre strip of land along the eastern portion of the Conservation Easement area as legally described in Exhibit “B,” attached hereto and made a part hereof (the “Release Parcel”), which abuts the I-95 right-of-way, and in exchange, FDOT will convey to the County a 1.722-acre parcel that is legally described in Exhibit “C,” attached hereto and made a part hereof (the “Southeast Parcel”), that abuts the southeast corner of the Conservation Easement area; and

WHEREAS, with the City’s approval, FDOT and the County recently finalized the land exchange requiring that the legal description be modified in the Conservation Easement.

NOW, THEREFORE, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this Amendment to Easement shall have the same meaning and effect as in the Conservation Easement.
2. The Release Parcel (1.649 acres) is hereby released from the Conservation Easement, without impairing the operation and effect of the Conservation Easement as to the remainder of the Property.
3. The Southeast Parcel (1.722 acres) is hereby added to the Property of the Conservation Easement without impairing the operation and effect of the Conservation Easement.

4. Exhibit "A" (Property) of the Conservation Easement is hereby deleted in its entirety and replaced by Exhibit "A," attached hereto and made a part hereof ("Property").

5. The Conservation Easement shall remain in full force and effect with respect to the Property as revised hereby and shall remain otherwise unaffected by this Amendment to Easement, except as specifically set forth herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the County and City have caused this Amendment and Partial Release of Conservation Easement to be executed as of the day and year first above written.

ATTEST:

COUNTY:

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

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

By: _____
Deputy Clerk

By: _____
Maria Sachs, Mayor

Signed and delivered in the presence of:

Witness Signature

Witness Signature

Print Witness Name

Print Witness Name

Witness Mailing Address

Witness Mailing Address

**APPROVED AS TO
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Assistant County Attorney

By: _____
Department Director

ATTEST:

CITY:

CITY OF PALM BEACH GARDENS,
a Florida municipal corporation

By: _____
Patricia Snider, CMC, City Clerk

By: _____
Chelsea Reed, Mayor

Signed and delivered in the presence of:

Witness Signature

Witness Signature

Print Witness Name

Print Witness Name

Witness Mailing Address

Witness Mailing Address

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
R. Max Lohman, Esq., City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH

LEGAL DESCRIPTION

A portion of land lying in Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, and being more particularly described as follows:

COMMENCE at a brass disk in concrete stamped "Palm Beach County", found marking the West One-quarter (W 1/4) corner of said Section 1, Township 42 South, Range 42 East; thence North 01°52'51" East, along the West line of said Section 1, a distance of 732.75 feet; thence South 88°07'09" East, along a line at a right angle to the previously described course, a distance of 30.00 feet; thence South 88°31'01" East, a distance of 858.17 feet to the POINT OF BEGINNING; thence North 01°55'08" East, a distance of 913.99 feet; thence North 30°31'54" West, a distance of 380.17 feet; thence North 88°21'24" West, a distance of 614.99 feet to a point on a line 70.00 feet Easterly of, and parallel with the West line of said Section 1; thence North 01°52'51" East, along said parallel line, a distance of 150.00 feet to a point on the Southerly line of OLD PALM EAST, according to the plat thereof as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along said Southerly line of said plat, a distance of 659.88 feet to a point on the Westerly Proposed Limited Access Right of Way Line of State Road 9 (I-95); thence along said Westerly Proposed Limited Access Right of Way Line of State Road 9 (I-95) for the following two (2) courses: (1) South 31°17'51" East, a distance of 686.79 feet to the beginning of a non-tangent curve concave Northeasterly, having a chord bearing of South 29°14'43" East; thence (2) Southeasterly along said curve, having a radius of 8,397.00 feet, through a central angle of 02°47'04", an arc distance of 408.06 feet to the end of said curve; thence South 01°48'15" West, a distance of 458.04 feet; thence North 88°31'01" West, a distance of 429.10 feet to the POINT OF BEGINNING.

Containing 11.047 acres, more or less.

vault:/rwmapping/r4132651/parcel sketch/rwpslease.dgn

THIS IS NOT A SURVEY

			FLORIDA DEPARTMENT OF TRANSPORTATION				
			LEGAL DESCRIPTION AND SKETCH				
			STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY		
			BY	DATE	PREPARED BY:	SCALE:	
			DRAWN	I.GONZALEZ	02/21/2022	WGI, LB7055	N/A
REVISION	BY	DATE	CHECKED	R. ORTEGA	02/23/2022	F.P.I.D. NO. 413265-1	SECTION 93220-2476
						SHEET 1 OF 4	

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH

GENERAL NOTES:

- 1) This is not a Map of Boundary Survey. This sketch exists solely for the purpose of illustrating the legal description to which it is attached.
- 2) Linear units are U.S. Survey Foot. bearings and coordinates are relative to the State Plane Coordinate System, Transverse Mercator Projection, Florida East zone, North American Datum (NAD) of 1983 / 1990 adjustment. A bearing of North 01°52'51" East has been established along the West line of Section 1, Township 42 South, Range 42 East, all lines are relative thereto.
- 3) Stations and Offsets are relative to the Baseline of Survey of State Road 9 (I-95) as depicted in R/W Map Section 93220-2476 for S.R. 9 (I-95).
- 4) This document consists of four (4) sheets and shall not be considered full, valid and complete unless each sheet is attached to the other.
- 5) All coordinates shown are grid. due to the extremely small scale factor, all distances are grid distances. Scale Factor = 1.00003802. grid distance x scale factor = ground distance.
- 6) Property Boundaries have been determined from field survey, plats of record, and record title.

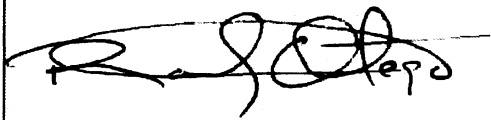
REFERENCES:

- F.D.O.T. Right-of-Way Map for S.R. 9 (I-95), State Project No. 93220-2476, Financial Project No. 413265-1.
- Plats of records as shown.

LEGEND

Δ	= Central Angle	F.P.I.D.	= Financial Project Identification	P.O.B.	= Point of Beginning
B	= Baseline	L	= Length of curve	P.O.C.	= Point of Commence
BLVD	= Boulevard	L/A	= Limited Access	P	= Property Line
C.B.	= Chord Bearing	LB	= Licensed Business	R	= Radius
CONC.	= Concrete	LT.	= Left	RGE.	= Range
COR.	= Corner	O.R.B.	= Official Records Book	R/W	= Right of Way
ESMT.	= Easement	(P)	= Plat	SEC.	= Section
EXIST.	= Existing	P.B.	= Plat Book	S.U.A.E.	= Seacoast utility authority easement
F.D.O.T.	= Florida Department of Transportation	PBC	= Palm Beach County	S.R.	= State Road
FND.	= Found	PG.	= Page	TWP.	= Township

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17 Florida Administrative Code Pursuant to Section 472-027, Florida statutes.



12/8/2022

Randolph Ortega Gonzalez
Florida Surveyor and Mapper No. 7284
WGI
2035 Vista Parkway
West Palm Beach, Florida 33411
Certificate of Authorization LB7055

Date

Not valid unless signed and sealed.

vault://rwmapping/r4132651/parcel sketch/rwpslease.dgn

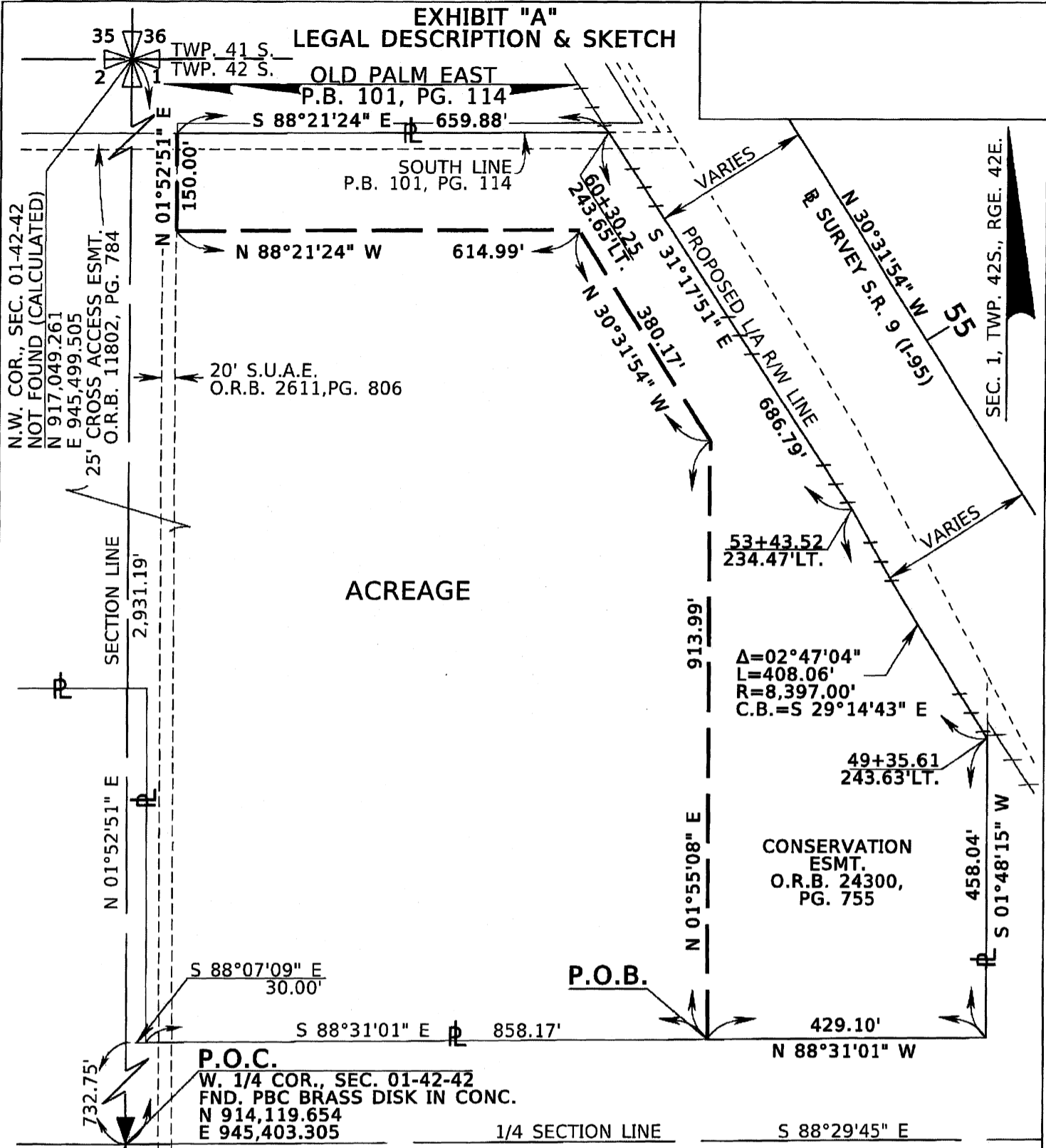
THIS IS NOT A SURVEY

**FLORIDA DEPARTMENT OF TRANSPORTATION
LEGAL DESCRIPTION AND SKETCH**

STATE ROAD NO. 9 (I-95) PALM BEACH COUNTY

REVISION		BY	DATE	DRAWN		BY	DATE	PREPARED BY:	DATA SOURCE:
				I.GONZALEZ			02/21/2022	WGI, LB7055	SEE GENEREAL NOTES
				CHECKED		R. ORTEGA	02/23/2022	F.P.I.D. NO. 413265-1	SECTION 93220-2476
									SHEET 2 OF 4

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH



ACREAGE

P.O.C.
W. 1/4 COR., SEC. 01-42-42
FND. PBC BRASS DISK IN CONC.
N 914,119.654
E 945,403.305

CONSERVATION
ESMT.
O.R.B. 24300,
PG. 755

vault://rwmapping/r4132651/parcel sketch/rwpslease.dgn THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION			
LEGAL DESCRIPTION AND SKETCH			
STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY	
	BY	DATE	PREPARED BY: WGI, LB7055
	DRAWN	I.GONZALEZ	02/21/2022
	CHECKED	R. ORTEGA	02/23/2022
REVISION	BY	DATE	F.P.I.D. NO. 413265-1 SECTION 93220-2476 SHEET 3 OF 4

EXHIBIT "B"
RELEASE PARCEL

Item/Segment No. 4132651
Section 93220-2476
9-13-19

Fee Simple Right of Way

Parcel No. 101	State Road 9	Palm Beach County	Description
----------------	--------------	-------------------	-------------

A portion of land lying in Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, as shown on Sheets 6 and 7 of the Florida Department of Transportation Right of Way Map of State Road 9 (I-95), Item/Segment No. 4132651, Section 93220-2476 and being more particularly described as follows:

BEGIN at the Southeasterly Corner of Open Space Tract 2, OLD PALM EAST, according to the plat thereof, as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along said Southerly line of Open Space Tract 2, a distance of 17.72 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence South 30°31'54" East along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95), a distance of 529.75 feet; thence South 26°31'54" East continuing along said Westerly Existing Limited Access Right of Way line, a distance of 433.40 feet; thence South 01°48'15" West, a distance of 96.09 feet to the beginning of the New Limited Access Right of Way line of said State Road 9 (I-95) also being the beginning of a non-tangent curve concave Northeasterly, having a chord bearing of North 29°14'43" West; thence Northwesterly along said curve and said New Limited Access Right of Way line, having a radius of 8,397.00 feet, through a central angle of 02°47'04", an arc distance of 408.06 feet to the end of said curve; thence North 31°17'51" West continuing along said New Limited Access Right of Way line, a distance of 686.79 feet to the end of said New Limited Access Right of Way line and a point on the Southerly line of said Open Space Tract 2, thence South 88°21'24" East along said Southerly line of Open Space Tract 2, a distance of 78.84 feet to the POINT OF BEGINNING.

Containing 1.649 acres, more or less.

Together with all rights of access, ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

EXHIBIT "C"

SOUTHEAST PARCEL

GENERAL NOTES:

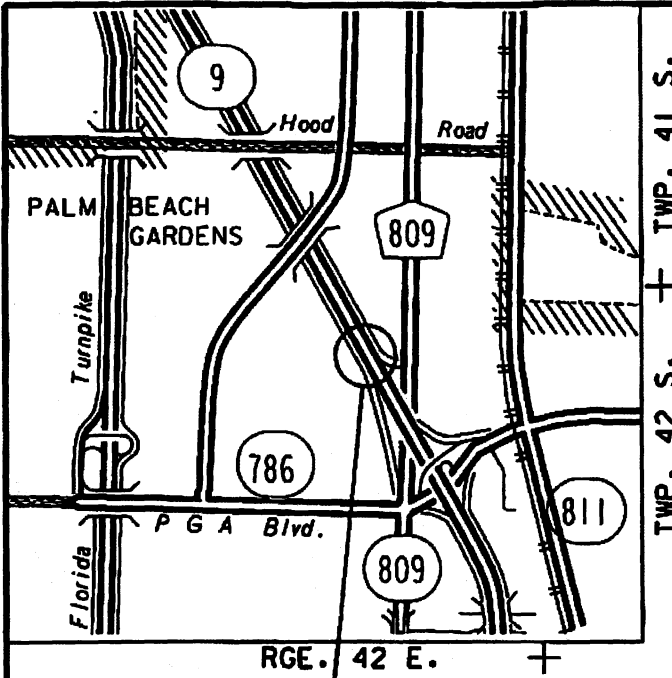
1. BEARINGS AND COORDINATES ARE RELATIVE TO STATE PLANE COORDINATE, FLORIDA EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983, ADJUSTMENT 1990, AS SHOWN ON THE RIGHT OF WAY CONTROL SURVEY MAP 93220-1474 OF S.R. 9 (I-95). A BEARING OF SOUTH 88°36'51" EAST BEING ESTABLISHED ALONG THE SOUTH LINE OF THE S.E. 1/4 OF SEC. 1, TWP. 42, S., RGE. 42 E.

NAME	NORTHING	EASTING	DESCRIPTION
S. 1/4 COR., SEC. 1	911,396.606	947,958.866	1/2" IRON ROD
S.E. COR., SEC. 1	911,332.648	950,602.871	PBC BRASS DISK

2. PARCEL 200 PART IS EXCESS PROPERTY TO BE SURPLUSED TO PALM BEACH COUNTY. PARCEL 200 WAS ACQUIRED UNDER STATE PROJECT NO. 93220-2474 RIGHT OF WAY MAP. PARCEL 200 PART AREA - 1.722 ACRES

3. THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IS ATTACHED.

4. ALL BEARINGS AND DISTANCES ARE CALCULATED.



LOCATION MAP
NOT TO SCALE

PARCEL VICINITY

LEGEND:

Δ	• CENTRAL ANGLE	LT.	• LEFT
⊕	• BASELINE	P.O.B.	• POINT OF BEGINNING
CB	• CHORD BEARING	P.O.C.	• POINT OF COMMENCEMENT
CONC.	• CONCRETE	R	• RADIUS
EXIST.	• EXISTING	RGE.	• RANGE
FND.	• FOUND	R/W	• RIGHT OF WAY
F.P.	• FINANCIAL PROJECT	SEC.	• SECTION
L	• LENGTH	S.R.	• STATE ROAD
L/A	• LIMITED ACCESS	TWP.	• TOWNSHIP

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
SURVEYING AND MAPPING OFFICE
3400 WEST COMMERCIAL BOULEVARD
FT. LAUDERDALE, FLORIDA 33309
954-777-4560

VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH			STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY		
			BY	DATE	PREPARED BY:	SCALE:	
			DRAWN	T.BROWN	10-30-19	F.D.O.T. DISTRICT IV	NOT TO SCALE
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651 SECTION 93220-2476 SHEET 1 OF 3

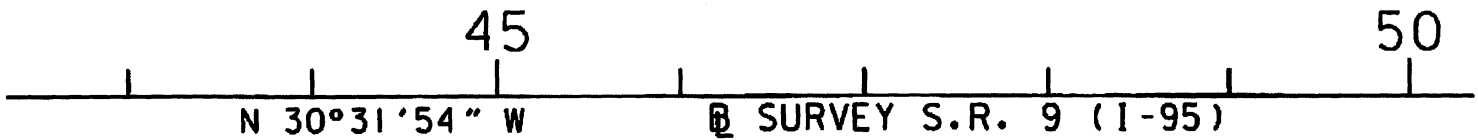
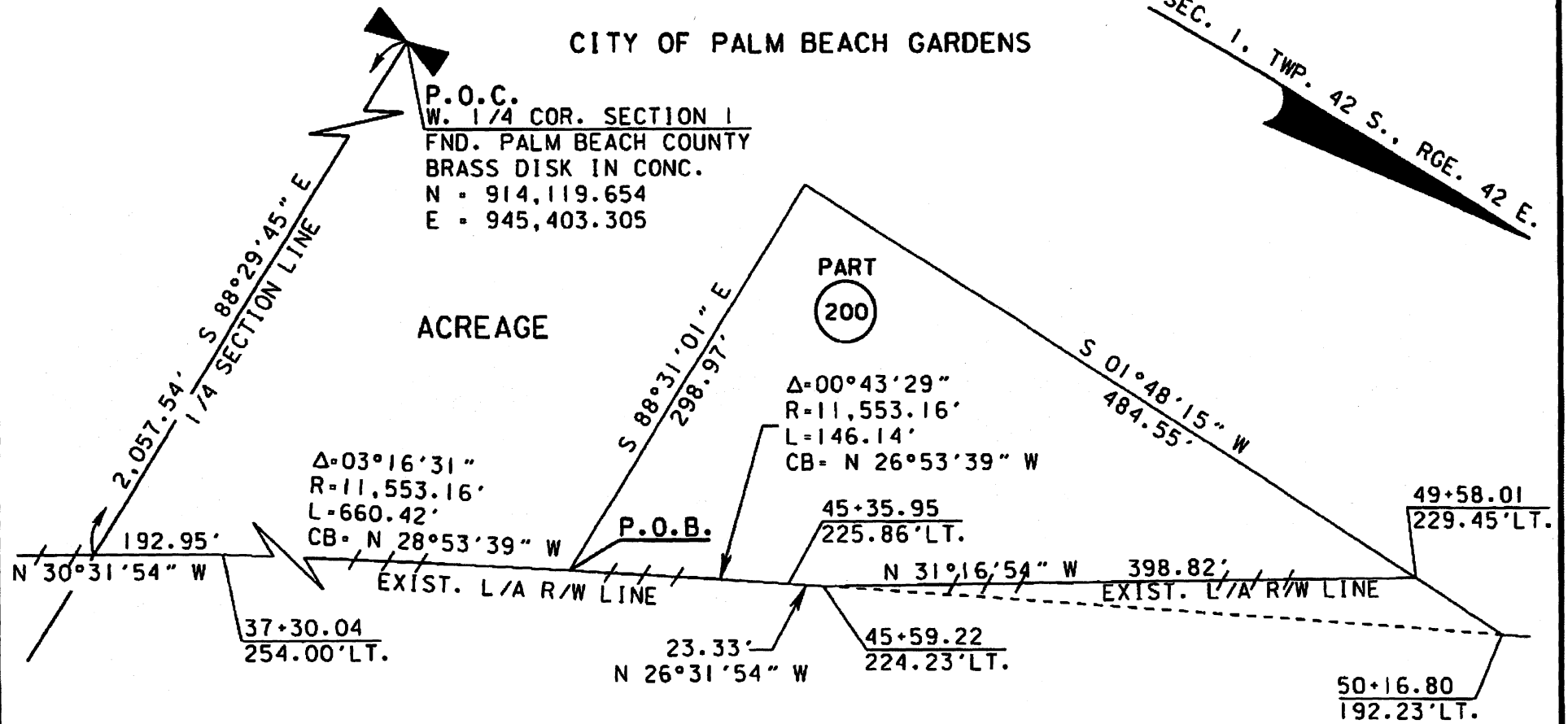
CITY OF PALM BEACH GARDENS

SEC. 1. TWP. 42 S., RGE. 42 E.

P.O.C.
 W. 1/4 COR. SECTION 1
 FND. PALM BEACH COUNTY
 BRASS DISK IN CONC.
 N = 914,119.654
 E = 945,403.305

ACREAGE

PART
 (200)



VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

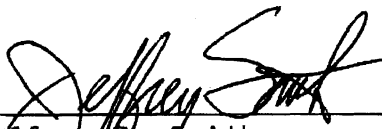
FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY	
				BY	DATE	PREPARED BY:	SCALE:	
				DRAWN	T.BROWN	10-30-19	F.D.O.T. DISTRICT IV	1" = 100'
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476 SHEET 2 OF 3

A portion of land lying in the Northwest One-Quarter (N.W. 1/4) of Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at brass disc found marking the West One-Quarter (W. 1/4) Corner of said Section 1; thence South 88°29'45" East along the South line of said Northwest One-Quarter (N.W. 1/4), a distance of 2,057.54 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence continue along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) for the next five (5) courses; (1) North 30°31'54" West, a distance of 192.95 feet to the beginning of a curve concave Northeasterly, having a chord bearing of North 28°53'39" West; thence (2) continue Northwesterly along said curve, having a radius of 11,553.16 feet, through a central angle of 03°16'31", an arc distance of 660.42 feet to the end of said curve and the POINT OF BEGINNING; thence (3) continuing Northwesterly along said curve, having a chord bearing of North 26°53'39" West, a radius of 11,553.16 feet, through a central angle of 00°43'29", an arc distance of 146.14 feet to the end of said curve; thence (4) North 26°31'54" West, a distance of 23.33 feet; thence (5) North 31°16'54" West, a distance of 398.82 feet; thence South 01°48'15" West, a distance of 484.55 feet; thence South 88°31'01" East, a distance of 298.97 feet to a point on said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) and the POINT OF BEGINNING.

Containing 1.722 acres, more or less.

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers, in Chapter 5J-17 Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

 10/30/19
 Jeffrey D. Smith Date
 Florida Surveyor & Mapper No. 4805

Not valid unless signed and sealed.

VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY		
				BY T.BROWN	DATE 10-30-19	PREPARED BY: F.D.O.T. DISTRICT IV	SCALE: NOT TO SCALE		
	REVISION	BY	DATE	CHECKED LUIS G.	DATE 11-01-19	F.P. NO. 4132651	SECTION 93220-2476	SHEET 3 OF 3	

**AMENDMENT NO. 2 TO THE LEASE AGREEMENT
BETWEEN PALM BEACH COUNTY AND THE CITY OF PALM BEACH
GARDENS**

THIS AMENDMENT NO. 2 TO THE LEASE AGREEMENT (Amendment No. 2) is made and entered into _____ by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as the “County,” and **THE CITY OF PALM BEACH GARDENS**, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter referred to as the “City.”

WHEREAS, County and City entered into that certain Lease Agreement dated January 23, 2018 (R2018-0122) to facilitate the development of the District Park Property for park purposes for the use and benefit of all residents of Palm Beach County; and

WHEREAS, County and City entered into that certain Amendment No. 1 dated March 17, 2020 (R2020-0327), amending Articles IV and X of the Lease Agreement to address equal opportunity protections and subleasing revenue share; and

WHEREAS, the Florida Department of Transportation, hereinafter referred to as “FDOT,” desires to expand a deceleration lane of State Road No. 9 (I-95) and has requested the County convey 1.649 acres being a small strip of land along the eastern portion of the District Park Property for the purpose of said expansion; and

WHEREAS, in exchange for the portion of District Park Property, FDOT shall convey to County 1.722 acres of FDOT-owned property (“FDOT Parcel”) which is adjacent to the southeast corner of the District Park Property; and

WHEREAS, in order to accommodate FDOT’s land exchange request, County and City agree to modify the legal description of the District Park Property in the Lease Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this Amendment No. 2 shall have the same meaning and effect as in the Lease Agreement.

2. Section 1.01, Exhibit “A” (District Park Property) of the Lease Agreement is hereby replaced with new Exhibit “A1” (District Park Property), attached hereto.

3. Except as modified by this Amendment No. 2, and as previously modified by Amendment No. 1, the Lease Agreement remains unmodified and in full force and effect, and the parties hereby ratify, confirm, and adopt the Lease Agreement, as amended, in accordance with the terms thereof. This Amendment No. 2 is expressly contingent upon the approval of the Palm Beach County Board of County Commissioners and the City Council of the City of Palm Beach Gardens and shall become effective only when signed by all parties.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment No. 2 to the Lease Agreement as of the day and year first above written.

ATTEST:

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

By: _____
Deputy Clerk

COUNTY:

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

By: _____
Maria Sachs, Mayor

Signed and delivered in the presence of:

Witness Signature

Print Witness Name

Witness Mailing Address

Witness Signature

Print Witness Name

Witness Mailing Address

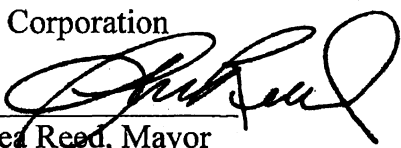
**APPROVED AS TO
LEGAL SUFFICIENCY**

By:  _____
Eric H. Falcon
Assistant County Attorney


**APPROVED AS TO TERMS AND
CONDITIONS**

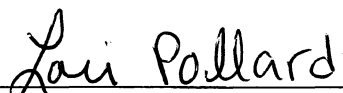
By:  _____
Department Director

CITY:
CITY OF PALM BEACH GARDENS,
a Municipal Corporation

By: 
Chelsea Reed, Mayor

Signed and delivered in the presence of:


Witness Signature
Renata Schwedhelm
Print Witness Name
10500 N Military Trail
Palm Beach Gardens,
Witness Mailing Address
FL 33410


Witness Signature
Lori Pollard
Print Witness Name
10500 N. Military Trail
PBG, FL 33410
Witness Mailing Address

ATTEST:

By: 
Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

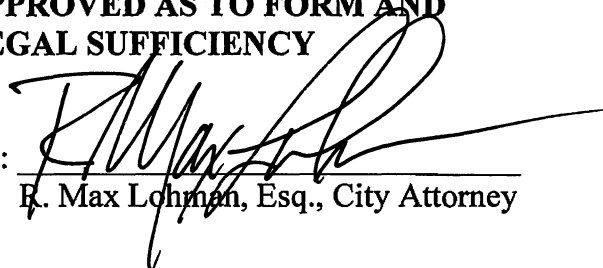
By: 
R. Max Lohman, Esq., City Attorney

EXHIBIT "A1"
PALM BEACH GARDENS DISTRICT PARK PROPERTY

LEGAL DESCRIPTION

A portion of land lying in Sections 1 and 2, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at a brass disk in concrete stamped "Palm Beach County", found marking the West One-quarter (W ¼) corner of said Section 1, Township 42 South, Range 42 East; thence North 01°52'51" East, along the West line of said Section 1, a distance of 732.75 feet; thence South 88°07'09" East along a line at a right angle to the previously described course, a distance of 30.00 feet to the **POINT OF BEGINNING**; thence North 01°52'51" East, a distance of 541.55 feet; thence along the Northerly Existing Right of Way Line of 117th Court North, as described in Official Records Book 6496, Page 325, of the Public Records of Palm Beach County, Florida, the following four (4) courses; (1) North 88°21'18" West, a distance of 1,758.01 feet to the beginning of a curve concave Northeasterly, having a chord bearing of North 79°37'59" West; thence (2) Westerly along said curve, having a radius of 1,460.00 feet, through a central angle of 17°26'39", an arc distance of 444.51 feet to the end of said curve; thence (3) North 70°54'39" West, a distance of 273.96 feet; thence (4) North 25°17'45" West, a distance of 57.17 feet to a point on the Easterly Existing Right of Way line of Central Boulevard, as described in Official Records Book 5104, Page 945 of the Public Records of Palm Beach County, Florida, said point also being the beginning of a non-tangent curve concave Southeasterly, having a chord bearing of North 25°43'17" East; thence Northeasterly along said curve, having a radius of 3,759.72 feet, through a central angle of 10°48'14", an arc distance of 708.95 feet to the Southerly line of OLD PALM EAST, according to the plat thereof as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along said Southerly line of said plat, a distance of 2,897.52 feet to a point on the Westerly Proposed Limited Access Right of Way line of State Road 9 (I-95); thence along said Westerly Proposed Limited Access Right of Way line for the next two (2) courses: (1) South 31°17'51" East, a distance of 686.79 feet to the beginning of a non-tangent curve concave Northeasterly, having a chord bearing South 29°14'43" East; thence (2) Southeasterly along said curve, having a radius of 8,397.00 feet, through a central angle of 02°47'04" an arc distance of 408.06 feet to the end of said curve; thence South 01°48'15" West, a distance of 458.04 feet; thence North 88°31'01" West, a distance of 1,287.27 feet to the **POINT OF BEGINNING**.

Together with:

A portion of land lying in the Northwest One-Quarter (N.W. ¼) of Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at brass disc found marking the West One-Quarter (W. ¼) Corner of said Section 1; thence South 88°29'45" East along the South line of said Northwest One-Quarter (N.W. ¼), a distance of 2,057.54 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence continue along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) for the next five (5) courses; (1) North 30°31'54" West, a distance of 192.95 feet to the beginning of a curve concave Northeasterly, having a chord bearing of North 28°53'39" West; thence (2) continue Northwesterly along said curve, having a radius of 11,553.16 feet, through a central angle of 03°16'31", an arc distance of 660.42 feet to the end of said curve and the **POINT OF BEGINNING**; thence (3) continuing Northwesterly along said curve, having a chord bearing of North 26°53'39" West, a radius of 11,553.16 feet, through a central angle of 00°43'29", an arc distance of 146.14 feet to the end of said curve; thence (4) North 26°31'54" West, a distance of 23.33 feet; thence (5) North 31°16'54" West, a distance of 398.82 feet; thence South 01°48'15" West, a distance 484.55 feet; thence South 88°31'01" East, a distance of 298.97 feet to a point on said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) and the **POINT OF BEGINNING**.

Attachment #7

Amendment and Partial Release of Conversation Easement w/ Exhibits - 2@ 13 pages each

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

PCN: 52-42-42-01-00-000-3050 (a portion of)

AMENDMENT AND PARTIAL RELEASE OF CONSERVATION EASEMENT

This AMENDMENT AND PARTIAL RELEASE OF CONSERVATION EASEMENT (“Amendment to Easement”) is made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida (“County”), whose address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, and the **CITY OF PALM BEACH GARDENS**, a Florida Municipal Corporation (“City”), whose address is 10500

North Military Trail, Palm Beach Gardens, Florida 33410.

WITNESSETH:

WHEREAS, the County granted in favor of the City that certain Conservation Easement dated December 21, 2010, and recorded in Official Records Book 24300, Page 0755, of the public records of Palm Beach County, Florida, (the “Conservation Easement”) encumbering approximately 12.7 acres of land which is defined as the Property in the Conservation Easement; and

WHEREAS, the Florida Department of Transportation (“FDOT”) requested a land exchange with the County which impacts a small strip of County land along the eastern portion of the Conservation Easement area for the expansion of State Road No. 9 (I-95) ; and

WHEREAS, the County and FDOT agreed that the County will convey to FDOT a 1.649-acre strip of land along the eastern portion of the Conservation Easement area as legally described in Exhibit “B,” attached hereto and made a part hereof (the “Release Parcel”), which abuts the I-95 right-of-way, and in exchange, FDOT will convey to the County a 1.722-acre parcel that is legally described in Exhibit “C,” attached hereto and made a part hereof (the “Southeast Parcel”), that abuts the southeast corner of the Conservation Easement area; and

WHEREAS, with the City’s approval, FDOT and the County recently finalized the land exchange requiring that the legal description be modified in the Conservation Easement.

NOW, THEREFORE, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this Amendment to Easement shall have the same meaning and effect as in the Conservation Easement.
2. The Release Parcel (1.649 acres) is hereby released from the Conservation Easement, without impairing the operation and effect of the Conservation Easement as to the remainder of the Property.
3. The Southeast Parcel (1.722 acres) is hereby added to the Property of the Conservation Easement without impairing the operation and effect of the Conservation Easement.

4. Exhibit "A" (Property) of the Conservation Easement is hereby deleted in its entirety and replaced by Exhibit "A," attached hereto and made a part hereof ("Property").

5. The Conservation Easement shall remain in full force and effect with respect to the Property as revised hereby and shall remain otherwise unaffected by this Amendment to Easement, except as specifically set forth herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the County and City have caused this Amendment and Partial Release of Conservation Easement to be executed as of the day and year first above written.

ATTEST:

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

By: _____
Deputy Clerk

COUNTY:

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

By: _____
Maria Sachs, Mayor

Signed and delivered in the presence of:

Witness Signature

Print Witness Name

Witness Mailing Address

Witness Signature

Print Witness Name

Witness Mailing Address

**APPROVED AS TO
LEGAL SUFFICIENCY**

By:  Eric H. Falson
Assistant County Attorney

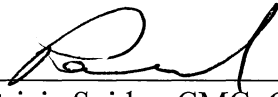
**APPROVED AS TO TERMS AND
CONDITIONS**

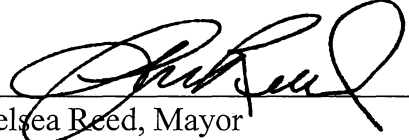
By: 
Department Director

ATTEST:

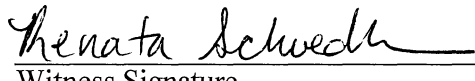
CITY:

CITY OF PALM BEACH GARDENS,
a Florida municipal corporation

By: 
Patricia Snider, CMC, City Clerk

By: 
Chelsea Reed, Mayor

Signed and delivered in the presence of:


Witness Signature


Witness Signature

Renata Schwedhelm
Print Witness Name

Lori Pollard
Print Witness Name

10500 N Military Trail
Palm Beach Gardens, FL 33410
Witness Mailing Address

10500 N. Military Trail
PBG, FL 33410
Witness Mailing Address

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

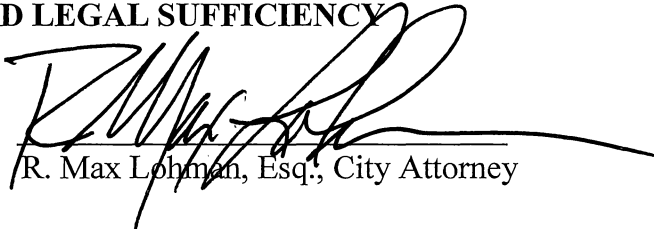
By: 
R. Max Lohman, Esq., City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH

LEGAL DESCRIPTION

A portion of land lying in Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, and being more particularly described as follows:

COMMENCE at a brass disk in concrete stamped "Palm Beach County", found marking the West One-quarter (W 1/4) corner of said Section 1, Township 42 South, Range 42 East; thence North 01°52'51" East, along the West line of said Section 1, a distance of 732.75 feet; thence South 88°07'09" East, along a line at a right angle to the previously described course, a distance of 30.00 feet; thence South 88°31'01" East, a distance of 858.17 feet to the POINT OF BEGINNING; thence North 01°55'08" East, a distance of 913.99 feet; thence North 30°31'54" West, a distance of 380.17 feet; thence North 88°21'24" West, a distance of 614.99 feet to a point on a line 70.00 feet Easterly of, and parallel with the West line of said Section 1; thence North 01°52'51" East, along said parallel line, a distance of 150.00 feet to a point on the Southerly line of OLD PALM EAST, according to the plat thereof as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along said Southerly line of said plat, a distance of 659.88 feet to a point on the Westerly Proposed Limited Access Right of Way Line of State Road 9 (I-95); thence along said Westerly Proposed Limited Access Right of Way Line of State Road 9 (I-95) for the following two (2) courses: (1) South 31°17'51" East, a distance of 686.79 feet to the beginning of a non-tangent curve concave Northeasterly, having a chord bearing of South 29°14'43" East; thence (2) Southeasterly along said curve, having a radius of 8,397.00 feet, through a central angle of 02°47'04", an arc distance of 408.06 feet to the end of said curve; thence South 01°48'15" West, a distance of 458.04 feet; thence North 88°31'01" West, a distance of 429.10 feet to the POINT OF BEGINNING.

Containing 11.047 acres, more or less.

vault:/rwmapping/r4132651/parcel sketch/rwpslease.dgn

THIS IS NOT A SURVEY

			FLORIDA DEPARTMENT OF TRANSPORTATION			
			LEGAL DESCRIPTION AND SKETCH			
			STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY	
			BY	DATE	PREPARED BY:	SCALE:
					WGI, LB7055	N/A
DRAWN	I.GONZALEZ	02/21/2022				
REVISION	BY	DATE	CHECKED	R. ORTEGA	02/23/2022	F.P.I.D. NO. 413265-1 SECTION 93220-2476 SHEET 1 OF 4

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH

GENERAL NOTES:

- 1) This is not a Map of Boundary Survey. This sketch exists solely for the purpose of illustrating the legal description to which it is attached.
- 2) Linear units are U.S. Survey Foot. bearings and coordinates are relative to the State Plane Coordinate System, Transverse Mercator Projection, Florida East zone, North American Datum (NAD) of 1983 / 1990 adjustment. A bearing of North 01°52'51" East has been established along the West line of Section 1, Township 42 South, Range 42 East, all lines are relative thereto.
- 3) Stations and Offsets are relative to the Baseline of Survey of State Road 9 (I-95) as depicted in R/W Map Section 93220-2476 for S.R. 9 (I-95).
- 4) This document consists of four (4) sheets and shall not be considered full, valid and complete unless each sheet is attached to the other.
- 5) All coordinates shown are grid. due to the extremely small scale factor, all distances are grid distances. Scale Factor = 1.00003802. grid distance x scale factor = ground distance.
- 6) Property Boundaries have been determined from field survey, plats of record, and record title.

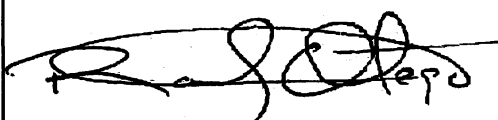
REFERENCES:

- F.D.O.T. Right-of-Way Map for S.R. 9 (I-95), State Project No. 93220-2476, Financial Project No. 413265-1.
- Plats of records as shown.

LEGEND

Δ	=	Central Angle	F.P.I.D.	=	Financial Project Identification	P.O.B.	=	Point of Beginning
B	=	Baseline	L	=	Length of curve	P.O.C.	=	Point of Commence
BLVD	=	Boulevard	L/A	=	Limited Access	P	=	Property Line
C.B.	=	Chord Bearing	LB	=	Licensed Business	R	=	Radius
CONC.	=	Concrete	LT.	=	Left	RGE.	=	Range
COR.	=	Corner	O.R.B.	=	Official Records Book	R/W	=	Right of Way
ESMT.	=	Easement	(P)	=	Plat	SEC.	=	Section
EXIST.	=	Existing	P.B.	=	Plat Book	S.U.A.E.	=	Seacoast utility authority easement
F.D.O.T.	=	Florida Department of Transportation	PBC	=	Palm Beach County	S.R.	=	State Road
FND.	=	Found	PG.	=	Page	TWP.	=	Township

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17 Florida Administrative Code Pursuant to Section 472-027, Florida statutes.



12/21/2022

Randolph Ortega Gonzalez
 Florida Surveyor and Mapper No. 7284
 WGI
 2035 Vista Parkway
 West Palm Beach, Florida 33411
 Certificate of Authorization LB7055

Date

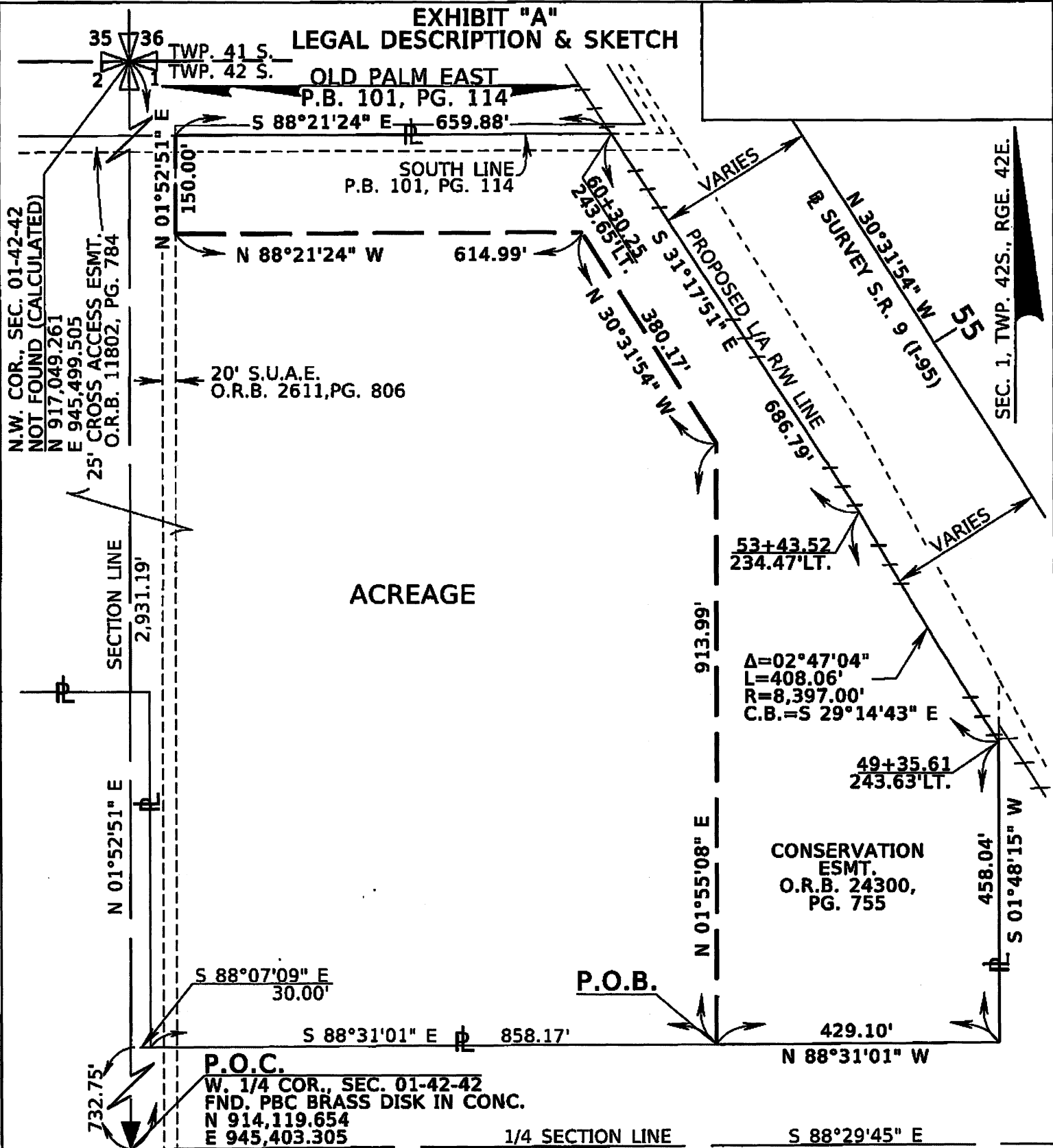
Not valid unless signed and sealed.

vault:/rwmapping/r4132651/parcel sketch/rwpslease.dgn

THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION								
LEGAL DESCRIPTION AND SKETCH								
STATE ROAD NO. 9 (I-95)				PALM BEACH COUNTY				
			BY	DATE	PREPARED BY:	DATA SOURCE:		
			I. GONZALEZ	02/21/2022	WGI, LB7055	SEE GENERAL NOTES		
REVISION	BY	DATE	CHECKED	R. ORTEGA	02/23/2022	F.P.I.D. NO. 413265-1	SECTION 93220-2476	SHEET 2 OF 4

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH



N.W. COR., SEC. 01-42-42
NOT FOUND (CALCULATED)
N 917,049.261
E 945,499.505
O.R.B. 11802, PG. 784

25' CROSS ACCESS ESMT.
O.R.B. 11802, PG. 784

SECTION LINE
2,931.19'

N 01°52'51" E
732.75'

S 88°07'09" E
30.00'

S 88°31'01" E
858.17'

P.O.C.
W. 1/4 COR., SEC. 01-42-42
FND. PBC BRASS DISK IN CONC.
N 914,119.654
E 945,403.305

1/4 SECTION LINE
S 88°29'45" E

N 01°52'51" E
150.00'

N 88°21'24" W
614.99'

SOUTH LINE
P.B. 101, PG. 114

S 88°21'24" E
659.88'

20' S.U.A.E.
O.R.B. 2611, PG. 806

N 30°31'54" W
380.17'

S 31°17'51" E
686.79'

PROPOSED I/A RW LINE

N 30°31'54" W
243.65' LT.

VARIES

N 30°31'54" W
55

R SURVEY S.R. 9 (I-95)

VARIES

VARIES

53+43.52
234.47' LT.

Δ=02°47'04"
L=408.06'
R=8,397.00'
C.B.=S 29°14'43" E

49+35.61
243.63' LT.

CONSERVATION
ESMT.
O.R.B. 24300,
PG. 755

458.04'
S 01°48'15" W

P.O.B.

429.10'
N 88°31'01" W

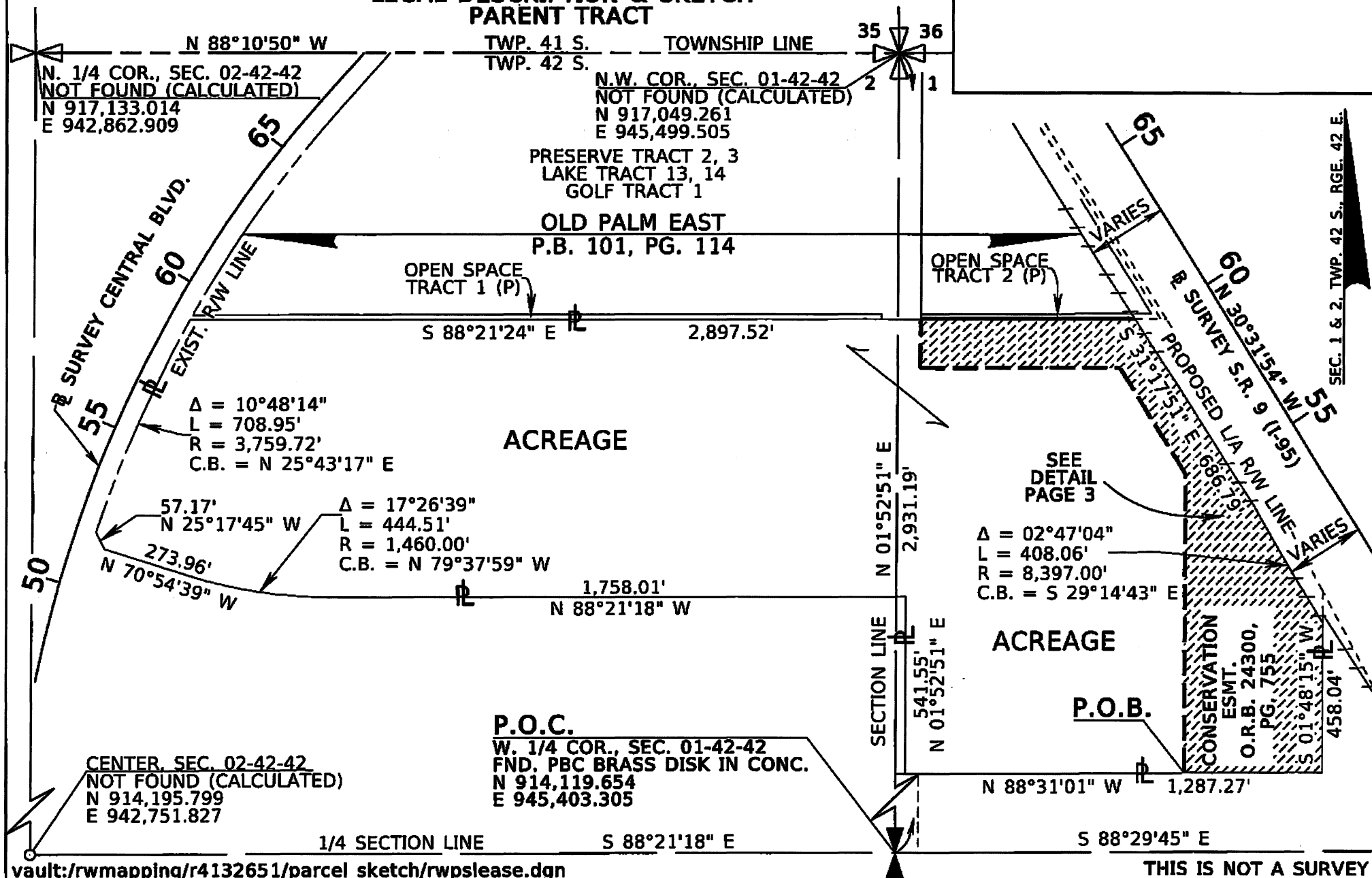
SEC. 1, TWP. 42S., RGE. 42E.

vault://rwmapping/r4132651/parcel sketch/rwpslease.dgn

THIS IS NOT A SURVEY

		FLORIDA DEPARTMENT OF TRANSPORTATION			
		LEGAL DESCRIPTION AND SKETCH			
		STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY	
	BY	DATE	PREPARED BY:	SCALE:	
	I. GONZALEZ	02/21/2022	WGI, LB7055	1" = 200'	
REVISION	BY	DATE	CHECKED	F.P.I.D. NO. 413265-1	SECTION 93220-2476
			R. ORTEGA	02/23/2022	SHEET 3 OF 4

**EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH
PARENT TRACT**



vault:/rwmapping/r4132651/parcel sketch/rwpslease.dgn

THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION LEGAL DESCRIPTION AND SKETCH				STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY			
				BY	DATE	PREPARED BY:	SCALE:			
				DRAWN	L.GONZALEZ	02/21/2022	WGI, LB7055	1" = 400'		
	REVISION	BY	DATE	CHECKED	R. ORTEGA	02/23/2022	F.P.I.D. NO. 413265-1	SECTION 93220-2476	SHEET 4 OF 4	

EXHIBIT "B"
RELEASE PARCEL

Item/Segment No. 4132651
Section 93220-2476
9-13-19

Fee Simple Right of Way

Parcel No. 101	State Road 9	Palm Beach County	Description
----------------	--------------	-------------------	-------------

A portion of land lying in Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, as shown on Sheets 6 and 7 of the Florida Department of Transportation Right of Way Map of State Road 9 (I-95), Item/Segment No. 4132651, Section 93220-2476 and being more particularly described as follows:

BEGIN at the Southeasterly Corner of Open Space Tract 2, OLD PALM EAST, according to the plat thereof, as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along said Southerly line of Open Space Tract 2, a distance of 17.72 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence South 30°31'54" East along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95), a distance of 529.75 feet; thence South 26°31'54" East continuing along said Westerly Existing Limited Access Right of Way line, a distance of 433.40 feet; thence South 01°48'15" West, a distance of 96.09 feet to the beginning of the New Limited Access Right of Way line of said State Road 9 (I-95) also being the beginning of a non-tangent curve concave Northeasterly, having a chord bearing of North 29°14'43" West; thence Northwesterly along said curve and said New Limited Access Right of Way line, having a radius of 8,397.00 feet, through a central angle of 02°47'04", an arc distance of 408.06 feet to the end of said curve; thence North 31°17'51" West continuing along said New Limited Access Right of Way line, a distance of 686.79 feet to the end of said New Limited Access Right of Way line and a point on the Southerly line of said Open Space Tract 2, thence South 88°21'24" East along said Southerly line of Open Space Tract 2, a distance of 78.84 feet to the POINT OF BEGINNING.

Containing 1.649 acres, more or less.

Together with all rights of access, ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

EXHIBIT "C"
SOUTHEAST PARCEL

GENERAL NOTES:

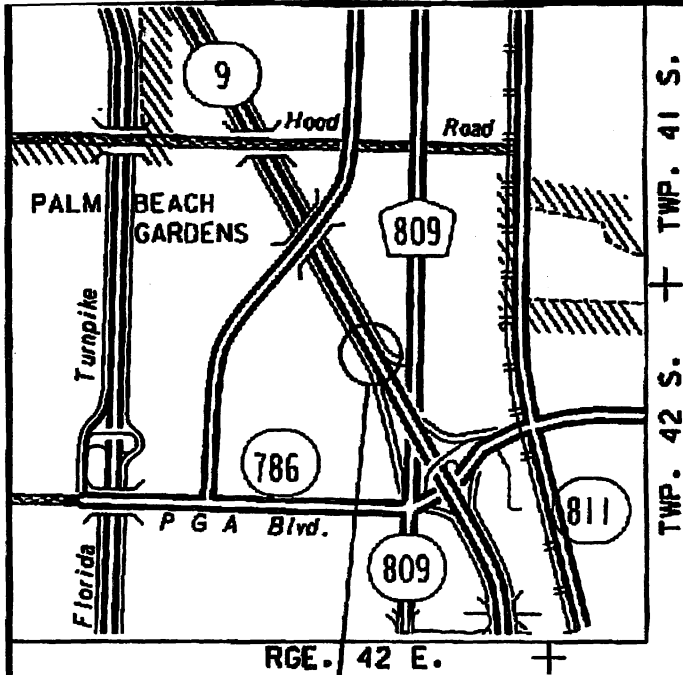
1. BEARINGS AND COORDINATES ARE RELATIVE TO STATE PLANE COORDINATE, FLORIDA EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983, ADJUSTMENT 1990, AS SHOWN ON THE RIGHT OF WAY CONTROL SURVEY MAP 93220-1474 OF S.R. 9 (I-95). A BEARING OF SOUTH 88°36'51" EAST BEING ESTABLISHED ALONG THE SOUTH LINE OF THE S.E. 1/4 OF SEC. 1, TWP. 42, S., RGE. 42 E.

NAME	NORTHING	EASTING	DESCRIPTION
S. 1/4 COR., SEC. 1	911,396.606	947,958.866	1/2" IRON ROD
S.E. COR., SEC. 1	911,332.648	950,602.871	PBC BRASS DISK

2. PARCEL 200 PART IS EXCESS PROPERTY TO BE SURPLUSED TO PALM BEACH COUNTY. PARCEL 200 WAS ACQUIRED UNDER STATE PROJECT NO. 93220-2474 RIGHT OF WAY MAP. PARCEL 200 PART AREA - 1.722 ACRES

3. THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IS ATTACHED.

4. ALL BEARINGS AND DISTANCES ARE CALCULATED.



LOCATION MAP
NOT TO SCALE

PARCEL VICINITY

LEGEND:

Δ	- CENTRAL ANGLE	LT.	- LEFT
@	- BASELINE	P.O.B.	- POINT OF BEGINNING
CB	- CHORD BEARING	P.O.C.	- POINT OF COMMENCEMENT
CONC.	- CONCRETE	R	- RADIUS
EXIST.	- EXISTING	RGE.	- RANGE
FND.	- FOUND	R/W	- RIGHT OF WAY
F.P.	- FINANCIAL PROJECT	SEC.	- SECTION
L	- LENGTH	S.R.	- STATE ROAD
L/A	- LIMITED ACCESS	TWP.	- TOWNSHIP

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
SURVEYING AND MAPPING OFFICE
3400 WEST COMMERCIAL BOULEVARD
FT. LAUDERDALE, FLORIDA 33309
954-777-4560

VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION				STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY		
				BY	DATE	PREPARED BY:	SCALE:	
				DRAWN	T.BROWN	10-30-19	F.D.O.T. DISTRICT IV	NOT TO SCALE
				CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476
			REVISION	BY	DATE			

CITY OF PALM BEACH GARDENS

SEC. 1, TWP. 42 S., RGE. 42 E.

P.O.C.
 W. 1/4 COR. SECTION 1
 FND. PALM BEACH COUNTY
 BRASS DISK IN CONC.
 N = 914,119.654
 E = 945,403.305

ACREAGE

PART
 (200)

$\Delta=00^{\circ}43'29''$
 R=11,553.16'
 L=146.14'
 CB= N 26°53'39" W

$\Delta=03^{\circ}16'31''$
 R=11,553.16'
 L=660.42'
 CB= N 28°53'39" W

S 88°31'01" E
 298.97'

S 01°48'15" W
 484.55'

N 30°31'54" W
 192.95'

37+30.04
 254.00'LT.

P.O.B.
 EXIST. L/A R/W LINE

45+35.95
 225.86'LT.

N 31°16'54" W 398.82'

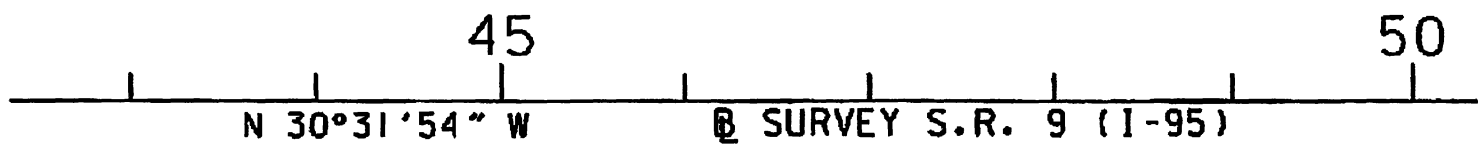
EXIST. L/A R/W LINE

49+58.01
 229.45'LT.

23.33'
 N 26°31'54" W

45+59.22
 224.23'LT.

50+16.80
 192.23'LT.



VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

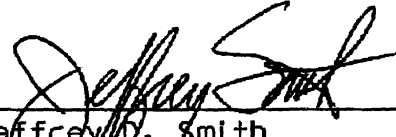
FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY		
				BY	DATE	PREPARED BY:	SCALE:		
				DRAWN	T.BROWN	10-30-19	F.D.O.T. DISTRICT IV		1" = 100'
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476	SHEET 2 OF 3

A portion of land lying in the Northwest One-Quarter (N.W. 1/4) of Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at brass disc found marking the West One-Quarter (W. 1/4) Corner of said Section 1; thence South 88°29'45" East along the South line of said Northwest One-Quarter (N.W. 1/4), a distance of 2,057.54 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence continue along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) for the next five (5) courses; (1) North 30°31'54" West, a distance of 192.95 feet to the beginning of a curve concave Northeasterly, having a chord bearing of North 28°53'39" West; thence (2) continue Northwesterly along said curve, having a radius of 11,553.16 feet, through a central angle of 03°16'31", an arc distance of 660.42 feet to the end of said curve and the POINT OF BEGINNING; thence (3) continuing Northwesterly along said curve, having a chord bearing of North 26°53'39" West, a radius of 11,553.16 feet, through a central angle of 00°43'29", an arc distance of 146.14 feet to the end of said curve; thence (4) North 26°31'54" West, a distance of 23.33 feet; thence (5) North 31°16'54" West, a distance of 398.82 feet; thence South 01°48'15" West, a distance of 484.55 feet; thence South 88°31'01" East, a distance of 298.97 feet to a point on said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) and the POINT OF BEGINNING.

Containing 1.722 acres, more or less.

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers, in Chapter 5J-17 Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

 10/30/19
 Jeffrey D. Smith Date
 Florida Surveyor & Mapper No. 4805

Not valid unless signed and sealed.

VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH			STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY	
	REVISION	BY	CHECKED	DATE	PREPARED BY: F.D.O.T. DISTRICT IV	SCALE: NOT TO SCALE
			LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476 SHEET 3 OF 3

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

PCN: 52-42-42-01-00-000-3050 (a portion of)

AMENDMENT AND PARTIAL RELEASE OF CONSERVATION EASEMENT

This AMENDMENT AND PARTIAL RELEASE OF CONSERVATION EASEMENT (“Amendment to Easement”) is made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida (“County”), whose address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, and the **CITY OF PALM BEACH GARDENS**, a Florida Municipal Corporation (“City”), whose address is 10500 North Military Trail, Palm Beach Gardens, Florida 33410.

WITNESSETH:

WHEREAS, the County granted in favor of the City that certain Conservation Easement dated December 21, 2010, and recorded in Official Records Book 24300, Page 0755, of the public records of Palm Beach County, Florida, (the “Conservation Easement”) encumbering approximately 12.7 acres of land which is defined as the Property in the Conservation Easement; and

WHEREAS, the Florida Department of Transportation (“FDOT”) requested a land exchange with the County which impacts a small strip of County land along the eastern portion of the Conservation Easement area for the expansion of State Road No. 9 (I-95); and

WHEREAS, the County and FDOT agreed that the County will convey to FDOT a 1.649-acre strip of land along the eastern portion of the Conservation Easement area as legally described in Exhibit “B,” attached hereto and made a part hereof (the “Release Parcel”), which abuts the I-95 right-of-way, and in exchange, FDOT will convey to the County a 1.722-acre parcel that is legally described in Exhibit “C,” attached hereto and made a part hereof (the “Southeast Parcel”), that abuts the southeast corner of the Conservation Easement area; and

WHEREAS, with the City’s approval, FDOT and the County recently finalized the land exchange requiring that the legal description be modified in the Conservation Easement.

NOW, THEREFORE, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this Amendment to Easement shall have the same meaning and effect as in the Conservation Easement.
2. The Release Parcel (1.649 acres) is hereby released from the Conservation Easement, without impairing the operation and effect of the Conservation Easement as to the remainder of the Property.
3. The Southeast Parcel (1.722 acres) is hereby added to the Property of the Conservation Easement without impairing the operation and effect of the Conservation Easement.

4. Exhibit "A" (Property) of the Conservation Easement is hereby deleted in its entirety and replaced by Exhibit "A," attached hereto and made a part hereof ("Property").

5. The Conservation Easement shall remain in full force and effect with respect to the Property as revised hereby and shall remain otherwise unaffected by this Amendment to Easement, except as specifically set forth herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the County and City have caused this Amendment and Partial Release of Conservation Easement to be executed as of the day and year first above written.

ATTEST:

COUNTY:

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

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

By: _____
Deputy Clerk

By: _____
Maria Sachs, Mayor

Signed and delivered in the presence of:

Witness Signature

Witness Signature

Print Witness Name

Print Witness Name

Witness Mailing Address

Witness Mailing Address

**APPROVED AS TO
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

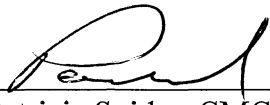
By:  _____
Soc. H. Falcon
Assistant County Attorney

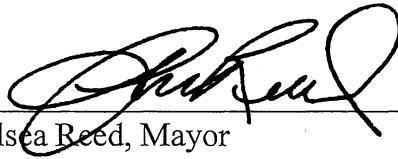
By:  _____
Department Director

ATTEST:

CITY:

CITY OF PALM BEACH GARDENS,
a Florida municipal corporation

By: 
Patricia Snider, CMC, City Clerk

By: 
Chelsea Reed, Mayor

Signed and delivered in the presence of:


Witness Signature


Witness Signature

Renata Schwedhelm
Print Witness Name

Lori Pollard
Print Witness Name

10500 N Military Trail

10500 N. Military Trail

Palm Beach Gardens, FL 33410

PBG, FL 33410

Witness Mailing Address

Witness Mailing Address

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

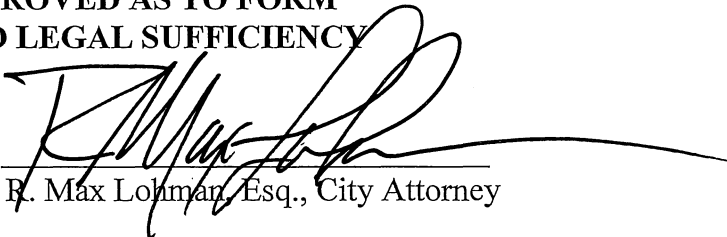
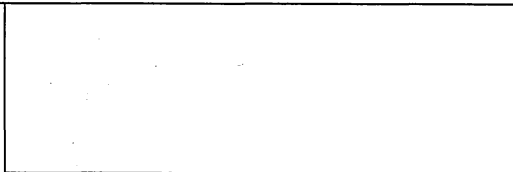
By: 
R. Max Lohman, Esq., City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH



LEGAL DESCRIPTION

A portion of land lying in Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, and being more particularly described as follows:

COMMENCE at a brass disk in concrete stamped "Palm Beach County", found marking the West One-quarter (W 1/4) corner of said Section 1, Township 42 South, Range 42 East; thence North 01°52'51" East, along the West line of said Section 1, a distance of 732.75 feet; thence South 88°07'09" East, along a line at a right angle to the previously described course, a distance of 30.00 feet; thence South 88°31'01" East, a distance of 858.17 feet to the POINT OF BEGINNING; thence North 01°55'08" East, a distance of 913.99 feet; thence North 30°31'54" West, a distance of 380.17 feet; thence North 88°21'24" West, a distance of 614.99 feet to a point on a line 70.00 feet Easterly of, and parallel with the West line of said Section 1; thence North 01°52'51" East, along said parallel line, a distance of 150.00 feet to a point on the Southerly line of OLD PALM EAST, according to the plat thereof as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along said Southerly line of said plat, a distance of 659.88 feet to a point on the Westerly Proposed Limited Access Right of Way Line of State Road 9 (I-95): thence along said Westerly Proposed Limited Access Right of Way Line of State Road 9 (I-95) for the following two (2) courses: (1) South 31°17'51" East, a distance of 686.79 feet to the beginning of a non-tangent curve concave Northeasterly, having a chord bearing of South 29°14'43" East; thence (2) Southeasterly along said curve, having a radius of 8,397.00 feet, through a central angle of 02°47'04", an arc distance of 408.06 feet to the end of said curve; thence South 01°48'15" West, a distance of 458.04 feet; thence North 88°31'01" West, a distance of 429.10 feet to the POINT OF BEGINNING.

Containing 11.047 acres, more or less.

vault:/rwmapping/r4132651/parcel sketch/rwpslease.dgn

THIS IS NOT A SURVEY

			FLORIDA DEPARTMENT OF TRANSPORTATION			
			LEGAL DESCRIPTION AND SKETCH			
			STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY	
			BY	DATE	PREPARED BY: WGI, LB7055	SCALE: N/A
			DRAWN	I.GONZALEZ	02/21/2022	
REVISION	BY	DATE	CHECKED	R. ORTEGA	02/23/2022	F.P.I.D. NO. 413265-1 SECTION 93220-2476 SHEET 1 OF 4

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH

GENERAL NOTES:

- 1) This is not a Map of Boundary Survey. This sketch exists solely for the purpose of illustrating the legal description to which it is attached.
- 2) Linear units are U.S. Survey Foot. bearings and coordinates are relative to the State Plane Coordinate System, Transverse Mercator Projection, Florida East zone, North American Datum (NAD) of 1983 / 1990 adjustment. A bearing of North 01°52'51" East has been established along the West line of Section 1, Township 42 South, Range 42 East, all lines are relative thereto.
- 3) Stations and Offsets are relative to the Baseline of Survey of State Road 9 (I-95) as depicted in R/W Map Section 93220-2476 for S.R. 9 (I-95).
- 4) This document consists of four (4) sheets and shall not be considered full, valid and complete unless each sheet is attached to the other.
- 5) All coordinates shown are grid. due to the extremely small scale factor, all distances are grid distances. Scale Factor = 1.00003802. grid distance x scale factor = ground distance.
- 6) Property Boundaries have been determined from field survey, plats of record, and record title.

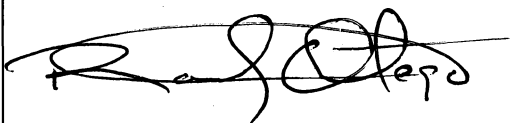
REFERENCES:

- F.D.O.T. Right-of-Way Map for S.R. 9 (I-95), State Project No. 93220-2476, Financial Project No. 413265-1.
- Plats of records as shown.

LEGEND

Δ	=	Central Angle	F.P.I.D.	=	Financial Project Identification	P.O.B.	=	Point of Beginning
B	=	Baseline	L	=	Length of curve	P.O.C.	=	Point of Commence
BLVD	=	Boulevard	L/A	=	Limited Access	P	=	Property Line
C.B.	=	Chord Bearing	LB	=	Licensed Business	R	=	Radius
CONC.	=	Concrete	LT.	=	Left	RGE.	=	Range
COR.	=	Corner	O.R.B.	=	Official Records Book	R/W	=	Right of Way
ESMT.	=	Easement	(P)	=	Plat	SEC.	=	Section
EXIST.	=	Existing	P.B.	=	Plat Book	S.U.A.E.	=	Seacoast utility authority easement
F.D.O.T.	=	Florida Department of Transportation	PBC	=	Palm Beach County	S.R.	=	State Road
FND.	=	Found	PG.	=	Page	TWP.	=	Township

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17 Florida Administrative Code Pursuant to Section 472-027, Florida statutes.



12/8/2022

Randolph Ortega Gonzalez Date
 Florida Surveyor and Mapper No. 7284
 WGI
 2035 Vista Parkway
 West Palm Beach, Florida 33411
 Certificate of Authorization LB7055

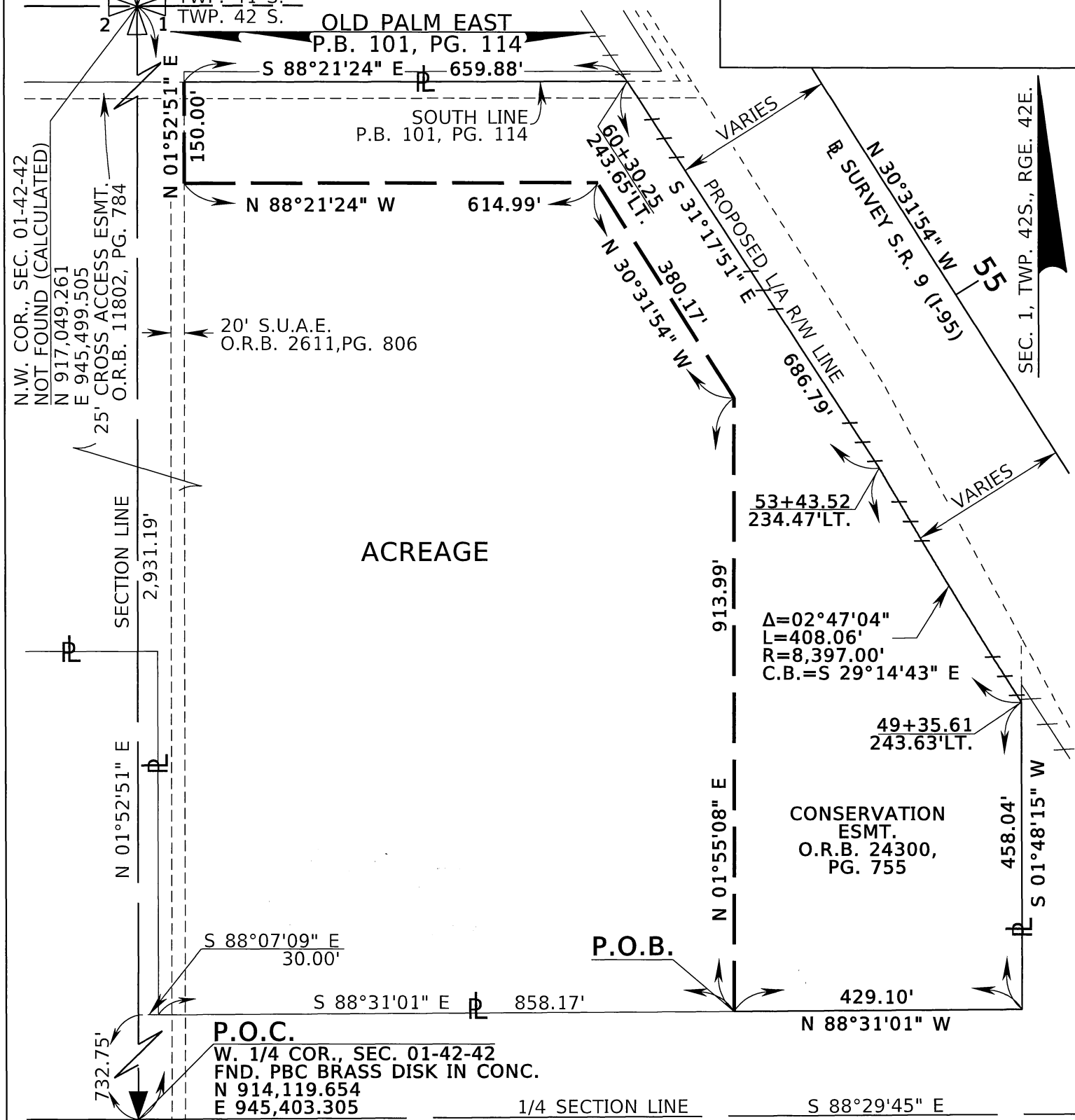
Not valid unless signed and sealed.

vault:/rwmapping/r4132651/parcel sketch/rwpslease.dgn

THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION											
LEGAL DESCRIPTION AND SKETCH											
STATE ROAD NO. 9 (I-95)					PALM BEACH COUNTY						
			BY	DATE	PREPARED BY: WGI, LB7055			DATA SOURCE: SEE GENERAL NOTES			
			DRAWN	I. GONZALEZ	02/21/2022						
REVISION	BY	DATE	CHECKED	R. ORTEGA	02/23/2022	F.P.I.D. NO. 413265-1		SECTION 93220-2476		SHEET 2 OF 4	

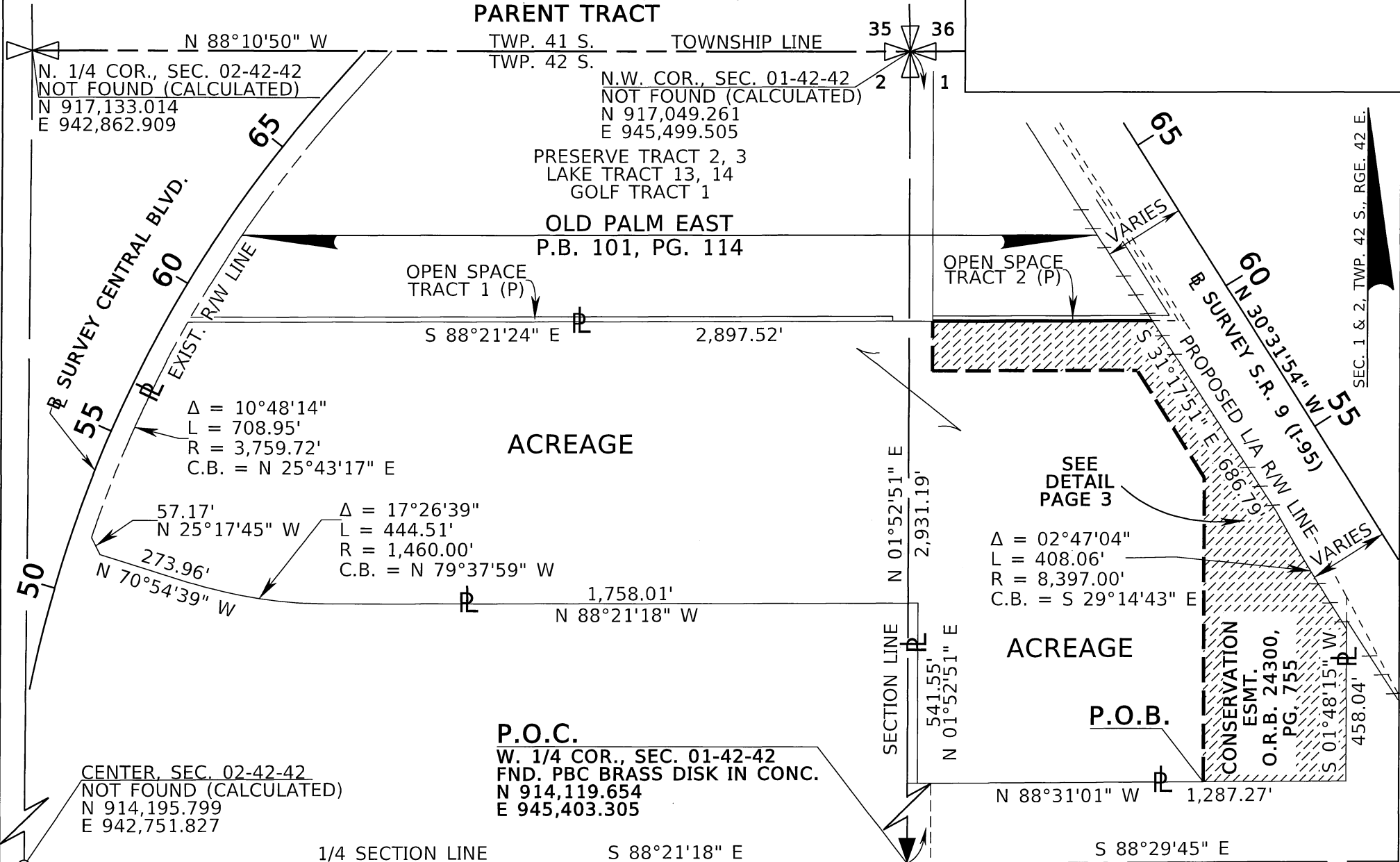
EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH



vault://rwmapping/r4132651/parcel sketch/rwpslease.dgn THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION					
LEGAL DESCRIPTION AND SKETCH					
STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY		
		BY	DATE	PREPARED BY:	SCALE:
		DRAWN	I. GONZALEZ	02/21/2022	WGI, LB7055 1" = 200'
REVISION	BY	DATE	CHECKED	R. ORTEGA	02/23/2022
			F.P.I.D. NO. 413265-1		SECTION 93220-2476
					SHEET 3 OF 4

**EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH
PARENT TRACT**



vault:/rwmapping/r4132651/parcel_sketch/rwpslease.dgn

THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION LEGAL DESCRIPTION AND SKETCH				STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY		
				BY	DATE	PREPARED BY:	SCALE:	
				DRAWN	I.GONZALEZ	02/21/2022	WGI, LB7055	1" = 400'
	REVISION	BY	DATE	CHECKED	R. ORTEGA	02/23/2022	F.P.I.D. NO. 413265-1	SECTION 93220-2476
							SHEET 4 OF 4	

EXHIBIT "B"
RELEASE PARCEL

Item/Segment No. 4132651
Section 93220-2476
9-13-19

Fee Simple Right of Way

Parcel No. 101	State Road 9	Palm Beach County	Description
----------------	--------------	-------------------	-------------

A portion of land lying in Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, as shown on Sheets 6 and 7 of the Florida Department of Transportation Right of Way Map of State Road 9 (I-95), Item/Segment No. 4132651, Section 93220-2476 and being more particularly described as follows:

BEGIN at the Southeasterly Corner of Open Space Tract 2, OLD PALM EAST, according to the plat thereof, as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida; thence South 88°21'24" East along said Southerly line of Open Space Tract 2, a distance of 17.72 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence South 30°31'54" East along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95), a distance of 529.75 feet; thence South 26°31'54" East continuing along said Westerly Existing Limited Access Right of Way line, a distance of 433.40 feet; thence South 01°48'15" West, a distance of 96.09 feet to the beginning of the New Limited Access Right of Way line of said State Road 9 (I-95) also being the beginning of a non-tangent curve concave Northeasterly, having a chord bearing of North 29°14'43" West; thence Northwesterly along said curve and said New Limited Access Right of Way line, having a radius of 8,397.00 feet, through a central angle of 02°47'04", an arc distance of 408.06 feet to the end of said curve; thence North 31°17'51" West continuing along said New Limited Access Right of Way line, a distance of 686.79 feet to the end of said New Limited Access Right of Way line and a point on the Southerly line of said Open Space Tract 2, thence South 88°21'24" East along said Southerly line of Open Space Tract 2, a distance of 78.84 feet to the POINT OF BEGINNING.

Containing 1.649 acres, more or less.

Together with all rights of access, ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

EXHIBIT "C"
SOUTHEAST PARCEL

GENERAL NOTES:

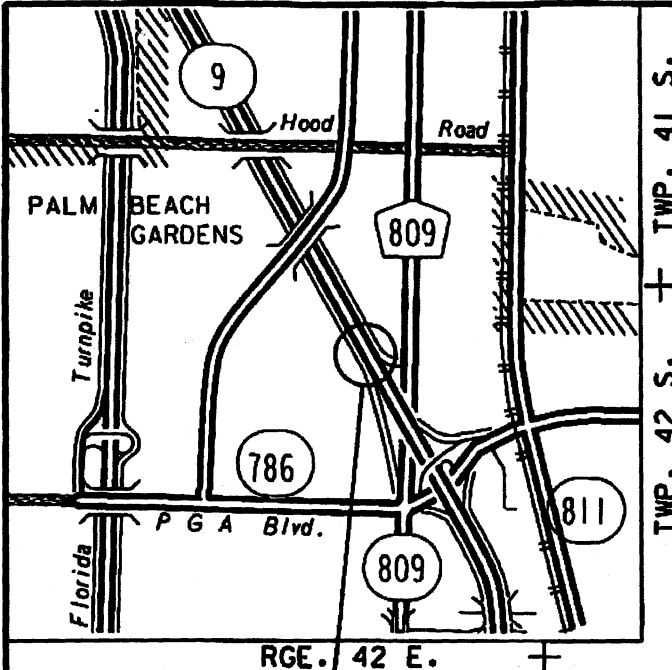
1. BEARINGS AND COORDINATES ARE RELATIVE TO STATE PLANE COORDINATE, FLORIDA EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983, ADJUSTMENT 1990, AS SHOWN ON THE RIGHT OF WAY CONTROL SURVEY MAP 93220-1474 OF S.R. 9 (I-95). A BEARING OF SOUTH 88°36'51" EAST BEING ESTABLISHED ALONG THE SOUTH LINE OF THE S.E. 1/4 OF SEC. 1, TWP. 42, S., RGE. 42 E.

NAME	NORTHING	EASTING	DESCRIPTION
S. 1/4 COR., SEC. 1	911,396.606	947,958.866	1/2" IRON ROD
S.E. COR., SEC. 1	911,332.648	950,602.871	PBC BRASS DISK

2. PARCEL 200 PART IS EXCESS PROPERTY TO BE SURPLUSED TO PALM BEACH COUNTY. PARCEL 200 WAS ACQUIRED UNDER STATE PROJECT NO. 93220-2474 RIGHT OF WAY MAP. PARCEL 200 PART AREA - 1.722 ACRES

3. THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IS ATTACHED.

4. ALL BEARINGS AND DISTANCES ARE CALCULATED.



LOCATION MAP
NOT TO SCALE

PARCEL VICINITY

LEGEND:

Δ	• CENTRAL ANGLE	LT.	• LEFT
⊖	• BASELINE	P.O.B.	• POINT OF BEGINNING
CB	• CHORD BEARING	P.O.C.	• POINT OF COMMENCEMENT
CONC.	• CONCRETE	R	• RADIUS
EXIST.	• EXISTING	RGE.	• RANGE
FND.	• FOUND	R/W	• RIGHT OF WAY
F.P.	• FINANCIAL PROJECT	SEC.	• SECTION
L	• LENGTH	S.R.	• STATE ROAD
L/A	• LIMITED ACCESS	TWP.	• TOWNSHIP

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
SURVEYING AND MAPPING OFFICE
3400 WEST COMMERCIAL BOULEVARD
FT. LAUDERDALE, FLORIDA 33309
954-777-4560

VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

**FLORIDA DEPARTMENT OF
TRANSPORTATION**

PARCEL SKETCH

STATE ROAD NO. 9 (I-95)

PALM BEACH COUNTY

BY	DATE	PREPARED BY:	SCALE:
DRAWN T.BROWN	10-30-19	F.D.O.T. DISTRICT IV	NOT TO SCALE
CHECKED LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476
			SHEET 1 OF 3

REVISION

BY

DATE

CHECKED

LUIS G.

11-01-19

F.P. NO. 4132651

SECTION 93220-2476

SHEET 1 OF 3

CITY OF PALM BEACH GARDENS

SEC. 1, TWP. 42 S., RGE. 42 E.

P.O.C.
 W. 1/4 COR. SECTION 1
 FND. PALM BEACH COUNTY
 BRASS DISK IN CONC.
 N = 914,119.654
 E = 945,403.305

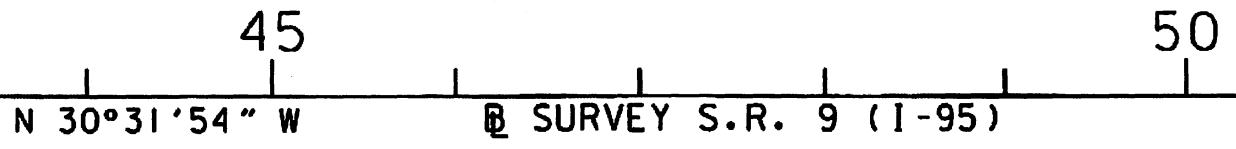
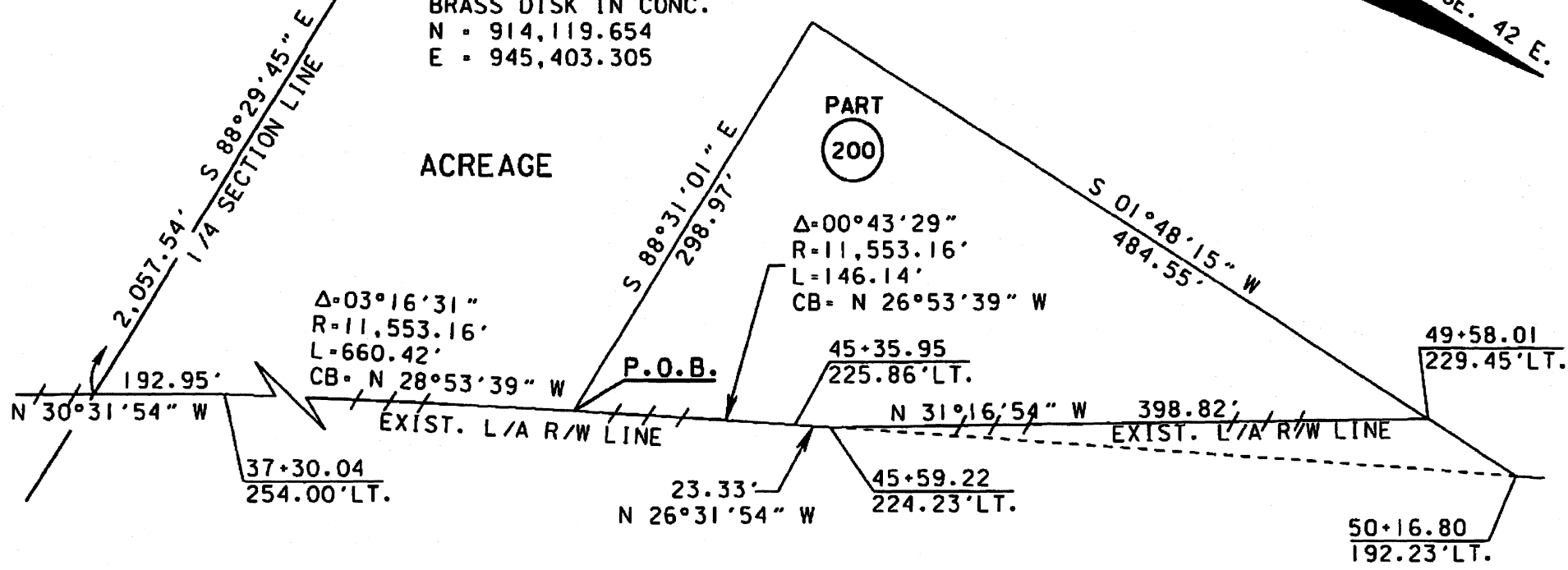
ACREAGE

PART
 200

$\Delta=00^{\circ}43'29''$
 $R=11,553.16'$
 $L=146.14'$
 $CB=N 26^{\circ}53'39'' W$

$\Delta=03^{\circ}16'31''$
 $R=11,553.16'$
 $L=660.42'$
 $CB=N 28^{\circ}53'39'' W$

P.O.B.



VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

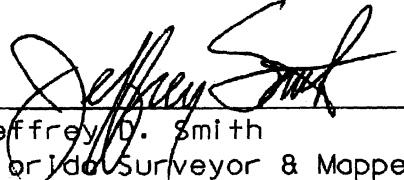
FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)		PALM BEACH COUNTY		
				BY	DATE	PREPARED BY:	SCALE:	
				DRAWN	T.BROWN	10-30-19	F.D.O.T. DISTRICT IV	1" = 100'
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476 SHEET 2 OF 3

A portion of land lying in the Northwest One-Quarter (N.W. 1/4) of Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at brass disc found marking the West One-Quarter (W. 1/4) Corner of said Section 1; thence South 88°29'45" East along the South line of said Northwest One-Quarter (N.W. 1/4), a distance of 2,057.54 feet to a point on the Westerly Existing Limited Access Right of Way line of State Road 9 (I-95); thence continue along said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) for the next five (5) courses; (1) North 30°31'54" West, a distance of 192.95 feet to the beginning of a curve concave Northeasterly, having a chord bearing of North 28°53'39" West; thence (2) continue Northwesterly along said curve, having a radius of 11,553.16 feet, through a central angle of 03°16'31", an arc distance of 660.42 feet to the end of said curve and the POINT OF BEGINNING; thence (3) continuing Northwesterly along said curve, having a chord bearing of North 26°53'39" West, a radius of 11,553.16 feet, through a central angle of 00°43'29", an arc distance of 146.14 feet to the end of said curve; thence (4) North 26°31'54" West, a distance of 23.33 feet; thence (5) North 31°16'54" West, a distance of 398.82 feet; thence South 01°48'15" West, a distance of 484.55 feet; thence South 88°31'01" East, a distance of 298.97 feet to a point on said Westerly Existing Limited Access Right of Way line of State Road 9 (I-95) and the POINT OF BEGINNING.

Containing 1.722 acres, more or less.

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers, in Chapter 5J-17 Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

 10/30/19
 Jeffrey D. Smith Date
 Florida Surveyor & Mapper No. 4805


Not valid unless signed and sealed.

VAULT: RWMAPPING/R4132651/RWPS200PART.DGN

FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL SKETCH				STATE ROAD NO. 9 (I-95)			PALM BEACH COUNTY		
					BY	DATE	PREPARED BY:	SCALE:	
				DRAWN	T. BROWN	10-30-19	F.D.O.T. DISTRICT IV	NOT TO SCALE	
	REVISION	BY	DATE	CHECKED	LUIS G.	11-01-19	F.P. NO. 4132651	SECTION 93220-2476	SHEET 3 OF 3

08-TE.11-07/18

This instrument prepared under the direction of:

Elizabeth S. Quintana, Esq. 
District Four Assistant General Counsel

Legal Description prepared by:

Jeffrey D. Smith, P.S.M. (06/07/2023)

Document prepared by:

Alverene Arjun (09/26/2023)

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

Parcel No. 700.1R(09/26/2023)

Item/Segment No. 4132651

Section: 93220-2476

Managing District: 04

S.R. No. 9 (I-95)

County: Palm Beach

TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT is made _____, by **PALM BEACH COUNTY, a political subdivision of the State of Florida**, whose address is: 301 N. Olive Avenue, West Palm Beach, Florida 33401, Grantor, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, its successors and assigns, Grantee.

WITNESSETH that for and in consideration of the sum of One Dollar and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the Grantor hereby gives, grants, bargains and releases to the Grantee, a temporary construction easement for the purpose of tying in and harmonizing said property and the gravity walls and/or earthen berm, together with the right of access, ingress and egress, along with any other incidences necessary or convenient in connection with the construction to be undertaken by the Department, in State Road No. 9 (I-95) in, over, under, upon and through the following described land in Palm Beach County, Florida, described as follows, viz:

(See **EXHIBIT "A"** attached hereto and made a part hereof)

THIS EASEMENT is granted upon the condition that the sloping and/or grading upon the above land shall not extend beyond the limits outlined above, and that all grading or sloping shall conform to all existing structural improvements within the limits designated, and all work will be performed in such manner that the existing structural improvements will not be damaged.

It is understood and agreed by the parties hereto that the rights granted herein shall terminate upon completion of this transportation project, but no later than the last day of December 2034.

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:

JOSEPH ABRUZZO
Clerk of the Circuit Court
& Comptroller

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

By: _____
Deputy Clerk

By: _____
Maria Sachs, Mayor

APPROVED AS TO TERMS
AND CONDITIONS

By: 
Department Director

Signed and delivered in the presence of:

Witness Signature

Witness Signature

Print Witness Name

Print Witness Name

Witness Mailing Address

Witness Mailing Address

APPROVED AS TO LEGAL SUFFICIENCY

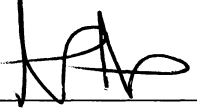
By:  for H. Falcon
County Attorney

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH

A portion of land lying in Section 1, Township 42 South, Range 42 East, Palm Beach County, Florida; said portion lying Southwesterly of and adjacent to Parcel 101, extending Southwesterly no more than 10.00 feet between Baseline of Survey Stations 51+33.33 and 60+36.60.

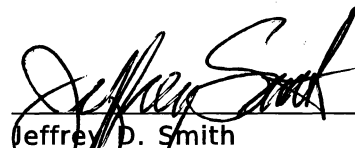
Containing 9,003 square feet, more or less.

A temporary easement for the purpose of tying in and harmonizing said property and the gravity walls and/or earthen berm, etc., together with the right of access, ingress and egress, along with any other incidences necessary or convenient in connection with the construction to be undertaken by the Department, in State Road No. 9 (I-95) adjacent thereto.

This Easement is granted upon the condition that the sloping and/or grading upon the above land shall not extend beyond the limits outlined above, and that all grading or sloping shall conform to all existing structural improvements within the limits designated, and all work will be performed in such manner that the existing structural improvements will not be damaged.

This Easement shall expire upon the completion of this transportation project but no later than the last day of December 2034.

I hereby certify that this sketch and legal description was prepared under my direction and that said sketch and legal description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17 Florida Administrative Code Pursuant to Section 472-027, Florida statutes.


 Jeffrey D. Smith Date: 6/7/22
 Florida Survey & Mapper No. 4805
 Florida Department of Transportation

Not valid unless signed and sealed

vault:/rwmapping/r4132651/parcel sketch/rwp700.dgn

FLORIDA DEPARTMENT OF TRANSPORTATION
LEGAL DESCRIPTION AND SKETCH

STATE ROAD NO. 9 (I-95) PALM BEACH COUNTY

			BY		DATE	PREPARED BY:	SCALE:	
			DRAWN		T.BROWN	05/09/22	F.D.O.T. DISTRICT 4	NOT TO SCALE
			CHECKED		LUIS G.	05/13/22	F.P. NO. 4132651	SECTION 93220-2476
REVISION	BY	DATE						SHEET 1 OF 3

EXHIBIT "A"
LEGAL DESCRIPTION & SKETCH

GENERAL NOTES:

- 1) This is not a Map of Boundary Survey. This sketch exists solely for the purpose of illustrating the legal description to which it is attached.
- 2) Linear units are U.S. Survey Foot. bearings and coordinates are relative to the State Plane Coordinate System, Transverse Mercator Projection, Florida East zone, North American Datum (NAD) of 1983 / 1990 adjustment. A bearing of North 01°52'51" East has been established along the West line of Section 1, Township 42 South, Range 42 East, all lines are relative thereto.
- 3) Stations and Offsets are relative to the Baseline of Survey of State Road 9 (I-95) as depicted in R/W Map Section 93220-2476 for S.R. 9 (I-95).
- 4) This document consists of four (4) sheets and shall not be considered full, valid and complete unless each sheet is attached to the other.
- 5) All coordinates shown are grid. Due to the extremely small scale factor, all distances are grid distances. Scale Factor = 1.00003802. grid distance x scale factor = ground distance.
- 6) Property Boundaries have been determined from field survey, plats of record, and record title.

REFERENCES:

- F.D.O.T. Right-of-Way Map for S.R. 9 (I-95), State Project No. 93220-2476, Financial Project No. 413265-1.
- Plat of record as shown.

LEGEND

Δ	=	Central Angle	PG.	=	Page
ℓ	=	Baseline	P.O.B.	=	Point of Beginning
C.B.	=	Chord Bearing	R	=	Radius
EXIST.	=	Existing	RGE.	=	Range
L	=	Length of curve	R/W	=	Right of Way
L/A	=	Limited Access	SEC.	=	Section
O.R.B.	=	Official Records Book	S.R.	=	State Road
(P)	=	Plat	T.E.	=	Temporary Easement
P.B.	=	Plat Book	TWP.	=	Township

OWNER - PARCEL 700:

**PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
TEMPORARY EASEMENT AREA = 9,003 SQUARE FEET**

vault:/rwmapping/r4132651/parcel sketch/rwp700.dgn

**FLORIDA DEPARTMENT OF TRANSPORTATION
LEGAL DESCRIPTION AND SKETCH**

STATE ROAD NO. 9 (I-95)

PALM BEACH COUNTY

	BY	DATE	PREPARED BY: WGI, LB7055
DRAWN	T.BROWN	5/09/22	DATA SOURCE: SEE GENEREAL NOTES

	BY	DATE	F.P.I.D. NO. 413265-1
CHECKED	LUIS G.	5/13/22	SECTION 93220-2476

SHEET 2 OF 3

PREPARED BY AND RETURN TO:
Lory Melendez-Delgado, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

Property Control Number: 52-42-41-35-08-015-0000 (a portion of)
52-42-41-35-08-016-0000 (a portion of)

SUBORDINATION OF EASEMENT INTEREST

THIS AGREEMENT entered into this ___ day of _____, 2024, by and between the **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose address is 2633 Vista Parkway, West Palm Beach, Florida 33411 (hereinafter called COUNTY) and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, whose address is _____, (hereinafter called FDOT).

WITNESSETH:

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

WHEREAS, the proposed use of this property will require subordination to FDOT of the interests claimed in said property by the COUNTY, and at the request of FDOT, the COUNTY has agreed, subject to the following conditions, to relocate its facilities from the COUNTY's easement onto public right-of-way, or has agreed to leave its facilities on the subordinated property (hereinafter "Property"), described in Exhibit "A" attached hereto and made a part hereof; and

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

1. COUNTY hereby subordinates any all of its interest in that portion of the following easement lying within the Property, to the interest of FDOT, its successors or assigns, through under, upon or across the Property:

COUNTY

INSTRUMENT	DATE	FROM	TO	ORB & PG
Grant of Easements	4/28/2000	Palm Beach County	Communities Finance Co.	11802 / 784

2. The COUNTY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the Property in accordance with the FDOT'S current minimum standards for such facilities as of the date of such construction. Any new construction or relocation of facilities within the Property will be subject to prior approval by the FDOT. Should FDOT fail to approve any new construction or the relocation of facilities by the COUNTY or require the COUNTY to alter, adjust, or relocate its facilities located within said Property, FDOT hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
3. In the event FDOT determines it necessary to relocate the COUNTY's facilities from the COUNTY's easement onto public right-of-way, FDOT shall be obligated to pay the sole cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
4. 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.
5. The COUNTY shall have a reasonable right to enter upon the Property for the purposes outlined in Paragraph 2 above, including the right to trim such trees, brush, and growth which might endanger or interfere with the operation and safety of the COUNTY's facilities; provided, however, that such rights do not interfere with the operation and safety of FDOT's facilities.
6. The COUNTY agrees to repair any damage to FDOT facilities caused by County.

Remainder of page intentionally left blank

IN WITNESS WHEREOF, FDOT and County have executed this Subordination on the day and year first above written

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Attorney approved as to form:

BY: Steven C. Braun, P.E.
District 4 Secretary


Name: ELIZABETH S. QUINTANA

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

Witness #1 Signature

Witness #2 Signature

Witness #1 Print Name

Witness #2 Print Name

Witness #1 Printed Address

Witness #2 Printed Address

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization, this _____ day of _____, 2024, by **Steven C. Braun, P.E.**, District 4 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, a Political
Subdivision of the State of Florida**

ATTEST:

Joseph Abruzzo,
Clerk of the Circuit Court & Comptroller

By:

Maria Sachs, Mayor

By: _____
(Deputy Clerk)

Signed, sealed and delivered in the presence of:

Witness #1 Signature

Witness #2 Signature

Witness #1 Print Name


Witness #2 Print Name

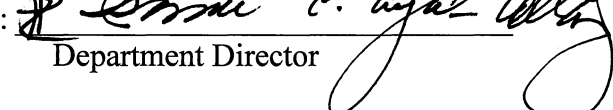
Witness #1 Printed Address

Witness #2 Printed Address

APPROVED AS TO LEGAL
SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By:  _____
(County Attorney)

By:  _____
Department Director

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 _____, 2024, by **Maria Sachs**, 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

Item/Segment No. 4132651
Section 93220-2476
2-9-2024

Subordination

Parcel No. 102.2	State Road 9	Palm Beach County	Description
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A portion of the 50.00 feet Easement as recorded in Official Records Book 11802, Pg. 784, of the Public Records of Palm Beach County, Florida, lying in Parcel 102 and in Section 1, Township 42 South, Range 42 East and being more particularly described as follows:

BEGIN at the Southeasterly Corner of Open Space Tract 2, OLD PALM EAST, according to the plat thereof, as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida, also being a point on the Palm Beach County Westerly Existing Right of Way line of said State Road 9 (I-95) as recorded in Official Records Book 15636, Page 1631; thence continue along said Westerly Existing Right of Way line of State Road 9 (I-95) and the Easterly line of said Open Space Tract 2 North 30°31'54" West, a distance of 29.54 feet; thence North 88°21'24" West, a distance of 79.21 feet to a point on the New Limited Access Right of Way line of State Road 9 (I-95); thence South 31°17'51" East, a distance of 29.79 feet to a point on the Southerly line of said Open Space Tract 2; thence South 88°21'24" East along said Southerly line of Open Space Tract 2, a distance of 78.74 feet to the POINT OF BEGINNING.

AND

A portion of the 50.00 feet Easement as recorded in Official Records Book 11802, Pg. 784, of the Public Records of Palm Beach County, Florida, lying in Parcel 102 and in Section 35, Township 41 South, Range 42 East and being more particularly described as follows:

BEGIN at the Northeasterly Corner of said Open Space Tract 4, OLD PALM EAST, according to the plat thereof, as recorded in Plat Book 101, Page 114 of the Public Records of Palm Beach County, Florida, also being a point of the Southerly Existing Right of Way line of Central Boulevard; thence South 43°37'26" West along the Northerly line of said Open Space Tract 4 and said Southerly Existing Right of Way line of Central Boulevard, a distance of 15.57 feet to the Northwesterly Corner of said Open Space Tract 4; thence South 30°46'38" East along the Westerly line of said Open Space Tract 4, a distance of 51.91 feet; thence North 43°37'26" East, a distance of 15.57 feet to a point on the Easterly line of said Open Space Tract 4; thence North 30°46'38" West along said Easterly line of Open Space Tract 4, a distance of 51.91 feet to the POINT OF BEGINNING.

EXHIBIT "A"