

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date:	September 9, 2025	(X) Consent	() Regular
		() Workshop	() Public Hearing
Department:	<u>Environmental Resources Management</u>		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:



- A) designate** an environmentally sensitive, 0.94-acre, abandoned road right of way (Abandoned Right of Way), which is surrounded by Hypoluxo Scrub Natural Area (Natural Area) on three (3) sides and the Florida East Coast (FEC) Railroad on the fourth side, as part of the Natural Area, and incorporate the Abandoned Right of Way into the County's Conservation Lands Program; and
- B) grant** a Declaration of Drainage Easement over the Abandoned Right of Way, two (2) existing drainage easement areas within the Natural Area (Existing Drainage Easements) and an approximate 1.65-acre water retention pond parcel (Retention Pond Parcel) that is surrounded on all four (4) sides by the Natural Area, to permanently protect the County-owned drainage facilities within the aforementioned areas.

Summary: On May 20, 1988, Palm Beach County (County), through its Engineering and Public Works Department (EPW), acquired fee simple title (OR Book 5787, Page 1793) to the Retention Pond Parcel. EPW also obtained drainage easements over two (2) Existing Drainage Easements (OR Book 5787, Page 1856 and OR Book 5762, Page 1752) within the present-day Natural Area to convey stormwater from Hypoluxo Road, through the eastern portion of the Natural Area, to the Retention Pond Parcel. EPW subsequently installed stormwater drainage facilities within the Retention Pond Parcel, Existing Drainage Easements and Abandoned Right of Way. In December 1999, when the County purchased the present-day Natural Area for conservation purposes, the purchase was subject to the Existing Drainage Easements. The Abandoned Right of Way was not acquired by the County in 1999 because the land was dedicated to the public for roadway purposes.

On October 16, 2024, the Town of Hypoluxo (Town) vacated and abandoned the 0.94-acre, formerly platted, Abandoned Right of Way via Town Resolution 24-526 (recorded as OR Book 35356, Page 1460). The County, as sole owner of the surrounding platted land, acquired title to the lands within the Abandoned Right of Way upon recording of the Town's resolution. Staff recommends that the Abandoned Right of Way be designated as part of the Natural Area and managed by the County's Department of Environmental Resources Management (ERM) for the following reasons: 1) the surrounding platted Natural Area lands were acquired for conservation purposes using proceeds from the 1999 Land Acquisition for Conservation Purposes Bond Referendum; 2) the Abandoned Right of Way contains environmentally sensitive lands; and 3) the Abandoned Right of Way is land-locked – it is surrounded by the

(Summary continued on Page 3)

- Attachments:**
- 1. Location Map
 - 2. Town Resolution 24-526
 - 3. Declaration of Drainage Easement

Recommended by:		<u>7-24-2025</u>	SAS 7/23/25
	Department Director	Date	
Approved by:		<u>8/12/25</u>	
	Deputy County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$0	_____	_____	_____	_____
External Revenues	\$0	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	\$0	_____	_____	_____	_____
# 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 _____ Department _____ Unit _____ Object _____ Program _____

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

There is no cost to the County associated with this item.

C. Department Fiscal Review:

Shing

PCN 26-43-45-10-18-000.0000

Asset # W10352 Pending
Reserved Acc Approval.

2. D. Lewis, Mgr, Finance, ORMB
8/15/25

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

Lisa M. 8/15/2025
OFMB 8/13/25 MSD
8/1

Brundage 8/6/25
Contract Development and Control
7/28/25

B. Legal Sufficiency:

8/11/25
Assistant County Attorney

C. Other Department Review: Engineering & Public Works

David Z. 8/11/25
Department Director

(Summary continued from Page 1)

Natural Area on three (3) sides and the FEC Railway on the fourth side. The Abandoned Right of Way will be incorporated into the Conservation Lands Program, which includes those lands that were acquired in whole or in part from funds obtained from the bond issues authorized by the Environmentally Sensitive Lands Referendum (March 12, 1991) or the Land Acquisition for Conservation Purposes Referendum (March 9, 1999), as well as lands donated for conservation purposes.

Granting a Declaration of Drainage Easement over the Retention Pond Parcel, Existing Drainage Easements and Abandoned Right of Way will restore and maintain previously existing drainage rights for stormwater drainage from Hypoluxo Road. This Declaration of Drainage Easement will not be extinguished by operation of law, including the doctrines of merger or unity of title, and will remain valid and in effect in perpetuity, unless released by the County. **District 7 (SS)**

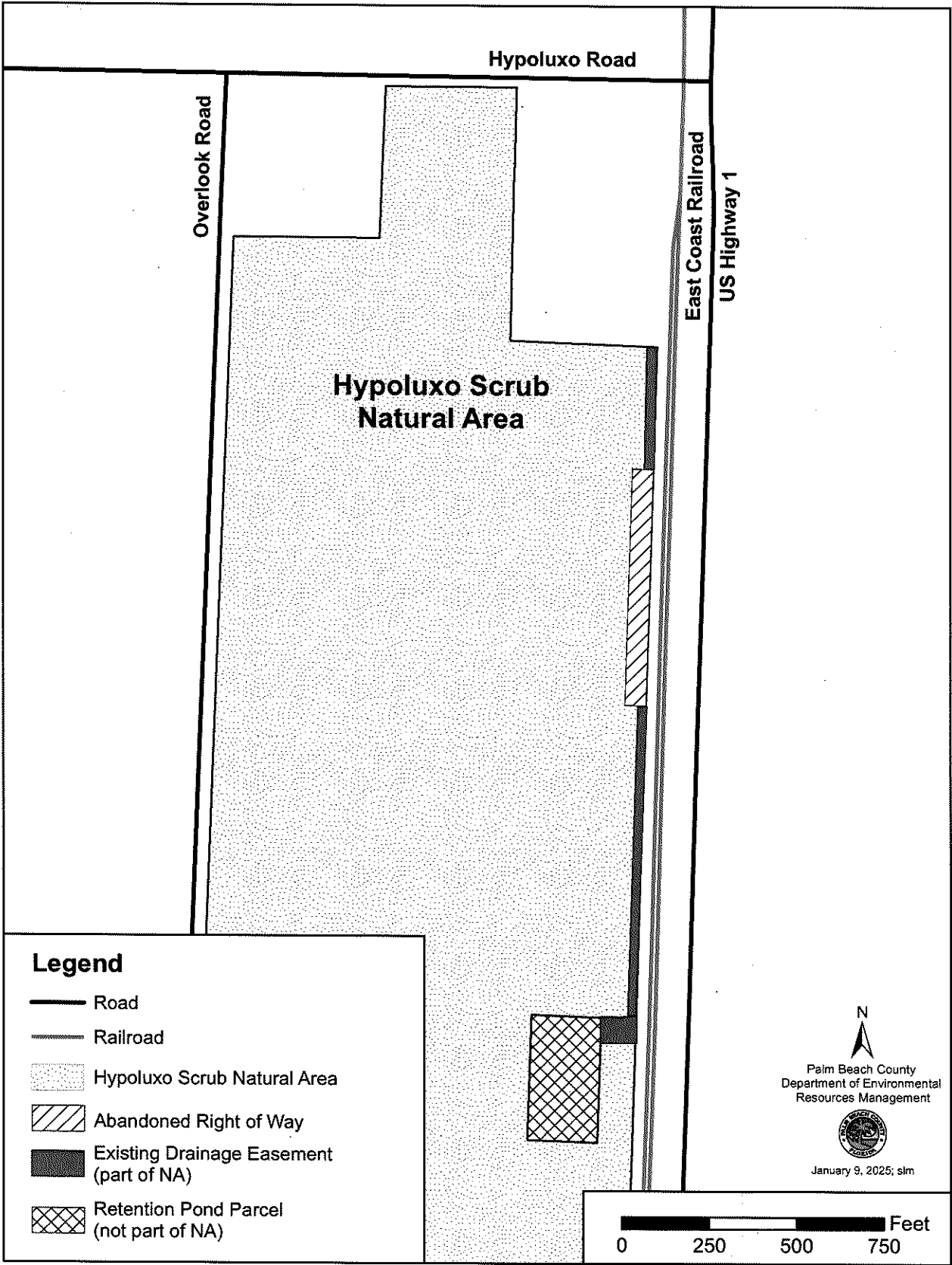
Background and Justification: The Abandoned Right of Way was the last remaining portion of an unused East Coast Avenue Right of Way that was platted in 1939 as part of the Replat of Part of Greynolds Highland and Part of Hypoluxo Subdivision (Plat Book 18, Page 58). The other portions of the platted East Coast Avenue were abandoned by the County in 1959 and 1962 via OR Book 452, Page 80 and OR Book 850, Page 10, respectively. Lands within the Abandoned Right of Way and Natural Area were annexed by the Town in 1969-1970 via Town Ordinance Nos. 35 and 35-A. Because the Abandoned Right of Way was landlocked, inaccessible to the public and served no public need, the Town Council approved a resolution vacating and abandoning the Town's and public's interest in the Abandoned Right of Way on October 17, 2024.

The Overlook Scrub Ecosite (now known as Hypoluxo Scrub Natural Area) was one (1) of the 39 environmentally sensitive sites that were targeted for acquisition using proceeds from the March 9, 1999 Land Acquisition for Conservation Purposes Bond Referendum. The Abandoned Right of Way contains scrubby flatwoods and scrub vegetation communities, both of which are ranked as globally imperiled by the Florida Natural Areas Inventory. Staff recommends that the native vegetation communities within the Abandoned Right of Way be protected and managed as part of the Natural Area.

Both the Nature Conservancy and South Florida Water Management District provided written confirmation that the proposed Declaration of Drainage Easement complies with the terms of their respective Deeds of Conservation Easement which protect the Natural Area. ERM provided Florida Communities Trust (FCT) with an opportunity to comment on the proposed Declaration of Drainage Easement as it relates to FCT's Grant Award Agreement #01-035-FF1 for the Natural Area but received no response.

Attachment 1

Location Map



Attachment 2

CFN 20240372219
OR BK 35356 PG 1460
RECORDED 10/30/2024 2:57 PM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 1460 - 1461; (2pgs)

TOWN OF HYPOLUXO

RESOLUTION NO. 24-526

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, VACATING AND ABANDONING THE REMAINING PORTION OF THE EAST COAST AVENUE RIGHT-OF-WAY AS DEPICTED ON THE PLAT OF THE HYPOLUXO SUBDIVISION AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County ("County") has requested that the Town vacate and abandon the remaining platted right-of-way within the plat of the Hypoluxo Subdivision; and

WHEREAS, the plat of the Hypoluxo Subdivision is located within Hypoluxo Scrub Natural Area, a conservation land owned and managed by the County; and

WHEREAS, the right-of-way is depicted on the Plat of the Hypoluxo Subdivision, as recorded in Plat Book 5, Page 32 of the public records of Palm Beach County, and identified as East Coast Avenue in the Replat of the Hypoluxo Subdivision, as recorded in Plat Book 18, Page 58 of the public records of Palm Beach County (collectively "Plat"); and

WHEREAS, the portions of the East Coast Avenue right-of-way north of the Madison Street right-of-way, as depicted on the Plat, were previously abandoned and vacated by Palm Beach County as provided for in Official Records Book (ORB) 452, Page 80, and ORB 850, Page 10; and

WHEREAS, the remaining portion of the East Coast Avenue right-of-way south of Madison Street is landlocked, inaccessible to the public, and located entirely within Hypoluxo Scrub Natural Area; and

WHEREAS, the Town Council determines that there is no public need for the remaining portion of the right-of-way and that the adoption of this Resolution benefits the health, safety, and welfare of the residents of the Town of Hypoluxo.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, as follows:

Section 1. The foregoing recitals are ratified and incorporated herein.

Section 2. The Town Council hereby vacates and abandons the Town's and the public's interest in the sixty-foot-wide right-of-way depicted on Plat of the Hypoluxo Subdivision, as recorded in Plat Book 5, Page 32 of the public records of Palm Beach County, and identified as that portion of East Coast Avenue right-of-way located south of

1 the Madison Street right-of-way in the Replat of the Hypoluxo Subdivision, as recorded in
2 Plat Book 18, Page 58 of the public records of Palm Beach County.

3
4 **Section 3.** All resolutions or parts of resolutions in conflict with this Resolution
5 are hereby repealed to the extent of such conflict.
6

7 **Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this
8 Resolution is for any reason held by a court of competent jurisdiction to be
9 unconstitutional, inoperative, or void, such holding shall not affect the remainder of the
10 Resolution.
11

12 **Section 5.** This Resolution shall be effective immediately upon adoption.
13

14 **RESOLVED AND ADOPTED** this 17 day of October, 2024.
15
16

17 **TOWN OF HYPOLUXO, FLORIDA**

18
19 BY: Michael C. Brown
20 Michael C. Brown, Mayor
21
22

23 **ATTEST:**
24 Dixie Gualtieri
25
26 Dixie Gualtieri, Deputy Town Clerk
27

28 **APPROVED AS TO FORM AND LEGAL**
29 **SUFFICIENCY:**
30 Leonard G. Rubin
31 Leonard G. Rubin, Town Attorney
32
33

34 VOTE:	AYE:	NAY:	ABSENT:
35			
36 VICE MAYOR RICHARD J. RONEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37			
38 COUNCILMEMBER LINDA ALLEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39			
40 COUNCILMEMBER STEPHANIE KAHLERT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41			
42 COUNCILMEMBER DOUG BESECKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43			
44 COUNCILMEMBER JOHN SOCHACKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This Instrument Prepared by:
Sandy Mann
Palm Beach County
Dept. of Environmental Resources Management
2300 N Jog Road, 4th Floor
West Palm Beach, Florida 33411

Property Control Number: Portions of 26-43-45-10-00-000-3090 and
26-43-45-10-00-000-3010; and
All of 26-43-45-10-18-000-0000

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF DRAINAGE EASEMENT

THIS DECLARATION OF DRAINAGE EASEMENT ("Easement") is made this _____ day of September 9, 2025, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida (County), by and through its Board of County Commissioners, whose post office address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605.

WITNESSETH:

WHEREAS, the County is the owner and manager of that certain real property known as "Hypoluxo Scrub Natural Area" (hereinafter referred to as the "Natural Area") located within Palm Beach County, Florida, as more particularly described in **Exhibit "A"** attached hereto and made a part hereof; and

WHEREAS, on May 20, 1988, the County acquired fee title to a 1.65-acre water retention area that is surrounded on all four sides by the Natural Area and is more particularly described in OR Book 5787, Page 1793 ("Retention Pond Parcel"); and

WHEREAS, on May 20, 1988, the County obtained drainage easements for two easement areas within the Natural Area, as more particularly described in OR Book 5787, Page 1856 and OR Book 5762, Page 1752 ("Existing Drainage Easements"), to convey stormwater from Hypoluxo Road to the Retention Pond Parcel; and

WHEREAS, the County subsequently installed stormwater drainage facilities within the Retention Pond Parcel, Existing Drainage Easements, and the remaining unused platted East Coast

Avenue right of way, as more particularly described in Plat Book 18, Page 58, and as amended by OR Book 452, Page 80 and OR Book 850, Page 10 (“Abandoned Right of Way”); and

WHEREAS, on October 17, 2024, the Town of Hypoluxo vacated and abandoned the Abandoned Right of Way via Town Resolution 24-526, which was recorded as OR Book 35356, Page 1460; and

WHEREAS, the County, as the sole owner of the surrounding platted land, acquired title to the lands within the Abandoned Right of Way upon its abandonment by the Town of Hypoluxo and incorporated those lands into the Natural Area; and

WHEREAS, the County desires to replace the previously existing drainage easements by designating a perpetual drainage easement over, upon, under, through and across the Existing Drainage Easements, Retention Pond Parcel and Abandoned Right of Way, collectively described in **Exhibit “B”** (the “Easement Parcel”); and

WHEREAS, the County desires that such drainage easement not be extinguished by the doctrines of merger or unity of title, and remain valid and in effect if the Natural Area is ever conveyed to another entity.

NOW THEREFORE, the County does hereby declare, grant and create a perpetual, non-exclusive drainage easement for the benefit of the County, its successors and assigns, over, upon, under, through and across the real property legally described in **Exhibit “B”** (the “Easement Parcel”), attached hereto and made a part hereof for the purpose of managing stormwater drainage from Hypoluxo Road. The County hereby declares that the Easement Parcel is and shall be held, transferred, sold, conveyed and occupied subject to the Easement herein set forth, which shall be binding on all parties having any right, title or interest in the Easement Parcel. This Easement shall be subject to the following terms and conditions:

1. This Easement shall be used to construct, install, operate, and maintain (collectively “Perform Work” or “Performance of Work”) roadway drainage facilities and related appurtenances (collectively “Facilities”) in the Easement Parcel. Facilities shall include earth embankment fill; drainage facilities for transporting water, both above ground (swales) and buried (pipes and structures) to or from Hypoluxo Road. The Easement includes the right to install, bore, alter, improve, enlarge, add to, change the nature or physical characteristics of, replace, remove, or relocate the Facilities, or perform any other activities related to the Facilities.

2. This Easement shall be non-exclusive, provided, however, that the owner of the underlying land, its successors and assigns, shall be permanently prohibited from hindering,

obstructing, removing or interfering with the operation, functioning, maintenance, or repair of any of the Facilities.

3. Neither the installation of Facilities nor activities related to the Performance of Work shall extend beyond the limits of the Easement Parcel.

4. The County, its agents, successors and assigns, shall have the right, but not the obligation, to Perform Work on the Facilities and/or to remove and use any or all of the soil and/or subsoil with the Easement Parcel, provided that the removal of such soil and/or subsoil does not adversely impact management or public access to, or result in the erosion of soils or other adverse impacts within, the Natural Area.

5. The County, its agents, successors and assigns recognize that the Easement Parcel is part of the Natural Area, which is managed for environmental preservation/protection and passive recreational purposes by the County's Department of Environmental Resources Management. As such, the County's Engineering and Public Works Department, its agents, successors and assigns shall not damage the adjacent Natural Area lands. Any soils disturbed within the Easement Parcel as a result of the Performance of Work shall be regraded upon completion of the work so that ground elevations within the western portion of the Easement Parcel match ground elevations within the adjacent Natural Area lands.

6. The County's Engineering and Public Works Department, its agents, successors and assigns shall provide prior written notice to the County's Department of Environmental Resources Management of any work to be done within the Easement Parcel. If reasonable work access cannot be obtained through the property north of the Easement Parcel, the County's Engineering and Public Works Department shall apply for a free Environmental Resources Management - Natural Resources Stewardship permit that will allow the County's Engineering and Public Works Department, its agents, successors and assigns, to use designated Natural Area management gates and accessways to access the Easement Parcel.

7. To the extent that the County's successors and assigns, hinder, obstruct, remove or interfere with the operation, functioning, maintenance, or repair of any of the Facilities (collectively "Interference"), the County's successors and assigns shall be liable for any and all expenses and damages related to the Interference.

8. The Easement created and reserved hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County, and run with the land and encumber and burden the Easement Parcel upon the conveyance thereof by County, notwithstanding County's failure to specifically reserve or reference such Easement in the instrument of conveyance.

9. The County expressly agrees for itself, its successors and assigns, to be bound by and to observe and comply with all restrictions, covenants, conditions and obligations contained herein. "Successors and assigns" as used herein, includes, without limitation, invitees, permittees and others who may use or be upon the Easement Parcel, and/or their respective officers, agents and employees.

10. Any amendment or modification to this Easement shall be effective only if the same is in writing, signed, and recorded in the public records of Palm Beach County, Florida.

11. If any provision of this Easement is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions hereof. All such other provisions shall continue unimpaired in full force and effect.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the County has executed this Declaration of Drainage Easement on the date first above written.

ATTEST:

MICHAEL A. CARUSO
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

By: _____
Deputy Clerk

PALM BEACH COUNTY, a political
subdivision of the State of Florida by its
Board of County Commissioners

By: _____
Maria G. Marino, Mayor


APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By:  _____
Scott Stone, Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By:  _____
Deborah Drum, Department Director
Environmental Resources Management

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By:  _____
Yelízaveta Herman, Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS


By:  _____
David Ricks, P.E., County Engineer
Engineering and Public Works

Exhibit “A”

Hypoluxo Scrub Natural Area

EXHIBIT "A"

HYPOLUXO SCRUB
NATURAL AREA

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN A PORTION OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING ALL OF THOSE LANDS AS DESCRIBED IN THAT CERTAIN GENERAL WARRANTY DEED AS RECORDED IN OFFICIAL RECORDS BOOK 11533, PAGE 571 (VESTING DEED), INCLUSIVE OF THAT AFFIDAVIT OF GLENN W. MARK, P.L.S. CONFIRMING A SCRIVENER'S ERROR IN SAID VESTING DEED AS RECORDED IN OFFICIAL RECORDS BOOK 30920, PAGE 855, AND TOGETHER WITH ALL OF THAT ABANDONED RIGHT-OF-WAY FOR EAST COAST AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 35356, PAGE 1460, ALL WITHIN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 10; THENCE SOUTH 02°17'56" WEST, (GRID BEARING BASIS, STATE PLANE COORDINATE SYSTEM - TRANSVERSE MERCATOR, FLORIDA EAST ZONE), ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 33.76 FEET; THENCE SOUTH 89°39'39" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD AND ITS WESTERLY PROJECTION THEREOF, A DISTANCE OF 457.02 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTH 89°39'39" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 375.59 FEET; THENCE SOUTH 01°27'04" WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 263.24 FEET; THENCE NORTH 89°39'39" WEST, A DISTANCE OF 1.00 FOOT; THENCE SOUTH 01°27'04" WEST, A DISTANCE OF 311.74 FEET; THENCE SOUTH 89°39'39" EAST, A DISTANCE OF 1.00 FOOT; THENCE SOUTH 01°27'04" WEST, A DISTANCE OF 152.73 FEET; THENCE SOUTH 87°42'03" EAST, A DISTANCE OF 419.28 FEET; THENCE SOUTH 01°49'53" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY'S 100 FOOT RIGHT-OF-WAY, A DISTANCE OF 2746.64 FEET, TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE AND ALONG THE WEST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY'S 100 FOOT RIGHT-OF-WAY, HAVING A RADIUS OF 5677.65 FEET AND A CENTRAL ANGLE OF 04°14'50", FOR AN ARC DISTANCE OF 420.87 FEET; THENCE NORTH 89°50'18" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SAID SECTION 10, A DISTANCE OF 1233.28 FEET; THENCE NORTH 02°17'56" EAST, ALONG THE EAST R/W LINE OF OVERLOOK ROAD, A DISTANCE OF 3476.67 FEET; THENCE SOUTH 89°39'39" EAST ALONG THE SOUTH LINE OF THE PLAT OF HYPOLUXO COMMONS, AS RECORDED IN PLAT BOOK 124, PAGE 166, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 417.00 FEET; THENCE NORTH 02°17'56" EAST ALONG THE EAST LINE OF SAID PLAT OF HYPOLUXO COMMONS, A DISTANCE OF 437.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM, THAT PORTION AS CONVEYED TO THE COUNTY OF PALM BEACH, BY THAT SPECIAL WARRANTY DEED RECORDED IN ORB 5787, PG 1793 AND AS AGREED TO IN THAT AGREED ORDER OF TAKING AND FINAL COMPENSATION RECORDED IN ORB 5762, PG 1752, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 12, BLOCK 9, ACCORDING TO THE PLAT OF "HYPOLUXO SUBDIVISION", AS RECORDED IN PB 5, PG 32, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 87°42'03" EAST (GRID BEARING BASIS, STATE PLANE COORDINATE SYSTEM - TRANSVERSE MERCATOR, FLORIDA EAST ZONE), ALONG THE SOUTH LINE OF SAID "HYPOLUXO SUBDIVISION", A DISTANCE OF 60.00 FEET; THENCE SOUTH 01°49'53" WEST ALONG THE WEST R/W LINE OF FLORIDA EAST COAST RAILWAY COMPANY'S 100 FOOT RIGHT OF WAY, A DISTANCE OF 900.66 FEET; THENCE NORTH 87°42'03" WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTH 87°42'03" WEST, A DISTANCE OF 200.00 FEET; THENCE SOUTH 01°49'53" WEST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 87°42'03" EAST, A DISTANCE OF 200.00 FEET; THENCE NORTH 01°49'53" EAST, A DISTANCE OF 360.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 4,253,434 SQUARE FEET OR 97.645 ACRES MORE OR LESS.

NOT VALID WITHOUT THE DIGITAL SIGNATURE AND/OR ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

Craig S
Pusey

Digitally signed by Craig S Pusey
DN: C=US, O=PALM BEACH COUNTY, dnQualifier=
A01410D000001855E8487880011DD6B, CN=Craig S
Pusey
Reason: I am the author of this document
Location:
Date: 2024.11.15 08:37:09-05'00'
Foxit PDF Editor Version: 12.1.0



CRAIG S. PUSEY, P.S.M.
FLORIDA CERTIFICATE #5019

DATE

PROJECT NO. 2019012-05	SHEET: 10	PROJECT:		SCALE: 1" = 150' APPROVED: C.S.P. DRAWN: S.T.A. CHECKED: C.S.P. DATE: 06/03/24	NO.	REVISION	BY	DATE	PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS SURVEY DIVISION 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
		HYPOLUXO SCRUB NATURAL AREA							
		DESIGN FILE NAME S-1-24-4289.DGN	DRAWING NO. S-1-24-4289						

LEGEND

U.E.	= UTILITY EASEMENT	REF	= REFERENCE
PG	= PAGE	D.B.	= DEED BOOK
P.O.C.	= POINT OF COMMENCEMENT	ESMT	= EASEMENT
P.O.B.	= POINT OF BEGINNING	SEC	= SECTION
P.B.C.	= PALM BEACH COUNTY	TWP	= TOWNSHIP
R/W	= RIGHT OF WAY	RNG	= RANGE
PB	= PLAT BOOK	FP&L	= FLORIDA POWER AND LIGHT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	AKA	= ALSO KNOWN AS
ORB	= OFFICIAL RECORDS BOOK	R.P.B.	= ROAD PLAT BOOK
PCN	= PARCEL CONTROL NUMBER	L.W.D.D.	= LAKE WORTH DRAINAGE DISTRICT
		L.A.E.	= LIMITED ACCESS ESMT
		T.I.I.F.	= TRUSTEES OF THE INTERNAL IMPROVEMENT FUND

EXHIBIT "A"

SURVEYOR'S NOTES

ALL BEARINGS ARE BASED ON A GRID 83/1990 BEARING OF S 02°17'56" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 43 EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

SEE AFFIDAVIT CONFIRMING ERROR RECORDED IN ORB 30920, PG 855 CONCERNING ERROR DISCOVERED IN THE VESTING DEED FOR THIS PROPERTY RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

DIRECT LINE TIE FROM P.O.C. AT NW CORNER OF SECTION 10/45/43 TO THE NORTHWEST CORNER OF THE HYPOLUXO SCRUB NATURAL AREA ON OVERLOOK ROAD S02°34'18"E 471.12 FEET.

THIS IS NOT A SURVEY.

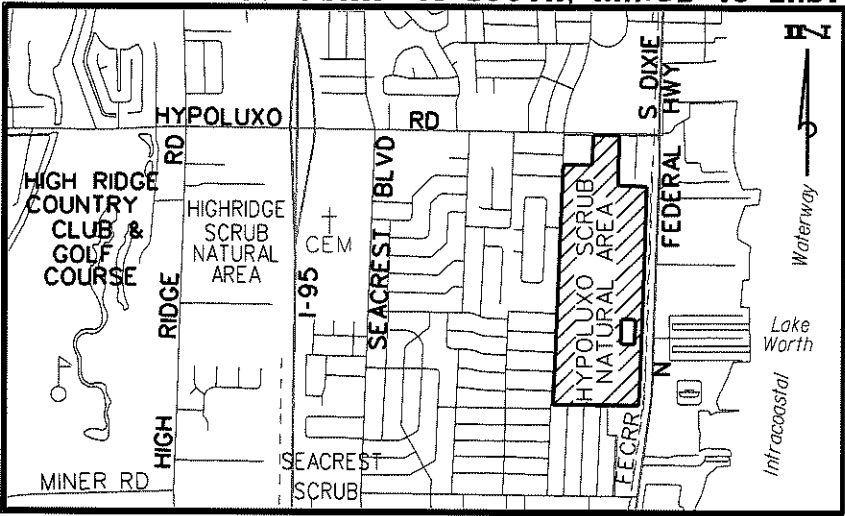
THE INTENDED PLOT SCALE FOR THIS DRAWING IS 1"= 150' ON 8.5"X 11" PAPER

COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990, ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.000049907
ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, ESMTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

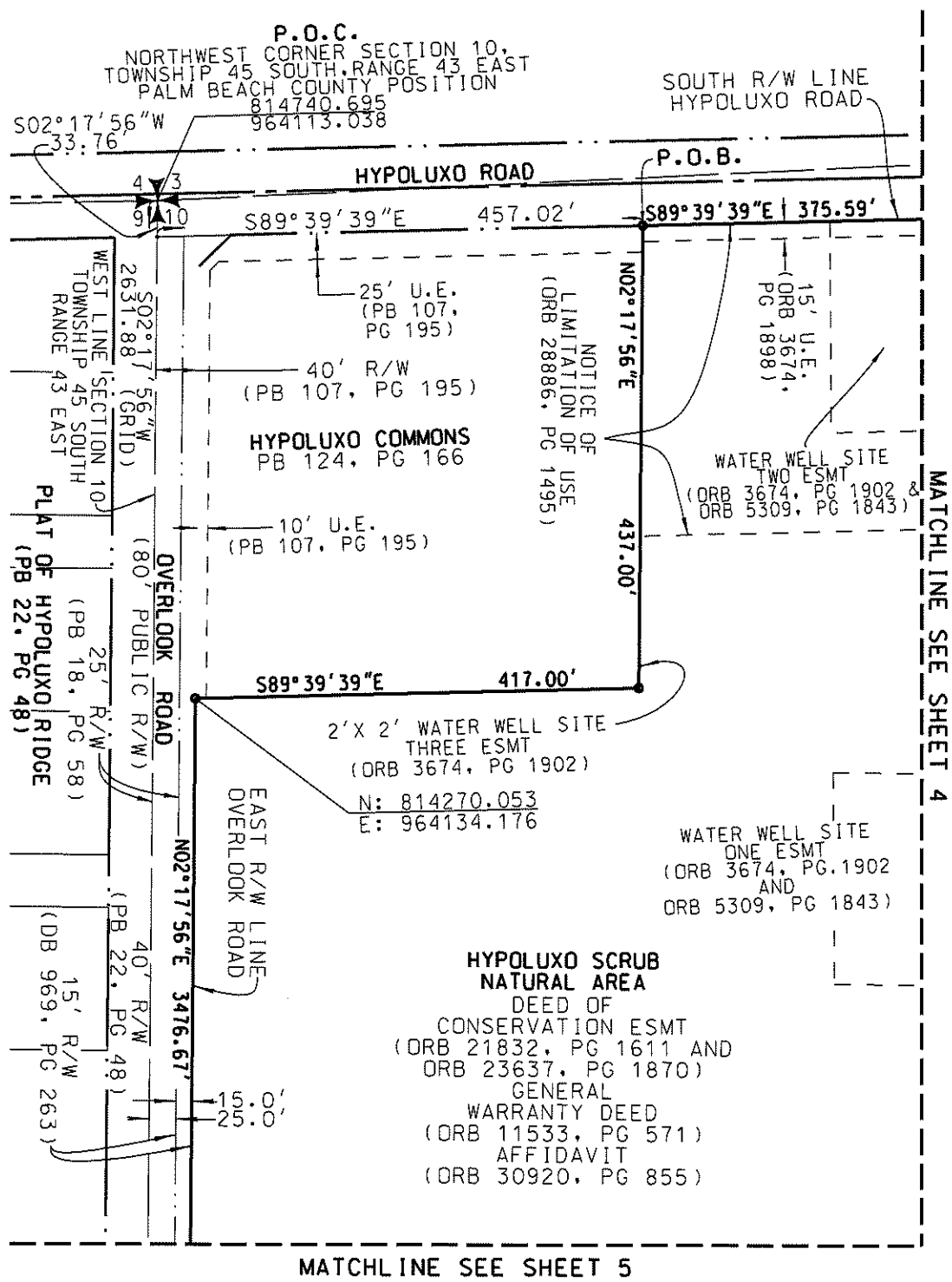
THIS INSTRUMENT PREPARED BY CRAIG S. PUSEY, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

LOCATION MAP
SECTION 10 TOWNSHIP 45 SOUTH, RANGE 43 EAST



NOT TO SCALE

EXHIBIT "A"



SCALE: 1" = 150'

EXHIBIT "A"

SCALE: 1" = 150'

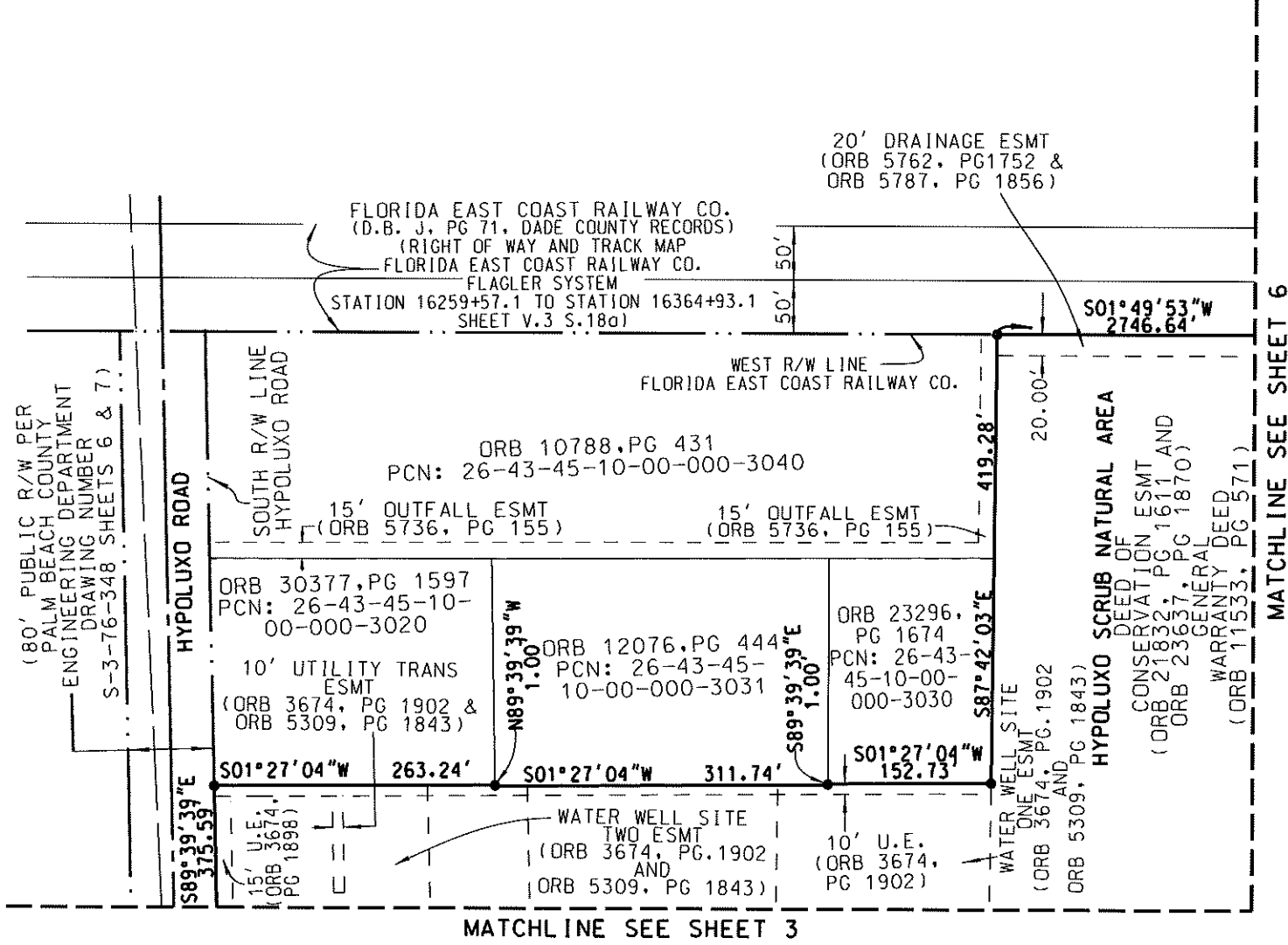


EXHIBIT "A"

SCALE: 1" = 150'

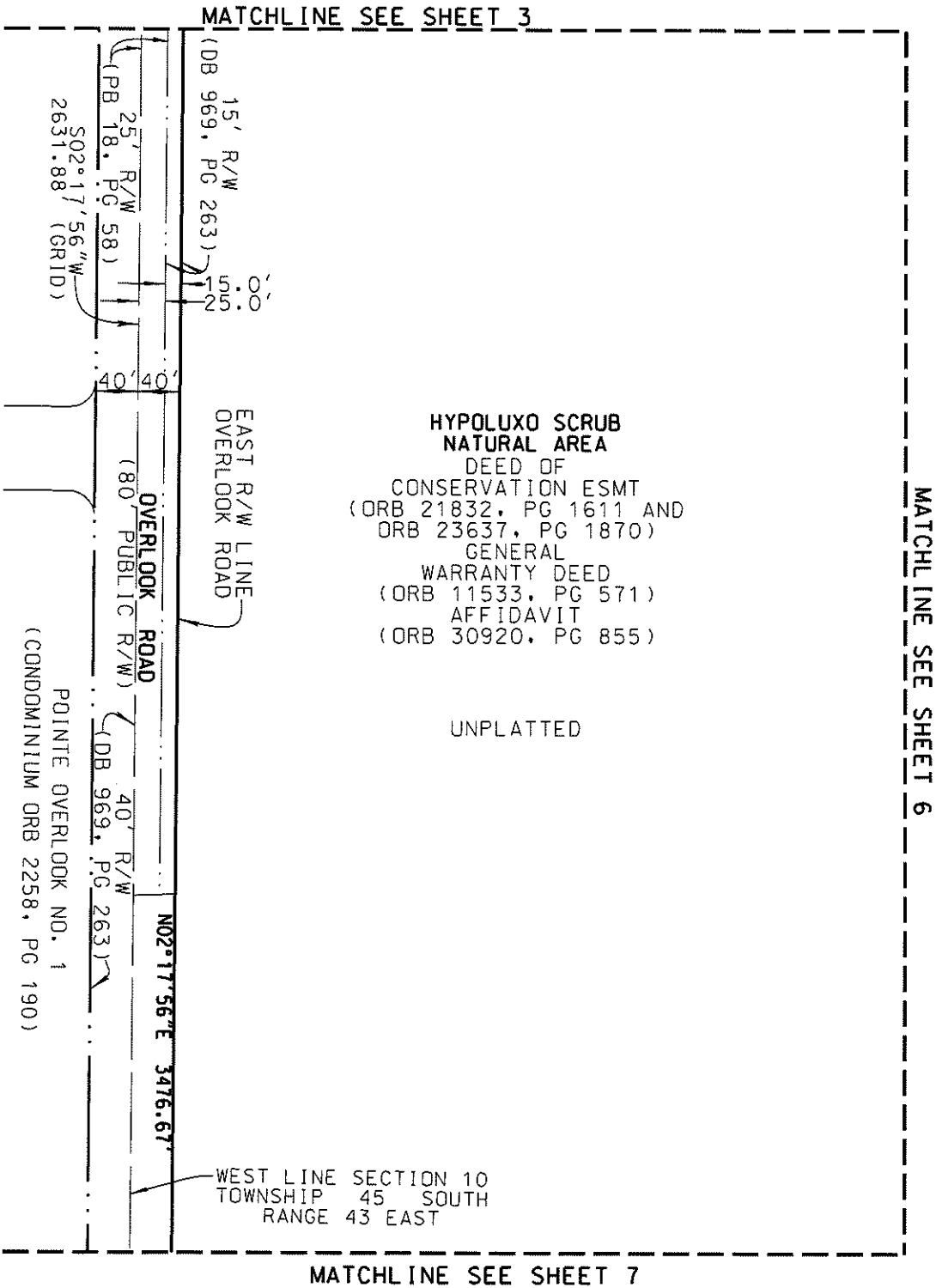


EXHIBIT "A"

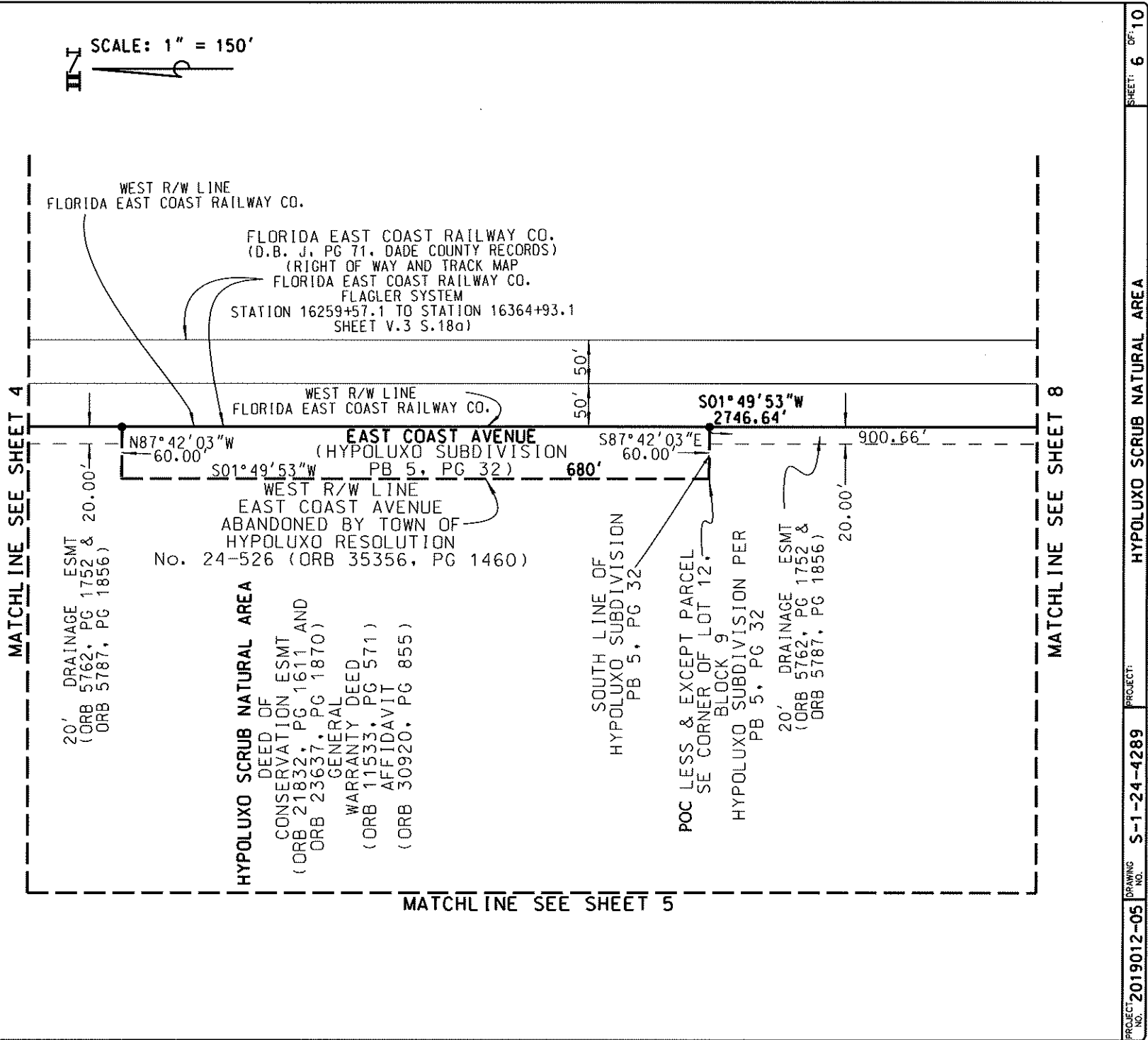
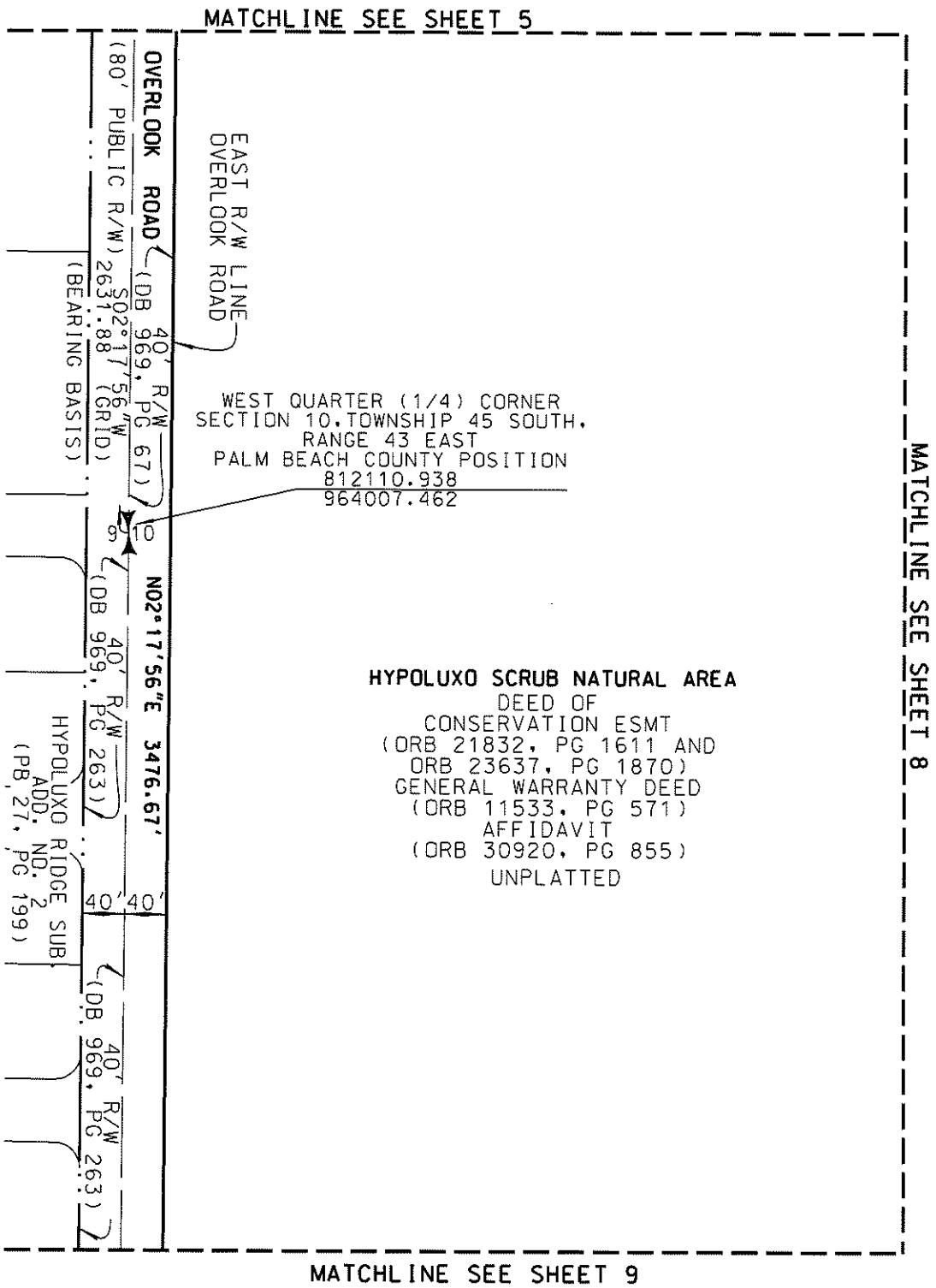


EXHIBIT "A"



SCALE: 1" = 150'

EXHIBIT "A"

MATCHLINE SEE SHEET 6

20' DRAINAGE ESMT
(ORB 5762, PG 1752 &
ORB 5787, PG 1856)

20.00'

HYPOLUXO SCRUB NATURAL AREA

GENERAL WARRANTY DEED
(ORB 11533, PG 571)
AFFIDAVIT
(ORB 30920, PG 855)

UNPLATTED

DRAINAGE ESMT
(ORB 5762, PG 1752 &
ORB 5787, PG 1856)

N87°42'03"W
100.00'

POB LESS &
EXCEPT PARCEL

N87°42'03"W
200.00'

100' 65.00'

N01°49'53"E 360.00'

LESS & EXCEPT
RETENTION POND PARCEL
(ORB 5762, PG 1752 &
ORB 5787, PG 1793)
NOT A PART OF THIS
PROJECT

S01°49'53"W 360.00'

MATCHLINE SEE SHEET 7

SCALE: 1" = 150'

FLORIDA EAST COAST RAILWAY CO.
(D.B. J. PG 71, DADE COUNTY RECORDS)
(RIGHT OF WAY AND TRACK MAP
FLORIDA EAST COAST RAILWAY CO.
FLAGLER SYSTEM
STATION 16259+57.1 TO STATION 16364+93.1
SHEET V.3 S.180)

WEST R/W LINE
FLORIDA EAST COAST RAILWAY CO.

S01°49'53"W 2746.64'

MATCHLINE SEE SHEET 10

EXHIBIT "A"

N
SCALE: 1" = 150'

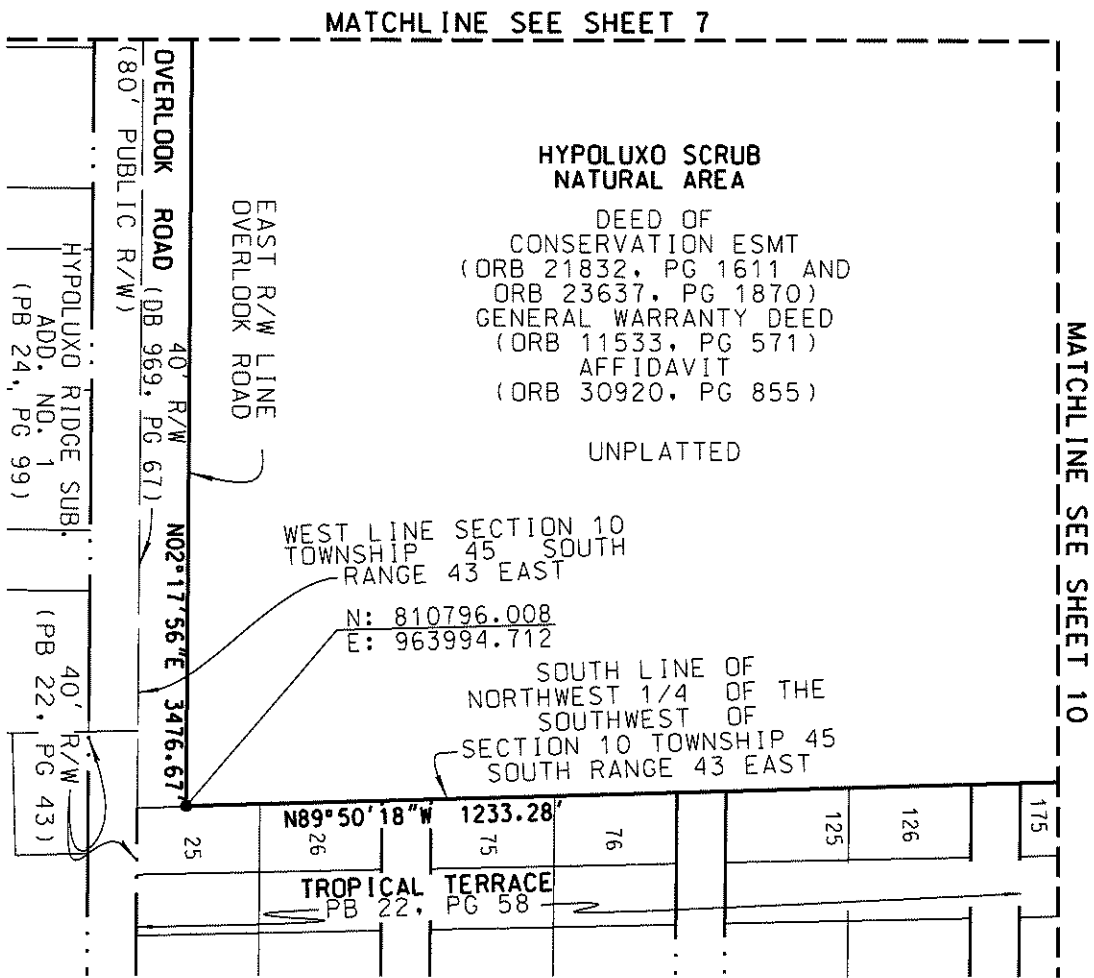


EXHIBIT "A"

SCALE: 1" = 150'

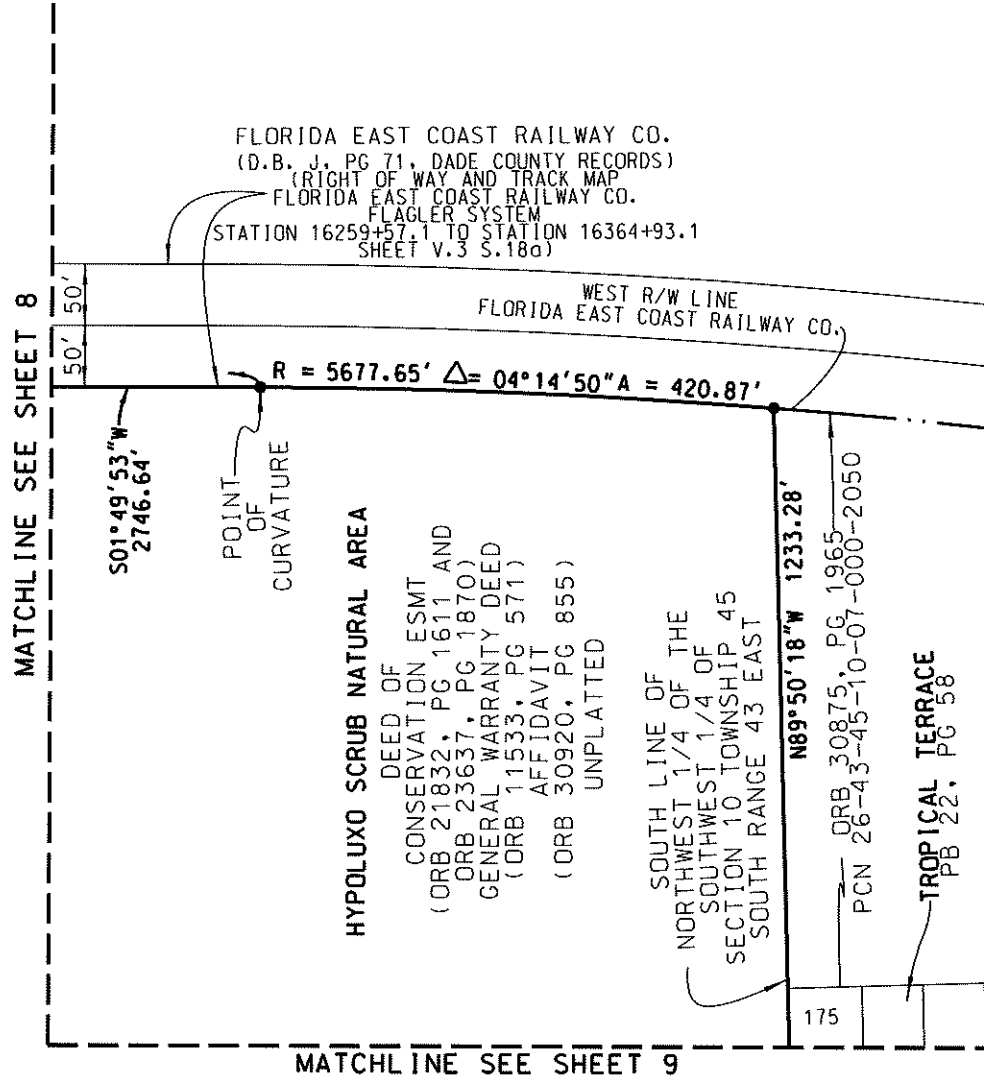


Exhibit “B”

Easement Parcel

EXHIBIT "B"

HYPOLUXO SCRUB
NATURAL AREA
(DRAINAGE EASEMENT)

LEGAL DESCRIPTION

A PARCEL OF LAND FOR DRAINAGE EASEMENT PURPOSES LYING IN A PORTION OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 43 EAST, BEING ALL OF THAT CERTAIN DRAINAGE EASEMENT AS CONVEYED IN OFFICIAL RECORDS BOOK 5762, PAGE 1752 AND OFFICIAL RECORDS BOOK 5787, PAGE 1856 AND ALL OF THAT RETENTION POND PARCEL AS CONVEYED IN THAT SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5787, PAGE 1793, AND LYING WITHIN A PORTION OF THOSE LANDS AS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 11533, PAGE 571 (VESTING DEED), INCLUSIVE OF THAT AFFIDAVIT OF GLENN W. MARK, P.L.S. CONFIRMING A SCRIVENER'S ERROR IN SAID VESTING DEED AS RECORDED IN OFFICIAL RECORDS BOOK 30920, PAGE 855, AND ALL OF THE ABANDONED RIGHT-OF-WAY FOR EAST COAST AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 35356, PAGE 1460, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID DRAINAGE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 10; THENCE SOUTH 02°17'56" WEST ALONG THE WEST LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 10 (WHICH IS THE BASIS FOR BEARINGS GRID NORTH AMERICAN DATUM 83 / 1990 ADJUSTMENT STATE PLANE COORDINATE SYSTEM TRANSVERSE MERCATOR PROJECTION FLORIDA EAST ZONE), A DISTANCE OF 33.76 FEET; THENCE SOUTH 89°39'39" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, A DISTANCE OF 1256.85 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY AS RECORDED IN DEED BOOK J, PAGE 71, DADE COUNTY RECORDS AND RIGHT-OF-WAY TRACK MAP FOR FLORIDA EAST COAST RAILWAY COMPANY FLAGLER SYSTEM STATION 16259+57.1 TO STATION 16364+93.1 SHEET V.3 S.18a; THENCE SOUTH 01°49' 53" WEST ALONG SAID RAILROAD RIGHT-OF-WAY, A DISTANCE OF 742.16 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE CONTINUE SOUTH 01°49'53" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1995.00 FEET; THENCE NORTH 87°42'03" WEST DEPARTING SAID RAILROAD RIGHT-OF-WAY, A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST LINE OF THOSE LANDS AS DESCRIBED FOR RETENTION POND PURPOSES IN OFFICIAL RECORDS BOOK 5787, PAGE 1793, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°49'53" WEST ALONG THE EAST LINE OF SAID RETENTION POND PARCEL, A DISTANCE OF 295.00 FEET; THENCE NORTH 87°42'03" WEST ALONG THE SOUTH LINE OF SAID RETENTION POND PARCEL, A DISTANCE OF 200.00 FEET; THENCE NORTH 01°49'53" EAST, ALONG THE WEST LINE OF SAID RETENTION POND PARCEL, A DISTANCE OF 360.00 FEET; THENCE SOUTH 87°42'03" EAST ALONG THE NORTH LINE OF SAID RETENTION POND PARCEL AND ITS EASTERLY EXTENSION, A DISTANCE OF 280.00 FEET; THENCE NORTH 01°49'53" EAST ALONG A LINE 20 FEET WEST OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE WEST RIGHT-OF-WAY LINE OF SAID FLORIDA EAST COAST RAILROAD COMPANY, A DISTANCE OF 900.66 FEET TO A POINT OF THE SOUTH LINE OF THE ABANDONED RIGHT-OF-WAY FOR EAST COAST AVENUE, AS RECORDED IN OFFICIAL RECORDS BOOK 35356, PAGE 1460, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 87°42'03" WEST ALONG SAID ABANDONED RIGHT-OF-WAY, A DISTANCE OF 40.00 FEET; THENCE NORTH 01°49'53" EAST ALONG THE WEST LINE OF SAID ABANDONED RIGHT-OF-WAY, A DISTANCE OF 680.00 FEET; THENCE SOUTH 87°42'03" EAST ALONG THE NORTH LINE OF SAID ABANDONED RIGHT-OF-WAY, A DISTANCE OF 40.00 FEET; THENCE NORTH 01°49'53" EAST ALONG A LINE 20 FEET WEST OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE WEST RIGHT-OF-WAY LINE OF SAID FLORIDA EAST COAST RAILROAD COMPANY, A DISTANCE OF 349.34 FEET TO A POINT ON THE NORTH LINE OF THOSE LANDS DESCRIBED IN THAT GENERAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS 11533, PAGE 571, AND AS CORRECTED IN SAID AFFIDAVIT RECORDED IN OFFICIAL RECORDS BOOK 30920, PAGE 855, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 87°42'03" EAST ALONG SAID DEED LINE, A DISTANCE OF 20.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

PARCEL CONTAINS 144,296 SQUARE FEET OR 3.313 ACRES MORE OR LESS.


PROJECT NO. 2019012-05	SHEET 1 OF 1 6	PROJECT: HYPOLUXO SCRUB NATURAL AREA DRAINAGE EASEMENT		SCALE AS NOTED APPROVED: C.S.P. DRAWN: W.D.S. CHECKED: C.S.P. DATE: 06/13/24	NO.	REVISION	BY	DATE		PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS
		DESIGN FILE NAME S-1-24-4290.DGN	DRAWING NO. S-1-24-4290							

EXHIBIT "B"

LEGEND

PCN	= PARCEL CONTROL NUMBER	ESMT	= EASEMENT
PB	= PLAT BOOK	REF	= REFERENCE
PG	= PAGE	DB	= DEED BOOK
POC	= POINT OF COMMENCEMENT	ORB	= OFFICIAL RECORD BOOK
POB	= POINT OF BEGINNING	SEC	= SECTION
PBC	= PALM BEACH COUNTY	TWP	= TOWNSHIP
R/W	= RIGHT OF WAY	RNG	= RANGE
		D.E.	= DRAINAGE EASEMENT

SURVEYOR'S NOTES

ALL BEARINGS ARE BASED ON A GRID 83/1990 BEARING OF S 02°17'56" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 43 EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

SEE AFFIDAVIT RECORDED IN OFFICIAL RECORDS BOOK 30920, PAGE 855 CONCERNING ERROR DISCOVERED IN THE VESTING DEED FOR THIS PROPERTY RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THIS IS NOT A SURVEY.

THE INTENDED PLOT SCALE FOR THIS DRAWING IS 1"= 100' ON 8.5"X 11" PAPER

COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990, ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND.
PROJECT SCALE FACTOR = 1.000049907
ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.
ALL BEARINGS ARE GRID NAD 83/90 ADJUSTMENT

IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

THIS INSTRUMENT PREPARED BY CRAIG S. PUSEY, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER @ VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

NOT VALID WITHOUT THE DIGITAL SIGNATURE AND/OR ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

Craig S
Pusey

Digitally signed by Craig S Pusey
DN: C=US, O=PALM BEACH COUNTY,
dnQualifier=
A01410D00000192B496A91300023820, CN=
Craig S Pusey
Reason: I am the author of this document
Location:
Date: 2025.01.06 08:30:07-05'00'
Foxit PDF Editor Version: 12.1.0



CRAIG S. PUSEY, P.S.M.
FLORIDA CERTIFICATE #5019

DATE

EXHIBIT "B"

(80' PUBLIC R/W PER
PBC ENGINEERING DRAWING NUMBER
S-3-76-348
SHEETS 6 & 7)

POC

NORTHWEST CORNER SECTION 10,
TOWNSHIP 45 SOUTH, RANGE 43 EAST
PALM BEACH COUNTY POSITION
814740.695
964113.038

NORTH LINE OF NW 1/4
OF SEC 10/45/43

S02°17'56"W
33.76'

HYPOLUXO ROAD

WEST LINE OF
NW 1/4 SEC 10/45/43

N88°54'46"E 1257.62'

SOUTH R/W LINE

S89°39'39"E
1256.85'

50'

50'

SCALE: 1" = 100'



S FEDERAL HWY

FLORIDA EAST COAST RAILWAY CO.

(DB J, PG 71, DADE COUNTY RECORDS)
(RIGHT OF WAY AND TRACK MAP
FLORIDA EAST COAST RAILWAY CO.

FLAGLER SYSTEM

STATION 16259+57.1 TO STATION 16364+93.1
SHEET V.3 S.18a)

S01°49'53"W 742.16'

WEST R/W LINE
FLORIDA EAST COAST RAILWAY CO.

ORB 10788, PG 431
PCN: 26-43-45-10-00-000-3040

15' OUTFALL ESMT
(ORB 5736, PG 155)

ORB 32439, PG 336
PCN: 26-43-45-10-
00-000-3020

ORB 12076, PG 444
PCN: 26-43-45-
10-00-000-3031

N02°17'56"E

WEST 1/4 CORNER
SEC 10/45/43
PBC POSITION
812110.938
964007.462

DIRECT LINE TIE NOTE:

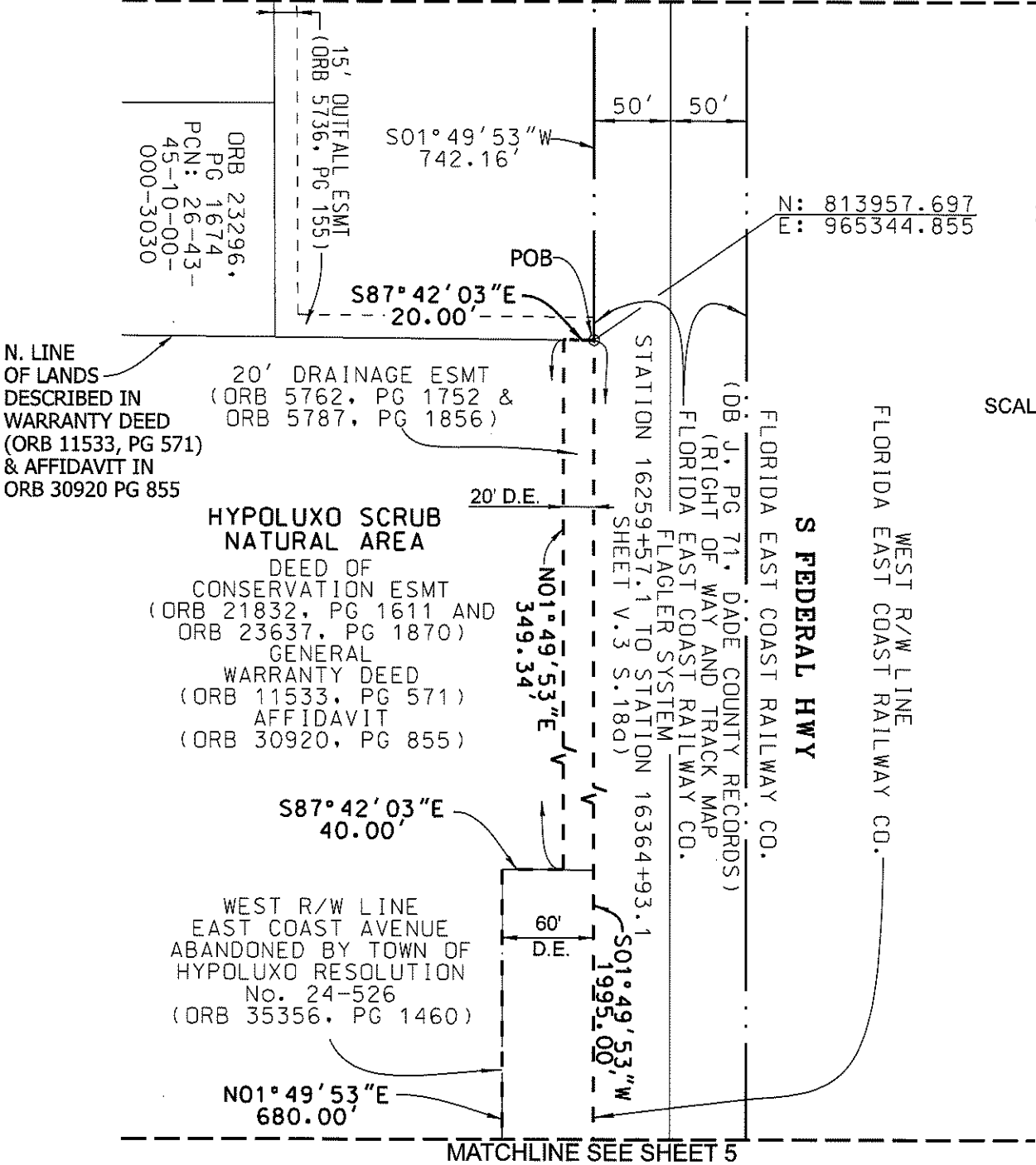
FROM NW CORNER OF
SECTION 10/45/43 TO P.O.B.
S57°33'29"E
1459.61' (GRID)
1459.54

MATCHLINE SEE SHEET 4

EXHIBIT "B"

DIRECT LINE TIE NOTE:
FROM NW CORNER OF
SECTION 10/45/43 TO P.O.B.
S57°33'29"E
1459.61' (GRID)
1459.54

MATCHLINE SEE SHEET 3



SCALE: 1" = 100'

EXHIBIT "B"

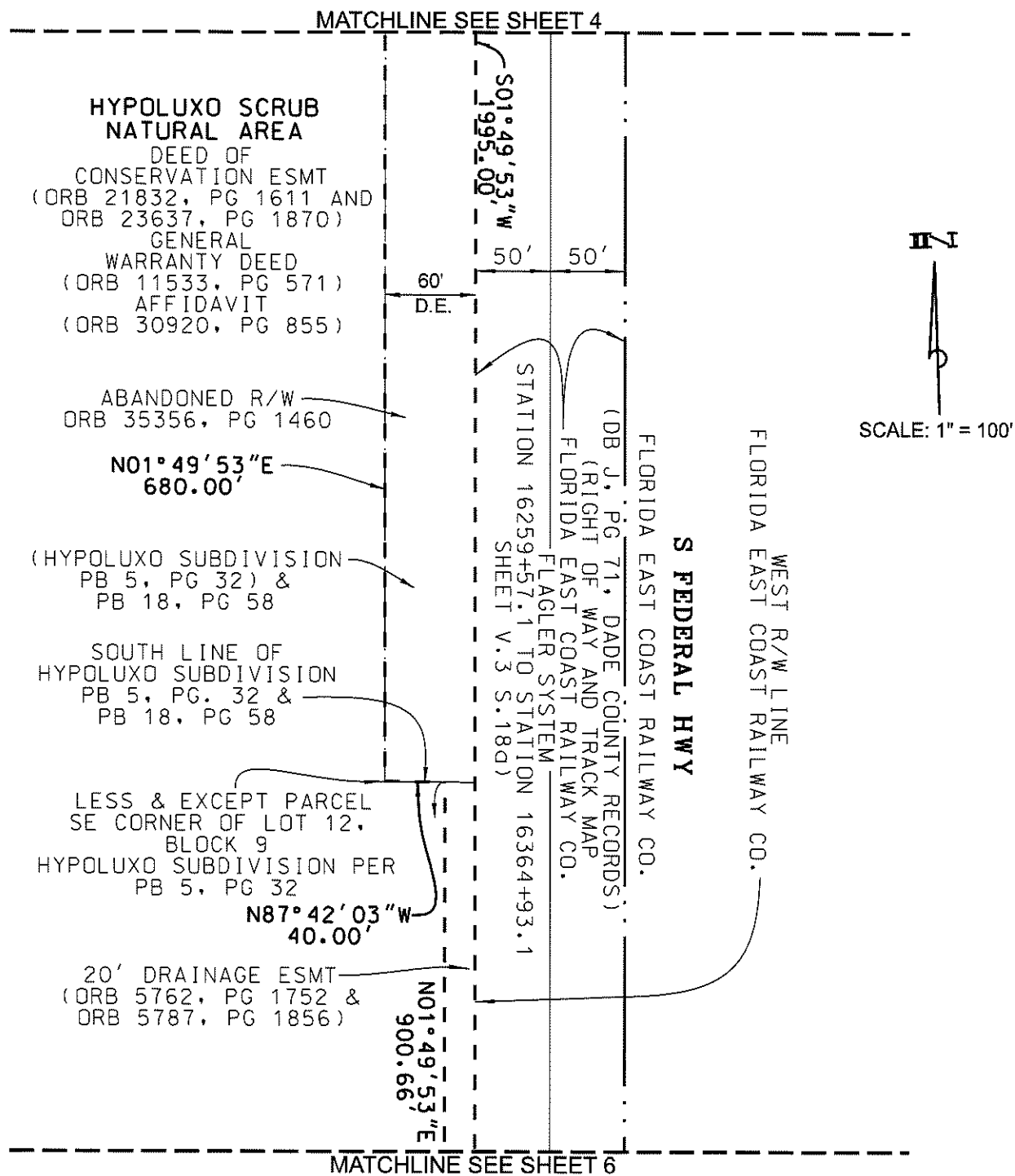


EXHIBIT "B"

