

This instrument was prepared by
and after recording return to:

Florida Power & Light Company
Ellie Taft
700 Universe Blvd. LAW/JB
Juno Beach, Florida 33408

Sec 04 TWP 48S RGE 42E
Parcel ID: 484204000072
(maintained by County Appraiser)

AMENDMENT TO EASEMENT

THIS AMENDMENT TO EASEMENT ("*Amendment*"), is effective this _____ day of _____, 2023 ("*Effective Date*") by and between Broward County, a political subdivision of the State of Florida ("*County*") and Florida Power & Light Company, a Florida corporation ("*Grantee*"). Each of County and Grantee shall hereinafter be referred to individually as a "*Party*" and collectively as the "*Parties*".

RECITALS

WHEREAS, the Parties entered into that certain Easement dated January 18, 2000 and recorded on January 20, 2000 as Instrument Numbers 100033552, in Official Records Book 30192, Page 773, in the Public Records of Broward County, Florida (collectively "*Easement*"), whereby County granted to Grantee certain easement rights and related uses over, under and across certain real property located in Broward County, Florida, as more particularly described on Exhibit "A" of the Easement (the "*Land*").

WHEREAS, the Easement provides that "[i]f [County] requests that said lines or facilities be removed or relocated to accommodate a Broward County Governmentally approved improvement, [County] shall provide [Grantee] with a replacement easement satisfactory to [Grantee], and at no additional cost to [Grantee], and [Grantee] shall relocate its facilities at [Grantee's] own cost."

WHEREAS, the Parties desire to partially release and relocate Grantee's facilities so the County may use the partially released easement area for Park Purposes, including tree mitigation and landscaping buffer.

WHEREAS, the Parties desire to amend Exhibit "A" of the Easement to modify the legal description of the Land to reflect the 30-foot partially released portion and the location of the replacement easement for the relocated facilities that the County has agreed to provide to Grantee.

NOW THEREFORE, for and in consideration of ten dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The foregoing recitations are true and correct, and are incorporated by reference as if fully set forth herein. The capitalized terms used herein shall be given the meaning ascribed in the Easement, unless otherwise noted herein.

2. The Parties agree that Exhibit "A" attached to the Easement is hereby amended to partially release a portion of the Land described and depicted in Exhibit "A" attached hereto and made a part hereof. The release of the Land only applies to that portion of the Land specifically described in Exhibit "A" herein and no other, and that portion of the Land described in Exhibit "A" shall be freed of the Easement and the rights and privileges granted therein. The County may use the portions of the Land released hereby for any County purposes that do not unreasonably interfere with the remaining 25' portion of the Easement.

3. The Parties agree that the Exhibit "A" attached to the Easement is hereby further amended to include the additional property as described and depicted in Exhibit "B" attached hereto and made a part hereof. County may continue to use the portion of the Land described and depicted in Exhibit "B", in a manner that (i) does not interfere with the rights granted to Grantee pursuant to the Easement and (ii) does not create a hazardous condition of any kind at any time, to install, maintain and utilize (1) the access road identified as "Quiet Water Park Drive" in Exhibit "B", (2) underground utilities (including fiber optic, water and sewer), (3) parking, (4) above or underground equipment, (5) mobile structures, and (6) vegetation (collectively "*County Improvements*"); provided that County Improvements are installed or stored (i) at least twenty-five feet (25') from Grantee's facilities and (ii) less than fourteen feet (14') in height at any time. Notwithstanding the foregoing, Grantee agrees any County vehicle or equipment passing through or along the Land with a height less than twenty feet (20') from natural grade shall not constitute an interference with Grantee's rights or create a hazardous condition.

4. This Amendment may be executed simultaneously or in multiple counterparts, each of which shall be deemed an original, and all of which together shall constitute a single instrument.

5. This Amendment shall be governed by the laws of the State of Florida.

6. The terms of this Amendment shall govern over conflicting terms within the Easement. Except as modified by this Amendment, all of the terms, conditions and provisions of the Easement not in conflict herewith shall be and remain in full force and effect. The terms and provisions of this Amendment shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the Parties.

(Signatures on Pages Following)
(Balance of page intentionally left blank)

IN WITNESS WHEREOF, the undersigned have signed and sealed this instrument: BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor authorized to execute same by Board action on the ____ day of _____, 2023, (Board Agenda Item #__), and Florida Power & Light, signing by and through its Project Director duly authorized to execute same.

COUNTY

ATTEST: _____ Broward County Administrator, as ex officio Clerk of the Broward County Board of Commissioners	BROWARD COUNTY, by and through its Board of County Commissioners By: _____ Mayor ____ day of _____, 20____ Approved as to form by Andrew J. Meyers Broward County Attorney Governmental Center, Suite 423 115 South Andrews Avenue Fort Lauderdale, Florida 33301 Telephone: (954) 357-7600 Telecopier: (954) 357-7641 By: <u>ANNIKA E. ASHTON</u> Digitally signed by ANNIKA E. ASHTON Date: 2023.05.19 10:27:19 -04'00' Annika E. Ashton (Date) Deputy County Attorney
---	---

IN WITNESS WHEREOF, Grantee has hereunto set its hand and seal as of the day and year first above written

Executed in the presence of:

Grantee:

Florida Power & Light Company,
a Florida corporation

Stacy B. Winnubst
Name: Stacy B. Winnubst

By: Samantha J. Saucier
Name: Samantha J. Saucier
Title: Project Director Real Estate

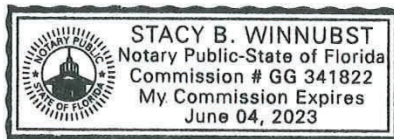
Clerna Marc
Name: Clerna Marc

ACKNOWLEDGEMENT

STATE OF FLORIDA)
COUNTY OF Broward) SS:

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization, this 9th day of May, 2023, by Samantha J. Saucier, as Project Director Real Estate
Power & Light Company, a Florida corporation, on behalf of the corporation.

[NOTARIAL SEAL]



Notary: Stacy B. Winnubst
Print Name: Stacy B. Winnubst
Notary Public, State of Florida
My commission expires: June 4, 2023

☒ Personally Known OR ☐ Produced Identification
Type of Identification Produced _____

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL # BR-009A

A PORTION OF LAND LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 42 EAST; THENCE N01°13'08"W, ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 596.29 FEET; THENCE S88°46'52"W, A DISTANCE OF 106.01 FEET TO THE WEST RIGHT OF WAY LINE OF POWERLINE ROAD AS RECORDED IN OFFICAL RECORDS BOOK 31510, PAGE 765 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE S88°21'11"W, A DISTANCE OF 13.02 FEET TO POINT OF BEGINNING; THENCE S01°16'02"E, A DISTANCE OF 320.28 FEET; THENCE S43°44'26"W, A DISTANCE OF 14.16 FEET TO THE NORTH RIGHT OF WAY LINE OF SAWGRASS EXPRESSWAY PER RIGHT OF WAY BOOK 11, PAGE 36 OF SAID THE PUBLIC RECORDS; THENCE S88°44'34"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 19.99 FEET; THENCE N01°16'02"W, A DISTANCE OF 330.09 FEET; THENCE N88°21'11"E, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,856 SQUARE FEET OR 0.23 ACRES, MORE OR LESS.

SHEET INDEX

SHEET 1: LEGAL DESCRIPTION AND NOTES
SHEET 2: ENCUMBRANCE SUMMARY TABLE
SHEET 3: SKETCH OF DESCRIPTION

SURVEYOR'S NOTES

1. THE PURPOSE OF THIS SKETCH OF DESCRIPTION IS TO ACCURATELY DEPICT THE SUBJECT TRACT EXTERIOR BOUNDARY AND THE LOCATION OF PERMANENT OR TEMPORARY EASEMENTS REQUIRED FOR THE CONSTRUCTION OF A PROPOSED POWER TRANSMISSION FACILITY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT), DERIVING A BEARING OF N01°15'42"W ALONG THE EAST LINE OF SECTION 04, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.
3. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.
4. THIS IS NOT A BOUNDARY SURVEY.
5. THE ENCUMBRANCE INFORMATION SHOWN HEREON WAS PROVIDED BY CHICAGO TITLE INSURANCE AGENCY, INC. PER AN OWNERSHIP AND ENCUMBRANCE REPORT DATED 06/24/2022. THIS FIRM DID NOT PERFORM ADDITIONAL RESEARCH OF THE PUBLIC RECORD.
6. THIS SKETCH OF DESCRIPTION DOCUMENT CONSISTS OF 3 PAGES, EACH PROVIDING UNIQUE INFORMATION REGARDING THIS PROJECT, THEREFORE ALL PAGES CONSTITUTE THE "SKETCH OF DESCRIPTION".

1	02-16-23	ADD CLIENT REQUESTED NOTATIONS	SN	TS
2				
3				
4				
NO.	DATE	DESCRIPTION	BY	CHK

REVISIONS

CERTIFICATION

CERTIFIED TO: FLORIDA POWER & LIGHT COMPANY

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED UNDER MY DIRECT SUPERVISION ON THE DATE SHOWN AND CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA IN ACCORDANCE WITH CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATE

WALTER J. SMITH

NOVEMBER 9, 2022

FLORIDA CERTIFICATE NO: 4807

DOCUMENT NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND SEAL OF WALTER J. SMITH, FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.



ESP Associates FL, Inc.
518 13th Street West
Bradenton, FL 34205
Phone: 941-345-5451
www.espassociates.com

PROFESSIONAL SURVEYORS AND MAPPERS
LB. #7343

SKETCH OF DESCRIPTION

30' WIDE UTILITY EASEMENT
PROJECT PARCEL # BR-009A

PARCEL ID: 484204000072
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 42 EAST
BROWARD COUNTY, FLORIDA

PREPARED FOR:
FLORIDA POWER & LIGHT

PROJECT NUMBER
JM07.801.000
DOCUMENT RELEASE DATE
NOVEMBER 9, 2022

SHEET 1 OF 3

EXHIBIT "A"

ENCUMBRANCE SUMMARY TABLE

ENCUMBRANCE NUMBER	RECORD DOCUMENT	DOCUMENT TYPE	AFFECTS PROPOSED EASEMENT	ACTION TAKEN
1	ORB 8988, PG. 960	100' CANAL R/W	NO	PLOTTED
2	ORB 30192, PG. 773	20' UTILITY EASEMENT 55' FPL EASEMENT	YES YES	PLOTTED
3	ORB 31510, PG. 765	12' DEEDED R/W	YES	PLOTTED
4	ORB 35115, PG. 1765	15x50 FPL EASEMENT	NO	PLOTTED



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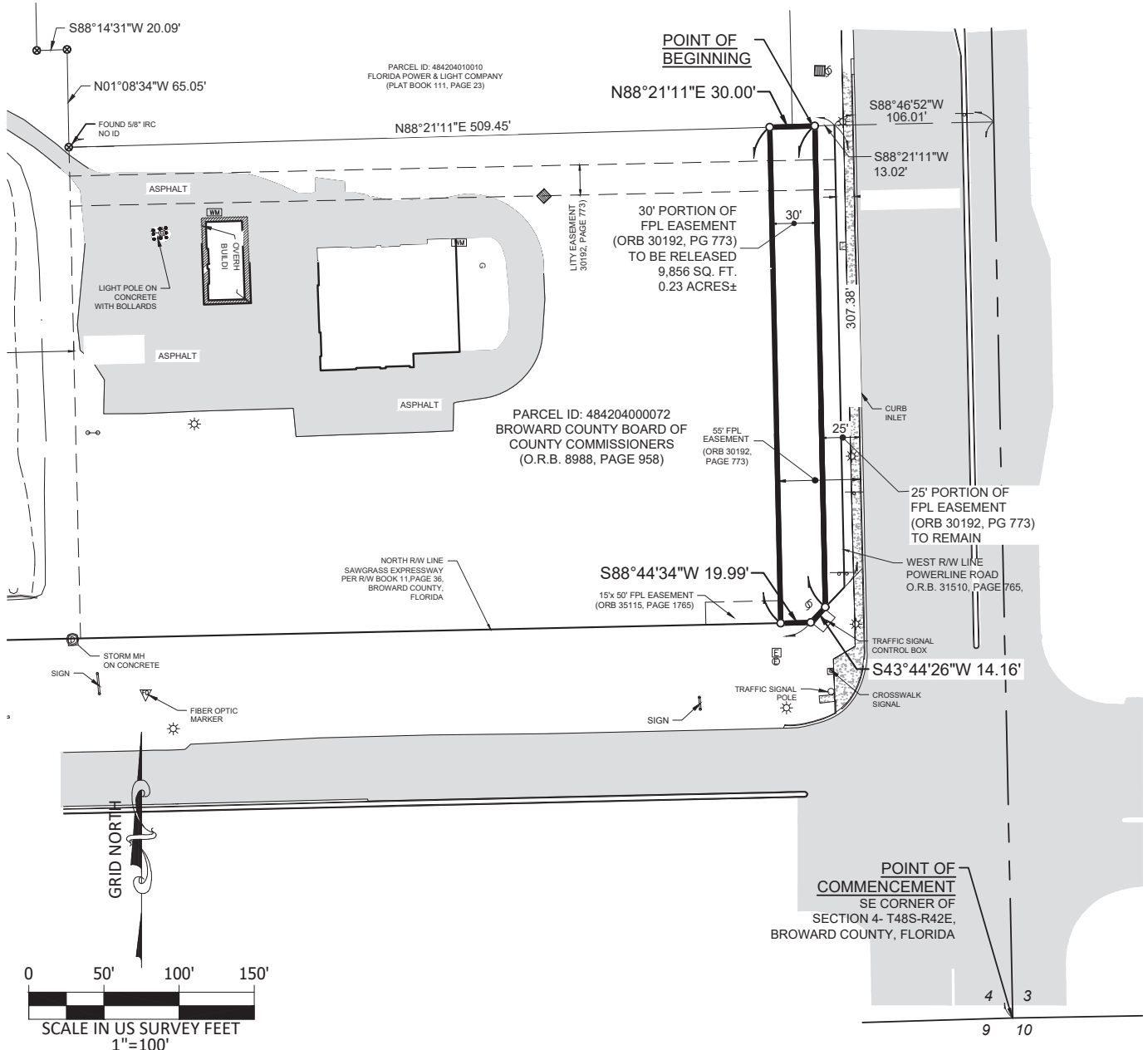
PROJECT NUMBER
JM07.801.000
DOCUMENT RELEASE DATE
AUGUST 30, 2022

SHEET 2 OF 3

EXHIBIT "A"

SKETCH OF DESCRIPTION ONLY

NOT A SURVEY



LEGEND

○ CALCULATED POINT	(P) PAGE	⊙ SANITARY SEWER MANHOLE	— OVERHEAD POWER LINE
L1 LINE NUMBER - SEE LINE TABLE DATA	R/W RIGHT OF WAY	⊞ FIBER OPTIC MARKER	— EASEMENT BOUNDARY LINE
O.R.B. OFFICIAL RECORDS BOOK	T TOWNSHIP	⊕ ELECTRIC TRANSFORMER	⊙ FIRE HYDRANT
O.R.I. OFFICIAL RECORDS INSTRUMENT	UTILITY POLE	⊞ GRATE INLET	⊞ TELEPHONE PEDESTAL
R/W RIGHT OF WAY	WATER VALVE	⊞ ELECTRIC VAULT	✱ PALM TREE
R RANGE	LIGHT POLE		



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BROWARD COUNTY, FLORIDA

PREPARED FOR:
FLORIDA POWER & LIGHT

PROJECT NUMBER
JM07.801.000
DOCUMENT RELEASE DATE
NOVEMBER 9, 2022

SHEET 3 OF 3

EXHIBIT "B"

LEGAL DESCRIPTION

PARCEL # BR-009B

A PORTION OF LAND LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 42 EAST; THENCE S88°15'47"W, ALONG THE SOUTH LINE OF SAID SECTION 4, A DISTANCE OF 602.26 FEET; THENCE N01°44'13"W, A DISTANCE OF 271.04 FEET TO THE NORTH RIGHT OF WAY LINE OF SAWGRASS EXPRESSWAY AS RECORDED IN RIGHT OF WAY BOOK 11, PAGE 36 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA FOR THE POINT OF BEGINNING; THENCE S88°44'34"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET; THENCE N01°19'48"W, A DISTANCE OF 391.79 FEET; THENCE N88°14'31"E, A DISTANCE OF 20.09 FEET; THENCE S01°08'34"E, A DISTANCE OF 65.05 FEET; THENCE N88°21'11"E, A DISTANCE OF 10.00 FEET; THENCE S01°21'05"E, A DISTANCE OF 326.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,087 SQUARE FEET OR 0.25 ACRES, MORE OR LESS.

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1	12-02-22	ENCUMBRANCE TABLE	SN	TS
2	02-16-23	ADD CLIENT REQUESTED NOTATIONS	SN	TS
3				
4				
NO.	DATE	DESCRIPTION	BY	CHK

REVISIONS

CERTIFICATION

CERTIFIED TO: FLORIDA POWER & LIGHT COMPANY

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DATE

OCTOBER 13, 2022

WALTER J. SMITH

FLORIDA CERTIFICATE NO: 4807

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PROFESSIONAL SURVEYORS AND MAPPERS
LB. #7343

SKETCH OF DESCRIPTION

VARIABLE WIDTH UTILITY EASEMENT
PROJECT PARCEL # BR-009B
PARCEL ID: 484204000072
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 42 EAST
BROWARD COUNTY, FLORIDA

PREPARED FOR:
FLORIDA POWER & LIGHT

PROJECT NUMBER
JM07.801.000
DOCUMENT RELEASE DATE
OCTOBER 13, 2022

SHEET 1 OF 3

EXHIBIT "B"

ENCUMBRANCE SUMMARY TABLE

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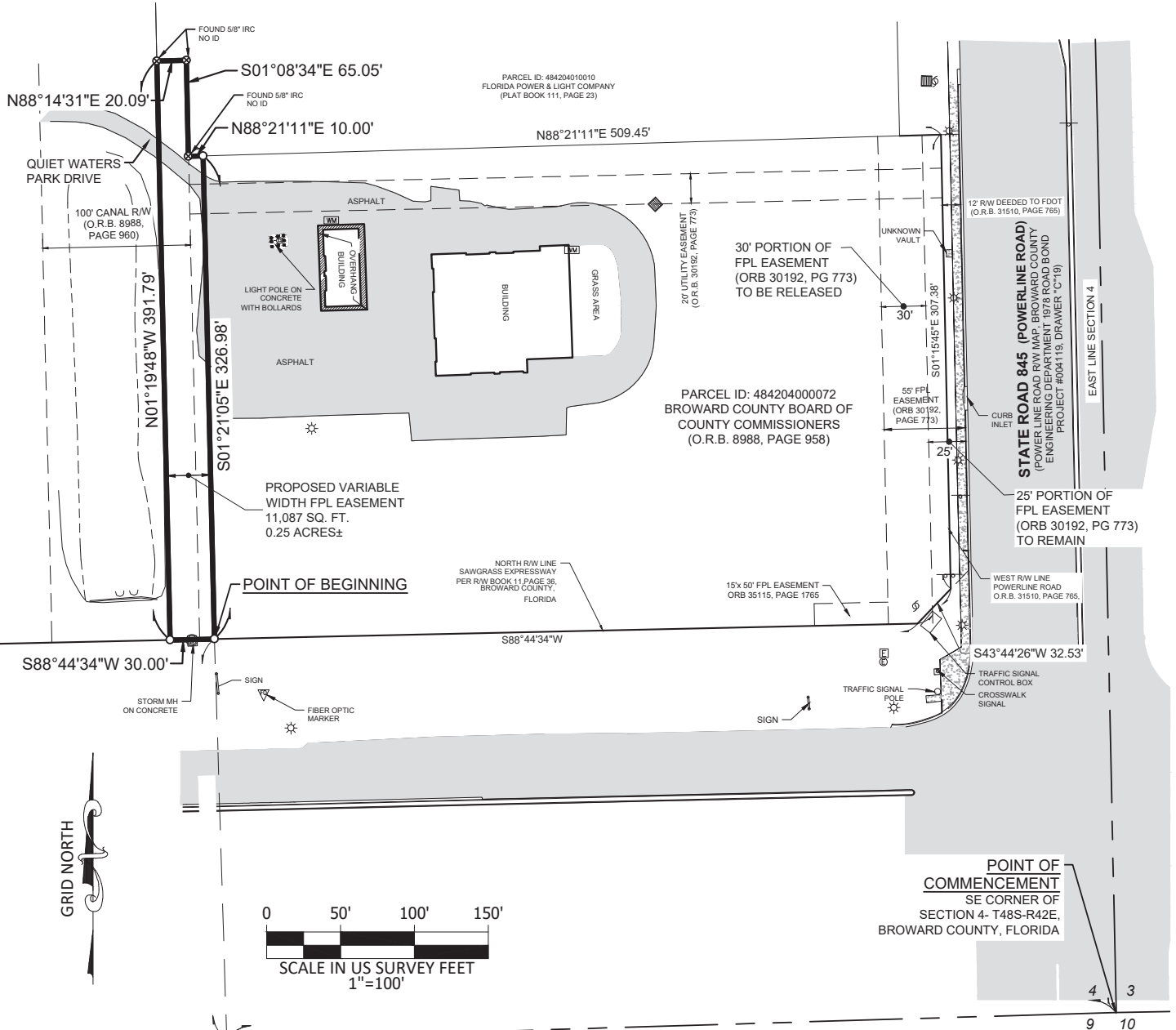
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SHEET 2 OF 3

EXHIBIT "B"

SKETCH OF DESCRIPTION ONLY

NOT A SURVEY



LEGEND

O	CALCULATED POINT	(P)	PAGE	⊙	SANITARY SEWER MANHOLE	—	OVERHEAD POWER LINE
L1	LINE NUMBER - SEE LINE TABLE DATA	R/W	RIGHT OF WAY	⊞	FIBER OPTIC MARKER	—	EASEMENT BOUNDARY LINE
O.R.B.	OFFICIAL RECORDS BOOK	T	TOWNSHIP	⊞	ELECTRIC TRANSFORMER	⊞	FIRE HYDRANT
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R	RANGE	⊞	LIGHT POLE				



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