



AGENDA
PLANNING AND ZONING BOARD
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE ■ PALM SPRINGS, FL 33461
MARCH 15, 2023
6:30 PM

Johnnie Tieche, Chairman
Richard Hughes, Vice-Chairman
Ralph Lashells, Board Member
Vacant, Jr. Alternate

Peter Braun, Board Member
Kim Gehrman, Board Member
Larry Saingilus, Sr. Alternate

ADMINISTRATION

Planning, Zoning, and Building Director, Iramis Cabrera
Planning, Zoning, and Building Planner, Christian Melendez
Village Attorney, Susan Garrett
Deputy Village Clerk, Jane R. Worth

Persons who need an accommodation to attend or participate in this meeting should contact the office of the Village Clerk at (561) 584-8200 at least three (3) business days before the event to request such assistance.

CALL TO ORDER

ROLL CALL

Chairman Johnnie Tieche
Vice Chairman Richard Hughes
Ralph Lashells
Peter Braun
Kim Gehrman
Larry Saingilus, Sr. Alternate
Vacancy, Jr. Alternate

PZ&B Director, Iramis Cabrera
PZ&B Planner, Christian Melendez
Village Attorney Susan Garrett
Deputy Village Clerk Jane R. Worth

NOTE: CLERK TO ASCERTAIN IF THERE ARE ANY *EX PARTE* COMMUNICATIONS TO BE DISCLOSED DURING QUASI JUDICIAL DISCUSSIONS. CLERK TO SWEAR IN WITNESSES FOR TESTIMONY.

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

APPROVAL OF MINUTES

2. **Approval of October 11, 2022, Planning and Zoning Advisory Board Meeting Minutes:** Motion to approve October 11, 2022 minutes from the Planning and Zoning Advisory Board Meeting.
Staff: Jane R. Worth

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

3. **Resolution No. 2023-12 - Abandonment of a Portion of Dalinda Lane Right-of-Way:** Recommendation of approval to the Village Council for the abandonment of Dalinda Lane which had been dedicated for public road purposes. The abandonment will not interfere with the roadway system of the Village and is no longer necessary or needed by the public.
Staff: Iramis Cabrera, PZB Director
4. **Resolution No. 2023-13 - Preliminary Plat - Oxygen Development II - 1525 South Congress Avenue:** Recommendation of approval to the Village Council for a preliminary plat to re-plat the Oxygen parcels into a unified plat, which is generally located west of South Congress Avenue, east of Davis Road, and north of Forest Hill Boulevard.
Staff: Iramis Cabrera, PZB Director

OTHER BUSINESS

ADJOURNMENT

NEXT MEETING

April 11, 2023 @ 6:30 PM

If a person decides to appeal any decision made by the Council concerning any considered matter, they will need a record of the proceeding. For such purposes, they may need to ensure that a verbatim record of the proceedings is available. The recording includes the testimony and evidence upon which the appeal is to be based.

Village of Palm Springs

Title VI/Nondiscrimination Policy

I. Policy Statement:

The Village of Palm Springs values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus

Address: 226 Cypress Lane, Palm Springs, FL 33461

Email: asaingilus@vpsfl.org
Phone: (561)584-8200 Ext. 8419

III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: jpiedra@vpsfl.org
Phone: (561)584-8200 Ext. 8421



**PLANNING AND ZONING ADVISORY BOARD MEETING
MINUTES, COUNCIL CHAMBERS
226 CYPRESS LANE
VILLAGE OF PALM SPRINGS, FLORIDA
OCTOBER 11, 2022 AT 6:30 PM**

CALL TO ORDER

The meeting was called to order by Chairman Johnnie Tieche at 6:30 PM.

ROLL CALL

BOARD MEMBERS: *Chairman Johnnie Tieche, Vice Chairman Richard Hughes, Ralph Lashells, Peter Braun, and Kim Gehrman*

ABSENT:

Larry Saingilus

STAFF:

Planning, Zoning, and Building Director Iramis Cabrera, Village Attorney Susan Garrett, and Deputy Village Clerk Jane R. Worth

1. **NOTE: CLERK TO ASCERTAIN IF THERE ARE ANY *EX PARTE* COMMUNICATIONS TO BE DISCLOSED DURING QUASI JUDICIAL DISCUSSIONS. CLERK TO SWEAR IN WITNESSES FOR TESTIMONY.**

Staff: Jane Worth, Deputy Village Clerk

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

There were none.

APPROVAL OF MINUTES

2. **MINUTES:** Approval of September 13, 2022, Planning and Zoning Advisory Board Minutes

Staff: Jane Worth, Deputy Village Clerk

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

3. **Planning and Zoning Board Order No. 2022-09 - Elimination of the Outdoor Play Area Variance (PSV22-17) - Extraordinary Kids Foundation - 4218-4220 Lake Worth Road:** A motion to approve a Variance relief from Section 34-1022(f) to eliminate the required outdoor play area, located at 4218--4220 Lake Worth Road.

Staff: Iramis Cabrera, PZB Director

SUMMARY: Ms. Madean Gilzene, agent for the tenant, Extraordinary Kids Foundation ("Applicant"), applied for a Special Exception Use (PSSE22- 08) and Site Plan Amendment (SPR22-15) approval to allow the conversion of a 5,495 square feet or retail-office space into a child care facility located on a 4.25-acre parcel that is at 4236 Lake Worth Road. The proposed tenant will be occupying two (2) tenant bays within the existing shopping center (4218-4220 Lake Worth Road) .

In 2014, the Village annexed the 4.25-acre property as a developed parcel with 40,240 square feet of building space within two (2) commercial entities.

Child care facilities are permissible in the CG district with the special exception of approval. The applicant proposes a childcare facility to care for children with medical or skilled nursing needs who cannot attend a traditional daycare. The center will serve children from birth to age 21 with medical conditions that require nursing care and a doctor's prescription to attend. It is not open to the general public. A prescribed pediatric extended care facility is not licensed by Florida's Department of Children and Families like a traditional daycare, but rather by the Florida Agency for Health Care Administration ("AHCA"), which also regulates assisted living facilities, nursing homes, and hospitals. Health conditions include down syndrome, respiratory illness, autism, and cerebral palsy. A maximum of 60 children can be served at a time at the center from 7 a.m. to 7 p.m., Monday through Friday. Registered nurses, licensed practical nurses, and care assistants will work at the facility.

As part of the proposed project, the applicant is requesting one (1) variance:

1. PSV22-17 - Request to allow the elimination of outdoor play area required (provides relief from Section 34-1022(5))

Despite the fact that the literal interpretation of the code may cause hardship, the staff agrees that the removal of the outdoor play area is the minimum variance needed. By granting the variance we will comply with the intent of the Land Development Regulations and not harm the shopping center's balance. Conditional approval is recommended by Planning, Zoning & Building staff because there is no objection to the variance requested.

Director Cabrera discussed Items #3 and #4 together as they are for the same applicant. Director Cabrera stated it was a Site Plan and Special Exception, in which the applicant will be occupying two (2) tenant bays located at 4218-4220 Lake Worth Road. The staff does not have any issues and supports the applicant. The Applicant, Ms. Madene Gilsteen was present for any questions the Board might have.

Ms. Madene Gilsteen - President of the Extraordinary Kids Foundation, 1928 Lake Worth Road, Lake Worth, FL 33461. Ms. Gilsteen stated they want to occupy units 4218 and 4200 - Monday thru Friday 7 AM to 7 PM. The children have a large range of different medical needs, for example, from down syndrome to Spina Bifida,

and Autism. Some children were born premature, and some children need nebulizer treatments but are put in our school to also get their education. Ms. Gilsteen stated that the school is currently located at Boutwell Road and Lake Worth Road. She also said it had become a very undesirable location and felt this new location would be more beneficial for the children's needs and the school's needs.

The Board asked the following questions. Ms. Gilsteen answered them as follows:

- 1) Did you mention that there were Autistic children? Yes, there are.
- 2) How long have you been in business? Five (5) years. Currently, there are 35 students. We are licensed up to 60. At the height of the pandemic, a lot of the children were at home, as they had respiratory problems and that was the safest situation for them. We are hoping they will come back now, and this is a much nicer location. There are too many homeless people at the current location and does not have the best curb appeal.
- 3) What is the lease arrangement? Ms. Gilsteen said they are currently on a lease and will be on a lease again for 3-5 years.
- 4) What is the ratio between staff and children? By law, one (1) staff to three (3) children. Depending on the needs of the children, there could also be one (1) staff to children two (2).
- 5) What is a typical daily program for business? Ms. Gilsteen stated there is a curriculum, and those that are able to cognitively participate, do. There is pet time when animals come and visit us. There is music time for those that can only participate that way, which is very soothing. Meals are also provided for the children or some will bring their own.
- 6) Are there other types of children that come from different environments, fostered or possibly adopted? Ms. Gilsteen answered yes, some children are in foster care, and some are in state custody. We also have a parents' night out. We also do education for parents to teach them how to take care of their children's new medical needs. Every single one of our staff members has to do CPR Certification, our nurses have BCS and ALS certifications.

Chairman Tieche asked the public or the Board for any additional comments needed from Ms. Gilsteen. Hearing none, a motion for approval of Planning and Zoning Board Order No. 2022-09 was made by Mr. Hughes and seconded by Mr. Braun. The motion carried 5-0.

FISCAL IMPACT:

The proposed project is expected to have a minor fiscal impact on the Village as it would require various Village services that would result in increased revenue for the village.

4. **Special Exception Use (PSSE22-08) and Site Development Plan Amendment (SPR22-15) - Extraordinary Kids Foundation (Quasi-Judicial Hearing):** Motion to approve Extraordinary Kids Foundation (Applicant), Site Plan Amendment (SPR-22-15) and concurrently requesting a Special Exception Use (PSSE22-08) to allow a 5,490 square foot child daycare with medical or skilled nursing needs.

Staff: Iramis Cabrera, PZB Director

SUMMARY: Ms. Madean Gilzene, agent for the tenant, Extraordinary Kids Foundation, ("Applicant"), has submitted an application for a Special Exception Use (PSSE22-08) and Site Plan Amendment (SPR22-15) approval, to allow the conversion of a 5,495 square feet of retail-office space into a child care facility located on a 4.25-acre parcel that is located at 4236 Lake Worth Road. The proposed tenant will be occupying two (2) tenant bays within the existing shopping center (4218-4220 Lake Worth Road).

Note: The 4.25-acre property was annexed into the Village in 2014 as a developed parcel with a total of 40,240 square feet of building area within two (2) commercial structures.

Child care facilities are permissible in the Commercial General (CG) district with the special exception of approval. The applicant is proposing a childcare facility to provide care for children who have medical or skilled nursing needs that prevent them from attending a traditional daycare. The center will serve children from birth to age 21 with medical conditions that require nursing care and a doctor's prescription to attend. The facility is not open to the general public. A prescribed pediatric extended care facility is not licensed by Florida's Department of Children and Families like a traditional daycare, instead, it is licensed by Florida's Agency for Health Care Administration ("AHCA"), which also regulates assisted living facilities, nursing homes, and hospitals. Examples of the types of conditions served are down syndrome, respiratory illness, autism, and cerebral palsy. The center will serve up to 60 children from Monday to Friday, from 7 am to 7 pm. Staff will consist of registered nurses, licensed practical nurses, and care aides.

As part of the proposed project, the applicant requests one (1) variance subject to a separate agenda item.

The Planning, Zoning & Building staff do not object to the proposed Special Exception Use and Site Development Plan Amendment and recommend conditional approval of the proposed project.

This Item was discussed with Item #3.

Mr. Hughes questioned in his readings whether there was mention of qualifying for the children. Could the applicant please explain that? Ms. Gilsteen stated there is an advisory Board under Medicaid and they have to approve whether Extraordinary Kids Foundation will be able to have that child.

Chairman Tieche asked the public or the Board for any additional comments on

Item No. 4. Hearing none, a motion to recommend approval of Special Exception Use (PSSE22-08) and Site Development Plan Amendment (SPR22-15) was made by Ms. Gehrman and seconded by Mr. Lashells. The motion carried, 5-0.

FISCAL IMPACT:

The proposed project is expected to have a minor fiscal impact on the Village as it would require various Village services that would result in increased revenue for the village.

5. **Ordinance No. 2022-12 - Land Use Amendment and Rezoning (Small-Scale) - Oxygen Development (Quasi-Judicial Hearing):** Motion to recommend for approval, Ordinance No. 2022-12; a Small-Scale Land Use change from Commercial General "(C)" and Medium Density Residential "(RM)" to Light Industrial "(LI)" and Rezoning from Commercial General (CG) and Residential Multiple-Family (RM) to Light Industrial (LI).

Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Marty Minor from Urban Design Studio, agent for Oxygen Holdings, LLC. ("Applicant"), is requesting a Small-Scale land use plan amendment and rezoning on 17.76 acres (comprised of thirteen parcels) to facilitate an industrial development project.

The proposed small-scale land use change would be from Commercial and Medium Density Residential to Light Industrial, concurrent with Rezoning from Commercial General (CG) and Residential Multiple-Family (RM) to Light Industrial (LI). The combined properties are less than 50 acres in size (17.76 acres total) and are planned for a mix of manufacturing and warehouse use.

The applicant is concurrently requesting Site Plan approval to allow a 150,780 square foot warehouse in addition to the 211,363 square foot existing warehouse-manufacturing building. The proposed site plan is presented (within this item) for informational purposes only (no action is required at this time).

Note: The Village does not typically place conditions of approval on future land use map changes. The legislative decision as to the appropriateness of the land use map and rezoning amendments are approved on the 2nd and final reading, and the proposed Site Plan will be presented for consideration at a future date.

The proposed request was submitted through the PBC Intergovernmental Plan Amendment Review Committee (IPARC) for intergovernmental review and no comments were received.

Note: IPARC is designated to provide coordination of proposed plan amendments, cooperation between affected local governments and service providers and provides opportunities to resolve potential disputes only within the plan amendment.

The Local Planning Agency (LPA) and Village Council will consider the proposed small-scale land use map and rezoning amendments during their November 10,

2022 meeting, and recommendations from the Planning & Zoning Advisory Board will be shared.

Director Cabrera stated Mr. Marty Minor, representing the Applicant, Oxygen Holdings, will be doing a presentation and will be available for the Board to ask questions.

Mr. Marty Minor had a power point presentation and stated this would be a multi-step process. He said in the future a Site Plan approval would be coming before the Board. The site is north of the Forest Hill Shopping Center. To the west of the facility, they would like to construct a 150,000-square-foot warehouse. Mr. Minor stated they would like the Board's recommendation for future land use from Commercial and Medium Density Residential to Light Industrial, concurrent with Rezoning from Commercial General (CG) and Residential Multiple-Family RM) to Light Industrial (LI). The first four (4) PCNs are light industrial and had been since 2009 and would like to change to Light Industrial. The existing building has been expanded to the west and there are two (2) lots on Melaleuca Road that they will put into future parking. The County signed off on a preliminary traffic study. The taxable value of the building has almost doubled in 10 years. Mr. Minor stated they would meet with surrounding neighbors regarding the proposed future development and they were looking for the Board's recommendation for the land use change and zoning.

The Board had the following questions and Mr. Minor answered as follows:

- 1) How many employees are there? Approximately 900.
- 2) How many employees might live within 10 miles of that location? How many employees for the future facility? There are currently 25 people in the warehouse on Southern Boulevard.
- 3) Currently there are sober homes that are boarded up. Will there be exit access to DaLinda? On DaLinda we are proposing to abandon those multi-family homes and that will become the retention pond. The traffic will be somewhat minimal.
- 4) Mr. Lashells stated they have been great neighbors to date.

Chairman Tieche asked if the Board or the Public had any additional comments.

1) Elizabeth Jacobs - 3179 Melaleuca Road - is opposed to the expansion. Melaleuca Road is a through street into the neighborhood and already has excessive traffic. She and other residents are working with the Palm Beach County Zoning office about the excessive traffic. Oxygen manufacturers' makeup and there has already been a chemical explosion, and the police have been called more than once in reference to the night shift partying and causing disturbances with the neighbors. If necessary, she would have no problem getting residents to sign a petition all around the three (3) lakes, to not have this expansion.

2) Adolpho Torres - 1652 Lone Pine Way - Mr. Torres wanted Mr. Marty to know Lone Pine Way is a little road. There are only five (5) families and there are small children living there. Exposing that road to traffic would be a nightmare for them.

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to recommend approval of Ordinance No. 2022-12 was made by Mr. Lashells and seconded by Mr. Braun. The motion carried, 4-1. Mrs. Gehrman was opposed.

FISCAL IMPACT:

The proposed land use and zoning amendments are not expected to provide a direct fiscal impact on the Village; however, it would facilitate development that will increase the Village's property valuation.

OTHER BUSINESS

Director Cabrera stated a different date would have to be agreed upon for the November meeting due to the elections. She said either the week after, Tuesday, November 15th, or Wednesday the 9th.

The Board agreed upon Wednesday, November 9th, 2022 @ 6:30 PM.

ADJOURNMENT

Hearing no further business, Chairman Tieche adjourned the meeting at 7:10 PM.

ATTEST:

Johnnie Tieche, Chairman

The undersigned is the Deputy Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Planning and Zoning Advisory Board meeting held on **October 11, 2022**. Which minutes were formally approved and adopted by the Village Council on _____.

Jane R. Worth, Deputy Village Clerk

**NEXT REGULAR MEETING:
TO BE DETERMINED AT MEETING OF OCTOBER 11, 2022**

If a person decides to appeal any decision made by this Board with respect to any matter considered at this meeting, they will need a record of the proceeding, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



Village of Palm Springs

Staff Report

AGENDA DATE: March 15, 2023

DEPARTMENT: Planning, Zoning & Building

ITEM #3: Abandonment of a Portion of Dalinda Lane right-of-way

SUMMARY: Oxygen Development is looking to expand its current facility at 1525 South Congress Avenue to bring its warehouse operations to the Village. The Village Council approved the proposed site plan during their regular meeting on January 12, 2023, to facilitate the expansion of its current site by 3.4 acres to add a 150,780-square-foot warehouse to the west of the existing building.

The proposed warehouse building will be located within the original site boundary, which is currently vacant and has a drainage lake. With this proposed project, the existing lake will be filled in and a new 1.66-acre lake and dry retention area will be provided. This area of the site currently features vacant land and residential uses owned by the applicant.

A condition of approval of the site plan is the abandonment of the northern 200 feet of the 40-foot-wide right-of-way of Dalinda Lane, which is located between four parcels owned by the applicant, and which is needed to accommodate the 1.66-acre lake, proposed at the southwest corner of the site, to provide drainage for the expanded site.

The subject right-of-way proposed for abandonment is generally located west of South Congress Avenue, east of Davis Road, and approximately 293' north of Forest Hill Boulevard. The abandonment area is approximately 8,000 square feet (0.1836 acres) in size and is a portion of improved right-of-way, platted with the name "Dalinda Lane", dedicated to the public as shown on the Plat Of Larkwood as recorded in Plat Book 23, Page 227, Palm Beach County Records.

Staff recommends that the Planning & Zoning Board make a finding that the right-of-way does not contribute to the roadway system and does not benefit the community as a whole. Village staff has obtained written confirmation from the utility companies that they do not object to the abandonment.

FISCAL IMPACT:

The abandonment of the street will facilitate the development project recently approved under Resolution 2023-03 for the construction of a 150,780 square foot warehouse building, thereby increasing the value of the property.

ATTACHMENTS:

1. Proposed Resolution 2023-12 Abandonment of Right-of-Way
2. Exhibit "A" Sketch and Description of Dalinda Lane Right-of-Way to be Abandoned
3. Indemnification and Hold Harmless Agreement
4. Dalinda Lane Abandonment Aerial Map
5. No Objection Letters from Utilities

RESOLUTION NO. 2023-12

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ABANDONING ALL RIGHT, TITLE, AND INTEREST IN AND TO AN IMPROVED FORTY FOOT WIDE ROAD RIGHT-OF-WAY LOCATED NORTH OF THE TERMINUS OF DALINDA LANE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS, RECORDATION OF THIS RESOLUTION, AND AN EFFECTIVE DATE.

WHEREAS, Dalinda Lane is an improved right-of-way had been dedicated for public road purposes as shown on the Plat Of Larkwood as recorded in plat Book 23, Page 227, Palm Beach County Records, within the Village of Palm Springs, Florida ("Village"); and

WHEREAS, the subject right-of-way is generally located west of South Congress Avenue, east of Davis Road, and approximately 293' north of Forest Hill Boulevard. The abandonment area is approximately 8,000 square feet (0.1836 acres) and is legally described on the sketch attached hereto and incorporated herein as **Exhibit "A"**; and

WHEREAS, the Subject Right-Of-Way is not part of a state or federal highway system, and has not been acquired for state or federal highway purposes; and

WHEREAS, the Subject Right-Of-Way is within the corporate limits of the Village, and is under the control and jurisdiction of the Village; and

WHEREAS, the Planning and Zoning Board of the Village of Palm Springs, Florida has heard the request for abandonment of the road right-of-way; and

WHEREAS, the Village Council has held a public hearing on April 13, 2023, and has determined the abandonment described herein shall not materially interfere with the roadway system of the Village, and shall not materially deprive any person of a reasonable means of access or otherwise adversely affect other property owners within the Village; and

WHEREAS, the Village Council has considered whether the Application meets the Village's regulations for the abandonment of public rights-of-way; and

WHEREAS, the Village Council has determined that the Subject Right-Of-Way is no longer necessary or needed by the public; and

WHEREAS, the Village Council deems it in the best interest of the public to abandon the Subject Right-Of-Way, as herein described upon the conditions herein provided.

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE
OF PALM SPRINGS, FLORIDA:**

Section 1. The Whereas clauses are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Village Council.

Section 2. The Village Council hereby approves the abandonment of the Subject Right-Of-Way as legally described on **Exhibit “A”** which is attached hereto and incorporated herein.

Section 3. The Village of Palm Springs hereby vacates, abandons and surrenders all of its obligations and title to the Subject Right-Of-Way.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Upon its complete execution by the parties, the Village Clerk shall record a certified copy of this Resolution with the Clerk of the Circuit Court.

Section 6. This Resolution shall take effect immediately upon adoption.

Council Member _____ offered the foregoing Motion to approve the Resolution. Council Member _____ seconded the Motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
DOUG GUNTHER, VICE MAYOR	☐	☐	☐
JONI BRINKMAN, MAYOR PRO TEM	☐	☐	☐
PATTI WALLER, COUNCIL MEMBER	☐	☐	☐
GARY READY, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared this Resolution duly passed and adopted this ____ day of _____, 2023.

Resolution No. 2023-12 – Oxygen Development – Dalinda Lane Right of Way
Abandonment

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

Resolution No. 2023-12 – Oxygen Development – Dalinda Lane Right of Way
Abandonment

Exhibit "A"
Sketch & Description

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
NOT VALID WITHOUT ACCOMPANYING SHEETS 2 & 3

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF DALINDA LANE AS SHOWN ON THE PLAT OF LARKWOOD, AS RECORDED IN PLAT BOOK 23, PAGE 227, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID SECTION 7, N88°07'37"W, A DISTANCE OF 2646.34 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 7; THENCE LEAVING SAID SOUTHERLY LINE, N34°42'53"W, A DISTANCE OF 1991.80 FEET TO THE SOUTHWEST CORNER OF LOT 4 OF SAID PLAT OF LARKWOOD, SAID POINT ALSO BEING THE **POINT OF BEGINNING**.

THENCE ALONG THE WESTERLY LINES OF LOTS 4 AND 5 OF SAID PLAT, N01°28'40"W A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE LEAVING SAID WESTERLY LINE N88°14'08"W A DISTANCE OF 40.06 FEET TO THE NORTHEAST CORNER OF LOT 6 OF SAID PLAT; THENCE ALONG THE EASTERLY LINES OF LOTS 6 AND 7 OF SAID PLAT, S01°28'40"E A DISTANCE OF 200.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE LEAVING SAID EASTERLY LINE AND ALONG THE EASTERLY PROLONGATION OF SAID LOT 7 S88°14'08"E A DISTANCE OF 40.06 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 8,000 SQUARE FEET MORE OR LESS.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON NOVEMBER 2 2022. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

JENNIFER MALIN, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 6667
STATE OF FLORIDA LB#6603

FOR:

DALINDA LANE

SCALE: N/A

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 11-02-2022



1280 CONGRESS AVENUE, SUITE 101, WEST PALM BEACH, FLORIDA 33409
PH (561)655-1151 • FAX (561)832-9390 • WWW.ENGENUITYGROUP.COM

FIELD BOOK Nº

SHEET:

1 / 3

JOB Nº

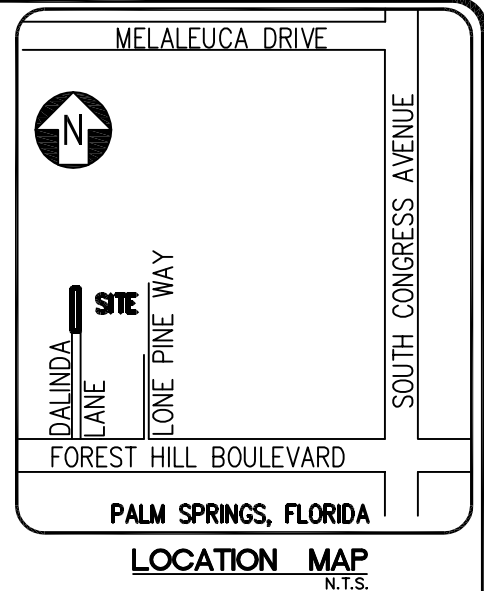
FLORIDA R.L.S.
#

7045.04.08

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
NOT VALID WITHOUT ACCOMPANYING SHEETS 1 & 3

LEGEND

PB PLAT BOOK
PG PAGE
SLY SOUTHERLY
SEC SECTION
TWP TOWNSHIP
RGE RANGE



NOTES:

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY ENGENUITY GROUP, INC.
 2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY THE CLIENT OR THE CLIENT'S REPRESENTATIVE.
 3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL, OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
 4. BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING (NAD 83-90) OF N88°07'37"W ALONG THE SOUTHERLY LINE OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
 5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES EXPRESSED IN U.S. FEET AND DECIMAL PARTS THEREOF, UNLESS OTHERWISE NOTED.
 6. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17-050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.
 7. COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR, FLORIDA EAST ZONE 901, USING THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT (NAD 83-90).
- SCALE FACTOR: 1.000041125
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

FOR:

DALINDA LANE

SCALE: N/A

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 11-02-2022



1280 CONGRESS AVENUE, SUITE 101, WEST PALM BEACH, FLORIDA 33409
PH (561)655-1151 • FAX (561)832-9390 • WWW.ENGENUITYGROUP.COM

FIELD BOOK N°

SHEET:

2 / 3

JOB N°

FLORIDA R.L.S.
#

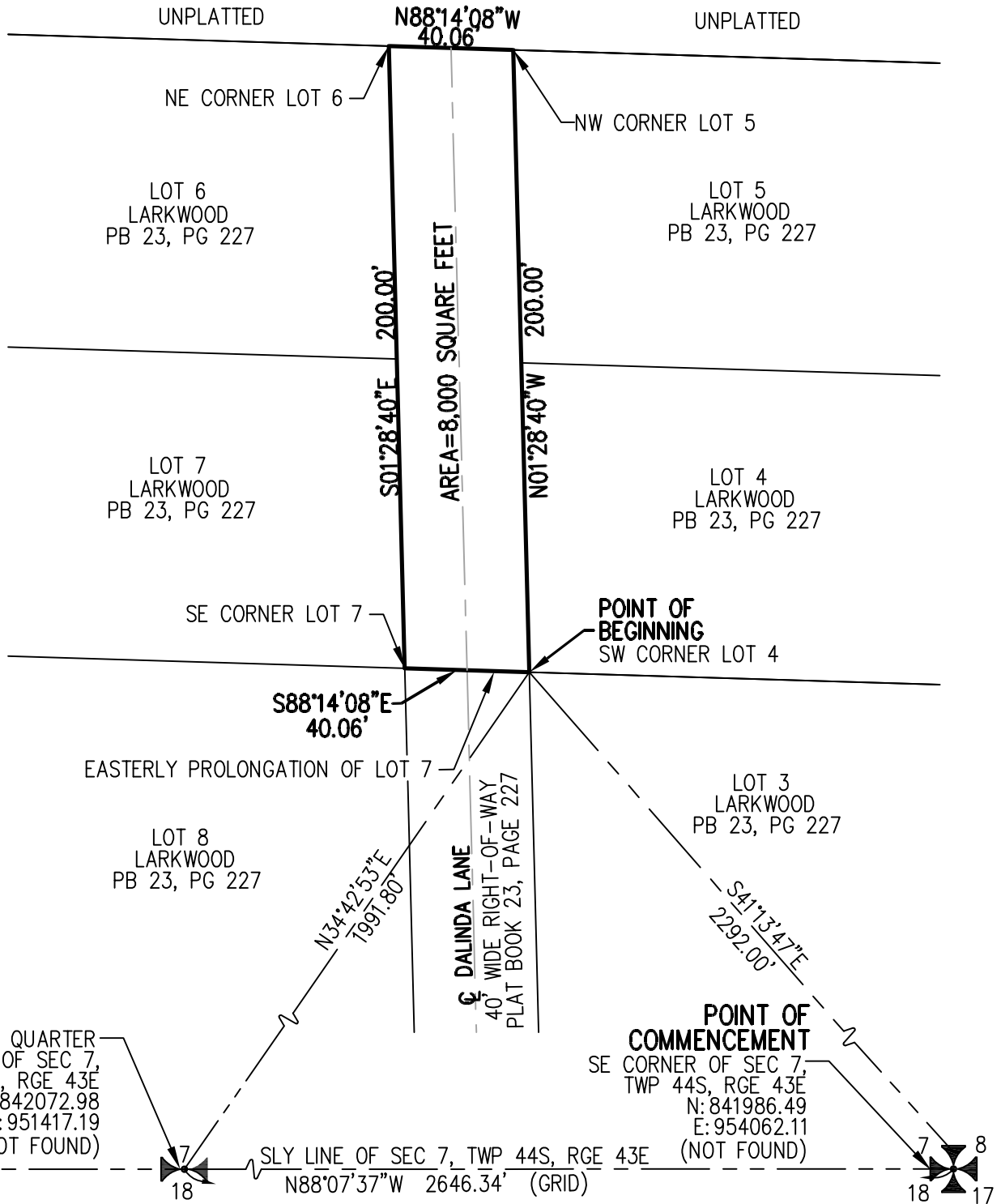
7045.04.08

EXHIBIT A SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

NOT VALID WITHOUT ACCOMPANYING SHEETS 1 & 2



SCALE: 1"=50'



FOR:

DALINDA LANE

SCALE: 1"=50'

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 11-02-2022



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FIELD BOOK Nº

SHEET:

3 / 3

JOB Nº

FLORIDA R.L.S. #

7045.04.08



INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

This Indemnification Agreement ("Agreement") is made this 23 day of FEBRUARY, 2023, by and between the Village of Palm Springs, a municipal corporation organized and existing under the laws of the State of Florida ("Village"), with its principal offices located at 226 Cypress Lane, Palm Springs, FL 33461, and OXYGEN DEVELOPMENT, whose address is 1525 S. CONGRESS AVE PALM SPRINGS, ("Indemnifying Party")
FL 33406

WITNESSETH

In consideration of the sum of One Thousand Five Hundred Dollars (\$1500.00) and other good and valuable consideration, the receipt of which is hereby acknowledged by the parties, and to the fullest extent permitted by laws and regulations, the Indemnifying Party shall indemnify, defend, save and hold harmless, the Village, its officers, elected officials, agents and employees from any and all claims, damages, losses, liabilities and expenses, (direct, indirect and consequential) pertaining to or arising out of the abandonment of the real property which is the subject of this Application for Abandonment.

The Indemnifying Party shall pay all losses, claims, liens, settlements, or judgments of any nature whatsoever in connection with the foregoing indemnification, including but not limited to, reasonable attorney's fees (including appellate attorneys' fees and costs). The Village reserves the right to reasonably approve of the legal counsel selected by the Indemnifying Party to conduct any defense in any such proceedings, and all reasonable costs and fees associated therewith shall be the responsibility of Indemnifying Party.

The indemnification obligation hereunder shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the Indemnifying Party under any policy or policies of insurance of the Indemnifying Party or a third party.

This Agreement shall not in any way be construed to create a partnership, association, or any kind of joint venture or undertaking between the parties hereto. The Village specifically reserves all statutory and common law rights and immunities, and nothing herein is intended to limit or waive the same, including but not limited to, the procedural and substantive provisions of Section 768.28, Fla. Stat., and Section 95.11, Fla. Stat., as amended from time to time.

The Indemnifying Party's obligation to indemnify, defend, and pay for the defense, or at the Village's option, to participate and associate with the Village in

the defense and trial of any claim and related settlement negotiations, shall be triggered by the Village's notice of claim for indemnification to the Indemnifying Party. The Indemnifying Party's inability to evaluate liability or its evaluation of liability, shall not excuse the Indemnifying Party's duty to defend and indemnify within 7 days after such notice is given by the Village by registered mail. Only an adjudication or judgment after the highest appeal is exhausted, specifically finding the Village solely negligent, shall excuse performance of this provision by the Indemnifying Party. The Indemnifying Party shall pay all costs and fees related to this obligation and its enforcement by the Village. The Village's failure to notify the Indemnifying Party of a claim shall not release the Indemnifying Party of the above duty to defend and indemnify.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

INDEMNIFYING PARTY

By: 
Indemnifying Party

PHILIPPE COHEN
Printed Name of Indemnifying Party

VILLAGE OF PALM SPRINGS

By: _____

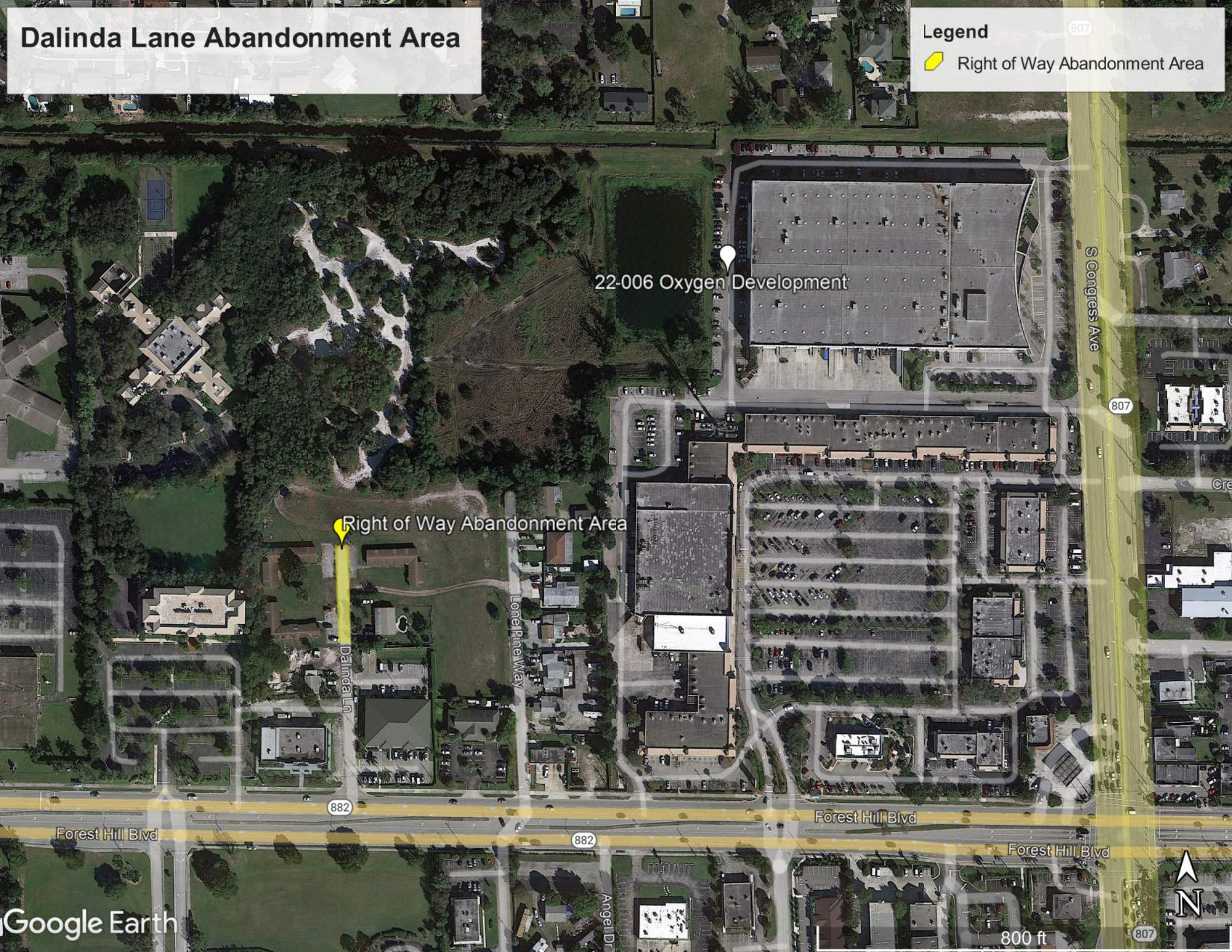
ATTEST

KIMBERLY M. WYNN, VILLAGE CLERK

Dalinda Lane Abandonment Area

Legend

 Right of Way Abandonment Area



22-006 Oxygen Development

Right of Way Abandonment Area

Dalinda Ln

Lone Pine Way

S Congress Ave

Forest Hill Blvd

Forest Hill Blvd

Forest Hill Blvd



800 ft



AT&T Florida
321 SE 2nd St
Delray Beach, FL 33483

T: 561.413.6150
in908c@att.com

Attn: Joseph Y Letarte
Oxygen Holding LLC
Oxygen Development Repl.
1525 S Congress Ave.
Palm Springs, FL 33406

February 9, 2023

RE: Petition to abandon Dalinda Lane r/o/w

Dear Mr. Letarte,

AT&T has reviewed the proposed plat submitted by you or your company. AT&T does not object to the proposed project and the abandonment of Dalinda Lane R/O/W as indicated.

Please contact me for any additional information you may require in this regard.
I am authorized to represent AT&T on this matter.

Please contact me for any additional information you may require in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read "John Nguyen".

John Nguyen
Manager OSP Engineering Planning & Design



**Engineering – Construction Department
1401 Northpoint Pkwy 33407**

Monday, February 13, 2023

**Mr. Joseph Y Letarte
Oxygen Holding LLC
Oxygen Development Repl.
1525 S Congress Ave.
Palm Springs, FL 33406**

**RE: Demolition Approval Letter - 1659 ,1660,1677,1690 Dalinda Ln, West Palm Beach, FL 33406
project demolition/ Comcast.**

Dear Mr. Joseph Letarte

...in reference to the proposed demolition site:

The abandonment of Dalinda Lane r/o/w

Comcast has **no objection** to this action, as outlined in the above referenced project.

Should you have any further question, please feel free to call me at 561-989-4766 or
e-mail me at bryant_coyle@comcast.com

Sincerely,

**Bryant Coyle
SFL Construction Supervisor
Comcast / Central Division
2/13/2023 10:27:49 AM**



Florida Power & Light Company

October 3, 2022

To: Whom it may concern

To: Last Devenprt, Inc

Re: 1659 Dalinda LN, West Palm Beach

Dear Last Devenport, Inc:

You have informed FPL that you have a project under construction at 1659 Dalinda LN, West Palm Beach, and have asked us for a letter stating that your project doesn't interfere with our facilities or ability to provide you with new service. Upon reviewing your plans, we have determined that your project will not interfere with FPL facilities.

The issue in the above-referenced paragraph has no bearing, however, on the issue of the safety of the workers on your project vis a vis FPL's facilities. It is imperative that you visually survey the area prior to commencing construction and determine whether the construction of any proposed structures will bring any person, tool, machinery, equipment or object closer to FPL's power lines than the OSHA-prescribed limits. If it will, you must either re-design your project to allow it to be built safely given the pre-existing power lines, or make arrangements with FPL to de-energize and ground our facilities, or relocate them at your expense.

You must do this before allowing any construction near the power lines. It is impossible for FPL to know or predict whether or not the contractors or subcontractors, and their employees, will operate or use cranes or other mobile equipment, or handle materials or tools, in dangerous proximity to such power lines during the course of construction, and, if so, when and where. Therefore, if it becomes necessary for any contractor or subcontractor, or their employees, to operate or handle cranes, draglines, mobile equipment, or any other equipment, tools or materials in such a manner that they might come closer to overhead power lines than is permitted by local, state or federal regulations, you and any such contractor or subcontractor must notify FPL in writing of such planned operation prior to the commencement thereof and make all necessary arrangements with FPL in order to carry out the work in a safe manner. **Any work in the vicinity of the electric lines should be suspended until these arrangements are finalized and implemented.**

The National Electrical Safety Code ("NESC") has certain minimum clearances that must be maintained. If you build your structure so that those clearances can not be maintained, you will be required to compensate FPL for the relocation of our facilities to comply with those clearances. As such, you should contact FPL prior to commencing construction near pre-existing overhead power lines to make sure that your proposed structure does not impinge upon the NESC clearances.

If you have any questions, please feel free to contact me at 561-616-1886.

Sincerely,

Mikendy Delima
Associate Engineer

A handwritten signature in black ink, appearing to read "Mikendy Delima", written over a horizontal line.

A NEXtera ENERGY Company

Good Morning Marty,

Please see below email from Jackie Michels at Palm Beach County Water Utilities Dept. Per the email, PBCWUD has no objection to the abandonment of the highlighted portion of Dalinda Lane (see attachments).

Please feel free to call or email me if you have any questions or comments.

Thanks,

Scott Gintert, PE

Project Engineer

Last Devenport, Inc.

Phone: 561-615-6567

Email: sgintert@lastdevenport.com

From: Jackie Michels <JMichels@pbcwater.com>

Sent: Tuesday, January 24, 2023 2:23 PM

To: Ron Last <Rlast@lastdevenport.com>

Cc: Scott Gintert <sgintert@lastdevenport.com>

Subject: RE: Letter of No Objection for Right of Way Abandonment - Dalinda Lane - Oxygen Development

Ron,

PBCWUD has no objection to the right of way abandonment as shown in yellow on the attachments.

Thank you,

Jackie Michels, P.E.

Project Manager

Palm Beach County Water Utilities

8100 Forest Hill Blvd.

West Palm Beach, Florida 33413

Phone (561) 493-6116

From: Ron Last <Rlast@lastdevenport.com>

Sent: Thursday, January 19, 2023 3:34 PM

To: Jackie Michels <JMichels@pbcwater.com>

Cc: Scott Gintert <sgintert@lastdevenport.com>

Subject: FW: Letter of No Objection for Right of Way Abandonment - Dalinda Lane - Oxygen Development

Good afternoon Jackie,

We are proceeding with the above mentioned project. The Village of Palm Springs is looking for confirmation of the abandonment for the plat approval process. Please let us know if PBCWUD has any objection to the R/W abandonment. Please provide written confirmation.

FYI – The construction plans were submitted to your Department for review on November 23, 2022.

Thank you for your assistance with this matter.

Ron Last, PE LEED AP



1860 Old Okeechobee Road
Suite 504
West Palm Beach, FL 33409
561.615.6567 (o)
561.683.0872 (f)
561.644.7692 (m)

From: Scott Gintert

Sent: Friday, October 21, 2022 5:00 PM

To: Jackie Michels (JMichels@pbcwater.com) <jmichels@pbcwater.com>

Subject: Letter of No Objection for Right of Way Abandonment

Good afternoon Jackie,

I have a client that is currently going through the site plan process for a redevelopment in the Village of Palm Springs. As part of the process, we are abandoning the north 200' of Dalinda Lane and are required to get Letters of No Objection from the utility providers. I've attached the survey with the portion of the roadway highlighted in yellow, as well as an aerial view for your reference. Please let me know if you can provide the letter or if you need anything else from me to complete the process.

Please feel free to call or email me if you have any questions or comments.

Thanks,

Scott Gintert, PE

Project Engineer

Last Devenport, Inc.

Phone: 561-615-6567

Email: sgintert@lastdevenport.com

Thank you and have a good day,
marty

Marty R.A. Minor



mminor@udsflorida.com
610 Clematis Street, Suite CU-02
West Palm Beach, FL 33401
P: 561.366.1100 x148

From: Timothy A. Crespo <tcrespo@vpsfl.org>
Sent: Tuesday, January 31, 2023 2:02 PM
To: Marty Minor <MMinor@udsflorida.com>
Cc: Iramis Cabrera <icabrera@vpsfl.org>
Subject: RE: Oxygen Development - Dalinda Lane abandonment

There is No Ojection here.

Timothy Crespo
Public Works Superintendent
Village of Palm Springs Florida

----- Original message -----

From: Marty Minor <MMinor@udsflorida.com>
Date: 1/30/23 1:33 PM (GMT-05:00)
To: "Timothy A. Crespo" <tcrespo@vpsfl.org>
Cc: Iramis Cabrera <icabrera@vpsfl.org>
Subject: Oxygen Development - Dalinda Lane abandonment

Mr. Crespo,
On behalf of the Oxygen Development project, I am reaching out to you regarding the approved Oxygen Development expansion for a warehouse and the abandonment of the northern portion of Dalinda Lane.

With the attached letter (first attachment), I am seeking your "no objection" to the proposed abandonment of a 200-linear-foot portion of Dalinda Lane as part of the review process for the replat of the Oxygen Development site to incorporate the approved site plan. For your reference, I have attached a copy of the approved site plan and the location map for the proposed Dalinda Lane abandonment. Paper copies of the attached documents are being mailed to your attention.

Please feel free to contact me if you have any questions or concerns. Oxygen Development is looking forward to beginning construction for the approved warehouse and its continued investment in the Village.

Thank you,
marty



Marty R.A. Minor

mminor@udsflorida.com

610 Clematis Street, Suite CU-02

West Palm Beach, FL 33401

P: 561.366.1100 x148



Village of Palm Springs

Staff Report

AGENDA DATE: March 15, 2023

DEPARTMENT: Planning, Zoning & Building

ITEM #4: Resolution No. 2023-13 - Preliminary Plat - Oxygen Development - 1525 South Congress Avenue

SUMMARY: Mr. Marty R. A. Minor from Urban Design Studio, has filed a preliminary plat to re-plat the Oxygen Development plat as recorded in Plat Book 112 page 179 of Public Records of Palm Beach County, Florida. The applicant is proposing to join eight (8) parcels of land together with the abandoned right-of-way of Dalinda Lane totaling 17.826 acres into a unified plat consistent with the site plan approved by the Village Council (Resolution 2023-03 - January 12, 2023).

Together with the plat application, the applicant has submitted the following requests:

1. Dedication, to the Village, of a 50'-wide Right-Of-Way in order to extend/re-route Lone Pine Way to grant access to the property located on the west side of the project.
2. Release of a 20'-wide drainage easement as recorded in Plat Book 112, Page 179 of Public Record of Palm Beach County, Florida (approximately 1,593 square feet).
3. Release of a 20'-wide drainage easement as recorded in Plat Book 112, Page 179 of Public Record of Palm Beach County, Florida (approximately 1,679 square feet).
4. Release of a 20'-wide drainage easement as recorded in Plat Book 112, Page 179 of Public Record of Palm Beach County, Florida (approximately 400 square feet).
5. Release of a 20'-wide irrigation easement as recorded in Plat Book 112, Page 179 of Public Record of Palm Beach County, Florida (approximately 1,534 square feet).

The Village's Surveyor, Craven Thompson & Associates Inc., has reviewed the proposed plat and has determined that it complies with Chapter 177, F.S. - Platting Regulations.

The Village Council will consider the proposed plat during their April 13, 2023 meeting.

If approved, a final plat will be presented to the Village Council for consideration. The recording of the plat is required prior to the issuance of a certificate of occupancy for the new warehouse building.

FISCAL IMPACT:

There is no direct fiscal impact from the proposed preliminary plat; however, it will assist in facilitating the development of the property.

ATTACHMENTS:

1. Resolution No. 2023-13 Preliminary Plat - Oxygen Development
2. Oxygen Development II Plat
3. Oxygen Development Survey

4. Proposed ROW Dedication - Lone Pine Way
5. Drainage Easement Release - 1,593 square feet
6. Drainage Easement Release - 1,679 square feet
7. Drainage Easement Release - 400 square feet
8. Irrigation Easement Release - 1,534 square feet
9. Title Commitment Signed
10. Compliance Letter from Surveyor
11. LWDD No Objection Letter
12. Aerial and Location Maps

RESOLUTION NO. 2023-13

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING/DENYING THE PRELIMINARY PLAT FOR THE OXYGEN DEVELOPMENT II TO UNIFY EIGHT PARCEL OF LANDS TOGETHER WITH THE ABANDONED RIGHT-OF-WAY OF DALINDA LANE TOTALING OF 17.826 ACRES, SUBMITTED BY MARTY R.A. MINOR, AGENT FOR THE OWNER, OXYGEN HOLDINGS, LLC. ("APPLICANT"), FOR THE PROPERTY GENERALLY LOCATED AT 1525 SOUTH CONGRESS AVENUE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mr. Marty R.A. Minor, agent for the owner, Oxygen Holdings, LLC., ("Applicant"), has filed a preliminary plat application to combine eight (8) parcels of land together with the abandoned right-of-way of Dalinda Lane to facilitate the development project for the construction of 150,780 square feet warehouse building; and

WHEREAS, an extra 50' wide right-of-way is being dedicated as a public right-of-way extending Lone Pine Way to grant access to the vacant lot located on the west side of the property; and

WHEREAS, a final re-plat was approved under Resolution No. 2009-74 containing various easement dedicated to serve the Oxygen Development project which are proposed to be released and new easements will be provided within the new re-plat; and

WHEREAS, an approximately 1,590 square feet 20' wide drainage easement, as recorded in Plat Book 112, Page 179 of the Public Records of Palm Beach County, Florida, is being released; and

WHEREAS, an approximately 1,679 square feet 20' wide drainage easement, as recorded in Plat Book 112, Page 179 of the Public Records of Palm Beach County, Florida is being released; and

WHEREAS, an approximately 400 square feet 20' wide drainage easement as recorded in Plat Book 112, Page 179 of the Public Records of Palm Beach County, Florida, is being released; and

WHEREAS, an approximately 1,534 square feet 20' wide irrigation easement, as recorded in Plat Book 112, Page 179 of the Public Records of Palm Beach County, Florida, is being released; and

WHEREAS, the proposed plat complies with all Platting Regulations set forth in Chapter 177, Florida Statutes; and

WHEREAS, the Village Council has heard this matter in public session; has considered the presentation and other evidence presented by the Applicant; has received and considered the recommendations of the Village staff and Planning and Zoning Board; and has otherwise been fully informed regarding this matter.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, as follows:

Section 1. The Village Council of the Village of Palm Springs, Florida, having received and considered the request for preliminary plat approval to combine the light industrial parcels of land into a unified lot totaling of 17.826 acres; and having been otherwise fully apprised of the premises herein, hereby approves the preliminary plat, which is incorporated herein by reference.

Section 2. This Resolution shall take effect immediately upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
DOUG GUNTHER, VICE MAYOR	☐	☐	☐
JONI BRINKMAN, MAYOR PRO TEM	☐	☐	☐
GARY READY, COUNCIL MEMBER	☐	☐	☐
PATTI WALLER, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared this Resolution duly passed and adopted this _____ day of April, 2023.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

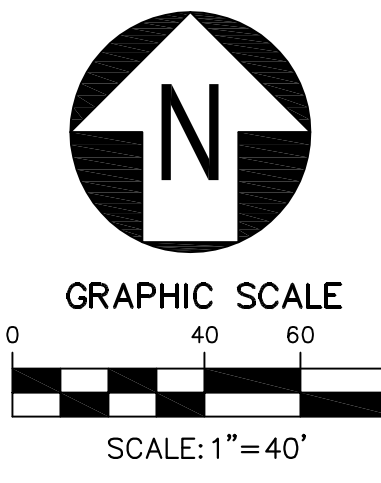
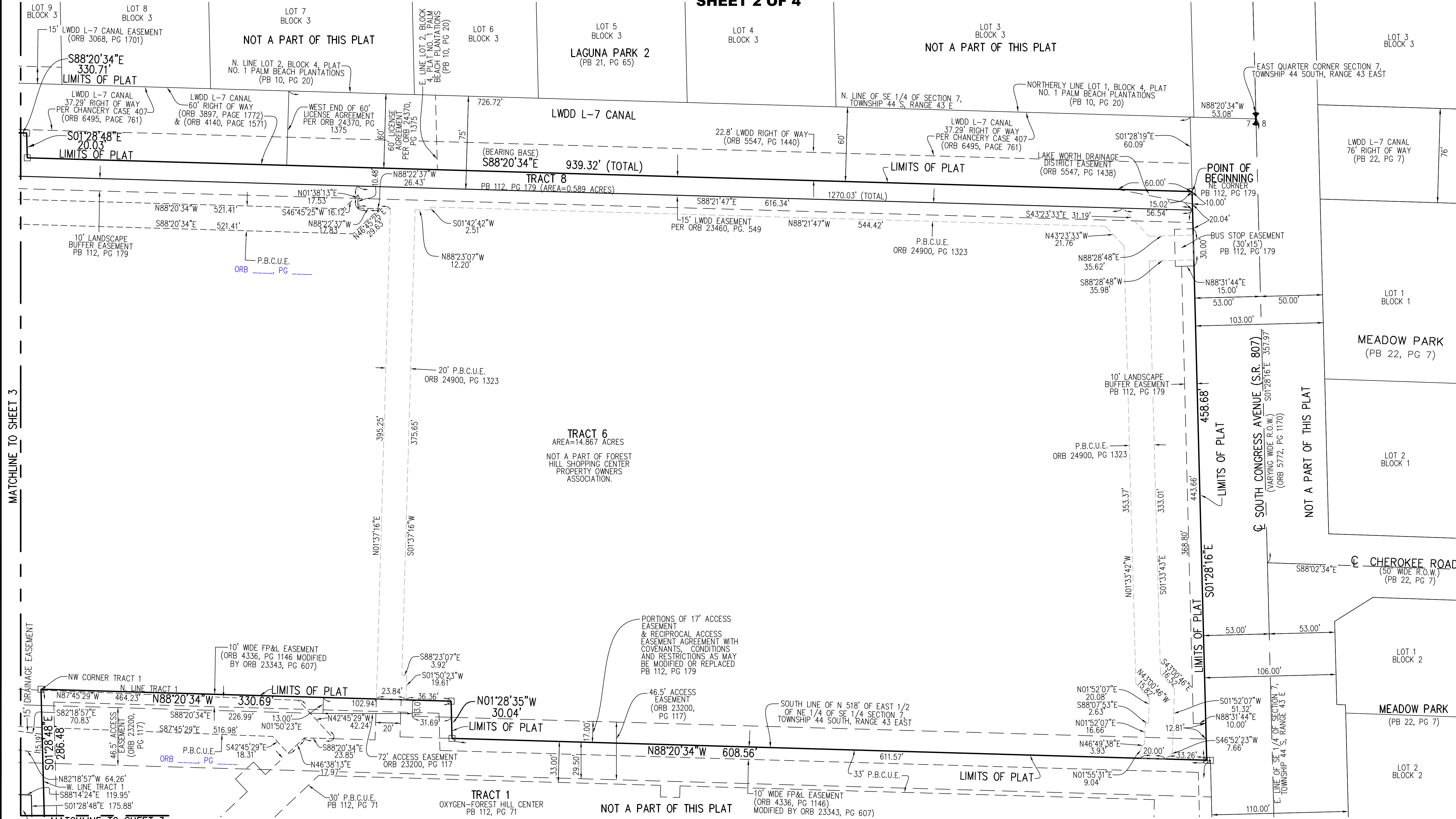
BEING A RE-PLAT OF OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179, AND ALSO BEING A TRACT OF LAND IN LOT 2, BLOCK 4 OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST ACCORDING TO THE PLAT OF PALM BEACH PLANTATIONS AS RECORDED IN PLAT BOOK 10, PAGE 20 AND BEING LOTS 4-7 OF THE PLAT OF LARKWOOD AS RECORDED IN PLAT BOOK 23, PAGE 227 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST,
VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA
SHEET 1 OF 4

KNOW ALL MEN BY THESE PRESENTS THAT OXYGEN HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, BEING THE OWNER OF THE PARCELS OF LAND SHOWN HEREON AS OXYGEN DEVELOPMENT 11 AND BEING A RE-PLAT OF OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179, AND ALSO BEING A PLAT OF LAND IN LOT 2, BLOCK 4 OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT OF PALM BEACH PLANTATION AS RECORDED IN PLAT BOOK 10, PAGE 20 AND BEING LOTS 4-7 OF THE PLAT OF LARKWOOD AS RECORDED IN PLAT BOOK 23, PAGE 227 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

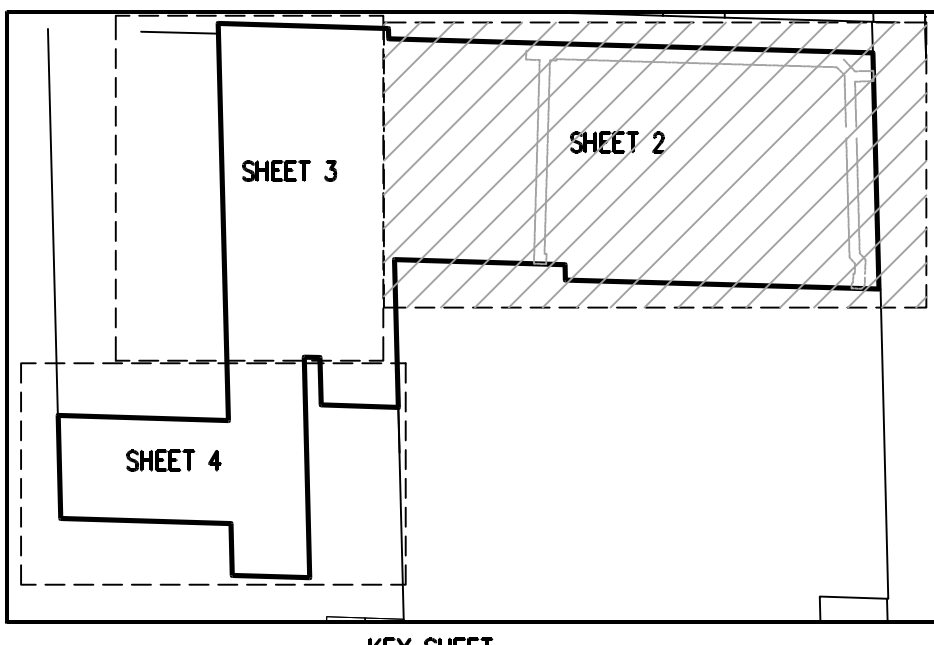
\\Land Projects R2\7045.01 Oxygen\dwg\2023.dwg 3/2/2023 1:19:00 PM EST

OXYGEN DEVELOPMENT II

BEING A RE-PLAT OF OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179, AND ALSO BEING A TRACT OF LAND IN LOT 2, BLOCK 4 OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST ACCORDING TO THE PLAT OF PALM BEACH PLANTATIONS AS RECORDED IN PLAT BOOK 10, PAGE 20 AND BEING LOTS 4-7 OF THE PLAT OF LARKWOOD AS RECORDED IN PLAT BOOK 23, PAGE 227 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA
SHEET 2 OF 4



LEGEND			
R	RADIUS	PB	PLAT BOOK
L	ARC LENGTH	PG.	PAGE
Δ	DELTA ANGLE	P.B.C.U.E.	PALM BEACH COUNTY UTILITY EASEMENT
(M)	MEASURED	D.E.	DRAINAGE EASEMENT
ORB	OFFICIAL RECORD BOOK	CL	CENTER LINE
L.A.E.	LIMITED ACCESS EASEMENT	■	EXISTING PERMANENT REFERENCE MONUMENT LB#6603
R.O.W.	RIGHT-OF-WAY	■	SET PERMANENT REFERENCE MONUMENT LB#6603
C.B.	CHORD BEARING	N.R.	NON-RADIAL
P.R.C.	POINT OF REVERSE CURVATURE	LWDD	LAKE WORTH DRAINAGE DISTRICT
		N.T.S.	NOT TO SCALE
		LBE	LANDSCAPE BUFFER EASEMENT



TRACT	AREA
LAKE TRACT	1.769 ACRES
DRY RETENTION TRACT	0.483 ACRES
TRACT 6	14.866 ACRES
TRACT 8	0.589 ACRES
TRACT R/W-1	0.098 ACRES
TRACT R/W-2	0.021 ACRES
TOTAL AREA	17.826 ACRES

THIS INSTRUMENT PREPARED BY C. ANDRE RAYMAN, P.S.M. LS#4938 STATE OF FLORIDA. ENGENUITY GROUP, INC. ENGINEERS SURVEYORS AND GIS MAPPERS 1280 N. CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409. CERTIFICATE OF AUTHORIZATION NO. LB0006603

OXYGEN DEVELOPMENT II



DATE	3/2/2023
SCALE	1" = 40'
CAD FILE	7045.01
DRAWN	JCM
CHECKED	CAR

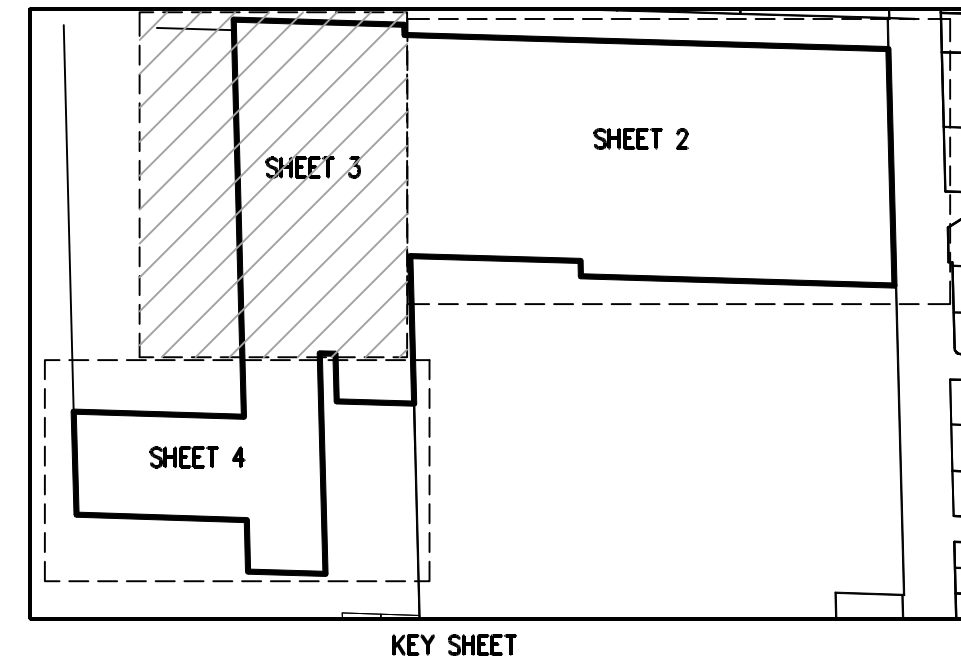
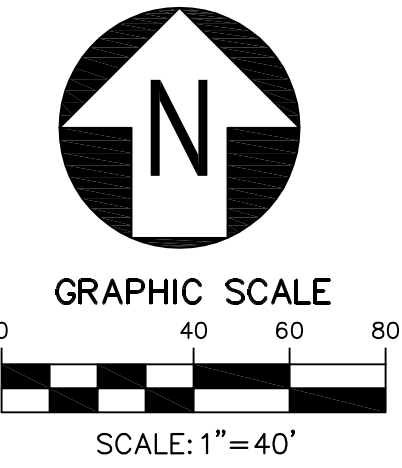
SHEET NO.	2/4
JOB NO.	7045.01

1280 N CONGRESS AVE, WEST PALM BEACH, FLORIDA 33405
PH (561)655-1151 • FAX (561)832-9390
WWW.ENGENUITYGROUP.COM

OXYGEN DEVELOPMENT II

BEING A RE-PLAT OF OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179, AND ALSO BEING A TRACT OF LAND IN LOT 2, BLOCK 4 OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST ACCORDING TO THE PLAT OF PALM BEACH PLANTATIONS AS RECORDED IN PLAT BOOK 10, PAGE 20 AND BEING LOTS 4-7 OF THE PLAT OF LARKWOOD AS RECORDED IN PLAT BOOK 23, PAGE 227 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA

SHEET 3 OF 4



TRACT	AREA
LAKE TRACT	1.769 ACRES
DRY RETENTION TRACT	0.483 ACRES
TRACT 6	14.866 ACRES
TRACT 8	0.589 ACRES
TRACT R/W-1	0.098 ACRES
TRACT R/W-2	0.021 ACRES
TOTAL AREA	17.826 ACRES

LEGEND

R	RADIUS
L	ARC LENGTH
Δ	DELTA ANGLE
(M)	MEASURED
ORB	OFFICIAL RECORD BOOK
L.A.E.	LIMITED ACCESS EASEMENT
R.O.W.	RIGHT-OF-WAY
C.B.	CHORD BEARING
P.R.C.	POINT OF REVERSE CURVATURE
PB	PLAT BOOK
PG.	PAGE
P.B.C.U.E.	PALM BEACH COUNTY UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
CL	CENTER LINE
■	EXISTING PERMANENT REFERENCE MONUMENT LB#6603
■	SET PERMANENT REFERENCE MONUMENT LB#6603
N.R.	NON-RADIAL
LWDD	LAKE WORTH DRAINAGE DISTRICT
N.T.S.	NOT TO SCALE
LBE	LANDSCAPE BUFFER EASEMENT

THIS INSTRUMENT PREPARED BY C. ANDRE RAYMAN, P.S.M. LS#4938 STATE OF FLORIDA. ENGENUITY GROUP, INC. ENGINEERS SURVEYORS AND GIS MAPPERS 1280 N. CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409. CERTIFICATE OF AUTHORIZATION NO. LB0006603

OXYGEN DEVELOPMENT II



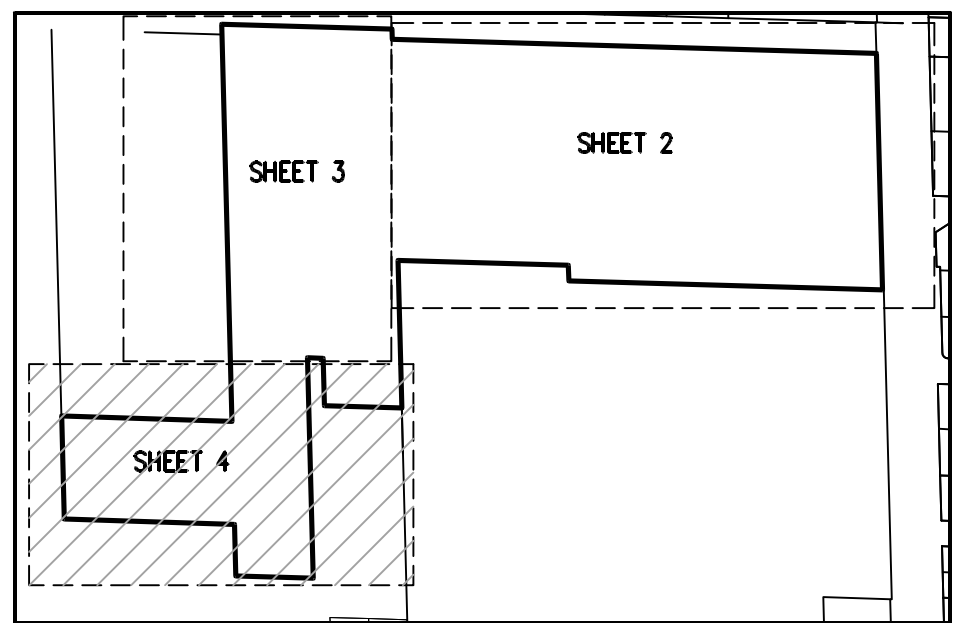
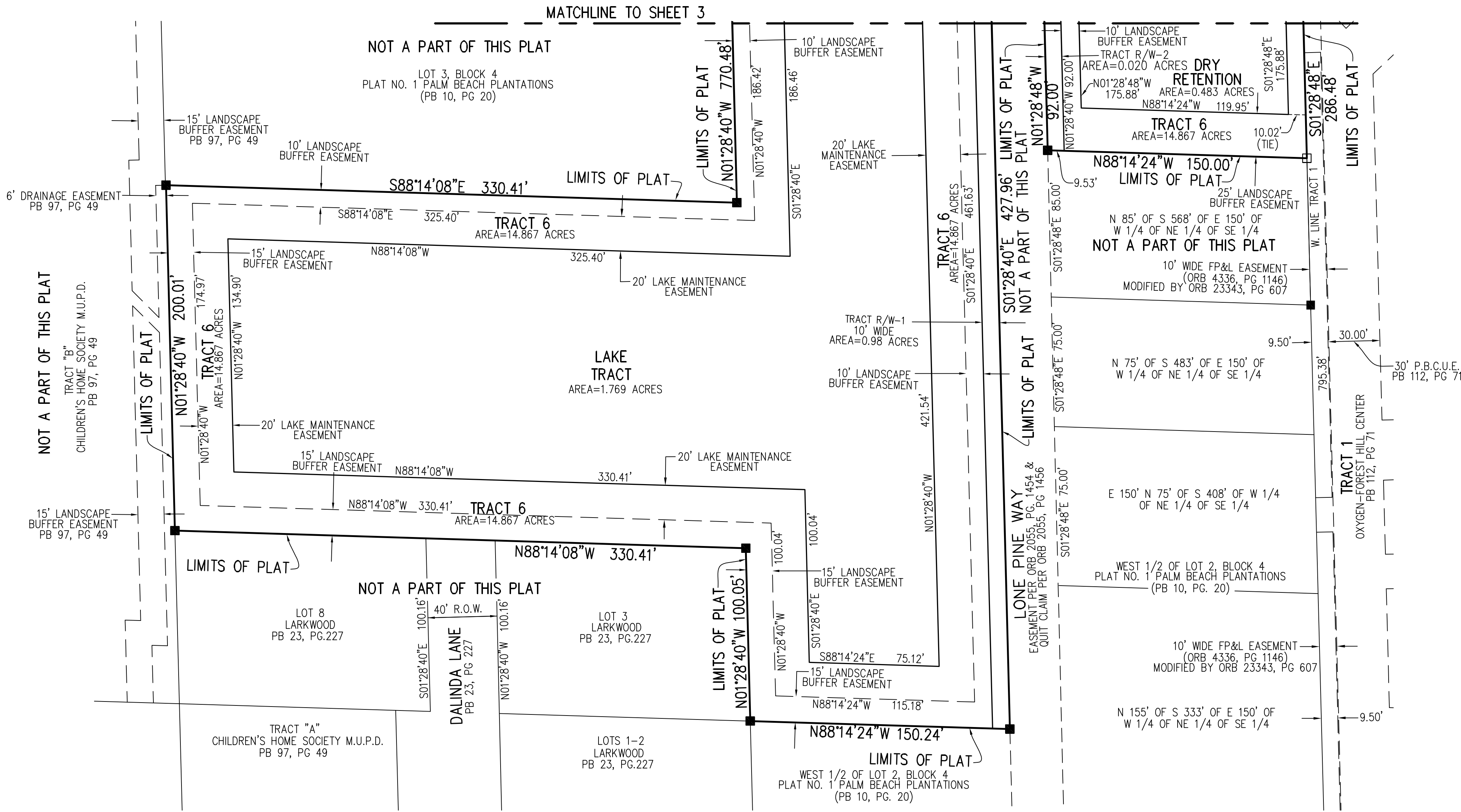
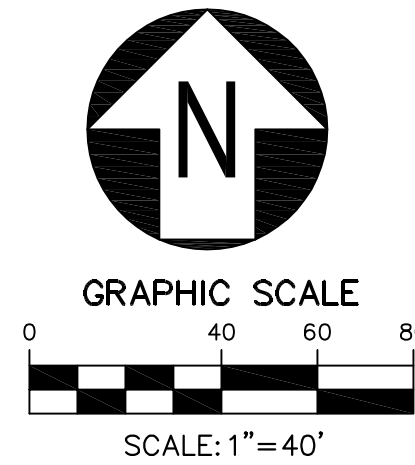
1280 N CONGRESS AVE, WEST PALM BEACH, FLORIDA 33405
PH (561)655-1151 • FAX (561)832-9390
WWW.ENGENUITYGROUP.COM

DATE	3/2/2023
SCALE	1" = 40'
CAD FILE	7045.01
DRAWN	JCM
CHECKED	CAR

SHEET NO.	3/4
JOB NO.	7045.01

OXYGEN DEVELOPMENT II

BEING A RE-PLAT OF OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179, AND ALSO BEING A TRACT OF LAND IN LOT 2, BLOCK 4 OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST ACCORDING TO THE PLAT OF PALM BEACH PLANTATIONS AS RECORDED IN PLAT BOOK 10, PAGE 20 AND BEING LOTS 4-7 OF THE PLAT OF LARKWOOD AS RECORDED IN PLAT BOOK 23, PAGE 227 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA
SHEET 4 OF 4



TRACT	AREA
LAKE TRACT	1.769 ACRES
DRY RETENTION TRACT	0.483 ACRES
TRACT 6	14.866 ACRES
TRACT 8	0.589 ACRES
TRACT R/W-1	0.098 ACRES
TRACT R/W-2	0.021 ACRES
TOTAL AREA	17.826 ACRES

LEGEND

R	RADIUS
L	ARC LENGTH
Δ	DELTA ANGLE
(M)	MEASURED
ORB	OFFICIAL RECORD BOOK
L.A.E.	LIMITED ACCESS EASEMENT
R.O.W.	RIGHT-OF-WAY
C.B.	CHORD BEARING
P.R.C.	POINT OF REVERSE CURVATURE
PB	PLAT BOOK
PG.	PAGE
P.B.C.U.E.	PALM BEACH COUNTY UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
CL	CENTER LINE
□	EXISTING PERMANENT REFERENCE MONUMENT LB#6603
■	SET PERMANENT REFERENCE MONUMENT LB#6603
N.R.	NON-RADIAL
LWDD	LAKE WORTH DRAINAGE DISTRICT
N.T.S.	NOT TO SCALE
LBE	LANDSCAPE BUFFER EASEMENT

THIS INSTRUMENT PREPARED BY C. ANDRE RAYMAN, P.S.M. LS#4938 STATE OF FLORIDA.
ENGUITY GROUP, INC. ENGINEERS SURVEYORS AND GIS MAPPERS
1280 N. CONGRESS AVE, SUITE 101, WEST PALM BEACH, FLORIDA 33409.
CERTIFICATE OF AUTHORIZATION NO. LB0006603

OXYGEN DEVELOPMENT II



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DATE	3/2/2023
SCALE	1"=40'
CAD FILE	7045.01
DRAWN	JCM
CHECKED	CAR

SHEET NO.	4/4
JOB NO.	7045.01

Prepared by and return to:
Village of Palm Springs
226 Cypress Lane
Palm Springs, FL 33461-1699

RIGHT-OF-WAY DEED

THIS INDENTURE made this ____ day of _____, 20__, between Oxygen Development with a mailing address of 1525 S. Congress Ave as party of the first part and the **VILLAGE OF PALM SPRINGS**, a Florida municipal corporation with a mailing address of 226 Cypress Lane, Palm Springs, Florida 33461-1699, as party of the second part.

WITNESSETH:

That said party of the first part, for and in consideration of the mutual promises herein contained and other good and valuable consideration, does hereby grant, remise, release, quit claim and convey unto the party of the second part, its successors and assigns, all right, title, interest, claim and demand which the party of the first part has in and to the following-described land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

See Exhibit "A" attached hereto.

This Deed is made for the purpose of giving and granting to the party of the second part, its successors and assigns, a right-of-way and easement in and to said lands for public highway, street, sidewalk and public utility purposes; and is made, executed and delivered with the express understanding and condition that should the same ever be discontinued or abandoned, the title to same shall thereupon revert to and revest in the party of the first part, its successors or assigns.

That this right-of-way shall be subject only to those easements, restrictions, and reservations of record. The party of the first part agrees to provide for the release of any and all mortgages or liens encumbering this right-of-way. The party of the first part also agrees to erect no building or effect any other kind of construction or improvements upon the above-described property.

Party of the first part does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good right and lawful authority to grant the above-described right-of-way and that the same

is unencumbered. Where the context of this Right-of-Way Deed allows or permits, the same shall include the successors or assigns of the parties.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, and all the estate, right, title, interest, and claim whatsoever of the said party of the first part, in law or in equity to the only proper use, benefit, and behalf of the said party of the second part, its successors and assigns.

IN WITNESS WHEREOF, said party of the first part has hereunto set their hand and seal the date first above written.

Signed, sealed and delivered
in the presence of:

[Signature]
MARC FELLOE

(Name printed or typed)

Anas Mubarak
[Signature]

(Name printed or typed)

PARTY OF THE FIRST PART

By: [Signature]

By: _____

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 21st day of February, 2023, by Philippe Cohen who is personally known to me or has produced personally known as identification.

[Signature]
Signature of Notary Public -
State of Florida

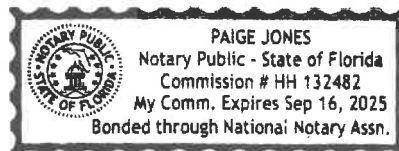


EXHIBIT “A” TO ROW DEED

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
NOT VALID WITHOUT ACCOMPANYING SHEETS 2 & 3

LEGAL DESCRIPTION

A 50-FOOT WIDE PARCEL OF LAND BEING A PORTION OF TRACT 7 AS RECORDED IN OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID SECTION 7, N88°07'37"W, A DISTANCE OF 2646.34 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 7; THENCE LEAVING SAID SOUTHERLY LINE, N35°48'09"E, A DISTANCE OF 2412.08 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT 7, SAID POINT ALSO BEING THE **POINT OF BEGINNING**.

THENCE LEAVING SAID SOUTHERLY LINE N01°28'40"W A DISTANCE OF 58.73 FEET; THENCE N88°20'21"W A DISTANCE OF 140.21 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT 7; THENCE ALONG SAID WESTERLY LINE N01°28'40"W A DISTANCE OF 50.08 FEET; THENCE LEAVING SAID WESTERLY LINE S88°20'21"E A DISTANCE OF 190.29 FEET; THENCE S01°28'40"E A DISTANCE OF 108.89 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT 7; THENCE ALONG SAID SOUTHERLY LINE N88°14'24"W A DISTANCE OF 50.08 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 12,453 SQUARE FEET (0.286 ACRES) MORE OR LESS.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JANUARY 18, 2023. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

JENNIFER MALIN, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 6667
STATE OF FLORIDA LB#6603

FOR:

LONE PINE LANE

SCALE: N/A

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-18-2023



FIELD BOOK Nº

SHEET:

1 / 3

JOB Nº

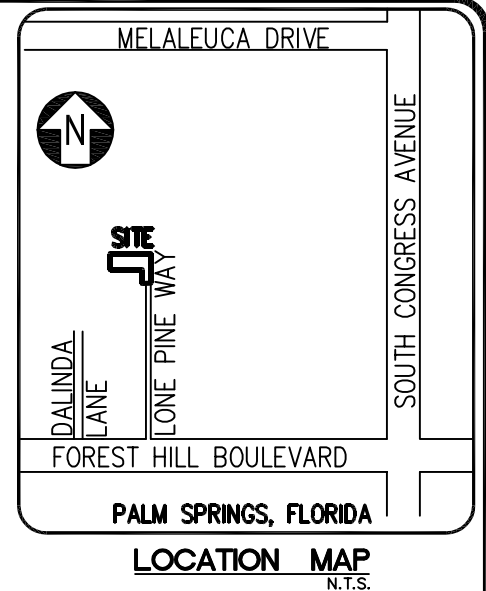
FLORIDA R.L.S.
#

7045.04.12

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
NOT VALID WITHOUT ACCOMPANYING SHEETS 1 & 3

LEGEND

PB PLAT BOOK
PG PAGE
ORB OFFICIAL RECORD BOOK
SLY SOUTHERLY
SEC SECTION
TWP TOWNSHIP
RGE RANGE
LBE LANDSCAPE BUFFER EASEMENT
QCD QUIT CLAIM DEED



NOTES:

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY ENGENUITY GROUP, INC.
 2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY THE CLIENT OR THE CLIENT'S REPRESENTATIVE.
 3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL, OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
 4. BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING (NAD 83-90) OF N88°07'37"W ALONG THE SOUTHERLY LINE OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
 5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES EXPRESSED IN U.S. FEET AND DECIMAL PARTS THEREOF, UNLESS OTHERWISE NOTED.
 6. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17-050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.
 7. COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR, FLORIDA EAST ZONE 901, USING THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT (NAD 83-90).
- SCALE FACTOR: 1.000041125
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

FOR:

LONE PINE LANE

SCALE: N/A

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-18-2023



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FIELD BOOK Nº

SHEET:

2 / 3

JOB Nº

FLORIDA R.L.S.
#

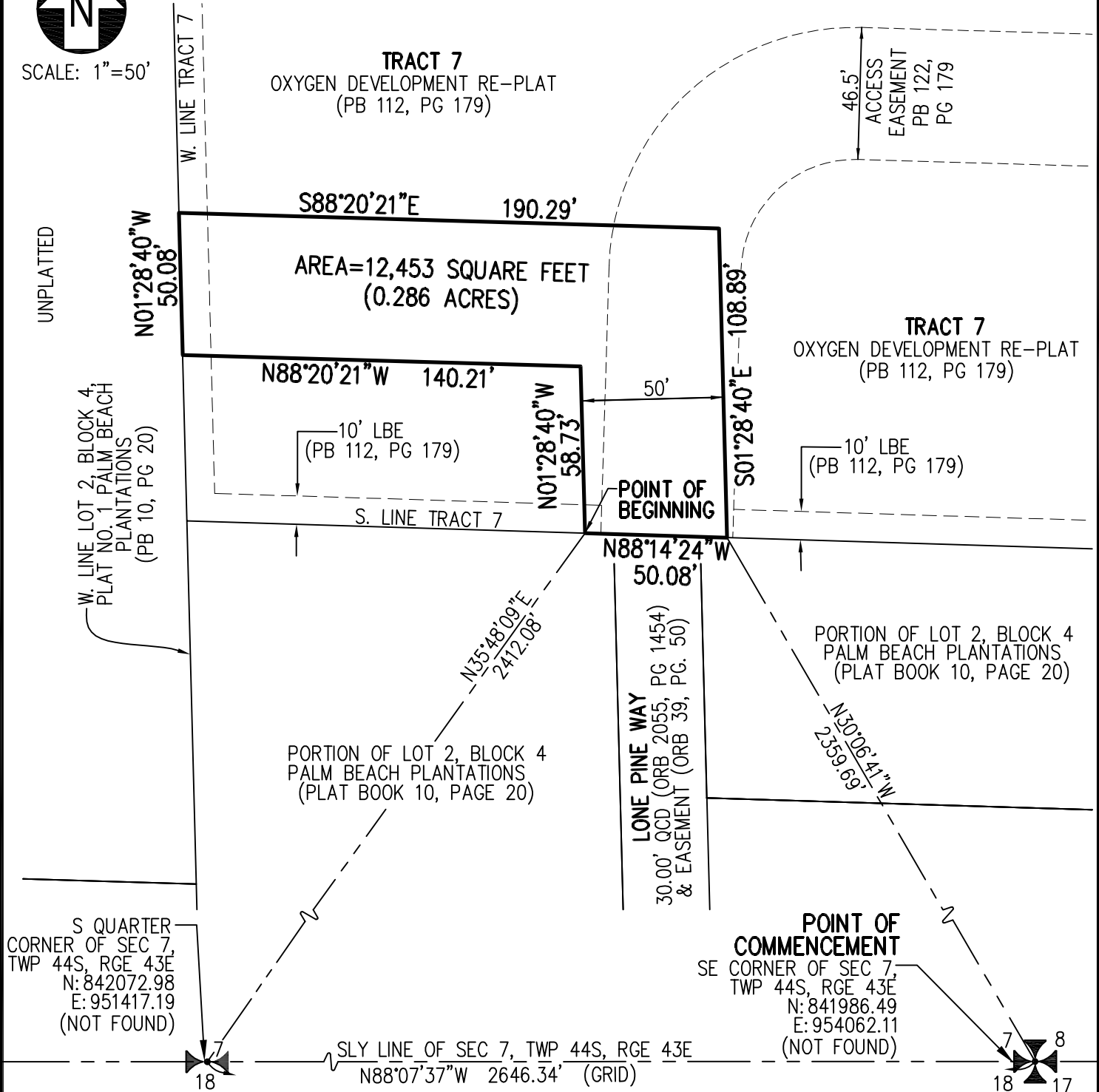
7045.04.12

EXHIBIT A SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

NOT VALID WITHOUT ACCOMPANYING SHEETS 1 & 2



SCALE: 1"=50'



FOR:

LONE PINE LANE

SCALE: 1"=50'

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-18-2023



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FIELD BOOK Nº

SHEET:

3 / 3

JOB Nº

7045.04.12

FLORIDA R.L.S.
#

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
NOT VALID WITHOUT ACCOMPANYING SHEET 2

LEGAL DESCRIPTION

A 20-FOOT WIDE PARCEL OF LAND BEING A PORTION OF TRACT 7 AS RECORDED IN OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 7, THENCE ALONG THE EASTERLY LINE OF SAID TRACT, N01°28'48"W A DISTANCE OF 194.48 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT 7; THENCE ALONG SAID SOUTHERLY LINE S88°20'34"E A DISTANCE OF 10.60 FEET TO THE **POINT OF BEGINNING**.

THENCE CONTINUING ALONG SAID SOUTHERLY LINE, S88°20'34"E A DISTANCE OF 20.76 FEET; THENCE LEAVING SAID SOUTHERLY LINE, N17°10'50"E A DISTANCE OF 79.66 FEET TO A POINT ON THE SOUTHERLY LINE OF THE LAKE TRACT AS SHOWN ON SAID OXYGEN DEVELOPMENT RE-PLAT; THENCE ALONG SAID SOUTHERLY LINE, N88°20'34"W A DISTANCE OF 20.76 FEET; THENCE LEAVING SAID SOUTHERLY LINE, S17°10'50"W A DISTANCE OF 79.66 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,593 SQUARE FEET MORE OR LESS.

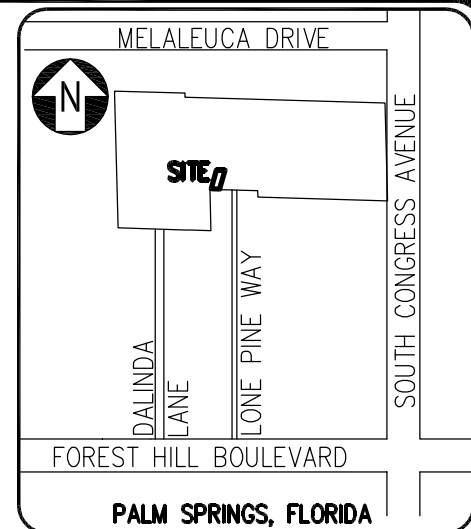
NOTES:

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4. BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING (NAD 83-90) OF N01°28'48"W ALONG THE EASTERLY LINE OF TRACT 7 OF OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES EXPRESSED IN U.S. FEET AND DECIMAL PARTS THEREOF, UNLESS OTHERWISE NOTED.
6. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17-050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JANUARY 25, 2023. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

JENNIFER MALIN, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 6667
STATE OF FLORIDA LB#6603



LOCATION MAP
N.T.S.

FOR:

20' DRAINAGE EASEMENT

SCALE: N/A

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-25-2023



1280 CONGRESS AVENUE, SUITE 101, WEST PALM BEACH, FLORIDA 33409
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FIELD BOOK Nº

SHEET:

1 / 2

JOB Nº

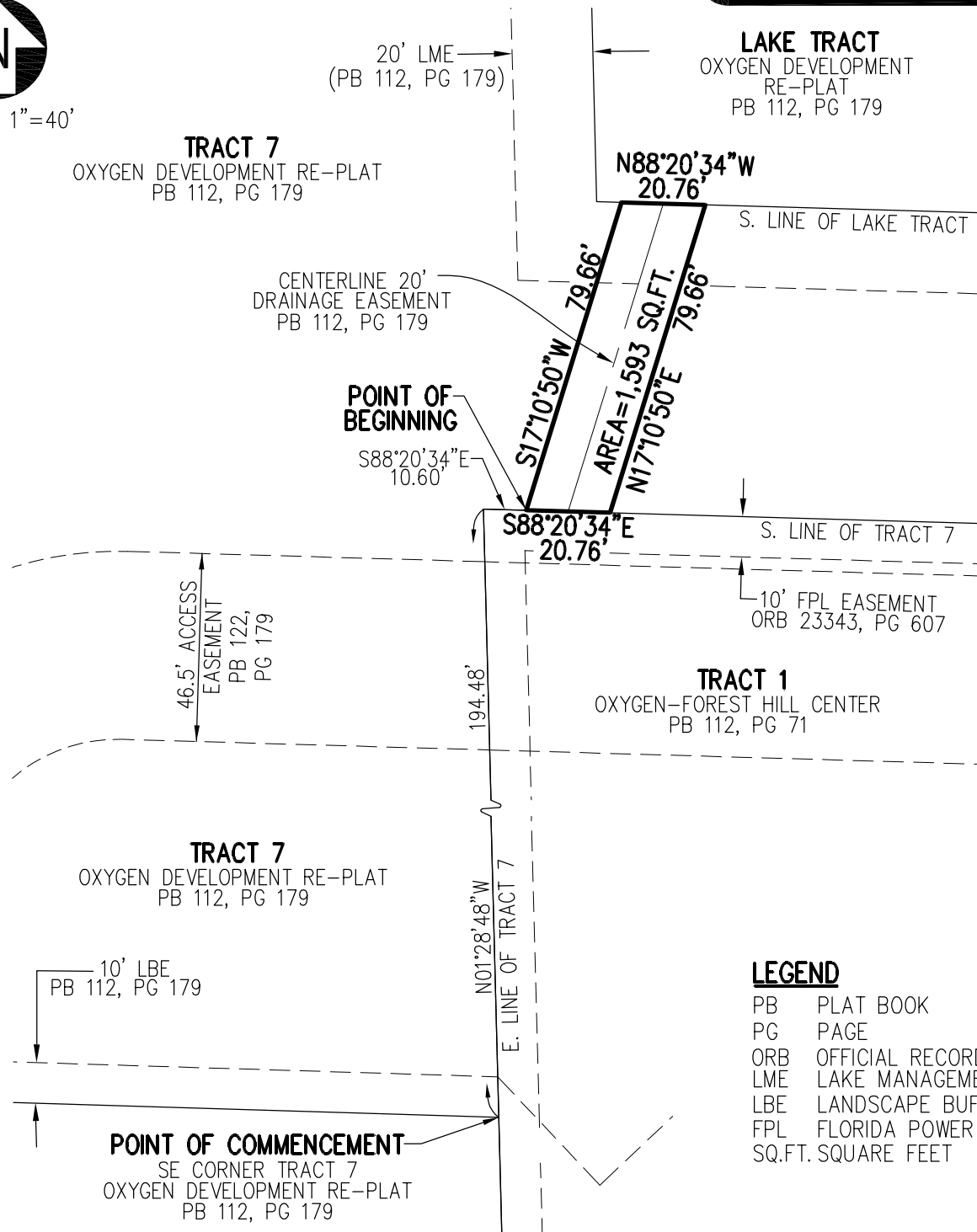
FLORIDA R.L.S.
#

7045.04.13

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
 NOT VALID WITHOUT ACCOMPANYING SHEET 1



SCALE: 1"=40'



LEGEND

PB PLAT BOOK
 PG PAGE
 ORB OFFICIAL RECORD BOOK
 LME LAKE MANAGEMENT EASEMENT
 LBE LANDSCAPE BUFFER EASEMENT
 FPL FLORIDA POWER & LIGHT
 SQ.FT. SQUARE FEET

FOR:

20' DRAINAGE EASEMENT

SCALE: 1"=40'

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-25-2023



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FIELD BOOK Nº

SHEET:

2 / 2

JOB Nº

FLORIDA R.L.S.
 #

7045.04.13

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
NOT VALID WITHOUT ACCOMPANYING SHEET 2

LEGAL DESCRIPTION

A 20-FOOT WIDE PARCEL OF LAND BEING A PORTION OF TRACTS 6 AND 7 AS RECORDED IN OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 7, THENCE ALONG THE EASTERLY LINE OF SAID TRACT, N01°28'48"W A DISTANCE OF 194.48 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT 7; THENCE ALONG SAID SOUTHERLY LINE S88°20'34"E A DISTANCE OF 227.75 FEET TO THE **POINT OF BEGINNING**.

THENCE CONTINUING ALONG SAID SOUTHERLY LINE, S88°20'34"E A DISTANCE OF 21.84 FEET; THENCE LEAVING SAID SOUTHERLY LINE, N22°03'27"W A DISTANCE OF 87.81 FEET TO A POINT ON THE EASTERLY LINE OF THE LAKE TRACT AS SHOWN ON SAID OXYGEN DEVELOPMENT RE-PLAT; THENCE ALONG SAID EASTERLY AND SOUTHERLY LINE OF SAID TRACT, S01°39'26"W A DISTANCE OF 3.64 FEET; THENCE N88°20'34"W A DISTANCE OF 20.24 FEET; THENCE LEAVING SAID SOUTHERLY LINE, S22°03'27"W A DISTANCE OF 83.83 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,679 SQUARE FEET MORE OR LESS.

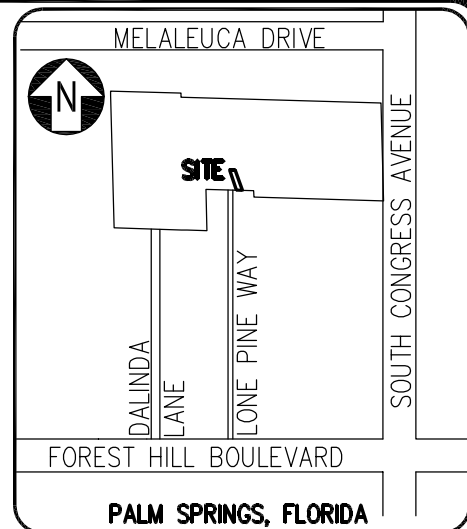
NOTES:

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3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL, OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
4. BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING (NAD 83-90) OF N01°28'48"W ALONG THE EASTERLY LINE OF TRACT 7 OF OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES EXPRESSED IN U.S. FEET AND DECIMAL PARTS THEREOF, UNLESS OTHERWISE NOTED.
6. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17-050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JANUARY 25, 2023. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

JENNIFER MALIN, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 6667
STATE OF FLORIDA LB#6603



LOCATION MAP
N.T.S.

FOR:

20' DRAINAGE EASEMENT

SCALE: N/A

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-25-2023



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FIELD BOOK Nº

SHEET:

1 / 2

JOB Nº

FLORIDA R.L.S.
#

7045.04.13

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
 NOT VALID WITHOUT ACCOMPANYING SHEET 1



SCALE: 1"=40'

TRACT 7
 OXYGEN DEVELOPMENT RE-PLAT
 PB 112, PG 179

CENTERLINE 20'
 DRAINAGE EASEMENT
 PB 112, PG 179

LAKE TRACT
 OXYGEN DEVELOPMENT
 RE-PLAT
 PB 112, PG 179

S01°39'26"W
 3.64'
 N88°20'34"W
 20.24'

S. LINE OF
 LAKE TRACT

CENTERLINE 20'
 IRRIGATION EASEMENT
 PB 112, PG 179

AREA=1,679
 83.33 SQ.FT.

CENTERLINE 20'
 DRAINAGE EASEMENT
 PB 112, PG 179

TRACT 6
 OXYGEN DEVELOPMENT RE-PLAT
 PB 112, PG 179

46.5' ACCESS
 EASEMENT
 PB 122,
 PG 179

10' FPL EASEMENT
 ORB 23343, PG 607

**POINT OF
 BEGINNING**

TRACT 1
 OXYGEN-FOREST HILL CENTER
 PB 112, PG 71

TRACT 7
 OXYGEN DEVELOPMENT RE-PLAT
 PB 112, PG 179

10' LBE
 PB 112, PG 179

POINT OF COMMENCEMENT
 SE CORNER TRACT 7
 OXYGEN DEVELOPMENT RE-PLAT
 PB 112, PG 179

LEGEND

PB PLAT BOOK
 PG PAGE
 ORB OFFICIAL RECORD BOOK
 LME LAKE MANAGEMENT EASEMENT
 LBE LANDSCAPE BUFFER EASEMENT
 FPL FLORIDA POWER & LIGHT
 SQ.FT SQUARE FEET

FOR:

20' DRAINAGE EASEMENT

SCALE: 1"=40'

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-25-2023



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FIELD BOOK N°

SHEET:

2 / 2

JOB N°

FLORIDA R.L.S.
 #

7045.04.13

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
NOT VALID WITHOUT ACCOMPANYING SHEET 2

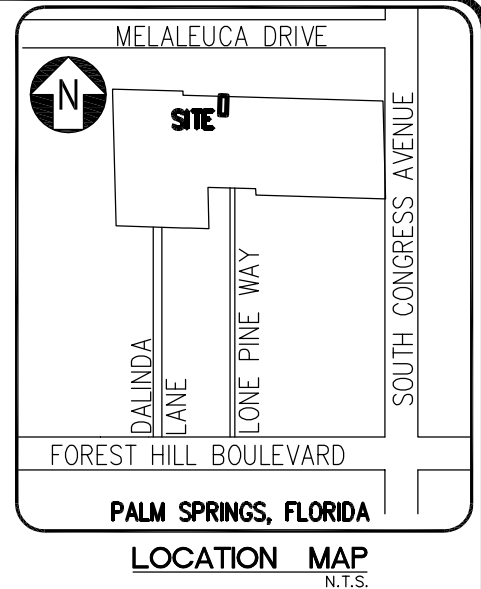
LEGAL DESCRIPTION

A 20-FOOT WIDE PARCEL OF LAND BEING A PORTION OF TRACT 7 AS RECORDED IN OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 7, THENCE ALONG THE NORTHERLY LINE OF SAID TRACT, S88°20'34"E A DISTANCE OF 458.19 FEET TO THE **POINT OF BEGINNING**.

THENCE CONTINUING ALONG SAID NORTHERLY LINE, S88°20'34"E A DISTANCE OF 20.00 FEET; THENCE LEAVING SAID NORTHERLY LINE, S01°39'26"W A DISTANCE OF 20.00 FEET TO A POINT ON NORTHERLY LINE OF THE LAKE TRACT AS SHOWN ON SAID OXYGEN DEVELOPMENT RE-PLAT; THENCE ALONG SAID NORTHERLY LINE, N88°20'34"W A DISTANCE OF 20.00 FEET; THENCE LEAVING SAID NORTHERLY LINE, N01°39'26"E A DISTANCE OF 20.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 400 SQUARE FEET MORE OR LESS.



NOTES:

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY ENGENUITY GROUP, INC.
2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY THE CLIENT OR THE CLIENT'S REPRESENTATIVE.
3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL, OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
4. BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING (NAD 83-90) OF S88°20'34"E ALONG THE NORTHERLY LINE OF TRACT 7 OF OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES EXPRESSED IN U.S. FEET AND DECIMAL PARTS THEREOF, UNLESS OTHERWISE NOTED.
6. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17-050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JANUARY 25, 2023. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

JENNIFER MALIN, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 6667
STATE OF FLORIDA LB#6603

FOR:

20' DRAINAGE EASEMENT

SCALE: N/A

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-25-2023



FIELD BOOK N°

SHEET:

1 / 2

JOB N°

FLORIDA R.L.S.
#

7045.04.13

This survey map illustrates the boundaries and easements for Tract 7, Tract 8, and the Lake Tract. The map includes the following details:

- Tract 8:** Oxygen Development Re-plat PB 112, PG 179. It features a 37.29' Right of Way (per Chancery Case 407, ORB 6495, Page 761) and a 22.8' LWDD Right of Way (ORB 5547, PG 1440).
- Tract 7:** Oxygen Development Re-plat PB 112, PG 179. It includes a 10' LBE (PB 112, PG 179) and a 35' LWDD Easement (PER ORB 23460, PG 549).
- Lake Tract:** Oxygen Development Re-plat PB 112, PG 179. It features a 20' LME (PB 112, PG 179) and a 20' Centerline Drainage Easement (PB 112, PG 179).
- Boundaries and Easements:**
 - N. Line of Tract 7:** A dashed line separating Tract 7 from Tract 8.
 - N. Line of Lake Tract:** A solid line separating the Lake Tract from Tract 8.
 - Point of Beginning:** Located at the intersection of the N. Line of Lake Tract and the 20' Centerline Drainage Easement.
 - Point of Commencement:** Located at the NW Corner of Tract 7.
 - Area:** A shaded rectangular area within the Lake Tract, measuring 400 SQ. FT.
- Measurements:**
 - Tract 8:** 458.19' (along the N. Line of Tract 7), 75' (along the 22.8' LWDD R/W), 60' (along the 37.29' R/W).
 - Tract 7:** 10' (LBE), 35' (LWDD Easement).
 - Lake Tract:** 20' (LME), 20' (Centerline Drainage Easement).
 - Angles:** S88°20'34"E, N01°39'26"E, S01°39'26"W, N88°20'34"W.

Y:\Land Projects R2\7045.01 Oxygen\dwg\7045.04.06 S&D DE 3 Abandonment.dwg 1/25/2023 4:28:26 PM EST

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
NOT VALID WITHOUT ACCOMPANYING SHEET 2

LEGAL DESCRIPTION

A 20-FOOT WIDE PARCEL OF LAND BEING A PORTION OF TRACT 7 AS RECORDED IN OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 7, THENCE ALONG THE EASTERLY LINE OF SAID TRACT, N01°28'48"W A DISTANCE OF 194.48 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT 7; THENCE ALONG SAID SOUTHERLY LINE S88°20'34"E A DISTANCE OF 168.97 FEET TO THE **POINT OF BEGINNING**.

THENCE CONTINUING ALONG SAID SOUTHERLY LINE, S88°20'34"E A DISTANCE OF 19.98 FEET; THENCE LEAVING SAID SOUTHERLY LINE, N01°39'26"E A DISTANCE OF 76.75 FEET TO A POINT ON SOUTHERLY LINE OF THE LAKE TRACT AS SHOWN ON SAID OXYGEN DEVELOPMENT RE-PLAT; THENCE ALONG SAID SOUTHERLY LINE, N88°20'34"W A DISTANCE OF 19.98 FEET; THENCE LEAVING SAID SOUTHERLY LINE, S01°39'26"W A DISTANCE OF 76.75 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,534 SQUARE FEET MORE OR LESS.

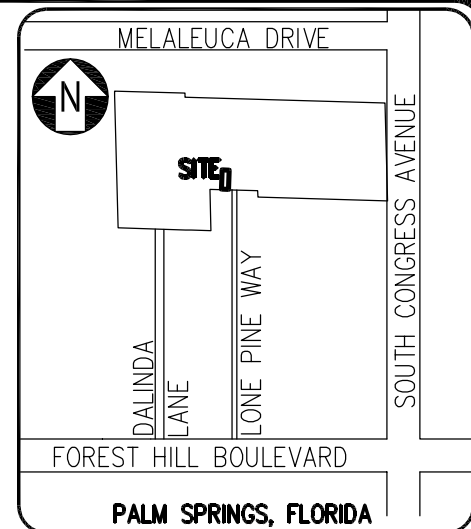
NOTES:

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY ENGENUITY GROUP, INC.
2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY THE CLIENT OR THE CLIENT'S REPRESENTATIVE.
3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL, OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
4. BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING (NAD 83-90) OF N01°28'48"W ALONG THE EASTERLY LINE OF TRACT 7 OF OXYGEN DEVELOPMENT RE-PLAT AS RECORDED IN PLAT BOOK 112, PAGE 179 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES EXPRESSED IN U.S. FEET AND DECIMAL PARTS THEREOF, UNLESS OTHERWISE NOTED.
6. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17-050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JANUARY 25, 2023. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

JENNIFER MALIN, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 6667
STATE OF FLORIDA LB#6603



LOCATION MAP
N.T.S.

FOR:

20' IRRIGATION EASEMENT

SCALE: N/A

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-25-2023



1280 CONGRESS AVENUE, SUITE 101, WEST PALM BEACH, FLORIDA 33409
PH (561)655-1151 • FAX (561)832-9390 • WWW.ENGENUITYGROUP.COM

FIELD BOOK N°

SHEET:

1 / 2

JOB N°

FLORIDA R.L.S.
#

7045.04.13

EXHIBIT A
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
 NOT VALID WITHOUT ACCOMPANYING SHEET 1



SCALE: 1"=40'

TRACT 7
 OXYGEN DEVELOPMENT RE-PLAT
 PB 112, PG 179

LAKE TRACT
 OXYGEN DEVELOPMENT
 RE-PLAT
 PB 112, PG 179

CENTERLINE 20'
 DRAINAGE EASEMENT
 PB 112, PG 179

CENTERLINE 20'
 IRRIGATION EASEMENT
 PB 112, PG 179

CENTERLINE 20'
 DRAINAGE EASEMENT
 PB 112, PG 179

N88°20'34"W
 19.98'

S. LINE OF LAKE TRACT

S01°39'26"W 76.75'
 AREA=1,534 SQ.FT.

N01°39'26"E 76.75'

S88°20'34"E

168.97'

S. LINE OF TRACT 7

S88°20'34"E
 19.98'

10' FPL EASEMENT
 ORB 23343, PG 607

POINT OF BEGINNING

TRACT 1
 OXYGEN-FOREST HILL CENTER
 PB 112, PG 71

TRACT 7
 OXYGEN DEVELOPMENT RE-PLAT
 PB 112, PG 179

46.5' ACCESS
 EASEMENT
 PB 122,
 PG 179

194.48'

N01°28'48"W
 E. LINE OF TRACT 7

10' LBE
 PB 112, PG 179

POINT OF COMMENCEMENT
 SE CORNER TRACT 7
 OXYGEN DEVELOPMENT RE-PLAT
 PB 112, PG 179

LEGEND

PB PLAT BOOK
 PG PAGE
 ORB OFFICIAL RECORD BOOK
 LME LAKE MANAGEMENT EASEMENT
 LBE LANDSCAPE BUFFER EASEMENT
 FPL FLORIDA POWER & LIGHT
 SQ.FT. SQUARE FEET

FOR:

20' IRRIGATION EASEMENT

SCALE: 1"=40'

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 1-25-2023



1280 CONGRESS AVENUE, SUITE 101, WEST PALM BEACH, FLORIDA 33409
 PH (561)655-1151 • FAX (561)832-9390 • WWW.ENGENUITYGROUP.COM

FIELD BOOK N°

SHEET:

2 / 2

JOB N°

FLORIDA R.L.S.
 #

7045.04.13

Transaction Identification Data for reference only:

Frank, Weinberg & Black, P.L.

7805 S.W. 6th Court,

Plantation, FL 33324

ALTA Universal ID:

LOAN ID Number:

Issuing Office File Number: Oxygen Holdings LLC

(Use for AgentTRAX documents)

Property Address: FL

Order No.: 10774284

Revision Number: B

Chicago Title Insurance Company

SCHEDULE A

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

1. Commitment Date: 09/22/2022 at: 11:00 PM
2. Policy or Policies to be issued:
 - A. ALTA Owners 2021 Policy with Florida Modifications
Proposed Insured: Oxygen Holdings LLC, a Florida limited liability company
Proposed Amount of Insurance: TO BE DETERMINED
3. The estate or interest in the Land described or referred to in this Commitment is (Identify estate covered, i.e., fee, leasehold, etc.):

Fee Simple
4. Title to the Fee Simple estate or interest in the land is at the Commitment Date vested in:

Oxygen Holdings LLC, a Florida limited liability company
5. The Land is described as follows in Exhibit "A" attached hereto and made part hereof.

Countersigned:

BY: 
Authorized Officer or Agent

**SCHEDULE B SECTION I
REQUIREMENTS
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

The following requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Proof of payment of any outstanding assessments in favor of Palm Beach County, Florida, any special taxing district and any municipality. NOTE: If this requirement is not satisfied the following exception will appear on Schedule B:

Any outstanding assessments in favor of Palm Beach County, Florida, any special taxing district and any municipality.
5. Proof of payment of service charges for water, sewer, waste and gas, if any, through the date of closing. NOTE: If this requirement is not met the following exception will appear on Schedule B:

Any lien provided for by Florida Statutes in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer, waste or gas system supplying the insured land or service facilities.
6. An Affidavit in form acceptable to Chicago Title Insurance Company ("Company") and executed by or on behalf of the current record owner(s) of the subject property stating that: (A) there are no parties in possession of the subject property other than said current record owner(s); (B) there are no encumbrances upon the subject property other than as may be set forth in this Commitment; (C) there are no unrecorded assessments which are due and payable and; (D) there have been no improvements made to or upon the subject property within the last ninety (90) day period for which there remain any outstanding and unpaid bills for labor, materials or supplies for which a lien or liens may be claimed must be furnished to the Company, or, in lieu thereof, an exception to those matters set forth in said Affidavit which are inconsistent with or deviate from the foregoing requirements will appear in the policy or policies to be issued pursuant to this Commitment.
7. Issuing agent must obtain from the Company or perform themselves a title update three (3) business days prior to closing, to verify that no adverse matters or defects appear in the public records.
8. When the Company has been provided the amount of the full insurable value of the land and the Company has agreed to that value, Schedule A will be amended accordingly.
9. Evidence of payment of 2022 Real Estate Taxes under the following Tax I.D numbers 70-43-44-07-03-003-0040; 70-43-44-07-03-003-0050; 70-43-44-07-04-000-0040; 70-43-44-07-04-000-0050; 70-43-44-07-04-000-0060; 70-43-44-07-04-000-0070; 70-43-44-07-00-000-5110; 70-43-44-07-00-000-5101; 70-43-44-07-37-007-0000, and 70-43-44-07-00-000-5100.

END OF SCHEDULE B SECTION I

**SCHEDULE B SECTION II
EXCEPTIONS
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form.
2. Taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable.
3. Standard Exceptions:
 - A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
 - B. Rights or claims of parties in possession not shown by the public records.
 - C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - D. Taxes or assessments which are not shown as existing liens in the public records.
4. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
5. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of PALM BEACH PLANTATIONS, PLAT NO.1, recorded in Book 10, Page 20, of the Public Records of Palm Beach County, Florida. (As to Parcels 1 and 8)
6. Terms and conditions as contained in the Palm Beach County Removal Agreement for Future Right of Way recorded June 12, 1979 in Official Records Book 3077, Pages 865 and 867, all of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
7. Easement in favor of Florida Power & Light Company recorded August 31, 1984 in Official Records Book 4336, Page 1146, and modified in the Easement in favor of Florida Power & Light Company recorded July 20, 2009 in Official Records Book 23343, Page 607, all of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
8. Easement Deed in favor of Lake Worth Drainage District recorded January 19, 1988 in Official Records Book 5547, Page 1438, of the Public Records of Palm Beach County, Florida. (As to Parcel 1)

**SCHEDULE B SECTION II
EXCEPTIONS
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

9. Terms and conditions contained in the Standard Developers Agreement by and between Sunnyside Properties, Inc., and Palm Beach County, Florida, recorded October 16, 1995 in Official Records Book 8960, Page 1239, of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
10. Easement by and between Four Florida Shopping Center Properties and County of Palm Beach, recorded March 14, 1996 in Official Records Book 9164, Page 946, of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
11. Required right-of-way of the Lake Worth Drainage District Canal No. L-7, as may be disclosed by aerial maps referenced by Affidavit recorded in Official Records Book 1732, Page 612, and any rights, title, interest of said District acquired pursuant to Chancery Case No. 407, as recorded in Official Records Book 6491, Page 761; Official Records Book 6495, Page 1165; Official Records Book 6495, page 1545; and Official Records Book 6495, Page 1554, all of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
12. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of OXYGEN-Forest Hill Center, recorded in Book 112, Page 71, of the Public Records of Palm Beach County, Florida; as affected by that Partial Release of Easement recorded September 3, 2009 in Official Records Book 23427, Page 854, of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
13. Terms and conditions as contained in the Reciprocal Access Easement Agreement With Covenants, Conditions and Restrictions recorded April 28, 2009 in Official Records Book 23200, Page 117, of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
14. Terms and conditions as contained in the Water Management Agreement Between Four Florida Shopping Centers Properties Limited Partnership and Oxygen Holdings, LLC dated April 20, 2009, recorded April 28, 2009 in Official Records Book 23200, Page 129, of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
15. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of OXYGEN DEVELOPMENT RE-PLAT, recorded in Book 112, Page 179, of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
16. Terms and conditions as contained in the Standard Water and Wastewater Development Agreement (SDA) recorded December 9, 2009 in Official Records Book 23586, Page 378, of the Public Records of Palm Beach County, Florida. (As to Parcel 1)
17. The following state of facts as shown on the survey prepared by Engenuity Group, Inc., dated September 22, 2010 under Job Number 7045.01.24; and as revised August 23, 2011, January 29, 2016 and February 22, 2016 under Job No. 7045.03.04 (As to Parcel 1):
 - a.) 4' Hogwire fence encroaches along the Southern boundary of Tract 6 and along the Eastern boundary of Tract 6.
 - b.) 6' Chain link fence encroaches along the Southern boundary of Tract 7.
 - c.) Rip Rap extends into property from the North through Tract 8 and into Lake Tract.
 - d.) Dumpsters encroaching 6.3' and 6.4' within Easements along the south line of subject property.
 - e.) Possible easements as evidenced by sanitary sewer clean-outs.
 - f.) Encroachment of Brick Pavers and Concrete Curb into Utility Easement on the East lot line of Tract 6.
 - g.) Asphalt Drive encroaching upon Easements on the South lot line of Tract 6.

**SCHEDULE B SECTION II
EXCEPTIONS
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

18. Indemnity Agreement by and between Oxygen Holdings, LLC, a Florida limited liability company and Palm Beach County recorded in Official Records Book 25378, Page 1381. (As to Parcel 1)
19. Lake Worth Drainage District, Piping, Paving & Parking License Agreement Project No. 08-8584P.01 recorded February 18, 2011 in Official Records Book 24370, Page 1375. (As to Parcel 1)
20. Easement granted to Florida Power & Light Company recorded in Official Records Book 24482, Page 11. (As to Parcel 1)
21. Utility Easement granted to Palm Beach County recorded in Official Records Book 24900, Page 1323. (As to Parcel 1)
22. Unrecorded Lease made by Oxygen Development LLC, a Florida limited liability company as evidenced by Subordination, Non-Disturbance and Attornment Agreement as recorded December 18, 2010 in Official Records Book 24269, Page 221 and UCC-Financing Statement recorded in Official Records Book 24366, Page 767. (As to Parcel 1)
23. Reservation of Easement as set forth in Warranty Deed recorded June 26, 1957 in Official Records Book 71, Page 281. (As to Parcel 2)
24. Easement in favor of the PALM BEACH COUNTY, FLORIDA, recorded September 13, 1972, in Official Records Book 2055, Page 1456. (As to Parcels 2 and 3)
25. 20' building setback restriction as shown on the Plat of LARKWOOD, recorded in Plat Book 23, Page 227. (As to Parcels 4, 5 and 6)
26. Lake Worth Drainage District agreement recorded in Official Records Book 2962, Page 433, of the Public Records of Palm Beach County, Florida. (As to Parcel 8)
27. Terms and conditions of deed for State Road 809 recorded in Official Records Book 874, page 102. of the Public Records of Palm Beach County, Florida. (As to Parcel 8)
28. Easement recorded in Deed Book 800, Page 301, Public Records of Palm Beach County, Florida. (As to Parcel 8)
29. Resolution Agreement as recorded in Deed Book 1145, Page 522, Public Records of Palm Beach County, Florida. (As to Parcel 8)
30. Easement recorded in Official Records Book 160, Page 245, Public Records of Palm Beach County, Florida. (As to Parcel 8)
31. Easement recorded in Official Records Book 2055, Page 1454. Public Records of Palm Beach County, Florida. (As to Parcel 8)
32. Easement recorded in Official Records Book 1213, Page 161, Public Records of Palm Beach County, Florida. (As to Parcel 8)

**SCHEDULE B SECTION II
EXCEPTIONS
AMERICAN LAND TITLE ASSOCIATION COMMITMENT**

33. Easement recorded in Official Records Book 2806. Page 1233, Public Records of Palm Beach County, Florida. (As to Parcel 8)
34. Easement recorded in Official Records Book 3746, Page 1515, Public Records of Palm Beach County, Florida. (As to Parcel 8)
35. INTENTIONALLY DELETED.
36. INTENTIONALLY DELETED.
37. INTENTIONALLY DELETED.
38. INTENTIONALLY DELETED.
39. Notice of Commencement recorded on July 29, 2022 in Official Records Book 33742, Page 289.
40. Amended, Restated and Consolidated Mortgage and Security Agreement in favor of Fifth Third Bank, National Association, dated October 3, 2022, recorded October 25, 2022 in Official Records Book 33909, Page 1154, together with the following supporting loan documents:
- a) Assignment Leases and Rents recorded in Official Records Book 33909, Page 1183; and
 - b) UCC-1 Financing Statement recorded in Official Records Book 33909, Page 1916.

NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting Chicago Title Insurance Company, 13800 NW 14th Street Suite 190, Sunrise, FL 33323; Telephone 954-217-1744.

Searched By: Patrick Quirk

END OF SCHEDULE B SECTION II

EXHIBIT "A"

PARCEL 1:

ALL OF OXYGEN DEVELOPMENT RE-PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 112, PAGE 179, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

A TRACT OF LAND IN LOT 2, BLOCK 4 OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT OF PALM BEACH PLANTATIONS ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2 AND RUN NORTH ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 233 FEET TO THE NORTHWEST CORNER OF THE LAND NOW OWNED BY FRANK E. SHARET AND BETTIE M. SHARET, HIS WIFE, FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH ALONG THE WEST LINE OF LOT 2, A DISTANCE OF 257 FEET; THENCE EAST PARALLEL TO THE SOUTH LINE OF LOT 2, A DISTANCE OF 180 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL TO AND 150 FEET WEST OF THE EAST LINE OF THE WEST HALF OF LOT 2; THENCE SOUTH ALONG SAID PARALLEL LINE A DISTANCE OF 257 FEET TO A POINT IN THE NORTH LINE OF THE SHARET PROPERTY, THENCE WEST ALONG THE NORTH LINE OF THE SHARET PROPERTY A DISTANCE OF 180 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL 3:

A TRACT OF LAND IN LOT 2, BLOCK 4 OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT OF PALM BEACH PLANTATIONS, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2 AND RUN NORTH ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 490 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 170 FEET TO A POINT; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 150 FEET TO A POINT; THENCE SOUTH ALONG A LINE PARALLEL TO THE WEST LINE OF SAID LOT 2, A DISTANCE OF 170 FEET TO A POINT; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

LOT 4, LARKWOOD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 227, OF THE PUBLIC RECORDS OF THE PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

LOT 5, LARKWOOD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 227, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 6:

LOT 6, LARKWOOD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 227, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 7:

Exhibit "A" continued

LOT 7, LARKWOOD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 227, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 8:

A PARCEL OF LAND IN TRACT 2, BLOCK 4, SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH PLANTATIONS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHERLY 92 FEET OF THE SOUTHERLY 660 FEET (AS MEASURED ALONG THE EAST LINE OF THE WEST 1/2 OF SAID TRACT 2) OF THE EASTERLY 150 FEET (AS MEASURED ALONG THE NORTH AND SOUTH PROPERTY LINES THEREOF) OF THE WEST 1/2 OF TRACT 2. COUNTY, FLORIDA.

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ALTA Commitment (6-17-06)



February 28, 2023

Email: icabrera@vpsfl.org

Ms. Iramis Cabrera, Planner
Planning, Zoning and Building Department
Village of Palm Springs
226 Cypress Lane
Palm Springs, FL 33461

**RE: Oxygen II Plat
Third Review
Craven Thompson Project. No. 21-0043-001-03**

Dear Ms. Cabrera,

I have reviewed all the recent changes to the above-mentioned Plat, and they are in compliance with Chapter 177, Florida Statutes and the requirements of the Village of Palm Springs. I therefore recommend that the Village approve the Plat for recording with the following conditions:

1-A field inspection by Craven-Thompson and Associates to verify all PRM's are set. All monuments set are to be labeled properly by Engenuity Group. [Reference Chapter 177.091(7, 8, 9)]

2- All other items pertaining to a surveyor review and certification related to the following Chapter 177 items (these items are commented as "pending" in my third review):

- 177.061,
- 177.071 (1, a)
- 177.081 (1,2,3)
- 177.091 (a, b).

Sincerely,

TODD H. BATES

Todd Bates, PSM
Project Manager



13081 S. MILITARY TRAIL
DELRAY BEACH, FLORIDA 33484-1105

Board of Supervisors
James M. Alderman
Stephen Bedner
Carrie P. Hill
Jeffrey P. Phipps, Sr.
John I. Whitworth III
Executive Director
Tommy B. Strowd, P.E.
District Counsel
Mark A. Perry, P.A.

March 2, 2023

Iramis Cabrera
Planning, Zoning & Building
Village of Palm Springs
226 Cypress Lane
Palm Springs, FL 33461

Dear Ms. Cabrera:

**Subject: Preliminary Plat: Oxygen Development II (Second Submittal)
Being a Replat of Oxygen Development, PB 112, Page 79
LWDD Record No. RI-22-0069; LWDD Canal: L-7**

We are in receipt of your email notification dated March 2, 2023, with the attached print of the subject plat for review and comparison with State Plat Law, as a prerequisite to filing in the Public Records of Palm Beach County.

The Lake Worth Drainage District has no objection to the subject plat being approved for Technical Compliance as submitted.

Thank you for the opportunity to review and comment.

Sincerely,

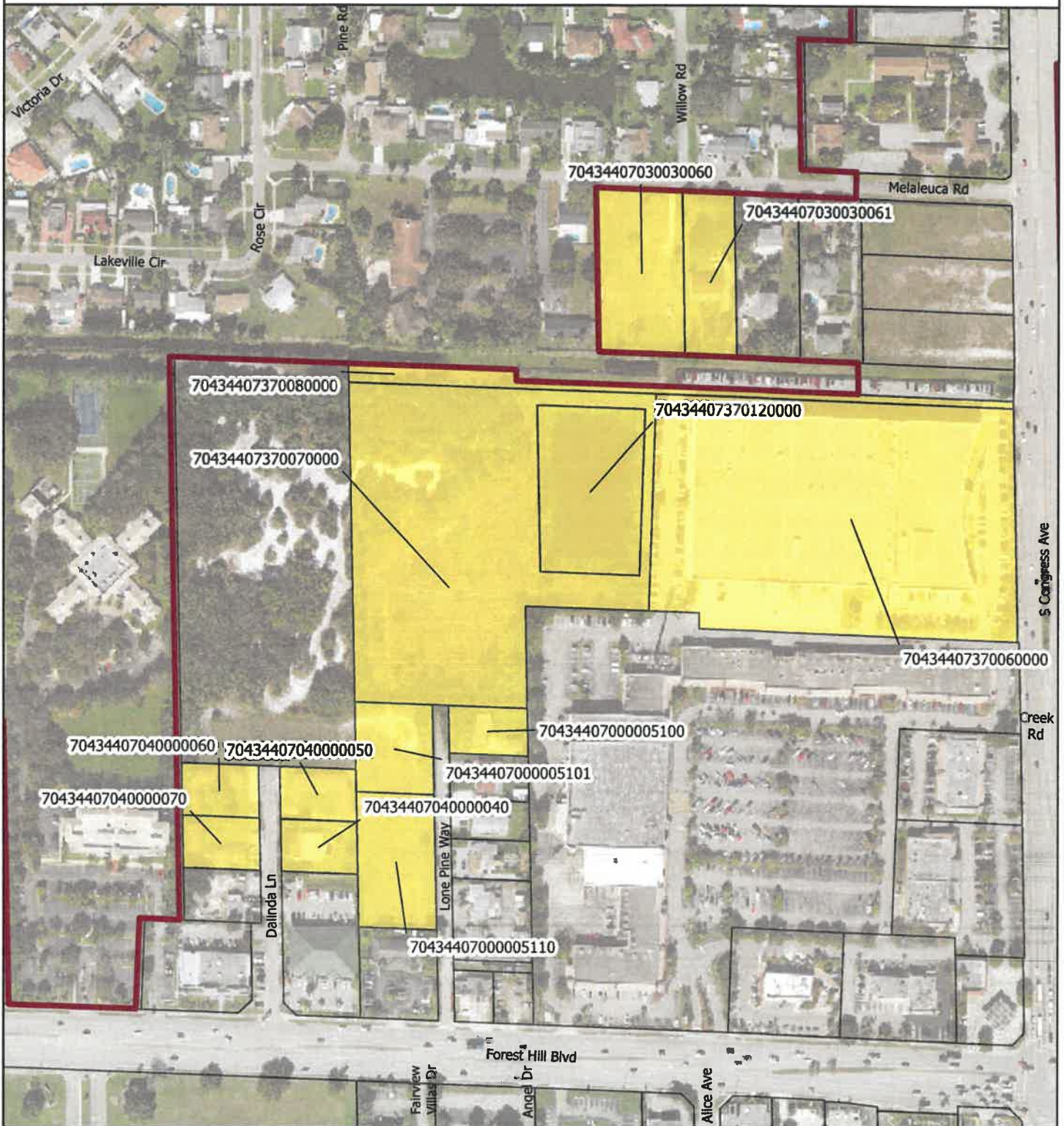
A handwritten signature in black ink that reads "David A. Bends". The signature is written in a cursive, flowing style.

David A. Bends, P.S.M.
Project Surveyor



VILLAGE OF PALM SPRINGS

Oxygen Development



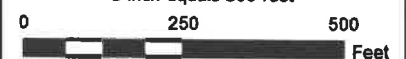
Legend

- Proposed Parcels
- Parcels
- Village Boundary

Date: 9/20/2022

When Printed on 8 1/2" x 11"

1 Inch equals 300 feet

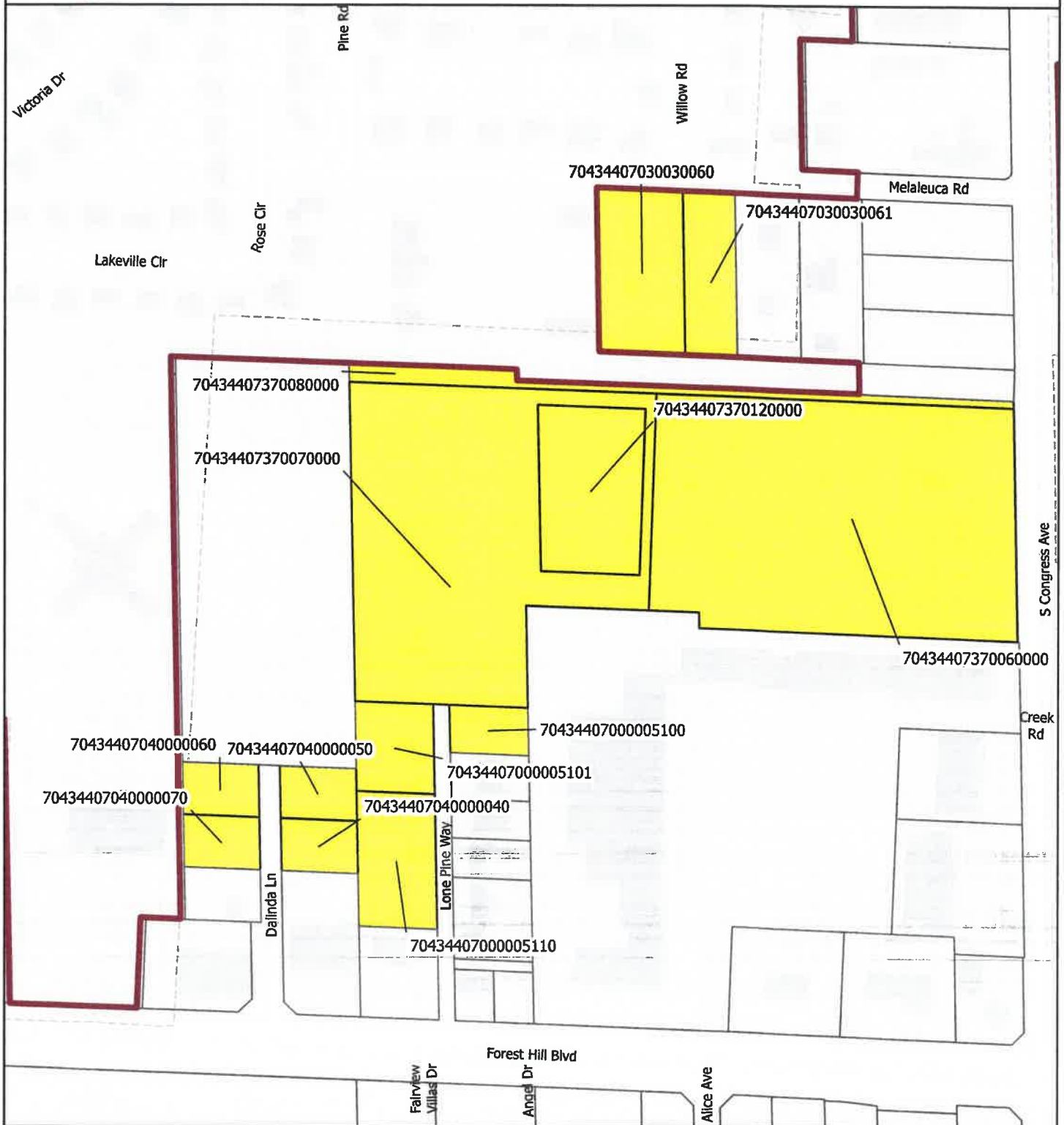


Florida Technical Consultants



VILLAGE OF PALM SPRINGS

Oxygen Development



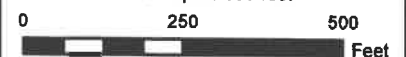
Legend

-  Proposed Parcels
-  Parcels
-  Village Boundary

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