

PROPERTY AGREEMENT

THIS AGREEMENT, made this 1st day of February, 2011 between The School Board of Broward County, Florida, a Body Corporate ("School Board") whose post office address is 600 SE 3rd Avenue, 11th Floor, Fort Lauderdale, FL 33301 and The State of Florida Department of Transportation ("FDOT") whose post office address is _____.

WITNESSETH

WHEREAS, FDOT is currently constructing certain improvements as part of the Interstate 595 expansion project (the "Project"); and

WHEREAS, in conjunction with the Project, FDOT has obtained an order of taking for the property identified as Parcel #124 in that certain eminent domain case under CASE #10-24207 pending in the 17th Judicial Circuit in and for Broward County, Florida, which parcel was formerly a portion of the Fox Trail Elementary School, owned by the School Board, containing certain improvements consisting of a sidewalk and 2-fences (1 on the North Side of the sidewalk and 1 on the South side of the sidewalk) collectively (the "Existing Improvements"); and

WHEREAS, in conjunction with the afore-referenced taking of Parcel #124, FDOT intends to remove the Existing Improvements.

WHEREAS, in order to protect and secure the Fox Trail Elementary School site the School Board requested that FDOT reconstruct the Existing Improvements, including a 5' or greater sidewalk, a sodded and/or landscaped buffer (between the curb and gutter and the sidewalk) and 2-6' chain link fences (the "New Improvements"), in accordance with the plans depicted on the attached Exhibit "A"; and

WHEREAS, FDOT has agreed, at its expense, to construct the New Improvements, provided that the School Board convey additional property to FDOT, which property is identified as Parcel #130 on the attached Exhibit "B"; and

WHEREAS, the School Board is agreeable to conveying the property identified as Parcel #130, provided FDOT shall construct the New Improvements in accordance with the terms of this Agreement.

NOW THEREFORE, in consideration of the mutual covenants contained herein it is agreed as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. **Conveyance.** Upon the Effective Date of this Agreement, the School Board shall convey by Special Warranty Deed, a copy of which is attached hereto as Exhibit "C", to FDOT, the property identified as Parcel 130. FDOT shall forthwith, at its expense, record the Special Warranty Deed in the Public Records of Broward county, Florida.
3. **Construction.** In conjunction with the removal by FDOT of the existing improvements, FDOT shall construct, at its expense, the New Improvements or temporary improvements as necessary prior to the New Improvements. Removal of the existing improvements and construction of the New Improvements shall be coordinated in such a manner as to secure the Fox Trail Elementary School property at all times.
4. **Landscaping.** FDOT shall, at its expense, continuously maintain the New Improvements and landscaping on Parcel 130.
5. **Completion.** The DOT shall cause the removal of the Existing Improvements and construction of the New Improvements no later than July 2014.
6. **Default.** In the event that FDOT shall default in its obligations to construct the afore-referenced improvements the School Board shall have the right to enforce this Agreement by Specific Performance, in which event the prevailing party shall be entitled to an award of attorney's fees and costs.
7. **Venue.** The venue for any action to enforce the terms of this Agreement shall be in Broward County, Florida.
8. **Effective Date.** The Effective Date shall be the date on which the last of the Parties executes the Agreement.

THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

Signed, sealed, and delivered in our presence:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida

Pauline E. White
Witness Signature

BY: Benjamin J. Williams
NAME: Benjamin J. Williams
TITLE: Chair

PAULINE E. WHITE
Witness Printed Name

Genevieve Ponce
Witness Signature

Attest:
BY: James F. Notter
NAME: James F. Notter
TITLE: Superintendent of Schools

GENEVIEVE PONCE
Witness Printed Name

Approved as to form and legal content:
BY: Edward Marko
NAME: Edward Marko
TITLE: School Board Attorney

Signed, sealed, and delivered in
our presence:

THE STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

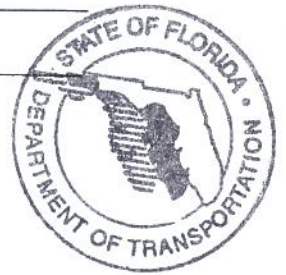
Nancy S. Ugo
Witness Signature

Nancy S. Ugo
Witness Printed Name

Cynthia Lynch
Witness Signature

CYNTHIA LYNCH
Witness Printed Name

BY: [Signature]
NAME: James Ware
TITLE: D. SEC.



Attest:

BY: [Signature]
NAME: Maria Gutierrez
TITLE: Admin Assis.

Approved as to form and legal content:
BY: [Signature]
NAME: Lanice E. Hayes
TITLE: F-DOT P Honney

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 1st day of February, 2011 by Benjamin S. Williams as Chair of THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, a body corporate and political subdivision of the State of Florida, who is personally known to me or who has produced valid driver's licenses for identification.



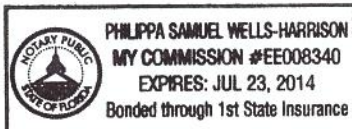
Noemi Gutierrez (SEAL)
Notary Public

Print Name: NOEMI GUTIERREZ

My Commission Expires: May 3, 2011

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 10th day of February, 2011 by James Wolfe as District Secretary of THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, who is personally known to me or who has produced valid driver's licenses for identification.



Philippa S. Wells-Harrison (SEAL)
Notary Public

Print Name: Philippa S. Wells-Harrison

My Commission Expires: July 23, 2011

EXHIBIT "A"

Plans

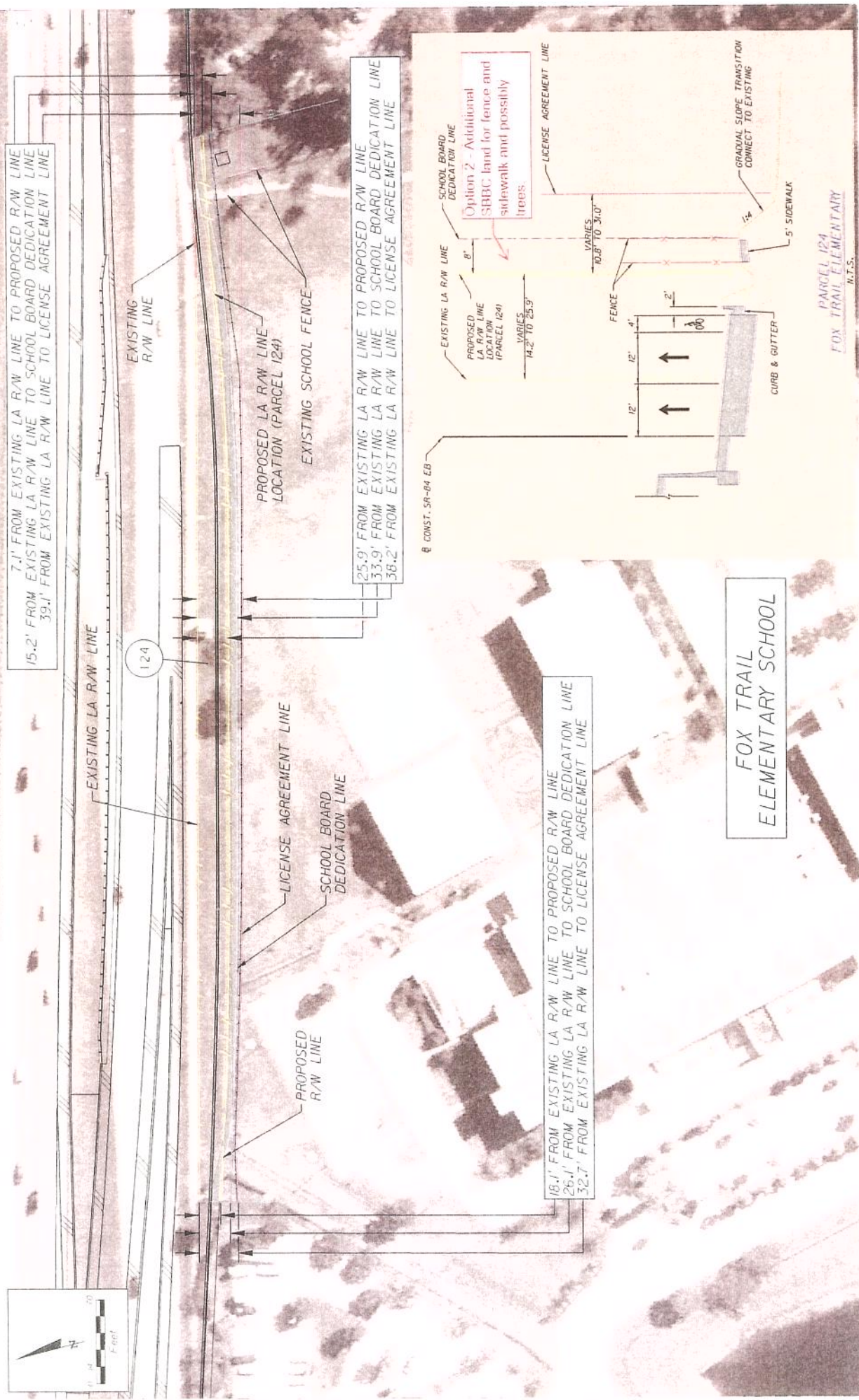


EXHIBIT 3 - OPTION 2

EXHIBIT "B"

Parcel #130 Description

Parcel No. 130

A portion of TRACT 'A', "CALUSA RIDGE", according to the plat thereof, as recorded in Plat Book 147, Page 47 of the Public Records of Broward County, Florida, lying in Sections 8 and 17, Township 50 South, Range 41 East, Broward County, Florida; said portion being more particularly described as follows:

Commence at the Northeast Corner of said TRACT 'A', said corner also being on the Southerly Existing Right of Way line for State Road 84, as shown on the Florida Department of Transportation Parcel Map for Item/Segment No. 4218542 (Section 86095-2420); thence

South $00^{\circ}31'33''$ West along the East line of said "CALUSA RIDGE", a distance of 7.06 feet to a point on a non tangent curve concave to the Southwest and the POINT OF BEGINNING; thence Westerly along said curve, having a chord bearing of North $79^{\circ}04'23''$ West and a radius of 2,045.48 feet, through a central angle of $03^{\circ}39'40''$, an arc distance of 130.70 feet to a point of reverse curvature concave to the Northeast, having a chord bearing of North $78^{\circ}04'27''$ West; thence Westerly along said curve, having a radius of 2,121.48 feet, through a central angle of $05^{\circ}39'32''$, an arc distance of 209.53 feet to the end of said curve; thence North $75^{\circ}14'41''$ West, a distance of 245.38 feet to a point on a tangent curve concave to the Northeast, having a chord bearing of North $74^{\circ}20'06''$ West; thence Westerly along said curve, having a radius of 5,767.58 feet, through a central angle of $01^{\circ}49'11''$, an arc distance of 183.19 feet to a point of compound curvature; thence continue along said curve concave to the Northeast, having a chord bearing of North $72^{\circ}51'12''$ West; thence Westerly along said curve, having a radius of 5,767.58 feet, through a central angle of $01^{\circ}08'36''$, an arc distance of 115.10 feet to the end of said curve; thence South $14^{\circ}44'58''$ West, a distance of 8.01 feet to a point on a curve concave to the Northeast, having a chord bearing of South $73^{\circ}45'55''$ East; thence Easterly along said curve, having a radius of 5,775.58 feet, through a central angle of $02^{\circ}57'33''$, an arc distance of 298.29 feet to the end of said curve; thence South $75^{\circ}14'41''$ East, a distance of 245.38 feet to a point on a curve concave to the Northeast, having a chord bearing of South $78^{\circ}04'27''$ East; thence Easterly along said curve, having a radius of 2,129.48 feet, through a central angle of $05^{\circ}39'32''$, an arc distance of 210.32 feet to a point of reverse curvature concave to the Southeast, having a chord bearing of South $79^{\circ}02'56''$ East; thence Easterly along said curve, having a radius of 2,037.48 feet, through a central angle of $03^{\circ}42'35''$, an arc distance of 131.92 feet to the end of said curve; thence North $00^{\circ}31'33''$ East along the East line of said "CALUSA RIDGE", a distance of 8.19 feet to the POINT OF BEGINNING.

Containing 7,079 square feet, more or less.

EXHIBIT "C"

School Board Deed

03-BSD.07-06/93

This instrument prepared
under the direction of:
Laurice C. Mayes, Esq.
Legal description prepared by:
Grace K. Abel (09-03-10)
Department of Transportation
3400 W. Commercial Boulevard
Ft. Lauderdale, Florida 33309

Parcel No.	130.1R
Item/Segment No.	4218542
Section No.	86095-2420
Managing District:	04
S.R. No.	862 (I-595)
County:	Broward

SCHOOL BOARD DEED

THIS DEED, made this 1st day of February, 2011, by THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, a body corporate and political subdivision of the State of Florida, whose address is: 600 S.E. 3rd Avenue, Fort Lauderdale, Florida 33301-3125, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, grantee: (Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors, and assigns of organizations).

WITNESSETH: That the grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Broward County, Florida, viz:

Parcel No. 130

Item/Segment No. 4218542

A portion of TRACT 'A', "CALUSA RIDGE", according to the plat thereof, as recorded in Plat Book 147, Page 47 of the Public Records of Broward County, Florida, lying in Sections 8 and 17, Township 50 South, Range 41 East, Broward County, Florida; said portion being more particularly described as follows:

Commence at the Northeast Corner of said TRACT 'A', said corner also being on the Southerly Existing Right of Way line for State Road 84, as shown on the Florida Department of Transportation Parcel Map for Item/Segment No. 4218542 (Section 86095-2420); thence South 00°31'33" West along the East line of said "CALUSA RIDGE", a distance of 7.06 feet to a point on a non tangent curve concave to the Southwest and the POINT OF BEGINNING; thence Westerly along said curve, having a chord bearing of North 79°04'23" West and a radius of 2,045.48 feet, through a central angle of 03°39'40", an arc distance of 130.70 feet to a point of reverse curvature concave to the Northeast, having a chord bearing of North 78°04'27" West; thence Westerly along said curve, having a radius of 2,121.48 feet, through a central angle of 05°39'32", an arc distance of 209.53 feet to the end of said curve; thence North 75°14'41" West, a distance of 245.38 feet to a point on a tangent curve concave to the Northeast, having a chord bearing of

(Continue on the next page)

North 74°20'06" West; thence Westerly along said curve, having a radius of 5,767.58 feet, through a central angle of 01°49'11", an arc distance of 183.19 feet to a point of compound curvature; thence continue along said curve concave to the Northeast, having a chord bearing of North 72°51'12" West; thence Westerly along said curve, having a radius of 5,767.58 feet, through a central angle of 01°08'36", an arc distance of 115.10 feet to the end of said curve; thence South 14°44'58" West, a distance of 8.01 feet to a point on a curve concave to the Northeast, having a chord bearing of South 73°45'55" East; thence Easterly along said curve, having a radius of 5,775.58 feet, through a central angle of 02°57'33", an arc distance of 298.29 feet to the end of said curve; thence South 75°14'41" East, a distance of 245.38 feet to a point on a curve concave to the Northeast, having a chord bearing of South 78°04'27" East; thence Easterly along said curve, having a radius of 2,129.48 feet, through a central angle of 05°39'32", an arc distance of 210.32 feet to a point of reverse curvature concave to the Southeast, having a chord bearing of South 79°02'56" East; thence Easterly along said curve, having a radius of 2,037.48 feet, through a central angle of 03°42'35", an arc distance of 131.92 feet to the end of said curve; thence North 00°31'33" East along the East line of said "CALUSA RIDGE", a distance of 8.19 feet to the POINT OF BEGINNING.

Containing 7,079 square feet, more or less.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said premises and the appurtenances thereof unto the Grantee.

If the property herein conveyed ceases to be used for a public purpose by the State of Florida Department of Transportation, title shall revert to The School Board of Broward County, Florida.

SIGNATURES CONTAINED ON FOLLOWING PAGE

TO HAVE AND TO HOLD, the same in fee simple forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed, and delivered in our presence:

Pauline E. White
Witness Signature
PAULINE E. WHITE
Witness Printed Name

Genevieve Ponce
Witness Signature
GENEVIEVE PONCE
Witness Printed Name

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida

BY: *Benjamin J. Williams*
NAME: Benjamin J. Williams
TITLE: Chair

Attest:
BY: *James F. Notter*
NAME: James F. Notter
TITLE: Superintendent of Schools

Approved as to form and legal content:
BY: *Edward Marko*
NAME: Edward Marko
TITLE: School Board Attorney

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 1st day of February, 2011 by Benjamin J. Williams as Chair of THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, a body corporate and political subdivision of the State of Florida, who is personally known to me or who has produced valid driver's licenses for identification.

Noemi Gutierrez (SEAL)
Notary Public
Print Name: NOEMI GUTIERREZ
My Commission Expires:



09-L.17-12/97

This instrument prepared
under the direction of:
Laurice C. Mayes, Esq. _____
Legal description prepared by:
Grace K. Abel (07-23-10) _____
Department of Transportation
3400 W. Commercial Boulevard
Ft. Lauderdale, Florida 33309

Parcel No. 900.1
Item/Segment No. 4218542
Section No. 86095-2420
Managing District: 04
S.R. No. 862 (I-595)
County: Broward

LICENSE

This Agreement made the 1st day of February, 2011, between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida, whose address is: 600 S.E. 3rd Avenue, Fort Lauderdale, Florida 33301-3125, herein called licensor, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, herein called licensee.

In consideration of the benefits accruing unto the licensor, the parties agree as follows:

Licensor hereby grants to licensee a license to occupy and use, subject to all of the terms and conditions hereof, the following described premises:

Parcel No. 900

Item/Segment No. 4218542

A portion of TRACT 'A', "CALUSA RIDGE", according to the plat thereof, as recorded in Plat Book 147, Page 47 of the Public Records of Broward County, Florida, in Sections 8 and 17, Township 50 South, Range 41 East, Broward County, Florida; said portion lying Southerly of and adjacent to Parcel 130 and extending no more than 38.00 feet between Baseline of Survey Stations for State Road 862 (I-595) 331+12.74 and 340+03.74, as shown on the Florida Department of Transportation Parcel Map for Item/Segment No. 4218542 (Section 86095-2420).

The premises may be occupied and used by licensee solely for sloping, grading, tying in, harmonizing and reconnecting existing features of the licensor's property with the highway improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the transportation project, but not later than the last day of July 2014.

Licensee shall be responsible for any and all damages for personal injury or property damage resulting from Licensees use of the right granted. Licensor does not warrant or represent that the above described real property is safe or suitable for the purpose for which it is permitted to be used by this License and Licensee expressly assumes all such risk. Upon termination of this License, Licensee shall cause all equipment and other materials to be removed from the Property and shall

restore same to its condition on the date of execution of this License.

Licensee will install a 6-foot chain link fence on the premises that will segregate the work force from the balance of the school property during construction activities. In compliance with Sections 1012.32, 1012.465 and 1012.467, Florida Statutes, Licensee shall ensure that all activities of Licensee's personnel, contractors and/or sub-contractors while on the subject premises performing the installation and removal of the fence, shall remain in the line of sight of a person who has had complete background screening as required by the Licensor.

The making, execution and delivery of this agreement by licensor has been induced by no representations, statements, warranties, or agreements other than those contained herein. This agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the said licensor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered in our presence:

Pauline E. Witte
Witness Signature

PAULINE E. WITTE
Witness Printed Name

Genevieve Ponce
Witness Signature

GENEVIEVE PONCE
Witness Printed Name

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida

BY: Benjamin J. Williams

NAME: Benjamin J. Williams

TITLE: Chair

Attest:

BY: James F. Notter

NAME: James F. Notter

TITLE: Superintendent of Schools

Approved as to form and legal content:

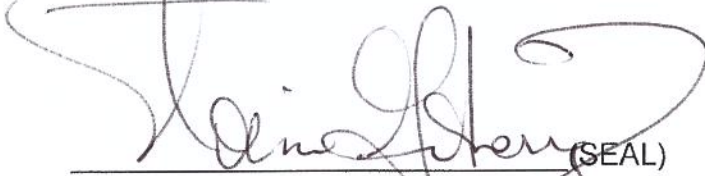
BY: Marylin Batista-McNamara

NAME: Marylin Batista-McNamara

TITLE: School Board Attorney

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 1st day of February, 2011
by Benjamin S. Williams, as Chair of THE
SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, a body corporate and political subdivision
of the State of Florida, who is personally known to me or who has produced valid drivers licenses
for identification.



Notary Public NOEMI GUTIERREZ
Print Name: _____
My Commission Expires: _____





575 030 12
RIGHT OF WAY
06/98

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309-3421

STEPHANIE C. KOPELOUSOS
SECRETARY

Donation of Property to the Florida Department of Transportation

August 31, 2010

The School Board of Broward County, Florida
600 SE 3rd Avenue
Fort Lauderdale, Florida 33301-3125

ITEM/SEGMENT NO.: 4218542

MANAGING DISTRICT: Four

F.A.P. NO.: N/A

STATE ROAD NO.: 862 (I-595)

COUNTY: BROWARD

PARCEL NO.: 130

INTEREST CONVEYED: Fee Simple

This is to advise that the undersigned, as owner of the property or property interest referenced above and as shown on Right of Way maps for referenced project, desires to make a voluntary donation of said property or property interest to the State of Florida for the use and benefit of the Florida Department of Transportation.

The undersigned hereby acknowledges that he/she has been fully advised by a Department representative of his/her right to have the referenced property or property interest appraised, to accompany the appraiser during the appraisal inspection of the property, to receive full compensation for the above referenced property, and to receive reimbursement for reasonable fees and costs incurred, if any. Having been fully informed of the above rights, I hereby waive those rights unless otherwise noted below.

Owner's Signature

Type or Print Property Owner's Name

Street Address

City, State, Zip Code

Date

Signature block attached

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA a body corporate and
political subdivision of the State of Florida

BY:  _____

NAME: Benjamin J. Williams _____

TITLE: Chair _____

Attest:

BY:  _____

NAME: James F. Notter

TITLE: Superintendent of Schools

Approved as to form and legal content:

BY:  _____

NAME: Edward Marko _____

TITLE: School Board Attorney

This instrument prepared under the direction of: Laurice C. Mayes, Esq. Legal description prepared by: Grace K. Abel (07-23-10) Department of Transportation 3400 W. Commercial Boulevard Ft. Lauderdale, Florida 33309

Parcel No. 900.1
Item/Segment No. 4218542
Section No. 86095-2420
Managing District: 04
S.R. No. 862 (I-595)
County: Broward

RESOLUTION

ON MOTION of Patricia Good, seconded by Ann Murray, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 862 (I-595), Item/Segment No. 4218542, Section No. 86095-2420, in Broward County, Florida: and

WHEREAS, it is necessary that certain lands now owned by The School Board of Broward County, Florida a body corporate and political subdivision of the State of Florida be used temporarily by the State of Florida for the use and benefit of the State of Florida Department of Transportation: and

WHEREAS, said use is in the best interest of the School Board: and

WHEREAS, the State of Florida Department of Transportation has made application to said School Board to execute and deliver to the State of Florida Department of Transportation a license agreement, or agreements, in favor of the State of Florida, for the purpose of sloping, grading, tying in, harmonizing and reconnecting existing features of the licensor's property with the highway improvements which are to be constructed, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by The School Board of Broward County, Florida a body corporate and political subdivision of the State of Florida that the application of the State of Florida Department of Transportation for a license agreement or agreements are for transportation purposes which are in the public or community interest and for public welfare; that a license agreement or agreements, in favor of the State of Florida, in Broward County, should be drawn and executed by this School Board. Consideration shall be \$_____.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 3400 W. Commercial Boulevard, Ft. Lauderdale, Florida 33309.

STATE OF FLORIDA

COUNTY OF BROWARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by The School Board of Broward County, Florida a body corporate and political subdivision of the State of Florida at a meeting held on the 1st day of February, 2011.



Print Name: Benjamin J. Williams
Its Chairperson
(or Vice-Chairperson)
The School Board of Broward County,
Florida