3H-25

#### Agenda Item #:

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	April 10, 2007	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
Department: Facilities Development & Operations			
	I.	EXECUTIVE BRIEF	
i i i i i i i i i i i i i i i i i i i	Light Company (FPL) fo		lity Easement Agreement in favor of services to the County's Operations &
Summary: The C	County is constructing th	e Operations & Support	Center on a 51.857 acre parcel on the

summary: The County is constructing the Operations & Support Center on a 51.857 acre parcel on the north side of Vista Parkway, north of Okeechobee Boulevard and west of Florida's Turnpike. FPL requires easements for installation of underground electrical services at this new facility. The easement area consists of four separate areas covering a total of 20,840.92 square feet (.48 acres). Three of the easement areas are for electrical service directly to the newly constructed County facilities and are required as a condition of service. The fourth easement area is a parcel 10 feet wide by 568.12 feet long for a total of 5,673.92 square feet (.13 acres) along the west property line, and is needed by FPL to provide electrical service to residential areas on the south side of Vista Parkway. Staff recommends granting the Easement without charge because three of the four easement areas are required to provide service to the County facilities, and the fourth could have been required as a condition of platting the property had FPL recognized the need for the easement at that time. (PREM) District 2 (JMB)

Background and Justification: Construction of the Operations & Support Center is under construction and is scheduled to be completed by June of 2007. Three of the easement areas will provide electrical service to County facilities. The fourth easement area provides electrical service to residential areas located south of the County property. The County was required as part of the development approval to replat the County property. To expedite replatting, FPL allowed the County to move forward with the replat without reserving an easement, but subsequently realized the need for this Easement.

#### Attachments:

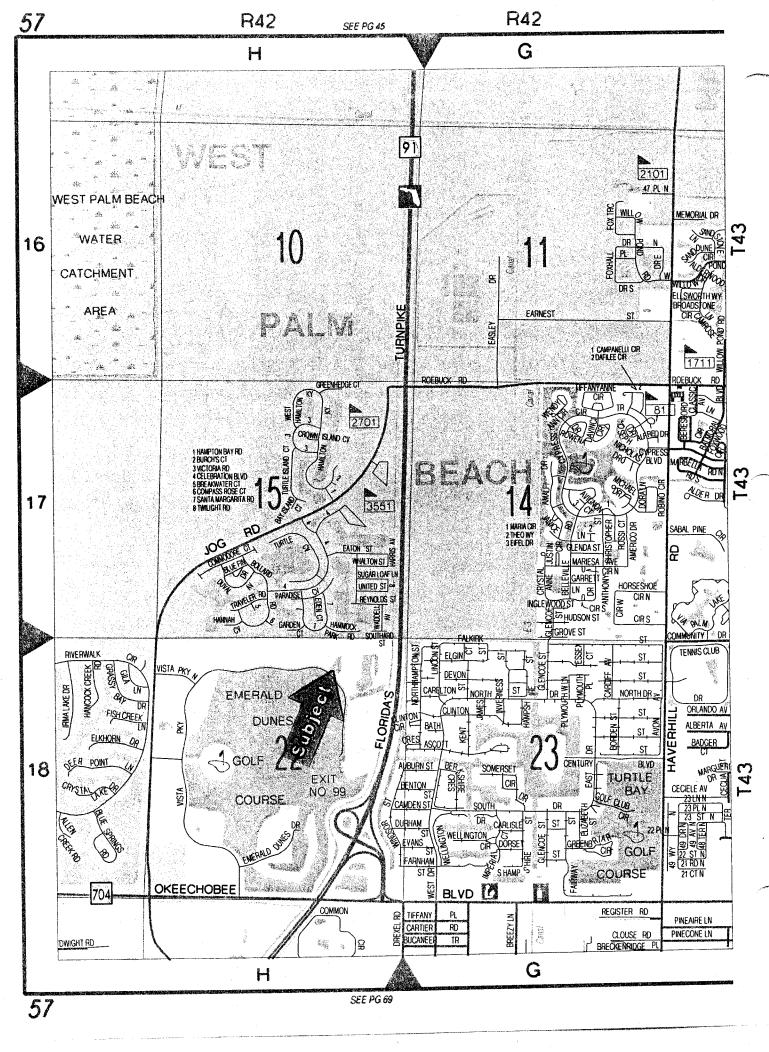
- 1. Location Map
- 2. Utility Easement Agreement

Recommended By:		3/19/07	
	Department Director	Date	
Approved By:	Morly	3/28/07	
	County Administrator	Date '	

### II. FISCAL IMPACT ANALYSIS

<b>A.</b>	Five Year Summary of Fi	iscal Impac	t:			
Fiscal	Years	2007	2008	2009	2010	2011
Opera Exteri Progr	al Expenditures ating Costs nal Revenues ram Income (County) nd Match (County)					
NET	FISCAL IMPACT					
	DITIONAL FTE TIONS (Cumulative)			<del>.</del>		<del></del>
			pt U		Object	<b>-</b> .
В.	Recommended Sources o	f Funds/Su	mmary of Fis	cal Impact:		
	No fiscal impact.					
<b>C.</b> ,	Departmental Fiscal Rev	iew:				
		III. <u>REV</u>	/IEW COMN	MENTS		
<b>A.</b>	OFMB Fiscal and/or Con	itract Devel $\frac{\sqrt{3/2}\sqrt{67}}{\sqrt{177}}\sqrt{67}$	In An	J. Ja	and Control	23/07
В.	Legal Sufficiency:  Assistant County Attorn	<u>3/27(</u> 0つ ey	il C	nis item complies ounty policies.	with current	
<b>C.</b>	Other Department Revie	w:				
	Department Director					

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



# ATTACHMENT #1

LOCATION MAP



PREPARED BY AND RETURN TO: David Kuzmenko, Real Estate Specialist Palm Beach County Property & Real Estate Management Division 3200 Belvedere Road, Building 1169 West Palm Beach, Florida 33406-1544

Property Control Number: 00-42-43-15-13-002-0000

#### UTILITY EASEMENT AGREEMENT

This EASEMENT is granted \_\_\_\_\_\_\_\_, between PALM BEACH COUNTY, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4791, ("Grantor"), and FLORIDA POWER & LIGHT COMPANY, whose legal mailing address is Post Office Box 14000, Juno Beach, Florida 33408-0420, ("Grantee").

#### WITNESSETH:

That said Grantor, in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations paid, the receipt and sufficiency of which are hereby acknowledged, hereby grants unto Grantee, its successors and assigns, a perpetual non-exclusive easement (the "Easement") for the construction, operation and maintenance of underground electric utility facilities, including transformers, wires, cables, conduits and appurtenant equipment (the "Facilities") to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as the size of and remove such Facilities or any of them within an easement upon, under and across the following described real property (the "Easement Premises") situate, lying and being in the County of Palm Beach, State of Florida to wit:

ATTACHMENT #2

# See Legal Description/Site Sketch Consisting of Four (4) Parcels Marked Exhibit "A" Attached Hereto and Made a Part Hereof

Together with the right to permit any other person, firm or corporation to lay cable and conduit within the Easement Premises and to operate the same for communications purposes. Together with the right of reasonable ingress and egress to said Easement Premises at all times, the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Premises; and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Premises which might interfere with or fall upon the Facilities installed within the Easement Premises.

#### THE CONDITION OF THIS RIGHT OF USAGE ARE SUCH THAT:

- 1. Grantee shall cause the Facilities and their appurtenances to be constructed within the confines of the Easement Premises.
- 2. Grantee hereby expressly agrees that in the event Grantee abandons use of the Easement Premises for the purpose herein expressed, the Easement granted hereby shall become null and void, and all the rights in and to the Easement Premises shall revert to Grantor.
- 3. Grantee further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its underground cables and equipment within the Easement Premises at all times during the term hereof.

4. The grant of this Easement shall in no way restrict the right and interest of Grantor in the use, maintenance and quiet enjoyment of the Easement Premises to the extent that such does not interfere with the rights granted herein.

IN WITNESS WHEREOF Grantor has caused these presents to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

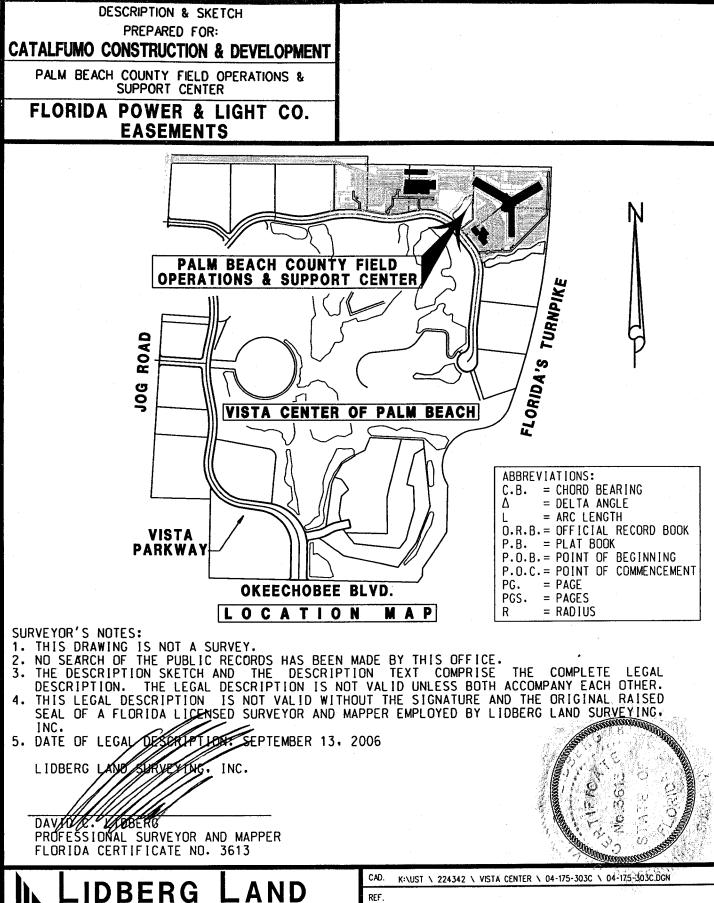
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS
By:	BY:
Deputy Clerk	Addie L. Greene, Chairperson
APPROVED AS TO FORM	APPROVED AS TO TERMS
AND LEGAL SUFFICIENCY	AND CONDITIONS
By:Assistant County Attorney	By: Ret Ammy Wolf Department Director

ATTEST:

GADAVE K\VISTA CENTER\OPERATIONS & SUPPORT CENTER\FPL EASEMENT\FPL\_UNDERGRND(5-2006).DOC 2/2/2007 11:57 AM

### Exhibit "A"

## Legal Description/Site Sketch





CAD.	K:\UST \ 224342 \	VISTA CENTER \ 04-175-303C	\ 04-175-303C.DGN
REF.	-		
FLD.	_	FB. PG.	JOB 04-175-303C
OFF.	CASASUS		DATE JULY 2006
CKD.	D.C.L.	SHEET 1 OF 11	DWG. A04-175C

#### **CATALFUMO CONSTRUCTION & DEVELOPMENT**

PALM BEACH COUNTY FIELD OPERATIONS & SUPPORT CENTER

**FPL EASEMENT #1** 

#### LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF TRACT "B", FIELD OPERATIONS AND SUPPORT CENTER, AS SHOWN ON PLAT BOOK 105, PAGES 105 THROUGH 110, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

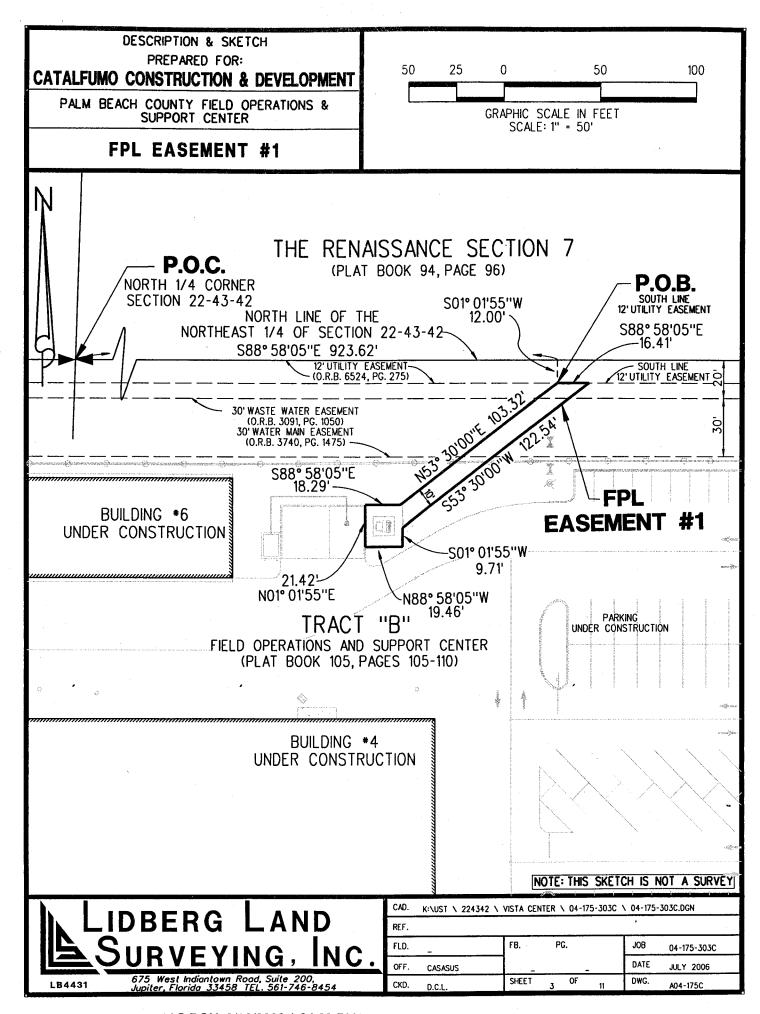
COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 22. TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE EASTERLY ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22. SOUTH 88°58'05" EAST. A DISTANCE OF 923.62 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 01°01'55" WEST. A DISTANCE OF 12.00 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH LINE OF A 12 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6524. PAGE 275. PUBLIC RECORDS OF PALM BEACH COUNTY. FLORIDA AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE EASTERLY ALONG SAID SOUTH LINE OF THE 12 FOOT UTILITY EASEMENT, SOUTH 88°58'05" EAST, A DISTANCE OF 16.41 FEET; THENCE DEPARTING SAID SOUTH LINE SOUTH 53°30'00" WEST, A DISTANCE OF 122.54 FEET; THENCE SOUTH 01°01'55" WEST, A DISTANCE OF 9.71 FEET; THENCE NORTH 88°58'05" WEST, A DISTANCE OF 19.46 FEET; THENCE NORTH 01°01'55" EAST, A DISTANCE OF 21.42 FEET; THENCE SOUTH 88°58'05" EAST, A DISTANCE OF 18.29 FEET; THENCE NORTH 53°30'00" EAST, A DISTANCE OF 103.32 FEET TO THE POINT OF BEGINNING.

· CONTAINING 1,539 SQUARE FEET MORE OR LESS.



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OFF. CASASUS		DATE JULY 2006		
CKD. D.C.L.	SHEET 2 OF 11	DWG. A04-175C		



#### CATALFUMO CONSTRUCTION & DEVELOPMENT

PALM BEACH COUNTY FIELD OPERATIONS & SUPPORT CENTER

**FPL EASEMENT #2** 

LEGAL DESCRIPTION:

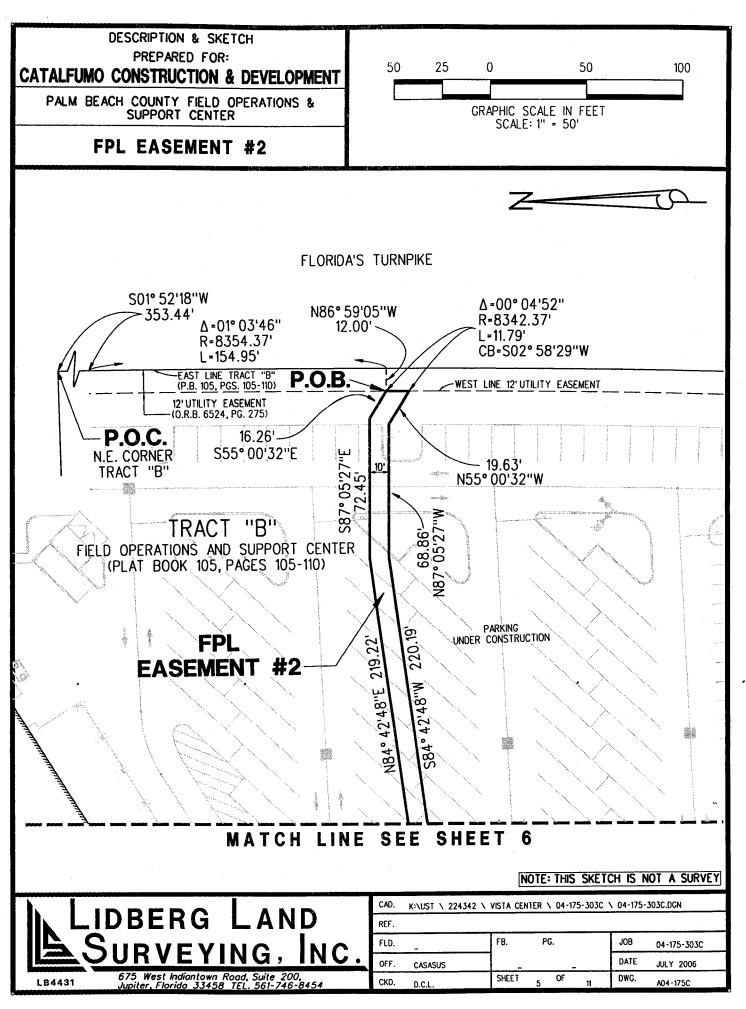
A PARCEL OF LAND BEING A PORTION OF TRACT "B", FIELD OPERATIONS AND SUPPORT CENTER, AS SHOWN ON PLAT BOOK 105, PAGES 105 THROUGH 110, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

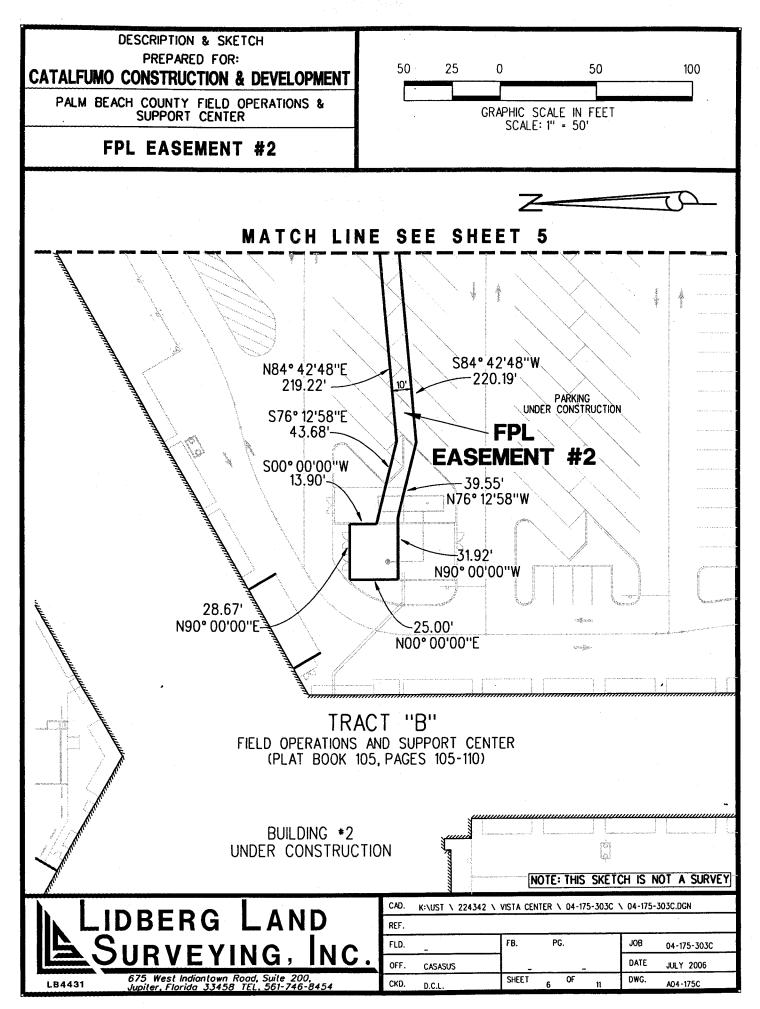
COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID TRACT "B", SOUTH 01°52′18" WEST, A DISTANCE OF 353.44 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 8354.37 FEET; THENCE CONTINUE SOUTHERLY ALONG SAID EAST LINE OF TRACT "B" AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°03′46", A DISTANCE OF 154.95 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 86°59′05" WEST, A DISTANCE OF 12.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST LINE OF A 12 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6524, PAGE 275, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

SAID POINT OF BEGINNING ALSO BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 8342.37 FEET AND A CHORD BEARING OF SOUTH 02°58′29″ WEST; THENCE SOUTHERLY ALONG SAID WEST LINE OF A 12 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6524. PAGE 275 AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°04′52″. A DISTANCE OF 11.79 FEET TO A POINT OF NON TANGENCY; THENCE NORTH 55°00′32″ WEST. A DISTANCE OF 19.63 FEET; THENCE NORTH 87°05′27″ WEST. A DISTANCE OF 68.86 FEET; THENCE SOUTH 84°42′48″ WEST. A DISTANCE OF 220.19 FEET; THENCE NORTH 76°12′58″ WEST. A DISTANCE OF 39.55 FEET; THENCE NORTH 90°00′00″ WEST. A DISTANCE OF 31.92 FEET; THENCE NORTH 00°00′00″ EAST. A DISTANCE OF 28.67 FEET; THENCE SOUTH 00°00′00″ WEST. A DISTANCE OF 13.90 FEET; THENCE SOUTH 76°12′58″ EAST. A DISTANCE OF 43.68 FEET; THENCE NORTH 84°42′48″ EAST. A DISTANCE OF 219.22 FEET; THENCE SOUTH 87°05′27″ EAST. A DISTANCE OF 72.45 FEET; THENCE SOUTH 55°00′32″ EAST. A DISTANCE OF 16.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.234 SQUARE FEET MORE OR LESS.

LIBBERG	CAD. K:\UST \ 224342 \	VISTA CENTER \ 04-175-303C	\ 04-175-303C.DGN
IIN⊾LIDBERG LAND	REF.		
Surveying Inc.	FLD.	FB. PG.	JOB 04-175-303C
OURVEYING, INC.	OFF. CASASUS		DATE JULY 2006
675 West Indiantown Road, Suite 200, LB4431 Jupiter, Florida 33458 TEL. 561-746-8454	CKD. D.C.L.	SHEET 4 OF 11	DWG. A04-175C





#### CATALFUMO CONSTRUCTION & DEVELOPMENT

PALM BEACH COUNTY FIELD OPERATIONS & SUPPORT CENTER

**FPL EASEMENT #3** 

**LEGAL DESCRIPTION:** 

A PARCEL OF LAND BEING A PORTION OF TRACT "B", FIELD OPERATIONS AND SUPPORT CENTER, AS SHOWN ON PLAT BOOK 105, PAGES 105 THROUGH 110, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT "B"; SAID CORNER ALSO BEING THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 8354.37 FEET AND A CHORD BEARING OF NORTH 06°00′31″ EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE EAST LINE OF SAID TRACT "B", THROUGH A CENTRAL ANGLE OF 00°37′25″, A DISTANCE OF 90.91 FEET; THENCE DEPARTING SAID EAST LINE, NORTH 84°18′11″ WEST, A DISTANCE OF 12.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST LINE OF A 12 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6524, PAGE 275, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE NORTH 35°55'02" WEST. A DISTANCE OF 39.29 FEET; THENCE NORTH 63°40'27" WEST. A DISTANCE OF 29.12 FEET; THENCE SOUTH 79°15'53" WEST. A DISTANCE OF 74.65 FEET; THENCE SOUTH 74°27'58" WEST. A DISTANCE OF 107.75 FEET; THENCE SOUTH 73°25'00" WEST. A DISTANCE OF 120.29 FEET; THENCE NORTH 89°34'03" WEST. A DISTANCE OF 121.71 FEET; THENCE SOUTH 82°29'52" WEST. A DISTANCE OF 56.05 FEET; THENCE SOUTH 70°14'16" WEST. A DISTANCE OF 57.61 FEET; THENCE SOUTH 61°27'59" WEST. A DISTANCE OF 59.91 FEET; THENCE NORTH 89°02'10" WEST. A DISTANCE OF 84.83 FEET; THENCE NORTH 90°00'00" WEST. A DISTANCE OF 35.79 FEET; THENCE NORTH 00°00'00" EAST. A DISTANCE OF 22.64 FEET; THENCE NORTH 14°38'25" EAST. A DISTANCE OF 43.09 FEET; THENCE NORTH 37°12'30" WEST. A DISTANCE OF 63.88 FEET; THENCE NORTH 52°47'30" EAST. A DISTANCE OF 10.00 FEET; THENCE SOUTH 37°12'30" EAST. A DISTANCE OF 68.74 FEET; THENCE SOUTH 14°38'25" WEST. A DISTANCE OF 59.35 FEET; THENCE SOUTH 89°02'10" EAST. A DISTANCE OF 88.72 FEET; THENCE NORTH 61°27'59" EAST. A DISTANCE OF 58.05 FEET; THENCE NORTH 70°14'16" EAST. A DISTANCE OF 59.45 FEET; THENCE NORTH 82°29'52" EAST. A DISTANCE OF 57.82 FEET; THENCE SOUTH 89°34'03" EAST. A

CONTINUED ON NEXT SHEET

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LIDBERG LAND	REF
SURVEYING. INC.	FLD FB. PG. JOB 04-175-303C
E OUR VETING, INC	OFF. CASASUS DATE JULY 2006
LB4431 675 West Indiantown Road, Suite 200, Jupiter, Florida 33458 TEL. 561-746-8454	CKD. D.C.L. SHEET 7 OF 11 DWG. A04-175C

#### CATALFUMO CONSTRUCTION & DEVELOPMENT

PALM BEACH COUNTY FIELD OPERATIONS & SUPPORT CENTER

FPL EASEMENT #3

CONTINUED FROM PREVIOUS SHEET

DISTANCE OF 120.91 FEET: THENCE NORTH 73°25'00" EAST. A DISTANCE OF 118.88 FEET: THENCE NORTH 74°27'58" EAST. A DISTANCE OF 108.26 FEET: THENCE NORTH 79°15'53" EAST. A DISTANCE OF 78.42 FEET: THENCE SOUTH 63°40'27" EAST. A DISTANCE OF 34.94 FEET: THENCE SOUTH 35°55'02" EAST. A DISTANCE OF 30.48 FEET TO A POINT ON SAID WEST LINE OF A 12 FOOT UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6524. PAGE 275. SAID POINT ALSO BEING A POINT ON A NON TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 8342.37 FEET AND A CHORD BEARING OF SOUTH 05°38'42" WEST: THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID WEST LINE THROUGH A CENTRAL ANGLE OF 00°06'13". A DISTANCE OF 15.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.394 SQUARE FEET OR 0.216 ACRES, MORE OR LESS.



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