3H-7

Agenda Item #:

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: Department:	June 5, 2007  Facilities Development &	[X] Consent [ ] Ordinance & Operations	[ ] Regular [ ] Public Hearing
Motion and Title		CUTIVE BRIEF	lity Easement Agreement in favor of
BellSouth Telecon		&T Florida (BellSou	nth) for underground communication
parcel in the Vista lines for this new to (0.26 acres). Three constructed Count relocation of an ex- recommends grant	Center. BellSouth requires facility. The easement affecte of the easement areas are try facilities and are required tristing platted easement to account t	easements for installats (4) separate areas of for communication s as a condition of secommodate construction to BellSouth with	enter on a 51.857 acre County-owned ation of underground communication covering a total of 11,534 square feet ervices that directly serve the newly rvice. The fourth easement area is a ction of the County's facilities. Staff nout charge as it is required to service EM) District 2 (JMB)
Background and to be completed by		ns & Support Center i	s under construction and is scheduled
	ntion Map ty Easement Agreement		

Recommended By: 24 Amy Wolf
Department Director

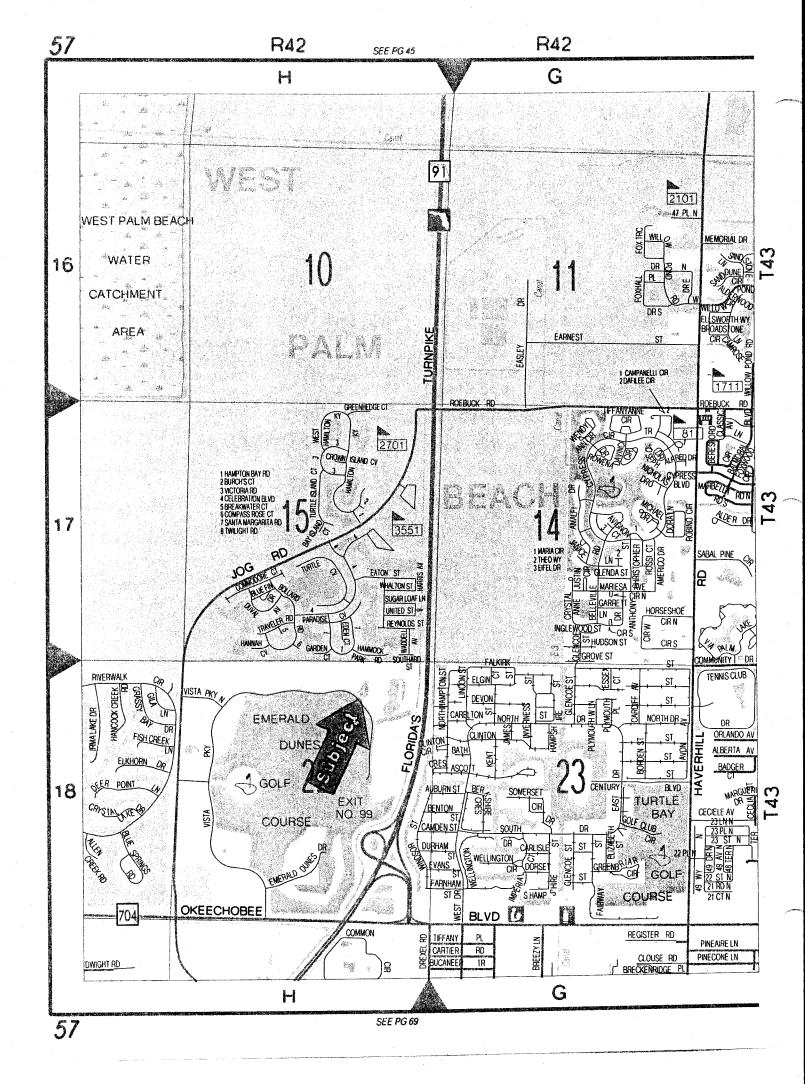
County Administrator

Approved By: \_

### II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of F	iscal Impact:				
Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)			-		
NET FISCAL IMPACT	0			-	
# ADDITIONAL FTE POSITIONS (Cumulative)			·		
Is Item Included in Current Bu Budget Account No: Fund Prog	idget: Yes l Dept ram	No t Ur	_ nit Ob	oject	
B. Recommended Sources	of Funds/Sum	mary of Fisc	al Impact:		
No fiscal impact.					
C. Departmental Fiscal Rev	/iew:				
	III. <u>REV</u>	EW COMM	<u>ENTS</u>		
A. OFMB Fiscal and/or Co	ntract Develo	- Aru	evelopment	eolo 5	03/0Y
B. Legal Sufficiency:    Same Bridge   Assistant County Attorn	<u> </u>				
C. Other Department Revie	ew:				
Department Director					

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



# ATTACHMENT #/

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, 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 BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T Florida, a Georgia corporation authorized to do business in Florida, whose legal mailing address is c/o Engineering, 2021 S. Military Trail, West Palm Beach, Florida 33415-6440 ("Grantee").

#### WITNESSETH:

That Grantor, in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, 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 communications facilities to be installed below ground as necessary from time to time with the right to reconstruct, improve, add to, enlarge, change the size of and remove such facilities or any of them within an easement upon, over 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:

Page 1 of 3

ATTACHMENT #2

## See Legal Description/Site Sketch marked <u>Exhibit "A"</u> Attached Hereto and Made a Part Hereof

Together with the right of reasonable ingress and egress to said Easement Premises at all times and the right but not the obligation to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Premises.

#### THE CONDITIONS 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 that Grantee permanently ceases to use the Easement Premises for the purpose herein expressed, at the written request of the Grantor, Grantee shall execute and deliver to the Grantor a release of this Easement within 30 calendar days of receipt of Grantor's written request, which Grantor shall forward to Grantee at the above address with a copy to AT&T Florida Legal Department, Attention: Network Attorney, 150 W. Flagler Street, Suite 1910, Miami, Florida 33130-1534.
- 3. Grantee further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its facilities 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.
- 5. By exercise of the rights granted to Grantee by this instrument, Grantee acknowledges and agrees that the conditions and restrictions imposed herein shall bind and

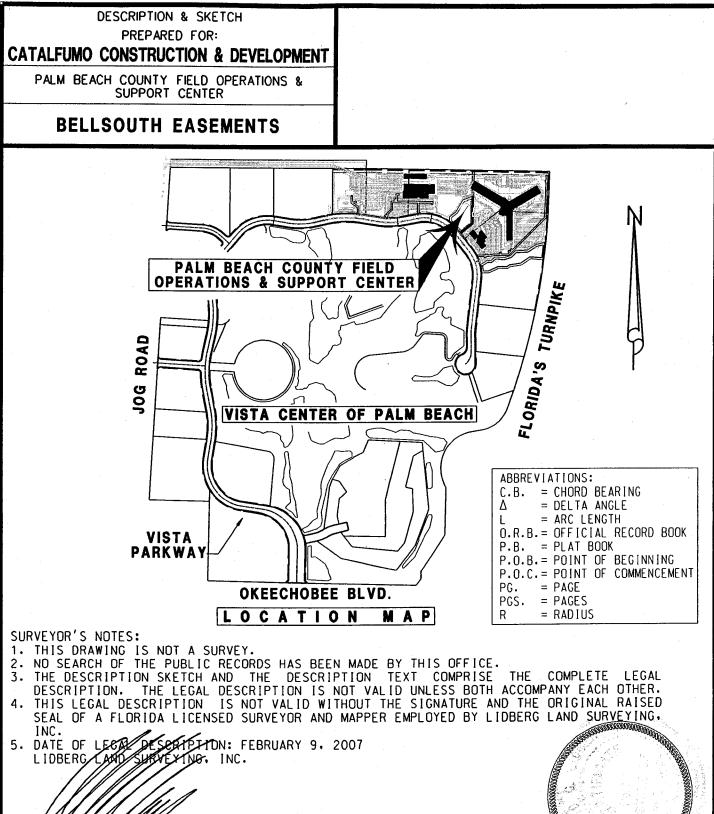
be enforceable against Grantee, its successors and assigns to the same extent as if such party had physically executed this instrument.

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.

ATTEST:					
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida				
By: Deputy Clerk	By:Addie L. Greene, Chairperson				
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS				
By: Assistant County Attorney	By: 4 H M MM WINT Department Director				

### EXHIBIT "A"

#### LEGAL DESCRIPTION/SITE SKETCH



DAVIDOR LADBERS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3613



CAD.	AD. K:\UST \ 224342 \ VISTA CENTER \ 04-175-303 \ 04-175-303.DGN							
REF.								
FLD.	· -	FB.	PG.	JOB	04-175-303			
OFF.	CASASUS			DATE	JAN. 2007			
CKD.	D.C.L.	SHEET	1 OF 8	DWG.	A04-175A			

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DESCRIPTION & SKETCH

PREPARED FOR:

#### CATALFUMO CONSTRUCTION & DEVELOPMENT

PALM BEACH COUNTY FIELD OPERATIONS & SUPPORT CENTER

#### **BELLSOUTH EASEMENT #1**

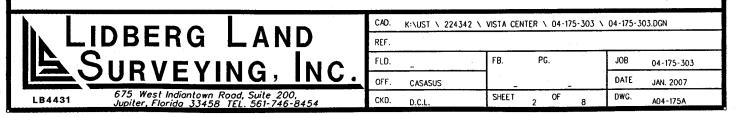
LEGAL DESCRIPTION:

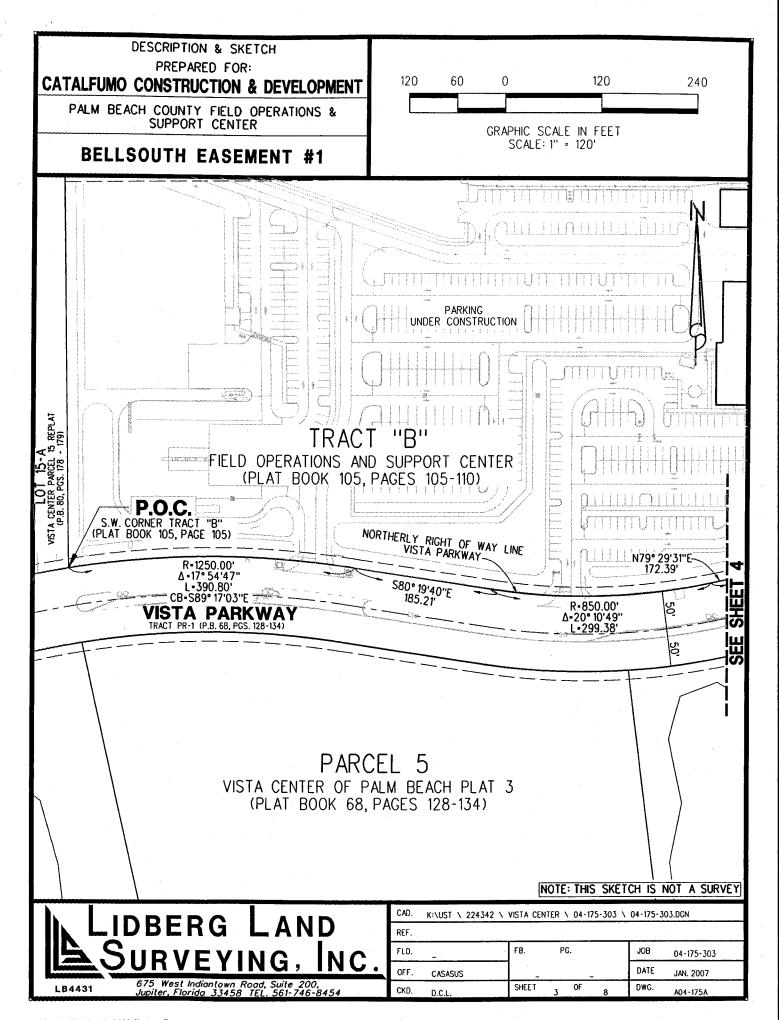
A PARCEL OF LAND BEING A PORTION OF TRACT "B", FIELD OPERATIONS AND SUPPORT CENTER, AS SHOWN ON PLAT BOOK 105, PAGES 105 THROUGH 110, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

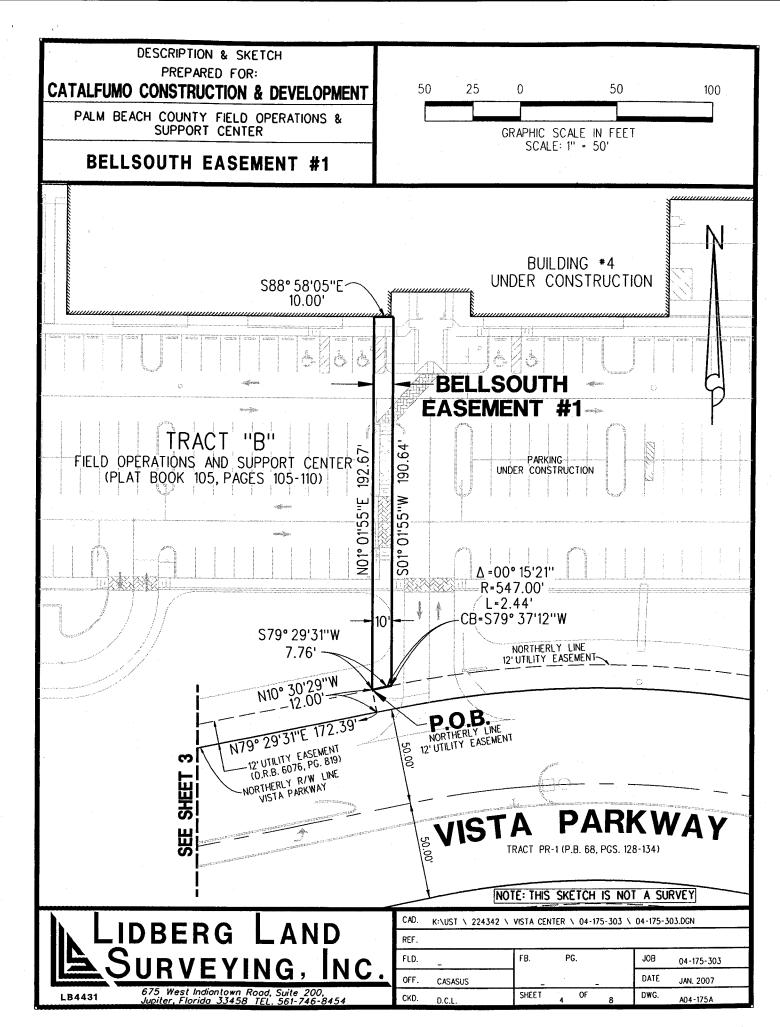
COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "B"; SAID CORNER ALSO BEING THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 1250.00 FEET AND A CHORD BEARING OF SOUTH 89°17'03" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHERLY RIGHT OF WAY LINE OF VISTA PARKWAY, AS SHOWN ON VISTA CENTER OF PALM BEACH PLAT 3, RECORDED IN PLAT BOOK 68, PAGES 128 THROUGH 134, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THROUGH A CENTRAL ANGLE OF 17°54'47", A DISTANCE OF 390.80 FEET TO A POINT OF TANGENCY; THENCE CONTINUE EASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 80°19'40" EAST, A DISTANCE OF 185.21 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 850.00 FEET; THENCE CONTINUE EASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 20°10'49", A DISTANCE OF 299.38 FEET TO A POINT THENCE CONTINUE NORTH 79°29'31" EAST, A DISTANCE OF 172.39 FEET; THENCE TANGENCY: DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 10°30'29" WEST, A DISTANCE OF 12.00 FEET TO THE INTERSECTION THEREOF WITH THE NORTHERLY LINE OF A 12 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6076, PAGE 819, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE NORTH 01°01'55" EAST, A DISTANCE OF 192.67 FEET; THENCE SOUTH 88°58'05" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 01°01'55" WEST, A DISTANCE OF 190.64 FEET TO A POINT ON SAID NORTHERLY LINE OF A 12 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6076, PAGE 819. SAID POINT ALSO BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 547.00 FEET AND A CHORD BEARING OF SOUTH 79°37'12" WEST; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE OF A 12 FOOT UTILITY EASEMENT AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°15'21", A DISTANCE OF 2.44 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID NORTHERLY LINE, SOUTH 79°29'31" WEST, A DISTANCE OF 7.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.917 SQUARE FEET, MORE OR LESS.







DESCRIPTION & SKETCH

PREPARED FOR:

#### CATALFUMO CONSTRUCTION & DEVELOPMENT

PALM BEACH COUNTY FIELD OPERATIONS & SUPPORT CENTER

#### **BELLSOUTH 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:

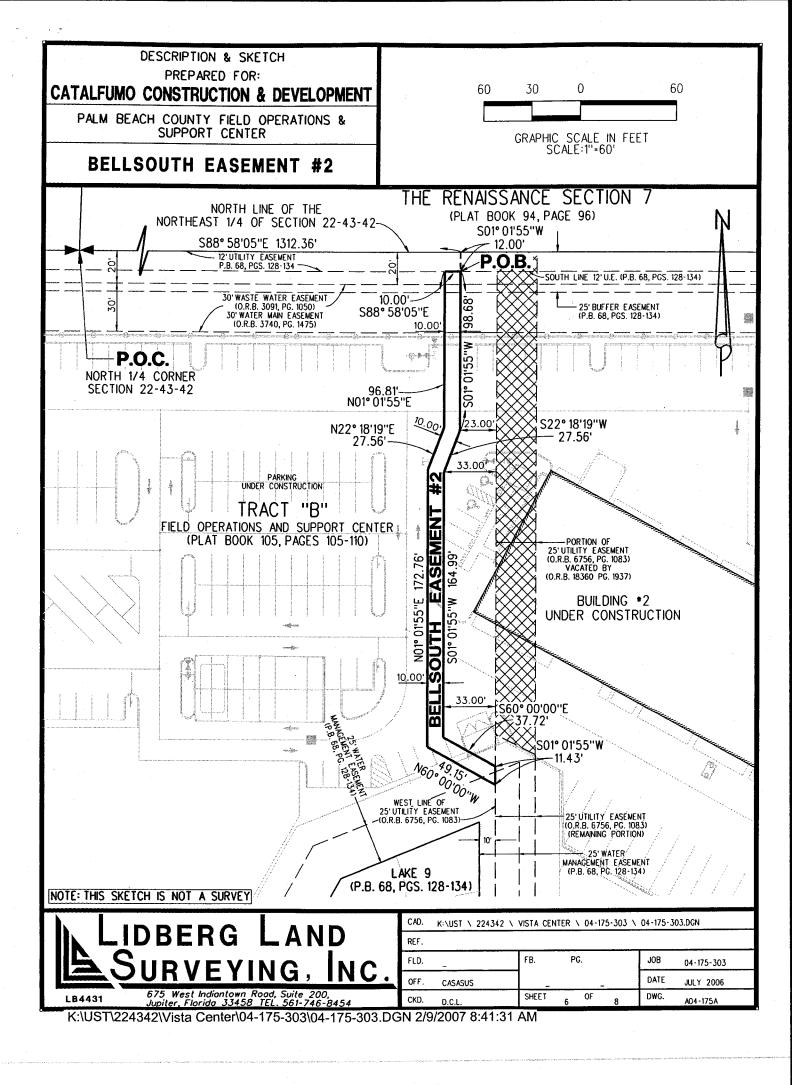
COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE EASTERLY ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, SOUTH 88°58'05" EAST, A DISTANCE OF 1312.36 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 01°01'55" WEST, A DISTANCE OF 12.00 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH LINE OF A 12 FOOT WIDE UTILITY EASEMENT, AS SHOWN ON VISTA CENTER OF PALM BEACH PLAT 3, RECORDED IN PLAT BOOK 68, PAGES 128 THROUGH 134, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE CONTINUE SOUTH 01°01'55" WEST, A DISTANCE OF 98.68 FEET; THENCE SOUTH 22°18'19" WEST, A DISTANCE OF 27.56 FEET; THENCE SOUTH 01°01'55" WEST, A DISTANCE OF 164.99 FEET; THENCE SOUTH 60°00'00" EAST, A DISTANCE OF 37.72 FEET TO THE INTERSECTION THEREOF WITH THE WEST LINE OF A 25 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6756, PAGE 1083, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST LINE, SOUTH 01°01'55" WEST, A DISTANCE OF 11.43 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 60°00'00" WEST, A DISTANCE OF 49.15 FEET; THENCE NORTH 01°01'55" EAST, A DISTANCE OF 172.76 FEET; THENCE NORTH 22°18'19" EAST, A DISTANCE OF 27.56 FEET; THENCE NORTH 01°01'55" EAST, A DISTANCE OF 96.81 FEET TO A POINT ON SAID SOUTH LINE OF A 12 FOOT WIDE UTILITY EASEMENT, AS SHOWN ON VISTA CENTER OF PALM BEACH PLAT 3; THENCE ALONG SAID SOUTH LINE, SOUTH 88°58'05" EAST, A DISTANCE OF 10.00 FEET; TO THE POINT OF BEGINNING.

CONTAINING 3.376 SQUARE FEET OR 0.078 ACRES MORE OR LESS.

), I	IDDEDO LAND	CAD.	K:\UST \ 224342 \	VISTA CEN	ITER \ 04-	175-303 \	04-175-3	03.DGN
LIDBERG LAND		REF.						
	SURVEYING INC	FLD.	_	FB.	PG.		JOB	04-175-303
	JURVETING, 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	5 OF	8	DWG.	A04-175A

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DESCRIPTION & SKETCH PREPARED FOR:

#### CATALFUMO CONSTRUCTION & DEVELOPMENT

PALM BEACH COUNTY FIELD OPERATIONS & SUPPORT CENTER

**BELLSOUTH 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:

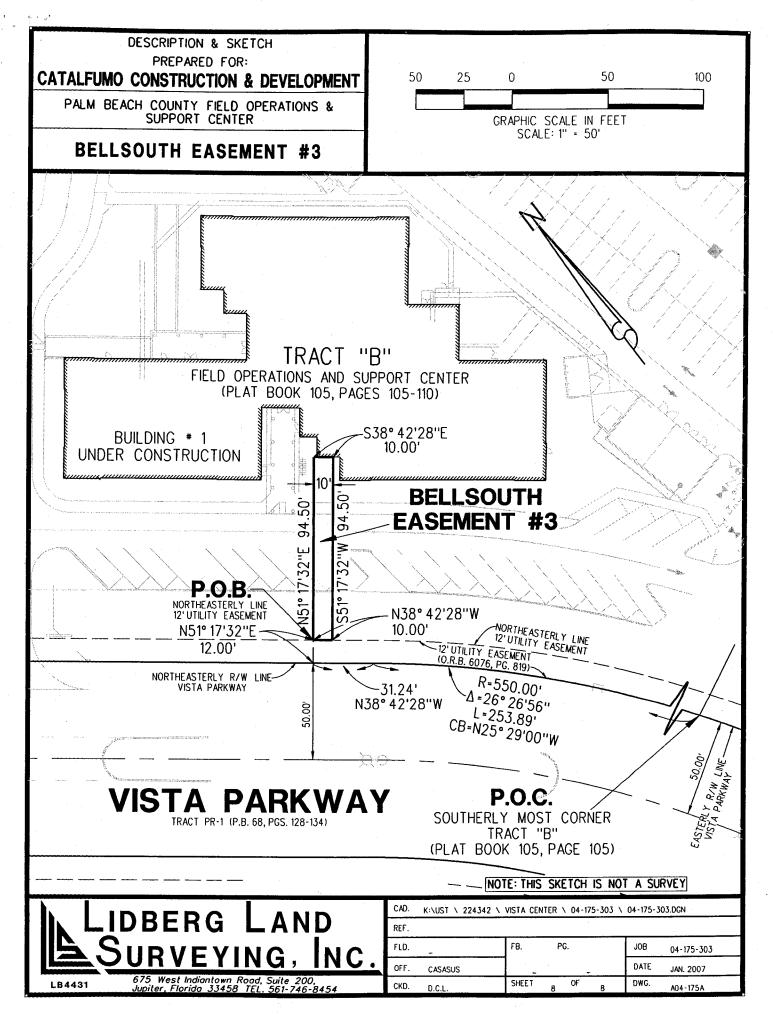
COMMENCING AT THE SOUTHERLY MOST CORNER OF SAID TRACT "B", SAID CORNER BEING THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 550.00 FEET AND A CHORD BEARING OF NORTH 25°29'00" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE EASTERLY RIGHT OF WAY LINE OF VISTA PARKWAY, AS SHOWN ON VISTA CENTER OF PALM BEACH PLAT 3, RECORDED IN PLAT BOOK 68, PAGES 128 THROUGH 134, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THROUGH A CENTRAL ANGLE OF 26°26'56", A DISTANCE OF 253.89 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID VISTA PARKWAY, NORTH 38°42'28" WEST, A DISTANCE OF 31.24 FEET; THENCE DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE, NORTH 51°17'32" EAST, A DISTANCE OF 12.00 FEET TO THE INTERSECTION THEREOF WITH THE NORTHEASTERLY LINE OF A 12 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6076, PAGE 819. SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

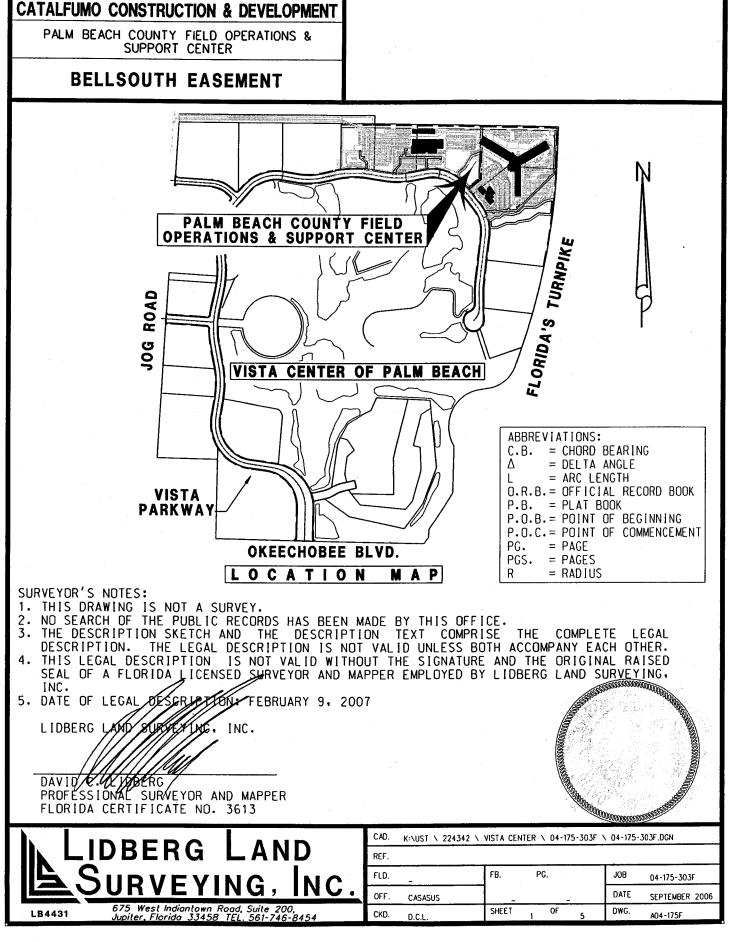
THENCE CONTINUE NORTH 51°17'32" EAST, A DISTANCE OF 94.50 FEET; THENCE SOUTH 38°42'28" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 51°17'32" WEST, A DISTANCE OF 94.50 FEET TO A POINT ON SAID NORTHEASTERLY LINE OF A 12 FOOT UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6076, PAGE 819; THENCE ALONG SAID NORTHEASTERLY LINE, NORTH 38°42'28" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 945 SQUARE FEET, MORE OR LESS.

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LIDBERG LAND	REF.						
SURVEYING. INC.	FLD.	FB. PG.	JOB 04-175-303				
Manager Control	OFF. CASASUS		DATE JAN. 2007				
LB4431 675 West Indiantown Road, Suite 200, Jupiter, Florida 33458 TEL. 561-746-8454	CKD. D.C.L.	SHEET 7 OF 8	DWG. A04-175A				

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DESCRIPTION & SKETCH PREPARED FOR:

DESCRIPTION & SKETCH PREPARED FOR:

#### CATALFUMO CONSTRUCTION & DEVELOPMENT

PALM BEACH COUNTY FIELD OPERATIONS & SUPPORT CENTER

#### **BELLSOUTH EASEMENT**

LEGAL DESCRIPTION:

A STRIP OF LAND, 10.00 FEET WIDE, 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 SOUTHERLY MOST CORNER OF SAID TRACT "B", SAID CORNER BEING THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 550.00 FEET AND A CHORD BEARING OF NORTH 25°29'00" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE EASTERLY RIGHT OF WAY LINE OF VISTA PARKWAY, AS SHOWN ON VISTA CENTER OF PALM BEACH PLAT 3, RECORDED IN PLAT BOOK 68, PAGES 128 THROUGH 134, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THROUGH A CENTRAL ANGLE OF 26°26′56", A DISTANCE OF 253.89 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID VISTA PARKWAY, NORTH 38°42′28" WEST, A DISTANCE OF 220.48 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHEASTERLY LINE OF A 25 FOOT WIDE UTILITY EASEMENT, RECORDED IN OFFICIAL RECORD BOOK 6756, PAGE 1083, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID SOUTHEASTERLY LINE, NORTH 51°17′32" EAST, A DISTANCE OF 12.00 FEET TO A POINT ON THE NORTHEASTERLY LINE, NORTH 51°17′32" EAST, A DISTANCE OF 12.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF A 12 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6076, PAGE 819, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE CONTINUE NORTH 51°17′32″ EAST, A DISTANCE OF 178.25 FEET; THENCE DEPARTING SAID SOUTHEASTERLY LINE, NORTH 75°18′52″ EAST, A DISTANCE OF 130.97 FEET; THENCE NORTH 63°10′09″ EAST, A DISTANCE OF 146.04 FEET; THENCE NORTH 73°41′32″ EAST, A DISTANCE OF 42.04 FEET; THENCE NORTH 61°14′48″ EAST, A DISTANCE OF 33.19 FEET; THENCE SOUTH 28°45′12″ EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 61°14′48″ WEST, A DISTANCE OF 34.28 FEET; THENCE SOUTH 73°41′32″ WEST, A DISTANCE OF 42.21 FEET; THENCE SOUTH 63°10′09″ WEST, A DISTANCE OF 146.19 FEET; THENCE SOUTH 75°18′52″ WEST, A DISTANCE OF 129.91 FEET; THENCE SOUTH 51°17′32″ WEST, A DISTANCE OF 176.12 FEET TO A POINT ON SAID NORTHEASTERLY LINE OF A 12 FOOT WIDE UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6076, PAGE 819; THENCE ALONG SAID NORTHEASTERLY LINE, NORTH 38°42′28″ WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,296 SQUARE FEET OR 0.12 ACRES MORE OR LESS.

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LIDBERG LAND		REF.					
	Surveying Inc	FLD.	-	FB.	PG.	JOB	04-175-303F
	JURVETING, INC.	OFF.	CASASUS	1 .		DATE	SEPTEMBER 2006
LB4431	675 West Indiantown Road, Suite 200, Jupiter, Florida 33458 TEL. 561-746-8454	CKD.	D.C.L.	SHEET	2 OF 5	DWG.	A04-175F

