3412

Agenda Item #:

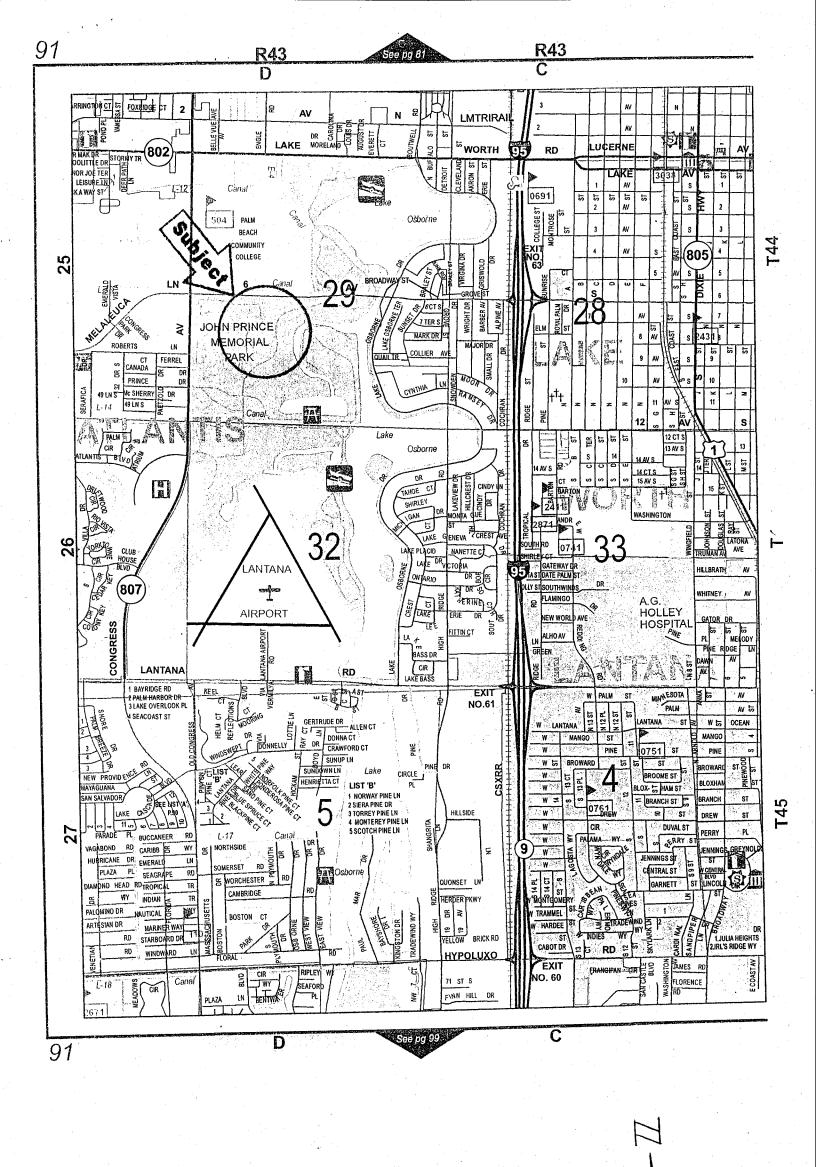
PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	September 11, 2007	[X] Consent [] Ordinance	[] Regular [] Public Hearing			
Department:	Facilities Development & Operations					
	I. <u>E</u> X	KECUTIVE BRIEF				
BellSouth Telecon	mmunications, Inc. d/b/a ication service for the Parks	AT&T Florida (Bell	ility Easement Agreement in favor of South) for telephone and data lines nent's Administration Building at John			
Department in 200 requires a perpetu Congress Avenue near the northwest and contains a tota	5. The construction requiral non-exclusive easemer entrance to Park, continued corner of the Building. The	ired installation of new nt for the lines. The s through the Park alor e easement area is appr 7 acres). This easemen	ve offices for the Parks and Recreation telephone and data lines. BellSouth easement area commences near the ng the main driveway, and culminates oximately 3,300' in length by 10' wide, at is being granted at no charge, as it is PREM) District 3 (JMB)			
lines. Although co the correct as-built within the City of I	onstruction was completed drawings identifying the l	in 2005, BellSouth or location of its equipment area co	o the Building contain numerous utility aly recently provided the County with ent. BellSouth has co-located its lines mmencing near 6 th Avenue South, and			
	ition Map ty Easement Agreement					
Recommended By	y: Let Ahm Department Dir	m WILF	8/24/07 Date			
Approved By:	County Adminis	Je name	Date			

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:						
Fiscal Years	2007	2008	2009	2010	2011	
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County) NET FISCAL IMPACT						
# ADDITIONAL FTE POSITIONS (Cumulative)						
	dget: Yes Dep ram	t Un	it Ol	oject		
B. Recommended Sources o	f Funds/Sum	mary of Fisca	al Impact:			
No Fiscal impact.		. .	-			
C. Departmental Fiscal Review:						
	III. <u>REV</u>	IEW COMMI	<u>ENTS</u>			
A. OFMB Fiscal and/or Con	itract Develo	pment Comm	nents:			
B. Legal Sufficiency: Assistant County Attorn	9/3/1 - 9/6/07	Contract De	This item con County polici	nplies with current	31107	
C. Other Department Revie	w:					
Department Director						

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



LOCATION

MAP ATTACHMENT #1 Prepared by and Return To: Tripp D. Cioci, Real Estate Specialist Palm Beach County Property & Real Estate Management Division 2633 Vista Parkway West Palm Beach, Florida 33411-5605

A Portion of Property Control Number: 00-43-44-29-00-002-0010

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 is 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 Exhibit "A" 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:	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: A M My WIHE Department Director			

Exhibit "A"

A PARCEL OF LAND SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29, THENCE NORTH 01°24'21" EAST ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 761.94 FEET; THENCE SOUTH 88°35'39" EAST, AT RIGHT ANGLES TO THE PREVIOUS COURSE, A DISTANCE OF 95.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, ACCORDING TO THAT CERTAIN COUNTY DEED TO THE DEPARTMENT OF TRANSPORTATION OF FLORIDA, AS RECORDED IN OFFICIAL RECORD BOOK 1978, PAGE 1610 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, AND THE **POINT OF BEGINNING**; THENCE SOUTH 01°24'21" WEST A DISTANCE OF 41.43 FEET; THENCE SOUTH 87°13'40" EAST A DISTANCE OF 159.96 FEET; THENCE SOUTH 83°33'19" EAST A DISTANCE OF 39.68 FEET; THENCE SOUTH 83°26'17" EAST A DISTANCE OF 25.18 FEET; THENCE SOUTH 83°03'14" EAST A DISTANCE OF 80.75 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 659.85 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 04°13'39" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE SUBTENDING A CENTRAL ANGLE OF 19°08'18", AN ARC DISTANCE OF 220.41 FEET; THENCE SOUTH 65°02'38" EAST A DISTANCE OF 182.30 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 593.56 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 24°01'12" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 10°45'50", AN ARC DISTANCE OF 111.51 FEET; THENCE SOUTH 84°30'33" EAST A DISTANCE OF 151.92 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 73.79 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 06°49'11" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 88°34'43", AN ARC DISTANCE OF 114.08 FEET; THENCE NORTH 04°47'20" EAST A DISTANCE OF 20.20 FEET; THENCE NORTH 04°32'07" EAST A DISTANCE OF 93.34 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 683.83 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 79°41'59" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 26°00'53", AN ARC DISTANCE OF 310.49 TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 649.29 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 50°35'53" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE SUBTENDING A CENTRAL ANGLE OF 27°46'28", AN ARC DISTANCE OF 314.75 FEET; THENCE NORTH 64°15'04" EAST A DISTANCE OF 129.10 FEET; THENCE NORTH 48°52'07" EAST A DISTANCE OF 19.66 FEET; THENCE NORTH 64°32'03" EAST A DISTANCE OF 75.14 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 273.16 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 28°30'02" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 18°51'20", AN ARC DISTANCE OF 89.89 FEET; THENCE NORTH 36°18'22" EAST A DISTANCE OF 3.70 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 249.91 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 48°54'05" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 57°24'27", AN ARC DISTANCE OF 250.40 FEET; THENCE NORTH 18°42'58" WEST A DISTANCE OF 84.35 FEET; THENCE NORTH 16°04'23" WEST A DISTANCE OF 50.15 FEET; THENCE NORTH 05°26'31" EAST A DISTANCE OF 20.30 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 258.88 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 79°03'30" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 15°27'31", AN ARC DISTANCE OF 69.85 FEET; THENCE NORTH 04°59'36" EAST A DISTANCE OF 53.70 FEET; THENCE NORTH 29°46'51" WEST A DISTANCE OF 19.90 FEET; THENCE NORTH 61°38'33" WEST A DISTANCE OF 4.85 FEET; THENCE NORTH 72°03'31" WEST A DISTANCE OF 15.32 FEET; THENCE SOUTH 76°14'41" WEST A DISTANCE OF 55.87 FEET; THENCE SOUTH 68°29'32" WEST A DISTANCE OF 60.61 FEET; THENCE SOUTH 40°57'56" WEST A DISTANCE OF 40.79 FEET; THENCE SOUTH 51°33'48" WEST A DISTANCE OF 29.58 FEET; THENCE SOUTH 76°34'34" WEST A DISTANCE OF 30.14 FEET; THENCE NORTH 87°36'23" WEST A DISTANCE OF 81.70 FEET; THENCE NORTH 68°43'02" WEST A DISTANCE OF 33.53 FEET; THENCE NORTH 50°10'40" WEST A DISTANCE OF 44.05 FEET; THENCE NORTH 47°45'55" WEST A DISTANCE OF 6.86 FEET; THENCE NORTH 54°57'17" WEST A DISTANCE OF 23.41 FEET; THENCE NORTH 46°58'33" WEST A DISTANCE OF 17.86 FEET; THENCE NORTH 50°40'23" WEST A DISTANCE OF 44.94 FEET; THENCE NORTH 45°41'30" WEST A DISTANCE OF 66.74 FEET; THENCE NORTH 38°31'56" WEST A DISTANCE OF 46.90 FEET; THENCE NORTH 01°04'44" WEST A DISTANCE OF 8.85 FEET; THENCE SOUTH 88°55'16" WEST A DISTANCE OF 20.00 FEET; THENCE SOUTH 01°04'44" EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 88°55'16" EAST A DISTANCE OF 8.28 FEET; THENCE SOUTH 38°31'56" EAST A DISTANCE OF 53.74 FEET; THENCE SOUTH 45°41'30" EAST A DISTANCE OF 67.80 FEET; THENCE SOUTH 50°40'23" EAST A DISTANCE OF 45.06 FEET; THENCE SOUTH 46°58'33" EAST A DISTANCE OF 18.24 FEET; THENCE SOUTH 54°57'17" EAST A DISTANCE OF 23.48 FEET; THENCE SOUTH 47°45'55" EAST A DISTANCE OF 6.45 FEET; THENCE SOUTH 50°10'40" EAST A DISTANCE OF 45.89 FEET THENCE SOUTH 68°43'02" EAST A DISTANCE OF 36.83 FEET; THENCE SOUTH 87°36'23" EAST A DISTANCE OF 84.76 FEET; THENCE NORTH 76°34'34" EAST A DISTANCE OF 33.74 FEET; THENCE NORTH 51°33'48" EAST A DISTANCE OF 32.73 FEET; THENCE NORTH 40°57'56" EAST A DISTANCE OF 39.27 FEET; THENCE NORTH 68°29'32" EAST A DISTANCE OF 57.48 FEET; THENCE NORTH 76°14'41" EAST A DISTANCE OF 52.36 FEET; THENCE SOUTH 72°03'31" EAST A

REVISED 03/09/2007 TO ENCOMPASS BELLSOUTH VAULTS



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BELLSOUTH EASEMENT JOHN PRINCE PARK FIBER OPTIC CABLE ROUTE

DWG: M. LA TOUR DATE: 10/09/2006 SHEET CKD: W. B. HAAS JOB# 2006-127 NO. 1 OF 16

DISTANCE OF 11.57 FEET; THENCE SOUTH 61°38'33" EAST A DISTANCE OF 1.08 FEET; THENCE SOUTH 29°46'51" EAST A DISTANCE OF 13.91 FEET; THENCE SOUTH 04°59'36" WEST A DISTANCE OF 50.61 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 268.88 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 85°28'26" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 15°09'29", AN ARC DISTANCE OF 71.14 FEET; THENCE SOUTH 05°26'31" WEST A DISTANCE OF 20.78 FEET; THENCE SOUTH 16°04'23" EAST A DISTANCE OF 52.28 FEET; THENCE SOUTH 18°42'58" EAST A DISTANCE OF 84.37 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 239.91 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 73°44'27" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 57°27'25", AN ARC DISTANCE OF 240.58 FEET; THENCE SOUTH 36°18'22" WEST A DISTANCE OF 3.56 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 263.16 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 47°14'12" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 18°40'44", AN ARC DISTANCE OF 85.79 FEET; THENCE SOUTH 64°32'03" WEST A DISTANCE OF 76.25 FEET; THENCE SOUTH 48°52'07" WEST A DISTANCE OF 19.68 FEET; THENCE SOUTH 64°15'04" WEST A DISTANCE OF 127.50 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 659.29 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 22°50'46" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 27°46'32", AN ARC DISTANCE OF 319.61 TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 693.83 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 53°39'46" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 26°04'43", AN ARC DISTANCE OF 315.80 FEET; THENCE SOUTH 04°32'07" WEST A DISTANCE OF 93.82 FEET; THENCE SOUTH 04°47'20" WEST A DISTANCE OF 19.87 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 63.79 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 81°29'53" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 88°25'05", AN ARC DISTANCE OF 98.44 FEET; THENCE NORTH 84°30'33" WEST A DISTANCE OF 151.36 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 583.56 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 13°19'21" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 10°41'22", AN ARC DISTANCE OF 108.87 FEET; THENCE NORTH 65°02'38" WEST A DISTANCE OF 182.36 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 669.85 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 23°22'40" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 19°07'48", AN ARC DISTANCE OF 223.65 FEET; THENCE NORTH 83°03'14" WEST A DISTANCE OF 80.54 FEET; THENCE NORTH 83°26'17" WEST A DISTANCE OF 25.23 FEET; THENCE NORTH 83°33'19" WEST A DISTANCE OF 40.01 FEET; THENCE NORTH 87°13'40" WEST A DISTANCE OF 150.51 FEET; THENCE NORTH 01°24'21" EAST A DISTANCE OF 31.67 FEET; THENCE NORTH 88°35'39" WEST A DISTANCE OF 10.00 FEET BACK TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 33336 SQUARE FEET OR 0.76530 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

- 1. THIS DESCRIPTION AND SKETCH IS NOT VALID UNLESS IT CONTAINS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.
- 2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 44 SOUTH, RANGE 43 EAST, HAVING A BEARING OF NORTH 01°24'21" EAST, AS PUBLISHED BY THE PALM BEACH COUNTY SURVEY SECTION.
- 3. THE FIBER OPTIC CABLE SHOWN HEREON WAS FIELD-LOCATED IN JULY, 2006.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472,027 FLORIDA STATUTES.

W. L. FISH & COMPANY, INC.

BY: WESLEY B. HAAS

PROFESSIONAL SURVEYOR AND MAPPER

FLORIDA CERTIFICATE NO. 3708

DATE OF LAST FIELD WORK: JULY 17, 2006

MO. STIE

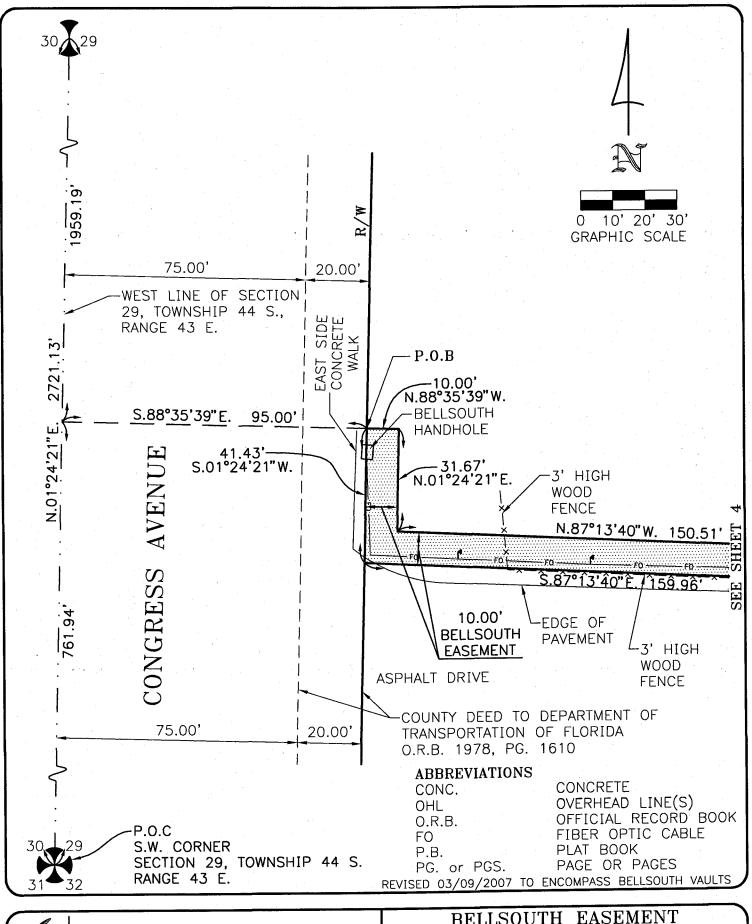
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DWG: M. LA TOUR DATE: 10/09/2006 SHEET CKD: W. B. HAAS JOB# 2006-127 NO. 2 OF 16



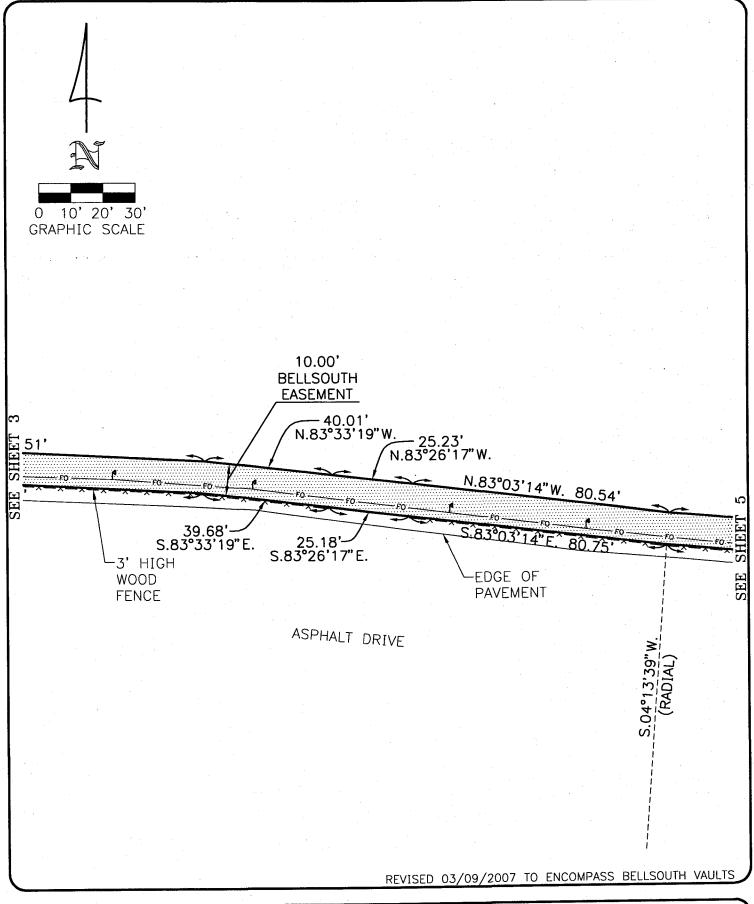


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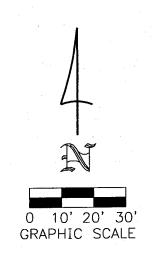


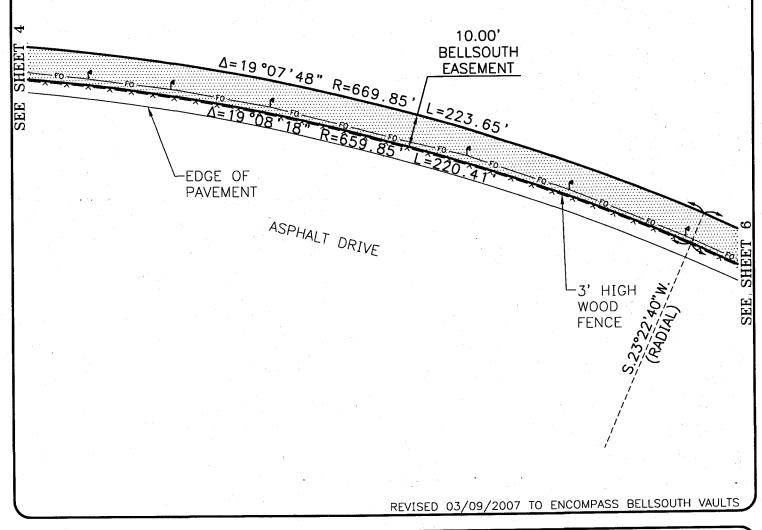
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PROFESSIONAL SURVEYORS & MAPPERS

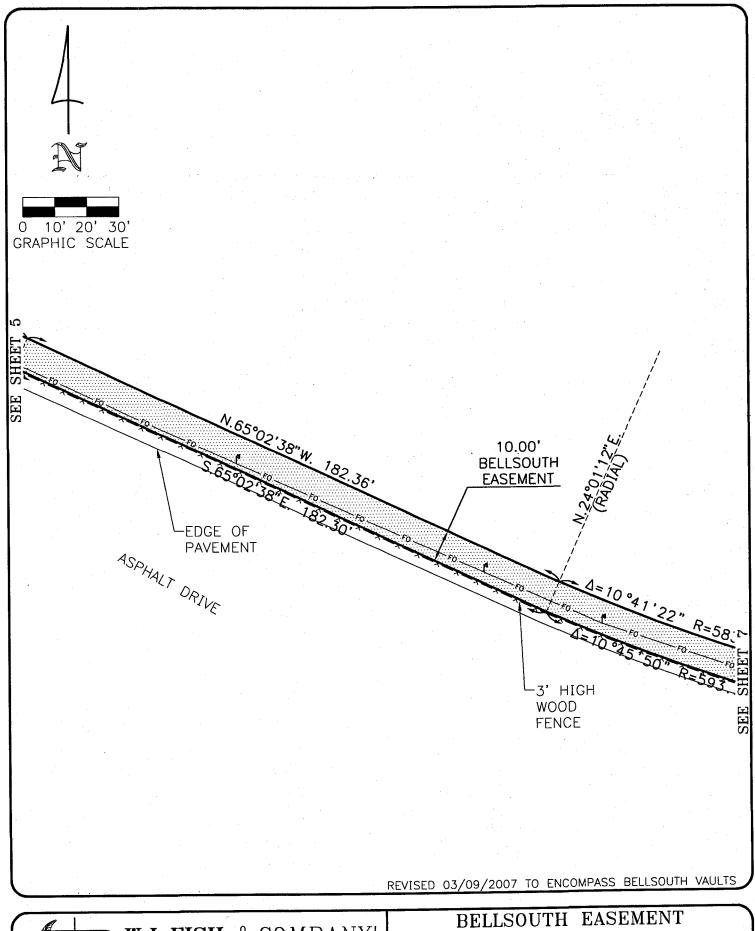
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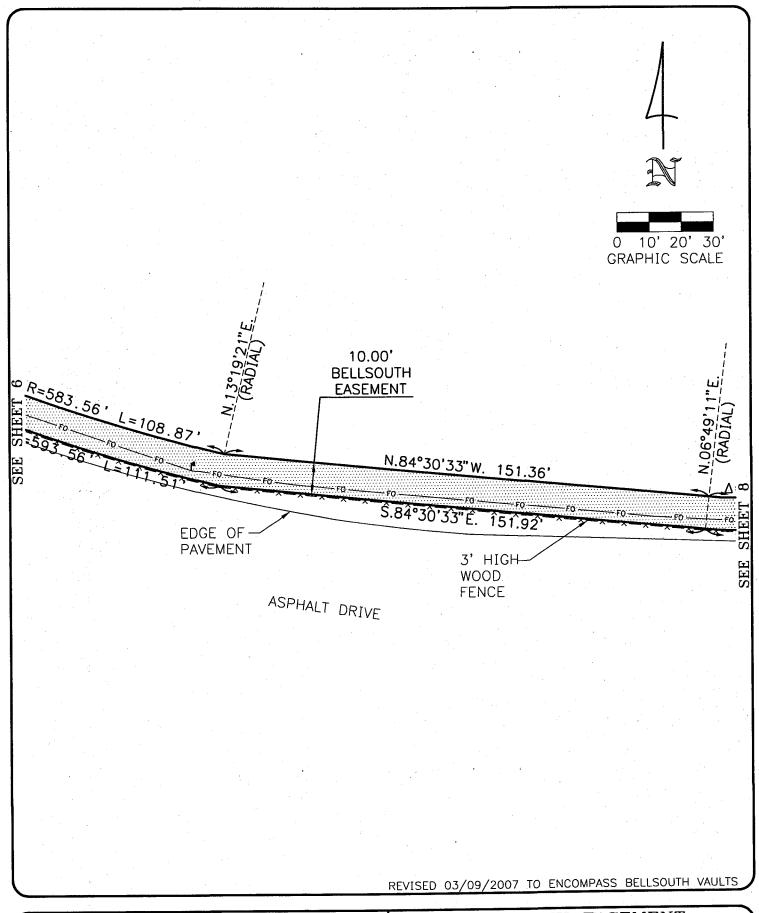




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JOHN PRINCE PARK FIBER OPTIC CABLE ROUTE

M. LA TOUR DATE: 10/09/2006 SHEET
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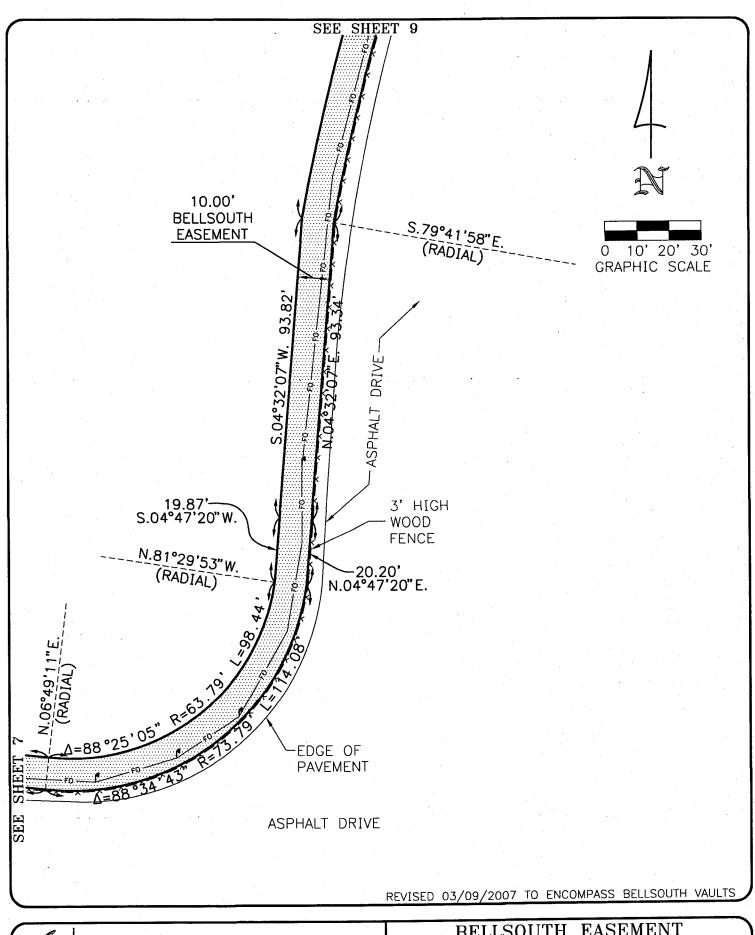


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PROFESSIONAL SURVEYORS & MAPPERS

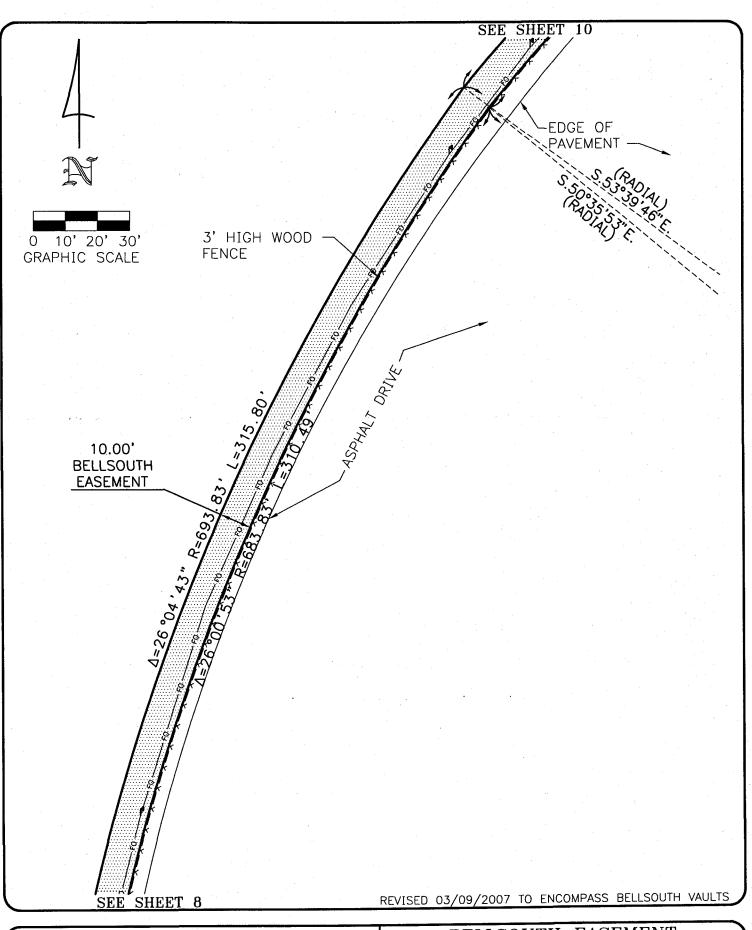
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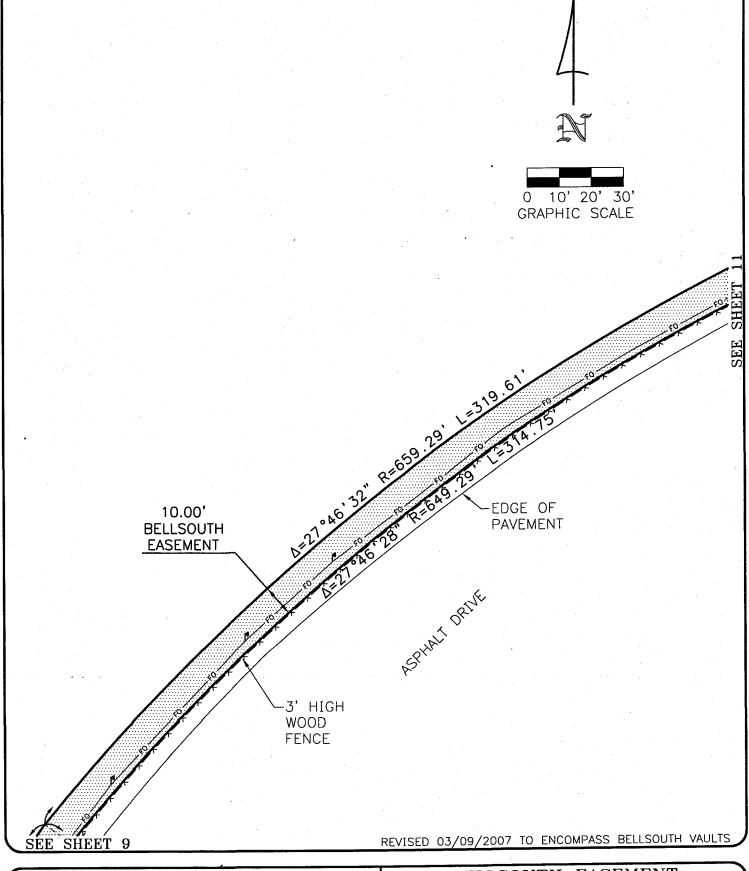




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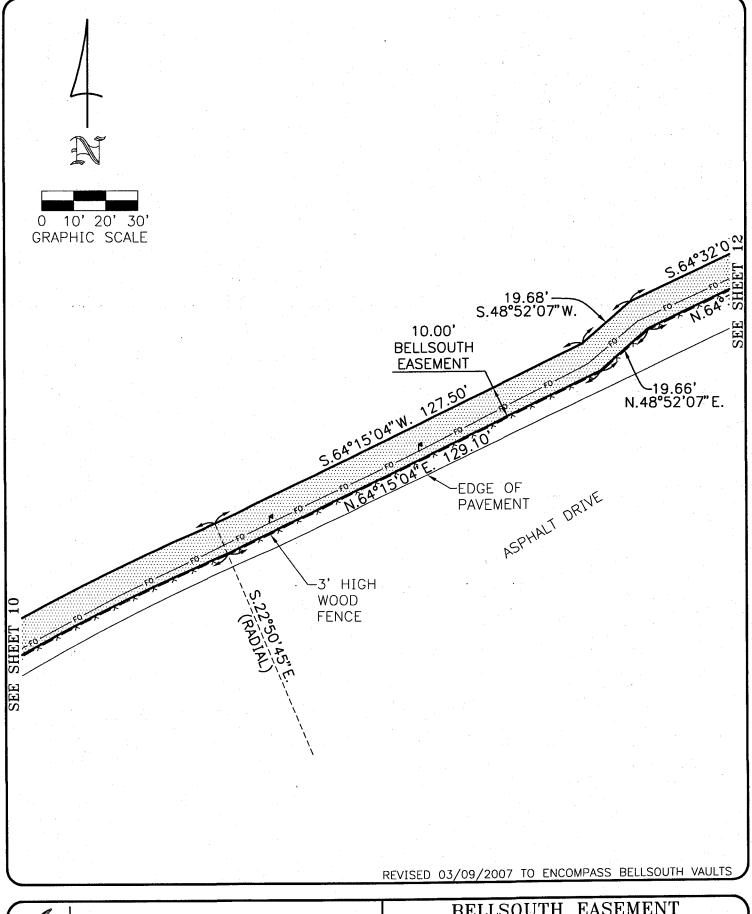


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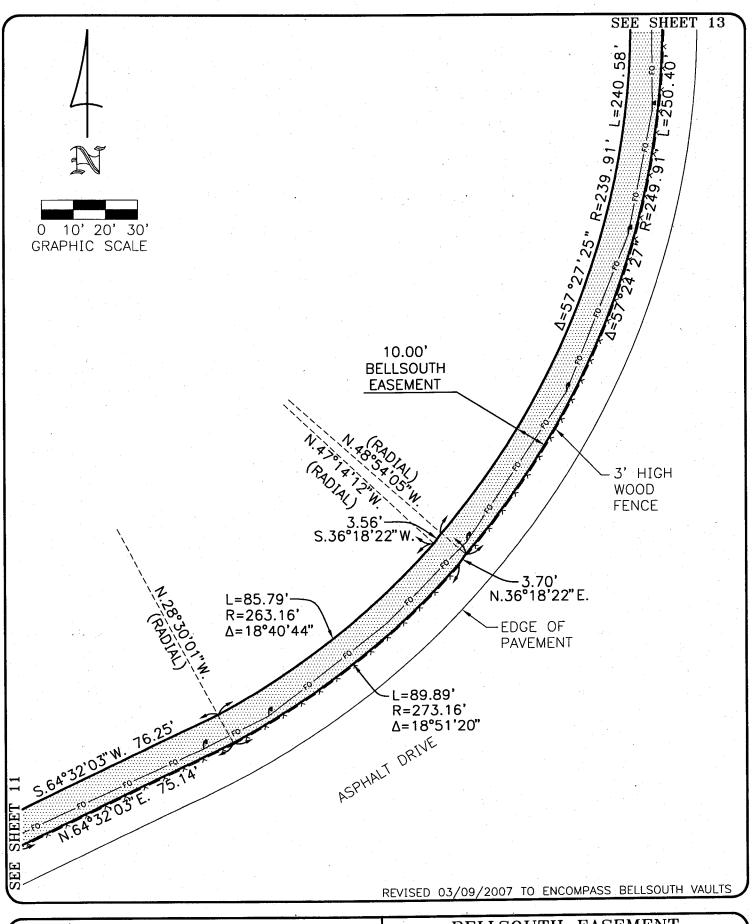
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BELLSOUTH EASEMENT JOHN PRINCE PARK FIBER OPTIC CABLE ROUTE

DWG: M. LA TOUR DATE: 10/09/2006 SHEET CKD: W. B. HAAS JOB# 2006-127 NO. 11 OF 16





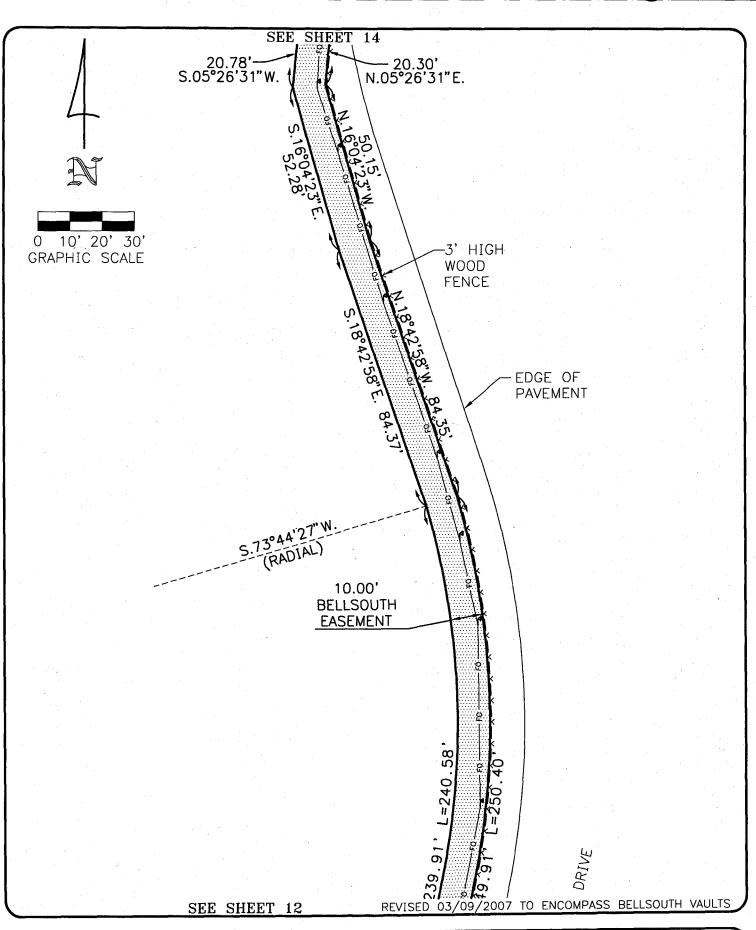
PROFESSIONAL SURVEYORS & MAPPERS

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CKD:

BELLSOUTH EASEMENT JOHN PRINCE PARK FIBER OPTIC CABLE ROUTE

DWG: M. LA TOUR DATE: 10/09/2006 SHEET
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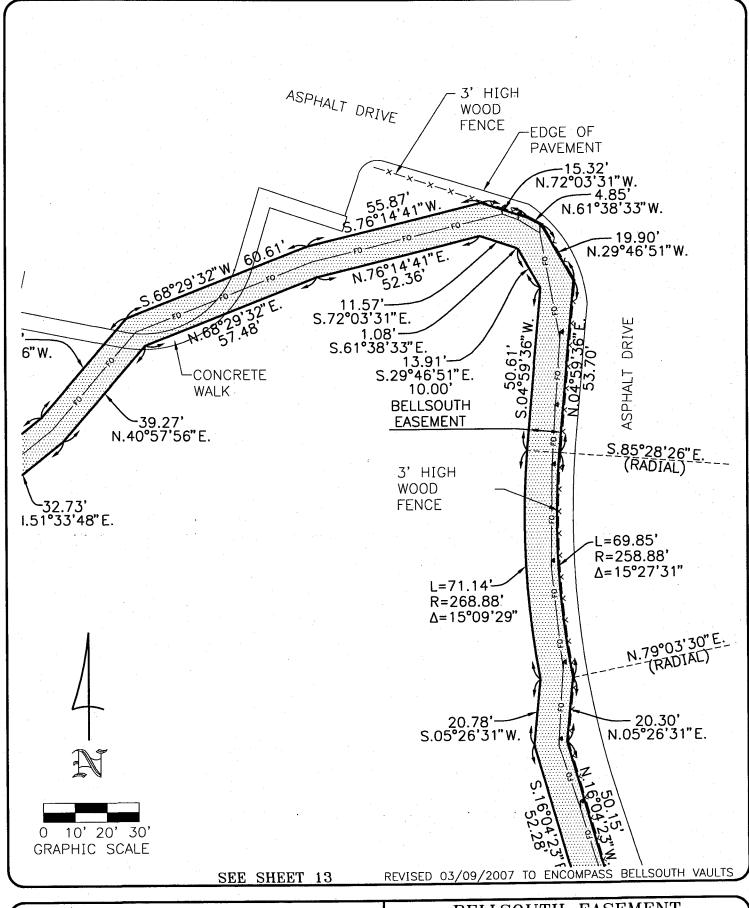




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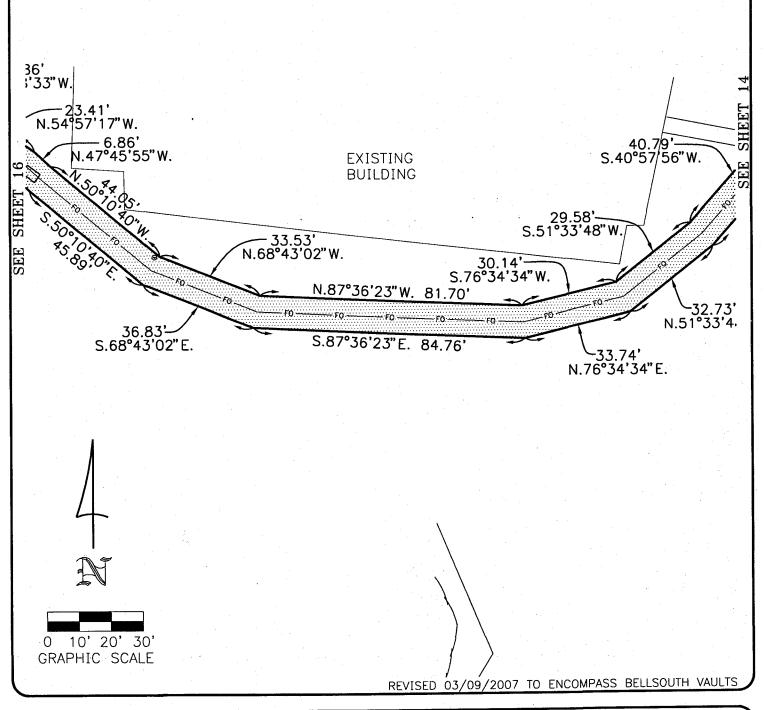


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DWG: M. LA TOUR DATE: 10/09/2006 SHEET CKD: W. B. HAAS JOB# 2006-127 NO. 14 OF 16

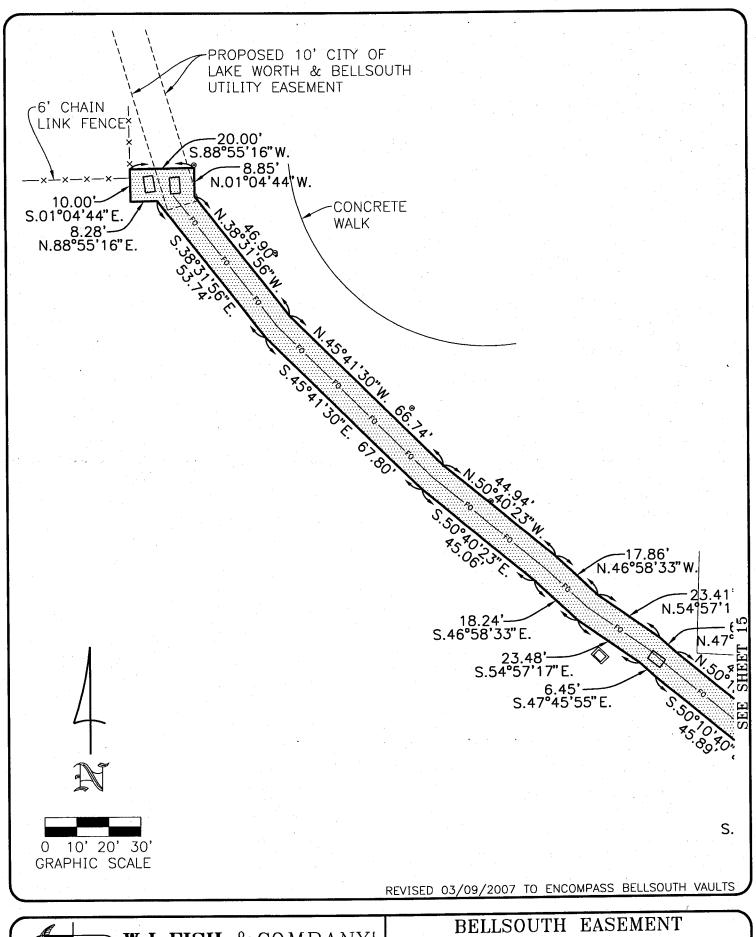




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