

Agenda Item #: **3-C-2**

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: October 16, 2007

Consent       Regular  
 Workshop       Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

Project No.: 96506B

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to approve:** A Subordination of Utility Interests from Florida Power and Light Company (FPL) releasing their interests to Palm Beach County (County) in a parcel of land located on the east side of Hagen Ranch Road at Cascades Isles Boulevard.

**Summary:** This action will approve a Subordination of Utility Interests which releases the interests of FPL in a parcel of land required for a right turn lane on Hagen Ranch Road. This Subordination of Utility Interests requires the County to pay for any future relocation costs of the utility facilities when and if requested by the County.

District: 5 (PK)

**Background and Justification:** FPL has certain utility interests within a ten foot platted utility easement along the western boundary of Tract G-1, Golf Course, as shown on the Plat of Jones, P.U.D., recorded in Plat Book 78, Pages 71-78, Public records of Palm Beach County, Florida. A portion of said easement is required as right-of-way for a right turn lane on Hagen Ranch Road at Cascades Isles Boulevard. The property owner, Westchester Golf and Country Club Associates, has conveyed to the County the right turn lane right-of-way. County policy is that land conveyed to the County must be free and clear of all encumbrances. It is, therefore, required that FPL subordinate their interest in the existing utility easement. FPL has agreed to relocate any facilities they may have from said parcel of land when and if the County should so request. The County is agreeable to paying for reasonable costs for this relocation as necessary.

**Attachments:**

1. Location Map
2. Subordination of Utility Interests with Exhibit "A"

Recommended by:

Donal A. Fernandez  
Division Director

9/12/07  
Date

Approved by:

D. T. Webb  
County Engineer

9/17/07  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Cost	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-

**NET FISCAL IMPACT**

**# ADDITIONAL FTE  
POSITIONS (Cumulative)**

Is Item Included in Current Budget? Yes  No   
 Budget Account No.: Fund \_\_\_\_\_ Dept. \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

This item has no additional fiscal impact.  
 Approval of the Subordination of Utility Interests may require the expenditure of funds for future relocation of utility facilities. This potential impact is not possible to quantify or state with any certainty that it will occur at the present time.

**C. Departmental Fiscal Review:** R. D. Ward 9/11/07

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

<u>J. D. [Signature]</u> 9-20-07 OFMB (UD) 9/20/07 CN 9/11/07	<u>[Signature]</u> 9/21/07 Contract Dev. and Control 6/22/07
------------------------------------------------------------------------------	-----------------------------------------------------------------------

**B. Approved as to Form and Legal Sufficiency:**

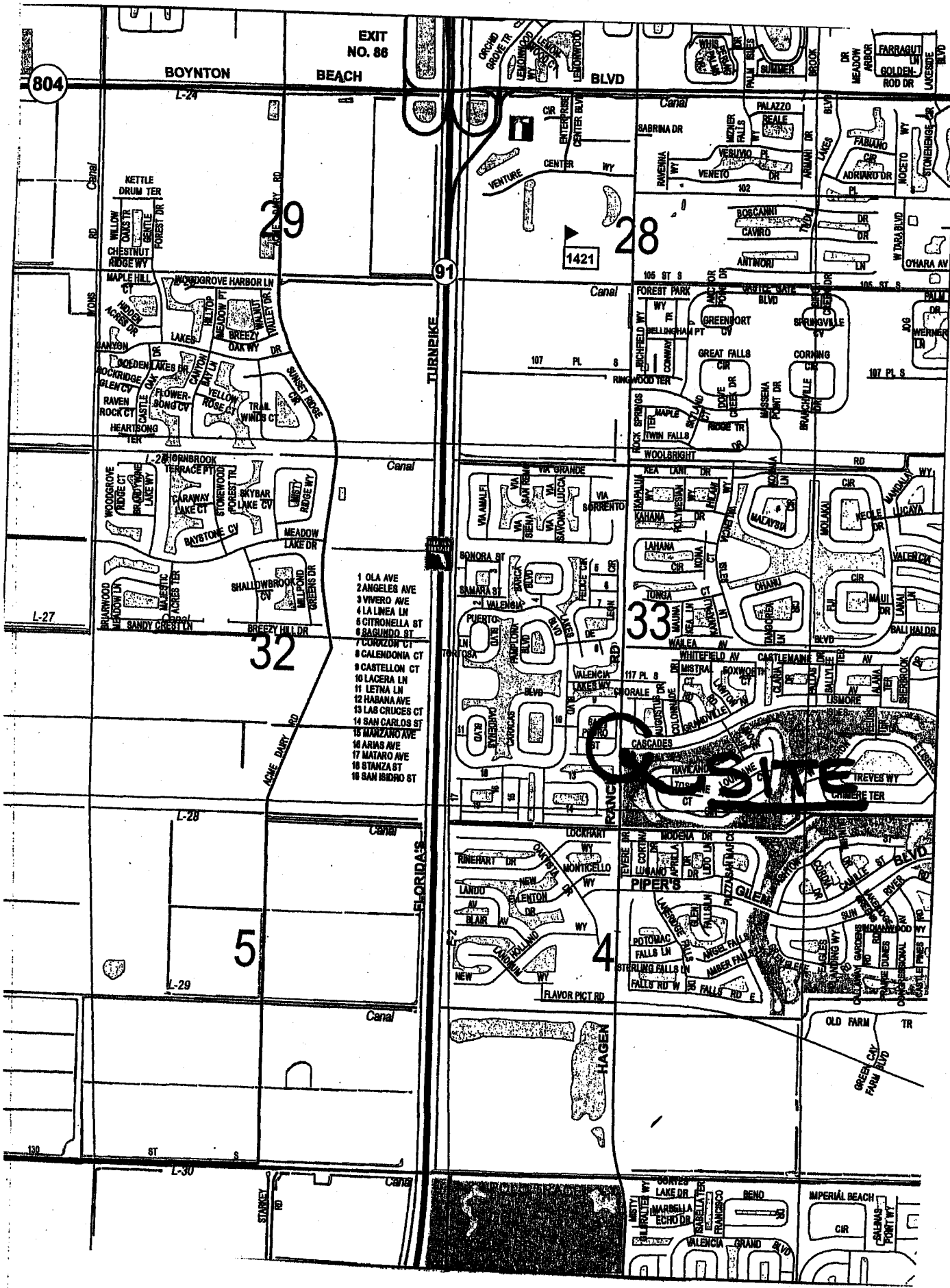
Paul F. [Signature] 9/24/07  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

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

# LOCATION MAP



Return To: Right-of-Way Acquisition Section  
Name: Palm Beach County Engineering  
Address: Post Office Box 21229  
West Palm Beach Florida 33416  
Attn: Ed Handy  
Account No.: 1010 W/C BOX 1066

This Instrument Prepared By:  
Name: Paul F. King, Esq.  
Assistant County Attorney  
Post Office Box 21229  
West Palm Beach, Florida 33416  
P.I.N.: 00-42-45-33-02-007-0000

Not to be recorded without Board of County Commissioners Acceptance Date

Project No.: 96506B  
Project Name: Right Turn Lane-Hagen Ranch Rd. @ Cascades Isles Blvd.  
Parcel No.: 100

**SUBORDINATION OF UTILITY INTERESTS  
TO PALM BEACH COUNTY, FLORIDA**

THIS AGREEMENT, entered into this \_\_\_ day of \_\_\_\_\_, 2007, by and between the COUNTY OF PALM BEACH (hereinafter the "County"), and Florida Power & Light Company, whose mailing address is 700 Universe Blvd., Juno Beach, FL 33408-2381, hereinafter the "Utility").

WHEREAS, the Utility presently has easements in certain property that has been determined necessary for public purposes; and,

WHEREAS, the proposed use of this property will require subordination to the County of the interests claimed in said property by the Utility and at the request of the County, the Utility has agreed, subject to the following conditions, to relocate its facilities from the Utility's easement onto public right-of-way, or has agreed to leave its facilities on the subordinated property (hereinafter "Property"), described in Exhibit "A" attached hereto and made a part hereof; and,

WHEREAS, the County is willing to pay to have the Utility's facilities relocated as necessary to prevent conflict between the facilities so that the benefits of each may be retained;

NOW THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, the Utility and the County agree as follows:

1. The Utility hereby subordinates any and all of its interest in that portion of the following easements lying within the Property, to the interest of the County, its successors or assigns, through, under, upon or across the Property;  

10 Foot Utility Easement along the western boundary of Tract G-1, Golf Course, as shown on the Plat of Jones, P.U.D., Plat Book 78, Pgs.71-78, Public Records of Palm Beach County, Florida
2. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon all the Property in accordance with the County's current minimum standards for such facilities as of the date of such construction. Any new construction or relocation of the facilities within the Property will be subject to prior approval by the County. Should the County fail to approve any new construction or relocation of facilities by the Utility or hereafter require the Utility to alter, adjust or relocate its facilities from within the Property, the County hereby agrees to pay the Utility's reasonable cost of any required alteration, adjustment or relocation, caused by the County's actions, including the cost of acquiring the necessary easements.
3. The Utility shall have a reasonable right to enter upon the Property for the purposes outlined in paragraph 2 above, including the right to trim such trees, bushes, and growth which might endanger or interfere with the operation and safety of the Utility's facilities.
4. The Utility agrees to repair any damage to the County's facilities and to indemnify and hold harmless the County against any loss or damage resulting from the Utility exercising its rights outlined in paragraph 2 and 3 above.
5. These terms and conditions shall be attached as an addendum to the permit, if any, required by the County for location of facilities on the Property.
6. This agreement is not assignable except to the State of Florida for the purposes

described herein.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written.

ATTEST:

Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, a Political subdivision of the State of Florida  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
(Deputy Clerk)

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2007, by \_\_\_\_\_, Chairman, Board of County Commissioners, who is personally known to me and who did not take an oath.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

FLORIDA POWER & LIGHT Co.  
NAME OF UTILITY

By: \_\_\_\_\_

[Signature]  
Signature

J.T. Corson  
Print Name

\_\_\_\_\_  
Print Name

Corp Deal Estates Project Manager  
Title

[Signature]  
Witness Signature

Michelle Kahmann  
Print Name of Witness

\_\_\_\_\_  
Print Name of witness

[Signature]  
Witness Signature

Carmen Gerena  
Print Name of witness

\_\_\_\_\_  
Print Name of witness

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 22nd day of August 2007, by J.T. Corson, who is personally known to me, or who supplied \_\_\_\_\_ as identification, and who did/did not take an oath.

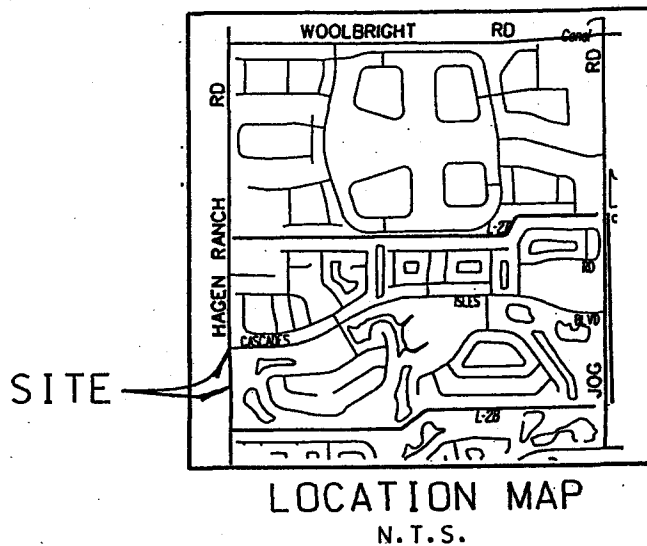
SEAL



Michelle M. Kahmann  
My Commission DD242663  
Expires September 18, 2007

[Signature]  
NOTARY PUBLIC

EXHIBIT "A"



A PARCEL FOR RIGHT-OF-WAY PURPOSES BEING A PORTION OF TRACT "G-1", JONES P.U.D. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 78, PAGES 71-78. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 45 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID TRACT "G-1"; THENCE NORTH  $44^{\circ}17'04''$  EAST, ALONG THE NORTHWEST LINE OF SAID TRACT "G-1", A DISTANCE OF 8.55 FEET; THENCE SOUTH  $00^{\circ}16'17''$  EAST ALONG A LINE 6.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT "G-1", A DISTANCE OF 257.58 FEET; THENCE SOUTH  $06^{\circ}34'17''$  WEST, A DISTANCE OF 50.36 FEET TO THE WEST LINE OF SAID TRACT "G-1"; THENCE NORTH  $00^{\circ}16'17''$  WEST ALONG THE WEST LINE OF SAID TRACT "G-1", A DISTANCE OF 301.49 FEET TO THE POINT OF BEGINNING

PARCEL CONTAIN 1.677 SQUARE FEET MORE OR LESS.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD, P.S.M., IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA, 33411.


*N J Howard*  
 NORMAN J. HOWARD, P.S.M.  
 FLORIDA CERTIFICATE NO. 5776

4-18-07  
 DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PROJECT: <b>PARCEL 100 HAGEN RANCH- L-30 TO BOYNTON BEACH BLVD.</b>	DESIGN FILE NAME S-1-07-2670.DGN	DRAWING NO. S-1-07-2670	SCALE: VARIES	APPROVED IN: N. J. H.	DATE 04/16/07	REVISION	BY	DATE
	FIELD BOOK NO. N/A		DRAWN: D. J. C.		CHECKED: N. J. H.			

**PALM BEACH COUNTY  
ENGINEERING AND PUBLIC WORKS**



**ENGINEERING SERVICES**  
 2300 NORTH JOG ROAD  
 WEST PALM BEACH, FL 33411

LEGEND

- ☉ = CENTERLINE
- L.A.E. = LIMITED ACCESS EASEMENT
- N.T.S. = NOT TO SCALE
- NW'LY = NORTHWESTERLY
- P.B. = PLAT BOOK
- P.C.E. = PERMANENT CONSTRUCTION EASEMENT
- PG(S) = PAGE(S)
- P.O.B. = POINT OF BEGINNING
- P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
- U.E. = UTILITY EASEMENT



N

N.T.S.

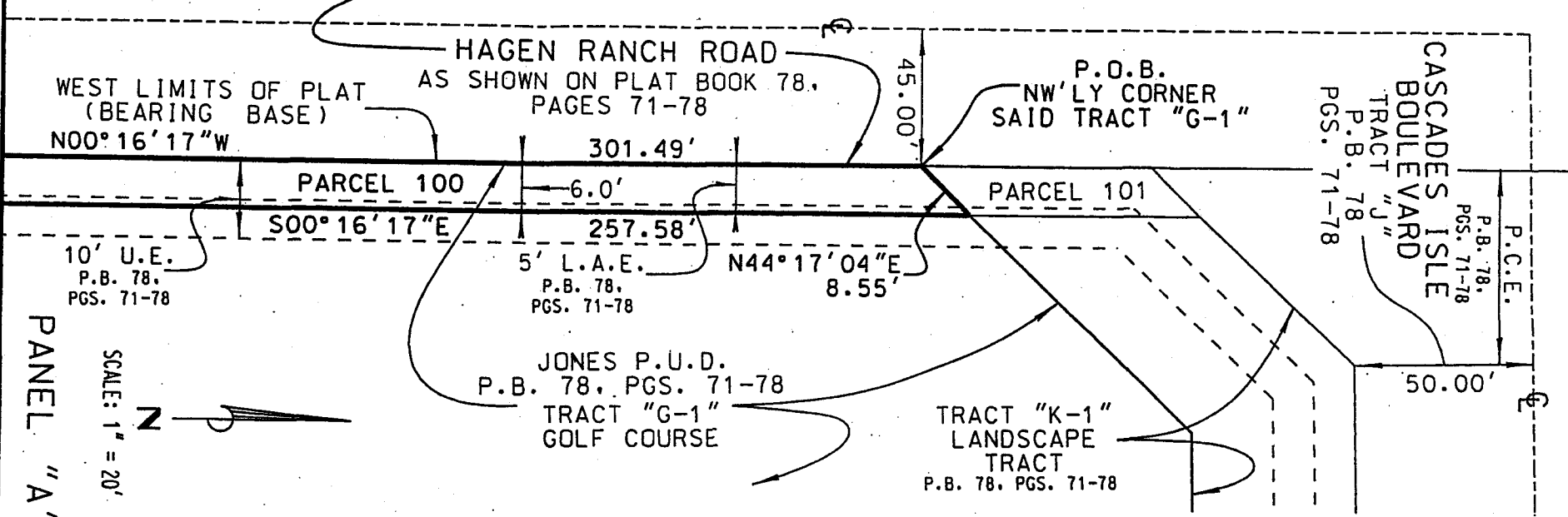
SHEET 3  
PANEL A

SHEET 3  
PANEL B

KEY MAP

PROJECT NO. 19965068 DRAWING S-1-07-2670 PROJECT PARCEL 100 - HAGEN RANCH ROAD - 50 TO BOYNTON BEACH BLVD. SHEET 3 OF 3

MATCH LINE - SEE PANEL "B"



MATCH LINE - SEE PANEL "A"

