

Agenda Item #:

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: **February 5, 2008** ☒ **Consent** ☐ **Regular**
 ☐ **Ordinance** ☐ **Public Hearing**

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for electrical service to the County's Lake Region Water Treatment Plant (LRWTP) in Belle Glade, and to transformers at five (5) well sites that will provide water to the LRWTP.

Summary: The County is constructing the LRWTP on a 19.97 acre parcel east of State Road 715 on Hooker Highway in Belle Glade. FPL requires an easement for installation of electrical service at the LRWTP and to five (5) well sites along State Road 715 that will provide water to the Treatment Plant. The easement area for each well site is 10' x 25'. The easement area at the LRWTP is 10' wide for a length of 332.38 feet, terminating at a 20' x 20' area, for a total of approximately 3,723.75 square feet. The easement is non-exclusive and is being granted to FPL at no charge as it will provide electrical service to County facilities and is required as a condition of service. **(PREM) District 6 (JMB)**

Background and Justification: The Lake Region Water Treatment Plant is under construction and is anticipated to be operational in May, 2008. The LRWTP site was purchased from the State of Florida in May 2004 (R2004 - 0245 through R2004 - 0253) and the well sites were purchased from US Sugar in December 2005 under R2005-2236. FPL requires that easements be in place prior to energizing the transformers at all locations.

Attachments:

1. Location Map
2. Utility Easement Agreement

Recommended By: Reet Arny Wolf 1/11/08
Department Director Date

Approved By: W. A. N. [Signature] 1/11/08
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____

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

No fiscal impact.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

John D. Smith 1-22-08
OFMB ^{CN}
1/23/08

John J. Smith 1/23/08
Contract Development and Control
1/23/08

B. Legal Sufficiency:

James Butler 1/24/08
Assistant County Attorney

C. Other Department Review:

Department Director

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

OO

NN

T43

PAUL
RARDIN
PARK

7

441

8

OLD VANDERGRIFT RD

16

WELLS SITES

00-37-43-07-00-000-7050

00-37-43-07-00-000-7060

00-37-43-18-00-000-3010

00-37-43-18-00-000-3020

00-37-43-18-00-000-3030

17

17

T43

715

Subject

80

441

HOOKER HWY

WEST TECH
ED CENTER
1591

19

GLADES
CORRECTIONAL
INSTITUTIONORANGE
AVENUE
ORANGELAKE REGION
WATER TREATMENT PLANTCOUNTY
HOUSE

20

18

T43

TEDDAR RD

BELLE

80

GLADE

CURLLEE

W SUGAR HOUSE RD

RD

E SUGAR HOUSE RD

OO

NN

SEE PG 147

140

LOCATION MAP

Prepared by & Return to:

Joe Greco
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCNS: A portion of: 00-37-43-19-00-000-3060; 00-37-43-07-00-000-7050; 00-37-43-07-00-000-7060
00-37-43-18-00-000-3010; 00-37-43-18-00-000-3020; 00-37-43-18-00-000-3030

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**, a Florida corporation, whose legal mailing address is Post Office Box 14000, Juno Beach, Florida 33408-0420, Grantee.

W I T N E S S E T H:

That the 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 overhead and underground electric utility facilities, including transformers, wires, poles, guys, 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, 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:

**See legal descriptions/site sketches marked Exhibit "A"
attached hereto and made a part hereof.**

Together with 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 power lines 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.

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: *Reet Ashmy Wolf*
Department Director

G:\GRECO\LRWTP-FPLA\FPLEASEMENT-JBAPP1.2.08.DOC

Exhibit "A"

Legal Descriptions/Site Sketches

LEGAL DESCRIPTION

BEING A 10.00 FOOT WIDE STRIP OF LAND LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA; THE CENTERLINE OF SAID 10.00 FOOT STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTH 00°17'15" WEST ALONG THE WEST LINE OF SAID SECTION 18, A DISTANCE OF 2783.00 FEET; THENCE NORTH 89°42'45" EAST, 75.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD 717 (A.K.A STATE ROAD 715) AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°42'45" EAST, 25.00 FEET TO THE POINT OF TERMINUS OF SAID 10.00 FOOT WIDE STRIP.

SURVEYOR'S NOTES

- 1. THIS IS NOT A BOUNDARY SURVEY.
- 2. BEARINGS SHOWN HEREON REFER TO N 00°17'15" W ALONG THE CENTERLINE OF STATE ROAD 717/ WEST LINE OF SECTION 18, ALL OTHER BEARING ARE RELATIVE THERETO.
- 3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS FIRM FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD THAT MAY AFFECT THE SUBJECT SITE.
- 4. SEC. = SECTION
- 5. TWN. = TOWNSHIP
- 6. RNG. = RANGE

LAND SURVEYOR'S STATEMENT

I HEREBY CERTIFY THAT THE SKETCH SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE ACCOMPANYING DESCRIPTION AND COMPLIES WITH THE TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6, F.A.C., BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NOT VALID UNLESS SEALED WITH SURVEYOR'S EMBOSSED SEAL AND SIGNATURE.

F.R.S. AND ASSOCIATES, INC.

BY: GARY P. WILLIAMS, R.L.S.
FLORIDA CERTIFICATION NO. 4817
FOR THE FIRM



F.R.S. & ASSOCIATES, INC.
LAND SURVEYORS AND LAND PLANNERS

CERTIFICATE OF AUTHORIZATION NO. LB 4241
901 NORTHPOINT PARKWAY, SUITE 301
WEST PALM BEACH, FLORIDA 33407-1953
PHONE (561)478-7178 FAX (561)478-7922

SCALE: 1" = 20'

DATE: 12/18/07

DRAWN BY: JNE

APPR. BY: GPW

F.B. LRWTP 1

PG. 45

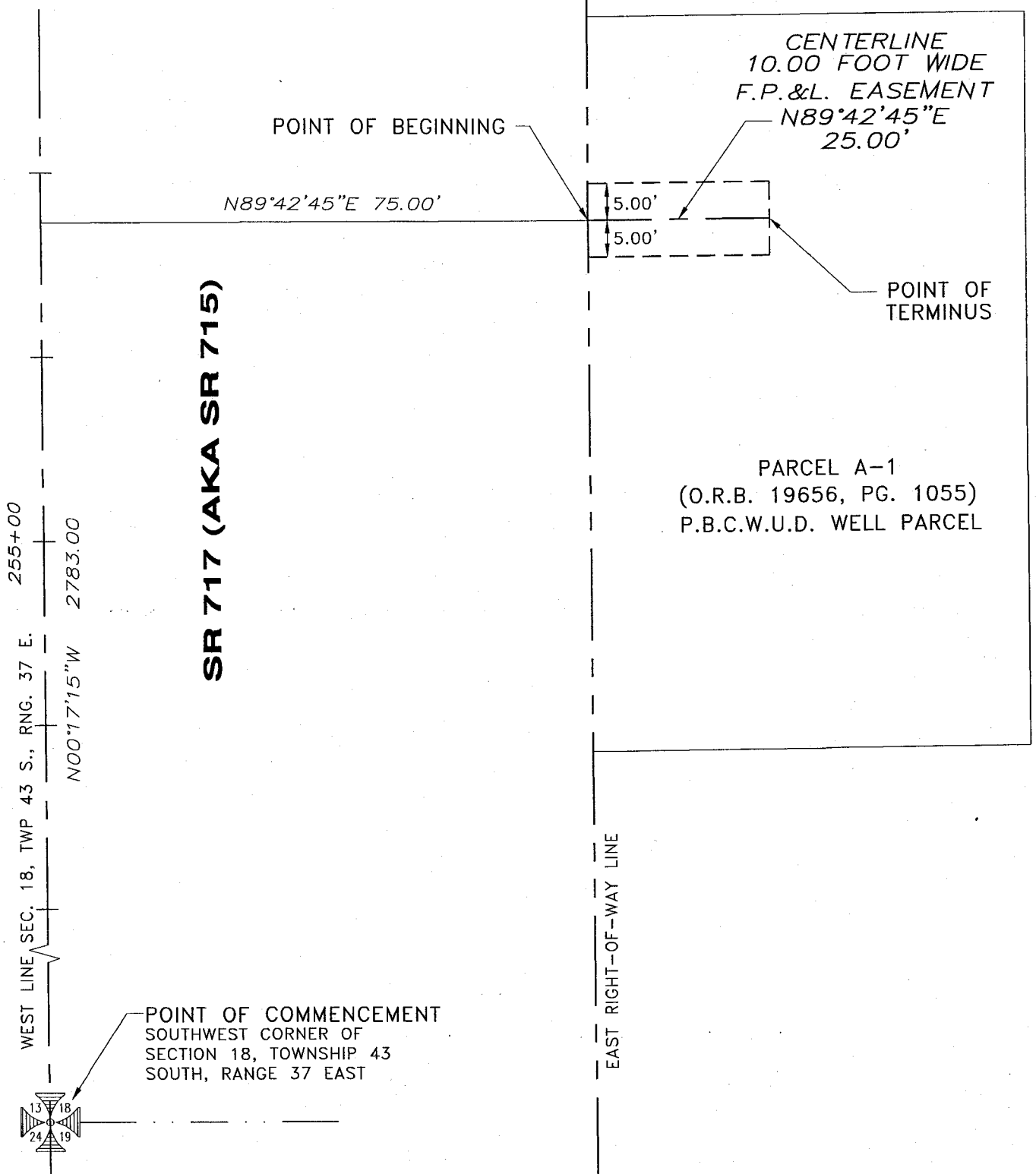
CADD REF.
T:DRAW\LRWTP\WELL_SURVEYS

JOB NUMBER:

A04-009C

SHEET 1 OF 2

SKETCH AND DESCRIPTION
OF FLORIDA POWER AND LIGHT EASEMENT FOR
LAKE REGION WATER TREATMENT PLANT WELL



2



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CADD REF.
T: DRAW\LRWTP\WELL_SURVEYS

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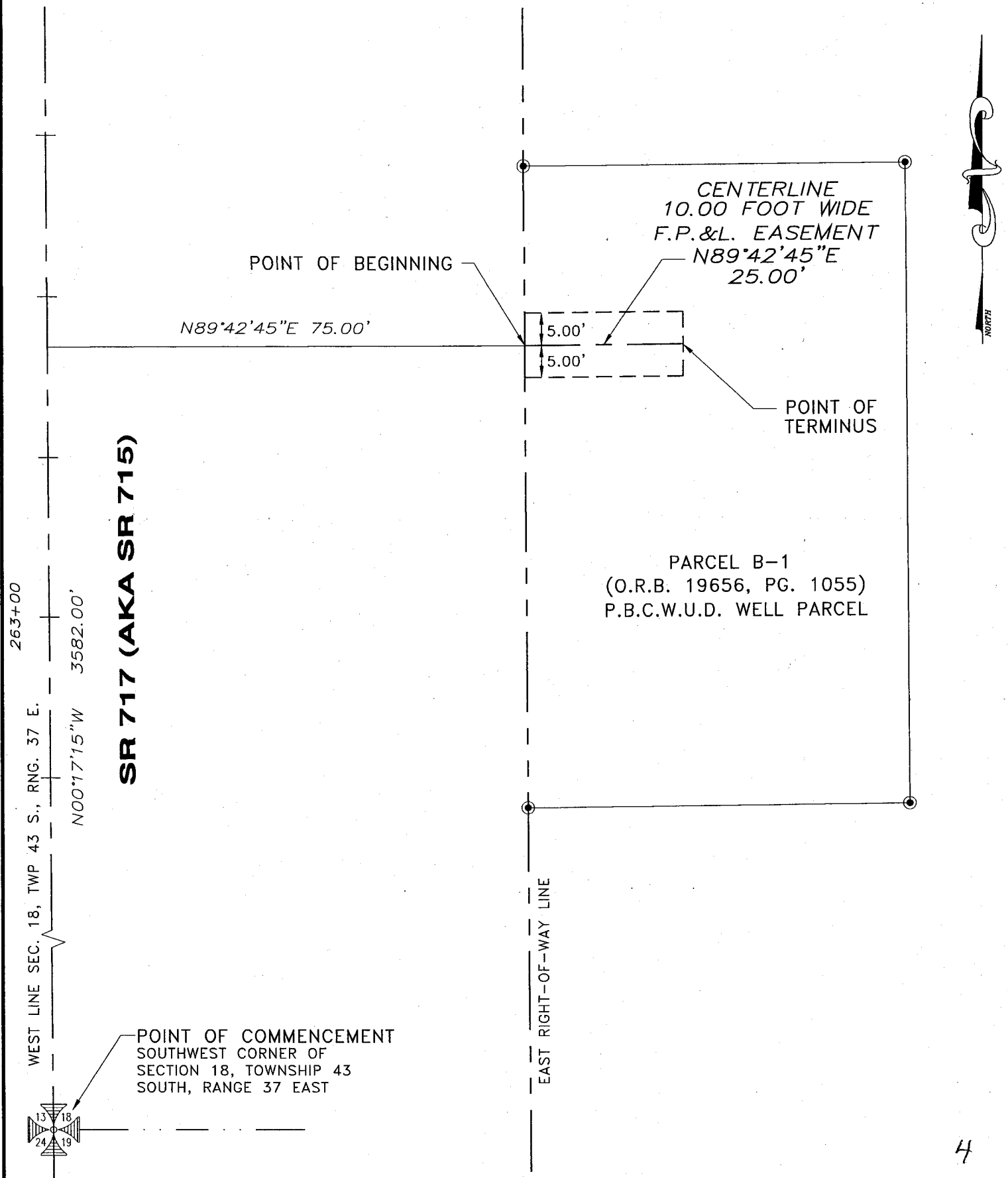
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FLORIDA CERTIFICATION NO. 4817
FOR THE FIRM

3

 F.R.S. & ASSOCIATES, INC. LAND SURVEYORS AND LAND PLANNERS CERTIFICATE OF AUTHORIZATION NO. LB 4241 901 NORTHPOINT PARKWAY, SUITE 301 WEST PALM BEACH, FLORIDA 33407-1953 PHONE (561)478-7178 FAX (561)478-7922	SCALE: 1" = 20'	DRAWN BY: JNE	F.B. LRWTP 1	CADD REF. T:DRAW\LRWTP\WELL_SURVEYS
	DATE: 12/18/07	APPR. BY: GPW	PG. 45	JOB NUMBER:
	SKETCH AND DESCRIPTION OF FLORIDA POWER AND LIGHT EASEMENT FOR LAKE REGION WATER TREATMENT PLANT WELL			A04-009C SHEET 1 OF 2



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COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTH 00°17'15" WEST ALONG THE WEST LINE OF SAID SECTION 18, A DISTANCE OF 4383.00 FEET; THENCE NORTH 89°42'45" EAST, 75.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD 717 (A.K.A STATE ROAD 715) AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°42'45" EAST, 25.00 FEET TO THE POINT OF TERMINUS OF SAID 10.00 FOOT WIDE STRIP.

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SHEET 1 OF 2

SKETCH AND DESCRIPTION
OF FLORIDA POWER AND LIGHT EASEMENT FOR
LAKE REGION WATER TREATMENT PLANT WELL



NORTHWEST CORNER OF
SECTION 18, TOWNSHIP 43
SOUTH, RANGE 37 EAST

WEST LINE SEC. 18, TWP 43 S., RNG. 37 E.

N00°17'15"W 4383.00

SR 717 (AKA SR 715)

POINT OF BEGINNING

N89°42'45"E 75.00'

CENTERLINE
10.00 FOOT WIDE
F.P.&L. EASEMENT
N89°42'45"E
25.00'

5.00'

5.00'

POINT OF
TERMINUS

PARCEL C-1
(O.R.B. 19656, PG. 1055)
P.B.C.W.U.D. WELL PARCEL

EAST RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT
SOUTHWEST CORNER OF
SECTION 18, TOWNSHIP 43
SOUTH, RANGE 37 EAST



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F.B. LRWTP 1

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T:\DRAW\LRWTP\WELL_SURVEYS

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A04-009C

SHEET 2 OF 2

LEGAL DESCRIPTION

BEING A 10.00 FOOT WIDE STRIP OF LAND LYING IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA; THE CENTERLINE OF SAID 10.00 FOOT STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 00°16'51" EAST ALONG THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 114.00 FEET; THENCE SOUTH 89°43'09" EAST, 75.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD 717 (A.K.A STATE ROAD 715) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°43'09" EAST, 25.00 FEET TO THE POINT OF TERMINUS OF SAID 10.00 FOOT WIDE STRIP.

SURVEYOR'S NOTES


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282+00

WEST LINE SEC. 7, TWP 43 S., RNG. 37 E.

N00°16'51"E 114.00'

SR 717 (AKA SR 715)

POINT OF BEGINNING

S89°43'09"E 75.00'

PARCEL D-1
(O.R.B. 19656, PG. 1055)
P.B.C.W.U.D. WELL PARCEL

CENTERLINE
10.00 FOOT WIDE
F.P.&L. EASEMENT
S89°43'09"E
25.00'

5.00'

5.00'

POINT OF
TERMINUS

EAST RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT
SOUTHWEST CORNER OF
SECTION 7, TOWNSHIP 43
SOUTH, RANGE 37 EAST



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COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 00°16'51" EAST ALONG THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 749.50 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2864.93 AND A CENTRAL ANGLE OF 03°53'20"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND THE CENTERLINE OF STATE ROAD 717 (A.K.A. STATE ROAD 715) A DISTANCE OF 194.45 FEET; THENCE SOUTH 85°49'34" EAST, 75.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD 717 (A.K.A STATE ROAD 715) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 85°49'34" EAST, 25.00 FEET TO THE POINT OF TERMINUS OF SAID 10.00 FOOT WIDE STRIP.

SURVEYOR'S NOTES


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- 6. RNG. = RANGE
- 7. Δ = CENTRAL ANGLE
- 8. R = RADIUS
- 9. L = LENGTH OF ARC

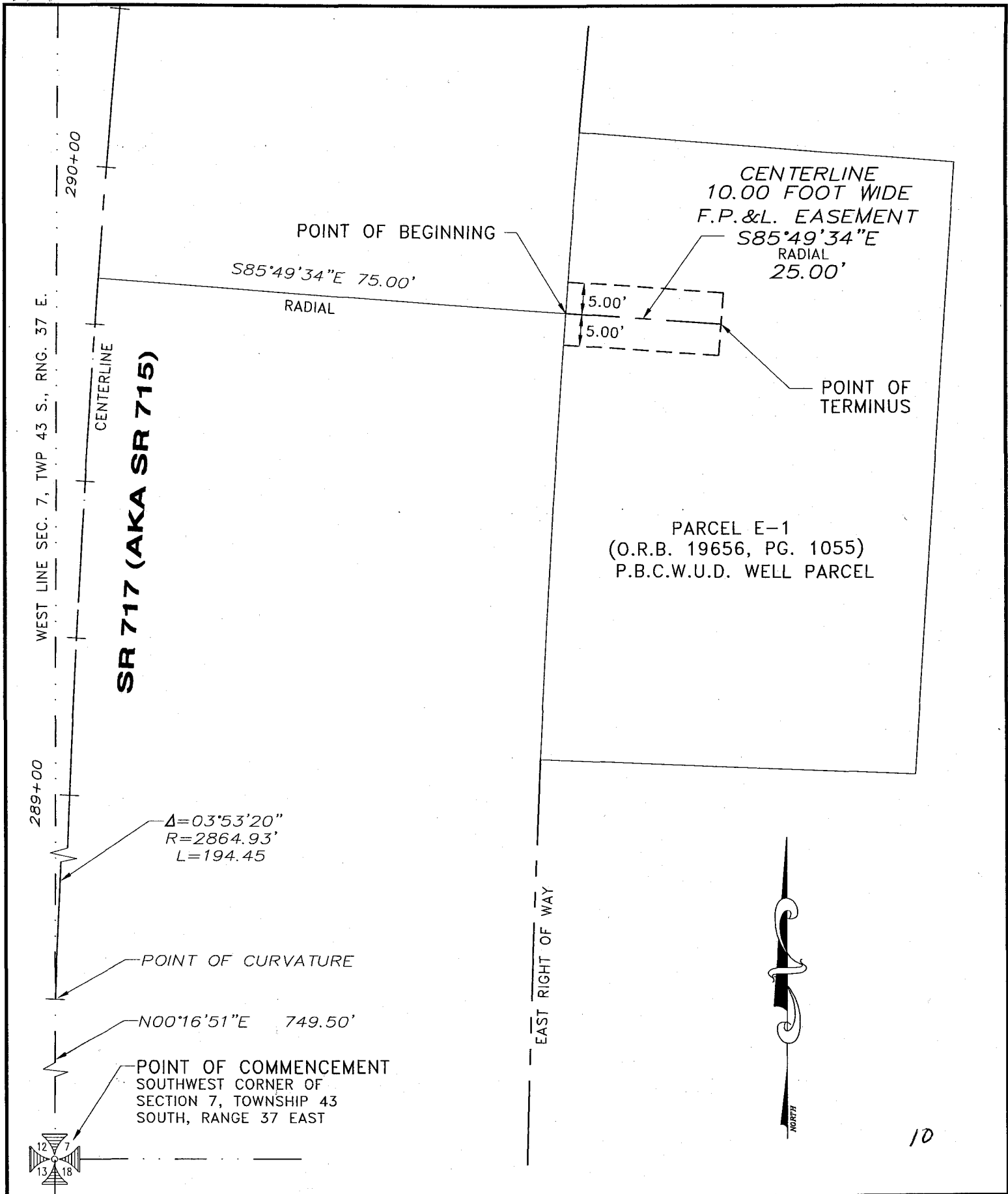
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 F.R.S. & ASSOCIATES, INC. LAND SURVEYORS AND LAND PLANNERS CERTIFICATE OF AUTHORIZATION NO. LB 4241 901 NORTHPOINT PARKWAY, SUITE 301 WEST PALM BEACH, FLORIDA 33407-1953 PHONE (561)478-7178 FAX (561)478-7922	SCALE: 1" = 20'	DRAWN BY: JNE	F.B. LRWTP 1	CADD REF.
	DATE: 12/18/07	APPR. BY: GPW	PG. 45	T:DRAW\LRWTP\WELL_SURVEYS
	SKETCH AND DESCRIPTION OF FLORIDA POWER AND LIGHT EASEMENT FOR LAKE REGION WATER TREATMENT PLANT WELL			JOB NUMBER: A04-009C SHEET 1 OF 2



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SHEET 2 OF 2

LEGAL DESCRIPTION

BEING A STRIP OF LAND LYING IN SECTION 19, TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 19; THENCE SOUTH 00°14'44" EAST ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE ROAD 717 (A.K.A. STATE ROAD 715) AND HOOKER HIGHWAY; THENCE NORTH 89°57'44" EAST ALONG THE CENTERLINE OF HOOKER HIGHWAY, 1553.05 FEET; THENCE SOUTH 00°02'16" EAST, 110.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HOOKER HIGHWAY PER OFFICIAL RECORD BOOK 18838, PAGE 26, SAID POINT BEING THE POINT OF BEGINNING OF THE CENTERLINE OF A 10.00 FOOT WIDE EASEMENT; THENCE SOUTH 00°08'03" EAST, 17.76 FEET; THENCE SOUTH 35°26'51" EAST, 74.39 FEET; THENCE SOUTH 41°15'14" EAST, 98.40 FEET; THENCE SOUTH 38°32'01" EAST, 58.51 FEET; THENCE SOUTH 31°22'29" EAST, 43.25 FEET; THENCE SOUTH 19°56'51" EAST, 40.07 FEET TO A POINT TO BE HEREINAFTER REFERED TO AS POINT "A", SAID POINT "A" ALSO BEING THE TERMINUS OF THE CENTERLINE LINE OF SAID 10.00 FOOT WIDE EASEMENT.

THENCE CONTINUE AT SAID POINT "A"; THENCE NORTH 89°04'37" EAST, 10.66 FEET; THENCE SOUTH 00°55'23" EAST, 20.00 FEET; THENCE SOUTH 89°04'37" WEST, 20.00 FEET; THENCE NORTH 00°55'23" WEST, 20.00 FEET; THENCE NORTH 89°04'37" EAST, 9.34 FEET TO THE AFOREMENTIONED POINT "A".

SURVEYOR'S NOTES

- 1. THIS IS NOT A BOUNDARY SURVEY.
- 2. BEARINGS SHOWN HEREON REFER TO N 89°57'44" E ALONG THE SOUTH LINE OF SECTION 19, ALL OTHER BEARINGS ARE RELATIVE THERETO.
- 3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS FIRM FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD THAT MAY AFFECT THE SUBJECT SITE.
- 4. SEC. = SECTION
- 5. TWN. = TOWNSHIP
- 6. RNG. = RANGE


LAND SURVEYOR'S STATEMENT

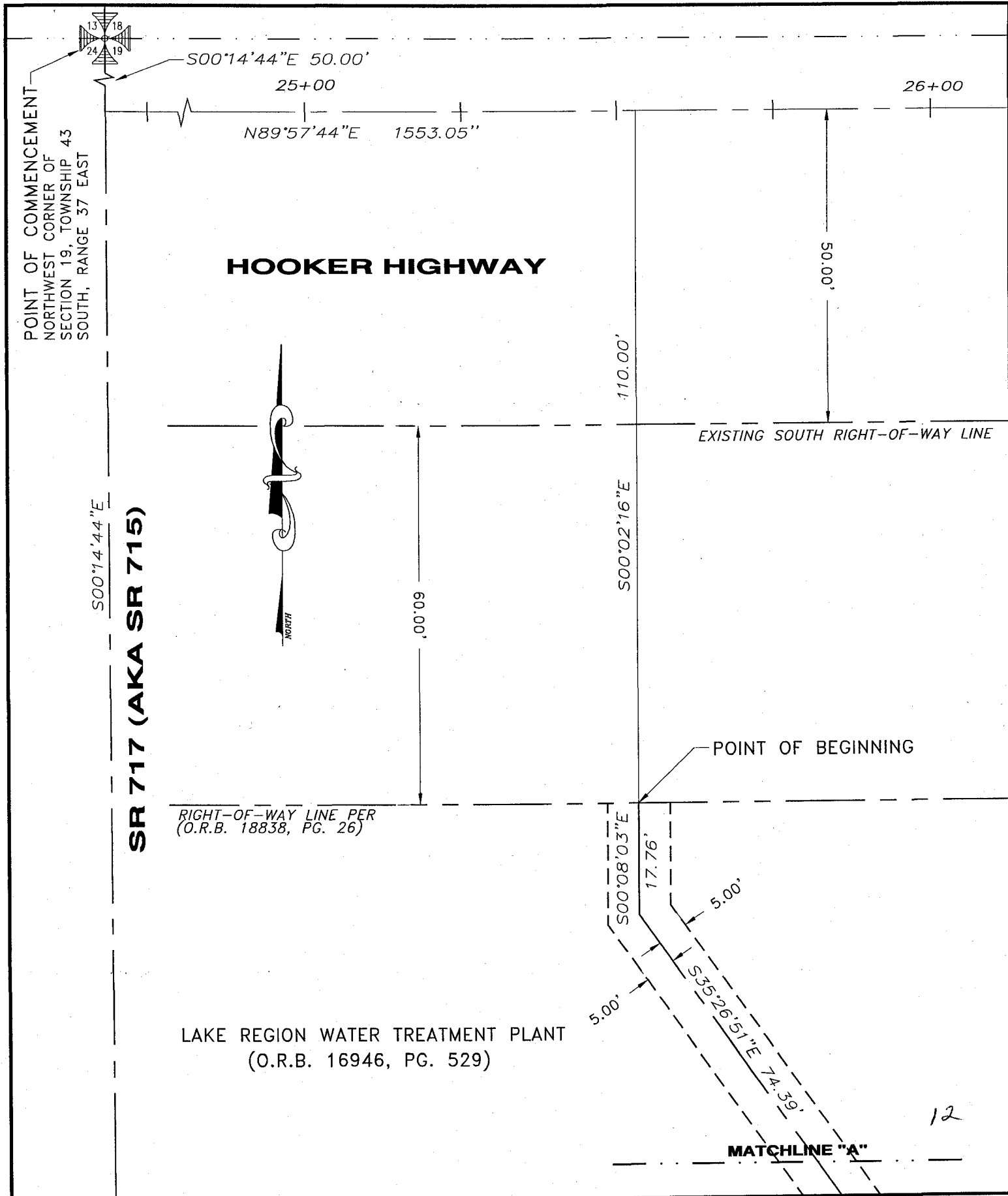
I HEREBY CERTIFY THAT THE SKETCH SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE ACCOMPANYING DESCRIPTION AND COMPLIES WITH THE TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6, F.A.C., BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NOT VALID UNLESS SEALED WITH SURVEYOR'S EMBOSSED SEAL AND SIGNATURE.

F.R.S. AND ASSOCIATES, INC.

BY: GARY P. WILLIAMS, R.L.S.
FLORIDA CERTIFICATION NO. 4817
FOR THE FIRM

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 F.R.S. & ASSOCIATES, INC. LAND SURVEYORS AND LAND PLANNERS CERTIFICATE OF AUTHORIZATION NO. LB 4241 901 NORTHPOINT PARKWAY, SUITE 301 WEST PALM BEACH, FLORIDA 33407-1953 PHONE (561)478-7178 FAX (561)478-7922	SCALE: 1" = 20'	DRAWN BY: JNE	F.B. LRWTP 1	CADD REF. T: \DRAW\LRWTP\WELL_SURVEYS
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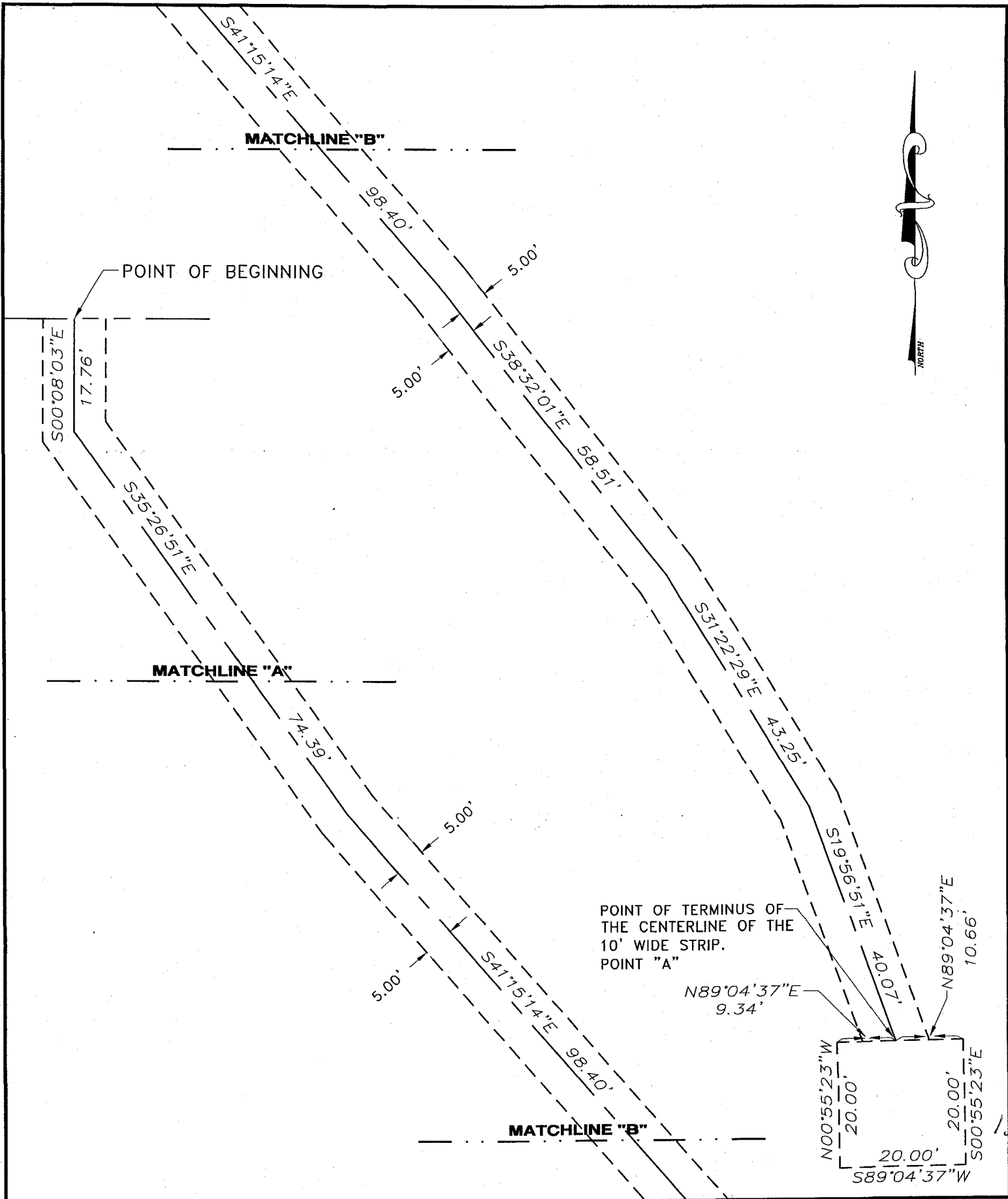
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