

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	March 11, 2008	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Utility Easement Agreement in favor of the Florida Public Utilities Company (FPUC) for a gas line which will serve an above ground generator at the PBSO Park Vista Substation west of Boynton Beach.

Summary: The Substation is located at 7894 South Jog Road, between Hypoluxo Road and Gateway Boulevard. FPUC installed an underground gas line terminating at an aboveground meter to provide service to a generator connected to the Substation. The easement area is approximately 227 feet long and 10 feet wide, and contains a total of 2,270 square feet (0.05 acres). The easement is non-exclusive and is being granted to FPUC at no charge, as it provides service to the Substation. (PREM) District 3 (HJF)

Background and Justification: The Substation site was acquired from the School Board of Palm Beach County in 2004 (R2004-2175) and contains 3.72 acres. Construction of the substation was completed in October 2007.

Attachments:

1. Location Map
2. Utility Easement Agreement

Recommended By: DEH

Department Director

2/20/08
Date

Approved By:

County Administrator

2/20/08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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

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:

 2-26-08
OFMB CN
 2/26/08
 2-7/08
 2-13-08
Contract Development and Control

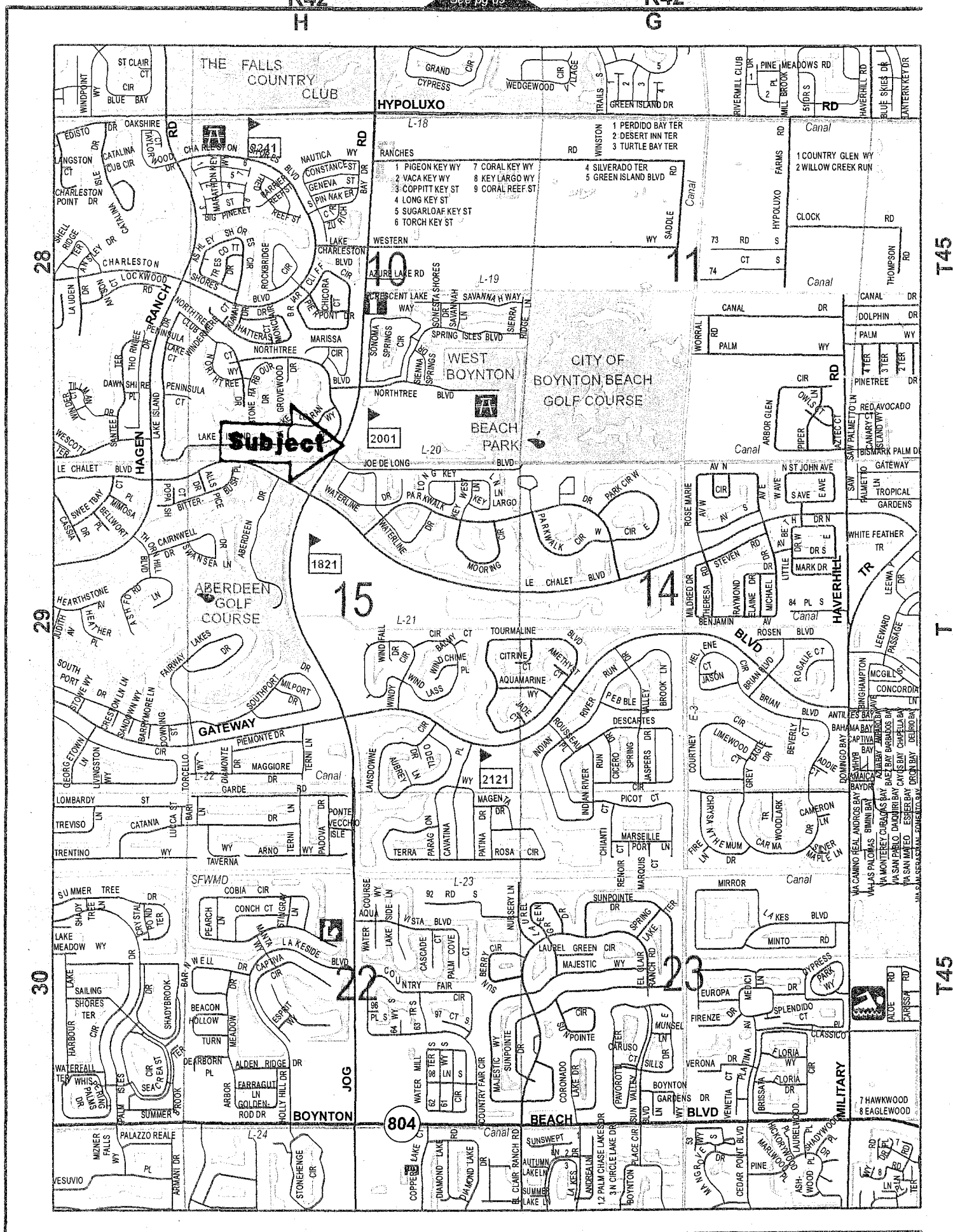
B. Legal Sufficiency:

 2/28/08
Assistant County Attorney

C. Other Department Review:

Department Director

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



LOCATION MAP

Prepared by & Return to:
David Kuzmenko, Real Estate Specialist
Palm Beach County Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

Property Control Number: a portion of 00-42-45-10-17-001-0000

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 PUBLIC UTILITIES COMPANY**, with its principal office at 401 South Dixie Highway, West Palm Beach, Florida 33401-5886, and whose legal mailing address is Post Office Box 3395, West Palm Beach, Florida 33402-3395, ("Grantee").

W I T N E S S E T H:

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 gas utility facilities, said gas utility facilities being limited to an underground gas line and an above-ground meter located at the terminus of the underground gas line (the "Facilities"), to be installed from time to time; with the right to reconstruct, improve, add to, enlarge 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:

See legal description/site sketch marked Exhibit "A"
attached hereto and made a part hereof

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 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. If so requested by 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.
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. Additionally, Grantee shall promptly repair, replace and/or restore the Easement Premises and any improvements now existing or constructed hereafter, including earth, fill and landscaping, to the condition it was in prior to exercise of any rights granted hereunder, using materials of like kind and quality.
4. Grantee, its successors and assigns shall indemnify, defend and hold the County harmless from and against any damages, liability, actions, claims or expenses (including reasonable attorney's fees and expenses at trial and all appellate levels) arising out of exercise of the rights granted hereby by any person whomsoever, including, without limitation, loss of life, personal injury and/or damage to property arising from or out of any occurrence in or upon the

Easement Premises or in connection with the use or operation of the Easement Premises.

5. 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.

6. The grant of easement contained herein is for the use and benefit of Grantee, its successors, and assigns and is not intended and shall not be construed as a dedication to the public of any portion of the Easement Premises for public use.

7. 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: 
Department Director

Exhibit "A"

Legal Description/Site Sketch

AN EASEMENT IN SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN TRACT "A" OF THE PLAT OF WEST BOYNTON DISTRICT PARK "B" THE SPRINGS P.U.D., RECORDED IN PLAT BOOK 106 PAGE 176 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, 10.00 FEET IN WIDTH, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "A";
THENCE ALONG THE WEST BOUNDARY OF SAID TRACT "A", SOUTHERLY
ALONG A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 2570.00
FEET, WHERE A RADIAL LINE BEARS N77°00'13"W, THROUGH A CENTRAL
ANGLE OF 2°14'35" FOR 100.61 FEET;
THENCE CONTINUE ALONG SAID WEST BOUNDARY, S29°19'31"W FOR 42.45
FEET TO A NON-TANGENT CURVE, CONCENTRIC WITH THE PREVIOUS CURVE,
AND HAVING A RADIUS OF 2560.00 FEET;
THENCE CONTINUE ALONG SAID WEST BOUNDARY, SOUTHERLY, ALONG SAID
CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 0°42'18" FOR
31.50 FEET TO THE POINT OF BEGINNING;
THENCE S63°00'00"E FOR 67.00 FEET;
THENCE S69°00'00"E FOR 77.00 FEET;
THENCE S75°00'00"E FOR 83.00 FEET TO THE END OF SAID CENTERLINE.

CONTAINING 2,270 SQUARE FEET, MORE OR LESS.

BEARING BASIS: S29°19'31"W ALONG THE WEST BOUNDARY
OF SAID TRACT "A".

ABBREVIATIONS

- P.O.B.— POINT OF BEGINNING
- P.O.C.— POINT OF COMMENCEMENT
- R/W — RIGHT-OF-WAY
- O.R.B.— OFFICIAL RECORD BOOK
- P.B.— PLAT BOOK
- R — RADIUS
- C — CENTRAL ANGLE
- A — ARC LENGTH
- ℄ — CENTERLINE
- PBSO — PALM BEACH SHERIFF'S OFFICE

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT
COMPRISE THE COMPLETE LEGAL DESCRIPTION.
THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH
ACCOMPANY EACH OTHER.
REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL
RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND
MAPPER NOTED BELOW.

JOHN E. PHILLIPS, JR.
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA NO. 04826
DATE: 9/25/07



PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407
(561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION	
PBSO SUB STATION	
WEST BOYNTON BEACH	
DRAWN: MB	PROJ. No. 06-043
CHECKED: JEP	SCALE: NONE
GAS LINE EASEMENT	DATE: 9/25/07
	SHEET 1 OF 2



**WATER MANAGEMENT
TRACT L-2
(ORB 18208, PAGE 1658)**

R=25.00'
C=103°54'34"
A=45.34'

S88°00'00"W 176.21'

N88°13'10"E 174.36'

10' UTILITY EASEMENT
20' LANDSCAPE
BUFFER EASEMENT
R=2570.00'
C=02°14'35"
A=100.61'

**TRACT A
WEST BOYNTON
DISTRICT PARK "B"
THE SPRINGS P.U.D.
PLAT BOOK 106 PAGE 176**

S01°52'45"E 233.83'

TRACT S

N88°11'06"E
20.33'

N01°45'49"W 293.37'

JOG ROAD

(ORB 4839 PG.1687 & ORB 5895 PG. 1064)
(A 120' RIGHT-OF-WAY)

(RADIAL)
N77°00'13"W
P.O.C.
N.W. CORNER
OF TRACT "A"

(bearing basis)
S29°19'31"W
42.45'

R=2560.00'
C=0°42'18"
A=31.50'
P.O.B.

7.5'
CL OF 5' BELL SOUTH EASEMENT
(ORB 14712 PG.423)
CL OF A 10' FPL EASEMENT
(ORB 14731 PAGE 644)

**PBSO SUB STATION
WEST BOYNTON BEACH**

**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
THIS SKETCH IS NOT A SURVEY**

DRAWN: MB	PROJ. No. 06-043
CHECKED: JEP	SCALE: 1" = 50'
GAS LINE EASEMENT	DATE: 9/25/07
	SHEET 2 OF 2

B BROWN & PHILLIPS, INC.

PROFESSIONAL SURVEYING SERVICES
CERTIFICATE OF AUTHORIZATION # LB 6473
901 NORTHPOINT PKWY, SUITE 305, W.P.B. FLORIDA 33407
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