

Agenda Item #:

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

Meeting Date: July 22, 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 new West Boca Library located in western Boca Raton.

Summary: The County is developing the new West Boca Library on the west side of State Road 7, approximately one half mile north of Yamato Road in western Boca Raton. FPL requires a utility easement for the installation of power lines and a pad mounted transformer to provide primary power to the new library. The easement area is 10' wide by 395' long, and contains 3,950 sf. This is a perpetual non-exclusive easement and is being granted to FPL at no charge, as it will provide electrical services to County facilities. **(PREM) District 5 (JMB)**

Background and Justification: On July 25, 2007, the Board approved the contract for the construction of the West Boca Library and commenced construction in August 2007. The easement will provide for the electrical services to the new library. Construction is estimated to be completed in November of this year.

Attachments:

1. Location Map
2. Utility Easement Agreement

Recommended By: Keith Anthony Wolf 7/3/08
Department Director Date

Approved By: J. Baker 7/19/08
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:

OFMB

7/11/08

Adrienne White 7-11-08

7/12/08

CN 7/11/08

John Webster
Contract Development and Control

B. Legal Sufficiency:

Assistant County Attorney

James Brubaker 7/16/08

... item complies with current
County policies.

C. Other Department Review:

Department Director

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



LOCATION MAP

Prepared by & Return to:
Peter Banting
Palm Beach County
Property & Real Estate Management Division
2300 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN:00-41-47-01-01-050-0010

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").

WITNESSETH:

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 underground electric utility facilities, including wires, cables, conduits, appurtenant equipment and a pad-mounted transformer (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, 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:

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 to permit any other person, firm or corporation to lay cable and conduit within the Easement Premises and to operate the same for communications purposes. Together with the right of reasonable ingress and egress to said Easement Premises at all times. 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 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.
3. Grantee further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its underground cables 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: *[Signature]*
Department Director

Exhibit "A"

Legal Description/Site Sketch

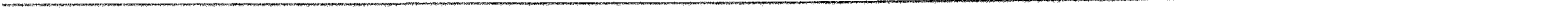


Exhibit "A"

LEGAL DESCRIPTION:

A 10 FOOT UTILITY EASEMENT LYING WITHIN TRACT 51, OF FLORIDA FRUIT LANDS CO. SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID EASEMENT BEING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID TRACT 50 OF FLORIDA FRUIT LANDS CO. SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A LINE 40.00 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, AS RECORDED IN OFFICIAL RECORD BOOK 10523, PAGE 1295 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°41'30" EAST, ALONG THE SAID PARALLEL LINE, A DISTANCE OF 590.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°41'30" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89°18'29" WEST, A DISTANCE OF 323.43 FEET; THENCE NORTH 21°47'03" WEST, A DISTANCE OF 66.47 FEET; THENCE SOUTH 89°18'30" WEST, A DISTANCE OF 6.57 FEET; THENCE NORTH 00°41'30" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°18'30" EAST, A DISTANCE OF 13.43 FEET; THENCE SOUTH 21°47'03" EAST, A DISTANCE OF 66.47 FEET; THENCE NORTH 89°18'29" EAST, A DISTANCE OF 316.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,964.72 SQUARE FEET OR 0.0910 ACRES MORE OR LESS.

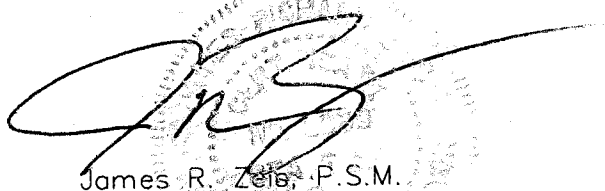
SURVEYOR'S CERTIFICATE:

I hereby certify to the best of my knowledge and belief that this drawing is a true and correct representation of the LEGAL DESCRIPTION AND SKETCH of the real property described hereon. I further certify that this survey was prepared in accordance with the applicable provisions of Chapter 61G17-6 Florida Administrative Code.

Date : 5/20/2008

Revision 1:

Revision 2:



James R. Zela, P.S.M.
Professional Surveyor & Mapper No. 5030
State of Florida

THIS IS NOT A SURVEY
SHEET 1 OF 3

MANUCY LAND SURVEYORS, INC. 801 MAPLEWOOD DRIVE, SUITE 9 JUPITER, FLORIDA 33458 PHONE: (561) 427-0855 LB 7383			
SCALE: N/A	DRAWN BY: J.R.Z.	FIELD BOOK:	ORDER NO. 002856
DATE: 5/20/2008			
DESCRIPTION OF FLORIDA POWER & LIGHT COMPANY UTILITY EASEMENT AT WEST BOCA LIBRARY			
PREPARED FOR: WEITZ COMPANY			

TRACT 49

NORTH LINE OF TRACT 50

P.O.C.

LEGEND:

O.R.B. = OFFICIAL RECORD BOOK
P.B. = PLAT BOOK
PG = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
TWP. = TOWNSHIP
RGE. = RANGE
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
R/W = RIGHT OF WAY

TRACT 50

FLORIDA FRUIT LANDS CO.
SUBDIVISION NO. 2
P.B. 1, PG. 102

40.00'

S00°41'30"E 590.68'

WEST R/W LINE PER
O.R.B. 10523, PG. 1295

WEST R/W LINE STATE ROAD 7
PER FDOT SECTION 93210-2515

STATE ROAD 7
FDOT SECTION 93210-2515

EAST LINE OF SECTION 1 (BEARING BASIS) N 00°37'51" W

BASE LINE & EAST R/W LINE
PER FDOT SECTION 93210-2515

MATCH LINE

TRACT 51

GRAPHIC SCALE



(IN FEET)

1 inch = 80 ft.

THIS IS NOT A SURVEY
SHEET 2 OF 3

MANUCY LAND SURVEYORS, INC.

801 MAPLEWOOD DRIVE, SUITE 9
JUPITER, FLORIDA 33458
PHONE: (561) 427-0855 LB 7383

SCALE: 1"=80'

DRAWN BY:

FIELD BOOK:

ORDER NO.

DATE: 5/20/2008

J.R.Z.

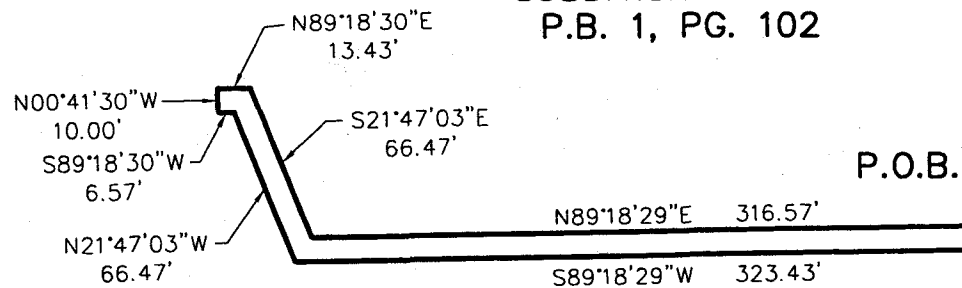
002856

SKETCH OF FLORIDA POWER & LIGHT
COMPANY UTILITY EASEMENT AT
WEST BOCA LIBRARY

PREPARED FOR: WEITZ COMPANY

MATCH LINE

FLORIDA FRUIT LANDS CO.
SUBDIVISION NO. 2
P.B. 1, PG. 102



TRACT 51

PORTION OF TRACT 52

LEGEND:

O.R.B. = OFFICIAL RECORD BOOK
P.B. = PLAT BOOK
PG = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
TWP. = TOWNSHIP
RGE. = RANGE
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
R/W = RIGHT OF WAY

40.00'

S00°41'30"E 590.68'

S00°41'30"E 10.00'

40.00'

ROAD EASEMENT
O.R.B. 10199, PG. 1777

WEST R/W LINE PER
O.R.B. 10523, PG. 1295

WEST R/W LINE STATE ROAD 7
PER FDOT SECTION 93210-2515

STATE ROAD 7
FDOT SECTION 93210-2515

EAST LINE OF SECTION 1 (BEARING BASIS) N 00°37'51" W

BASE LINE & EAST R/W LINE
PER FDOT SECTION 93210-2515

MANUCY LAND SURVEYORS, INC.

801 MAPLEWOOD DRIVE, SUITE 9

JUPITER, FLORIDA 33458

PHONE: (561) 427-0855 LB 7383

SCALE: 1"=80'

DRAWN BY:

FIELD BOOK:

ORDER NO.

DATE: 5/20/2008

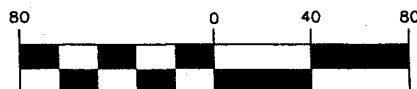
J.R.Z.

002856

SKETCH OF FLORIDA POWER & LIGHT
COMPANY UTILITY EASEMENT AT
WEST BOCA LIBRARY

PREPARED FOR: WEITZ COMPANY

GRAPHIC SCALE



(IN FEET)

1 inch = 80 ft.

THIS IS NOT A SURVEY
SHEET 3 OF 3