3H-13

Agenda Item #:

Date

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

I. EXECUTIVE BRIEF Motion and Title: Staff recommends motion to approve: a Utility Easement Agreement in faw. Florida Power & Light Company (FPL) for electrical service to the County's new Performing Pavilion located in Carlin Park, Jupiter. Summary: The County is developing a new amphitheater on the west side of State Road A-1-A, s of Indiantown Road in the Town of Jupiter. FPL requires a utility easement for the installation underground power lines and a pad mounted transformer to provide primary power to the Performing Arts Pavilion. The easement area is 10' wide by 1,252' long, and contains 12,520 sf. is a perpetual non-exclusive easement and is being granted to FPL at no charge, as it will profective electrical services to County facilities. (PREM) District 1 (JMB) Background and Justification: On March 11, 2008 (R-2008-0366), the Board approved the corfor the construction of the Performing Arts Pavilion. A permanent outdoor structure. The easemen provide for the utility services to the new Performing Arts Pavilion. Construction commence January 2008 and is anticipated to be completed in December 2008. Attachments: 1. Location Map 2. Utility Easement Agreement	Meeting Date:	October 21, 2008	[X] Consent [] Ordinance	[] Regular [] Public Hearing
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Recommended By: Department Director Date	Recommended		1 My Worf nent Director	9/14/08 Date

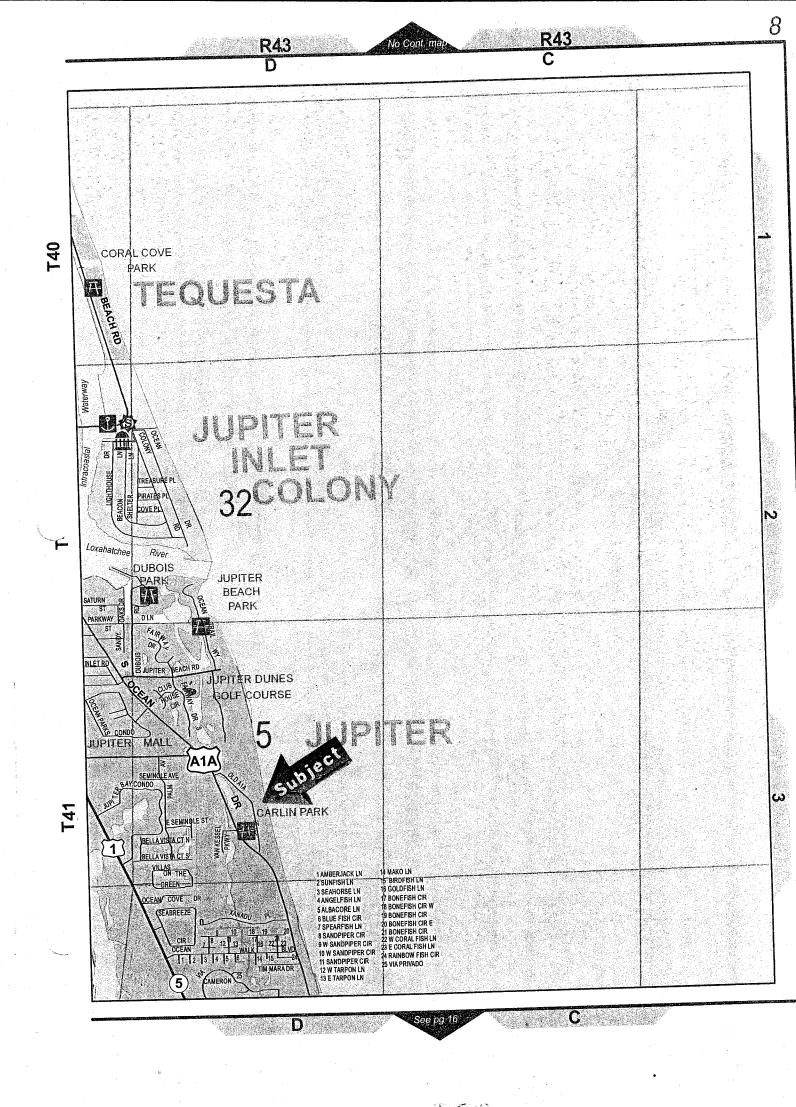
County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: **Fiscal Years** 2009 2010 2011 2012 2013 **Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County NET FISCAL IMPACT** -0-# ADDITIONAL FTE **POSITIONS (Cumulative)** Is Item Included in Current Budget: Yes Budget Account No: _____ Unit ____ Object Fund Program В. Recommended Sources of Funds/Summary of Fiscal Impact: No Fiscal Impact. C. Departmental Fiscal Review: III. REVIEW COMMENTS **OFMB Fiscal and/or Contract Development Comments:** A. B. Legal Sufficiency: Assistant County Attorney C. **Other Department Review:** Department Director

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

G:\PREM\AGENDA\2008\10-21\CARLIN PARK - FPL EASEMENT.MJ.DOCX



ATTACHMENT #/

LOCATION MAP



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

PCN: 30-43-41-05-00-004-0060 and 30-43-41-08-00-001-0010

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:

ATTACHMENT # 2

See legal description/site sketch marked <u>Exhibit "A"</u> 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, 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.

The grant of this Easement shall in no way restrict the right and interest of 4. 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:	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 FPL EASEMENT IN SECTIONS 5 AND 8, TOWNSHIP 41 SOUTH, RANGE 43 EAST, TOWN OF JUPITER, PALM BEACH COUNTY, FLORIDA, 10.00 FEET IN WIDTH, AND LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTH QUARTER CORNER OF SAID SECTION 5; THENCE ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5, N89'36'32"E FOR 276.00 FEET; THENCE PERPENDICULAR, S00"23"28"E FOR 58.00 FEET TO THE POINT OF BEGINNING;

THENCE N79°00'00"W FOR 459.00 FEET; THENCE S87°00'00"W FOR 381.00 FEET;

THENCE N26'00'00"W FOR 174.00 FEET;

THENCE NOO'00'00"W FOR 198.00 FEET;

THENCE N15'00'00"E FOR 40.00 FEET TO THE END OF SAID CENTERLINE.

CONTAINING 12,520 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N89'36'32"E ALONG THE SOUTH LINE OF THE S.W. 1/4 OF SECTION 5.

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 HEREON. MAPPER NOTED HEREON. E phose M

ABBREVIATIONS

P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT

901 NORTHPOINT PKWY, SUITE 305, W.F (561) 615-3988, (561) 615-3986 FAX

R/W - RIGHT-OF-WAY

O.R.B.- OFFICIAL RECORD BOOK

JOHN E PHILLIPS AIL PROFESSIONAL LAND SURVEYOR STATE OF FLORIDA No. 4826 DATE:

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

LEGAL DESCRIPTION

DRAWN: MB	PROJ. No. 08-041
	SCALE: NONE
FPL EASEMENT	DATE: 8/8/08
at CARLIN PARK	SHFFT 1 OF 2

