

3H-4

Agenda Item #:

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

Meeting Date: December 2, 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 Fire Station No. 32 located in unincorporated Lake Worth.

Summary: The County will be constructing a new Fire Station on the corner of Lake Worth Road and Charleston Road, east of the Turnpike, in unincorporated Lake Worth. The existing fire station will be demolished upon the completion of this new Fire Station. FPL requires a utility easement for the installation of underground power lines and a pad mounted transformer to provide primary power to the new Fire Station. The easement area is approximately 10' wide by 300' long, and contains 3,000 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 2 (HJF)

Background and Justification: The Board approved the contract for the construction of the new Fire Station on May 15, 2007 (R2007-765). The easement will provide for the utility services to the new Fire Station No. 32. Construction will begin in February 2009 and is anticipated to be completed in December 2009.

- Attachments:**
- 1. Location Map
 - 2. Utility Easement Agreement

Recommended By: [Signature] Anthony Wolf
Department Director **Date**

Approved By: [Signature] 11/14/08
County Administrator **Date**

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	<u><u>-0-</u></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</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:

Annalyn White 11-7-08
 OFMB
 (UP) 11/7/08 ON 11/7/08

Mr. J. Jacobson 11/10/08
 Contract Development and Control
 11/10/08

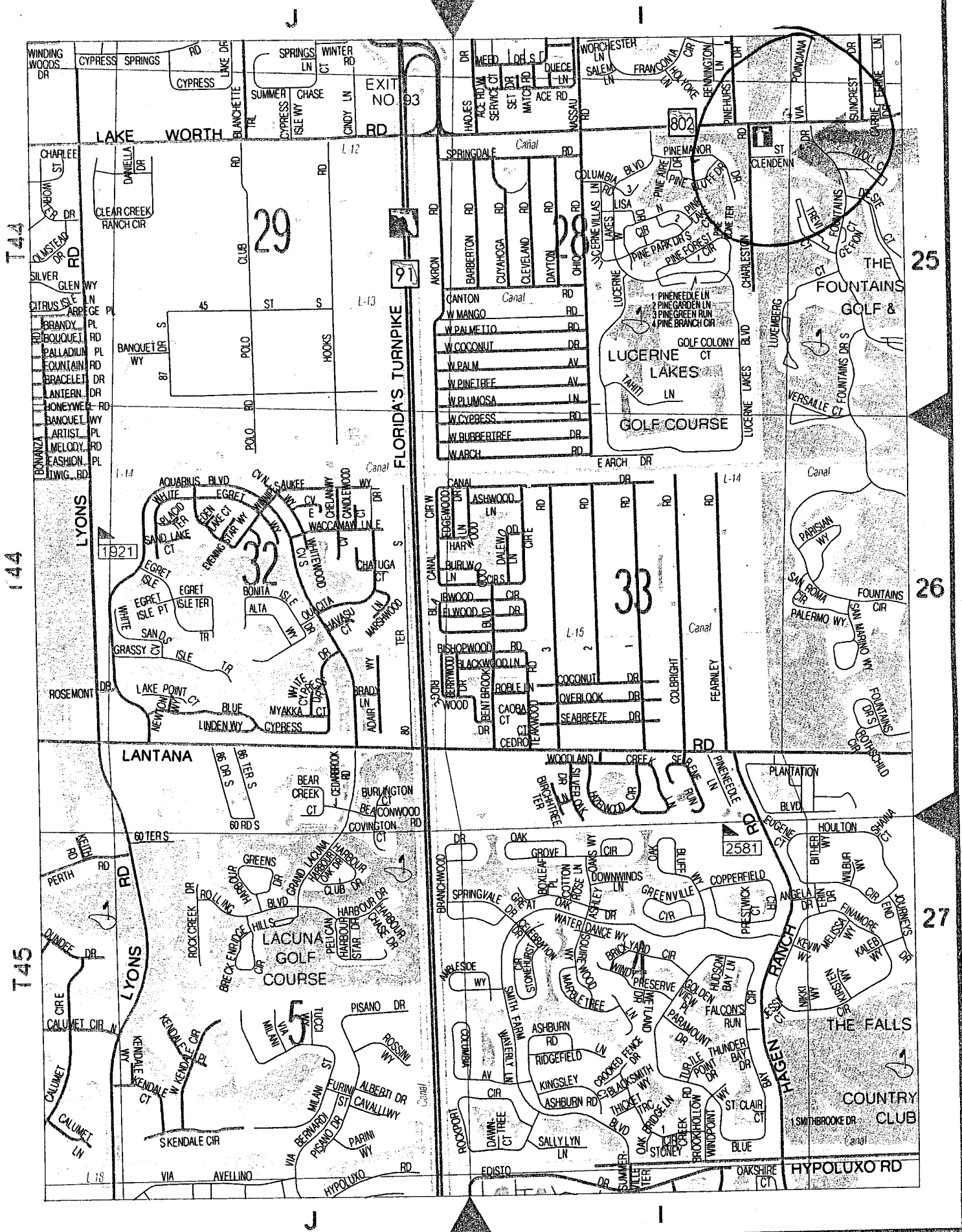
B. Legal Sufficiency:

[Signature] 11/14/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



LOCATION MAP

Handwritten signature and text:

Z

AT.T.#1

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: 00-42-43-27-10-000-0110

UTILITY EASEMENT AGREEMENT

This EASEMENT is granted _____, by 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"), to 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, and appurtenant equipment, and an above-ground 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:

ATT.#2

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

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 Facilities 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

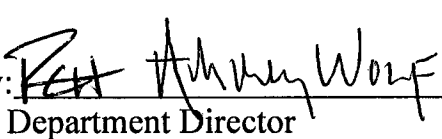
By: _____
Deputy Clerk

By: _____
Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By:  _____
Assistant County Attorney

By:  _____
Department Director

LEGAL DESCRIPTION

BEING A 10 FOOT FP&L EASEMENT, LYING IN A PORTION OF LOTS 11, 13 AND 14 OF THE PLAT OF KANAWHA PARK, AS RECORDED IN PLAT BOOK 23, PAGE 248 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 13; THENCE NORTH 00°56'46" WEST, ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING THENCE, DEPARTING SAID WEST LINE, SOUTH 45°56'16" EAST, A DISTANCE OF 14.14 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 13; THENCE, ALONG THE SOUTH LINE OF SAID LOTS 13 AND 14, NORTH 89°04'14" EAST, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE, ALONG THE EAST LINE OF SAID LOT 14, NORTH 00°56'46" WEST, A DISTANCE OF 195.00 FEET TO A POINT ON THE NORTH LINE OF THE 10 FOOT UTILITY EASEMENT AS SHOWN ON SAID PLAT OF KANAWHA PARK, SAID NORTH LINE LYING 5 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 11; THENCE, ALONG SAID NORTH LINE, SOUTH 89°04'14" WEST, A DISTANCE OF 10.00 FEET TO A POINT ON A LINE 10 FEET WEST OF AND PARALLEL WITH THE EAST LINES OF SAID LOTS 11 AND 14; THENCE, DEPARTING SAID NORTH LINE AND ALONG SAID PARALLEL LINE, SOUTH 00°56'46" EAST, A DISTANCE OF 185.00 FEET TO A POINT ON A LINE 10 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINES OF SAID LOTS 13 AND 14; THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°04'14" WEST, A DISTANCE OF 85.86 FEET; THENCE NORTH 45°56'16" WEST, A DISTANCE OF 20.01 FEET TO A POINT ON THE AFOREMENTIONED WEST LINE OF LOT 13; THENCE, ALONG SAID WEST LINE, SOUTH 00°56'46" EAST, A DISTANCE OF 14.14 FEET TO THE POINT OF BEGINNING.

ABOVE DESCRIBED EASEMENT CONTAINING 3000 SQUARE FEET OR 0.07 ACRES

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF SAID LOT 14 OF THE PLAT OF KANAWHA PARK, SAID LINE IS ASSUMED TO BEAR NORTH 00°56'46" WEST, ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. THIS IS NOT A BOUNDARY SURVEY.

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.

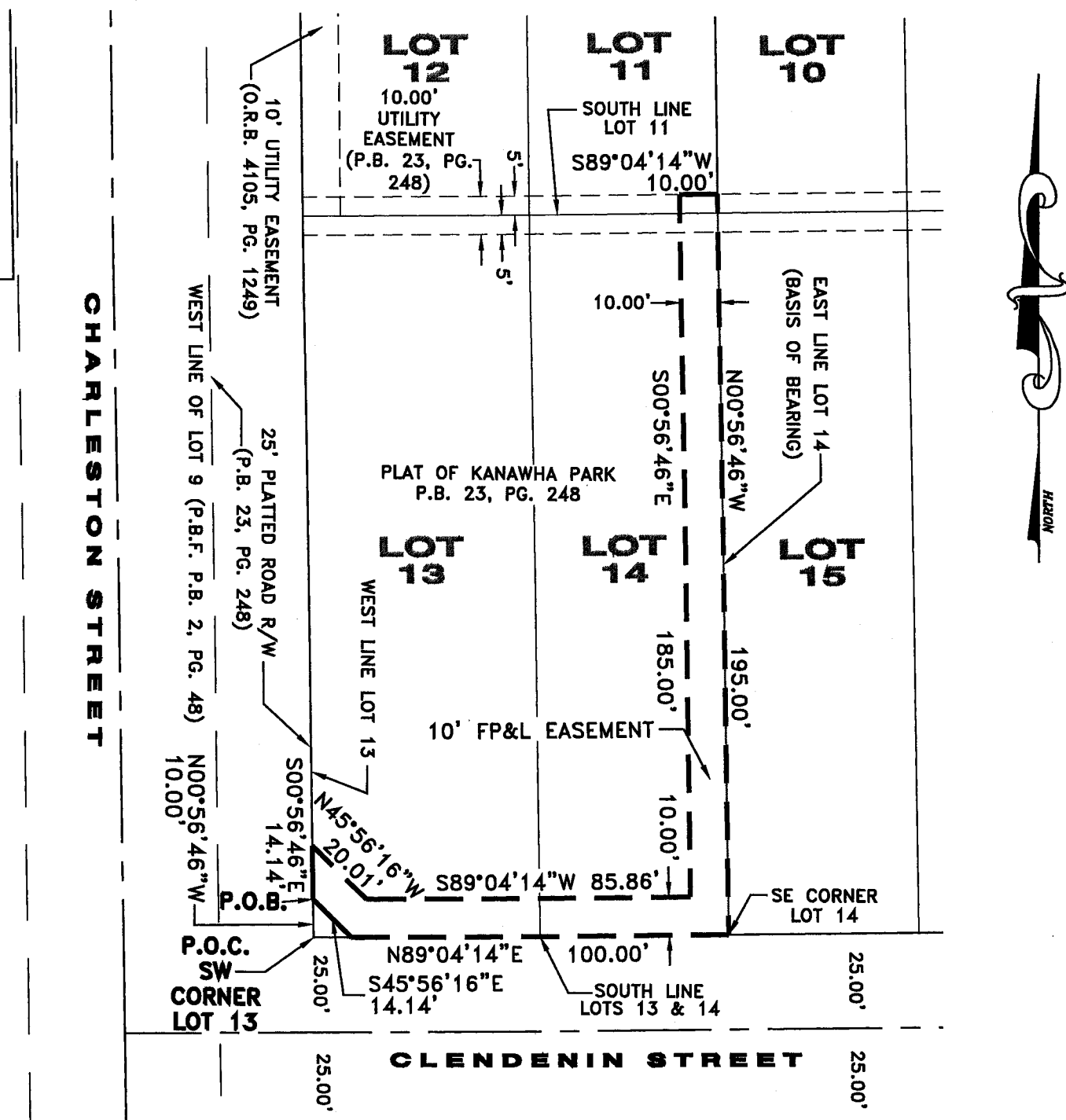
F.R.S. AND ASSOCIATES, INC.

BY: 

DAVID L. SMITH, P.S.M.
FLORIDA CERTIFICATION NO. 4951
FOR THE FIRM

THIS IS NOT A BOUNDARY SURVEY

 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: N/A	DRAWN BY: D.L.S.	F.B. N/A	CADD REF. T:\DRAW\FIRE STATION 32\ AUTOCAD2009\FPL EASEMENT.DWG
	DATE: 09-25-08	APPR. BY: G.P.W.	PG. N/A	
SKETCH AND LEGAL DESCRIPTION PROPOSED 10' FP&L EASEMENT FOR FIRE STATION 32				JOB NUMBER: A 07-002
				SHEET 1 OF 2



LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.B.F. = PALM BEACH FARMS
- P.B. = PLAT BOOK
- PG. = PAGE
- R/W = RIGHT OF WAY
- O.R.B. = OFFICIAL RECORD BOOK
- F.B. = FIELD BOOK

THIS IS NOT A BOUNDARY SURVEY



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" = 40'
DATE: 09-25-08

DRAWN BY: D.L.S.
APPR. BY: G.P.W.

F.B. N/A
PG. N/A

CADD REF.
T:\DRAW\FIRE STATION 32\
AUTOCAD2009\FPL EASEMENT.DWG

SKETCH AND LEGAL DESCRIPTION
PROPOSED 10' FP&L EASEMENT
FOR FIRE STATION 32

JOB NUMBER:
A 07-002

SHEET 2 OF 2