

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: July 7, 2009 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a First Amendment to Utility Easement Agreement (R-2008-2194) with 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 is constructing a new building to replace the existing Fire Rescue Station No. 32 located on the corner of Lake Worth Road and Charleston Road, east of the Turnpike, in unincorporated Lake Worth. The current utility lines for FPL, AT&T and Comcast have to be relocated in connection with construction of the Fire Station. In December 2008, the Board approved a Utility Easement Agreement in favor of FPL. This First Amendment expands the easement area and includes the right for the easement premises to be used for communication purposes, which will allow for both AT&T and Comcast to co-locate their utility lines within the same easement area. The easement is 5' to 10' wide by 460' long and contains approximately 3,817 square feet. This is a perpetual and 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)

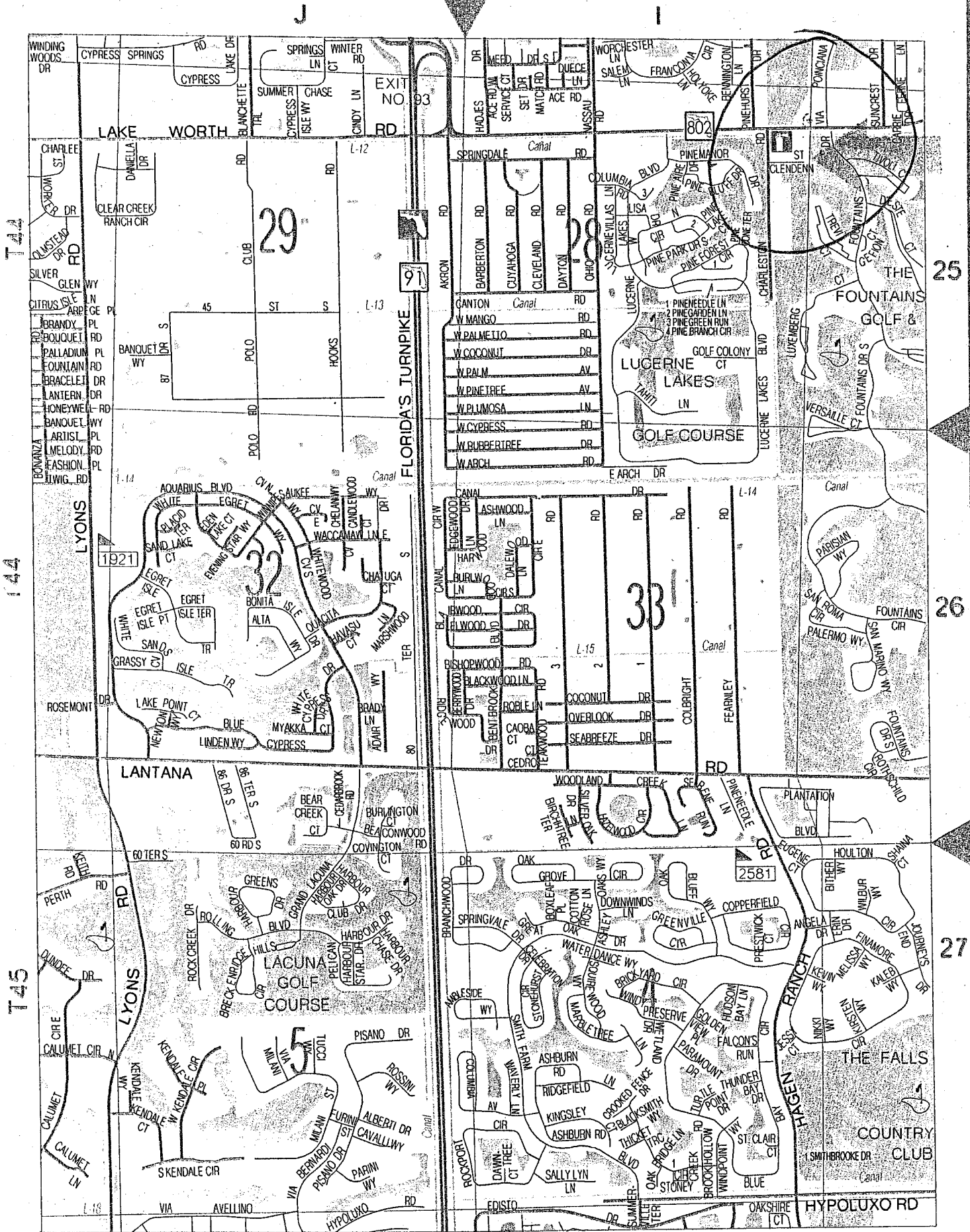
Background and Justification: On December 2, 2008, the Board approved a Utility Easement Agreement to FPL for the installation of underground power lines and a pad mounted transformer to provide primary power to the new fire station to be constructed to replace the existing facility. However, the Utility Easement Agreement did not include the right to use the easement premises for communication purposes. Since then, FPL has re-evaluated the site and determined that an additional 816.78 foot area is necessary to accommodate the relocation of its power lines. Comcast has already notified Staff that its lines will be relocated and have agreed to co-locate into this easement. To date, Staff has not received notification from AT&T as to whether it will re-locate its utilities pursuant to this First Amendment. Should AT&T request to have its own utility easement agreement, Staff will bring a separate item to the Board for approval. Construction is anticipated to be completed in December 2009.

Attachments:

- 1. Location Map
- 2. First Amendment to Utility Easement Agreement

Recommended By: Reef Anthony Wolf 6/15/09
Department Director Date

Approved By: [Signature] 6/30/09
County Administrator Date



LOCATION MAP

ATTACHMENT # 1

Handwritten signature or initials.

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

Property Control Number: 00-42-43-27-10-000-0110

FIRST AMENDMENT TO UTILITY EASEMENT AGREEMENT

THIS FIRST AMENDMENT TO UTILITY EASEMENT AGREEMENT

(the "First Amendment"), granted this _____, by and 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, hereinafter referred to as "Grantor" and **FLORIDA POWER & LIGHT COMPANY**, a Florida corporation, whose legal mailing address is Post Office Box 14000, Juno Beach, Florida 33408-0420, hereinafter referred to as "Grantee".

RECITALS:

WHEREAS, Grantor granted Grantee a Utility Easement Agreement recorded in the public records of Palm Beach County, Florida, in Official Record Book 22994 page 616 (the "Utility Easement"); and

WHEREAS, the parties wish to expand the location of the Easement Premises and include the right to use the Easement Premises for communications purposes; and

WHEREAS, Grantor and Grantee wish to amend the Utility Easement to replace the legal description contained in Exhibit "A" to the Utility Easement, and expand the rights granted therein.

WITNESSETH:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Utility Easement.
2. Exhibit "A" to the Utility Easement (the "Easement Premises") is hereby deleted in its entirety and replaced by Exhibit "A" attached hereto and made a part hereof.
3. The Utility Easement is modified to include in the rights granted therein 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.
4. Except as modified by this First Amendment, the Utility Easement remains unmodified and in full force and effect and the parties hereby ratify, confirm, and adopt the Utility Easement, as amended, in accordance with the terms thereof.

IN WITNESS WHEREOF, County has caused this First Amendment to be executed in its name, by its proper officers thereunto duly authorized the day and year first above written.

COUNTY:

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY, a
political subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Assistant County Attorney

By: Rebecca Audrey Wolf
Audrey Wolf, Director
Facilities Development & Operations

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

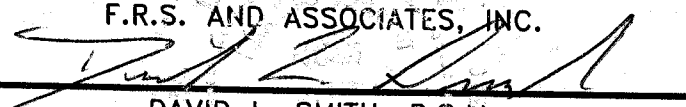
1. BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF SAID LOT 14 OF THE PLAT OF KANAWHA PARK, SAID LINE IS ASSUMED TO BEAR NORTH 00°56'46" WEST, ALL OTHER BEARINGS ARE RELATIVE THERETO.
2. THIS IS NOT A BOUNDARY SURVEY.

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

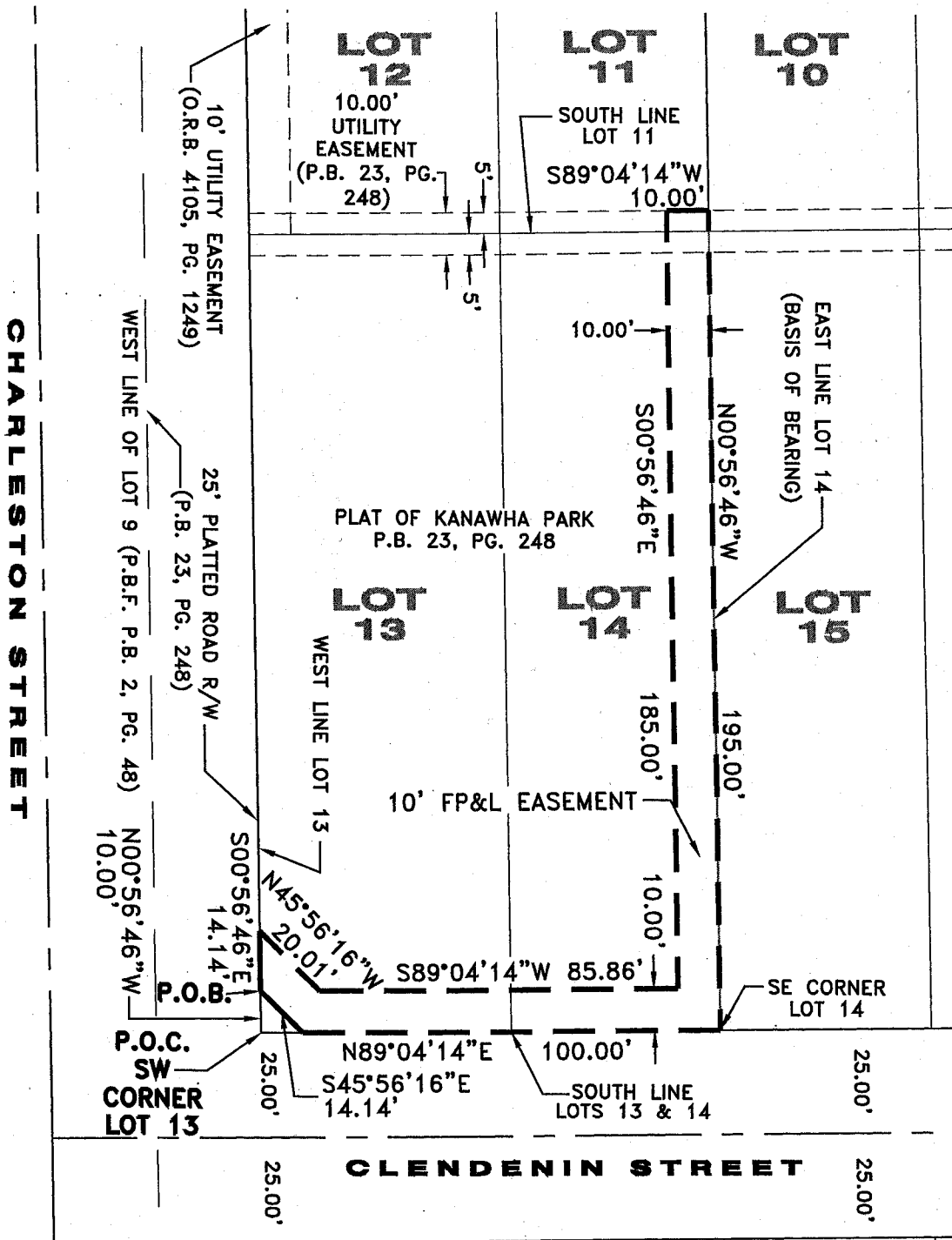
SCALE: N/A
DATE: 09-25-08

DRAWN BY: D.L.S. F.B. N/A
APPR. BY: G.P.W. PG. N/A

CADD REF.
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AUTOCAD2009\FPL EASEMENT.DWG

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'	DRAWN BY: D.L.S.	F.B. N/A
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

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

JOB NUMBER:
A 07-002

SHEET 2 OF 2

LEGAL DESCRIPTION

BEING A 5 FOOT FLORIDA POWER AND LIGHT EASEMENT LYING IN LOT 13 AS SHOWN ON 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 NORTHWEST CORNER OF SAID LOT 13, THENCE SOUTH 00°56'46" EAST ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 5.00 FEET TO A POINT ON A LINE THAT IS 5.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 13 AND ALSO THE POINT OF BEGINNING.

THENCE NORTH 89°04'14" EAST, ALONG SAID PARALLEL LINE, 5.00 FEET TO A POINT ON A LINE THAT IS 5.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 13; THENCE SOUTH 00°56'46" EAST ALONG SAID PARALLEL LINE, 165.86 FEET TO A POINT ON THE EXISTING 10 FOOT FLORIDA POWER AND LIGHT EASEMENT AS RECORDED ON OFFICIAL RECORDS BOOK 22994 AT PAGE 616 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 45°56'16" WEST ALONG SAID NORTHEAST LINE, 7.07 FEET TO A POINT ON THE WEST LINE OF SAID LOT 13; THENCE NORTH 00°56'46" WEST ALONG SAID WEST LINE OF LOT 13, A DISTANCE OF 160.86 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 816.78 FEET MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SAID LOT 12 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: GARY P. WILLIAMS
 GARY P. WILLIAMS, P.S.M.
 FLORIDA LICENSE NO. 4817
 FOR THE FIRM

THIS IS NOT A BOUNDARY SURVEY



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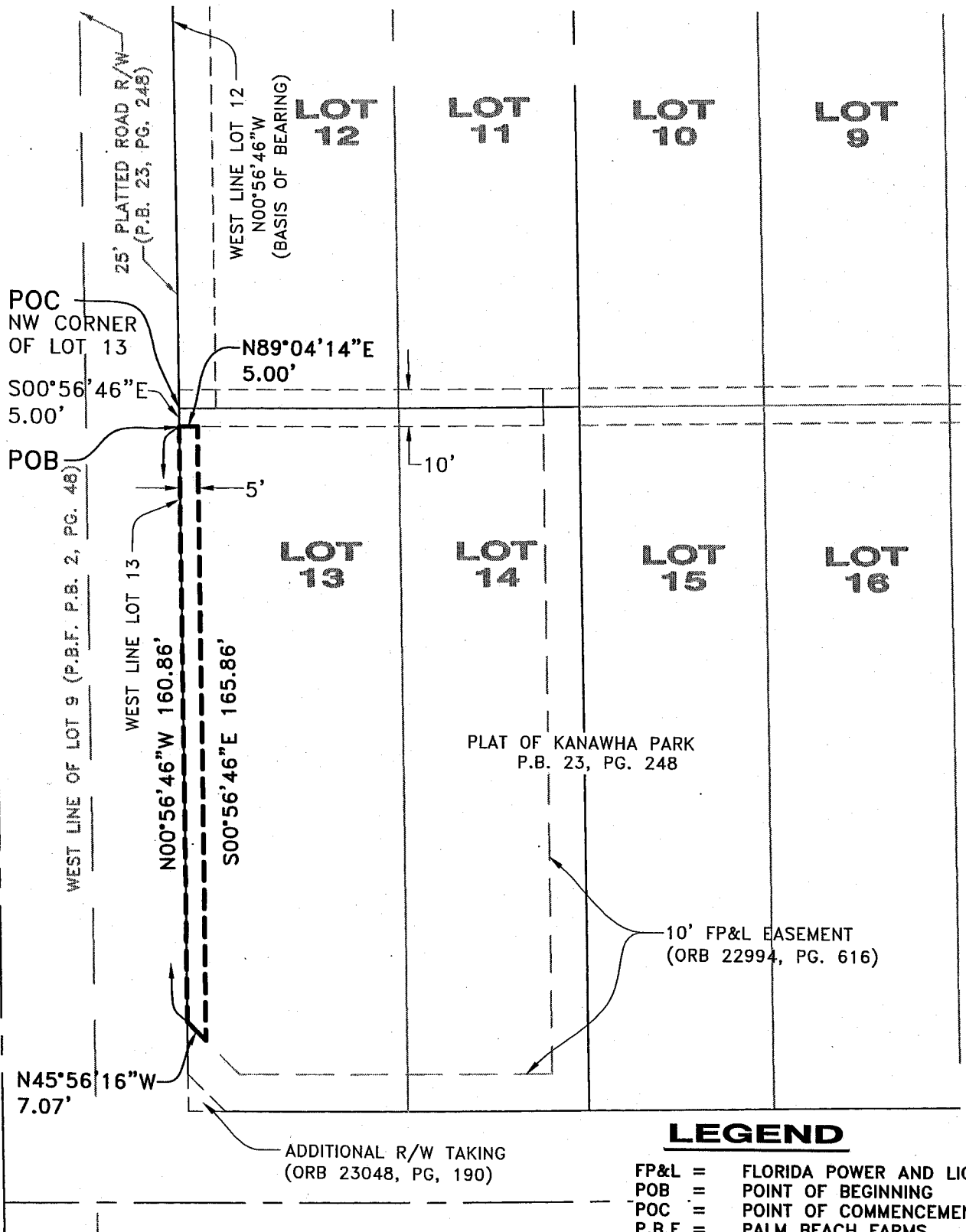
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SCALE: N/A	DRAWN BY: D.P.K.	F.B. N/A
DATE: 04-09-09	APPR. BY: G.P.W.	PG. N/A
SKETCH AND LEGAL DESCRIPTION		
NORTH/SOUTH 5' FP&L EASEMENT		
FOR FIRE STATION 32		

CADD REF.
5' FPL ESMT.DWG
JOB NUMBER:
A 07-002
SHEET 1 OF 2

CHARLESTON STREET

LAKE WORTH ROAD



LEGEND

- FP&L = FLORIDA POWER AND LIGHT
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- P.B.F. = PALM BEACH FARMS
- P.B. = PLAT BOOK
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T:\Draw\Fire Station 32\AutoCAD 2004\5' FPL ESMT.dwg 5/28/2009 8:56:35 AM ED

SCALE: 1" = 40'

DRAWN BY: D.P.K.

F.B. N/A

CADD REF.

DATE: 04-09-09

APPR. BY: G.P.W.

PG. N/A

5' FPL ESMT.DWG

SKETCH AND LEGAL DESCRIPTION

JOB NUMBER:

**NORTH/SOUTH 5' FP&L EASEMENT
 FOR FIRE STATION 32**

A 07-002

SHEET 2 OF 2