

5C-2

AGENDA ITEM # _____
CONTAINS MORE THAN 50 PAGES PALM BEACH COUNTY
IT MAY BE VIEWED IN BOARD OF COUNTY COMMISSIONERS
COUNTY ADMINISTRATION AGENDA ITEM SUMMARY

Meeting Date: October 6, 2009 Consent [] Regular [X]
Public Hearing []

Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: **A) approve:** a Utility Easement Agreement with Lion's Holding Company LLC., providing compensation in the amount of \$5,000; **B) approve:** a Utility Easement and Temporary Construction Easement from Palm Beach Aggregates Holdings, Inc. (PBA); **C) approve:** a Memorandum of Understanding with the South Florida Water Management District (SFWMD) and Florida Power and Light (FPL); **D) approve:** a Right of Way Consent Agreement with FPL; **E) approve:** a Utility Easement and Temporary Construction Easement with FPL and; **F) adopt:** Resolutions declaring the acquisition of property designated as Parcel 100W, 100E, and 101 as permanent utility easements; Parcels 200E, 200W, and 200S as permanent access easements; and Parcels 300W, 300E, and 301 as temporary construction easements, necessary for the construction, installation, and maintenance of a reclaimed water pipeline and related appurtenances, to be a public necessity, and authorizing the employment of appraisers and other experts, and authorizing the filing of Eminent Domain proceedings.

Summary: On May 20, 2008, the Board of County Commissioners (BCC) approved a Reclaimed Water Agreement (R2008-0906) with FPL to supply reclaimed water for the West County Energy Center (Center). Construction of the pipeline to deliver reuse water from the East Central Regional Wastewater Reclamation Facility (ECRWRf) to the Center to requires the acquisition of several utility easements and licenses. Lions Holding Company, LLC is granting a utility easement and a temporary construction easement in return for compensation in the amount of \$5,000. PBA Holdings, Inc. is granting a utility easement and temporary construction easement at no cost. The Memorandum of Understanding with the SFWMD and the FPL includes the granting of a utility easement and temporary construction easement from SFWMD at no cost. **(continued on page 3)**

Background and Justification: On May 20, 2008, the Board approved a Reclaimed Water Agreement (R2008-0906) with FPL to supply reclaimed water for the Center. This Agreement requires the County to acquire the easements for construction of the pipeline main for the ECRWRf to the Center.

Attachments:

1. Location Map
2. Two (2) Original Utility Easement Agreements with Lion's Holding Company LLC (with attached Utility Easement and Temporary Construction Easement.)
3. One (1) Original Utility Easement granted by PBA Holdings, Inc. to Palm Beach County.
4. One (1) Original Temporary Construction Easement granted by PBA Holdings, Inc. to Palm Beach County.
5. One (1) Original Memorandums of Understanding with South Florida Water Management District and Florida Power and Light Company (with attached Utility Easement and Temporary Construction Easement.)
6. Three (3) Original Right of Way Consent Agreements with Florida Power and Light Company.
7. Three (3) Original Utility Easement granted by Florida Power and Light Company to Palm Beach County.
8. Three (3) Original Temporary Construction Easement granted by Florida Power and Light Company to Palm Beach County.
9. Eminent Domain Resolutions for Parcels 100W, 100E, 101, 200E, 200W, 200S, 300W, 300E, and 301.

Recommended By: Benjamin Beaubien 9/18/09
Department Director Date

Approved By: Sharon R. Boy 9/20/09
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<u>\$5,000.00</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>0</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Expenses	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match County	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>\$5,000.00</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

Budget Account No.: Fund 4041 Dept 721 Unit W032 Object 6543

Reporting Category N/A

Is Item Included in Current Budget? Yes No

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Department Fiscal Review: *Ry Eggen*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

Michael Alzola
 OFMB *9/21/09*
9/21/09

Dr. J. Jacobson *9/21/09*
 Contract Development and Control

B. Legal sufficiency:

This item complies with current County policies.

[Signature] *9/22/09*
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Summary: (continued from page 1) FPL is granting the Right of Way Consent Agreement, the Utility Easement and the Temporary Construction Easement at no cost. While the Palm Beach County Water Utilities Department (WUD) may accept standard easements in accordance with its Uniform Policies and Procedures Manual, these easements/licenses contain modifications to the Standard Easement Form and/or require separate agreements between the parties, and are therefore being brought to the Board for approval. Approval of the Eminent Domain Resolutions will authorize the filing of Eminent Domain proceedings for Parcels 100W, 100E, 101, 200E, 200W, 200S, 300W, 300E, and 301. The permanent utility easements and access easements (Parcels 100W, 100E, 101, 200E, 200S, 200W) are perpetual, while the temporary construction easements (Parcels 300W, 300E, and 301) will expire two (2) years from the date of execution, or upon the final completion of construction, whichever occurs first. (WUD Project No. 08-031) District 6 (MJ)