

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

**Meeting Date:** June 29, 2010       **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 underground electrical service to the Southwinds Golf Course clubhouse in unincorporated Boca Raton.

**Summary:** The County is constructing a new clubhouse at the Southwinds Golf Course to replace the old clubhouse which had to be demolished after being damaged beyond repair by Hurricane Wilma. FPL requires an easement for the installation of underground electrical service and a transformer to service this facility. The easement area is approximately 10' wide and 382' long and contains 3,824 square feet (0.09 acres). This non-exclusive easement is being granted at no charge as it will provide electrical service solely for the benefit of the County facility. **(PREM) District 5 (HJF)**

**Background and Justification:** In October 2005, Hurricane Wilma caused catastrophic and irreparable damage to the floor and wall systems of the clubhouse. Demolition of the clubhouse occurred in November 2006. Construction of the new clubhouse commenced on May 18, 2009, and is currently scheduled to be completed in July 2010.

**Attachments:**

- 1. Location Map
- 2. Utility Easement Agreement

**Recommended By:** *Pest Army Wolf*      6/11/10  
Department Director      Date

**Approved By:** *[Signature]*      6/22/10  
for County Administrator      Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>0</u> * see below	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

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	_____ Contract Development and Control
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*Handwritten signatures and dates: 6/17/10, 6/17/10, 6/12/10, 6/18/10*

**B. Legal Sufficiency:**

\_\_\_\_\_ 6/22/10  
 Assistant County Attorney

**C. Other Department Review:**

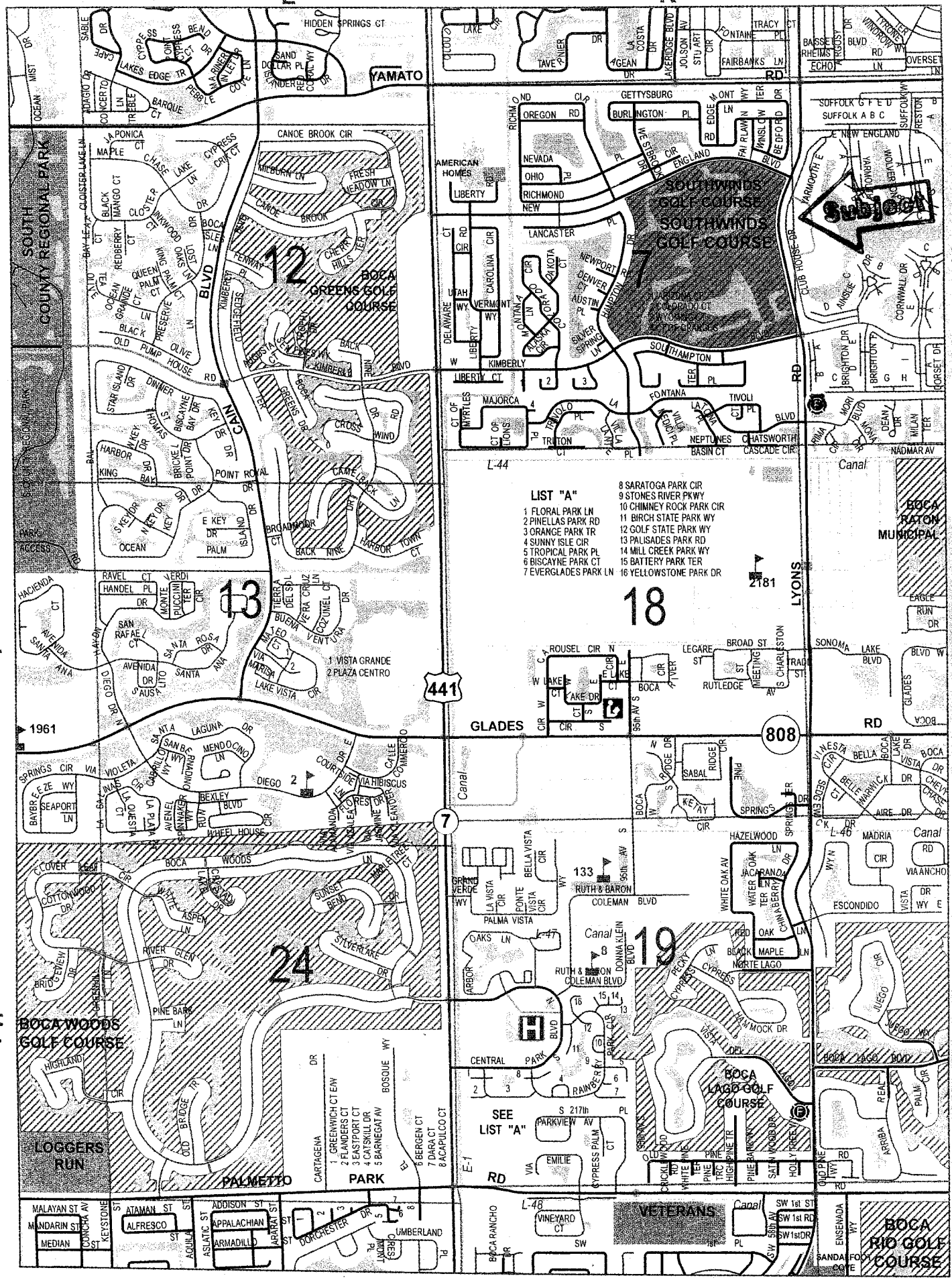
\_\_\_\_\_  
 Department Director

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

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# LOCATION MAP

## Attachment 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: 00-42-47-07-08-001-0000

## 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:

**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, 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: \_\_\_\_\_  
Burt Aaronson, Chair

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND**  
**CONDITIONS**

By: \_\_\_\_\_  
Assistant County Attorney

By: Richard Anthony Wolf  
Department Director

**LEGAL DESCRIPTION:**

A STRIP OF LAND BEING A PART OF THE PLAT OF AMERICAN HOMES AT BOCA RATON, PLAT NO. 6, AS RECORDED IN PLAT BOOK 35, PAGE 87, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

A STRIP OF LAND 10.00 FEET IN WIDTH, BEING 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED LINE;  
 COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF THE 20' DRAINAGE EASEMENT SEGMENT NO. 21 WITH THE EAST LINE OF SAID PLAT;  
 THENCE NORTH 11°45'00" WEST, ALONG THE EAST LINE OF SAID PLAT AND THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD (THE WEST RIGHT-OF-WAY LINE OF SAID LYONS ROAD IS ASSUMED TO BEAR NORTH 11°45'00" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 483.50 FEET TO A POINT;  
 THENCE CONTINUE NORTH 11°45'00" WEST A DISTANCE OF 284.41 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1229.00 FEET AND A CENTRAL ANGLE OF 5°31'56";  
 THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 118.66 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL;  
 THENCE NORTH 79°51'30" WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 48.78 FEET TO A POINT;  
 THENCE SOUTH 78°15'00" WEST A DISTANCE OF 233.05 FEET TO A POINT;  
 THENCE SOUTH 13°23'43" EAST A DISTANCE OF 77.76 FEET TO A POINT;  
 THENCE SOUTH 29°00'26" WEST A DISTANCE OF 22.89 FEET TO THE POINT OF TERMINATION.  
 THE END OF SAID STRIP TERMINATES AT THE FOLLOWING DESCRIBED LINE;  
 FROM SAID POINT OF TERMINATION, THENCE NORTH 11°45'00" WEST 7.66 FEET TO A POINT 5 FEET NORTHERLY OF THE PREVIOUSLY DESCRIBED CENTERLINE OF EASEMENT  
 AND FROM SAID POINT OF TERMINATION THENCE SOUTH 11°45'00" EAST 7.66 FEET TO A POINT 5 FEET SOUTHERLY OF THE PREVIOUSLY DESCRIBED EASEMENT;  
 SAID END OF EASEMENT APPROXIMATELY 3.50 FEET EAST OF AND PARALLEL TO THE NEWLY CONSTRUCTED CLUBHOUSE

CONTAINING IN ALL 3824 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

**SURVEYOR'S CERTIFICATE:**

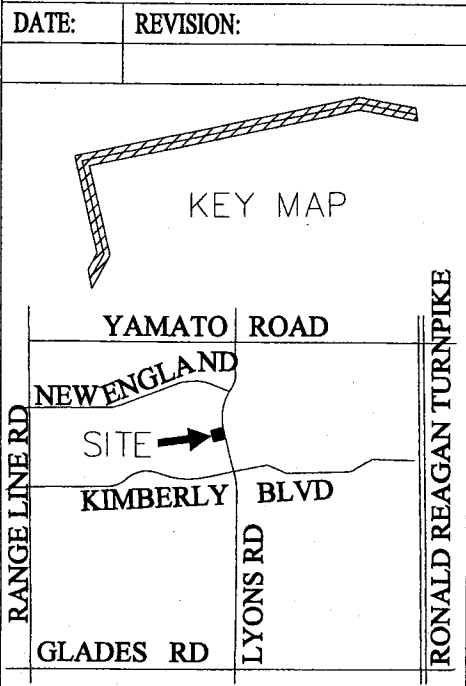
I HEREBY CERTIFY THAT THE SKETCH OF DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS, PURSUANT TO FLORIDA STATUTE 472.027, SUBJECT TO THE QUALIFICATIONS NOTED HEREON. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SIGNED: \_\_\_\_\_

DONALD L. TODD  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA REGISTRATION NO. 4380

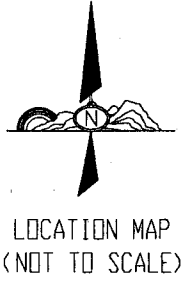
DATE: \_\_\_\_\_

*4/19/2010*



SKETCH OF DESCRIPTION, F.P.L. EASEMENT  
 (A PARCEL OF LAND IN AMERICAN HOMES AT BOCA RATON, PLAT NO. 6, PB. 35, PAGE 87)  
 PALM BEACH COUNTY, FLORIDA

BY:	DATE:	FILE:
DRAWN: ARW	01-26-10	290661_ES_001.DWG
CHECKED: DLT	01-26-10	SCALE: 1"=80'
FIELD WORK: N/A	N/A	PROJECT: 290661
FIELD BOOK: N/A	PAGE: N/A	SHEET 1 OF 4



LB4820

PROFESSIONAL SURVEYORS AND MAPPERS

**ATLANTIC - CARIBBEAN MAPPING, INC.**  
 357 LIANA DRIVE, WEST PALM BEACH, FLORIDA 33415  
 (561) 964-7884 - FAX (561) 964-1969 - E-MAIL DLTACM@GMAIL.COM

**LEGEND:**

- A = ARC LENGTH
- BPV = BACKFLOW PREVENTION VALVE
- AHABR = AMERICAN HOMES AT BOCA RATON, PLAT NO.6
- CBFS = CONCRETE BASE FOR SIGN
- CO = CLEANOUT
- D.C. = DUMPSTER CONCRETE
- D.E. = DRAINAGE EASEMENT
- E.C.H. = EXISTING CLUBHOUSE
- FH = FIRE HYDRANT
- FND. = FOUND
- G.A. = GUY ANCHOR
- GV = GATE VALVE
- H.C. = HEADER CURB
- I.R.C. = IRON ROD AND CAP
- LB = LICENSED BUSINESS
- MIN. = MINIMUM
- O.R.B. = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- P.B.C.R. = PALM BEACH COUNTY RECORDS
- P.G. = PAGE
- P.L.S. = PROFESSIONAL SURVEYOR AND MAPPER
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.O.T. = POINT OF TERMINATION
- P.V.C. = POLYVINYL CHLORIDE PIPE
- R/W = RIGHT OF WAY
- WM = WATER METER
- Δ = CENTRAL ANGLE
- ⊙ = CENTER LINE
- L1 → = DESIGNATES COURSE NUMBER IN LINE TABLE
- = DESIGNATES DIMENSIONAL EASEMENT DATA


- △1 = FND. MAGNAIL  
EL.=18.67  
(PER WALLACE SURVEY  
PROJECT NO. 07-1090.1  
[10/16/07])
- △2 = FND. N/D  
EL.=21.53  
(PER WALLACE SURVEY  
PROJECT NO. 07-1090.1  
[10/16/07])

**SURVEYOR'S NOTES:**

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE SURVEYOR FOR RIGHTS OF WAYS AND/OR EASEMENTS OF RECORD OR OWNERSHIP.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. THE LAND DESCRIPTION AND EASEMENTS SHOWN HEREON ARE IN ACCORDANCE WITH THE DESCRIPTION PROVIDED BY THE CLIENT.
4. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST LINE OF THE PLAT OF AMERICAN HOMES AT BOCA RATON, PLAT NO. 6, AS RECORDED IN PLAT BOOK 35, PAGE 87, PALM BEACH COUNTY RECORDS, AND IS ASSUMED TO BEAR N11°45'00"W. ALL BEARINGS RECITED HEREIN ARE RELATIVE THERETO.
5. THE LEGAL DESCRIPTION HEREON WAS PREPARED BY THE SURVEYOR.
6. THIS SKETCH IS NOT A BOUNDARY SURVEY AND DOES NOT CONSTITUTE AS SUCH.

SKETCH OF DESCRIPTION, F.P.L. EASEMENT  
(A PARCEL OF LAND IN AMERICAN HOMES AT  
BOCA RATON, PLAT NO. 6, PB. 35, PAGE 87)  
PALM BEACH COUNTY, FLORIDA

<b>DATE:</b>	<b>REVISION:</b>



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**PROFESSIONAL  
SURVEYORS  
AND MAPPERS**

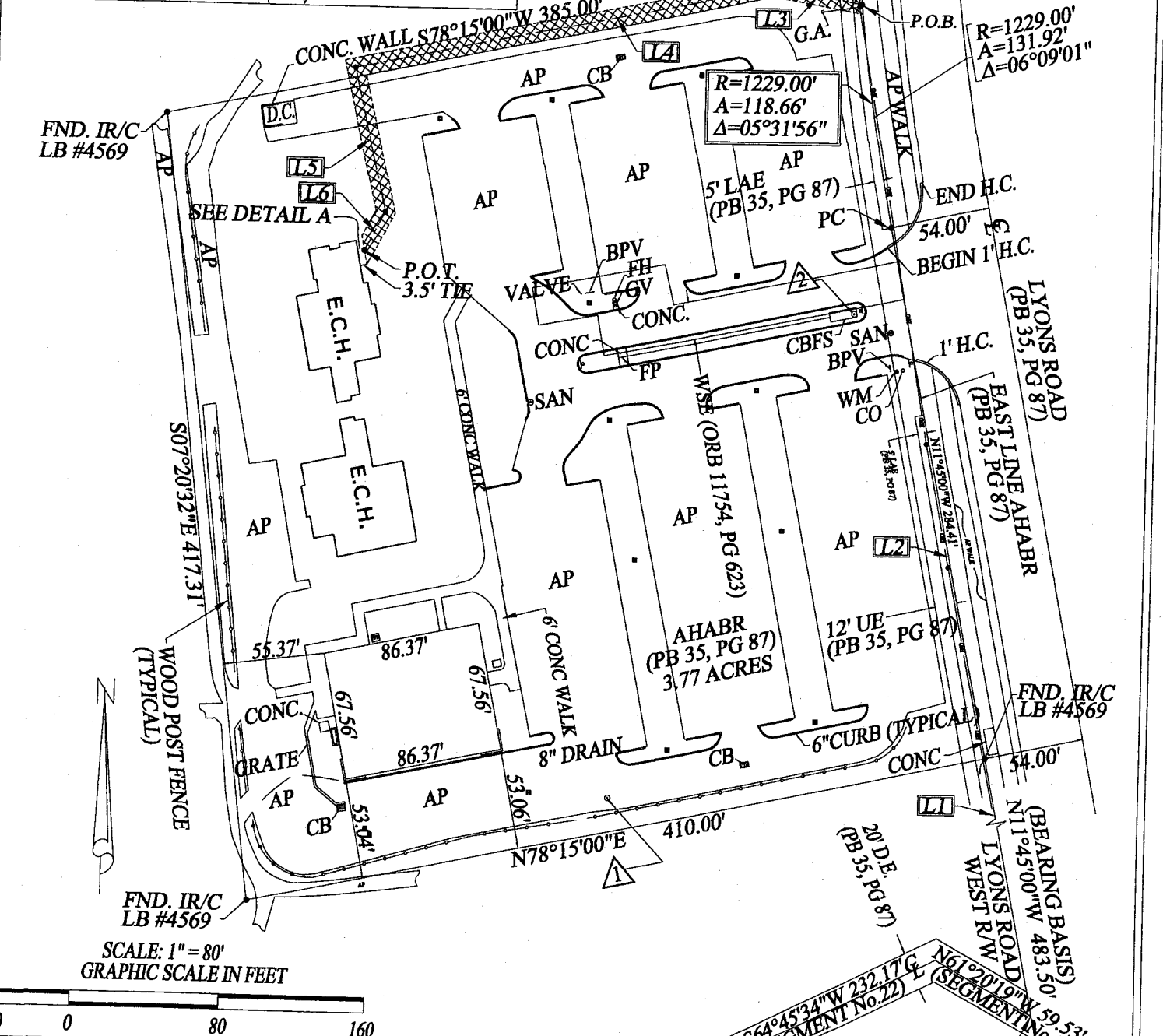
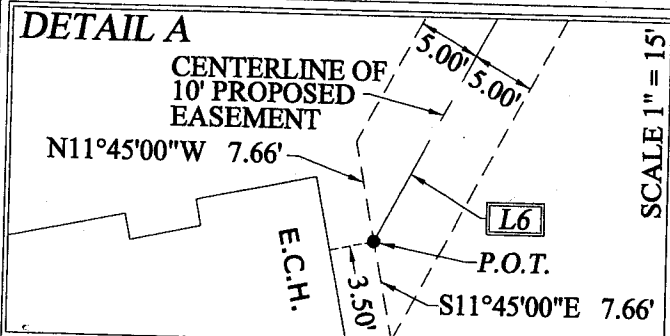
<b>BY:</b>	ARW	<b>DATE:</b>	01-26-10	<b>FILE:</b> 290661_ES_001.DWG
<b>DRAWN:</b>	ARW	<b>DATE:</b>	01-26-10	<b>SCALE:</b> 1"=80'
<b>CHECKED:</b>	DLT	<b>DATE:</b>	01-26-10	<b>PROJECT:</b> 290661
<b>FIELD WORK:</b>	N/A	<b>DATE:</b>	N/A	<b>SHEET 2 OF 4</b>
<b>FIELD BOOK</b>	N/A	<b>PAGE</b>	N/A	

SKETCH OF DESCRIPTION



**DETAIL A**

LINE TABLE		
#	LENGTH	BEARING
L1	483.50	N11°45'00"W
L2	284.41	N11°45'00"W
L3	48.78	N79°51'30"W
L4	233.05	S78°15'00"W
L5	77.76	S13°23'43"E
L6	22.89	S29°00'26"W



DATE:	REVISION:

**LB4820**

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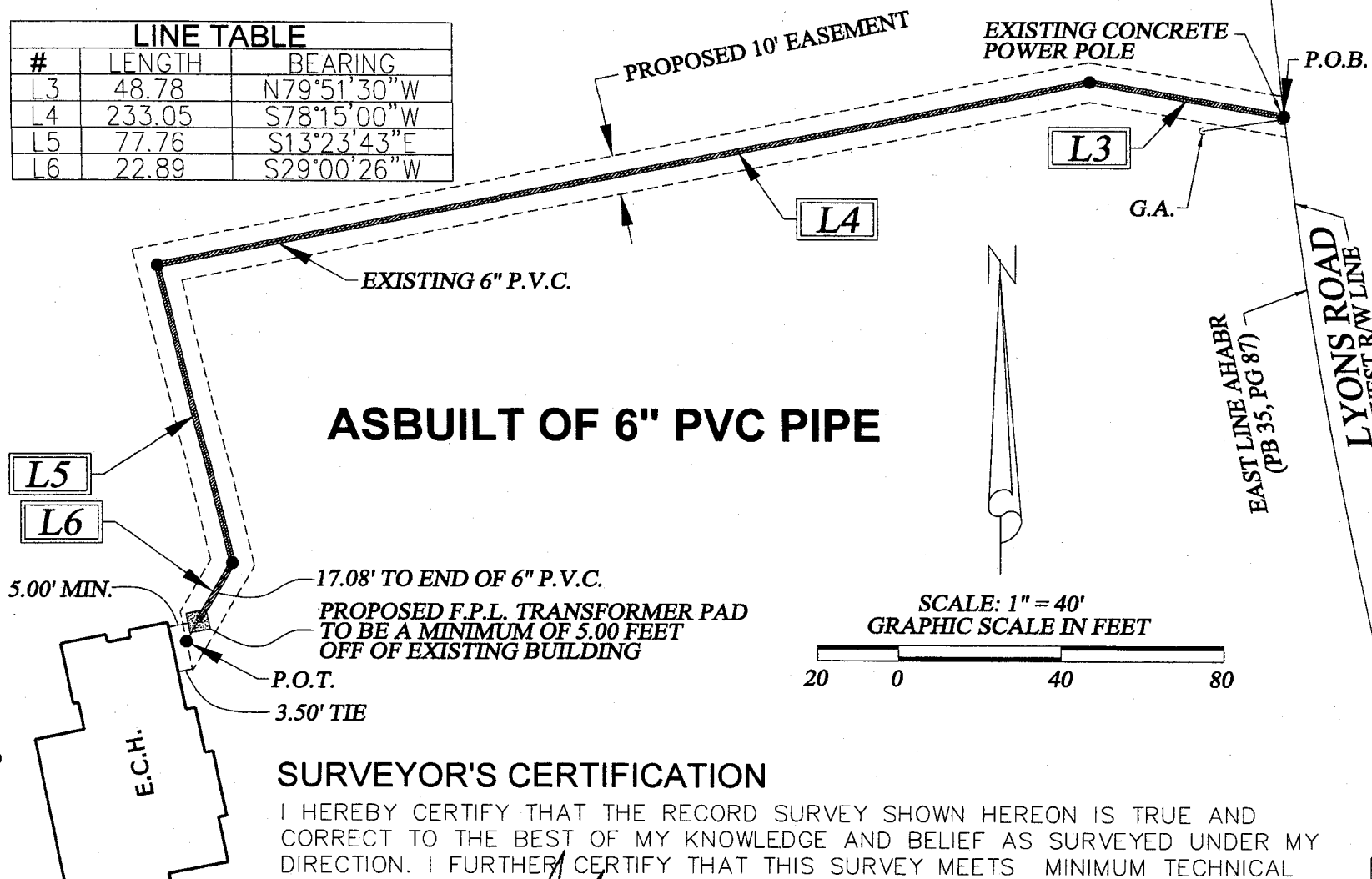
SKETCH OF DESCRIPTION, FPL EASEMENT  
 (PB 35, PG 87, P.B.C.R.)  
 PALM BEACH COUNTY, FLORIDA

BY:	DATE:	FILE:
ARW	01-26-10	290661_ES_001.DWG
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		SCALE: 1"=80'
		PROJECT: 290661
		SHEET 3 OF 4

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**SKETCH OF DESCRIPTION**

#	LENGTH	BEARING
L3	48.78	N79°51'30"W
L4	233.05	S78°15'00"W
L5	77.76	S13°23'43"E
L6	22.89	S29°00'26"W



**ASBUILT OF 6" PVC PIPE**

**SURVEYOR'S CERTIFICATION**

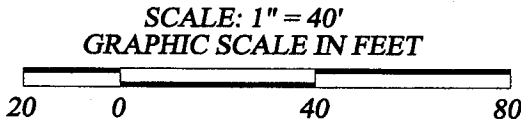
I HEREBY CERTIFY THAT THE RECORD SURVEY SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS, PURSUANT TO FLORIDA STATUTE 472.027. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON. SUBJECT TO THE QUALIFICATIONS NOTED HEREON. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SIGNED: \_\_\_\_\_

DONALD L. TODD  
PROFESSIONAL LAND SURVEYOR  
FLORIDA REGISTRATION NO. 4380

DATE: \_\_\_\_\_

4/19/2010



RECORD DRAWING, FPL EASEMENT (PB 35, PG 87, P.B.C.R.) PALM BEACH COUNTY, FLORIDA		FILE: 290661_ES_001.DWG	SCALE: 1"=40'	PROJECT: 290661	SHEET 4 OF 4
BY: ARW	DATE: 01-26-10	DRAWN: DLT	CHECKED: N/A	FIELD WORK: N/A	PAGE N/A
DATE:	01-26-10	FIELD BOOK: N/A	PAGE N/A		

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RECORD DRAWING