Agenda Item #: 343

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

	AGEND	ATTEM	SUMMARY		
Meeting Date:	June 29, 2010	[X]	Consent Ordinance	[]	Regular Public Hearing
	vironmental Resource				
	<u>I. EX</u>	ECUTIV	'E BRIEF		
(Agreement) grante electrical service to	d to Florida Power &	Light Coainage str	ompany (FPL) ructure propos	to allowed to be	ty Easement Agreement w for the installation of constructed in the EPB-a.
provide power to a onsite former wetler contained within a p	telemetry controlled wands at Winding Wa	ater cont ters Natu nonexclu	rol structure the ural Area. The usive easement	nat will e easem t area gr	rical service required to benefit both created and nent granted to FPL is ranted to Northern Palm ict 7 (SF)
(No. 2003-052) requestions another entity or au intended, staff beliantended, staff be	uires a public hearing st in Conservation Land thorizing the use of Conservation Land thorizing the use of Conservation and maintenant area will be conservation and maintenant drologic restoration of needed to operate the CLPO process on Augusted the exceptional requirement. Staff supadde an additional except the program money	where the ds (i.e., to conservate as not reconstructed where of the f Winding water constructed to benefits apports the eptional of the position of the positi	he Board consi- he granting of ion Lands for quire the pro- ithin an easen e water contro- g Waters Natur- ontrol structure 009, (R-2009- to the natural provisions of benefit to the wing FP&L to ower supply ling	ders the the Util a purportion of the Util a p	approval in concept, of lity Easement to FPL) to use other than originally the CLPO because the called already designated to the that is being built to the That easement already efore, the public hearing to grant that easement to program, and therefore, reement and believes its rvation Lands Program de the electrical supply eir cost, while providing
Attachments: 1. Utility Easer	nent Agreement with I	Florida Po	ower & Light (Compan	У
Recommended by:	Fulland C. Department Direct	Wel cor	uly		6/2/10 Date
Approved by:	County Administra	<u> </u>			6/9/10 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years		2010	2011	2012	2013	2014
Capital Expe						
External Rev Program Inc In-Kind Mat	ome (County)					
NET FISCA	AL IMPACT	*	1-1-1-1			
# ADDITIONS	ONAL FTE S (Cumulative)		-			
Is Item Inclu Budget Acco	ded in Current unt No.: Progra	t Budget? Fund D am	Ye epartment_	s N Unit	o Object	
В.	Recommende	d Sources of	Funds/Sum	mary of Fisc	al Impact	
	*There is no f	iscal impact a	ssociated wit	h this item.		
C.	Department 1	Fiscal Review	v: H			
		III. REV	IEW COM	<u>MENTS</u>		
A.	OFMB Fiscal	and /or Con	tract Admin	istrator Con	iments:	
В.	OFMB 6 1 10 10 10 10 10 10 10 10 10 10 10 10 1	My 6	dio _	ntract Admi	Josobout jetrator Jones (18/10	618110
	Assistant Cou	Sort anty Attorney	6-9-10			
C.	Other Depart	ment Reviev	v:			
	Department I	Director				

Attachment 1

Prepared by & Return to:

Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

P	CN:					

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 the 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 nonexclusive easement (the "Easement") for the construction, operation and maintenance of underground electric utility facilities, including transformers, wires, cables, conduits and appurtenant equipment (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, over and across the following described real (the "Easement Premises") situate, lying and property

being in the County of Palm Beach, State of Florida to wit:

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 attach wires to any Facilities hereunder and 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 CONDITION 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 power lines and equipment 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

PALM BEACH COUNTY, a political

CLERK & COMPTROLLER	subdivision of the State of Florida				
	일하는 경향하는 것이 되는 생각이 있는데 되는 것이다. 항상 발전 교육 기계 : 그는 그리고 하는 것이다.				
By:	By:				
Deputy Clerk	Burt Aaronson, Chair				
APPROVED AS TO FORM	APPROVED AS TO TERMS				
AND LEGAL SUFFICIENCY	AND CONDITIONS				
By:	By: Rubod Ewelly Department Director				
Assistant County Attorney	Department Director				

G:\PREM\STANDARD DOCUMENTS\FPL_OVER&UNDERGRND (073107).DOC

Exhibit "A"

Legal Description/Site Sketch

LEGAL DESCRIPTION

A FLORIDA POWER AND LIGHT EASEMENT IN A PORTION OF SECTION 35. TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS:

THE SOUTH 25.00 FEET OF SECTION 35. TOWNSHIP 42 SOUTH. RANGE 42 EAST LESS THE EAST 90.00 FEET PER OFFICIAL RECORD BOOK 1043. PAGE 312.. PUBLIC RECORDS PALM BEACH COUNTY. FLORIDA.

AND

LESS THE WEST 1.200.00 FEET

EASEMENTS CONTAIN 100.332 SQUARE FEET.

NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SIGNING SURVEYOR.

THIS INSTRUMENT WAS PREPARED BY NORMAN J. HOWARD. P.S.M.. IN THE OFFICE OF THE COUNTY ENGINEER. 2300 NORTH JOG ROAD. WEST PALM BEACH. FLORIDA. 33411.

NORMAN J. HOWARD . P.S.M. FLORIDA CERTIFICATE NO. 5776

4-30-2010 DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

mulet 10. 2010012-

WINDING WATERS
NATURAL AREA
FLORIDA POWER & LIGHT
EASEMENTS

DESIGN FILE NAME
S-1-10-3104.DGN S-1-10-3104

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PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES
2306 NORTH JOG ROAD
WEST PALM BEACH, FL 3341

