

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

Meeting Date:	September 14, 2010	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

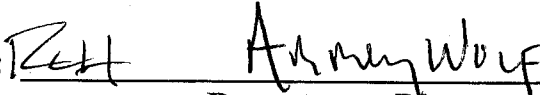
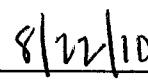

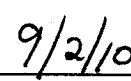
Motion and Title: Staff recommends motion to approve: a Utility Easement Agreement with Florida Power & Light Company at Jupiter Farms Park in unincorporated Jupiter.

Summary: The Parks and Recreation Department is in the process of constructing a lake side group picnic pavilion at Jupiter Farms Park. An easement is needed to bring power to the pavilion. The Park is located at 16655 Jupiter Farms Road in the Jupiter Farms community, west of Florida's Turnpike and south of West Indiantown Road, west of the Town of Jupiter. The easement is approximately 848.17 feet long, 10 feet wide, and contains 8,482 square feet (0.19 acres) in the northern portion of the property. The improvements associated with this easement, with the exception of a transformer and a power pole drop line, are located underground. This non-exclusive easement is being granted at no charge as it provides service to a County facility. **(PREM) District 1 (HJF)**

Background and Justification: The County assembled the 49-acre Jupiter Farms Park site from three acquisitions in 1958, 1997, and 1998 and is developing the Park in phases. This project is anticipated to be completed in December of 2010.

Attachments:

1. Location Map
2. Utility Easement Agreement

Recommended By:		
	Department Director	Date
Approved By:		
	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)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>see below</u></u>				
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____


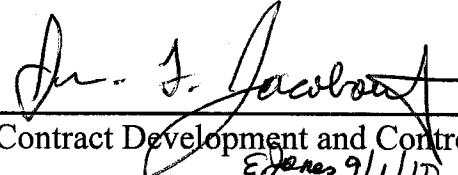

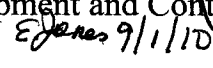
B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact.


C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 _____ OFMB	 _____ Contract Development and Control
8/31/10 	9/11/10 

B. Legal Sufficiency:



 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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No pg

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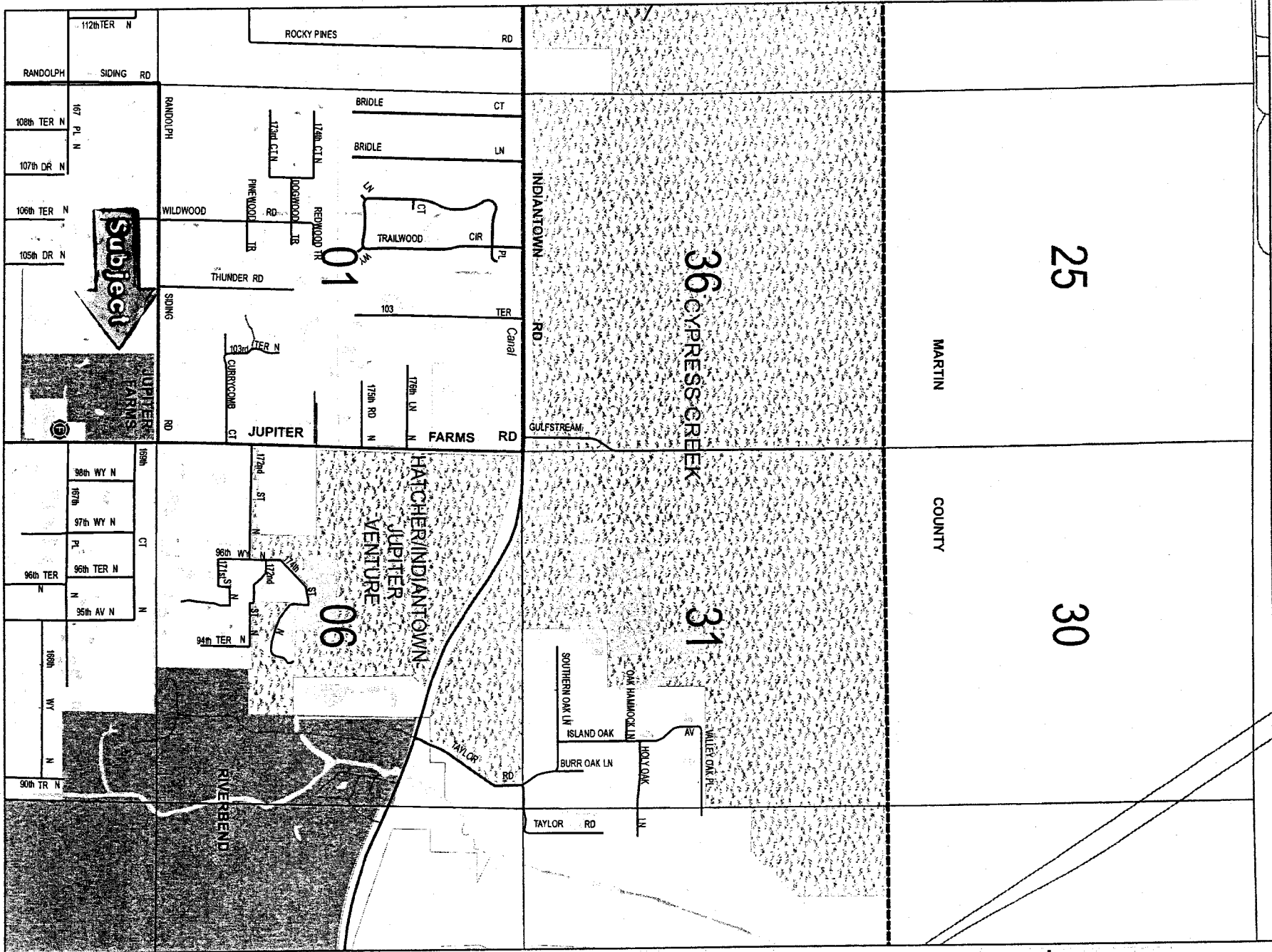
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See pg 12

LOCATION MAP

ATTACHMENT # /

11



Prepared by & Return to:
David Kuzmenko, Real Estate Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 00-41-41-12-00-000-1020

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

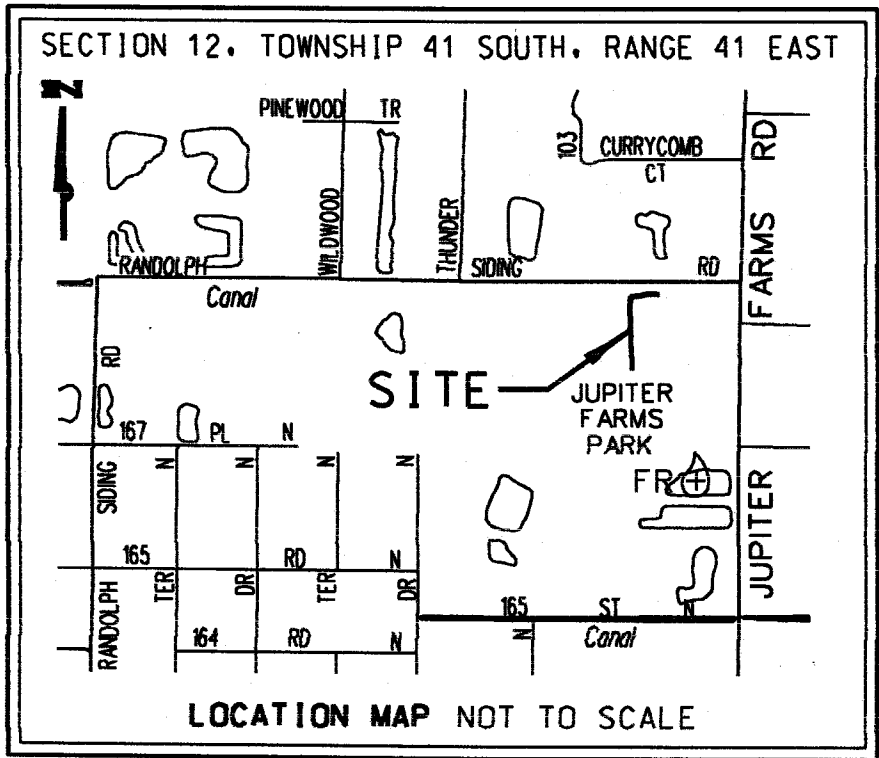
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: *Keith Anthony Wolf*
Department Director

EXHIBIT "A"



LEGAL DESCRIPTION

A PARCEL OF LAND FOR A 10 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, LYING IN A PORTION OF SECTION 12, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE NORTH $89^{\circ}57'32''$ WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 660.90 FEET; THENCE SOUTH $00^{\circ}02'28''$ WEST, A DISTANCE OF 78.71 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID FLORIDA POWER AND LIGHT EASEMENT;

THENCE SOUTH $86^{\circ}21'05''$ WEST, A DISTANCE OF 34.08 FEET;
THENCE NORTH $89^{\circ}56'12''$ WEST, A DISTANCE OF 74.24 FEET;
THENCE SOUTH $78^{\circ}37'02''$ WEST, A DISTANCE OF 32.15 FEET;
THENCE SOUTH $74^{\circ}12'50''$ WEST, A DISTANCE OF 40.49 FEET;
THENCE SOUTH $87^{\circ}02'15''$ WEST, A DISTANCE OF 73.43 FEET;
THENCE SOUTH $00^{\circ}12'12''$ EAST, A DISTANCE OF 255.13 FEET;
THENCE SOUTH $03^{\circ}39'13''$ EAST, A DISTANCE OF 170.72 FEET;
THENCE SOUTH $00^{\circ}22'54''$ WEST, A DISTANCE OF 167.86 FEET TO THE POINT OF TERMINUS.

EASEMENT CONTAINS 8,481 SQUARE FEET OR 0.1947 ACRES MORE OR LESS.

PROJECT NO. 2010011-04	SHEET 3	SHEET 1	PROJECT: JUPITER FARMS PARK FLORIDA POWER & LIGHT EASEMENT		SCALE: 1" = 100' APPROVED: N.J.H. DRAWN: E.A.D. CHECKED: C.W.M. DATE: 7/14/10	NO. 1 2	REVISION 1. PREM 2. COMMENTS ADD D.E.	BY N.J.H. N.J.H.	DATE 7/14/10 7/14/10
			DESIGN FILE NAME S-1-10-3132.DGN	DRAWING NO. S-1-10-3132			FIELD BOOK NO. 1265 R		

**PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES**
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

SURVEYORS NOTES

EASEMENT IS TO BEGIN AND TERMINATE PERPENDICULAR TO THE CENTERLINE.

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTED) BEARING OF NORTH $89^{\circ}57'32''$ WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 SOUTH, RANGE 41 EAST (AS SHOWN ON THIS SURVEY) AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

COORDINATES SHOWN ARE GRID

DATUM = NAD 83, 1990 ADJUSTMENT

ZONE = FLORIDA EAST

LINEAR UNITS = US SURVEY FOOT

COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION

ALL DISTANCES ARE GROUND.

PROJECT SCALE FACTOR = 1.00002

GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

THIS INSTRUMENT PREPARED BY NORMAN J. HOWARD, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.

IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

NJ Howard
NORMAN J. HOWARD, P.S.M.
FLORIDA CERTIFICATE #5776

8-10-10
DATE

POINT OF COMMENCEMENT
NORTHEAST CORNER SECTION 12,
TOWNSHIP 41 SOUTH, RANGE 41 EAST
"PALM BEACH COUNTY POSITION"

NORTH LINE OF THE
NORTHEAST QUARTER
OF SAID SECTION 12

RANDOLPH SIDING ROAD
66' R/W PER PB 24, P 7

50' CANAL R/W
PER PB 24, P 7

N89°57'32"W 660.90'

D.E. PER ORB 4625, P 1640

S00°02'28"W 78.71'

PROPOSED 25' LANDSCAPE BUFFER

POINT OF BEGINNING

NORTH QUARTER CORNER
SECTION 12, TOWNSHIP
41 SOUTH, RANGE 41 EAST
"PALM BEACH COUNTY
POSITION"

N 943614.784
E 916905.637

S86°21'05"W 34.08'

N89°56'12"W 74.24'

S78°37'02"W 32.15'

S74°12'50"W 40.49'

S87°02'15"W 73.43'

S00°12'12"E 255.13'

N 943612.877
E 919558.964

JUPITER FARMS
PARK

SEE P.B.CO.
DRAWING NO.
S-3-97-1116

JUPITER FARMS PARK

SEE P.B.CO.
DRAWING NO.
S-3-98-1250

IN



SCALE: 1" = 100'

THIS IS NOT
A SURVEY

S03°39'13"E 170.72'

CENTERLINE 10'
FPL EASEMENT

S00°22'54"W 167.86'

POINT OF
TERMINUS

LEGEND

P.B.CO. = PALM BEACH COUNTY
ORB = OFFICIAL RECORD BOOK
D.E. = DRAINAGE EASEMENT
R/W = RIGHT OF WAY
PB = PLAT BOOK
P = PAGE

JUPITER FARMS ROAD