

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: January 24, 2012 [X] 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 the Florida Power & Light Company (FPL) for underground electrical services and pad mounted transformer within the County's DuBois Park in unincorporated Jupiter.

Summary: The County currently has overhead power lines servicing DuBois Park located west of the Jupiter Inlet in an unincorporated pocket northeast of the Town of Jupiter. A new water taxi shelter is being constructed within the park and will require electrical hook up. The Parks Department is taking this opportunity to bury the overhead power lines servicing an existing restroom and museum, in addition to the water taxi shelter. The easement area is approximately 1095 feet long, 10 feet wide, and contains 10,849 square feet (0.25 acre). This non-exclusive easement is being granted at no charge as it will benefit the Park facilities. (PREM) District 1 (HJF)

Background and Justification: The County is currently under construction on a new 400 square foot water taxi shelter at DuBois Park which is scheduled for completion in February 2012. Electrical service to the water taxi shelter will be provided by an underground power line. In addition, overhead lines which currently serve existing restroom facilities and a museum will also be changed out and placed underground as part of this Utility Easement Agreement.

Attachments:

- 1. Location Map
- 2. Utility Easement Agreement

Recommended By: [Signature] Department Director 12/20/11 Date

Approved By: [Signature] County Administrator 1/17/12 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2012 | 2013 | 2014 | 2015 | 2016 |
|--|--------------------|------------|------------|--------------|-------|
| Capital Expenditures | _____ | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | _____ | _____ | _____ | _____ |
| External Revenues | _____ | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT | <u>* See below</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.

W 14-12

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB
1/10/2012
1/12
1/9/12

Contract Development and Control
1-12-12 B. W. [unclear]
1/12/12

B. Legal Sufficiency:

Assistant County Attorney
1/13/12

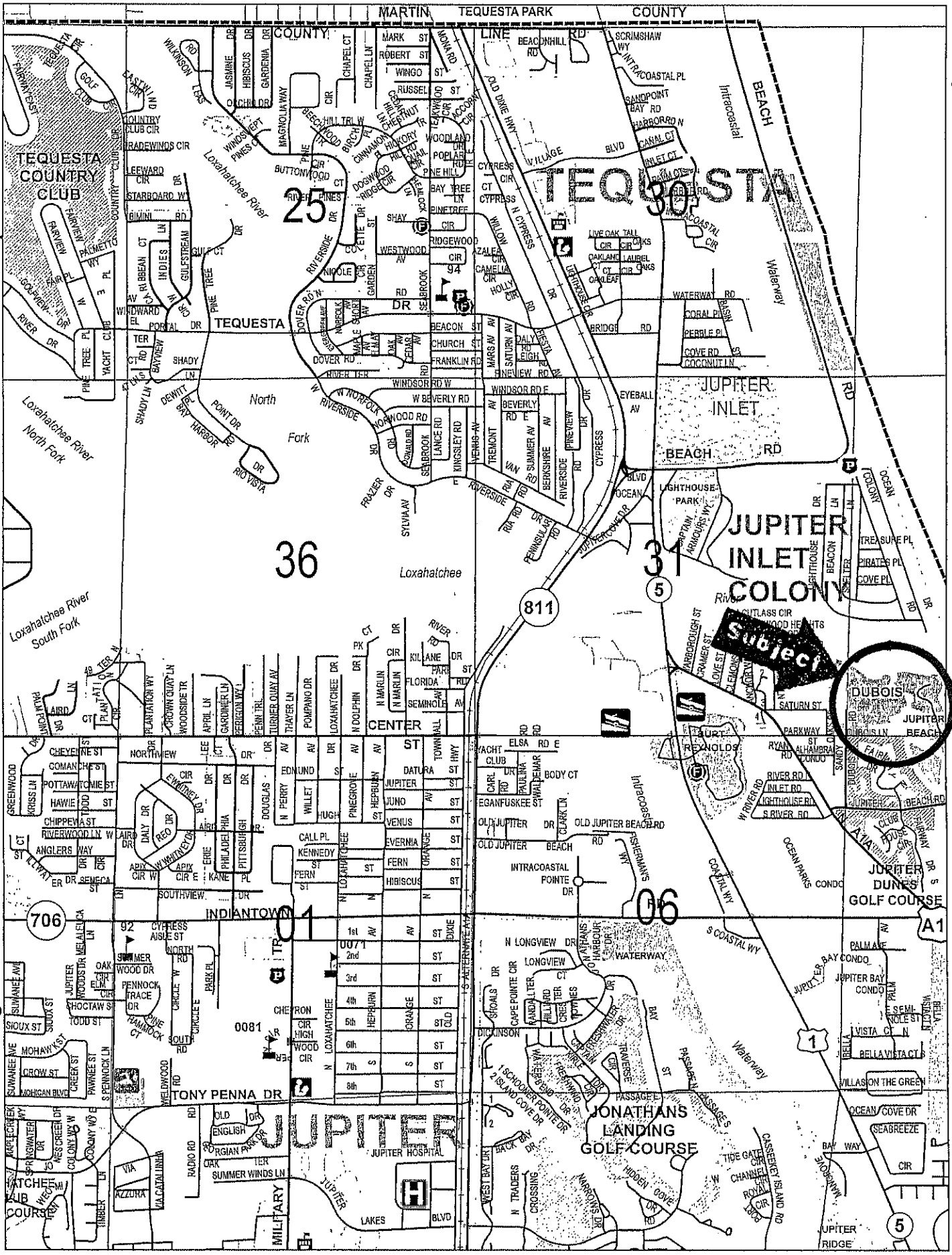
C. Other Department Review:

Department Director

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

F

E



T40

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T41

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E

LOCATION MAP



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

PCN: 00-43-40-31-00-007-0060
00-43-40-31-00-007-0070
00-43-40-31-00-000-5000

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 consideration 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.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

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: _____
Shelley Vana, Chair

Signed and delivered
in the presence of:

Witness Signature


Print Witness Name

Witness Signature

Print Witness Name

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: 
Assistant County Attorney

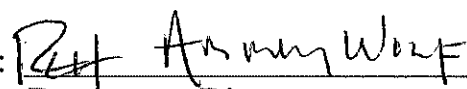
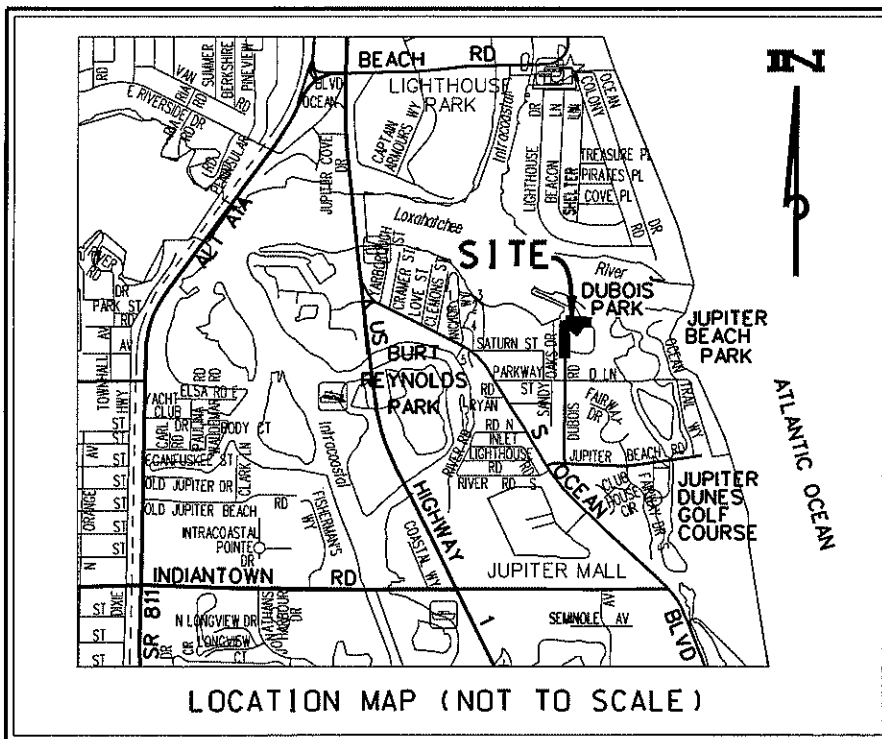
By: 
Department Director

Exhibit "A"

Legal Description/Site Sketch

EXHIBIT "A"



LEGAL DESCRIPTION

A STRIP OF LAND BEING DESCRIBED FOR UTILITY EASEMENT PURPOSES LYING WITHIN A PORTION OF THE SOUTHWEST QUARTER (SW 1/4), OF SECTION 32, TOWNSHIP 40 SOUTH, RANGE 43 EAST, AND THE SOUTHEAST QUARTER (SE 1/4), OF SECTION 31, TOWNSHIP 40 SOUTH, RANGE 43 EAST AND GOVERNMENT LOT 7 ALL LYING IN, PALM BEACH COUNTY, FLORIDA; SAID EASEMENT BEING 10 FEET IN WIDTH, LYING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE $NO0^{\circ}29'52''W$ ALONG THE WEST LINE OF SAID SECTION 32, ALSO BEING ALONG THE EAST LINE OF GOVERNMENT LOT 7, A DISTANCE OF 290.00 FEET; THENCE $N89^{\circ}58'26''W$ DEPARTING SAID SECTION LINE, A DISTANCE OF 12.44 FEET TO THE POINT OF BEGINNING OF THE EASEMENT CENTERLINE TO BE HEREIN AFTER DESCRIBED; THENCE $NO0^{\circ}21'15''W$, A DISTANCE OF 330.44 FEET; THENCE $NO2^{\circ}34'44''E$, A DISTANCE OF 164.47 FEET TO A REFERENCE "POINT A"; THENCE $S85^{\circ}10'02''E$, A DISTANCE OF 344.22 FEET TO A POINT OF TERMINUS OF THE EASEMENT CENTERLINE HEREIN DESCRIBED.

TOGETHER WITH:

BEGINNING AT THE AFORESAID REFERENCE "POINT A"; THENCE $S51^{\circ}43'52''E$, A DISTANCE OF 256.40 FEET TO A POINT OF TERMINUS OF THE EASEMENT CENTERLINE HEREIN DESCRIBED.

CONTAINING 0.249 ACRES (10849 SQUARE FEET) MORE OR LESS.

| | | | | | | | |
|--|---|----------------------------|---|-----|----------|----|------|
| PROJECT NO. 2011011-06 SHEET NO. 1 OF 3 | PROJECT: DUBOIS PARK 10' UTILITY EASEMENT | | SCALE: 1" = 150' APPROVED: C.S.P. DRAWN: E.A.O. CHECKED: G.W.M. DATE: 09/23/11 FIELD BOOK NO. N/A | NO. | REVISION | BY | DATE |
| | DESIGN FILE NAME S-1-11-3252.DGN | DRAWING NO. S-1-11-3252 | | | | | |
| PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICES 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411 | | | | | | | |

LEGEND

ORB = OFFICIAL RECORD BOOK
POC = POINT OF COMMENCEMENT
POT = POINT OF TERMINUS
POB = POINT OF BEGINNING
PBC = PALM BEACH COUNTY
U.E. = UTILITY EASEMENT
MB = MINUTES BOOK
R/W = RIGHT-OF-WAY
C = CENTERLINE
SEC. = SECTION
PG = PAGE

SURVEYOR'S NOTES

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 32, TOWNSHIP 40 SOUTH, RANGE 43 EAST HAVING A GRID BEARING OF NORTH 00°29'52" WEST (GRID, NAD 83/90 ADJUSTMENT) AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

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

THE SIDELINES OF SAID EASEMENT ARE TO BE LENGTHENED OR SHORTENED TO INTERSECT WITH THE BOUNDARY AND TO BE AT RIGHT ANGLES TO THE CENTERLINE AT EACH POINT OF TERMINUS.

THIS IS NOT A SURVEY.

EASEMENT ALIGNMENT WAS CALCULATED FROM FIELD LOCATIONS FOR THE UNDERGROUND CONDUIT, AS IDENTIFIED BY THE PALM BEACH COUNTY PARKS AND RECREATION DEPARTMENT (FIELD BOOK 1960C, PAGE 72)

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.

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

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

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.


CRAIG S. PUSEY, P.S.M.
FLORIDA CERTIFICATE # 5019

11/14/11
DATE

THIS IS NOT A SURVEY



SCALE: 1" = 150'

NORTHERLY LIMITS OF DUBOIS PARK

JUPITER INLET

PBC BRASS DISK
"MC - LS4515"
(N00°29'52"W, 858.04'
FROM SW. COR. SEC. 32)

REFERENCE
"POINT A"

Q 10' U.E.

S85°10'02"E

POT

344.22'

UNPLATTED
PROPERTY
(ORB 9310,
PG 885)

WEST LINE OF DUBOIS PARK

N02°34'44"E

164.47'

(SE. 1/4 OF
SEC. 31/40/43)

STATUTORY WAY
OF NECESSITY
(ORB 7573,
PG 585)

75'

100'

150'

POB

UNPLATTED
PROPERTY
(ORB 10355,
PG 634)

N89°58'26"W, 12.44'

EAST LINE GOVERNMENT LOT 7 &
WEST LINE OF SECTION 32/40/43

DUBOIS PARK
(ORB 24568, PG 796)
(UNPLATTED)

(SW 1/4 SEC. 32/40/43)

WEST LINE OF DUBOIS PARK

N00°21'15"W

330.44'

S51°43'52"E
256.40'

POT

Q 10' U.E.

EXISTING 30' x 205.70'
EASEMENT AREA
AT&T ORB 23952, PG 1320
FPL ORB 23952, PG 1325
ENCON ORB 23952, PG 1330
TOWN OF JUPITER ORB 23952,
PG 1334

N00°29'52"W
290.00'

SOUTHERLY LINE OF DUBOIS PARK

30' POST & VIEWED R/W (COMMISSIONERS
MB 13, PG 125 SEPT. 1929)
15' R/W (ORB 15867, PG 1542)
10' R/W (ORB 15867, PG 1542)

PBC PROPERTY
(ORB 11849,
PG 488)

317.32'

SOUTH LINE SECTION 32,
TOWNSHIP 40 SOUTH, RANGE 43 EAST

POC

SOUTHWEST CORNER OF SECTION 32,
TOWNSHIP 40 SOUTH, RANGE 43 EAST
(FOUND NAIL & DISK, NO I.D.)
"PALM BEACH COUNTY POSITION"