

AGENDA ITEM SUMMARY

Meeting Date: **October 16, 2012**

☒ Consent ☐ Regular
☐ Ordinance ☐ Public Hearing

Department: **Facilities Development & Operations**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Utility Easement in favor of the Glades Utility Authority (GUA) for water utility purposes across a portion of County property located on S. Lake Avenue in Pahokee.

Summary: The County is constructing a new building for Fire-Rescue Station No. 72 on S. Lake Avenue, east of Rardin Avenue, in Pahokee. As a part of the development of the fire station, water facilities were installed across a portion of the station's property. The easement area is approximately 100' long, varying in width from 20' to 36.63' and contains a total of 2,746 square feet (0.06 acres). The Utility Easement will be recorded to provide notice of the existence and location of the water facilities. **(PREM) District 6**
(HJF)

Background and Justification: In September 2006, the County entered into an Interlocal Agreement (R2006-1977) with the City of Pahokee for fire protection and emergency medical services, and a ten (10) year Lease Agreement (R2006-1978) for the use of the City's fire station. In December 2009 (R2009-2133), the County approved the purchase of 2.53 acres of vacant land for the construction of a fire station to replace the fire station currently being leased from the City. The Board approved the contract for the construction of a new fire station on August 16, 2011 (R-2011-1173). Construction of the new 7,400 sq. ft. fire station has begun and is expected to be substantially complete by the fall of 2013.

Attachments:

1. Location Map
2. Utility Easement

Recommended By: K. H. W. L. F. 9/21/12
Department Director Date

Approved By: _____ 10/2/12
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</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

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

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

135

06
PP

No Cont. map

337
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7

142

Lake Okeechobee

11

13

18

Subject

12

24

19

142

Bacom
Foot

HOME
PLACE CT

LAKESIDE
CIR

SW 14 ST

SW 14 TER

WILDER RD

SALVATORE LN

715 BACOM POINT RD

Herbert Hoover Dike

LEMON AV

Pelican River

COUNTY RD

SECTION 20

(RIM CANAL RD)

PAHOKEE
STATE
PARK

PARK

LAKEVIEW

PARKVIEW CT

DAHLIAV

CARLESA DR

J MALONE

BEGONIA DR

ALLAMANDIA

IVY LN

ADAMS ST

BLOKER ST

W 4 ST

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ANNONA

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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

Property Control Number: 48-37-42-18-27-001-0000

UTILITY EASEMENT

THIS INDENTURE, made _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose mailing address is 301 North Olive Avenue, West Palm Beach, Florida 33401-4705, ("COUNTY"), in favor of the **GLADES UTILITY AUTHORITY**, a public body and legal entity created by interlocal agreement pursuant to Section 163.01(7)(g), Florida Statutes, whose address is 39700 Hooker Highway, Belle Glade, Florida 33430, ("GUA").

WITNESSETH:

That the COUNTY for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the GUA, its successors and assigns, upon the conditions hereinafter set forth, a perpetual non-exclusive easement for the construction, operation and maintenance of underground water mains, and appurtenances thereto (collectively, "Utility Facilities"), to be installed from time to time, or to be altered, improved, or removed therefrom, together with the right to cut and keep clear trees, brush or undergrowth therefrom and all other obstructions that might endanger or interfere therewith, and the right of ingress and egress thereto, over, across, through and upon, under or within that parcel of land located in Palm Beach County, Florida, described on Exhibit "A" attached hereto and made a part hereof as if recited at length (the "Easement Premises").

THE CONDITIONS OF THIS RIGHT OF USAGE ARE SUCH THAT:

1. GUA shall cause the water mains and their appurtenances to be constructed within the confines of the Easement Premises.
2. GUA hereby expressly agrees that in the event that the GUA, its successors and assigns, no longer intend to use the Easement Premises for the purposes herein expressed, the easement granted hereby shall become null and void, and all the right, title and interest in and to the Easement Premises shall revert to the COUNTY.

3. GUA further expressly agrees to maintain in good condition and repair, at its sole cost and expense, its water mains and appurtenances within the Easement Premises at all times during the term hereof. COUNTY shall not construct any buildings or structures, nor shall it plant trees or shrubs having an invasive root system (collectively, the "Improvements") on or over the Easement Premises nor shall it suffer or permit any other easements within the Easement Premises, unless, with regard to both prohibitions, it secures the prior written consent of the GUA which shall not be unreasonably withheld. In the event that the GUA disturbs the Easement Premises as a result of the operation or maintenance of the Utility Facilities, the GUA shall promptly repair, replace and/or restore the Easement Premises, including earth, fill and landscaping, to the condition it was in prior to exercise of any rights granted hereunder, using materials of like kind and quality, except for any Improvements, which may be restored or replaced by the COUNTY at its sole expense.

4. COUNTY and GUA each acknowledge the waiver of sovereign immunity for liability in tort contained in Florida Statutes, Section 768.28, and acknowledge that such statute permits actions at law to recover damages in tort for money damages up to the limits set forth in such statute for death, personal injury or property caused by the negligent or wrongful acts or omissions of an employee acting within the scope of the employee's office or employment. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, shall indemnify, defend and hold harmless the other against any actions, claims, or damages arising out of the indemnifying party's negligence in connection with this Easement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by one party to indemnify the other for the other's negligent, willful or intentional acts or omissions. The parties agree to maintain insurance coverage or to be self-insured for general liability, worker's compensation and employer's liability insurance in accordance with Chapter 440, Florida Statutes, as may be amended from time to time.

5. The rights, terms, conditions and restrictions granted or imposed herein shall bind GUA and inure to the benefit of the parties' respective successors and assigns to the same extent as if such party had physically executed this instrument.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the COUNTY 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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: 
Assistant County Attorney

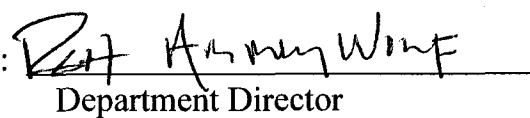
By: 
Department Director

EXHIBIT "A"

Page 1 of 3

DESCRIPTION:

A PORTION OF TRACT A, FIRE STATION NO. 72, RECORDED IN PLAT BOOK 114, PAGES 44 AND 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT A; THENCE S.00°41'34"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 121.44 FEET TO THE POINT OF BEGINNING; THENCE N.89°18'26"E., A DISTANCE OF 100.45 FEET; THENCE S.00°41'34"E., A DISTANCE OF 36.63 FEET; THENCE N.88°56'35"W., A DISTANCE OF 46.35 FEET; THENCE N.00°41'34"W., A DISTANCE OF 15.21 FEET; THENCE S.89°18'26"W., A DISTANCE OF 54.12 FEET TO A POINT OF INTERSECTION WITH SAID WEST LINE OF TRACT A; THENCE N.00°41'34"W ALONG SAID WEST LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN THE CITY OF PAHOKEE, PALM BEACH COUNTY, FLORIDA.

CONTAINING 2,746 SQUARE FEET/0.0630 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS RELATIVE TO RECORD PLAT BASED UPON A GRID BEARING OF S.00°41'34"E. ALONG THE WEST LINE OF TRACT A OF THE FIRE STATION NO. 72 PLAT, AS RECORDED IN PLAT BOOK 114, PAGES 44 AND 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
4. THE "LAND DESCRIPTION" WAS PREPARED BY THE SURVEYOR
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
6. O.R.B. - DENOTES OFFICIAL RECORD BOOK
7. R/W - DENOTES RIGHT-OF-WAY

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JULY 24, 2012. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 3



CAULFIELD & WHEELER, INC.

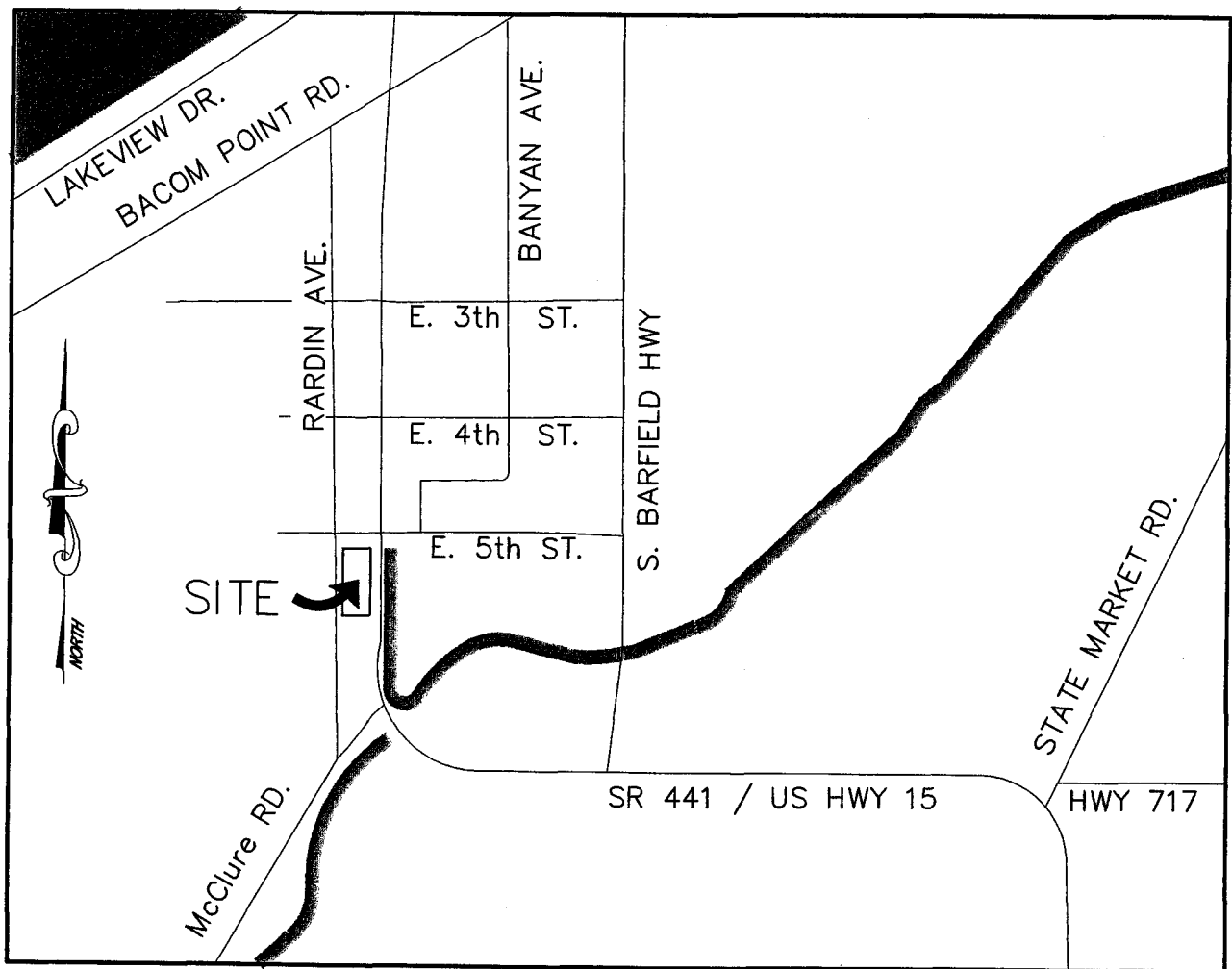
CIVIL ENGINEERING - LAND SURVEYING
7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452

DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

PAHOKEE FIRE STATION 72
PALM BEACH COUNTY UTILITY EASEMENT
SKETCH OF DESCRIPTION

DATE	7/24/12
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	6092PBCUE

EXHBIT "A"
Page 2 of 3



SECTION 18, TOWNSHIP 42 SOUTH, RANGE 37 EAST

SHEET 2 OF 3

CAULFIELD & WHEELER, INC.



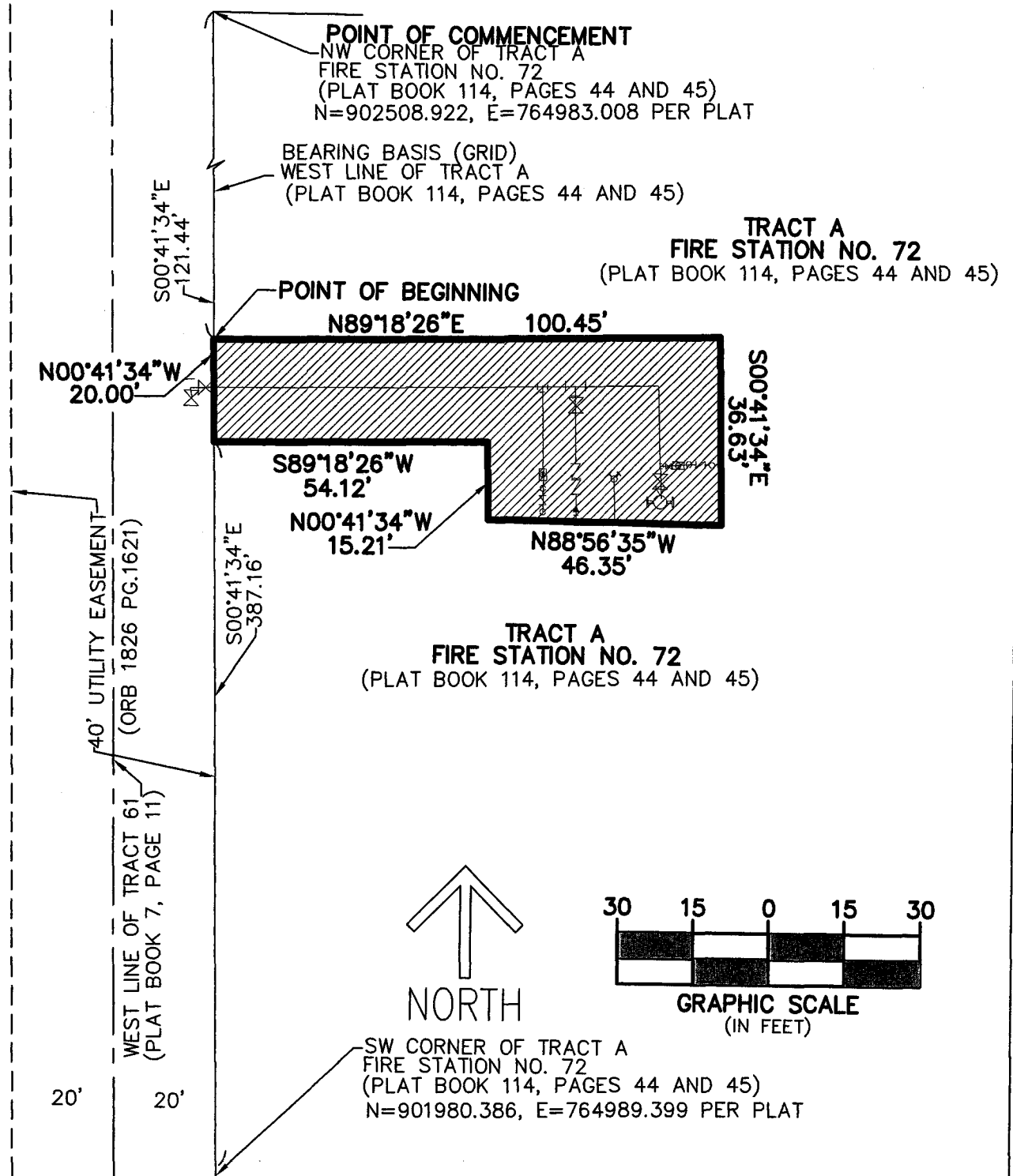
CIVIL ENGINEERING - LAND SURVEYING
7301A W. PALMETTO PARK ROAD - SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452

PAHOKEE FIRE STATION 72
PALM BEACH COUNTY UTILITY EASEMENT
SKETCH OF DESCRIPTION

DATE	7/24/12
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	6092PRCUE

EXHIBIT "A"

Page 3 of 3



SHEET 3 OF 3

CAULFIELD & WHEELER, INC.



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 7301A W. PALMETTO PARK ROAD - SUITE 100A
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PAHOKEE FIRE STATION 72
PALM BEACH COUNTY UTILITY EASEMENT
SKETCH OF DESCRIPTION

DATE	7/24/12
DRAWN BY	JC
F.B./ PG.	N/A
SCALE	AS SHOWN
JOB NO.	6092PRCUE