

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	April 16, 2013	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
Department:	Facilities Development & Operations		

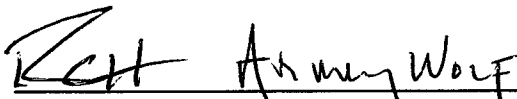
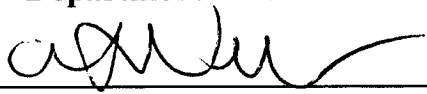
I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company for electrical services to the County's Water Utilities Department's (WUD) vacuum pump station located on 5th Street, north of Belvedere Road, in West Palm Beach.

Summary: WUD is working with the Westgate CRA to provide sewer service to the Belvedere Homes area and is constructing a vacuum pump station on Department of Airports (DOA) property located on 5th Street, north of Belvedere Road, which requires electrical hook up. The easement includes two easement areas being approximately 12'x 60', containing 720 sq. ft. and 8'x15', containing 120 sq. ft. The combined easement area total is approximately 840 sq. ft. (0.02 acres). WUD will maintain the pump station. This non-exclusive easement is being granted at no charge as it is required to provide electrical service to the pump station. **(PREM) District 7 (HJF)**

Background and Justification: In December 2011 (R2011-1937), the Board approved a Memorandum of Understanding between DOA, FDO and WUD for the sale of an easement for water utility purposes on DOA property. A Declaration of Easement and Restricted Covenants was recorded on June 15, 2012, for the vacuum pump station. WUD is currently constructing the pump station which is scheduled for completion in April 2013.

- Attachments:**
- 1. Location Map
 - 2. Utility Easement Agreement

Recommended By:		3/18/13
	Department Director	Date
Approved By:		4/12/13
	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	_____0_____	_____	_____	_____	_____
# 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

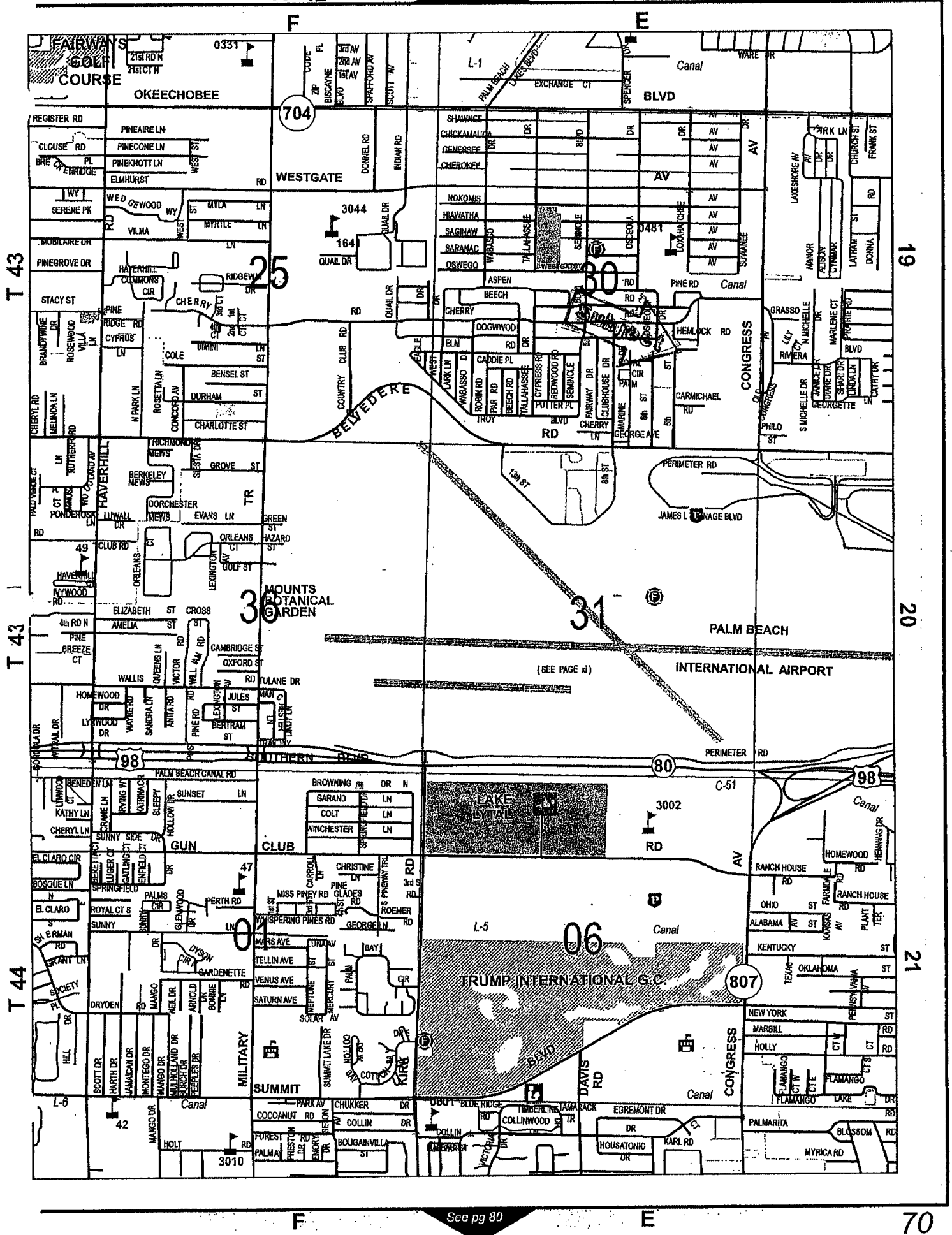
B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

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



Prepared by & Return to:

Laura Beebe, Deputy Director
Palm Beach County Department of Airports
846 Palm Beach International Airport
West Palm Beach, Florida 33406

PCN: (portion of) 00 43 43 30 00 000 5220

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").

W I T N E S S E T H:

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 non-exclusive easement (the "Easement") for the construction, operation and maintenance of overhead and underground electric utility facilities, including cables, conduits, appurtenant equipment and pad-mounted transformers (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 property situate, lying and being in the County of Palm Beach, State of Florida to wit:

See legal description/site sketch marked Exhibit "A" and Exhibit "B"
(the "Easement Premises").

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 Grantee's communication

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, the 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.

5. Grantee acknowledges and agrees that Grantor may require the relocation of the Facilities installed within the Easement Premises to another location within Grantor's property. In the event that it becomes necessary for Grantee to relocate or alter the location of its Facilities at the request of Grantor, Grantor shall reimburse Grantee for all reasonable costs and expenses involved in such relocation or alteration and shall grant a new utility easement upon the same terms and conditions of this Easement. Grantee shall promptly terminate and release this Easement upon the grant of the new utility easement provided for herein.

6. By acceptance of this Easement, Grantee agrees for itself, its successors and assigns to restrict the height of its Facilities within the Easement Premises to a height so as to comply with 14 CFR Part 77, as now or hereafter amended. Grantee further agrees for itself, its successors and assigns to prevent any use of the Easement Premises which would interfere with the landing at or taking off from the Palm Beach International Airport; interfere with air navigation and/or communication facilities serving the Palm Beach International Airport; or otherwise would constitute an airport hazard. Grantee acknowledges that noise and vibration are inherent to the operation of the Palm Beach International Airport and hereby releases Grantor from any and all liability for the same.

(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: _____
Steven L. Abrams, Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

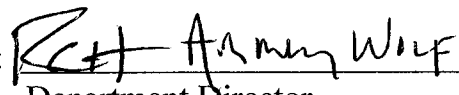
Witness Signature

Print Witness Name

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: 
Department Director

DESCRIPTION & SKETCH
PREPARED FOR:
WESTGATE CRA

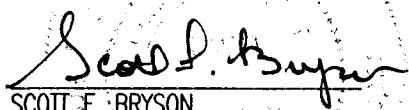
FLORIDA POWER &
LIGHT COMPANY EASEMENT

EXHIBIT A

SURVEYOR'S NOTES:

1. THIS SKETCH AND DESCRIPTION IS NOT A SURVEY.
2. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SKETCH THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY KESHAVARZ & ASSOCIATES, INC.
3. THE DESCRIPTION AND SKETCH OF DESCRIPTION WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PORTIONS OF CHAPTER 5J-17 MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
4. THE DESCRIPTION TEXT AND THE SKETCH OF DESCRIPTION COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
5. THIS LEGAL DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY KESHAVARZ & ASSOCIATES, INC.
6. DATE OF LEGAL DESCRIPTION: FEBRUARY 29, 2012

KESHAVARZ & ASSOCIATES, INC.


SCOTT F. BRYSON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE No. 5991

LEGEND

C/L = CENTERLINE
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
ORB = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PG = PAGE
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POT = POINT OF TERMINUS
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LAE = LIMITED ACCESS EASEMENT
Δ = DELTA ANGLE
R = RADIUS
L = ARC LENGTH
C = CHORD LENGTH
CB = CHORD BEARING



Keshavarz & Associates, Inc.
CONSULTING ENGINEERS - SURVEYORS
711 N. Dixie Highway, Suite 201
West Palm Beach, Florida 33401
Tel: (561) 689-8600 Fax: (561) 689-7476 LB 4897

PROJ.: 07-004

OFFICE: S.F.B.

CHK: S.F.B.

REVISIONS:

REVISED TO ADD STATE
COORD'S. 03/01/2013

DATE: 02/29/12

SCALE: N/A

DWG. No: A07-004

SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
WESTGATE CRA

EXHIBIT A

FLORIDA POWER &
LIGHT COMPANY EASEMENT

LEGAL DESCRIPTION:

A STRIP OF LAND BEING 12.00 FEET IN WIDTH, LYING IN A PORTION OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE SIDELINES OF THE SAID STRIP LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 88°22'59" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1342.09 FEET TO THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF 5TH STREET AS RECORDED IN ROAD BOOK 4, PAGE 132 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°37'56" EAST ALONG THE SAID SOUTHERLY EXTENSION AND ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 5TH STREET, A DISTANCE OF 1539.57 FEET TO A POINT BEING 17.43 FEET SOUTH OF A POINT OF CURVATURE (P.C.) OF A CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 90°00'00" AND AN ARC LENGTH OF 39.27 AS SHOWN ON THE SAID ROAD BOOK 4, PAGE 132, THE SAID POINT ALSO BEING THE BEGINNING OF THE AFOREMENTIONED CENTERLINE; THENCE NORTH 46°37'56" EAST ALONG THE SAID CENTERLINE A DISTANCE OF 60.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID 5TH STREET, SAID POINT BEING 17.43 FEET EAST OF THE POINT OF TANGENCY (P.T.) FOR THE ABOVE REFERENCED CURVE AS SHOWN ON THE SAID ROAD BOOK 4, PAGE 132, AND SAID POINT ALSO BEING THE POINT OF TERMINUS FOR THE AFOREMENTIONED CENTERLINE.

THE SIDE LINES OF SAID STRIP ARE TO BE LENGTHENED OR SHORTENED TO MEET THE EAST AND SOUTH RIGHT-OF-WAY LINE FOR SAID 5TH STREET.

CONTAINING IN ALL 720 SQUARE FEET AND / OR 0.02 ACRES, MORE OR LESS.

BEARINGS CONTAINED HEREIN ARE BASED ON A GRID (NAD 83/90) BEARING OF NORTH 88°22'59" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTED
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
PROJECTION SCALE FACTOR = 1.000043050
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

LEGEND

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DATE: 02/29/12

SCALE: N/A

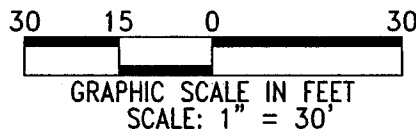
DWG. No: A07-004

SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
WESTGATE CRA

FLORIDA POWER &
LIGHT COMPANY EASEMENT

EXHIBIT A



BLOCK 7A, PLAT NO. 3 GOLFVIEW HEIGHTS, PLAT BOOK 23, PAGE 234

LOT 9

LOT 10

LOT 11

LOT 12

5TH STREET

PER ROAD BOOK 4, PAGE 132

THE SOUTH RIGHT-OF-WAY LINE OF
5TH STREET, ROAD BOOK 4, PAGE 132

R = 25.00'
Δ = 90°00'00"
L = 39.27'

N 46°37'56" E
60.01'

P.T.

P.O.T.

17.43'

6.00'

6.00'

CENTERLINE

12.00'

P.C.

17.43'

P.O.B.

5TH STREET
PER ROAD BOOK 4, PAGE 132

N 01°37'56" E
1539.57'

THE SOUTHERLY EXTENSION OF THE EAST
RIGHT-OF-WAY LINE OF 5TH STREET &
THE EAST RIGHT-OF-WAY LINE OF
5TH STREET, ROAD BOOK 4, PAGE 132

PARCEL C2

SEE WAIVER OF PLAT FOR
PARCEL "C-2"

PALM BEACH COUNTY
DRAWING NO. S-1-09-3053
PROJECT NO. 2009013-13
O.R.B. 24384, PAGE 1519

LEGEND

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C	=	CHORD LENGTH
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S.E. CORNER OF SECTION 30,
TOWNSHIP 43 S, RANGE 43 E

SOUTH LINE OF SECTION 30,
TOWNSHIP 43 S, RANGE 43 E

N 88°22'59" W
1342.09'

SOUTH 1/4 CORNER SEC.
30, TWP 43 S, RGE 43 E
N: 858083.1380
E: 951557.5840

N: 858007.1780
E: 954248.5200

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OFFICE: S.F.B.

CHK: S.F.B.

REVISIONS:

REVISED TO ADD STATE
COORD'S. 03/01/2013

DATE: 02/29/12

SCALE: 1" = 30'

DWG. No: A07-004

SHEET 3 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
WESTGATE CRA

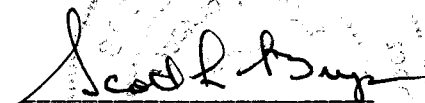
FLORIDA POWER &
LIGHT COMPANY EASEMENT

EXHIBIT B

SURVEYOR'S NOTES:

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6. DATE OF LEGAL DESCRIPTION: FEBRUARY 26, 2013

KESHAVARZ & ASSOCIATES, INC.



SCOTT F. BRYSON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE No.: 5991

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PROJ.: 07-004

OFFICE: S.F.B.

CHK: S.F.B.

REVISIONS:
REV. PER COMMENTS
03/01/2013

DATE: 02/26/13

SCALE: N/A

DWG. No: A07-004A

SHEET 1 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
WESTGATE CRA

EXHIBIT B

FLORIDA POWER &
LIGHT COMPANY EASEMENT

LEGAL DESCRIPTION:

A PARCEL OF LAND FOR UTILITY EASEMENT PURPOSES, LYING IN A PORTION OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING A PORTION OF THAT CERTAIN EASEMENT PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 25270, PAGE 1552, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 88°22'59" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1342.09 FEET TO THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF 5TH STREET AS RECORDED IN ROAD BOOK 4, PAGE 132 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°37'56" EAST ALONG THE SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1557.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE POINT OF TANGENCY AND THE SOUTH RIGHT-OF-WAY LINE OF SAID 5TH STREET; THENCE SOUTH 88°22'04" EAST ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 322.95 FEET TO A POINT AT THE NORTHWEST CORNER OF THE AFOREMENTIONED CERTAIN EASEMENT PARCEL; THENCE CONTINUE SOUTH 88°22'04" EAST ALONG THE SAID RIGHT-OF-WAY LINE AND THE NORTH LINE OF THE SAID EASEMENT PARCEL, A DISTANCE OF 41.94 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 88°22'04" EAST, ALONG THE SAID RIGHT-OF-WAY LINE AND THE SAID NORTH LINE A DISTANCE OF 15.00 FEET; THENCE SOUTH 01°37'56" WEST, DEPARTING SAID RIGHT-OF-WAY LINE AND THE SAID NORTH LINE, A DISTANCE OF 8.00 FEET TO A POINT ON A LINE, PARALLEL WITH AND 8.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE AFOREMENTIONED RIGHT-OF-WAY LINE AND NORTH LINE; THENCE NORTH 88°22'04" WEST, ALONG THE SAID PARALLEL LINE, A DISTANCE OF 15.00 FEET; THENCE NORTH 01°37'56" EAST, DEPARTING THE SAID PARALLEL LINE, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 120 SQUARE FEET, MORE OR LESS.

BEARINGS CONTAINED HEREIN ARE BASED ON A GRID (NAD 83/90) BEARING OF NORTH 88°22'59" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

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PROJ.: 07-004

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REVISIONS:
REV. PER COMMENTS
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SCALE: N/A

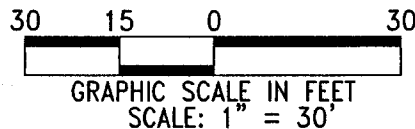
DWG. No: A07-004A

SHEET 2 OF 3

DESCRIPTION & SKETCH
PREPARED FOR:
WESTGATE CRA

FLORIDA POWER &
LIGHT COMPANY EASEMENT

EXHIBIT B



LEGEND

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R = 25.00'
Δ = 90°00'00"
L = 39.27'

EAST RIGHT-OF-WAY LINE
OF 5TH STREET,
ROAD BOOK 4, PAGE 132

SOUTH 1/4 CORNER
SEC. 30, TWP 43 S,
RGE 43 E
N: 858083.1380
E: 951557.5840

N 01°37'56" E 1557.00'

PARCEL C2

SEE WAIVER OF PLAT FOR
PARCEL "C-2" PALM BEACH COUNTY
DRAWING NO. S-1-09-3053
PROJECT NO. 2009013-13
O.R.B. 24384, PAGE 1519

P.O.C.
S.E. CORNER OF SECTION 30,
TOWNSHIP 43 S, RANGE 43 E

BASIS OF BEARINGS
N 88°22'59" W 1342.09'
SOUTH LINE OF SECTION 30,
TOWNSHIP 43 S, RANGE 43 E

BLOCK 7C
PLAT NO. 3 GOLFVIEW HEIGHTS
PLAT BOOK 23, PAGE 234
LOT 12

SOUTH LINE OF
PLAT NO. 3 GOLFVIEW HEIGHTS
PLAT BOOK 23, PAGE 234

5TH STREET
ROAD BOOK 4, PAGE 132

THE NORTHWEST CORNER OF THAT
CERTAIN EASEMENT PARCEL DESCRIBED
IN O.R.B. 25270, PAGE 1552

P.O.B.

S 88°22'04" E 41.94'

S 88°22'04" E 15.00'

N 01°37'56" E 8.00'

N 88°22'04" W 15.00'

S 01°37'56" W 8.00'

SOUTH RIGHT-OF-WAY LINE FOR 5TH
STREET & THE NORTH LINE OF THAT
CERTAIN EASEMENT PARCEL DESCRIBED
IN O.R.B. 25270, PAGE 1552

UTILITY EASEMENT PARCEL DESCRIBED
IN O.R.B. 25270, PG. 1552 FOR
BELVEDERE HOMES VACUUM STATION SITE

40.0' DRAINAGE EASEMENT
O.R.B. 6085, PAGE 143

WEST LINE OF THE EAST 50 FEET
OF THE WEST 3/4, OF THE WEST 1/2,
OF THE EAST 1/2, OF THE SE 1/4 OF
SECTION 30, TOWNSHIP 43 S, RANGE 43 E

UNPLATTED

Keshavarz & Associates, Inc.
CONSULTING ENGINEERS - SURVEYORS
711 N. Dixie Highway, Suite 201
West Palm Beach, Florida 33401
Tel: (561) 689-8600 Fax: (561) 689-7476 LB 4897

PROJ.: 07-004

OFFICE: S.F.B.

CHK: S.F.B.

REVISIONS:

REV. PER COMMENTS
03/01/2013

DATE: 02/26/13

SCALE: 1" = 30'

DWG. No: A07-004A

SHEET 3 OF 3