

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 21, 2015 [x] Consent [ ] Regular  
[ ] Workshop [ ] Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Utility Easement Agreement with Florida Power & Light Company (FPL) for electric utility facilities on two parcels west of the Palm Beach International Airport (PBIA) in West Palm Beach.

**Summary:** As part of the Department's efforts to redevelop property west of PBIA, the Department of Airports has requested the abandonment of Amelia Street and Sandy Lane public road rights of way. FPL currently maintains electric utility facilities within each right of way. Consent from the utility companies is necessary to abandon the road rights of way. FPL has agreed to issue a letter of no objection to the abandonments, but is requiring the County to grant an easement for its existing electric utility facilities currently located within the road rights of way. Countywide (HJF)

**Background and Justification:** The easement parcel associated with abandonment of the Amelia Road right of way is approximately 10 feet x 1,394.69 feet. The easement parcel associated with abandonment of the Sandy Lane right of way is approximately 10 feet x 151.88 feet. The new easement is being granted at no cost to FPL, and FPL will consent to the roadway abandonments at no cost to the County.

**Attachments:**

- 1. Utility Easement Agreement

**Recommended By:** *J.D. Kelly* 3/25/15  
Department Director Date

**Approved By:** *[Signature]* 4/3/15  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
External Revenues (Grants)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>\$ see below</u>	_____	_____	_____	_____
<b># ADDITIONAL FTE</b>	_____	_____	_____	_____	_____
<b>POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

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

No fiscal impact.

**C. Departmental Fiscal Review:** Ann Summers

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

Susan Neary 3/30/15  
 327 OFMB 5/20/15

Dr. J. Jacobson 4/1/15  
 Contract Dev. and Control  
 4-1-15 Bid checker

**B. Legal Sufficiency:**

[Signature] 4/3/15  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**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 00-42-43-36-15-000-0010 (Exhibit "A")  
and portion of 00-42-43-36-05-000-0010 (Exhibit "B")

**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 non-exclusive easement (the "Easement") for the construction, operation and maintenance of above ground electric utility facilities, including transformers, 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 property (collectively, the "Easement Premises") situate, lying and being in the County of Palm Beach, State of Florida to wit:

**See legal description/site sketches marked**  
**Exhibit "A" & Exhibit "B"**  
**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 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. Grantee shall endeavor to provide Grantor's Department of Airports with prior notice of any maintenance or repair activities within the Easement Premises.

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.

**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 & COMPTRROLLER**

**PALM BEACH COUNTY, a political  
subdivision of the State of Florida**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Mayor

**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 of "Easement Premises"**

**(10' FPL Easement Drawing No. S-1-15-3612)  
(portion of PCN 00-42-43-36-15-000-0010)**

EXHIBIT "A"  
10' FPL EASEMENT

A STRIP OF LAND 10.00 FEET IN WIDTH FOR FLORIDA POWER AND LIGHT EASEMENT PURPOSES LYING IN A PORTION OF THE PLAT OF LILLY'S SUBDIVISION, RECORDED IN PLAT BOOK 21, PAGE 46, A PORTION OF THE UNRECORDED PLAT OF RAGIS TUCKUS SUBDIVISION AND A PORTION OF THE UNRECORDED PLAT OF ORGAN, SITUATED IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID EASEMENT LYING 5.00 FEET OF EACH SIDE OF THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36, THENCE SOUTH 01°22'23" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 487.49 FEET; THENCE SOUTH 88°37'37" EAST, AT RIGHT ANGLES TO SAID SECTION LINE, A DISTANCE OF 50.00 FEET TO THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD AS SHOWN ON SAID PLAT OF LILLY'S SUBDIVISION AND THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE NORTH 73°23'53" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 88°02'20" EAST, A DISTANCE OF 1272.67 FEET; THENCE SOUTH 17°53'11" EAST, A DISTANCE OF 41.89 FEET; THENCE NORTH 52°46'21" EAST, A DISTANCE OF 60.13 FEET TO THE POINT OF TERMINUS OF SAID CENTERLINE.

SURVEYOR'S NOTES

SAID EASEMENT CONTAINS 13,948 SQUARE FEET OR 0.3202 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF SOUTH 01°22'23" WEST ALONG WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST AS SHOWN ON THIS DRAWING AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

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

THIS IS NOT A SURVEY.


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 = 1.00036758 ,GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

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 GLENN W. MARK, P.L.S. 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 SPECIFIC PURPOSE SURVEY SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
GLENN W. MARK, P.L.S.  
FLORIDA CERTIFICATE #5304

3/19/15  
DATE

PROJECT NO. 2014013-12	SHEET 1	PROJECT: <b>PBIA PROPERTIES REVISED PARCEL "F" (9L WEST) 10' FPL EASEMENT</b>		NO.	REVISION	BY	DATE
		DESIGN FILE NAME S-1-15-3612.DGN	DRAWING NO. S-1-15-3612				
		APPROVED: G. W. M. DRAWN: E. A. O. CHECKED: S. T. A. DATE: 2/18/15	SCALE: 1" = 100'				
		FIELD BOOK NO. N/A					

**PALM BEACH COUNTY  
ENGINEERING AND PUBLIC WORKS**

**ROADWAY PRODUCTION**

2300 NORTH JOG ROAD  
WEST PALM BEACH, FL 33411

THIS IS NOT A SURVEY

POINT OF COMMENCEMENT

W. QUARTER CORNER SECTION 36,  
TOWNSHIP 43 SOUTH, RANGE 42 EAST

N 855620.897, E 943487.464  
(PALM BEACH CO. POSITION)

- ORB = OFFICIAL RECORD BOOK
- PB = PLAT BOOK
- PG = PAGE
- R/W = RIGHT OF WAY
- CL = CENTERLINE



SCALE: 1" = 100'

W LINE SECTION 36,  
TOWNSHIP 43 SOUTH,  
RANGE 42, EAST

487.49'  
50'

S01°22'23"W

HAVERHILL ROAD

50'

EAST R/W LINE  
PER PB 21, PG 46  
& DB 1006, PG 472

LILLY'S SUBDIVISION  
PB 21, PG. 46

S88°37'37"E  
50.00'

SOUTHERLY EXTENSION  
EAST R/W LINE

CL FPL  
EASEMENT

30' R/W PER  
PB 21, PG. 46

AMELIA STREET  
TO BE ABANDONED

N73°23'53"E  
20.00'

S88°02'20"E 1272.67'

5'  
5'  
10'

POINT OF BEGINNING

UNPLATTED ACREAGE

S. W. CORNER SECTION 36,  
TOWNSHIP 43 SOUTH, RANGE 42 EAST  
N 852946.945, E 943423.378  
(PALM BEACH CO. POSITION)

SEE AFFIDAVIT OF WAIVER  
PER ORB. 25306, PG. 1375

EAST LINE OF  
RAGIS TUCKUS  
UNRECORDED PLAT

RAGIS-TUCKUS-SUBDIVISION  
UNRECORDED PLAT

40' R/W RELEASED PER  
ORB 23588, PG 1311

ORGAN  
36/43/42  
AM-25

WEST LINE  
OF ORGAN  
UNRECORDED  
PLAT

CL FPL  
EASEMENT

MATCH LINE

S88°02'20"E 1272.67'

5'  
5'  
10'

S17°53'11"E  
41.89'

POINT OF  
TERMINUS

N52°46'21"E  
60.13'

RAGIS-TUCKUS-SUBDIVISION  
UNRECORDED PLAT



**Exhibit "B"**

**Legal Description/Site Sketch of "Easement Premises"**

**(10' FPL Easement; Parcel No. 103A, Drawing No. S-1-15-3614)**

**(portion of PCN 00-42-43-36-05-000-0010)**

EXHIBIT "B"  
 10' FLORIDA POWER & LIGHT  
 EASEMENT (PBIA)

A STRIP OF LAND 10.00 FEET IN WIDTH FOR FLORIDA POWER & LIGHT EASEMENT PURPOSES LOCATED IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 36; THENCE SOUTH 01° 30' 22" WEST ALONG THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 36, A DISTANCE OF 2009.45 FEET; THENCE SOUTH 88° 37' 51" EAST, A DISTANCE OF 53.00 FEET TO A LINE LYING 53.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL SAID NORTH/SOUTH QUARTER SECTION LINE AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88° 37' 51" EAST, A DISTANCE OF 151.88 FEET TO THE POINT OF TERMINUS OF SAID CENTERLINE.

LESS & EXCEPT THE RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 2975, PAGE 1351 OF SAID PUBLIC RECORDS.

BEARINGS ARE BASED ON THE NORTH/SOUTH QUARTER SECTION LINE OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST HAVING A GRID BEARING (NAD 83,1990 ADJUSTMENT) OF SOUTH 01° 30' 22" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

THIS IS NOT A SURVEY

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.

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

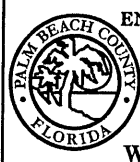
COORDINATES SHOWN ARE GRID  
 DATUM = NAD 83, 1990 ADJUSTMENT  
 ZONE = FLORIDA EAST  
 LINEAR UNITS = US SURVEY FOOT  
 COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND.  
 PROJECT SCALE FACTOR = 1.000036758  
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
 ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

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 FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
 \_\_\_\_\_  
 GLENN W. MARK, P.L.S.  
 FLORIDA CERTIFICATE #5304

3/23/15  
 \_\_\_\_\_  
 DATE

PROJECT NO. 2014013-12	SHEET: 1 OF: 2	PROJECT: <b>PARCEL NO. 103A 10' FLORIDA POWER &amp; LIGHT EASEMENT (PBIA)</b>		SCALE: NO SCALE APPROVED: G.W.M. DRAWN: E.A.O. CHECKED: S.T.A. DATE DRAWN: 02/20/15	NO.	REVISION	BY	DATE	 <b>PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS</b> <b>ROADWAY PRODUCTION</b> 2300 NORTH JOG ROAD WEST PALM BEACH, FL 33411
		DESIGN FILE NAME S-1-15-3614.DGN	DRAWING NO. S-1-15-3614						

852226.691  
946236.754

POINT OF COMMENCEMENT  
NORTH QUARTER CORNER SECTION 36,  
TOWNSHIP 43 SOUTH, RANGE 42 EAST

BELVEDERE ROAD

NORTH LINE OF THE NORTHEAST QUARTER OF  
SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST

NORTH/SOUTH QUARTER  
SECTION LINE 36/43/42

II I

NOT TO SCALE

S01° 30' 22" W  
2009.45'

GOLFVIEW AREA

PBIA  
PROPERTY

PBIA  
PROPERTY

R/W LINE PER  
ORB. 905,  
PG.1150

53'

POINT OF  
BEGINNING

SEE AFFIDAVIT OF WAIVER  
PER ORB. 23862/198

S88° 37' 51" E  
151.88'

GOLF AVENUE

R/W ABANDONED  
PER ORB.14122/216  
& ORB.23834/1926

MILITARY TRIAL

60'

LOT LINE

PARCEL NO. 103  
10' FLORIDA POWER  
& LIGHT EASEMENT  
PER ORB.14122/263

S88° 37' 51" E  
53.00'

POINT OF  
TERMINUS

PARCEL NO. 103A  
10' FLORIDA POWER  
& LIGHT EASEMENT  
1,477 SQ. FT.

SEE AFFIDAVIT OF WAIVER  
PER ORB. 23862/198

60'

3' R/W ORB.674, PG.323  
7' R/W ORB.2975, PG.1351

PBIA  
PROPERTY

PBIA  
PROPERTY

SOUTH QUARTER CORNER SECTION 36,  
TOWNSHIP 43 SOUTH, RANGE 42 EAST  
PALM BEACH COUNTY POSITION

852889.802  
946096.436

THIS IS NOT A SURVEY

PROJECT NO. 2014013-12

DRAWING NO. S-1-15-3614

PROJECT: PARCEL 103A 10' FPL EASEMENT (PBIA)

SHEET: 2 OF 2