

Agenda Item:

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: October 20, 2015

<input checked="" type="checkbox"/> [X]	Consent	<input type="checkbox"/> []	Regular
<input type="checkbox"/> []	Workshop	<input type="checkbox"/> []	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 the relocation of electric utilities associated with the travel plaza facility at the Palm Beach International Airport (PBIA).

Summary: FPL relocated a portion of an existing electric utility line that previously crossed over the travel plaza site. FPL requires an easement for the new electric corridor. The easement will connect to an existing utility easement on PBIA. Countywide (HJF)

Background and Justification: The travel plaza facility is under construction. FPL relocated electric utility lines from the site, and requires an easement to maintain continued permanent electric service. The utility easement is 10 feet in width and begins at the southeast corner of Belvedere Road at Florida Mango Road and extends around the south of the travel plaza site to the east line of the PBI fuel farm facility approximately 1,248.17 feet in total length, and encompasses approximately 0.29 ac. It is necessary for the County to grant a utility easement to FPL for the provision of electric utility service to the facility. The utility easement is subject to standard FAA conditions and restrictions, and is being granted at no cost to FPL.

Attachments:

- ## 1. 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	2016	2017	2018	2019	2020
Capital Expenditures					
Operating Costs					
Operating Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT					
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes _____ No X
Budget Account No: Fund _____ Department _____ Unit _____ RSource _____
Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:
*No fiscal impact.

C. Departmental Fiscal Review: CM Simms

III. REVIEW COMMENTS

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


Sherry Brown
9/28 SC MS OFMB J. Alza


Dr. J. Jacobson 10/11/15
Contract Dev. and Control
B. Wheeler 9-30-15

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:


K. Jal 10/2/15
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 00-43-43-32-00-000-1090

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 (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 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 & COMPTROLLER

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

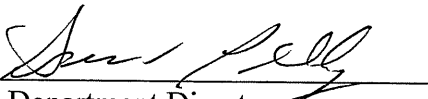
By: 
Department Director

EXHIBIT "A"
10 FOOT WIDE FLORIDA POWER
& LIGHT COMPANY EASEMENT

A PARCEL OF LAND 10 FEET IN WIDTH FOR FLORIDA POWER AND LIGHT EASEMENT PURPOSES LOCATED WITHIN THE PALM BEACH INTERNATIONAL AIRPORT PROPERTY AS RECORDED IN OFFICIAL RECORD BOOK 619, PAGE 344 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SITUATED IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32 (PALM BEACH COUNTY PUBLISHED POSITION); THENCE SOUTH 88°26'29" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 44.31 FEET; THENCE SOUTH 01°33'31" WEST DEPARTING SAID NORTH LINE, A DISTANCE OF 65.00 FEET TO A POINT ON THE SOUTH LINE OF THE 25 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY UTILITY EASEMENT ABUTTING THE SOUTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS SAID EASEMENT IS DESCRIBED IN OFFICAL RECORD BOOK 5466, PAGE 1898 OF SAID PUBLIC RECORDS, SAID SOUTH LINE BEING 65.00 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH SAID NORTH LINE OF THE NORTHEAST QUARTER, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE CENTERLINE OF THE FOLLOWING DESCRIBED 10 FOOT WIDE UTILITY EASEMENT:

THENCE SOUTH 05°03'41" WEST, A DISTANCE OF 118.97 FEET; THENCE SOUTH 02°41'39" WEST, A DISTANCE OF 157.00 FEET; THENCE SOUTH 03°13'00" WEST, A DISTANCE OF 37.07 FEET; THENCE SOUTH 76°00'11" WEST, A DISTANCE OF 88.31 FEET; THENCE NORTH 87°36'53" WEST, A DISTANCE OF 98.28 FEET; THENCE NORTH 88°56'57" WEST, A DISTANCE OF 92.69 FEET; THENCE NORTH 89°47'00" WEST, A DISTANCE OF 164.00 FEET; THENCE NORTH 88°00'39" WEST, A DISTANCE OF 158.18 FEET; THENCE NORTH 88°07'18" WEST, A DISTANCE OF 165.67 FEET; THENCE NORTH 88°31'17" WEST, A DISTANCE OF 168.00 FEET TO THE POINT OF TERMINUS OF SAID CENTERLINE; THE SIDELINES OF SAID EASEMENT LYING 5.00 FEET ON EACH SIDE OF SAID CENTERLINE; AT THE POINT OF BEGINNING THE SIDLINES OF SAID EASEMENT WILL TERMINATE AT THEIR INTERSECTION WITH THE PREVIOUSLY DESCRIBED SOUTH LINE OF THE 25 FOOT WIDE EASEMENT; AND AT THE POINT OF TERMINUS OF SAID CENTERLINE THE SIDELINES OF SAID EASEMENT WILL TERMINATE AT RIGHT ANGLES TO THE POINT AND TERMINUS.

SURVEYOR'S REPORT

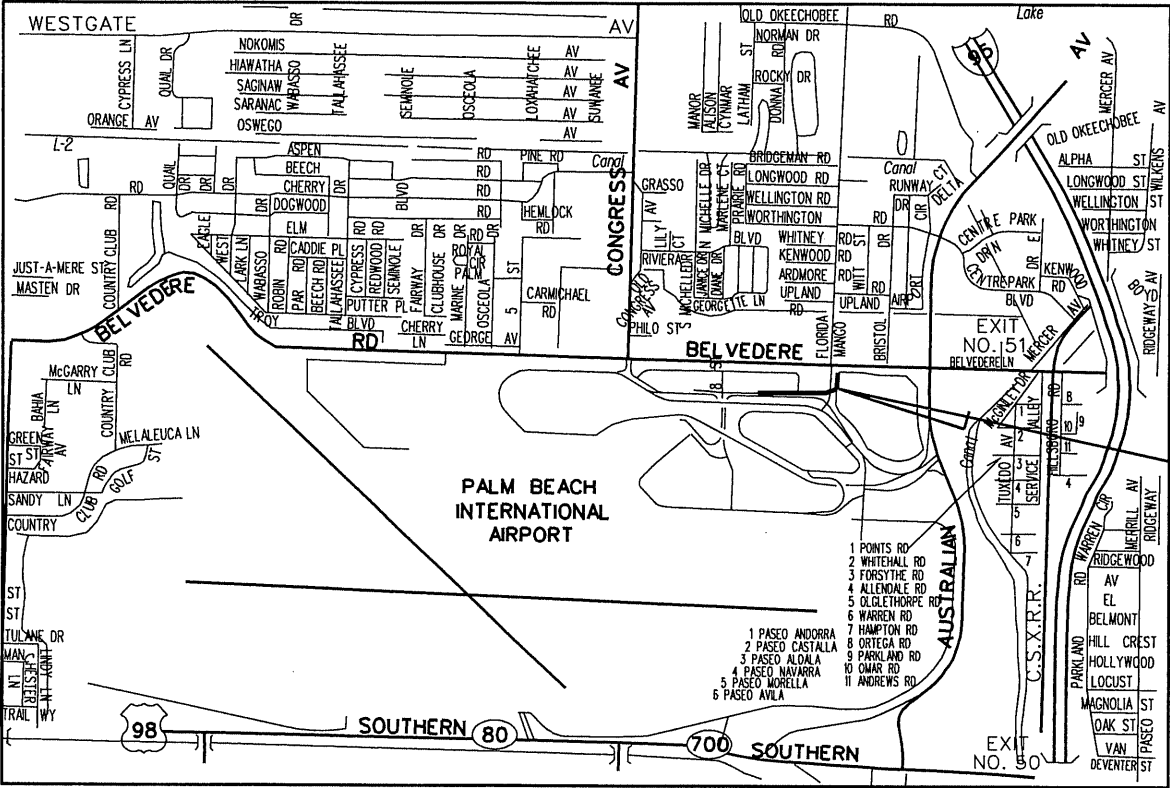
1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR.
2. COORDINATES SHOWN ARE GRID
DATUM = NAD 83, 1990 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FOOT
COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
ALL DISTANCES ARE GROUND
PROJECT SCALE FACTOR = 1.000044878
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
3. THIS IS NOT A BOUNDARY SURVEY.
4. BEARINGS ARE BASED ON A GRID (NAD 83, 1990 ADJUSTMENT) BEARING OF SOUTH 00°45'40" WEST ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 43 EAST.
5. ALL SECTIONAL INFORMATION SHOWN HEREON IS BASED ON POSITIONS, COORDINATES AND MONUMENTATION AS PUBLISHED BY THE PALM BEACH COUNTY SURVEY SECTION.
6. 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.

PROJECT NO. 2015013-09	SHEET: 1 OF: 7	PROJECT:		NO.	REVISION	BY	DATE
		10' WIDE FPL EASEMENT AT PBIA TRAVEL PLAZA					
DESIGN FILE NAME S-1-15-3659.DGN		DRAWING NO. S-1-15-3659		SCALE: 1" = 30' APPROVED: W.L.F. DRAWN: W.L.F. CHECKED: G.W.M. DATE: 8/27/15 FIELD BOOK NO. 1123Y			



PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ROADWAY PRODUCTION
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

SECTION 32, TOWNSHIP 43 SOUTH, RANGE 43 EAST



LOCATION MAP NOT TO SCALE

LEGEND

- SEC 32/43/43 = SECTION 32, TOWNSHIP 43
SOUTH, RANGE 43 EAST

POC = POINT OF COMMENCEMENT

POB = POINT OF BEGINNING

PBIA = PALM BEACH INTERNATIONAL AIRPORT

ORB = OFFICIAL RECORD BOOK

FPL = FLORIDA POWER & LIGHT CO
- RPB = ROAD PLAT BOOK

PB = PLAT BOOK

R/W = RIGHT-OF-WAY

PG = PAGE

PBCO = PALM BEACH COUNTY

CL = CENTERLINE

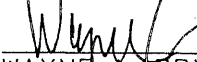
SURVEYOR'S REPORT (CONTINUED)

7. THE WOOD POWER POLES SHOWN HEREON WERE FIELD LOCATED USING ACCEPTABLE RTK GPS SURVEYING PROCEDURES AND THE TRIMBLE VRSNOW NETWORK. THE RTK SURVEY WAS CALIBRATED TO THE "COUNTY WIDE CALIBRATION" FILE IN USE BY PALM BEACH COUNTY SURVEY SECTION IN ORDER TO ESTABLISH COORDINATES ON THE LOCATED POLES. PALM BEACH COUNTY GEODETIC CONTROL POINT "MISSION FLIGHTS" WAS USED AS A CHECK POINT FOR POSITIONAL VERIFICATION.
8. THIS INSTRUMENT WAS PREPARED BY WAYNE LARRY FISH, P.S.M. IN THE OFFICE OF THE COUNTY ENGINEER, VISTA CENTER 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

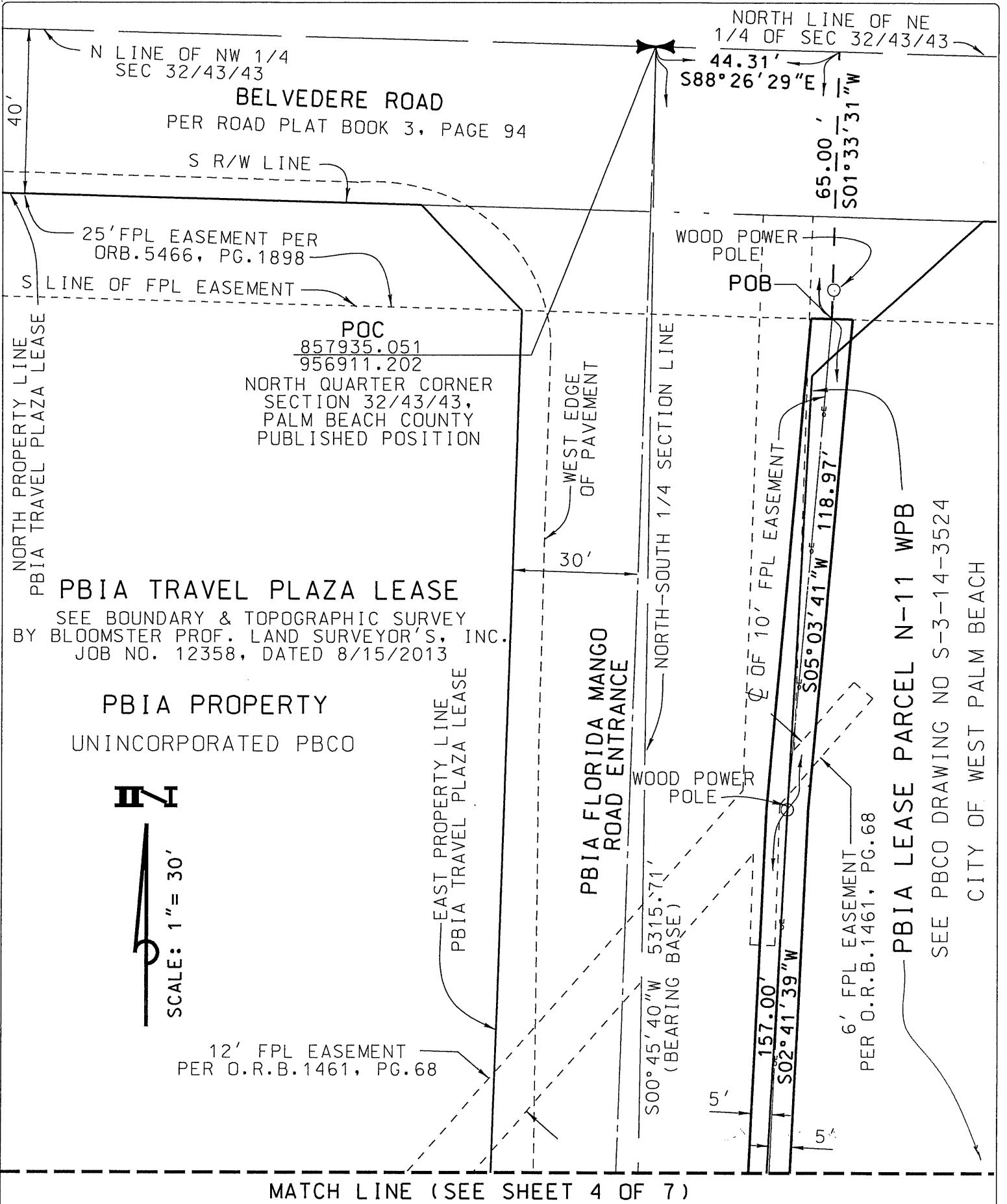
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.


WAYNE LARRY FISH
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 3238

09/02/2015
DATE



MATCH LINE (SEE SHEET 5 OF 7)

PBIA PROPERTY

UNINCORPORATED PBCO

NORTH EDGE
OF PAVEMENT

CL OF 10' FPL EASEMENT

WOOD POWER POLE

GUY WIRE & ANCHOR

SOUTH PROPERTY LINE

PBIA TRAVEL PLAZA LEASE

AIRPORT ACCESS
ROAD

PBIA TRAVEL PLAZA LEASE

SEE BOUNDARY & TOPOGRAPHIC SURVEY BY
BLOOMSTER PROF. LAND SURVEYOR'S, INC.
JOB NO. 12358, DATED 8/15/2013

PBIA PROPERTY

UNINCORPORATED PBCO

SOUTH QUARTER CORNER
SECTION 32/43/43,
PALM BEACH COUNTY
PUBLISHED POSITION

N852619.613
E956840.591

NORTH-SOUTH 1/4 SECTION LINE

S00°45'40"W 5315.71'
(BEARING BASE)

WOOD POWER POLE

EAST PROPERTY LINE
PBIA TRAVEL PLAZA

WEST EDGE
OF PAVEMENT

AIRPORT ACCESS ROAD

PHYSICAL CENTERLINE
THIS IS NOT THE
NORTH/SOUTH
QUARTER SECTION LINE

SCALE: 1" = 30'

PBIA LEASE PARCEL N-11 WPB

SEE PBCO DRAWING NO S-3-14-3524

CITY OF WEST PALM BEACH

MATCH LINE (SEE SHEET 3 OF 7)

MATCH LINE (SEE SHEET 6 OF 7)

PBIA PROPERTY

NORTH EDGE
OF PAVEMENT

WEST PROPERTY LINE
PBIA TRAVEL PLAZA LEASE

6' HIGH CHAINLINK FENCE

WOOD POWER POLE

PBIA PROPERTY

UNINCORPORATED PBCO

5'

5'

Ø OF 10' FPL EASEMENT

PBIA PROPERTY

UNINCORPORATED PBCO

PBIA TRAVEL PLAZA LEASE

SEE BOUNDARY & TOPOGRAPHIC SURVEY
BY BLOOMSTER PROF. LAND SURVEYOR'S, INC.
JOB NO. 12358, DATED 8/15/2013

SOUTH PROPERTY LINE
PBIA TRAVEL PLAZA LEASE

AIRPORT ACCESS ROAD

WOOD POWER POLE

SCALE: 1" = 30'

NORTH EDGE
OF PAVEMENT

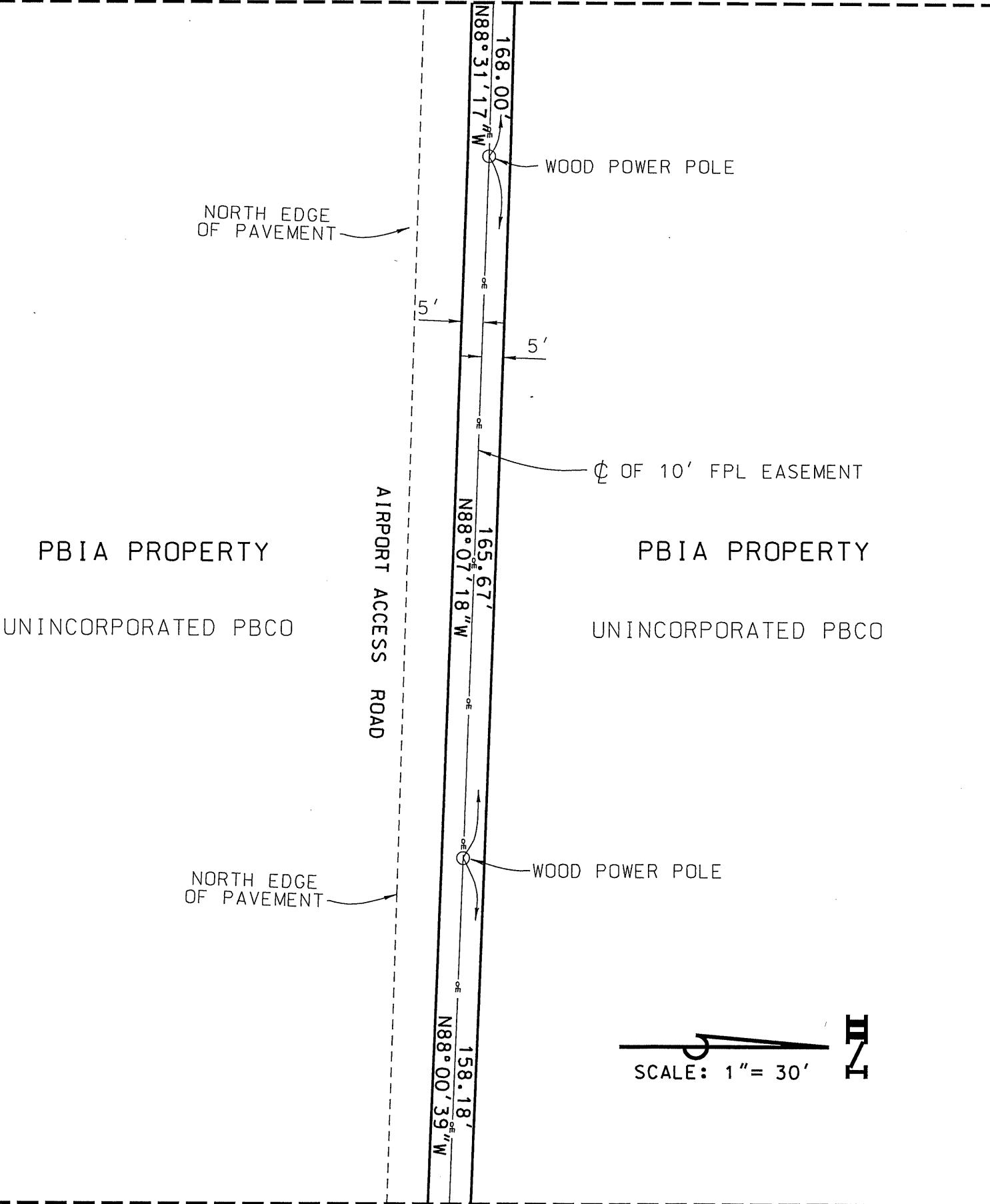
N88°56'57"W
92.69'

N89°47'00"W
164.00'

N88°00'39"W
158.18'

MATCH LINE (SEE SHEET 4 OF 7)

MATCH LINE (SEE SHEET 7 OF 7)



SCALE: 1" = 30'

MATCH LINE (SEE SHEET 5 OF 7)

P.B.I.A. FUEL FARM

POINT OF TERMINUS

UNINCORPORATED PBCO

GUY WIRE & ANCHOR

WOOD POWER POLE

NORTH EDGE
OF PAVEMENT

UNINCORPORATED PBCO

PBIA PROPERTY

PBIA PROPERTY

Ø OF 10' FPL EASEMENT

AIRPORT ACCESS ROAD

168.00'
N88°31'17"W

SCALE: 1" = 30'

MATCH LINE (SEE SHEET 6 OF 7)