

**dpk**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ **	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund\_\_ Dept.\_\_ Unit\_\_ Object  
Program

Recommended Sources of Funds/Summary of Fiscal Impact:

\*\*This item has no additional fiscal impact.

Approval of the Subordination of Utility Interests may require the expenditure of funds for future relocation of utility facilities. This potential impact is not possible to quantify or state with any certainty that it will occur at the present time.

C. Departmental Fiscal Review: Alii Kovalainen

III. REVIEW COMMENTS

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

Lisa P. ... 7/21/16  
OFMB 7/20

Dr. J. Jacobson 7/29/16  
Contract Dev. and Control  
7/29/16

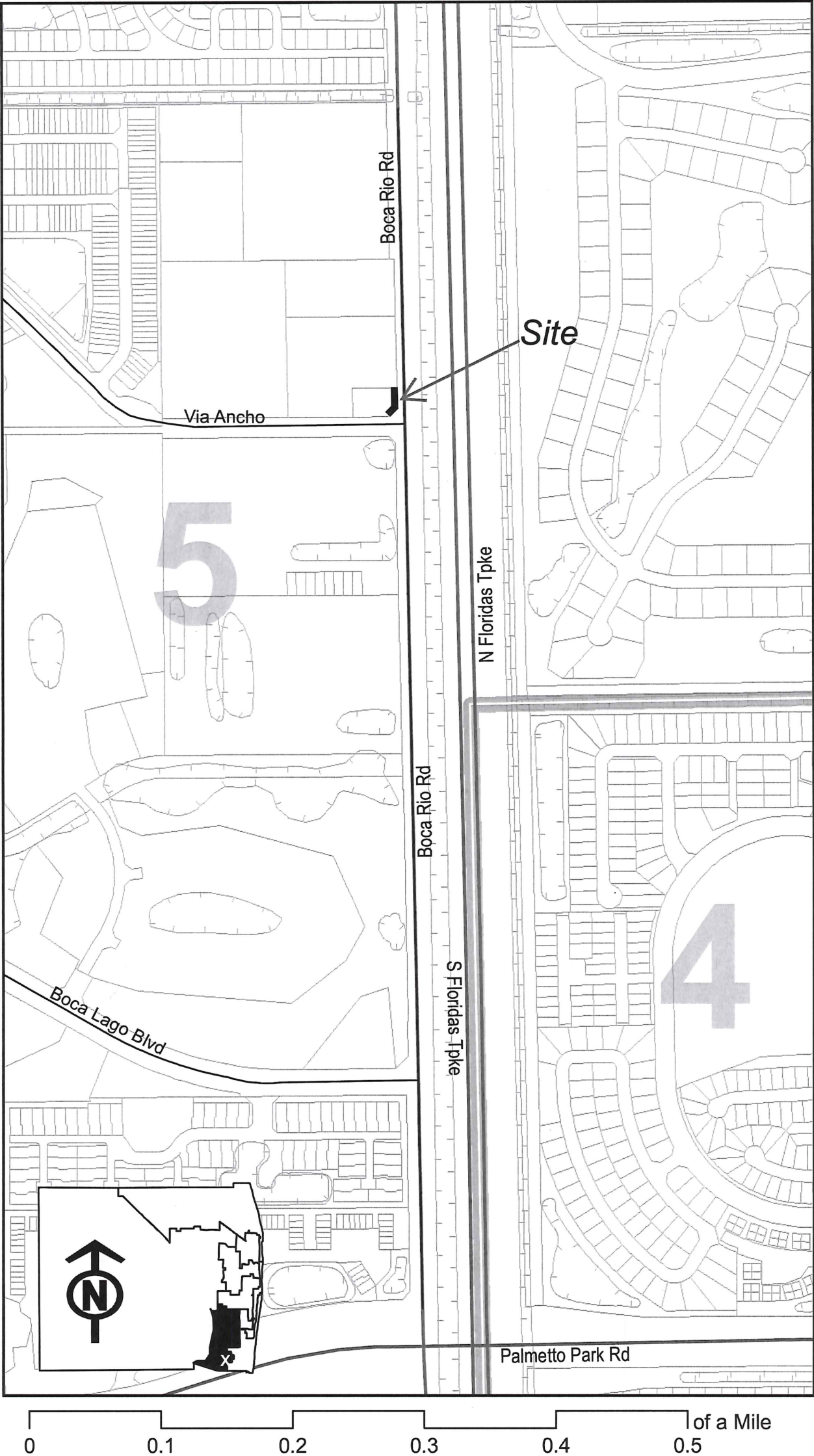
B. Approved as to Form  
and Legal Sufficiency:

Mark R. ... 8/2/16  
Assistant County Attorney

C. Other Department Review:

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

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



Location Map

Return to:  
Right-of-Way Acquisition Section  
Palm Beach County, Engineering & Public Works Department  
Post Office Box 21229  
West Palm Beach, Florida 33416-1229  
Attn.: David Kuzmenko, Right-of-Way Specialist  
Acct. No.: 1010                      W/C BOX 1066

This instrument prepared by:  
Samantha J. Saucier  
Florida Power & Light Company  
700 Universe Boulevard, CRE/JB  
Juno Beach, Florida 33408

Property Control Number: Portion of 00-42-47-20-00-000-1030

**NOT TO BE RECORDED WITHOUT BOARD OF COUNTY COMMISSIONERS ACCEPTANCE DATE**

**SPACE ABOVE THIS LINE FOR PROCESSING DATA**

**PROJECT # RW33195-0615,**  
**Condition No. 6**  
**ROAD NAME: Boca Rio Road & Via**  
**Ancho Road**  
**PARCEL NO.**

**SUBORDINATION OF UTILITY INTERESTS  
AND AGREEMENT FOR  
REIMBURSEMENT FOR ADDITIONAL FACILITY RELOCATIONS**

**THIS SUBORDINATION OF UTILITY INTERESTS AND AGREEMENT FOR REIMBURSEMENT FOR ADDITIONAL FACILITY RELOCATIONS** (this "Agreement") is entered into this 17<sup>th</sup> day of June 2016, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida ("County"), whose mailing address is Post Office Box 21229, West Palm Beach, Florida 33416-1229, and **FLORIDA POWER & LIGHT COMPANY**, a Florida corporation ("Utility"), whose mailing address is Post Office Box 14000, Juno Beach, Florida 33408-0420.

**WITNESSETH**

WHEREAS, the Utility presently has an interest in certain lands as legally described and depicted on attached **Exhibit "A"** ("Lands") that have been determined necessary for future Public Right-of-Way purposes; and

WHEREAS, the proposed use of the Lands for highway purposes will require subordination of the interest claimed in such Lands by the Utility to the County; and

WHEREAS, at the request of the County, the Utility has agreed, subject to the terms and conditions set forth herein, to either (i) leave such facilities on the subordinated Lands until such time as the County requests relocation of such facilities, if at all, or (ii) relocate such facilities from the subordinated Lands to an area acceptable to the Utility, as applicable, and the County is willing to pay for such relocation and, if relocated within Public Right-of-Way, any and all future relocations of said facilities, if necessary, to prevent conflict between the County's use and the Utility's use so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, the Utility and the County agree as follows:

**AGREEMENT**

1. The Utility hereby subordinates any and all of its interest in that certain portion of the Utility's easement located upon the Lands, as granted via the below-referenced instrument, to the interest of the County for the purposes of constructing, improving, maintaining and operating a road over, through, upon, and/or across such Lands:

<u>NATURE OF ENCUMBRANCE</u>	<u>DATE</u>	<u>FROM OR AGAINST</u>	<u>IN FAVOR OF</u>	<u>OFFICIAL RECORD BOOK / PAGE</u>
Easement	12/20/1965	James Howard Brown & Alma Brown	Florida Power & Light Company	1382 / 277

2. "Public Right-of-Way", as used herein, shall mean existing right-of-way and that certain area of land to become future right-of-way also shown on attached **Exhibit "A"**, and which a portion of the Public Right-of-Way includes all or a part of the Utility's above-referenced easement on the Lands (all as depicted on said Exhibit).

3. Should the County require the Utility to alter, adjust, or relocate any of the Utility's facilities presently located on, within, or upon the Lands, the County hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate replacement easement(s). In addition, the Utility retains the right to be reimbursed in

the future for any and all additional alterations, adjustments, or relocations of its facilities located presently or to be located on the Lands (or Public Right-of-Way if such facilities were previously relocated from the Lands to the Public Right-of-Way under this Agreement) if such alteration, adjustment, or relocation is caused by present or future uses of the Public Right-of-Way by the County or its assigns, including, but not limited to, the cost of accommodating the Utility within the Public Right-of-Way, or if necessary, acquiring replacement easement(s).

4. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate its facilities on, within, and upon the Lands in accordance with the County's current minimum standards for such facilities as of the date of this Agreement. Any new construction or relocation of such facilities by the Utility on, within, and upon the Lands will be subject to prior approval by the County. Should the County fail to approve any new construction or relocation of such facilities on, within, and upon the Lands, the County hereby agrees to pay the cost of such alteration, adjustment, or relocation required by the County's failure to approve such new construction or relocation, including, but not limited to the cost of acquiring appropriate replacement easement(s).

5. The Utility shall have the right to enter upon the Lands (and/or the area of the Public Right-of-Way where the facilities have been relocated) for the purposes outlined in Paragraph 4 above, including the right to trim such trees, brush, and growth which might endanger or interfere with the Utility's facilities. The County shall provide and allow access to the Lands (and/or the area of the Public Right-of-Way where the facilities have been relocated) by the Utility.

6. The Utility agrees to repair any damage to the County facilities and to indemnify the County against any loss or damage, in an amount not to exceed One Million Dollars (\$1,000,000), resulting from the Utility exercising its rights to construct, operate, maintain, improve, add to, upgrade or remove its facilities on the Lands (and/or the area of the Public Right-of-Way where the facilities have been relocated).

7. This Agreement shall not be assigned by County, except to the State of Florida or any other governmental entity that has an interest in the Public Right-of-Way. In the event of any assignment hereunder, County shall provide written notice of such assignment to Utility within thirty (30) days of such assignment.

*(Signatures and Acknowledgements appear on following pages.)*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

**ATTEST:**

**SHARON R. BOCK**  
CLERK & COMPTROLLER

**County:**

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

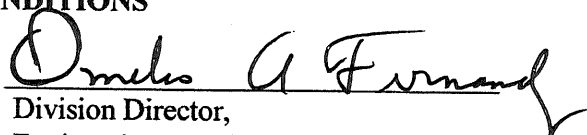
By: \_\_\_\_\_  
Clerk (or Deputy Clerk)

By: \_\_\_\_\_  
Mary Lou Berger, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
County Attorney

**APPROVED AS TO TERMS AND  
CONDITIONS**

By:   
Division Director,  
Engineering & Public Works Department

N:\R\_O\_W\Dave\Boca Rio Warehouse\with costs FPL Subordination Agreement.docx

Signed, sealed and delivered  
in the presence of:

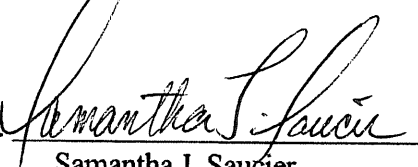
By: 

Print Name: Michelle M. Kahmann

By: 

Print Name: Amy Wilkes

FLORIDA POWER & LIGHT COMPANY,  
a Florida corporation

By:   
Samantha J. Saucier  
Area Real Estate Manager

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgements, personally appeared Samantha J. Saucier, to me known and personally known to me to be the person described in, and did not take an oath and who executed the foregoing instrument as Area Real Estate Manager of Florida Power & Light Company, a Florida corporation and acknowledged before me that she executed the same as such official in the name and on behalf of said Corporation.

WITNESS my hand and official seal in the County and State aforesaid this 17<sup>th</sup> day of June, 2016

My Commission Expires:

Notary Signature:   
Notary Public State of Florida

Printed Name: \_\_\_\_\_





SKETCH AND DESCRIPTION  
**EXHIBIT 'A'**  
RIGHT-OF-WAY  
A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST

**LAND DESCRIPTION:**

(DESCRIPTION 1)

A portion of BOCA RATON PINES, according to the Plat thereof as recorded in Plat Book 13, Page 71, of the Public Records of Palm Beach County, Florida and the East 193 feet of Tract 29, Block 79, PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat Book 2, Page 45, of the Public Records of Palm Beach County, Florida vacated by Resolution recorded in Official Records Book 1720, Page 1456, of the Public Records of Palm Beach County, Florida.

Said Parcel being more particularly described as following:

**COMMENCE** at the Southeast corner of Tract 28, of the said PALM BEACH FARMS CO. PLAT NO. 3; thence N89°38'27"E along the South line of Tract 29, a distance of 170.94 feet; thence N00°43'00"W, 30.00 feet; thence N89°38'27"E, along the north right-of-way line of Via Ancho Road, 405.44 feet to the **Point of Beginning** (Description 1); thence N44°17'01"E, 35.58 feet; thence N01°04'25"W, 89.71 feet; thence N89°38'27"E this line parallel with the north Right-Of-Way line of Via Ancho Road, 10.00 feet; thence S01°04'25"E, along the west right-of-way line of Boca Rio Road, 84.65 feet; thence S44°17'01"W, 42.70 feet; thence S89°38'27"W, along the said north right-of-way of Via Ancho Road, 4.93 feet to the **Point of Beginning** (Description 1).

(DESCRIPTION 2)


Being more Particularly Described as Unplatted Lands by metes and bounds as follows:

A portion of Section 20, Township 47 South, Range 42 East, Palm Beach County

**COMMENCE** at the East quarter (E 1/4) corner of Section 20, Township 47 South, Range 42 East; thence N01°18'41"W, along the east line of said Section 20, a distance of 1,127.07 feet; thence S89°38'27"W, along the prolongation of the north right-of-way line of Via Ancho Road, a distance of 459.41 feet to the **Point Of Beginning** (Description 2). thence continue S89°38'27"W, along the said north right-of-way line, a distance of 4.93 feet; thence N44°17'01"E, 35.58 feet; thence N01°04'25"W, 89.71 feet; thence N89°38'27"E this line parallel with the north Right-Of-Way line of Via Ancho Road, 10.00 feet; thence S01°04'25"E, along the west right-of-way line of Boca Rio Road, a distance of 84.65 feet; thence S44°17'01"W, 42.70 feet to the **Point Of Beginning** (Description 2).

Said lands lying in Palm Beach County, Florida, containing 1,009 square feet, more or less.

NOT VALID WITHOUT  
SHEETS 1 THRU 5

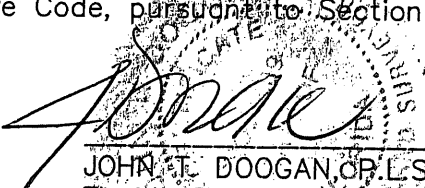
REVISIONS				<b>AVIROM &amp; ASSOCIATES, INC.</b> <b>SURVEYING &amp; MAPPING</b> 50 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2594, FAX (561) 394-7125 www.AVIROM-SURVEY.com <small>©2015 AVIROM &amp; ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM &amp; ASSOCIATES, INC. and should not be reproduced or copied without written permission.</small>	JOB #:	9588-3
REVISED	W.R.E.	11/02/2015			SCALE:	N.T.S.
REVISED	W.R.E.	03/07/2016			DATE:	06/19/2015
REVISED	W.R.E.	04/18/2016			BY:	P.E.R.
					CHECKED:	J.T.D.
					F.B.	PG.
					SHEET	1 OF 5

SKETCH AND DESCRIPTION  
**EXHIBIT 'A'**  
RIGHT-OF-WAY  
A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST


**CERTIFICATION:**

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 4/18/2016

  
JOHN T. DOOGAN, P.L.S.  
Florida Registration No. 4409  
AVIROM & ASSOCIATES, INC.  
L.B. No. 3360

**NOT VALID WITHOUT  
SHEETS 1 THRU 5**

REVISIONS			 <div>AVIROM &amp; ASSOCIATES, INC. SURVEYING &amp; MAPPING 50 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2594, FAX (561) 394-7125 www.AVIROM-SURVEY.com <small>©2015 AVIROM &amp; ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM &amp; ASSOCIATES, INC. and should not be reproduced or copied without written permission.</small></div>	
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			BY:	P.E.R.
			CHECKED:	J.T.D.
			F.B.	PG.
			SHEET	2 OF 5

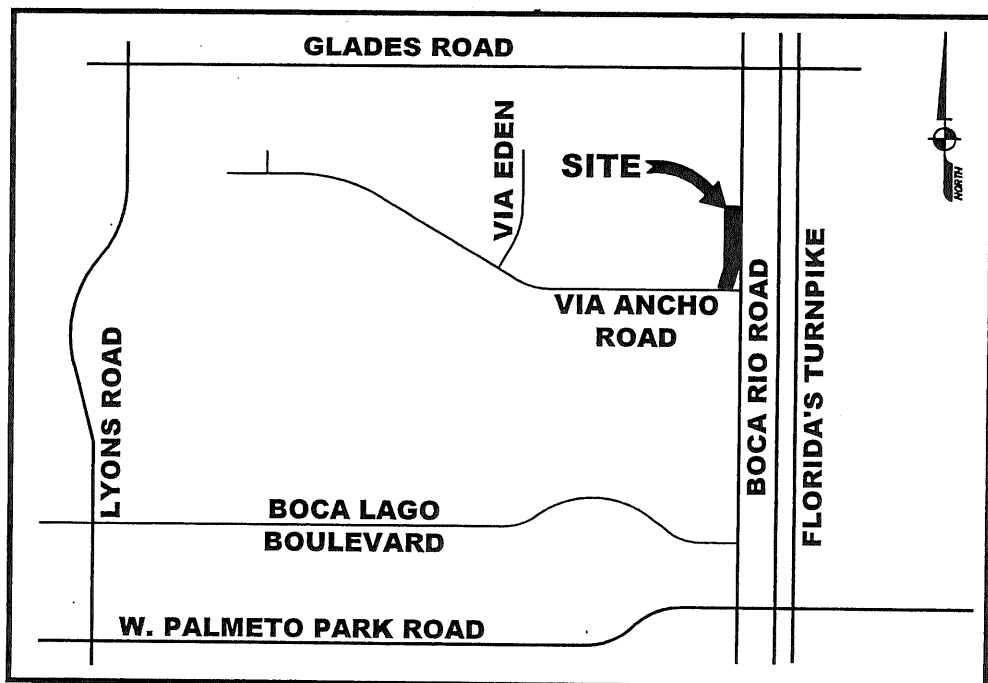
SKETCH AND DESCRIPTION  
**EXHIBIT 'A'**

RIGHT-OF-WAY

A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST

**SURVEYOR'S REPORT:**

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. Lands shown hereon were not researched by Avirom & Associates, Inc. for easements, rights-of-way, ownership or other instruments of record. Instruments of record are per Order Number: 5442411, issued by Gold Coast Title Company Services, Inc., effective date: August 19, 2015. Property shown hereon is subject to agreements, covenants, easements, restrictions and other matters contained in the Title Commitment. Easements, where applicable are shown on the survey.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are based on the east line of said Section 20-47-42 having a bearing of N01°18'41"W - Based on grid (See Surveyor's Note #5).
5. Coordinates shown hereon are based on the northeast quarter (NE 1/4) corner of Section 20-47-42 per the Florida Department Of Natural Resources, Certified Corner Record Document #052471, referenced to Grid North, based on the 1983 adjustment of the North American Datum (NAD 83/90) of the Florida State Plane Coordinate System (Transverse Mercator Projection), Zone = Florida East.
6. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
7. Abbreviation Legend: D.B. = Deed Book; DESC. = Description; F.B. = Field Book; FPL = Florida Power & Light; L.B. = Licensed Business; N.T.S. = Not To Scale; O.R.B. = Official Records Book; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement; R/W = Right-Of-Way; SEC. = Section.



**LOCATION SKETCH**

NOT TO SCALE

**NOT VALID WITHOUT  
SHEETS 1 THRU 5**

SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST

**REVISIONS**

REVISED	W.R.E.	11/02/2015
REVISED	W.R.E.	03/07/2016
REVISED	W.R.E.	04/18/2016



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JOB #: 9588-3

SCALE: N.T.S.

DATE: 06/19/2015

BY: P.E.R.

CHECKED: J.T.D.

F.B. PG.

SHEET 3 OF 5

SKETCH AND DESCRIPTION  
**EXHIBIT 'A'**

**NOT VALID WITHOUT  
SHEETS 1 THRU 5**

RIGHT-OF-WAY

A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST

**NOTE:**

- LINEAR UNIT = U.S. survey foot
- ALL DISTANCES ARE GROUND
- SCALE FACTOR = 1.000025571
- GRID DISTANCE = Ground Distance x Scale Factor
- BEARINGS: See Surveyor's Report #4 (Sheet 2 of 3)
- DATUM: See Surveyor's Report #5 (Sheet 2 of 3)

PORTION OF BOCA RATON PINES &  
EAST 193' OF TRACT 29, BLOCK 79,  
PALM BEACH FARMS CO. PLAT NO. 3  
VACATED BY RESOLUTION RECORDED IN  
O.R.B. 1720/1456, P.B.C.R.)

A PORTION OF  
SEC. 20-47-42

EAST LINE OF US POSTAL  
SERVICE PROPERTY PER  
O.R.B. 9006/1044, P.B.C.R.

A PORTION OF  
SEC. 20-47-42

**A PORTION OF  
SECTION  
20-47-42**

TRACT 28,  
BLOCK 79  
PALM BEACH FARMS  
CO. PLAT No. 3  
(P.B. 2/45, P.B.C.R.)

WEST 137.00' OF  
TRACT 29, BLOCK 79  
PALM BEACH FARMS  
CO. PLAT No. 3  
(P.B. 2/45, P.B.C.R.)

WEST LINE OF PARCEL PER  
O.R.B. 25414/1704, P.B.C.R.

20' RIGHT-OF-WAY  
(O.R.B. 10188/1089, P.B.C.R.)  
(O.R.B. 10154/1357, P.B.C.R.)

NORTH RIGHT-OF-WAY  
LINE OF VIA ANCHO ROAD

SOUTH LINE TRACT 29,  
(P.B. 2, PG. 45, P.B.C.R.)

N89°38'27"E  
255.74'

405.44'  
149.70'

30' PUBLIC  
RIGHT-OF-WAY  
(O.R.B. 3302/980,  
P.B.C.R.)

N89°38'27"E  
170.94'

N00°43'00"W  
30.00'

30' PUBLIC RIGHT-OF-WAY  
(P.B. 13/71, P.B.C.R.)

10' RIGHT-OF-WAY  
(O.R.B. 10188/1079, P.B.C.R.)  
(O.R.B. 10154/1362, P.B.C.R.)

10' RIGHT-OF-WAY  
(O.R.B. 2350/1253, P.B.C.R.)

**VIA ANCHO ROAD**

30' PUBLIC RIGHT-OF-WAY  
(P.B. 2/45, P.B.C.R.)

**P.O.C. (DESC. 1)**  
SOUTHEAST CORNER  
TRACT 28, BLOCK 79  
(P.B. 2/45, P.B.C.R.)

TRACT 33, BLOCK 79  
(P.B. 2/45, P.B.C.R.)

10' RIGHT-OF-WAY  
(O.R.B. 9685/1367, P.B.C.R.)

**PARCEL "F"**  
(P.B. 36/36, P.B.C.R.)



GRAPHIC SCALE IN FEET  
SCALE: 1" = 30'

SEE SHEET 4 OF 4

MATCHLINE

**REVISIONS**

REVISED	W.R.E.	11/02/2015
REVISED	W.R.E.	03/07/2016
REVISED	W.R.E.	04/18/2016



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JOB #: 9588-3

SCALE: 1" = 30'

DATE: 06/19/2015

BY: P.E.R.

CHECKED: J.T.D.

F.B. PG.

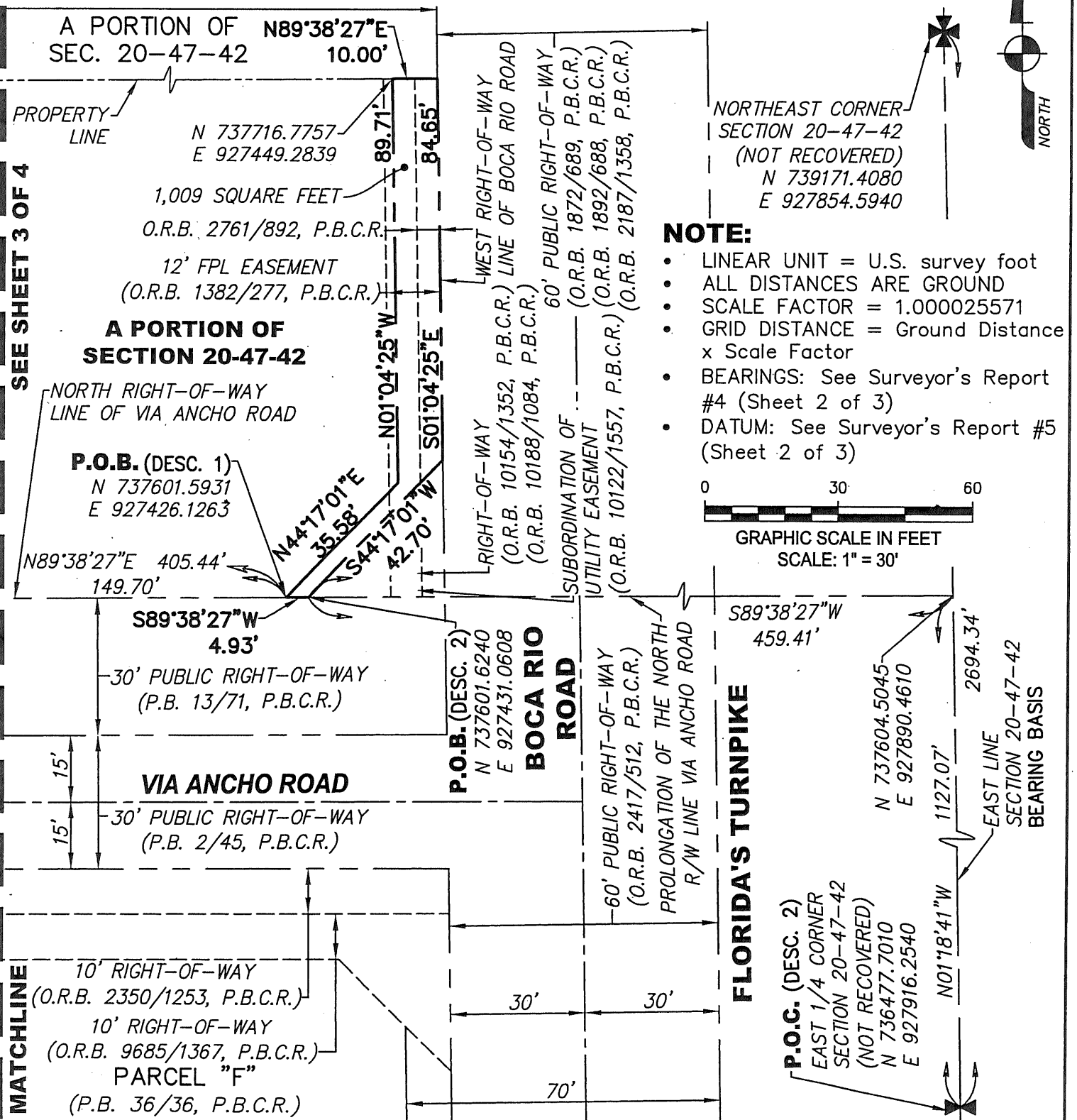
SHEET 4 OF 5

NOT VALID WITHOUT  
SHEETS 1 THRU 5

SKETCH AND DESCRIPTION  
**EXHIBIT 'A'**

RIGHT-OF-WAY

A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 42 EAST



REVISIONS

REVISED	W.R.E.	11/02/2015
REVISED	W.R.E.	03/07/2016
REVISED	W.R.E.	04/18/2016



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JOB #: 9588-3

SCALE: 1" = 30'

DATE: 06/19/2015

BY: P.E.R.

CHECKED: J.T.D.

F.B. PG.

SHEET 5 OF 5