

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: September 13, 2016 [X] Consent [] Regular
[] Ordinance [] 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 and Light Company (FPL) to increase existing electric service at the Bedner Farm Property.

Summary: Palm Beach County's tenant, Bedner Farm, Inc., installed larger and more efficient packing equipment which required additional electric service to its on-site vegetable packing facility located at 14168 Starkey Road in unincorporated Delray Beach. This Easement is for aboveground electrical service with a pole-mounted transformer to service the existing packing facility. The easement area is approximately 10' wide by approximately 255' long and covers an area of 3,095 square feet (.07 acre). This exclusive easement is being granted at no charge as it will provide electrical service solely for the benefit of the County's tenant. (PREM) District 5 (HJF)

Background and Justification: The existing vegetable packing facility at the County owned Bedner Farm "East" property was upgraded by Bedner Farm, at its sole cost, with larger and more efficient packing equipment which included the installation of a higher voltage electric panel and larger sized wire lines. The existing FP&L feeder supply line to the packing facility was incapable of providing the additional electric power. FP&L provided and installed new poles, wire supply lines and a pole mounted transformer at no cost to Bedner Farm or the County. Upon expiration or termination of the Lease, the electrical service upgrades will remain in place and ownership will vest with the County. The Easement is exclusive, limited to FP&L use only, and will be recorded into the Palm Beach County public records to document its existence and location.

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

Recommended By: [Signature] Army Wolf Department Director 8/14/16 Date

Approved By: [Signature] County Administrator 9/2/16 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* <u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<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.

Fixed Asset Number: n/a

C. Departmental Fiscal Review: _____ *W 8-16-16*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature]

 OFMB, JET 8/24/16 8/24

[Signature] 8/30/16

 Contract Development and Control
 8/30/16

B. Legal Sufficiency:

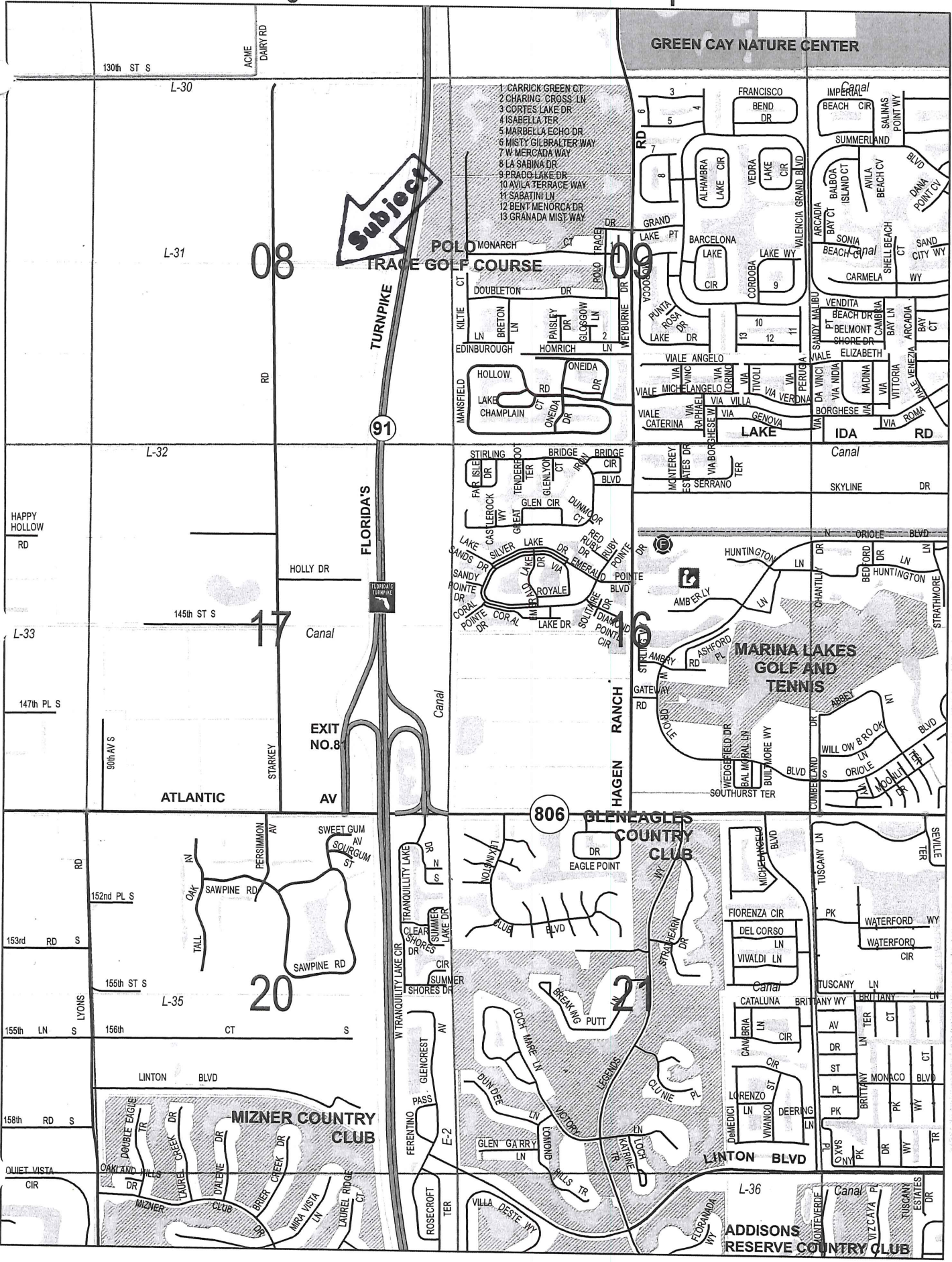
[Signature] 8/31/16

 Assistant County Attorney

C. Other Department Review:

 Department Director

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



LOCATION MAP

Attachment /
1 page

II

Attachment 2
(6 pages)

Prepared by & Return to:
Richard C. Bogatin, Property Specialist
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 00-42-46-08-01-000-0020

UTILITY EASEMENT AGREEMENT

THIS EASEMENT is granted _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, Grantor, to **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 consideration 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, wires, poles, guys, cables, conduits and appurtenant equipment, including 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 (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 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 CONDITIONS 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, its 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.

(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: _____
Mary Lou Berger, Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

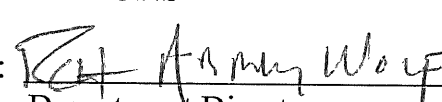
Witness Signature

Print Witness Name

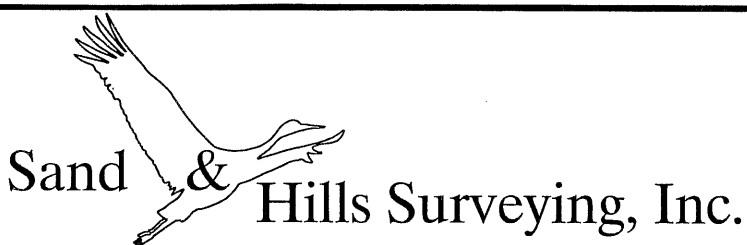
**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: 
Assistant County Attorney

By: 
Department Director

SKETCH AND DESCRIPTION
THIS IS NOT A SURVEY!



DESCRIPTION: 10' FPL EASEMENT

BEING A STRIP OF LAND 10 FEET IN WIDTH, LYING WITHIN A PORTION OF TRACT 8, SECTION 8, PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL LYING WITHIN SECTION 8, TOWNSHIP 46 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

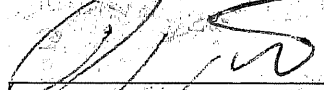
COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 8, THENCE N89°00'54"E, ALONG THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 116.90 FEET; THENCE S00°59'06"E, A DISTANCE OF 102.44 FEET TO THE POINT OF BEGINNING; THENCE S86°12'53"E, A DISTANCE OF 5.00 FEET; THENCE S03°47'07"W, A DISTANCE OF 32.26 FEET; THENCE S22°37'31"E, A DISTANCE OF 117.36 FEET; THENCE S24°27'54"E, A DISTANCE OF 127.41 FEET; THENCE S17°57'51"E, A DISTANCE OF 20.46 FEET; THENCE S72°02'09"W, A DISTANCE OF 10.00 FEET; THENCE N17°57'51"W, A DISTANCE OF 19.90 FEET; THENCE N24°27'54"W, A DISTANCE OF 127.00 FEET; THENCE N22°37'31"W, A DISTANCE OF 118.60 FEET; THENCE N24°43'01"W, A DISTANCE OF 20.42 FEET; THENCE N65°16'59"E, A DISTANCE OF 10.00 FEET; THENCE S24°43'01"E, A DISTANCE OF 0.83 FEET; THENCE N03°47'07"E, A DISTANCE OF 13.75 FEET; THENCE S86°12'53"E, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3095 SQUARE FEET MORE OR LESS.

BEARINGS ARE BASED ON FLORIDA STATE PLANE GRID, EAST ZONE AND BASED ON THE LINE FORMED BETWEEN PALM BEACH COUNTY MONUMENTS "PBF 65" AND "PBF 66" HAVING A BEARING OF NORTH 89°07'53" EAST.

CERTIFICATION:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION AS SHOWN HEREON, MEETS THOSE STANDARDS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION OR COPIES HEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA SURVEYOR AND MAPPER.


DATE: 5/25/16
PERRY C. WHITE REV: 07/28/16
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 4213

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

SKETCH & DESCRIPTION BEDNER FARMS FPL EASEMENT	DATE: 5/25/16	SHEET 1 OF 3
	REVIEWED: PW	DRAWN: BEJ
	DRAWING No: D0225LG01	

P.O.C.

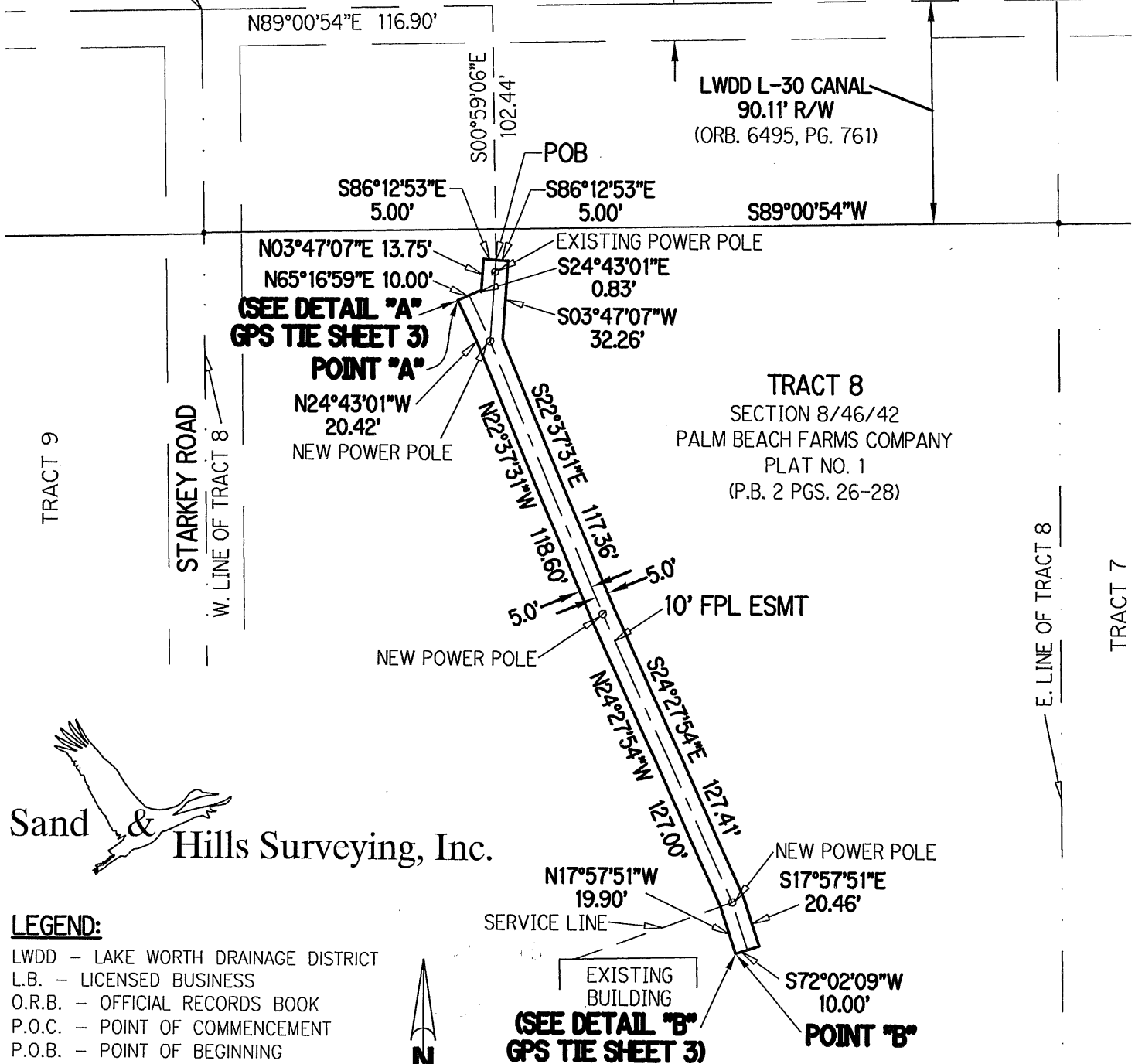
NW COR TRACT 8
SECTION 8/46/42
PALM BEACH FARMS
COMPANY PLAT NO.1
(P.B. 2 PGS. 26-28)

SKETCH AND DESCRIPTION

THIS IS NOT A SURVEY!


TRACT 117, BLOCK 63
"PALM BEACH FARMS CO. PLAT NO. 3"
(P.B. 2 PGS. 45-54)

15' PLATTED ROAD EASEMENT
(P.B. 2, PG. 26)
L.W.D.D. R/W PER (O.R.B. 1585, PG. 505)



 Sand & Hills Surveying, Inc.

LEGEND:

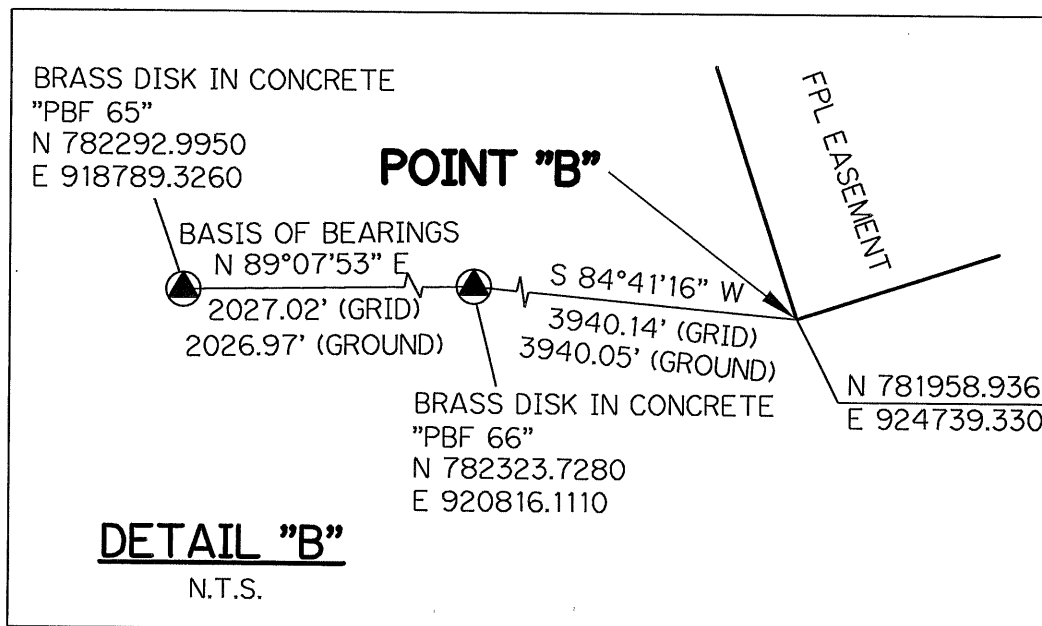
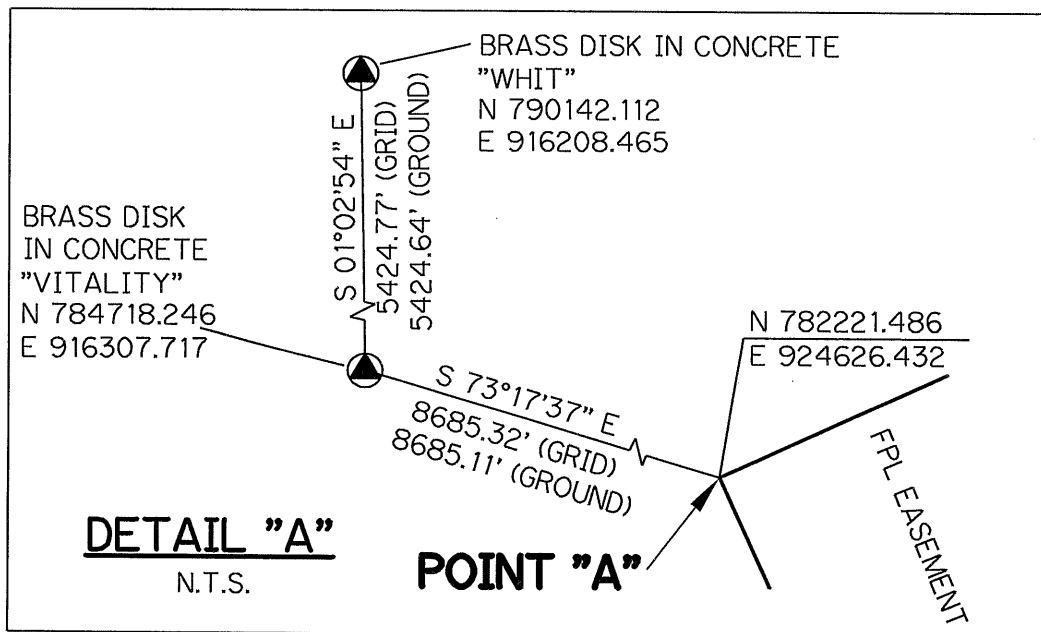
- LWDD - LAKE WORTH DRAINAGE DISTRICT
- L.B. - LICENSED BUSINESS
- O.R.B. - OFFICIAL RECORDS BOOK
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.B. - PLAT BOOK
- PGS. - PAGES
-  - PALM BEACH COUNTY CONCRETE MONUMENT



(SEE DETAIL "B"
GPS TIE SHEET 3)

SKETCH & DESCRIPTION BEDNER FARMS FPL EASEMENT	SCALE: 1"=60'	DATE: 5/25/16
	REVIEWED: PW	SHEET 2 OF 3
	DRAWING No: D0225LG01	DRAWN: BEJ

SKETCH AND DESCRIPTION
THIS IS NOT A SURVEY!



NOTE:

COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1990 ADJUSTMENT)
 COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
 ZONE = FLORIDA EAST ZONE
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 SCALE FACTOR = 1.0000240
 PLAT BEARING = GRID BEARING
 ALL DISTANCES ARE GROUND
 LINEAR UNIT = U.S. SURVEY FEET

SKETCH & DESCRIPTION BEDNER FARMS FPL EASEMENT	DATE: 5/25/16	SHEET 3 OF 3
	REVIEWED: PW	DRAWN: BEJ
	DRAWING No: D0225LG01	