

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date:	September 12, 2017	Consent [X]	Regular []
		Public Hearing []	

Department: Water Utilities Department

I. EXECUTIVE BRIEF


Motion and Title: Staff recommends motion to adopt: a Resolution in support of an application to obtain a utility easement (Application) from the Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) on property located south of Hooker Highway, east of State Road 715 in the City of Belle Glade.

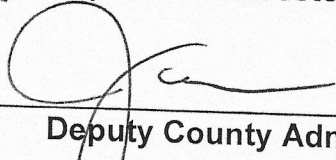
Summary: The Water Utilities Department (WUD) is constructing wastewater infrastructure to serve future development to the former Glades Correctional Institute (GCI) site. WUD requires a 10-foot wide easement across the TIITF property to provide for the operation and maintenance of a future 8" wastewater force main and has coordinated with the Division of State Lands to identify the property needed for the easement. The force main will replace an existing force main from State Road 715 to a future lift station inside the GCI property. Per the terms of the Application, the Board of County Commissioners is required to adopt a resolution in support of the Application for it to be considered by the TIITF. WUD has additionally secured consent for the easement from the City of Belle Glade and PRIDE Enterprises, who are management entities regarding the parcel. As a local government, the County will not be required to pay any fees for the application or proposed Easement. District 6 (MJ)

Background and Justification: As part of WUD's continuing effort to improve the efficiency of the infrastructure within the City of Belle Glade, WUD is planning to improve the wastewater service to the former GCI property. In order to maintain wastewater service to GCI, the existing private 8" force main will need to be replaced. TIITF is granting this easement to the County to allow for access, operation, repair, replacement and maintenance activities.

Attachments:

1. Two (2) Original Resolutions
2. Location Map
3. Application for Easement

Recommended By:			
	Department Director	8-16-17	Date

Approved By:			
	Deputy County Administrator	8/29/17	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	* <u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Budget Account No.: Fund	_____	Dept	_____	Unit	_____
				Object	_____

Is Item Included in Current Budget? Yes ____ No ____

Reporting Category N/A

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

* No Fiscal Impact

C. Department Fiscal Review: _____

III. REVIEW COMMENTS

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

[Signature] 8/18/17
OFMB ET 8/18 8/18

[Signature] 8/24/17
Contract Development and Control
8/24/17

B. Legal Sufficiency:

[Signature] 8/28/17
Assistant County Attorney

C. Other Department Review:

Department Director

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

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY REQUESTING AN EASEMENT FROM THE STATE OF FLORIDA, BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (TIITF), FOR THE PURPOSE OF CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN EXISTING SEWER FORCEMAIN ON STATE OWNED PROPERTY.

WHEREAS, the Board of County Commissioners for Palm Beach County seeks to request an easement to allow for the construction, operation, and maintenance of an existing sewer forcemain (the "Utility Improvements") over certain property adjacent to West Technical Education Center in the City of Belle Glade.

WHEREAS, the easement property is more particularly described in Exhibit "A" attached hereto and is owned by the TIITF; and,

WHEREAS, it would be in the best interest to the citizens of Palm Beach County, the City of Belle Glade and the State of Florida to allow for the construction, operation, and maintenance of these Utility Improvements and for TIITF to convey the necessary easement to Palm Beach County.

NOW, THEREFORE, be it resolved by the Board of County Commissioners for Palm Beach County:

1. That it is necessary and in the best interest of the citizens of Palm Beach County to acquire the easement from TIITF to allow construction, operation, and maintenance of the Utility Improvements, to wit:

See Exhibit "A" for a description of the easement.

2. That construction, operation, and maintenance of the Utility Improvements in the area described and depicted on Exhibit "A" would benefit the public.
3. That it would be beneficial for the State of Florida and its citizens, through TIITF, to convey said easement to Palm Beach County to allow for the Utility Improvements.
4. Because of the benefits conferred by the Utility Improvements to the citizens of the City of Belle Glade, Palm Beach County, and the State of Florida, the Board of Commissioners of Palm Beach County requests all fees for the described easement be waived.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Commissioner Paulette Burdick, Mayor -
- Commissioner Melissa Mckinlay, Vice Mayor -
- Commissioner Hal R. Valeche -
- Commissioner Dave Kerner -
- Commissioner Steven L. Abrams -
- Commissioner Mary Lou Berger -
- Commissioner Mack Bernard -

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20__.

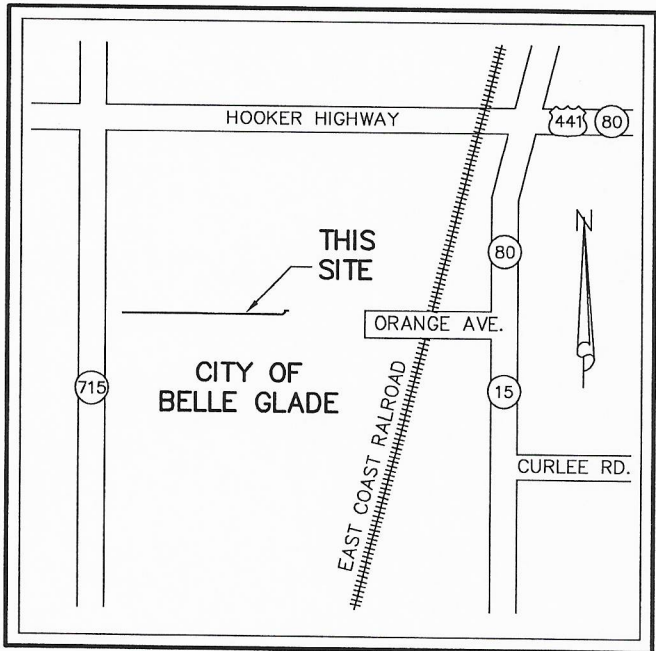
PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney



LOCATION MAP
NOT TO SCALE

6/13/17
David A. Bower

DAVID A. BOWER
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA
CERTIFICATE NO. LS 5888

SURVEYOR'S NOTES:

- 1. BEARINGS DEPICTED HEREON ARE BASED UPON THE EAST LINE OF THE WEST 1/2 OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA. SAID LINE HAVING A BEARING OF SOUTH 00°14'44" EAST, BASED UPON THE NORTH AMERICAN DATUM OF 1983, ON THE 1990 ADJUSTMENT FOR THE FLORIDA TRANSVERSE MERCATOR – EAST ZONE.
- 2. THIS INSTRUMENT NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3. THE UNDERSIGNED MAKES NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF RECORD.
- 4. THE LICENSED BUSINESS NUMBER FOR DENNIS J. LEAVY & ASSOCIATES INC. IS LB #6599, THE CERTIFYING SURVEYORS LICENSE NUMBER IS LS #5888.
- 5. THIS IS NOT A SURVEY.

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers
460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION		
For: PALM BEACH COUNTY WATER UTILITIES DEPARTMENT		
DRAWN: RRM/MT	SCALE: N/A	DATE: 06/13/17
CHK: DAB	JOB# 15-030-19	SHEET: 1 OF 4

DESCRIPTION:

A 10 foot wide strip of land lying within a portion of the North one-half (N 1/2) of the Southwest one-quarter (SW 1/4) of Section 19, Township 43 South, Range 37 East, Palm Beach County, Florida. Being more particularly described as follows:

COMMENCING at the North Quarter Corner of Section 19, Township 43 South, Range 37 East, Palm Beach County Florida; thence South 00°14'44" East (as a basis of bearings) along the East line of the West one-half (W 1/2) of said Section 19, a distance of 2642.25 feet to the POINT OF BEGINNING; thence continue South 00°14'44" East along said East line, a distance of 10.00 feet; thence South 88°47'55" West, a distance of 41.52 feet; thence South 01°42'54" West, a distance of 21.62 feet; thence South 46°54'02" West, a distance of 49.08 feet; thence North 89°50'36" West, a distance of 2483.55 feet to a point being on a line lying 75.00 feet East of and parallel with (as measured at right angles) the West line of the Southwest one-quarter (SW 1/4) of said Section 19, said line also being the East right-of-way line of State Road No. 715 as depicted on the State of Florida State Road Department right of way map, Section No. 93500-2101, Sheet 3 of 6, last revised date: 8-10-51; thence North 00°14'04" West along said line, a distance of 10.00 feet; thence South 89°50'36" East, a distance of 2479.65 feet; thence North 46°54'02" East, a distance of 40.95 feet; thence North 1°42'54" East, a distance of 26.96 feet; thence North 88°47'55" East, a distance of 51.19 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Section 19, Township 43 South, Range 37 East, Palm Beach County, Florida.

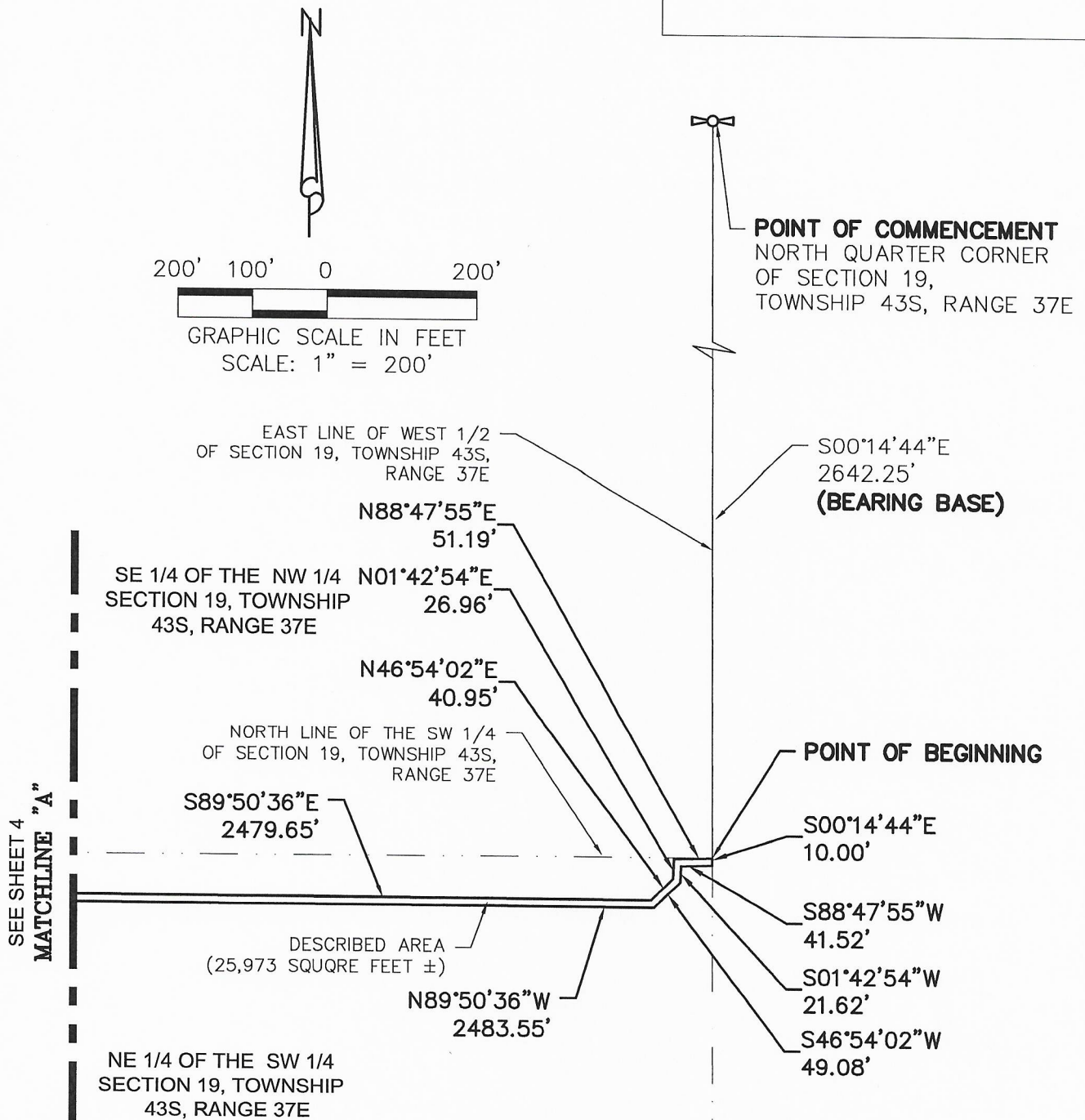
Containing 25,973 square feet more or less.

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SKETCH & DESCRIPTION
For: PALM BEACH COUNTY
WATER UTILITIES DEPARTMENT

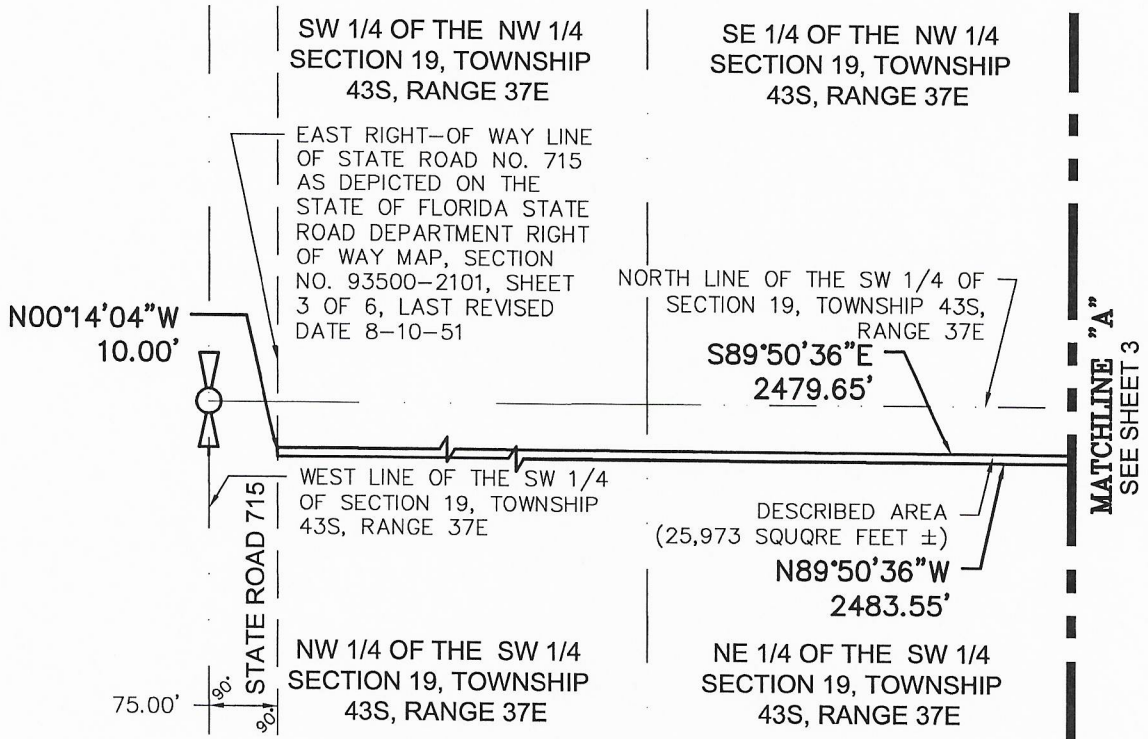
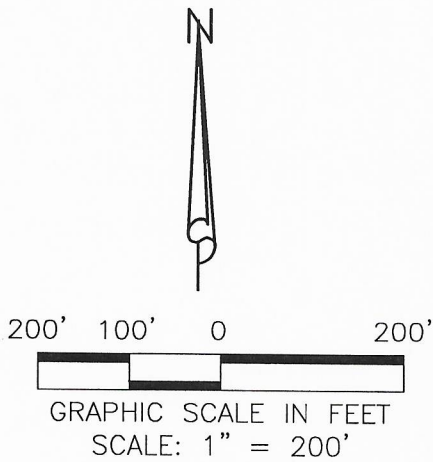
DRAWN: RRM/MT	SCALE: N/A	DATE: 06/13/17
CHK: DAB	JOB# 15-030-19	SHEET: 2 OF 4



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Royal Palm Beach, Florida 33411
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SKETCH & DESCRIPTION
For: PALM BEACH COUNTY
WATER UTILITIES DEPARTMENT

DRAWN: RRM/MT	SCALE: 1"=200'	DATE: 06/13/17
CHK: DAB	JOB# 15-030-19	SHEET: 3 OF 4

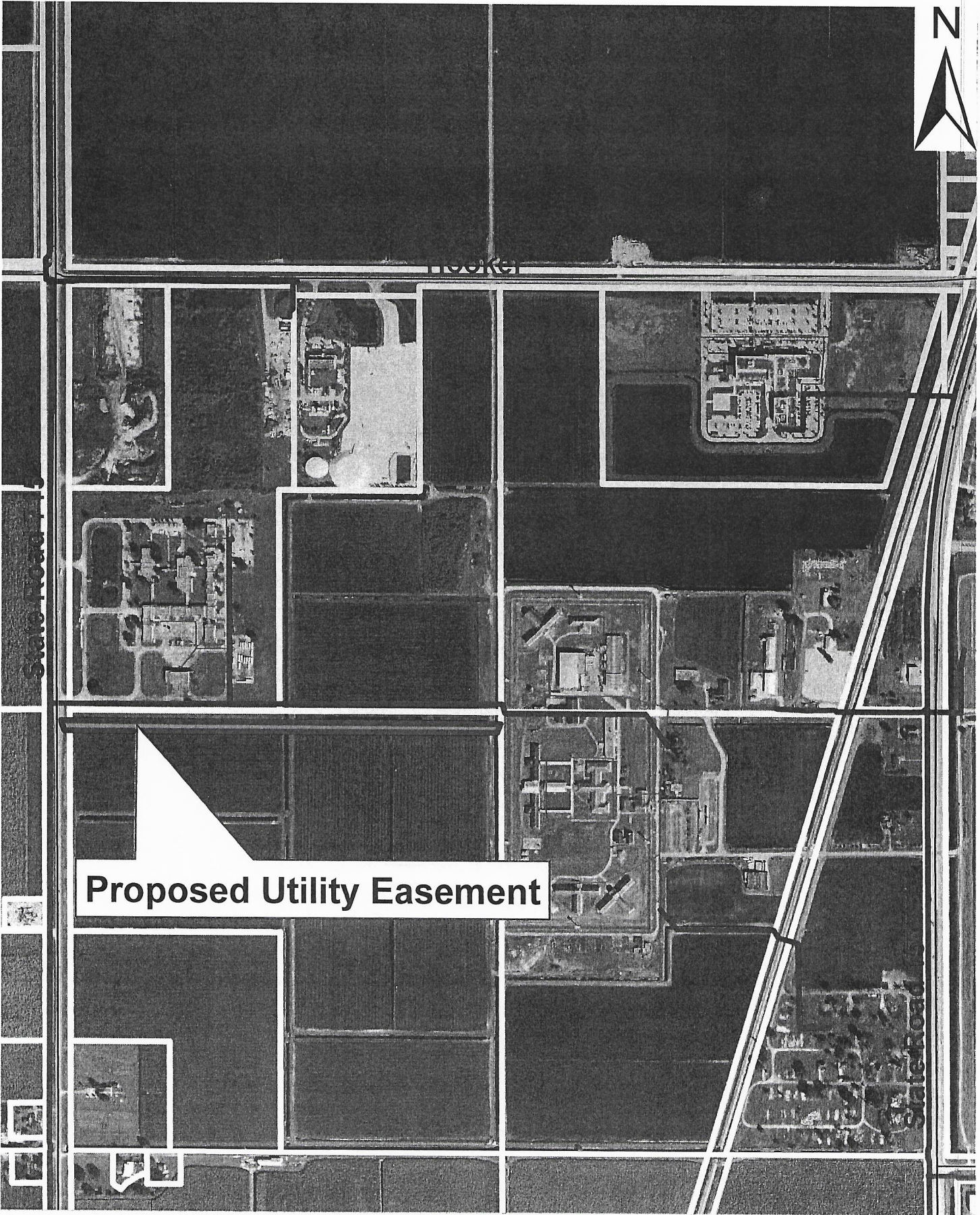


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SKETCH & DESCRIPTION
For: PALM BEACH COUNTY
WATER UTILITIES DEPARTMENT

DRAWN: RRM/MT	SCALE: 1"=200'	DATE: 06/13/17
CHK: DAB	JOB# 15-030-19	SHEET: 4 OF 4

ATTACHMENT 2
LOCATION MAP



Date: 7/5/2017

ATTACHMENT 3

APPLICATION FOR THE USE OF STATE OWNED UPLANDS

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Instructions and general guidance for completing this application:

**Please be advised that the information requested herein, is to provide DEP the necessary information to complete the requested authorization.*

This application is comprised of two (2) separate sections that are outlined and described as follows:

Section 1 – General Information

This section is used to indicate what type of upland authorization is requested. It is also used for contact information relative to the applicant and/or their representative. In addition, some general property information should be entered.

Section 2 – Other Specific Information

This part requests specific information relative to the type of upland authorization requested.

What Section(s) or Part(s) must be completed?

The table below depicts the applicable section(s) or part(s) that must be completed before submitting the application:

Type of Authorization Requested	Section(s) or Part(s) to be completed					
	Section 1	Section 2				
		Part A	Part B	Part C	Part D	Part E
Lease	✓	✓				
Sublease	✓		✓			
Easement	✓			✓		
Use Agreement	✓				✓	
Conveyance	✓					✓
Other*	✓					

**This includes types such as Letter of Consent, Estoppel, Affidavit, etc.*

PRIOR TO COMPLETING THIS APPLICATION, PLEASE BE ADVISED THAT:

Any application to use state land which would result in significant adverse impact to state land or associated resources shall not be approved unless the applicant demonstrates there is no other alternative and proposes compensation or mitigation acceptable to the Board of Trustees pursuant to paragraph 18-2.018(2)(i), Florida Administrative Code. Any requested use of state land which has been acquired for a specific purpose, such as conservation and recreation lands, shall be consistent with the original specified purpose for acquiring such land pursuant to paragraph 18-2.018(2)(c), Florida Administrative Code.

SPECIAL NOTE TO ALL APPLICANTS: SUBMITTAL OF A COMPLETE APPLICATION SHALL NOT OPERATE TO CREATE ANY RIGHTS OR CONSTITUTE ANY GROUNDS FOR THE DEPARTMENT TO RECOMMEND APPROVAL OF ANY REQUESTED USE OF STATE LAND. THE BOARD OF TRUSTEES HAS THE AUTHORITY AND RESERVES THE RIGHT TO DENY ANY APPLICATION. ALL COSTS INCURRED BY APPLICANTS COMPLYING WITH THE REQUIREMENTS OF THIS APPLICATION SHALL BE AT THEIR OWN RISK. COSTS ASSOCIATED WITH OBTAINING AN AUTHORIZATION ARE NON-REFUNDABLE AND SHALL BE ASSUMED BY THE APPLICANT INCLUDING, BUT NOT LIMITED TO, ALL APPRAISALS, ALL SURVEYS, ALL TITLE SEARCHES, AND ALL RECORDING FEES.

Completed Applications with any and all required attachments shall be electronically submitted to Upland.Applications@dep.state.fl.us. Please be advised that applications deemed incomplete will be immediately returned to the Applicant with a request to provide any outstanding items.

If unable to send electronically, mail (1) one hard copy to the address below:

Department of Environmental Protection
Division of State Lands
Bureau of Public Land Administration
3800 Commonwealth Boulevard, MS 130
Tallahassee, Florida 32399-3000



Section 1 – General Information

REQUESTED ACTION

- ☒ New ☐ Release ☐ Assignment/Assumption
☐ Amendment ☐ Partial Release

AUTHORIZATION REQUESTED

- ☐ Lease ☒ Easement ☐ Conveyance
☐ Sublease ☐ Use Agreement ☐ Other: _____

TYPE OF ENTITY REQUESTING AUTHORIZATION

- ☐ State Agency
☒ Federal, Regional or Local Agency
☐ Private – Please indicate if commercial: ☒ YES ☐ NO

<u>Applicant Information</u>		
Legal Name of Lessee/Grantee: Palm Beach County Water Utilities Department		
Contact Name: Hassan Hadjimiry	Title: Assistant Director	
Address: 8100 Forest Hill Boulevard		
City: West Palm Beach	State: Florida	Zip: 33416
Phone (1): 561-493-6021	Phone (2):	Fax:
Email Address: hhadjimiry@pbewater.com		
<u>Billing Information</u> (if same as above check here <input checked="" type="checkbox"/>)		
Name:		
Title:	Company:	
Address:		
City:	State:	Zip:
Phone (1):	Phone (2):	Fax:
Email:		
<u>Representative Information:</u> (Only complete if someone will be handling this transaction on your behalf)		
Name: Christopher Pettit		
Title: Policy and Legislation Manager	Company: Palm Beach County Water Utilities Department	
Address: 8100 Forest Hill Boulevard		
City: West Palm Beach	State: Florida	Zip: 33416
Phone (1): 561-493-6009	Phone (2):	Fax:
Email Address: cpettit@pbewater.com		
<u>Management Plan or Land Use Plan Contact Information</u> (for Leases/Subleases only)		
Name:		Title:
Phone (1):	Phone (2):	Fax:
Email Address:		



Section 1 – General Information (cont’d)

Estimated construction commencement date (if applicable): _____

Property Information		
County: Palm Beach	Property Appraiser's Parcel ID Number: 00-37-43-19-00-000-7010	
Section: 19	Township 43	Range: 37
Approximate Acres: 110.53		
Zoning Designation: Agricultural Production		
Location Address: Orange Avenue Cir		
City Belle Glade	State: Florida	Zip 33430

Descriptive Narrative describing the intended use of the property. Narrative shall include the following:
*Narrative can be attached as a separate page(s).
a) The requested term, which shall not be greater than is necessary to provide for the reasonable use of the state land and shall not be greater than the parent lease term.
b) The need for the proposed use of state lands and written evidence that all other alternatives to the use of state lands have been denied.
c) Projected revenue to be generated from the use of state lands.
d) Whether the intended use is public or private and the extent of public access for such use.
e) A statement describing the public benefits that will occur as a result of the proposed use of state lands.

The Palm Beach County Water Utilities Department (PBCWUD) is planning to acquire an existing sewer forcemain, which is located at Orange Avenue Cir, Belle Glade, FL 33430. The existing private sewer forcemain connect to PBCWUD sewer forcemain on State Road 715 was used by former Glade Correctional Institute (GCI) which is now abandoned and sold to BGI Group. An easement is required in order allow legal access for operation and maintenance purposes of this sewer forcemain.

Section 1 – General Information (cont’d)

Required Attachments

The following must be completed and attached for all types of authorization requests:

- ☒ A recent aerial photograph with the boundaries of the proposed project.
- ☒ A county tax map identifying the parcel(s).
- ☒ A letter from the applicable local planning agency stating that the proposed use of state lands is consistent with the local government comprehensive plan.
- ☐ Non-refundable \$300 application fee per 18-2.019(6), F.A.C. (does not apply to State/Federal agencies)
- ☒ A certified survey* or sketch of description**, which contains the boundaries, legal description(s), and acreage of the property.
*The Department, at its discretion and if deemed necessary, can require a boundary survey for the action requested.
**If the applicant chooses to submit a sketch of description it must include a note of what field methods were used to complete the sketch.



Section 2 – Other Specific Information

A) **Leases:**

Parent Lease number (if existing): _____

- ☐ A statement describing the public benefits that will occur as a result of the proposed lease; how the lease will impact local resources and the general public; and how the proposed lease of state land will not be contrary to the public interest.
- ☐ A written statement from the managing agency agreeing to lease the state-owned parcel(s).
- ☐ For Leases subject to Section 253.034(13), F.S., provide a business plan with the pertinent information required by Statute.

Any **Private entity** applying for a lease, must also include:

- ☐ A written commitment to pay a lease fee based on the appraised market value of the proposed lease.
- ☐ Names and addresses, as shown on the latest county tax assessment roll, of all property owners lying within a 500-foot radius of the state land proposed for lease, certified by the county property appraiser.

Any **Local Governments** applying for a lease, must also include:

- ☐ A formal resolution adopted by the Board of County/City Commissioners requesting the proposed lease.

If applying for a **Full Release** or **Partial Release** of Lease, please complete the items below:

Are there any subleases, sub-sub leases, etc. within the area requesting to be released? ☐ YES ☐ NO
If so, has notification of the intent to release been provided? ☐ YES ☐ NO

- ☐ A written statement confirming that Lessee understands the release will not be executed until the property is leased or sold to another entity. Lessee will remain under lease and will continue to be responsible for the maintenance and upkeep of the property until the release is executed by the Board of Trustee.

B) **Subleases:**

Sublease number of existing sublease (if applicable): _____

Parent Lease number (if applicable): _____

- ☐ A written statement from the managing agency approving the proposed action, along with a statement describing how the sublease conforms to the management plan or land use plan when the sublease application involves state land that is under lease.

Any **Private entity** applying for a sublease, must also include:

- ☐ A written commitment to pay a sublease fee based on one of the following: (1) appraised market value, (2) negotiated value or (3) competitive bid.

Any **Local Governments** applying for a sublease, must also include:

- ☐ A formal resolution adopted by the Board of County/City Commissioners requesting the proposed sublease.

If applying for a **Full Release** or **Partial Release** of Sublease, please complete the items below:

Are there any sub-sub leases, etc. within the area requesting to be released? ☐ YES ☐ NO
If so, has notification of the intent to release been provided? ☐ YES ☐ NO

- ☐ A written statement confirming that Lessee understands the release will not be executed until the property is leased or sold to another entity. Lessee will remain under lease and will continue to be responsible for the maintenance and upkeep of the property until the release is executed by the Board of Trustee.



C) Easements

**Applicants applying for an easement across state land which is managed for the conservation and protection of natural resources shall be required to provide net positive benefit as defined in subsection 18-2.017(38), Florida Administrative Code, if the proposed easement is approved.*

Parent Lease number (if applicable): 4284

- ☒ A written statement from the managing agency approving the proposed action, along with a statement describing how the proposed easement conforms to the management plan or land use plan (when the easement application involves state land which is under lease or sublease).

Any **Private entity** applying for a private Easement, must also include:

- ☐ The applicable application fee per 18-2.019(6), F.A.C.
- ☐ A written commitment to pay an easement fee based on the appraised market value of the proposed easement.

Any **Local Governments** applying for an Easement, must also include:

- ☒ A formal resolution adopted by the Board of County/City Commissioners requesting the proposed easement.

D) Use Agreements

Parent Lease number (if applicable): _____

Please indicate what type of use agreement is requested:

- | | |
|---------------------------------------|---|
| <input type="radio"/> Well-Monitoring | <input type="radio"/> Beach (Re)Nourishment |
| <input type="radio"/> Geophysical | <input type="radio"/> Other: _____ |

- ☐ A written statement from the managing agency approving the proposed action, along with a statement describing how the proposed use agreement conforms with the management plan or land use plan when the use agreement application involves state land which is under lease or sublease.

E) Conveyances

- ☐ Release of Deed Restriction(s)
- ☐ Modification of Deed Restriction(s)
- ☐ Reverter Deeds
- ☐ DACS Conveyance (DSL-5) Pursuant to s. 253.025(13)(a), F.S.

