Agenda Item #: 3H-4

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	November 20, 2018	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Development	t & Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Utility Easement Agreement (Easement) in favor of Florida Power and Light Company (FPL) for underground electrical services and an above ground pad-mounted transformer to service Acreage Community Park South (Park).

Summary: The Park is located at 140th Avenue North in the Acreage. Indian Trail Improvement District (ITID) is currently constructing additional improvements within the Park and FPL service is required. An easement in favor of FPL will be granted for underground electric services and a padmounted transformer. The easement area is approximately 10 to 15 feet in width by 105 feet in length, containing approximately 1,128 square feet (0.03 acres). The Easement is being granted at no charge, as the improvements will only service the Park. **(PREM) District 6 (HJF)**

Background and Justification: Acreage Community Park consists of two (2) adjacent parcels, being an 18 acre parcel owned by ITID (Acreage Community Park North) and a 28 acre County-owned parcel (Acreage Community Park South) which was leased by the County to ITID. Both parcels are managed and maintained by ITID. In 2001, the County and ITID entered into an Interlocal Agreement (R-2001-0128) providing for the cooperative expansion and development of the Park and the Acreage Pines Natural Area. ITID is in the process of constructing a garden of hope, multi-purpose field with sports lighting, running/walking track, a concession stand, restroom, maintenance building, electrical building, amphitheater and band shell building, six (6) foot walking path, sidewalks, a roadway, parking lots, landscaping, irrigation system, and general site lighting. FPL electrical services are required to provide service for the new improvements. The Easement will be recorded in the public records of Palm Beach County to document its existence and location.

Attachments:

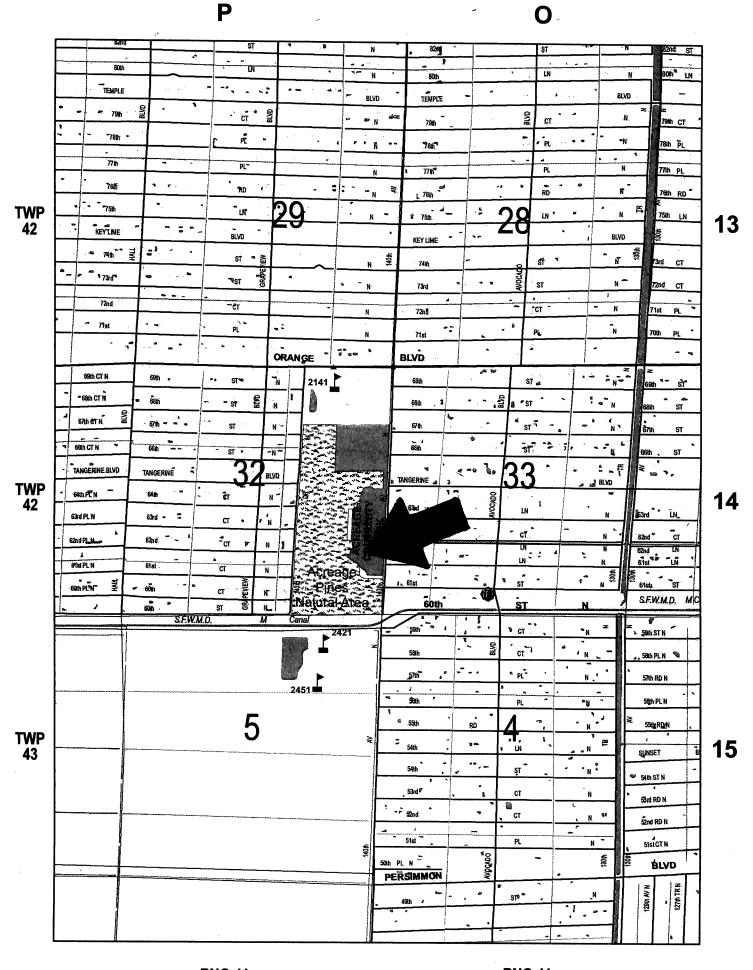
- 1. Location Map
- 2. Utility Easement Agreement (w/Exhibit "A")

Recommended By:	Anny Work	10/19/19		
	Department Director	Date		
Approved By:	persolle	11/5/18		
	County Administrator	Date		

II. FISCAL IMPACT ANALYSIS

Α.	Five Year Summary of	f Fiscal Impac	t:			
Fis	cal Years	2019	2020	2021	2022	2023
Op Ex Pro	pital Expenditures erating Costs ternal Revenues ogram Income (County) Kind Match (County					
NE	T FISCAL IMPACT					
	ADDITIONAL FTE SITIONS (Cumulative)					
Is]	Item Included in Curren	t Budget: Yes	S	No		
Do	es this item include the u	se of federal fu	inds? Yes_	No _×		
Bu	dget Account No: Fun	nd D Program _		Unit	_ Object __	
В.	Recommended Source No Fiscal Impact.	es of Funds/Sur	nmary of Fisc	al Impact:		
	Fixed Asset Number N	J/ A				
C.	Departmental Fiscal F	V	greffi	10/22,	<u>/B</u>	
		III. <u>REV</u>	IEW COMM	<u>ENTS</u>		
A.	OFMB Fiscal and/or OFMB	Contract Development	And	nents:	10 139 1 Control	118
В.	Legal Sufficiency: Assistant County Attorn	7 10/30/18 ney	'4	W1/10/11		
C.	Other Department Re	view:				
	Department Director					

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



RNG 41 RNG 41

ATTACHMENT #1
LOCATION MAP – PAGE 1 OF 1



Prepared by & Return to:
Marcel Pessoa
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, Florida 33411-5605

PCN: 00-41-42-32-00-000-1030

UTILITY EASEMENT AGREEMENT

This EASEMENT is granted _______, by PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, 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").

WITNESSETH:

That 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 underground electric utility facilities, including wires, cables, conduits, and appurtenant equipment, and an above-ground pad-mounted transformer (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, under 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 <u>Exhibit "A"</u> 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 communications 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 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)

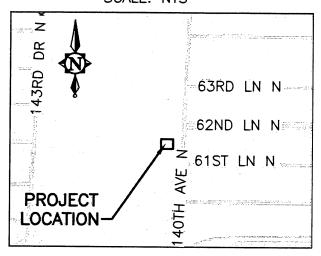
IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:	
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida
By:	By:, 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

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EXHIBIT "A"

LOCATION MAP SCALE: NTS



DESCRIPTION

A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 32;

THENCE SOUTH 02'11'43" WEST ALONG THE EAST LINE OF SAID SOUTHEAST ONE—QUARTER, ALSO BEING THE EAST LINE OF THAT 10 FOOT RIGHT—OF—WAY AS RECORDED IN OFFICIAL RECORDS BOOK 18146, PAGE 1015 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1375.11 FEET;

THENCE NORTH 87'48'17" WEST, A DISTANCE OF 10.00 FEET TO THE WEST LINE OF SAID RIGHT-OF-WAY, ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 88'35'40" WEST, A DISTANCE OF 90.00 FEET;

THENCE SOUTH 01°24'20" EAST, A DISTANCE OF 2.50 FEET;

THENCE SOUTH 88'35'40" WEST, A DISTANCE OF 15.00 FEET;

THENCE NORTH 01°24'20" WEST, A DISTANCE OF 15.00 FEET;

THENCE NORTH 88°35'40" EAST, A DISTANCE OF 15.00 FEET:

THENCE SOUTH 01°24'20" EAST, A DISTANCE OF 2.50 FEET;

THENCE NORTH 88°35'40" EAST, A DISTANCE OF 90.63 FEET TO SAID WEST RIGHT-OF-WAY LINE;

THENCE SOUTH 02'11'43" WEST ALONG SAID LINE, A DISTANCE OF 10.02 FEET TO THE POINT OF BEGINNING

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA CONTAINING 1,128 SQUARE FEET, OR 0.0259 ACRES, MORE OR LESS.

THIS IS NOT A SURVEY

PREPARED FOR:

INDIAN TRAIL
IMPROVEMENT DISTRICT

	1	1		i .
REVISED_PER_COMMENTS	SEE	10/09/18	N/A	RDK
REVISED_PER_COMMENTS	MM	01/30/18	N/A	RDK
REVISED_PER_COMMENTS	ММ	11/20/17	N/A	RDK
REVISED_PER_COMMENTS	MM	06/29/17	N/A	RDK
SKETCH_&_DESCRIPTION	MM	06/01/17	N/A	RDK
REVISION	DWN	DATE	FB/PG	CKD

CRAIG A. SMITH & ASSOCIATES

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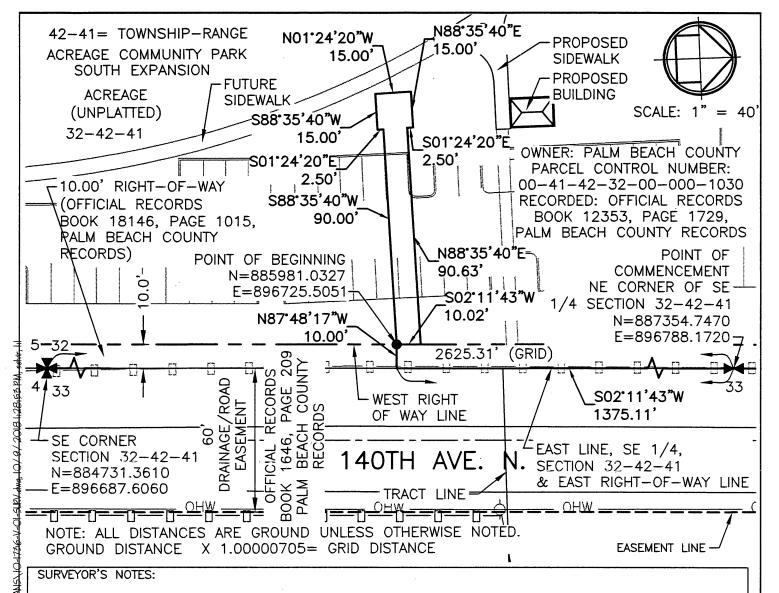
7777 GLADES ROAD, SUITE 410 BOCA RATON, FLORIDA 33434 (561)791-9280 CERT. NO. LB0003110



FPL TRANSFORMER EASEMENT ACREAGE COMMUNITY PARK SOUTH EXPANSION PALM BEACH COUNTY, FLORIDA

PROJECT NUMBER: 13-1736-0690

FILE NAME: 10-1736-V-01-SURV.dwg SHEET



- REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
- 2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 41 EAST, DETERMINED BASED ON PALM BEACH COUNTY PUBLISHED STATE PLANE COORDINATES, (NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT), SHOWN HEREON. (SAID LINE CALCULATED TO BEAR SO2'11'43"W). SECTIONAL COORDINATES SHOWN HEREON ARE PER THE PALM BEACH COUNTY SURVEY SECTION.
- 3. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS FIRM IN THE MAKING OF THIS SURVEY. THERE MAY EXIST EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, ETC., WHICH APPEAR IN THE PUBLIC RECORDS, OR THAT ARE BASED ON UNDOCUMENTED AND/OR UNRECORDED AGREEMENTS, WHICH AFFECT THIS SURVEY.

THIS IS NOT SURVEYORS CERTIFICATE: NOT A SURVEY

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUES, AND PALM BEACH COUNTY'S STATE PLANE COORDINATES REQUIREMENTS AS SET FORTH IN PALM BEACH COUNTY'S PPM CW-0-058.

FOR THE FIRM,

ROBERT D. KEENER PROFESSIONAL SURVEYOR AND MAPPER #4846

10/09/18 REVISED_PER_COMMENTS SEE RDK N/A 01/30/18 N/A REVISED_PER_COMMENTS REVISED_PER_COMMENTS MN 11/20/17 N/A RDK REVISED_PER_COMMENTS MM 06/29/17 N/A RDK SKETCH_&_DESCRIPTION 06/01/17 N/A RDK REVISION DWN FB/PG CKD DATE TDANICEODIAED

CRAIG A. SMITH & ASSOCIATES

7777 GLADES ROAD, SUITE 410 BOCA RATON, FLORIDA 33434 (561)791-9280 CERT. NO. LB0003110



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ACREAGE COM	YTINIIM	PARK	SOUTH	FXPANSION
PALM	BEACH	COUNT	Y, FLOF	RIDA

PROJECT NUMBER: 13-1736-0690 SHEET 2 OF 2

FILE NAME: 10-1736-V-01-SURV.dwg