

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date:	December 4, 2018	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
Department:	Facilities Development & Operations		


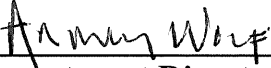

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: a Utility Easement Agreement (Easement) in favor of Florida Power & Light Company (FPL) for underground electric service and an above ground pad-mounted transformer at the County’s Four Points Center (Center).

**Summary:** The Center is located on the east side of Military Trail between Southern Boulevard and Gun Club Road in West Palm Beach. FPL has recently improved the electrical feed to the Center by installing a new underground line directly from an overhead feeder on Gun Club Road to an existing transformer located at the south end of the building. A non-exclusive easement in favor of FPL will be granted for underground electric service and an above ground pad-mounted transformer. The easement area is approximately 10 feet in width by 489 feet in length, containing approximately 5,060 square feet (0.12 acres). The easement is non-exclusive and is being granted to FPL at no charge as it provides electric service to a County-owned facility. **(PREM) District 2 (HJF)**

**Background and Justification:** Electrical service to the Center was recently fed from an overhead line that ran across the canal behind the building to a power pole located within the Center’s parking lot and then goes underground to the existing transformer at the south end of the building. There is an underground tie between the transformer at the Center and a transformer located at the Emergency Operation Center (EOC) which is fed from an overhead feeder on Military Trail. Said underground tie provides an underground electrical loop system with a manual open point in one of the transformers. This allows the Center and EOC to be served from either feeder in an emergency. FPL has terminated their use of the utility route which crosses the canal and Center’s parking lot. FPL will remove the overhead line to the existing power pole within the Center’s parking lot, however, the power pole will remain as it is occupied by communication service providers that service the Center. 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 (w/Exhibit “A”)

Recommended By:			10/26/18
		Department Director	Date
Approved By:			11/21/18
		County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					

**Is Item Included in Current Budget:** Yes \_\_\_\_\_ No   X  

Does this item include the use of federal funds? Yes \_\_\_\_\_ No X

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: Don Hies


### III. REVIEW COMMENTS

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

OFMB

Contract Development and Control

### B. Legal Sufficiency:

  
Assistant County Attorney

**C. Other Department Review:**

Department Director

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

**E**



ATTACHMENT NO. 2  
UTILITY EASEMENT AGREEMENT with Exhibit "A" – 7 Pages

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

PCN(s): 00-42-44-01-00-000-1270 and 00-42-44-01-00-000-1280

**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”).

**W I T N E S S E T H:**

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 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 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: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
, Mayor

Signed and delivered  
in the presence of:

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Witness Name

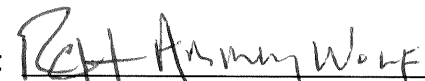
\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Witness Name

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

By:   
Assistant County Attorney

**APPROVED AS TO TERMS AND**  
**CONDITIONS**

By:   
Department Director





Munson Design & Consulting

P.O. Box 771058  
Coral Springs, Florida 33177

Phone: 954-340-5291  
Email: dennis@mdcengineers.com

LEGAL DESCRIPTION

Sheet 1 of 3

10' FPL Easement

A portion of land, 10 feet in width, lying within the west one-half of Tract 4, Block 1, Section 1, Township 44 South, Range 42 East, *Plat No.1, Sheet No. 1, Palm Beach Plantations (Model Land Company)*, according to the plat thereof, as recorded in Plat Book 10, Page 20, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

*Beginning* at the Southwest corner of *Gun Club Estates* as recorded in Plat Book 24, Page 189, of the Public Records of Palm Beach County, Florida;  
Thence, North 21°36'02" West, a distance of 23.31 feet;  
Thence, North 08°56'35" West, a distance of 40.02 feet;  
Thence, North 01°41'42" East, a distance of 288.16 feet;  
Thence, North 41°34'43" West, a distance of 26.11 feet;  
Thence, North 70°09'04" West, a distance of 59.23 feet;  
Thence, North 76°53'12" West, a distance of 54.52 feet to a point on the South line of a Florida Power & Light Easement described in Official Records Book 24120, Page 705, of the Public Records of Palm Beach County, Florida;  
Thence, North 88°29'11" West, along said South line, a distance of 33.90 feet;  
Thence, South 01°30'49" West, a distance of 3.25 feet;  
Thence, South 76°53'12" East, a distance of 86.48 feet;  
Thence, South 70°09'04" East, a distance of 56.10 feet;  
Thence, South 41°34'43" East, a distance of 19.59 feet;  
Thence, South 01°41'42" West, a distance of 285.11 feet;  
Thence, South 08°56'35" East, a distance of 42.06 feet;  
Thence, South 21°36'02" East, a distance of 20.20 feet to a point on the North right-of-way line of Gun Club Road;  
Thence, South 88°45'28" East, along said right-of-way, a distance of 10.85 feet to the *Point of Beginning*.

Said lands lying and being in Palm Beach County, Florida, and containing 5,060 square feet, more or less.

CERTIFICATION:

I hereby certify that the Sketch and Description as shown hereon, meets those standards contained in Chapter 5J-17.050-052, Florida Administrative Code, Florida Statutes and Palm Beach County's State Plane Coordinate Requirements as set forth in Palm Beach County PPM# CW-0-058.

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

07/09/2018  
DENNIS J. GABRIELE  
Professional Surveyor and Mapper  
NO. LS 5709  
State of Florida

No. REVISIONS DATE

JOB NO. 18-0607 SCALE: Not to Scale DRAWN BY: MRK QC: DG



# Munson Design & Consulting

LB# 7958

P.O. Box 771058  
Coral Springs, Florida 33177

Phone: 954-340-5291  
Email: dennis@mdcengineers.com

**Property Address:**  
**240 S Military Trail**  
**West Palm Beach**

## Sketch and Description 10' FPL Easement

Sheet 2 of 3

**FPL WR#6994782**

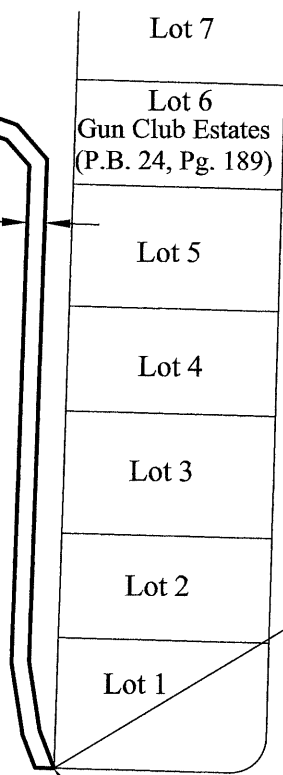
10' FPL Easement  
(O.R.B. 24120, Pg. 705)

West  $\frac{1}{2}$  Tract 4, Block 1,  
**Palm Beach Plantations**  
(P.B. 10, Pg. 20)

### Coordinates, Bearings and Distances

1. The coordinates shown hereon are State Plane Coordinates (Transverse Mercator Projection), Florida East Zone, North American Datum 1983 (1990 Adjustment).
2. All distances are ground, all coordinates are grid, and measured in U.S. Survey feet.
3. Bearings as shown hereon are Grid Datum, NAD 83 1990 Adjustment, Florida East Zone.
4. Ground Distance x Scale Factor = Grid Distance.
5. **Scale Factor: 1.0000285**
6. Palm Beach County Control point "JOT" was used as the source point for the scale factor calculation.

10' FPL Easement



Browning Drive

Gun Club Road

**P.O.B.**

Southwest Corner of  
**Gun Club Estates**  
(P.B. 24, Pg. 189)  
N=851581.45  
E=946732.81

NOT TO SCALE

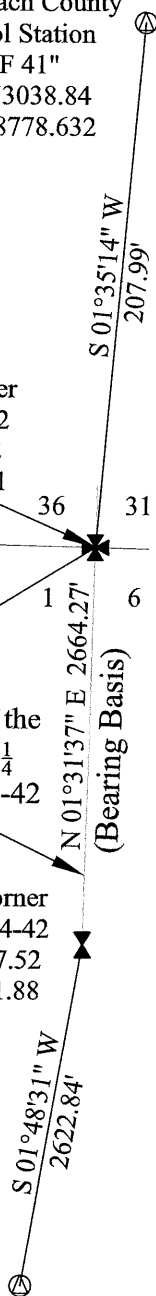
Palm Beach County  
Control Station  
"MF 41"  
N= 853038.84  
E= 948778.632

Northeast Corner  
Section 1-44-42  
N= 852830.92  
E= 948772.871

East Line of the  
Northeast  $\frac{1}{4}$   
Section 1-44-42

East 1/4 Corner  
Section 1-44-42  
N= 850167.52  
E= 948701.88

Palm Beach County  
Control Station  
"JOT"  
N= 847545.916  
E= 948619.099



### SURVEYOR'S NOTES:

1. BEARING REFERENCE: The Bearings shown hereon are referenced to the East line of the Northeast one-quarter of Section 1-44-42 as published by Palm Beach County. Said line bears North 01°31'37" East.
2. This is not a survey, but only a graphic depiction of the land shown hereon and its calculated legal description. No boundary corners were set in the field related to this sketch.
3. All recordings shown hereon are referenced to the Public Records of Palm Beach County.



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Sheet 3 of 3

