Agenda Item #: 3H-9

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	October 22, 2019	[X] Consent [] Ordinance	[] Regular [] Public Hearing	
Department:	Facilities Developmen	nt & Operations		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- **A)** a Utility Easement Agreement in favor of Florida Power & Light (FPL) for electrical service to the Wake Board Sports Concession (Concession) at Okeeheelee Park; and
- **B)** a Declaration of Easement for Palm Beach County Water Utilities Department (WUD) to provide utility services to the Concession at Okeeheelee Park.

Summary: Okeeheelee Park is located on the north side of Forest Hill Boulevard just east of the Florida Turnpike. On March 22, 2016, the Board approved a Concessionaire Service Agreement (R-2016-0397) with JR Wake Parks, LLC, dba APEX Wake Parks (APEX) for the operation of a cable wake board and water sports concession on an interior lake within Okeeheelee Park. Both FPL and WUD are providing utility services to support these facilities. The Utility Easement in favor of FPL is for the installation and maintenance of underground power lines and a pad mounted transformer. The Declaration of Easement is for water/sewer services to the Concession area. The FPL easement area encompasses 6,039 square feet, varies in width from 15 feet wide to 20 feet wide, and on its centerline runs approximately 381 feet in length. The Declaration of Easement area is 20 feet wide, runs approximately 563 feet on its centerline and contains an area of 10,670.22 square feet. Both the Utility Easement and Declaration of Easement are perpetual easements being granted at no charge since they provide services only to the Concession. Both easements will be recorded in the public records of Palm Beach County. (Property & Real Estate Management) District 2 (HJF)

Background and Justification: In March of 2016, the Parks & Recreation Department received approval from the Board to allow APEX to operate wake board and water sports activities within Okeeheelee Park. The water based operation is located on an interior Okeeheelee Park lake while the land based operations are located near the Osceola Pavilion in the park. The Concession includes beginner and pro wake board/ski courses, zip lines, rope courses, course lighting, restrooms, retail and restaurant facilities. The FPL and WUD easements will provide utility services to the new park facilities. The Concession had a grand opening on June 15, 2019.

Attachments:

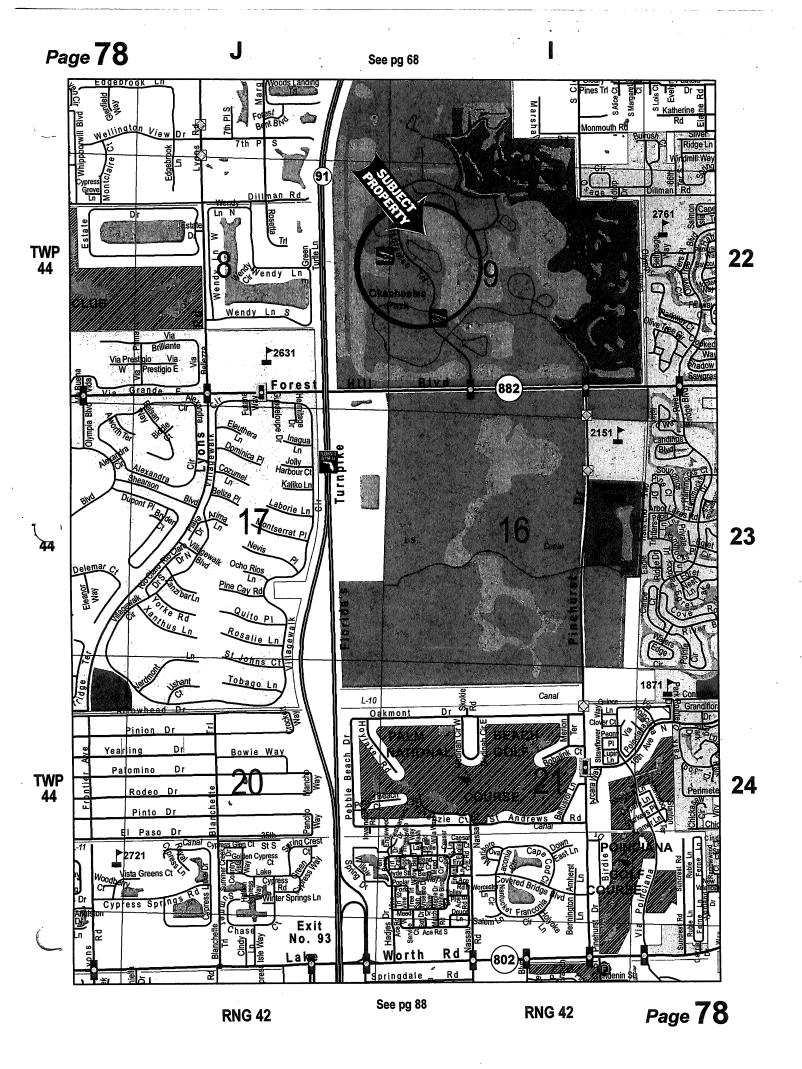
- 1. Location Map
- 2. Utility Easement Agreement
- 3. Declaration of Easement

Recommended By:	: [Zc] Anny Work	9/20/19	
	Department Director	Date	
Approved By:	1 n	10-18-19	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A.	Five Year Summary of I	Fiscal Impact	:			
Fisc	cal Years	2020	2021	2022	2023	2024
Ope Ext Pro	oital Expenditures erating Costs ernal Revenues gram Income (County) Kind Match (County					
NE'	T FISCAL IMPACT	0				
	DDITIONAL FTE SITIONS (Cumulative)					
Is I	tem Included in Current B	Budget: Yes		No <u>x</u>		
Doc	es this item include the use	of federal fu	nds? Yes	Nox_		
Bud	lget Account No: Fund	D Program		Unit	_ Object __	
В.	Recommended Sources	of Funds/Sun	ımary of Fisc	al Impact:		
	No Fiscal Impact.					
C.	Fixed Asset Number	ν	Me	<u> </u>		
		III. <u>REV</u>	IEW COMM	<u>ENTS</u>		
A.	OFMB Fiscal and/or Co	ntract Develo	I A	nents:	<u>faun</u> Jaco d Control	bowitz
В.	Legal Sufficiency: Assistant County Attorney	- <u>10/18/1</u> 9 Y	,			
C.	Other Department Revie	ew:				
	Department Director					

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



LOCATION MAP

ATTACHMENT NO. 1 1 PAGE



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

PCN: 00-42-43-27-05-012-0350

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:
Deputy Clerk	Mack Bernard, 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

Donardon ant Dinastan

G:\PREM\Dev\Open Projects\PR-Okeeheelee Park North\Wakeboard\Easement-FPL Underground. hf app 7-26-2019.docx

SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

NOT VALID WITHOUT ACCOMPANYING SHEETS 2-4

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PORTION OF OKEEHEELEE PARK, BEING A PORTION PALM BEACH FARMS COMPANY PLAT NO.3 AS RECORDED IIN PLAT BOOK 2, PAGES 45-54, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT PALM BEACH COUNTY CONTROL POINT PFB17, (THE LINE BETWEEN PALM BEACH COUNTY CONTROL POINTS PBF17 AND PFB18 BEING N87*41'59"E, AND THE BEARING OF BASIS FOR THIS DESCRIPTION) THENCE N48*35'55"W A DISTANCE OF 3990.80 FEET TO THE **POINT OF BEGINNING**.

THENCE S75'21'42"W A DISTANCE OF 41.55 FEET; THENCE S15'02'16"E A DISTANCE OF 113.84 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 94.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 136'59'41" AN ARC LENGTH OF 224.75 FEET TO THE POINT OF TANGENCY; THENCE N58'02'35"W A DISTANCE OF 5.82 FEET; THENCE N31'57'25"E A DISTANCE OF 15.00 FEET; THENCE S58'02'35"E A DISTANCE OF 5.82 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 79.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 136'59'41" AND ARC LENGTH OF 188.89 FEET TO THE POINT OF TANGENCY; THENCE N15'02'16"W A DISTANCE OF 133.89 FEET; THENCE N75'21'42"E A DISTANCE OF 56.69 FEET; THENCE S14'38'18"E A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING

CONTAINING 6,039 SQUARE FEET MORE OR LESS.

GMalin

Digitally signed by Jennifer Malin Date: 2019.07.26 08:53:28 -04'00'

JENNIFER MALIN, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 6667
STATE OF FLORIDA LB#6603

REVISED: 7-23-19 RJB

FOR:

OKEEHEELEE WAKE BOARD PARK FP&L EASEMENT

DRAWN BY: C.A.R.

CHECKED BY: J. MALIN

DATE: 6.05.2018

A Higher Standard of Excellence

CHOCHES - SURVEYORS - GIS MAPPERS GLOUD INC.

ENGINEERS - SURVEYORS - GIS MAPPERS OF OCTO 11 10.

1280 CONGRESS AVENUE, SUITE 101, WEST PALM BEACH, FLORIDA 33409
PH (561)655-1151 • FAX (561)832-9390 • WWW.ENGENUITYGROUP.COM

FLORIDA R.L.S. SHEET:

1

4

JOB NP
16048.01.07

EXHIBIT

"A"

SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

NOT VALID WITHOUT ACCOMPANYING SHEETS 1, 3 & 4

NOTES:

- 1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY ENGENUITY GROUP, INC. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RESTRICTIONS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR AND ARE NOT SHOWN ON THIS SURVEY.
- 2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.
- 3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- SOUTHERN BOULEVARD

 SITE

 FOREST HILL BOULEVARD

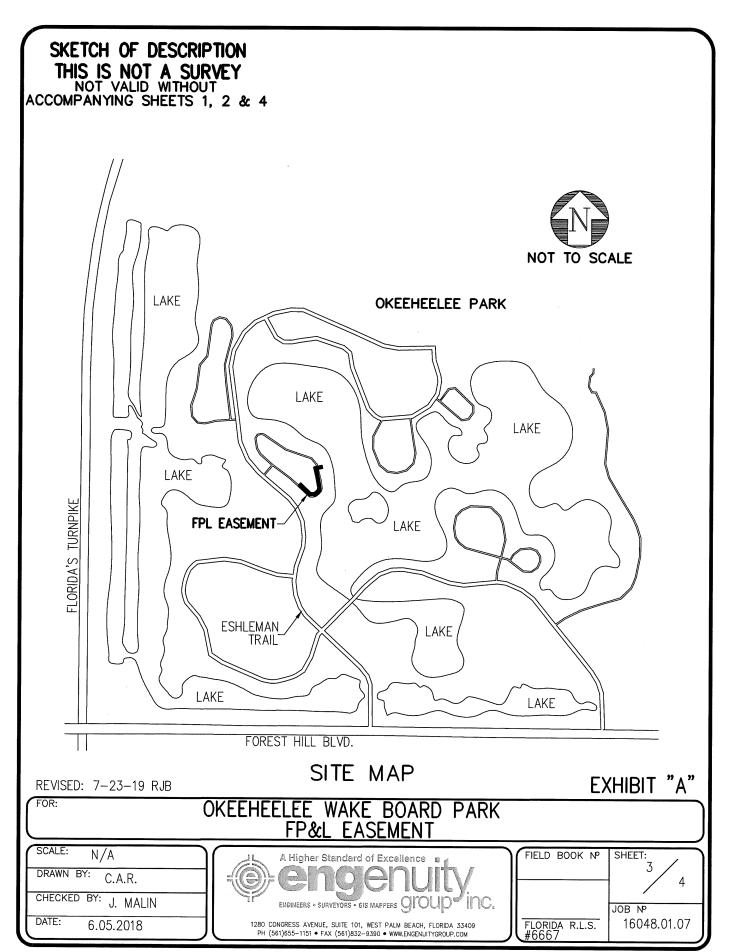
 ROYAL PALM BEACH, FLORIDA

LOCATION MAP

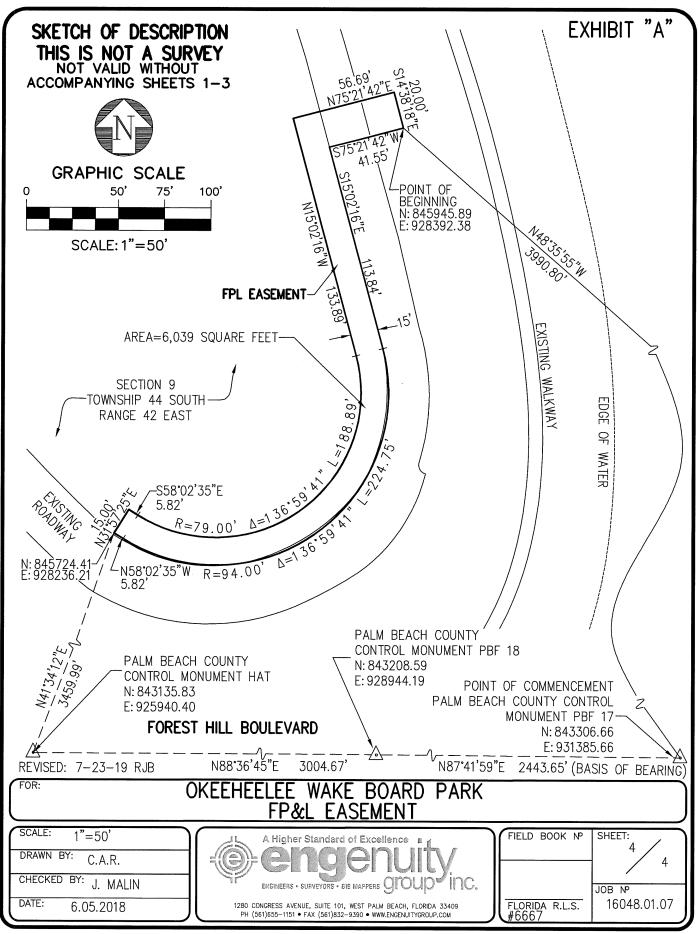
- 4. BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING OF N87°41'59"E, NAD 83, 1990 ADJUSTMENT, ALONG THE LINE BETWEEN PALM BEACH CONTROL MONUMENTS PBF18 AND PBF17.
- 5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES EXPRESSED IN U.S. FEET AND DECIMAL PARTS THEREOF.
- 6. THE SKETCH & LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17-050-052, FAC, PURSUANT TO CHAPTER 472.027, FS AND THE PALM BEACH COUNTY STATE PLANE COORDINATES REQUIREMENTS AS SET FORTH IN PALM BEACH COUNTY'S PPM CW-0-058.
- 7. COORDINATES SHOWN HEREON ARE GRID.
 DATUM=NAD 83, 1990 ADJUSTMENT.
 ZONE=FLORIDA EAST.
 LINEAR UNITS= US SURVEY FOOT.
 COORDINATE SYSTEM: 1983 STATE PLANE, TRAVERSE MERCATOR PROJECTION PROJECT SCALE FACTOR=1.0000259
 ALL DISTANCES ARE GROUND.
 GROUND DISTANCE X SCALE FACTOR=GRID DISTANCE.

EXHIBIT "A" REVISED: 7-23-19 RJB FOR: OKEEHEELEE WAKE BOARD PARK FP&L EASEMENT SCALE: N.A. FIELD BOOK NP SHEET: A Higher Standard of Excellence DRAWN BY: C.A.R. 4 CHECKED BY: J. MALIN ENGINEERS - SURVEYORS - GIS MAPPERS GIOUD INC. JOB Nº DATE: 16048.01.07 FLORIDA R.L.S. #6667 6.05.2018

Y: \Land Projects R2\16048.01 Okeeheelee Wake Board Park\dwg\16048.01 FPL s+d.dwg 7/23/2019 1:29:05 PM EDT



Y:\Land Projects R2\16048.01 Okeeheelee Wake Board Park\dwg\16048.01 FPL s+d.dwg 7/23/2019 1:29:05 PM EDT



Y: \Land Projects R2\16048.01 Okeeheelee Wake Board Park\dwg\16048.01 FPL s+d.dwg 7/23/2019 1:29:05 PM EDT

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

PCN: 00-42-43-27-05-012-0350

DECLARATION OF EASEMENT

THIS IS A DECLARATION OF EASEMENT, made_______, by PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, ("County"), whose address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605.

WHEREAS, County is the owner of that certain real property known as Okeeheelee Park located within Palm Beach County, Florida as set forth on **Exhibit "A"** attached hereto and made a part hereof (the "Easement Premises"); and

WHEREAS, County desires to create an easement over, upon and under such property for the purposes set forth hereinafter; and

WHEREAS, County desires that such easement not be extinguished by the doctrines of merger or unity of title and remain valid and in effect upon a subsequent conveyance of the Property by County.

WITNESSETH:

NOW THEREFORE, County does hereby declare, grant and create a perpetual in gross utility easement for the benefit of County upon the Easement Premises. This easement shall be for the purpose of water and sewer utilities and shall include the right at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the Easement Premises. This easement or portion thereof can be utilized for a wastewater pump station and said pump station may be fenced in for access control purposes.

The easement created hereby shall not be extinguished by operation of law, including, without limitation, the doctrines of merger or unity of title and shall inure to the benefit of County and run with the land and encumber and burden the Property upon the conveyance thereof by County notwithstanding County's failure to specifically reserve or reference such easement in the instrument of conveyance.

IN WITNESS WHEREOF, the County has caused this Declaration of Easement to be executed as of the day and year first above written.

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

EXHIBIT "A" THE EASEMENT PREMISES

20' PALM BEACH COUNTY UTILITY EASEMENT

DESCRIPTION:

A PARCEL OF LAND LYING IN TRACT 11, 12, 21, 22, BLOCK 15, ACCORDING TO THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45 TO 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO LYING AND BEING IN SECTION 9, TOWNSHIP 44 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE NORTH 11°09'09" EAST A DISTANCE OF 3179.59 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20.00 FOOT WIDE STRIP OF LAND, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

THENCE NORTH 41°27'58" EAST A DISTANCE OF 46.27 FEET; THENCE NORTH 03°39'13" WEST A DISTANCE OF 59.65 FEET; THENCE NORTH 39°44'43" EAST A DISTANCE OF 154.39 FEET; THENCE SOUTH 85°52'07" EAST A DISTANCE OF 31.88 FEET; THENCE SOUTH 53°39'56" EAST A DISTANCE OF 15.98 FEET; THENCE SOUTH 88°27'31" EAST A DISTANCE OF 37.84 FEET; THENCE NORTH 43°43'53" EAST A DISTANCE OF 10.09 FEET; THENCE NORTH 89°46'24" EAST A DISTANCE OF 67.01 FEET; THENCE NORTH 45°22'18" EAST A DISTANCE OF 27.87 FEET; THENCE NORTH 00°59'42" EAST A DISTANCE OF 61.16 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A", THENCE CONTINUE NORTH 00°59'42" EAST A DISTANCE OF 33.73 FEET, TO THE POINT OF TERMINUS.

TOGETHER WITH THE FOLLOWING:

BEGIN AT SAID POINT "A"; THENCE SOUTH 89°00'18" EAST A DISTANCE OF 26.86 FEET TO THE POINT OF TERMINUS, EASEMENT LINES LYING 10.00 FEET ON EACH SIDE OF CENTERLINE.

CONTAINING 11,254.94 SQ. FT., 0.26 AC.

PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.050-.052, OF THE FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

MICHAEL T. OWEN P.S.M.

9-10-219 SIGNATURE DATE FLORIDA REGISTRATION #5556

20' PALM BEACH
COUNTY UTILITY
EASEMENT
PREPARED FOR:
WAKE PARK

AT OKEEHEELEE PARK

PORT SAINT LUCIE OFFICE 10250 SW VILLAGE PARKWAY SUITE 201 PORT SAINT LUCIE, FL 34987 啻 772-462-2455

9/10/2019 REV 3 - ADDRESSING COUNTY COMMENTS

ENGINEERS © SURVEYORS
F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935
L.B. CERTIFICATE OF AUTHORIZATION 8098

NEL TO DE CO

STATE OF

- Const

SHEET 1 OF 3

REVISIONS REV 1 - CHANGE EASEMENT DESCRIPTION

8/19/2019 REV 2 - ADDRESSING COUNTY COMMENTS

JOB No. :18-321 DATE: 4/18/2019 SCALE : 1"=60' DRAWN BY: FS

FIELD BOOK: N/A

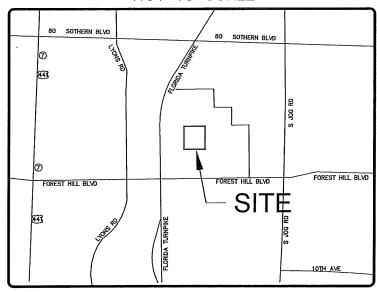
CHECKED BY: MTO CADD FILE: 18-321 WME.dwg

EXHIBIT "A"

THIS IS NOT A SURVEY

20' PALM BEACH COUNTY **UTILITY EASEMENT**

LOCATION MAP NOT TO SCALE



 $\frac{\text{NOTES:}}{\text{LINEAR UNIT} = \text{US SURVEY FEET}}$ COORDINATE SYSTEM: 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION

ALL DISTANCES ARE GROUND

SCALE FACTOR = 1.0000288

GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

COORDINATES AS SHOWN HEREON ARE GRID DATUM, NAD 83 (90/98 ADJUSTMENT), FLORIDA EAST ZONE GROUND DISTANCE / SCALE FACTOR = GRID DISTANCE



20' PALM BEACH COUNTY UTILITY **EASEMENT** PREPARED FOR: WAKE PARK

AT OKEEHEELEE PARK

PORT SAINT LUCIE OFFICE 10250 SW VILLAGE PARKWAY SUITE 201

PORT SAINT LUCIE, FL 34987 图 772-462-2455 ⁴ www.edc-inc.com



F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935 L.B. CERTIFICATE OF AUTHORIZATION 8098

SHEET 2 OF 3

REV 1 - CHANGE EASEMENT DESCRIPTION

8/19/2019 REV 2 - ADDRESSING COUNTY COMMENTS

JOB No. :18-321 SCALE : 1"=60'

DATE: 4/18/2019 DRAWN BY: FS

FIELD BOOK: N/A PAGE:N/A

CHECKED BY: MTO CADD FILE: 18-321 WME.dwg

9/10/2019 REV 3 - ADDRESSING COUNTY COMMENTS

