

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: July 13, 2021 [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 (Easement) in favor of Florida Power & Light (FPL) for underground electrical services and an above ground pad-mounted transformer to service the Lake Village at the Glades shelter in Pahokee (Facility).

Summary: The Facility is a recently renovated 42-unit apartment complex located at 1749 East Main Street No. 101 in Pahokee. Electrical services to the Facility are currently provided via an overhead power line. In order to provide a more reliable utility service, FPL will install an aboveground pad mounted transformer along with underground electrical services to serve the Facility. Upon installation and energizing of the new services, the existing utility poles/lines will be removed by FPL at no cost to the County. A non-exclusive utility easement will be granted to FPL at no charge, as the electrical improvements will only service the Facility. The easement area is ten feet by ten feet, containing approximately 100 square feet (0.002 acres). (Property & Real Estate Management) District 6 (HJF)

Background and Justification: On June 2, 2020 (Agenda Item 5C-2), the Board of County Commissioners approved a capital appropriation of up to \$5,000,000 of the CARES Act funding to renovate 42-unit apartment complex as part of the implementation of the County’s Non-Congregate Sheltering Strategy for the Western Communities. Transitioning the Facility from an overhead power line to underground electrical services augments its resiliency; a key consideration during emergency events given its role in the provision of housing/sheltering services. The Easement in favor of FPL will be recorded in the public records to document its existence and location.

Attachments:

- 1. Location Map
- 2. Utility Easement Agreement w/Exhibit “A”

Recommended By:  6/16/21
Department Director Date

Approved By:  6/27/21
County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
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	_____	<u>X</u>
Does this item include the use of federal funds?	Yes	_____	No	_____	<u>X</u>
Budget Account No:	Fund _____	Dept _____	Unit _____	Object _____	
		Program _____			

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

* No fiscal impact

Fixed Assets Number N/A

C. Departmental Fiscal Review: *Karen Spies*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Steve Monte 6/18/21
OFMB QA 6-18-21
LM
6/18

Ann S. Jarboe 6/25/21
Contract Development and Control
6-24-21 TW

B. Legal Sufficiency:

[Signature] 6/25/21
Assistant County Attorney

C. Other Department Review:

Department Director

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

NN

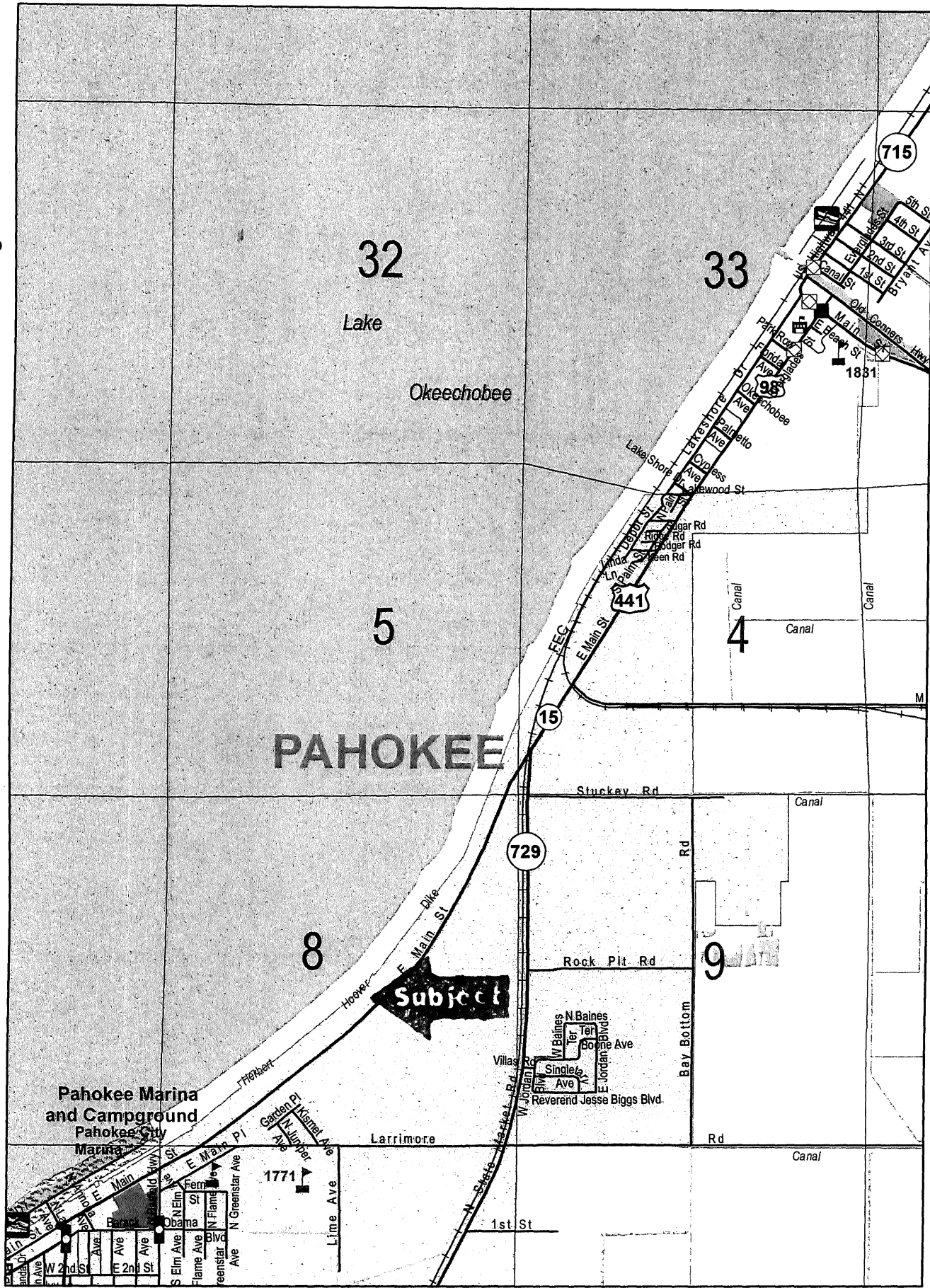
MM

TWP 41

See pg IV

TWP 42

TWP 42



RNG 37

RNG 37

Handwritten signature or initials.

Attachment No. 2
Utility Easement Agreement – 13 Pages

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

PCN: 48-37-42-08-01-004-0010

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”).

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 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 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:

**JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT
& COMPTROLLER**

**PALM BEACH COUNTY, a political
subdivision of the State of Florida**

By: _____
Deputy Clerk

By: _____
Dave Kerner, Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

**APPROVED AS TO LEGAL
SUFFICIENCY**

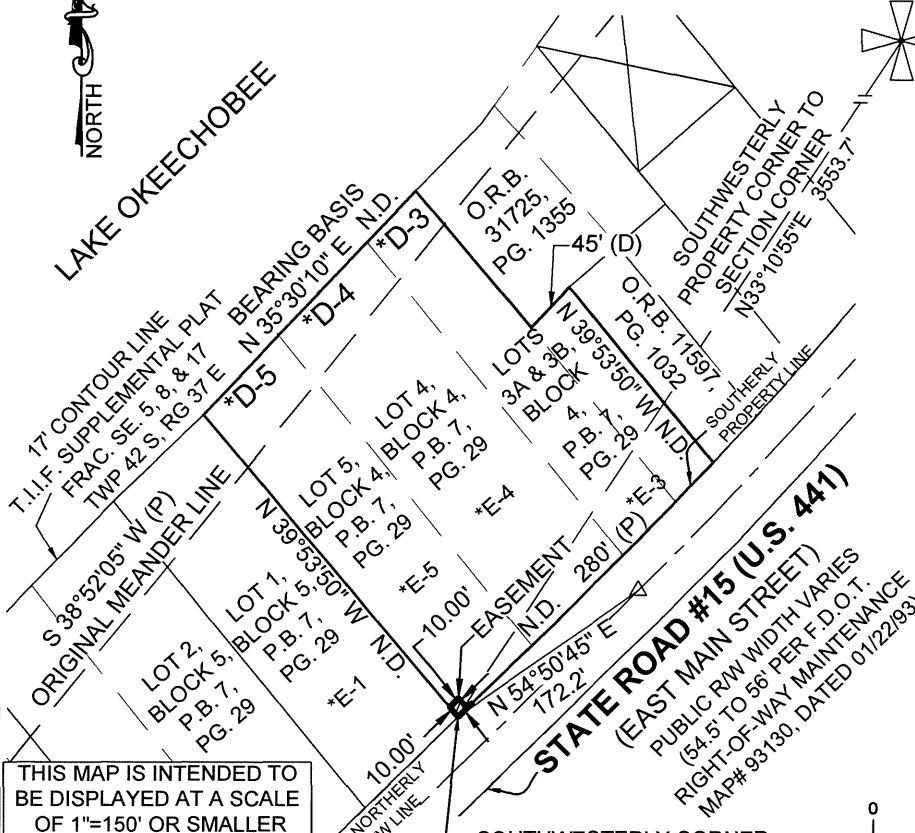
By: _____
Assistant County Attorney

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Department Director



G:\PREM\Dev\Open Projects\HES Royal Palm Lakes Apt-Pahokee\Easement-FPL_undergrnd with transformer.docx

**SKETCH AND DESCRIPTION
THIS IS NOT A BOUNDARY SURVEY
10' UTILITY EASEMENT**



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
CERTIFIED CORNER RECORD # 095963
FOR THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA

LEGEND

- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
- O.R.B. = OFFICIAL RECORD BOOK
- (P) = PLAT
- P.B. = PLAT BOOK
- PG. = PAGE
- LB = LICENSED BUSINESS
- LS = LICENSED SURVEYOR
- LTD. = LIMITED
- N.D. = NO DEED DATA
- NO. = NUMBER
-  = EASEMENT
-  = PC STA 88+78.97' (FND R.R. SPIKE) PER F.D.O.T. RIGHT-OF-WAY MAINTENANCE MAP# 93130

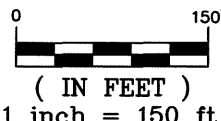
THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=150' OR SMALLER

SURVEYOR'S NOTES:

1. OTHER MATTERS OF RECORD AFFECTING LANDS SHOWN HEREON MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN DONE.
2. *F/E-XX = LOT AS SHOWN ON THE INTERNAL IMPROVEMENT FUND OF FLORIDA & 17 FOOT CONTOUR OF LAKE OKEECHOBEE (UNRECORDED PLAT)
3. COORDINATES ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM; GEODETIC POSITION ADJUSTMENT OF NORTH AMERICAN, DATUM OF 1983, AS READJUSTED IN 1990. COORDINATES NOTED ARE NOT SURVEY GRADE.
4. NO FIELD WORK WAS PERFORMED.
5. THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN, SPECIFICALLY THE 17' CONTOUR LINE AS SHOWN IN THE T.I.I.F. SUPPLEMENTAL PLAT FRAC. SE. 5, 8, & 17, TWP 42 S, RG 37 E, PALM BEACH COUNTY, FLORIDA BEING N 35°30'10" E

LEGAL DESCRIPTION:

THE WESTERLY 10.00' OF THE SOUTHERLY 10.00' OF LOT 5 BLOCK 4, SUBDIVISION OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 37 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
LYING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD #15 (U.S. 441) EAST MAIN STREET.
CONTAINING 100.0 SQUARE FEET OR 0.002 ACRES, MORE OR LESS.



SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SKETCH AND DESCRIPTION SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA 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 STATUTES.

Digitally signed by Brion D Yancy
Date: 2021.05.13 08:01:44 -04'00'

BRION D. YANCY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE No. LS 7162

DATE OF SIGNATURE

NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Bowman CONSULTING

Bowman Consulting Group, Ltd., Inc. Phone: (772) 283-1413
301 SE Ocean Blvd. Fax: (772) 220-7881
Stuart, Florida 34994 www.bowmanconsulting.com

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Professional Surveyors and Mappers, Certificate No. LB-8030

**EXHIBIT "A"
FLORIDA POWER AND LIGHT
EASEMENT**

FLORIDA

PROJECT NO. 100207-01-001	REVISED DATE: MAY 12, 2021	DATE: APRIL 21, 2021
CADD FILE: EXHIBIT 35 DCR	WR NO. 8101429	SCALE: 1"=150' SHEET 1 OF 1