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

**Meeting Date:** October 21, 2014

Consent [X] Regular [] Public Hearing []

**Department:** Water Utilities Department

# I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to accept: a Utility Easement (Easement) granted to Palm Beach County (County) by the South Florida Water Management District (SFWMD).

Summary: The Easement within the SFWMD canal right-of-way (ROW) is needed to relocate an existing 36" DIP Reclaimed Water Main (RCWM) providing cooling water to the Florida Power and Light West Coast Energy Center. SFWMD has requested the relocation in order to accommodate the SFWMD L-8 Reservoir Project located on the west side of SFWMD L-8 Canal and north of Southern Boulevard (State Road 80). SFWMD approved the Easement at the October 9, 2014 meeting of their Governing Board and will execute following the County's approval. The Easement requires BCC approval as it modifies the County's standard utility easement to permit the SFWMD to require the relocation of the RCWM at SFWMD's expense. In the case of any relocation, the SFWMD shall be required to provide the County with a replacement utility easement. In addition, any such relocation shall be subject to the County's approval of the location, the timing of the relocation, and the terms of the replacement utility easement. District 6 (MJ).

Background and Justification: SFWMD is the owner of L-8 Canal. SFWMD has requested the relocation of the 36" RCWM from its current location on the west side of the L-8 Canal in order to accommodate the SFWMD L-8 Reservoir Project. The RCWM will be relocated to a SFWMDowned bridge that will span the inflow channel for the SFWMD G-538 Inflow Structure.

## Attachments:

- 1. Location Maps
- 2. Three (3) Original Utility Easement

Recommended By: _	Department Director	9/26/.14 Date
Approved By:	Assistant County Administrator	10/8/14/ Date

## II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures External Revenues Program Income (County) In-Kind Match County			0 0 0 0	0 0 0 0	0 0 0 0
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	Obje	ct

Is Item Included in Current Budget? Yes \_\_\_\_ No \_\_\_\_

Reporting Category N/A

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

No Fiscal Impact

lebram West **Department Fiscal Review:** C.

III. REVIEW COMMENTS

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

OFMB

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Legal Sufficiency: Β.

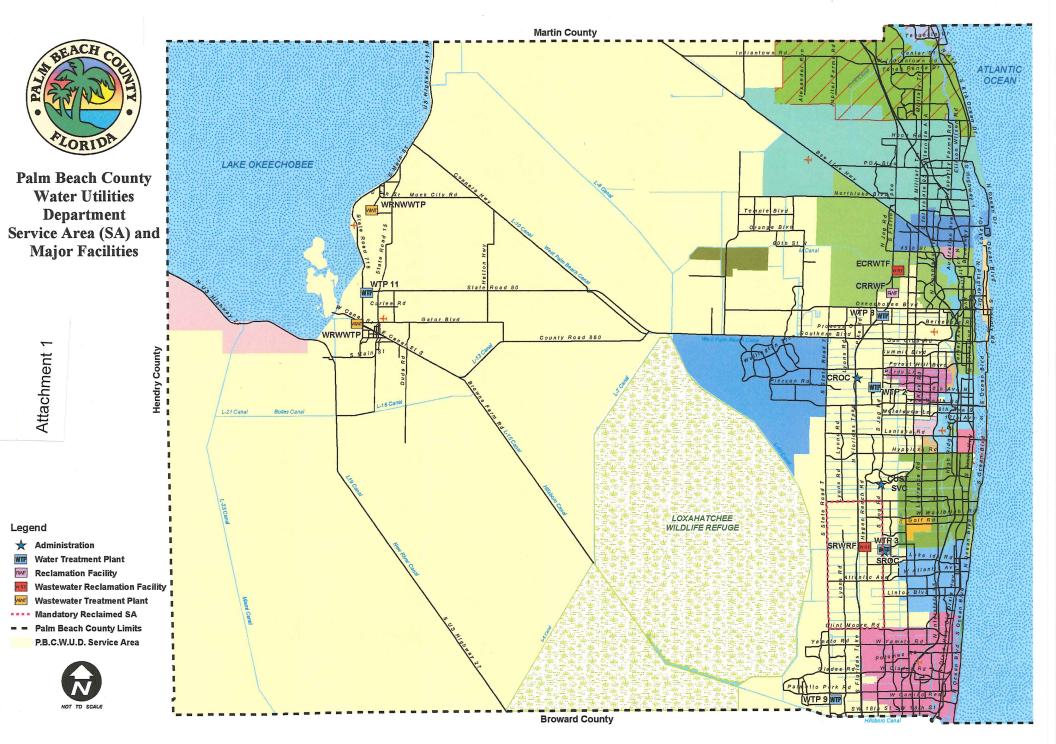
Assistant County Attorney

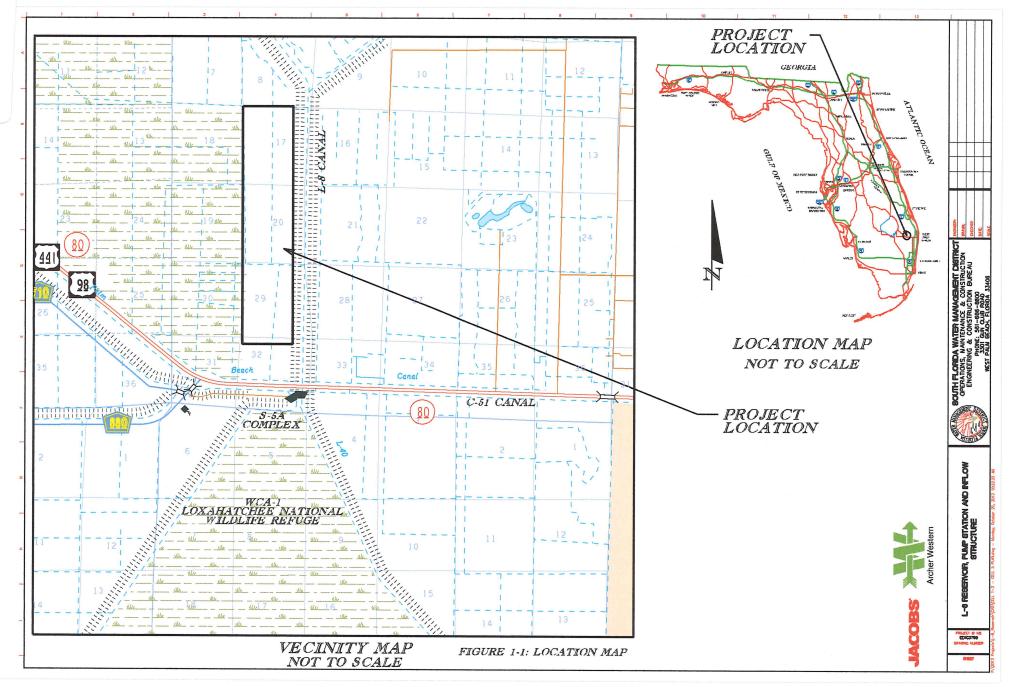
C. Other Department Review:

**Department Director** 

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

## LOCATION MAP





Prepared by and Return to: Palm Beach County Water Utilities Department P.O. Box 16097 West Palm Beach, Florida 33416-6097

SFWMD Tract No.: C410E-002

#### UTILITY EASEMENT

THIS UTILITY EASEMENT is made, granted, and entered into this \_\_\_\_\_ day of \_\_\_\_\_\_, 2014, by South Florida Water Management District (hereinafter referred to as "Grantor"), a governmental entity created by Chapter 373, Florida Statutes, whose address is 3301 Gun Club Road, West Palm Beach, Florida 33406, and Palm Beach County, a political subdivision of the State of Florida (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

#### WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Grantor at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect reclaimed water lines and appurtenant facilities and equipment in, on, over, under and across the easement premises. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

## SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement.

Grantor may relocate at its expense Grantee's utility facilities located in the easement area as described in Exhibit "A"; however, any such relocation shall be subject to the Grantee's approval of the new easement location, terms of the easement, and the timing of the relocation, said consent not to be unreasonably withheld. Prior to commencement of the relocation by the Grantor, the parties will execute and record an amended easement identifying the new easement area where the utility facilities are to be relocated.

**IN WITNESS WHEREOF,** the Grantor and Grantee have hereunto set their hand and affixed their seal as of the date first above written.

**GRANTOR:** 

(Corporate Seal)

ATTEST:

#### SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By:\_

Dan O'Keefe, Chairman

#### Jacki McGorty, District Clerk/Secretary

Legal Form Approved Office of Counsel

By:

Abe Cooper

STATE OF FLORIDA COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_, 2014, by Dan O'Keefe and Jacki McGorty, Governing Board Chairman and District Clerk/Secretary, respectively, of the South Florida Water Management District, a governmental entity created by Chapter 373, Florida Statutes, on behalf of the entity, who are personally known to me.

Notary Public Print: My Commission Expires:

My Commission Expires:

#### ACCEPTED BY PALM BEACH COUNTY

(COUNTY SEAL)

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

ATTEST:

SHARON R. BOCK, CLERK AND COMPTROLLER

By:

DEPUTY CLERK

By: \_\_\_

Priscilla A. Taylor, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

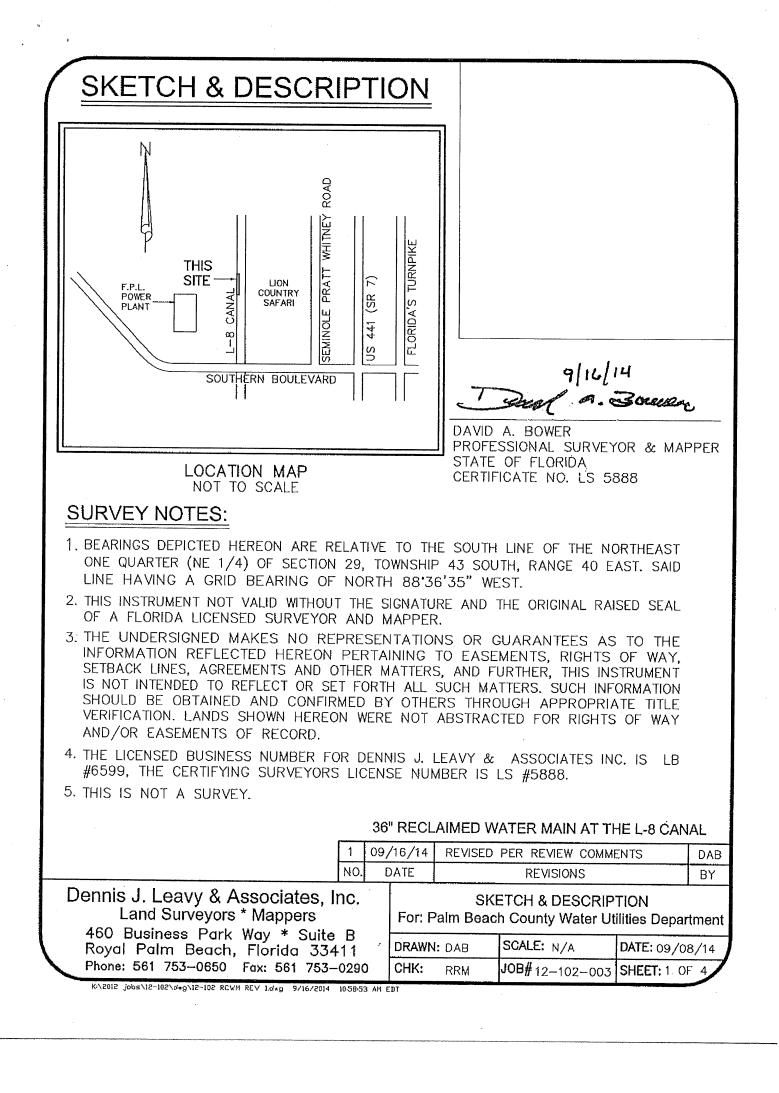
By:

ASSISTANT COUNTY ATTORNEY

APPROVED AS TO TERMS AND CONDITIONS

DIRECTOR OF WATER UTILITIES By:

EXHIBIT "A"



## DESCRIPTION:

A 10.00 foot wide strip of land lying within a portion of the Northeast one-quarter (NE 1/4) and a portion of the Southeast one-quarter (SE 1/4) of Section 29, Township 43 South, Range 40 East, Palm Beach County, Florida. Being more particularly described as follows:

COMMENCING at the Southeast corner of the Northeast one-quarter (NE 1/4) of Section 29, Township 43 South, Range 40 East; thence North 88'36'35" West (as a basis of bearings) along the South line of the Northeast one-quarter (NE 1/4) of said Section 29, a distance of 520.08 feet to a point being on a line lying 10.00 feet East of and parallel with (as measured at right angles) the West right-of-way line of the L-8 Canal as recorded in Deed Book 910, Page 364 of the Public Records of Palm Beach County, Florido and the POINT OF BEGINNING; thence South 00'57'24" West along said parallel line, a distance of 87.98 feet; thence North 89' 02' 36" West, a distance of 10.00 feet to a point being on the West right-of-way line of said L-8 Canal; thence North 00'57'24" East along said West right-of-way line, a distance of 88.06 feet to a point being on the South line of the Northeast one-quarter (NE 1/4) of said Section 29; thence continue North 00'57'24" East along said West right-of-way line, a distance of 749.68 feet; thence South 89'02'36" East departing said West right-of-way line, a distance of 10.00 feet to a point being on a line lying 10.00 feet East of and parallel with (as measured at right angles) said West right-of-way line of the L-8 Canal; thence South 00'57'24" West along said west right-of-way line, a distance of 749.68 feet; thence South 89'02'36" East departing said West right-of-way line, a distance of 10.00 feet to a point being on a line lying 10.00 feet East of and parallel with (as measured at right angles) said West right-of-way line of the L-8 Canal; thence South 00'57'24" West along said parallel line, a distance of 749.76 feet to the POINT OF BEGINNING.

Containing 8,377.40 square feet more or less.

# LEGEND:

D.B. = DEED BOOK FND. = FOUND NTS = NOT TO SCALE O.R.B. = OFFICIAL RECORDS BOOK P.B. = PLAT BOOK P.B.C.R. = PALM BEACH COUNTY RECORDS PBCUE = PALM BEACH COUNTY UTILITY EASEMENT	PG. = PAGE P.O.B. = POINT OF BEGINNING P.O.C. = POINT OF COMMENCEMENT R/W = RIGHT-OF-WAY $\pm$ = PLUS OR MINUS				
Dennis J. Leavy & Associates, Inc. Land Surveyors * Mappers	SKETCH & DESCRIPTION For: Palm Beach County Water Utilities Department				
460 Business Park Way * Suite B Royal Palm Beach, Florida 33411	DRAWN: DAB SCALE: N/A DATE: 09/08/14				
Phone: 561 753-0650 Fax: 561 753-0290	CHK: RRM JOB# 12-102-003 SHEET: 2 OF 4				

K12012 Jobs/12-102/048/12-102 REVH REV 1.040 9/16/2014 10.58:53 AM EDT

