

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

Meeting Date:	May 3, 2022	<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 improvements and an above ground pad-mounted transformer to service the Canyon District Park (Park).

Summary: The Park is located just south of Boynton Beach Boulevard between Acme Dairy Road and Lyons Road in unincorporated Palm Beach County. During the current development of the Park, underground electric improvements and an above ground pad-mounted transformer were installed. A non-exclusive utility easement will be granted to FPL at no charge, as the electrical improvements will only service the Park. The easement area is approximately 457 feet in length and approximately 10 feet in width, containing 4,927.82 square feet (0.1131 acres). **(Property & Real Estate Management) District 5 (HJF)**

Background and Justification: In 2004 (R2004-936), Palm Beach County acquired approximately 52 acres of land from G.L. Homes as part of a civic site assemblage for the development of the Park. On June 18, 2019 (R2019-0849), the Board of County Commissioners approved a contract with Kaufman Lynn Construction, Inc., for the construction of the Park. The Park improvements are being constructed in two phases, based on the community's immediate needs. Phase 1 improvements that are currently under construction include three soccer/multipurpose fields, a restroom/concession facility, two retention/recreational lakes, 12 station fitness trails and grass/asphalt parking spaces. Construction commenced in early 2021 and is anticipated to be completed in the second quarter of 2022. The Easement 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:	<u><i>Isaac C. Ayala-Calleja</i></u> Department Director	<u>2/29/22</u> Date
Approved By:	<u><i>W. Baker</i></u> County Administrator	<u>4/13/22</u>

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
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: *Kay Lopez*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Lorena Maldonado 4/15/22
OFMB QA 4.5.22 LM
4/15

Janice S. Jacobson 4/17/22
Contract Development and Control
4-6-22 TW

B. Legal Sufficiency:

J. Fal 4/12/22
Assistant County Attorney

C. Other Department Review:

Department Director

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

00424529080030000



March 10, 2022

Attachment No. 1 - Location Map
Page 1 of 1



Attachment No. 2
Utility Easement Agreement – 8 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: 00-42-45-29-08-003-0000

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”).

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 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: _____
Robert S. Weinroth, Mayor

Signed and delivered
in the presence of:

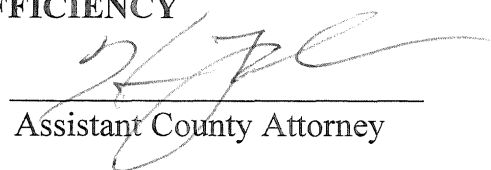
Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

APPROVED AS TO LEGAL
SUFFICIENCY

By: 
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

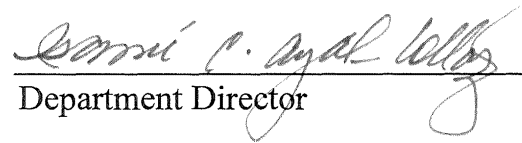
By: 
Department Director

EXHIBIT "A"

DESCRIPTION

A PORTION OF TRACT "C", PLAT OF BOYNTON LYONS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 110, PAGES 5 THROUGH 9, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "C"; **THENCE** SOUTH 00°23'33" EAST, ALONG THE EAST LINE OF SAID TRACT "C" A DISTANCE OF 663.53 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89°52'57" WEST A DISTANCE OF 20.00 FEET TO A POINT;
THENCE SOUTH 00°23'33" EAST, A DISTANCE OF 115.83 FEET TO A POINT;
THENCE SOUTH 05°20'49" WEST A DISTANCE OF 17.19 FEET TO A POINT;
THENCE SOUTH 86°30'53" WEST A DISTANCE OF 35.28 FEET TO A POINT;
THENCE SOUTH 89°45'57" WEST A DISTANCE OF 305.15 FEET TO A POINT;
THENCE SOUTH 00°14'03" EAST A DISTANCE OF 10.00 FEET TO A POINT;
THENCE NORTH 89°45'57" EAST A DISTANCE OF 305.23 FEET TO A POINT;
THENCE NORTH 86°30'53" EAST A DISTANCE OF 44.13 FEET TO A POINT;
THENCE NORTH 05°20'49" EAST A DISTANCE OF 26.26 FEET TO A POINT;
THENCE NORTH 00°23'33" WEST, A DISTANCE OF 106.28 FEET TO A POINT;
THENCE NORTH 89°52'57" WEST A DISTANCE OF 10.00 FEET TO A POINT;
THENCE NORTH 00°23'33" WEST, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**;

SAID LANDS LYING IN THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA. CONTAINING **4927.82** SQUARE FEET OR **0.1131** ACRES, MORE OR LESS.

NOTES

1. THIS SKETCH OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HERON ARE REFERENCED TO THE WEST RIGHT-OF-WAY OF ACME DAIRY ROAD AS NOW ESTABLISHED GRID BEARING SOUTH 00°23'33" EAST.
4. THE "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

7837 FPL ESMT - PER PBC.dwg

SHEET 1 OF 5



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

Jeffrey R. Wagner

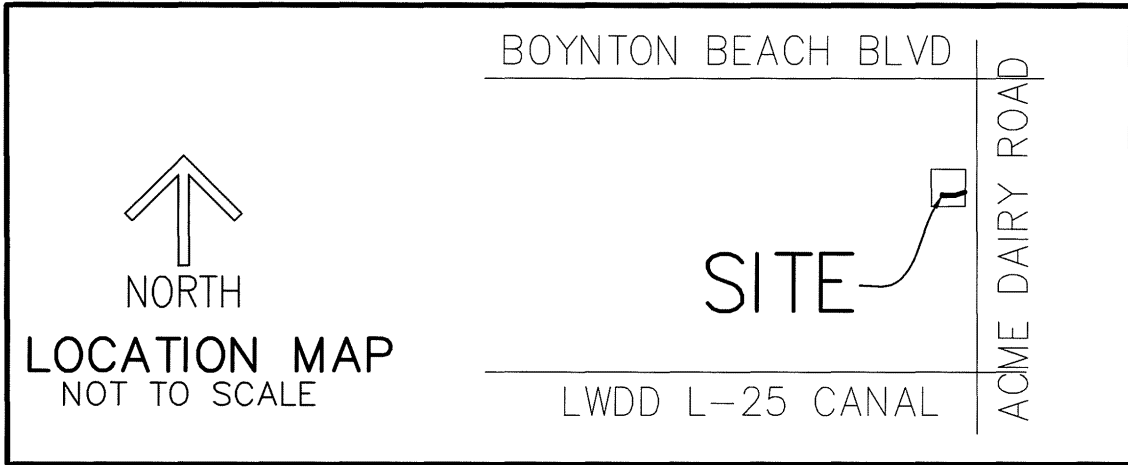
Digitally signed by Jeffrey R. Wagner
DN: cn=US, st=FL, l=Boca Raton, ou=Caulfield & Wheeler, Inc, ou=Survey, c=Jeffrey R. Wagner,
email=jwagner@cwiasoc.com
Date: 2022.02.24 15:41:37 -05'00'

JEFFREY R. WAGNER
REGISTERED LAND
SURVEYOR NO. 5302
STATE OF FLORIDA
L.B. 3591

DATE	FEB 2022
DRAWN BY	TFL
F.B./ PG.	N/A
SCALE	N/A
JOB NO.	7837

**EXHIBIT A
FLORIDA POWER & LIGHT EASEMENT
SKETCH OF LEGAL DESCRIPTION**

EXHIBIT "A"



NOTES

COORDINATES, BEARINGS AND DISTANCES

COORDINATES SHOWN ARE GRID
 DATUM = NAD 83 1990 ADJUSTMENT
 ZONE = FLORIDA EAST
 LINEAR UNIT = US SURVEY FEET
 COORDINATE SYSTEM 1983 STATE PLANE
 TRANSVERSE MERCATOR PROJECTION
 ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED
SCALE FACTOR = 1.000022586
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,
 NAD 83 1990 ADJUSTMENT, FLORIDA EAST ZONE.

LEGEND/ABBREVIATIONS

E – EASTING (AS USED WITH COORDINATES)
 LB – LICENSED BUSINESS
 N – NORTHING (AS USED WITH COORDINATES)
 ORB. – OFFICIAL RECORD BOOK
 PB. – PLAT BOOK
 PBCUE – PALM BEACH COUNTY UTILITY EASEMENT
 PG. – PAGE
 POB – POINT OF BEGINNING
 POC – POINT OF COMMENCEMENT
 R/W – RIGHT-OF-WAY
 UE – UTILITY EASEMENT

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SHEET 2 OF 5

CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE – SURVEYING
 7900 GLADES ROAD – SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561)-392-1991 / FAX (561)-750-1452

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 Date: 2022.02.24 15:43:31 -05'00'

Jeffrey R. Wagner

JEFFREY R. WAGNER
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 SURVEYOR NO. 5302
 STATE OF FLORIDA
 L.B. 3591

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F.B./ PG.	N/A
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**EXHIBIT A
 FLORIDA POWER & LIGHT EASEMENT
 SKETCH OF LEGAL DESCRIPTION**

EXHIBIT "A"

TRACT "B"
BOYNTON LYONS PLAT
PBC PB 110, PAGE 5

10' UTILITY EASEMENT
 (P.B.. 110, PG. 5)

5' LIMITED
 ACCESS EASEMENT
 (P.B.. 110, PG. 5)

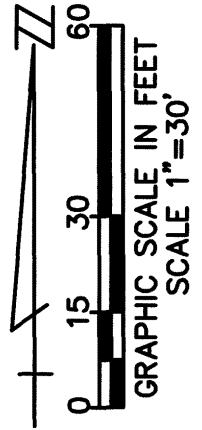
N: 797038.375
 E: 924118.641

ACME DAIRY ROAD
 PUBLIC RIGHT-OF-WAY

POINT OF COMMENCEMENT
 NORTHEAST CORNER OF TRACT "C",
 PLAT OF BOYNTON LYONS
 (P.B. 110, PGS. 5-9)

TRACT "C"
BOYNTON LYONS PLAT
PBC PB 110, PAGE 5

S0°23'33"E 663.53'



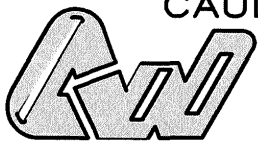
MATCHLINE SEE SHEET 4 OF 5

LEGEND

- F.P.L. — FLORIDA POWER & LIGHT
- O.R.B. — OFFICIAL RECORDS BOOK
- P.B. — PLAT BOOK
- PG. — PAGE
- R/W — RIGHT-OF-WAY

7837 FPL ESMT — PER PBC.dwg

SHEET 3 OF 5



CAULFIELD & WHEELER, INC.

CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE — SURVEYING
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**Jeffrey R.
 Wagner**

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 Inc., ou=Survey, cn=Jeffrey R.
 Wagner,
 email=jwagner@cwassocco
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 Date: 2022.02.24 15:45:07
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JEFFREY R. WAGNER
 REGISTERED LAND
 SURVEYOR NO. 5302
 STATE OF FLORIDA
 L.B. 3591

DATE FEB 2022

DRAWN BY TFL

F.B./ PG. N/A

SCALE 1"=30'

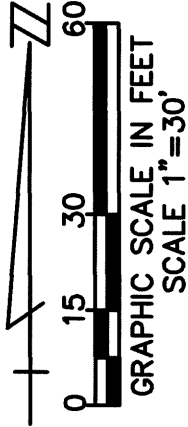
JOB NO. 7837

EXHIBIT A
FLORIDA POWER & LIGHT EASEMENT
SKETCH OF LEGAL DESCRIPTION

EXHIBIT "A"

MATCHLINE SEE SHEET 3 OF 5

PALM BEACH COUNTY
HORIZONTAL CONTROL POINT
"DOORWAY"
N 792292.4238
E 918510.2404



MATCHLINE SEE SHEET 5 OF 5

TRACT "C"
BOYNTON LYONS PLAT
PBC PB 110, PAGE 5

5' LIMITED
ACCESS EASEMENT
(P.B.. 110, PG. 5)

S5°20'49"W 17.19'

S86°30'53"W 35.28'

S89°45'57"W 305.15'

F.P.L. EASEMENT

N89°45'57"E 305.23'

N86°30'53"E 44.13'

PALM BEACH COUNTY
HORIZONTAL CONTROL POINT
"EVENTS"
N 793023.995
E 916159.292

S68°01'40"W 8574.89' GROUND
8575.09' GRID

TRACT "C"
BOYNTON LYONS PLAT
PBC PB 110, PAGE 5

7837 FPL ESMT - PER PBC.dwg

10' UTILITY EASEMENT
(P.B.. 110, PG. 5)

S0°23'33"E
663.53'

N: 796374.860
E: 924123.185

POINT OF
BEGINNING
N0°23'33"W 10.00'

S89°52'57"W 20.00'

S0°23'33"E 115.83'
F.P.L. EASEMENT

N0°23'33"W 106.28'

N89°52'57"E
10.00'

PALM BEACH COUNTY
HORIZONTAL CONTROL POINT
"RAN"
N 792946.3012
E 929600.1474

N5°20'49"E 26.26'

N: 796232.419
E: 924111.534

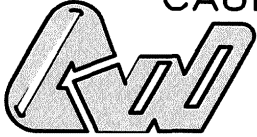
PALM BEACH COUNTY
HORIZONTAL CONTROL POINT
"RAN"
N 792946.3350
E 929600.1800

S59°05'27"E 6436.94' GROUND
6436.99' GRID

ACME DAIRY ROAD
PUBLIC RIGHT-OF-WAY

SHEET 4 OF 5

CAULFIELD & WHEELER, INC.



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Jeffrey R.
Wagner

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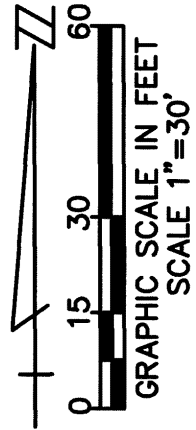
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EXHIBIT A
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SKETCH OF LEGAL DESCRIPTION

EXHIBIT "A"

PALM BEACH COUNTY
HORIZONTAL CONTROL POINT
"PBF 58"
N 798345.528
E 924235.200



TRACT "C"
BOYNTON LYONS PLAT
PBC PB 110, PAGE 5

MATCHLINE SEE SHEET 4 OF 5

N: 796238.487
E: 923762.007
TRANSFORMER

S89°45'57"W 305.15'

F.P.L. EASEMENT

S0°14'03"E
6056.47' GRID
6056.33' GROUND
10.00'

N: 796228.487
E: 923762.048

N89°45'57"E 305.23'

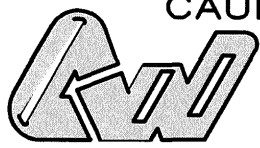
S04°51'49"E
6056.33' GROUND

PALM BEACH COUNTY
HORIZONTAL CONTROL POINT
"PBF 61"
N 790193.8146
E 924275.5442

TRACT "C"
BOYNTON LYONS PLAT
PBC PB 110, PAGE 5

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SHEET 5 OF 5



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L.B. 3591

DATE FEB 2022

DRAWN BY TFL

F.B./ PG. N/A

SCALE 1"=30'

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