

REQUESTED COMMISSION ACTION:

<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Consideration/ Discussion	<input type="checkbox"/> Presentation
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SHORT TITLE A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE.

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Summary of Purpose and Why:

Staff is seeking City Commission approval of a Resolution to grant an easement to Florida Power & Light (FPL) to be able to conduct routine maintenance of equipment being installed in the Pier Parking Lot (see Exhibit "A"). Staff recommends approval.



(1) Origin of request for this action:	<u>City Commission</u>	
(2) Primary staff contact:	<u>Dennis W. Beach/Horacio Danovich</u>	<u>Ext. 786-4601</u>
(3) Expiration of contract, if applicable:	_____	_____
(4) Fiscal impact and source of funding:	<u>No costs.</u>	_____

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
<u>City Attorney</u>	<u>03/29/2016</u>	<u>2016-687</u>	<u>Tracey A. Lyons</u>

<input checked="" type="checkbox"/> Finance Director	_____
<input checked="" type="checkbox"/> City Manager <u>Cal</u>	<u>Dennis W. Beach</u>

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>
<u>Workshop</u>		
1 <sup>st</sup> Reading _____	1 <sup>st</sup> Reading _____	Results: _____
2 <sup>nd</sup> Reading _____	_____	Results: _____

April 1, 2016

TO: City Commission

THRU: Dennis Beach, City Manager  
Greg Harrison, Assistant City Manager  
John Sfiropoulos, City Engineer

FROM: Horacio Danovich, CIP Manager



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**Issue**

Staff is seeking City Commission approval of a Resolution to grant an easement in favor of Florida Power & Light (FPL) (See Exhibit "A").

**Recommendation**

Staff recommends Approval of the Resolution.

**Background**

Staff is seeking authorization to execute a Resolution to approve an easement to FPL. As a function of the City's efforts to construct the new Pier Parking Garage, FPL partnered with the City to install new transformers and switch cabinets. The replaced and relocated equipment resulted in a more functional design. FPL needs the easement to conduct routine maintenance and operation of their facilities.

Staff recommends Approval of the Resolution.



**City Attorney's Communication #2016-687**

March 29, 2016

**TO:** Horacio Danovich, CIP Engineer  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Resolution Granting Easement to Florida Power & Light Company

Pursuant to your e-mail dated March 24, 2016, attached please find the following captioned resolution:

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF POMPANO BEACH, FLORIDA, GRANTING AN  
EASEMENT TO FLORIDA POWER & LIGHT COMPANY;  
PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.



MARK E. BERMAN

/jrm  
l:cor/engr/2016-687

Attachment

RESOLUTION NO. 2016-\_\_\_\_\_

**CITY OF POMPANO BEACH  
Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF POMPANO BEACH, FLORIDA, GRANTING AN  
EASEMENT TO FLORIDA POWER & LIGHT COMPANY;  
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Pompano Beach is the owner of a parcel of real property and has agreed to grant an easement to Florida Power & Light Company to conduct routine maintenance and repairs to facilities being installed in the City’s Pier Parking Lot; and

WHEREAS, the City Commission has determined that the best interests of the public will be served by this grant of easement; now, therefore,

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO  
BEACH, FLORIDA:**

**SECTION 1.** That the City of Pompano Beach grants an easement to Florida Power & Light Company for the property described in said Easement Agreement, a copy of which is attached hereto and made a part hereof as if set forth in full.

**SECTION 2.** That it is the determination of the City Commission of the City of Pompano Beach, Florida, that the conveyance of the aforesaid property right is for a public purpose.

**SECTION 3.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

Work Request No. 6282041

Sec.31, Twp 48 S, Rge 43 E

Parcel I.D.4843 31 01 0210  
(Maintained by County Appraiser)

# EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Nathan E Coker  
Co. Name: Kaufman Lynn Construction, Inc.  
Address: 4850 T-Rex Ave, Suite 300  
Boca Raton, FL 33431

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) 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 described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

Together with the right to permit any other person, firm, or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

City of Pompano Beach

\_\_\_\_\_  
(Witness' Signature)

By: \_\_\_\_\_

Print Name: \_\_\_\_\_  
(Witness)

Print Name: \_\_\_\_\_

\_\_\_\_\_  
(Witness' Signature)

Print Address: \_\_\_\_\_

Print Name: \_\_\_\_\_  
(Witness)

STATE OF \_\_\_\_\_ AND COUNTY OF \_\_\_\_\_. The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_ a \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification, and who did (did not) take an oath.  
(Type of Identification)

My Commission Expires:

\_\_\_\_\_  
Notary Public, Signature

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

**LEGAL DESCRIPTION:**

A PORTION OF LOTS 1 THROUGH 9, BLOCK 8, POMPANO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, ON PAGE 93 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH: A PORTION OF THAT PARTICULAR VACATED 50 FOOT RIGHT-OF-WAY (BUTLER STREET), AS RECORDED IN OFFICIAL RECORDS BOOK 2942, ON PAGE 380 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; SAID PORTIONS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 88°57'35" EAST ALONG THE NORTH LINE OF SAID LOT 1, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF N.E. 3RD STREET, A DISTANCE OF 74.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH AND SOUTH LINE NORTH 88°57'35" EAST, A DISTANCE OF 43.72 FEET; THENCE DEPARTING SAID NORTH AND SOUTH LINE SOUTH 77°49'03" EAST, A DISTANCE OF 18.10 FEET; THENCE SOUTH 05°39'27" WEST, A DISTANCE OF 53.49 FEET; THENCE SOUTH 09°15'29" WEST, A DISTANCE OF 68.36 FEET; THENCE SOUTH 10°20'42" WEST, A DISTANCE OF 81.01 FEET; THENCE SOUTH 09°58'06" WEST, A DISTANCE OF 66.84 FEET; THENCE SOUTH 79°43'02" EAST, A DISTANCE OF 80.65 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 6, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF POMPANO BEACH BOULEVARD; THENCE ALONG SAID EAST AND WEST LINE SOUTH 09°09'21" WEST, A DISTANCE OF 10.00 FEET; THENCE DEPARTING SAID EAST AND WEST LINE NORTH 79°43'02" WEST, A DISTANCE OF 80.79 FEET; THENCE SOUTH 09°58'06" WEST, A DISTANCE OF 54.41 FEET; THENCE SOUTH 35°49'43" EAST, A DISTANCE OF 8.19 FEET; THENCE SOUTH 54°10'17" WEST, A DISTANCE OF 22.65 FEET; THENCE NORTH 35°49'43" WEST, A DISTANCE OF 16.83 FEET; THENCE NORTH 54°10'17" EAST, A DISTANCE OF 8.80 FEET; THENCE NORTH 35°49'43" WEST, A DISTANCE OF 6.49 FEET; THENCE NORTH 54°10'17" EAST, A DISTANCE OF 13.85 FEET; THENCE SOUTH 35°49'43" EAST, A DISTANCE OF 4.61 FEET; THENCE NORTH 36°00'53" EAST, A DISTANCE OF 4.99 FEET; THENCE NORTH 06°24'24" EAST, A DISTANCE OF 58.32 FEET; THENCE NORTH 82°41'05" WEST, A DISTANCE OF 92.63 FEET; THENCE NORTH 07°18'55" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 82°41'05" EAST, A DISTANCE OF 92.77 FEET; THENCE NORTH 09°58'06" EAST, A DISTANCE OF 126.66 FEET; THENCE NORTH 10°20'42" EAST, A DISTANCE OF 80.14 FEET; THENCE NORTH 80°50'39" WEST, A DISTANCE OF 6.99 FEET; THENCE NORTH 09°09'21" EAST, A DISTANCE OF 10.52 FEET; THENCE NORTH 80°50'39" WEST, A DISTANCE OF 6.00 FEET; THENCE NORTH 09°09'21" EAST, A DISTANCE OF 11.60 FEET; THENCE SOUTH 80°50'39" EAST, A DISTANCE OF 13.05 FEET; THENCE NORTH 09°15'29" EAST, A DISTANCE OF 46.63 FEET; THENCE NORTH 05°39'27" EAST, A DISTANCE OF 44.25 FEET; THENCE NORTH 77°49'03" WEST, A DISTANCE OF 51.74 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF LOT 1, BLOCK 9, POMPANO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, ON PAGE 93 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 88°57'35" WEST ALONG THE NORTH LINE OF SAID LOT 1, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF N.E. 3RD STREET, A DISTANCE OF 34.74 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH AND SOUTH LINE SOUTH 09°00'14" WEST, A DISTANCE OF 14.18 FEET; THENCE NORTH 80°59'46" WEST, A DISTANCE OF 12.70 FEET; THENCE NORTH 09°00'14" EAST, A DISTANCE OF 11.93 FEET TO AN INTERSECTION WITH SAID NORTH AND SOUTH LINE; THENCE NORTH 88°57'35" EAST ALONG SAID NORTH AND SOUTH LINE, A DISTANCE OF 12.90 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 6,964 SQUARE FEET MORE OR LESS.

**SKETCH & DESCRIPTION  
FP&L EASEMENT**

A PORTION OF BLOCKS 8 AND 9,  
POMPANO BEACH, P.B. 2, PG. 93, P.B.C.R.;  
TOGETHER WITH: A PORTION OF VACATED  
50' R/W, O.R.B. 2942, PG. 380, B.C.R.

POMPANO BEACH BROWARD COUNTY FLORIDA



consulting engineers  
301 EAST ATLANTIC BOULEVARD  
POMPANO BEACH, FLORIDA 33060-6643  
(954) 788-3400 FAX (954) 788-3500  
EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 1 OF 3

DRAWING NO. 07470.94 FPL Easement-SKD.dwg

DATE 3/18/16

SCALE NONE

FIELD BK. 675

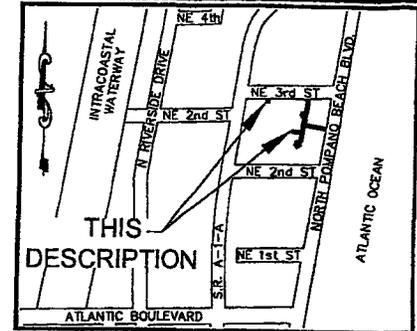
DWG. BY S.M.

CHK. BY M.M.M.

DATE	REVISIONS

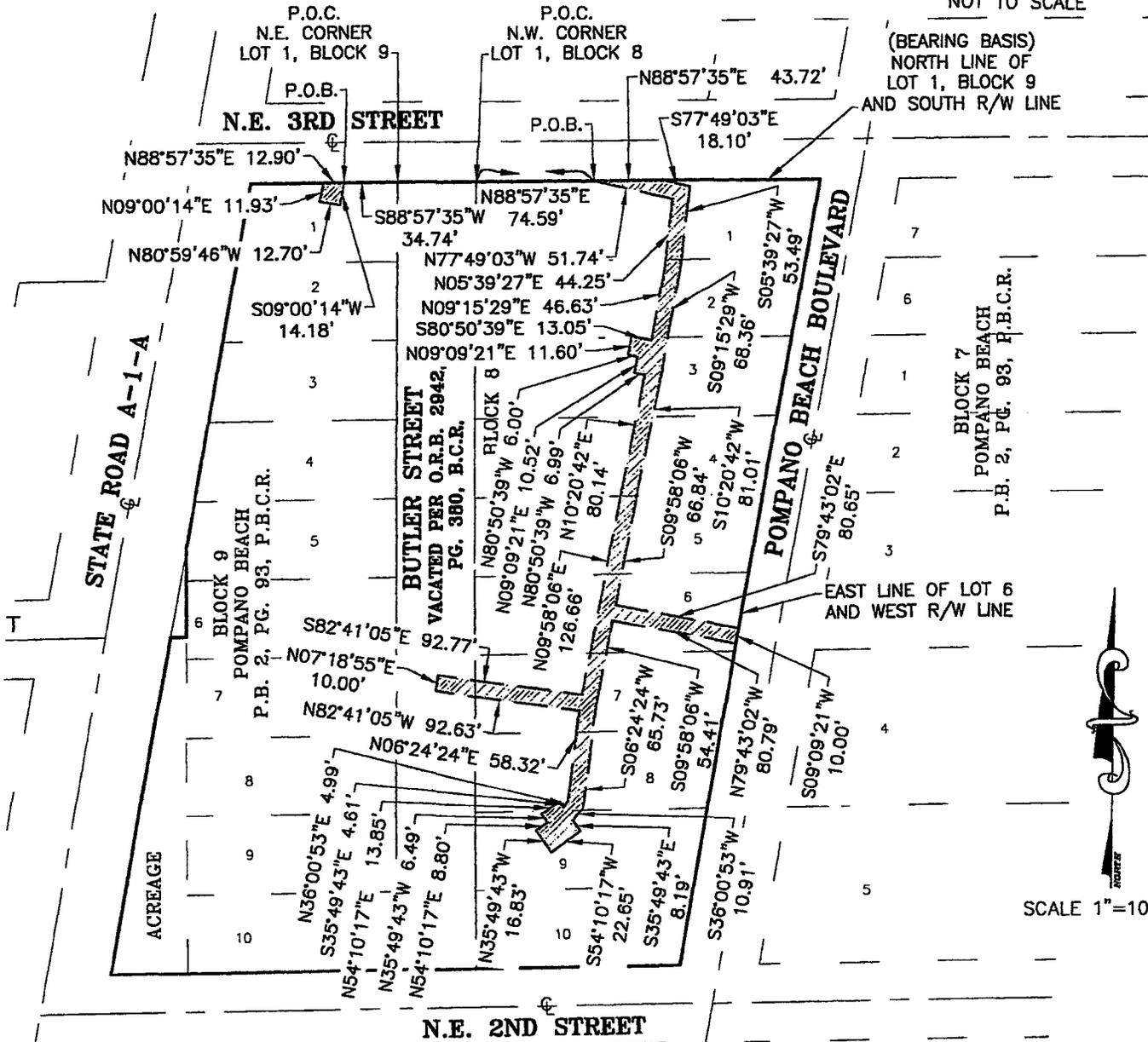


- LEGEND:  
 B.C.R. BROWARD COUNTY RECORDS  
 COR. CORNER  
 FP&L FLORIDA POWER & LIGHT  
 P.B. PLAT BOOK  
 P.B.C.R. PALM BEACH COUNTY RECORDS  
 PG. PAGE  
 P.O.B. POINT OF BEGINNING  
 P.O.C. POINT OF COMMENCEMENT  
 LB. LICENSED BUSINESS  
 R/W RIGHT-OF-WAY  
 O.R.B. OFFICIAL RECORDS BOOK  
 ☒ CENTERLINE



LOCATION MAP:  
NOT TO SCALE

(BEARING BASIS)  
NORTH LINE OF  
LOT 1, BLOCK 9  
AND SOUTH R/W LINE



**SKETCH & DESCRIPTION**  
FP&L EASEMENT

A PORTION OF BLOCKS 8 AND 9,  
POMPAÑO BEACH, P.B. 2, PG. 93, P.B.C.R.;  
TOGETHER WITH: A PORTION OF VACATED  
50' R/W, O.R.B. 2942, PG. 380, B.C.R.

POMPAÑO BEACH BROWARD COUNTY FLORIDA

**KEITH ASSOCIATES, INC.**  
 consulting engineers  
 301 EAST ATLANTIC BOULEVARD  
 POMPAÑO BEACH, FLORIDA 33060-6643  
 (954) 788-3400 FAX (954) 788-3500  
 EMAIL: mail@keith-associates.com LB NO. 6860

SHEET 3 OF 3  
DRAWING NO. 07470.94 FPL Easement-SKD.dwg

DATE 3/18/16  
 SCALE AS SHOWN  
 FIELD BK. 675  
 DWNG. BY S.M.  
 CHK. BY M.M.M.

DATE	REVISIONS