

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	FPL Easement - Lena Road Landfill SERWTP Expansion	TYPE AGENDA ITEM	Consent
DATE REQUESTED	July 3, 2001	DATE SUBMITTED/REVISED	June 19, 2001
BRIEFINGS?/WHO?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Transportation/Land Acquisition	AUTHORIZED BY TITLE	Larry R. Mau, P.E. Transportation Director <i>Larry R. Mau</i>
CONTACT PERSON TELEPHONE/EXTENSION	Jim Staples 7489	PRESENTER/TITLE TELEPHONE/EXTENSION	Jim Staples, Land Acquisition Manager 7489 <i>Jim Staples</i>
ADMINISTRATIVE APPROVAL	<i>[Signature]</i>		

ACTION DESIRED
INDICATE WHETHER ¹REPORT or ²DISCUSSION, ³FORM OF MOTION, or ⁴OTHER ACTION REQUIRED:

Authorization for Chairman to execute, authorization to record, Easement to Florida Power & Light Company for the installation of electrical utility facilities for the Southeast Regional Water Treatment Plant (SERWTP) Expansion at Lena Road Landfill.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

Comp Plan - Does not conform, nor conflict.

BACKGROUND/DISCUSSION

- Florida Power & Light Company has requested a 10' Utility Easement from Manatee County for the construction, operation and maintenance of overhead and underground electric utility facilities that are needed to provide electrical service for SERWTP Expansion at Lena Road Landfill.
- The Easement Agreement is hereby presented to the BCC for execution and recording.
- This easement form was previously used for the new Transportation Facility on 26th Avenue East. The easement was accepted by the BCC on December 5, 2000.

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED ? Indicate "NO" or "YES" @ right. (If "NO," proceed to 1) below; and if "YES," proceed to 2) below) Yes

1) IF "NO" TO ABOVE,
A) PLEASE EXPLAIN BELOW: (see also following section 1B) re: contract, agreement, lease, etc.:

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT:

2) IF "YES" TO FIRST QUESTION IN THIS SECTION,
A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?
CAO's office has reviewed the entire matter.

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (if comments were verbal, so indicate.)

Memo from CAO dated 11/7/00 attached *- need*

APPROVED IN OPEN SESSION
JUL 03 2001
BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS:
1) Easement Agreement <i>not attached</i> 2) Memo from CAO 3) Location Map	Return recorded copies to Land Acquisition, Transportation Department. CCC Charge Account #AR 300026 Project Management
COST \$15.00 (Recording Fee)	SOURCE (ACCT# & NAME) 404-6014580-561000/6014580-0003 (IFAS #)
COMMENTS N/A	AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT) N/A



Office of
**MANATEE COUNTY
ATTORNEY**

Teddy N. Williams, Jr., County Attorney

William C. Henry, Chief Assistant County Attorney
Jeffrey N. Steinsnyder, Deputy Chief Assistant County Attorney for Land Use and Environmental Law*
Patricia McVoy, Senior Assistant County Attorney*
James A. Minix, Senior Assistant County Attorney†
Maureen S. Sikora, Senior Assistant County Attorney*
Michael H. Rosen, Assistant County Attorney
Robert M. Eschenfelder, Assistant County Attorney
Stephanie A. Crossman, Associate County Attorney

November 7, 2000

MEMORANDUM

TO: Sam Love, Director, Facilities Management Department

THRU: Teddy N. Williams, Jr., County Attorney *JNW 11/7/00*

FROM: Michael H. Rosen, Assistant County Attorney *MHR 11/7/00*

RE: Easement to FPL for installation of transformer at Transportation/Project Management Administration Building; RLS-00-202, received June 28, 2000; CAO File No. 1023-049

In response to the above Request for Legal Services, I recommended that the easement proposed by Florida Power & Light be modified since it was overly broad. The easement I drafted is attached hereto. Jim Staples, of the Land Acquisition Division, spoke with the Florida Power & Light representative about the proposed changes. They would not approve the easement I drafted, but did agree to limit the use of the easement to the grantee which obviates one of my concerns. Florida Power & Light indicated the easement they submitted has been approved by the Public Service Commission and they are uncomfortable making any major changes. Jim Staples advised that the modification of the agreement is satisfactory. Accordingly, the pending Request for Legal Services will be closed. If you desire any additional information, please feel free to contact me at Ext. 3750.

RECEIVED

NOV 08 2000

LAND ACQUISITION
DIVISION

MHR/kc

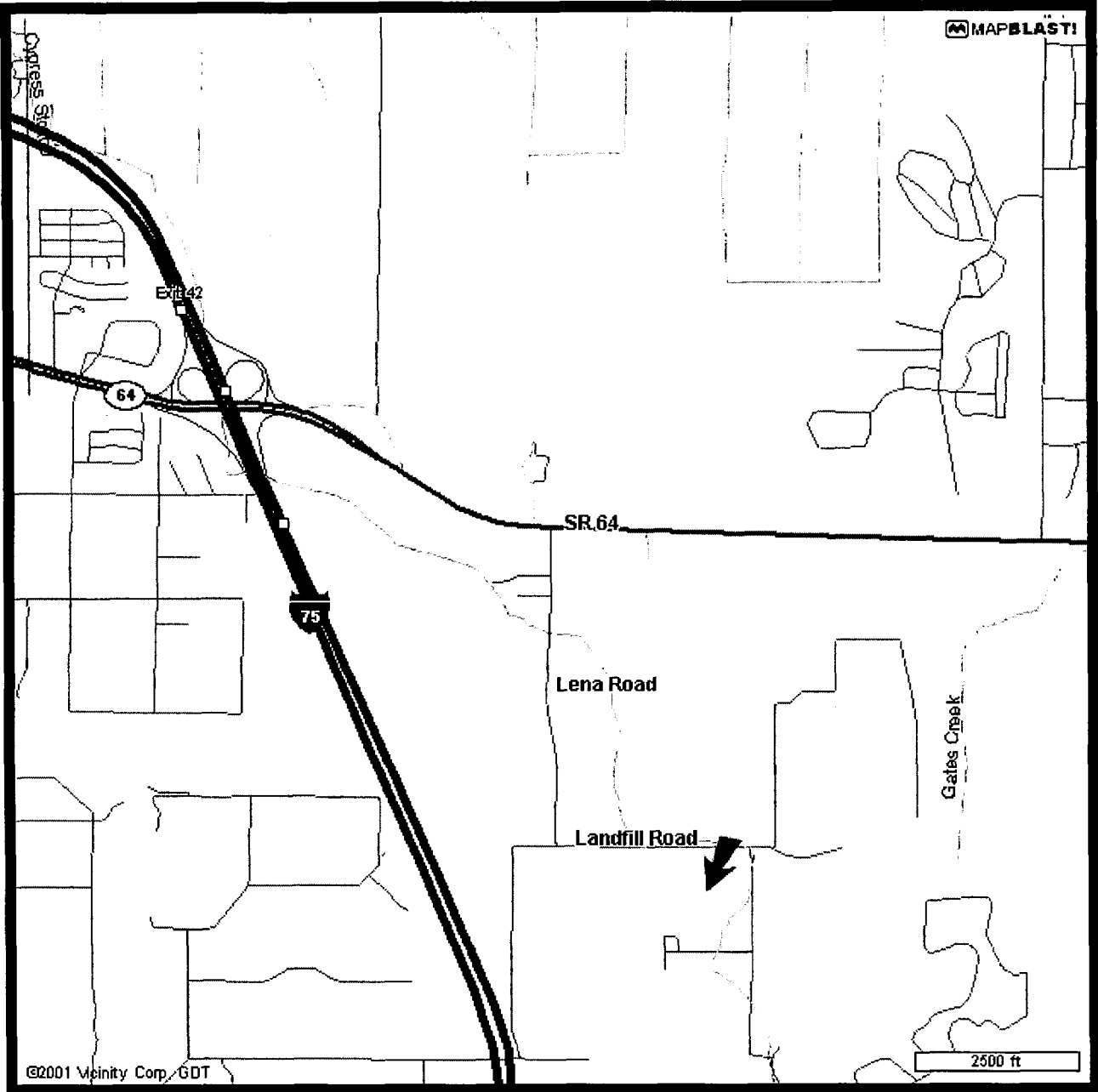
Attachment

cc: ✓ Jim Staples, Manager, Land Acquisition, Transportation Department

* Board Certified City, County & Local Government Law

† Board Certified Civil Trial Law

LOCATION MAP



Project #404-6014580
SERWTP Expansion
Site Address: Lena Road Landfill

District 5
Commissioner Jonathan Bruce

Legend: Two 10' wide FPL Easements for SERWTP Expansion

Work Order No. 3051-7-527
TLN# 5-2077-6585-0
Lena Road Landfill
SERWTP Expansion
Sec. 1, Twp. 35S, Rge. 18 E

EASEMENT

This Instrument Prepared By

Name: Gregory C. Coker
Co. Name: FPL Co.
Address: 1851 Whitfield Avenue
Sarasota, Florida 34243

Parcel I.D. #
(Maintained by County Appraiser)

Form 3722 (stocked) Rev. 7/94

BK 1690 PG 510 DKT # 1495992 1 of 3

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 licensees, agents, successors, and assigns, an 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 10 feet in width described as follows:

Reserved for Circuit Court

Easement and legal Description: "See Attached Exhibit "A," attached hereto and made a part hereof";

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 and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; 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 land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has executed and sealed this instrument on the 3rd day of July, 2001, in its name by its Board of County Commissioners, acting by the Chairman or Vice Chairman of said Board.

MANATEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS



BY: DeMclass
Chairman

ATTEST: R. B. Shore
R. B. Shore
Clerk of the Circuit Court

MANATEE COUNTY PROJECT MANAGEMENT DEPARTMENT

EXHIBIT "A" PAGE 1 OF 2

LEGEND

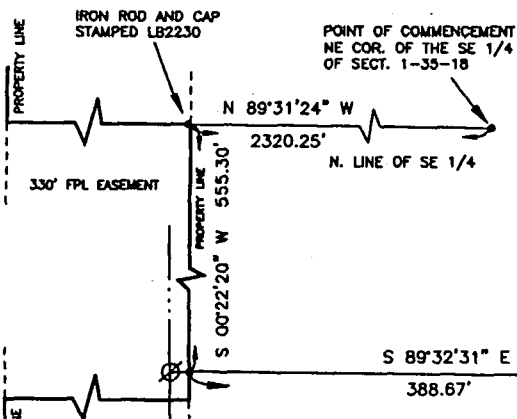
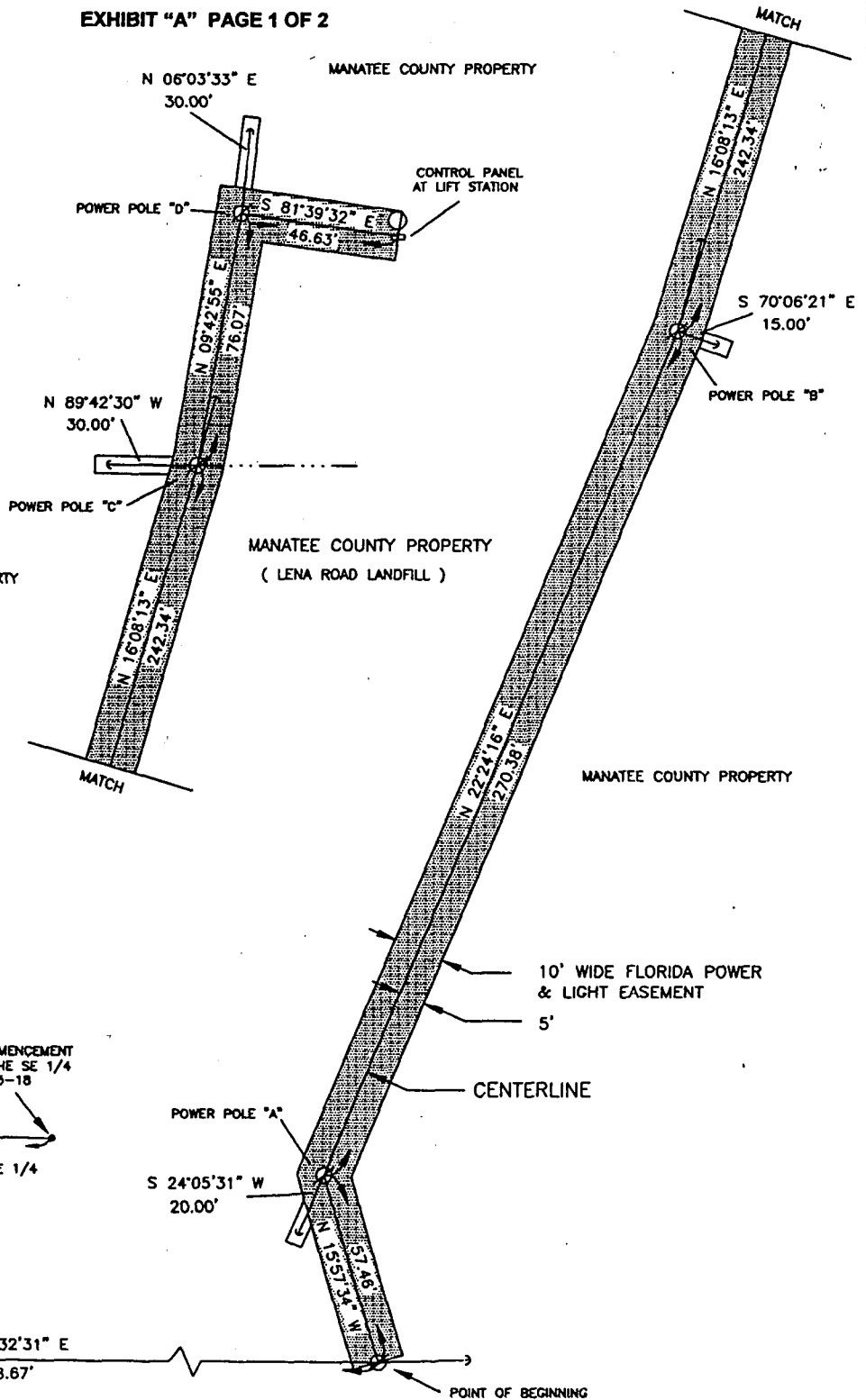
- EXISTING GUY WIRE
- 5' WIDE GUY EASEMENT
- EXISTING POWER POLE
- EXISTING OVERHEAD POWER LINE

SURVEY REFERENCE:

BOUNDARY SURVEY OF LENA ROAD LANDFILL BY ZOLLER, NAJJAR & SHROYER INC. (1993) FOR MANATEE COUNTY PUBLIC WORKS DEPARTMENT.

N

NOT TO SCALE



DESCRIPTION

A 10.00 WIDE FLORIDA POWER AND LIGHT EASEMENT BEING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°31'24" W (ASSUMED) ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 2320.25 FEET TO AN IRON ROD AND CAP (STAMPED LB2230), SAID ROD LYING AT THE EASTERLY LINE OF A 330 FOOT WIDE FLORIDA POWER & LIGHT EASEMENT AND THE WESTERLY BOUNDARY OF LENA ROAD LANDFILL (PER BOUNDARY SURVEY BY ZOLLER, NAJJAR & SHROYER, INC. AUG. 8, 1993); THENCE S 00°22'20" W ALONG SAID WESTERLY BOUNDARY OF LENA ROAD LANDFILL, A DISTANCE OF 555.30 FEET; THENCE S 89°32'31" E, A DISTANCE OF 388.67 FEET TO AN EXISTING POWER POLE AND THE POINT OF BEGINNING; THENCE N 15°57'34" W, A DISTANCE OF 57.46 FEET TO AN EXISTING POWER POLE (POLE "A"); THENCE N 22°24'16" E, A DISTANCE OF 270.38 FEET TO AN EXISTING POWER POLE (POLE "B"); THENCE N 16°08'13" E, A DISTANCE OF 242.34 FEET TO AN EXISTING POWER POLE (POLE "C"); THENCE N 09°42'55" E, A DISTANCE OF 76.07 FEET TO AN EXISTING POWER POLE (POLE "D"); THENCE S 81°39'32" E, A DISTANCE OF 46.63 FEET TO AN EXISTING CONTROL PANEL FOR A MANATEE COUNTY LIFT STATION AND THE POINT OF TERMINATION.

TOGETHER WITH 5.00 FOOT WIDE EASEMENTS FOR GUY WIRES, SAID EASEMENTS BEING 2.50 FEET ON EACH SIDE OF THE FOLLOWING FOUR (4) LINES:

BEGIN AT POLE "A"; THENCE S 24°05'31" W, A DISTANCE OF 20.00 FEET TO THE POINT OF TERMINATION. BEGIN AT POLE "B"; THENCE S 70°06'21" E, A DISTANCE OF 15.00 FEET TO THE POINT OF TERMINATION. BEGIN AT POLE "C"; THENCE N 89°42'30" W, A DISTANCE OF 30.00 FEET TO THE POINT OF TERMINATION. BEGIN AT POLE "D"; THENCE N 06°03'33" E, A DISTANCE OF 30.00 FEET TO THE POINT OF TERMINATION.

ALL SAID LANDS LYING AND BEING IN SECTION 1, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

REFERENCES TO EXISTING POWER POLES REFER OT THE LOCATION OF SAID POLES ON APRIL 27, 2001.

THE SIDE LINES OF SAID EASEMENTS SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO MEET AT ANGLE POINTS.

FLORIDA POWER & LIGHT EASEMENT
DESCRIPTION SKETCH
(THIS IS NOT A SURVEY)

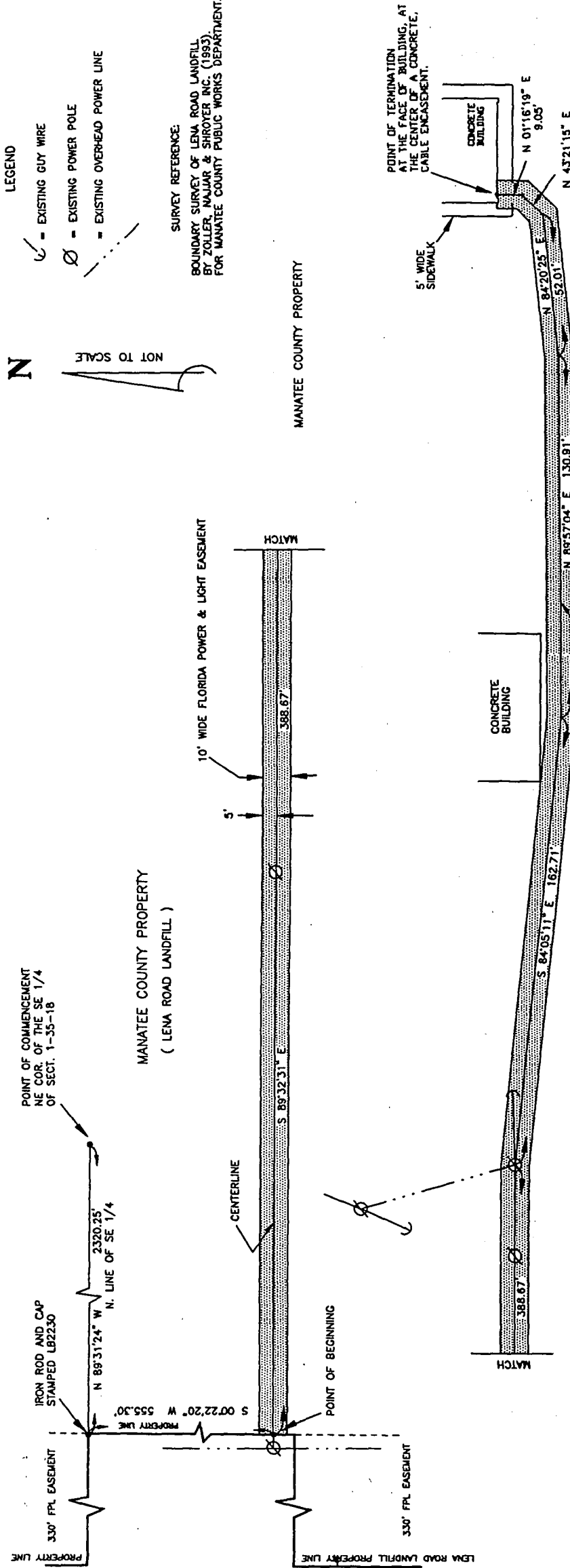
Michael R. Lilly

DATE: 5/11/01

MICHAEL R. LILLY, PROFESSIONAL SURVEYOR AND MAPPER NO. LS4918
4422C 66TH STREET WEST, BRADENTON, FLORIDA 34210

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DN 1600 PG 512 FILED AND RECORDED 7/6/01 8:08:55 AM 3 OF 3
 R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.



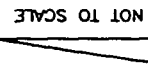
LEGEND

- EXISTING GUY WIRE
- EXISTING POWER POLE
- EXISTING OVERHEAD POWER LINE

SURVEY REFERENCE

BOUNDARY SURVEY OF LENA ROAD LANDFILL BY ZOLLER, NAJJAR & SHROYER, INC. (1993) FOR MANATEE COUNTY PUBLIC WORKS DEPARTMENT.

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MANATEE COUNTY PROPERTY

MANATEE COUNTY PROPERTY

MANATEE COUNTY PROPERTY (LENA ROAD LANDFILL)

POINT OF BEGINNING

LENA ROAD LANDFILL PROPERTY LINE

POINT OF TERMINATION AT THE FACE OF BUILDING, AT THE CENTER OF A CONCRETE, CABLE ENCASUREMENT.

5' WIDE SIDEWALK

CONCRETE BUILDING

MATCH

DESCRIPTION

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ALL SAID LANDS LYING AND BEING IN SECTION 1, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

FLORIDA POWER & LIGHT EASEMENT
 DESCRIPTION SKETCH
 (THIS IS NOT A SURVEY)

DATE: 5/11/01
 MICHAEL R. LILLY, PROFESSIONAL SURVEYOR AND MAPPER NO. LS4918
 4422C 66TH STREET WEST, BRADENTON, FLORIDA 34210
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