



## Legislation Details (With Text)

**File #:** 18-565      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 8/22/2018      **In control:** City Commission

**On agenda:** 9/25/2018      **Final action:** 9/25/2018

**Title:** RESOLUTION NO. 117-18: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN AGREEMENT WITH FLORIDA POWER AND LIGHT, CO. (FPL) FOR THE INSTALLATION OF UNDERGROUND FACILITIES IN THE CITY RIGHT-OF-WAY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Sponsors:** City Attorney Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Resolution No 117-18 IPic undergrounding agreement with FPL, 3. City County Right of Way Agreement for Underground Facilities - Delray Beach 4th & 5th Avenue LLC 8.24.pdf, 4. Legal Review Checklist form v. 5 Undergrounding agreement with FPL

Date	Ver.	Action By	Action	Result
9/25/2018	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** R. Max Lohman, City Attorney  
**DATE:** September 25, 2018

RESOLUTION NO. 117-18: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN AGREEMENT WITH FLORIDA POWER AND LIGHT, CO. (FPL) FOR THE INSTALLATION OF UNDERGROUND FACILITIES IN THE CITY RIGHT-OF-WAY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

### **Recommended Action:**

Motion to approve an agreement with Florida Power and Light, Inc. ("FPL") to allow the installation of underground electrical utilities in City right-of-way to serve the iPic Theater Project, subject to the City's approval of Resolution 118-18.

### **Background:**

The City has reviewed and approved plans for the Developer to construct a project known as the iPic Theater within the City of Delray Beach. Project plans include the conversion of all above-ground electric, telephone, cable, and data distribution facilities to underground facilities. Some of these facilities will be located within the City-owned right of way located in the alley south of Atlantic Avenue between SE 4th Avenue and SE 5th Avenue. In order to move these facilities underground, FPL requires the City to enter into this Agreement, which obligates the City to pay FPL the cost of undergrounding these facilities. The Developer has agreed to pay all costs of undergrounding these

facilities under a separate agreement with the City (see Resolution 118-18).

**City Attorney Review:**

Approved as to form and legal sufficiency.