



## Legislation Details (With Text)

**File #:** 17-916      **Version:** 1      **Name:**

**Type:** Contract      **Status:** Agenda Ready

**File created:** 11/8/2017      **In control:** City Commission

**On agenda:** 11/20/2017      **Final action:**

**Title:** APPROVE TWO AGREEMENTS FOR UNDERGROUND UTILITIES INCLUDING ONE BETWEEN THE CITY OF DELRAY BEACH (CITY) AND EDWARDS ATLANTIC AVENUE, LLC, EDWARDS INTRACOASTAL, LLC AND EDWARDS CDS, LLC (DEVELOPER), AND A SECOND AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY AND FLORIDA POWER & LIGHT COMPANY (FPL) FOR THE ATLANTIC CROSSING DEVELOPMENT.

**Sponsors:** Environmental Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Undergrounding Agreement PE by Edwards (002).pdf, 2. Legal Review Checklist AC Underground Facilities agreement.pdf, 3. Legal Review Checklist City ROW facilities underground conversion with FPL agreement.pdf, 4. Conversion Agreement with FPL for Atlantic Crossing revised .pdf

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Caryn Gardner-Young, Assistant City Manager  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** November 20, 2017

APPROVE TWO AGREEMENTS FOR UNDERGROUND UTILITIES INCLUDING ONE BETWEEN THE CITY OF DELRAY BEACH (CITY) AND EDWARDS ATLANTIC AVENUE, LLC, EDWARDS INTRACOASTAL, LLC AND EDWARDS CDS, LLC (DEVELOPER), AND A SECOND AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY AND FLORIDA POWER & LIGHT COMPANY (FPL) FOR THE ATLANTIC CROSSING DEVELOPMENT.

### **Recommended Action:**

Motion to Approve an Agreement for Underground Utilities between the City of Delray Beach (City) and Edwards Atlantic Avenue, LLC, Edwards Intracoastal, LLC and Edwards CDS, LLC and also an agreement between the City and Florida Power & Light Company (FPL) for an underground conversion, or installation, of electric utilities. Separate motions are required to approve each of two agreements to allow the installation of underground utilities at the Atlantic Crossing Development.

### **Background:**

The City has reviewed and approved plans for the Developer to construct a project known as Atlantic Crossing 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 that will be located within the project site, within certain portions of City-owned right of way, and within certain portions of the state-owned right of way. The City is obligated to pay the cost of undergrounding these utilities to FPL through FPL's electric tariff and the Florida Administrative Code. The Developer has agreed to

pay all costs of undergrounding these services both now, and in the future should the City or State require the services be moved out of the right of way.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

Not applicable.

**Funding Source:**

Not applicable.

**Timing of Request:**

Developer has requested a speedy resolution of this issue.