



BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

PLACEMENT: DEPARTMENTAL

PRESET:

TITLE: REQUEST FOR APPROVAL OF A UTILITY EASEMENT TO ATT ON COUNTY-OWNED PROPERTY IN PALM CITY

AGENDA ITEM DATES:

MEETING DATE: 9/23/2014	COUNTY ATTORNEY: 9/1/2014
COMPLETED DATE: 9/11/2014	ASSISTANT COUNTY ADMINISTRATOR: 9/8/2014

REQUESTED BY:	DEPARTMENT:	PREPARED BY:
Name: AT&T	Engineering	Jeffrey Dougherty
Name:		Real Property Manager

Procedures: None

EXECUTIVE SUMMARY:

AT&T has requested that Martin County grant it a Utility Easement on County-owned property at the northeast corner of Murphy Road and the C-23 Canal in Palm City.

APPROVAL:

LEG
ACA
CA

BACKGROUND/RELATED STRATEGIC GOAL:

Agreement/Contract Drafted by: Martin County
AT&T

Parties to the Agreement:	Martin County - Grantor AT&T - Grantee
Purpose of the Agreement:	Provide an easement to AT&T to accommodate existing and future equipment.
New/Renewal/Modified:	New
Duration:	Perpetual
Benefits to Martin County:	Provide enhanced communication services to Martin County residents.
Cost to Martin County:	None

AT&T is in the process of upgrading its equipment to accommodate for advancements in technology and increased capacity needs in the Palm City area. During the planning process for the upgrades, AT&T discovered that it does not have an easement for its existing facilities located on county property at the northeast corner of Murphy Road and the C-23 Canal.

AT&T (Bell South) originally installed the communications equipment on private property at the location in 1990. The installation was performed without benefit of a utility easement from the land owner at the time. Martin County acquired the property in 1997 to replace a road abandonment which led to navigable waters in accordance with the requirements of Sec. 155.3 of the Martin County Code of Ordinances.

The property was originally intended to be developed into a recreational fishing site. However, it was decided that the fishing site would be constructed on existing county property at the southwest corner of the intersection and the acquired property has remained vacant.

AT&T is now requesting that Martin County grant it a 20' x 25' Utility Easement on the property to accommodate its existing equipment as well as provide for future upgrades. The easement area abuts the eastern right-of-way of Murphy Road.

The utility easement would provide that the easement will terminate if the property is designated as a public right-of-way in the future. In that case, AT&T would be allowed to retain its facilities in the right-of-way in accordance with Florida Statutes. However, if it interferes with County's use of the right-of-way AT&T would be required to relocate its equipment at its own expense.

The document requires AT&T to indemnify the County from any claims as a result of the construction, reconstruction, operation or maintenance of AT&T's facilities located within the Utility Easement.

ISSUES:

At the June 6, 2014 meeting “The Board continued this item and asked staff to report back on deficiencies in AT&T services to the County or residents and identify areas of improvements which might be a subject to open a discussion with AT&T”.

The Information Technology Department (IT) provided a few issues of concern regarding AT&T’s service which we forwarded on for response. All the items have been addressed to IT’s satisfaction and moving forward, AT&T has dedicated a point of contact for service issues that cannot be resolved through normal channels.

The County has no outstanding issues with AT&T sales or services at this point.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board approve the Utility Easement to AT&T on County-owned property at the northeast corner of the intersection of Murphy Road and the C-23 Canal.

ALTERNATIVE RECOMMENDATIONS

Move that the Board deny the Utility Easement to AT&T and direct it to relocate its equipment into the adjacent right-of-way.

FISCAL IMPACT:

RECOMMENDATION

None.

ALTERNATIVE RECOMMENDATIONS

None.

DOCUMENT(S) REQUIRING ACTION:

<input type="checkbox"/> Budget Transfer / Amendment	<input type="checkbox"/> Chair Letter	<input type="checkbox"/> Contract / Agreement
<input type="checkbox"/> Grant / Application	<input type="checkbox"/> Notice	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Resolution		
<input checked="" type="checkbox"/> Other: Utility Easement		

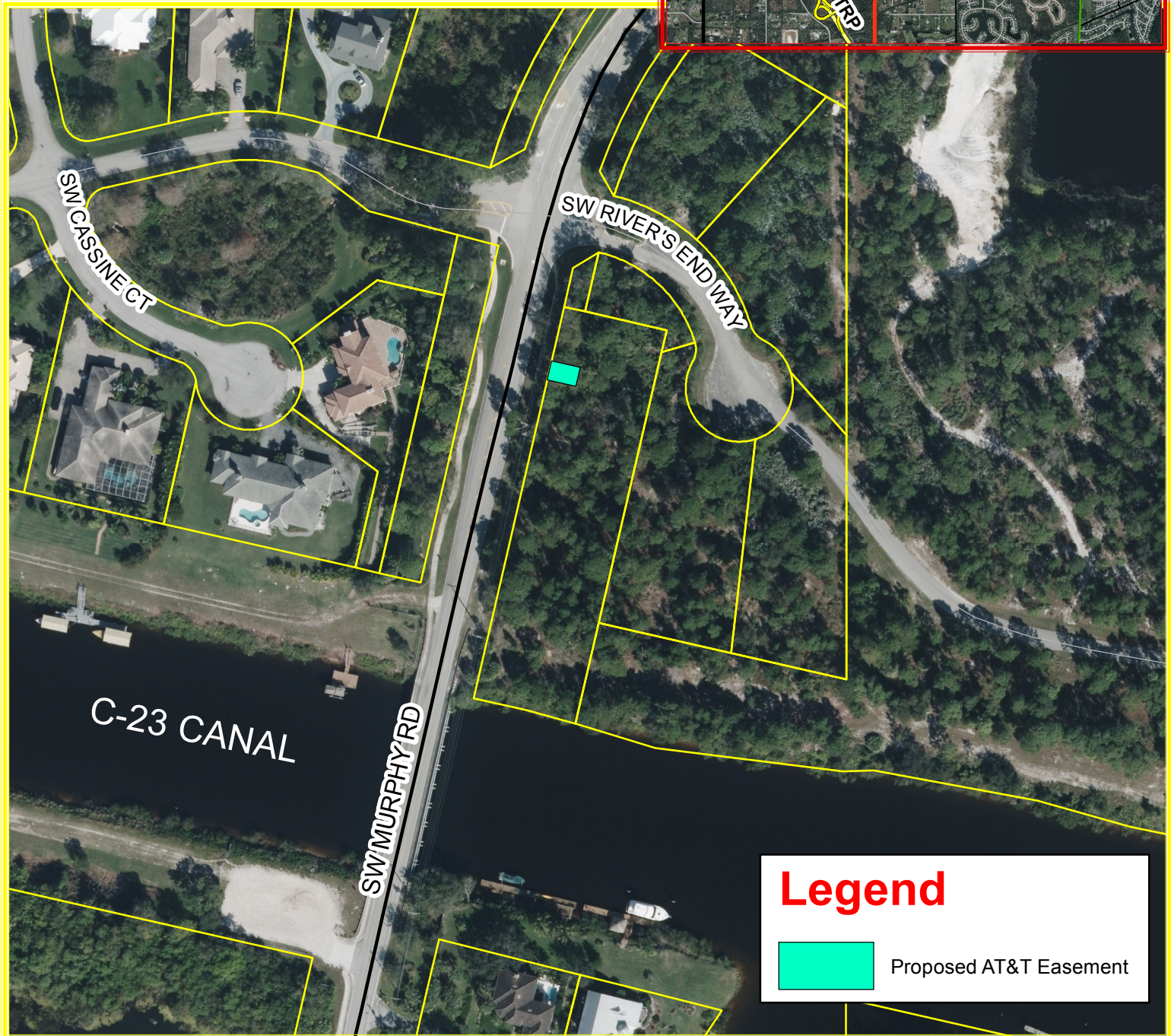
ROUTING:

<input type="checkbox"/> ADM	<input type="checkbox"/> BLD	<input type="checkbox"/> CDD	<input type="checkbox"/> COM	<input type="checkbox"/> ENG	<input type="checkbox"/> FRD	<input type="checkbox"/> GMD
<input type="checkbox"/> GSD	<input type="checkbox"/> ITS	<input type="checkbox"/> LIB	<input type="checkbox"/> MCA	<input type="checkbox"/> MPO	<input type="checkbox"/> PRD	<input type="checkbox"/> USD
<input checked="" type="checkbox"/> CA	<input checked="" type="checkbox"/> ACA	<input checked="" type="checkbox"/> LEG				




**MARTIN COUNTY
ENGINEERING DEPARTMENT
SURVEY DIVISION
REAL PROPERTY #1941**

**SW MURPHY ROAD
AT&T EASEMENT**



Legend

 Proposed AT&T Easement



NOT TO SCALE
2013 AERIAL

EXHIBIT ONLY

Preparer's name and address;
Return to:

Jeffrey Dougherty
Engineering Department
Real Property Manager
2401 SE Monterey Road
Stuart, FL 34996

Grantee's Address:

BellSouth Telecommunications, Inc. d/b/a AT&T Florida
3300 Okeechobee Road, Room 237
Ft. Pierce, FL 34947

EASEMENT

For and in consideration of One dollar (\$ \$1.00) and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the undersigned owner(s) of the premises described below, (hereinafter referred to as "Grantor"), does hereby grant to **BellSouth Telecommunications, LLC, a Georgia Limited Liability Company, d/b/a AT&T Florida**, and its successors and assigns (hereinafter referred to as "Grantee"), an easement to construct, operate, maintain, add, and/or remove such systems of communications, or related items as the Grantee may from time to time deem necessary in the conduct of its business on and under a portion of the lands described in **OR Book 1525, Page 1156, Martin County, Florida Records**, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said property. Said easement is more particularly described as follows:

See **Exhibit "A"** attached hereto and made a part hereof

The following rights are also granted: the right to allow the Grantee's contractors to lay cable or conduit or other appurtenances on and under said easement for communications, ingress to and egress from said easement at all times; the right, but not the obligation, to clear the easement and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the easement which might interfere with or fall upon the lines or systems of communication; the right to relocate said facilities, systems of communications on said lands to conform to any future highway relocation, widening, or improvements.

To have and to hold the above granted easement unto BellSouth Telecommunications, LLC, d/b/a AT&T Florida and its parent direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns forever and in perpetuity.

Grantor warrants that Grantor is the true owner of record of the above described land on which the aforesaid easement is granted.

SPECIAL STIPULATIONS OR COMMENTS:

The following special stipulations shall control in the event of conflict with any of the foregoing easement:

This easement shall terminate upon designation of the Exhibit "A" property as public right-of-way. However, AT&T Florida may retain its then existing above and below ground facilities in place in the county right-of-way in accordance with Florida Statutes §337.401.

Grantee agrees to indemnify and hold Grantor harmless from and against any and all losses, claims or damages incurred by Grantor arising from the Grantee's actions or failure to exercise care in the construction, reconstruction, operation or maintenance of Grantee's facilities located on the above documented Easement.

In witness whereof, the undersigned has/have caused this Easement to be executed on the _____ day of _____, _____.

Signed, sealed and delivered in the presence of:

GRANTOR

ATTEST:

MARTIN COUNTY BOARD OF COUNTY
 COMMISSIONERS

 CAROLYN TIMMANN
 CLERK OF THE CIRCUIT COURT AND COMPTROLLER

 SARAH HEARD, CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

Grantor's Address:

2401 SE Monterey Road
 Stuart, Florida 34996

 MICHAEL D. DURHAM, COUNTY ATTORNEY

TO BE COMPLETED BY GRANTEE

District Florida	FRC	Wire Center/NXX Stuart	Authority
Drawing	Area Number	Plat Number	RWID
Parcel ID 01-38-40-014-000-01100-5	Approval Charles Adams		Title Manager , OSP PLNG & ENG

EWA-4705

Exhibit A

THIS IS NOT A SURVEY

DESCRIPTION

A PARCEL OF LAND LYING OVER AND ACROSS A PORTION OF LOT 110 AND THE COMMON AREA, RIVERS END, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 13, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA. BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1525, PAGE 1156, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

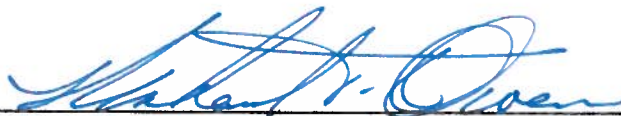
COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL C-23 AND THE EASTERLY RIGHT OF WAY LINE OF S.W. MURPHY ROAD, AN 80.00 FOOT RIGHT OF WAY; THENCE NORTH 13°05'32" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF S.W. MURPHY ROAD, A DISTANCE OF 231.71 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUE NORTH 13°05'32" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE SOUTH 76°54'28" EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 13°05'32" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 76°54'28" WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 500 SQUARE FEET, MORE OR LESS.


GENERAL NOTES

- 1) REPRODUCTIONS OF THIS MAP ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 2) THE EASTERLY RIGHT OF WAY LINE OF S.W. MURPHY ROAD IS ASSUMED TO BEAR NORTH 13°05'32" EAST AND ALL OTHER BEARINGS SHOWN HEREON ARE RELATIVE THERETO.



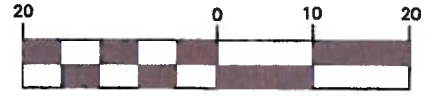
MICHAEL T. OWEN, PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION No. 5556

DATE: 2-25-24

SKETCH & DESCRIPTION			GEOMATICS SERVICES Inc. PROFESSIONAL SURVEYORS & MAPPERS 1934 TUCKER COURT, FORT PIERCE, FLORIDA (772) 419-8383 FAX (772) 408-4208 CERTIFICATE OF AUTHORIZATION LB# 7673
PREPARED FOR: AT&T - S.W. MURPHY ROAD			
REVISIONS	02/25/14--MTO-- REVISE DEPTH OF PARCEL		
JOB No. : 13-188 SCALE : NA	DATE: 06/07/13 DRAWN BY: BK	FIELD BOOK: PAGE:	CHECKED BY: MTO EFB FILE: CADD FILE : 13-188SL.dwg
SHEET			1 OF 2 ⁰¹

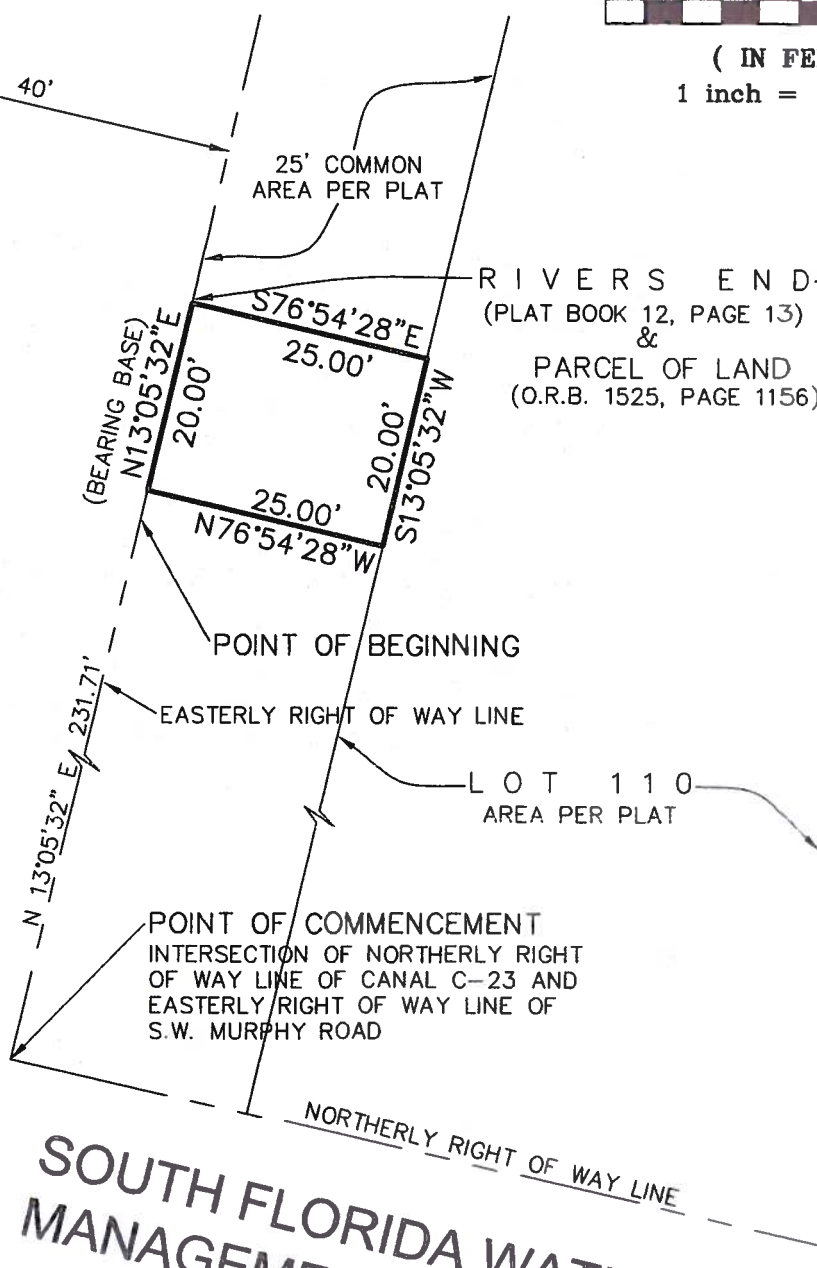
THIS IS NOT A SURVEY

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

S.W. MURPHY ROAD
(80' RIGHT OF WAY)



RIVERS END
(PLAT BOOK 12, PAGE 13)
&
PARCEL OF LAND
(O.R.B. 1525, PAGE 1156)

LOT 110
AREA PER PLAT

**SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
CANAL C-23**

LEGEND

R/W DENOTES RIGHT OF WAY
⊕ DENOTES CENTER LINE
O.R.B. OFFICIAL RECORDS BOOK

SKETCH & DESCRIPTION

PREPARED FOR:
AT&T - S.W. MURPHY ROAD



GEOMATICS SERVICES Inc.

PROFESSIONAL SURVEYORS & MAPPERS
1934 TUCKER COURT, FORT PIERCE, FLORIDA
(772) 419-8383 FAX (772) 408-4208
CERTIFICATE OF AUTHORIZATION LB# 7673

REVISIONS	02/25/14--MTO-- REVISE DEPTH OF PARCEL	8 of 11
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Jeffrey Dougherty

Subject: FW: AT&T Services at County Locations

Importance: High

From: Robert Burden

Sent: Friday, August 15, 2014 1:26 PM

To: Jeffrey Dougherty

Cc: VINEZ, NANCY M; 'VIRGA, JAMES P'; PAUL GROSSO - AT&T (pg5365@att.com); Kevin Kryzda; Russell Norvell; Andrew Lewis

Subject: RE: AT&T Services at County Locations

Importance: High

Hi Jeff:

Per the summary below. I concur with Mr. Virga that we have finally resolved the open ATT Service issues we've experienced recently at Martin County locations. As Mr Virga states, we've had a good working relationship with ATT for many years and it's in everyone's best interest to continue that relationship. Despite then number and complexity of the ATT service issues we've encountered this year, which seems out of the norm, we both recommitted to resolving them together, and through much effort from both organizations we have finally done so.

In addition to the problems mentioned below, we very recently had an issue with ATT services supporting the Supervisor of Elections upcoming primary election. ATT sales and service teams stepped up and not only resolved the existing issue, but worked with us to implement an alternative service that is now in place as a contingency.

At this point, we have no outstanding issues with ATT sales or services.

Bob Burden

Martin County IT Department

2401 SE Monterey Road

Stuart, FL 34996

772-223-4836(o) 772-215-9311(m)

rburden@martin.fl.us

Jeffrey Dougherty

From: VIRGA, JAMES P <jv3965@att.com>
Sent: Wednesday, August 13, 2014 9:24 AM
To: Jeffrey Dougherty
Subject: RE: County Issues with A T & T

Mr. Dougherty,

Jeff,

The service issues referred to your email below, have been resolved I understand to the County's satisfaction. Both of the issues mentioned provided unusual challenges. The Marine Safety location was especially difficult since AT&T splices were under the roadway and a route into the facility was not immediately available. It took AT&T and the County to meet on site to develop a resolution which included an FDOT permit and the County providing access to a 2" conduit housing the County Fiber facilities. After all that coordination, it was determined that the AT&T cable was damaged in 2011 by the placement of the county fiber which complicated the repair effort and required many additional AT&T network technicians and construction hours to repair.

The second service issue was at Captain Sewell's house where AT&T again, spent many hours and assembled a team to be responsive to the County regarding the alarm condition. AT&T changed facilities several times, changed out network equipment and could not resolve the issue. We assembled a team of 6 AT&T managers and technicians to meet on site and troubleshoot the problem and AT&T kept indicating the problem was in the alarm panel itself. I have not been told officially but I have heard that indeed the crux of the problem was the alarm panel itself at Captain Sewell's house.

I believe, AT&T has proven our commitment to providing excellent service to Martin County in both of these situations. AT&T's commitment to Martin County also means that we work closely with the Martin County Engineering department and the IT department on all AT&T related issues including road moves, CRA activity, new service installations and general day to day business.

AT&T is one of many telecommunications alternatives available to you and the citizens of Martin County, I hope you will see that AT&T puts a lot of effort to ensure that our customers have a positive experience with our products and services. I trust that you see that we are committed to working with the County and understand that while we strive to satisfy all of the County's needs expeditiously, some issues like those identified below in your email require special attention. We believe that our efforts to resolve these issues represented our strong commitment to work together.

Working with Bob Burden, we also agreed, going forward, the County will have a dedicated point of contact for service issues that cannot be resolved through normal channels.

Regarding your request to provide specific customer satisfaction ratings, AT&T does not share that information.

Thank you again for all of your efforts regarding our easement request for Mapp Road and hope we can move forward with that request as soon as possible.

JAMES P. VIRGA
AT&T Southeast
Manager – OSP Planning and Engineering Design
Office: 772-460-4452
Cell: 772-971-8267



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From: Jeffrey Dougherty [mailto:jdougher@martin.fl.us]
Sent: Thursday, July 03, 2014 11:47 AM
To: VIRGA, JAMES P
Subject: County Issues with A T & T

Jamie,

Below are the issues that Martin County is/has experienced with AT&T. Please advise at to status.

Additionally, please provide any customer service polling or satisfaction ratings the AT&T would share in regards to its customers in Martin County.

Thank you

Update from Bob:

For ATT we now have issues at Marine Safety at Jensen Beach to add to the list of other sites that have driven us crazy. And we've had so many changes in ATT Service Manager that Nancy Vinez, in Sales is now who we call....we don't even bother with the service manager(s)....

From ITS re: ATT services to the county:

We spend around \$24,000/month (\$288,000/year) on ATT circuits. And with ATT, our issues have all be service issues for ATT-provided phone lines to external offices, including: Parks Operations, Utilities North Plant, Utilities Landfill, House of Refuge, Parks Jensen Beach (new) Café, and more recently Captain Sewall's House @ IRSP. Nearly all of these involved fire/security panel analog lines and took multiple calls, visits and weeks by ATT Service and County staff to resolve.

Parks Operations and Utilities North Plant involved significant repairs and again ATT Service dragged their feet, said the problem was resolved when it wasn't, closed their tickets without notifying us, and only reluctantly, with our oversight completed the actual permanent repairs that were needed. Two sites (Jensen Beach Café and Captain Sewall's House) are still unresolved, although ATT Service "seems to be" working on the Café.

Note that a related issue was we were assigned at least four different ATT Service Managers during the past year, some of which were "interim"; it was so bad that even Nancy Vinez-ATT Sales didn't know who the current manager was during one period.

The net: It would be helpful to have ATT Service provide a commitment to resolve analog circuit outages in a reasonable time (SLA), better communicate with us to ensure we're aware of the status, and assign a permanent ATT Service Manager as a contact to help resolve issues when we need to escalate.