

Item # 47

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: FLORIDA POWER & LIGHT COMPANY --- PERMIT REQUEST
EAST LAKE MARY BOULEVARD

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

AUTHORIZED BY: *W. Gary Johnson* **CONTACT:** Jerry McCollum, P.E. **EXT.** 5651
W. Gary Johnson, P.E., Director County Engineer

Agenda Date 12-10-02 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

Authorize relocation of existing overhead utilities to remain in an overhead configuration on East Lake Mary Boulevard between Ohio Avenue and the existing entrance to the Orlando Sanford International Airport. Deny installation of any overhead utilities on the newly constructed portion of East Lake Mary Boulevard between the entrance to the Orlando Sanford International Airport and State Road 46.

BACKGROUND:

Florida Power & Light Company has submitted two Right-of-Way Utilization Permit requests. The first request deals with relocating existing overhead lines to accommodate the construction of East Lake Mary Boulevard from Ohio Avenue to the existing entrance to the Orlando Sanford International Airport. The permit requests relocation of the existing lines in an overhead configuration. Section 30.1069 of the Seminole County Land Development Code requires that this request be denied unless the Board of County Commissioners chooses to allow overhead installation. The County Engineer denied this permit based on the requirements of the Land Development Code. However, based upon the 1991 court decision involving the Lake Mary Boulevard overlay district, relocations of the existing lines cannot be required to be placed underground as the Public Service Commission has pre-empted the County's ability to mandate undergrounding at the utility's expense. Accordingly, it is recommended that the Board approve the permit application for the relocation of the existing lines on that portion of the road lying west of the existing entrance to the Orlando Sanford International Airport.

Reviewed by: _____
Co Atty: *SC*
DFS: _____
Other: _____
DCM: *MM*
CM: *JS*
File No. RPWE01

The second permit requested by Florida Power & Light Company is for the installation of new overhead lines on the extension of East Lake Mary Boulevard which has not been constructed. Specifically, Florida Power & Light Company is requesting to place overhead utilities on the recently purchased section of East Lake Mary Boulevard right-of-way that begins west of the existing entrance to the Orlando Sanford International Airport and continues eastward for approximately 3,000 feet. The County Engineer also denied this permit based on broad discretionary authority that deals with the public's safety, health and welfare. However, Section 75.11 of the Land Development Code specifically requires that the Board of County Commissioners require the undergrounding of any transmission or primary distribution feeder lines. Therefore, it is recommended that the Board uphold the County Engineer's position (denial of permit) and require all utilities to be placed underground on all new construction of East Lake Mary Boulevard between west of the new entrance to the Orlando Sanford International Airport and State Road 46.

District 5 – Commissioner McLain