



Broward County

Legislation Details (With Text)

File #:	20-806	Version:	1	Status:	Agenda Ready
				In control:	PORT EVERGLADES DEPARTMENT
On agenda:	10/6/2020	Final action:	10/6/2020		
Title:	MOTION TO APPROVE ten-year License Agreement between Broward County and Motiva Enterprises LLC for Bulk Petroleum Product Pipelines at Port Everglades, with a term beginning retroactively on May 4, 2020, and ending at 11:59 pm on May 3, 2030; and authorize the Mayor and Clerk to execute same.				
Sponsors:					
Indexes:	Established Commission Goals				
Code sections:					
Attachments:	1. Exhibit 1 - Agreement Summary, 2. Exhibit 2 - Motiva Pipeline License Agreement				
Date	Ver.	Action By	Action	Result	

Broward County Commission Regular Meeting

Director's Name: Jonathan Daniels

Department: Port Everglades

Division: Director's Office

Information

Requested Action

MOTION TO APPROVE ten-year License Agreement between Broward County and Motiva Enterprises LLC for Bulk Petroleum Product Pipelines at Port Everglades, with a term beginning retroactively on May 4, 2020, and ending at 11:59 pm on May 3, 2030; and authorize the Mayor and Clerk to execute same.

Why Action is Necessary

License Agreements with a term that exceeds one year require approval by the Broward County Board of County Commissioners.

What Action Accomplishes

Approves a new License Agreement that replaces the existing ten-year license agreement between Motiva Enterprises LLC and Broward County that expired on May 3, 2020.

Is this Action Goal Related

Yes

Previous Action Taken

None.

Summary Explanation/Background

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and businesses" and the Goal to "Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs."

Motiva Enterprises LLC ("MOTIVA") owns and operates three petroleum storage and distribution terminals within the Port Everglades Jurisdictional Area. This License Agreement pertains to the underground pipelines from the MOTIVA terminals located on private property within the controlled access area of Port Everglades on S.E. 26th Street and S.E. 28th Street, commonly referred to as Motiva East and Motiva South. MOTIVA's other terminal, located in Port Everglades on Spangler Blvd. and commonly referred to as Motiva West, is the subject of a separate license agreement that expires in 2029. The Motiva terminals have operated at Port Everglades since the 1940s subject to a series of agreements that provide a licensed area for the installation, maintenance, and operation of bulk petroleum pipelines. The Port generates revenues from dockage and other fees applicable to tank ships and oceangoing barges using Port berths, as well as from wharfage fees paid by MOTIVA on all petroleum products moving through the pipelines as outlined in the Port Everglades Tariff. Similar arrangements are in place with the other petroleum terminal operators located within the Port.

On May 4, 2010 (Item No. 6), the Board approved a ten-year license agreement between Broward County and MOTIVA providing a licensed area for the operation and maintenance of the MOTIVA-owned petroleum pipelines extending from their two terminals across County-owned property to the petroleum berths at Port Everglades. Approval of the new, non-exclusive License Agreement would replace the license agreement that expired on May 3, 2020, and would extend the relationship for another ten years, consistent with license agreements with other petroleum terminal operators to provide rights-of-way for pipelines between the berths and the petroleum distribution terminals.

Retroactive approval is required since, although County staff began working on the new License Agreement in March 2020, completion was delayed due to changes in MOTIVA staff and long turnaround times to obtain comments on the revised survey and sketch of the licensed area required for the preparation of Exhibit A to the License Agreement.

The License Agreement has been reviewed by the Port Everglades Risk Manager and approved as to form by the Office of the County Attorney.

Source of Additional Information

Neil J. Kutchera, Assistant Port Director, Energy, Port Everglades Department, (954) 468-3520

Fiscal Impact

Fiscal Impact/Cost Summary

Petroleum movements to the two MOTIVA terminals are anticipated to generate approximately \$60.9 million in revenue over the ten-year term of the License Agreement.