

COUNCIL ITEM *8E*  
DATE *8/22/11*

~~COUNCIL ITEM 10E~~  
~~DATE 8/8/11~~

ORDINANCE 11 - 59

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN EASEMENT FROM THE CITY OF PORT ST. LUCIE TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR THE PRINEVILLE WATER TREATMENT FACILITY; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That there is hereby authorized the conveyance an easement from the City of Port St. Lucie to Florida Power & Light Company, a Florida corporation ("FPL"), which is necessary for the installation, operation, and maintenance of FPL'S electrical facilities that provide electrical service to the Prineville Water Treatment Facility. The easement to be conveyed to FPL is more particularly described in the proposed Easement, attached hereto as Exhibit "A," and said Easement is authorized and approved in substantially the same form attached hereto. The Mayor and City officials are hereby authorized to execute any and all documents necessary to complete the conveyance.

Section 2. That this ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

CITY COUNCIL  
CITY OF PORT ST. LUCIE

\_\_\_\_\_  
Karen A. Phillips, City Clerk

BY: \_\_\_\_\_  
JoAnn M, Faiella, Mayor

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Roger G. Orr, City Attorney

**EXHIBIT**  
"A"  
to Ord. 11-59  
tabbies

Work Request No.

**EASEMENT**

This Instrument Prepared By

Sec. 2, Twp 36 S, Rge 40 E

Parcel I.D. 3428-700-0001-000/9  
(Maintained by County Appraiser)

Name:  
Co. Name:  
Address:  
pg 1 of 3.

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

Reserved for Clerk of the Circuit Court Official Records/Recording Department

**See the attached Exhibit "A" for the Easement identified as Prineville Plat Easement #4**

Together with the right, upon permission of the City of Port St. Lucie, to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 2007.

Signed, sealed and delivered in the presence of:

City of Port St. Lucie

\_\_\_\_\_  
(Witness' Signature)

By: \_\_\_\_\_

Print Name: \_\_\_\_\_  
(Witness)

Print Name: JoAnn M. Faiella, Mayor

\_\_\_\_\_  
(Witness' Signature)

Print Address: 121 SW Port St. Lucie Boulevard  
Port St. Lucie, FL 34984

Print Name: \_\_\_\_\_  
(Witness)

**This Easement to FPL has been duly authorized and approved by the City Council of the City of Port St. Lucie by Ordinance 11-59.**

STATE OF FLORIDA )  
                                  ) ss  
COUNTY OF ST. LUCIE )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, Mayor of the City of Port St. Lucie, a Florida municipal corporation, who is personally known to me or has produced \_\_\_\_\_ as identification.

NOTARY SEAL/STAMP

\_\_\_\_\_  
Notary Public, Signature  
Print Name \_\_\_\_\_

**EXHIBIT**  
"A"  
*Prineville Plat*  
Easement #4

**DESCRIPTION TO ACCOMPANY SKETCH  
PRINEVILLE – OGDEN PLAT  
ST. LUCIE COUNTY, FLORIDA**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 36 SOUTH, RANGE 40 EAST, BEING A PORTION OF "PRINEVILLE – OGDEN PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 63, PAGE 14, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID "PRINEVILLE – OGDEN PLAT", THENCE NORTH 00°01'51" WEST, ALONG THE WEST LINE OF SAID "PRINEVILLE – OGDEN PLAT", ALSO BEING THE EAST RIGHT-OF-WAY LINE OF PRINEVILLE STREET, A DISTANCE OF 654.80 FEET; THENCE NORTH 00°18'30" WEST CONTINUING ALONG SAID WEST LINE AND EAST RIGHT-OF-WAY LINE, A DISTANCE OF 3.69 FEET; THENCE DEPARTING SAID WEST LINE AND EAST RIGHT-OF-WAY LINE, SOUTH 89°56'47" EAST, A DISTANCE OF 39.82 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65°35'51" EAST, A DISTANCE OF 55.33 FEET; THENCE SOUTH 81°01'40" EAST, A DISTANCE OF 147.76 FEET; THENCE NORTH 89°56'47" WEST, A DISTANCE OF 64.50 FEET; THENCE NORTH 81°01'40" WEST, A DISTANCE OF 81.04 FEET; THENCE SOUTH 65°35'51" WEST, A DISTANCE OF 30.35 FEET; THENCE NORTH 89°56'47" WEST, A DISTANCE OF 24.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 1572 SQUARE FEET OR 0.036 ACRES, MORE OR LESS.

**LEGEND**

- FPL FLORIDA POWER & LIGHT
- LB LICENSED BUSINESS
- N/A NOT APPLICABLE
- NO. NUMBER
- P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
-  FPL EASEMENT

**SURVEYOR'S NOTES**

1. THE BEARINGS SHOWN HEREON ARE BASED UPON PRINEVILLE – OGDEN PLAT, AS RECORDED IN PLAT BOOK 63, PAGE 15, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA. THE EAST LINE OF SAID PLAT BEARING SOUTH 12°58'24" EAST.
2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR EXCEPT AS SHOWN HEREON. NO OPINION OF TITLE IS EXPRESSED OR IMPLIED.

NOTE: SEE SHEETS 2 AND 3 OF 3, FOR SKETCH OF DESCRIPTION. DESCRIPTION NOT VALID UNLESS ACCOMPANIED WITH SKETCH OF DESCRIPTION AS SHOWN ON SHEETS 2 AND 3 OF 3, OF THIS DOCUMENT.

**THIS IS NOT A SURVEY**

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SKETCH AND DESCRIPTION SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "MINIMUM TECHNICAL STANDARDS" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

PATRICK B. MEEDS, P.S.M.  
FLORIDA LICENSE No. LS - 4728  
CORPORATION CERTIFICATE OF AUTHORIZATION No. LB 6705

*Patrick B. Meeds*  
PATRICK B. MEEDS, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER

JUN 07 2011  
DATE OF SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**CREECH**  
**ENGINEERS, INC.**

CIVILIZATION ENGINEERED  
7881 S.W. ELLIPSE WAY, STUART, FLORIDA 34997 (561) 745-4495  
OFFICES ALSO IN MELBOURNE, PORT ST. LUCIE AND TALLAHASSEE FL.

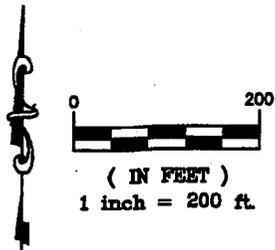
BOARD OF PROFESSIONAL ENGINEERS, CERTIFICATE OF AUTHORIZATION NUMBER 5139  
PROFESSIONAL SURVEYORS AND MAPPERS, AMENDED CERTIFICATE NO. LB-0006705

**"FLORIDA POWER & LIGHT EASEMENT"  
A PORTION OF  
PRINEVILLE – OGDEN PLAT**

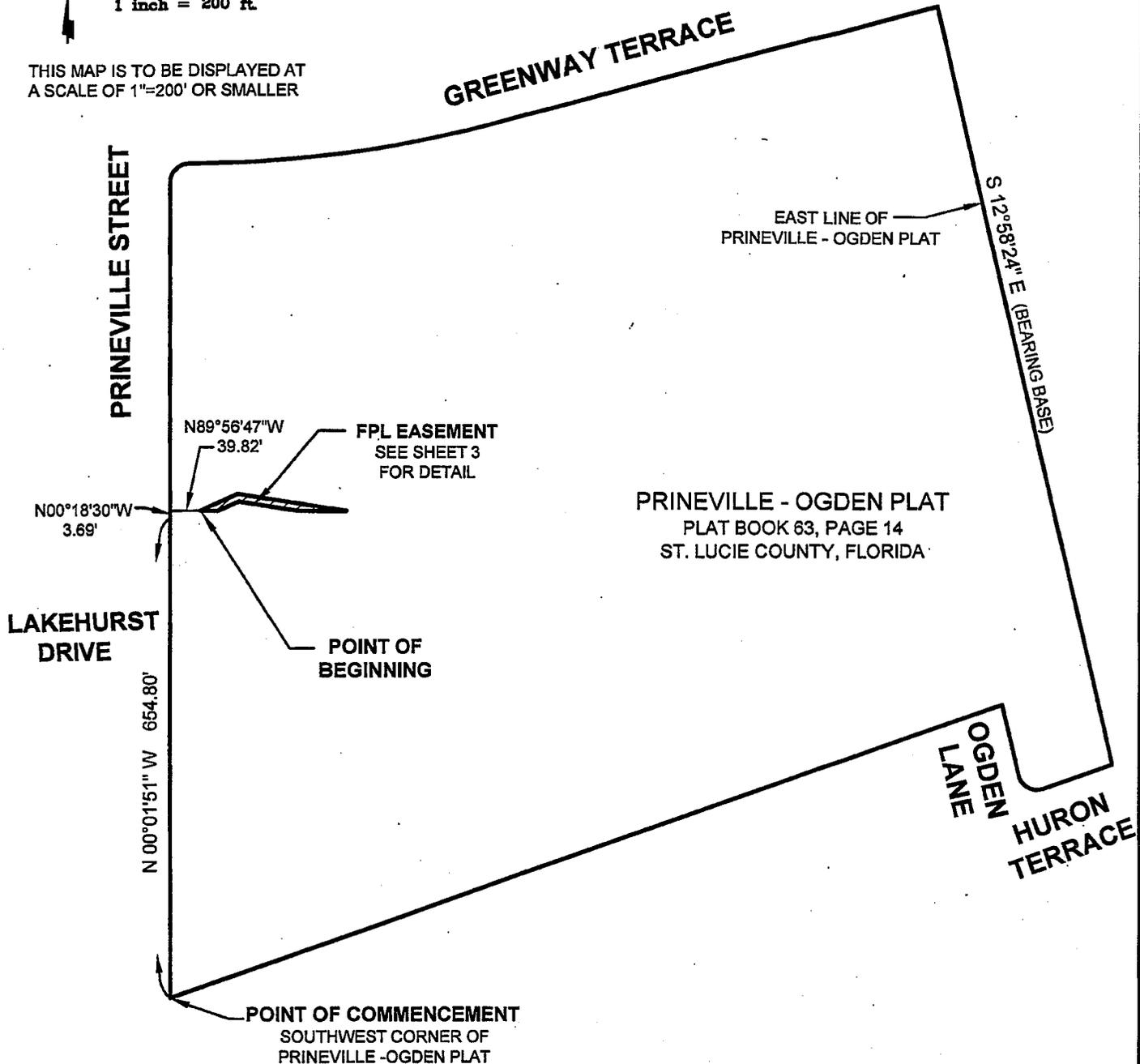
**ST. LUCIE COUNTY** **FLORIDA**

PROJECT NO. 25031.21 (ESMT 5)	DATE: JUNE 2, 2011
CADD FILE: 2503121_PB63-15 PRINEVILLE	SCALE: N/A
SHEET 1 OF 3	

SKETCH TO ACCOMPANY DESCRIPTION  
 PRINEVILLE - OGDEN PLAT  
 ST. LUCIE COUNTY, FLORIDA



THIS MAP IS TO BE DISPLAYED AT  
 A SCALE OF 1"=200' OR SMALLER



NOTE: SEE SHEET 1 OF 3, FOR DESCRIPTION OF SKETCH. SEE SHEET 3 OF 3, FOR DETAILED SKETCH. SKETCH NOT VALID UNLESS ACCOMPANIED WITH DESCRIPTION AS SHOWN ON SHEET 1 OF 3, AND DETAIL AS SHOWN ON SHEET 3 OF THIS DOCUMENT.

THIS IS NOT A SURVEY

**CREECH**  
**ENGINEERS, INC.**

**CIVILIZATION ENGINEERED**  
 7681 S.W. ELLIPSE WAY, STUART, FLORIDA 34997 (561) 745-4495  
 OFFICES ALSO IN MELBOURNE, PORT ST. LUCIE AND TALLAHASSEE FL.

BOARD OF PROFESSIONAL ENGINEERS, CERTIFICATE OF AUTHORIZATION NUMBER 5139  
 PROFESSIONAL SURVEYORS AND MAPPERS, AMENDED CERTIFICATE NO. LB-0006705

**"FLORIDA POWER & LIGHT EASEMENT"**  
**A PORTION OF**  
**PRINEVILLE - OGDEN PLAT**

**ST. LUCIE COUNTY**

**FLORIDA**

PROJECT NO. 25031.21 (ESMT 5)

DATE: JUNE 2, 2011

CADD FILE: 2503121\_PB63-15 PRINEVILLE SCALE: 1"=200'

SHEET 2 OF 3

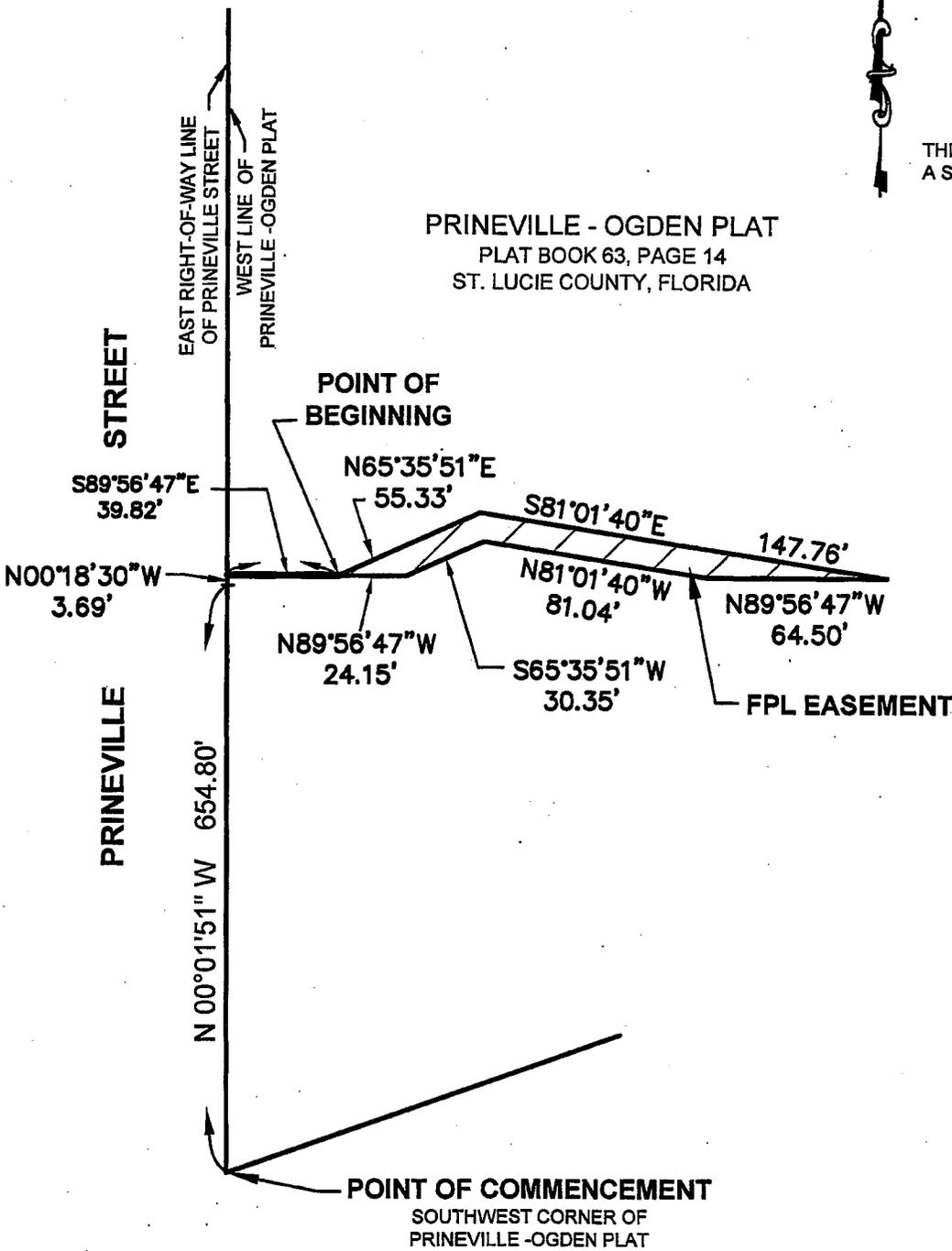
SKETCH TO ACCOMPANY DESCRIPTION  
 PRINEVILLE - OGDEN PLAT  
 ST. LUCIE COUNTY, FLORIDA



( IN FEET )  
 1 inch = 60 ft.

THIS MAP IS TO BE DISPLAYED AT  
 A SCALE OF 1"=60' OR SMALLER

PRINEVILLE - OGDEN PLAT  
 PLAT BOOK 63, PAGE 14  
 ST. LUCIE COUNTY, FLORIDA



THIS IS NOT A SURVEY

NOTE: SEE SHEET 1 OF 3, FOR DESCRIPTION OF SKETCH. SEE SHEET 2 OF 3, FOR OVERALL SKETCH OF DESCRIPTION. DETAILED SKETCH NOT VALID UNLESS ACCOMPANIED WITH DESCRIPTION AS SHOWN ON SHEET 1 OF 3, AND OVERALL SKETCH AS SHOWN ON SHEET 2 OF THIS DOCUMENT.

**CREECH**  
**ENGINEERS, INC.**  
 CIVILIZATION ENGINEERED  
 7881 S.W. ELLIPSE WAY, STUART, FLORIDA 34997 (561) 745-4495  
 OFFICES ALSO IN MELBOURNE, PORT ST. LUCIE AND TALLAHASSEE FL.  
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**"FLORIDA POWER & LIGHT EASEMENT"**  
**A PORTION OF**  
**PRINEVILLE - OGDEN PLAT**

**ST. LUCIE COUNTY** **FLORIDA**

PROJECT NO. 25031.21 (ESMT 5)	DATE: JUNE 2, 2011
CADD FILE: 2503121_PB63-15 PINEVILLE	SCALE: 1"=200' SHEET 3 OF 3

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## INTEROFFICE MEMORANDUM

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TO: Jerry A. Bentrutt, City Manager  
THRU: Jesus A. Merejo, Utility Systems Director *JAM*  
FROM: Donna M. Rhoden, Utility Safety & Public Affairs Mgr. *DR*  
SUBJECT: Granting Five Easements to FPL (Prineville Plat Site)  
DATE: August 1, 2011

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At the Utility's request, the primary overhead Florida Power & Light (FPL) feed serving the Prineville RO Water Treatment Plant has been relocated off Ogden Lane to enter from Greenway Terrace and it is now underground. An appropriate action would be for the City to grant FPL an easement corresponding to the new feed.

In 2010, in anticipation that the FPL feed was going to be relocated, and having learned that certain FPL facilities existed on the Prineville compound without benefit of recorded easements, FPL and the City entered into a 3-year License Agreement that allows FPL legal access to all of its facilities located within the boundaries of the Prineville Plat.

A condition of the License Agreement requires the City to grant specific easements to FPL for its on-site facilities prior to the agreement's 2013 expiration. No further FPL service relocations are anticipated so the Utility has had sketches and legal descriptions prepared for easements governing the five on-site FPL facility locations. Ordinances associated with the easement conveyances have also been drafted.

Assistant City Attorney, Azlina Goldstein Siegel, has reviewed and approved the attached ordinances (#11-56 through #11-60), easement forms, and legal descriptions as to form and sufficiency.

With this memo, it is recommended that the Council approve the conveyance of the subject easements and that it adopts the five associated ordinances. Your assistance is requested in having this matter scheduled to appear on the next available Council meeting agenda.

Should you have questions regarding this matter, or need additional information, please let me know.

/dr

Attachments: Location Map  
Ordinances 11-56 through 11-60  
Proposed FPL Easement Form and Exhibits (1-5)

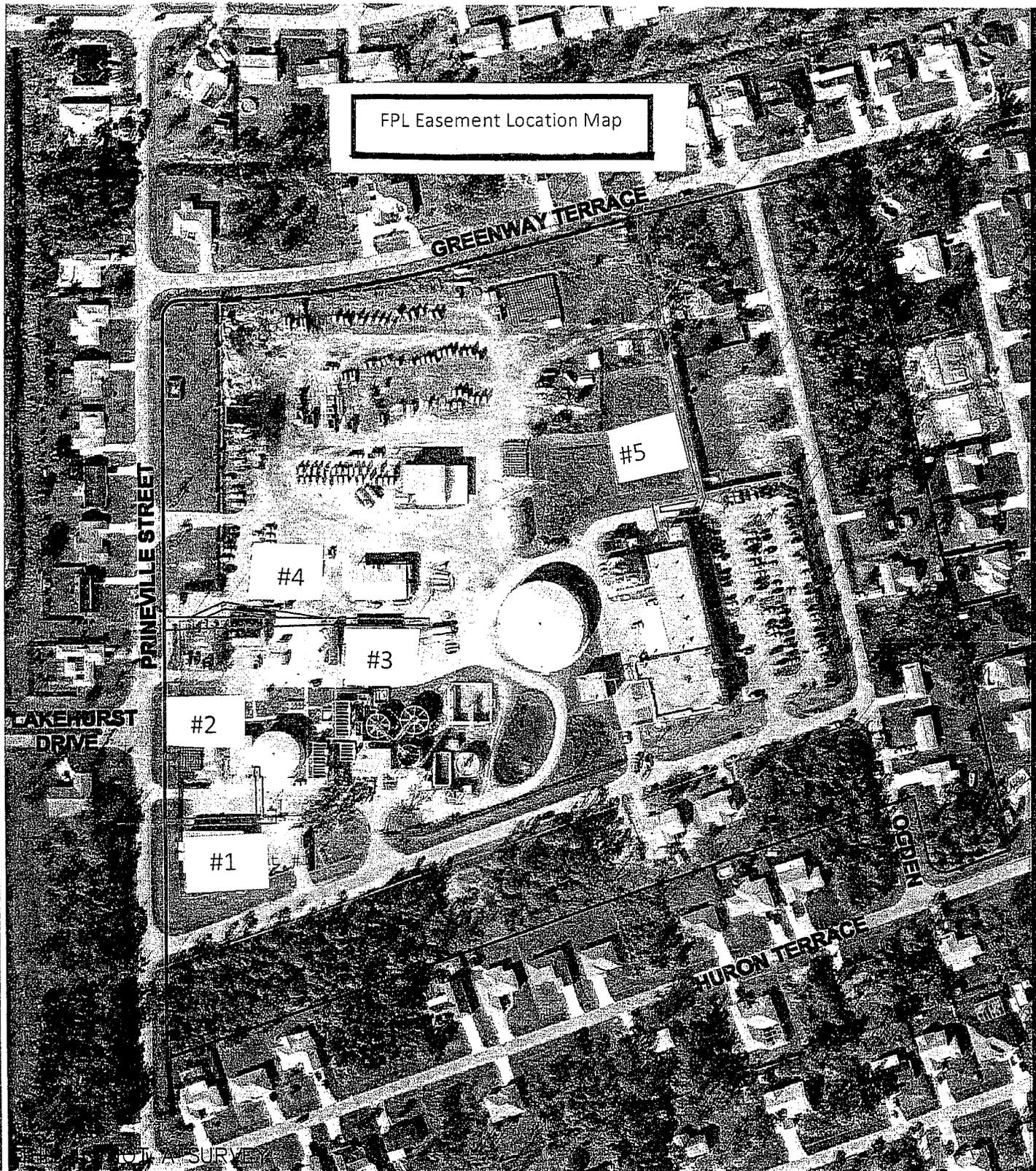
c: Azlina Goldstein Siegel, Asst. City Attorney  
Bradley E. Macek, Assistant Utility Systems Director  
Laney C. Southerly, P.E., Utility Engineering Manager  
Richard J. Schoenborn, P.E., Project Engineer

**RECEIVED**

AUG 03 2011

City Managers Office

FPL Easement Location Map



# CREECH

## ENGINEERS, INC.

CIVILIZATION ENGINEERS  
 7881 S.W. ELLIPSE WAY, STUART, FLORIDA 34997 (561) 745-4495  
 OFFICES ALSO IN MELBOURNE, PORT ST. LUCIE AND TALLAHASSEE FL.  
 BOARD OF PROFESSIONAL ENGINEERS, CERTIFICATE OF AUTHORIZATION NUMBER 8139  
 PROFESSIONAL SURVEYORS AND MAPPERS, AMENDED CERTIFICATE NO. LP-0006708

### EXHIBIT

## FLORIDA POWER & LIGHT EASEMENTS

### A PORTION OF

## PRINEVILLE - OGDEN PLAT

ST. LUCIE COUNTY

FLORIDA

PROJECT NO. 25031.21

DATE: JUNE 2, 2011

CADD FILE: 2503121\_PB63-15 PRINEVILLE | SCALE: 1"=200'

SHEET 1 OF 1