COUNCIL ITEM 10C
DATE 9-10-12

COUNCIL ITEM ~~10C~~
DATE ~~8/27/12~~

ORDINANCE 12-52

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A 5 FOOT WIDE UTILITY EASEMENT BEING A PORTION OF TRACT "C", PORT ST. LUCIE SECTION FORTY FOUR A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE 23, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, PARCEL 3420-720-0004-000-8 LYING IN SECTION 18, TOWNSHIP 36 SOUTH, RANGE 40 EAST, LYING 2.50' LEFT AND RIGHT OF A CENTERLINE, FROM THE CITY OF PORT ST. LUCIE TO FLORIDA POWER & LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That there is hereby authorized the conveyance of a 5 foot wide utility easement being a portion of Tract "C", Port St. Lucie, Section Forty Four, a subdivision according to the Plat thereof recorded in Plat Book 16, Page 23, Public Records of St. Lucie County, Florida, Parcel 3420-720-0004-000-8, of Section 18, Township 36 South, Range 40 East, Port St. Lucie, St. Lucie County, said grant of easement being more particularly described in Exhibit "A", from the City of Port St. Lucie to Florida Power & Light Company, and the Mayor and City officials are hereby authorized to execute any and all documents necessary to complete the conveyance.

Section 2. 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 _____, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

By:_____
JoAnn M. Faiella, Mayor

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:_____
Roger G. Orr, City Attorney

H:\denise\ordinances\ordinances - 2012\Torino Cell Tower FPL easement.doc

Work Request No. 4621302

Sec. 18, Twp. 36 S, Rge 40 E

Parcel I.D. 3420-720-0004-000-8
(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 6/11

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Josh Keith
Co. Name: Florida Power & Light Company
Address: 1050 SE Brandon Circle
Port Saint Lucie, FL 34952

Reserved for Circuit Court

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 ("FPL"), a non-exclusive 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 described as follows:

See Exhibit "A" ("Easement Area")

Together with the right to permit FPL to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for FPL's communications purposes; the right of ingress and egress to the Easement Area 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 Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed and delivered in the presence of:

_____
(Witness' Signature)

Print Name: _____
(Witness)

_____
(Witness' Signature)

Print Name: _____
(Witness)

Port St Lucie City of

By: _____

Print Name: _____

Print Address: _____

_____

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, the _____ of _____ a _____, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

_____
Notary Public, Signature

Print Name _____

EXHIBIT "A"
tabbies

FPL.
POWERING TODAY. EMPOWERING TOMORROW.®

Exhibit A

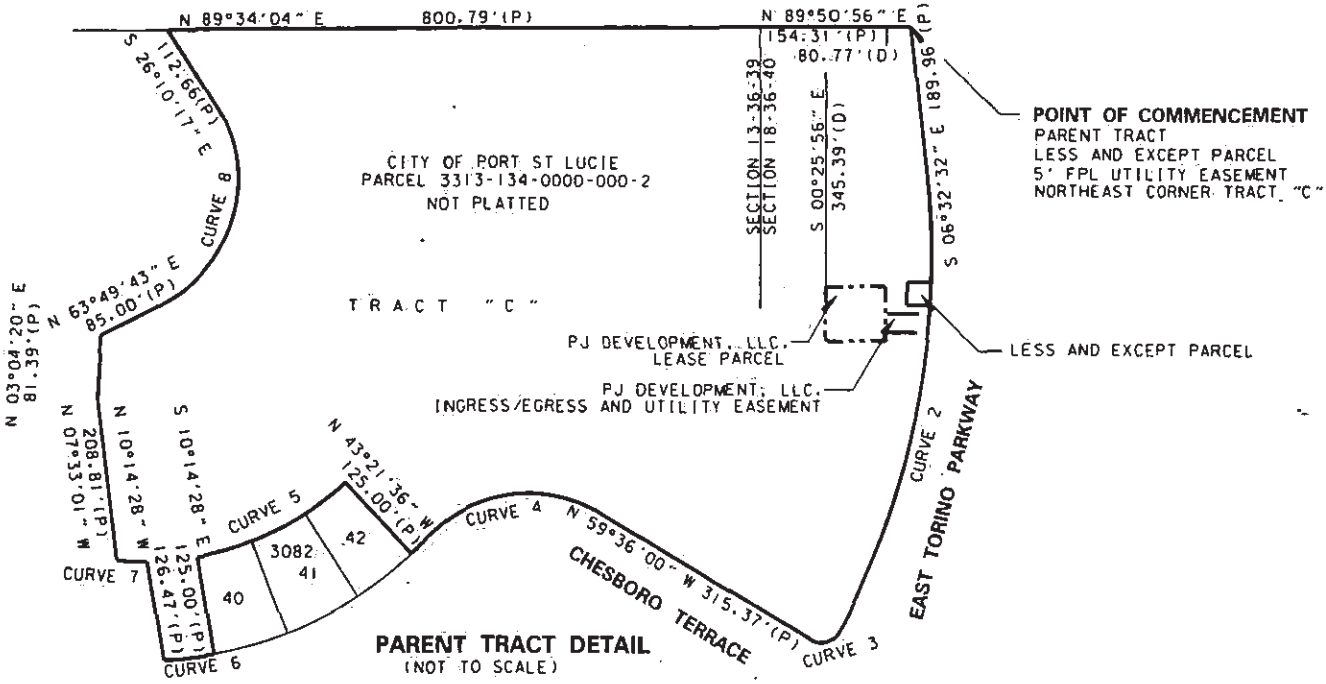
PAGE 2

Section 18 **Township** 36 **S, Range** 40 **E**

St Lucie **County, Florida Scale:** NTS

FPL Work Request # 4621302

Reserved for Circuit Court



PARENT TRACT DETAIL
(NOT TO SCALE)

LEGAL DESCRIPTION
(AS PREPARED BY SURVEYOR)

5' FPL UTILITY EASEMENT

A 5' UTILITY EASEMENT BEING PORTION OF TRACT "C", PORT ST. LUCIE SECTION FORTY FOUR, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE 23, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING IN SECTION 18, TOWNSHIP 36 SOUTH, RANGE 40 EAST, LYING 2.50' LEFT AND RIGHT OF A CENTERLINE, SAID CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT "C"; THENCE SOUTH 89°50'56" WEST, ALONG THE NORTH LINE OF SAID TRACT "C", A DISTANCE OF 80.77 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°25'56" EAST, A DISTANCE OF 345.39 FEET; THENCE NORTH 89°34'04" EAST, A DISTANCE OF 70.00 FEET; THENCE SOUTH 00°25'56" EAST, A DISTANCE OF 36.50 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE NORTH 89°34'04" EAST, A DISTANCE OF 33.48 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "C" AND THE WESTERLY RIGHT OF WAY LINE OF EAST TORINO PARKWAY AND THE POINT OF TERMINATION OF SAID CENTERLINE.

CONTAINING 0.0151 ACRES OR 656 SQUARE FEET, MORE OR LESS.

THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR LENGTHENED TO FORM ONE CONTIGUOUS SHAPE.

SURVEYOR'S NOTES:

1. THIS IS A SKETCH OF DESCRIPTION SURVEY. PARENT TRACT INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.
3. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF TRACT "C", PORT ST. LUCIE SECTION FORTY FOUR, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 23, AS BEING SOUTH 89°50'56" WEST.
4. UNDERGROUND UTILITIES AND IMPROVEMENTS HAVE NOT BEEN LOCATED.
5. PARENT TRACT INTERIOR IMPROVEMENTS HAVE NOT BEEN LOCATED.
6. (D) DENOTES DESCRIPTION; (F) DENOTES FIELD MEASURED; (P) DENOTES PLAT; (C) DENOTES CALCULATED.
7. ALL GEODETIC AND VERTICAL DATA, DEPICTED HEREON IS WITHIN THE 10 ACCURACY TOLERANCES AS SET FORTH BY THE F.A.C.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION SURVEY PERFORMED ON JULY 31, 2012, IS IN ACCORDANCE WITH THE TECHNICAL STANDARDS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

KIRK B. MITCHELL P.S.M. L.S. No. 5682
CERTIFICATE OF AUTHORIZATION No. LB. 6685
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADVANCED LAND SURVEYING & MAPPING
G.P.S. and Conventional Survey Services
P. O. BOX 560699
ORLANDO, FL 32856-0699
PHONE (407) 508-2305
FAX (407) 273-0579

SKETCH OF DESCRIPTION SURVEY
PREPARED FOR
PJ DEVELOPMENT, LLC.
CPSL2603 TORINO
A PORTION OF SECTION 13, TOWNSHIP 36 SOUTH, RANGE 39 EAST AND
A PORTION OF SECTION 18, TOWNSHIP 36 SOUTH, RANGE 40 EAST
ST. LUCIE COUNTY, FLORIDA

FPL
POWERING TODAY. EMPOWERING TOMORROW.®

Exhibit A

PAGE 1

Section 18 **Township** 36 **S,** **Range** 40 **E**

St Lucie **County, Florida Scale:** NTS

FPL Work Request # 4621302

Reserved for Circuit Court

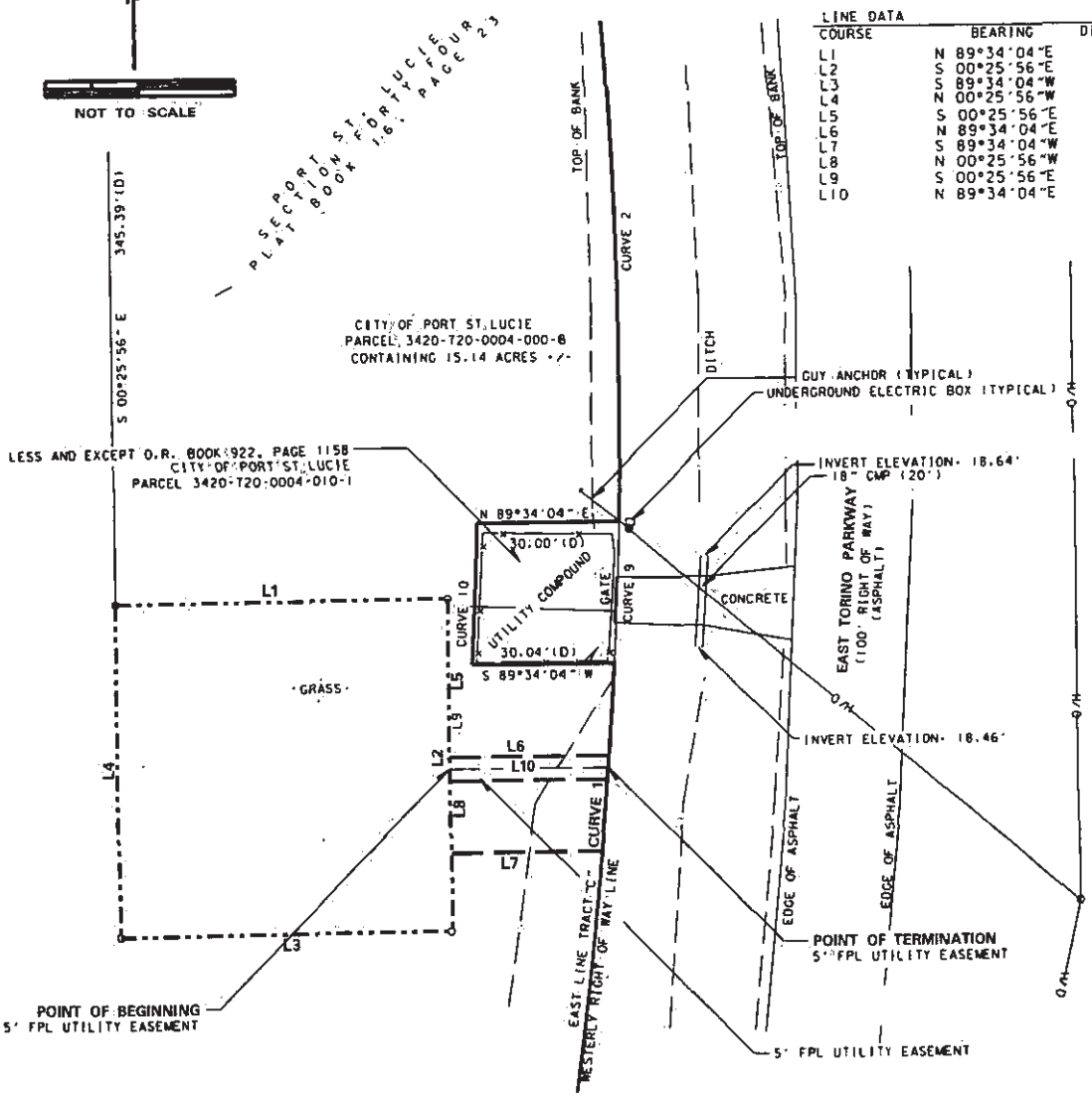
NOT TO SCALE

CURVE DATA

COURSE	RADIUS	ARC LENGTH	DELTA	CHORD	CHORD BEARING
CURVE1	1030.00'	20.08'	01°07'01"	20.08'	S 04°36'28"W
CURVE2	1030.00'	608.01'	33°49'18"	599.22'	S 10°22'07"W
CURVE3	25.00'	43.26'	99°08'14"	38.06'	S 76°50'53"W
CURVE4	180.00'	242.41'	77°09'38"	224.50'	S 81°49'11"W
CURVE5	370.00'	213.87'	33°07'08"	210.91'	S 63°11'58"W
CURVE6	495.00'	65.19'	7°32'44"	65.14'	S 83°31'54"W
CURVE7	370.00'	39.63'	6°08'15"	39.62'	N 87°03'25"W
CURVE8	179.39'	281.79'	90°00'00"	253.70'	N 18°49'43"E
CURVE9	1030.00'	30.00'	1°40'08"	30.00'	S 02°06'43"W
CURVE10	1000.01'	30.00'	1°43'08"	30.00'	N 02°11'18"E

LINE DATA

COURSE	BEARING	DISTANCE
L1	N 89°34'04"E	70.00'
L2	S 00°25'56"E	70.00'
L3	S 89°34'04"W	70.00'
L4	N 00°25'56"W	70.00'
L5	S 00°25'56"E	34.00'
L6	N 89°34'04"E	33.68'
L7	S 89°34'04"W	31.92'
L8	N 00°25'56"W	20.00'
L9	S 00°25'56"E	36.50'
L10	N 89°34'04"E	33.48'



MEMORANDUM

TO: GREGORY J. ORAVEC, CITY MANAGER

THROUGH: ROGER G. ORR, CITY ATTORNEY

FROM: PAM E. BOOKER, SENIOR ASSISTANT CITY ATTORNEY

DATE: AUGUST 16, 2012

SUBJECT: UTILITY EASEMENT / FLORIDA POWER AND LIGHT
PJ DEVELOPMENT, LLC - TORINO PARK CELL TOWER SITE

Attached please find an Ordinance and Easement from the City of Port St. Lucie to Florida Power & Light. On September 23, 2011, the City of Port St. Lucie entered into a Lease Agreement with PJ Development, LLC, for the construction of a telecommunications tower at Torino Park. The tower has been constructed. In order for FP&L to provide electrical power to the new tower, they require a utility easement. The Easement has been reviewed and is approved by the Legal Department. Please place this item on the August 27, 2012 City Council agenda. Should you have any questions or need additional information, please contact me at 871-5165.

PB/liw
Attach.

RECEIVED
AUG 16 2012
City Manager's Office

H:\denise\pam\memos\FPL- Torinio Park cell tower.doc