

RESOLUTION 11-12938

A RESOLUTION GRANTING AN EASEMENT WITHIN CAMBIER PARK TO FLORIDA POWER & LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND AND GROUND MOUNTED ELECTRIC UTILITY FACILITIES LOCATED ALONG THE 5TH AVENUE SOUTH ALLEY FRONTING CAMBIER PARK AND THE VON LIEBIG ART CENTER FOR THE PURPOSE OF RELOCATING OVERHEAD ELECTRICAL FACILITIES TO UNDERGROUND ELECTRICAL FACILITIES; AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property fronting the east side of Park Street between 5th Avenue South and the 5th Avenue South alley (690 5th Avenue South/McCabe building) has elected to relocate overhead electrical facilities within the alley fronting his property and fronting adjacent private property in addition to fronting Cambier Park and the Von Liebig Art Center; and

WHEREAS, Florida Power & Light Company (FPL) has prepared plans for the removal of overhead and installation of underground and ground mounted electric utility facilities as outlined on the attached FPL Utility Layout Plan, Exhibit A, with implementation concurrent with and subsidized by the owner of the re-development project within Lots 8 and 9, Block B, Plat of Lakeview Terrace; and

WHEREAS, in order for FPL to complete the work, it is necessary for the City to grant an Easement to FPL; and

WHEREAS, it is in the City's best interest to grant said easement to FPL;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That an electric utility facility Easement is hereby granted to FPL within Cambier Park for the construction, operation and maintenance of underground and ground mounted electric utility facilities along the 5th Avenue South alley fronting Cambier Park and the Von Liebig Art Center for the purpose of relocating overhead electrical facilities to underground electrical facilities, a copy of which is attached hereto and made a part hereof.

Section 2. That the Mayor is hereby authorized to execute the Easement to FPL.

Section 3. That this resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 7TH DAY OF SEPTEMBER, 2011.

Attest:
Parra A. Norman
Parra A. Norman, City Clerk

Bill Barnett
Bill Barnett, Mayor

Approved as to form and legality:
Robert D. Pritt
Robert D. Pritt, City Attorney

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Date filed with City Clerk: 9-20-11

Work Request No. 4185912
Sec. 03, Twp 50 S, Rge 25 E
City Appraiser Parcel I.D. 11431880008

EASEMENT

THE CITY OF NAPLES, a Florida municipal corporation, grants and gives to **FLORIDA POWER & LIGHT COMPANY**, 4105 15th Avenue S.W., Naples, Florida 34116, its licensees, agents, successors and assigns, an easement described in Exhibit "A" for the construction, operation and maintenance of underground electric utility facilities (including cable, conduits, ground mounted equipment 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 the easement ascribed in Exhibit "A" attached hereto.

Together with the right 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 or communications or power transmission or distribution; and further grants, to the fullest extent that the **CITY OF NAPLES**, a Florida municipal corporation, 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 have signed and sealed this instrument on the 7th day of September, 2011.


Signed, sealed and delivered in the presence of

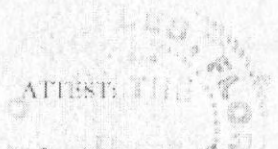


CITY OF NAPLES, a Florida municipal corporation


Bill Barrett, Mayor

Approved as to form and legality

By 
Robert D. Pritt, City Attorney



ATTEST: *Jessica R. Lorenzberger*
Cara Norman, City Clerk

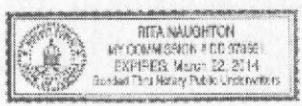
STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this ^{19th} 7th day of September, 2011, by Bill Barnett, Mayor.

Notary Public, State of Florida

Rita Naughton

Commission Expires: 3/22/14



LEGAL DESCRIPTION
FPL EASEMENT (FPL02)

A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 20N, RANGE 20W, COLLEGE COUNTY, FLORIDA, BEING DA-17-16.24 ACRES PUBLIC PARK PARCEL, BLOCK 5, LASEVIEW TERRACE, AS RECORDED IN PLAT BOOK 3, PAGE 99 OF THE PUBLIC RECORDS OF COLLEGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE 13.74 ACRES PUBLIC PARK PARCEL, BLOCK 5, LASEVIEW TERRACE, AS RECORDED IN PLAT BOOK 3, PAGE 99 OF THE PUBLIC RECORDS OF COLLEGE COUNTY, FLORIDA;

THENCE ALONG THE NORTH LINE OF SAID PUBLIC PARK PARCEL N87°00'00"W FOR 150.00 FEET, TO A POINT OF INTERSECTION WITH THE EAST LINE OF AN EXISTING 10 FOOT WIDE EASEMENT, AS SHOWN IN OFFICIAL RECORDS BOOK 2401, PAGE 1404 OF THE PUBLIC RECORDS OF COLLEGE COUNTY, FLORIDA;

THENCE ALONG THE EAST LINE OF SAID EXISTING 10 FOOT WIDE EASEMENT S00°00'00"E FOR 20.00 FEET, TO THE POINT OF BEGINNING OF THE 10 FOOT WIDE EASEMENT;

THENCE LEAVING THE EAST LINE OF SAID EXISTING EPL EASEMENT, N87°00'00"E FOR 150.00 FEET;
 THENCE S00°00'00"E FOR 10.00 FEET;
 THENCE S82°00'00"W FOR 55.00 FEET;
 THENCE S60°00'00"E FOR 10.00 FEET;
 THENCE S60°00'00"W FOR 30.00 FEET;
 THENCE N08°59'00"W FOR 0.00 FEET;
 THENCE S80°00'00"W FOR 40.00 FEET TO A POINT ON THE EAST LINE OF SAID EXISTING FPL EASEMENT;
 THENCE ALONG THE EAST LINE OF SAID EXISTING FPL EASEMENT, N02°00'00"W FOR 15.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING EXACT MEASURE FEET WORK OF LESS



8/23/2011

RECEIVED AUG 24 2011

PROJECT: LASEVIEW TERRACE SKETCH OF LEGAL DESCRIPTION FPL EASEMENT (FPL02) PREPARED FOR: PHILIP G. MCCLURE											
DATE ADDED	REVISED	REVISION	TOWNSHIP	RANGE	SECTION	DATE	DRAWN BY	TITLE	SCALE	SHEET	
08/23/2011		1	20N	20W	16.24	8/23/11	R.A.S.	0001.20.FPL02	1" = 100'	1 of 2	

