

INSTR 4903920 OR 4976 PG 1941
RECORDED 10/18/2013 4:30 PM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT
COLLIER COUNTY FLORIDA
REC \$18.50

**Agenda Item 6-d
Meeting of 10/16/13**

RESOLUTION 13-13362

A RESOLUTION GRANTING AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND AND GROUND MOUNTED ELECTRIC UTILITY FACILITIES FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO THE CITY OF NAPLES RECYCLING TRANSFER FACILITY LOCATED AT 2600 ENTERPRISE AVENUE; AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT; DIRECTING THE CITY CLERK TO RECORD THE EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Power & Light Company (FPL) currently does not provide electrical service to property located at 2600 Enterprise Avenue; and

WHEREAS, the City is constructing a Recycling Transfer Facility at 2600 Enterprise Avenue which requires FPL electrical service; and

WHEREAS, in accordance with planning for the electrical services to the new Recycling Transfer Facility, FPL has designed an expanded underground service to include the addition of a ground mounted transformer to be located within the Recycling Transfer Facility property; and

WHEREAS, in order for FPL to construct, operate and maintain improved service, 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 Underground Easement is hereby granted to Florida Power & Light for the construction, operation and maintenance of underground and ground mounted electric utility facilities for the purpose of providing electrical service to the City of Naples Recycling Transfer Facility located at 2600 Enterprise Avenue, a copy of which is on file in the City Clerk's Office.


Section 2. That the Mayor is hereby authorized to execute the Florida Power & Light Underground Easement.

Section 3. That the City Clerk is hereby directed to record the executed Florida Power & Light Underground Easement.

Section 4. 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 16TH DAY OF OCTOBER, 2013.

Attest:


Patricia C. Rambosk
Patricia C. Rambosk, City Clerk

John F. Sorey III
John F. Sorey III, Mayor

Approved as to form and legality:

Robert D. Pritt
Robert D. Pritt, City Attorney

M:\REF\COUNCIL\RES\2013\13-13362

Date filed with City Clerk: 10/16/13

13/13/13

Work Request No. 4697355

Sec. 35, Twp 49 S, Rge 25 E

Parcel I.D. _____
(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 6/11

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Troy Todd
Co. Name: Florida Power & Light
Address: 4105 15th Ave Sw
Naples, Florida 34116

pg 1 of 2.

INSTR 4903921 OR 4976 PG 1943
RECORDED 10/18/2013 4 30 PM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT
COLLIER COUNTY FLORIDA
DOC@ 70 \$0 70 REC \$18.50

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 underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above ground 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:

Reserved for Circuit Court

City of Naples Recycle Facility—2600 Enterprise Ave.—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 October 18, 2013

Signed, sealed and delivered in the presence of:

[Signature]
(Witness' Signature)

Print Name: VIKI L. SMITH
(Witness)

[Signature]
(Witness' Signature)

Print Name: Maria C Hernandez
(Witness)

City of Naples

By: [Signature]

Print Name: John F. Sorey III

Print Address: 735 8th Street South
Naples, FL 34102

Approved as to form and legality

By [Signature]

Robert D. Pritt, City Attorney

STATE OF Florida AND COUNTY OF Collier. The foregoing instrument was acknowledged before me this 18th day of October, 2013 by John F. Sorey III, the Mayor of City of Naples a Florida Municipality, who is personally known to me or has produced N/A as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires: 1/7/17

[Signature]
Notary Public, Signature
Print Name Jessica R. Rosenberg



10. 10/10/10

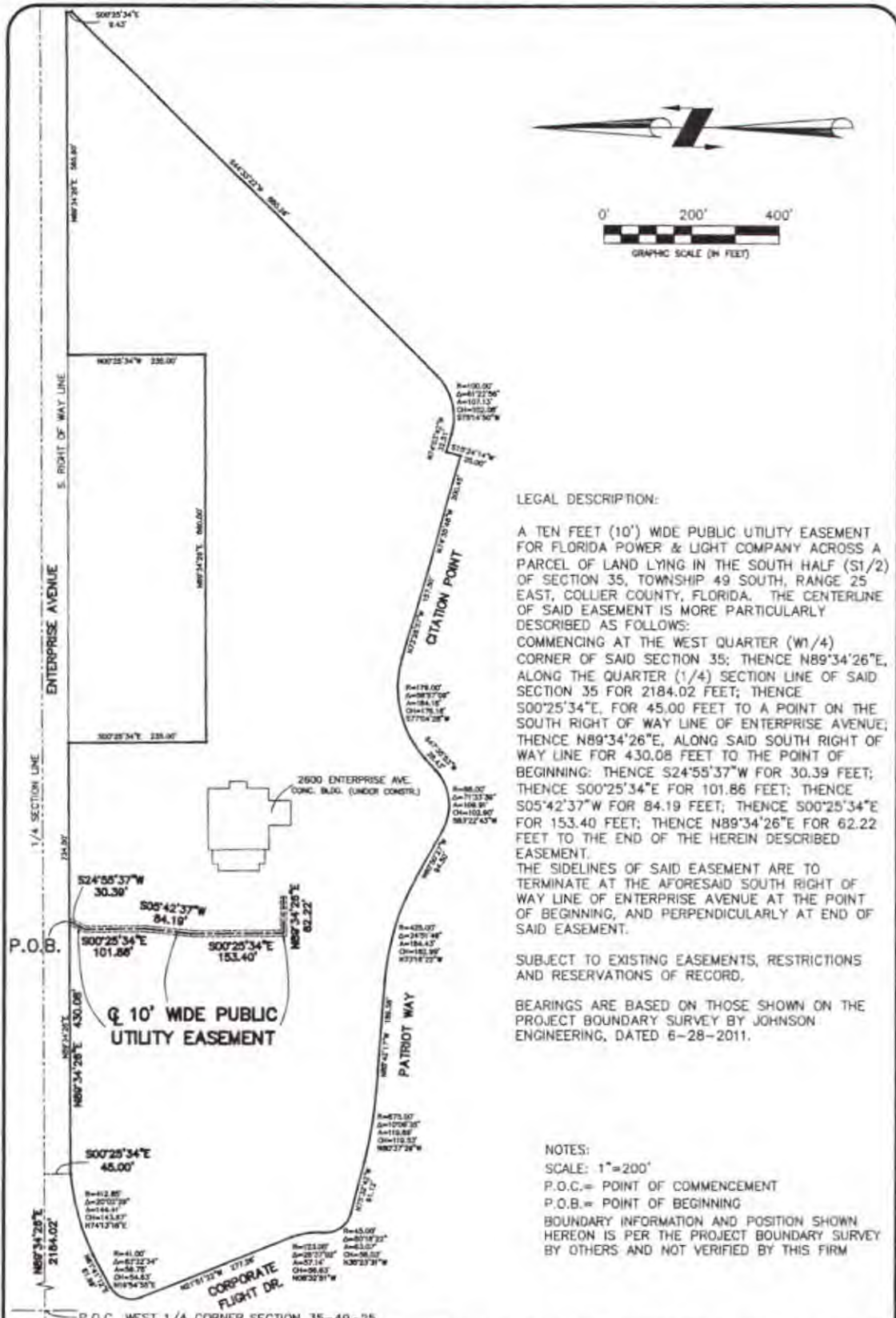
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17. 17/17/17
18. 18/18/18
19. 19/19/19
20. 20/20/20



EXHIBIT A

13-1336



LEGAL DESCRIPTION:

A TEN FEET (10') WIDE PUBLIC UTILITY EASEMENT FOR FLORIDA POWER & LIGHT COMPANY ACROSS A PARCEL OF LAND LYING IN THE SOUTH HALF (S1/2) OF SECTION 35, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA. THE CENTERLINE OF SAID EASEMENT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER (W1/4) CORNER OF SAID SECTION 35; THENCE N89°34'26"E, ALONG THE QUARTER (1/4) SECTION LINE OF SAID SECTION 35 FOR 2184.02 FEET; THENCE S00°25'34"E, FOR 45.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ENTERPRISE AVENUE; THENCE N89°34'26"E, ALONG SAID SOUTH RIGHT OF WAY LINE FOR 430.08 FEET TO THE POINT OF BEGINNING; THENCE S24°55'37"W FOR 30.39 FEET; THENCE S00°25'34"E FOR 101.86 FEET; THENCE S05°42'37"W FOR 84.19 FEET; THENCE S00°25'34"E FOR 153.40 FEET; THENCE N89°34'26"E FOR 62.22 FEET TO THE END OF THE HEREIN DESCRIBED EASEMENT. THE SIDELINES OF SAID EASEMENT ARE TO TERMINATE AT THE AFORESAID SOUTH RIGHT OF WAY LINE OF ENTERPRISE AVENUE AT THE POINT OF BEGINNING, AND PERPENDICULARLY AT END OF SAID EASEMENT.


SUBJECT TO EXISTING EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD,

BEARINGS ARE BASED ON THOSE SHOWN ON THE PROJECT BOUNDARY SURVEY BY JOHNSON ENGINEERING, DATED 6-28-2011.

NOTES:

- SCALE: 1"=200'
- P.O.C.= POINT OF COMMENCEMENT
- P.O.B.= POINT OF BEGINNING
- BOUNDARY INFORMATION AND POSITION SHOWN HEREON IS PER THE PROJECT BOUNDARY SURVEY BY OTHERS AND NOT VERIFIED BY THIS FIRM

DATE	ORDER	TITLE	SKETCH OF A LEGAL DESCRIPTION—NOT A FIELD SURVEY
9-28-13	0913017	10' FPL UTILITY EASEMENT	CERTIFICATE



OMNI SURVEYS, INC.
 LB 6584
 TEL (239) 939-3666
 FAX (239) 939-7181
 4568 TILTON COURT FORT MYERS, FL 33907

I HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT BOTH THE DESCRIPTION AND THE ACCOMPANYING SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Scott E. Marhenke
 Scott E. Marhenke, PSM
 Florida Registration No. 4920

VALID ONLY WITH EMBOSSED SEAL