



THE SUNRISE CITY
FORT PIERCE
CITY ATTORNEY'S OFFICE *Florida*



TO : Nicholas C. Mimms, P.E., City Manager
FROM : James M. Messer, City Attorney
RE : FPUA Special Warranty Deed and Easement
DATE : February 15, 2018

The General Counsel of the FPUA has asked that the City execute the attached Special Warranty Deed and Easement to effectuate promises previously made by the City to the FPUA.

cc: Linda Cox, City Clerk
Rebecca Grohall, Planning Manager
Jack Andrews, City Engineer

RECEIVED
TIME
FEB 16 2018
CITY OF FT. PIERCE
CITY MANAGERS OFFICE

This Instrument Prepared by:
R. N. Koblegard, III, Esquire
200 S. Indian River Drive, Suite 201
Fort Pierce, Florida 34950

Return to:
R. N. Koblegard, III, Esq.
Courthouse Box 145

Parcel I.D. No.: 2410-503-0012-000-6/2403-801-0025-000-3

SPECIAL WARRANTY DEED

BY THIS SPECIAL WARRANTY DEED, made this ____ day of _____, 2017, between CITY OF FT. PIERCE, FLORIDA, Grantor and CITY OF FORT PIERCE, FLORIDA for the use and benefit of the FORT PIERCE UTILITIES AUTHORITY, grantee.

WITNESSETH, That said grantor, for and in consideration of the sum of ten and no/100 (\$10.00) dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantees heirs and assigns forever, the following described land, situate, lying and being in St. Lucie County, Florida, to wit:

ALL OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL CONTROL NUMBER 2403-801-0025-000-3 PER ST. LUCIE COUNTY, FLORIDA PROPERTY APPRAISER.

TOGETHER WITH:

THE EAST 92.70 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL CONTROL NUMBER 2410-503-0012-000-6

Subject to restrictions, reservations, and easements of record, if any, provided however that this reference shall not serve to re-impose the same.

Together with all the tenements, hereditaments and appurtenances thereto belonging to in anywise appertaining.

Grantor covenants with Grantee that Grantor is lawfully seized of the property in fee simple; that Grantor has good right and lawful authority to sell and convey the property; and that Grantor warrants the title to the property for any acts of Grantor and will defend it against the lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in
Our presence:

CITY OF FT. PIERCE, FLORIDA,
a municipal corporation

By: _____
Linda Hudson, Mayor

Linda Cox, City Clerk

Witness Signature

Print Name

STATE OF FLORIDA
COUNTY OF _____

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this ___ day of October, 2017, by Linda Hudson, as Mayor and Linda Cox, as City Clerk, of the CITY OF FORT PIERCE, FLORIDA, a municipal corporation, who are personally known to me or who provided _____ as identification and who did not take an oath..

Notary Public, State of Florida at Large
Print Name: _____
My Commission Expires: _____
My Commission Number: _____

**APPROVED AS TO FORM
AND CORRECTNESS**

James M. Messer, City Attorney

RETURN TO: R.N. KOBLEGARD, III COURTHOUSE BOX

THIS INSTRUMENT PREPARED BY:

R.N. KOBLEGARD, III, ESQUIRE

200 SOUTH INDIAN RIVER DRIVE, SUITE 201

FORT PIERCE, FL 34950

PROPERTY APPRAISERS PARCEL ID (FOLIO) NUMBER(S):

2410-503-0041-020-4

2410-503-0043-000-2

EASEMENT

Know All Men by These Presents, that the undersigned

CITY OF FORT PIERCE, A FLORIDA MUNICIPAL CORPORATION

for and in consideration of the sum of One Dollar, to them in hand paid by Fort Pierce Utilities Authority of the City of Fort Pierce, Florida (located at 206 South Sixth Street), a municipal corporation under the laws of the State of Florida, receipt whereof is hereby acknowledged, do hereby convey and grant to the City of Fort Pierce, Florida, for the use and benefit of Fort Pierce Utilities Authority, the privilege and easement for the installation, maintenance, operation, repair, replacement and/or removal of their municipal-owned electric, water, sewer and natural gas utilities, in, under, upon, along, over and across the following-described land in St. Lucie County, Florida, to wit:

SEE SKETCH AND LEGAL DESCRIPTION ATTACHED HERETO

Access to the above strip of land over the adjoining lands of the GRANTORS is hereby granted. The GRANTEE may cut or trim trees, bushes and saplings growing upon or extending over said strip of land so far as may be reasonably necessary in the installation, maintenance, operation, repair, replacement and/or removal of said utilities. Patrolling said easement shall not constitute grounds for a claim for damage.

The GRANTORS reserve the use of said strip of land for any use not inconsistent herewith, but no buildings or structures shall be erected or placed on said strip of land by GRANTORS. The rights herein granted may be assigned in whole or in part.

The GRANTEE will indemnify and save the GRANTOR harmless from any damages, injuries, losses, claims, demands or costs proximately caused by the sole fault or negligence of the GRANTEE, its representatives, subcontractors, or agents in the installation, maintenance, operation, repair, replacement and/or removal of said utilities and the equipment and facilities connected therewith, over and across said strip of land. Provided, however, that regardless of whether any such obligations are based on a tort, contract, statute, strict liability, negligence, product liability or otherwise, the obligations of the FPUA under this indemnification provision shall be limited in the same manner that would have applied if such obligations were based on, or arose out of, an action at law to recover damages in tort and were subject to Section 768.28, Florida Statutes, as that section existed at the inception of this Contract.

The GRANTOR hereby covenants and warrants that it owns the said land and has the right to grant this easement.

In Witness Whereof, the GRANTOR has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized this ____ day of _____, 2017.

Attest:

CITY OF FORT PIERCE, a Florida Municipal Corporation

Grantor

Linda W. Cox, City Clerk

SIGNED, SEALED AND DELIVERED IN OUR PRESENCE AS WITNESSES:

By:

Witness Signature

Printed Witness Signature

Witness Signature

Printed Witness Signature

Linda Hudson,
Mayor Commissioner
100 N. US1
Fort Pierce, FL 34950

(SEAL)

STATE OF FLORIDA
COUNTY OF ST. LUCIE

I hereby certify that on this day before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Linda Hudson and Linda W. Cox, known to me to be the Mayor Commissioner and City Clerk of the City of Fort Pierce, Florida, a Municipal Corporation, the entity in whose name the foregoing instrument was executed, and that they acknowledged executing the same for such entity, freely and voluntarily, under authority duly bestowed in them by said entity, and that the seal affixed thereto is the true department seal of said entity, that I relied upon the following form of identification of the above-named persons: Florida Driver's License, and that an oath was not taken.

RUBBER STAMP NOTARY SEAL

Witness my hand and official Seal in the County and State last aforesaid this ____ day of _____, 2017.

Notary Signature

Notary Printed Name

(PARCEL 1)

Boyle
9 PM

COMMENCING AT THE SOUTHWEST CORNER OF LOT B, BLOCK F, SAID AARON LEE'S MAP OF FORT PIERCE; PROCEED NORTH 04'53'21" WEST, ALONG THE EAST RIGHT-OF-WAY OF NORTH 2ND STREET (FORMALLY KNOWN AS PINE STREET AS SHOWN ON SAID AARON LEE'S MAP OF FORT PIERCE) (A 60 FOOT WIDE RIGHT-OF-WAY) AND THE WEST LINE OF SAID BLOCK F, A DISTANCE OF 254.00 FEET TO THE SOUTHWEST CORNER OF LOT 2, SAID BLOCK F, AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 04'53'21" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, AND SAID WEST LINE OF LOT 2, AND LOT 1, SAID BLOCK F, A DISTANCE OF 69.42 FEET TO AN ANGLE POINT IN THE EAST RIGHT-OF-WAY LINE OF THE REALIGNED PORTION OF NORTH 2ND AVENUE; THENCE NORTH 18'26'19" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE OF NORTH 2ND AVENUE (A 50 FOOT WIDE RIGHT-OF-WAY), A DISTANCE OF 371.24 FEET TO A POINT ON THE CENTERLINE OF A 2.6 FOOT CONCRETE BULKHEAD ON THE SOUTH TOP OF BANK OF MOORES CREEK AND REFERENCE POINT "A"; (THE FOLLOWING FIVE COURSES ARE ALONG THE CENTERLINE OF SAID CONCRETE BULKHEAD AND THE SOUTH TOP OF BANK OF MOORES CREEK) THENCE NORTH 70'33'12" EAST, DEPARTING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 44.68 FEET; THENCE NORTH 79'01'13" EAST, A DISTANCE OF 179.28 FEET; THENCE NORTH 87'55'03" EAST, A DISTANCE OF 71.16 FEET; THENCE NORTH 77'41'52" EAST, A DISTANCE OF 224.31 FEET ; THENCE NORTH 75'24'46" EAST, A DISTANCE OF 29.63 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INDIAN RIVER DRIVE, AS SHOWN ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 94500, LAST REVISED OCTOBER 5, 1960 (A VARYING WIDTH RIGHT-OF-WAY); THENCE SOUTH 04'53'04" EAST, DEPARTING SAID CONCRETE BULKHEAD CENTERLINE, AND THE SOUTH TOP OF BANK OF MOORES CREEK, AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 491.42 FEET TO A POINT ON THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 2, AND LOT 3, SAID BLOCK F; THENCE SOUTH 85'09'39" WEST, DEPARTING SAID WEST RIGHT-OF-WAY LINE, AND ALONG SAID EASTERLY PROLONGATION, AND THE SOUTH LINE OF SAID LOT 3, AND 2, A DISTANCE OF 457.22 FEET TO THE POINT OF BEGINNING.

A UTILITY EASEMENT IN FAVOR OF FORT PIERCE UTILITIES AUTHORITY TO BE CREATED OVER AND ACROSS A PORTION OF THE PRECEDING PARCEL OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 20.00 FEET AND THE SOUTH 50.00 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL CONTROL NUMBER 2410-503-0041-020-4 PER ST. LUCIE COUNTY, FLORIDA PROPERTY APPRAISER.

TOGETHER WITH:

THE NORTH 165.00 FEET OF THE EAST 75.00 FEET OF SAID CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL CONTROL NUMBER 2410-503-0041-020-4 PER ST. LUCIE COUNTY, FLORIDA PROPERTY APPRAISER.

TOGETHER WITH:

THE SOUTH 50.00 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL CONTROL NUMBER 2410-503-0043-000-2 PER ST. LUCIE COUNTY, FLORIDA PROPERTY APPRAISER.

TOGETHER WITH:

THE SOUTH 87.00 FEET OF THE WEST 67.00 FEET OF SAID CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL CONTROL NUMBER 2410-503-0043-000-2 PER ST. LUCIE COUNTY, FLORIDA PROPERTY APPRAISER.