

RESOLUTION NO. UA 2018-13

A RESOLUTION OF THE FORT PIERCE UTILITIES AUTHORITY, AUTHORIZING AND REQUESTING THE CITY OF FORT PIERCE TO EXECUTE CERTAIN DEEDS ON THE FORT PIERCE UTILITIES AUTHORITY'S BEHALF IN FAVOR OF FLORIDA POWER & LIGHT COMPANY, PURSUANT TO THE ASSET PURCHASE AGREEMENT ENTERED INTO BETWEEN THE FORT PIERCE UTILITIES AUTHORITY AND FLORIDA POWER & LIGHT COMPANY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Power & Light Company proposes to purchase certain real property assets from the Fort Pierce Utilities Authority pursuant to the Asset Purchase Agreement entered into between the Fort Pierce Utilities Authority and Florida Power & Light Company; and

WHEREAS, title to Fort Pierce Utilities Authority's real property is titled in the name of the City of Fort Pierce for the use and benefit of the Fort Pierce Utilities Authority; and,

WHEREAS, it is therefore necessary for the City of Fort Pierce to execute the three (3) Special Warranty Deeds attached hereto as Exhibits A, B and C on behalf of the Fort Pierce Utilities Authority in order to transfer the Fort Pierce Utilities Authority's interest in those parcels to Florida Power & Light Company;

NOW, THEREFORE, BE IT RESOLVED, by the Fort Pierce Utilities Authority, as follows:

1. That the Fort Pierce Utilities Authority hereby authorizes and requests that the City of Fort Pierce execute the three (3) Special Warranty Deeds, attached hereto as Exhibits A, B and C, on behalf of the Fort Pierce Utilities Authority in favor of Florida Power & Light Company as part of the transaction necessary to complete the Asset Purchase Agreement between the Fort Pierce Utilities Authority and Florida Power & Light Company.
2. This Resolution shall become effective immediately upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 19th day of December, 2018.

ATTEST:

Debra M. DeLuca
Secretary

(FPUA SEAL)

FORT PIERCE UTILITIES AUTHORITY

BY: Marryl Thomas Bay
Chairman

DATE: 12/19/18

APPROVED AS TO FORM & CORRECTNESS:

BY: [Signature]
Fort Pierce Utilities Authority Attorney

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.: 33403100000500000002.1
33393600005000200001.0
33403100000500000004.1

SPECIAL WARRANTY DEED

BY THIS SPECIAL WARRANTY DEED, made this ____ day of _____, 2018, Grantor, CITY OF FT. PIERCE, FLORIDA, a municipal corporation, whose address is 100 U.S. Highway 1, Ft. Pierce, Florida 34950, for the use and benefit of the FORT PIERCE UTILITIES AUTHORITY hereby conveys an undivided ½ interest to FLORIDA POWER & LIGHT COMPANY, whose address is 700 Universe Blvd, Juno Beach, Florida 33408 a Florida Corporation, 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:

**PLEASE SEE LEGAL DESCRIPTION ATTACHED HERETO AS
EXHIBIT "A"**

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 _____, 2018, 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**

Ben L. Bryan, City Attorney

EXHIBIT "A"

Five (5) parcels of land lying in Section 31, Township 33 South, Range 40 East, Indian River County, Florida, and Section 36, Township 33 South, Range 39 East, Indian River County, Florida, being more particularly described as follows:

Parcel 1

The South 404.00 feet of the Southwest one-quarter (SW 1/4) of Section 31, Township 33 South, Range 40 East, Indian River County, Florida, lying East of the East right-of-way line of Lateral "J" Canal, LESS AND EXCEPT therefrom the East 25 feet thereof for road right-of-way purposes.

Parcel 2

Easement for the benefit of Parcel 1 over, under and across the following described parcel of land:

An easement 40 feet in width lying parallel and adjacent to the East right-of-way line of the Lateral "J" Canal extending from the North line of said Southwest one-quarter (SW 1/4) South to a point 416.82 feet North of the South line of said Southwest one-quarter (SW 1/4) as measured along the said right-of-way line of Lateral "J" Canal in Section 31, Township 33 South, Range 40 East, Indian River County, Florida.

Parcel 3

Tract "B", VERO BEACH HIGHLANDS UNIT FIVE, according to the Plat thereof, as recorded in Plat Book 8, Page 56, of the Public Records of Indian River County, Florida.

Parcel 4

Tract "C", VERO BEACH HIGHLANDS UNIT FIVE, according to the Plat thereof, as recorded in Plat Book 8, Page 56, of the Public Records of Indian River County, Florida.

Parcel 5

The North 25 feet of the South 145 feet of the Southwest one-quarter (SW 1/4) of Section 31, Township 33 South, Range 40 East, Indian River County, Florida, lying West of the West right-of-way line of Lateral "J" Canal, LESS AND EXCEPT therefrom the West 40 feet thereof for road right-of-way purposes.

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

Return to:

Florida Power and Light Company
700 Universe Blvd.
Juno Beach, Florida 33408

Parcel I.D. No.: 1310-412-0002-000-4

SPECIAL WARRANTY DEED

BY THIS SPECIAL WARRANTY DEED, made this ____ day of _____, 2018, Grantor, CITY OF FT. PIERCE, FLORIDA, a municipal corporation, whose address is 100 U.S. Highway 1, Ft. Pierce, Florida 34948, for the use and benefit of the FORT PIERCE UTILITIES AUTHORITY hereby conveys an undivided ½ interest to FLORIDA POWER & LIGHT COMPANY, a Florida Corporation, whose address is 700 Universe Blvd, Juno Beach, Florida 33408, 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:

PLEASE SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "B"

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 on behalf of Fort Pierce Utilities Authority; 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 _____, 2018, 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**

Ben L. Bryan, City Attorney

EXHIBIT "B"

Two (2) parcels of land lying in the North one-half (N 1/2) of the Southeast one-quarter (SE 1/4) in Section 10, Township 34 South, Range 39 East, St. Lucie County, Florida, more particularly described as follows:

Parcel A

The South 200 feet of the South 863.18 feet of the North (N 1/2) of the Southeast (SE 1/4) in Section 10, Township 34 South, Range 39 East, St. Lucie County, Florida, LESS the West 60 feet and the East 775 feet thereof.

Parcel B

The West 40 feet of the East 775 feet of the North 460 feet of the South 660 feet of the North (N 1/2) of the Southeast (SE 1/4) in Section 10, Township 34 South, Range 39 East, St. Lucie County, Florida.

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

Return to:

Florida Power and Light Company
700 Universe Blvd.
Juno Beach, Florida 33408

Parcel I.D. No (s): 1406-211-000-2010-4
1406-211-0001-010-7
1406-2121-000-2005/1406-2121-000-100-8

SPECIAL WARRANTY DEED

BY THIS SPECIAL WARRANTY DEED, made this ____ day of _____, 2018, Grantor, CITY OF FT. PIERCE, FLORIDA, a municipal corporation, whose address 100 U.S. Highway 1, Ft. Pierce, Florida 34948 for the use and benefit of the FORT PIERCE UTILITIES AUTHORITY hereby conveys an undivided ½ interest to FLORIDA POWER & LIGHT COMPANY, whose address is 700 Universe Blvd., Juno Beach, Florida 33408, a Florida Corporation, 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:

**PLEASE SEE LEGAL DESCRIPTION ATTACHED HERETO AS
EXHIBIT "C"**

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 on behalf of Fort Pierce Utilities Authority; 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 _____, 2018, 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**

Ben L. Bryan, City Attorney

EXHIBIT "C"

Three (3) parcels of land lying in Section 6, Township 34 South, Range 40 East, St. Lucie County, Florida, more particularly described as follows:

Parcel 1

The North 60 feet of the West one-half (W 1/2) of the East two-fifths (E 2/5) of the North one-half (N 1/2) of the North one-half (N 1/2) of the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of Section 6, Township 34 South, Range 40 East, St. Lucie County, Florida. (Also identified as Tract 19, as shown on Location Map "A" as drawn by McLaughlin Engineering Co., dated April 8, 1966.)

Parcel 2

The North 60 feet of the East one-fifth (E 1/5) of the North one-half (N 1/2) of the North one-half (N 1/2) of the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of Section 6, Township 34 South, Range 40 East, St. Lucie County, Florida. (Also identified as Tract 20, as shown on Location Map "A" as drawn by McLaughlin Engineering Co., dated April 8, 1966.)

Parcel 3

Easement created by Easement Deed granted by Violet Klatt and Bill R. Winchester, as a majority of the Special Trustees of the Revocable Trust Agreement created by Ernest F. Klatt, also known as Ernest Klatt, dated May 18, 1990, in favor of the City of Vera Beach, a municipal corporation of the State of Florida, said Easement dated March 18, 1993, recorded April 2, 1993, in Official Records Book 834, Page 2265, in the Public Records of St. Lucie County, Florida, over, across and upon the following described property situate in the County of St. Lucie, State of Florida and being more particularly bounded and described as follows:

The North 60 feet of the West one-third (W 1/3) of the East three-fifths (E 3/5) of the North one-half (N 1/2) of the North one-half (N 1/2) of the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of Section 6, Township 34 South, Range 40 East, St. Lucie County, Florida. (Also identified as Tract 18, as shown on Location Map "A" as drawn by McLaughlin Engineering Co., dated April 8, 1966.)

AND

The North 35 feet of the West 235 feet of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 6, Township 34 South, Range 40 East, St. Lucie County, Florida.

AND

The North 60 feet of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4), LESS the West 235 feet thereof, in Section 6, Township 34 South, Range 40 East, St. Lucie County, Florida.

AND

The North 60 feet of the Northeast one-quarter (NE 1/4) of Section 6, Township 34 South, Range 40 East, St. Lucie County, Florida, lying West of the West right-of-way line of U.S. Highway No. 1, LESS the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) thereof in said Section 6.

Subject to the terms, provisions and conditions set forth in said Easement Deed.