

INTERLOCAL AGREEMENT

THIS AGREEMENT made and entered into this 7th day of October, 2009, by and among **CITY OF FORT PIERCE** ("CITY"), a Florida municipal corporation, and **FORT PIERCE UTILITIES AUTHORITY** ("FPUA"), a municipal entity organized and existing under the Charter of the City of Fort Pierce, and **FORT PIERCE REDEVELOPMENT AGENCY**, a dependent special district of the City of Fort Pierce, Florida ("FPRA");

WITNESSETH:

WHEREAS, the City, individually or for the use and benefit of FPUA, is the owner of the real property more particularly described in the attached Exhibit A, said property being commonly called "the King Plant Property"; and

WHEREAS, FPUA has for many years operated a power plant on this property, which power plant was decommissioned on May 1, 2008, and which is currently being demolished pursuant to a contract entered into between FPUA and National Salvage & Service Corporation; and

WHEREAS, the property has suffered possible environmental contamination during the City's ownership; and

WHEREAS, Treasure Coast Regional Planning Council (TCRPC) is contemplating a grant to assist in the environmental cleanup of the site; and

WHEREAS, the TCRPC grant cannot be received by the entity in title when the contamination occurred; and

WHEREAS, the City is contemplating transferring title to FPRA;


NOW, THEREFORE, it is agreed by and among the parties hereto as follows:

1. The City will transfer ownership of the King Plant Property described in Exhibit A attached hereto to FPRA.
2. FPRA will immediately apply to the TCRPC for the proposed grant for environmental cleanup of the site.
3. FPUA shall remain solely responsible for all environmental cleanup costs, regardless of whether or not TCRPC grant funds for environmental cleanup are received by FPRA and expended for such purposes.
4. FPUA hereby agrees that it will defend, indemnify and hold harmless the City and FPRA, its officers, agents, and employees, and any of them from and against any and all suits, actions, judgments, and reasonable attorneys' fees and costs (at trial and all appellate levels)

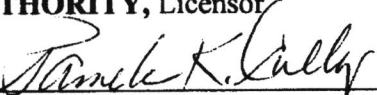
arising from, related to, or in any way pertaining to any suit, action, claim or demand of any character, type or description brought or made for, on account of, arising out of, or occasioned by any environmental contamination on, under, or pertaining to the property identified in Exhibit "A", regardless of the amount.

IN WITNESS WHEREOF, the parties hereto have executed this Interlocal Agreement the day and year first above written.

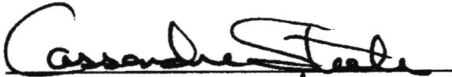
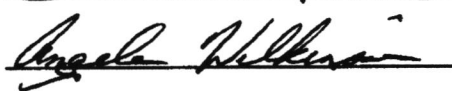
Attest:

SEAL

Thomas K. Perona, Secretary


**FORT PIERCE UTILITIES
AUTHORITY, Licensor**

By 
Pamela K. Cully, Chairman

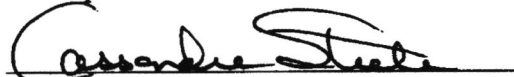
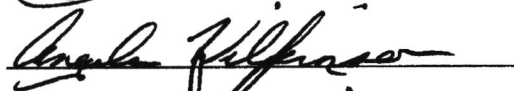
Signed, Sealed and Delivered
in the Presence of:

CITY OF FORT PIERCE, FLORIDA,
a Florida Municipal Corporation

By: 
Robert A. Benton, III,
Mayor-Commissioner


Signed, sealed and delivered
in the presence of:

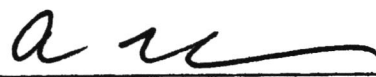
Attest:

Jon Ward, Secretary

**FORT PIERCE REDEVELOPMENT
AGENCY, a dependent special
district of the City of
Fort Pierce, Florida**

By: 
Robert J. Benton, III
Chairman

APPROVED AS TO FORM AND CORRECTNESS

BY: 
R.N. Koblegard, III
Attorney for Fort Pierce
Utilities Authority

APPROVED AS TO FORM AND CORRECTNESS

BY: 
City Attorney

LEGAL DESCRIPTION

EXHIBIT "A"

BEING A PARCEL OF LAND LYING OVER A PORTION OF BLOCKS A, B, F, AND TROPICAL AVENUE, AS SHOWN ON AARON LEE'S MAP OF FORT PIERCE, AS RECORDED IN PLAT BOOK 1, PAGE 189, PUBLIC RECORDS OF SAINT LUCIE COUNTY, FLORIDA, AND A PORTION OF THE NEW SUBDIVISION OF BLOCK E, AS RECORDED IN PLAT BOOK 1, PAGE 182, PUBLIC RECORDS OF SAINT LUCIE COUNTY, FLORIDA, AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 35 SOUTH, RANGE 40 EAST, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(PARCEL 1)

COMMENCING AT THE SOUTHWEST CORNER OF LOT 8, 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 264.00 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 88.42 FEET TO AN ANGLE POINT IN THE EAST RIGHT-OF-WAY LINE OF THE REALIGNED PORTION OF NORTH 2ND AVENUE; THENCE NORTH 18°28'18" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE OF NORTH 2ND AVENUE (A 60 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 44.88 FEET; THENCE NORTH 78°01'13" EAST, A DISTANCE OF 179.38 FEET; THENCE NORTH 87°55'03" EAST, A DISTANCE OF 71.18 FEET; THENCE NORTH 77°41'52" EAST, A DISTANCE OF 224.31 FEET; THENCE NORTH 78°24'48" EAST, A DISTANCE OF 28.83 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, 1980 (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 481.42 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°09'26" 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.

SAID PARCEL CONTAINING 5.27 ACRES, MORE OR LESS.

TOGETHER WITH (PARCEL 2)

COMMENCING AT THE AFOREMENTIONED REFERENCE POINT "A"; PROCEED NORTH 18°28'18" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 44.51 FEET TO A POINT ON THE CENTERLINE OF A 2.6 FOOT WIDE CONCRETE BULKHEAD ON THE NORTH TOP OF BANK OF MOORES CREEK AND THE POINT OF BEGINNING; THENCE NORTH 18°28'18" WEST, DEPARTING SAID CONCRETE BULKHEAD CENTERLINE AND THE SOUTH TOP OF BANK OF MOORES CREEK, AND ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 83.78 FEET TO A POINT ON THE WEST LINE OF LOT 1, SAID BLOCK A; THENCE NORTH 04°53'21" WEST, ALONG SAID WEST LINE AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 87.04 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF AVENUE C (FORMERLY KNOWN AS SEMINOLE AVENUE AS SHOWN ON SAID AARON LEE'S MAP OF FORT PIERCE) (A 60 FOOT WIDE RIGHT-OF-WAY); THENCE NORTH 84°53'38" EAST, DEPARTING SAID NORTHWEST CORNER, AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 657.27 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF INDIAN RIVER DRIVE; THENCE SOUTH 04°53'04" EAST, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, AND ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 83.48 FEET TO A POINT ON THE CENTERLINE OF A 2.6 FOOT WIDE CONCRETE BULKHEAD ON THE NORTH TOP OF BANK OF MOORES CREEK (THE FOLLOWING FIVE COURSES ARE ALONG SAID BULKHEAD CENTERLINE, AND THE NORTH TOP OF BANK OF MOORES CREEK); THENCE SOUTH 74°26'28" WEST, A DISTANCE OF 224.10 FEET; THENCE SOUTH 86°39'05" WEST, A DISTANCE OF 84.88 FEET; THENCE SOUTH 78°28'38" WEST, A DISTANCE OF 181.81 FEET; THENCE SOUTH 84°36'58" WEST, A DISTANCE OF 83.88 FEET; THENCE SOUTH 88°51'48" WEST, A DISTANCE OF 8.88 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1.21 ACRES, MORE OR LESS.

(LEGAL DESCRIPTION CONTINUED ABOVE)

(LEGAL DESCRIPTION CONTINUED ABOVE)

TOGETHER WITH: (PARCEL 3)

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8, BLOCK F, PROCEED SOUTH 85°09'39" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF AVENUE A (FORMERLY KNOWN AS PALMETTO AVENUE AS SHOWN ON SAID AARON LEE'S MAP OF FORT PIERCE) (A 65 FOOT WIDE RIGHT-OF-WAY), AND ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID BLOCK E, AND ALONG THE SOUTH LINE OF SAID BLOCK E, A DISTANCE OF 310.00 FEET TO THE SOUTHWEST CORNER OF LOT 8, SAID BLOCK E AND A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILROAD AS SHOWN ON THE STATION MAP, SOUTHERN DIVISION FLORIDA EAST COAST RAILWAY COMPANY FLAGLER SYSTEM STATION 12741+93.7 TO STATION 12798+80.0, DATED SEPTEMBER 5, 1944; THENCE NORTH 04°53'21" WEST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, AND THE SOUTH LINE OF SAID BLOCK E, AND THE SOUTHWEST CORNER OF SAID LOT 8, AND ALONG SAID EAST RIGHT-OF-WAY LINE, AND THE WEST LINE OF SAID LOT 8, AND ALONG THE WEST LINE OF PALM TERRACE (ABANDON), A DISTANCE OF 185.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 04°53'21" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, AND THE WEST LINE OF PALM TERRACE (ABANDON), AND THE WEST LINE OF LOT 8, SAID BLOCK E, A DISTANCE OF 218.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 85°09'39" WEST, DEPARTING SAID NORTHWEST CORNER, AND THE WEST LINE OF LOT 8, AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, AND THE NORTH LINE OF LOT 7, SAID BLOCK E, A DISTANCE OF 48.76 FEET; THENCE NORTH 04°58'11" WEST, DEPARTING SAID NORTH LINE, AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AVENUE B (FORMERLY KNOWN AS TROPICAL AVENUE AS SHOWN ON SAID AARON LEE'S MAP OF FORT PIERCE) (A 65 FOOT WIDE RIGHT-OF-WAY); THENCE NORTH 85°09'39" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 40.00 FEET; THENCE NORTH 04°58'11" WEST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, AND ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 72.51 FEET TO A POINT ON THE SOUTH TOP OF BANK OF MOORES CREEK; THENCE NORTH 83°48'24" EAST, DEPARTING SAID EAST RIGHT-OF-WAY LINE, AND ALONG SAID NORTH TOP OF BANK, A DISTANCE OF 84.50 FEET; THENCE NORTH 67°50'26" EAST, CONTINUING ALONG SAID SOUTH TOP OF BANK, A DISTANCE OF 70.44 FEET; THENCE NORTH 44°59'19" EAST, CONTINUING ALONG SAID SOUTH TOP OF BANK, A DISTANCE OF 82.08 FEET; THENCE NORTH 14°08'44" EAST, CONTINUING ALONG SAID SOUTH TOP OF BANK, A DISTANCE OF 14.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE REALIGNED PORTION OF NORTH 2ND STREET (A 60 FOOT WIDE RIGHT-OF-WAY); THENCE SOUTH 18°26'19" EAST, DEPARTING SAID SOUTH TOP OF BANK, AND ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 320.88 FEET TO THE ANGLE POINT IN THE REALIGNED PORTION OF NORTH 2ND STREET (FORMERLY KNOWN AS PINE STREET, AS SHOWN ON SAID AARON LEE'S MAP OF FORT PIERCE) (A 60 FOOT WIDE RIGHT-OF-WAY); THENCE SOUTH 04°53'21" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 8.92 FEET TO THE SOUTHEAST CORNER OF LOT 1, SAID BLOCK E; THENCE SOUTH 85°09'39" WEST, DEPARTING SAID WEST RIGHT-OF-WAY LINE, AND SAID SOUTHEAST CORNER, AND ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 145.50 FEET TO A POINT ON A LINE LYING 3.50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF LOT 2, SAID BLOCK E; THENCE SOUTH 04°53'21" EAST, DEPARTING SAID SOUTH LINE, AND ALONG SAID PARALLEL LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE SOUTH 85°09'39" WEST, DEPARTING SAID PARALLEL LINE, AND ALONG SAID SOUTH LINE, A DISTANCE 3.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 04°53'21" EAST, DEPARTING SAID SOUTH LINE, AND SAID SOUTHWEST CORNER, AND ALONG THE WEST LINE OF LOTS 3 AND 4, SAID BLOCK E, AND THE SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 115.00 FEET; THENCE SOUTH 85°09'39" WEST, DEPARTING SAID SOUTHERLY PROLONGATION, AND ALONG A LINE 15 FEET SOUTH OF, AND PARALLEL WITH THE SOUTH LINES OF SAID LOT 6, AND 5, SAID BLOCK E, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1.73 ACRES, MORE OR LESS.

SAID PARCELS 1-3, CONTAINING 8.21 ACRES IN AGGREGATE, MORE OR LESS.

