

FEE, YATES & FEE, PLLC

A Partnership of Professional Corporations

ATTORNEYS AT LAW

SINCE 1905

426 AVENUE A
FORT PIERCE, FLORIDA 34950
TELEPHONE (772) 461-5020
FACSIMILE (772) 468-8461

400 NW 2ND STREET
OKEECHOBEE, FLORIDA 34972
TELEPHONE (863) 763-3131
FACSIMILE (863) 763-1031

FEE & FEE, PLLC
FRANK H. FEE, III
FRANK "HANK" FEE, IV
E. CLAYTON YATES, P.A.
E. CLAYTON YATES

FRED FEE (1888-1939)
FRANK FEE (1913-1983)

PLEASE REPLY TO FORT PIERCE

RECEIVED

MAY 26 2020

CITY ATTORNEY

JOHN D. CASSELS, JR., P.A.
JOHN D. CASSELS, JR.
OF COUNSEL
PATRICIA L. DIAZ, PLLC
PATRICIA L. DIAZ
OF COUNSEL

Writer's Email:
ffee@feyateslaw.com

May 20, 2020

Peter J. Sweeney, Esq.
City of Fort Pierce Attorney
100 North U.S. 1
Fort Pierce, FL 34950
Via Hand Delivery

RE: FPUA Easement for Entry Road

Dear Peter:

I am sending in your care an original Agreement for Easements by the City on behalf of the FPUA with Joey Miller. Joey intends to construct a quality entrance road built to county specifications for his corner property at Jenkins Road and Orange Avenue. The road will run by and accommodate the UA's substation, as well.

In exchange for the quality driveway road, the UA has granted a 20 foot easement over its property to achieve the required county width of 100 feet. Construction of the road is consideration for the grant of easement for road use.

Bo Hutchinson at FPUA has approved the concept and Koby Koblegard has signed off on the form. Signing by you and the Mayor will be necessary for effectiveness. Please get this handled, if possible.

As always, I appreciate your assistance.

Very truly yours,

Frank H. Fee, III

FHF:llb
Enc.

This Instrument Prepared By:
Frank H. Fee, III, Esq.
FEE, YATES & FEE, PLLC
426 Avenue A
Fort Pierce, Florida 34950

AGREEMENT FOR EASEMENTS

THIS AGREEMENT FOR EASEMENTS dated this ____ day of _____, 2020, (“**Agreement**”) is by and between **THE CITY OF FORT PIERCE, a municipal corporation, for the use and benefit of the FORT PIERCE UTILITIES AUTHORITY**, whose address is 206 South Sixth Street, Fort Pierce, Florida, 34950 (“**FPUA**”) and **JOSEPH G. MILLER, as Trustee of the JOSEPH G. MILLER REVOCABLE LIVING TRUST dated October, 2, 1986, as amended**, whose address is 5500 Orange Avenue, Fort Pierce, Florida, 34947 (“**Miller**”).

W I T N E S S E T H:

WHEREAS, at an earlier time, Miller owned all of the following described parent parcel of real property, to-wit:

The Northwest 1/4 of the Southwest 1/4 of Section 7, Township 35 South, Range 40 East, LESS AND EXCEPTING therefrom the rights-of-way of Orange Avenue and Jenkins Road, St. Lucie County, Florida (“Miller Parcel”); and

WHEREAS, Miller sold and conveyed for the benefit of FPUA from the described Miller Parcel, the following described parcel, to-wit:

A parcel of land being the East 230 feet of the West 270 feet of the North 190.26 feet of the South 270.26 feet of the following described parcel:

The Northwest 1/4 of the Southwest 1/4 of Section 7, Township 35 South, Range 40 East, LESS AND EXCEPTING therefrom the rights-of-way of Orange Avenue and Jenkins Road, St. Lucie County, Florida (“FPUA Parcel”); and

WHEREAS, Miller intends to build an access road over the South 80 feet of the Miller Parcel which will abut the FPUA parcel along its South line; and

WHEREAS, in order to build a quality access road, St. Lucie County requires total right-of-way width of 100 feet, and the amount of available right-of-way to Miller, Southerly of the FPUA Parcel is 80 feet, resulting in a right-of-way width deficiency of 20 feet; and

WHEREAS, Miller has requested of FPUA a grant of easement and right-of-way over and upon the South 20 feet of the FPUA Parcel in order to achieve the right-of-way dimensions required for construction according to St. Lucie County specifications; and

WHEREAS, FPUA is agreeable to the grant requested by Miller in exchange for Miller's grant to FPUA of an easement for ingress, egress and access over and upon the 100 foot access road property having a width of 100 feet.

NOW, THEREFORE, in consideration of the premises above set forth, and the covenants herein contained, the parties agree as follows:

1. FPUA hereby gives and grants to Miller, his successors and assigns, a right-of-way and easement over and upon the South 20 feet of the FPUA Parcel for entry road purposes with the expectation Miller will construct such entry road to St. Lucie County road specifications.

2. In reciprocal fashion, Miller gives and grants to FPUA a reciprocal easement and right-of-way for ingress and egress and over the South 80 feet of the Miller parcel, bounded on the West by right-of-way for Jenkins Road and on the East by an extension Southerly of the East line of the FPUA Parcel, terminating at the South line of the Miller Parcel.

TO HAVE AND TO HOLD these Easements as appurtenant to the Miller Parcel and the FPUA parcel forever.

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

WITNESSES:

Printed Name: _____

Printed Name: _____

Lisa L. Bolton
Printed Name: Lisa L. Bolton

Hope R. Potts
Printed Name: Hope R. Potts

Approved as to Form and Content:

By: _____
City Attorney

CITY OF FORT PIERCE, for the use and benefit of the FORT PIERCE UTILITIES AUTHORITY

By _____
LINDA HUDSON, MAYOR

Joseph G. Miller
JOSEPH G. MILLER, individually, and as Trustee of the JOSEPH G. MILLER REVOCABLE LIVING TRUST dated October, 2, 1986, as amended

Approved as to Form and Content:

By: R N K
Fort Pierce Utilities Authority Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me, by means of physical appearance, this _____ day of _____, 2020, by **LINDA HUDSON, as Mayor of the CITY OF FORT PIERCE, for the use and benefit of the FORT PIERCE UTILITIES AUTHORITY**, who is personally known to me or provided _____ as identification, and who did not take an oath.

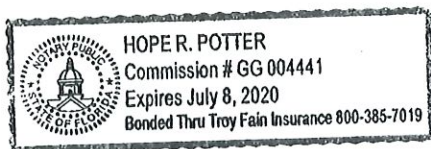
_____, Notary Public

My Commission Expires:

My Commission Number:

STATE OF FLORIDA
COUNTY OF ST. LUCIE

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me, by means of physical appearance, this 27th day of April, 2020, by **JOSEPH G. MILLER, individually and as Trustee of the JOSEPH G. MILLER REVOCABLE TRUST dated October 2, 1986, as amended**, who is personally known to me and who did not take an oath.



Hope R. Potter
Hope R. Potter, Notary Public

My Commission Expires:

My Commission Number: