

ORDINANCE 22-

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CONVEYANCE OF A PUBLIC UTILITY EASEMENT TO AT&T; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie (“City”) is the fee simple owner of that certain real property currently described as the Best Street road right-of-way (“ROW”), lying in Block 9, Port St. Lucie Section Eighteen, according to the plat thereof, as recorded in Plat Book 13, Pages 17 through 17K, of the Public Records of St. Lucie County, Florida, and more particularly described in the Utility Easement attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the City is abandoning a portion of the ROW via Ordinance 22-112; and

WHEREAS, AT&T has facilities on both sides of the ROW within the segment that is to be abandoned and desires for the City to provide a Utility Easement to protect these public facilities; and

WHEREAS, the City agrees to convey a Utility Easement in perpetuity to AT&T for access to and the maintenance and operation of, public utility facilities; and

WHEREAS, the City Council hereby authorizes the City Manager, or his designee, to execute the Utility Easement in substantially the same form as attached hereto as Exhibit “A” and convey the public Utility Easement over the ROW to AT&T.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recital is hereby ratified and confirmed as true and correct and is hereby made a part of this Ordinance.

Section 2. The City Manager, or his designee, is hereby authorized and directed to execute the Utility Easement in substantially the same form as attached hereto as Exhibit “A” and convey the sixty (60) foot wide Utility Easement to AT&T for access to, and the maintenance and operation of, public utility facilities.

Section 4. Recordation. The City Council hereby directs that this Ordinance be recorded in the public records of St. Lucie County, Florida.

Section 5. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 6. Severability. The provisions of this Ordinance are intended to be severable.

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If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 7. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 8. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida this ____ day of _____, 2022.

ATTEST:

CITY COUNCIL
CITY OF PORT ST. LUCIE

Sally Walsh, City Clerk

By: _____
Shannon M. Martin, Mayor

APPROVED AS TO FORM:

By: _____
James D. Stokes, City Attorney