

ORDINANCE 23-

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE MAYOR OF THE CITY OF PORT ST. LUCIE TO GRANT AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY FOR THE CITY-OWNED REAL PROPERTY LYING IN SECTION 35, TOWNSHIP 37 SOUTH, RANGE 38 EAST, ST. LUCIE COUNTY, FLORIDA, KNOWN AS MCCARTY RANCH ON RANGELINE ROAD IN THE AREA OTHERWISE KNOWN AS MCCARTY RANCH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie (the “City”) owns the real property lying in Section 35, Township 37 South, Range 38 East, in St. Lucie County, Florida, otherwise known as McCarty Ranch (the “Property”); and

WHEREAS, the City’s Utility Systems Department desires to convert from diesel fuel to electrical power to better serve the Utility Systems Department pump stations on the Property from Florida Power and Light Company (“FPL”) as part of the water reserve project; and

WHEREAS, the City is the fee and simple owner of the real property more particularly described on the Special Warranty Deed attached hereto and incorporated herein by reference as Exhibit “A”; and

WHEREAS, in order to provide requisite power to the City to serve this Property, FPL requires the City to grant an easement in substantially the form for approval attached hereto as Exhibit “B” and incorporated herein by reference (the “Easement”); and

WHEREAS, the City Council has determined that this conveyance serves a municipal purpose,

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

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

Section 2. Authorization. The Mayor or her designee, or the City Manager or his designee, is hereby authorized and directed to execute the Easement and any other documents necessary to complete the conveyance of the Easement.

Section 3. Conflict. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or

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unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. 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 _____, 2023.

CITY COUNCIL

CITY OF PORT ST. LUCIE

By: _____

Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____

James D. Stokes, City Attorney