

ORDINANCE 25-

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE MAYOR OF THE CITY OF PORT ST. LUCIE TO GRANT A PERPETUAL NON-EXCLUSIVE UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT TO PIVOTAL UTILITY HOLDINGS, INC. D/B/A FLORIDA CITY GAS FOR A PORTION OF LOT 1, LOT 32 AND DRAINAGE RIGHT OF WAY, BLOCK 2325, PORT ST. LUCIE SECTION THIRTY-THREE, AND TRACT X, BLOCK 2326, PORT ST. LUCIE SECTION THIRTY-THREE, ST. LUCIE COUNTY, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the City of Port St. Lucie (the “City”) owns the real property lying on Lot 1, Lot 32 and Drainage Right of Way, Block 2325, Port St. Lucie Section Thirty-Three and Tract X, Block 2326, Port St. Lucie Section Thirty-Three, and more particularly described in Exhibit “A” to the Easement and incorporated herein by reference; and

**WHEREAS**, in exchange for Florida City Gas services to the residents and businesses, Florida City Gas is requesting the City grant an easement over a portion of the Property in substantially the form for approval attached hereto as Exhibit “B” to the Easement and incorporated herein by reference (the “Easement Area”); and

**WHEREAS**, the City desires to grant to Grantee a perpetual non-exclusive easement to construct, reconstruct, maintain, repair, replace and remove a pipeline for the transportation of gas on a portion of the Property more particularly described in Exhibit “B” to the Easement and incorporated herein by reference (the “Easement Area”); and

**WHEREAS**, the City also desires to grant to Grantee a temporary construction easement to facilitate the initial construction of the pipeline on a portion of the Property more particularly described in Exhibit “C” to the Easement and incorporated herein by reference (the “Temporary Construction Easement Area”); 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 Recitals are hereby adopted as forming the intent and purpose of this Ordinance.

Section 2. AUTHORIZATION. The Mayor or her designee is hereby authorized and directed to execute the Easement and any related documents.

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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 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 immediately upon its final adoption after second reading.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

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Richard Berrios, City Attorney