

ORDINANCE 23-

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE MAYOR OF THE CITY OF PORT ST. LUCIE TO GRANT A UTILITY EASEMENT TO FLORIDA POWER & LIGHT COMPANY FOR THE PROPERTY LYING IN SECTION TEN, TOWNSHIP 37 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA; 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 Ten, Township 37 South, Range 40 East, in St. Lucie County, Florida, otherwise known as 613 SE Chapman Avenue (the “Property”); and

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

WHEREAS, the City’s Utility Systems Department utilizes the Property as a sanitary sewer lift station; and

WHEREAS, Florida Power & Light Company (“FPL”) requested the City to grant an easement in substantially the form for approval attached hereto as Exhibit “B” and incorporated herein by reference (the “Easement”) for its underground storm hardening program; 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.

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.

ORDINANCE 23-

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:

James D. Stokes, City Attorney