

ST. PETERSBURG CITY COUNCIL

Meeting of March 5, 2009

TO: The Honorable Jeff Danner, Chair and Members of City Council

SUBJECT: An Ordinance authorizing the grant of a Public Utility Easement to Florida Power Corporation d/b/a Progress Energy Florida Inc., a Florida corporation, for electrical service and related accessories at the St. Petersburg Tennis Center located at 650 - 18th Avenue South, St. Petersburg.


BACKGROUND: Real Estate & Property Management received a request from the Engineering and Capital Improvements Department asking that we prepare the necessary documents to grant Florida Power Corporation d/b/a Progress Energy Florida, Inc., a Florida corporation ("Progress Energy"), a Public Utility Easement ("Easement") (also referred to by Progress Energy as a "Distribution Easement - Corporate"), at the St. Petersburg Tennis Center located at 650 - 18th Avenue South, St. Petersburg.

The new Easement, as legally described in Exhibit "A", is necessary to accommodate construction of the new 4,500 square foot clubhouse, the demolition of the deteriorated existing 2,200 square foot clubhouse and provide electrical service for the tennis courts and construction activities. The new clubhouse will be constructed to meet the FEMA base flood elevation and will include a pro shop and display area, office for staff, a classroom for the First Serve program and restrooms with lockers and showers. The new Easement will have no significant effect on the public's use of the property. The existing easement will be vacated by a separate action following the recording of the new Easement in the Pinellas County public records.

An ordinance is required to authorize the grant of this Easement to Progress Energy as the requested Easement is to be located on land classified as "Park and Waterfront Property". This action is in compliance with Section 1.02(c)(3) of the City Charter that provides ". . . utility easements may be granted upon specific approval by ordinance where the easement will have no significant effect on the public's use of the property."

RECOMMENDATION: Administration recommends that City Council approve an ordinance granting a Public Utility Easement to Florida Power Corporation d/b/a Progress Energy Florida Inc., a Florida corporation, at the St. Petersburg Tennis Center located at 650 - 18th Avenue South, St. Petersburg.

ATTACHMENTS: Ordinance & Exhibits

APPROVALS: Administrative: R. Mussett 2-6-09 

Budget: N/A

Legal: RBB
(As to consistency w/attached legal documents)

ORDINANCE NO.: _____

AN ORDINANCE AUTHORIZING THE GRANT OF A PUBLIC UTILITY EASEMENT TO FLORIDA POWER CORPORATION D/B/A PROGRESS ENERGY FLORIDA INC., A FLORIDA CORPORATION, TO INSTALL, UPGRADE AND MAINTAIN ELECTRICAL SERVICE INCLUDING, BUT NOT LIMITED TO, A PAD MOUNTED TRANSFORMER AND RELATED ACCESSORIES AT THE ST. PETERSBURG TENNIS CENTER LOCATED AT 650 - 18TH AVENUE SOUTH, ST. PETERSBURG; TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:


Section 1. The City Council of the City of the City of St. Petersburg, Florida, hereby approves the grant of a Public Utility Easement ("Easement") to Florida Power Corporation d/b/a Progress Energy Florida Inc., a Florida corporation, to install, upgrade and maintain electrical service including, but not limited to, a pad mounted transformer and related accessories at the City-owned St. Petersburg Tennis Center located at 650 - 18th Avenue South, St. Petersburg within the Easement location set forth in the legal description and illustration which are attached hereto as Exhibits "A" and "B" respectively, and incorporated herein.

Section 2. This easement will have no significant effect on the public's use of the property and is granted pursuant to Section 1.02(c)(3) of the St. Petersburg, Florida, City Charter.

Section 3. The Mayor, or his Designee, is authorized to execute any documents necessary to effectuate the grant of this easement.

Section 4. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

LEGAL:



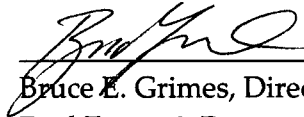
City Attorney (Designee)

APPROVED BY:



Clarence Scott, III, Administrator
City Services Administration

APPROVED BY:



Bruce E. Grimes, Director
Real Estate & Property Management

EXHIBIT "A"
LEGAL DESCRIPTION
FOR PUBLIC UTILITY EASEMENT @ ST. PETERSBURG TENNIS CENTER

A PUBLIC UTILITY EASEMENT LYING WITHIN SECTION 30, TOWNSHIP 31 SOUTH, RANGE 17 EAST, PINELLAS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF THE INTERSECTION OF 18TH AVENUE SOUTH (A 60-FOOT RIGHT-OF-WAY) AND 7TH STREET SOUTH (A 60-FOOT RIGHT-OF-WAY); THENCE SOUTH 89 DEGREES 54 MINUTES 47 SECONDS EAST, COINCIDENT WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID 18TH AVENUE SOUTH, 381.82 FEET TO THE POINT OF BEGINNING; THENCE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 47 DEGREES 32 MINUTES 29 SECONDS WEST, 124.31 FEET;
SOUTH 227.13 FEET;
EAST 10.00 FEET;
NORTH 30.92 FEET;
EAST 71.95 FEET;
NORTH 10.00 FEET;
WEST 71.95 FEET;
NORTH 130.80 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID 18TH AVENUE SOUTH;
NORTH 89 DEGREES 54 MINUTES 47 SECONDS WEST, COINCIDENT WITH THE SAID SOUTH RIGHT-OF-WAY LINE OF 18TH AVENUE SOUTH, 14.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,244.61 SQUARE FEET OF LAND, MORE OR LESS.

EXHIBIT "B" ILLUSTRATION

