

ST. PETERSBURG CITY COUNCIL

Meeting of April 2, 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, to provide electrical service at the at the Port of St. Petersburg at 300 – 8<sup>th</sup> Avenue Southeast, 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 Port of St. Petersburg at 300 – 8<sup>th</sup> Avenue Southeast, St. Petersburg.

The new Easement, as legally described in Exhibit "A", is necessary to provide electrical service for the new ±30,000 square foot SRI International building. The building/site will contain parking and marine staging areas at ground level, and office and laboratory space on the upper floors. The new Easement will have no significant effect on the public's use of the property.

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, to provide electrical service at the Port of St. Petersburg at 300 - 8<sup>th</sup> Avenue Southeast, St. Petersburg.

ATTACHMENTS: Ordinance & Exhibits

APPROVALS: Administrative: Joseph F. Zerk AS BB

Budget: N/A

Legal: RHS

(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 PROVIDE ELECTRICAL SERVICE AT THE AT THE PORT OF ST. PETERSBURG AT 300 – 8<sup>TH</sup> AVENUE SOUTHEAST, ST. PETERSBURG; TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

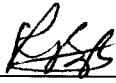
Section 1. The City Council of the City of the City of St. Petersburg, Florida, hereby approves the grant of a Public Utility Easement (“Easement”) to Florida Power Corporation d/b/a Progress Energy Florida Inc., a Florida corporation, to install, upgrade and maintain electrical service including, but not limited to, a pad mounted transformer and related accessories at the Port of St. Petersburg at 300 - 8<sup>th</sup> Avenue Southeast, 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:



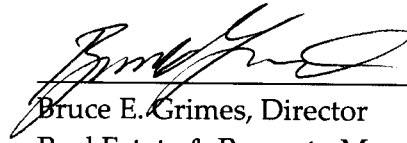
\_\_\_\_\_  
City Attorney (Designee)

APPROVED BY:



\_\_\_\_\_  
Chris Ballestra, Director  
Downtown Enterprise Facilities

APPROVED BY:



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Bruce E. Grimes, Director  
Real Estate & Property Management

## EXHIBIT "A"

(Legal Description of the Easement)

A PUBLIC UTILITY EASEMENT AT THE PORT OF ST. PETERSBURG  
300 – 8<sup>th</sup> Avenue Southeast

THAT PORTION OF LOT 1, BLOCK 1, PORT OF ST. PETERSBURG REPLAT AS RECORDED IN PLAT BOOK 108, PAGE 81 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA LYING IN SECTION 29, TOWNSHIP 31 SOUTH, RANGE 17 EAST, PINELLAS COUNTY, FLORIDA BEING FURTHER DESCRIBED AS FOLLOWS:

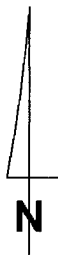
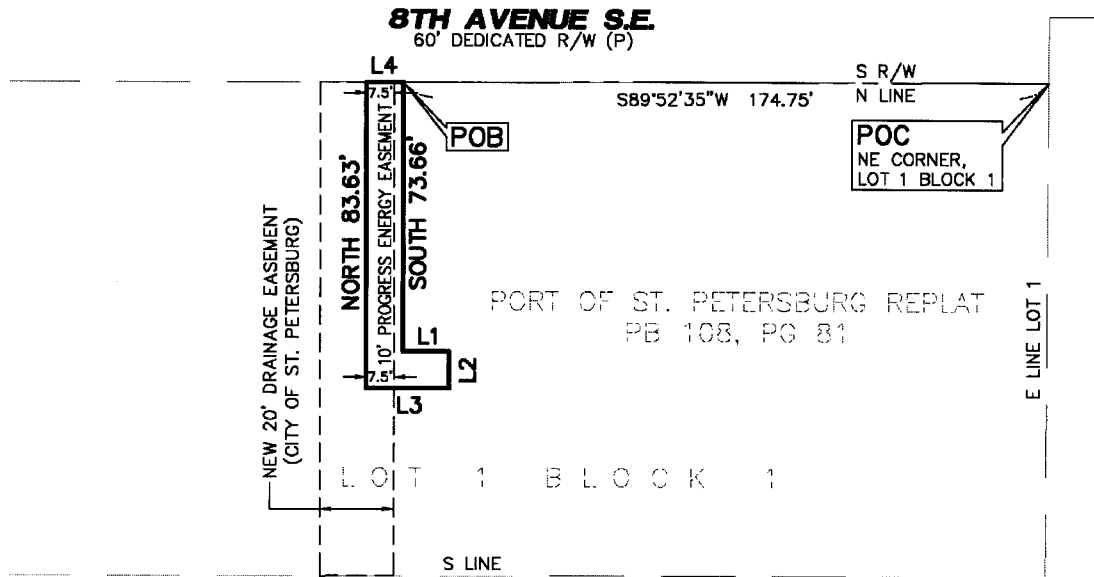
COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE SAID LOT 1 ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF 8TH AVENUE SOUTHEAST (60 FOOT RIGHT-OF-WAY), S.89°52'35"W., 174.75 FEET FOR THE POINT OF BEGINNING; THENCE LEAVING SAID LINE, SOUTH, 73.66 FEET; THENCE EAST, 12.60 FEET; THENCE SOUTH, 10.00 FEET; THENCE WEST, 22.60 FEET; THENCE NORTH, 83.63 FEET, TO THE NORTH LINE OF SAID LOT 1; THENCE ALONG SAID NORTH LINE, N.89°52'35"E., 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.022 ACRES, MORE OR LESS.

# EXHIBIT "B"

(Illustration of the Easement)

SECTION 29, TOWNSHIP 31S, RANGE 17E  
PINELLAS COUNTY, FLORIDA



**PORT OF ST. PETERSBURG  
BAYBORO HARBOR**