

ST. PETERSBURG CITY COUNCIL

Meeting of July 9, 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 install, operate, upgrade and maintain the electrical-related equipment necessary to provide electrical service along the northerly boundary of Albert Whitted Airport and a portion of Albert Whitted Park, 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 new Public Utility Easement ("Easement") (*also referred to by Progress Energy as a "Distribution Easement - Corporate"*), along the northerly boundary of Albert Whitted Airport ("Airport") and a portion of Albert Whitted Park ("A. W. Park"), St. Petersburg.

The existing easement provides electrical service to the Intermodal General Aviation Terminal Building, a portion of A. W. Park, the existing Air Traffic Control Tower ("Tower"), the existing Automated Surface Observation System ("ASOS") equipment field and other aviation-related facilities along the northerly boundary of the Airport. The proposed Easement, containing 43,134 square feet, is legally described in Exhibit "A" and illustrated on Exhibit "B." The proposed Easement has been engineered to provide for the necessary upgrades to the existing electrical service to accommodate construction and operation of the *new* Tower.

The proposed Easement will replace the existing easement that is being vacated by Progress Energy, pending the approval of the new Easement by City Council, and will have no significant effect on the public's use of the property. All of the above-mentioned improvements are already in place with the exception of the *new* Tower. Following the completion of the new Tower, the ASOS equipment field will be relocated to the site of the old Tower.

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 install, operate, upgrade and maintain the electrical-related equipment necessary to provide electrical service along the northerly boundary of Albert Whitted Airport and a portion of Albert Whitted Park, St. Petersburg.

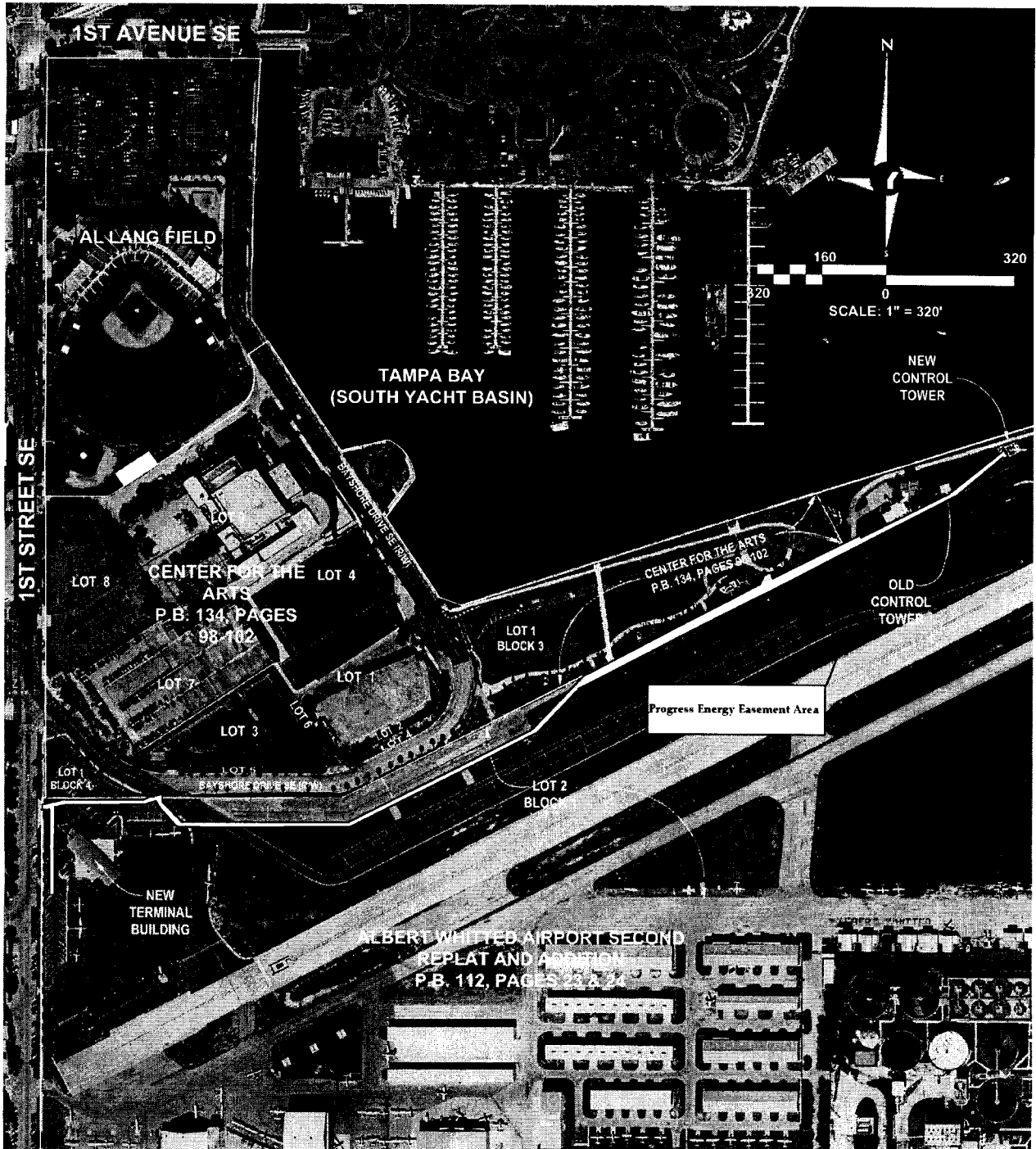
EXHIBIT "A"
(Legal Description)

A portion of Lot 2, Block 1, ALBERT WHITTED AIRPORT SECOND REPLAT AND ADDITION, as recorded in Plat Book 112, pages 23 and 24, Public Records of Pinellas County, Florida, and a portion of Lot 1, Block 3, CENTER FOR THE ARTS, as recorded in Plat Book 134, pages 98 through 10224, Public Records of Pinellas County, Florida, and a portion of the right-of-way of Bayshore Drive S.E., lying in Sections 19 and 20, Township 31 South, Range 17 East, Pinellas County, Florida, more particularly described as follows:

From the Northwest corner of Lot 2, Block 1 of said ALBERT WHITTED AIRPORT SECOND REPLAT AND ADDITION as a Point of Reference; thence S.00°04'41"E. along the West line of said Lot 2, Block 1, 15.92 feet to the POINT OF BEGINNING; thence continue S.00°04'41"E. along the West line of said Lot 2, Block 1, 10.19 feet; thence departing the West line of said Lot 2, Block 1, N.78°43'22"E., 21.95 feet; thence S.00°55'42"W., 217.96 feet; thence S.89°04'18"E., 10.00 feet; thence N.00°55'42"E., 220.13 feet; thence N.78°43'22"E., 29.06 feet; thence N.89°54'58"E., 192.22 feet; thence N.74°57'43"E., 38.39 feet; thence S.07°35'48"W., 7.22 feet; thence S.41°06'55"E., 80.29 feet; thence N.89°47'19"E., 425.59 feet; thence N.62°38'49"E., 518.86 feet; thence N.43°55'51"E., 153.23 feet; thence N.62°33'37"E., 302.33 feet; thence N.62°25'37"E., 102.75 feet; thence N.63°55'53"E., 10.00 feet; thence N.62°33'37"E., 289.69 feet; thence N.60°30'46"E., 86.62 feet; thence N.62°21'59"E., 266.11 feet; thence N.50°02'34"E., 146.94 feet; thence N.62°24'11"E., 16.16 feet; thence N.27°35'49"W., 12.50 feet; thence S.62°24'11"W., 16.00 feet; thence S.27°35'49"E., 2.23 feet; thence S.50°02'34"W., 148.22 feet; thence S.62°21'59"W., 107.05 feet; thence N.27°38'01"W., 3.55 feet; thence S.62°21'59"W., 13.08 feet; thence S.27°38'01"E., 3.55 feet; thence S.62°21'59"W., 138.31 feet; thence N.27°26'23"W., 10.88 feet; thence S.62°33'37"W., 240.88 feet; thence N.27°26'23"W., 18.50 feet; thence S.62°33'37"W., 13.08 feet; thence S.25°18'02"W., 30.56 feet; thence S.62°33'37"W., 406.50 feet; thence N.27°26'23"W., 17.00 feet; thence N.07°49'21"W., 208.17 feet; thence N.71°59'21"E., 4.73 feet; thence N.18°00'39"W., 17.00 feet; thence S.71°59'21"W., 17.00 feet; thence S.18°00'39"E., 17.00 feet; thence N.71°59'21"E., 2.11 feet; thence S.07°49'21"E., 209.94 feet; thence S.62°33'37"W., 5.73 feet; thence S.27°26'23"E., 17.00 feet; thence S.62°33'37"W., 56.88 feet; thence S.43°55'51"W., 197.05 feet; thence S.62°38'49"W., 514.80 feet; thence S.89°47'19"W., 418.61 feet; thence N.41°06'55"W., 71.19 feet; thence N.07°35'48"E., 17.70 feet; thence S.74°57'43"W., 52.09 feet; thence S.89°54'58"W., 191.88 feet; thence S.78°43'22"W., 60.24 feet to the POINT OF BEGINNING.

Containing 43,134 square feet or 0.990 acres. St. Petersburg, Florida

EXHIBIT "B"
(Aerial Photograph)



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, OPERATE, UPGRADE AND MAINTAIN THE ELECTRICAL-RELATED EQUIPMENT NECESSARY TO PROVIDE ELECTRICAL SERVICE ALONG THE NORTHERLY BOUNDARY OF ALBERT WHITTED AIRPORT AND A PORTION OF ALBERT WHITTED PARK, 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") (*also referred to by Progress Energy as a "Distribution Easement - Corporate"*) to Florida Power Corporation d/b/a Progress Energy Florida Inc., a Florida corporation, to install, operate, upgrade and maintain the electrical-related equipment necessary to provide electrical service along the northerly boundary of Albert Whitted Airport and a portion of Albert Whitted Park, 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:

Bruce E. Grimes, Director
Real Estate & Property Management