

## ST. PETERSBURG CITY COUNCIL

Meeting of July 23, 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 and maintain the electrical-related equipment necessary to provide electrical service to the new Dali Museum.

**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"*), to install electrical-related improvements necessary to provide electrical service to the new Dali Museum located on Lot 1, Block 1, Center For The Arts, St. Petersburg.

The proposed Easement has been engineered to provide for the installation, operation and maintenance of the pad mounted transformer and related improvements necessary to provide electrical service to the new Dali Museum. The proposed Easement, containing 782.20 square feet, is legally described in Exhibit "A" and illustrated on Exhibit "B" and 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.*"

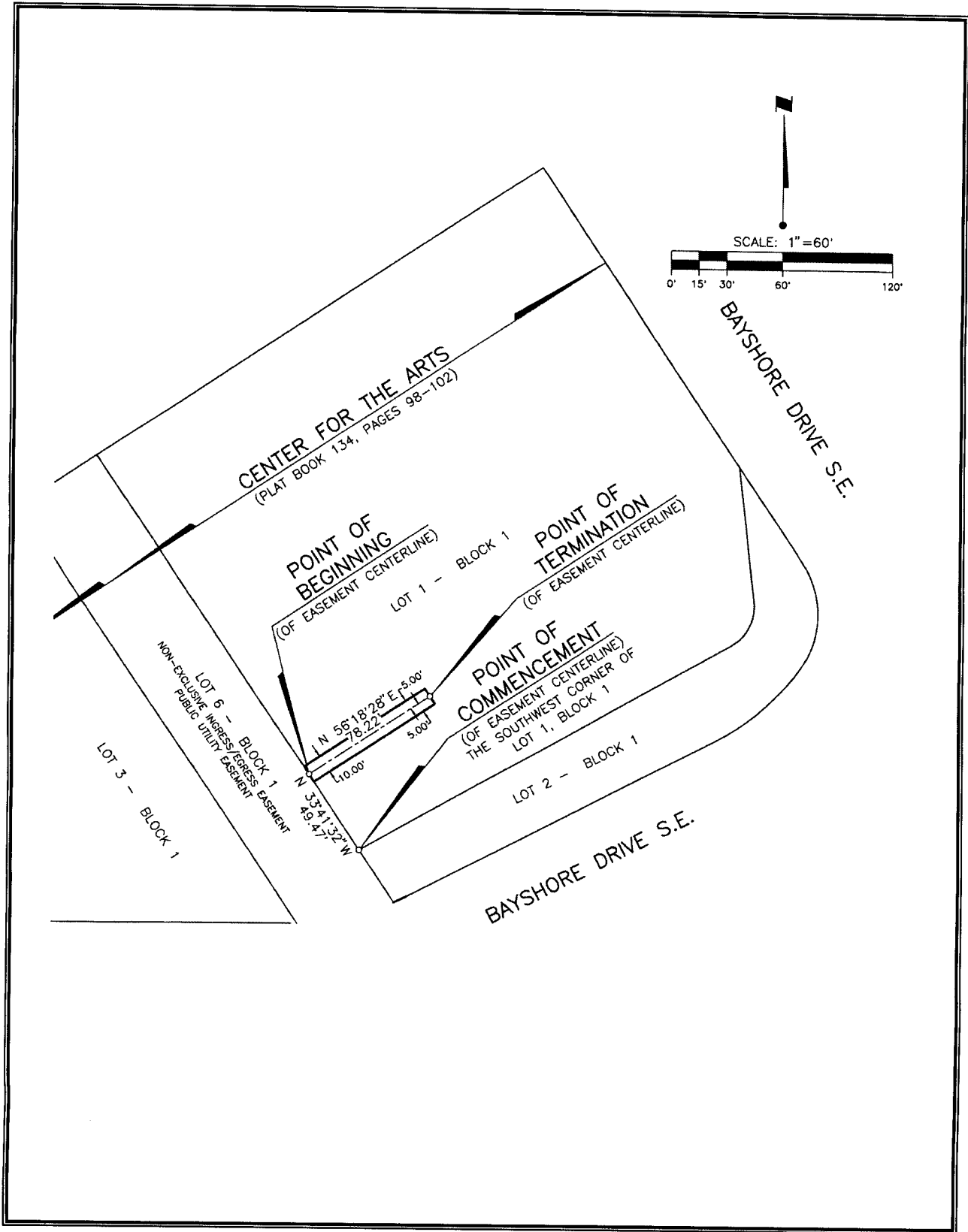
**RECOMMENDATION:** Administration recommends that City Council approve an ordinance granting a Public Utility Easement to Florida Power Corporation d/b/a Progress Energy Florida, Inc., a Florida corporation, to install, operate and maintain the electrical-related equipment necessary to provide electrical service to the new Dali Museum.

**EXHIBIT "A"**  
(Legal Description)

A strip of land being a portion of Lot 1, Block 1 of Center For The Arts per map or plat thereof as recorded in Plat Book 134, pages 98 through 102 of the Public Records of Pinellas County, Florida, said strip being 10.00 feet in width and lying within 5.00 feet on each side of the following described centerline:

COMMENCE at the Southwest corner of Lot 1, Block 1 of Center For The Arts per map or plat thereof as recorded in Plat Book 134, pages 98 through 102 of the Public Records of Pinellas County, Florida and run thence N33°41'32"W, 49.47 feet along the West boundary of said Lot 1 to the POINT OF BEGINNING; thence departing said West boundary, N56°18'28"E, 78.22 feet to the POINT OF TERMINATION.

**EXHIBIT "B"**  
(Illustration)



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 AND MAINTAIN THE ELECTRICAL-RELATED EQUIPMENT NECESSARY TO PROVIDE ELECTRICAL SERVICE TO THE NEW DALI MUSEUM; 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 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 to the new Dali Museum located on Lot 1, Block 1, Center For The Arts 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.

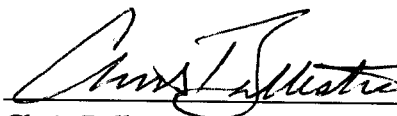
Section 4. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will 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:



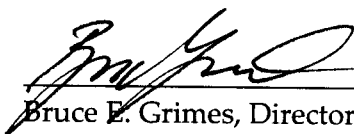
\_\_\_\_\_  
City Attorney (Designee)

APPROVED BY:



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

APPROVED BY:



\_\_\_\_\_  
Bruce E. Grimes, Director  
Real Estate & Property Management