

2D-6)



**City Council Agenda Item**  
**Meeting of January 8, 2013**

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**TO:** The Honorable Mayor and Members of the City Council  
**FROM:** James R. O'Connor, City Manager  
**DATE:** December 13, 2012

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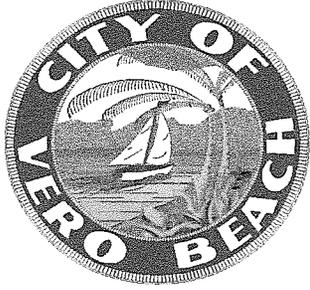
**SUBJECT:** Utility Easement #2012-EG-0115 – 19<sup>th</sup> Street Group, LLC – 1800-1887 Old Dixie Highway – Block 1, Knight's Addition to Edgewood

**REQUESTED BY:** City Manager/Public Works Department

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The following is requested as it relates to the above-referenced agenda item:

- Request Council review and approval based on the attached supporting documentation.
  - No action required. (Information only)
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**CITY OF VERO BEACH**  
**AGENDA ROUTING SLIP**

Date: December 4, 2012

**For City Council Meeting on January 8, 2013**

- Originated by: (Check one)
- City Council, motion adopted on: \_\_\_\_\_
  - Council Member \_\_\_\_\_
  - City Manager
  - City Attorney
  - City Clerk
  - Public Works Department

Person to Contact: David Gay, Chief Surveyor

Telephone Number: 978-4870

Brief Description: Utility Easement #2012-EG-0115  
19<sup>th</sup> Street Group, LLC  
1800 – 1887 Old Dixie Highway  
Block 1, Knight's Addition to Edgewood

		<u>Initial/Date</u>	
<u>Route for Signature to:</u>  (Fill in Departments which should review this item.)	1.	<u>T&amp;D</u>	Dept. <u><i>DG</i> 12/6/12</u>
	2.	<u>City Attorney</u>	Dept. <u><i>PL</i> 12/7/12</u>
	3.	<u>City Manager</u>	Dept. <u><i>D</i> 12/13/12</u>
	4.	_____	Dept. _____
	5.	_____	Dept. _____
	6.	_____	Dept. _____
	7.	_____	Dept. _____

- Return Completed Agenda Item and Slip to (check one):
- City Attorney's Office
  - City Manager's Office

cc: Tammy K. Vock, City Clerk



## DEPARTMENTAL CORRESPONDENCE

TO: James R. O'Connor, City Manager  
DEPT: City Manager

VIA: Monte K. Falls, PE, Director  
DEPT: Public Works *MK FALLS 12/5*

FROM: David R. Gay, PSM, Chief Surveyor *DRG*  
DEPT: Public Works

DATE: December 4, 2012

**RE: Utility Easement #2012-EG-0115  
19<sup>th</sup> Street Group, LLC  
1800 – 1887 Old Dixie Highway  
Block 1, Knight's Addition to Edgewood**

### Recommendation:

- Place these items on the City Council's January 8, 2012 agenda;
- Approve and accept conveyance of the Deed of Easement for electric facilities.

### Funding:

There is no funding required for this item.

### Background:

As part of the construction improvements at the referenced location a utility easement is required to be granted to the City for a transformer that is being installed.

### Attachments

Cc: Ted Fletcher, Electric System Design Supervisor, T&D

DRG/jb

Prepared by and return to:  
Office of the City Attorney  
P.O. Box 1389  
Vero Beach, FL 32961-1389

**UTILITY EASEMENT DEED  
(#2012-EG-0115)**

**THIS INDENTURE** made and entered into this 21<sup>st</sup> day of NOVEMBER 2012, by and between 19<sup>TH</sup> STREET GROUP, L.L.C., a Florida limited liability company (the "Grantor"), whose mailing address is c/o Alan R. Schommer, 1460 56<sup>th</sup> Street West, Vero Beach, FL 32966, and the CITY OF VERO BEACH, a Florida municipal corporation (the "Grantee"), whose mailing address is P.O. Box 1389, Vero Beach, FL 32961-1389:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors and assigns.)

**WITNESSETH:**

That Grantor is the owner in fee simple of that certain real property (the "Property") lying, situate and being in Indian River County, Florida and more particularly described as

Property conveyed by Warranty Deed dated April 3, 2012, and as recorded in OR Book 2566, Page 524, of the Public Records of Indian River County, Florida on April 4, 2012.

That Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants to the Grantee, its successor and assigns, a public utility easement, which easement is more particularly described in Exhibit "A" (the "Easement Premises"), attached hereto and incorporated herein by reference, and which easement shall run with and be a burden upon the Property.

Grantor hereby reserves for itself, its successors, and assigns the right to use the Easement Premises for purposes not inconsistent with the Easements granted herein, including without limitation, the right of ingress, egress and passage by Grantor and its employees, agents, customers, and invitees, over, across, and through the Easement Premises.

Grantor further grants to the Grantee, its agents, employees, contractors, and assigns, a general ingress/egress easement over and across its driveways, parking, common and open areas of the Property for the purpose of access to, and/or maintenance of, any of the Grantee's improvements. Grantee shall not be otherwise responsible for maintenance of the Easement Premises.

The undersigned hereby covenants and warrants that Grantor owns the said land described herein and the undersigned, as or on behalf of Grantor, has the right to grant these easements.

IN WITNESS WHEREOF, the Grantor has duly authorized and caused this Indenture to be executed in its name as of the day and year first herein written.

**GRANTOR (19<sup>th</sup> STREET GROUP, L.L.C., a Florida limited liability company):**

WITNESS:

By: *[Signature]*  
Alan R. Schommer  
Managing Member

Sign: *Joseph Cankovich*  
Print: *Joseph Cankovich*

Sign: *MLP*  
Print: *Nicole Puzakulics*

[SEAL]



STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 01<sup>st</sup> day of Nov, 2012, by Alan R. Schommer, as Managing Member of 19<sup>th</sup> Street Group, L.L.C., a Florida limited liability company, as Grantor. He is **[circle one]** personally known to me **OR produced [describe ID shown]** \_\_\_\_\_ as identification, and **[circle one]** did OR did not take an oath.

NOTARY PUBLIC

Sign: *Jessica Parish*  
Print: Jessica Parish  
State of Florida at Large  
My Commission No: EE 178374  
My Commission Expires: 5/8/2016

**ACCEPTANCE OF CONVEYANCE**

The foregoing conveyance is hereby accepted by the City of Vero Beach, Florida, as evidenced by the signature of the undersigned, who is authorized to accept this conveyance.

ATTEST:

CITY OF VERO BEACH

\_\_\_\_\_  
Tammy K. Vock  
City Clerk

\_\_\_\_\_  
A. Craig Fletcher  
Mayor

[CITY SEAL]

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

The foregoing Acceptance of Conveyance was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012 by A. Craig Fletcher, as Mayor, and attested by Tammy K. Vock, as City Clerk, of the City of Vero Beach, Florida. They are both known to me and did not take an oath.

NOTARY PUBLIC

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
State of Florida at Large  
My Commission No.: \_\_\_\_\_  
My Commission Expires:

Approved as to form and legal sufficiency:

Approved as conforming to municipal policy.

  
\_\_\_\_\_  
Margaret S. Lyon  
Assistant City Attorney

  
\_\_\_\_\_  
James R. O'Connor  
City Manager

Approved as to technical requirements:

  
\_\_\_\_\_  
Ted Fletcher  
Electric System Design Supervisor, T&D

**EXHIBIT "A"**  
**PROPERTY DESCRIPTION**  
**UTILITY EASEMENT #2012-EG-0115**  
**BLOCK 1, KNIGHT'S ADDITION TO EDGEWOOD**  
**Parcel #33-39-02-00009-0010-00000.1**

Situated in the State of Florida, County of Indian River, City of Vero Beach, and being a part of Block 1, Knight's Addition to Edgewood Subdivision, as recorded in Plat Book 3, Page 55 of the Public Records of St. Lucie County, Florida, said lands now lying and being in Indian River County and being more particularly bounded and described as follows:

Commencing at the northwest corner of said Block 1, said point being the intersection of the south right-of-way line of 18<sup>th</sup> Place and the easterly right-of-way of Old Dixie Highway;

Thence South 17°41'18" East along the said easterly right-of-way of Old Dixie Highway for a distance of 123.59 feet to the Point of Beginning;

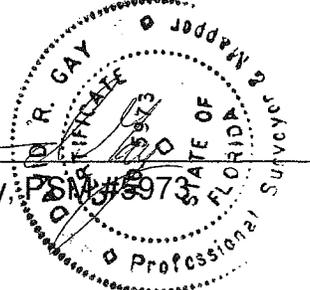
Thence North 89°05'16" East for a distance of 100.75 feet;

Thence South 01°39'02" East for a distance of 10.00 feet;

Thence South 89°05'16" West for a distance of 97.87 feet to a point on the said Easterly right-of-way of Old Dixie Highway;

Thence North 17°41'18" West along said easterly right-of-way for a distance of 10.44 feet to the Point of Beginning;

Containing 993 square feet more or less.

  
\_\_\_\_\_  
David R. Gay, P.S.M. #5973  


18TH PLACE 30' R/W

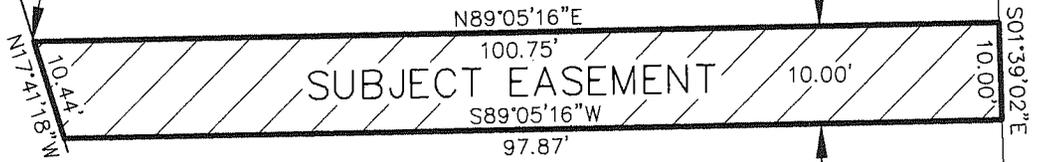
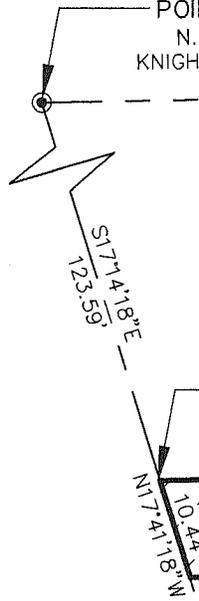


POINT OF COMMENCEMENT  
N.W. CORNER OF BLOCK 1  
KNIGHTS ADDITION TO EDGEWOOD

19TH STREET GROUP, LLC  
1800-1887 OLD DIXIE HIGHWAY  
PARCEL #33-39-02-00009-0010-00000.1

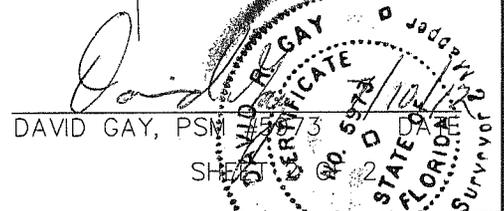
POINT OF BEGINNING

C/L OLD DIXIE HIGHWAY  
50' R/W



BLOCK 1, KNIGHT'S ADDITION TO EDGEWOOD  
PLAT BOOK 3, PAGE 55, ST. LUCIE COUNTY  
(NOW INDIAN RIVER COUNTY)

SURVEY INFORMATION SHOWN IS BASED ON A  
BOUNDARY SURVEY BY WILLIAM B. ZENTZ & ASSOCIATES  
JOB # 182-006, DATED 7/05/12



THIS SKETCH IS NOT A SURVEY

CITY OF VERO BEACH	SKETCH OF PROPERTY DESCRIPTION	EXHIBIT "A"	REV. NO.	APPROVED BY
DEPARTMENT OF PUBLIC WORKS	UTILITY EASEMENT	CITY PROJECT NO. 2012-EG-115	DRWN BY	DATE
SURVEY DIVISION	BLOCK 1, KNIGHT'S ADDITION TO EDGEWOOD SUBDIVISION	DATE 07/2012	DRWN BY BMM	CHKD BY DG
		DESCRIPTION		