

ORDINANCE NO. 2018-2146_____

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AUTHORIZING THE CONVEYANCE OF A DRAINAGE EASEMENT TO PASCO COUNTY, FLORIDA; PROVIDING FOR AUTHORIZATION FOR EXECUTION OF THE DRAINAGE EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is the owner of that certain real property located in Pasco County's western drainage project legally described as The Westerly 50.00 feet of the Northerly 170.00 feet of Tract 55 of Port Richey Land Company Subdivision of Section 10, Township 26 South, range 16 East, as shown on the plat recorded in Plat Book 1, Pages 60-61 of the Public Records of Pasco County, Florida. The above described property contains 8,500 Square Feet, more or less. (the Property); and

WHEREAS, Pasco County desires a non-exclusive drainage easement over the Property to address the drainage requirement needs and the County's future drainage needs; and

WHEREAS, because the Plathe Rd. western drainage project is a function of the County, there is no useful function for the City to retain the drainage easement for itself and no commercial value to the drainage easement; and

WHEREAS, the City, therefore, desires to grant such easement pursuant to Section 2-168 of the New Port Richey City Code and Section 2.12 of the City Charter, on the terms and conditions provided in the drainage easement attached hereto and incorporated by reference; and

WHEREAS, Section 2.12 of the City Charter requires that the conveyance of this interest in real property of the City be authorized by ordinance of the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA IN SESSION, DULY AND REGULARLY ASSEMBLED, THAT:

Section 1. A non-exclusive drainage easement is hereby authorized to be granted over a portion of the Property on the terms and conditions of that certain Drainage Easement attached to this Ordinance as **Exhibit A**, the provisions of which are incorporated herein by reference as if set forth fully herein, and the Mayor is authorized to execute the Drainage Easement on behalf of the City.

Section 2. The provisions of this Ordinance shall take effect upon its final passage and adoption and final execution of the Drainage Easement by both parties.

The above and foregoing Ordinance was read and approved upon first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this _____ day of _____, 2018.

The above and foregoing Ordinance was read and approved upon second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this _____ day of _____, 2018.

(SEAL)

CITY OF NEW PORT RICHEY, FLORIDA

ATTEST

Judy Meyers, City Clerk

BY: _____
Rob Marlowe, Mayor

REVIEWED AND APPROVED:

Tim Driscoll, City Attorney

Please return to Board Records, Dade City

Prepared by:
Pasco County Real Estate Division
7220 Osteen Road
New Port Richey, FL 34653

EXHIBIT "A"

Property Appraiser's Parcel ID No(s):
(portion of) 10-26-16-0020-05500-0030

DRAINAGE EASEMENT

THIS NON-EXCLUSIVE DRAINAGE EASEMENT (Easement) is made between **THE CITY OF NEW PORT RICHEY**, a Political Subdivision of the State of Florida whose address is **5919 MAIN STREET, NEW PORT RICHEY, FLORIDA**, hereinafter referred to as Grantor, and **PASCO COUNTY**, a Political Subdivision of the State of Florida, whose address is 37918 Meridian Avenue, Dade City, Florida 33525, hereinafter referred to as Grantee.

1. **GRANT OF EASEMENT.** Grantor, for good and valuable consideration by Grantee, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby grant, convey, and quit-claim to Grantee, a non-exclusive perpetual easement for drainage purposes, as well as to access, construct, reconstruct, operate, maintain and modify structures, features and improvements deemed by Grantee to be necessary for storm water or other drainage over, under and across the Property, within the area set forth on Exhibit A (the Easement).
2. **MAINTENANCE.** Grantee, and its successors and assigns, shall have the right, but not the obligation to maintain the drainage features in the Easement and to use and occupy that portion of Grantor's land as identified on Exhibit A for construction equipment and materials during construction, reconstruction, replacement, removal, or maintenance of said drainage features and improvements, but only over such route as will not cause damage or inconvenience to Grantor and, in no event, shall construction materials be stored for a period of more than 90 days. Grantee shall restore any such routes or portions of the Property to the condition existing immediately prior to Grantee's use thereof. Grantor shall remain responsible for all grass mowing within the Easement.
3. **NOT FOR GENERAL ACCESS.** This Easement shall not be construed, expressly or by implication, to include any right of access by the general public. Grantor reserves the right and benefit to use the Easement for any purpose that does not interfere with or unreasonably burden Grantee's rights under this Easement.
4. **MODIFICATION AND EFFECT.** This Easement may be modified only in writing executed by Grantor and Grantee. This Easement and all of the conditions, obligations and covenants set forth herein are intended to be and shall be construed as covenants running with the land and binding upon and inuring to the benefit of Grantor and Grantee, and their respective heirs, successors and assigns. The rights and interests granted herein are non-exclusive as to Grantee and Grantor reserves the right to grant additional easements on the Property so long as such subsequent grant does not interfere with or conflict with the rights granted to Grantee herein.

TO HAVE AND TO HOLD the same with all and singular the appurtenances thereunto belonging or in anywise appertaining to the granting of this easement in law or equity to the only proper use, benefit and behoof of Grantee, its successors and assigns.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in his name.

ATTEST: _____

Judy Meyers, City Clerk and Executive Assistant

Rob Marlowe, Mayor

APPROVED AS TO FORM:

City Attorney

Signed in the presence of:

1st Witness signature

2nd Witness signature

1st Witness print name

2nd Witness print name

STATE OF FLORIDA

COUNTY OF PASCO

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared **Rob Marlowe as Mayor and Judy Meyers as City Clerk and Executive Assistant of the City of New Port Richey**, [] who produced _____ as identification, or [] who are personally known to me, and that they severally acknowledged executing the same in the presence of the two subscribing witnesses freely and voluntarily under the authority duly vested in them by said City and that the seal affixed thereto is the true City seal of said City and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 20____.

(SEAL)

Notary Signature

My Commission Expires: _____

SECTIONS 10, TOWNSHIP 26 SOUTH, RANGE 16 EAST PASCO COUNTY, FLORIDA

EXHIBIT "A"

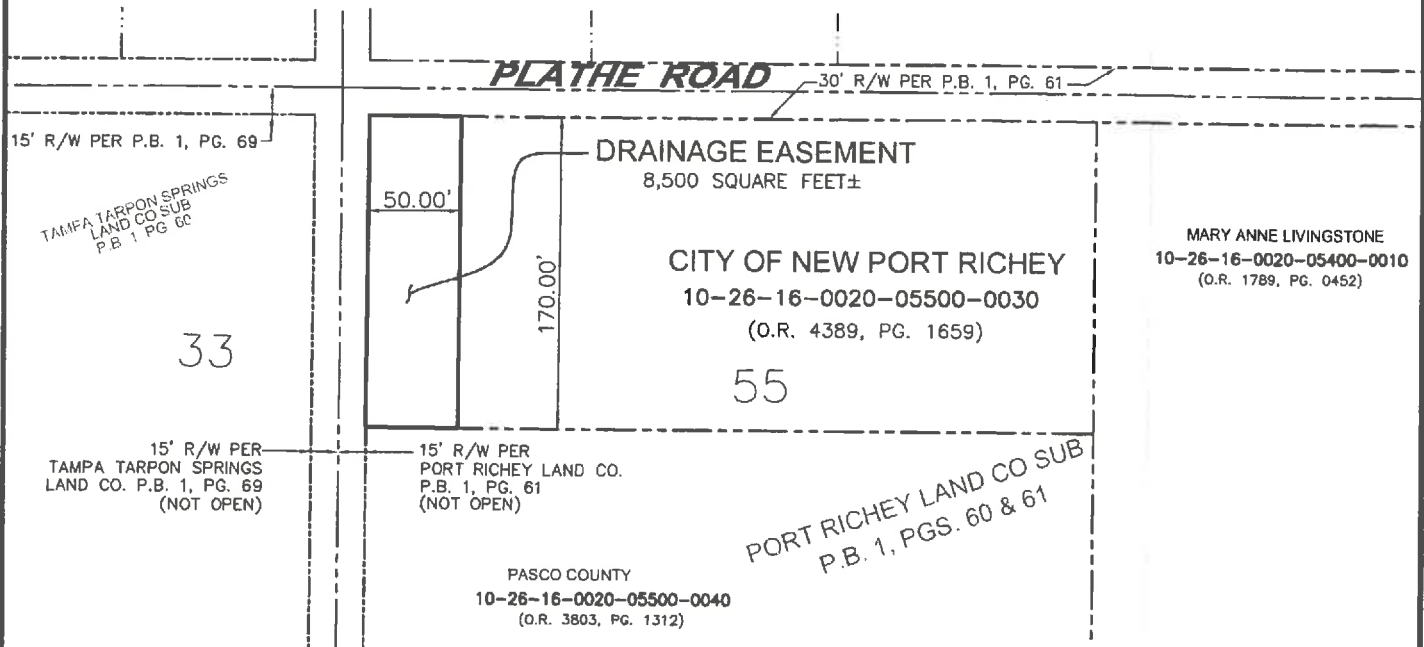
DRAINAGE EASEMENT



NOT TO SCALE

The Westerly 50.00 feet of the Northerly 170.00 feet of Tract 55 of PORT RICHEY LAND COMPANY SUBDIVISION of Section 10, Township 26 South, Range 16 East, as shown on the plat recorded in Plat Book 1, Pages 60 and 61 of the Public Records of Pasco County, Florida.

The above described property contains 8,500 square feet, more or less.



NOTES:

1. This sketch is NOT A SURVEY.
2. Not valid without the signature and the original raised seal of this Florida licensed surveyor and mapper.
3. These lands not abstracted for easements, rights of way or other matters of record that may be found in the Public Records of Pasco County, FL.

LEGEND

- O.R. OFFICIAL RECORDS BOOK
P.B. PLAT BOOK
R/W RIGHT OF WAY



**PASCO COUNTY SURVEYING
AND MAPPING DIVISION
ENGINEERING SERVICES DEPARTMENT**
8731 CITIZENS DR. NEW PORT RICHEY, FL 34654

EAST GATE ESTATES
DRAINAGE EASEMENT
10-26-16-0020-05500-0030

DATE OF SKETCH: July 3, 2018	DRAWING FILE DE.dwg	W/O # X-9280.50	
REVISION DATE:	DRAWN: DJD	CHECK: SDT	SURVEY Job No.: 1718-179 SHEET 1 OF 1

SKETCH OF DESCRIPTION

**DENNIS J. DeHOFF FLORIDA LICENSED
SURVEYOR AND MAPPER NO. 4289**

This certifies that this sketch was made under my supervision and meets the Standards of Practice set forth by the Board of Professional Surveyors & Mappers in Chapter 5J-17, of the Florida Administrative code, pursuant to Section 472.027, Florida Statutes.