

CITY OF PORT ST. LUCIE UTILITY SYSTEMS DEPARTMENT
EASEMENT FORM PREPARATION INSTRUCTIONS

Please complete the easement form according to the following instructions. Please note that a failure to completely fill out the form and have it properly executed will result in a need to have the form resubmitted.

1. Completely fill in the blanks: Fill in the date and Grantor(s) identity at the top of the form and mailing address. The Grantor(s) include all persons or entities shown on the deed reflecting ownership of the property.

2. Signing and Witnessing:

A. **For individuals:** All persons shown on the deed must sign the easement.

You may need to add additional lines and notary blocks as needed depending upon the number of owners. All owners must sign in the presence of two witnesses and a notary must fully complete the acknowledgement form/notary block for each owner. The notary may be one of the two witnesses required; however, he/she must also sign on one of the witness lines in addition to her signature in the notary block.

B. **For Corporations or other Entities:** The President, Vice-President, Partner, Member, etc., having the authority to convey an interest in real property owned by the entity must sign and provide their title below their signature. Again, the document must be signed in the presence of two witnesses and acknowledged by a notary.

3. Acknowledgements: The Notary public should legibly fill in all blanks, including: state and county of execution; names of individuals of officers signing and their titles; expiration date of commission; fill in date; sign on line provided; and affix notary seal adjacent to the signature of the notary public.

4. Exhibits: Exhibit "A" should include the legal description of the Property of which the easement is a part. Please provide the Parcel ID# if one has been assigned. Exhibit "B" should include the sketch & legal description of the Easement Premises.

5. Questions: If there are any questions with regard to the easement, such as land held in trust, a need for modifications to the form, or other legal issues, etc., please contact the City of Port St. Lucie Legal Department at 772-871-5294 prior to having the document executed or recorded.

Prepared by and return to:
Port St. Lucie Utility Systems Dept.
900 SE Ogden Lane
Port St. Lucie, FL 34983

UTILITY EASEMENT

THIS INDENTURE made and entered into this ___ day of _____, 20___, by and between _____ ("Grantor"), owner of the property for which this document applies, whose mailing address is _____ and the **CITY OF PORT ST. LUCIE**, a Florida municipal corporation ("Grantee"), whose mailing address is 900 SE Ogden Lane, Port St. Lucie, Florida 34983:

(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, located and being in St. Lucie County, Florida and more particularly described in Exhibit "A", attached hereto and made a part hereof; and

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

Grantor and Grantee agree that there will be no improvement planted or constructed within the boundaries of the Easement Premises without written approval by the Grantee. Should the Grantor plant or construct such improvement, it is subject to removal or destruction by the Grantee, without liability or responsibility thereof on the part of the Grantee.

Grantor further grants to the Grantee, its agents, employees, contractors, designees and assigns, a general ingress/egress easement over and across its driveways, parking, common or open areas of the Property for the purpose of access to, installation of, modification of, and/or maintenance of, any of the Grantee's utility pipelines, appurtenances, facilities and equipment.

Grantor hereby covenants and warrants that Grantor owns the said land described herein, or is an agent of Grantor, and has the right to grant this easement.

(Continued on next page)

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.

WITNESS ONE

Print Name

WITNESS TWO

Print Name
(document requires two witnesses' signatures)

GRANTOR (owner/agent of property)

Print Name/ Title

Company (if applicable)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, and did not take an oath, who [] is known to me, or [] produced _____ as identification.

Notary Public

Print Name: _____

Notary Seal

My Commission Expires: _____

Please return this form and attached exhibits to

EXHIBIT "A"

Legal Description of the Property

Parcel ID # _____

EXHIBIT "B"

Sketch of the Easement Premises

**City of Port St. Lucie
Utility Systems Department**

Standard Plat Dedication Language

1. Private Street / Rights-of-Way:

Place language dedicating streets, rights-of-way, etc. to a Private Association here, An easement over and under such (streets, rights-of-way) as shown hereon is also reserved in favor of the City of Port St. Lucie, its successors and assigns, for access to, and the installation and maintenance of, public utility facilities, including but not limited to, water and wastewater lines and appurtenant facilities. The City of Port St. Lucie shall not be responsible for any maintenance obligations for said easement area or such (streets, rights-of-way, etc.) except as shall relate to the servicing of such public utilities by the City of Port St. Lucie.

2. Non-Specific Utility Easements: (see attached notes)

Place language dedicating the nonspecific utility easements here, Said Easement as shown hereon is also dedicated in favor of the City of Port St. Lucie, its successors and assigns, for access to, and installation and maintenance of, public utility facilities, including but not limited to, water and wastewater lines and appurtenant facilities. The City of Port St. Lucie shall not be responsible for any maintenance obligations for said easement except as shall relate to the servicing of such public utilities by the City of Port St. Lucie.

3. Specific Utility Easement: (see attached notes)

Place language dedicating the specific utility easement here, Said Easement as shown hereon is a Utility Easement which is hereby dedicated to the City of Port St. Lucie, its successors and assigns, for access to, and the installation and maintenance of, public utilities facilities, including but not limited to, water and wastewater lines and appurtenant facilities. There shall be no other public or private utility facilities installed in, on, over, under, or across the easement area without the City's written permission. There shall be no improvements of any kind including, but not limited to, landscaping constructed within the boundaries of the easement area which would restrict the operation and maintenance of, or which may in any manner result in harm to, the City's facilities. **(Insert name of Owner or Private Association here),** its successors or assigns, shall own, maintain, repair and replace any permitted improvements over the utility easement, which are not precluded by the foregoing, which may be damaged or destroyed by the City of Port St. Lucie, its successors or assigns, designees or contractors in the operation, maintenance of, or access to, the City's facilities. The City of Port St. Lucie, its successors or assigns, shall have the right to require the removal of any improvements, which are constructed in violation of the conditions set forth above. In the event, such violating improvements are not removed upon request, they shall be subject to removal by the City of Port St. Lucie, its successors or assigns, designees or contractors without liability or responsibility therefore.

NOTES:

1. Nonspecific easements are generally any easement contained in the plat dedicated to any other Public and/or Private Utilities. All nonspecific easements shall also be dedicated to the City.
2. Specific easements will be required for Lift Stations & Well Sites, Side Lot Easements within Private Developments, Parking Lots and Private Roadways, where easements are not provided for outside the private road way for any other Public and/or Private Utilities.
3. If the plat contains both Specific and Nonspecific easements the easements shall be numbered as Utility Easement No. 1 and Utility Easement No. 2, etc. within the dedication and the Plat shall identify these easements with numbering relative to the dedication.