



Legislation Text

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Grant of Easement (B)

The Catholic Diocese of St. Augustine (hereinafter Diocese) is currently constructing a high school facility located in the 11500 block of NW 39th Avenue which is also adjacent to and abutting the City's electric transmission right-of-way on the east side. As part of their site development, retention ponds were created on the east side of their property. The Diocese project engineer completed an analysis that determined the potential area of storm water runoff from their retention ponds. It was calculated that approximately 400' linear feet of the City's electric transmission right-of-way could be impacted with water flow runoff should the retention ponds overflow in a storm situation. Therefore, the Diocese has requested the City to grant a perpetual easement for the purpose of discharging storm water from the retention ponds on the Diocese property onto a portion of the City's electric transmission right-of-way. The Diocese provided a specific legal description and sketch of the easement area which is 150' X 400' on the City's electric transmission right-of-way.

Upon review by staff, it was determined that the granting of the requested easement could be recommended as it would not regularly interfere with the City's use, with the exception of overflow of the retention ponds in a storm situation. In the event the surface of the land is disturbed or damaged during any storm water discharge from the retention ponds, restoration language was added to the easement document requiring the Diocese to restore the City's right-of-way as near as possible to the same condition that existed previously. Further, an indemnification clause has also been incorporated into the easement document protecting and defending the City from all claims or expenses arising out of or relating to the exercise of discharging storm water in the easement area.

The City Commission: 1) approve the granting of a perpetual easement for the discharge of storm water from retention ponds across a portion of the City's electric transmission right-of-way adjacent to property owned by the Catholic Diocese of St. Augustine; and 2) authorize the Mayor and Clerk of the Commission to execute the Easement, substantially in the form on file, subject to approval by the City Attorney as to form and legality.

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