

Prepared By and Return to:

Gordon B. Linn, Esq.
City of Pompano Beach
100 W. Atlantic Boulevard
Pompano Beach, FL 33060

EASEMENT AGREEMENT

THIS AGREEMENT, made this 10th day of December, 2009, by

and between:

CITY OF POMPANO BEACH, FLORIDA, a municipal corporation of the State of Florida, whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060, hereinafter called the "GRANTOR,"

and

FPL FIBERNET, LLC, a Florida Limited Liability Company, whose address is 9250 W. Flagler Street, Miami, Florida 33174 hereinafter called "GRANTEE,"

The consideration of the payment of \$10.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to FPL Fibernet, LLC, its successors, a non-exclusive easement forever for the construction, operation and maintenance of underground infrastructure (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement ten (10) feet in width described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside o the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

Whenever it becomes necessary, in the opinion of the Grantor, FPL Fibernet, LLC, its successors, shall relocate its facilities, at its own expense, within the easement areas.

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The Grantor, however, reserves the right and privilege to use the above-described property for all other purposes except as herein granted or as might interfere with Grantee's use, occupation or enjoyment of the easement herein conveyed thereon.

This Grant is subject to all existing easements, and also to all restrictions of record.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on
December 10, 2009.

"GRANTOR"

Witnesses:

CITY OF POMPANO BEACH

Christine Wodka

By: Lamar Fisher, Mayor

Shelley R. Bartholomew

By: Phyllis A. Korab
Phyllis A. Korab, Interim City Manager


Attest:

Attest:

 Mary L. Chamber, City Clerk

(SEAL)

Approved as to Form:

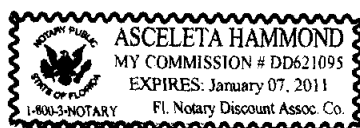
Approved as to Form:

 Gordon B. Linn, City Attorney

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 10th day of December, 2009 by **LAMAR FISHER** as Mayor, **PHYLLIS A. KORAB** as Interim City Manager, and **MARY L. CHAMBERS** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

Wesley Hurd
NOTARY PUBLIC, STATE OF FLORIDA



Asceleta Hammond

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

"GRANTEE"

WITNESSES:

FPL FIBERNET, LLC

Rebecca Cameron
Print Name: REBECCA CAMERON
Marian Russell
Print Name: MARIAN RUSSELL

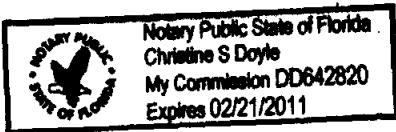
By: [Signature]
Print Name: CARMEN PEREZ
Title: PRESIDENT

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 1st day of December, 2009 by Carmen Perez as President of FPL Fibernet, LLC. He/she is personally known to me or who has produced _____ (type of identification) as identification.

NOTARY'S SEAL:



[Signature]
NOTARY PUBLIC, STATE OF FLORIDA
Christine S. Doyle
(Name of Acknowledger Typed, Printed or Stamped)
DD642820
Commission Number

GBL/jrm
10/30/099
l:agmt/engr/2010-179

3333 NORTH FEDERAL HIGHWAY
PHONE : (561) 395-3333

JOHN A. GRANT, JR., INC
CONSULTING ENGINEERS & LAND SURVEYORS
LICENSED BUSINESS # LB 50

BOCA RATON, FLORIDA 33431
FAX : (561) 395-3315

LEGAL DESCRIPTION 10' EASEMENT

A STRIP OF LAND 10.00 FEET WIDE LYING WITHIN "P.B.P.F. PLAT", AS RECORDED IN PLAT BOOK 139, PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID "P.B.P.F. PLAT"; THENCE SOUTH 0° 00' 00" EAST, FOR A DISTANCE OF 4.57 FEET TO THE NORTHEAST CORNER OF PARCEL "A" OF SAID PLAT;

THENCE SOUTH 83° 00' 13" WEST, FOR A DISTANCE OF 24.07 FEET;

THENCE SOUTH 14° 07' 17" EAST, FOR A DISTANCE OF 11.08 FEET;

THENCE SOUTH 75° 52' 43" WEST, FOR A DISTANCE OF 84.93 FEET TO THE POINT OF BEGINNING OF SAID 10 FOOT STRIP, THE LAST THREE (3) DESCRIBED COURSES BEING COINCIDENT WITH THE NORTH BOUNDARY OF SAID PARCEL "A";

THENCE SOUTH 15° 23' 00" EAST, FOR A DISTANCE OF 107.98 FEET;

THENCE SOUTH 4° 16' 57" EAST, FOR A DISTANCE OF 45.95 FEET;

THENCE SOUTH 76° 30' 52" WEST, FOR A DISTANCE OF 49.98 FEET;

THENCE NORTH 89° 44' 58" WEST, FOR A DISTANCE OF 200.45 FEET;

THENCE SOUTH 28° 55' 18" WEST, FOR A DISTANCE OF 138.29 FEET;

THENCE SOUTH 0° 15' 02" WEST, FOR A DISTANCE OF 21.92 FEET;

THENCE SOUTH 89° 44' 58" EAST, FOR A DISTANCE OF 51.79 FEET;

THENCE SOUTH 0° 14' 30" WEST, FOR A DISTANCE OF 46.19 FEET TO THE POINT OF TERMINUS.

THE SIDELINES OF SAID STRIPS TO BE LENGTHENED OR SHORTENED TO A POINT OF INTERSECTION SO AS TO CREATE A CONTINUOUS STRIP.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON SAID FOUNDATION PLAT TWO, THE WEST BOUNDARY OF PARCEL A BEARS NORTH 02°15'14" WEST.
2. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.
3. LANDS DESCRIBED HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR EASEMENTS, OWNERSHIP, RIGHTS-OF-WAY OR OTHER MATTERS THAT MAY APPEAR IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
4. INFORMATION SHOWN HEREON AND ON THE ATTACHED SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

THIS IS NOT A SURVEY !

Drawn By <u>SAR</u>	Date <u>19 OCT 09</u>
Checked By <u>RL</u>	F.B. <u> </u> Pg. <u> </u>
Scale <u>1" = 60'</u>	Job No. <u>JG0023-POM</u>
Sheet <u>2</u> of <u>2</u>	

REVIEWED AND APPROVED

SCOTT A. REID 22 Oct 09
SCOTT A. REID
PROFESSIONAL LAND SURVEYOR NO.6258
STATE OF FLORIDA

Drawing:K:\JG0023-POM\CAD Files\JG0023-POM ESMT SD.dwg\SHT2

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3/23/2022

JOHN A. GRANT, JR., INC.

3333 NORTH FEDERAL HIGHWAY
PHONE : (561) 395-3333

CONSULTING ENGINEERS & LAND SURVEYORS
LICENSED BUSINESS # LB 50

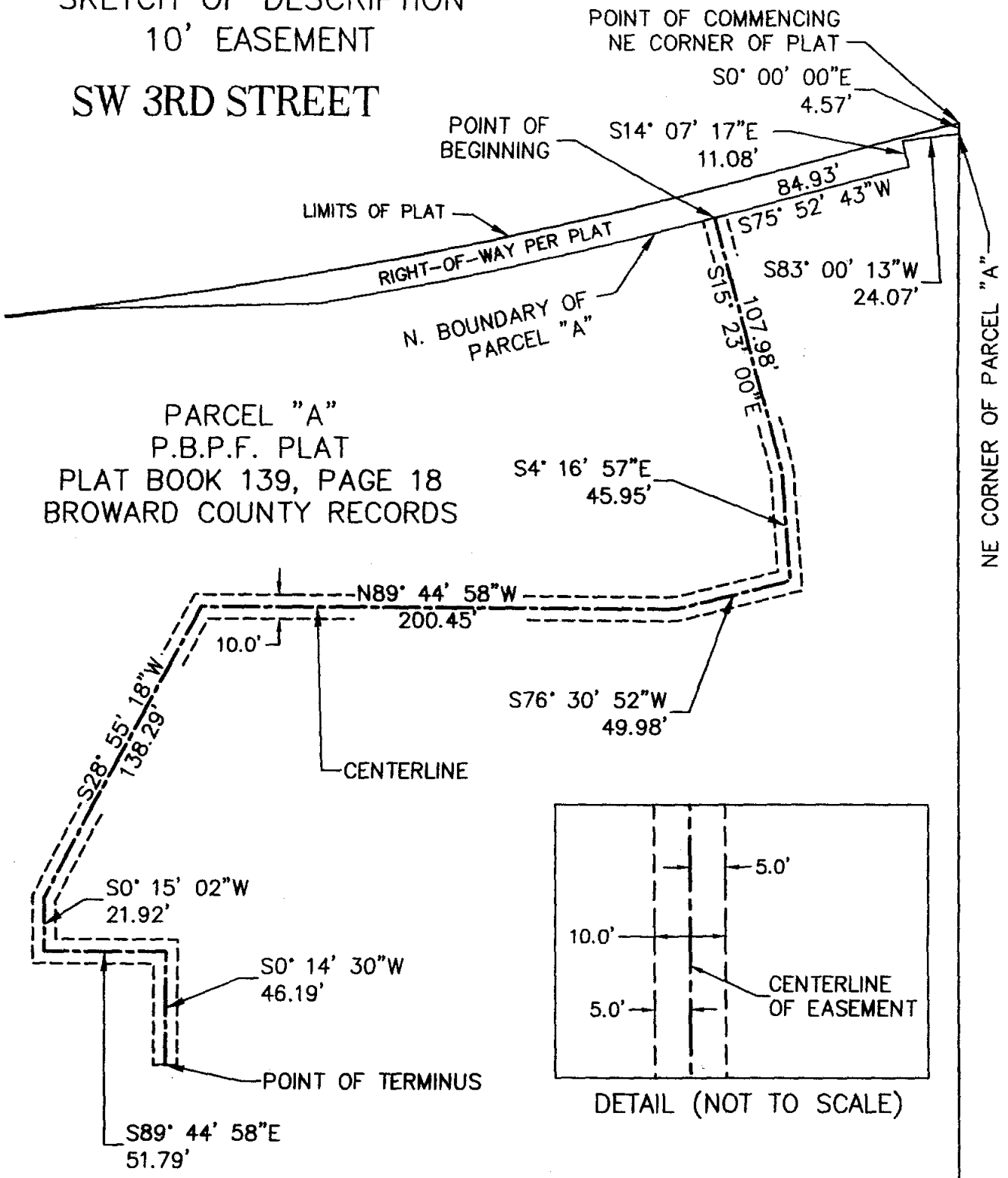
BOCA RATON, FLORIDA 33431
FAX : (561) 395-3315

SKETCH OF DESCRIPTION

10' EASEMENT

SW 3RD STREET

SECTION 2, TOWNSHIP 49 SOUTH, RANGE 42 EAST



THIS IS NOT A SURVEY !

Drawn By	SAR	Date	19 OCT 09
Checked By	RL	F.B.	Pg.
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Sheet	1 of 2		

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RESOLUTION NO. 2010- 72

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE
 CITY OF POMPANO BEACH, FLORIDA, APPROVING
 AND AUTHORIZING THE PROPER CITY OFFICIALS TO
 EXECUTE AN EASEMENT AGREEMENT BETWEEN THE
 CITY OF POMPANO BEACH AND FPL FIBERNET, LLC;
 PROVIDING AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO
 BEACH, FLORIDA:**

SECTION 1. That an Agreement between the City of Pompano Beach and FPL
 Fibernet, LLC, a copy of which Agreement is attached hereto and incorporated by reference as if
 set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said
 Agreement between the City of Pompano Beach and FPL Fibernet, LLC.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 8th day of December, 2009.


 LAMAR FISHER, MAYOR

ATTEST


 MARY L. CHAMBERS, CITY CLERK

GBL/jrm
 11/2/09
 l:reso/2010-184

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