

RESOLUTION 12-13101

A RESOLUTION REGARDING THE GOLDEN GATE CANAL TRANSMISSION MAIN; APPROVING A UTILITY EASEMENT PURCHASE AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE PURCHASE AGREEMENT; ACCEPTING A PERPETUAL WATER LINE AND TRANSMISSION MAIN EASEMENT; AND ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM HEADWATERS DEVELOPMENT LIMITED LIABILITY LIMITED PARTNERSHIP, LLLP, A FLORIDA LIMITED LIABILITY LIMITED PARTNERSHIP FOR CONSTRUCTION, ACCESS AND MAINTENANCE OF A 20-INCH TRANSMISSION MAIN FROM THE GOLDEN GATE CANAL INTAKE STRUCTURE ALONG THE NORTHERN AND WESTERN BOUNDARY OF THE HEADWATERS DEVELOPMENT PROPERTY; DIRECTING THE CITY CLERK TO RECORD THE PERPETUAL WATER LINE AND TRANSMISSION MAIN AND TEMPORARY CONSTRUCTION EASEMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City requires a permanent and temporary construction easement from Headwaters Development Limited Partnership to construct, access and maintain utility facilities related to the Golden Gate Canal intake structure and transmission main under property owned by Headwaters Development Limited Partnership; and

WHEREAS, Headwaters Development Limited Partnership has agreed to sell to the City a Perpetual Water Line and Transmission Main Easement and Temporary Construction Easement for the purposes of construction, excavation, installation, operation, relocation, maintenance and repair of a water line and/or transmission main(s); and

WHEREAS, the easement shall include the right of the City to access the easement property from the remaining property owned by Headwaters Development Limited Partnership; and

WHEREAS, the City staff recommends that the City Council approve the purchase of the Perpetual Water Line and Transmission Main Easement and Temporary Construction Easement in the amount of \$21,000 for the value of the permanent and temporary easements, together with an incentive, from Headwaters Development Limited Partnership; and

WHEREAS, it is in the City's best interest to accept the Perpetual Water Line and Transmission Main Easement, a 20 foot wide easement and the Temporary Construction Easement, a 60 foot wide easement located along the northern and western boundary of the Headwaters Development Limited Partnership property, for the purpose of constructing, accessing and maintaining the utility facilities related to the Golden Gate Canal intake structure and transmission main;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the Purchase Agreement from Headwaters Development Limited Partnership for the purchase of a Perpetual Water Line and Transmission Main Easement and Temporary Construction Easement in the amount of \$21,000 is hereby approved for the purpose of constructing, accessing and maintaining the utility

facilities related to the Golden Gate Canal intake structure and transmission main; and the Mayor is hereby authorized to execute the Purchase Agreement, a copy of which is on file in the City Clerk's office.

Section 2. That the Perpetual Water Line and Transmission Main Easement, a 20 foot wide easement, is hereby accepted, a copy of which is on file in the City Clerk's office.

Section 3. That the Temporary Construction Easement, 60 foot wide easement located along the northern and western boundary of the Headwaters Development Limited Partnership property, is hereby accepted, a copy of which is on file in the City Clerk's office.

Section 4. That the City Clerk is hereby directed to record the Perpetual Water Line and Transmission Main Easement and the Temporary Construction Easement.

Section 5. That this resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 18TH DAY OF APRIL, 2012.

John F. Sorey III, Mayor

Attest:

Approved as to form and
legality:

Tara A. Norman, City Clerk

Robert D. Pritt,
City Attorney

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Date filed with City Clerk: _____