

RESOLUTION NO. 4065-21

A RESOLUTION OF THE CITY OF OVIEDO, FLORIDA, APPROVING A PARTIAL RELEASE OF EASEMENT AND AMENDMENT AND RESTATEMENT OF EASEMENT IN FAVOR OF DUKE ENERGY; AUTHORIZING THE MAYOR TO EXECUTE SAID PARTIAL RELEASE OF EASEMENT AND AMENDMENT AND RESTATEMENT OF EASEMENT IN FAVOR OF DUKE ENERGY; AND PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, SCRIVENER'S ERRORS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Nelson & Company, Inc. granted a right-of-way easement to Duke Energy on March 4, 1987, as recorded in Seminole County on August 3, 1987; and

WHEREAS, the City of Oviedo is the successor in interest to the Nelson & Company, Inc., as the current fee simple owner of Parcel ID 10-21-31-505-0B00-0039, encumbered by the original easement ; and

WHEREAS, the City of Oviedo is willing to amend and restate the original easement in order to amend the boundaries of the defined easement area within the encumbered property to enable Duke Energy to continue to operate electric facilities within the encumbered property; and

WHEREAS, the Partial Release of Easement and Amendment and Restatement of Easement is provided in Exhibit 1

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:

SECTION 1. Approval of Easement Document. The City Council approves the Partial Release of Easement and Amendment and Restatement of Easement in favor of Duke Energy provided in Exhibit 1.

SECTION 2. Authorizing the Mayor to Execute Easement Document. The City Council authorizes the Mayor to execute the Partial Release of Easement and Amendment and Restatement of Easement in favor of Duke Energy provided in Exhibit 1.

SECTION 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

SECTION 5. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 7. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 3rd day of May, 2021.

MEGAN SLADEK
MAYOR of the City of Oviedo, Florida

ATTEST:

BARBARA J. BARBOUR
CITY CLERK