



CITY OF TAMPA



Pam Iorio, Mayor

Water Department

Engineering Division

REQUIRED

EASEMENT ACQUISITION PROCESS

Please follow the process outlined below. A total of 3 items are required for projects needing an easement for water service. Deliver all documents to the Water Department, Attention Ferraro Jacobs (phone 813-274-8676).

- 1. CURRENT TITLE COMMITMENT*** (cannot be over 30 days old): The title commitment should cover the entire parent tract of the project/development and show the ownership, legal description, and all encumbrances affecting the property, **including copies of all easements of record. DO NOT SEND AN OWNERSHIP & ENCUMBRANCES (O & E) REPORT.**
- 2. BOUNDARY SURVEY* (5 COPIES & AutoCAD file on CD):** The survey must include a sketch of the parent tract and easement, along with legal descriptions of both, and must be sealed by a registered Land Surveyor. Submit 5 sealed copies on letter size (8-1/2" x 11") sheets. **Also, please include a CD with an AutoCAD file containing these drawings.**
- 3. ORIGINAL EASEMENT DEED*** The Grant of Water Easement must be signed and attested to by the property ownership officers, and must convey the easement interest to the CITY OF TAMPA. The easement must be accompanied by any mortgage subordinations, releases or other legal instruments needed to convey the easement to the City free and clear of all encumbrances. The portions of the deed to be filled out on the third page are: Witnesses (**2 required**), Name (**as specifically stated in the Title Commitment and/or the Title Policy**) and Notary. **The City of Tampa will record this document.**

Within 30 days of receiving Items 1-3 above, you may be contacted by the City of Tampa Real Estate Division asking you to provide a Joinder and Consent signed by the mortgage holder (if there is an outstanding lien, i.e. mortgage exists against the property).

* All documents must conform to City of Tampa standards. **For standards on items 1 and 3, contact the City's Real Estate Division at (813) 274-8624 prior to submitting the documents to Ferraro Jacobs.** For standards on item 2, Boundary Survey, contact the City's Right of Way & Mapping Section at (813) 274-8274, particularly for the Procedures and Specifications for Right-of-Way/Property Acquisition.

Please note, all items are to be delivered to the City of Tampa Water Department, 306 E. Jackson Street, 5E, Tampa, Florida, 33602, Attention Ferraro Jacobs (phone 813-274-8676). Thank you!

306 E. Jackson St., 5E • Tampa, Florida 33602 • (813) 274-8121 • FAX: (813) 274-7435

Prepared by:

Assistant City Attorney
The Office of the City Attorney
City of Tampa
315 E. Kennedy Blvd.
Tampa, Florida 33602

Return to:

City of Tampa
Real Estate Division
306 E. Jackson St., 3N
Tampa, Florida 33602
Attn.:

GRANT OF WATER EASEMENT

THIS EASEMENT AGREEMENT is made as of this ___ day of _____, 200_, by and between _____, with an address of _____ (herein "Grantor"), and the City of Tampa, a municipal corporation organized and existing under the laws of the State of Florida with an address of 315 E. Kennedy Boulevard, Tampa, Florida 33602 (herein "Grantee").

WITNESSETH:

THAT Grantor, in consideration of the sum of ONE and no/100s Dollars (\$1.00) to it in hand paid by Grantee, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, assign and convey to Grantee, and Grantee's successors and assigns, a perpetual non-exclusive utility easement for the purpose of the installation, construction, repair, operation, maintenance, and replacement of potable and/or reclaimed water facilities including, without limitation, potable and/or reclaimed water lines, pipes, meters, fire hydrants, equipment, related facilities, and appurtenances thereto (herein collectively referred to as the "Water Facilities"), together with full right of ingress, egress and access on, in, over, under, across and through the following described parcel of real estate located in the City of Tampa, Hillsborough County, Florida as more particularly described as follows (and herein referred to as the "Easement Property"), to wit:

AS LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

THIS GRANT OF EASEMENT AGREEMENT is also made subject to the following terms, conditions, representations and warranties:

1. Grantor warrants and represents to Grantee that Grantor possesses marketable fee simple title to the Easement Property; and that this Easement Agreement does not violate, breach or create a default on the part of the Grantor under any matter affecting title to the Easement Property.
2. Grantor represents and warrants to Grantee that this Easement Agreement has been duly authorized by Grantor; and that the person executing this Easement Agreement on behalf of Grantor has the full right and authority to do so on behalf of the Grantor.
3. Grantor shall not: (a) construct any buildings or structures, (b) install any pavement or impervious surface material, and (c) install any landscaping in, on, over or under the Easement Property without the prior written consent of the Director of the City of Tampa's Water Department.
4. In connection with the installation, construction, maintenance, operation, repair and replacement of the Water Facilities by the Grantee pursuant to this Easement Agreement, Grantee shall be responsible for returning any excavated areas to finish grade and restoring any pavement that is disturbed to the quality of pavement that meets the minimum standard for public streets in the City of Tampa; and Grantor shall be solely responsible for the cost of removing (if necessary), repairing and/or restoring any buildings, structures or landscaping located on the Easement Property which are disturbed in connection with the exercise of Grantee's easement rights pursuant to the terms hereof.
5. Grantor agrees that the terms and conditions of this Easement Agreement shall be deemed covenants and conditions running with title to the Easement Property and shall be binding upon Grantor and its successors and assigns.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the Grantor has executed this Easement Agreement as of the day and year first set forth above.

WITNESSES:

Name: _____
(Print/Type Name)

Name: _____
(Print/Type Name)

GRANTOR

By: _____
Its: _____
Title: _____

APPROVED AS TO FORM:

Name
Assistant City Attorney

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT was acknowledged before me this ___ day of _____, 200_ , by _____ of the _____. He is personally known to me or ___ produced _____ **[picture identification]** as identification.

[AFFIX NOTARY SEAL/STAMP]

Name: _____
(Print or Type Name)
Notary Public, State of _____
My Commission Expires: _____



CITY OF TAMPA



Pam Iorio, Mayor

Water Department

Engineering Division

TITLE PROCUREMENT

The procurement of property for the City's public purposes requires accurate and reliable title information on the present ownership of each parcel to be acquired, with supporting information including but not limited to outstanding encumbrances, taxes, and other such liens, easements, reservations, including Murphy Act restrictions, reverter interests, etc.

To accomplish this, a title company will be required to furnish title binders which shall include all the elements of an ownership and an encumbrance report combined in a formal commitment of the title company to insured title (title binder). Title companies utilizing their standard form of title insurance commitment, augmenting additional required information can usually accomplish this.

Procedure for Acquiring Easement for Water Facilities

1. Owner or Developer must provide the Water Department with the following information:
 - a. In the initial meeting with the Owner/Developer, the Water Department should provide a copy of the City's standard Easement Agreement that we expect signed. This should be provided as part of the package the Owner/Developer receives from the Water Department, along with the other items listed under b, c, d, and e below.
 - b. Survey, certified by surveyor of the Easement area. (5 copies)
 - c. Legal Description with sketch of the Easement area.
 - d. Title Commitment, which should be not more than 30 days old, that shows ownership of the property and all encumbrances against the property (Easement).
 - e. Owner/Development will obtain a Joinder and Consent signed by Mortgage holder, if an outstanding Lien, i.e. Mortgage exists against the property.
2. Water Department obtains information from Owner/Developer and sends to Real Estate Manager for processing.
 - a. Assignment to Real Estate Supervisor, who assigns and discusses property acquisition with Real Estate Contract Specialist.
3. Real Estate to prepare DocGenda form, Resolution and Grant of Water Easement to City Attorney's office for assignment.
 - a. Assigned by City Attorney to Legal staff attorney.
 - b. Attorney reviews documents and returns to Real Estate Contract Specialist with any changes of comments.
4. Real Estate will send the Legal Description, Survey and Title Commitment to Land Development (ROW Section) for review, approval and/or comment.
5. Real Estate Contract Specialist reviews changes, if any, and awaits Legal Description approval from ROW.
6. Upon receipt of approved DocGenda form, Resolution, signed Easement, and approve Legal Description; Real Estate Contract Specialist will process documents through DocGenda for City Council consideration.

7. Upon approval by City Council of Resolution and documents, Real Estate Contract Specialist sends Easement for Recording at Clerk of Circuit Court of Hillsborough County.
8. Once recorded, Real Estate Contract Specialist will prepare the Project file for close out and send notification to requisition Department and other City Departments that Easement Acquisition is completed.