

FILE NO. _____

This Instrument Prepared By and Return To:
Engineering Department/Stephen Waidley
Frontier Florida LLC
2185 Range Rd
Clearwater, FL 33765

COMMUNICATION EASEMENT

THIS EASEMENT, made this _____ day of _____, 2024, between the undersigned for City of Pinellas Park, a municipal corporation, whose address is 5141 78th Ave N, Pinellas Park, FL 33781 (GRANTOR) and Frontier Florida LLC, a Florida limited liability company, whose address is 401 Merritt 7, Norwalk, CT 06851, its successors, and assigns (GRANTEE):

WITNESSETH, that for and in consideration of the mutual benefits which will accrue to GRANTOR and GRANTEE as a result of GRANTEE'S construction, installation, maintenance and operation of communication facilities within the GRANTOR'S premises described below, GRANTOR grants, conveys, bargains or sells to GRANTEE an easement to place, replace, remove and maintain telecommunication equipment and other such facilities it deems desirable for providing telecommunications and other communications services in, over, across and under the following described property in Pinellas County, Florida, to wit:

Frontier Legal Description: An easement area for the GRANTEE'S facilities as may be designed from time to time at a mutually agreed upon location within the GRANTOR'S premises as described in the Legal Description and depicted in the Sketch in the attached Exhibit "A".

The rights granted to GRANTEE specifically include: (a) the right for GRANTEE to patrol, inspect, alter, improve, repair, rebuild, relocate and move said facilities; (b) the right for GRANTEE to change the quantity and type of facilities; (c) the right for GRANTEE to clear the Easement Area of trees, limbs, undergrowth and other physical objects which, in the opinion of GRANTEE, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; (d) the reasonable right for GRANTEE to enter upon land of the GRANTOR adjacent to said Easement Area for the purpose of exercising the rights herein granted; (e) and all other rights and privileges reasonable, necessary or convenient for GRANTEE'S safe and efficient installation, operation and maintenance of said facilities and the enjoyment and use of said easement for the purpose described above.

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GRANTOR hereby covenants and agrees that no buildings, structures or obstacles (except fences) shall be located, constructed, excavated or created within the Easement Area. If fences are installed, they shall be placed so as to allow ready access to GRANTEE'S facilities. If GRANTOR'S future orderly development of the premises is in physical conflict with GRANTEE'S facilities, GRANTEE shall, within 60 days after receipt of written request from the GRANTOR, relocate said facilities to another mutually agreed upon Easement Area in GRANTOR'S premises, provided that prior to the relocation of said facilities: (a) GRANTOR shall pay to GRANTEE the full expected cost of the relocation as estimated by GRANTEE; (b) and GRANTOR shall execute and deliver to GRANTEE, at no cost, an acceptable and recordable easement to cover the relocated facilities. Upon completion of the relocation, the easement herein shall be considered canceled as to the portion vacated by the relocation.

GRANTOR covenants not to interfere with GRANTEE'S facilities within the Easement Area in GRANTOR'S premises. GRANTOR further covenants to indemnify and hold GRANTEE harmless from any and all damages and injuries, whether to persons or property resulting from interference with GRANTEE'S facilities by GRANTOR or by GRANTOR'S agents or employees, in an amount not to exceed the monetary limits on liability set forth in Florida Statute §768.28, as this statute may be amended from time to time. The provisions and limitations of Florida Statute §768.28, as this statute may be amended from time to time, are deemed to apply to this agreement to indemnify as though this statute applies to waiver of sovereign immunity, liability, and damages for claims or actions arising in tort or contract.

GRANTOR hereby warrants and covenants: (a) that GRANTOR is lawfully and well seized of said land in fee simple in which the above-described Easement Area is located; (b) and GRANTOR fully warrants the title to the land and will defend the same against the lawful claims of all persons whomsoever; (c) and the GRANTEE shall have quiet and peaceful possession, use and enjoyment of this easement.

All covenants, terms, provisions and conditions herein contained shall inure and extend to, and be obligatory upon, the successors, lessees and assigns of the respective parties hereto.

FILE NO. _____

This Instrument Prepared By and Return To:
Engineering Department/Stephen Waidley
Frontier Florida LLC
2185 Range Rd
Clearwater, FL 33765

WITNESSES:

GRANTOR:

X _____
Witness #1 Signature

X _____
GRANTOR'S Signature

Witness #1 Print Name

Print Name

Witness #1 Address

Title

X _____
Witness #2 Signature

Witness #2 Print Name

Witness #2 Address

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was subscribed and sworn to me this ____ day of _____, 2024
by _____,

- who is personally known to me,
- who produced _____ as identification, and who acknowledged before me that (s)he executed the same freely and voluntarily for the purposes therein expressed.

My Commission Expires:

Signature

Print Name

NOTARY PUBLIC – STATE OF _____

Commission No. _____

(Seal Here)

SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 30 SOUTH, RANGE 16 EAST

EXHIBIT "A"

**SKETCH AND DESCRIPTION
FRONTIER COMMUNICATIONS EASEMENT**

LEGAL DESCRIPTION:

BEGIN AT A POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD (100 FOOT WIDE RIGHT-OF-WAY) WITH THE EAST RIGHT-OF-WAY LINE OF 60TH STREET NORTH (50 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND RUN N.00°17'47"E. ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 14.22 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE RUN S.44°22'52"E. ALONG A LINE 10 FEET NORTHEASTERLY OF AND PARALLEL TO SAID NORTHEASTERLY RIGHT OF-WAY LINE A DISTANCE OF 557.68 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 59TH STREET NORTH (50 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE RUN S.00°08'28"W. ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 14.26 FEET TO A POINT OF INTERSECTION WITH SAID NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE RUN N.44°22'52"W. ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 557.74 FEET TO THE AFORESAID POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE WITH 60TH STREET NORTH AND THE POINT OF BEGINNING.

CONTAINING THEREIN 5516 SQUARE FEET OR 0.127 ACRES MORE OR LESS.

**THIS DESCRIPTION AND SKETCH IS BASED
ON PROVIDED FIELD GEOMETRY, RECORDED
PLAT GEOMETRY AND RECORDED RESOLUTION**

FOR: CITY OF PINELLAS PARK
FRONTIER COMMUNICATIONS

REVISED: 9/20/24
PREPARED: 9/05/24

THIS IS NOT A SURVEY

This Description and Sketch was prepared without the benefit of a title search and is subject to all easements, rights-of-way, and other matters of record.

NOTE: Description and Sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

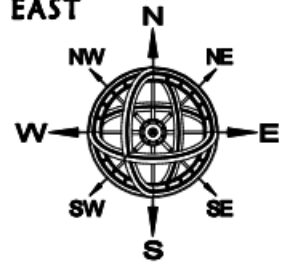
I hereby certify that the Description and Sketch represented hereon meets the requirements of Chapter 5J-17, Florida Administrative Code.
John O. Brendla
STATE OF FLORIDA
JOHN O. BRENDLA
Florida Surveyor's Registration No. 4601
Certificate of Authorization No. 760

Prepared by:
JOHN C. BRENDLA AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932

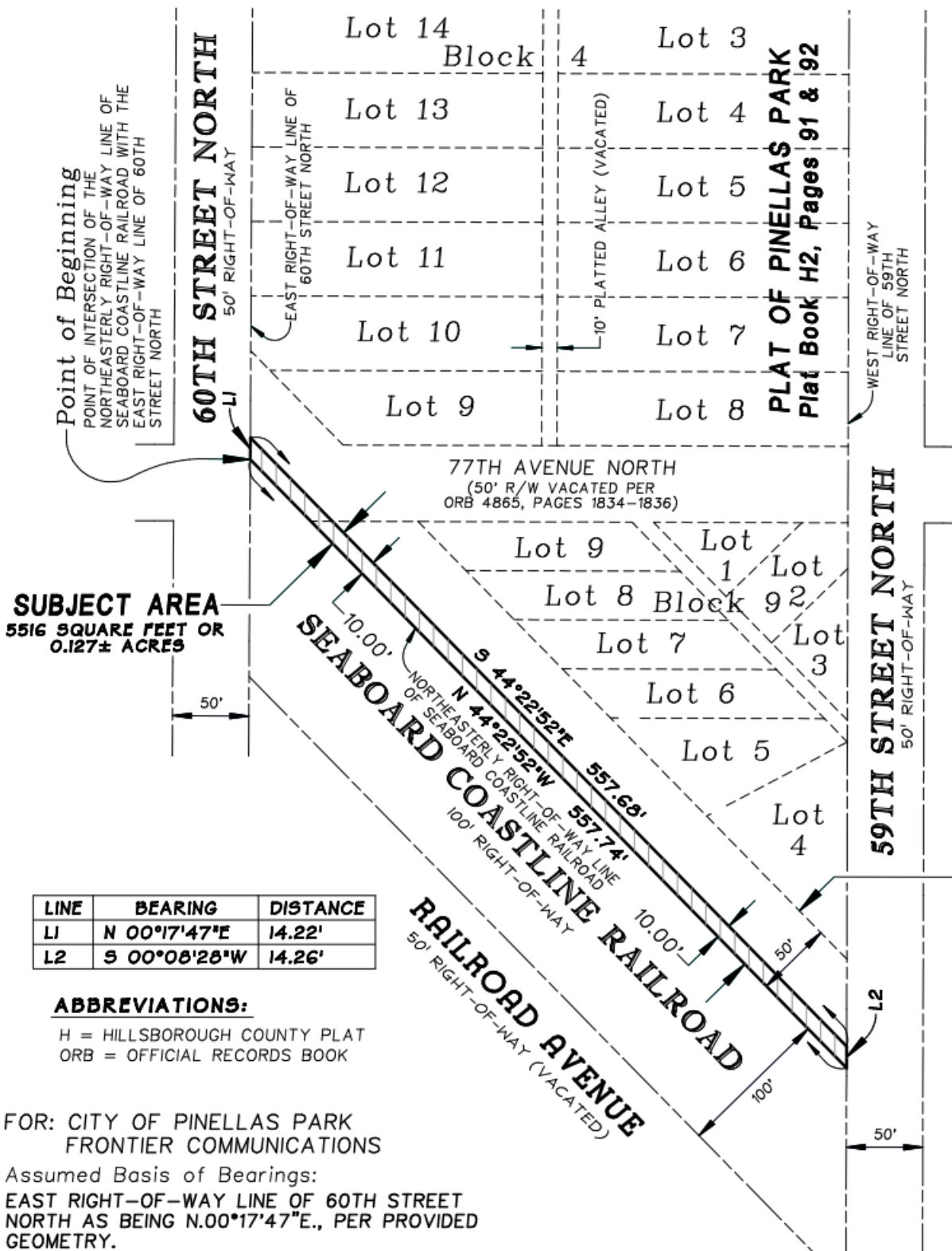
Job: 2408-74
Drawn: DS

SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 30 SOUTH, RANGE 16 EAST

SKETCH OF DESCRIPTION
FRONTIER COMMUNICATIONS EASEMENT



NORTH BASIS:
ASSUMED MERIDIAN
SCALE: 1" = 100'



SUBJECT AREA
5516 SQUARE FEET OR
0.127± ACRES

LINE	BEARING	DISTANCE
L1	N 00°17'47"E	14.22'
L2	S 00°08'28"W	14.26'

ABBREVIATIONS:

H = HILLSBOROUGH COUNTY PLAT
ORB = OFFICIAL RECORDS BOOK

FOR: CITY OF PINELLAS PARK
FRONTIER COMMUNICATIONS

Assumed Basis of Bearings:

EAST RIGHT-OF-WAY LINE OF 60TH STREET
NORTH AS BEING N.00°17'47"E., PER PROVIDED
GEOMETRY.

Job: 2408-74
Drawn: DS

Prepared by:
JOHN C. BRENDLA AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932

REVISED: 9/20/24
PREPARED: 9/05/24

THIS IS NOT A SURVEY
SHEET 2 OF 2



CITY HALL - P.O.Box 1100
PINELLAS PARK, FL 33780-1100

Please Respond To:

James W. Denhardt
City Attorney
Law Offices of James W. Denhardt
2700 First Avenue North
St. Petersburg, Florida 33713
(727) 327-3400 - Telephone
(727) 323-0888 - Facsimile

October 4, 2024

Mr. Michael Ciarleglio
Associate Planner
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: City Document #24-266
Communication Easement - 7690 59th Street N

Dear Mr. Ciarleglio:

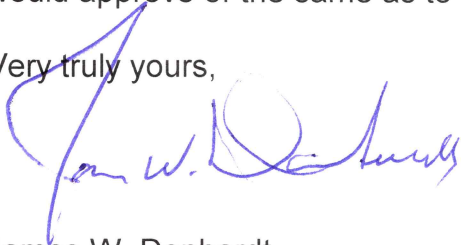
Our office has received and reviewed the above-referenced Communication Easement with Frontier Florida LLC for the property located at 7690 59th Street North. We would request that the second paragraph on page 2 of the Communication Easement be revised to read as follows:

GRANTOR covenants not to interfere with GRANTEE'S facilities within the Easement Area in GRANTOR'S premises. GRANTOR further covenants to indemnify and hold GRANTEE harmless from any and all damages and injuries, whether to persons or property resulting from interference with GRANTEE'S facilities by GRANTOR or by GRANTOR'S agents or employees, in an amount not to exceed the monetary limits on liability set forth in Florida Statute §768.28, as this statute may be amended from time to time. The provisions and limitations of Florida Statute §768.28, as this statute may be amended from time to time, are deemed to apply to this agreement to indemnify as though this statute applies to waiver of sovereign immunity, liability, and damages for claims or actions arising in tort or contract.

Mr. Michael Ciarleglio
October 4, 2024
Page 2

Once the above change has been incorporated into the Communication Easement, and assuming the sketch and legal description contained in Exhibit A are correct, our office would approve of the same as to form and correctness.

Very truly yours,



James W. Denhardt
City Attorney

cc: Bart Diebold, City Manager
Jennifer Carfagno, MMC, City Clerk
Dan Hubbard, Asst. City Manager
Nick Colonna, Community Development Administrator
Aaron Petersen, Asst. Community Development Administrator
Erica Lindquist, Planning & Development Services Director

JWD/pl

24-266.20241004.LMC.Easement to Frontier 7690 59th St N.wpd

ESMT-2024-00011 sketch/legal review

Hatch, Trevor <thatch@georgefyoung.com>
To: Aaron Petersen <APetersen@pinellas-park.com>

Tue, Sep 24, 2024 at 10:44 AM

This looks fine.

Trevor Hatch, PSM

Vice-President, Survey, St Petersburg

Phone: (727) 822-4317

Cell: (727) 641-0205

GEORGE F YOUNG

299 Dr. Martin Luther King Jr. St. N., St. Petersburg, FL 33701

<https://link.edgepilot.com/s/3c6e19e6/qXEEL0yAp0ye1IQcollbMQ?u=http://www.georgefyoung.com/>

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From: Aaron Petersen <APetersen@pinellas-park.com>

Sent: Monday, September 23, 2024 3:58 PM

To: Hatch, Trevor <thatch@georgefyoung.com>

Subject: Fwd: ESMT-2024-00011 sketch/legal review

Trevor,

Is it possible to take one more look at this per the drafter's comment below? Once I get your approval then I can move forward with Frontier.

Please replace your set with the one attached here. Both the reviewer and I forgot to revise the area figures on sheet 2 of 2.

Regards,

Aaron Petersen, MPA, MBA, CFM

ISA Certified Arborist

Assistant Community Development Administrator

City of Pinellas Park

[6051 78th Avenue North](#)

[Pinellas Park, FL 33781](#)

727-369-5728 - office



----- Forwarded message -----

From: **Aaron Petersen** <APetersen@pinellas-park.com>

Date: Fri, Sep 20, 2024 at 9:16 AM

Subject: Fwd: ESMT-2024-00011 sketch/legal review

To: Hatch, Trevor <thatch@georgefyoung.com>

Cc: Todd Biron <tbiron@pinellas-park.com>, Robert Bernhart <rbernhart@pinellas-park.com>, Michael Ciarleglio <mciarleglio@pinellas-park.com>

Trevor,

One more review. See attached and comment below from the surveyor.

Please replace your set with the one attached here. Both the reviewer and I forgot to revise the area figures on sheet 2 of 2.

Regards,

Aaron Petersen, MPA, MBA, CFM

ISA Certified Arborist

Assistant Community Development Administrator

City of Pinellas Park

6051 78th Avenue North

Pinellas Park, FL 33781

727-369-5728 - office



----- Forwarded message -----

From: David <david@jcbrendla.com>

Date: Fri, Sep 20, 2024 at 8:59 AM

Subject: Re: ESMT-2024-00011 sketch/legal review

To: Aaron Petersen <APetersen@pinellas-park.com>

Please replace your set with the one attached here. Both the reviewer and I forgot to revise the area figures on sheet 2 of 2.

David Swaggerty

Senior Cadd Tech/Project Manager

John C. Brendla & Associates, Inc.

Professional Land Surveyors and Mappers

[4015 82nd Avenue North](#)

Pinellas Park, FL 33781

727-576-7546 office

727-577-9932 facsimile

david@jcbrendla.com

From: [Aaron Petersen](#)

Sent: Friday, September 20, 2024 8:24 AM

To: [David](#)

Subject: Re: Fwd: ESMT-2024-00011 sketch/legal review

Approved. Please submit the invoice.

Aaron Petersen, MPA, MBA, CFM

ISA Certified Arborist

Assistant Community Development Administrator

City of Pinellas Park

6051 78th Avenue North

Pinellas Park, FL 33781

727-369-5728 - office



On Thu, Sep 19, 2024 at 3:04 PM David <david@jcbrendla.com> wrote:

I have made the requested revisions and reattached.

David Swaggerty
Senior Cadd Tech/Project Manager
John C. Brendla & Associates, Inc.
Professional Land Surveyors and Mappers
[4015 82nd Avenue North](mailto:david@jcbrendla.com)
Pinellas Park, FL 33781
727-576-7546 office
727-577-9932 facsimile
david@jcbrendla.com

From: [Aaron Petersen](#)

Sent: Thursday, September 19, 2024 2:26 PM

To: [David Swaggerty](#)

Subject: Fwd: ESMT-2024-00011 sketch/legal review

Please see attached markup.

----- Forwarded message -----

From: **Hatch, Trevor** <thatch@georgefyoung.com>

Date: Thu, Sep 19, 2024, 2:15 PM

Subject: RE: ESMT-2024-00011 sketch/legal review

To: Aaron Petersen <APetersen@pinellas-park.com>

Cc: Todd Biron <tbiron@pinellas-park.com>, Michael Ciarleglio <mciarleglio@pinellas-park.com>, Robert Bernhart <rbernhart@pinellas-park.com>, McKay, Michael <mmckay@georgefyoung.com>

Aaron,

See attached comments.



Trevor Hatch, PSM

Vice-President, Survey, St Petersburg

Phone:(727) 822-4317

Cell: (727) 641-0205

GEORGE F YOUNG

[299 Dr. Martin Luther King Jr. St. N., St. Petersburg, FL 33701](https://www.georgefyoung.com/)

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From: Aaron Petersen <APetersen@pinellas-park.com>

Sent: Tuesday, September 17, 2024 2:30 PM

To: Hatch, Trevor <thatch@georgefyoung.com>

Cc: Todd Biron <tbiron@pinellas-park.com>; Michael Ciarleglio <mciarleglio@pinellas-park.com>; Robert

Bernhart <rbernhart@pinellas-park.com>

Subject: Re: ESMT-2024-00011 sketch/legal review

Trevor,

Good afternoon. Any update for this review?

Regards,

Aaron Petersen, MPA, MBA, CFM

ISA Certified Arborist

Assistant Community Development Administrator

City of Pinellas Park

[6051 78th Avenue North](#)

[Pinellas Park, FL 33781](#)

727-369-5728 - office



On Fri, Sep 6, 2024 at 10:58 AM Hatch, Trevor <thatch@georgefyoung.com> wrote:

Todd,

We will review, thanks!



Trevor Hatch, PSM

Vice-President, Survey, St Petersburg

Phone:(727) 822-4317

Cell: (727) 641-0205

GEORGE F YOUNG

[299 Dr. Martin Luther King Jr. St. N., St. Petersburg, FL 33701](#)

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From: Todd Biron <tbiron@pinellas-park.com>
Sent: Friday, September 6, 2024 9:38 AM
To: Hatch, Trevor <thatch@georgefyoung.com>
Cc: Michael Ciarleglio <mciarleglio@pinellas-park.com>; Aaron Petersen <APetersen@pinellas-park.com>; Robert Bernhart <rbernhart@pinellas-park.com>
Subject: ESMT-2024-00011 sketch/legal review

Hey Trevor,

Can you review this sketch/legal? Let us know if you have any questions.

Thank you,

Todd Biron

Associate Planner

City of Pinellas Park

[6051 78th Avenue N](#)

[Pinellas Park, FL 33781](#)

[Office:727.369.5613](#)



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u=http://www.avg.com/](https://link.edgepilot.com/s/3bc23a44/uqceohYaAUu33JEJiJCpGA?u=http://www.avg.com/)

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