

**PORT TAMPA BAY  
NOTICE OF PUBLIC HEARING**

Notice is hereby given of a public hearing to be held at 11:00 a.m., January 19, 2018 before the Tampa Port Authority d/b/a Port Tampa Bay, at its offices located at 1101 Channelside Drive, Tampa, Florida 33602, to hear public comments regarding the following:

**EASEMENT AGREEMENT WITH KEMD HOLDINGS, LLC**

Additional information is available online at [www.tampaport.com](http://www.tampaport.com). All written comments and objections directed toward the foregoing matter should be filed with Port Tampa Bay, Real Estate Department, at 1101 Channelside Drive, Tampa, Florida 33602 by 12:00 noon on January 18, 2018. Oral comments and objections may be presented at the hearing.

In accordance with the federal Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities requiring reasonable accommodation to participate in this hearing should call (813) 905-5031 or fax (813) 905-5029 not later than 48 hours prior to the hearing.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE PORT TAMPA BAY WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH A PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

To be published Friday, December 22, 2017  
In the Tampa Bay Times

**BACKGROUND INFORMATION FOR PUBLIC HEARING  
JANUARY 19, 2018 AT 11:00 A.M.**

**EASEMENT AGREEMENT TO KEMD HOLDINGS, LLC**

KEMD Holdings, LLC owns property at 210 S. 12<sup>th</sup> Street, Tampa, Florida, which contains a building of approximately 5,522 square feet and is adjacent to Port Tampa Bay's parking garage. The development of the Channel District required some of the utility structures that service KEMD's property be relocated and some of those utility structures were relocated onto Port Tampa Bay's property. KEMD has requested an easement from Port Tampa Bay (PTB) for those utility structures that are now located on PTB's property. PTB's Board of Commissioners approved an easement for KEMD at its regular meeting held on February 21, 2017; however upon completion of the drawings for the Easement, the overall Easement dimensions increased.

**FACTS/COMMENTS:**

PTB Staff and KEMD Holdings, LLC have agreed to the following terms:

**Easement Parcel:**

The non-exclusive Easement Parcel would consist of an area not to exceed approximately 20 feet in length and 4 feet in width or 80 square feet. (See attached Exhibit "A")

**Use:**

The Easement Parcel would be for the sole purpose of installing, replacing, removing, and/or maintaining underground utilities (sewer, cable, telephone, and electrical) that service KEMD's property at 210 S. 12<sup>th</sup> Street and for no other purpose.

**Term:** The Term would be twenty (20) years.

**Compensation:**

KEMD agrees to replace, at KEMD's expense, the existing chain link fence with a decorative security fence and gate, approved in the sole discretion of PTB at a cost not to exceed \$5,000.00. Should PTB require KEMD to remove and relocate its utilities during the first five (5) years of the Term of the Easement, then PTB would reimburse KEMD the remaining value of the fence amortized over a five (5) year period as shown on Exhibit "B" attached hereto.

**Improvements:**

KEMD would be responsible for all improvements to the Easement Parcel and agrees to take the Easement Parcel and all existing improvements "AS-IS, "WHERE-IS" and acknowledges that PTB disclaims and makes no representations or warranties, express or implied, including, without limitation, suitability or fitness of the Easement Parcel for a particular purpose. KEMD would be responsible for the removal of all underground utilities upon termination of the Easement. Additionally, in the event that the development of PTB's property adjacent to KEMD'S property would be restricted because of the utilities placed within the Easement Parcel, PTB would require KEMD to relocate the utilities at its absolute sole cost and expense.

**Other:**

KEMD would be responsible for the installation, maintenance, real estate taxes, and insurance of the Easement Parcel. In addition, KEMD shall comply with all environmental laws and regulations and any other applicable laws and regulations.

**EXHIBIT "A"**  
**AERIAL OVERLAY OF**  
**UTILITY EASEMENT FOR**  
**KEMD HOLDINGS, LLC.**



December 5, 2017

Prepared By:  
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Professional Land Surveyor #4642  
Assistant Port Surveyor  
Port Tampa Bay  
Drawn by: Craig Kurial  
Sheet 3 of 3  
Job # 01417

PTB \_\_\_\_\_  
KEMD \_\_\_\_\_



**PORT TAMPA BAY**  
1101 Channelside Drive  
Tampa, Florida 33602  
(813) 905-7678 Fax (813) 905-6029  
[WWW.PORTTB.COM](http://WWW.PORTTB.COM)

**THIS IS NOT A SURVEY**

# Exhibit "B"

KEMD

Improvement Expense for Fence

\$ 5,000.00

Assumed Value:

Effective Date of Easement = Month 60

Month	Reimbursement Value	Month	Reimbursement Value
60	\$ 5,000.00	30	\$ 2,500.10
59	\$ 4,916.67	29	\$ 2,416.77
58	\$ 4,833.34	28	\$ 2,333.44
57	\$ 4,750.01	27	\$ 2,250.11
56	\$ 4,666.68	26	\$ 2,166.78
55	\$ 4,583.35	25	\$ 2,083.45
54	\$ 4,500.02	24	\$ 2,000.12
53	\$ 4,416.69	23	\$ 1,916.79
52	\$ 4,333.36	22	\$ 1,833.46
51	\$ 4,250.03	21	\$ 1,750.13
50	\$ 4,166.70	20	\$ 1,666.80
49	\$ 4,083.37	19	\$ 1,583.47
48	\$ 4,000.04	18	\$ 1,500.14
47	\$ 3,916.71	17	\$ 1,416.81
46	\$ 3,833.38	16	\$ 1,333.48
45	\$ 3,750.05	15	\$ 1,250.15
44	\$ 3,666.72	14	\$ 1,166.82
43	\$ 3,583.39	13	\$ 1,083.49
42	\$ 3,500.06	12	\$ 1,000.16
41	\$ 3,416.73	11	\$ 916.83
40	\$ 3,333.40	10	\$ 833.50
39	\$ 3,250.07	9	\$ 750.17
38	\$ 3,166.74	8	\$ 666.84
37	\$ 3,083.41	7	\$ 583.51
36	\$ 3,000.08	6	\$ 500.18
35	\$ 2,916.75	5	\$ 416.85
34	\$ 2,833.42	4	\$ 333.52
33	\$ 2,750.09	3	\$ 250.19
32	\$ 2,666.76	2	\$ 166.86
31	\$ 2,583.43	1	\$ 83.53