

RESOLUTION 22-R

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY DESCRIBED AS PARCEL 30, LTC RANCH P.U.D. #2, AS RECORDED IN PLAT BOOK 48, PAGE 2, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; AUTHORIZING THE ACQUISITION OF UTILITY EASEMENTS OVER AND UPON PORTIONS OF PARCEL 52 AND WETLANDS DESIGNATION #41, LTC RANCH P.U.D. #2, AS RECORDED IN PLAT BOOK 48, PAGE 2, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; AND AUTHORIZING THE MAYOR OR THE CITY MANAGER TO EXECUTE AND ENTER INTO A PURCHASE AND SALE AGREEMENT WITH LTC RANCH JOINT VENTURE AND LTC RANCH INDUSTRIAL/COMMERCIAL PARK MASTER PROPERTY OWNER'S ASSOCIATION FOR THE ACQUISITION OF SAID REAL PROPERTY AND UTILITY EASEMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie's Utility Systems Department recommends the acquisition of fee simple title to real property described as Parcel 30, LTC Ranch P.U.D. #2, as recorded in Plat Book 48, Page 2 of the Public Records of St. Lucie County, Florida (the "Land") and the acquisition of Utility Easements over and upon portions of Parcel 52, LTC Ranch P.U.D. #2, as recorded in Plat Book 48, Page 2 of the Public Records of St. Lucie County, Florida (the "Parcel 52") and Wetland Designation #41, LTC Ranch P.U.D. #2, as recorded in Plat Book 48, Page 2, of the Public Records of St. Lucie County, Florida (the "POA Parcel"), to the City Council of the City of Port St. Lucie ("City Council"), for an existing raw water main, a fiber optic line and for the construction of a monument sign (the Project"); and

WHEREAS, LTC Ranch Joint Venture, a Florida general partnership ("Seller"), owns the Land and Parcel 52 and the City of Port St. Lucie ("City") desires to purchase the Land and acquire Utility Easements over and upon portions of Parcel 52, which will allow the City to ensure ownership of the land and access to an existing raw water main and fiber optic line; and

WHEREAS, LTC Ranch Industrial/Commercial Park Master Property Owner's Association, Inc., a Florida not for profit corporation (the "POA"), owns the POA Parcel and the City desires to obtain a Utility Easement over and upon portions of the POA Parcel, which will allow the City to...; and

WHEREAS, the City, the Seller and the POA have negotiated the Purchase and Sale Agreement ("Agreement") that is attached hereto and incorporated herein as Exhibit "A", which contains all of the terms and conditions related to the acquisition of the Land and the Utility Easements over and upon Parcel 52 and the POA Parcel (collectively, the "Utility Easements"); and

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WHEREAS, the Agreement also contemplates the City conveying a Sign Maintenance Easement to the POA, which the City Council shall consider via Ordinance 22-113; and

WHEREAS, the City Council has determined that the Project is in the public interest, for a public purpose, and therefore necessary for the public health, safety and welfare; and

WHEREAS, after considering the factors set forth above, this City Council has determined that executing and entering into the Agreement for the acquisition of the Land in fee simple and the acquisition of the Utility Easements for the Project is in the best interest of the City; and

WHEREAS, the Mayor, or her designee, and the City Manager, or his designee, are hereby authorized to take any and all appropriate action, including executing and entering into the Agreement attached hereto and incorporated herein as Exhibit “A”, and to accomplish the acquisition of the Land in fee simple and the acquisition of the Utility Easements on behalf of the City of Port St. Lucie.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PORT ST. LUCIE, FLORIDA:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. Implementation. The Mayor, or her designee, and the City Manager, or his designee, are hereby authorized and directed to proceed to take any and all necessary actions, including executing and entering into the Agreement in substantially the same form as attached hereto and incorporated herein as Exhibit “A”, for the City of Port St. Lucie to acquire, in its own name, by purchase, the Land in fee simple and the Utility Easements, and execute all papers and other instruments required for that purpose.

Section 3. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

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Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2022.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

Sally Walsh, City Clerk

By: _____
Shannon M. Martin, Mayor

APPROVED AS TO FORM:

James D. Stokes, City Attorney