

RESOLUTION 23-R

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, FINDING THAT THE ACQUISITION OF A PORTION OF REAL PROPERTY DESCRIBED AS LOT 35, BLOCK 401, PORT ST. LUCIE SECTION SIX, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 36, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, THROUGH NEGOTIATED CONVEYANCE OR THE CITY'S EMINENT DOMAIN POWERS, SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR THE FLORESTA DRIVE IMPROVEMENT PROJECT, AND; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY, OR THEIR DESIGNEES, TO ACQUIRE VIA NEGOTIATED CONVEYANCE OR EMINENT DOMAIN THE SUBJECT PARCEL AND TO TAKE ALL ACTIONS THAT THEY DETERMINE ARE REASONABLY NECESSARY INCLUDING, BUT NOT LIMITED TO, ENGAGING EXPERT WITNESSES AND CONSULTANTS, TO ACQUIRE THE SUBJECT PARCEL IN FEE SIMPLE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie ("City") adopted a 2012 Comprehensive Plan which, through its "Transportation Element", identified several roadways that are currently operating below their acceptable Level of Service (method of describing the operating condition of a roadway in relation to the volume of traffic using that roadway) threshold during peak hours, including segments from Floresta Drive; and

WHEREAS, on July 19, 2017, the City Council directed staff to develop conceptual models of the Floresta Drive Corridor from a traffic standpoint for both a two-lane and four-lane roadway section; the new modeling was performed for the projected traffic volumes in the year 2037 and included the new Crosstown Parkway extension connection to U.S. Highway 1 at Village Drive (the "Conceptual Improvement Roadway Plans for the Floresta Drive Corridor"); and

WHEREAS, on October 30, 2017, the City Council considered the Conceptual Improvement Roadway Plans for the Floresta Drive Corridor and unanimously approved the two-lane Conceptual Improvement Roadway Plan for the Floresta Drive Corridor ("Conceptual Plan"); and

WHEREAS, in January of 2018 and in March of 2018, public information workshops were held and well attended by the public, and as a result of public comment and input, the Conceptual Plan was revised; and

WHEREAS, the revised Conceptual Plan was presented to City Council and on May 14, 2018, City Council approved the revised Conceptual Plan and confirmed it as the Floresta Drive Corridor Master Plan from Southbend Boulevard to Prima Vista Boulevard (the "Master Plan") to identify the plan to accommodate projected traffic volumes while minimizing impacts to adjacent

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properties and neighbors and to provide improvements to the corridor that facilitate safe and efficient flow of traffic; and

WHEREAS, the City Council finds that: (i) the construction and installation of additional roadway width, bicycle lanes, U-turn lanes, traffic signal mast arms and sidewalks for the improvement of Floresta Drive from Southbend to Prima Vista Boulevard (the “Project”) is an integral and necessary component of the City’s infrastructure and transportation network; (ii) the Project is required to meet the anticipated needs of this growing community; (iii) the Project will improve traffic performance and safety; and (iv) the Project will have minimal environmental and social impacts; and

WHEREAS, the City Council finds that the Project is necessary and serves a public purpose to improve the function and appearance of the Floresta Drive Corridor, and to allow for the installation and construction of additional roadway width, bicycle lanes, U-turn lanes, traffic signal mast arms and sidewalks in a safe and acceptable manner; and

WHEREAS, the City of Port St. Lucie’s Public Works Department has determined that the acquisition of a portion of real property legally described as Lot 35, Block 401, Port St. Lucie Section Six, as recorded in Plat Book 12, Page 36, of the Public Records of St. Lucie County, Florida, and more particularly described in the Exhibit “A”, attached hereto and incorporated herein, in fee simple (the “Subject Parcel”), is necessary for the Project; and

WHEREAS, the City Council has considered the factors set forth above and has determined that the fee simple acquisition of the Subject Parcel for the Project serves a public purpose and is necessary for the Project to serve the needs of the community; and

WHEREAS, the City Council finds that it is necessary to acquire fee simple title to the Subject Parcel by negotiated conveyance or the City’s eminent domain power and to employ experts and consultants reasonably necessary to accomplish such acquisition; and

WHEREAS, pursuant to sections 166.401 and 166.411, and Chapters 73 and 74 of the Florida Statutes, the City is authorized to exercise the right and power of eminent domain.

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.

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Section 2. Findings. That acquisition of the Subject Parcel through negotiated conveyance or the City’s power of eminent domain serves a public purpose and is necessary for the construction and installation of additional roadway width, bicycle lanes, U-turn lanes and sidewalks for the improvement of Floresta Drive from Southbend to Prima Vista Boulevard.

Section 3. Implementation. That the City Manager and City Attorney, and their designees, are authorized to acquire the Subject Parcel through negotiated conveyance or by initiating eminent domain proceedings, pursuant to Chapters 73, 74, and 166, Florida Statutes, and to file petitions, pleadings, affidavits, declarations of taking, and any other documents authorized by Florida Statute or the rules of court to accomplish said acquisition.

Section 4. That the City Manager and City Attorney, and their designees, are hereby further authorized and directed to take any such other and further action, including executing documents, as is reasonably necessary to fully accomplish the acquisition of the Subject Parcel.

Section 5. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 6. 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.

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 _____, 2023.

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