

RESOLUTION 21-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AND EXECUTE A CONSTRUCTION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING A PEDESTRIAN RIVERWALK BOARDWALK WITHIN THE LIMITED ACCESS RIGHT-OF-WAY OF STATE ROAD 716 (PORT ST. LUCIE BLVD); PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie has been actively constructing a pedestrian river-walk boardwalk along the North Fork of the St. Lucie River and intends to extend the pedestrian river-walk boardwalk from Bridge Plaza to Tom Hooper Park; and

WHEREAS, a portion of the proposed extension of the pedestrian river-walk boardwalk will be constructed within the right-of-way under State Road 716 (Port St. Lucie Blvd) Bridge (bridge #940140 & #940145); and

WHEREAS, the proposed extension of the pedestrian river-walk boardwalk will encroach into State of Florida Department of Transportation's Limited Access Right-of-Way of State Road 716 (Port St. Lucie Blvd); and.

WHEREAS, in accordance with Section 339.282, Florida Statutes, the State of Florida Department of Transportation may contract with a property owner to finance, construct, and improve public transportation facilities; and

WHEREAS, to construct the proposed extension of the pedestrian river-walk boardwalk, the State of Florida Department of Transportation requires the City to enter into a Construction Agreement ("Agreement"), which is attached hereto and incorporated herein as Exhibit "A".

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 City Manager, or his designee, is hereby authorized to enter into and execute the Construction Agreement, in substantially the same form as attached hereto as Exhibit "A," on behalf of the City of Port St. Lucie, Florida, to allow construction of the pedestrian river-walk boardwalk within the Limited Access Right-of-way of State Road 716 (Port St. Lucie Blvd).

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.

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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.

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 _____, 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney