

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 MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF MAINTAINING 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.

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**WHEREAS**, the City of Port St. Lucie (“City”) 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 need to be constructed beneath the right-of-way of State Road 716 (Port St. Lucie Blvd.) Bridge (bridge #940140 & #940145); and

**WHEREAS**, the Florida Department of Transportation (FDOT), Federal Highway Administration, requires any use and occupancy of airspace above and/or below the highway’s established gradeline, lying within the approved right of way limits on a Federal Aid System, to be properly maintained pursuant to a Maintenance Memorandum of Agreement in accordance with 23 CFR, Part 710; and

**WHEREAS**, FDOT has agreed to lease to the City the airspace below the gradeline of the right-of-way of State Road 716 (Port St. Lucie Blvd.) with the understanding that the City will maintain the lease area pursuant to the terms and conditions set forth in the Maintenance Memorandum of Agreement, which is attached hereto and incorporated herein as Exhibit “A”; and

**WHEREAS**, after considering the factors set forth above, the City Council hereby authorizes the City Manager, or his designee, to enter into and execute the Maintenance Memorandum of Agreement, in substantially the same form as attached hereto 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 Maintenance Memorandum of Agreement, in substantially the same form as attached hereto as Exhibit “A,” on behalf of the City of Port St. Lucie, Florida, in order to maintain the improvements located in the airspace below the gradeline of the right-of-way of State Road 716 (Port St. Lucie Blvd.), specifically the pedestrian river-walk boardwalk.

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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.

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: \_\_\_\_\_  
Shannon Martin, Vice Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney