

RESOLUTION 23-R

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A RIGHT-OF-WAY CONSENT AGREEMENT BETWEEN FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, AND THE CITY OF PORT ST. LUCIE, NECESSARY FOR MAINTAINING THE EXTENSION OF CROSSTOWN PARKWAY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Power & Light Company, a Florida corporation is the current holder of that certain right-of-way granted under that certain instrument recorded in Official Record Book 768, at Page 927, in the Public Records of St. Lucie County, Florida; and

WHEREAS, FPL hereby consents to City of Port St. Lucie, Florida (“Licensee”) using those certain portions of the real property located within its Easement (described above) as more particularly depicted and described in the Right-of-Way Consent Agreement (“Agreement”), attached hereto as Exhibit “A” solely for the purpose of maintaining extension of Crosstown Parkway to include sidewalks, street lighting, drainage pipes, water main, fiber optic conduits, underground lighting, and no lighting or landscaping over 14’ (the “Project”) in accordance with the approved plans and specifications; and

WHEREAS, FPL requires the City to enter into the Agreement to operate the Project within the Easement; and

WHEREAS, the City Council hereby determines that the parties may enter into the Agreement as it serves a public purpose,

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 Council of the City of Port St. Lucie, Florida, hereby authorizes the City Manager to enter into and execute the Right-of-Way Consent Agreement with FPL, in substantially the same form that is attached hereto and incorporated herein as Exhibit “A” to this Resolution, and such other documents necessary to implement the terms of said Agreement.

Section 3. The City Clerk is hereby directed to send a certified copy of this Resolution to FPL Corporate Real Estate Department at P.O. Box 14000, Juno Beach, Florida 33408-0420, and all other persons as directed by the City Council

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Section 4. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 5. 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 6. 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 Martin, Mayor

APPROVED AS TO FORM:

James D. Stokes, City Attorney