

RESOLUTION 21-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 EXTENSION OF BECKER ROAD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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**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 Deed Book 234, at Page 102, and Official Record Book 97 at Page 505 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 Becker Road to include pipe crossings, access driveway, and modification to drainage ditch (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 Council of the City of Port St. Lucie, Florida, as follows:

Section 1. Ratification of Recitals. The City Council hereby adopts and ratifies those matters set forth in the foregoing recitals.

Section 2. 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.

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

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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 held to be illegal, invalid, or unconstitutional by a Court of competent jurisdiction, then the remainder of this Resolution shall remain in full force and effect and this Resolution shall nevertheless stand and be construed as if the illegal or invalid part or portion had not been included herein.

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 \_\_\_\_\_, 2021.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Gregory J. Oravec, Mayor

ATTEST:

\_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney