

RESOLUTION 21-R\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT NECESSARY TO RELOCATE THE CITY'S UTILITY FACILITIES FOR THE PUBLIC PURPOSE OF CONSTRUCTING AND IMPROVING MIDWAY ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the State of Florida Department of Transportation ("FDOT") is designing, and constructing the Midway Road improvements west of Jenkins Road to Selvitz Road, identified as 231440-5-56-02 ("Project") on behalf of the City; and

**WHEREAS**, the proposed Project widens the existing two-lane road to a four-lane divided road, add a 7-foot buffered bike lanes on both sides of the roadway and a 12-foot bicycle/pedestrian path on the south side of the Project; and

**WHEREAS**, the FDOT and the City desire to enter into the Utility Work by Highway Contractor Agreement in substantially the form attached hereto and incorporated herein by reference as Exhibit "A," pursuant to Section 337.403(1)(b), Florida Statutes, for the utility work to be accomplished by the FDOT's contractor as part of the construction of the Project,

**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. Authorization. The City Council of the City of Port St. Lucie, Florida hereby authorizes the City Manager to execute the Utility Work by Highway Contractor Agreement and any other documents related to the FDOT roadway widening project for Midway Road.

Section 3. Directions to City Clerk. The City Clerk is hereby directed to send a certified copy of this Resolution to FDOT Right-of-Way office at 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, and all other persons as directed by the City Council.

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.

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Section 6. Effective Date. This Resolution shall become effective immediately upon adoption.

**PASSED AND APPROVED** 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 M. Martin, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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James D. Stokes, City Attorney