

RESOLUTION 20-R__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A RIGHT-OF-WAY CONSENT AGREEMENT BETWEEN FLORIDA POWER AND LIGHT COMPANY, A FLORIDA CORPORATION AND THE CITY OF PORT ST. LUCIE, NECESSARY FOR CONSTRUCTING UTILITY MAINS AND FIBER OPTIC LINES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Power and Light Company (“FPL”) is the current holder of that certain right of way granted under that certain instrument recorded in Official Record Book 206, Page 2302 in the Public Records of St. Lucie County, Florida; and

WHEREAS, the City finds it imperative to install utility mains and fiber optic lines through this area; and

WHEREAS, FPL requires the City to enter into a Right-of-Way Consent Agreement (Agreement) to operate the Project within the Easement; and

WHEREAS, the agreement designates and sets forth the responsibilities of each party regarding rights and interest to the lands under the Easement, maintenance, relocation, and alterations to the existing and proposed facilities, indemnification clauses, prohibited activities and equipment, prohibited plantings, reimbursement to FPL for cost and expense related to any damages to FPL’s facilities, and insurance requirements

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 enter into the Right-of-Way Consent Agreement with FPL in substantially the same form as attached as **Exhibit “A”** that establishes the responsibilities of each party for the items stated above.

Section 3. Direction to Clerk. 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 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

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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 _____, 2020.

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