

RESOLUTION 21-R\_\_

A RESOLUTION 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 PORT ST. LUCIE BOULEVARD FROM PAAR DRIVE TO DARWIN BOULEVARD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, Port St. Lucie Boulevard from Paar Drive to Darwin Boulevard is owned and maintained by the City of Port St. Lucie ("City"); and

**WHEREAS**, the State of Florida Department of Transportation (FDOT) is designing, and constructing the Port St. Lucie Boulevard South Segment 2.2 improvements, identified as Port St. Lucie Boulevard from south of Paar Drive to south of Alcantarra Boulevard ("Project") on behalf of the City; and

**WHEREAS**, the Project is identified by FDOT as FPID #431752-5-56-01 in St. Lucie County, Florida; 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 City Council hereby adopts and ratifies those matters set forth in the foregoing recitals.

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 Port St. Lucie Boulevard South.

Section 3.     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 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