

RESOLUTION 21-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AND EXECUTE A LICENSE AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORT ST. LUCIE TO FACILITATE THE REMOVAL OF SIDEWALK ON CITY-OWNED PROPERTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation (“FDOT”) proposes to improve Port St. Lucie Boulevard South, Item/Segment No. 4317522, for the project known as PSL South Segment 2.2 (“the Project”); and

WHEREAS, FDOT has requested that the City enter into a License Agreement (the “Agreement”) to temporarily occupy and use real property owned by the City (“City Property”) for the purpose of removing the sidewalk that is beyond the Existing Right of Way line and for sloping, grading, tying in, harmonizing and reconnecting existing features of the City Property with the highway improvements which are to be constructed; and

WHEREAS, FDOT requires the Agreement for transportation purposes which are in the public and community’s best interest and for the public welfare; and

WHEREAS, it is necessary that the City Property be used temporarily by FDOT for the use and benefit of FDOT and said use is in the best interest of the City; and

WHEREAS, the City and FDOT agree to enter into the Agreement, attached hereto and incorporated herein as Exhibit “A”, for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PORT ST. LUCIE, FLORIDA:

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

Section 2. The City Mayor, or his designee, is hereby authorized to enter into and execute the Agreement, in substantially in the form as attached hereto as Exhibit “A”, and such other documents necessary to implement the terms of said Agreement. The City Manager, or his designee, is further authorized to take all actions necessary to implement the terms and conditions of the Agreement and accomplish the purposes set forth therein.

Section 3. Conflict. If any Resolution, or parts of any Resolution, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 4. 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 5. 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: _____
Shannon M. Martin, Vice Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney