

RESOLUTION 26-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA APPROVING AND AUTHORIZING THE SETTLEMENT OF LITIGATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 20, 2021, by filing and service of a Summons and Complaint, the City of Port St. Lucie, Florida (“the City”) commenced a lawsuit against Waste Pro of Florida, Inc. (“Waste Pro”) in the Circuit Court of the Nineteenth Judicial Circuit; and

WHEREAS, the lawsuit is styled *City of Port St. Lucie v. Waste Pro of Florida, Inc.*, Case No. 2021-CA-001628; and

WHEREAS, the City alleges, among other things, breach of contract to perform under the parties’ Franchise Agreement by failing to timely and adequately collect refuse (garbage and bulk waste) and yard waste; and

WHEREAS, Waste Pro disputes their liability under the City’s claims and filed counterclaims against the City; and

WHEREAS, the City disputes its liability under Waste Pro’s counterclaims; and

WHEREAS, after mediation and extensive negotiation, the parties have agreed to terms and conditions which will settle the dispute; and

WHEREAS, this Resolution approves and authorizes the settlement of the lawsuit, as well as the execution of a Joint Stipulation and Order of Dismissal in substantially the same form as the attached Exhibit “A”, subject to the approval of all parties; and

WHEREAS, the City Council finds that the settlement of this dispute serves a valid public purpose.

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. Authority. The City Attorney, or his designee, is authorized to execute the Joint Stipulation and Order of Dismissal in substantially the same form as the attached Exhibit “A”. Additionally, the City Manager and City Attorney are authorized to take any necessary steps to effectuate the terms of settlement and resolution of the dispute.

Section 3. Conflict. If any resolutions, or parts of resolutions, 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

RESOLUTION 26-R__

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 _____, 2026.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney