

RESOLUTION 23-R\_\_

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AND EXECUTE A LOCALLY FUNDED AGREEMENT AND A THREE-PARTY ESCROW AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORT ST. LUCIE FOR CONSTRUCTION OF PORT ST. LUCIE BOULEVARD FROM SOUTH OF PAAR DRIVE TO SOUTH OF ALCANTARRA BOULEVARD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the State of Florida Department of Transportation (“FDOT”) proposes to construct or improve Port St. Lucie Boulevard from South of Paar Drive to South of Alcantarra Boulevard, Item/Segment No. 431752-5-52-01/02, for the project known as PSL Boulevard South Segment 2.2 (“Project”); and

**WHEREAS**, F.S. §339.2817 established the County Incentive Grant Program (“CIGP”) which provides counties and eligible municipalities with grant funding to improve transportation facilities located on the State Highway System or to relieve traffic congestion on the State Highway System; and

**WHEREAS**, in February 2019, the City of Port St. Lucie, Florida (“City”) applied for CIGP funds to St. Lucie County for the Project and was awarded same; and

**WHEREAS**, the Project is listed in the FY 2023/24 – FY2027/28 St. Lucie Transportation Planning Organization’s Transportation Improvement Program for FY 2023/24 – FY2027/28 and the FDOT’s FY 2024-2028 5-Year Work Program for construction; and

**WHEREAS**, the CIGP grant requires the City to provide a local match towards the costs of the Project; and

**WHEREAS**, FDOT has requested that the City enter into two agreements, one a Locally Funded Agreement to provide the local match funding to FDOT for construction of the Project, and the other a Three-Party Escrow Agreement which establishes an escrow account dedicated to the Project (“Agreements”); and

**WHEREAS**, the City Council hereby determines that the parties may enter into the Agreements as they serve a public purpose.

**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.

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Section 2. The City Mayor, or her designee, is hereby authorized to enter into and execute the Agreements, 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 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 \_\_\_\_\_, 2023.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon Martin, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Richard Berrios, Interim City Attorney