

RESOLUTION 21-R__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST LUCIE, FLORIDA, AUTHORIZING THE MAYOR OR CITY MANAGER TO ENTER INTO A TEMPORARY ACCESS EASEMENT AGREEMENT AND WELL SITE EASEMENT AGREEMENT BETWEEN MIDWAY GLADES DEVELOPERS, LLC AND THE CITY OF PORT ST. LUCIE, NECESSARY FOR CONSTRUCTING UTILITY MAINS, FIBER OPTIC LINES AND THE NEW FLORIDAN WELL F-19 ; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Midway Glades Developers, LLC (“Owner”) is the current owner of real property located in the City of Port St. Lucie, Florida (the “Property”); and

WHEREAS, the City finds it imperative to install utility mains, fiber optic, and d the new Floridan Well F-19 through this area (the “Project”); and

WHEREAS, Midway Glades Developers, LLC requires the City Well Site Easement Agreement to operate the Project within the Property (the “Permanent Well Site Easement”); and

WHEREAS, it is necessary for the parties to enter into a Temporary Access Easement Agreement until permanent access is secured to the Project (the “Temporary Access Easement”); and

WHEREAS, the Permanent Well Site Easement (**Exhibit “A”**) and the Temporary Access Easement (**Exhibit “B”**) set forth the terms and conditions of the parties have agreed to for use of the Owner’s Property; and

WHEREAS, the City desires to accept the terms and conditions of the Easement Agreements.

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 Mayor or his designee, or the City Manager or his designee, to enter into, execute and deliver the Well Site Easement Agreement, and Temporary Access Easement Agreement, in substantially the same form as attached as **Exhibit “A” and Exhibit “B”**, and such other documents necessary to implement the terms and conditions of said Agreements.

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.

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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 _____, 2021.

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