

RESOLUTION 22-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A RIGHT-OF-WAY CONSENT AGREEMENT BETWEEN FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, AND THE CITY OF PORT ST. LUCIE, NECESSARY FOR IMPROVEMENTS TO A RAW WATER MAIN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Power & Light Company, a Florida corporation is the current holder of that certain right-of-way granted under that certain instrument recorded in Official Record Book 787, at Page 2179, (2) Official Record Book 923, at Page 2633, Official Record Book 786, at Page 101, Official Record Book 302 at Page, 192, 195, 198, Official Record Book 206, at Page 1573, 2303, Official Record Book 234, at Page 5, Official Record Book 99, at Page 413, Deed Book 254, at Page 370 (“Easement”); and

WHEREAS, FPL hereby consents to City of Port St. Lucie, Florida (“Licensee”) using those certain portions of the real property located within its Easement (described above) as more particularly depicted and described in the Right-of-Way Consent Agreement (“Agreement”), attached hereto as Exhibit “A” solely for the purpose of the City (the “Project”) in accordance with the approved plans and specifications; and

WHEREAS, FPL requires the City to enter into the Agreement to operate the Project within the Easement; and

WHEREAS, the City Council hereby determines that the parties may enter into the Agreement as it serves a public purpose,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port St. Lucie, Florida, as follows:

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 or his designee to enter into and execute the Right-of-Way Consent Agreement with FPL, in substantially the same form that is attached hereto and incorporated herein as Exhibit “A” to this Resolution, and such other documents necessary to implement the terms of said Agreement.

Section 3. The City Clerk is hereby directed to send a certified copy of this Resolution to FPL Corporate Real Estate Department at P.O. Box 14000, Juno Beach, Florida 33408-0420, and all other persons as directed by the City Council.

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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.

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 _____, 2022.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney