

ORDINANCE 19-\_\_

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH ST. LUCIE COUNTY FOR RIGHT-OF-WAY IMPROVEMENTS RELATING TO THE WIDENING OF MIDWAY ROAD FROM SELVITZ ROAD WEST TO GLADES CUT-OFF ROAD; AND AUTHORIZING THE CONVEYANCE OF FEE SIMPLE TITLE TO WINTERLAKES TRACT A-1; AND AUTHORIZING THE CONVEYANCE OF A TEMPORARY CONSTRUCTION EASEMENT, A PERMANENT CONSTRUCTION/MAINTENANCE EASEMENT, AND A PERMANENT DRAINAGE EASEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the City of Port St. Lucie (“City”) and St. Lucie County (“County”), pursuant to Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act of 1969” which authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage, desire to enter into the Midway Road Interlocal Agreement (“Interlocal Agreement”) which is attached hereto and incorporated herein as Exhibit “A”; and

**WHEREAS**, the County and the Florida Department of Transportation (“FDOT”) are in the process of pursuing the construction of roadway improvements concerning the widening of Midway Road from Selvitz Road west to Glades Cut Off Road (the “Project”); and

**WHEREAS**, the proposed design for the widening of Midway Road is a four (4) lane divided urban section with a sidewalk on the north side of the Project that will be approximately six (6) feet wide and includes a twelve (12) foot wide multi-purpose path located on the south side of the Project. Additionally, the Project will need to accommodate, in the future, two (2) additional lanes and pedestrian walkways in accordance with the St. Lucie Transportation Planning Organization Long Range Transportation Plan; and

**WHEREAS**, the County has requested that the City convey fee simple ownership for one parcel and easement rights over several other parcels to the County, which are needed in order to construct the necessary proposed roadway improvements; and

**WHEREAS**, as set forth in Exhibit A to the Interlocal Agreement, the City agrees to convey to the County the necessary parcel and easement rights as indicated in the Interlocal Agreement; and

**WHEREAS**, the City has requested that landscaping and associated irrigation be provided for screening purposes be made part of the Project; and

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**WHEREAS**, as set forth in Exhibit B to the Interlocal Agreement, the County has agreed to incorporate the City's requested landscaping and associated irrigation for screening purposes as indicated in the Interlocal Agreement; and

**WHEREAS**, FDOT has included the landscaping concept plans identified in Exhibit B to the Interlocal Agreement as part of Projects FM# 231440-4 and 231440-5; and

**WHEREAS**, the Interlocal Agreement serves a public purpose, and City and County represent to the other that each has the power, privilege, and authority to undertake and enter into the Interlocal Agreement; and

**WHEREAS**, the City and County agree to cooperate in an economic, timely and efficient manner.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

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 Ordinance.

Section 2. The City hereby agrees to convey certain property interests to the County, which are more specifically described in Exhibit A to the Interlocal Agreement. The purchase price to be paid by the County to the City shall be Ten (\$10) Dollars. The conveyances and simultaneous payment of the purchase price for the conveyances shall be completed by the parties within forty-five (45) days of the Effective Date of the Interlocal Agreement. The parties agree that any and all costs and expenses associated with the City's conveyances to the County, including but not limited to recording fees, title insurance (if applicable), and any other costs, shall be borne solely by the County and at no cost or expense whatsoever to the City.

Section 3. The Mayor and City officials, and the City Manager or his designees, are hereby authorized to execute any and all documents necessary to fully accomplish the purposes set forth in the Midway Road Interlocal Agreement, including the conveyance of: the fee simple title to Winterlakes Tract A-1, a temporary construction easement, a permanent construction/maintenance easement, and a permanent drainage easement.

Section 4. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 5. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance 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 Ordinance shall remain in full force and effect.

Section 6. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Gregory J. Oravec, Mayor

ATTEST:

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Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney