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RESOLUTION NO. 30-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PURCHASE AGREEMENT, DEED, RESERVATION OF UTILITY EASEMENT AND SUBORDINATION OF CITY UTILITY INTERESTS AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR AUTHORIZATION TO EXECUTE OTHER DOCUMENTS REASONABLY NECESSARY TO EFFECTUATE THE PURPOSE OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 9 (I-95), Item/Segment No. 4369631, Section 93220-2482, in Palm Beach County, Florida; and

WHEREAS, it is necessary that certain lands now owned by the City of Lake Worth Beach, Florida ("City"), be acquired by the State of Florida Department of Transportation; and

WHEREAS, said property is not needed for City purposes except for utility purposes; and

WHEREAS, it is necessary that a utility easement across certain lands henceforth to be owned by the State of Florida Department of Transportation, be created and reserved unto the City; and

WHEREAS, to complete the project, it is necessary that certain utility easement rights henceforth owned by the City be subordinated to the rights of the State of Florida Department of Transportation; and

WHEREAS, the State of Florida Department of Transportation has made application to said City to execute and deliver to the State of Florida Department of Transportation a Purchase Agreement, Deed, Reservation of Utility Easement and Subordination of City Utility Interests Agreement, a copy of which are attached hereto as Exhibit "A"; and

WHEREAS, the State of Florida Department of Transportation has agreed in the Purchase Agreement to pay the City for the value of the property described in the Deed, Reservation of Utility Easement and Subordination of City Utility Interests Agreement and to reimburse the City for the costs of relocating its electric utility pole currently located in the property described in Deed, Reservation of Utility Easement and Subordination of City Utility Interests Agreement; and,

WHEREAS, the City Commission has determined that the Purchase Agreement, Deed, Reservation of Utility Easement and Subordination of City Utility Interests

49 Agreement is in the best interests of the City and serves a valid public purpose.

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51 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE  
52 WORTH BEACH, FLORIDA, that:

53 Section 1. The above recitals are hereby ratified and confirmed as being true and  
54 correct and are hereby incorporated into this resolution.

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56 Section 2. The City Commission hereby approves and authorizes the Mayor and City  
57 Clerk to execute the Purchase Agreement, Deed, Reservation of Utility Easement and  
58 Subordination of City Utility Interests Agreement attached hereto as Exhibit "A".

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60 Section 3. The Mayor and City Clerk are hereby authorized to execute any other  
61 documents reasonably necessary to effectuate the terms of the Agreement on behalf of  
62 the City.

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64 Section 4. The City Clerk is authorized to send a certified copy of this resolution to the  
65 State of Florida Department of Transportation at 3400 W. Commercial Boulevard, Fort  
66 Lauderdale, Florida 33009.

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68 Section 5. This resolution shall become effective immediately upon passage.

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71 The passage of this resolution was moved by \_\_\_\_\_, seconded by  
72 \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- 73
- 74 Mayor Betty Resch
- 75 Vice Mayor Herman Robinson
- 76 Commissioner Sarah Malega
- 77 Commissioner Christopher McVoy
- 78 Commissioner Kimberly Stokes
- 79

80 The Mayor thereupon declared this resolution duly passed and adopted on the  
81 \_\_\_\_ day of \_\_\_\_\_, 2021.

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83  
84 LAKE WORTH BEACH CITY COMMISSION

85  
86  
87 By: \_\_\_\_\_  
88 Betty Resch, Mayor

89  
90 ATTEST:

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92  
93 \_\_\_\_\_  
94 Deborah M. Andrea, CMC, City Clerk