

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-33

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ACCEPTING EASEMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves desires to obtain Easements for Roadway, Drainage, and Utility purposes; and

WHEREAS, specifically, the Town has a need for easements on the properties listed in the attached Exhibit “A” in order to ensure there is a clear right to pave portions of North E Road, Folsom Road, West G Road and to obtain drainage rights adjacent to collecting canal related to the Town FY23 Road Paving Program; and

WHEREAS, the easements will be substantially in the form previously approved by Town Council for Roadway, Drainage and Utility Easements; and

WHEREAS, pursuant to Section 05-085 of the Town’s Unified Land Development Code and Town Council adopted procedures, all easements must be accepted by the Town Council prior to recording.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Town Council hereby accepts Easements for Roadway, and/or Drainage and/or Utility purposes, as the necessity of those Easements are determined by Town staff to facilitate the FY23 Road Paving Program, upon the properties identified in Exhibit “A”, attached hereto, in substantially the same form as previously approved by Town Council, subject to the approval of the Town Manager and Town Attorney. No monetary changes to the form of the easement will be approved by the Town Manager and Town Attorney without further authorization from Town Council. Upon approval by the Town Attorney, the Mayor is authorized to execute the Easements on behalf of the Town and Town staff is directed to have said Easements recorded in the public records.

Section 3. Any portion of the work related to the FY23 Road Paving Program which is contingent upon having an easement shall not take place until the Easement is fully executed and recorded.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon its adoption.

Councilmember _____ offered the foregoing resolution. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

| | <u>Aye</u> | <u>Nay</u> | <u>Absent</u> |
|----------------------|--------------------------|--------------------------|--------------------------|
| _____, MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| _____, VICE MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| _____, COUNCILMEMBER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| _____, COUNCILMEMBER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| _____, COUNCILMEMBER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE
GROVES, FLORIDA, THIS ____ DAY OF APRIL 2023.**

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor

Lakisha Burch, Town Clerk

Vice Mayor

APPROVED AS TO LEGAL FORM:

Councilmember

Office of the Town Attorney

Councilmember

Councilmember