

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-85

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ACCEPTING AN INGRESS/EGRESS EASEMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has a funded and contracted project to reconstruct the culvert bridge between A Road and Lakeside Drive (“Project”); and

WHEREAS, during the Project alternate access across the canal is needed for travel to and from A Road to get to and from 161st Terrace North and Lakeside Drive (“Alternate Access”); and

WHEREAS, there is an existing culvert bridge over the canal adjacent to 3974 161st Terrace North; and

WHEREAS, the owners of 3974 161st Terrace North have agreed to grant a temporary ingress/egress easement across a portion of their property to serve as the Alternate Access during the Project (“Easement”); 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; and

WHEREAS, the Town Council has determined that accepting the Easement serves a public purpose.

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 the Easement identified herein, substantially in the form attached hereto as Exhibit “A”, and authorizes the Town Manager and Town Attorney to make any reasonable, non-monetary, modifications to the form of the Easement which are necessary to accomplish the intent of this resolution. Monetary changes to the form of the Easement require authorization from Town Council. Upon approval by the Town Attorney, the Mayor is authorized to execute the Easement on behalf of the Town and Town staff is directed to have said Easement recorded in the public records.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. 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 5. This Resolution shall become effective upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Laura Danowski, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Shorr, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Margaret Herzog, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marianne Miles, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ___ DAY OF _____, 2023.

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Laura Danowski

Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Councilmember Phillis Maniglia

Office of the Town Attorney

Councilmember Marianne Miles