

RESOLUTION NO. 744

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, GRANTING A UTILITY EASEMENT TO MARTIN COUNTY FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND REPAIR OF UTILITY RELATED EQUIPMENT; AUTHORIZING THE TOWN MAYOR TO EXECUTE SAID EASEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Sewall's Point, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Martin County is in need of a utility easement on, over, under, across and through the land described and depicted on **Exhibit "A"** to the easement (the "Easement Premises") which is attached hereto as **Exhibit "1"** (collectively, the "Easement"); and

WHEREAS, Martin County needs the Easement for the construction, installation, reconstruction, replacement, operation, maintenance and repair of utility related equipment, as more specifically described in **Exhibit "1"**; and

WHEREAS, the Town Commission desires to grant the easement to further the public health, safety and general welfare of the residents and citizens of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. **Approval of Granting of Easement.** The Town Commission of the Town of Sewall's Point, Florida, hereby approves the terms and conditions of the grant of

a utility easement to Martin County as attached hereto and incorporated herein by reference as **Exhibit "1"**.

Section 3. Authorization to Execute. The Mayor is hereby authorized to execute the easement as depicted in **Exhibit "1"**.

Section 4. Severability. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

Section 5. Conflicts. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

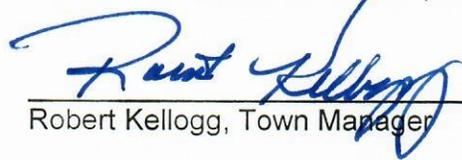
Section 6. Implementing Actions. The Town Manager is hereby authorized to take any other actions necessary to implement the action taken in this Resolution.

Section 7. Effective Date. This Resolution shall take effect in accordance with law.

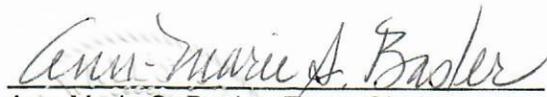
	<u>AYE</u>	<u>NAY</u>
JACQUI THURLOW-LIPPISCH, MAYOR	✓	—
PAUL SCHOPPE, VICE-MAYOR	✓	—
TOM BAUSCH, Commissioner	✓	—
PAM BUSH, Commissioner	✓	—
PAUL LUGER, Commissioner	✓	—

The Town Manager thereupon declared this Resolution No. 744 approved and adopted by the Town Commission of the Town of Sewall's Point on this 13th day of December, 2011.

TOWN OF SEWALL'S POINT, FLORIDA


Robert Kellogg, Town Manager

ATTEST:


Ann-Marie S. Basler, Town Clerk

(TOWN SEAL)

Approved as to form and legal sufficiency


Glen J. Torcivia, Town Attorney
Florida Bar No. 343374