RESOLUTION NO. 2024-398

A RESOLUTION FOR THE CITY OF PARKER, FLORIDA, AUTHORIZING THE CITY TO GRANT AN EASEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENOR'S ERRORS AND CONSTRUCTION; REPEALING RESOLUTIONS IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation ("FDOT") proposes to construct or improve State Road No. 30 (US 98), Financial Project No. 4426671, in Bay County, Florida:

WHEREAS, it is necessary that certain real property, more particularly described on Exhibit "A" attached hereto ("Property"), now owned by the City of Parker, Florida ("City"), be used temporarily by FDOT;

WHEREAS, said use is in the best interest of the general public; and

WHEREAS, the FDOT has requested that City grant the FDOT temporary permission to construct the project according to current construction plans, and said request has been duly considered.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Parker, Florida as follows:

Section 1. The request of the FDOT for a temporary easement to construct the project according to current construction plans is granted, being for transportation purposes which are in the public or community interest and for the public welfare. The Mayor on behalf of the City is authorized to execute and deliver to FDOT a temporary easement in form acceptable to City and FDOT a temporary construction easement on the Property.

Section 2. A certified copy of this Resolution be forwarded forthwith to the State of FDOT at Tallahassee, Florida.

Section 3. If any section, subsection, sentence, clause, phrase, word or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution. If any

penalty of this section is deemed inconsistent with any Florida statute, the provisions of the Florida Statute shall prevail.

Section 4. The correction of typographical errors which do not affect the intent of the Resolution may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 5. This Resolution shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 6. All resolutions or parts of resolutions of the City of Parker, in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

Section 7. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED on this _____ day of March, 2024.

City of Parker, Florida

_____
Andrew Kelly, Mayor

ATTEST:

_____
Kimberly Rega, City Clerk

Examined and approved by me, this _____ day of March, 2024.

_____
Andrew Kelly, Mayor

Exhibit "A"

The existing right of way of dedicated and used State Road 30 (US 98) and the existing right of way of portions of other dedicated or maintained streets and roads lying between West Cooper Drive and Oak Shore Drive, both in Fractional Section 25, Township 4 South, Range 14 West, Bay County, Florida and lying within the required (temporary) right of way as shown on Florida Department (F.D.O.T.) Right of Way Map F.P. No. 4426671, State Road 30 (US 98), as filed in the F.D.O.T. District 3 Office, Chipley, Florida.

This instrument prepared by
or under the direction of
Phillip Brown
Department of Transportation
P. O. Box 607
Chipley, FL 32428

Legal description approved by,
David Hitchcock

| | |
|---|---|
| Parcel | 702.1 |
| Item/Segment No. | 4426671 |
| Managing District | 3 |
| S.R. No. | 30 (US 98) |
| County | Bay |

# TEMPORARY EASEMENT

THIS TEMPORARY EASEMENT ("Temporary Easement") is made and entered into this ____ day of _____, 2024, by the CITY OF PARKER, FLORIDA, a municipality of the State of Florida ("Grantor"), whose address is 1001 West Park Street, Parker, Florida 32404, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("Grantee"), whose address is Post Office Box 607, Chipley, Florida 32428.

WITNESSETH that for and in consideration of the sum of One Dollar and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the Grantor hereby gives, grants, bargains and releases to the Grantee, a non-exclusive temporary easement for the purpose of constructing the project according to current construction plans in, upon, over and through the following described land in Bay County, Florida, described as follows:

The existing right of way of dedicated and used State Road 30 (US 98) and the existing right of way of portions of other dedicated or maintained streets and roads lying between West Cooper Drive and Oak Shore Drive, both in Fractional Section 25, Township 4 South, Range 14 West, Bay County, Florida and lying within the required (temporary) right of way as shown on Florida Department (F.D.O.T.) Right of Way Map F.P. No. 4426671, State Road 30 (US 98), as filed in the F.D.O.T. District 3 Office, Chipley, Florida.

Grantee, at Grantee's expense, shall prepare, execute, deliver and record a document terminating this Temporary Easement within thirty (30) days of substantial completion of this transportation project, but no later than the last day of _____, 202___.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed and delivered as of the date first above written.

WITNESSES:

_____
Print Name: _____
P.O. Address: _____
_____

_____
Print Name: _____
P.O. Address: _____
_____

_____
Print Name: _____
P.O. Address: _____
_____

_____
Print Name: _____
P.O. Address: _____
_____

CITY OF PARKER, FLORIDA

_____
ANDREW KELLY, Mayor

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
Printed Name: _____
Its: _____

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this _____ day of _____, 2024, by ANDREW KELLY, as Mayor of the CITY OF PARKER, FLORIDA, who is personally known to me or who has produced _____ as identification.

_____ (SEAL)
Notary Public - Signature

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this _____ day of _____, 2024, by _____, as _____ of the STATE OF FLORIDA DEPARTMENT OF

TRANSPORTATION, who is personally known to me or who has produced _____ as identification.

_____(SEAL)
Notary Public - Signature

2024-398 GIS MAP




