

RESOLUTION NO. 2158-15

A RESOLUTION OF THE COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, FOR THE APPROVAL OF THE JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WINTER PARK – FM# 433788-1-56-02; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Winter Park (“City”) and the Florida Department of Transportation (“FDOT”) is granted legislative authority to enter into this Joint Participation Agreement (“Agreement”) under Section 339.12, Florida Statutes; and

WHEREAS, the City desires to install certain utility facilities on behalf of Duke Energy, (owner of the facilities) which are located on the public road or publicly owned rail corridor identified below, hereinafter referred to as the “Facilities” (said term shall be deemed to include utility facilities as the same may be relocated, adjusted, or placed out of service); and

WHEREAS, FDOT is currently engaging in a project which involves constructing, reconstructing or otherwise changing a public road and other improvements located on a public road or publicly owned rail corridor identified as Fairbanks Ave. State Road No. 426, otherwise known as FM # 433788-1-56-02 (“Project”); and

WHEREAS, the Project requires the location (vertically and/or horizontally), protection, relocation, installation, adjustment, or removal of the Facilities, or some combination thereof; and

WHEREAS, the City, in accordance with and subject to the limitations of the terms and condition of the Agreement, is entitled to be reimbursed for some portion or all of the Utility Work; and

WHEREAS, implementing the Project is in the best interest of both FDOT and City; and

WHEREAS, the Agreement establishes the terms and conditions required by FDOT to provide City with funding for the installation of such decorative lighting; and

WHEREAS, the City Commission has determined that it is in the public interest to approve and adopt this Agreement; and

WHEREAS, the City Commission has determined that the terms and conditions as stated in the Agreement is fair and reasonable to City.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. Approval of the Agreement. The Joint Participation Agreement between the State of Florida Department of Transportation and the City of Winter Park – FM# 433788-1-56-02, will be approved and adopted.

SECTION 2. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it will not invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 3. Conflicts. All Resolutions or parts of Resolutions in conflict with any of this Resolution are repealed.

SECTION 4. Effective Date. This Resolution will be effective immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 8th day of June, 2015.



Steve Leary, Mayor

Attest:



Cynthia S. Bonham, City Clerk