

RESOLUTION NO.:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA INITIATING CONFLICT RESOLUTION PROCEDURES PROVIDED BY SECTION 164.1052, FLORIDA STATUTES PERTAINING TO MATTERS IN DISPUTE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; INVOKING STATUTORY CONFLICT RESOLUTION PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Pierce, Florida, has made the following determinations:

1. That there exists a dispute between the City of Ft Pierce (“CITY”) and the State of Florida Department of Transportation (“FDOT”) concerning the CITY’s rights of indemnification and financial assistance from the FDOT in connection with that certain Joint Participation Agreement (“JPA “) dated May 8, 2003 by and between the FDOT and CITY.
2. That the FDOT’s refusal to indemnify the CITY is contrary to the legal relationship between CITY and FDOT, is contrary to and in conflict with the terms and conditions of the JPA, and is otherwise contrary to the laws of the State of Florida.
3. As a result of the conflicts set out above, the CITY believes it is in the best interest of the citizens of the City of Fort Pierce to attempt to avoid litigation and to initiate the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act prior to initiating court proceedings.

NOW THEREFORE BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida, as follows:

Section 1. The City of Fort Pierce expresses its intent to initiate the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act to resolve the above conflicts between the CITY and the FDOT prior to initiating court proceedings or prosecuting any legal action.

Section 2. Within five (5) days after the adoption of this Resolution, as provided in Florida Statute 164.1052, the City Manager is directed to send a letter and a certified copy of this Resolution to the Chief Administrator of FDOT by certified mail, return receipt requested.

Section 3. This Resolution shall become effective immediately upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted on this _____ day of September 2014.

Linda Hudson, Mayor

ATTEST:

Linda Cox, City Clerk

APPROVED AS TO FORM AND CORRECTNESS

Robert V. Schwerer, City Attorney