

**RESOLUTION NO. 23-R57**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, A FLORIDA MUNICIPAL CORPORATION, **APPROVING THE TERMINATION OF AN EXISTING EASEMENT AND ENTERING INTO A CORRECTED EASEMENT AGREEMENT, FOR A CONCRETE SIDEWALK THROUGH A PARCEL OWNED BY MANATEE ISLAND HOLDINGS**, LOCATED AT 1640 SEAWAY DRIVE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, staff seeks approval to terminate an existing easement as recorded in O.R. Book 3183, Page 712, Public Records of Saint Lucie County and execute a corrected easement agreement with a description to contain an existing sidewalk; and

**WHEREAS**, the City currently holds an easement that grants the City of Fort Pierce a perpetual exclusive easement for the construction and maintenance of a sidewalk through a parcel owned by Manatee Island Holdings located at 1640 Seaway Drive; and

**WHEREAS**, this pedestrian connection is between the Seaway Drive Right-of-Way and the Inlet Linear Park trail and portions of the constructed sidewalk fell outside the originally described easement and this has become an issue since Manatee Island Holdings has entered into a contract for sale of the parcel; and

**WHEREAS**, the owners are requesting to terminate the existing easement and enter into a new easement correctly described to contain the existing concrete sidewalk.

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

**SECTION 1.** The City Commission of the City of Fort Pierce, Florida, authorizes the execution of a Termination Agreement, attached as Exhibit 1, for the easement agreement as recorded in O.R. Book 3183, page 712 of the Public Records of St. Lucie County, Florida.

**SECTION 2.** The City Commission of the City of Fort Pierce, Florida, authorizes the execution of a corrected Easement Agreement, attached as Exhibit 2, with a description to contain an existing sidewalk.

**SECTION 4.** The Mayor, City Clerk, and City Attorney are hereby authorized and directed to take all actions necessary to consummate these agreements.

**SECTION 5.** The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, which shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**SECTION 6.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 7.** This Resolution shall become effective upon adoption.

**IN WITNESS WHEREOF**, this Resolution was duly adopted this 6<sup>th</sup> day of November, 2023.

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LINDA HUDSON, MAYOR

ATTEST:

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LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM  
AND CORRECTNESS:

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SARA HEDGES, CITY ATTORNEY

