BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 71-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF STUART ("CITY") AND MARTIN COUNTY ("COUNTY") TO INSTALL FENCING AND MAINTAIN THE CUL-DE-SAC ROAD KNOWN AS 18TH STREET THAT INTERSECTS SE PALM BEACH ROAD ON THE EAST SIDE OF THE FORMER SUBDIVISION KNOWN AS LAWLER GARDENS THAT IS NOW VACANT LAND; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the CITY maintains the cul-de-sac road known as 18th Street that intersects SE Palm Beach Road on the east side of the former subdivision known as Lawler Gardens that is now vacant land within the City of Stuart; and

WHEREAS, the west side of the former Lawler Gardens is adjacent to the COUNTY's General Aviation Airport known as Martin County Airport/Witham Field (the "Airport"); and

WHEREAS, on or about November 1, 2005, the COUNTY, pursuant to its Airport Noise Mitigation Program and a grant from the Federal Aviation Administration ("FAA"), passed its resolution No. 05-11.6 (the "Resolution") authorizing the purchase of all 23 parcels of Lawler Gardens located around 18th Street (the "Parcels"); and

WHEREAS, pursuant to the Resolution, from about 2006 to 2008, the COUNTY purchased all the Parcels from the individual owners using funds from the FAA's grant for that purpose; and

WHEREAS, the COUNTY had all structures on the Parcels removed, including the mobile homes, such that the area became and remains vacant, and COUNTY intends to keep the Parcels vacant to comply with applicable FAA requirements and Airport Minimum Standards; and

WHEREAS, the COUNTY, as the owner of the Parcels, desires to install fencing around the perimeter of the former Lawler Gardens subdivision for the purpose of protecting the adjacent Airport Operations Area, and take over maintenance of 18th Street from the CITY; and

WHEREAS, the CITY and the COUNTY have agreed to a design of the portion of the fence that will be in front of and adjacent to SE Palm Beach Road. The fence depiction is attached as Exhibit C to the License Agreement attached hereto and incorporated herein; and

WHEREAS, the County will install a chain-link fence for the remainder of the perimeter of the former Lawler Gardens.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The Mayor is hereby authorized and directed to enter into this license agreement with the County.

SECTION 2: This resolution shall take effect on adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
MERRITT MATHESON, COMMISSIONER				
REBECCA S. BRUNER, COMMISSIONER				
VACANCY				

ADOPTED this ____ day of June, 2020.

ATTEST:

_____	_____
MARY R. KINDEL	MICHAEL J. MEIER
CITY CLERK	MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY