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**RESOLUTION NO. R2017-36**

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL  
APPROVING AND AUTHORIZING THE MAYOR TO  
EXECUTE THE RIGHT-OF-WAY CONSENT AGREEMENT  
BETWEEN WELLINGTON AND FLORIDA POWER & LIGHT  
COMPANY (FP&L) REGARDING THE USE OF  
EASEMENTS LANDS FOR BICYCLE AND PEDESTRIAN  
PURPOSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Power and Light Company (FP&L), a utility company, is the holder of certain utility easement, as Recorded in the Official Records Books of Palm Beach County, Florida; and

**WHEREAS**, FP&L has the authority to review and approve "uses" on lands encumbered by these utility easements; and

**WHEREAS**, the Village of Wellington, Florida (Wellington), a Florida local government created under Chapter 95-496, Laws of Florida sought authorization and approval from FP&L to construct and maintain a paved bicycle and pedestrian pathway on lands encumbered by these easements of record; and

**WHEREAS**, Wellington agrees to the conditions set forth in the RIGHT-OF-WAY CONSENT AGREEMENT as attached hereto.

**NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S COUNCIL THAT:**

**SECTION 1.** The foregoing recitals are hereby affirmed and ratified as being true and correct.

**SECTION 2.** The Wellington Council hereby approves the RIGHT-OF-WAY CONSENT AGREEMENT with the Florida Power and Light Company (FP&L) relating to the construction and maintenance of an asphalt pathway, as attached hereto as Exhibit "A", and hereby authorizes the Mayor to execute the Agreement.

**SECTION 3.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of August, 2017.

1 **ATTEST:**

**WELLINGTON**

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4 By: \_\_\_\_\_  
5 Chevelle D. Nubin, Village Clerk

By: \_\_\_\_\_  
Anne Gerwig, Mayor

6  
7 **APPROVED AS TO FORM**  
8 **AND LEGAL SUFFICIENCY**

9  
10  
11 By: \_\_\_\_\_  
12 Laurie Cohen, Village Attorney