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RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, PROVIDING FOR CITY MANAGER AUTHORITY TO GRANT LICENSES FOR USE OF CERTAIN CITY-OWNED REAL PROPERTY AND TO ACCEPT CONVEYANCES OF UTILITY IMPROVEMENTS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the temporary use of various City-owned parcels of real property is often requested by persons and entities for functions, events, or other accommodations which temporary uses are typically approved by way of a temporary license currently requiring City Council review and approval; and

WHEREAS, the use of certain City-owned submerged lands is regularly requested by owners of the various upland real properties located adjacent to such City-owned property for the construction and installation of docks and other marine facilities which uses are typically approved by way of a submerged lands license currently requiring City Council review and approval; and

WHEREAS, the owners of real property desiring City utility services regularly construct and install at their own expense and pursuant to City specifications various utility improvements on and off their premises and ownership of such utility improvements after completion is then transferred by bill of sale to and thereafter maintained by the City the acceptance of such conveyances typically requiring City Council review and approval; and

WHEREAS, typically the City Attorney's office, in conjunction with the Public Works Department, the City's utility departments, and other pertinent City departments, prepares or reviews the various license documents, bills of sale, and acceptance documents pursuant to the needs of the affected City department; and

WHEREAS, pursuant to City Code section 2-176 the City Manager may generally execute documents affecting the City only as authorized by the City Code or by City Council action authorizing the City Manager to execute such documents on behalf of the City; and

WHEREAS, the City Manager has been specifically authorized by City Code or City Council resolution to: approve and execute leases for terms of one (1) year or less for City Airport real property and other documents related to such leases; approve and execute documents related to mortgages on leaseholds for Airport real property; approve and execute license agreements for the use of Airport real property for one (1) year or less; approve and execute licenses for the use of City rights-of-way; approve and execute acceptance of City utility easements; and approve and execute various other documents affecting the City; and

WHEREAS, the aforementioned licenses and acceptance of utility improvements being limited in nature and application, it is more efficient, appropriate, and timely to provide for the City Manager to administratively review, approve and execute the foregoing license agreements and evidence of acceptance of utility improvements on behalf of the City rather than submitting such documents to the City Council for review and approval; and

WHEREAS, the City Council finds that providing for and authorizing the City Manager to approve and execute such license agreements and acceptances of utility improvements on behalf of the City improves efficiency in City administration, serves a municipal purpose, and is in the best interest of the public,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1 – Adoption of “Whereas” Clauses.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Resolution.

Section 2 – City Manager Authorization.

The City Manager is hereby authorized to:

(a) Review and approve all applications and grant licenses for the temporary use of City real property limited to a term of no more than one (1) year with no subsequent renewal terms and to execute all license agreements and other documents associated therewith on behalf of the City.

(b) Review and approve all applications and grant licenses to upland real property owners for the use of City submerged lands adjacent to such upland real property for docks and other marine related facilities in conjunction with such owners’ use of the upland real property and to execute all license agreements and other documents associated therewith on behalf of the City.

(c) Review and approve all bills of sale for goods and chattels comprising utility improvements proposed for conveyance to the City and to execute all documents necessary to evidence acceptance of such conveyances on behalf of the City.

Copies of all such documents approved by the City Manager shall be available to the City Council for inspection on request. The foregoing specified authority is in addition and supplemental to all other powers and duties of the City Manager provided for by City Charter, Code, ordinances, and other Council resolutions.

Section 3 – Limitation on Authority.

The City Council retains approval authority for the granting of all other interests in and permission for the use of City real property and the acceptance of all other conveyances to the City of interests in real property or improvements not otherwise delegated by this Resolution or the City Charter, Code, ordinances, or other Council resolutions. Unless otherwise approved by the City Council, any use of City real property, other than submerged lands or rights-of-way, for a total term of more than one (1) year shall be by written lease approved by City Council rather than a license agreement for temporary use.

Section 4 – Conflict and Severability.

The provisions of this Resolution shall control over the provisions of previously adopted resolutions in conflict herewith. If any provision of this Resolution is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions.

Section 5 – Effective Date.

This Resolution shall become effective upon adoption by the City Council.

This Resolution was heard on the ___ day of _____ 2016, after which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote of the City Council:

Mayor Jay Kramer	_____
Vice-Mayor Randolph B. Old	_____
Councilmember Pilar E. Turner	_____
Councilmember Richard G. Winger	_____
Councilmember Harry Howle III	_____

ATTEST:

CITY COUNCIL
CITY OF VERO BEACH, FLORIDA

Tammy K. Vock
City Clerk

Jay Kramer
Mayor

[SEAL]

Approved as to form and legal
sufficiency:



Wayne R. Coment
City Attorney

Approved as conforming to
municipal policy:



James R. O'Connor
City Manager