

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-011

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DECLARING THE EXISTENCE OF AN EMERGENCY WITH RESPECT TO THE FLOODING WHICH HAS OCCURRED ON MARCELLA BOULEVARD, WITHIN THE TOWN OF LOXAHATCHEE GROVES; RECOGNIZING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE; AUTHORIZING THE TOWN COUNCIL TO PROVIDE FOR AN EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) PURSUANT TO SECTION 5, PARAGRAPH 11 OF THE TOWN CHARTER FOR THE PURPOSE OF REMEDYING THE IMMEDIATE DANGER IN THE AREA OF MARCELLA BOULEVARD, INCLUDING THE DIRECT NEGOTIATION FOR THE ACQUISITION OF ALL NECESSARY COMMODITIES AND CONTRACTUAL SERVICES RELATED THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves has been advised by the Town Administration that there currently exists an emergency with respect to potential severe flooding along Marcella Boulevard due to a culvert located at 12887 Marcella Boulevard, Loxahatchee Groves, that is not being maintained by the property owner; and

WHEREAS, due to the fact that the annual rainy season will commence soon, the Town Council has been advised that severe flooding will likely occur on Marcella Boulevard due to the fact that the rainwater is unable to appropriately drain from the street because the culvert blocks the rainwater from flowing away from the properties, which, in turn, causes flooding within the public right-of-way for Marcella Boulevard as well as adjacent properties, and that the flooding presents an immediate danger to the health, safety, and welfare of the public; and

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WHEREAS, the Town Council recognizes that flooding on Marcella Boulevard has, in the past, created dangerous conditions within the right-of-way and on adjacent private property, causing concern for property owners who are unable to access their properties, as well as a concern for the ability of emergency vehicles to access property along Marcella Boulevard; and

WHEREAS, the Town Council hereby declares an immediate danger exists to the public health, safety, and welfare resulting from the severe flooding which occurs on Marcella Boulevard, and upon a concern for the safe use of the right-of-way, and to avoid any unhealthy or unsanitary accumulation of water, the Town Council hereby desires to mitigate any potential damage that may result from the severe flooding; and

WHEREAS, the District has been advised that a repair to the culvert located at 12887 Marcella Boulevard, Loxahatchee Groves, will assist to mitigate or eliminate the immediate danger presented, and

WHEREAS, the Town Council has been presented with information regarding a method to address and eradicate the immediate danger posed to the property owners on Marcella Boulevard, which is in the best interests of the citizens of the Town of Loxahatchee Groves, and constitutes a municipal and public purpose; and

WHEREAS, the Town Council finds that the actions taken pursuant to this resolution will be in the best interest of the health, safety, and welfare of the citizens and residents of the Town of Loxahatchee Groves.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

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Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. Because of the foregoing conditions, and in furtherance of the powers vested in the Town Council pursuant to Section 5, Paragraph 11 of the Town Charter, the Town Council declares that an immediate danger and state of emergency exists with respect to the flooding conditions on Marcella Boulevard, and the adjacent properties.

Section 3. In accordance with Section 5, Paragraph 11, the Town Council hereby appropriates an amount not to exceed Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00), for the purpose of remedying the emergency flooding conditions on Marcella Boulevard, including the repair of the culvert located at 12887 Marcella Boulevard, Loxahatchee Groves, and the Town Council hereby directs the Town Manager to take any and all necessary action consistent with this Resolution and the Town Charter to remedy the emergency.

Section 4. If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be invalid, such invalid part shall be considered eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

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ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES,
FLORIDA, this 19th day of May, 2009.

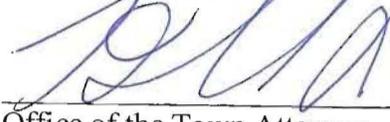
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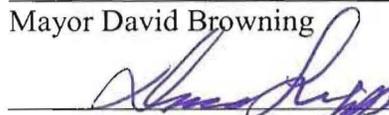

TOWN CLERK

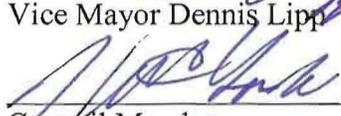
TOWN OF LOXAHATCHEE GROVES,
FLORIDA


Mayor David Browning

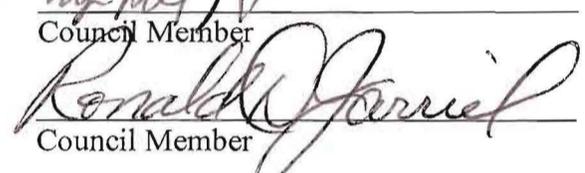
APPROVED AS TO LEGAL FORM:


Office of the Town Attorney


Vice Mayor Dennis Lipp


Council Member


Council Member


Council Member



DNT:dnt

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