

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO FILE A CIVIL ACTION TO ENFORCE THE CITY'S RIGHTS UNDER A UTILITY EASEMENT ON PROPERTY OWNED BY BV COLLAZO, AT 1301 N 70 AVE, TO FACILITATE THE INSTALLATION OF LIFT STATION A-9.

WHEREAS, in 1958, the property located at 1301 N 70 Ave (the "Property") was platted as a part of the Boulevard Heights Section 4 plat; and

WHEREAS, as a part of the plat, the owner of the Property granted a 6-foot utility easement (the "Easement") along the south side of the Property; and

WHEREAS, the Easement encumbers the Property to this day; and

WHEREAS, the current owner of the Property is BV Collazo, and

WHEREAS, the City of Hollywood Public Utilities Department is beginning a project to install a new lift station (Lift Station A-9) on property just south of the Property; and

WHEREAS, in order to install Lift Station A-9, Public Utilities must (i) temporarily move Mr. Collazo's fence that's currently on the Easement property and (ii) temporarily place equipment on the Easement property; and

WHEREAS, Public Utilities and the City Attorney's Office have contacted Mr. Collazo, but he has strongly objected to Public Utilities' use of the Easement property for this project; and

WHEREAS, Section 7.02(b)(4) of the City Charter requires the City Attorney, when requested to do so by resolution of the City Commission, to prosecute and defend on behalf of the City all complaints, suits and controversies in which the City is a party; and

WHEREAS, the City Attorney recommends that the City Commission authorize him to file a civil action against BV Collazo to enforce the City's rights under the Easement to facilitate the installation of Lift Station A-9;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A CIVIL ACTION TO ENFORCE THE CITY'S RIGHTS UNDER A UTILITY EASEMENT ON PROPERTY OWNED BY BV COLLAZO, AT 1301 N 70 AVE, TO FACILITATE THE INSTALLATION OF LIFT STATION A-9.

Section 1: That the City Attorney is hereby authorized to file a civil action against BV Collazo and any other appropriate parties to enforce the City's rights under the Easement and to seek any and all remedies that may be appropriate.

Section 2: That this resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2014.

PETER BOBER, MAYOR

ATTEST:

PATRICIA a. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only.

JEFFREY P. SHEFFEL, CITY ATTORNEY