

RESOLUTION NO. 23-1754

A RESOLUTION OF THE CITY OF HAINES CITY, FLORIDA AUTHORIZING THE EXECUTION OF A UTILITY EASEMENT FROM THE CITY OF HAINES CITY TO THE CITY OF LAKE ALFRED CONCERNING REAL PROPERTY LOCATED AT HAMMOCK RESERVE PHASE 4 IN HAINES CITY, FLORIDA; PROVIDING FOR ADMINISTRATIVE ACTION; PROVIDING FOR RECORDING IN THE PUBLIC RECORDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hammock Reserve Partners, LLC, is the owner of real property located in Haines City, Polk County, Florida (referred to as “Hammock Reserve Phase 4”) and described as:

HAMMOCK RESERVE PHASE 4 PB 197 PG 46-50, public records of Polk County, Florida.

WHEREAS, Hammock Reserve Phase 4 is located within the utility service area of the City of Haines City, Florida, (the “City”); and

WHEREAS, the Hammock Reserve Community Development District, a unit of special purpose local government organized and existing pursuant to Section 190 of the Florida Statutes, has jurisdiction over Hammock Reserve Phase 4; and

WHEREAS, the City of Lake Alfred (“Lake Alfred”) has requested that the City of Haines City, Hammock Reserve Partners, LLC, the Hammock Reserve Community Development District, and D. R. Horton, (collectively as the “Grantor”), execute a Utility Easement related to certain real property (the “Easement Area”) located within Hammock Reserve Phase 4; and

WHEREAS, Lake Alfred and the City entered into that certain Interlocal Agreement For Utility Services & Municipal Boundaries and recorded in Official Records Book 12232, Page(s) 578-589, Public Records of Polk County, Florida, which includes, but shall not be limited to, the consent of the City of Haines City for Lake Alfred’s provision of water, waste water, and water utility services within the Easement Area; and

WHEREAS, Lake Alfred will provide utility services to Hammock Reserve Phase 4 consistent with the Interlocal Agreement For Utility Services & Municipal Boundaries; and

WHEREAS, execution of the Utility Easement is in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Haines City as follows:

Section 1. Authorization. That the City of Haines City hereby authorizes the Mayor to accept and execute the Utility Easement and any ancillary documents related thereto.

Section 2. Administrative Action. The City of Haines City staff is hereby directed to take all administrative actions necessary to complete the Utility Agreement, and ancillary documents thereto.

Section 3. Recording. This Resolution shall be recorded in the Public Records of Polk County, Florida.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 5. Conflicting Resolutions. That all resolutions made in conflict with this resolution are hereby repealed.

Section 6. Effective Date. That this resolution shall become effective immediately upon its adoption.

PASSED and APPROVED in regular session of the City Commission of the City of Haines City, Florida, this ____ day of August, 2023.

ATTEST:

APPROVED:

Sharon Lauther, CMC, City Clerk

H. L. "Roy" Tyler, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney