

**RESOLUTION NO. 21-09-01**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE LEHIGH ACRES FIRE CONTROL AND RESCUE DISTRICT, LEE COUNTY, FLORIDA TO APPROVE THE CONVEYANCE OF WATER AND WASTEWATER UTILITIES IMPROVEMENTS TO FLORIDA GOVERNMENTAL UTILITY AUTHORITY (FGUA) FOR NEW STATION 102; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Lehigh Acres Fire Control and Rescue District ("District") is a legislatively created independent special fire control district located in Lee County, Florida, which has the power and authority described in Florida law, including the District's enabling legislation; and,

WHEREAS, on or about March 23, 2021, the District entered into a Utility Infrastructure Conveyance and Service Agreement with FGUA (Agreement) concerning the District's development of the water utilities and wastewater utilities improvements and the eventual conveyance of those water utilities and wastewater utilities improvements to FGUA; and,

WHEREAS, the construction of new Station 102 located at 44 Homestead Road South, Lehigh Acres, Florida, is near the end and the water utilities and wastewater utilities improvements to serve Station 102 are being completed at this time; and,

WHEREAS, FGUA requires a resolution by the District Board of Commissioners ("Board") to approve the conveyance of the water utilities and wastewater utilities to FGUA; and,

WHEREAS, the Board desires to acquire water utilities and wastewater utilities from FGUA, and to approve and authorize the Chief, or their designee, to execute the easement, bills

of sale, and other documents that are necessary to convey the water utilities and wastewater utilities improvements to FGUA without additional future action of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Lehigh Acres Fire Control and Rescue District Board of Commissioners, that:

**SECTION ONE: INCORPORATION OF RECITALS**

The recitals set forth above are true and correct and form a part of this Resolution.

**SECTION TWO: AUTHORITY**

The Board of Commissioners is authorized to adopt this Resolution by Florida law including Chapter 191, Florida Statutes.

**SECTION THREE: AUTHORIZATION TO TURNOVER UTILITIES IMPROVEMENTS TO FGUA**

The Board hereby authorizes the District to convey the water utilities and wastewater utilities improvements constructed as a part of the construction of Station 102 to FGUA upon their completion by the District and acceptance by FGUA. The Board authorizes the Chief, or their designee, and the District's legal counsel to negotiate and prepare the necessary documentation on behalf of the District to convey the water utilities and wastewater utilities improvements to FGUA. The Board approves and authorizes the Chief, or their designee, to execute the easement, bills of sale, and all other documents that are necessary to convey the water utilities and wastewater utilities improvements to FGUA and to satisfy any other requirements of FGUA that are prerequisites to FGUA providing water utilities and wastewater utilities to Station 102.

**SECTION FOUR: SCRIVENER'S ERRORS**

The Board of Commissioners intends that all sections of this Resolution which contain typographical errors which do not affect the intent of this Resolution can be administratively

corrected by the authorization of the Chief, or his designee, without the requirement of having a corrected Resolution adopted by the Board of Commissioners.

**SECTION FIVE: CONFLICT**

Any provision of any District Resolution which is in conflict with the provisions of this Resolution is repealed prospectively to the extent of such conflict.

**SECTION SIX: LIBERAL CONSTRUCTION**

The terms and provisions of this Resolution shall be liberally construed to affect the purpose for which it is adopted.

**SECTION SEVEN: SEVERABILITY.**

If any portion of this Resolution is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Resolution. If this Resolution shall be held to be inapplicable to any person or circumstances, such holding shall not affect the applicability of this Resolution to any other person or circumstances.

**SECTION EIGHT: EFFECTIVE DATE.**

This Resolution shall take effect upon the adoption of this Resolution by the Board of Commissioners of the Lehigh Acres Fire Control and Rescue District.

The foregoing Resolution was offered by Commissioner Sherman, who moved its adoption. The motion was seconded by Commissioner Carter, and being put to a vote, the vote was as follows:

Commissioner Melissa Barry  
Commissioner Robert Bennett  
Commissioner Linda Carter  
Commissioner Debra Cunningham  
Commissioner Lucia Sherman


A MB  
A RJB  
A LRC  
A DC  
A YS

DULY PASSED AND ADOPTED on the 28<sup>th</sup> day of September, 2021.

**LEHIGH ACRES FIRE CONTROL  
AND RESCUE DISTRICT**

ATTEST:

  
Debra Cunningham, Chair

  
Melissa Barry, Treasurer/Secretary