

RESOLUTION 26- 2009

A RESOLUTION OF THE TOWN OF MALABAR PROVIDING FOR THE ACCEPTANCE OF THAT PORTION OF MARIE STREET DESCRIBED HEREIN FOR OPERATION AND MAINTENANCE PURPOSES; PROVIDING FOR A NON-WAIVER PROVISION, REPEAL, CONFLICT AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. That the Town of Malabar hereby accepts for operation and maintenance that portion of the public right-of-way known as Marie Street described as follows:

Commencing at the right-of-way adjacent to the southern boundary of parcel 29-37-01-00-00860.0-0000.0, also known as 2200 Marie Street and continuing to the point adjacent to the southern boundary of parcel 29-37-01-00-765.0-0000.0, a distance of approximately 1000 feet, as shown on Exhibit "A", attached..

SECTION 2. Nothing herein is intended nor should this resolution be construed as a waiver of the requirements of Chapter 13 of the Code of Ordinances of the Town for any remaining portion of Marie Street that has not been accepted by the Town Council for operation and maintenance.

SECTION 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4. Should any Section, Clause, or Provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions or parts of this Resolution.

SECTION 5. This resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member Rivet. The motion was seconded by Council Member Vail and, upon being put to a vote, the vote was as follows:

| | |
|--|------------|
| Council Member Nancy Borton | <u>Aye</u> |
| Council Member Brian Vail | <u>Aye</u> |
| Council Member Steve Rivet | <u>Aye</u> |
| Council Member Jeffrey (Jeff) McKnight | <u>Aye</u> |
| Council Member Marisa Acquaviva | <u>Aye</u> |

This Resolution was then declared to be duly passed and adopted this 7th day of December, 2009.

TOWN OF MALABAR

By: Thomas M. Eschenberg
Mayor Thomas M. Eschenberg, Chair

Approved as to form and content:

Karl W. Bohne
Karl W. Bohne, Jr., Town Attorney

ATTEST:

Debby K. Franklin
Debby K. Franklin
Town Clerk/Treasurer

(seal)

Hall Rd

Exhibit "A"

Sec 1

Sec 6

Town Property

