

**RESOLUTION NO. 12-2009**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE LOCAL AGENCY PROGRAM AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida Department of Transportation and Town of Malabar desire to facilitate the Drainage and Apron projects; and

**WHEREAS**, the State of Florida Department of Transportation has requested Malabar to execute and deliver to the State of Florida Department of Transportation the Local Agency Program Agreement for the aforementioned project, FPN 426289-1/2-58-01, 426268/426304-1-58-01 and 426306/426310-1-58-01.

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

**Section 1.** The Town Council of the Town of Malabar, Brevard County, Florida, approves the Local Agency Program Agreement.

**Section 2.** The Town Council hereby authorizes the Mayor to execute the Agreement.

**Section 3.** The Town Council, hereby directs the Town Administrator to deliver the executed Agreement to the State of Florida Department of Transportation and to administer the aforementioned project, FPN 426289-1/2-58-01, 426268/426304-1-58-01 and 426306/426310-1-58-01.

**Section 4.** This resolution shall take effect immediately upon its adoption

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

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Steven (Steve) Rivet	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Patricia (Pat) D. Dezman	<u>Excused</u>

This Resolution was then declared to be duly passed and adopted this 15<sup>th</sup> day of June,

2009.

By:  
TOWN OF MALABAR

Thomas Eschenberg  
\_\_\_\_\_  
Mayor Thomas M. Eschenberg  
Town of Malabar

ATTEST:

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

(seal)

Approved as to form and content:

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