**RESOLUTION 2014- \_\_\_\_\_**

**PALM COAST PLANTATION HOMEOWNER’S ASSOCIATION, INC. SETTLEMENT AGREEMENT**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING settlement agreement with palm coast plantation HOMEOWNER’S ASSOCIATION, INC.; AUTHORIZING THE city manager to execute THE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in 2010 the Palm Coast Plantation Homeowner’s Association, Inc. filed a lawsuit against the City of Palm Coast relating to the relationship between voluntary annexation and utility services; and

**WHEREAS**, the City and Palm Coast Plantation Homeowner’s Association, Inc. have agreed to resolve all the issues between them in order to avoid the additional expense and uncertainty of litigation; and

**WHEREAS,** City Council desires to approve the settlement agreement in the above mentioned lawsuit.

 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, Florida, AS FOLLOWS:**

**SECTION 1. APPROVAL OF SETTLEMENT AGREEMENT.** The City Council of the City of Palm Coast hereby approves the terms and conditions of the settlement agreement with Palm Coast Plantation Homeowner’s Association, Inc., as attached hereto and incorporated herein by reference and as Exhibit “A.”

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Council of the City of Palm Coast hereby authorizes the City Manager to execute the Settlement Agreement with Palm Coast Plantation Homeowner’s Association, Inc., as shown in Exhibit “A.”

**SECTION 3. Severability.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

 **SECTION 4. Conflicts.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**Section 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the actions taken in this Resolution.

**SECTION 6.** **EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption by the City Council.

 **DULY PASSED** **AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 1st day of April 2014.

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|  | **CITY OF PALM COAST, FLORIDA** |
| *ATTEST:* | Jon Netts, Mayor |
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| Virginia A. Smith, city clerk |  |

Approved as to form and legality

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William E. Reischmann, Jr., Esq.

City Attorney

Attachment: Palm Coast Plantation Homeowner’s Association, Inc. Settlement Agreement