

**RESOLUTION NO, 2025-51
CITY OF NEWBERRY, FLORIDA**

A RESOLUTION OF THE CITY OF NEWBERRY, FLORIDA, APPROVING UTILITY MASTER AGREEMENT BETWEEN THE CITY OF NEWBERRY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING CITY MANAGER TO EXECUTE THE AGREEMENT; PROVIDING THE CITY OF NEWBERRY ACCEPTS THE RESPONSIBILITIES OUTLINED IN THE ATTACHED AGREEMENT; REPEALING ALL RESOLUTIONS IN CONFLICT, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City owns, or may in the future own, certain utility facilities which are or may in the future be located on any public roads or publicly owned rail corridors, hereinafter referred to as the "Facilities" (said term shall be deemed to include utility facilities as the same may be relocated, adjusted, or placed out of service); and

WHEREAS, the Florida Department of Transportation (hereinafter "FDOT"), engages in projects which involve constructing, reconstructing, or otherwise changing public roads and other improvements located on public roads or publicly owned rail corridors, hereinafter referred to as either the "Project" or "Projects"; and

WHEREAS, the Projects may require the location (vertically and/or horizontally), protection, relocation, adjustment, or removal of the Facilities, or some combination thereof, hereinafter referred to as "Utility Work"; and

WHEREAS, the City, in accordance with and subject to the limitations of the terms and conditions of this Agreement, may be entitled to be reimbursed for some of the Utility Work and may, under the law of the State of Florida, be obligated to perform other Utility Work at the City's sole cost and expense; and

WHEREAS, the FDOT and the City desire to enter into a master agreement which establishes the terms and conditions applicable to the Utility Work, both for Utility Work to be reimbursed and for Utility Work to be performed at the sole cost and expense of the City, and eliminates the need for an individual agreement on each Project;

WHEREAS, the City Commission has determined it is in the City's best interest to authorize the City Manager to execute this Agreement, an unexecuted copy of which is attached hereto as **Exhibit A**; and

WHEREAS, it is in the best interest of the City of Newberry to execute the Utility Master Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA AS FOLLOWS:

SECTION ONE: The Newberry City Commission hereby authorizes City Manager to execute the attached Utility Master Agreement, **Exhibit A**, and he is authorized to execute any and all documents necessary to effectuate the same.

SECTION TWO: The City of Newberry will accept and adhere to the responsibilities concerning the City of Newberry outlined in the attached Utility Master Agreement.

SECTION THREE: If any word, phrase, clause, paragraph, section or provision of this Resolution or the application hereof to any person or circumstances is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the resolution which can be given without the valid or unconstitutional

provisions or application, and to this end the provisions of this Resolution are declared severable.

SECTION FOUR: All resolutions and parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION FIVE: This Resolution shall become effective immediately upon final adoption.


ADOPTED, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 13th day of October, 2025.

**BY THE MAYOR OF THE CITY OF NEWBERRY,
FLORIDA:**



Honorable Tim Marden, Mayor

ATTEST, BY THE CLERK OF THE
CITY COMMISSION OF THE CITY OF
NEWBERRY, FLORIDA:



Randa Paul, City Clerk

APPROVED AS TO FORM AND
LEGALITY:



S. Scott Walker, City Attorney



NEWBERRY
Established 1895 *Florida*

© 25493 NW 1st Avenue
Newberry FL 32669
Tel: 352-472-2161
www.NewberryFL.gov

January 6, 2026

To Whom It May Concern:

I, Randa K. Paul, the duly appointed and qualified Clerk of the Commission of the City of Newberry, Florida; a Municipal Corporation, do hereby certify that the foregoing documents are a true and correct copy of:

City of Newberry Resolution Number 2025-51: Approval of the Utility Master Agreement Between the City of Newberry and the Florida Department of Transportation

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Newberry, Florida, on this 6th day of January 2026.

Sincerely,

Randa K. Paul
City Clerk
City of Newberry
25493 NW 1st Avenue
Newberry, FL 32669
352-472-2446
CityClerk@NewberryFL.gov

Attachments: City of Newberry Resolution Number 2025-51: Approval of the Utility Master Agreement Between the City of Newberry and the Florida Department of Transportation