

## **RESOLUTION NO. 2024-R-36**

### **A RESOLUTION OF THE CITY OF EDGEWATER, FLORIDA; AMENDING THE CROSS-EASEMENT AGREEMENT WITH EDGEWATER FIRE RESCUE ASSOCIATION INC.; PROVIDING FOR CONFLICTING PROVISIONS, AN EFFECTIVE DATE, AND ADOPTION.**

**WHEREAS**, on April 1, 2002, the City of Edgewater entered into a Cross Easement Agreement with the Edgewater Volunteer Fire/Rescue Association Inc.; and

**WHEREAS**, the Cross Easement Agreement required an Addendum to the Purchase and Sale Contract dated May 5, 1998, for the purchase of property located at 2628 Hibiscus Dr. Edgewater FL. 3214; and

**WHEREAS**, the Addendum required the Edgewater Volunteer Fire/Rescue Association Inc. to amend Article XI – Disband, Section I – Liquidation of the Association By-Laws regarding the liquidation of properties and assets upon disbandment; and

**WHEREAS**, since approval of the Agreement some of the previous referenced beneficiaries are no longer in existence and the Edgewater Volunteer Fire/Rescue Association Inc. wishes to further amend Article XI – Disband, Section I – Liquidation of the Association By-Laws; and

**WHEREAS**, on September 5, 2024, by majority vote the Edgewater Volunteer Fire/Rescue Association Inc. they have approved the amendment to Article XI – Disband, Section I – Liquidation of the By-Laws pending approval by the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the People of the City of Edgewater, Florida:

**Section 1.** The City of Edgewater hereby mutually agrees to permit the Edgewater Volunteer Fire/Rescue Association Inc to amend Article XI – Disband, Section I – Liquidation of the Association By-Laws as follows:

#### **ARTICLE XI- DISBAND Section I – LIQUIDATION**

In the event that the Edgewater Fire and Rescue Association, Inc. ceases to exist as a functioning Association in the support of the Edgewater Fire and Rescue Department, all the money and existing assets belonging to the Edgewater Volunteer Fire and Rescue Association Inc. will be liquidated in the following manner. All existing real estate and improvements and tangible property will be deeded and donated to the City of Edgewater. All money remaining after satisfaction of all debt and burdens will be donated to the City of Edgewater for the specific and sole purpose of purchasing equipment for the City of Edgewater Fire-Rescue Department.

**Section 2.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**Section 3.** If any portion of this resolution is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this resolution. If this resolution or

any provisions thereof shall be held to be inapplicable to any person, property, or circumstances.

**Section 7.** This Resolution shall take effect upon adoption.

**PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diezel Depew, Mayor

**ATTEST:**

\_\_\_\_\_  
Bonnie Zlotnik, CMC, City Clerk

REVIEWED AND APPROVED: \_\_\_\_\_  
Aaron R. Wolfe, City Attorney