

**ORDINANCE NO. 2017-003**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE CONVEYANCE OF PUBLIC ACCESS EASEMENTS AS MORE PARTICULARLY DESCRIBED IN THE PUBLIC ACCESS EASEMENT AGREEMENT FOR SIDEWALK, BICYCLE, AND PEDESTRIAN USE, ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1," FROM THE WINSTON PARK FOUNDATION, INC. TO THE CITY OF COCONUT CREEK FOR THE PROVISION OF PUBLIC ACCESS FOR BICYCLE AND PEDESTRIAN USE, INSTALLATION AND MAINTENANCE OF SIDEWALKS AND BENCHES, AND INSTALLATION OF LANDSCAPING AND IRRIGATION; AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED PUBLIC ACCESS EASEMENT AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Coconut Creek requires that the Winston Park Foundation, Inc. provide public access easements for the purpose of constructing, maintaining, and accessing sidewalks and benches and for the purpose of installing landscaping and irrigation lines within Winston's property; and

**WHEREAS**, the aforementioned easements includes two strips of land 25 feet wide, being generally located north of Winston Park Boulevard between Lyons Road and State Road 7 (US 441), and north of Winston Park Boulevard east of Winston Park Boulevard North, as denoted on the map attached hereto as Exhibit "B" and as more particularly described in Exhibit "C" to the Public Access Easement Agreement for Sidewalk, Bicycle, and Pedestrian Use, attached hereto; and

**WHEREAS**, the City Commission has determined that it is in the best interest of the City to accept said easements for the purpose of securing access to allow for the construction and public access to sidewalks and benches, and to allow for the installation of landscaping and irrigation lines within Winston Park Foundation's property; and

**WHEREAS**, Winston Park Foundation, Inc. has agreed to be responsible for the

maintenance, repair, and replacement of the landscaping and irrigation installed by the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the City Commission hereby approves the conveyance of the public access easements as set forth in the Public Access Easement Agreement for Sidewalk, Bicycle, and Pedestrian Use, attached hereto and made a part hereof as Exhibit "1," from the Winston Park Foundation, Inc. to the City of Coconut Creek.

**Section 2:** That the Mayor is hereby authorized to execute the attached Public Access Easement Agreement for Sidewalk, Bicycle, and Pedestrian Use, granting said easements to the City of Coconut Creek.

**Section 3:** That in the event any provision or application of the Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

**Section 4:** That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**Section 5:** That this Ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS 26th day of JANUARY, 2017.**

**PASSED SECOND READING THIS 9th day of FEBRUARY, 2017.**

\_\_\_\_\_  
Mikkie Belvedere, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Absent</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>