

RESOLUTION NO. 2017-003

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED SECOND AMENDMENT TO THE TEMPORARY USE AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND NORTH BROWARD PREPARATORY SCHOOLS, LLC TO PROVIDE FOR A ONE-YEAR EXTENSION OF THE CURRENT TERMS & CONDITIONS OF THE AGREEMENT AND THE FIRST AMENDMENT TO THE AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 27, 2013, the City Commission, approved the Temporary Use Agreement by and between the City of Coconut Creek and North Broward Preparatory Schools, LLC (NBPS), dated July 11, 2013 (“Use Agreement”), authorizing construction and placement of two temporary modular dormitories on the property generally located at 7600 Lyons Road, Coconut Creek, Florida 33073 (“Property”); and

WHEREAS, the Use Agreement provided for a three-year term effective July 11, 2013, through July 11, 2016, with extensions upon mutual written consent of the parties; and

WHEREAS, on November 13, 2014, the City Commission approved the First Amendment to the Use Agreement, authorizing the City to collect certain public facilities and services fees attributable to the Property due to the placement and use of the modular dormitories; and

WHEREAS, the Use Agreement provided that the time frames contained within the Use Agreement are subject to review and approval periods by City personnel, as well as NBPS consultants, and such time frames may be extended upon a showing of good cause; and

WHEREAS, good cause for delay was shown by NBPS in January 2016, and its request to extend the Use Agreement for one year was approved by written consent from

City personnel, providing a new termination date of July 11, 2017; and

WHEREAS, NBPS and the City desire to amend the Use Agreement and First Amendment to provide for an additional one-year extension based on NBPS' request and showing of good cause; and

WHEREAS, the Second Amendment, attached hereto and made a part hereof as Exhibit "A," provides for such extension and is in the best interest of the City and residents of Coconut Creek.

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

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution. Exhibit "A," attached hereto, is incorporated herein and made a specific part of this Resolution.

Section 2: That the City Commission hereby approves the Second Amendment to the Temporary Use Agreement by and between the City of Coconut Creek and North Broward Preparatory Schools, LLC, dated July 11, 2013, and the First Amendment to the Use Agreement, dated November 13, 2014.

Section 3: That the City Manager, or designee, is hereby authorized to execute the Second Amendment to the Temporary Use Agreement by and between the City of Coconut Creek and North Broward Preparatory Schools, LLC.

Section 4: That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this Resolution.

Section 5: That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 8th day of June, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

Tooley Aye_____

Rydell Aye_____

Sarbone Aye_____

Belvedere Aye_____

Welch Aye_____