

RESOLUTION NO. 2020-131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE WATER AND WASTEWATER AGREEMENT BETWEEN BROWARD COUNTY (HEREIN REFERRED TO AS “DEVELOPER”) AND THE CITY OF COCONUT CREEK (HEREIN REFERRED TO AS “CITY”) CONCERNING LAND WITHIN TRADEWINDS PARK; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 18, 2010, Resolution 2010-108, the City entered into a Water and Wastewater Agreement with the Developer for utility improvements upon Tradewinds Park; and

WHEREAS, 15 Equivalent Residential Connections (ERC) water and wastewater impact fees were reserved and paid in full to the City for such development in Tradewinds Park; and

WHEREAS, the parties originally anticipated that ownership of both, water and wastewater, facilities once constructed by the Developer and approved by the City, would be transferred by Bill of Sale to the City; and

WHEREAS, circumstances have changed such that the parties now desire and agree that within a specific portion of Tradewinds Park, north of Sample Road, more particularly described in Exhibit “1” attached hereto and incorporated herein, only the water facilities will be transferred into the City’s ownership, and the wastewater facilities are to remain owned and maintained by the Developer; and

WHEREAS, aside from that unique arrangement as it relates to the portion of land described and mapped in Exhibit “1,” all other obligations among the parties will remain the same; and

WHEREAS, to accomplish the foregoing, the Developer and City desire to amend the original Water and Wastewater Agreement as described herein, and same is determined to be in the best interest of the City.

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 “1,” as detailed above, and Exhibit 2, “FIRST AMENDMENT TO THE WATER AND WASTEWATER AGREEMENT (Government)” between the Developer and the City, are attached hereto and incorporated herein, and made a specific part of this resolution.

Section 2: That the City Commission has reviewed and hereby approves Exhibit “2,” the First Amendment to the Water and Wastewater Agreement between the Developer and the City; and

Section 3: That the City Manager, or designee, is hereby authorized to execute the attached Exhibit “2,” the First Amendment to the Water and Wastewater Agreement between the Developer and the City; and

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 23rd day of July, 2020.

Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

Sarbone	<u>Aye</u>
Rydell	<u>Aye</u>
Tooley	<u>Aye</u>
Belvedere	<u>Aye</u>
Welch	<u>Aye</u>

O:\Documents\RESOLUTIONS\2020\RESO on W-WW Amendment for Tradewinds Park (w. County)\RESO First Amendment to W-WW Agreement w. County for Tradewinds (FINAL).docx
EC edited by EML
7.9.2020