

**RESOLUTION NO. 2017-234**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND KLEWOW AT 5100 HILLSBORO, LLC AND FIRST BAPTIST CHURCH AT COCONUT CREEK, INC. (DEVELOPERS) FOR THE DESIGN AND CONSTRUCTION OF THE COCONUT CREEK 69<sup>TH</sup> STREET GREENWAY, ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1," AND THE ASSOCIATED CONSTRUCTION AGREEMENT, ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A;" PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City is developing a greenway network and multi-purpose path system to enhance and increase its pedestrian connections; and

**WHEREAS**, Klemow at 5100 Hillsboro, LLC and First Baptist Church at Coconut Creek, Inc. ("Developers") are the owners and developers of the In the Pines and First Baptist Church of Hillsboro projects, which comprise the First Baptist Church at Hillsboro Plat; and

**WHEREAS**, the City is desirous of improving the existing Coconut Creek 69<sup>th</sup> Street Greenway ("Greenway") to include landscaping and irrigation; and

**WHEREAS**, the City shall allow Developer improvements to the Greenway to offset One Hundred Fifty Thousand Dollars (\$150,000.00) Parks and Recreation Impact Fee Funds ("Park Impact Fee") as required by Ordinance No. 2015-012 relating to the In the Pines project; and

**WHEREAS**, the City will contribute Sixty Thousand Dollars (\$60,000.00) to the cost of the Greenway construction to be paid as a direct payment to the Developers from the existing Greenway Enhancement Capital Improvement Program; and

**WHEREAS,** Developers will construct 2,200 linear feet of landscaping and irrigation consistent with the Agreement, attached hereto and made a part hereof as Exhibit “1,” and associated Construction Agreement, attached hereto and made a part hereof as Exhibit “A;” and

**WHEREAS,** upon completion and the City’s approval of the Greenway and associated amenities, the City will assume perpetual maintenance responsibility of the Greenway.

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

**Section 1:** That the City Commission has reviewed and hereby approves and authorizes the City Manager, or designee, to execute the Agreement between the City of Coconut Creek and Klemow at 5100 Hillsboro, LLC and First Baptist Church at Coconut Creek, Inc. (Developers), attached hereto and made a part hereof as Exhibit “1,” and the associated Construction Agreement, attached hereto and made a part hereof as Exhibit “A.”

**Section 2:** That the City shall allow Developer improvements to the Greenway to offset One Hundred Fifty Thousand Dollars (\$150,000.00) Park and Recreation Impact Fee Funds as required by Ordinance No. 2015-012 relating to the In the Pines project.

**Section 3:** That the City will contribute Sixty Thousand Dollars (\$60,000.00) to the cost of the Greenway construction to be paid as a direct payment to the Developers from the existing Greenway Enhancement Capital Improvement Program.

**Section 4:** That the Developers are responsible for all costs after the City’s contribution pursuant to the approved plans.

**Section 5:** That Klemow at 5100 Hillsboro, LLC shall complete the landscaping and irrigation for the Greenway according to the specifications described in the attached Agreements, and the City will review and approve the plans for the design prior to construction of the Greenway.

**Section 6:** 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 7:** That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 25<sup>th</sup> day of January, 2018.

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Rebecca A. Tooley, Mayor

Attest:

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Leslie Wallace May, City Clerk

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