

RESOLUTION NO. 2022-083

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A WASTEWATER (ONLY) AGREEMENT, ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT “1,” BETWEEN THE CITY OF COCONUT CREEK AND DINA T. KESSARIS AND KIRK RICHARDO ROBERTSON, AS PROPERTY OWNERS, FOR DELIVERY OF WASTERWATER SERVICES TO THE PROPERTY LOCATED AT 7301 NW 39 AVENUE, UNINCORPORATED BROWARD COUNTY, FLORIDA 33073; ACCEPTING A UTILITY EASEMENT OVER, ACROSS, THROUGH, IN, AND UNDER A PORTION OF SUCH PROPERTY, MORE PARTICULARLY DESCRIBED IN EXHIBIT “2,” ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dina T. Kessarlis and Kirk Richardo Robertson, hereinafter collectively referred to as “Owner” or “Owner’s,” own the real property located at 7301 NW 39 Avenue, Unincorporated Broward County, Florida 33073 (“property”); and

WHEREAS, this Unincorporated Broward County property is located within the City’s water and wastewater service area; and

WHEREAS, as part of the development of a single-family residential unit, Broward County authorized the construction of a water well to serve the potable water needs of the property, but due to the proximity of the City’s gravity sewer system to the property, the Florida Department of Environment Protection (FDEP) required the Owner to connect to the City’s wastewater services; and

WHEREAS, at this time, there are no other properties within the City’s service area that seek the City’s wastewater services only, without the desire to connect to the City’s potable water services, as well; and

WHEREAS, as such, the Wastewater (Only) Agreement, attached hereto and incorporated herein as Exhibit “1,” is a new agreement that was drafted to accommodate the Owner for exclusively wastewater services; and

WHEREAS, the provisions of the Wastewater (Only) Agreement governs the Owner's responsibility pertaining to the installation of such wastewater service connection, the manner and method of payment of Impact Fees, the projected water consumption for billing purposes and other expenses that may be associated with the work; standards of construction or specifications; unanticipated engineering errors and/or omissions; rules, regulations, and procedures of the City; and other reasonable obligations; and

WHEREAS, Broward County's Equivalent Residential Unit Factors conversion for maximum day water demand of one (1) ERC equal to 246 gallons per month (gpm) has been utilized to calculate the average monthly water consumption of 7,483.32 for billing purposes; and

WHEREAS, the Wastewater (Only) Agreement describes the methodology used to calculate the monthly water consumption for purposes of billing the customer for the corresponding wastewater discharge sourced that property; and

WHEREAS, as part of such wastewater service connection, the City Commission of the City of Coconut Creek determines it to be in the best interests of the health, safety, and welfare of the residents to accept the utility easement, attached as Exhibit “2” (the “Utility Easement”) over, across, through, in, and under a portion of land generally located at 7301 NW 39 Avenue, Unincorporated Broward County, Florida 33073 with Parcel ID Number 4742 32 01 0174, and more specifically and legally described in Exhibit “2,” for the purposes of wastewater and any other utilities, located thereon, to install, construct, operate, maintain, repair, replace, and reconstruct said utilities as necessary.

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. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

Section 2: That the City Commission has reviewed and hereby approves the Wastewater (Only) Agreement, attached hereto as Exhibit “1,” by and between the City and Dina T. Kessarlis and Kirk Richardo Robertson, and hereby authorizes the City Manager, or designee, to execute said Wastewater (Only) Agreement.

Section 3: That the City Commission hereby accepts the Utility Easement, attached as hereto Exhibit “2,” within and upon the real property generally located at 7301 NW 39 Avenue, Unincorporated Broward County, Florida 33073, with Parcel ID Number 4742 32 01 0174, for the purposes of wastewater and any other utility needs.

Section 4: That the City Commission hereby directs the City Clerk to record the Wastewater (Only) Agreement, attached hereto as Exhibit “1,” and the Utility Easement, attached hereto as Exhibit “2,” in the Official Public Records Books of Broward County, Florida.

Section 5: 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 6: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 8th day of December, 2022.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Rydell Aye
Welch Aye
Tooley Aye
Railey Aye
Brodie Aye