

**RESOLUTION NO. 2019-146**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR, OR VICE MAYOR, TO EXECUTE A SUBORDINATION OF CITY UTILITY INTERESTS AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), DISTRICT FOUR, AND THE CITY OF COCONUT CREEK TO SUBORDINATE A PORTION OF INTEREST IN A CERTAIN UTILITY EASEMENT, ATTACHED HERETO AND PART HEREOF AS EXHIBIT "A," TO FDOT FOR HIGHWAY PURPOSES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Coconut Creek Planning and Zoning Board approved the Leder Hillsboro Site Plan on October 11, 2017; and

**WHEREAS**, construction of the Leder Hillsboro project in accordance with the approved plans will require work within and adjacent to certain FDOT rights-of-way; and

**WHEREAS**, the City presently has an interest in certain lands described through a utility easement recorded in Official Records Book 35294, Page 1996, of the Public Records of Broward County, Florida; and

**WHEREAS**, a portion of these lands within the City easement have been determined to be necessary for highway purposes by the FDOT; and

**WHEREAS**, the proposed use of these lands for highway purposes will require subordination of a portion of the interest claimed in such lands by the City to the FDOT; and

**WHEREAS**, FDOT is willing to pay to have the City's facilities located in the portion of the City easement relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained; and

**WHEREAS**, this resolution will authorize the Mayor, or Vice Mayor, to execute the Subordination of City Utility Interests Agreement (Exhibit "A") between the State of Florida Department of Transportation (FDOT), District Four, and the City 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. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

**Section 2:** That the City Commission of the City of Coconut Creek, Florida, hereby authorizes the Mayor, or Vice Mayor, to execute the Subordination of City Utility Interests Agreement, attached hereto and made part hereof as Exhibit "A."

**Section 3:** That the City Clerk is hereby directed to provide a copy of this resolution to FDOT.

**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 13<sup>th</sup> day of June, 2019.**

Attest:

\_\_\_\_\_  
Sandra L. Welch, Mayor

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

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