

RESOLUTION NO. 2023-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A USE AGREEMENT BETWEEN THE SEMINOLE TRIBE OF FLORIDA D/B/A SEMINOLE INDIAN CASINO-COCONUT CREEK AND THE CITY OF COCONUT CREEK TO PROVIDE FOR TEMPORARY AND NON-EXCLUSIVE OVERFLOW PARKING USE OF CITY PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coconut Creek (“City”) is the owner of the property legally described as all of Tract E, Commerce Center of Coconut Creek, according to the Plat thereof, as recorded in Plat Book 131, Page 30, of the Public Records of Broward County, Florida. Said lands in the City of Coconut Creek, Broward County, Florida containing 10.028 acres, more or less; and

WHEREAS, Seminole Tribe of Florida d/b/a Seminole Indian Casino-Coconut Creek (“Seminole”), an organized Indian Tribe as defined in Section 1 of the Indian Reorganization Act of 1934, 25 U.S.C. 475 , desires to use a portion of Tract E, more particularly described in Exhibit “A” attached to the Use Agreement (the “Property”), from time to time for the purpose of overflow parking and/or special events sponsored by Seminole, except for the last Saturday in February each year wherein the City shall utilize the property for temporary overflow parking for its Annual Butterfly Festival Event each year and one (1) additional time so long as the City gives Seminole thirty (30) days’ advanced notice; and

WHEREAS, Seminole has an existing Use Agreement with the City dated December 15, 2020 (“Agreement”) that will expire on December 15, 2023; and

WHEREAS, Seminole has requested permission from City for Seminole to continue to use the Property for temporary and non-exclusive overflow parking purposes as needed; and

WHEREAS, the City agrees to allow Seminole to use the Property for temporary overflow parking ("Spring Parking") without notice to the City during weekends from December 31 through April 30, except for the last Saturday in February wherein the City shall utilize the property for temporary overflow parking for its Annual Butterfly Festival Event each year and one (1) additional time with the City giving no less than thirty (30) days' advance notice to Seminole of its intent to utilize Property for special events. The term weekends as used herein shall mean from 12:00 p.m. (noon) on Fridays until 5:00 a.m. on Mondays, provided however that if Monday is a Federal holiday, then the weekend shall continue until 11:00 p.m. on any such holiday Monday; and

WHEREAS, the City further agrees to allow Seminole to use the Property a maximum of five (5) additional times ("Use Periods"), in addition to the permitted Spring Parking, during the term of this agreement for either temporary overflow parking or special events sponsored by Seminole; and

WHEREAS, the City Commission authorizes the City Manager, or designee, to execute the Use Agreement, which grants to Seminole a temporary and non-exclusive overflow parking use of the City Property for five (5) years from the date it is approved by the City Commission in exchange for Seminole maintaining all improvements located on Tract E, paying for all utility service on Tract E, and maintaining the property free of any trash or debris, upon and subject to the terms and conditions set forth therein.

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 Use Agreement, attached hereto as Exhibit "1," between Seminole Tribe of Florida d/b/a Seminole Indian Casino-Coconut Creek and the City of Coconut Creek for temporary and non-exclusive overflow parking use of the City Property.

Section 3: That the City Manager, or designee, is hereby authorized to execute the Use Agreement, attached hereto as Exhibit "1," between Seminole Tribe of Florida d/b/a Seminole Indian Casino-Coconut Creek and the City of Coconut Creek for temporary and non-exclusive overflow parking use of the City Property.

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 ____ day of _____, 2023.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Rydell _____
Welch _____
Railey _____
Brodie _____
Wasserman _____