

RESOLUTION NO. 2018-091

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A TERMINATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF COCONUT CREEK RELATED TO THE MAINTENANCE OF FDOT OWNED STREET LIGHTS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coconut Creek and the Florida Department of Transportation (FDOT) entered into a State Highway Lighting, Maintenance, and Compensation Agreement (Agreement) dated February 12, 2004, which required the City to maintain street lights on state roads within the City for an annual compensation; and

WHEREAS, the City discovered significant deficiencies related to improper grounding with numerous FDOT street lights that presented a significant safety hazard for City staff and its contractors; and

WHEREAS, the City requested that FDOT either correct the aforementioned deficiencies or provide the necessary funding to the City to remedy them on their behalf; and

WHEREAS, FDOT has determined that it is in their best interest to assume all further responsibility for the maintenance and repair of their street light facilities within the City of Coconut Creek; and

WHEREAS, FDOT has prepared the attached Termination Agreement; and

WHEREAS, in the absence of FDOT addressing the aforementioned deficiencies as requested, City staff recommends terminating the Agreement; and

WHEREAS, the City Commission finds it to be in the best interest of the residents of the City to approve the Termination Agreement with FDOT for the purpose of alleviating any further City responsibility for FDOT street lights within 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. 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 Termination Agreement between the Florida Department of Transportation and the City of Coconut Creek for maintenance of street lights on state roads.

Section 3: That the City Manager, or designee, is hereby authorized to execute the Termination Agreement between the Florida Department of Transportation and the City of Coconut Creek.

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 10th day of May, 2018.

Attest:

Joshua Rydell, Mayor

Leslie Wallace May, City Clerk

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