

RESOLUTION NO. 2019-299

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NO. 2 TO THE USE AGREEMENT DATED DECEMBER 14, 2017, BETWEEN THE CITY OF COCONUT CREEK AND SEMINOLE PROPERTIES II, INC. AND AMENDMENT NO. 1 TO THE USE AGREEMENT DATED DECEMBER 13, 2018, BETWEEN THE CITY OF COCONUT CREEK AND SEMINOLE PROPERTIES II, INC. PROVIDING FOR THE FINAL ONE (1) YEAR RENEWAL TERM FOR THE USE OF PROPERTY LOCATED WITHIN A PORTION OF TRACT E OF THE COMMERCE CENTER FOR TEMPORARY AND NON-EXCLUSIVE OVERFLOW PARKING; PROVIDING FOR THE CITY'S USE OF THE PROPERTY FOR PARKING FOR THE ANNUAL BUTTERFLY FESTIVAL ON SATURDAY, FEBRUARY 29, 2020; 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 Properties II, Inc., a Florida Corporation ("Seminole"), desires to use a portion of Tract E, more particularly described in Exhibit "C" attached to the Use Agreement (the "Property") from time to time for the purpose of overflow parking and/or special events sponsored by Seminole and/or the Seminole Tribe of Florida; and

WHEREAS, Seminole has an existing Use Agreement with the City, dated December 14, 2017 ("Agreement"), and Amendment No. 1 to the Use Agreement, dated December 13, 2018 ("Amendment No. 1"), for temporary and non-exclusive for overflow parking; and

WHEREAS, the parties desire to amend the Agreement and Amendment No. 1 by and through Amendment No. 2 to the Agreement (“Amendment No. 2”) in order to extend the Use Agreement for one (1) final year and to provide for the City’s use of the Property for parking for the annual Butterfly Festival on Saturday, February 29, 2020; and

WHEREAS, the City Commission authorizes the City Manager, or designee, to execute Amendment No. 2 to the Use Agreement, which grants to Seminole Properties II, Inc. a temporary and non-exclusive overflow parking use of the Property and to provide for the City’s use of the Property for parking for the annual Butterfly Festival on Saturday, February 29, 2020 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.

Section 2: That the City Commission has reviewed and hereby approves Amendment No. 2 to the Use Agreement between the City of Coconut Creek and Seminole Properties II, Inc.

Section 3: That the City Manager, or designee, is hereby authorized to execute Amendment No. 2 to the Use Agreement between the City of Coconut Creek and Seminole Properties II, Inc., attached hereto as Exhibit “A.” Amendment No. 1 to the Use Agreement, dated December 13, 2018, is attached hereto as Exhibit “B.” The original Use Agreement, dated December 14, 2017, is attached hereto as Exhibit “C.”

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 become effective immediately upon its adoption.

Adopted this 12th day of December, 2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

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

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kah
11/12/2019