

RESOLUTION NO. 2021-090

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, IN SUPPORT OF THE NW 39 AVENUE SURTAX PROJECT BY THE BROWARD METROPOLITAN PLANNING ORGANIZATION (MPO) RELATING TO THIS TRANSPORTATION SURTAX (“PENNY FOR TRANSPORTATION” PROGRAM) APPLICATION ASSIGNED TO THE CITY OF COCONUT CREEK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the provision of adequate and efficient transportation infrastructure and equipment upon which the public depends on a day-to-day basis is a matter of great public concern to the residents of Broward County and the City of Coconut Creek; and

WHEREAS, Broward County residents approved by referendum the Transportation Surtax (“Penny for Transportation” Program) on November 6, 2018; and

WHEREAS, Broward County, the municipalities, and the Broward Metropolitan Organization (MPO) entered the Transportation System Surtax Interlocal Agreement (ILA), which provided for a cooperative and organized process for the municipalities to submit projects for evaluation and funding with Surtax proceeds; and

WHEREAS, a resolution from the City of Coconut Creek’s Commission stating support for the project is required to establish funding eligibility with Surtax dollars; and

WHEREAS, the City of Coconut Creek City Commission finds that it is in the best interest of the residents to endorse the NW 39 Avenue Shared Use Pathway Project; and

WHEREAS, the City of Coconut Creek commits to administer and deliver the project under the terms of the Transportation System Surtax Project Funding Agreement and Broward County’s Code of Ordinances; and

WHEREAS, NW 39 Avenue Shared Use Pathway will be constructed within the City of Coconut Creek’s right-of-way; and

WHEREAS, the City of Coconut Creek commits to upfront costs for design; Construction, Engineering, and Inspection (CEI) services, if needed, which may be eligible for reimbursement in accordance with the Surtax Program; and

WHEREAS, the City of Coconut Creek commits to program funding for construction contingency pursuant the requirements of the Surtax Program; and

WHEREAS, it is the responsibility of the City of Coconut Creek to maintain or coordinate the maintenance of the roadways after the project's completion.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the City Commission has accepted the future budgeting and funding resources projected to be necessary for construction contingency and supports the Transportation Surtax Interlocal Agreement (ILA) as it relates to NW 39 Avenue Shared Use Pathway.

Section 2: That pursuant to the ILA, the City Clerk is directed to return a resolution of support for the Surtax project applications to the Broward MPO on or before April 22, 2021.

Section 3: 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 4: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this day 13th of May, 2021.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

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