

RESOLUTION NO. 2017-239

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN IRREVOCABLE LICENSE AGREEMENT, ATTACHED HERETO AND MADE A PART HERE OF AS EXHIBIT "A," BETWEEN THE CITY OF COCONUT CREEK AND BMOC-MIA (FL), LLC FOR CITY ACCESS OVER AND ACROSS THE PROPERTY MORE PARTICULARLY DESCRIBED IN EXHIBIT "B," ATTACHED HERETO AND MADE A PART HEREOF, TO THE WATER METERS, AND TO GRANT A BILL OF SALE TO BMOC-MIA (FL), LLC FROM THE CITY OF COCONUT CREEK, ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "C;" PROVIDING FOR SEVERABILITY; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, BMOC-MIA (FL), LLC is the owner of the property generally located at 7600 Lyons Road, Coconut Creek, Florida, more particularly described in Exhibit "B," attached hereto and made a part hereof (the "Property"); and

WHEREAS, BMOC-MIA (FL), LLC operates a private preparatory school on the Property referred to as North Broward Preparatory School; and

WHEREAS, in conjunction with the development of the Property and construction of improvements thereon, BMOC-MIA (FL), LLC and/or its predecessors in title to the Property, has/have conveyed certain utility easements to the City (the "Easements"); and

WHEREAS, BMOC-MIA (FL), LLC and the City have jointly agreed to vacate certain of those Easements as they are not required by the City or BMOC-MIA (FL), LLC to provide utility service to the Property; and

WHEREAS, notwithstanding the vacation of the Easements, the City will still provide water service to the Property, which water usage shall be monitored for billing purposes by water meters located on the Property; and

WHEREAS, in order for City staff and/or its contractors/agents to gain access to the water meters subsequent to the vacation of the Easements, BMOC-MIA (FL), LLC has agreed to grant an irrevocable license to the City for access over and across the Property to the water meters.

WHEREAS, the City grants the Bill of Sale for any water distribution and sewage collection systems owned by the City within the property described in Exhibit "C."

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 BMOC-MIA (FL), LLC will allow access over and across the Property to the water meters.

Section 3: That the City Manager, or designee, is hereby authorized to execute said Irrevocable License Agreement between the City of Coconut Creek and BMOC-MIA (FL), LLC, attached hereto as Exhibit "A" and to grant the Bill of Sale to BMOC-MIA, attached hereto as Exhibit "C."

Section 4: That the City Commission hereby directs the City Clerk to record a certified copy of the Resolution, Irrevocable License Agreement, and Bill of Sale in the Public Records of Broward County, Florida.

Section 5: That the City Clerk is hereby directed to provide a copy of this Resolution to BMOC-MIA (FL), LLC, including the license agreement, the Bill of Sale, and the ordinance vacating the City's easements.

Section 6: 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 7: That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 28th day of September, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

Tooley _____

Rydell _____

Sarbone _____

Belvedere _____

Welch _____

EXHIBIT "B"

Legal Description:

North Broward School Replat, according to the Plat thereof, as recorded in Plat Book 183 at Page 103 of the Public Records of Broward County, Florida.