

RESOLUTION NO. 2018-234

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE RESOURCE RECOVERY ASSET LITIGATION SETTLEMENT AGREEMENT TO PROVIDE FOR EXTENSIONS IN THE TIME PROVIDED TO SELL THE ALPHA 250 PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in June 2015, Broward County and twenty-one (21) cities and towns, including the City of Coconut Creek, entered into a settlement agreement to dispose of the litigation styled *City of Sunrise, et al. v. Broward County*, 17th Judicial Circuit Court Case No. CACE-013-015660; and

WHEREAS, the settlement agreement contemplated a timeframe within which to sell a land-asset that was jointly owned by the parties commonly known as the Alpha 250 property; and

WHEREAS, in June 2016, the first amendment to the settlement agreement was executed by the parties to provide an extension to the timeframe within which to sell the real property in order to complete a study comprised of evaluations and recommendations regarding how to reach a 75% County-wide recycling goal, what impact retaining public ownership of the Alpha 250 property would have on that recycling goal, and an overall analysis of the County-wide solid waste disposal plan and other general solid waste disposal issues that might be identified through the study; and

WHEREAS, this second amendment to the settlement agreement, attached hereto and incorporated herein as Exhibit "A," provides for an additional extension of such time to October 11, 2019, as the study was just finalized in August 2018, and the parties need time to analyze the findings and recommendations of the study before final action is taken with regard to the Alpha 250 property; and

WHEREAS, this second extension of time provides for a maximum of three (3) additional one (1) year extensions to provided that any such additional extension is approved in writing by the County Administrator and the RBB Solid Waste Study Committee consisting of Commissioner Rebecca Tooley and the Mayors of Fort Lauderdale, Hollywood, Miramar, Sunrise and Weston; and

WHEREAS, the City Commission finds and determines that the second amendment to the settlement agreement, as detailed herein, will serve the residents of the City of Coconut Creek and will further the goals sought in the original settlement agreement.

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. Exhibit “A,” attached hereto, is incorporated herein and made a specific part of this Resolution.

Section 2: That the City Commission has reviewed and approved the second amendment to the settlement agreement disposing the litigation styled *City of Sunrise, et al. v. Broward County*, 17th Judicial Circuit Court Case No. CACE-013-015660, attached hereto as Exhibit “A.”

Section 3: That the Mayor and the City Manager, or designee, are authorized to execute the second amendment to the settlement agreement disposing the litigation styled *City of Sunrise, et al. v. Broward County*, 17th Judicial Circuit Court Case No. CACE-013-015660, attached hereto as Exhibit “A,” on behalf of the City Commission.

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 11th day of October____, 2018.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

Rydell Aye

Welch Aye

Tooley Aye

Sarbone Aye

Belvedere Aye

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Date of Alpha 250 Property_DRAFT.docx
EML
9/24/18