

RESOLUTION NO. 2022-160

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, ACCEPTING A FIRE SUPPRESSION ACCESS EASEMENT OVER, ACROSS, THROUGH, IN, AND UPON A PORTION OF LAND GENERALLY LOCATED AT 4400 NW 69 COURT, COCONUT CREEK, FLORIDA, OWNED BY DEERFIELD LAKE ASSOCIATES LIMITED PARTNERSHIP, D/B/A DEERFIELD LAKE MOBILE HOME COMMUNITY, AND MORE SPECIFICALLY DESCRIBED IN THE FIRE SUPPRESSION ACCESS EASEMENT, ATTACHED HERETO AS "EXHIBIT 1," IN ORDER TO FACILITATE THE CITY'S FIRE SUPPRESSION EFFORTS WITHIN THE COMMUNITY; PROVIDING FOR THE CONDITION PRECEDENT OF FULL EXECUTION OF THE MORTGAGEE'S CONSENT TO EASEMENT FORM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to the age of the development and the existing conditions within the Deerfield Lake Mobile Home Community (hereinafter "Community"), the National Fire Protection Association standards that require installation of fire hydrants within certain distances of residential occupancies cannot be achieved; and

WHEREAS, in an effort to improve fire suppression in the northwestern portion of the Community, the Community and the City propose the attached Fire Suppression Access Easement, attached hereto and incorporated herein as "Exhibit 1," which will enable the City to access the nearest fire hydrant located just outside of the northwestern perimeter wall of the Community; and

WHEREAS, should the City accept the Fire Suppression Access Easement over, across, through, in, and upon the Community's property, as more specifically described in "Exhibit 1," the Community has agreed to install a gate within its fence to facilitate the City's access and enhance the City's ability to conduct fire suppression activities in that portion of the Community; and

WHEREAS, the City Commission of the City of Coconut Creek determines it is in the best interests of the health, safety, and welfare of the residents within the Community

and the adjacent properties, to accept the perpetual Fire Suppression Access Easement, attached as “Exhibit 1,” over, across, through, in, and upon a portion of land generally located at 4400 NW 69 Court, Coconut Creek, Florida, in Broward County, Florida, Parcel ID: 484205010070, for the purposes of accessing the nearest fire hydrant in that area, and for any other fire suppression purposes that the City may deem necessary.

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. The Fire Suppression Access Easement - “Exhibit 1,” attached hereto and incorporated herein, is hereby made a specific part of this resolution.

Section 2: That upon full execution by the Community and the Mortgagee’s Consent to Easement regarding the subject land located at 4400 NW 69 Court, Coconut Creek, Florida, the City Commission will thereby automatically accept the Fire Suppression Access Easement, attached as “Exhibit 1,” for the purposes of accessing the nearest fire hydrant in that area, and for any other fire suppression purposes deemed necessary by the City.

Section 3: That the City Clerk, or designee, is hereby directed to provide any further documentation requested by the Community or Mortgagee to facilitate the acceptance of the Fire Suppression Access Easement, attached hereto as “Exhibit 1.” The Community has agreed to record, at its expense, the fully executed Fire Suppression Access Easement in the Public Records Books of Broward County, Florida.

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 14th day of July, 2022.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

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