

RESOLUTION NO. 2014 –

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A FIRST AMENDMENT TO THE TEMPORARY USE AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND NORTH BROWARD PREPARATORY SCHOOLS, LLC TO PROVIDE FOR RECOVERY OF COSTS FOR PUBLIC SERVICES IN THE FORM OF A DORM SERVICE FEE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on June 27, 2013, the City Commission approved a Temporary Use Agreement (“Agreement”) with North Broward Preparatory Schools, LLC (“NBPS”) generally located at 7600 Lyons Road, Coconut Creek, Florida 33073 (“Property”) to permit the location of two (2) temporary modular dormitories on the portion of the Property depicted on the site plan attached hereto as Exhibit “A” for a period of three (3) years; and

WHEREAS, in consideration for the City permitting the temporary dormitories, NBPS agreed to file all development applications necessary to construct permanent dormitories on its property in accordance with the schedule contained in the Agreement; and

WHEREAS, to date, NBPS has met the construction schedule as set forth in the Agreement; and

WHEREAS, due to the modular dormitory use, the demand for public services on NBPS property has increased, and NBPS has agreed to provide for a payment in lieu of the fire services fee in the format of a Dorm Service Fee; and

WHEREAS, the Dorm Service Fee is retroactive to July, 2013 when the dormitories were first placed on the NBPS property; and

WHEREAS, the base rate for the Dorm Service Fee for 2013 was \$14,927.53 and it increases by four percent (4%) for each year thereafter that the Agreement is in effect.

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

Section 1: The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2: The City Commission of the City of Coconut Creek approves the First Amendment to the Temporary Use Agreement with North Broward Preparatory Schools, LLC.

Section 3: The City Commission authorizes the City Manager or designee to execute the First Amendment to the Temporary Use Agreement with North Broward Preparatory Schools, LLC (attached hereto as Exhibit “B”).

Section 4: All Resolutions or parts of Resolutions in conflict herewith are repealed to the extent of such conflict.

Section 5: 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 6: This Resolution shall become effective immediately upon its passage and adoption.

Adopted this ____ day of November, 2014.

Lisa K. Aronson, Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

Aronson	<u>Aye</u>
Tooley	<u>Aye</u>
Belvedere	<u>Aye</u>
Sarbone	<u>Aye</u>
Welch	<u>Aye</u>