

RESOLUTION NO. 2024-094

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER, OR THEIR DESIGNEES, TO EXECUTE A TRIPARTY AGREEMENT AMONG THE BROWARD METROPOLITAN PLANNING ORGANIZATION (BMPO) AND THE METROPOLITAN TRANSPORTATION ENGINEERING & CONSTRUCTION COOPERATIVE (MTECC) FOR THE LYONS ROAD MOBILITY SAFETY PROJECT IMPROVEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to provide first class amenities to all users of the Lyons Road corridor; and

WHEREAS, the Broward Metropolitan Planning Organization (BMPO) is the grantee of the Community Project Funding (hereinafter referred to as the “Grant”) from the U.S. Department of Housing and Urban Development (“HUD” or “Grantor”) for the Lyons Road Mobility Safety Project (the “Project”) identified as BMPO project number B-23-CP-FL-0383; and

WHEREAS, the parties to this agreement desire to participate cooperatively to utilize the Grant and local funds to implement the Project; and

WHEREAS, the BMPO has set aside \$3,510,000 (“Grant Funds”) to reimburse MTECC’s design and construction of the Project improvements shown in Exhibit “A,” which are located in the City of Coconut Creek; and

WHEREAS, the City has agreed to fund \$35,000 of local funds plus costs of City-requested betterments, and cost overruns with amounts determined by a project-related certified cost estimate; and

WHEREAS, this agreement is intended to define those roles and responsibilities of the parties with respect to the development, engineering, construction, and maintenance of the Project, including, but not limited to, procurement activities, invoicing,

review and approval of eligible costs, compliance with grant provisions including conformance with scope, schedule, and budget and related timely reporting, as well as all HUD requirements and related reporting that were not enumerated in this agreement; and

WHEREAS, the BMPO will use the Grant as the mechanism to reimburse MTECC, as MTECC completes specified work documented in progress reports submitted with invoices for this Project; and

WHEREAS, the BMPO is willing to utilize the Grant Funds to fund the Project, which will be administered by the BMPO and implemented by MTECC; and

WHEREAS, the BMPO is responsible for ensuring that the Grant Funds are properly utilized to implement the Project and that the parties comply with Grant requirements; and

WHEREAS, the parties desire to enter into an agreement whereby the duties and obligations of each party to the others are set forth therein.

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 the City Commission hereby accepts the future budgeting and funding resources projected to be necessary for maintenance contingency and supports the Lyons Road Mobility Safety Project.

Section 3: That the Mayor and City Manager, or their designees, are hereby authorized to execute the Triparty Agreement among the BMPO, MTECC, and the City for the Lyons Road Mobility Safety Project, attached hereto and made a part hereof.

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 _____ day of _____, 2024.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Welch _____
Railey _____
Rydell _____
Brodie _____
Wasserman _____