

RESOLUTION NO. 2025-005

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO PURSUE THE CITY'S LEGAL RIGHTS AND REMEDIES BY FILING A LAWSUIT IN OPPOSITION TO FLORIDA'S TURNPIKE ENTERPRISE'S EXPANSION PLAN ON FLORIDA'S TURNPIKE/STATE ROAD 91 FROM ATLANTIC BOULEVARD TO WILES ROAD UNDER PROJECT NO. 406150-1 AND THE SAWGRASS EXPRESSWAY FROM US 441 TO POWERLINE ROAD UNDER PROJECT NOS. 437153-1 and 437224-1, AND THE SW 10TH STREET CONNECTOR UNDER PROJECT NOS. 415927-1 AND 418214-1; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida's Turnpike Enterprise ("FTE") intends to widen a 5.5 mile segment of Florida's Turnpike/State Road 91 in Coconut Creek from Atlantic Boulevard to Wiles Road under Project No. 406150-1 to increase the number of travel lanes from six (6) lanes to ten (10) lanes for the primary purpose of adding four (4) new express lanes to this short segment. FTE also plans to expand the Sawgrass Expressway from US 441 to Powerline Road under Project Nos. 437153-1 and 437224-1, and the SW 10th Street Connector under Project No. 415927-1 and 418214-1; and

WHEREAS, the intrusion into the neighboring communities caused by this expansion will be entirely to the west of the current centerline of Florida's Turnpike and will, therefore, have a disproportionate impact on the adjacent communities. In many areas, the sound barrier wall will be located only five (5) feet from the adjacent community's property line. These neighborhoods will be significantly adversely affected by the expansion, including by suffering dramatically increased noise, air pollution, traffic congestion, as well as decreased light and physical encroachment into the communities as required to support four (4) additional express lanes and the requisite infrastructure for the mainline and feeder roads for the Sawgrass and SW 10th Street Connector projects; and

WHEREAS, the City Commission opposes FTE's plan to expand Florida's Turnpike/State Road 91 from Atlantic Boulevard to Wiles Road under Project No. 406150-

1, the Sawgrass Expressway from US 441 to Powerline Road under Project Nos. 437153-1 and 437224-1, and the SW 10th Street Connector under Project Nos. 415927-1 and 418214-1; and

WHEREAS, the City Commission believes that FTE's plans to expand Florida's Turnpike/State Road 91 from Atlantic Boulevard to Wiles Road under Project No. 406150-1, the Sawgrass Expressway from US 441 to Powerline Road under Project Nos. 437153-1 and 437224-1, and the SW 10th Street Connector under Project Nos. 415927-1 and 418214-1, as proposed, are not in the best interest of the residents of the City of Coconut Creek; and

WHEREAS, the City Commission believes it is in the best interest of the residents of the City to pursue its legal remedies by filing a legally cognizable lawsuit in a court of competent jurisdiction to vindicate the rights of the residents of Coconut Creek, and the City Commission believes it is in the best interest of the residents of the City to pursue its legal remedies by filing a legally cognizable lawsuit in a court of competent jurisdiction to vindicate the rights of the residents of Coconut Creek and opposing the Florida Department of Transportation's Plan to expand the Florida Turnpike/State Road 91 from Atlantic Boulevard to Wiles Road under Project No. 406150-1 to add four (4) new express lanes to the west of the center line and to encroach into the adjacent communities for the Sawgrass Expressway Project Nos. 437153-1 and 437224-1 and the SW 10th Street Connector under Project Nos. 415927-1 and 418214-1.

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.

Section 2: That the City Commission of the City of Coconut Creek opposes Florida's Turnpike Enterprise's plan to expand Florida's Turnpike/State Road 91 from Atlantic Boulevard to Wiles Road under Project No. 406150-1 and Sawgrass Expressway from US 441 to Powerline Road under Project Nos. 437153-1 and 437224-1, and the SW 10th Street Connector under Project Nos. 415927-1 and 418214-1.

Section 3: That the City Commission hereby authorizes and directs the City Attorney, or her designee, to engage the services of Ralph DeMeo of Guilday Law, to file a lawsuit on behalf of the City as plaintiffs, seeking the appropriate relief to challenge the Florida's Turnpike Enterprise's Plan regarding these proposed expansions, asserting violations of equal protection and such other legal theories as appropriate and necessary.

Section 4: That the City Manager, or her designee, is authorized to execute legal representation agreement(s) and any other necessary documents pertaining to the litigation, subject to review and approval by the City Attorney, to effectuate the intent of this resolution.

Section 5: 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 6: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 9th day of January, 2025.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Welch Aye
Railey Aye
Rydell Aye
Brodie Aye
Wasserman Aye

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