

RESOLUTION NO. 2022-158

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR, OR DESIGNEE, TO EXECUTE THE THIRD 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 in 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 the County-wide solid waste disposal plan and other general solid waste disposal issues that might be identified through the study; and

WHEREAS, in October 2018, the second amendment to the settlement agreement provided for an additional extension of such time to October 11, 2022, as the parties needed additional time to analyze the findings and recommendations of the study before final action is taken with regard to the Alpha 250 property; and

WHEREAS, in late 2019, the County, the Settling Municipalities, and other municipalities established a Solid Waste Working Group ("SWWG"), a group of elected

municipal and county officials, to jointly develop recommendations for a regional solid waste management system based on shared principles and commitments, including a mutually agreed governance structure; and

WHEREAS, this third amendment to the settlement agreement, attached hereto and incorporated herein as “Exhibit A,” provides for an additional extension of such time to October 11, 2023, to provide the SWWG additional time to conduct its work and give the parties additional time before final action is taken with regard to the Alpha 250 property; and

WHEREAS, this third extension of time contemplates a maximum of three (3) further extensions of up to one (1) year, provided that any such additional extension is approved in writing by the County Administrator and the Mayors of Coconut Creek, Fort Lauderdale, Hollywood, Miramar, Sunrise, and Weston; and

WHEREAS, the City Commission finds and determines that the third 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 third 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, or his designee, is authorized to execute the third 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 25th day of August, 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>

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KAH
6.23.2022