

**RESOLUTION NO. 2018-131**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED AGREEMENT AMONG THE CITY OF COCONUT CREEK, NORTH BROWARD PREPARATORY SCHOOLS, LLC, AND BMOC-MIA (FL), LLC PROVIDING PHASING OF EXOTIC VEGETATION REMOVAL AND INSTALLATION OF ENHANCED SUPPLEMENTAL LANDSCAPING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, North Broward Preparatory School (“School”) has obtained specific permits for landscape and irrigation under permit #17001904 and for clearing and grubbing under permit #17001649 (collectively referred to herein as “permits”) that includes an associated approved landscape plan (“landscape plan”) (Exhibit “B” to the Agreement); and

**WHEREAS**, as part of the construction under the permits, and in compliance with the approved landscape plan, the School removed exotic vegetation in the northeast corner of the School site and planted new vegetation in its place; and

**WHEREAS**, the abutting property owner adjacent to the northeast corner of the School site located at 7741 NW 39 Avenue, Coconut Creek, FL (“neighbor”) expressed concern to the City with the removal of the exotic vegetation; and

**WHEREAS**, concurrent to the City’s receipt of neighbor’s complaint, the City received complaints about the removal of exotic vegetation in two (2) other locations in the City (Windmill Park and Johnson Road); and

**WHEREAS**, as a result of the collective complaints of City residents in three (3) locations throughout the City, the City Manager directed that no exotic vegetation be removed from any property in the City without a plan that assures buffering of residential properties until further notice; and

**WHEREAS**, the City Manager’s direction left the School’s clearing and grubbing and landscaping activities in limbo; and

**WHEREAS**, the City desires to reduce to writing the School’s remaining obligations under its open permits as it relates to the completion of the clearing and grubbing and landscaping under this new City direction; and

**WHEREAS**, this Agreement shall supersede the School’s clearing and grubbing permit #17001649.

**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 approves the Agreement among the City of Coconut Creek, North Broward Preparatory Schools, LLC, and BMOC-MIA (FL), LLC for phasing of exotic vegetation removal and installation of enhanced supplemental landscaping.

**Section 3:** That the City Manager, or designee, is hereby authorized to execute said Agreement.

**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 \_\_\_\_\_, 2018.**

\_\_\_\_\_  
Joshua Rydell, Mayor

Attest:

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Leslie Wallace May, City Clerk

Rydell \_\_\_\_\_

Welch \_\_\_\_\_

Tooley \_\_\_\_\_

Sarbone \_\_\_\_\_

Belvedere \_\_\_\_\_

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