

RESOLUTION NO. 2017-042

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE FIFTH AMENDMENT TO THE POTABLE WATER FOR RESALE AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF COCONUT CREEK TO PROVIDE POTABLE WATER SUPPLY TO HILLSBORO PINES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 30, 1973, the City of Coconut Creek and Broward County entered into a Potable Water for Resale Agreement (the "Resale Agreement"), under which the County provides treated potable water to the City; and

WHEREAS, on December 23, 1991, the City of Coconut Creek and Broward County entered into the First Amendment to the Agreement, providing for treated potable water in excess of the metered capacity (the "First Amendment"); and

WHEREAS, on October 4, 1994, the City of Coconut Creek and Broward County entered into the Second Amendment to the Agreement, providing for treated potable water in excess of the metered capacity (the "Second Amendment"); and

WHEREAS, on March 7, 2000, the City of Coconut Creek and Broward County entered into the Third Amendment to the Agreement, providing for an additional connection to the County's potable water system and extending the term of the Agreement (the "Third Amendment"); and

WHEREAS, on May 9, 2013, the City of Coconut Creek and Broward County entered into the Fourth Amendment to the Agreement to allow the City to operate emergency interconnects with third parties and to amend the term of the Agreement (the "Fourth Amendment"); and

WHEREAS, Broward County is constructing a potable water distribution system in an unincorporated area within Broward County generally located at the northwest

corner of the City boundary, north of Hillsboro Boulevard and west of Lyons Road, known as Hillsboro Pines, as shown and described in “Exhibit D” of the proposed amendment to the Agreement (the “Fifth Amendment”); and

WHEREAS, Broward County desires to use the City’s potable water system in the vicinity to serve Hillsboro Pines; and

WHEREAS, the City is willing to distribute potable water to Hillsboro Pines through the City’s System; and

WHEREAS, for accounting and financial purposes and consideration, the Hillsboro Pines volume of water used will be subtracted from the total volume of water used by the City; and

WHEREAS, the Fifth Amendment to the Agreement is necessary and reasonable under the circumstances and is in the best interest of the public.

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 hereby approves the Fifth Amendment to the Potable Water for Resale Agreement for distribution of potable water to Hillsboro Pines.

Section 3: That the City Manager, or designee, is hereby authorized to execute the Fifth Amendment to the Potable Water for Resale Agreement between Broward County and the City of Coconut Creek.

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 application of this Resolution.

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

Adopted this 23rd day of February, 2017.

Mikkie Belvedere, Mayor

Leslie Wallace May, City Clerk

Belvedere Aye____
Rydell Aye____
Sarbone Aye____
Tooley Aye____
Welch Aye____