

RESOLUTION NO. 2012-59

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A RIGHT-OF-WAY MAINTENANCE AGREEMENT ATTACHED HERETO AND MADE A PART HEREOF, BETWEEN THE CITY OF COCONUT CREEK AND VRS/BROADSTONE CYPRESS HAMMOCKS, LLC, FOR IMPROVEMENTS TO BE INSTALLED AND MAINTAINED ALONG N.W. 51ST TERRACE; PROVIDING AN EFFECTIVE DATE

WHEREAS, VRS/Broadstone Cypress Hammocks, LLC, a Delaware limited liability company, (hereinafter referred to as Broadstone) is developing a project known as Broadstone Cypress Hammocks located along Hillsboro Boulevard known as the Broadstone Cypress Hammocks Plat, adjacent to a public right-of way owned and controlled by the City; and

WHEREAS, the City is desirous of entering into a Right-of-Way Maintenance Agreement with Broadstone wherein Broadstone agrees to perform and take all action necessary, at no cost to the City, to install and maintain improvements to be located in City right-of-way, on N.W. 51st Terrace, and more particularly described in Exhibit "A", attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the City Commission has reviewed and hereby approves the attached Right-of-Way Maintenance Agreement between the City and VRS/Broadstone Cypress Hammocks, LLC, to install and maintain improvements to be located in City right-of-way along N.W. 51st Terrace.

Section 2: That the City Manager is hereby authorized to execute said Maintenance Agreement.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

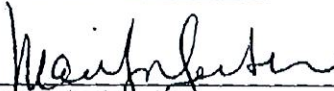
Adopted this 26th day of July, 2012, on a motion by
Commissioner Tooley and seconded by
Commissioner Aronson.

Ayes 5

Nays 0

Absent or

Abstaining 0


Marilyn Gerber, Mayor

Attest:


Barbara S. Price, MMC
City Clerk

Gerber Aye

Belvedere Aye

Sarbone Aye

Tooley Aye

Aronson Aye



May 10, 2012

City of Coconut Creek
Utilities & Engineering Department
5295 Johnson Road
Coconut Creek, FL 33063

RE: Broadstone Cypress Hammocks

To Whom It May Concern:

Please let this letter serve as acknowledgment that VRS/Broadstone Cypress Hammocks LLC, as owner of the Broadstone Cypress Hammocks property and its successors, agrees to maintain the improvements proposed on NW 51st Terrace including but not limited to pavement, curbing, sidewalk and drainage so long as NW 51st Terrace is utilized solely as an access to the Broadstone Cypress Hammocks Development. VRS/Broadstone Cypress Hammocks LLC accepts and agrees that the City is not responsible to maintain NW 51st Terrace improvements.

We understand that this letter serves as an interim agreement and we will diligently work with the City to execute a formal agreement.

Should you have any questions please feel free to contact me at (561) 756-8980. Thank you for your time and kind consideration with regards to this matter.

Sincerely,

VRS/BROADSTONE CYPRESS HAMMOCKS LLC

A handwritten signature in black ink, appearing to read 'Robert Hall', is written over a horizontal line.

Robert Hall