

RESOLUTION NO. 2023-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF COCONUT CREEK FOR THE SURTAX-FUNDED MUNICIPAL TRANSPORTATION PROJECT: SAMPLE ROAD IMPROVEMENTS (COCO-016); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the provision of adequate and efficient transportation infrastructure and equipment upon which the public depends on a day-to-day basis is a matter of great public concern to the residents of Broward County and the City of Coconut Creek; and

WHEREAS, Broward County residents approved by referendum the Transportation Surtax (“Penny for Transportation” Program) on November 6, 2018; and

WHEREAS, Broward County, the municipalities within Broward County, and the Broward Metropolitan Planning Organization (MPO) entered into the Transportation System Surtax Interlocal Agreement (ILA), which provided for a cooperative and organized process for the municipalities to submit projects for evaluation and funding with Surtax proceeds; and

WHEREAS, the City submitted a surtax application for grant funding for a shared-use pathway along a segment of Sample Road between Lyons Road and Tradewinds Park (Florida’s Turnpike); and

WHEREAS, the City of Coconut Creek commits to administer and deliver the project under the terms of the Transportation System Surtax Project Funding Agreement and Broward County’s Code of Ordinances; and

WHEREAS, the Sample Road shared-use pathway will be constructed within the Florida Department of Transportation’s (FDOT) right-of-way; and

WHEREAS, the FDOT is supportive of the proposed improvements within their right-of-way; and

WHEREAS, the City of Coconut Creek commits to funding upfront costs for design; Construction, Engineering, and Inspection (CEI) services; and construction compliance with the LAP requirements, if needed, which would then be eligible for reimbursement in accordance with the FDOT LAP agreement; and

WHEREAS, the City of Coconut Creek commits to program funding for construction contingency pursuant to the requirements of LAP; and

WHEREAS, the City of Coconut Creek has been authorized by Broward County to use the professional services of Carnahan, Proctor and Cross, Inc. to design the Sample Road shared-use pathway project within the previously-approved Surtax budget and required contingency pursuant to the requirements of LAP; and

WHEREAS, it will be the responsibility of the City of Coconut Creek to maintain or coordinate the maintenance of the project after its completion with FDOT.

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 has accepted the future budgeting and funding of resources projected to be necessary for construction contingency and supports the Transportation Surtax Interlocal Agreement (ILA) as it relates to the Sample Road Improvements surtax-funded project (COCO-016).

Section 3: That the City Commission has reviewed and hereby approves the attached Interlocal Agreement between Broward County and the City of Coconut Creek for the Sample Road Improvements surtax-funded project (COCO-016).

Section 4: That the City Commission hereby authorizes the Mayor, or designee, to execute the attached Interlocal Agreement between Broward County and the City of Coconut Creek for the Sample Road Improvements surtax-funded project (COCO-016).

Section 5: That the City Clerk, or designee, is hereby directed to return the executed Interlocal Agreement to the MAP (Mobility Advancement Program) Broward staff.

Section 6: 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 7: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 24th day of August, 2023.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Rydell	<u>Aye</u>
Welch	<u>Aye</u>
Railey	<u>Aye</u>
Brodie	<u>Aye</u>
Wasserman	<u>Aye</u>