

RESOLUTION NO. 2026-101

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING AN ACCESS EASEMENT AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND COCOMAR PROPERTY OWNER, LLC, PROVIDING ACCESS OVER, ACROSS, THROUGH, IN, AND UNDER A PORTION OF LAND LYING WITHIN THE COOLIDGE PLAT RELATING TO A PORTION OF THE COCOMAR WAREHOUSE DEVELOPMENT SITE, PARCEL NUMBER 484231270010, LOCATED IN BROWARD COUNTY, FLORIDA, MORE SPECIFICALLY DESCRIBED IN EXHIBIT "1," TO PROVIDE ACCESS TO A COMMUNITY GARDEN; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at the November 9, 2023 City Commission meeting, the City Commission adopted Resolution No. 2023-097, which approved the site plan request for the development of a light industrial, flex space, and warehouse development generally located at the northwest corner of Atlantic Boulevard and Lyons Road; and

WHEREAS, the site plan was approved with conditions, including Condition 5.m., requiring the applicant to construct and maintain a publicly-accessible garden on the project site; and

WHEREAS, the applicant has provided the attached Access Easement Agreement, granting to the City of Coconut Creek and beneficiaries, including the general public, a permanent, non-exclusive easement for purposes of accessing and using the garden; and

WHEREAS, pursuant to Section 13-42 (c)(2) of the Land Development Code, the City Commission may accept legal interests in land that amount to less than fee simple title, by resolution; and

WHEREAS, the City Commission of the City of Coconut Creek determines it is in

the best interests of the health, safety, and welfare of the residents to accept the Access Easement Agreement, attached as Exhibit "1," over, across, through, in, and under a portion of land generally located within the Coolidge Plat, within the Cocomar Warehouse development, Parcel Number 484231270010, for the purposes of providing access to the garden for the City and the general 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. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

Section 2: That the City Commission hereby approves the Access Easement Agreement, attached hereto as Exhibit "1," for access to the community garden.

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

Section 4: That the City Manager, or designee, is hereby authorized to take all steps necessary to implement the Access Easement Agreement.

Section 5: That the City Commission directs the City Clerk, or designee, to record the Access Easement Agreement, attached hereto as Exhibit "1," in the Public Records Books of Broward County, Florida.

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 _____ day of _____, 2026.

Jeffrey R. Wasserman, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Wasserman _____

Brodie _____

Welch _____

Rydell _____

Railey _____