

RESOLUTION NO. 2024-063

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ASSIGNMENT OF MAINTENANCE AGREEMENT TO MFREVF IV – CYPRESS, LLC FOR THE PURPOSE OF MAINTAINING IMPROVEMENTS WITHIN CITY RIGHT-OF-WAY ALONG NW 51 TERRACE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, VRS/Broadstone Cypress Hammocks, LLC, a Delaware limited liability company (Broadstone), developed a project known as Broadstone Cypress Hammocks located along Hillsboro Boulevard adjacent to City of Coconut Creek (City) right-of-way on NW 51 Terrace; and

WHEREAS, the City entered into a Right-of-Way Maintenance Agreement (Maintenance Agreement) with Broadstone, as executed by Resolution No. 2012-59 and attached as Exhibit “A,” wherein Broadstone agreed to construct and maintain improvements, at no cost to the City, located in City right-of-way on NW 51 Terrace; and

WHEREAS, Broadstone sold said property to MFREVF IV – Cypress, LLC, a Delaware limited liability company (Cypress), and is executing an Assignment of Maintenance Agreement to Cypress as shown in Exhibit “B;” and

WHEREAS, pursuant to Section 5 of the Maintenance Agreement, Broadstone shall obtain the approval of the City for any assignment of the Maintenance Agreement; and

WHEREAS, the City is desirous of consenting to the Assignment of Maintenance Agreement to MFREVF IV – Cypress, LLC, wherein Cypress agrees to maintain, at no cost to the City, improvements located within the City right-of-way on NW 51 Terrace.

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 reviewed and hereby approves the Assignment of Maintenance Agreement to MFREVF IV – Cypress, LLC.

Section 3: That the City Manager, or designee, is hereby authorized to execute the Assignment of Maintenance Agreement to MFREVF IV – Cypress, LLC.

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 _____, 2024.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Welch _____

Railey _____

Rydell _____

Brodie _____

Wasserman _____