

**RESOLUTION NO. 2019- 041**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, GUARANTEEING THE TOWN'S PERFORMANCE OF CONSTRUCTION OF THE REQUIRED IMPROVEMENTS, AS SET FORTH IN THE ATTACHED INSTALLATION OF REQUIRED IMPROVEMENTS AGREEMENT WITH BROWARD COUNTY; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE INSTALLATION OF REQUIRED IMPROVEMENTS AGREEMENT WITH BROWARD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Corrections Corporation of America's [n/k/a CoreCivic, Inc. ("CoreCivic")] Project, known as correctional facility/detention center in the Town of Southwest Ranches, Planning and Development Management Division File No.069-MP-93, hereinafter referred to as the "Project," a legal description of the property on which the Project was proposed is attached hereto as Exhibit "A" (the "Property") and made a part hereof, was approved by the Board of County Commissioners of Broward County ("Board") on December 13, 2005, subject to certain conditions to ensure the protection of the public health and safety; and

**WHEREAS**, one of the conditions imposed at the time of Board approval was the construction of certain road improvements (the "Required Improvements"), and on June 23, 2006, CCA Properties of America, LLC, which owned the Property at the time, entered into a Security/Lien Agreement Installation of Required Improvements (the "Improvements Agreement"), which Improvements Agreement was recorded in the Public Records of Broward County at Official Records Book 42278, Page 1365; and

**WHEREAS**, in connection with its obligations under the Improvements Agreement, CoreCivic provided Broward County with an irrevocable letter of credit in the amount of \$321,717.00 to guarantee performance of the construction obligations for the Required Improvements (the "Letter of Credit"); and

**WHEREAS**, on April 5, 2016, the Town purchased the Property from CoreCivic, and obtained all existing rights to the Project; and

**WHEREAS**, since the Property and the rights to the Project have been transferred to the Town, the requirement to construct the Required Improvements has similarly transferred; and

**WHEREAS**, the Town desires to enter into an Installation of Required Improvements Agreement with Broward County, which will allow the release of CoreCivic from its obligations under the Improvements Agreement and Letter of Credit.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1.** The above-referenced recitals are true and correct and are incorporated herein by reference.

**Section 2.** The Town Council of the Town of Southwest Ranches hereby guarantees that the Town will cause the performance of the obligation to construct the Required Improvements, which was previously estimated to cost Three Hundred Twenty-one Thousand Seven Hundred Seventeen Dollars (\$321,717.00), as set forth in the Installation of Required Improvements Agreement attached hereto as Exhibit "B" (the "Installation Agreement").

**Section 3.** The Town Council hereby approves the Installation Agreement, and authorizes the appropriate Town officials to execute the Installation Agreement on the Town's behalf.

**Section 4.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this 27<sup>th</sup> day of June, 2019, on a motion by

C/m Hartmann and seconded by C/m Schroeder.

McKay	<u>Yes</u>	Ayes	<u>5</u>
Jablonski	<u>Yes</u>	Nays	<u>0</u>
Fisikelli	<u>Yes</u>	Absent	<u>0</u>
Hartmann	<u>Yes</u>		
Schroeder	<u>Yes</u>		

Doug McKay  
Doug McKay, Mayor

ATTEST:

Russell Muñiz  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff  
Keith Poliakoff, J.D., Town Attorney