

**RESOLUTION NO. 2023-058**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A SETTLEMENT WITH THE CITY OF PEMBROKE PINES IN CONNECTION WITH BROWARD COUNTY CIRCUIT COURT CASE 12-28819, FOR ATTORNEYS FEES; AUTHORIZING A PAYMENT IN THE AMOUNT OF SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$725,000.00) OR, IN THE ALTERNATIVE, TO OFFER THE CITY OF PEMBROKE PINES THE ABILITY TO ALLOW THE GATE FACILITY, LOCATED ON SW 207<sup>TH</sup> TERRACE, TO REMAIN CLOSED DURING THE FRANKLIN ACADEMY PEMBROKE PINES CHARTER SCHOOL DROP-OFF AND PICK UP HOURS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY, TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Southwest Ranches and the City of Pembroke Pines agreed to resolve the remaining dispute in Case No.: 12-28819 over the amount of reasonable attorneys' fees owed to the City by the Town; and

**WHEREAS**, in a mediated settlement agreement dated June 15, 2023, the City and the Town agreed that Seven Hundred Twenty-Five Thousand Dollars and Zero Cents (\$725,000.00) would constitute full payment of all attorneys' fees owed by the Town in Case No.: 12-28819, at all tribunal levels; and

**WHEREAS**, in Case No. 15-008749, a Final Judgment was entered, and affirmed by the 4<sup>th</sup> DCA, ordering the City to open the Gate Facility obstructing vehicular traffic on SW 207<sup>th</sup> Terrace; and

**WHEREAS**, the Town approves a settlement of the payment of attorneys' fees to the City of Pembroke Pines in the amount of Seven Hundred Twenty-Five Thousand Dollars and Zero Cents (\$725,000.00) or, in the alternative, to offer the City of Pembroke Pines the ability to allow the Gate Facility, located at 207<sup>th</sup> Terrace, to remain closed during the Franklin Academy Charter School drop-off and pick up hours; and

**WHEREAS**, the Town of Southwest Ranches desires to enter into an Agreement under either of the Settlement terms and conditions set forth hereinafter.

**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 hereby approves an agreement with the City of Pembroke Pines to either pay the City the sum of Seven Hundred Twenty-Five Thousand Dollars and Zero Cents (\$725,000.00) or, in the alternative, to offer the City of Pembroke Pines the ability to allow the Gate Facility, located at 207<sup>th</sup> Terrace, to remain closed during the Franklin Academy Pembroke Pines Charter School drop-off and pick up hours.

**Section 3.** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into an agreement and to sign any and all documents which are necessary and proper to effectuate the intent of this Resolution.

**Section 4.** That this Resolution shall become effective immediately upon its adoption.

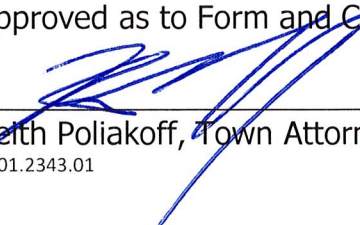
**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 29<sup>th</sup> day of June 2023 on a motion by

Council Member Kuczenski and seconded by Council Member Jablonski.

Breitkreuz	<u>Yes</u>	Ayes	<u>5</u>
Allbritton	<u>Yes</u>	Nays	<u>0</u>
Hartmann	<u>Yes</u>	Absent	<u>0</u>
Jablonski	<u>Yes</u>	Abstaining	<u>0</u>
Kuczenski	<u>Yes</u>		

  
\_\_\_\_\_  
Steve Breitkreuz, Mayor

Attest:  
  
\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:  
  
\_\_\_\_\_  
Keith Poliakoff, Town Attorney  
1001.2343.01