

**RESOLUTION 2004 - 76**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY, FOR ACQUISITION, PRESERVATION, IMPROVEMENT, ENHANCEMENT, OPERATION AND MANAGEMENT OF THE COUNTRY ESTATES OPEN SPACE AND FISHING HOLE PARCEL -OS-106-; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID INTERLOCAL AGREEMENT; APPROVING THE PARK MANAGEMENT PLAN; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

**WHEREAS**, the Town of Southwest Ranches has been generously awarded a \$750,000 grant from Broward County to reimburse the Town for the Town's acquisition of the Country Estates Open Space and Fishing Hole parcel; and

**WHEREAS**, as a condition of obtaining the grant the Town must enter into an Interlocal Agreement with the County regarding the acquisition, preservation, improvement, operation, and management of the property; and

**WHEREAS**, the Town has been awarded a grant from the County in the amount of \$750,000 to be used to reimburse the Town for the acquisition of the Country Estates Open Space and Fishing Hole parcel; and

**WHEREAS**, Broward County and the Town are desirous of satisfying this condition.

**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 the Interlocal Agreement, attached hereto as Exhibit "A", between the Town of Southwest Ranches and Broward County regarding the acquisition, preservation, improvement, operation, and management of the Country Estates Open Space and Fishing Hole parcel.


**Section 3.** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Interlocal Agreement and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 4.** The Town Council hereby approves the Park Management Plan, attached hereto as Exhibit "B", for the Country Estates Open Space and Fishing Hole parcel


**Section 5.** 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 13 day of May 2004, on a motion by Vice Mayor Knight and seconded by Council Member Maines.


Fink	<u>Y</u>	Ayes	<u>5</u>
Knight	<u>Y</u>	Nays	<u>          </u>
Blanton	<u>Y</u>	Absent or	<u>          </u>
Maines	<u>Y</u>	Abstaining	<u>          </u>
Nelson	<u>Y</u>		

  
\_\_\_\_\_  
Mecca Fink, Mayor

ATTEST:

  
\_\_\_\_\_  
Shari Canada, Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Gary A. Poliakoff, J.D., Town Attorney  
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FCT Contract Number 04-CT-9A-03-F3-A1-022  
FLORIDA COMMUNITIES TRUST  
PROJECT # 03-022-FF3  
COUNTRY ESTATES OPEN SPACE & "FISHING HOLE"

**ADDENDUM II TO GRANT CONTRACT**

THIS ADDENDUM II is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and TOWN OF SOUTHWEST RANCHES, a local government of the State of Florida ("Recipient"), this 14<sup>th</sup> day of MARCH, 2005

NOW THEREFORE, FCT and Recipient mutually agree as follows:

WHEREAS, the parties hereto entered into a Grant Contract which sets forth the conditions of conceptual approval that must be satisfied by the Recipient prior to the receipt of the FCT Florida Forever award and the restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Florida Forever award;

WHEREAS, the term of the Grant Contract expires January 3, 2005;

WHEREAS, the Recipient, in accordance with GENERAL CONDITIONS paragraph 2 of the Grant Contract and in compliance with Rule 9K-7.009(5), F.A.C., has timely submitted to FCT a written request for extension of the January 3, 2005 deadline;

WHEREAS, GENERAL CONDITIONS paragraph 14 of the Grant Contract states that the Grant Contract may be amended at any time prior to FCT giving final project plan approval to the Recipient. Any agreement must be set forth in a written instrument and agreed to by both the Recipient and FCT; and

WHEREAS, the parties hereto desire to extend the term of the Grant Contract as provided by Rule 9K-7.009(5), F.A.C.;

NOW THEREFORE, the FCT and RECIPIENT mutually agree as follows:

1. Notwithstanding the language of Section I. GENERAL CONDITIONS, paragraph 3., the parties hereby agree to revive the Grant Contract nunc pro tunc as though it had not lapsed in accordance with paragraph 2.
2. In every respect this Addendum is to be construed and applied as though the parties had both signed it before January 3, 2005.

03-022-FF3  
December 29, 2004

3. The Grant Contract by and between FCT and the Recipient is hereby extended until March 1, 2005.

This Addendum II, Addendum I and the Grant Contract embody the entire agreement between the parties. All other terms and conditions not specifically referenced in this Addendum remain the same and unchanged.

IN WITNESS WHEREOF, the parties hereto have duly executed this Addendum II.

TOWN OF SOUTHWEST RANCHES

By: Mecca Fink  
Mecca Fink  
Mayor

Date: 2/23/05

By: John Canada  
John Canada,  
Town Administrator

Date: 2/23/05

Approved as to Form and Legality:

By: Gary A. Poliakoff, J.D.  
Gary A. Poliakoff, J.D.  
Town Attorney

Date: 2/22/05

FLORIDA COMMUNITIES TRUST

By: Janice Browning  
Janice Browning, Division Director  
Housing and Community Development

Date: 3/14/05

Approved as to Form and Legality

By: Leslie Anderson-Adams  
for Kristen L. Coons  
Trust Counsel

Date: 3-10-05

FCT Contract Number 04-CT-9A-03-F3-A1-022  
FLORIDA COMMUNITIES TRUST  
FF3 Award Number 03-022-FF3  
COUNTRY ESTATES  
TOWN OF SOUTHWEST RANCHES

### ADDENDUM III TO GRANT CONTRACT

THIS ADDENDUM III to the Grant Contract is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a non-regulatory agency within the State of Florida Department of Community Affairs, and TOWN OF SOUTHWEST RANCHES ("Recipient"), this ~~9~~ day of MARCH, 2005.

WHEREAS, the parties hereto entered into a Grant Contract which sets forth the conditions of conceptual approval that must be satisfied by the Recipient prior to the receipt of the FCT Florida Forever award and the restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Florida Forever award;

WHEREAS, the Recipient has requested an increase in the amount of the FCT Florida Forever award from \$808,000.00 to a \$1,062,491.30 award;

WHEREAS, GENERAL CONDITIONS paragraph 14 of the Grant Contract states that the agreement may be amended at any time. Any agreement must be set forth in a written instrument and agreed to by both the Recipient and FCT; and

WHEREAS the parties hereto desire to amend the Grant Contract from a \$808,000.00 award to a \$1,062,491.30 award;

NOW THEREFORE, the FCT and the RECIPIENT mutually agree as follows:

Section I.7. is hereby replaced, revised and superseded by the following:

7. The FCT Florida Forever award granted to the Recipient will in no event exceed the lesser of Fifty Percent (50%) of the final total eligible project costs, as defined in Rule 9K-7.002(29), F.A.C., or One Million Sixty Two Thousand Four Hundred and Ninety One Dollars And Thirty Cents (\$1,062,491.30), unless FCT approves a different amount, after determination of the Maximum Approved Purchase Price as provided in Rule 9K-8.007, F.A.C., and which shall be reflected in an addendum to this Agreement. The amount of the grant shall not exceed the Limitation of Award provided in Rule 9K-7.003(3), F.A.C., and as advertised in the Notice of Application.

03-022-FF3  
Jan. 7, 2005