

**RESOLUTION NO. 2005 – 036**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING AN AGREEMENT WITH EARTH ADVISORS, INC. TO PERFORM THE SERVICES DELINEATED IN THE OCTOBER 14, 2004 MITIGATION AND PARTNERSHIP AGREEMENT BETWEEN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ("SFWMD") AND THE TOWN; PROVIDING THAT THE TOWN'S COSTS ASSOCIATED WITH THIS AGREEMENT SHALL NOT EXCEED THE AMOUNT OF THE SFWMD CONTRIBUTION AND ANY ASSOCIATED COST RECOVERY FEES THAT MAY BE OBTAINED BY THE TOWN; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in furtherance of helping to preserve the Everglades, the federal government has adopted the Everglades Restoration Act; and

**WHEREAS**, part of the Act requires a buffer area to be established to assist in proper drainage and to maintain water quality; and

**WHEREAS**, part of the designated buffer area resides in the Town; and

**WHEREAS**, several properties within the designated buffer area have been found to be in violation of certain environmental requirements; and

**WHEREAS**, in order to bring these properties into compliance, the affected property owners must create wetland mitigation areas; and

**WHEREAS**, several of the Town's parks require the construction of wetland areas; and

**WHEREAS**, in an attempt to have no financial impact on the Town, the Town has sought creative ways to fund the design and engineering of the Town's wetland areas; and

**WHEREAS**, since the South Florida Water Management District ("SFWMD") has been mandated to bring the violating properties into compliance, it has offered to enter into a Mitigation Partnership Program with the Town that would offer violating property owners an opportunity to work with the Town to create wetland mitigation areas and in exchange the SFWMD would provide the

Town with \$214,700 to fund the design and engineering of the designated wetland areas; and

**WHEREAS**, in furtherance of its June 22, 2004, procurement, the Town desires Earth Advisor's, Inc. to perform the work associated with its Mitigation Partnership Agreement; and

**WHEREAS**, the costs for Earth Advisors' services shall not exceed the amount of the SFWMD contribution and any associated cost recovery fees that may be obtained by the Town for management of the construction of the wetlands.

**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.** In furtherance of Resolution 2005-003, the Town Council hereby approves the Agreement between the Town of Southwest Ranches and Earth Advisors, Inc., in substantially the same form as that attached hereto as Exhibit "A", to perform the services delineated in the Town's October 14, 2004 Mitigation Partnership Agreement with the South Florida Water Management District.

**Section 3.** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into an Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletion which they deem necessary and proper to effectuate the intent of this Resolution.

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

**[Signatures on Following Page]**

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 13<sup>th</sup> day of January, 2005, on a motion by Vice Mayor Aster Knight and seconded by Councilman Don Maines.

Fink	<u>Y</u>	Ayes	<u>4</u>
Knight	<u>Y</u>	Nays	<u>0</u>
Blanton	<u>A</u>	Absent or	
Maines	<u>Y</u>	Abstaining	<u>1</u>
Nelson	<u>Y</u>		

*Mecca Fink*

Mecca Fink, Mayor

ATTEST:

*Shari Canada*

Shari Canada, Town Clerk

Approved as to Form and Correctness:

*Gary A. Poliakoff*

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

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