

**RESOLUTION NO. 2009 - 012**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AMENDMENTS TO THE INTERLOCAL AGREEMENT, DECLARATION OF RESTRICTIVE COVENANTS AND THE FCT REVISED GRANT AWARD AGREEMENT FOR THE SOUTHWEST MEADOWS SANCTUARY PROPERTY; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AMENDED AGREEMENTS; PROVIDING FOR RECORDING AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

**WHEREAS**, on July 14, 2005 the Town executed a Declaration of Restrictive Covenants, of which Broward County is the beneficiary, for the Southwest Meadows Sanctuary parcel, which was recorded November 1, 2005 in Official Records Book 40812, Page 986 and re-recorded November 14, 2005 in Official Records Book 40886, Page 1033, Public Records of Broward County, Florida ("Declaration of Restrictive Covenants"); and

**WHEREAS**, on June 22, 2004 the Town and Broward County entered into an Interlocal Agreement for the acquisition, improvement, enhancement, operation and management of parcels known as Site OS-55/OS-104, which was amended by the First Amendment to Interlocal Agreement recorded September 16, 2005 in Official Records Book 40523, Page 1569, re-recorded November 14, 2005 in Official Records Book 40886, Page 1028, Public Records of Broward County, Florida ("Interlocal Agreement"); and

**WHEREAS**, on May 13, 2004, the Town and the State of Florida Communities Trust ("FCT") entered into a Grant Award Agreement for the Southwest Meadows Sanctuary Parcel, which was recorded on May 28, 2004, in Official Records Book 37565, Page 977, and on August 30, 2005 the Town and FCT entered into a Revised Grant Award Agreement which was recorded September 13, 2005 in Official Records Book 40490, Page 1327, Public Records of Broward County, Florida ("Grant Award Agreement"); and

**WHEREAS**, the Town has determined that it is in the best interest of the Town to relocate the Town Hall/municipal site within the Southwest Meadows Sanctuary parcel and accordingly, the Interlocal Agreement, Declaration of Restrictive Covenants and Revised Grant Award Agreement must be modified to reflect this change.

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

**Section 1.** That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2.** That, at a duly noticed public hearing held on November 13, 2008, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves the First Amendment to the Declaration of Restrictive Covenants in substantially the same form as Exhibit "A" attached hereto and incorporated herein.

**Section 3.** That, at a duly noticed public hearing held on November 13, 2008, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves the Second Amendment to Interlocal Agreement in substantially the same form as Exhibit "B" attached hereto and incorporated herein.

**Section 4.** That, at a duly noticed public hearing held on November 13, 2008, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves the First Amendment to Revised Grant Award Agreement in substantially the same form as Exhibit "C" attached hereto and incorporated herein.

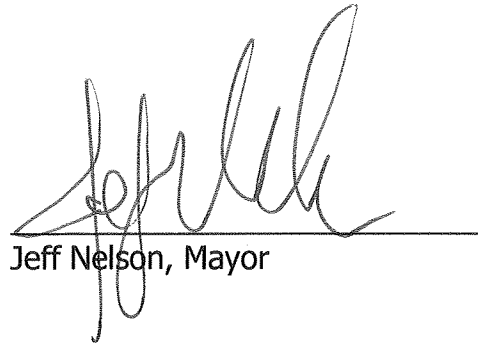
**Section 5.** The Mayor, Town Administrator and Town Attorney are each authorized to execute the First Amendment to Declaration of Restrictive Covenants, the Second Amendment to Interlocal Agreement and the First Amendment to Revised Grant Award Agreement in substantially the same forms as attached hereto as Exhibits "A", "B" and "C", respectively, and to make such modifications, additions and or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 6.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 13<sup>th</sup> day of November, 2008, on a motion by Vice Mayor Breitreuz and seconded by Council Member McKay.

Nelson	<u>Y</u>	Ayes	<u>4</u>
Breitreuz	<u>Y</u>	Nays	<u>0</u>
Fiskelli	<u>Y</u>	Absent	<u>1</u>
Knight	<u>ABSENT</u>	Abstaining	<u>0</u>
McKay	<u>Y</u>		

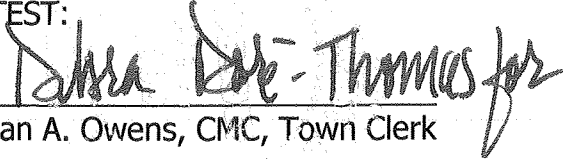
**[SIGNATURES ON FOLLOWING PAGE]**



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Jeff Nelson, Mayor

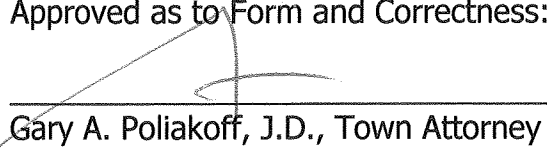
ATTEST:



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Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:



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

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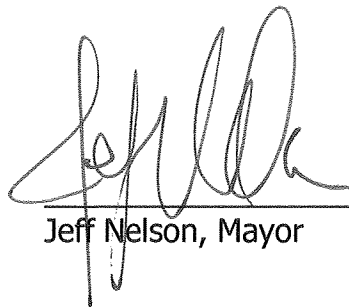
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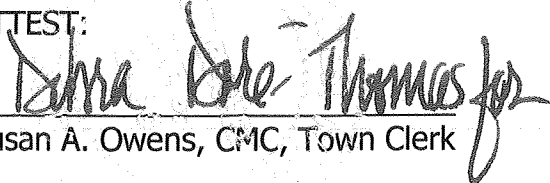
**[SIGNATURES ON FOLLOWING PAGE]**



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Jeff Nelson, Mayor

ATTEST:



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Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:



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

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