

RESOLUTION NO. 2010 - 087

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RESCINDING RESOLUTION NO. 2010-051 RELATING TO A LICENSE AGREEMENT BETWEEN THE TOWN AND THE BROWARD SHERIFF'S OFFICE FOR USE OF A PORTION OF THE SOUTHWEST MEADOWS SANCTUARY PARK PROPERTY FOR USE AS A K-9 TRAINING FACILITY; APPROVING A NEW LICENSE AGREEMENT WITH THE BROWARD SHERIFF'S OFFICE FOR THE USE OF A PORTION OF THE TOWN'S SOUTHWEST MEADOWS SANCTUARY PROPERTY FOR K-9 TRAINING; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE LICENSE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 1, 2010 and pursuant to Resolution No. 2010-051, the Town Council approved a License Agreement ("Agreement") with the Broward Sheriff's Office ("BSO") for the use of a portion of the Town's Southwest Meadows Sanctuary property for K-9 training; and

WHEREAS, due to the fact that the granting agencies did not accept the Agreement's language, neither party executed the Agreement; and

WHEREAS, the Town has diligently worked with the granting agencies and has been able to draft a new agreement that should be acceptable to the granting agencies; and

WHEREAS, this Resolution seeks to rescind Resolution No. 2010-051 and approve the New License Agreement; and

WHEREAS, the Town has acquired the property with partial funding from the Florida Communities Trust (FCT), and Broward County ("County"), and the Property is subject to certain limitations provided in the Grant Award Agreement(s) a/k/a the Declaration of Restrictive Covenants (as recorded in OR Book 40886, Page 1033 – 1037 in Broward County) (the "Agreement,"); and

WHEREAS, as part and condition of the FCT and County funding, the Town provided and FCT and the County approved a Management Plan for the project site, and together with the Agreement, the terms of which are hereby incorporated herein by reference; and

WHEREAS, the Town intends that the conservation and recreation values of the Property be preserved and enhanced in accordance with the Management Plan, as it may be amended from time to time only after review and approval by FCT and the County; and

WHEREAS, all activities by the Town and BSO shall be consistent with the Agreement and Management Plan; and

WHEREAS, both the Town and BSO believe that this License Agreement is in the best interest of the health, safety, and welfare of its residents; and

WHEREAS, this License Agreement is terminable upon ninety (90) days written notice by either party.

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 rescinds Resolution No. 2010-051.

Section 3: The Town Council hereby approves a new License Agreement between the Town and the Broward Sheriff's Office for the use of a portion of the Town's Southwest Meadows Sanctuary Property for K-9 training in substantially the same form as that attached hereto as Exhibit "A".

Section 4: The Town Council hereby authorizes the Mayor, Town Administrator, and Town Attorney to enter into the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary to effectuate the intent of this Resolution.

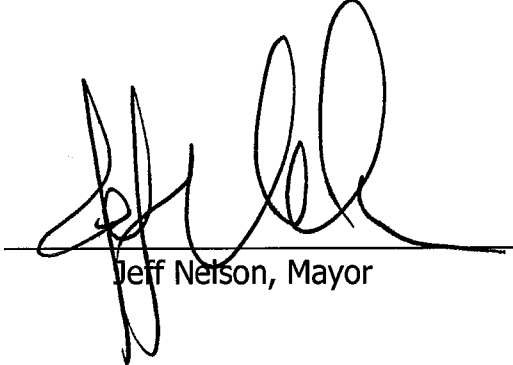
Section 5: The Town Council authorizes the appropriate Town officials to execute any and all documents necessary to effectuate the intent of this Resolution.

Section 6: This Resolution shall become effective immediately upon its adoption.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 18th day of August 2010, on a motion by Vice Mayor Knight and seconded by Council Member Fisikelli.

Nelson	<u> AYE </u>	Ayes	<u> 5 </u>
Knight	<u> AYE </u>	Nays	<u> 0 </u>
Breitkreuz	<u> AYE </u>	Absent	<u> 0 </u>
Fisikelli	<u> AYE </u>	Abstaining	<u> 0 </u>
McKay	<u> AYE </u>		



Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



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

ACTIVE: 3062387_1