

RESOLUTION NO. 2011 - 053

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST MODIFICATION TO THE AGREEMENT WITH BROWARD COUNTY RELATING TO THE TRAFFICWAY ILLUMINATION AND BEAUTIFICATION FOR GRIFFIN ROAD FROM FLAMINGO ROAD TO I-75; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE FIRST AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 12, 2006, the Town and Broward County entered into an Agreement to enable the Town to maintain control over the illumination, landscaping, and irrigation of a portion of Griffin Road located between Flamingo Road and I-75; and

WHEREAS, Broward County has determined that the number of plants installed along Griffin Road (Project No. 5067) was less than the approved plans and agreement with the Town, and the Town contends that the plantings fail to meet the specifications of the agreement with the Town, and as such Broward County seeks to provide the Town with the funding associated with the plants that were not installed, for the Town's use towards the installation of additional plants or the maintenance of the landscaping within the limits of the entire Griffin Road Project; and

WHEREAS, Broward County and the Town seek to amend the Agreement to provide Eighty-six Thousand Five Hundred Eighty-seven Dollars (\$86,587.00) to the Town, which the Town shall use, in its sole discretion, for the installation of additional plants or for the maintenance of landscaping within the Project; and

WHEREAS, Broward County and the Town also seek to amend the Agreement to provide that in the event any of the installed landscaping becomes difficult to maintain, diseased, sick, or dies, that the Town may, in its sole discretion, replace the vegetation provided that if it is replaced by plant material that the overall Griffin Road Project plantings shall maintain a minimum of Fifty percent (50%) native species; and

WHEREAS, the parties, acting in good faith and in their own best interests, have, in this First Amendment to the Agreement, reconciled this matter without the need of judicial action, and have by virtue hereof arrived at a mutually acceptable resolution; and

WHEREAS, the Town Council believes that this First Amendment to the Agreement is in the best interest of the health, safety, and welfare of its residents.

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 First Amendment to the Agreement between Broward County and the Town relating to Trafficway Illumination and Beautification for Griffin Road from Flamingo Road to I-75, as specifically delineated in Exhibit "A", attached hereto and incorporated herein by reference.

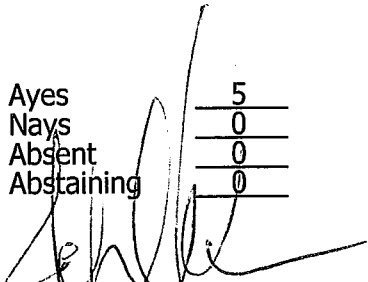
Section 3. The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the First Amendment to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and 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 28th day of April 2011, on a motion by Council Member Breitkreuz and seconded by Council Member McKay.

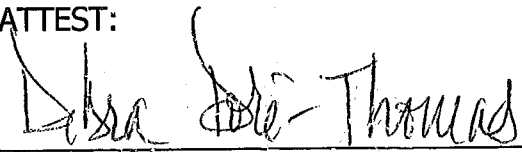
Nelson	<u>AYE</u>
Fisikelli	<u>AYE</u>
Breitkreuz	<u>AYE</u>
Jablonski	<u>AYE</u>
McKay	<u>AYE</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>




Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakov, Town Attorney
ACTIVE: 3346495_1

EXHIBIT "A"