

RESOLUTION NO. 2012 – 025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ACCEPTING THE CITY OF PEMBROKE PINES' OFFER TO TERMINATE THE INTERLOCAL AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND THE CITY OF PEMBROKE PINES REGARDING LOCAL ROADWAYS AND OTHER MATTERS, SUBJECT TO THE TOWN REGAINING THE UNBRIDLED DISCRETION TO CLOSE ROADWAYS WITHIN ITS JURISDICTION; AUTHORIZING THE TOWN ADMINISTRATOR, PURSUANT TO 316.006 FLORIDA STATUTES, TO IMMEDIATELY EFFECTUATE THE CLOSURE OF 199TH AVENUE AT THE TOWN'S BORDER WITH THE CITY OF PEMBROKE PINES, 202ND AVENUE AT THE TOWN'S BORDER WITH THE CITY OF PEMBROKE PINES, AND 205TH AVENUE AT THE TOWN'S BORDER WITH THE CITY OF PEMBROKE PINES; ENSURING THAT ALL CLOSURES WILL BE MADE WITH ELECTRONIC EMERGENCY ACCESS GATES, WHEREBY EMERGENCY VEHICLES, RESPONDING TO AN EMERGENCY OR EMERGENCY VEHICLES SPECIFICALLY SERVICING THE TOWN, WOULD BE PROVIDED WITH UNFETTERED ACCESS; PROVIDING INSTRUCTIONS TO THE TOWN CLERK; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 20, 2005, the Town, pursuant to Resolution No. 2006-024 entered into an Interlocal Agreement with the City of Pembroke Pines Regarding Local Roadways and Other Matters ("Interlocal Agreement"); and

WHEREAS, on December 27, 2006, pursuant to Resolution No. 2007-022, the Town modified the Interlocal Agreement to extend certain agreement deadlines; and

WHEREAS, on November 3rd, 2010, pursuant to Resolution No. 2011-011, the Town sought to effectuate the formal termination of the Interlocal Agreement if the City of Pembroke Pines consented to the Interlocal Agreement's termination by December 15, 2010; and

WHEREAS, the City of Pembroke Pines did not accept the Town's offer and as such the Town did not commence the formal termination of the Interlocal Agreement; and

WHEREAS, although the City of Pembroke Pines did not accept the Town's offer, on December 21, 2011, the City of Pembroke Pines enacted its own Resolution to terminate the Interlocal Agreement; and

WHEREAS, the Town would like to accept the City of Pembroke Pines' offer to terminate the Interlocal Agreement, subject to regaining the unbridled discretion to close roadways within the Town's jurisdiction; and

WHEREAS, in the event that it is determined that the Town does not have the unbridled discretion to close its roadways, the Town rejects Pines offer to terminate the Interlocal Agreement; and

WHEREAS, prior to the Interlocal Agreement, the Town effectuated several road closures to protect the health, safety, and welfare of its residents; and

WHEREAS, as a result of the Interlocal Agreement these roads were reopened, which has yielded a deleterious impact on the community; and

WHEREAS, the Town is the legal owner of 199th Avenue, 202nd Avenue, and 205th Avenue up to the Town's Border; and

WHEREAS, these local roads are void of any traffic signals and were created solely to service a rural residential community and its equestrian traffic; and

WHEREAS, due to the connection of this local roads to an arterial roadway, they have been subject to an inordinate amount of traffic and safety concerns; and

WHEREAS, these traffic issues have recently been verified by the City of Pembroke Pines' and the Town's traffic consultant; and

WHEREAS, upon studying these roadways for more than ten years, the Town and the City of Pembroke Pines has determined that these local roads are being improperly used by motorists as cut through streets; and

WHEREAS, after analyzing all available options, after more than ten years of research, the Town finds that in order to protect the health, safety, and welfare of its residents that these roads need to be re-closed; and

WHEREAS, the City of Pembroke Pines has specifically found that there will not be any adverse impacts, or life safety issues associated with these closures; and

WHEREAS, the Town concurs with the City of Pembroke Pines assessment; and

WHEREAS, to ensure that there will not be life safety concerns, the Town will effectuate the closures through the installation of electronic emergency access gates; and

WHEREAS, emergency vehicles, responding to an emergency, or specifically servicing the Town, would be provided unfettered access through the emergency gates; and

WHEREAS, as such, the Town believes that it is in the best interest of the Town to accept the termination of the Interlocal Agreement, subject to the Town regaining the unbridled ability to close roadways within its jurisdiction, and to close 199th Avenue, 202nd Avenue, and 205th Avenue at the Town's Border with electronic emergency access gates; and

WHEREAS, the Town Council believes that this Resolution 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 accepts the City of Pembroke Pines' offer to terminate the Interlocal Agreement between the Town of Southwest Ranches and the City of Pembroke Pines Regarding Roadways and Other Matters ("Interlocal Agreement"), subject to the Town regaining the unbridled discretion to close roadways within its jurisdiction. In the event that it is determined that the Town does not have the right to close roadways within its jurisdiction, the Town rejects the City of Pembroke Pines offer to terminate the Interlocal Agreement. In the event that the Interlocal Agreement remains in effect, the Town Council hereby directs its Administrator to effectuate these road closures in accordance with the process delineated in the Interlocal Agreement.

Section 3: The Town Council, pursuant to Section 316.006 Florida Statutes, hereby instructs its Town Administrator to immediately effectuate the closure of 199th Avenue, 202nd Avenue, and 205th Avenue, at the Town's Border, with an electronic emergency access gate. Emergency vehicles, responding to an emergency, or specifically servicing the Town, would be provided unfettered access through the emergency gates.

Section 4: The Town Clerk is hereby requested to send the City of Pembroke Pines a certified copy of this Resolution.

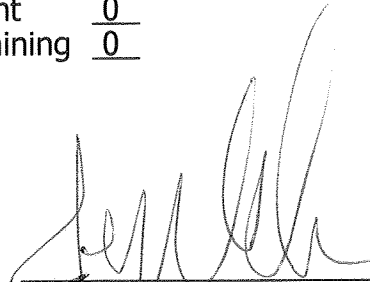
Section 5: The Mayor, Town Administrator, and Town Attorney are hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

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

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 22nd day of December, 2011, on a motion by Council Member Jablonski and seconded by Council Member Fisikelli.

Nelson	<u>NO</u>
McKay	<u>YES</u>
Breitkreuz	<u>YES</u>
Fisikelli	<u>YES</u>
Jablonski	<u>YES</u>

Ayes	<u>4</u>
Nays	<u>1</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



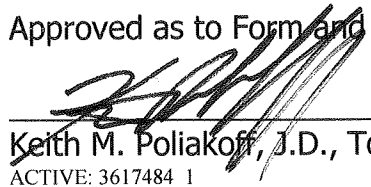
Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney
ACTIVE: 3617484_1