

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SETTING FORTH THE CITY’S INTENTION UPON THE PURCHASE OF THE PROPERTY KNOWN AS TRACT A-3 OF THE PALM AIRE CYPRESS COURSE ESTATES 4<sup>TH</sup> SECTION PLAT AND ACKNOWLEDGING THE CURRENT PLATTING AND REQUIREMENTS FOR SAID PROPERTY AND AGREEING TO COMPLY WITH SAME IF NOT OTHERWISE MODIFIED BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City intends to purchase property at 1499 SW 36<sup>th</sup> Avenue from Mr. Laurence Locker (“Seller”) for the purpose of constructing a new fire station; and

**WHEREAS**, the property to be purchased consists of Tract A-3 of the Palm Aire Cypress Course Estates 4<sup>th</sup> Section Plat (the “Plat”) recorded at Plat Book 118 Page 36 of the Public Records of Broward County, Florida; and

**WHEREAS**, the Plat note amendment recorded at Official Records Book 39974 Page 593 of the Public Records of Broward County, Florida restricts Tract A-3 to a 5,610 square foot daycare center (the “Note”), which the City in due course will seek to amend in a manner consistent with the planned fire station use; and

**WHEREAS**, Broward County (the “County”) required from Seller an “Installation of Required Improvements” security agreement in conjunction with the Plat Note, which agreement is presently in place with the Seller and recorded at Official Records Book 42970 Page 832 of the Public Records of Broward County, Florida (the “Security Agreement”); and

**WHEREAS**, the Security Agreement provides for the construction, funding, and security of certain required improvements, secured for \$32,988.00, and included as Exhibit “A” of this resolution; and

**WHEREAS**, the Seller desires to have his \$32,988.00 cash bond presently held by the County as security for the Security Agreement returned to him by the County in relation to his sale of the property to the City and in its Contract for Purchase the City has provided it would assist Seller for this purpose; and

**WHEREAS**, in order to do so, the City must give assurance by resolution to the County that the City will construct the required improvements contemplated by the Security Agreement, said improvements listed and attached hereto as included as Exhibit “A,” should the City not construct its planned fire station and obtain a plat note amendment and instead develop Tract A-3 of the Plat in a manner consistent with the current Note.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POMPANO BEACH FLORIDA:**

**SECTION 1.** That the City intends to construct a Fire Station upon the subject property and obtain a plat note amendment and all required approvals in order to effectuate same.

**SECTION 2.** That should the City not construct a Fire Station on the subject property and instead construct a 5,160 square feet day care center, it will comply with the required improvements set forth in the Security Agreement attached hereto as Exhibit “A,” and hereby reserves \$32,988.00 to ensure completion of said improvements, provided the County has released Seller’s cash bond in said amount. Alternatively, should it transfer title to said property without amendment of the current plat note or construction of its planned fire station, the City

shall require adherence to the current requirements by any subsequent purchaser through an agreement approved by the County.

**SECTION 3.** The City Commission hereby authorizes the Mayor, City Manager, and appropriate City Officials to take any and all actions necessary to effectuate the intent of this resolution, including entry into an agreement with the County containing only the specific terms and conditions of this Resolution.

**SECTION 4.** This Resolution shall become effective upon passage.

**SECTION 5.** The City Clerk shall provide a copy of this Resolution to Broward County Attorney's office.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
5/30/17  
l:reso/2017-233

**Exhibit A**

**Security/Lien Agreement  
Installation of Required Improvements Agreement**