

## **RESOLUTION NO. 25-26**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, FINDING A MUNICIPAL AND PUBLIC PURPOSE AND PUBLIC NECESSITY OF ACQUIRING FEE SIMPLE TITLE TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY THE EMBASSY LAKES MASTER OWNERS' ASSOCIATION, INC., LOCATED IN COOPER CITY, BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" (THE "PROPERTY") FOR THE PURPOSE OF CONSTRUCTING TRAFFIC SAFETY IMPROVEMENTS, INCLUDING A ROUNDABOUT, AT HIATUS ROAD AND NE LAKE BOULEVARD; AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO PURSUE THE ACQUISITION OF THE PROPERTY NEEDED TO IMPLEMENT THE TRAFFIC SAFETY IMPROVEMENTS, INCLUDING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS PURSUANT TO SEC. 166.401, F.S., AND SEC. 166.411, F.S.; AUTHORIZING THE ENGAGEMENT OF OUTSIDE CONSULTANTS; AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ANY AND ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Cooper City, Florida has been advised by the City's professional staff and consultants that it is necessary and in the public interest to construct certain traffic safety improvements, including a roundabout, at Hiatus Road and NE Lake Boulevard; and

**WHEREAS**, the parcel of land designated as Parcel A, as more particularly described in **Exhibit "A"** attached hereto (the "Property"), is required for constructing the needed traffic safety improvements, and the acquisition of such Property is for a proper municipal and public purpose which will further the general health, safety, and welfare of the citizens and residents of the City of Cooper City; and

**WHEREAS**, the Property has heretofore been located and surveyed, and the Property is needed for the construction of a roundabout and certain related traffic safety improvements, and has been identified in the description thereof and has been prepared, based upon the survey and location

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data; and

**WHEREAS**, the City has partnered with the Florida Department of Transportation (“FDOT”) to coordinate the acquisition of the Property, along with the funding and construction of the traffic safety improvements; and

**WHEREAS**, the City has conducted a title search report on the Property and confirmed that the Property is currently owned by the Embassy Lakes Master Owners’ Association (the “Association”); and

**WHEREAS**, the City has further engaged a state-certified real estate appraiser to obtain a preliminary opinion as to the respective fair market and good faith estimate of the value of the Property; and

**WHEREAS**, the City Commission has carefully considered numerous other factors relevant to the necessity of acquiring the Property, including, without limit: (a) the absence of other available alternative site(s), (b) the costs of the public project, (c) relevant environmental factors and mitigation, and (d) public health and safety considerations; and

**WHEREAS**, the City Commission seeks to authorize the City Manager and the City Attorney to pursue the voluntary acquisition of the PROPERTY from the Association for the municipal and public purpose of constructing a roundabout and certain related traffic safety improvements at the intersection of Hiatus Road and NW Lake Boulevard; and

**WHEREAS**, the City Commission seeks to further authorize the City Manager and the City Attorney to initiate eminent domain proceedings pursuant to Sec. 166.401, F.S., and Sec. 166.411, F.S., if necessary, to ensure the acquisition of the Property for the public purpose set forth herein; and

**WHEREAS**, the City Commission finds that pursuing the acquisition of the Property for the public purpose set forth herein is in the best interests of the health, safety and welfare of the citizens

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and residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated herein. All exhibits attached hereto are hereby incorporated herein.

**Section 2.** FINDING OF PUBLIC PURPOSE AND NECESSITY. The City Commission of the City of Cooper City hereby declares that it is necessary to acquire, by negotiated conveyance or acquisition via the City's statutory condemnation powers, the fee simple title and interest to the land parcel owned by the Embassy Lakes Master Owners' Association, legally described herein as **Exhibit A**, for the City's proposed construction of traffic safety improvements, including a roundabout, at the intersection of Hiatus Road and NE Lake Boulevard and such other attendant other public improvements as deemed necessary or expedient for the preservation of the public health, or for other good reason connected in anywise with the public welfare or the interests of the municipality and the people thereof.

**Section 3.** The property described in Exhibit "A" attached hereto, be and the same is hereby ratified, confirmed and found to be necessary for the construction of the traffic safety improvements. The City of Cooper City shall acquire fee simple title to said Property by gift, purchase, or eminent domain as described in Chapters 166, 73, and 74, Florida Statutes. The acquisition of the subject real property for this project is necessary and serves a municipal and public purpose.

**Section 4.** The City Manager and City Attorney shall first attempt to acquire the property through negotiations at a price agreeable to the sellers, if found and determined, and the City of

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Cooper City; however, if such negotiations fail within a reasonable time from the enactment of this Resolution, then in that event, the City Manager and City Attorney, or the City Attorney's designee, is expressly authorized and directed to institute a lawsuit or lawsuits in the name of the City of Cooper City, Florida, and in the exercise of Cooper City's powers of eminent domain for the purpose of acquiring the parcel described in Exhibit "A" attached hereto and is further authorized and directed to do all things necessary to prosecute such lawsuit or lawsuits to final judgment. In pursuit of such authorization and in direction, the City Attorney or his assistant or designee, is specifically authorized to sign and file a Declaration of Taking so that the City may avail itself of the provisions of Chapters 73 and 74, Florida Statutes, and the City Attorney or his assistant is further authorized to accomplish the acquisition of said parcel by settlement and compromise in those instances where same can be effected in accordance with the terms, conditions, and limitations established from time to time by the City Commission.

**Section 5.** The City Manager and the City Attorney and all others acting on their behalf are further authorized to contract with real estate appraisers, engineers, title examiners, legal counsel and other consultants in connection with the acquisition and conveyance of the Property by and to the City and to do all things necessary to effectuate this Resolution including the instituting of eminent domain proceedings pursuant to Ch. 166, F.S., and under Chapters 73 and 74, Florida Statutes.

**Section 6.** All resolutions or parts of resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**Section 7.** If any Section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

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**Section 8.** This Resolution shall become effective immediately upon its passage and adoption.

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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
MAYOR JAMES CURRAN

ATTEST:

\_\_\_\_\_  
TEDRA ALLEN  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
JACOB G. HOROWITZ  
City Attorney

**ROLL CALL**

Mayor Curran	_____
Commissioner Shrouder	_____
Commissioner Katzman	_____
Commissioner Mallozzi	_____
Commissioner Smith	_____

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**EXHIBIT “A”**