

RESOLUTION NO. 25-45

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE ORIGINAL AGREEMENT BETWEEN THE CITY OF COOPER CITY, BROWARD COUNTY, AND THE MONTERRA COMMUNITY DEVELOPMENT DISTRICT FOR MAINTENANCE OF PINES ISLAND ROAD FROM STIRLING ROAD SOUTH TO SHERIDAN STREET; ATTACHED HERETO AS EXHIBIT “A” AND INCORPORATED HEREIN; AUTHORIZING AND DIRECTING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY AND ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about August 21, 2007, the City of Cooper City (“City”), approved Resolution 07-8-4 authorizing the City to enter into the Agreement between the City, Broward County, and the Monterra Community Development District (“CDD”) for the Maintenance of the Landscaping and Irrigation of Pines Island Road from Sheridan Street to Stirling Road, referred to herein as the “Original Agreement”; and

WHEREAS, the City and the CDD approved and executed the Agreement in 2007, and Broward County approved the Original Agreement on or about March 10, 2009; and

WHEREAS, the Original Agreement was recorded ~~in~~ on August 18, 2009, in Book 46461, Page 1689 of the Official Records of Broward County; and

WHEREAS, the parties desire to amend the Original Agreement, specifically by amending the Exhibit to the Original Agreement, to update the median landscaping plan to comply with applicable law and engineering requirements for median, as provided in **Exhibit “A”** attached hereto and incorporated herein; and

WHEREAS, the parties desire to further amend the Original Agreement by providing for the City and the CDD to enter into a maintenance agreement for the Pine Island median pursuant to the requirements of the Agreement and for enforcement authority to the City; and

WHEREAS, the City Commission finds that entering into the First Amendment, to the Original Agreement with Broward County and the CDD, as provided in Exhibit “A₅”, is in the best interests of the City and will protect the health, safety and welfare of its citizens and residents.

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

Section 1: **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto and incorporated herein and made a part hereof.

Section 2: That the First Amendment to the Original Agreement between the City, Broward County, the Monterra Community Development District, recorded on August 18, 2009, in Book 46461, Page 1689 in the Official Records of Broward County, as provided in **Exhibit “A”** attached hereto and incorporated herein is hereby approved.

Section 3. That the appropriate City officials are authorized and directed to execute the First Amendment to the Original Agreement, transmit an executed copy to the CDD and Broward County, and to take any and all action necessary to effectuate the intent of this resolution.

Section 4. **Conflicts.** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 5. **Severability.** 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.

Section 6. **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

PASSED AND ADOPTED this _____ day of _____, 2025.

James Curran
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

ROLL CALL

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