

RESOLUTION NO. 26-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE TRI-PARTY AGREEMENT BETWEEN THE CITY OF COOPER CITY, BROWARD COUNTY, AND THE MONTERRA COMMUNITY DEVELOPMENT DISTRICT FOR MAINTENANCE OF PINE ISLAND ROAD FROM STIRLING ROAD SOUTH TO SHERIDAN STREET; ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN; APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE BI-PARTY AGREEMENT BETWEEN THE CITY AND BROWARD COUNTY FOR RIGHT-OF-WAY BEAUTIFICATION FOR PINE ISLAND ROAD FROM SHERIDAN STREET TO STIRLING ROAD, ATTACHED HERETO AS EXHIBIT "B;" AUTHORIZING THE CITY MANAGER TO APPROVE NON-MATERIAL REVISIONS TO EITHER AMENDMENT; 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 (the "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 "Tri-party Agreement;" and

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

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

WHEREAS, the parties desire to amend the Tri-party Agreement, specifically by amending the Exhibit to the Tri-party 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 Tri-party 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, on July 22, 2025, the City Commission adopted Resolution No. 25-45, thereby approving a prior version of the First Amendment to the Tri-party Agreement, which was also approved by the CDD, but rejected by the County; and

WHEREAS, on or about March 10, 2009, the City and the County entered into a right-of-way beautification agreement for Pine Island Road between Sheridan Street and Stirling Road (the “Bi-party Agreement”); and

WHEREAS, the proposed amendment to the Bi-party Agreement further provides for a process to further amend the landscaping plan, including County approval thereof; and

WHEREAS, Broward County has required amendments to both the Tri-party Agreement and the Bi-party Agreement in order for the City to coordinate the landscape improvements and future maintenance on Pine Island Road between Sheridan Street and Stirling Road; and

WHEREAS, the City Commission finds that entering into the First Amendment, to the Tri-party Agreement with Broward County and the CDD, as provided in Exhibit “A”, and the First Amendment to the Bi-party Agreement between the City and the County, attached as **Exhibit “B,”** 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 Tri-party 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 First Amendment to the Bi-party Agreement between the City and Broward County, dated March 10, 2009, as provided in **Exhibit “B”** attached hereto and incorporated herein is hereby approved.

Section 4. The City Manager is hereby authorized to make non-material revisions to either the First Amendment to the Bi-party Agreement or the First Amendment to the Tri-party Agreement, as may be requested by any other party. That the appropriate City officials are further authorized and directed to execute the First Amendment to the Tri-party Agreement and the First Amendment to the Bi-party, 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 5. **Conflicts.** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 6. **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 7. **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

PASSED AND ADOPTED this 28th day of April, 2026.

JAMES CURRAN
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

ROLL CALL

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