

RESOLUTION NO. 12-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PROPOSED SETTLEMENT OF CERTAIN LITIGATION WITH THE HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE SUCH LITIGATION HAS BEEN ABATED DURING THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION PROCEDURES INITIATED BY THE HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE; AUTHORIZING AND APPROVING THE REAL ESTATE TRANSACTION CONTEMPLATED THEREBY; DIRECTING THE TAKING OF ALL APPROPRIATE ACTION AND THE EXECUTION OF ALL APPROPRIATE DOCUMENTS AS MAY BE NECESSARY TO PERFORM THE SETTLEMENT AGREEMENT; CONDITIONALLY DETERMINING THAT THIS RESOLUTION CONSTITUTES THE RESOLUTION OF THE CONFLICT PROCEDURES HEREIN; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Housing Authority of the City of Fort Lauderdale, a unit of special purpose government and public corporation ("HACFL") filed a Petition for Writ of Common Law Certiorari which is presently pending in the Circuit Court of the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida, and which has been assigned Case No. 11-28715(09) (the "Litigation"). The City of Fort Lauderdale ("City") is the Respondent in the Litigation; and

WHEREAS, HACFL initiated the resolution of disputes between local governmental entities which is governed by Chapter 164, Florida Statutes (2011), the Florida Governmental Conflict Resolution Act ("Act"). HACFL and City are local governmental entities pursuant to Section 164.1031(1) Fla. Stat. (2011). When one governmental entity files suit against another governmental entity, the Act requires the suit to be abated by order of Court, until the Act's dispute resolution procedures have been exhausted. In accordance with the Act, the Litigation has been abated, and the parties have employed the Act's procedures; and

WHEREAS, HACFL and City have reached a Settlement Agreement as a result of the Act's procedures which, if performed, shall fully resolve the dispute that exists between them which prompted the Litigation; and

WHEREAS, the Settlement Agreement contemplates that the City will purchase real property owned by HACFL in substantial accordance with the terms and conditions of the draft Deposit Receipt and Contract for Sale and Purchase which is attached to the Settlement Agreement as an Exhibit thereto (the transaction contemplated thereby being referenced herein as "the Real Estate Transaction");

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

SECTION 1. That the draft Settlement Agreement in substantial form attached hereto as Exhibit "A" is hereby approved. The City Manager pursuant to the direction of the City Attorney may make any changes to the Settlement Agreement as are deemed necessary and appropriate to reflect any changes required hereto by the City Commission of the City of Fort Lauderdale, Florida at the October 16, 2012 meeting and once so changed, is authorized to execute same and perform same.

SECTION 2. That the draft Contract for Sale and Purchase, in substantial form attached to the Settlement Agreement is hereby approved. The City Manager pursuant to the direction of the City Attorney may make changes to the draft Contract for Sale and Purchase as are deemed necessary and appropriate to reflect any changes required hereto by the City Commission of the City of Fort Lauderdale, Florida at the October 16, 2012 meeting and once so changed, are authorized to execute same and perform same and close the Real Estate Transaction therein contemplated.

SECTION 3. The performance of the Settlement Agreement herein approved is contingent upon HACFL securing a release of the property under the Contract for Sale and Purchase from the Declaration of Trust which is recorded at Broward County Official Records Book 1568 at Page 419 so that the same no longer encumbers or affects the aforementioned property.

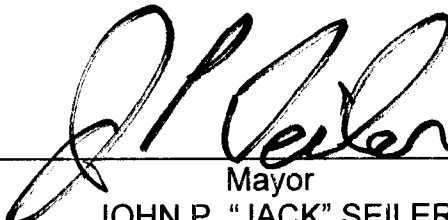
SECTION 4. The City Manager is authorized to take all actions and do all things contemplated by the approved Real Estate Transaction and Settlement authorized by this Resolution, including amending the terms and conditions hereby approved, as may be reasonably needed with the prior approval of the City Attorney.

SECTION 5. If, as, and when the Settlement Agreement and Real Estate Transaction therein contemplated, which have been approved by this Resolution, are fully performed and closed, this Resolution shall be the Resolution contemplated by Florida Statutes §164.1057 which reflects the terms and conditions of the resolution of the conflict under the Act.


SECTION 6. Should any section, paragraph, sentence, clause, phrase or other part of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 7. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 16th day of October, 2012.

  
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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
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City Clerk  
JONDA K. JOSEPH

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