

RESOLUTION NO. 22-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED *CITY OF SUNRISE ET AL. V. BROWARD COUNTY*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Broward County (the "County") and several Broward municipalities entered into a Settlement Agreement to settle the litigation styled *City of Sunrise et al. v Broward County*, 17th Judicial Circuit Court Case No. CACE 13-015660 (the municipalities defined in the Settlement Agreement as the Settling Municipalities shall be collectively referred to herein as the "Settling Municipalities"); and

WHEREAS, the Settlement Agreement provides for the County and the Settling Municipalities to agree to use their best efforts (and to take all reasonable steps) to sell the parcel of land known as Alpha 250, as further described in the Settlement Agreement ("Alpha 250"); and

WHEREAS, on June 9, 2016, the County and the Settling Municipalities executed the First Amendment to the Settlement Agreement to delay the sale of Alpha 250 for one year from the effective date, with the option for an additional one year delay, to allow for a study to be conducted for an evaluation and recommendations regarding how a 75% Countywide recycling goal may be reached, what impact retaining public ownership of Alpha 250 would have on that recycling goal and Countywide solid waste disposal, and other general solid waste disposal issues that might be identified through the study; and

WHEREAS, on September 7, 2016, the City Commission of the City of Fort Lauderdale, Florida ("City Commission") approved the First Amendment to the Settlement Agreement; and

WHEREAS, on October 9, 2018, the City Commission approved the Second Amendment to further delay the time period for the sale of Alpha 250 to enable the County and Settling Municipalities to adequately analyze the Arcadis Team's findings and to allow for additional study and consideration of remaining issues. The extended deadline for the sale of Alpha 250 expires on October 11, 2022; and

WHEREAS, on June 14, 2022, the County approved the Third Amendment to the Settlement to further delay the time period for the sale of Alpha 250 to enable the County and

the Settling Municipalities, through the Solid Waste Working Group, to formalize a regional solid waste management system and make recommendations regarding the most beneficial use of the Alpha 250 site, extending the deadline for the sale of the Alpha 250 to October 11, 2023, with the possibility of extending for three (3) additional one-year terms; and

WHEREAS, the County and the Settling Municipalities desire to execute a Third Amendment of the Settlement Agreement to address the final evaluations and recommendations presented in the Solid Waste and Recycling Issues Study Interim Final Report and to further delay the sale of Alpha 250.

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

SECTION 1. That the City Commission of the City of Fort Lauderdale, Florida, hereby approves the Third Amendment to the Settlement Agreement between the Settling Municipalities and authorizes the proper City Officials to execute the Third Amendment.

SECTION 2. That the Office of the City Attorney shall review and approve as to form all documents prior to their execution by City officials.

SECTION 3. That if any clause, section, or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby but shall remain in full force and effect.

SECTION 4. That this Resolution shall be in full force and effect upon its adoption.

ADOPTED this 16th day of August, 2022.



Mayor
DEAN J. TRANTALIS

ATTEST:



DAVID R. SOLOMAN
City Clerk

Dean J. Trantalis Yea

Heather Moraitis Yea

Steven Glassman Yea

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APPROVED AS TO FORM:

Robert L. McKinzie Not Present

Ben Sorensen Yea



City Attorney
ALAIN E. BOILEAU