



Town Council Agenda Report

SUBJECT: Resolution

CONTACT PERSON/NUMBER: Robert Rawls, Assistant Town Administrator - 797-1030

TITLE OF AGENDA ITEM: A Resolution of the Town of Davie, Florida, authorizing the Mayor to execute an Amended Lease Agreement between the Town of Davie and the School Board of Broward County, Florida for a site located at Flamingo Elementary School; and providing an effective date.

REPORT IN BRIEF:

The Boys and Girls Club is processing a Plat for the current leased area which requires a defined vehicular access to SW 130th Avenue. The School Board has agreed to incorporate a 35 foot wide access way along an existing driveway connection to SW 130th Avenue. The Amended Lease Agreement incorporates this access area within the Leased parcel.

PREVIOUS ACTIONS:

Council approved the original Lease Agreement by Resolution R-99-68, on February 17, 1999.

CONCURRENCES:

Not Applicable

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to approve the Resolution

Attachment(s): Resolution
Amended Lease Agreement



RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A AMENDED LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA FOR A SITE LOCATED AT FLAMINGO ELEMENTARY SCHOOL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the policy of the Town of Davie to provide parks and community recreational facilities within the Town; and

WHEREAS, the Town is desirous of utilizing a portion of the school grounds of Flamingo Elementary School which will be subleased, in whole or in part, to a tax exempt organization to be used for recreational purposes available to citizens of the area; and

WHEREAS, in order to meet the goals stated above, the Town authorized by Resolution R-99-68 a Lease Agreement with The School Board of Broward County, Florida, on February 2, 1999; and

WHEREAS, it is necessary to revise the provisions of said Lease Agreement to incorporate additional lands to provide a defined vehicular access; and

WHEREAS, the attached Amended Lease Agreement with the School Board of Broward County, Florida, a copy of which is attached hereto as Exhibit "A" reflects such additional land areas.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA;

SECTION 1. That the Amended Lease Agreement between the Town of Davie, Florida and The School Board of Broward County, Florida, a copy of which is attached hereto as Exhibit "A", is hereby approved.

SECTION 2. The Mayor is hereby authorized to execute the agreement on behalf of the Town.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2000.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN COUNCIL

APPROVED THIS _____ DAY OF _____, 2000.

AMENDMENT TO LEASE AGREEMENT

THIS, AN "AMENDMENT TO LEASE AGREEMENT" dated February 15, 2000, between:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, a body corporate existing under the laws of Florida, hereinafter referred to as the "Board":

and

THE TOWN OF DAVIE, hereinafter referred to as the "Town".

WITNESSETH:

WHEREAS, on February 2, 1999, the Board and the Town entered into a forty year Lease Agreement (Lease Agreement) wherein the Board leased to the Town a portion of certain property known as Flamingo Elementary School; and

WHEREAS, the Lease Agreement permits the Town to sub-lease a portion of the leased area to the Boys and Girls Club of Broward County ("Club") for the construction of a community facility for the citizens of the area; and

WHEREAS, In order for the Club to record their final plat, it must show proof of legal access to the leased area; and

WHEREAS, the Board wishes to accommodate the Town and Club and encourage community use of school grounds; and

WHEREAS, the legal description appended to the Lease Agreement should be amended to provide the necessary access to the leased area; and

WHEREAS, pursuant to Resolution #____, adopted on _____, the proper City officials were authorized to execute this "Amendment to Lease Agreement";

NOW, THEREFORE, In consideration of the mutual terms and conditions, promises, covenants and payments hereinafter set forth, the Board and the Town agree as follows:

1. The Revised "Exhibit "A" February 15, 2000" appended hereto is hereby substituted for the Exhibit "A" appended to the Lease Agreement.

FLAMINGO ELEMENTARY SCHOOL
Page Two

2. The Exhibit "B", appended hereto is hereby substituted for the Exhibit "B" appended to the Lease Agreement.

3. Except as modified herein all provisions of the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have set their hands and seals the day and year first above written.

WITNESSES:

**THE SCHOOL BOARD OF
BROWARD COUNTY, FLORIDA**

By: _____
Chairperson

Attest: _____
Superintendent

Approved as to form:

School Board Attorney

WITNESSES:

TOWN OF DAVIE

Mayor

Town Administrator

Approved as to form:

Town Attorney

EXHIBIT "A"
To
Lease Agreement
Between
The School Board of Broward County, Florida
And
Town of Davie

PROPERTY DESCRIPTION: (Refer also to attached Boundary Survey)

The West 593.85 feet of Tract 38, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1 OF SECTION 11, TOWNSHIP 50 SOUTH, RANGE 40 EAST, recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida.

Said lands situate, lying and being in the Town of Davie, Broward County, Florida.

Containing 196,003 square feet or 4.4996 acres.

TOGETHER WITH such adjacent Property as described as follows:
(Refer to attached Sketch and Description of Access.)

The South 35 feet of Tract 37, according to the FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1 of Section 11, Township 50 South, Range 40 East, as recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida.

Said lands situate in the Town of Davie, Broward County, Florida.

Containing 46,234 square feet or 1.06 acres.

SKETCH AND DESCRIPTION OF ACCESS

DESCRIPTION

The South 35 feet of Tract 37, according to the FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 of Section 11, Township 50 South, Range 40 East, as recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida.
Said lands situate in the Town of Davis, Broward County, Florida.

C.C. WINNINGHAM CORPORATION - LB # 46
1848 NORTH EAST 45TH STREET
OAKLAND PARK, FLORIDA 33334

BY: Charlie C. Winningham II
Charlie C. Winningham II - P.O. # 1580



SCALE: 1" = 200'
5-26-39

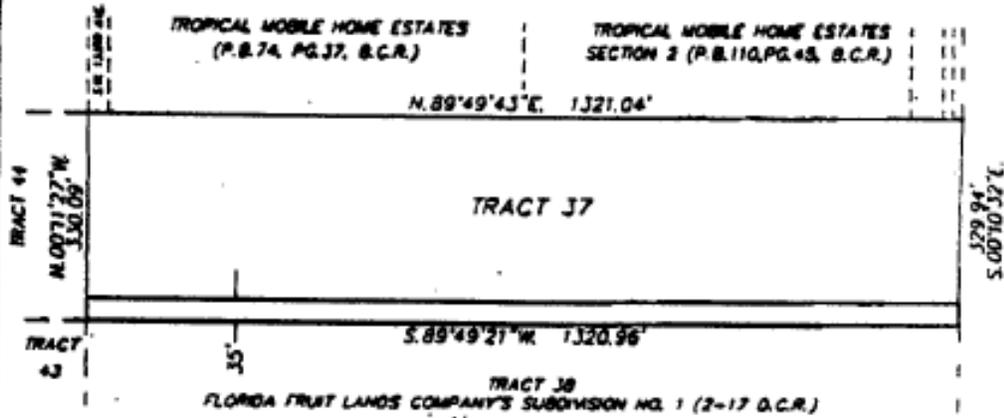


EXHIBIT "A" 3 OF 3

EXHIBIT "B"
to
Lease Agreement
between
The School Board of Broward County, Florida
and
Town of Davie

The East 220.00 feet of the Property described in Exhibit "A" may be subleased by the Town to a tax-exempt organization in accordance with Article 5 of this Agreement, such portion of the land containing 72,701 square feet or 1.6690 acres; and

TOGETHER WITH such adjacent School Board property further described as follows: (Refer to Exhibit "A", Sketch and Description of Access.)

The South 35 feet of Tract 37, according to the FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1 of Section 11, Township 50 South, Range 40 East, as recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida.

Said lands situate in the Town of Davie, Broward County, Florida.

Containing 46,234 square feet or 1.06 acres.