



Town Council Agenda Report

SUBJECT: Resolution

CONTACT PERSON/NUMBER

Name: Monroe Kiar, Town Attorney
Phone: (954) 584-9770

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A SETTLEMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND ROHO FLAMINGO, LTD., INVOLVING PROPERTY LOCATED AT THE NORTHWEST CORNER OF ORANGE DRIVE AND FLAMINGO ROAD; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

In 1996, the Town entered into a settlement agreement with Pasadena at Imagination Farms, Inc., Golden Pond Development Corp. and Silverado Development Corp. The agreement addressed issues relating to annexation left unclear by the 1979 Final Judgment in a 1974 lawsuit against the Town, initiated by Imagination Farms and Henry Pownall. The agreement includes properties known today as Pasadena at Imagination Farms, Pointe West Business Park, the property referenced in the agreement as the "Pownall Commercial" site, and the 28 acres recently master planned as Flamingo Commons. However, a (1) acre parcel that is the subject of the attached settlement agreement--sandwiched between Flamingo Road, Orange Drive and the Flamingo Commons property--was not included in the 1996 Agreement even though the same annexation issues applied to the property.

Now that the current owner of the subject property intends to convert the land from agrarian use to a suburban use that will be part of the Flamingo Commons commercial development, the owner wishes to enter into the attached Settlement Agreement in order to: resolve any confusion regarding the effects of the 1979 Final Judgment on the Subject Property; to ensure the parties agree the subject property is no longer agrarian and to establish a procedure and timetable for such to occur; and to otherwise address issues including land use designations and zoning classifications thereof and to be established thereto. The agreement is similar to, and based on, the 1996 Settlement Agreement for the other properties once owned by Henry Pownall. An ordinance to rezone the subject property from A-1 to B-3 will be placed on the November 15, 2000, Council agenda for First Reading should Council approve the Settlement Agreement.

PREVIOUS ACTIONS: The Town Council approved the Flamingo Commons Master Plan on March 15, 2000, which includes the subject parcel. The Town Council approved an ordinance on First Reading, February 2, 2000, rezoning the subject property from A-1 to B-3 and then tabled Second Reading several times to allow drafting of the Settlement Agreement. Council subsequently withdrew the ordinance on June 7, 2000, after denying applications ZB 1-3-00 and ZB 1-4-00 to rezone the "Pownall Commercial" parcels from A-1 to B-3.

FISCAL IMPACT: None

RECOMMENDATION: Motion to approve the Resolution.

Attachment(s): Resolution and Settlement Agreement.



RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A SETTLEMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND ROHO FLAMINGO, LTD., INVOLVING PROPERTY LOCATED AT THE NORTHWEST CORNER OF ORANGE DRIVE AND FLAMINGO ROAD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ROHO Flamingo, Ltd., owner of the property described in Exhibit "A" hereto (the "Subject Property"), wishes to resolve any confusion regarding the effects on the Subject Property of the 1979 Final Judgment entered for Case Number 74-14130 of the 17th Judicial Circuit In and For Broward County, Florida (the "Final Judgment"); and

WHEREAS, the Town has negotiated a proposed settlement with ROHO Flamingo, Ltd., resolving any uncertainties concerning the effects of the 1979 Final Judgment on the Subject Property, said settlement being subject to approval of the Town Council; and

WHEREAS, the Town Council, after considering the proposed Settlement Agreement deems it to be in the best interest of the Town of Davie to approve said agreement.

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

SECTION 1. That the Settlement Agreement, a copy of which is attached hereto as Exhibit "A" and includes a legal description of the Subject Property, is hereby approved by the Town Council of the Town of Davie.

SECTION 2. That the appropriate Town officials are hereby authorized to execute said agreement and to proceed in accordance with the terms set forth therein.

SECTION 3. This approval shall not be deemed as an approval of any zoning changes. Such change requests shall be processed and considered by the Town Council in accordance with the terms of the Settlement Agreement.

SECTION 4. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2000

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000