

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Christopher M. Gratz, Planner II

SUBJECT: Developer's Agreement, DA 3-1-05 Continental Florida Materials, Inc., 3575 SW 49 Way/Generally located on the west side of SW 49 Way, approximately 400' north of the intersection SW 49 Way and SW 36 Street (Oakes Road)

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE TOWN OF DAVIE AND CONTINENTAL FLORIDA MATERIALS, INC., FOR THE INSTALLATION AND MAINTENANCE OF LANDSCAPE MATERIALS IN ACCORDANCE WITH THE SITE PLAN SP 8-1-04 EAST BROWARD BATCH PLANT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The applicant's request is for the Town Council to authorize the Mayor and Town Administrator to enter into a landscape maintenance agreement between the Town of Davie and Continental Materials Florida, Inc. for the installation and maintenance of landscape materials in accordance with the site plan SP 8-1-04 East Broward Batch Plant. The agreement is required because the majority of the landscape materials are located within the right-of-way.

PREVIOUS ACTIONS: None.

CONCURRENCES: N/A

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Landscape Maintenance Agreement, Site Plan, Landscape Plan, Future Land Use Plan Map, Zoning and Aerial Map

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE TOWN OF DAVIE AND CONTINENTAL FLORIDA MATERIALS, INC., FOR THE INSTALLATION AND MAINTENANCE OF LANDSCAPE MATERIALS IN ACCORDANCE WITH THE SITE PLAN SP 8-1-04 EAST BROWARD BATCH PLANT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the site plan SP 8-1-04 East Broward Batch Plant was recommended for approval by the Site Plan Committee on March 22, 2005;

WHEREAS, the majority of the landscape materials are located within the right-of-way;

WHEREAS, Continental Florida Materials, Inc. is committed to being responsible for the irrigation and continuous maintenance of said materials in accordance with the approved site plan.

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

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor and Town Administrator to enter into an Agreement, attached hereto as Exhibit "A."

SECTION 2. The Town Administrator and Town Attorney are authorized to make and accept non-substantive revisions to the agreement in order for the agreement to be in final, recordable form.

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

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005.

LANDSCAPE MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this 3 day of MARCH, 2005, by and between CONTINENTAL FLORIDA MATERIALS, INC., a Florida corporation, hereinafter referred to as "CONTINENTAL", and TOWN OF DAVIE, a political subdivision of the State of Florida, hereinafter referred to as "DAVIE."

WITNESSETH:

Where as, Continental desires to make site improvements to the Concrete Batch Plant at 3575 SW 49th Way, Davie, Florida to comply with the rules and regulations of the Florida Department of Environmental Protection; to improve the handling of waste concrete and to better recycle and utilize onsite storm water.

Whereas, The Concrete Batch Plant is an existing, on going use located in an Industrial Park with limited areas available for landscaping; and

Whereas, Davie has land development regulations requiring the planting and maintenance of a landscape buffer along the street frontage;

NOW, THEREFORE, it is agreed between CONTINENTAL and DAVIE as follows:

1. The above recitations are true and correct and incorporated herein by this reference.
2. That Continental shall install the landscape materials in accordance with the Landscape Plan as approved by the Town of Davie as part of the approved Site Plan,

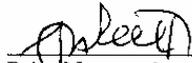
SP 8-1-04 East Broward Batch Plant, a reduced copy of which is attached hereto, as Exhibit A, and by reference made a part hereof.

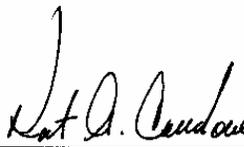
3. Continental shall be responsible for the irrigation and the continuous maintenance of the Landscape materials installed in accordance with the Landscape Plan and with Section 12-105 of the Codes of Regulation for the Town of Davie.

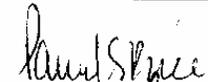
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be made and entered into the day and year first written. The date of this Agreement shall be the date on which this Agreement was approved by the Board of Town Commissioners of Town of Davie, Florida.

WITNESSES:

CONTINENTAL FLORIDA MATERIALS, INC.


Print Name: Jack Bunnard

BY: 


Print Name: Pamela S. Price

ADDRESS: 13450 W. Sunrise Blvd., Suite 430
Sunrise, Florida 33323

STATE OF FLORIDA
COUNTY OF BROWARD

I HEARBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the county aforesaid to take acknowledgements, personally appeared Robert Cardonne VP & General Manager of Continental Florida Materials, Inc, on behalf of the corporation, to me known to be the person described herein and who executed the foregoing instrument and acknowledged before me that he executed same.

WITNESS my hand and official seal in the County and State last aforesaid this

3 day of MARCH, 2004.

(NOTARIAL STAMP)



X Margit von Saalfeld
Notary Public
My commission expires: 10-23-2005

TOWN OF DAVIE

Town Clerk

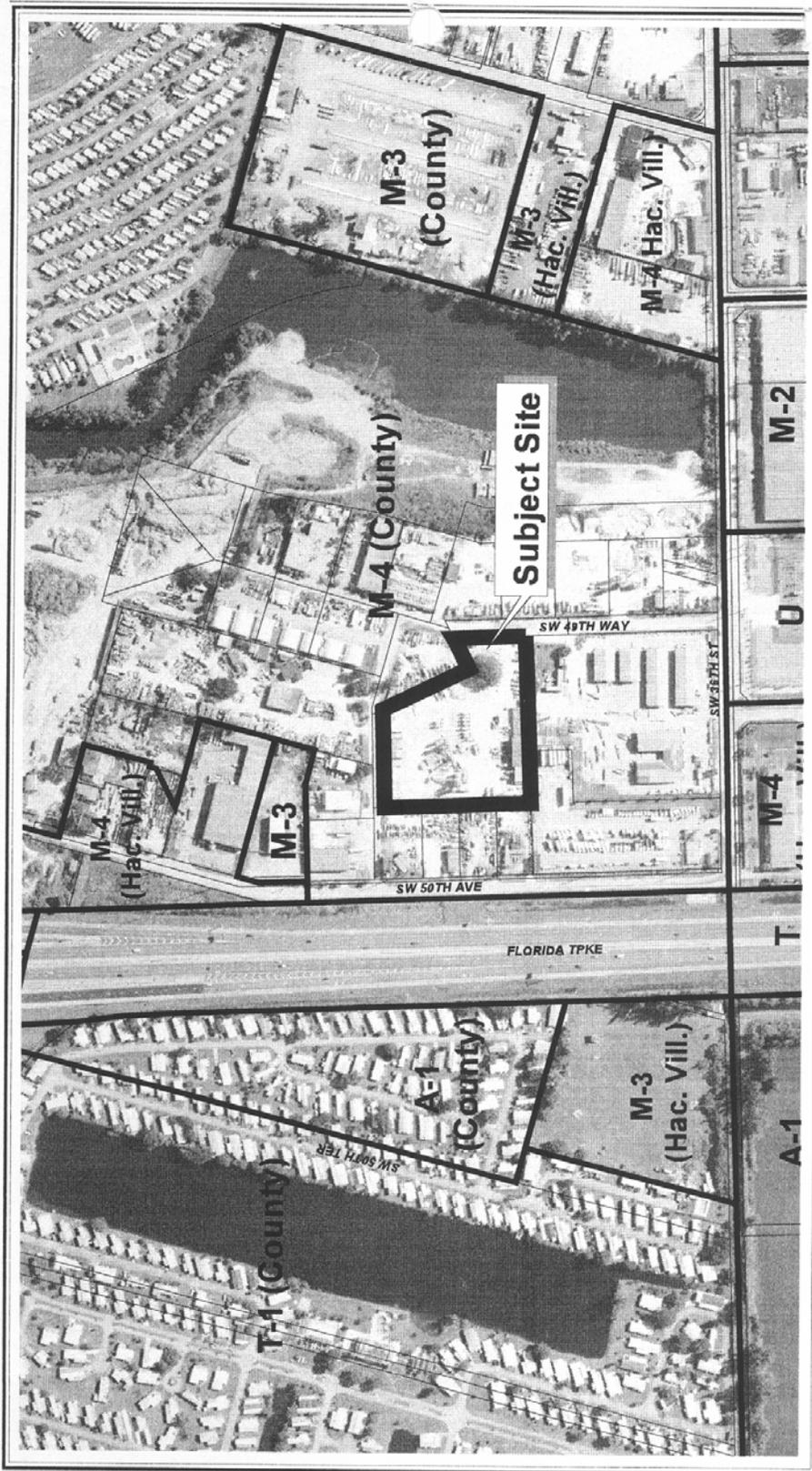
By: _____
Mayor

By: _____
Town Administrator

APPROVED AS TO FORM AND
CORRECTNESS

(COMMISSION SEAL)

, City Attorney



Date Flown:
12/31/02



Planning & Zoning Division - GIS



Zoning and Aerial Map

Prepared By: ID
Date Prepared: 3/26/04

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *