

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM: Monroe D. Kiar

SUBJECT: Resolution

TITLE OF AGENDA ITEM: A RESOLUTION OF THE DAVIE OF DAVIE, FLORIDA AUTHORIZING THE TOWN COUNCIL TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF COOPER CITY AND TOWN OF DAVIE IN CASE NUMBER 03-01045 (11), AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The City of Cooper City initiated a lawsuit against the Town of Davie to invalidate the Town's voluntary annexation of property known as B&B Feed and to seek declaratory action against the Town for any future annexation within United Ranches. The Town Attorney's Office litigated this lawsuit and had all but 1 Count related to Quo Warranto dismissed. This Count is presently pending. Due to the Legislature's adoption of a Bill related to United Ranches, the Town Attorney's Office contacted the Attorneys for the City of Cooper City requesting an immediate dismissal of the lawsuit as it has been rendered moot. In response, the City of Cooper City has proposed a Settlement Agreement dismissing the lawsuit.

PREVIOUS ACTIONS: N/A

CONCURRENCES: N/A

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to Approve

ATTACHMENTS: Resolution and Settlement Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN COUNCIL TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF COOPER CITY AND TOWN OF DAVIE IN CASE NUMBER 03-01045 (11), AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cooper City initiated a lawsuit against the Town of Davie seeking to invalidate the Town's voluntary annexation of the property known as B&B Feed; and

WHEREAS, the litigation is presently ongoing within the Circuit Court of Broward County; and

WHEREAS, the Town has requested that Cooper City dismiss its lawsuit with prejudice due to the main issues cited by Cooper City as the basis of its lawsuit have become moot; and

WHEREAS, the City of Cooper City has proposed the Settlement Agreement which would dismiss the lawsuit with prejudice attached hereto as Exhibit "A"; and

WHEREAS, the Town and Cooper City feel that it is in the best interest of the parties to enter into this Settlement Agreement to end the lawsuit.

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

SECTION 1. The Town Council hereby authorizes the Mayor to execute the Settlement Agreement between the Town of Davie and the City of Cooper City.

SECTION 2. 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.

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY,
FLORIDA

General Civil Division

CITY OF COOPER CITY,
Plaintiff,

vs.

CASE NO.: 03-01045-11

TOWN OF DAVIE,
Defendant.

**SETTLEMENT AGREEMENT
AND NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE**

During its 2005 session, the Florida Legislature enacted House Bill 1477, which became law as Chapter 2005-340, Laws of Florida. This legislation renders moot all issues between the parties in the subject litigation.

In light of the above-stated, each party agrees to bear its own attorney's fees and costs incurred in the subject litigation and the City of Cooper City herewith dismisses the subject cause with prejudice.

For the City of Cooper City:

For the Town of Davie:

Debby Isinger, Mayor

Tom Truex, Mayor

Settlement Agreement and Notice of Voluntary Dismissal With Prejudice
Case No. 03-01045-11

Silvia Morell Alderman
Akerman, Senterfitt & Eidson, P.A.
Florida Bar ID No. 242 365
Post Office Box 1877
106 E. College Avenue
Suite 1200
Highpoint Center
Tallahassee, Florida 32302-1877
(850) 224-9634
and
James C. Brady
Florida Bar ID No. 154804
James C. Brady & Associates
501 N.E. 8th Street
Fort Lauderdale, Florida 33304
954-761-1404
Attorneys for Plaintiff

Monroe D. Kiar
Florida Bar ID No. 177320
6191 S.W. 45th Street
Suite 6151A
Davie, Florida 33314
954-584-9770
Attorney for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via U.S. Mail to Monroe D. Kiar, Attorney for the Defendant, 6191 S.W. 45th Street, Suite 6151A, Davie, Florida 33314 on this ___ day of _____, 2005.

Silvia Morell Alderman