

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Gary Shimun, Town Administrator / 954-797-1030

PREPARED BY: Phillip R. Holste, Program Manager / 954-797-1041

SUBJECT: Resolution

AFFECTED DISTRICT: 4

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE COMMITMENT LETTERS FOR THE VAN KIRK PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town of Davie and Home Dynamics have a wetland mitigation agreement for the Van Kirk property through R2004-81. The project is currently in wetland permitting through the South Florida Water Management District (SFWMD). As part of the permitting, SFWMD is requiring commitment letters from the Town stating that it will perpetually maintain the wetland and remove equestrian waste upon completion of Home Dynamics' obligations as set forth in the SFWMD permit, Broward County EPD license, and agreement for mitigation between the Town of Davie and Home Dynamics.

PREVIOUS ACTIONS: None

CONCURRENCES: Not Applicable

FISCAL IMPACT: No

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): Resolution, Exhibit A: Perpetual Wetland Mitigation Maintenance Letter, Exhibit B: Perpetual Collection of Equestrian Waste

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE COMMITMENT LETTERS FOR THE VAN KIRK PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Van Kirk project is currently being permitted through SFWMD;
and

WHEREAS, Home Dynamics is responsible for the Van Kirk wetland maintenance and site collection of equestrian waste until completion of its obligation as set forth in the SFWMD permit, Broward County EPD license, and agreement for mitigation between the Town of Davie and Home Dynamics; and

WHEREAS, the Town is responsible for perpetual wetland maintenance and equestrian waste removal upon Home Dynamics' completion of its obligations through the SFWMD permit, Broward County EPD license, and agreement for mitigation between the Town of Davie and Home Dynamics; and

WHEREAS, SFWMD requires that the Town submit two (2) commitment letters stating that it will perpetually maintain the wetland and remove equestrian waste at the Van Kirk site.

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 hereby approves the commitment letter and authorizes the Mayor to execute the letters, attached as Exhibits "A" and "B", on behalf of the Town.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

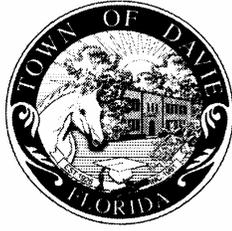
PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMB

ER
ATTEST:

TOWN CLERK
APPROVED THIS _____ DAY OF _____, 2007.

EXHIBIT A: PERPETUAL WETLAND MITIGATION MAINTENANCE
LETTER



OFFICE OF THE MAYOR AND TOWN COUNCIL

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314
PHONE: 954.797.1030 • FAX: 954.797.2061 • WWW.DAVIE-FL.GOV

November 27, 2007

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

**RE: Van Kirk Property; Application No. 050427-9
Broward County, S14/T50S/R40E
Perpetual Wetland Mitigation Maintenance**

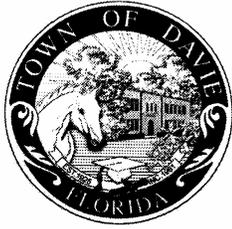
To Whom It May Concern:

The first five (5) years of monitoring and maintenance of the 84.55 acre wetland mitigation area (including perimeter berms and buffers) on the Van Kirk property shall be accomplished as provided for in the South Florida Water Management District (SFWMD) permit, Broward County Environmental Protection Department (EPD) license, and agreement of mitigation between the Town of Davie and Home Dynamics, Inc.. Following final approval of the mitigation area by SFWMD and Broward County EPD as having reached the required success criteria, the Town of Davie will be the responsible entity for the perpetual maintenance of the 84.55 acre wetland.

Sincerely,

Tom Truex
Mayor

EXHIBIT B: PERPETUAL COLLECTION OF EQUESTRIAN WASTE



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November 27, 2007

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

**RE: Van Kirk Property; Application No. 050427-9
Broward County, S14/T50S/R40E
Perpetual Collection of Equestrian Waste**

To Whom It May Concern:

The first five (5) years of maintaining a collection company to pick up and properly dispose of the equestrian waste accumulated in the waste receptacles on the 84.55 acre wetland mitigation area on the Van Kirk property shall be accomplished as provided for in the South Florida Water Management District (SFWMD) permit and agreement of mitigation between the Town of Davie and Home Dynamics, Inc. Following acceptance of the mitigation area by Broward County Environmental Protection Department (EPD) and SFWMD as having reached the required success criteria, the Town of Davie will be the responsible entity to maintain a collection company for the removal and disposal of equestrian waste in perpetuity.

Sincerely,

Tom Truex
Mayor

