

RESOLUTION 2001-9

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AUTHORIZING THE TOWN TO ENTER INTO AN INTERLOCAL AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION, THE COUNTY OF BROWARD, THE TRI-COUNTY COMMUTER RAIL AUTHORITY, THE CITY(IES) OF CORAL SPRINGS, DAVIE, FORT LAUDERDALE, HOLLYWOOD, LAUDERHILL, MARGATE, PEMBROKE PINES, PLANTATION, POMPAÑO BEACH, SUNRISE, TAMARAC, DEERFIELD BEACH, HALLANDALE BEACH, LAUDERDALE LAKES, MIRAMAR, NORTH LAUDERDALE, OAKLAND PARK AND PARKLAND, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA AND THE BROWARD LEAGUE OF CITIES, FOR THE PURPOSE OF FORMING AND PARTICIPATING ON THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION, AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the Federal Government, under the authority of 23 USC Section 134 and 49 USC Subsection 5303, requires that each metropolitan area, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the metropolitan area, and stipulates that the State and the metropolitan planning organization shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning; and

WHEREAS, the Florida Department Of Transportation; the County of Broward; the Tri-County Commuter Rail Authority, the City(ies) of Coral Springs, Davie, Fort Lauderdale, Hollywood, Lauderhill, Margate, Pembroke Pines, Plantation, Pompano Beach, Sunrise, Tamarac, Cooper City, Deerfield Beach, Hallandale Beach, Lauderdale Lakes, Miramar, North Lauderdale, Oakland Park and Parkland; the School Board of Broward County, Florida and the Broward County League Of Cities, entered into an Interlocal Agreement on _____, which Agreement is recorded in Official Records Book 30444, Page 1278, in order to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, mass transit, rail systems, air transportation and other facilities will be properly located and developed in relation to the overall plan of community development; and

WHEREAS, 23 USC Section 134, 49 USC Section 5303, 23 CFR Section 450.306, and Section 339.175, Florida Statutes, provide for the creation of metropolitan planning organizations to develop transportation plans and programs for metropolitan areas; and

WHEREAS, pursuant to 23 USC Section 134(b), 49 USC Section 5303, 23 CFR Section 450.306(a), and Section 339.175, Florida Statutes, a determination has been made by the Governor and units of general purpose local government representing at least 75%

of the affected population in the metropolitan area to designate a metropolitan planning organization; and

WHEREAS, Section 339.175, Florida Statutes, has been amended to allow chartered counties with over 1 million population to elect to reapportion its MPO membership provided that the MPO approved the reapportionment plan by a 3/4 vote of its membership, the MPO and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area, the charter county determines that the reapportionment plan otherwise complies with all federal requirements pertaining to MPO membership and that the charter county notifies the Governor of the membership plan; and

WHEREAS, the above requirements have been met by the Broward County MPO and the Broward County Board of County Commissioners; and

WHEREAS, pursuant to 23 CFR Section 450.306(c), and Section 339.175(1)(b), Florida Statutes, an interlocal agreement must be entered into by the Department and the governmental entities designated for membership on the MPO; and

WHEREAS, the interlocal agreement was required to create the metropolitan planning organization and delineate the provisions for operation of the MPO; and

WHEREAS, the parties to the Interlocal Agreement determined that the Agreement satisfied the requirements of and was consistent with Section 339.175(1)(b), Florida Statutes; and

WHEREAS, pursuant to Section 339.175(1)(b), Florida Statutes, the interlocal agreement must be consistent with statutory requirements set forth in Section 163.01, Florida Statutes, relating to interlocal agreements; and

WHEREAS, the parties to the Interlocal Agreement determined that the Agreement was consistent with the requirements of Section 163.01, Florida Statutes; and

WHEREAS, the City of Cooper City has determined that it no longer wishes to be a party to the Interlocal Agreement; and

WHEREAS, the parties to the Interlocal Agreement have extended an invitation to the Town of Southwest Ranches to take the City of Cooper City's place on the Broward County Metropolitan Planning Organization, serving as the alternate member in District 6; and

WHEREAS, Town Council is desirous of participating as a member of the Metropolitan Planning Organization.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

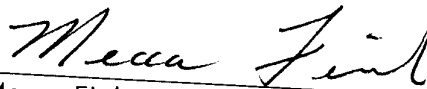
Section 1. The above referenced recitals are true and correct and incorporated herein by reference.

Section 2. The Town is hereby authorized to join in the execution of the attached First Amendments to Interlocal Agreement For Creation of the Broward County Metropolitan Planning Organization, becoming the alternate member in District 6 and subscribing to all terms and conditions of the Interlocal Agreement.

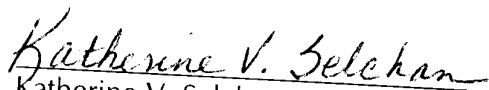
Section 3. The Mayor shall have the authority to appoint the Town's representative to the Broward County Metropolitan Planning Organization.

Section 4. This Resolution shall take effect immediately upon its adoption.


ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 9th day of November, 2000.


Mecca Fink, Mayor

Attest:


Katherine V. Selchan
Interim Town Clerk

Approved as to Form and Correctness:


Gary A. Poliakoff, J.D., Town Attorney

**FIRST AMENDMENT TO
INTERLOCAL AGREEMENT FOR CREATION
of the BROWARD COUNTY METROPOLITAN
PLANNING ORGANIZATION**

Among

FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTY OF BROWARD; the TRI-COUNTY COMMUTER RAIL AUTHORITY, the CITY(IES) OF CORAL SPRINGS, DAVIE, FORT LAUDERDALE, HOLLYWOOD, LAUDERHILL, MARGATE, PEMBROKE PINES, PLANTATION, POMPANO BEACH, SUNRISE, TAMARAC, COOPER CITY, DEERFIELD BEACH, HALLANDALE BEACH, LAUDERDALE LAKES, MIRAMAR, NORTH LAUDERDALE, OAKLAND PARK AND PARKLAND; THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA and the BROWARD COUNTY LEAGUE OF CITIES.

This First Amendment to the Interlocal Agreement, entered into by and among the FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTY OF BROWARD; the TRI-COUNTY COMMUTER RAIL AUTHORITY, the CITY(IES) OF CORAL SPRINGS, DAVIE, FORT LAUDERDALE, HOLLYWOOD, LAUDERHILL, MARGATE, PEMBROKE PINES, PLANTATION, POMPANO BEACH, SUNRISE, TAMARAC, COOPER CITY, DEERFIELD BEACH, HALLANDALE BEACH, LAUDERDALE LAKES, MIRAMAR, NORTH LAUDERDALE, OAKLAND PARK AND PARKLAND; THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA and the BROWARD COUNTY LEAGUE OF CITIES.

WITNESSETH

WHEREAS, the City of Cooper City has determined that it does not wish to be a party to this Interlocal Agreement; and

WHEREAS, the Town of Southwest Ranches became an incorporated municipality on June 6, 2000; and

WHEREAS, the parties to this Interlocal Agreement wish to amend this Interlocal Agreement to delete the City of Cooper City and to add the Town of Southwest Ranches,

NOW, THEREFORE, the parties, in consideration of the mutual promises and covenants hereinafter set forth, agree as follows:

1. The attached Table 1 is hereby revised to delete Cooper City as the Alternate Member in District 6 and include the Town of Southwest Ranches as the Alternate Member in District 6.

2. Section 7.04, Notices is hereby amended to delete the City of Cooper City and to add the Town of Southwest Ranches as follows:

Section 7.04. Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice required to be given shall be addressed as follows:

Mayor
Town of Southwest Ranches
Southwest Ranches, FL

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address.

3. The Town of Southwest Ranches hereby agrees to the terms and conditions of the Interlocal Agreement recorded in OR Book 30444, Page 1278.

4. Except as amended herein all other terms and conditions of the Interlocal Agreement recorded in OR Book 30444, Page 1278 shall remain in full force and effect.

WITNESSES:

TOWN OF SOUTHWEST RANCHES

James P. Ward.

By Mecca Fink
Mecca Fink, Mayor

9th day of November, 2000

ATTEST:

Katherine V. Selchan
Katherine V. Selchan
Interim Town Clerk

James P. Ward
James Ward, Acting Town Administrator
9th day of November, 2000

APPROVED AS TO FORM:

By Gary A. Poliakoff
Gary A. Poliakoff, J.D., Town Attorney

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Southwest Ranches, FL

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WITNESSES:

TOWN OF SOUTHWEST RANCHES

James P. Ward

By Mecca Fink
Mecca Fink, Mayor

9th day of November, 2000

ATTEST:

Katherine V. Selchan
Katherine V. Selchan
Interim Town Clerk

James P. Ward
James Ward, Acting Town Administrator
9th day of November, 2000

APPROVED AS TO FORM:

By Gary A. Poliakoff
Gary A. Poliakoff, J.D., Town Attorney

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City Manager
~~City of Cooper City~~
~~9090 SW 50th Place~~
~~Cooper City, FL 33328~~

Mayor
Town of Southwest Ranches
c/o
Southwest Ranches, FL

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WITNESSES:

Ma [Signature]
[Signature]

TOWN OF SOUTHWEST RANCHES

By Mecca Fink
Mayor-Commissioner

9 day of JANUARY, 2001

ATTEST:

[Signature]
City Clerk

[Signature]
Town Manager

9 day of JANUARY, 2001

APPROVED AS TO FORM:

By [Signature]
Town Attorney