

**RESOLUTION 2004 - 116**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT WITH B.J. BINNS PLANTS & TREES, INC. FOR THE PURCHASE OF 13,000 TREES, PLANTS, AND ACCESSORIES (COLLECTIVELY "TREES") LOCATED ON THE COUNTRY ESTATES OPEN SPACE AND FISHING HOLE SITE, WHICH IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GRIFFIN AND 190<sup>th</sup> AVENUE, FOR AN AMOUNT NOT TO EXCEED \$600,000; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE AGREEMENT, IN SUBSTANTIALLY THE SAME FORM AS ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Country Estates Open Space Fishing Hole Site is a 16.41 acre site generally located at the southeast corner of Griffin Road and 190<sup>th</sup> Avenue (the "Property"); and

**WHEREAS**, on June 5, 2003, the Town successfully obtained a Broward County grant award in the amount of \$750,000 for the purchase of the Country Estates Open Space and Fishing Hole Site; and

**WHEREAS**, on October 4, 2003, the Florida Community Trust (FCT) awarded the Town an additional grant in the amount of \$808,000 for the purchase of the Property; and

**WHEREAS**, the Town, in furtherance of the willing seller letter, is working to place the Property under contract; and

**WHEREAS**, as part of, and contingent upon the acquisition of the Property, the Town has agreed to purchase the entire nursery which includes 13,000 trees, plants, and accessories; and

**WHEREAS**, the Town has determined that the trees and plants are of good quality and grade; and

**WHEREAS**, if the Property is acquired the Town will seek to retain a professional nursery service provider under a four (4) year contract to maintain the trees; and

**WHEREAS,** the nursery service provider will be responsible for maintaining and insuring the nursery; and

**WHEREAS,** it is in the best interest of the Town to acquire the trees at a cost that is less than the wholesale price and to use the trees throughout the Town.

**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 are incorporated herein by reference.

**Section 2.** The Town Council hereby authorizes the acquisition of the B.J. Binns Plant and Tree Nursery in conjunction with the acquisition of the Country Estates Open Space & Fishing Hole site.

**Section 3.** The Town Council hereby approves the Purchase and Sale Agreement, in substantially the same form as attached hereto as Exhibit "A", and to purchase the nursery for an amount not to exceed \$600,000.

**Section 4.** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into an agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 5.** The Town Council authorizes the appropriate Town officials to execute any and all documents necessary to effectuate the intent of this Resolution.

**Section 6.** That this Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 9<sup>th</sup> day of September 2004, on a motion by Vice Mayor Knight and seconded by Council Member Maines.

Fink	<u>    Y    </u>	Ayes	<u>    5    </u>
Knight	<u>    Y    </u>	Nays	<u>    0    </u>
Blanton	<u>    Y    </u>	Absent or	
Maines	<u>    Y    </u>	Abstaining	<u>    0    </u>
Nelson	<u>    Y    </u>		

*Mecca Fink*  
Mecca Fink, Mayor

ATTEST:  
*Shari Canada*  
Shari Canada, Town Clerk

Approved as to Form and Correctness:

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