

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED AGREEMENT FOR EASEMENT AND RIGHT-OF-WAY LICENSE, BETWEEN THE SEMINOLE TRIBE OF FLORIDA AND THE CITY OF HOLLYWOOD, PURSUANT TO WHICH THE CITY GRANTS A RIGHT-OF-WAY LICENSE TO THE TRIBE FOR USE OF CITY PUBLIC RIGHT-OF-WAY ALONG A PORTION OF N. 64TH AVENUE AND THE TRIBE, ACTING THROUGH THE BUREAU OF INDIAN AFFAIRS ON BEHALF OF THE UNITED STATES OF AMERICA, GRANTS AN EASEMENT FOR USE OF SEMINOLE RESERVATION LAND ALONG A PORTION OF CHARLESTON STREET AND ATLANTA STREET; AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA AND THE CITY OF HOLLYWOOD TO ACCOMMODATE RECONFIGURATION OF N. 64TH AVENUE ADJACENT TO THE QUEST SCHOOL.

WHEREAS, the Seminole Tribe of Florida ("Tribe") has brought to the attention of the City of Hollywood ("City") that portions of N. 64th Avenue, Charleston Street, and Atlanta Street encroach on the Hollywood Seminole Indian Reservation; and

WHEREAS, in order to resolve the encroachment, the Tribe and City have negotiated an Agreement For Easement And Right-Of-Way License, attached hereto as Exhibit "A" ("the Agreement"), whereby the Tribe provides an Easement to the City and the City provides a Right-of-Way License to the Tribe; and

WHEREAS, the City wishes to grant the Tribe an exclusive, non-revocable Right-of-Way License, attached hereto as Exhibit "D" To Agreement (the "License"), for the Tribe's use to create a gated community encompassing a portion of N. 64th Avenue between Oak Street and Charleston Street; and

WHEREAS, in exchange for the License, the Tribe wishes to have the United States of America, acting through the Bureau of Indian Affairs, Department of the Interior ("BIA"), grant to the City an Easement, attached hereto as Exhibit "E" To Agreement (the "Easement"), for the City's continued use, as road right-of-way, of those portions of Charleston Street and Atlanta Street encroaching on reservation land; and

WHEREAS, the Tribe and the City shall maintain the respective premises over which they are being granted rights hereunder and through the License and Easement at their sole expense, keeping the same in a condition compatible with the purpose for which the rights are granted, provided however, each of the City and the Tribe shall remain responsible for any damages caused by either of them when exercising any rights under the reservations contained herein and in the License and Easement; and

WHEREAS, in the event that a court of competent jurisdiction shall finally determine that the City's grant to the Tribe of the License is illegal or invalid, in whole or in part, ("Invalid Property") the City shall make all efforts pursuant to the terms of the License to make valid the grant to the licensed premises to include fee-simple acquisition or use of City's power of eminent domain to acquire the licensed premises; and

WHEREAS, should the City be unsuccessful in its efforts to remedy the failed grant, the City will be responsible for all actions and costs/expenses necessary to restore the public right-of-way disturbed by any activities or construction which occurred on the licensed premises; and

WHEREAS, in order to accommodate reconfiguration of public vehicular traffic along N. 64th Avenue adjacent to the Quest School, the City and School Board of Broward County, Florida (the "SBBC") have negotiated an Interlocal Agreement attached hereto as Exhibit "G" (the "Interlocal"), pursuant to which SBBC provides an Easement to the City and the City provides for design, construction and funding of required improvements, as further described in Exhibit "1" of the Interlocal; and

WHEREAS, on June 18, 2014 the City Commission approved Resolution R-2014-154 amending the adopted Capital Improvement Plans for FY 2013 and FY 2014, authorizing the Seminole Wall/64th Avenue Realignment Project and transferring funding for said project in the amount of \$500,000.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD FLORIDA:

Section 1: That it hereby approves and authorizes the execution, by the appropriate City Officials, of the attached Agreement for Easement and Right-of-Way License between the Seminole Tribe of Florida and City of Hollywood together with such non-material changes as may subsequently be agreed to by the City Manager and approved as to form and legality by the City Attorney.

RESOLUTION - AGREEMENT FOR EASEMENT AND RIGHT-OF-WAY LICENSE
WITH SEMINOLE TRIBE; INTERLOCAL AGREEMENT WITH SCHOOL BOARD.

Section 2: That it hereby approves and authorizes the execution, by the appropriate City Officials, of the attached Interlocal Agreement between the City of Hollywood and School Board of Broward County, Florida, together with such nonmaterial changes as may subsequently be agreed to by the City Manager and approved as to form and legality by the City Attorney.

Section 3: That this resolution shall be in full and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2014.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY