

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING A DECLARATION OF RESTRICTIVE COVENANT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A PORTION OF RIGHT OF WAY OF N. 19TH AVENUE, BEING THE EAST HALF OF THE RIGHT OF WAY BOUND BY THE NORTH AND SOUTH LINE OF LOT 1, BLOCK 42, EXTENDED TO THE CENTERLINE OF THE RIGHT OF WAY, "HOLLYWOOD", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE DECLARATION OF RESTRICTIVE COVENANT.

WHEREAS, the Developer of the Icon Office Building, located at 1847 Tyler Street, is required to obtain a Site Rehabilitation Completion Order with Conditions from the Florida Department of Environmental Protection ("FDEP") for their property in order to close out a complaint and receive State and County environmental approvals for construction; and

WHEREAS, FDEP requires the execution of Declarations of Restrictive Covenant by both the owner of 1847 Tyler Street and the City, as the owner of the North 19th avenue right-of-way adjacent to the Icon Office Building; and

WHEREAS, the attached Declaration of Restrictive Covenant, which is to be executed by the City, restricts the use of groundwater by not allowing any wells, other than monitoring wells, and conditions and limits drainage facilities by requiring approval from FDEP; and

WHEREAS, the Declaration of Restrictive Covenant is to be recorded in the public records and shall run in perpetuity until released by FDEP; and

WHEREAS, the City Engineer and Director of Development Services recommend approval of the Declaration of Restrictive Covenant for a portion of right of way of N. 19th avenue as described in the attached Exhibit "A".

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached Declaration of Restrictive Covenant for a portion of right of way of N. 19th avenue, being the east half of the right of way bound by the north and south line of Lot 1, Block 42, extended to the centerline of the right of way, "Hollywood", according to the Plat thereof, as recorded in Plat Book 1, Page 21 of the Public Records of Broward County, Florida, as described in the attached Exhibit "A", together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

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

PASSED AND ADOPTED this _____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY