

RESOLUTION NO. R-2013-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE TERMINATION OF THE BLANKET PURCHASE ORDER CONTRACT WITH FLORIDA COAST SERVICES FOR TREE TRIMMING, PRUNING REMOVAL, AND STUMP GRINDING SERVICES.

WHEREAS, on September 2, 2009, pursuant to Resolution No. R-2009-265, the City Commission authorized the appropriate City Officials to issue a Blanket Purchase Order with Florida Coast Services for tree trimming, pruning removal, and stump grinding services in accordance with Bid No. F-4195-09-IS; and

WHEREAS, the Blanket Purchase Order Contract was issued on September 2, 2009; and

WHEREAS, since the issuance of the Blanket Purchase Order Contract, the parties have reevaluated the necessity for such services and mutually agreed that such services are no longer required and it is in the best interest of both parties to terminate the Blanket Purchase Order Contract; and

WHEREAS, under Section 38.48 (A) of the Code of Ordinances, the City Commission must authorize the termination of a contract when it is without cause and such decision requires at least a 5/7ths affirmative vote; and

WHEREAS, the parties have entered into a General Release which is attached hereto;

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

Section 1: That it hereby terminates the Blanket Purchase Order Contract with Florida Coast Services for tree trimming, pruning removal, and stump grinding services.

Section 2: That City staff is hereby directed to forward a copy of this resolution to Florida Coast Services.

RESOLUTION TERMINATING THE BLANKET PURCHASE ORDER CONTRACT WITH FLORIDA COAST SERVICES.

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

PASSED AND ADOPTED this 5 day of June, 2013.



\_\_\_\_\_  
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

GENERAL RELEASE

THIS INDENTURE WITNESSETH that, by mutual agreement between the City of Hollywood ("HOLLYWOOD") and Florida Coast Services ("TREE TRIMMERS") collectively referred to as ("the PARTIES"), effective May 3, 2013, Florida Coast Services is hereby released and discharged from any and all of its remaining obligations articulated within its Tree Trimming contract originally awarded by the Hollywood City Commission on September 2, 2009, and recorded in Resolution No. 2009-265.

It is further agreed that Florida Coast Services does hereby release and forever discharge and hold harmless, THE CITY OF HOLLYWOOD, its employees, representatives, and assigns, past, present and future, from any and all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever, in law or in equity, known or unknown, which ever had, now have, or which Florida Coast Services, its personal representative, successors, heirs or assigns, hereafter can, shall or may have in the future, against each other and all of the foregoing discussed individuals and entities, for, upon or by reason or any matter, cause or thing whatsoever from the beginning of the world to the date of this General Release and from all damages of any kind.

It is hereby mutually agreed by the Parties that this General Release shall apply to all unknown and unanticipated damages resulting from said incident, casualty or event, as well as to those now disclosed.

The parties understand that the parties hereby released admit no liability of any sort and that said release is made to terminate any and all services and business relations created as a result of the

Tree Trimming contract. Additionally, this General Release specifically and mutually denies any liability therefor and is intended to merely to terminate the contract for Tree Trimming services formally provided by Florida Coast Services.

IN WITNESS WHEREOF, I have hereunto set my hands and seal this 16<sup>th</sup> day of May, 2013.

Signed, sealed and delivered in the presence of:

(CAUTION - READ BEFORE SIGNING)

WITNESSED BY:

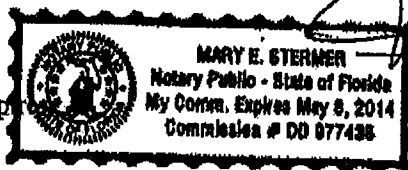
Donna Mulgrew  
Donna Mulgrew on behalf of FLORIDA  
COAST SERVICES

Brian Mulgrew  
Brian Mulgrew on behalf of FLORIDA  
COAST SERVICES

STATE OF FLORIDA        )  
  )ss:  
COUNTY OF BROWARD    )

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared, duly authorized representative of Florida Coast Services to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that she executed the same.

My Commission Expires



NOTARY PUBLIC

ON BEHALF OF CITY OF HOLLYWOOD

Sylvia Glazer  
Sylvia Glazer  
Director of Public Works  
City of Hollywood