

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE UTILITY EASEMENT AND THE AGREEMENT FOR PUBLIC IMPROVEMENTS BETWEEN VALUE STORE IT HOLLYWOOD, LLC AND THE CITY OF HOLLYWOOD, IN ACCOMMODATION OF REDEVELOPMENT EFFORTS AT 2057 TAFT STREET.

WHEREAS, Jabfer, Inc. is the owner of that parcel of land located at 2057 Taft Street which is proposed for redevelopment ("Development Property"); and

WHEREAS, the Developer, Value Store It Hollywood, LLC intends to purchase the Development Property from the Owner to construct a new self-storage facility in accordance with approved Site Plan 07-DPV-30, which said Development Property incorporates a portion of a platted Alley that was vacated and deeded to the Owner's predecessor in title by the City back in the 1950's; and

WHEREAS, the City vacated said platted Alley via Ordinance No. 940, and also deeded the northern half of the said Alley to the then owner of the Developer Property via an Indenture recorded in OR Book 309, Page 554 in accommodation of an Alley reconfiguration and future development of the properties within the block; and

WHEREAS, in conjunction with the Alley vacation, public utilities serving the Development Property and the adjacent City property located at 2032 Wilson Street which currently serves as the City's Eastside Compound (the "City Property") were knowingly placed over and upon the southern boundary of the City Property without benefit of a utility easement; and

WHEREAS, in order to accommodate the new self-storage facility development plan, the Developer is requesting that the public utilities running overhead upon the City Property be placed underground, and the existing encumbered utility area be resolved through the granting of a 10' wide Utility Easement by the City attached hereto as Exhibit "A"; and

WHEREAS, Developer is proposing to implement or cause to be implemented the undergrounding of the existing public utilities and incur all costs associated with undergrounding the utility facilities to and include the re-establishment of service to all affected properties, and any and all associated restoration, these understandings being more particularly outlined in the Agreement for Public Improvements (the "Agreement") attached hereto as Exhibit "B"; and

WHEREAS, Developer and the City desire to enter into this Agreement to provide for the timely and appropriate undergrounding of utility services currently occupying the encumbered utility area to the satisfaction of the City and affected utilities; and

WHEREAS, the Agreement will not be executed by the City until conveyance of the Development Property to the Developer has occurred;

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 Utility Easement attached hereto as Exhibit "A", together with such nonmaterial changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

Section 2: That upon conveyance of the Development Property to the Developer, it hereby approves and authorizes the execution, by the appropriate City officials, of the Agreement for Public Improvements attached hereto as Exhibit "B", together with such nonmaterial changes as may be subsequently 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 force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL, CITY ATTORNEY