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Broward County Development Management  
Division  
115 South Andrews Avenue, Room A240  
Fort Lauderdale, Florida 33301

Document prepared by:

**INSTR # 101161895**  
**OR BK 31823 PG 0033**  
RECORDED 07/10/2001 09:16 AM  
COMMISSION  
BROWARD COUNTY  
DEPUTY CLERK 2000

**TRAFFIC CONCURRENCY AGREEMENT**

**BETWEEN**

**BROWARD COUNTY**

**AND**

**THE CITY OF PEMBROKE PINES**

**FOR ROAD CONCURRENCY RELATING TO**

**THE PEMBROKE PINES CITY HALL PLAT**

This is an Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the State of Florida, its successors and assigns, hereinafter referred to as "COUNTY" through its Board of County Commissioners;

and

The CITY OF PEMBROKE PINES, a municipal corporation created and existing under the laws of the State of Florida, hereinafter referred to as "CITY,"

WHEREAS, Chapter 5, Article IX, Broward County Code of Ordinances, requires that the regional transportation network be adequate to serve the reasonably projected needs of proposed developments; and

WHEREAS, Sections 5-182 of said Chapter 5 more specifically requires that an application for a development permit satisfy concurrency requirements for compact deferral areas; and

CAF#268  
County Project  
10/6/98

Approved BCC 4/3/01 # 38

Submitted By Den. N. gmi.

RETURN TO DOCUMENT CONTROL

WHEREAS, CITY has applied for approval of an amendment to note on the Pembroke Pines City Hall Plat (090-MP-86) more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, on January 30, 2001, the Broward County Development Management Division issued a Notification of Failure to Satisfy Broward County Concurrency Standards for the regional transportation network, finding that the application to amend the plat does not satisfy the compact deferral area concurrency standards for the regional road network as stated in Section 5-182 of the Broward County Land Development Code ("CODE") for Pines Boulevard between Hiatus Road and South Hollybrook Terrace, and for Pembroke Road between Hiatus Road and Palm Avenue; and

WHEREAS, COUNTY has undertaken a project to widen Pembroke Road from Douglas Road to Flamingo Road; and

WHEREAS, COUNTY and CITY have agreed that the COUNTY's project will mitigate the Plat's traffic impacts so that the Plat will satisfy Broward County concurrency standards; and

WHEREAS, CITY has agreed to pay a share of the cost of COUNTY's road project, proportionate to the plat amendment's impact; and

WHEREAS, the Broward County Development Management Division has approved this remedial measure and finds that its concurrency requirements for the plat amendment will be met with the execution of, and compliance with, the terms of this Agreement by CITY; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, COUNTY and CITY agree as follows:

1. The above recitals are true and correct and are hereby incorporated herein.
2. Construction of Improvements.
  - (a) CITY agrees to pay the amount in Exhibit "B," attached hereto, which represents CITY's proportionate share of the cost of the IMPROVEMENT(S) described in Exhibit "B," hereinafter referred to as "the Improvements." CITY agrees that payment must be made either prior to recordation of the agreement amending the note on the face of the plat, or within 30 days of receiving notification from COUNTY that a contract has been awarded for the improvements.

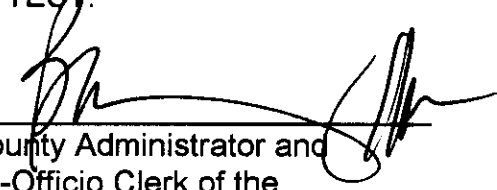
- (b) CITY shall provide to COUNTY, contemporaneously with this agreement, a Resolution committing CITY to pay in the amount shown in Exhibit "B," attached hereto as Exhibit "C," which represents 100% of the amount of payment to be made to COUNTY for the IMPROVEMENT(S).
- 3. CONCURRENCY COMPLIANCE. COUNTY finds that by executing and complying with the terms of this Agreement, CITY has satisfied the adequacy of the Regional Roadway Network requirement of Section 5-182 of the Broward County Land Development Code for the plat amendment as approved by the COUNTY.
- 4. CITY agrees not to issue a certificate of occupancy for any ADDITIONAL development within the Plat until the completion of IMPROVEMENT(S).
- 5. This Agreement shall be recorded in the Public Records of Broward County and shall be binding upon successors and assigns.
- 6. Applicable law and Venue: The parties agree that this Agreement shall be construed in accordance with the laws of the state of Florida. Venue for any action arising from this Agreement shall lie in Broward County, Florida.

[Intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the 3rd day of April, 2001, 19, and CITY OF PEMBROKE PINES, signing by and through its Mayor and City Manager, duly authorized to execute same.

### COUNTY

ATTEST:

  
County Administrator and  
Ex-Officio Clerk of the  
Board of County Commissioners  
of Broward County, Florida

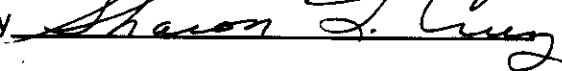


BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

By  \_\_\_\_\_ Chair

26th day of June, 2001.

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

By  \_\_\_\_\_  
Assistant County Attorney  
Deputy

TRAFFIC CONCURRENCY AGREEMENT BETWEEN BROWARD COUNTY AND THE  
CITY OF PEMBROKE PINES FOR ROAD CONCURRENCY RELATING TO THE  
PEMBROKE PINES CITY HALL PLAT

CITY

CITY OF

Patricia Atkinson  
Witness signature

Alex S. Fekete  
Mayor-Commissioner

PATRICIA ATKINSON  
Witness name printed

9 day of March, 2001

Cheryl Bolick  
Witness signature

Cheryl Bolick  
Witness name printed

ATTEST:  
[Signature]  
City Clerk

Charles J. Dodge  
City Manager

9 day of March, 2001

CORPORATE SEAL

APPROVED AS TO FORM:

By [Signature] Mar 31/01  
City Attorney

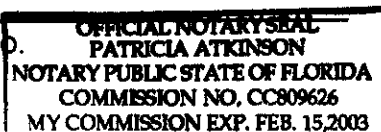
STATE OF FLORIDA )  
COUNTY OF ) SS

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of March by ALEX G. FEKETE who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires:

Patricia Atkinson  
NOTARY PUBLIC  
PATRICIA ATKINSON  
Type or print name

Commission No.



CAF#268  
County Project  
10/6/98

Legal Description

All of Tract "A" Pembroke Pines City Hall Plat as recorded in Plat Book 136, Page 23, Broward County Records. Broward County Florida.

EXHIBIT "B"

IMPROVEMENTS

CITY shall pay to COUNTY the amount of \$122,148.00, which represents CITY's proportionate share of COUNTY's project to widen Pembroke Road from Douglas Road to Flamingo Road.

**AGENDA REQUEST FORM**  
City of Pembroke Pines, Florida

OR BK 31823 PG 0040

**MEETING DATE**  
3/21/2001

**AGENDA ITEM NO.**  
4

**TITLE:** CITY HALL ANNEX TRAFFIC CONCURRENCY AGREEMENT

**REQUESTED ACTION:**

MOTION TO ADOPT PROPOSED RESOLUTION 2001-R-21

**SUMMARY EXPLANATION AND BACKGROUND:**

1. Proposed Resolution 2001-R-21 provides a guarantee that the City will pay for its pro-rata share of the Pembroke Road Improvement.
2. On 3/7/2001, the City Commission authorized the execution of a traffic concurrency agreement to permit the construction of the City Hall Annex.

**EXHIBITS: (LIST)**

1. Proposed Resolution 2001-R-21
2. Agenda Request Form 3/7/2001, Item 6
3. Traffic Concurrency Agreement

**PREPARED BY:**

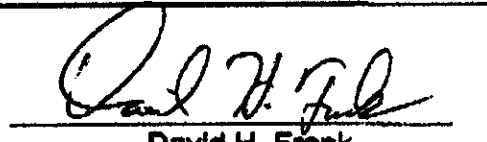
NAME: David H. Frank

**SOURCE OF ADDITIONAL INFORMATION**

NAME: David H. Frank/437-1107 F.K.Y.

**Submitted by:**

  
Charles F. Dodge  
City Manager

  
David H. Frank  
Growth Management Director

**COMMISSION ACTION**

Motion Passed. Permanent Resolution No. 2808  
03/21/2001

  
City Clerk



**PROPOSED RESOLUTION NO. 2001-R-21****RESOLUTION NO. 2808**

1       **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF**  
2       **PEMBROKE PINES, FLORIDA TO PROVIDE SECURITY FOR**  
3       **THE IMPROVEMENTS PROVIDED FOR IN THE TRAFFIC**  
4       **CONCURRENCY AGREEMENT BETWEEN THE CITY AND**  
5       **BROWARD COUNTY WITH THE PEMBROKE PINES CITY**  
6       **HALL PLAT; PROVIDING FOR CONFLICTS; PROVIDING FOR**  
7       **SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

8  
9       **WHEREAS,** the City of Pembroke Pines entered into a Traffic Concurrency  
10      Agreement with Broward County for Road Concurrency relating to the Pembroke Pines  
11      City Hall Plat; and

12       **WHEREAS,** the City's proportionate share of the total estimated construction costs  
13      pursuant to the aforementioned Agreement shall not exceed \$122,148.00; and

14       **WHEREAS,** said agreements would normally require the owner to provide security  
15      for compliance with the Traffic Concurrency Agreement, attached hereto as Exhibit "A";  
16      and

17       **WHEREAS,** due to the City's status as a municipality, Broward County has agreed  
18      to accept this Resolution of the City of Pembroke Pines as security for compliance with the  
19      Traffic Concurrency Agreement;

20       **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION**

Page 1 of 3

PROPOSED RESOLUTION NO. 2001-R-21

RESOLUTION NO. 2808

OF THE CITY OF PEMBROKE PINES, FLORIDA AS FOLLOWS:

**Section 1.** The foregoing "WHEREAS" clauses are confirmed and ratified as being true and correct and are hereby incorporated herein. All Exhibits attached hereto are hereby incorporated herein by reference.

**Section 2.** The City of Pembroke Pines does hereby agree to be bound by the covenants and requirements of the Traffic Concurrency Agreement relating to the Pembroke Pines City Hall Plat and comply with all provisions required therein. The City Commission further intends that this Resolution shall serve as security to ensure compliance with the terms and conditions of such aforementioned agreement, instead of providing a bond or other such security, with the City's proportionate share of the total estimated construction costs not to exceed \$122,148.00.

**Section 3.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 5.** This Resolution shall become effective immediately upon its passage and adoption.

PROPOSED RESOLUTION NO. 2001-R-21

RESOLUTION NO. 2808

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
PEMBROKE PINES, FLORIDA, THIS 21 DAY OF March, 2001.

CITY OF PEMBROKE PINES,  
FLORIDA

ATTEST:

Eileen M. Tesh  
EILEEN M. TESH, CITY CLERK

By: Alex G. Fekete  
MAYOR ALEX G. FEKETE

FEKETE Aye

ARMSTRONG Aye

FIORENDINO Aye

KATZ Aye

ORTIS Aye

APPROVED AS TO FORM:

Harold J. [Signature] 3/21/01  
OFFICE OF THE CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

I HEREBY CERTIFY that the above and  
foregoing is a true and correct copy of  
Resolution #2808

as recorded in the Office of the City Clerk.

WITNESS my hand and official seal this

12 day of June A.D., 2001

CITY OF PEMBROKE PINES

By: Eileen M. Tesh  
City Clerk

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