



City of Margate

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Legislation Text

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TO: Mayor and City Commission

FROM: Douglas E. Smith, City Manager

DATE: July 13, 2016

APPROVING THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED *CITY OF SUNRISE ET. AL. V BROWARD COUNTY*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND: The City of Margate, along with several Broward municipalities, entered into a Settlement Agreement to settle the litigation styled *City of Sunrise et. al. v Broward County*, 17th Judicial Circuit Court Case No. CACE-013-015660. The Settlement Agreement provides for the County and the Settling Municipalities to agree to use their best efforts (and to take all reasonable steps) to sell the parcel of land known as Alpha 250.

The Amendment to the Settlement Agreement, provides for the County and the Settling Municipalities to delay the sale of Alpha 250 while a joint independent study is performed regarding the following issues:

- (i) how a 75% County-wide recycling goal may be reached;
- (ii) whether retaining public ownership of Alpha 250 would facilitate the meeting of that recycling goal or would provide other benefits in connection with solid waste disposal within Broward County; and
- (iii) general solid waste disposal issues as determined by the Working Group (as defined in the First Amendment), which may include options regarding flow control and potential governance or contractual structures for collaborative management of solid waste disposal.

RECOMMENDATION: For approval

FISCAL IMPACT: The City will not incur a direct cost for performance of the study. The County shall pay the up-front cost of the study (at a cost not to exceed \$200,000), and recover 50% of the cost of the study from either the sale proceeds of the property, if (within five years after the study completion date) it is sold to a third party; or, if the County pays the agreed net sales amount and retains the Alpha 250 property, as a deduction of the Municipal Share of the net sales amount.

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