

RESOLUTION NO. 2017-

1
2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 RESCINDING PRIOR RESOLUTION NO. 2010-391,
5 WHICH DECLARED THE ACQUISITION OF CERTAIN
6 LAND FOR THE CONSTRUCTION OF A WATER
7 BOOSTER STATION NECESSARY TO SERVE A PUBLIC
8 PURPOSE, AND WHICH AUTHORIZED THE INITIATION
9 OF A LAWSUIT TO ACQUIRE SUCH LAND THROUGH
10 THE COUNTY'S POWER OF EMINENT DOMAIN; AND
11 PROVIDING FOR SEVERABILITY AND AN EFFECTIVE
12 DATE.

13 WHEREAS, Broward County ("County") determined that it was necessary to
14 acquire the property identified in Exhibit "A" (the "Property") in order to construct and
15 operate a water booster station; and

16 WHEREAS, the Board of County Commissioners of Broward County, Florida
17 ("Board"), at a regular meeting held on June 15, 2010, adopted Resolution No.
18 2010-391, which declared the acquisition of the Property for the construction of a water
19 booster station necessary to serve a public purpose, and which authorized the Office of
20 the County Attorney to institute a lawsuit in the name of the County and in exercise of
21 the County's power of eminent domain to acquire the Property; and

22 WHEREAS, County staff subsequently determined that the acquisition of the
23 Property was unnecessary and not practical because of zoning and land use limitations;
24 and

1 WHEREAS, no action has been taken to acquire the Property as authorized in
2 Resolution No. 2010-391; and

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4 WHEREAS, the County no longer wishes to initiate a lawsuit, in exercise of the
5 County's power of eminent domain, to acquire the Property; and

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7 WHEREAS, based on the foregoing, the County has determined that Resolution
8 No. 2010-391 is no longer necessary and may be rescinded, NOW, THEREFORE,

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10 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
11 BROWARD COUNTY, FLORIDA:

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13 Section 1. The recitals set forth in the preamble to this Resolution are true,
14 accurate, and incorporated herein by this reference as though set forth in full hereunder.

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16 Section 2. The Board hereby nullifies and rescinds Resolution No. 2010-391.

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18 Section 3. SEVERABILITY.

19 If any portion of this Resolution is determined by any Court to be invalid, the
20 invalid portion shall be stricken, and such striking shall not affect the validity of the
21 remainder of this Resolution. If any Court determines that this Resolution, or any
22 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
23 property(ies), or circumstance(s), such determination shall not affect the applicability
24 hereof to any other individual, group, entity, property, or circumstance.

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Section 4. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

ADOPTED this _____ day of _____, 2017.

Approved as to form and legal sufficiency:
Joni Armstrong Coffey, County Attorney

By /s/ Irma Qureshi 08/10/17
Irma Qureshi (date)
Assistant County Attorney

IQ/dnt
08/10/17
Rescinding Resolution No. 2010-391
#17-008
#17-089
218631