



## Legislation Text

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File #: 17-820, Version: 1

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**TO: Mayor and Commissioners**  
**FROM: R. Max Lohman, City Attorney**  
**DATE: October 17, 2017**

### RESOLUTION NO. 71-17 TERMINATION OF 2011 ATLANTIC CROSSING DEVELOPMENT AGREEMENT (SECOND PUBLIC HEARING)

#### **Recommended Action:**

Motion to approve Termination of 2011 Atlantic Crossing Development Agreement.

Announce October 17, 2017 at 6:00 p.m. as the date for the second public hearing and consideration of Resolution No. 71-17 to terminate the Development Agreement.

#### **Background:**

The item before the City Commission is related to the 2009 Atlantic Crossing Project and site plan. On July 19, 2011, the City Commission approved a Development Agreement with the then owners of the Atlantic Crossing Project which was a part of the implementation of the 2009 site plan and related project approvals. Subsequently, the property changed ownership, the new owner sought approval of a new site plan in 2013 and litigation ensued. In April of this year, the City Commission and the current owner entered into a Settlement Agreement to resolve that litigation. As part of that Settlement Agreement several steps needed to be considered. The Owner submitted a site plan amendment for consideration by the City. Independently, that site plan amendment was approved and the steps to continue with the implementation of the Settlement Agreement and the resolution of the litigation continue. The next step in the process set out in the Settlement Agreement is the termination of the 2011 Development Agreement. The Development Agreement was specific to the 2009 site plan which is no longer valid. More importantly, the primary issues addressed in the Development Agreement are either no longer relevant, have been incorporated in the 2013 site plan as amended most recently in 2017, or have been incorporated into the approved Settlement Agreement. State law requires that the City conduct two public hearings to consider the termination of a development agreement. The date of the second public hearing must be announced at the first public hearing.