

RESOLUTION No. 2005-29-206

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT WITH CALDER RACE COURSE, INC. FOR SLOT MACHINES AND PARIMUTUEL FACILITIES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, at the November 2, 2004 General Election, the electors of the State of Florida voted to adopt an Amendment to the Florida Constitution authorizing the electors of Miami-Dade and Broward Counties to hold countywide elections on whether to authorize slot machines in existing, licensed, Parimutuel facilities that have conducted live racing or games in those Counties during each of the last two calendar years before the effective date of the Amendment, and

WHEREAS, pursuant to a Resolution passed on January 20, 2005, the Miami-Dade Board of County Commissioners called a Countywide Special Election to be held by the County on Tuesday, March 8, 2005 (the "Special Election") for the purpose of submitting to the qualified electors of the County, the question of whether to authorize slot machines in certain existing, licensed, Parimutuel facilities as provided in Article X, Section 23 of the Florida Constitution, and

WHEREAS, the City and Calder Race Course, Inc. ("Calder") recognize that each entity impacts the health and general welfare of the residents of the City of Miami Gardens, and

WHEREAS, the City and Calder recognize that the residents of the City of Miami Gardens have legitimate concerns over increased development, traffic, congestion, and the quality of life in the City, and

WHEREAS, in consideration of the City incurring additional costs of administration and services, the City experiencing loss of revenues, and other good and valuable consideration, Calder and the City have agreed to enter into an Agreement whereby, if the March 8, 2005 referendum is approved, to offset the additional traffic at or near Calder's facilities, and to accommodate the increased traffic, and other impacts of the facility to the residents of the City of Miami Gardens, the City of Miami Gardens shall be compensated at a rate of 1.7% of all gross slot revenues generated at Calder, and

WHEREAS, the parties would like to formalize that Agreement by virtue of the Agreement attached hereto as Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas

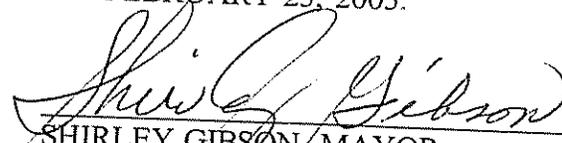
paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORITY: The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, that certain Agreement with Calder Race Course, Inc. for slot machines and Parimutuel facilities, a copy of which is attached hereto as **Exhibit "A"**.

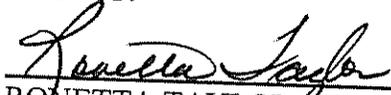
Section 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain three (3) fully executed copies of the subject Agreement, with one to be maintained by the City; with one to be delivered to Calder Race Course, Inc., and with one to be directed to the Office of City Attorney.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON FEBRUARY 23, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilman Braynon

SECONDED BY: Councilwoman Watson

VOTE: 6-0

Mayor Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon, II	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Audrey J. King	<u> </u> (Yes)	<u> </u> (No) Not present
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)

SKD/bfc