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RESOLUTION NO. 13-93

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN RELATING TO THE CARIBBEAN BOULEVARD ROADWAY IMPROVEMENT PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County (the "County") and the Town of Cutler Bay (the "Town") both desire to facilitate the construction of road improvement(s) along Caribbean Boulevard; and

WHEREAS, in order to further facilitate the construction of the road improvements, the County desires to utilize the resources of the Town to design, contract, construct, and administer the Caribbean Boulevard construction project; and

WHEREAS, on March 19, 2008, the Town Council adopted Resolution No. 08-17 authorizing the execution of a Joint Participation Agreement with Miami-Dade County for the roadway improvements along Caribbean Boulevard (from: Coral Sea Road to: SW 87 Avenue); and

WHEREAS, the Town desires to perform additional roadway improvements along Caribbean Boulevard from the theoretical C-100 Canal to Coral Sea Road that were excluded from the original Caribbean Boulevard Joint Participation Agreement adopted via Town Resolution No. 08-17; and

WHEREAS, the Town will implement a Public Involvement Plan (PIP) during the design and construction of the Project to provide information to property owners, tenants, and area residents, including but not limited to: public meetings, project documentation and flyers, business signs, directional parking signs, and schedules for major work to be performed in the area; and

WHEREAS, the Town agrees to enter into the First Amendment of the Caribbean Boulevard Joint Participation Agreement, in substantially the form attached hereto as Exhibit "A"; and

WHEREAS, funding for the Project is being provided by the Town's portion of People's Transportation Plan municipal allocation; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption of First Amendment to the Caribbean Boulevard Joint Participation Agreement. The Town Council hereby approves the First Amendment to the Caribbean Boulevard Joint Participation Agreement, in substantially the form attached hereto as Exhibit "A".

Section 3. Authorization. The Town Manager is authorized to take any and all steps necessary to execute the required documents associated with the First Amendment to the Caribbean Boulevard Joint Participation Agreement, in substantially the form attached hereto as Exhibit "A".

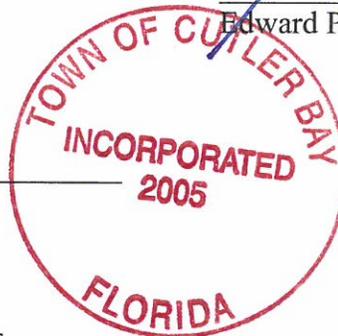
Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 20th day of November, 2013.


Edward P. MacDougall, Mayor

Attest:


Debra E. Eastman, MMC
Town Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:


WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

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Moved by: Council Member Mixon
Seconded by: Council Member Sochin

FINAL VOTE AT ADOPTION:

Mayor Edward P. MacDougall	yes
Vice Mayor Ernest N. Sochin	yes
Council Member Peggy R. Bell	yes
Council Member Sue Ellen Loyzelle	yes
Council Member Mary Ann Mixon	yes

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FIRST AMENDMENT TO JOINT PARTICIPATION AGREEMENT FOR CARIBBEAN BOULEVARD FROM CORAL SEA ROAD TO SW 87 AVENUE BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY

This First Amendment to the Joint Participation Agreement is made and entered into this 30th day of June, 2014, by and between the TOWN OF CUTLER BAY, FLORIDA, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the "Town", and MIAMI-DADE COUNTY, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "County".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-353-09, approved by the Board of County Commissioners of Miami-Dade County, Florida, on April 7, 2009, the parties hereto entered into a Joint Participation Agreement (JPA) to facilitate the design and construction of roadway improvements along Caribbean Boulevard from Coral Sea Road to SW 87 Avenue, as more particularly described in the JPA (the "Project"); and

WHEREAS, the Town has requested to extend the current Project limits to include the portion of Caribbean Boulevard from Canal C-100 to Coral Sea Road; and

WHEREAS, based on the bids received by the Town for Caribbean Boulevard from Coral Sea Road to SW 87 Avenue, there will be a surplus of funds from the JPA; and

WHEREAS, the Town has requested to use these surplus funds for the design and construction of Caribbean Boulevard from Canal C-100 to Coral Sea Road; and

WHEREAS, the Town agrees to fund any remaining deficit for the Project,

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NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned JPA:

1. The first WHEREAS clause is replaced in its entirety with the following:

WHEREAS, both parties herein wish to facilitate the construction of a road improvement project in MIAMI-DADE COUNTY, hereinafter referred to as the "Project" described as follows:

The design and construction of a roadway improvement project along Caribbean Boulevard from Canal C-100 to SW 87 Avenue, which includes the reconstruction of the existing two (2) lanes, with continuous storm drainage, curb and gutter, enhanced lighting, traffic signalization, landscaping, sidewalks, pedestrian crosswalks, bike lanes, bus pullout bays, and intersection improvements; and

2. The following modifications are made to Section 2.2, County Payments of Project Costs:

<u>Funding Amount</u>	<u>Funding Source</u>	<u>Limits</u>	<u>Project Phase</u>	<u>County Fiscal Year of Commitment</u>
\$ 2,695,546	PTP			2010-2011
\$ 7,536,394	PTP			2011-2012
\$ 508,174	PTP	<u>Coral Sea Road to SW 87 Avenue</u>	<u>Design</u>	<u>2010-2011</u>
\$ 2,187,372	PTP	<u>Coral Sea Road to SW 87 Avenue</u>	<u>Construction</u>	<u>2010-2011</u>
\$ 5,599,040	PTP	<u>Coral Sea Road to SW 87 Avenue</u>	<u>Construction</u>	<u>2011-2012</u>
\$ 103,139	PTP	<u>Canal C-100 to Coral Sea Road</u>	<u>Design</u>	<u>2011-2012</u>
\$ 1,834,215	PTP	<u>Canal C-100 to Coral Sea Road</u>	<u>Construction</u>	<u>2011-2012</u>

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3. The following is added to the end of Section 3, Eligible Costs:

The Town shall be solely responsible for the maintenance of the items listed below upon construction completion of the Project:

Benches

Trash Receptacles

Bus Shelters

Rock Wall Entrance Signs

Enhanced Landscaping

Colored Concrete Sidewalks

Colored Concrete Crosswalks

In all other respects, except as herein amended, the original JPA shall remain unchanged and in full force and effect.

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IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN
CLERK OF THE BOARD

BY: _____

Deputy Clerk

BY: _____

County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency

County Attorney

ATTEST:

TOWN OF CUTLER BAY, a municipal
corporation of the State of Florida

BY: _____

Debra E. Eastman
Town Clerk

BY: _____

Edward MacDougall
Mayor

(Affix Town Seal)

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Approved by Town Attorney
as to form and legal sufficiency

Town Attorney

Mitchell A. Bierman
Weiss, Serota, Helfman, Pastoriza,
Cole & Boniske, P.L.
Town Attorney

