

RESOLUTION NO. 20-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A COVENANT FOR MAINTENANCE OF CERTAIN IMPROVEMENTS ALONG S.W. 211 STREET FROM S.W. 112 AVENUE (ALLAPATTAH ROAD) TO S.W. 108 COURT WITH MIAMI-DADE COUNTY; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County (the “County”) is constructing roadway improvements along S.W. 211 Street from S.W. 112 Avenue (Allapattah Road) to S.W. 108 Court (the “Project”), located within the limits of the Town of Cutler Bay (the “Town”); and

WHEREAS, several elements of the Project include the milling and resurfacing of existing pavement, the construction of bike lanes with green colored pavement, and the construction of concrete curb separators; and

WHEREAS, the Town will be responsible for the installation of the landscaping inside the concrete curb separators, and the Town and the County will mutually provide assurances for the future continued maintenance, repair and replacement of the elements constructed in this Project; and

WHEREAS, the Town Council desires to approve the Covenant for Maintenance of certain improvements between the County and the Town, in substantially the form attached hereto as Exhibit “A” (the “Covenant”); and

WHEREAS, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

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

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

Section 2. Approval. The Town Council hereby approves the Covenant in substantially the form attached hereto as Exhibit “A.”

Section 3. Authorization. The Town Council hereby authorizes the Town Manager to execute the Covenant in substantially the form attached hereto as Exhibit “A,” subject to the approval of the Town Attorney as to form, content, and legal sufficiency.

Section 4. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED on this ____ day of Janaury 2020.

TIM MEERBOTT
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
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____