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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)

TOWN RESOLUTION 13-93

Approved by Town Attorney
as to form and legal sufficiency

Mitchell A. Bierman

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

