

RESOLUTION NO. 15-56

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN RELATING TO THE CARIBBEAN BOULEVARD ROADWAY IMPROVEMENT(S) PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE REQUIRED DOCUMENTS; 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 Homestead Extension of Florida's Turnpike to C-100 Canal 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 Second 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.

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 Second Amendment to the Caribbean Boulevard Joint Participation Agreement. The Town Council hereby approves the Second 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 Second 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 19th day of August, 2015.

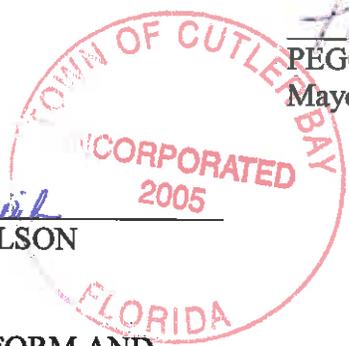


PEGGY R. BELL
Mayor

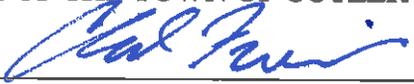
Attest:



JACQUELINE N. WILSON
Interim 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: Council Member Loyzelle
Seconded By: Council Member Mixon

**SECOND 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 Second Amendment to the Joint Participation Agreement is made and entered into this 9th day of Feb, 2016, 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, pursuant to Resolution No. R-515-14, approved by the Board of County Commissioners of Miami-Dade County, Florida, on June 3, 2014, the parties hereto amended the Caribbean Boulevard JPA to extend the Project limits to include the portion of Caribbean Boulevard from Canal C-100 to Coral Sea Road and to use surplus funds from the Caribbean Boulevard JPA for the design and construction of roadway improvements along Caribbean Boulevard from Canal C-100 to Coral Sea Road; and

WHEREAS, the Town has requested to extend the current Project limits to include the portion of Caribbean Boulevard from the Homestead Extension of Florida's Turnpike to Canal C-100; and

WHEREAS, pursuant to Resolution No. R-358-09, approved by the Board of County Commissioners of Miami-Dade County, Florida, on April 7, 2009, the parties hereto entered into a JPA to facilitate the design and construction of roadway improvements along Old Cutler Road from SW 97 Avenue to SW 87 Avenue; and

WHEREAS, the Old Cutler Road project was completed and there is a surplus of funds from the Old Cutler Road JPA; and

WHEREAS, the Town has requested to use the surplus funds from the Old Cutler Road JPA for the design and construction of roadway improvements along Caribbean Boulevard from the Homestead Extension of Florida's Turnpike to Canal C-100,

NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the Caribbean Boulevard 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 the Homestead Extension of Florida's Turnpike 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 2.1, Funding Amount, Reimbursement of Project Costs:

Funding Amount, Reimbursement of Project Costs: The County agrees to provide funds up to \$ 40,231,940 \$11,219,877.30 (this amount includes 10% contingency) for eligible costs, as defined herein, incurred by the Town for the design and construction of the Project. The County shall disburse to the Town funds for the Project in the manner set forth in this Section. The County shall incur no liability for any costs in excess of said funding amount unless there has been a duly authorized increase approved by the Board of County Commissioners.

3. 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>
\$ 508,174	PTP	Coral Sea Road to SW 87 Avenue	Design	2010-2011
\$ 2,187,372	PTP	Coral Sea Road to SW 87 Avenue	Construction	2010-2011
\$ 5,599,040	PTP	Coral Sea Road to SW 87 Avenue	Construction	2011-2012
\$ 103,139	PTP	Canal C-100 to Coral Sea Road	Design	2011-2012
\$ 1,834,215	PTP	Canal C-100 to Coral Sea Road	Construction	2011-2012
<u>\$ 42,771.10</u>	<u>PTP</u>	<u>Homestead Extension of Florida's Turnpike to Canal C-100</u>	<u>Design</u>	<u>2014-2015</u>

<u>\$ 945,166.20</u>	<u>PTP</u>	<u>Homestead Extension of Florida's Turnpike to Canal C-100</u>	<u>Construction</u>	<u>2014-2015</u>
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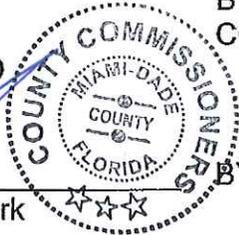
In all other respects, except as herein amended, the original JPA shall remain unchanged and in full force and effect.

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: [Signature]
Deputy Clerk

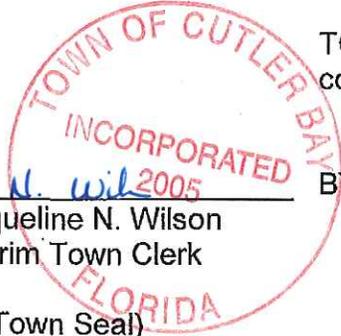
BY: [Signature]
County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency

[Signature]
County Attorney

ATTEST:

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



BY: [Signature]
Jacqueline N. Wilson
Interim Town Clerk

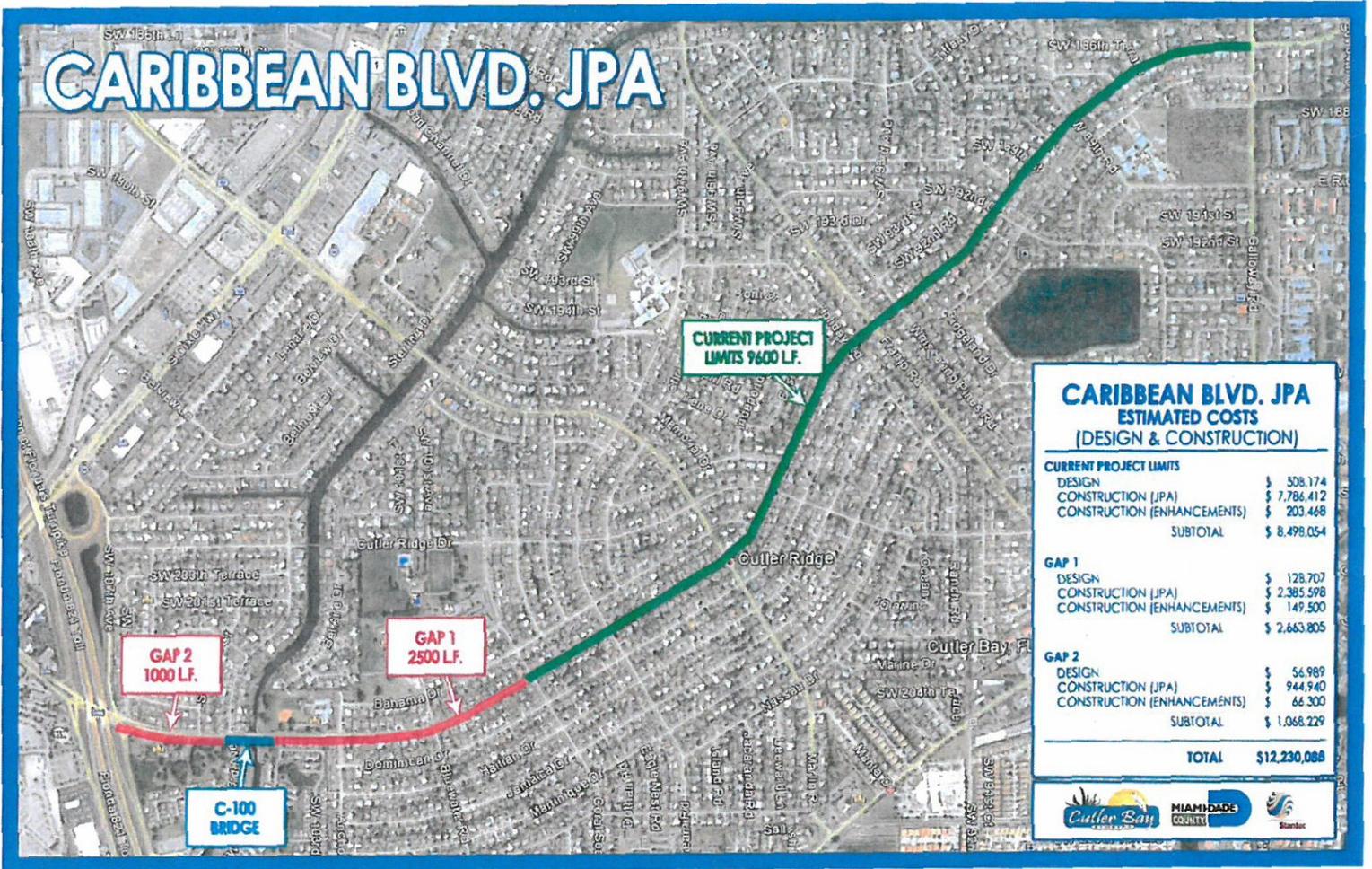
BY: [Signature]
Peggy R. Bell
Mayor

(Affix Town Seal)

TOWN RESOLUTION 15-56

Approved by Town Attorney
as to form and legal sufficiency

[Signature]
Mitchell A. Bierman
Weiss, Serota, Helfman,
Cole & Bierman, P.L.
Town Attorney



**CARIBBEAN BLVD. JPA
ESTIMATED COSTS
(DESIGN & CONSTRUCTION)**

CURRENT PROJECT LIMITS	
DESIGN	\$ 508,174
CONSTRUCTION (JPA)	\$ 7,786,412
CONSTRUCTION (ENHANCEMENTS)	\$ 203,468
SUBTOTAL	\$ 8,498,054
GAP 1	
DESIGN	\$ 128,707
CONSTRUCTION (JPA)	\$ 2,385,598
CONSTRUCTION (ENHANCEMENTS)	\$ 149,500
SUBTOTAL	\$ 2,663,805
GAP 2	
DESIGN	\$ 56,989
CONSTRUCTION (JPA)	\$ 944,940
CONSTRUCTION (ENHANCEMENTS)	\$ 66,300
SUBTOTAL	\$ 1,068,229
TOTAL	\$12,230,088