

RESOLUTION 18-___

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A JOINT USE AGREEMENT WITH MATER ACADEMY FOUNDATION, INC. FOR THE USE OF MATER ACADEMY CUTLER BAY LOCATED AT 22025 SW 87 AVENUE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 20, 2016, the Town of Cutler Bay (“Town”) Council adopted Resolution No. 16-37 approving a conditional use application submitted by Mater Academy Foundation, Inc. (the “Foundation”) for the purpose of establishing Mater Academy Cutler Bay, a charter school at the property located at 22025 SW 87 Avenue, Cutler Bay, Florida (the “Property”); and

WHEREAS, as a condition of the approval, the Town required that the Foundation enter into a Joint Use Agreement with the Town permitting the Town’s use of Building D, a one-story building located on the Property; and

WHEREAS, the construction of Building D was funded with a grant from the voter-approved Miami-Dade County General Obligation Bond Program; however, by the time the building was completed in 2011, Bay Point Schools, the grant recipient, lost its operational funding from the State of Florida Department of Juvenile Justice, and shut down its entire operation, resulting in Building D never being utilized as an educational facility; and

WHEREAS, the Town desires to use Building D in accordance with the Joint Use Agreement attached hereto as Exhibit “A” for the purpose of providing meeting space for the Town to hold public meetings and educational programs; 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. **Approval.** The Town Council hereby approves the Joint Use Agreement with the Foundation, in substantially the form attached hereto as Exhibit “A.”

Section 3. Authorization. The Town Council hereby authorizes the Town Manager to enter into the Joint Use Agreement with the Foundation on behalf of the Town, in substantially the form attached hereto as Exhibit “A,” subject to the Town Attorney’s approval as to form, content and legal sufficiency, and to take any and all actions necessary to implement the intent and purpose of this Resolution.

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

PASSED and ADOPTED on this ____ day of _____, 2018.

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 ONLY:

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 _____