RESOLUTION NO. 12-09-87

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE AGREEMENT BETWEEN THE ISLAMORADA FOUNDATION, INC. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE FOR THE DAILY OPERATIONS, DEVELOPMENT AND MAINTENANCE OF SOUTHWINDS PARK; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village”) has prepared an Operating Agreement (the “Agreement”) to provide operations, development and maintenance of Southwinds Park with the Islamorada Foundation, Inc. (the “Foundation”); and

WHEREAS, the intent of the Agreement is to provide daily operations, development and maintenance of Southwinds Park; and

WHEREAS, the Foundation has agreed to provide the services described in the Agreement; and

WHEREAS, the Village Council finds that approval of the Agreement between the Foundation and the Village attached hereto is in the best interest of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

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

Section 2. Approval of Agreement. The Agreement between the Foundation and the Village to provide daily operations, development and maintenance of Southwinds Park, a copy of which is attached as Exhibit “1,” together with such non-material changes as may be
acceptable to the Village Manager and approved as to form and legality by the Village Attorney, is approved.

**Section 3. Authorization of Village Officials.** The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

**Section 4. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village’s Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Agreement.

**Section 5. Execution of Agreement.** The Village Manager is authorized to execute the Agreement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Village Attorney.

**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 27th day of September, 2012.

Motion to adopt by Vice Mayor Blackburn, second by Councilman Achenberg.

**FINAL VOTE AT ADOPTION**

| Mayor Ken Philipson                  | YES |
| Vice Mayor Ted Blackburn            | YES |
| Councilman Don Achenberg            | YES |
| Councilman Dave Purdo               | YES |
| Councilman Michael Reckwerdt        | YES |
ATTEST:

KEN PHILIPSON, MAYOR

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF ISLAMORADA, VILLAGE OF ISLANDS:

VILLAGE ATTORNEY