RESOLUTION NO. 14-04-27

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN FEDERAL PROPERTY REGISTRATION CORP. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE FORECLOSURE REGISTRY SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT AND TO IMPLEMENT THE TERMS AND CONDITIONS THEREOF; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR A WAIVER OF PURCHASING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on May 9, 2013, the Village Council of Islamorada, Village of Islands (the “Village”) adopted Ordinance No. 13-13 thereby creating a foreclosure registry; and

WHEREAS, following a competitive bidding process, Federal Property Registration Corp. (“FPRC”) was awarded a contract to provide foreclosure registry services (the “Services”) to Clay County, Florida and Clay County has subsequently renewed its Agreement with FPRC through the term ending March 14, 2015; and

WHEREAS, the Village Code allows for waiver of competitive bidding in the event that the provider was awarded an agreement with another political subdivision of the State of Florida by a competitive bidding process and extended the terms and conditions of that agreement to Islamorada; and

WHEREAS, FPRC prepared an Agreement extending the terms and conditions of the Agreement to Islamorada; and

WHEREAS, the intent of the Agreement is to provide the Village with all services necessary to implement and maintain a foreclosure registry program; and
WHEREAS, on May 9, 2013, the Village Council adopted Resolution No. 13-05-21, thereby approving the Agreement between the Village and FPRC; and

WHEREAS, the Agreement provides for a one (1) year term with a renewal provision for three additional (3) one (1) year terms; and

WHEREAS, FPRC has agreed to continue to provide the services described in the Agreement for an additional term of one (1) year; and

WHEREAS, the Village Council desires to approve the First Amendment to the Agreement between the Village and FPRC attached hereto.

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 First Amendment. The Village Council of Islamorada, Village of Islands, hereby approves the First Amendment to the Agreement between the Village and Florida Property Registration Corp. (“FPRC”) to provide foreclosure registry services, a copy of which is attached as Exhibit “A,” 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.

Section 3. Execution of Agreement. The Village Manager is hereby authorized to execute the First Amendment to the Agreement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the First Amendment to the Agreement and to execute any extensions and/or amendments to the First Amendment to the Agreement, subject to the approval as to form and legality by the Village Attorney.
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 First Amendment to the Agreement.

Section 5. **Waiver of Purchasing Provisions.** In accordance with Section 2-328(2) of the Village Code, the Village Council hereby waives the competitive bidding purchasing provision of the Village Code.

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

PASSED AND ADOPTED this 24th day of April, 2014.

Motion to adopt by Vice Mayor Deb Gillis, seconded by Councilman Ken Philipson.

FINAL VOTE AT ADOPTION

Mayor Ted Blackburn YES
Vice Mayor Deb Gillis YES
Councilman Mike Forster YES
Councilman Ken Philipson YES
Councilman Dave Purdo YES

TED BLACKBURN, MAYOR

ATTEST:

SYNTHIA LANKFORD, VILLAGE CLERK

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

ROGET V. BRYAN, VILLAGE ATTORNEY
FIRST AMENDMENT TO
AGREEMENT
BETWEEN
ISLAMORADA, VILLAGE OF ISLANDS
AND
FEDERAL PROPERTY REGISTRATION CORP.

This First Amendment to the Agreement (the “First Amendment”) made and entered into this 25th day of April, 2014 between ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, a Florida municipal corporation, (the “Village”) with an address at 86800 Overseas Highway, Islamorada, FL 33036 and FEDERAL PROPERTY REGISTRATION CORP., a Florida Corporation with offices at 6767 N. Wickham Rd., Suite 500, Melbourne, FL 32940, (“FPRC”).

WHEREAS, FPRC and the Village entered into the certain Agreement dated May 10, 2013, (the “Agreement”), attached hereto as Exhibit “1”; and

WHEREAS, the intent of the Agreement is to promptly and efficiently address issues related to the maintenance of foreclosed residential and commercial properties in the Village; and

WHEREAS, in accordance with the provisions of the Agreement, the parties may agree to renew the Agreement for three (3) additional one year terms; and

WHEREAS, FPRC has agreed to provide the services described in the Agreement for an additional one (1) year term; and

WHEREAS, the Village wishes update the persons to which Notices are transmitted; and

WHEREAS, the parties desire to enter into this First Amendment to modify the term of the Agreement and to modify the NOTICES section of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this First Amendment, the parties agree as follows:

Section 1. Amendment to Agreement. The Agreement is amended to read as follows:

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3. TERM. This First Amendment to the Agreement will terminate one (1) year from the date it is executed by the Village. In addition, the parties may agree to renew this Agreement
for an additional (3) three, (2) two - one (1) year term(s) through the execution of a written amendment to this Agreement signed by both parties.

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10. NOTICES. Whenever any party desires to give notice unto any other party, it must be given by written notice, sent by registered United States mail, with return receipt requested, hand delivery or facsimile transmission with receipt of delivery, addressed to the party for whom it is intended and the remaining party, at the places last specified, and the places for giving of notice shall remain such until they shall have been changed by written notice in compliance with the provisions of this section. Notice shall be deemed to have been given upon receipt. For the present, FPRC and the Village designate the following as the respective places for giving of notice:

VILLAGE: Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036
Attention: Village Manager

Copy To: Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Village Attorney
2525 Ponce de Leon Blvd, Suite 700
Coral Gables, Florida 33134

Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036
Attention: Village Attorney

FPRC: Federal Property Registration Corp.
6767 N. Wickham Road, Suite 500
Melbourne, FL 32940
Attention: Thomas R. Darnell, Vice President

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Section 2. No Further Modifications. All other terms and conditions of the existing Agreement not in conflict or superseded by this First Amendment shall remain in full force and effect as if set for the herein.

Section 3. Effective Date. This First Amendment shall be effective on the date first written above.
IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this First Amendment upon the terms and conditions above stated on the day and year first above written.

Attest:

Synthia Lankford, Village Clerk

ISLAMORADA, VILLAGE OF ISLANDS

By: Maria T. Aguilar, Village Manager

Date: 4/25/14

FEDERAL PROPERTY REGISTRATION CORP.

By: 
FPRC Officer Signature

Printed Name of Officer

Date: ____________________________

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

Roget V. Bryan, Village Attorney