RESOLUTION NO. 15-01-13

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ISLAMORADA, VILLAGE OF ISLANDS FOR THE REALIGNMENT OF A PORTION OF THE FLORIDA KEYS OVERSEAS HERITAGE TRAIL WITHIN THE VILLAGE; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING A BUDGET AMENDMENT; 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 requested that Florida Department of Transportation (“FDOT”) realign a portion of the Florida Keys Overseas Heritage Trail (“FKOHT”) within the Village; and

WHEREAS, the requested realignment would help increase parking by up to eighteen (18) space along the Old Highway from the cut-through north of the Green Turtle Inn restaurant north to Jerome Avenue; and

WHEREAS, FDOT would realign the FKOHT during the FDOT 2016 resurfacing/shoulder widening project, #425600-6-52-01, from Lignumvitae Channel north to Jerome Avenue (MM 77.47 – MM 81.4); and

WHEREAS, FDOT has agreed to provide the engineering and construction services related to the realignment of the requested portion of the FKOHT; and

WHEREAS, the Village Council finds that approval of the Agreement between FDOT and the Village attached as Exhibit “A” hereto is in the best interest of the Village and its residents.
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 Village Council of Islamorada, Village of Islands hereby approves the Agreement between FDOT and the Village, 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. 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 Budget Amendment. The Village Council hereby approves a budget amendment to increase the FY 2014-15 General Fund revenues by $73,000.00 through use of unassigned fund balance and increase the FY 2014-15 Public Works Department operating budget by $73,000.00, resulting in a net change ($73,000.00) to the projected year end FY 2014-15 General Fund balance.

Section 5. 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 6. 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 7. Effective Date.** This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman Dennis Ward; second by Councilman Jim Mooney.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS**

Mayor Michael Forster YES
Vice Mayor Deb Gillis YES
Councilman James Mooney YES
Councilman Dennis Ward YES
Councilman Chris Sante YES

**PASSED AND ADOPTED ON THIS 22ND DAY OF JANUARY, 2015.**

MICHAEL FORSTER, MAYOR

**ATTEST:**

KELLY TOOTH, VILLAGE CLERK

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

ROGET V. BRYAN, VILLAGE ATTORNEY
Exhibit A

This instrument prepared by, or under the direction of, Alicia Trujillo, Esq., District Six Chief Counsel
State of Florida Department of Transportation
1000 N.W. 111th Avenue, Miami, Florida 33172
November 5, 2014 – EV

Parcel No.: 900R(1-16-2015)
Item/Segment No.: 425600-6
Managing District: 6

LICENSE

THIS AGREEMENT, Made the 27th day of January, 2015, by and between ISLAMORADA VILLAGE OF ISLANDS, herein called licensor, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, herein called licensee.

In consideration of the benefits accruing unto the licensor, the parties agree as follows:

Licensor hereby grants to licensee a license to occupy and use, subject to all of the terms and conditions hereof, the following described premises:

Parcel: 900

FIN No.425600-6

A portion of the Southeasterly 22.26 feet of Old State Road 4A, from STA. 92+50 to STA. 100 as marked in Exhibit A attached hereto and made part hereof.

The premises may be occupied and used by licensee solely for sloping, grading, tying in, harmonizing and reconnecting existing features of the licensor’s property with the highway improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the transportation project, but not later than the last day of October 30, 2017.

The making, execution and delivery of this agreement by licensor have been induced by no representations, statements, warranties, or agreements other than those contained herein. This agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the licensor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Maria T Aquilar
Print name