

RESOLUTION NO. 04-194

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE MIAMI-DADE COUNTY LETTER OF PERMIT FOR THE TRANSFER OF FILL FROM AMELIA EARHART PARK; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE LETTER OF PERMIT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 9, 2003, the Town Council approved APAC Group, Inc. (“APAC”) to transfer fill from Miami-Dade County’s (the “County’s”) Amelia Earhart Park to Royal Oaks Park; and

WHEREAS, prior to the removal of the fill from Amelia Earhart Park, the County has requested that the Town of Miami Lakes (the “Town”) indemnify them for any claims that may arise from the transfer of the fill; and

WHEREAS, APAC has already indemnified the Town for this project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are true and correct and are incorporated herein by this reference.

Section 2. Approving the Letter of Permit. The Letter of Permit between Miami-Dade County and the Town of Miami Lakes for removal of fill from Amelia Earhart Park, a copy of which is attached as Exhibit “A”, together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

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Section 3. Authorization of Town Officials. The Town Manager and Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Letter of Permit.

Section 4. Authorization of Fund Expenditure. The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Letter of Permit.

Section 5. Execution of Letter of Permit. The Town Manager is authorized to execute the Letter of Permit on behalf of the Town.

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

PASSED AND ADOPTED this 14th day of January, 2004.

Motion to adopt by Collins, second by Simon.

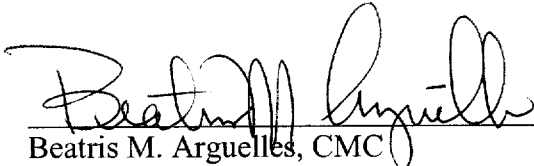
FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>

Wayne Slaton
Wayne Slaton
MAYOR


ATTEST:

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Beatris M. Arguelles, CMC
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Weiss, Serota, Helfman, Pastoriza, Guedes
Cole & Boniske, P.A.
TOWN ATTORNEY

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MIAMI-DADE COUNTY PARK AND RECREATION DEPARTMENT • 275 N.W. 2nd STREET, MIAMI, FLORIDA 33128

December 5, 2003

Alex Rey Panama
Town Manager
Town of Miami Lakes
8004 N.W. 154th Street, PMB 378
Miami Lakes, Florida 33016

RE: Letter of Permit-Amelia Earhart Park

Dear Alex:

This Letter of Permit is issued for you or your subcontractor to access the site and remove fill at **Amelia Earhart Park**. All necessary permits are to be obtained by you prior to commencing this project. You shall coordinate your work with Joel Arango, Project Manager, 305-755-5453.

Joel Arango and the Park Manager shall be notified of the construction schedule by your contractors, and apprised of both the beginning and end of the project. At no time should access to park functions be interfered with or prevented. No trench is to remain opened or unfenced overnight within the park boundary. In the event that irrigation lines are disrupted, they shall be restored within 24 hours. Once completed, the area affected by this project shall be returned to a condition equal to or better than that which existed at the commencement.

The Town of Miami Lakes and its subcontractor shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Letter of Permit by the Town of Miami Lakes, or its employees, agents, servants, partners principals or subcontractors. The Town of Miami Lakes shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon.

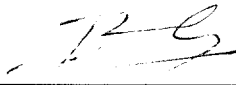
Alex Rey Panama
Letter of Permit
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The Town of Miami Lakes expressly understands and agrees that any insurance protection provided by the Town shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided.

Sincerely,

Accepted,

Vivian Donnell Rodriguez
Director
Park and Recreation Department



Alex Rey Panama, City Manager
Town of Miami Lakes

cc: Barbara Falsey, Planning and Research Division
Joel Arango, Project Manager



Mr. Ralph Casals
Assistant City Manager
TOWN OF MIAMI LAKES
6853 Main Street
Miami Lakes, Florida 33014

Via: Fax 305-558-8511

RE: Amelia Earhart Fill Transport Project – Indemnification Clause
APAC Project Number: C-0317

Dear Mr. Casals:

APAC Group, Inc. shall indemnify and hold harmless the Town of Miami Lakes, its officers, agents and employees from and against all liability, claims, damages, losses and expenses, including reasonable attorney's fees and costs at both trial and appellate levels arising out of or resulting from the performance of the Work under this agreement, caused by any act of negligence or omission of APAC Group, Inc. or anyone directly or indirectly employed by APAC Group, Inc.

Executed by:

APAC Group, Inc.

TOWN of MIAMI LAKES

A handwritten signature in black ink, appearing to read "Faustin Denis Jr.", written over a horizontal line.

Faustin Denis Jr., P.E.
President

12-22-03

