

RESOLUTION NO. 14-1223

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING A LEASE AGREEMENT BETWEEN ROYAL OAKS HOMEOWNERS ASSOCIATION, INC. AS LESSOR AND THE TOWN OF MIAMI LAKES AS LESSEE; AUTHORIZING EXECUTION OF LEASE AGREEMENT; AUTHORIZING EXPENDITURE OF BUDGETED FUNDS; AUTHORIZING IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in neighborhoods that are accessible to the public in the Town of Miami Lakes, Florida (“the Town”), public park land has been dedicated by the developer and maintained by the Town; and

WHEREAS, the Royal Oaks neighborhood located within the Town is an exception as no public park land was dedicated as part of the development; and

WHEREAS, Royal Oaks Homeowners Association, Inc. is the owner of a private park parcel located at 16550 NW 86 Court (“park parcel”), which is located within the Royal Oaks neighborhood; and

WHEREAS, the park parcel, which is accessible to the public, has been maintained by the Royal Oaks Homeowners Association, Inc. for several years; and

WHEREAS, there is currently a playground area on the park parcel that does not meet current accessibility standards for use; and

WHEREAS, Royal Oaks Homeowners Association, Inc. has expressed that it is not sustainable for them to replace the playground area and upkeep the park in the long-term; and

WHEREAS, Royal Oaks Homeowners Association, Inc. has approached the Town to discuss transfer of the maintenance and operation of the park parcel to the Town; and

WHEREAS, the Town proposed to the Royal Oaks Homeowners Association, Inc. a long-term lease agreement for use of the park parcel as a public mini-park; and

WHEREAS, in April 2014 the Royal Oaks Homeowners Association, Inc. Board of Directors voted to proceed with leasing the park parcel to the Town; and

WHEREAS, it is proposed that the Town enter into a 99-year lease agreement with Royal Oaks Homeowners Association, Inc. for use of the park parcel as a public mini-park in

substantially the same form as the Lease Agreement attached hereto as Exhibit "A" ("the Lease Agreement"); and

WHEREAS, leasing the park parcel would address the exception and allow funding for park maintenance in the same manner as the Town's other public mini-parks; and

WHEREAS, leasing the park parcel would allow the Town to continue growing its park inventory as the Town makes strides to meet its Level of Service goals outlined in the Town's Comprehensive Plan for future population growth and maintain the park at a high standard for the future; and

WHEREAS, the Town plans to remove the existing playground and maintain the area as an open green space until funding is acquired to build a new playground; and

WHEREAS, the initial costs for demolition, site restoration, installation of sod, benches, waste receptacles, and irrigation upgrades are estimated to be \$25,000 and the projected yearly maintenance cost is \$3,000.

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

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

Section 2. Approval of Lease. The Lease Agreement between Royal Oaks Homeowners Association, Inc. as Lessor and the Town of Miami Lakes as Lessee, in substantially the same form as that which is attached hereto as Exhibit "A," together with such changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

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

Section 4. Authorization of Expenditure of Budgeted Funds. Notwithstanding the limitations imposed upon the Town Manager pursuant to the Town's Purchasing Procedures Ordinance, the Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Lease Agreement.

Section 5. Authorization of Town Officials. The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement this Resolution and the terms and conditions of the Lease Agreement.

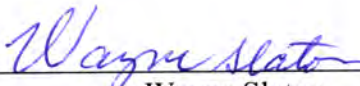
Section 6. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 10th day of June, 2014.

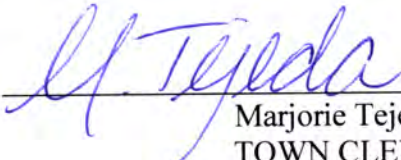
The foregoing resolution was offered by Manny Cid who moved its adoption. The motion was seconded by Cesar Mestre and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>YES</u>
Vice Mayor Manny Cid	<u>YES</u>
Councilmember Tim Daubert	<u>absent</u>
Councilmember Tony Lama	<u>YES</u>
Councilmember Cesar Mestre	<u>YES</u>
Councilmember Frank Mingo	<u>YES</u>
Councilmember Nelson Rodriguez	<u>YES</u>




Wayne Slaton
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY