

RESOLUTION NO. 15-1307

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A LICENSE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, District Six of the Florida Department of Transportation (“FDOT”) is constructing the I-75/Palmetto Express Lanes Project (“Project”) which extends approximately 10 miles along the Palmetto Expressway from West Flagler Street to NW 154 Street, and approximately 3 miles along I-75 from the Palmetto Expressway to NW 170th Street; and

WHEREAS, as part of the Project, a noise barrier wall is being constructed along the limited access right-of-way of I-75; and

WHEREAS, a noise barrier wall will be constructed along the western (NW 92nd Avenue) and southern (NW 138th Street) limits of the Town of Miami Lakes (“Town”); and

WHEREAS, FDOT will install a temporary fence at the edge of the pavement along NW 92nd Avenue to protect the harmonization area within the Town’s right-of-way; and

WHEREAS, subsequent to FDOT’s installation of the temporary fence, an FDOT contractor will clear out existing vegetation and trash; and

WHEREAS, at the completion of the erection of the sound wall, FDOT will begin planting Silver Buttonwood trees; and

WHEREAS, FDOT has prepared a License Agreement attached hereto as Exhibit “A” for execution by the Town (“License Agreement”); and

WHEREAS, the License Agreement provides that the premises subject to the License Agreement may be occupied and used by FDOT solely for sloping, grading, tying in, harmonizing and reconnecting existing features of the Town’s property with the highway improvements which are to be constructed together with incidental purposes related thereto from the time the License Agreement is executed until completion of the Project, but not later than August 31, 2017; and

WHEREAS, the Town Council finds that authorizing the Town Manager to execute the License Agreement is in the best interest of the Town.

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 reference.

Section 2. Authorization of Town Manager. The Town Manager is authorized to execute the License Agreement attached hereto as Exhibit "A" on behalf of the Town.

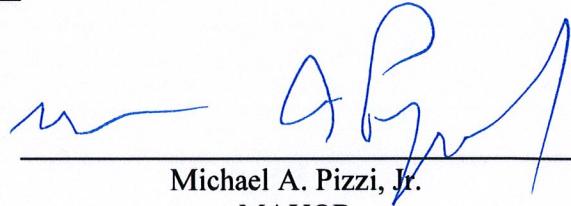
Section 3. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 5th day of May, 2015.

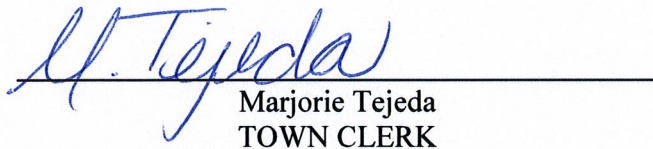
The foregoing resolution was offered by Tony Lama who moved its adoption. The motion was seconded by Nelson Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Michael A. Pizzi, Jr.	<u>YES</u>
Vice Mayor Manny Cid	<u>YES</u>
Councilmember Tim Daubert	<u>YES</u>
Councilmember Tony Lama	<u>YES</u>
Councilmember Ceasar Mestre	<u>absent</u>
Councilmember Frank Mingo	<u>absent</u>
Councilmember Nelson Rodriguez	<u>YES</u>



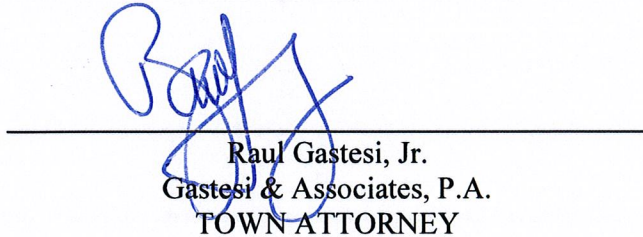
Michael A. Pizzi, Jr.
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



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

EXHIBIT A

09-LA.02-05/2000

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
March 31, 2015 -NE

Parcel No. : 900
Item/Segment No.: 432687-1
Managing District: 6

LICENSE

THIS AGREEMENT, Made the _____ day of _____, 20____, by and between **THE CITY OF MIAMI-LAKES**, 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

FINNo. 432687-1

A strip of land approximately 20.00 feet wide between the easterly Limited Access Right of Way line of SR 93 (I-75), and the westerly edge of pavement of NW 92nd Avenue, from the southerly Right of Way line of NW 144th Terrace to the northerly Right of Way line of NW 153rd Terrace.

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 **August 31, 2017**.

The making, execution and delivery of this agreement by licensor has 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.

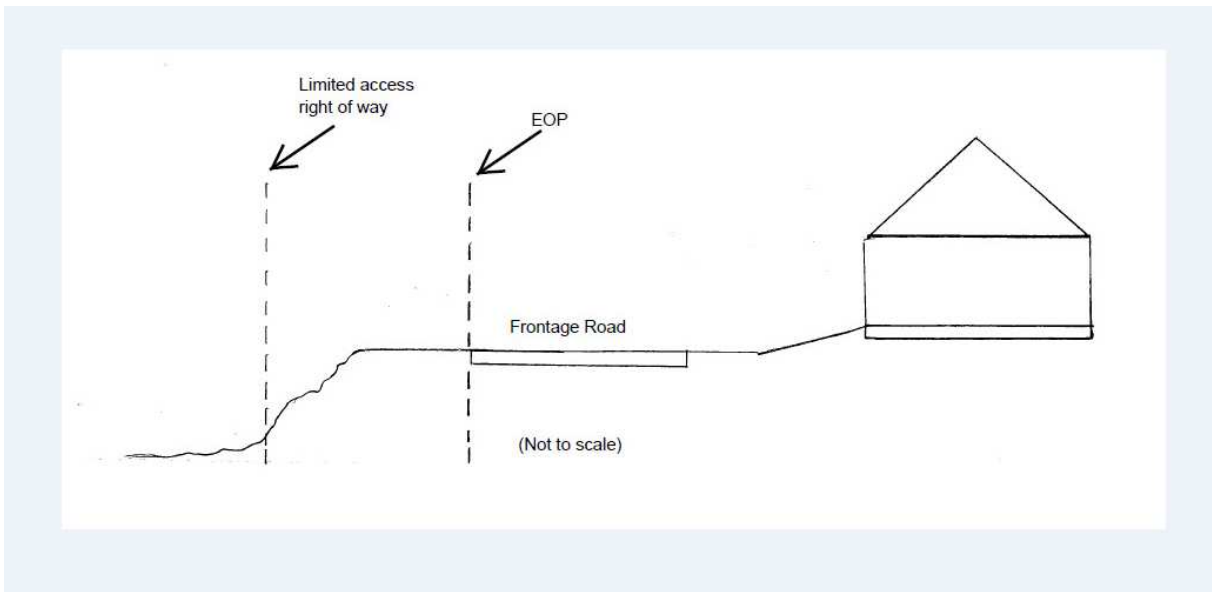
IN WITNESS WHEREOF, the licensor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

City of Miami Lakes

By: _____

Its: _____

ATTACHEMENT





Silver Buttonwood

Conocarpus erectus var. *imicola*

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1.