

**RESOLUTION NO. 17-1430**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING A TURF AND LANDSCAPE MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR IMPLEMENTATION; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on May 11, 2004, the Town Council approved Resolution No. 2004 – 228, for turf and landscape maintenance at the intersection of N.W. 154<sup>th</sup> Street and the Palmetto Expressway via an agreement with the Florida Department of Transportation (FDOT); and

**WHEREAS**, the original agreement encompassed an area of 4.551 acres; and

**WHEREAS**, at the Town's request, the agreement was modified to include the current 12.935 acres; and

**WHEREAS**, the Town currently expends Five Thousand Two Hundred Thirteen Thousand Dollars and 00/100 (\$5,213.00) to maintain and ensure that the area reflects Town standards; and

**WHEREAS**, Florida Statute §287.058(1)(d) allows municipalities who elect to maintain state roads within their borders a reimbursement in the amount of Four Hundred Forty-Seven Dollars and 46/100 (\$447.46) per acre, or a total of Five Thousand Seven Hundred Eighty-Eight for the total 12.935 acres currently maintained; and

**WHEREAS**, FDOT has agreed to reimburse the Town for the landscaping at the Intersection pursuant to a Turf and Landscape Maintenance Agreement (“Agreement”) a copy of which is attached hereto as Exhibit “A;” and

**WHEREAS**, the Town has planned grant funded gateway beautification improvements in FDOT maintained areas encompassing 9.84 acres; and

**WHEREAS**, the Town is currently in discussions with FDOT to include these areas as part of this agreement along with an additional contribution in the amount of Four Thousand Four Hundred Three Dollars and 00/100 (\$4,403.00); and

**WHEREAS**, the addition of these areas will increase the Town's maintenance cost by Three Thousand Nine Hundred Sixty-Six Dollars and 00/100 (\$3,966.00); and

**WHEREAS**, the Town finds that authorizing its Town Manager execute the Agreement and granting authority to negotiate with FDOT the maintenance of the Gateway Improvements for additional consideration, and amend the 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:**

**Section1. Recitals.** The foregoing Recitals are true and correct and incorporated herein by this reference.

**Section2. Accept Agreement.** The Town Council hereby approves the agreement with Florida Department of Transportation for Turf and Landscape maintenance, for consideration in the amount of Five Thousand Seven Hundred Eighty Eight Dollars and 00/100 (\$5,788.00).

**Section 3. Authorization of Town Officials.** The Town Manager and/or his designee and the Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Florida Department of Transportation Turf and Landscape Maintenance Agreement. The Town Clerk is hereby directed to send copies of this Resolution to the Department of Transportation and such other persons as is directed by the Town Council of the Town of Miami Lakes.

**Section4. Authorization to Amend Agreement.** The Town Manager and/or his designee and the Town Attorney are authorized to negotiate on behalf of the Town of Miami Lakes the addition of the approximately 9.84 acres of grant funded, gateway beautification improvements in FDOT maintained areas to this agreement for consideration, to executed and documents necessary for its implementation, subject to budget appropriation.

**Section 5. Execution of the Agreement.** The Town Manager is authorized to execute the Agreement, and any amendments, with Florida Department of Transportation on behalf of the Town.

**Section 6. Authorization of Fund Expenditure.** The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Agreement, as may be amended.

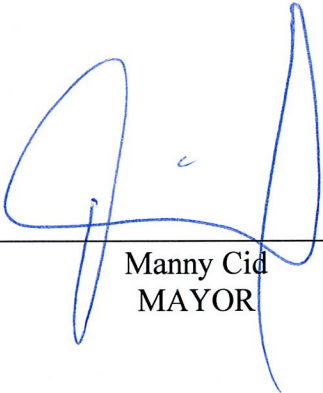
**Section 7. Effective Date.** This Resolution shall take effect immediately upon adoption.

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Passed and adopted this 7<sup>th</sup> day of February 2017.

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


Mayor Manny Cid	<u>yes</u>
Vice Mayor Tony Lama	<u>yes</u>
Councilmember Luis Collazo	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>



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Manny Cid  
MAYOR

Attest:



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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



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