

**RESOLUTION NO. 2021-023**

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, AND THE CITY OF HIALEAH, FLORIDA, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1", FOR IMPROVEMENTS TO WEST 52 STREET (NW 106 STREET) FROM WEST 24 WAY (N.W. 116 WAY) TO N.W. 87 AVENUE IN HIALEAH, FLORIDA, AT NO COST TO THE CITY, SUBJECT TO THE OBLIGATION TO REPAIR AND MAINTAIN THE ROADWAY IMPROVEMENTS IN PERPETUITY; AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Florida Department of Transportation has programmed certain roadway improvements to Okeechobee Road which entail work to West 52 Street (N.W. 106 Street), a City road (the "Project"); and

**WHEREAS**, FDOT proposes to improve the portion of the City road within the Project limits as provided in the design plans, including acquiring right-of-way, if and where necessary, paving, grading, curbs and gutters, guardrails, drainage and landscaping; and

**WHEREAS**, FDOT proposes to undertake the improvements to the City road at no expense to the City subject to the obligations to maintain and repair in perpetuity upon completion of the Project and all other obligations as provided in the Agreement; and

**WHEREAS**, it is in the best interest of the City to enter into this Agreement for the roadway improvements as planned.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this resolution are hereby incorporated and adopted by reference as if fully set forth herein.


**Section 2:** The City of Hialeah, Florida hereby approves the Off-system Construction and Maintenance Agreement between the State of Florida, Department of Transportation, and the City of Hialeah, Florida, a copy of which is attached hereto and made a part hereof as Exhibit "1",

for improvements to West 52 street (N.W. 106 Street) from West 24 Way (N.W. 116 Way) to N.W. 87 Avenue in Hialeah, Florida, at no cost to the City, subject to the obligation to repair and maintain the roadway improvements in perpetuity and all other obligations as provided in the Agreement.

**Section 3:** The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, to execute the Agreement and all other necessary and customary documents in furtherance thereof on behalf of the City.


**Section 4:** This resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

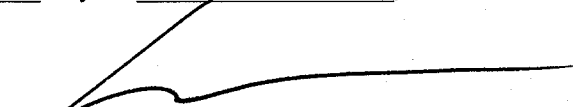
PASSED AND ADOPTED this 23 day of February, 2021.

  
\_\_\_\_\_  
Jesus Tundidor  
Council President

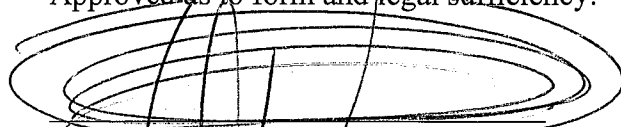
Attest:

Approved on this 2 day of March, 2021.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Resolution was adopted by 6-0-1 vote with Councilmembers, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente absent.