

RESOLUTION NO. 2020-103

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO EXECUTE THE FIRST AMENDMENT TO A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH, FOR THE IMPROVEMENT OF NORTHWEST 97 AVENUE FROM NORTHWEST 154 STREET TO NORTHWEST 170 STREET , A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1", TO INCREASE THE FUNDING AMOUNT FROM \$4,289,298.00 TO \$7,052,463.24 DUE TO CHANGES TO THE SCOPE OF THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County and the City of Hialeah wish to facilitate the construction of a road improvement project that will include the widening of Northwest 97 Avenue from 154 Street to Northwest 170 from two to five lanes along the west side of Northwest 97 Avenue;

WHEREAS, pursuant to Hialeah, Florida Resolution No. 2016-113 (October 11, 2016), the City Council approved and authorized the Mayor to enter into a Joint Participation Agreement with Miami-Dade County, whereby Miami Dade County utilized the resources of the City of Hialeah to contract and construct said improvements, subject to the terms and conditions contained in the Joint Participation Agreement, in an amount not to exceed \$4,289,289.00;

WHEREAS, due to changes to the scope of the project, the parties wish to amend the Joint Participation Agreement to increase the funding amount from \$4,289,298.00 to \$7,052,463.24 as set forth in the First Amendment to Joint Participation Agreement, a copy of which is attached hereto and made a part hereof as Exhibit "1"; and

WHEREAS, the City finds it is in the best interest, health and welfare of the community to enter into this First Amendment to Joint Participation Agreement with Miami-Dade County to provide its residents with improved and more accessible roads.

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 adopted and incorporated by reference as if fully set forth herein.

Section 2: The City Council of the City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First

Amendment to a Joint Participation Agreement
Hialeah, for the improvement of Northwest 97
170 Street , a copy of which is attached hereto
the funding amount from \$4,289,298.00 to \$
project. The City Council hereby approves
payments and other actions whatsoever taken
in the performance of this First Amendment.

Section 3: This resolution shall beco
City Council and signed by the Mayor or at
the Mayor's signature is withheld or if the C

PASSED AND ADOPTED this 11

Attest:

Approved on


Marbelys Fajó, City Clerk

Approved as to form and legal sufficiency


Lorena E. Bravo, City Attorney

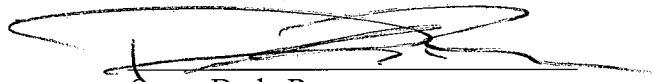
RESOLUTION NO. 2020-103

Page 2

Amendment to a Joint Participation Agreement between Miami-Dade County and the City of Hialeah, for the improvement of Northwest 97 Avenue from Northwest 154 Street to Northwest 170 Street , a copy of which is attached hereto and made a part hereof as Exhibit "1", to increase the funding amount from \$4,289,298.00 to \$7,052,463.24 due to changes to the scope of the project. The City Council hereby approves, adopts and ratifies all prior actions, approvals, payments and other actions whatsoever taken by the Mayor, or his designee, on behalf of the City in the performance of this First Amendment.

Section 3: This resolution shall become effective when approved by majority vote of 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.

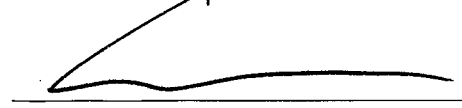
PASSED AND ADOPTED this 11 day of August, 2020.


Oscar De la Rosa
Council Vice-President


Attest:

Approved on this 25 day of August, 2020.


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, Cue-Fuente, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby, voting "Yes" and with Council President Hernandez absent.

**FIRST AMENDMENT TO JOINT PARTICIPATION AGREEMENT
FOR NW 97 AVENUE FROM NW 154 STREET TO NW 170 STREET
BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH**

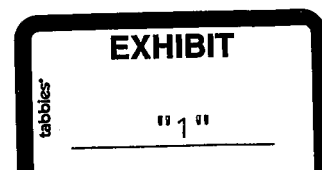
This First Amendment to the Joint Participation Agreement is made and entered into this _____ day of _____, 2020, by and between the CITY OF HIALEAH, FLORIDA, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the "City", and MIAMI-DADE COUNTY, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "County".

WITNESSETH

WHEREAS, pursuant to Resolution No. 1169-16, approved by the Board of County Commissioners of Miami-Dade County, Florida, on December 6, 2016, the parties hereto entered into a Joint Participation Agreement to facilitate the design and construction of a road improvement project in Miami-Dade County, (the "Agreement") along NW 97 Avenue, from NW 154 Street to NW 170 Street in Hialeah, Miami-Dade County, as more particularly described in the Agreement (the "Project"); and

WHEREAS, due to changes in the Project scope, an additional \$2,763,165.24 is required to adjust the amount provided under the Joint Participation Agreement from \$4,289,298.00 to \$7,052,463.24; and

WHEREAS, the Agreement allows for the amendment of the County funds available for the Project subject to the approvals of the parties' respective governing boards,



NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned Agreement:

2.1. Funding Amount, Reimbursement of Project Costs: The County agrees to provide funds up to ~~\$4,289,298.00~~ \$7,052,463.24 (this amount includes ten percent (10%) contingency) for eligible costs, as defined herein, incurred by the City for the design and construction of the Project. The County shall disburse to the City funds for the Project in the manner set forth in Section 4. The County shall incur no liability for any costs in excess of said funding amount unless there has been a duly authorized increase approved by the Board of County Commissioners. The City shall not be obligated to commence work should the bid amount exceed the funding provided by the County. If the bid amount exceeds the funding amount, the City reserves its rights to reject all bids and re-bid the Project.

2.2. County Payments of Project Costs: The County funds provided for eligible costs as defined herein, incurred for the design and construction of the Project are specified below:

<u>Funding Amount</u>	<u>Funding Source</u>	<u>County Fiscal Year of Commitment</u>
\$1,250,000.00	Road Impact Fee District 3	2016-2017
\$1,250,000.00	Road Impact Fee District 3	2017-2018
\$1,789,298.00	Road Impact Fee District 3	2018-2019
<u>\$2,763,165.24</u>	<u>Road Impact Fee District 3</u>	<u>2019-2020</u>

In all other respects, except as herein amended, the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written,

ATTEST:
HARVEY RUVIN
CLERK OF THE BOARD

MIAMI-DADE COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: _____ BY: _____
Deputy Clerk County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency _____
County Attorney

ATTEST: CITY OF HIALEAH, a municipal
corporation of the State of Florida

BY: _____ BY: _____
Marbelys L. Fatjo Carlos Hernandez
City Clerk Mayor

(Affix City Seal)

Approved by City Attorney
as to form and legal sufficiency _____
City Attorney

**FIRST AMENDMENT TO JOINT PARTICIPATION AGREEMENT
FOR NW 97 AVENUE FROM NW 154 STREET TO NW 170 STREET
BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH**

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ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

MIAMI-DADE COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: _____ BY: _____
Deputy Clerk County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency _____
County Attorney

ATTEST: CITY OF HIALEAH, a municipal
corporation of the State of Florida

BY: _____ BY: _____
Marbelys L. Fatjo Carlos Hernandez
City Clerk Mayor

(Affix City Seal)

Approved by City Attorney
as to form and legal sufficiency _____
City Attorney