

RESOLUTION NO. 20-05-41

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING ADDENDUM #2 TO LEASE AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND ISLAMORADA, VILLAGE OF ISLANDS, FOR RIGHT-OF-WAY PROPERTY LOCATED AT APPROXIMATELY MILE MARKER 84, BAYSIDE, AND IDENTIFIED AS FDOT PARCEL NO. 489; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE LEASE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE AGREEMENT AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2003, Islamorada, Village of Islands (the "Village"), entered into a Lease Agreement for right-of-way property, located at approximately MM 84 bayside, and identified as Parcel No.489, by the Florida Department of Transportation ("FDOT"); and

WHEREAS, on June 18, 2015, pursuant to Resolution 15-06-49, the Village renewed the Lease Agreement with FDOT for five (5) years through June 30, 2020; and

WHEREAS, FDOT is required to complete its 10-year anniversary review process for the lease of the subject parcel before approving a lease renewal; and

WHEREAS, FDOT desires to extend the term of the Lease Agreement from July 1, 2020 to August 31, 2020 to allow for the completion of the 10th anniversary review process of Parcel 489 by entering into Addendum #2, set forth in Exhibit "A" hereto; and

WHEREAS, the Village wishes to accept extension which extends the lease agreement through August 30, 2020; and

WHEREAS, the Lease Agreement provides for the use of the property by the Village for public purposes, including re-vegetation, installation of a bike trail and other improvements; and

WHEREAS, the Village would continue to perform fence repairs and mowing and trimming maintenance in accordance with the Agreement; and

WHEREAS, the Village Council finds that approval of Addendum #2 to the Lease Agreement between FDOT and the Village attached hereto as Exhibit "A" is in the best interest of the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Agreement. The Village Council of Islamorada, Village of Islands, hereby approves Addendum #2 for Lease Agreement between the Village and FDOT, a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Lease Agreement.

Section 4. Execution of Lease Agreement. The Village Manager is authorized to execute the Lease Agreement on behalf of the Village, 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 as to form and legality by the Village Attorney.

Section 5. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is hereby authorized to expend budgeted funds to implement the terms and conditions of the Agreement.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilwoman Deb Gillis; second by Councilman Chris Sante.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORAD, VILLAGE OF ISLANDS

| | |
|-------------------------|-----|
| Mayor Mike Forster | YES |
| Vice Mayor Ken Davis | YES |
| Councilwoman Deb Gillis | YES |
| Councilman Jim Mooney | YES |
| Councilman Chris Sante | YES |

PASSED AND ADOPTED THIS 21ST DAY OF MAY, 2020.



MIKE FORSTER, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE
USE AND BENEFIT OF ISLAMORADA, VILLAGE OF ISLANDS:

A handwritten signature in blue ink, consisting of several overlapping loops and a trailing line, positioned above a horizontal line.

ROGET V. BRYAN, VILLAGE ATTORNEY

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SECOND ADDENDUM TO LEASE AGREEMENT

ITEM/SEGMENT NO.: 2503081
MANAGING DISTRICT: Six
STATE ROAD NO.: 5 (U.S.1, MM 84)
COUNTY: Monroe
PARCEL: 489

This is a Second Addendum to that certain Lease Agreement between Islamorada, Village of Islands, Monroe County, Florida and The State of Florida Department of Transportation dated the 10th of July 2015. In addition to the provisions contained in said Agreement, the following terms and conditions shall be deemed to be a part thereof pursuant to Paragraph 9 (b) of the said Agreement. Where the terms of this Second Addendum conflict with the provisions of the said Agreement, this Second Addendum shall control.

Section 1. Property and Term is hereby modified as follows:

The term of the Lease Agreement is hereby extended from July 1, 2020 to August 31, 2020 to allow for the completion of the 10th anniversary review process of Parcel 489. After the review process is completed, if the Parcel is approved for continued leasing, the Lessor and the Lessee may enter into a new five (5) year lease agreement with the added option to the Lessee of extending another five (5) years.

In the event the Parcel is not approved for continued leasing, this Agreement shall terminate at midnight on August 31, 2020.

IN WITNESS WHEREOF, the parties have executed this Addendum to the Lease Agreement as of this 16 day of June 2020.

ISLAMORODA
VILLAGE OF ISLANDS

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: Maria J Bassett
for Seth Lawless
Village Manager

DocuSigned by:
James Wolfe
James Wolfe, P.E.
District Secretary

Attest: Kelly S Toth
Kelly S. Toth
Print Name

DocuSigned by:
Helen Shaheen
Helen Shaheen
Executive Secretary

Legal Review:
DocuSigned by:
Alicia Trujillo
Alicia Trujillo, Esq.
District Chief Counsel