

RESOLUTION NO. 2004 - 61

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AUTHORIZING THE FIRST AMENDMENT TO THE AGREEMENT WITH DIG IT TRACTOR SERVICES, INC. FOR RIGHT OF WAY MOWING, TRIMMING AND SHRUB MANAGEMENT SERVICES; SELECTING THE OPTION TO CONTINUE THE CURRENT AGREEMENT FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS WITH NO CHANGE IN COMPENSATION; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dig It Tractor, Inc. (Contractor) is currently working as a contractor for the Town for right of way mowing, trimming and shrub management services; and

WHEREAS, the current Agreement with Dig It Tractor, Inc. was approved on September 18, 2002, through Resolution 2002-85, for a term that ends on September 17, 2003; and

WHEREAS, the Contractor has continued to provide the contracted services on a month to month basis and, throughout the delivery of service, its performance has met the Town's standards; and

WHEREAS, the Town desires to exercise the option within the Term Section of the Agreement to increase the contract for two (2) additional one (1) year periods with no rate increase.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2. The Town Council hereby authorizes the Town Administrator to exercise the option to extend its contract with Dig It Tractor, Inc. for two (2) additional one (1) year periods, from September 18, 2003 to September 17, 2005, with no rate increase.

Section 3. The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the amended Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications,

additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

Section 4. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 13 day of May 2004, on a motion by Vice Mayor Knight and seconded by Council Member Nelson.

Fink	<u>Y</u>	Ayes	<u>5</u>
Knight	<u>Y</u>	Nays	<u> </u>
Blanton	<u>Y</u>	Absent or	<u> </u>
Maines	<u>Y</u>	Abstaining	<u> </u>
Nelson	<u>Y</u>		



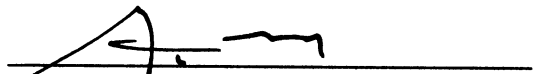
Mecca Fink, Mayor

ATTEST:



Shari Canada, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

EXHIBIT 'A'

FIRST AMENDMENT TO AGREEMENT

This First Amendment to Agreement is entered into as of the 13th day of May, 2004 by and between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town"), and Dig It Tractor, Inc., a corporation of the State of Florida (the "Provider"), for the purpose of amending the Right of Way Mowing, Trimming and Shrub Management Services Agreement between the Town and the Provider, dated September 18, 2002 (the "Original Agreement").

WHEREAS, pursuant to the Original Agreement, the Provider has preformed and has provided right of way mowing, trimming and shrub management services for the Town; and

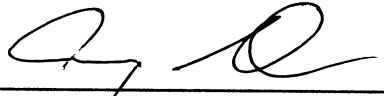
WHEREAS, the Town and the Provider desire to extend the term of the Original Agreement for two (2) additional one (1) year periods, under the same terms and conditions of the Original Agreement, including but not limited to the same rate of compensation.

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration the receipt and sufficiency whereof is hereby acknowledged, the parties hereto agree that the Original Agreement shall be amended as follows:

4 Term: Based upon mutual agreement and the written approval by the Town Council, the Original Agreement is extended for two (2) additional one (1) year periods at the same rate of compensation as set forth in the Original Agreement. Specifically, the Original Agreement shall be extended from September 18, 2003 through September 17, 2005. Further extension of the Original Agreement may occur through mutual agreement, and shall be based upon the performance of the Service Provider as reviewed by the Town on an annual basis.

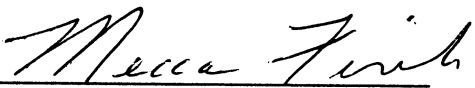
IN WITNESS WHEREOF, this Amendment is accepted and executed as of the 13th day of May 2004.

Dig It Tractor Services, Inc.

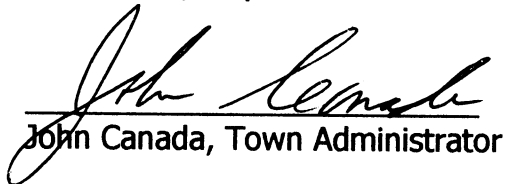


Craig Standfield

Town of Southwest Ranches




Mecca Fink, Mayor



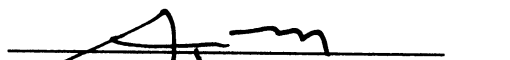
John Canada, Town Administrator

Attest:



Shari, Canada, Town Clerk

Approved as to form and correctness:



Gary Poliakoff, J.D., Town Attorney
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